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HOUSE OF REPRESENTATIVES—Wednesday, November 2, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PAULSEN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
November 2, 2011.

I hereby appoint the Honorable ERIK PAULSEN to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

UMWA UPPER BIG BRANCH REPORT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, last week the United Mine Workers of America released the results of their investigation into the deadliest coal mine tragedy in four decades. The report describes the conditions on April 5, 2010 in Massey Energy's Upper Big Branch mine that led to a colossal explosion killing 29 miners. It confirms the findings of two other independent investigations.

In short, Massey's failure to eliminate explosive coal dust throughout

the mine converted an otherwise manageable methane fire into a catastrophic explosion. The force of this explosion traveled more than 7 miles underground, destroying everything in its path. Miles of coal belts were decimated, railroad tracks were twisted like pretzels, and massive mining equipment was tossed underground like lawn furniture during a hurricane.

The report noted that in the 15 months before the explosion, the mine was cited 645 times for violations of mine safety laws. They faced \$1.2 million in potential fines. However, rather than improving safety, Massey challenged three-quarters of the fines. And in the month before the explosion, miners had asked that the accumulation of explosive coal dust be addressed 560 times. However, management only responded 65 times.

The Upper Big Branch mine was literally a powder keg. The mine workers' investigation concluded that 29 miners died because of a corrupt corporate culture that put production ahead of human life. Massey Energy's top management was well aware of the conditions at Upper Big Branch mine. They knew of the mountains of citations for dangerous conditions, but all they had to do was file an appeal to get Federal safety officials to back off.

Massey also obstructed mine safety inspections by illegally alerting operations of an inspector on the property so they could cover up any noticeable problems. And management knew that workers were complaining about the conditions below ground. But all Massey had to do was remind these miners that they were free to find other employment if they continued to speak up.

Corporate officers didn't mince words when it came to production over safety. In a "RUN COAL" memo from CEO Don Blankenship in 2005, he told his workers their only concern was to produce coal. The message was clear from the very top: produce coal, disregard safety problems or find another job. Miners of Upper Big Branch and other Massey mines have told Congress

and investigators similar stories. To enforce their perverse philosophy, top management demanded reports every 30 minutes on how much their mines were producing.

It is clear that Massey Energy management actively disregarded their workers' health and safety. Unfortunately, the knowing violation of a mandatory health and safety standard is only a misdemeanor, no matter how many miners are killed. This kind of conduct needs to be made a felony, but efforts to increase sanctions have been stifled by the mining industry's lobby. Instead of being held accountable for the decisions that caused 29 deaths, Massey Energy executives got a massive \$195 million payout when they sold off their company, according to the United Mine Workers report.

Even though Don Blankenship was forced to resign following the Upper Big Branch tragedy, he pocketed \$86 million in the golden parachute when 29 of the miners under his jurisdiction and responsibility were killed. If you wonder why people are talking about the 1 percent and the 99 percent, the 99 percent in the mine had their lives put in danger every day they went to work for Massey. And every day they questioned it, they were threatened with job loss. But the 1 percent—the 1 percent—walked away with \$195 million for overseeing one of the most dangerous mining operations in the history of this country.

What about the families of the breadwinners of the 99 percent? They lost their breadwinner, they lost their husband, they lost their father, and they lost their brother. Now we understand the disparity that motivates people to occupy Wall Street. We know why people are occupying hometowns all over the country. We understand this. But we also know that these miners had to simply go to work. This was the job that was available to them, but they were ridden roughshod over by Massey.

These families are now simply left to pick up the pieces of their shattered lives and may receive some scraps later on in some final determination. It's a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

familiar story in an era where Wall Street companies and their executives took big payouts after wrecking our economy. But Massey Energy executives' decisions resulted in the destruction of 29 lives and 29 families. This makes Massey's payout even more disgusting.

Massey Energy was recently sold to Alpha Natural Resources. I have been personally assured that these corrupt practices won't reappear with the new owner. However, there are some troubling contradictions that merit a careful watch. Despite stating their intention to fully cooperate with the government investigations, Alpha has been keeping some senior Massey managers who have invoked their Fifth Amendment rights. And Alpha's recent actions to fight potential pattern of violation sanctions at former Massey mines don't set well either.

Yes, mining is a dangerous job; but not every mining company operates like Massey, nor should they, nor should we tolerate the Masseys of the coal industry.

BRING OUR TROOPS HOME

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, a couple weeks ago, I had the privilege and the honor to visit our wounded at Walter Reed-Bethesda. It so happened that five marines from Camp Lejeune Marine Corps Base in my district were there. Four of the five had lost both legs—double amputees. And the one kid that had his leg blown off by an IED, I went into his room, as I did the other four, but this one had a question for me. His mom was sitting in the room. And he said, Congressman, why are we still in Afghanistan? And I told the young lance corporal, I don't know, I cannot answer it. I don't understand why we are not pushing the President to bring our troops home before 2014.

And that leads me to a quote by Ronald Reagan from his book entitled, "An American Life: The Autobiography," based on Reagan's life. And it dealt with Lebanon, and he was the President at the time. "Perhaps we didn't appreciate fully enough the depth of the hatred and the complexity of the problems that made the Middle East such a jungle. Perhaps the idea of a suicide car bomber committing mass murder to gain instant entry to paradise was so foreign to our values and consciousness that it did not create in us the concern for the marines' safety that it should have.

"In the weeks immediately after the bombing, I believed the last thing that we should do was turn tail and leave. Yet the irrationality of Middle East politics forced us to rethink our policy there. If there would be some rethink-

ing of policy before our men die, we would be a lot better off. If that policy had changed towards more of a neutral position and neutrality, those 241 marines would be alive today."

I thank Mr. Reagan for his service to our Nation, and I thank him for those words. I wish both parties would listen to leaders like Ronald Reagan who understood that you're not going to change the Middle East no matter what you want to do or hope to do or pray to do. You can't do it, and you won't do it.

Mr. Speaker, beside me are two little girls, one named Eden and one named Stephanie. They are at the graveside of their father, Sergeant Kenneth Bladuf, sergeant in the United States Marine Corps.

□ 1010

About 2 months ago, he was sent to Afghanistan, along with a Colonel Benjamin Palmer from Cherry Point Marine Corps Air Station, which is in my district also.

One night, when they were having dinner with the Afghan trainees, one of the trainees pulled out a pistol and killed both of them. It is so ironic that the day before Sergeant Bladuf was killed, he had emailed his wife and he said, "I don't trust them, I don't trust them, I don't trust any of them," and yet we keep spending \$10 billion a month. We're going to cut programs from senior citizens and children in America. We can't balance the budget. But old Mr. Karzai, he'll get his \$10 billion a month. The Congress needs to look at this and start bringing our troops home before 2014.

Mr. Speaker, also in Sunday's paper, it says: "Suicide bomber hits NATO bus; 17 people, including 12 Americans, are killed in the deadliest attack since the war began."

Mr. Speaker, I hope that we don't have to continue to go to Walter Reed-Bethesda and see all of these broken bodies. If we're going to be there until 2014, there are going to be a lot more broken bodies and dead young men and women. I hope the leadership of both parties will start joining those of us in both parties and bring our troops home before 2014.

Mr. Speaker, again I state to all the children like Eden and Stephanie, be proud of your moms and your dads. But for those of us who are policymakers, we have the responsibility—not the generals, but we the policymakers—of sending our young men and women to die and lose their limbs for absolutely nothing but a corrupt leader.

Mr. Speaker, I will close right now with the same closing I do all the time: God, please bless our men and women in uniform. Please bless the families of our men and women in uniform. God, in Your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. God,

please bless the House and Senate, that we will do what is right in Your eyes. Please bless President Obama, that he will do what is right in Your eyes for his people. And three times I will say, God please, God please, God please continue to bless America.

COMMENDING AMERICA'S VETERANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. DONNELLY) for 5 minutes.

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to commend the veterans from my State of Indiana and across the United States for Veterans Day. We owe them a debt of gratitude for their service to our country and for their selfless devotion. They put their lives on the line to defend our freedom, and there is no way that we can ever thank them enough.

Over 52,000 veterans live in the congressional district that I am honored to represent, Indiana's Second District. Meeting them is an inspiration because of their humility and professionalism. When you thank them for their service, they usually modestly say, Sir, I was just doing my job.

Veterans embody the definition of patriot—selfless sacrifice in order to defend the freedoms that we enjoy in the United States. Veterans such as Mr. Marion Minks from Logansport, Indiana, who served as a PFC with the U.S. Army during World War II. My office was honored to represent Mr. Minks and also to present him with the Bronze Star, the Purple Heart, and other military service medals that he earned.

Veterans such as Mr. Gary Whitehead from Elkhart, Indiana, who served in the Navy for more than 20 years and then served his fellow veterans as the Elkhart County Veterans Service Officer. For over two decades, my office was honored to work with Gary to open a VA clinic to serve veterans in north central Indiana in his own county, something he had fought for for years and years.

Veterans such as Rich Mrozinski from La Porte, Indiana, who served in the Air Force during the Vietnam War and later became commander of his local VFW post. I had the honor to interview Rich for the Library of Congress' Veterans History Project.

It is an honor and a privilege to serve the veterans of Indiana's Second Congressional District. It is incumbent upon us to see that our veterans receive the best quality care and the benefits that they have earned through their sacrifice to our country. We must see that those services are provided to our veterans with the promptness and the respect that they deserve. That's why, while in Congress, I've worked on legislation relating to veterans health care, educational benefits, life insurance, and the disability claims process.

We still have much more work to do on behalf of our veterans. I urge my colleagues in the House to pass the RAPID Claims Act, H.R. 2377, which I introduced to take commonsense steps to improve the benefits system and to provide our wounded warriors with a faster response on their disability claims. It's the least we can do.

I also urge the House to pass the E-SERV Act, H.R. 2470, which I introduced to improve the efficiency of the current electronic health record system for military personnel and veterans. We must seek to make the VA system work better for our military personnel, for our veterans, and for their families.

This Veterans Day, I want to say thank you again to all of our vets and to all of our servicemembers for their sacrifices for our freedom and our security. They always deserve the very best.

God bless our veterans. God bless our servicemembers. God bless Indiana. And God bless the United States of America.

REPUBLICAN JOBS AGENDA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. LONG) for 5 minutes.

Mr. LONG. Mr. Speaker, I came to Congress as a small business owner. And as any small business owner will tell you, the government can't create jobs, only the private sector can.

I think it's easy to forget, but the United States Government does not have any money that it does not first take from productive citizens and businesses. When the government spends to create jobs, it has to take money from people who earned it and who would have spent it or invested it otherwise—the broken window effect, if you will. So the reality is that government spending trades productive private sector jobs for usually wasteful public sector jobs.

With record unemployment affecting families across the Nation, now is not the time to increase the public sector on the backs of the private sector and increase the burdens on our small businesses. Small businesses are the engine that drives this economy, and it's time for the government to get out of their way.

As part of the House GOP Plan for America's Job Creators, we've opposed the President whenever he wants to create new taxes or more regulations. So far this year, the House of Representatives has passed many bills that focus on job creation. These are real jobs bills that create real wealth-producing private sector jobs—not fake bills like the stimulus that didn't do anything but stimulate the national debt—bills that empower small business owners, fix the Tax Code to help job creators, increase competitiveness

for U.S. manufacturers, encourage entrepreneurship and growth, maximize domestic energy production, and pay down America's unsustainable debt burden. Some of these have passed the Senate and gone on to become law, believe it or not. The free trade agreements, for instance—for which I am especially proud.

When 95 percent of the world's customers are outside of America, it's no surprise that jobs would be created as our companies are allowed to compete and expand on the world stage. In fact, it's estimated that by pursuing those agreements, we're creating up to a quarter of a million new jobs. Good jobs will be created right here in America at a time when jobs are badly needed.

House Republicans have also tried to fix our Tax Code. Complying with our confusing Tax Code costs Americans billions every year—over \$160 billion in 2009 alone.

We need to get Washington out of the way by simplifying the Tax Code and lowering tax rates. We need a Tax Code that is flatter, fairer, and simpler, a Tax Code that creates jobs by making America more competitive. That's why I'm proud Congress passed the Small Business Paperwork Mandate Elimination Act, which eliminated the 1099 form mess. The 1099 form created an unprecedented accounting and paperwork burden on small businesses across this country. A National Federation of Independent Business small business survey determined the form is the most expensive burden placed on small businesses by the Federal Government.

Another House jobs bill that has now become law is the America Invents Act, a bill that brings long-overdue patent reform. So three free trade agreements, a tax reform bill, and a patent reform bill—if you're counting. Out of the many jobs bills, only those have escaped the graveyard of the United States Senate. It seems that some would rather campaign and complain instead of doing what we know will create jobs. We know that throwing money at problems doesn't solve a thing. If it did, then all of our problems would have been solved with the stimulus. We know that eliminating burdensome overregulation and restrictions on job creators is a sure fire way to create jobs.

We need legislation that encourages entrepreneurship and growth. America has historically been on the cutting edge of innovation and technological development, but we are increasingly falling behind our global competitors. We must make it easier for existing businesses to grow and allow more start-up companies to flourish. That's why the Senate needs to pass the Reducing Regulatory Burdens Act, the Energy Tax Prevention Act, the Clean Water Cooperative Federalism Act, the Consumer Financial Protection and

Soundness Improvement Act, the Protecting Jobs from Government Interference Act, Transparency in Regulatory Analysis of Impacts on the Nation, the Cement Sector Regulatory Relief Act, the EPA Regulatory Relief Act, the Coal Residuals Reuse and Management Act, and we need to fix the Tax Code.

□ 1020

The Gettysburg Address is 272 words; the Declaration of Independence, 1,500 words; the Constitution, 7,200 words; the Federal Tax Code, 10 million words.

Our Tax Code needs to be fixed, and that's why the Senate needs to pass the 3 percent withholding rule repeal, which would repeal the 3 percent withholding on our contractors' payments with Federal, State, and local governments.

This job-killing requirement would create costly new work for Federal, State, and local governments and hold the money hostage from government contractors. The IRS needs to learn that hurting businesses, cities, towns, and consumers during a recession is not going to get our economy back on track.

Much like the costly Form 1099 requirements that Congress repealed earlier this year, the 3 percent withholding rule would impose more burdens on cash-strapped employers and hurt job creation. Instead of focusing on job creation and economic growth, business and local governments will have to focus on enormous administrative and financial challenges.

Just today, we learned the leadership in the Senate has been burning the midnight oil figuring out a way to even gum up this 3 percent repeal.

CHINESE CURRENCY MANIPULATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKEY) for 5 minutes.

Mr. VISCLOSKEY. Mr. Speaker, I rise today to address the issue of Chinese currency manipulation.

In northwest Indiana, the steel industry provides middle class jobs and economic security. It supplies the products with which a strong economy can be built and a powerful national defense maintained.

China understands the value of steel and a strong manufacturing base and has aggressively acted to support and subsidize its domestic industries. For example, China has acted contrary to international trading standards in order to help their domestic manufacturers by routinely manipulating its currency in order to keep prices low on its finished products.

As an effect, China's steel production has more than doubled since 2003, while U.S. production has dropped by nearly 40 percent. We have also lost a third of

our manufacturing jobs as China's manufacturing sector continues to grow, nourished by that country's blatant disregard of international law and the abusive consequences visited on other nations and people, most importantly, those who live and want to work in the United States of America.

For example, it is estimated that China has devalued its currency anywhere between 12 and 50 percent, giving its own exports a government subsidy and, in effect, taxing American-made imports. This policy has cost the U.S. upwards of 2.5 million manufacturing jobs over the last decade and a staggering annual trade deficit of as much as \$273 billion.

The Chinese have dialogued and dialogued and dialogued for years about allowing their currency to appreciate but have continued the practice of devaluing it. Our Nation is facing a jobs crisis, and we can no longer afford to stand for this destructive policy.

H.R. 639, the Currency Reform for Fair Trade Act, would address the issue of this manipulation by recognizing in law what we already know, that currency misalignment is an export subsidy. The measure would take common-sense steps to ensure our Treasury Department appropriately identifies countries that engage in this unfair policy and allow the United States to place countervailing duties on imports from offending nations.

This act has 230 cosponsors, more than enough to pass the House. In fact, just over a year ago, drawing on support from American labor and manufacturing, the House supported a similar bill. On September 23, 2010, the House approved the Currency Reform for Fair Trade Act by an overwhelming bipartisan vote of 348-79. Unfortunately, the Senate failed to act. More than 260 of the Members who voted in favor of that measure remain in the House. In this Congress, in October, the other body did pass a similar measure by a bipartisan vote of 63-35. It is time for the House to pass this bill.

Those who oppose efforts to punish China for its unfair trade policies insist this measure would start a so-called trade war. We are in a war, a war for jobs, and we are losing. China continues to fight to win jobs while America's Government dawdles. This cannot continue.

According to a report by the Economic Policy Institute, titled, "Unfair China Trade Costs Local Jobs," thanks to our trade imbalance with China, 2.4 million jobs were lost in the United States between 2001 and 2008.

Unfortunately, currency manipulation is far from the only trade-disrupting policy practiced by China. This summer, the New American Foundation convened a task force led by Leo Gerard of the United Steelworkers and Leo Hindrey of New America, and published a report. The report they re-

leased further confirms the myriad of activities that China engaged in that undermine our jobs.

China employs a complex and far-reaching set of industrial and mercantile policies. Environmental and labor rules that we take for granted are rare to nonexistent in China. China disregards intellectual property protections such as trademarks, copyrights, and patents and then steals technology from us and other countries around the world at an annual cost of hundreds of billions of dollars. It does this, in part, by shamelessly forcing foreign companies to divulge intellectual property as a price for market access.

Further, China uses state secret laws to protect commercial interests and is pursuing a policy of indigenous innovation whereby it manufactures and maneuvers to increase the domestic production of high value-added goods.

The House must pass and act on the Chinese currency manipulation bill.

BORDER PATROL AGENT JESUS DIAZ

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, in the dangerous border region between Mexico and Texas, in the year 2008, outlaws from Mexico were caught smuggling marijuana into the United States, and they were caught by the Border Patrol agents.

Border Patrol Agent Jesus Diaz's actions later have resulted in him being sentenced recently to 2 years in a Federal penitentiary. On October 20 of this year, District Judge Ludham sentenced Diaz to 24 months in prison because the agent is alleged to have been too rough in his handling of one of the drug smugglers who was arrested; and, also, Diaz allegedly later lied about the incident to investigators.

Now, what Diaz is accused of is pulling the suspect's handcuffs back and pushing the suspect to the ground while pressing the suspect's back with his knee in order to get him to comply with the Border Patrol agent's orders. Prior to the incident the suspect had illegally crossed into Texas by boat with a large shipment of marijuana, and he was accompanied by a member of the notorious MS-13 gang.

The U.S. Government had a choice to make: Prosecute the illegal drug smuggler or prosecute the Border Patrol agent. The United States Government chose poorly. The Mexican Government demanded that Diaz be prosecuted by our government, and he was.

To top it off, the suspect was told he would not be prosecuted for illegally coming into the United States or for the marijuana he brought into the United States in return for his testimony against Border Patrol Agent Diaz.

Now, Mr. Speaker, I'm not here today to comment on whether or not Jesus Diaz used proper police procedure when he detained the suspect or whether the jury or the judge made a mistake. Those issues will be dealt with on appeal. However, it seems to me that this case should not have been prosecuted as a crime. It should have been dealt with and handled administratively within the U.S. Border Patrol, and the drug smuggler should have been prosecuted.

The U.S. Federal Government had its priorities wrong. The National Border Patrol Council, which represents 17,000 of our Border Patrol agents, our border protectors, they agree. They argue that a situation like this should have been handled administratively and did not rise to the level of criminal conduct. But millions of taxpayer dollars and thousands of man-hours were expended to obtain a 24-month sentence and a conviction for Diaz, who had already spent 8 months in custody.

There is more. An internal investigation by the Department of Homeland Security's Office of Inspector General and U.S. Immigration and Customs Enforcement Office of Professional Responsibility both cleared Agent Diaz of any wrongdoing in the 2008 incident.

□ 1030

But Mexico would have none of this and demanded and got its way.

The U.S. Attorney's Office went after Border Patrol agent Jesus Diaz. And his case was tried in the western district of Texas, a jurisdiction that has a history of, in my opinion, unfairly targeting border protectors for prosecution. You remember, this is the same jurisdiction that prosecuted Border Patrol agents Ramos and Compean for allegedly shooting a drug smuggler as he ran away from the agents while they tried to apprehend him. It took a Presidential commutation in 2009 to finally end the persecution of these two agents, and millions of Federal dollars were wasted on this case.

Then there's a similar case where Deputy Sheriff Gilmer Hernandez was prosecuted for firing his weapon at a fleeing vehicle that had tried to run him over. Same jurisdiction.

But the question we must ask ourselves is why the Federal Government is spending time and money to prosecute our Border Patrol agents who put their lives on the line every day down there on the border of the U.S. and Mexico instead of spending time and money and resources to enforce immigration laws in this country.

When ICE Director Morton and Secretary Napolitano from Homeland Security recently testified in front of the Judiciary Committee, they both said they just didn't have the money or the resources to fully enforce immigration laws. They, in essence, in my opinion, granted amnesty or parole to thousands of illegals in the United States.

But they have the money to go after Border Patrol agents.

Maybe they should use some of that prosecutorial discretion they're so proud of to prosecute people who cross the border into the United States with drugs over prosecuting Border Patrol agents.

In this case, the United States Government is on the wrong side of the border war. The U.S. Attorney's Office should quit being the voice of Mexico and be the voice of America. We should secure the border and keep the drug smugglers from having their way, and don't give them a get-out-of-jail-free card. It's time to get our money and our priorities straight. Let's stop going after the good guys and spend time and money going after the bad guys.

And that's just the way it is.

DOES GOD TRUST US?

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. Mr. Speaker and my colleagues, as we see the Nation going through such pain, I rise once again to see why we can't get along, why Republicans and Democrats find it almost impossible to try to raise some solutions to the problems we face.

There is no question that there are many Republicans in the House and Senate that believe that the most important contribution that they can make to our country is to get rid of the President. But at the same time, we have 14 million people that have lost their jobs, many have lost their homes, their savings, their hopes for the future. Probably double that number we find underemployed. And the millions and millions of people in districts like mine where people have actually given up hope that they can restore their dignity and get the resources necessary to provide for their families.

Yesterday, the House overwhelmingly passed a bill that would support the motto "In God We Trust." I reluctantly supported it because I didn't want anyone to believe that I didn't trust God. But I felt awkward because I didn't see where that was the question.

The real question, I would think, is, does God trust us? Does God trust us to do the things that every religion says we should be doing? Are we trusted to provide care and compassion for the vulnerable? Are we trusted to know that we have a responsibility to the sick, to the aged, to the disabled? That's where God really counts, no matter what your religious background is.

And to talk about a motto and sharing that, I don't think that has to be challenged. What is challenged is, what are we going to do about it?

Why do we find people young and old around the country protesting against

the disparity that exists between the poor, who God said through his servant Jesus, his son Jesus, that they should be taken care of? And the Scriptures are not too kind—at least not as kind as I am—to the rich. But common decency would expect that there be fairness in the resources this great Nation would have.

And that when we find that less than 1 percent of Americans control 42 percent of the national wealth, would we find that our educational system is definitely not going to allow us to be competitive in the future? When we see that the American Dream—and that to me is the most important part of my pride in being an American; you don't have to succeed in America, but the hope and the dream that people from all countries can come here and have an opportunity to break out of their class system, out of poverty, and join the middle class.

Even those who came as slaves and had their backgrounds just eliminated; their names, their culture, their songs, their history, but nevertheless, because of the Congress and trust in God they, too, have been able to achieve, even to the extent of becoming President of the United States and honored Members of the Congress through the Congressional Black Caucus.

So once that hope is challenged by anybody, then it means for the whole world the symbol that America is supposed to be. It's not one that improves your quality of life but finds us having people losing hope in the system. The fact that we don't speak out when thousands of young Americans, brave warriors, are being killed and have been killed in countries that their families have no idea where the countries are located or what the issues were, and the necessity of protecting oil has no longer been the issue.

So I say, yes, in God we trust, but we've got a few days left to see whether or not we can have God trust in us.

BACK TO BASICS WITH THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, the International Monetary Fund estimated that as of Halloween night, the debt of this Nation surpassed its entire economy for the first time since World War II.

We all know that if you live beyond your means today you're going to have to live below your means tomorrow. That's the tomorrow that our generation has created for the children who were dressed up as princesses and cowboys when they came calling on Monday night. This is our generation's eternal shame. And it's something that our generation must act to set right.

The House is expected soon to vote on a balanced budget amendment that's critical to stop this plunder of our children. There are a number of excellent proposals out there, and I'd have no trouble supporting any of them. I do rise, however, to express the hope that the final product of these deliberations proves worthy of the wisdom that guided the drafting of the Constitution.

The beauty of the American Constitution is in its simplicity and its humility. The American Founders recognized Cicero's wisdom that the best laws are the simplest ones. And they realized that they couldn't possibly foresee the circumstances and conditions that might confront future generations, and therefore they resisted the temptation to micromanage every decision that might be made centuries in the future.

□ 1040

Instead, they set forth general principles of governance and erected a structure in which human nature, itself, would provide guidance in future decisions to conform with these principles.

In crafting a balanced budget amendment, we need to maintain these qualities. We shouldn't attempt to tell future generations specifically how they should manage their revenues and expenditures in times that we cannot comprehend. The experience of many States that operate under their own balanced budget amendments tells us that the more complicated and convoluted such strictures become, the more they are circumvented and manipulated.

Many have quoted Jefferson's 1798 letter to John Taylor as support for a balanced budget amendment. Here is what he actually wrote:

"I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution. I mean an additional article: taking from the Federal Government the power of borrowing."

What is a balanced budget? It's simply a budget that doesn't require us to borrow. So, as Jefferson did, why don't we just say so? Instead of trying to define fiscal years, outlays, expenditures, revenues, emergencies, triggers, sequestrations, and so on, I hope that we would consider 27 simple words:

"The United States Government may not increase its debt except for a specific purpose by law, adopted by three-fourths of the membership of both Houses of Congress." That's it.

Such an amendment, taking effect 10 years from ratification, would give the government time to put its affairs in order and to thereafter naturally require future Congresses to maintain

both a balanced budget as well as a prudent reserve to accommodate fluctuations of revenues and routine contingencies. It trusts that three-fourths of future Congresses will be able to recognize a genuine emergency when they see one and that one-fourth of Congress will be strong enough to resist borrowing for light or transient reasons. The experience of the States warns us that a two-thirds vote is insufficient to protect against profligacy.

Some advocate going much further by establishing limitations on spending and taxation as well; but if borrowing is prohibited, there exists a natural limit to the ability and willingness of the people to tolerate taxation and therefore spending. The real danger is when runaway spending is accommodated and made possible by borrowing, which is simply a hidden future tax. The best and most effective way to invoke that natural limit is with a simple prohibition.

At the end of the week, I will introduce this 27-word amendment and will ask my colleagues to consider it with the many others that are currently before the Congress.

As I said, I like virtually all of them, as they all accomplish the purpose of restraining the reckless deficits that our generation has produced; but in drafting an amendment to guide not only this generation but all of those to follow, I would hope that we would do as the Constitutional Convention would have done had it had the benefit of Jefferson's wise counsel: to set down the general principle only and allow future generations, with their own insights into their own challenges, to put it to practical effect.

VOTING RIGHTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. ELLISON) for 5 minutes.

Mr. ELLISON. Mr. Speaker, the right to vote is under attack. It may not be easy to see; but in State legislatures all across this country, we are seeing a quiet passing of laws that will strip American citizens of their right to vote.

It may come as a surprise that this is happening in the United States. Our great country is best known for its rich democratic tradition, which is predicated on the right to vote; and this right to vote has been expanding over time, not retracting. Throughout our history, brave men and women have fought and died for the right, and it has been denied to too many Americans for too long. Since its founding, the United States has been on a course toward enfranchisement, not disenfranchisement. Incredibly, that seems to be changing.

State legislatures are turning back the clock on decades of hard-fought voter protections. This year, 34 State

legislatures introduced prohibitive voter ID bills. If passed, they could affect the voting ability of nearly 21 million Americans. Two States have enacted prohibitive proof-of-citizenship laws, which stand to exclude even more voters at the polls; 13 States are working to make it harder to register to vote; and nine are working to reduce early and absentee voting.

These laws add up to the greatest attack on voting rights since the Jim Crow era. In all, they could strip more than 5 million Americans of the right to vote. That figure alone is half the margin of victory from the 2008 Presidential election. Congress must act. Today, I am introducing two bills to push back against these laws and protect Americans' right to vote.

The first bill, the Voter Access Protection Act, will ensure that no American citizen is denied the right to vote because they don't have photo IDs on election day. The second bill, the Same Day Registration Act, will allow Americans to register to vote on the same day they cast their ballots. No American citizen should be turned back at the polls because they didn't register weeks or months in advance. These bills will help ensure that all Americans are able to exercise their fundamental rights in Federal elections.

If you truly believe in democracy, you should be doing everything you can to increase the enfranchisement of American citizens, not to take it away. I urge all of my colleagues to support this critical and patriotic legislation.

DOMESTIC ENERGY PRODUCTION IS THE SOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, rural Pennsylvania, like other parts of the country, have not been immune to difficult economic times; but today Pennsylvania is uniquely positioned to become a source of growth and strength for our State, the region, and the Nation through the development of what could be one of the world's largest natural gas fields, the Marcellus shale, much of which is located in my congressional district.

Marcellus production is offering our region and the country expanded access to clean, reliable, and affordable energy—and a new source of economic growth and stable jobs.

As Congress tackles challenges regarding jobs and the deficit, we must consider domestic energy production as a logical and obtainable solution to both of these challenges, for the United States has enormous untapped deposits of coal, oil, natural gas, and other sources of energy that can offer good-paying jobs, new sources of revenue, affordable and reliable energy, as well as national energy security.

The economic success story of the Marcellus shale can be replicated across this country by opening up all of America's domestic resources and allowing new investment and technologies to expand the exploration and production of America's own resources.

We can develop these resources, create jobs and tens of billions of dollars in revenues, but only if the Federal Government encourages and not discourages production. I'm not talking about a Solyndra-style subsidy but, rather, government's getting out of the way of accessing the natural resources that God has blessed us with.

PRISONER TORTURE IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a few weeks ago, I spoke in this Chamber about the U.N. report that outlined, in gruesome detail, prisoner abuse at detention facilities in Afghanistan—inmates beaten with electrical wires, hung from their wrists, and much worse. Now additional reporting by The Washington Post has revealed that U.S. officials knew for some time about this torture of prisoners by Afghan security forces.

So what did our top people in Afghanistan do about these warnings? Apparently, not a thing.

For years our Special Operations forces and CIA officials had been in and out of these prisons—dropping off detainees, meeting with Afghan authorities, taking advantage of the intelligence gathered there. We paid to rebuild one prison with the cold and chilling name Department 124, which sits behind a concrete fortress near U.S. military headquarters in Kabul.

It would be hard—actually, it would be impossible—to miss what was going on inside those walls; but for a long time, it was ignored—nothing said, no meaningful oversight exerted. It wasn't until a few months ago, when the U.N. made it clear they were releasing a report detailing the torture, that our military commanders suddenly took notice and stopped sending prisoners to these facilities. In a flash, they instituted a monitoring program and human rights training.

□ 1050

It's embarrassing, Mr. Speaker. But it seems like our leadership was more concerned about public relations damage control than adherence to human rights norms and international law.

The American people have sacrificed a lot for this war. And in return, they've been fed a lot of high-minded assurances that we're doing important work that advances American values. The name of this mission is Operation

Enduring Freedom, but apparently we're not practicing what we preach in Afghanistan because torture has no place in free society, no place in a campaign that professes to be about human dignity and the rule of law.

At a time when we're considering major cuts right here at home in life-saving domestic programs so that we can get our fiscal house in order, how can we possibly justify spending billions of dollars every week on a military occupation that seems to be promoting and encouraging torture? We cannot wash our hands of this. We cannot avoid responsibility because this is happening on our watch.

Torture, whether we're practicing it ourselves or just tacitly condoning it, isn't just reprehensible; it's bad national security policy as well. It represents the United States of America in the worst possible light and is surely a great recruitment tool for the terrorists. When it comes to international affairs, the greatest currency we have is our moral authority, but we continue to waste it by acting like outlaws instead of the greatest superpower on Earth.

Mr. Speaker, the time has come. It is time we had a national security approach that showcases the very best of America, one that demonstrates our decency and compassion, one that emphasizes diplomacy and reconciliation, one that puts civilian and humanitarian experts on the ground instead of 100,000 troops with guns.

You don't need to invade a country to prove that America is strong or to keep America safe. That's the heart of my SMART security plan that I have been talking about for many years now. We've tried belligerence. We've tried force. And over the last decade—well, actually, we've tried all of this forever, and it just has not worked.

It's time, Mr. Speaker, for this war to end. It's time to implement a SMART security platform. It is time now, Mr. Speaker.

HONORING AMERICAN HERO LANCE CORPORAL JUSTIN GAERTNER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. NUGENT) for 5 minutes.

Mr. NUGENT. Mr. Speaker, I rise today to honor a great son of Trinity, Florida, Corporal Justin Gaertner of the United States Marine Corps First Combat Engineer Battalion. I have had the honor of getting to know Justin over the past year, Mr. Speaker, and I would like to share his story.

After being deployed to Afghanistan, Justin took on one of the most dangerous jobs there is in the Marine Corps. He was the lead sweeper, clearing roads of IEDs in advance of U.S. vehicles.

On November 26, 2010, Justin's unit was traveling with an eight-truck con-

voy. One of the trucks struck an IED. Following the explosion, one of Justin's good friends, Corporal Gabriel Martinez, lost both of his legs in a second IED attack while he rushed to aid that downed vehicle. Justin desperately wanted to help his friend, but his responsibility was to continue the mission, to continue to sweep for IEDs to ensure the safety of the rest of the convoy. It was during the sweep that a third IED was remotely detonated as Justin had just entered that area. The explosion propelled Justin into the air and took both of his legs and severely injured one of his arms. Justin paid a terrible price that day while helping to protect fellow marines.

When I first met Justin at Walter Reed Army Hospital in January of this year, he was more concerned about his brother marines that were still in country than he was about his own safety. He wanted to return to that company of marines to help ensure the safety of his fellow marines that were still left in Afghanistan. That's what heroes do. He's since made an incredible recovery while at Walter Reed National Military Medical Center, but that was with the help of dedicated medical staff, the support of his mother and his family and of fellow marines. Justin is getting stronger every day.

When I first met Justin in January of this year, he told me one of his future goals was to compete in a marathon. Today I'm proud to announce that this past weekend, less than 1 year since he was wounded in combat, Justin completed the 2011 Marine Corps Marathon in the hand crank division in 2 hours, 50 minutes, and 39 seconds. Justin and his family have been an inspiration to me and make us all proud to be Americans because of their sacrifice on the battlefield.

On behalf of a grateful Nation, I want to take this opportunity to again thank Justin for his bravery and his sacrifice on behalf of his Nation. And I want to thank all the troops that have been in harm's way, that have volunteered to protect this great Nation at great risk to themselves.

SHADES OF GREEN

IN HONOR OF AN AMERICAN HERO, LANCE CORPORAL JUSTIN GAERTNER, 1ST COMBAT ENGINEER BATTALION, THE UNITED STATES MARINES

Shades . . .
Shades of Green . . .
On battlefields of honor bright . . .
There are but all of those who but bring
their most magnificent light . . .
As Brilliant, as brilliant . . . as any seen in
this sight!
All in their Magnificent Shades of Green!
For these are but, The United States Marines!
Such men of might, who over evil do all in
the darkest fights!
Rushing into the face of death, as they are
seen!
Oh yes, to be a United States Marine!
To but wear so proudly, those most Magnificent
Shades of Green!

As it was in battle . . . All in that fight . . .
When a Combat Engineer, with nerves of
steel . . . Named Justin so appeared

The kind of men who have no fear!
As Justin, walked through the Valley of
Death . . . out on attack . . .

When, an IED . . . Almost took his life . . .
While, all in that moment of death or light
. . . his fine heart grew even greater in
sight!

And on that next day as he awoke . . . as his
heart to him so spoke . . .

So spoke to him, as tears rolled down his
face . . .

As he so realized, the full nature of what had
taken place . . .

But, this Strong Son of the South . . . would
not so give up now . . .

Wiping the tears from his face, shining even
brighter on that day!

All in those Shades of Green . . . as his new
battle was under way!

As they took his legs, and most of his arm
. . . but not take his heart that day!

As something so told him deep inside, get up
and start running now . . .

As with his great heart, his first new steps
he found!

To find the faith and courage to so move on-
ward now!

Because Marines Do! And Marines Win!
And failure was not an option, to any of
them!

As one of Florida's brightest sons,
He said to himself, I will stand and I will
run!

Pity get out of the way, I've got miles to go
before I'm done!

Justin time, as his brave heart so began to
run!

Taking him to even greater places and
heights where mere men have never
gone!

Because Marines climb mountains
Marines climb walls . . .
Marines always stand tall!

As there you go Justin, running to recovery!
Oh what a discovery, an even brighter Shade
of Green!

As Justin You Will Teach Us . . .
As Justin, You Will So Beseech Us . . .

As it's so deep down in our hearts Justin,
that you will reach us!

All in what your life means!

And if I had a son, I wish he could so shine
half as bright as this one!

All in his most magnificent Shades of Green!
As one day too Justin, up in heaven you will
be seen!

As an Angel, all because of how you so wore
and so carried yourself . . .

All in those most magnificent Shades of
Green!

Ooo . . . Rah!

RECOGNIZING THE IMPORTANCE OF LABOR UNIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 5 minutes.

Mr. PAYNE. Mr. Speaker, nearly 25 million Americans are currently unemployed or underemployed; yet despite this disparaging rate, efforts to strengthen the workforce are being derailed by special interest attacks on the middle class and workers. In Wisconsin, Governor Scott Walker has taken away nearly all collective bargaining rights from the majority of the State's public employees.

An Ohio referendum on State Senate Bill 5 aims to strip public workers of collective bargaining rights. For the 4 years prior to the enactment of Ohio's collective bargaining law, the State led the Nation in safety forces work stoppages. When the city and its safety forces had a dispute concerning wages, working conditions, and adequate staffing, there was no way to resolve the dispute. That is why the collective bargaining law was passed. And the law has worked. There have been no safety forces work stoppages in Ohio since the law was passed.

Only through collective bargaining do American workers still have a voice. Still, this right is being attacked.

The New Jersey Statehouse passed a bill destroying the right of public sector unions to collectively bargain over health care and pension issues. These efforts to turn back the clock on public safety and on those who protect and serve are unacceptable.

Today I rise in support of the workers of Wisconsin; I rise in support of the workers of Ohio; I rise in support of the workers of my home State of New Jersey. I rise today in support of the millions of Americans who stand as proud union members seeking fair labor treatment and a fair shot at the American Dream.

I have been protected by unions. I worked as a truck driver; I worked as a teacher; I worked on the docks of Newark; I worked as a waiter; I worked in the breweries of Newark—all of them protected by strong unions. And that's what helped me get through college and helped me get to the United States Congress.

□ 1100

Today, I stand with 99 of my House colleagues to speak on H. Res. 452, which I introduced yesterday and which will recognize the importance labor unions play by ensuring a strong middle class by advocating for more equitable wages, humane working conditions, improved benefits and increased civic engagement of everyday citizens—the 99 percent. Ninety-nine Members cosponsored this resolution, and I'm proud to introduce it.

Unions have pioneered benefits such as paid health care and pensions and have helped strengthen access to the American dream by helping to establish government policies and efforts such as family leave, minimum wage, and Social Security. Unions have also been effective in supporting immigrant rights, trade policy, health care and living wage legislation.

Unions have been the voice for everyday Americans—from consumer protections to health, safety, and civil rights. The labor movement has fought to allow workers to negotiate on more equal footing with their employers, providing for a healthy, balanced workplace.

Unions benefit everyone, members and nonmembers. According to the Economic Policy Institute, if more of the 66 million American workers who want to join a union could join one tomorrow, their paychecks and benefits would increase, but so would millions of others. The union premium, as it's called, succeeds in lifting wages of non-union employees in the same industries while not being a deterring factor of the State's economic or its growth record.

Unfortunately, there has been a decline in union membership, due largely to unfair labor practices and scare tactics by union-busting employers. Between 1999 and 2007, more than 86,000 workers filed unfair labor practice claims with the NLRB for being illegally fired by their employer for union activity.

As a result of such efforts to weaken unions, among other things, our economy continues to suffer and the gap between the rich and the poor continues to widen, undermining the foundation of the American middle class. Contrary to the belief of union bashers, unions do not increase unemployment or reduce job opportunities. Rather, there are a great deal of facts that correlate the strength of the economy and the middle class to the growth or decline of union membership.

Further, a recent report from the Congressional Budget Office also infers the impact that union membership decline has had on our economy and wealth distribution. The report found that from 1979 to 2007, average inflation-adjusted after tax income grew by 275 percent for the 1 percent of the population with the highest income. For those in the top 20 percent of the population, average real income grew only by 65 percent. However, the bottom fifth rose only by 18 percent. Three-fifths of the people are in the middle, and they grew by 40 percent. So that is not an equal distribution of growth wealth.

The Wall Street Journal has stated “the main reason U.S. companies are reluctant to step up hiring is scant demand.” Demand is scarce because wages are stagnant while profits are up. The chief investment officer at JPMorgan Chase states: “U.S. labor compensation is now at a 50-year low relative to both company sales and U.S. GDP.” While wages are down, profit margins are up.

Let me ask you to support this legislation. We will continue to stand on the steps of Ohio, march in the streets of New Jersey, in our neighborhoods. I, in addition to the 99 Members of the House who support this bill, we urge its passage.

FINDING COMMON GROUND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. BENISHEK) for 5 minutes.

Mr. BENISHEK. Mr. Speaker, there has been a lot of talk about the partisanship and venom in Washington this year. And while we will certainly see fierce debates in the future, I believe Members of this body can still come together and find common ground.

On the surface, my colleague HANSEN CLARKE and I are very different. He is a lawyer representing the city of Detroit with a liberal voting record. I'm a conservative physician representing rural northern Michigan and the Upper Peninsula. We are both new to this House and share an interest in learning more about the unique challenges facing Michigan's citizens. After meeting HANSEN during freshman orientation, we agreed to tour each other's district.

In August I had the opportunity to head down to Michigan's 13th District in Detroit. There we toured employers such as Edward C. Levy Company and Mercy Primary Care Center and got to have some lunch on Mack Avenue. It was great to learn more about the district and be back in Detroit where I did my medical training. Next week Congressman CLARKE will tour with me in Michigan's Upper Peninsula. We will be meeting with area employers in Marquette and Escanaba, and will be getting a chance to see the splendor of Lake Superior with a visit to Pictured Rocks National Lakeshore in Munising. I hope HANSEN will even get to try one of northern Michigan's famous pasties for lunch.

Mr. Speaker, although HANSEN and I are from different parties and dramatically different parts of the State, we are united in the goal of improving economic conditions in the great State of Michigan. We believe that neither party has a monopoly on good ideas, and by working together, we can help shape a better future for our children and grandchildren.

Despite our difference of opinion on many issues, we both recognize that America remains a place in the world like no other, and that with liberty, courage, and hard work, there is no limit to one's destiny. I encourage all Members of this Chamber to pair up and schedule a visit to a different district.

Congressman CLARKE, I'm honored to have you as my friend, and I look forward to having you in Upper Michigan next week.

WORKING TOGETHER TO SERVE AMERICANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CLARKE) for 5 minutes.

Mr. CLARKE of Michigan. Mr. Speaker, I want to thank Congressman BENISHEK for that wonderful invitation for me to visit your district. Northern Michigan and the Upper Peninsula, it's one of the most beautiful areas you can

ever see in the country. It has delicious food and great people. I know I'm going to have a wonderful time. But also, too, my visit to northern Michigan will help DAN and I have another set of common experiences that we can use to help serve our people together.

With his area in northern Michigan and with the area that I'm hired to represent, metropolitan Detroit, we can focus on the common needs of our people. Let me give you an example. When Representative BENISHEK visited the east side of Detroit with me this past summer, we found out we had a lot of things in common. I'm born and raised on the east side. Well, he actually lived on the east side when he attended one of the finest medical schools in the country, Wayne State Medical School in the city of Detroit.

We visited several places, but in particular we visited the Mercy Primary Care Center. This is a health clinic located right in the heart of Detroit. Firsthand, we were able to hear from and see the challenges that many of our veterans are facing. Our veterans—these were young men and women who, because of their loyalty to our country, were sent overseas. They risked their lives. They risked their mental and emotional well-being. Many of them came back to Detroit only to face a place where they can't even find a job. They can't even find a home. They are out on the street with no place to live. No one should have to live in that type of indignity.

Representative BENISHEK, as a physician and as a Member of the House committee that oversees the Department of Veterans Affairs, he wanted to work with me to better serve these veterans. So he and I are now working together with the Department of Veterans Affairs to better provide shelter, health care, and training to these homeless veterans in the city of Detroit. This is an example of how Republicans and Democrats can work together to help our people.

And you know what? It's not really that hard for he and I to work together. The folks that he represents and the people that I serve in metro Detroit, like all Americans, we all want the same thing. We just want to have a chance to live a decent life. We want those rights that are spelled out in the preamble of the Declaration of Independence, rights of life, of liberty, and the pursuit of happiness, just a chance to live your life as fully as you choose it. That's the American dream.

So while the deliberations of this House many times highlight the differences between Republicans and Democrats, he and I are choosing to underscore how we can work together to serve our people and make this country an even better place to live. It's my greatest honor to visit the Upper Peninsula, and it's also my honor to serve this country as a Representative of metropolitan Detroit.

□ 1110

FARM ACT OF 2011

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. HUELSKAMP) for 5 minutes.

Mr. HUELSKAMP. Mr. Speaker, as I have traveled across the First District of Kansas to host more than 70 in-person town hall meetings during my first 10 months here in Congress, constituents have reaffirmed our shared belief that Washington cannot be everything to everybody and nor should it be. They have told me they can and want to do more with less. They know that the more Washington spends today, the more their children and grandchildren will have to pay back in the future, and likely to a foreign nation.

And while they scale back their expectations, they want Washington to scale back what it asks them to do. The ever-tightening grip and imposition of the Federal bureaucracy's expensive, counterproductive, and unnecessary burdens are killing America's agriculture industry. Today, I will introduce the FARM Act of 2011—Freeing Agriculture to Reap More Act. I am unveiling it today in light of the pending ag discussions we hear are occurring in the supercommittee.

The FARM Act reflects the conversations I have had with constituents and farm groups all across the First District and addresses their concerns about the economic impacts of overregulation. In essence, the FARM Act adds a regulatory title to the farm bill. Given the consequences of overregulation, it merits its own title amid others like trade, research, conservation, or farm credit.

Farmers and ranchers arguably pay some of the largest costs for Washington's crushing burden of overregulation. Whether it is on youth involvement on family farms, pesticide application permits, greenhouse gases, farm dust, farm commercial vehicles, fuel hauling limitations for farm equipment, or livestock emissions taxes, the Federal Government continues to insist that it control the intricate, day-to-day affairs of America's agriculture community. The FARM Act prohibits this regulatory overreach.

Kansas' family farms do not need Washington writing detailed instruction manuals for them on how much fuel they can or cannot put in their tractors. They do not need Washington prohibiting them from teaching their own children the value and importance of hard work by allowing them to work a few hours on the farm. And they most certainly do not need Washington imposing taxes on them for supposed greenhouse gases emitted by their livestock. No, they need Washington to let them run their operations in the safe and responsible, yet productive, ways they have done for generations. The FARM Act allows our family farms to

continue the family tradition without fear of expensive and unnecessary regulations.

Like the families that live and the farms that operate in rural America, small towns in the First District of Kansas also have no need for additional instruction from Washington. That is why the FARM Act prohibits funding for the newly established White House Rural Council. Rural communities are the embodiment of family and entrepreneurial freedom, and this council seeks to replace that freedom with centralized planning schemes. We simply cannot afford more of the President's failed approaches.

I urge my colleagues to join me in supporting the FARM Act of 2011. It's time to stop the overregulation of America's farmers, ranchers, ag communities, and rural America. It's time to put an end to Washington's distrust of America's growers, ranchers, and producers, as well as all of rural America.

VOTER SUPPRESSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, ladies and gentlemen, nothing is more fundamental in our democracy than the right to vote. Unfortunately, our right to vote is under attack.

According to a new report by the Brennan Center for Justice, voter suppression laws in States across the country could affect up to 5 million voters from traditionally Democratic demographics in 2012. It's no coincidence that this number is larger than the margin of victory in two of the last three Presidential elections.

These voter ID laws do nothing more than discourage and block eligible voters, especially students, the poor, seniors, and minorities. These are Americans who tend to vote for Democrats.

Recently, the media reported that a 96-year-old woman was denied a voter ID card in Chattanooga, Tennessee, because of one of these new laws. Her name is Dorothy Cooper, and she is a retired domestic worker. In fact, she was born in my home State of Georgia, and she relocated to Chattanooga so that she could find work. She could not get all the documents together, and so, therefore, her request for a government-issued ID was denied.

After Indiana's photo ID law was implemented, the media reported about a group of elderly nuns who lacked driver's licenses and current passports, and they were turned away from the polls. Unfortunately, if States continue to pass these restrictive and unnecessary voter ID laws, we will hear more of these stories.

The Tea Party Republicans are trying to hijack our right to vote so that they can steal the 2012 election. I don't

know about you, but I'm disgusted with Tea Party Republican attempts to use voter suppression laws to erode traditionally Democratic voters by blocking their access to the polls.

These voter ID laws do not prevent fraud. In fact, they do nothing other than suppress voter turnout. America has not seen this level of suppression since the days of poll taxes and literacy tests.

More than 30 States introduced legislation this year designed to impede voters at every step of the voting process. These laws do not combat fraud but prevent millions of hardworking, taxpaying Americans, especially minorities, young voters, the working poor, people with disabilities, and senior citizens from casting ballots in 2012 and beyond, making this the most significant setback to voting rights in a century.

Photo ID restrictions disenfranchise eligible registered voters. An estimated 11 percent of U.S. citizens—21 million people—do not have current, government-issued photo ID's. While poll taxes were abolished more than 60 years ago, this new slew of voter ID laws is reminiscent of the days when poll taxes were required, days which none of us want to revisit.

These Tea Party Republicans have been scheming from day one of President Obama's term in office to make sure that he's a one-term President. They want to take "their" country back. So State legislators, in accordance with this scheme, have passed a spate of laws specifically designed to block access to the ballot box by voters who tend to vote for Democrats. It's not fair, it's not right, and it's simply un-American.

Ladies and gentlemen, now is the time for all good men and women to come to the aid of their country.

□ 1120

NATIONAL RECYCLING WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. FLORES) for 5 minutes.

Mr. FLORES. Mr. Speaker, I rise today to recognize National Recycling Week.

Recycling and the return of recycled materials to the manufacturing process plays an important role in the global competitiveness of U.S. industries. The use of recycled materials in manufacturing significantly reduces energy use and emissions levels, reducing the cost of producing goods. For example, in the glass industry, every 10 percent of recycled glass used to make new glass containers means a 2 to 4 percent drop in energy use and a 4 to 10 percent reduction in greenhouse gas emissions. Glass containers can be used multiple times to make new containers, but most used containers do not wind up back in the manufacturing process.

Next week I plan to tour an Owens-Illinois glass plant in my district. Owens-Illinois has been a part of the Waco community since the 1940s and provides jobs to over 300 people. These are jobs we want to keep in America, but O-I needs more recycled glass to remain competitive. Unfortunately, glass and other containers have low recycling rates when they are collected through single-stream collection systems. Further, the lack of data on recovery rates is a barrier to finding effective ways to collect more recyclable materials that can be used in manufacturing.

Congress should encourage all stakeholders to take steps to improve data collection related to the recovery of recycled materials, review ways to increase the collection of recycled materials, and increase the amount of recycled materials available for manufacturers. By improving the collection of recycled materials, we can make American manufacturers more competitive and protect and create highly skilled, high-paying jobs.

This is another Main Street solution to grow American jobs under the House Republican Plan For America's Job Creators. I encourage all Americans to learn more about this plan at jobs.gop.gov.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 23 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

Bless the Members of this assembly as they set upon the work of these hours, of these days. Help them to make wise decisions in a good manner and to carry their responsibilities steadily, with high hopes for a better future for our great Nation.

Deepen their faith, widen their sympathies, heighten their aspirations, and give them the strength to do what ought to be done for this country.

May Your blessing, O God, be with them and with us all this day and every day to come, and may all we do be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. MCINTYRE) come forward and lead the House in the Pledge of Allegiance.

Mr. MCINTYRE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 2, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 2, 2011 at 9:19 a.m.:

That the Senate passed with amendments H.R. 2112.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

A CONSTITUTIONAL AMENDMENT TO BALANCE THE FEDERAL BUDGET

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute.)

Mr. SULLIVAN. Only in Washington, D.C., are we debating whether it's a good idea to balance the Federal budget. The American people don't have the luxury of choosing. Families and businesses across the country are forced to balance their budgets and live within their means, and the Federal Government should be held to the same standard.

I believe a constitutional amendment to balance our Federal budget is a real long-term solution to our Nation's fiscal problems, and I am pleased Congress will soon vote on one for the first time in 15 years.

This is a critical time for our Nation. Over 14 million Americans are unemployed, and our record-setting level of debt is over \$14 trillion. Congress has a moral obligation to our children and grandchildren to stop the outrageous spending and to restore fiscal sanity in Washington in order to ensure we don't leave them under a mountain of debt.

I will continue fighting for a constitutional amendment to require the Federal Government to live within its means just like families across Oklahoma do every day.

WHITMARSH HOUSE

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to recognize Whitmarsh House in Providence, Rhode Island—a safe haven and support network for Rhode Island youth, adults with developmental disabilities, and families for over 40 years.

In recognition of the organization's commitment to excellence, Whitmarsh House has received a 3-year accreditation from the Commission on Accreditation of Rehabilitation Facilities, or CARF. CARF is an accrediting body that recognizes an organization's demonstration of accountability and conformance to internationally accepted standards in providing essential health and rehabilitation services to its community. This accreditation comes as no surprise given the vital and quality services Whitmarsh House provides every day to our communities in Rhode Island.

Whitmarsh House has served hundreds of youth through programs that support their development as productive and contributing members of our society. I am proud to honor Whitmarsh House and to congratulate the dedicated staff on receiving this important accreditation. I look forward to seeing its continued work for the community in the coming years.

THE UNESCO VOTE ON THE PALESTINIAN AUTHORITY

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise with deep concerns about yesterday's vote to grant the Palestinians full membership in the U.N. organization known as UNESCO.

America has been crystal clear about what the consequences would be for this kind of end run around negotiated peace between Israel and the Palestinians seeking their own nation. This action by UNESCO emboldens the fraudulent Palestinian bid for recognition without the Palestinians immediately recognizing Israel's right to exist as a Jewish nation-state or even denounc-

ing their stated goal of Israel's destruction.

The United States had no choice but to refuse to make a scheduled \$60 million transfer to UNESCO. That \$60 million should be used to pay down our Federal debt instead of to support an organization committed to thwarting peace in the Middle East.

FLIGHT 3407 EMAILS

(Ms. HOCHUL asked and was given permission to address the House for 1 minute.)

Ms. HOCHUL. On a cold, snowy night in February 2009, the lives of hundreds of people in my district were shattered. The cruel irony of 50 loved ones killed in a plane crash the Friday before Valentine's Day weekend is lost on no one in my district, near Buffalo, which is exactly where the Colgan Flight 3407 plane crash occurred.

The families began a quest for answers—hearings on Capitol Hill and NTSB investigations. Finally, we thought we had the answers. Yet it wasn't until a lawsuit was filed in Federal court in Buffalo and through the perseverance of a Buffalo news reporter that they finally announced that the company never gave critical emails regarding the inability of this pilot to fly this plane. Those emails were never revealed until now.

That's why I teamed up with our local delegation—Congresswoman SLAUGHTER, Congressmen HIGGINS and REED, and Senators SCHUMER and GILLIBRAND—to call for a Federal investigation by the United States Attorney General into what this company knew and when they knew it. Whether they possessed critical emails at the right time, whether they gave them to us, whether there were other emails that would shed light as to what happened on that night, the families deserve to know; western New Yorkers need to know; and America needs to know.

IN HONOR OF OTTERBOX

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, I rise today to honor the charitable contributions and achievements of OtterBox, a business located in Fort Collins, Colorado.

This business manufactures and develops coverings for tech products, like cell phones and iPads, and it employs 350 people in my congressional district. Aside from their great products and innovation, OtterBox received national recognition by being named an honoree for National Philanthropy Day in Colorado.

Last year OtterBox created a new wing to their business, one devoted to altruistic values to help the sur-

rounding community. This wing was appropriately named OtterCares. OtterCares has participated in many service projects, like providing school supplies to low-income children and by donating 600 toys to less fortunate families during the holiday season. Their work also includes volunteering at local food banks, youth centers, and animal sanctuaries.

In addition, the company gave all 350 employees a \$200 grant to give to a charity or foundation of their choosing. The \$200 was just a start. They encourage their employees to raise and donate more. To this day, OtterBox has raised over \$74,000 for 70 different organizations.

The business utilizes this slogan: "Throw a stone in the water, and watch how far the ripple can spread."

The ripple started by OtterBox is helping the entire Fort Collins area. It is with great pride that I recognize OtterBox on the House floor.

□ 1210

REBUILDING THE AMERICAN DREAM

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, with less than 2 months left in 2011, this Republican-controlled House has yet to focus on the top issues facing our country: creating jobs, growing our economy, and rebuilding the American Dream. Back home in St. Louis, I have seen firsthand how businesses, families, seniors, and students are frustrated and suffering because of inaction, obstruction, and political games in this Congress.

Last week I met with business owners in my home State, including a commercial and residential plumbing company in St. Louis. That business is suffering from the terrible housing market and poor economy. It's our responsibility to work to help our constituents who have built businesses that have been hard-hit by these tough times.

The President has proposed the American Jobs Act which would help put people back to work. And independent economists say this bill would help create more than 1 million jobs. It's time for action. We cannot retreat to our ideological corners and ignore the challenges that we face. I will work with anyone, anywhere, anytime to grow the economy and help create jobs. I challenge my colleagues to work with that same spirit. It's time we pull together and put our country first.

ARNOLD DE LA PAZ

(Mr. FARENTHOLD asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. FARENTHOLD. This year Mr. Arnold De La Paz, the founder and president of DLP Group, Inc., in Corpus Christi, was named the Small Business Association's Lower Rio Grande Valley District Minority Small Businessperson of the Year.

Mr. De La Paz is a service-disabled veteran who started his career with a small painting company and eventually, through hard work and dedication, founded the DLP Group, which is now one of the largest paint manufacturers in America. Mr. De La Paz is one of many small business owners that work every day to live and realize the American Dream. We must continue to foster an environment where job creators like Mr. De La Paz can succeed. We can do that here in Washington by simplifying the Tax Code, reducing government regulation, and getting the Federal budget under control.

I think Mr. De La Paz summed it up well when he said, "Our Nation has always been about the urge to dream and the will to enable it." Mr. De La Paz is an example to other small business owners. His contributions as a job creator who has worked tirelessly to put Americans back to work is what this country is based upon.

VETERANS' TUITION

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, as we approach Veterans Day and are ever thankful for the veterans and servicemen and -women who have made our country great, I rise to pay tribute to Sergeant Jason Thigpen of Wilmington, North Carolina, who is here with us today. After his service in Iraq, Jason started the Student Veterans Advocacy Group at the University of North Carolina at Wilmington to support student veterans and dependents seeking a college education.

Jason, who is a Purple Heart medal recipient, has shared with me and others here on Capitol Hill his concerns that the Post-9/11 Veterans Educational Assistance Act disallows out-of-state students to receive in-state tuition at public universities, thus making it cost-prohibitive for them to attend these public universities, even though they otherwise qualify. I am certain that my colleagues here would agree that our returning veterans who are pursuing an education under the GI Bill should not have to worry about whether it's in-state versus out-of-state tuition. These courageous individuals have been at the forefront defending our freedoms and our values. They should not be denied their opportunity to pursue an education. Let's support our student veterans.

JOBS CAN'T GROW WHEN CASH FLOW SLOWS

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to address a topic that concerns most Americans at this time, and that's jobs. The House has opposed the administration when they have proposed hitting job creators with new taxes or more regulatory burdens. So far this year, the House has passed a total of 17 job-creating bills. This week, the House will vote on two jobs bills that will enable small businesses and entrepreneurs to access more capital to create more jobs. Jobs can't grow when the cash doesn't flow. Smarter regulation and fewer roadblocks to capital will help job creators put more Americans back to work.

We in Congress have the responsibility to give entrepreneurs and small business owners the business environment they need to unleash America's economic potential. That's what we were sent here to do, and that's what our constituents deserve.

ASSISTANCE FOR OUR VETERANS

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, earlier this morning, I spoke on how glad I was that the Representative from Michigan's First District was able to take a tour of the city of Detroit and visit Mercy Primary Care Center. But when I visited that center, I was also appalled. I was appalled by what I saw and what I heard—that our veterans from metro Detroit, our veterans, young men and women who risked their lives, their physical and mental health for our country, who went overseas and came back home to face only no prospect of employment, no income to even provide them with decent shelter, little access to mental health and substance abuse treatment. So as a result, folks that we should be revering as heroes ended up on the streets of Detroit, living like animals. No one deserves to live that way in this country.

So right now, I'm asking this Congress, instead of just focusing on cutting everything and cutting programs and funding initiatives, let's help put people back to work. Let's provide them with mental health and substance abuse treatment and give them the dignity that every American deserves.

FLOOD PROTECTION FOR THE MISSOURI RIVER BASIN

(Mr. BERG asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BERG. Mr. Speaker, North Dakota has experienced devastating and unprecedented flooding this year. To provide additional flood control storage, our State requested that the Corps lower the water levels in Lake Sakakawea. This could help prevent a repeat of this year's flooding. Last night, the Corps denied our State's request. I strongly disagree with this decision.

The people of North Dakota are more than just frustrated. They have lost so much to flooding, and they deserve more say in the Corps management of the water levels. I have called on the Corps to testify before Congress on what went wrong this last spring, and I will continue to press for an honest conversation about the Missouri River Basin's flood protection. The Corps should do everything within its power to prevent another devastating flood next spring. Unfortunately, this recent decision suggests that the Corps is continuing forward with the same management plan that failed so badly this spring. Things need to change now before the people of North Dakota and other Missouri River States are faced with another devastating loss.

FINDING COMMON GROUND

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, this week at the University of Louisville's McConnell Center, the Speaker of the House gave a speech on the need to find common ground, but without compromise. We've been testing the wisdom of this approach all this year. Here's what we've gotten: stalemate, manufactured crises, and an inability to act on behalf of the American people.

In a government as polarized as this, insisting on common ground while refusing to compromise is maybe the best way to guarantee that 90 percent of our Nation's problems go unsolved. Not coincidentally, that's the same percentage of Americans who disapprove of this Congress and its ongoing search for a hidden, preexisting common ground.

I encourage the Speaker to hear the people out on this. They know the solutions which we've already agreed are the easy ones, and they didn't elect us to make easy decisions. They elected us to solve difficult problems. In other words, to lead. Real leaders don't just look for common ground. They create it. Our country was formed through compromise and has been strengthened by it for more than 200 years. Until Republicans provide leadership that values results over ideology and economic progress over antitax pledges, this Congress will continue to fail America.

REPUBLICAN NO-JOBS AGENDA

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, it has been 43 weeks since Republicans took control of the House, and we have had 817 recorded votes, yet they have failed to pass a single bill to create jobs. In turn, they have actually voted against, blocked, or ignored an array of job-creating proposals, including the American Jobs Act as well as segments of the American Jobs Act.

There are 14 million Americans out of work that are counting on Congress to pass legislation that creates jobs and improves the American economy. The American Jobs Act will create and preserve jobs now, put money back into the pockets of working Americans now, and give businesses job-creating tax breaks now. Unfortunately, the majority is continuing a no-jobs agenda by refusing to hold a vote on the American Jobs Act. The House majority will not even follow the Senate's lead by bringing job-creating components of the bill, like the provision that preserves jobs for teachers and first responders, up for a vote. Mr. Speaker, we must act now to establish confidence in our economy, and the American Jobs Act is one way to achieve that goal.

□ 1220

LATINO VETERANS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to commemorate the 70th anniversary of World War II and to commemorate the service of Hispanic Americans who served in World War II and in all wars, and to commemorate our Latino veterans across America.

During World War II, 500,000 Americans of Hispanic ancestry courageously answered our Nation's call, including Latinos such as Ted Williams, Manuel Ortiz, Maria Dolores Hernandez, Jose Limon, Desi Arnaz, Cesar Chavez, and Guy Gabaldon.

The Hispanic American soldiers fought with integrity and bravery, earning 126 Distinguished Service Crosses, over 1,400 Silver Stars, and 2,807 Bronze Stars for valor. They earned these medals sacrificing their lives and blood to preserve the United States and freedom around the world. Through the war, over 12,000 Latinos were awarded the Purple Heart for wounds suffered in combat; 2,561 Latinos were prisoners of war; and 9,831 Latinos were killed in action.

Because of their record of service, Mr. Speaker, I introduced H. Res. 404, which recognizes the service and the

sacrifice of the members of the Armed Forces and veterans who are Latino; and I urge my colleagues to cosponsor this legislation.

I wish to remember these war heroes and the stalwart and selfless service of Latinos in military history 70 years after World War II.

A NO-JOBS AGENDA FROM A NO-SHOW REPUBLICAN CONGRESS

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, here we are 43 weeks into the current Congress since the Republicans took control of the House, and yet we have failed to pass a single bill to create jobs. Fourteen million Americans without jobs, many millions more are underemployed, worried about where their next paycheck is coming from. And yet the majority has continued to block and ignore a number of job-creating proposals advanced by Democrats, including the American Jobs Act. I renew my call for Speaker BOEHNER to bring the American Jobs Act to the House floor and allow the House to work its will to create jobs for the American people.

The majority party will respond that there are a number of bills, but just by calling a bill a jobs bill doesn't make it one, such as bills that would increase childhood asthma and make people of all ages more ill by preventing our EPA from enforcing its clean water standards. The Dirty Water Act, again, instead of creating jobs, the bill undermines the Clean Water Act. It's not a zero sum game. And by damaging our environment and making people sick, we're not creating jobs.

I call upon the House of Representatives to pass jobs bills now.

AMERICAN JOBS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, across the country, 14 million Americans, I state, 14 million Americans are looking for work. And yet there are no jobs that have been created, and the Republicans still don't have a jobs plan.

In my congressional district in San Bernardino County, the unemployment rate is 17 percent. People throughout our country are hurting. They're hurting. They can't wait any longer for Congress to do the job. We must bring the American Jobs Act for a vote. It will provide an opportunity to put people to work.

It contains bipartisan ideas. It puts our teachers, firefighters, first responders, and cops back to work. It provides tax cuts that will help small businesses create new jobs. It puts our veterans

and returning troops back to work with a tax credit and provides an immediate boost to our economy.

Republicans have supported all of these ideas in the past. It's time they support them again. We must work together and pass the American Jobs Act.

HOUSE REPUBLICAN JOBS PLAN

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, our economy cannot recover without tapping into the unlimited creative talents of the American people. Innovators and entrepreneurs all across the country are primed to be the spark that ignites the economic engine of America, putting millions of Americans back to work. But these bright job creators face many government-made obstacles to success.

In our free enterprise system, access to private capital and investment is the lifeblood of our economy. With the threat of higher taxes on investment income and new financial regulations on community banks, it's no wonder that these small business owners aren't expanding or creating jobs. H.R. 2930 and H.R. 2940 are two bills that remove government barriers to economic growth by helping American businesses gain access to the vital investment capital they need to create jobs and grow the economy.

Mr. Speaker, together we can pass legislation that will unleash the energy and talents of the American people and restore the prosperity and promise of the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CIVILIAN SERVICE RECOGNITION ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2061) to authorize the presentation of a United States flag at the funeral of Federal civilian employees who are killed while performing official duties or because of their status as a Federal employee, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Civilian Service Recognition Act of 2011”.

SEC. 2. PRESENTATION OF UNITED STATES FLAG ON BEHALF OF FEDERAL CIVILIAN EMPLOYEES WHO DIE OF INJURIES IN CONNECTION WITH THEIR EMPLOYMENT.

(a) **PRESENTATION AUTHORIZED.**—Upon receipt of a request under subsection (b), the head of an executive agency may pay the expenses incident to the presentation of a flag of the United States for an individual who—

(1) was an employee of the agency; and

(2) dies of injuries incurred in connection with such individual’s employment with the Federal government.

(b) **REQUEST FOR FLAG.**—The head of an executive agency may furnish a flag for a deceased employee described in subsection (a) upon the request of—

(1) the employee’s next of kin; or

(2) if no request is received from the next of kin, an individual other than the next of kin as determined by the Director of the Office of Personnel Management.

(c) **CLASSIFIED INFORMATION.**—The head of an executive agency may disclose information necessary to show that a deceased individual is an employee described in subsection (a) to the extent that such information is not classified and to the extent that such disclosure does not endanger the national security of the United States.

(d) **EMPLOYEE NOTIFICATION OF FLAG BENEFIT.**—The head of an executive agency shall provide appropriate notice to employees of the agency of the flag benefit provided for under this section.

(e) **REGULATIONS.**—The Director of the Office of Personnel Management, in coordination with the Secretary of Defense and the Secretary of Homeland Security, may prescribe regulations to implement this section. Any such regulations shall provide for the head of an executive agency to consider the conditions and circumstances surrounding the death of an employee and nature of the service of the employee.

(f) **DEFINITIONS.**—In this section:

(1) **EMPLOYEE.**—The term “employee” has the meaning given that term in section 2105 of title 5, United States Code, and includes—

(A) individuals who perform volunteer services at the discretion of the head of an executive agency; and

(B) an officer or employee of the United States Postal Service or of the Postal Regulatory Commission.

(2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given that term in section 105 of title 5, United States Code, and includes the United States Postal Service and the Postal Regulatory Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2061, the Civilian Service Recognition Act of 2011, was introduced by the gentleman from New York (Mr. HANNA) on May 31 of this year. H.R. 2061 enjoys the support of 21 cosponsors on both sides of the aisle, and the Committee on Oversight and Government Reform reported this bill by voice vote on June 22 of this year.

Mr. Speaker, each year a small number of Federal civilian employees tragically lose their lives as a result of the duties they pledged to fulfill. Sadly, nearly 3,000 Federal civilian workers have died on the job since 1992.

Many civilian employees are veterans and thus are entitled to military funeral honors. In addition, the Departments of Defense and Homeland Security have regulatory authority over burial benefits related to civilian employees who die as a result of their service with an Armed Force in a contingency operation.

The Federal Government lacks a policy authorizing the presentation of a United States flag to the families of Federal civilian employees serving elsewhere who lose their lives as a result of their employment. For those civilian employees who make the ultimate sacrifice in the course of service to their country, H.R. 2061 authorizes agencies to give a United States flag as a way for the Nation to formally express sympathy and gratitude.

H.R. 2061 is supported by a broad coalition of Federal employee organizations, including the Federal Law Enforcement Officers Association, American Foreign Service Association, American Federation of Government Employees, and the Service Executives Association.

I would like to thank Representatives HANNA and HINCHEY for bringing this important issue to the attention of this Congress. I would also like to thank the minority for working with us to bring this legislation to the floor for our consideration.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2061, the Civilian Service Recognition Act of 2011, as amended. I commend Congressman HANNA for his work on this legislation. This bill would authorize Federal agencies to give the United States flag to the families of Federal civilian and postal employees who lose their lives as a result of a criminal act, an act of terrorism, a natural disaster, or in other special circumstances as determined by the President of the United States.

□ 1230

There are more than 2.8 million Federal civilian and postal employees. They are the men and women who gather and analyze the intelligence that enables us to track down terrorists such as Osama bin Laden. They are

our postal employees who deliver the mail to us in the rain, snow, sleet, and hail. They are the scientists who conduct groundbreaking and lifesaving research like those that I’ve seen at NIH. They are the food and water inspectors who ensure the products we eat and drink will not harm us. They are the correctional officers guarding criminals and terrorists, and they are the nurses and doctors who care for us and our wounded veterans.

Many of these employees have high-risk, dangerous jobs, and they put their lives on the line every day in service to our Nation. They give their blood, sweat, and tears for our Nation. For example, approximately 44,000 Federal civilian employees have served alongside our uniformed servicemembers in Iraq, Afghanistan, and other combat-related zones over the last decade. They have performed jobs critical to our missions, and they have been essential to the successes our military has achieved.

Over the past two decades, some 3,000 Federal civilian employees have died on the job. The gift of a United States flag to the families of Federal employees who die in the line of duty is a small token of our very great appreciation for the ultimate sacrifice these public servants have made.

That said, Mr. Speaker, these same civil servants that we seek to honor here today are the very same people who are under attack from some quarters for simply doing their jobs. Recently, the majority of the House Oversight and Government Reform Committee recommended to the Joint Select Committee on Deficit Reduction that Federal workers who are already subject to a 2-year-long pay freeze also be subjected to the following: arbitrary 10 percent workforce reductions, an extended pay freeze through 2015, elimination of periodic step increases, increased employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System, and a change in the formula used to calculate Federal pensions that may reduce the benefits provided to these many employees. In addition, our committee has scheduled H.R. 3029 for consideration tomorrow. This bill would require a 10 percent reduction in the Federal workforce by fiscal 2015.

It is appropriate and, in fact, past due that we pay tribute to our civil servants who make the ultimate sacrifice in service to our great Nation, and I am encouraged that the legislation before us enjoys bipartisan support. But I remind my colleagues that it doesn’t make any sense to turn around and attack these same workers’ livelihoods as we consider further deficit reductions. Such actions denigrate the value of the service these individuals provide to our great Nation, the very service we are honoring in H.R. 2061.

If Federal employees are worthy of receiving a gift of our Nation’s flag

upon their deaths, they are surely worthy of receiving their full pay and benefits for a lifetime of service to our country. Therefore, Mr. Speaker, I urge my colleagues to support this bill to honor Federal employees killed in the line of duty. I also urge my colleagues to join me in honoring all of our civil servants by opposing any further efforts to balance the Nation's budget on the backs of these dedicated men and women.

With that, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of New York, the primary author of this bill, Mr. HANNA.

Mr. HANNA. I thank the gentleman from Utah for yielding.

Mr. Speaker, I rise today in proud support of H.R. 2061, the Civilian Service Recognition Act of 2011.

First, I would like to thank a few of my colleagues for helping to bring this bill to the floor. My friend and colleague, a New Yorker, MAURICE HINCHEY, one of the original cosponsors of this bill; my neighbor and friend in the Cannon Office Building and someone who has been supportive of this effort from the very beginning, DONNA EDWARDS, Representative from Maryland; Oversight and Government Reform Committee Chairman DARRELL ISSA and Ranking Member ELIJAH CUMMINGS for their support of this bill; and the entire staff of the Oversight and Government Reform Committee for its work on this bill.

In addition, Mr. Speaker, I'd like to thank the people who prompted the introduction of this bill: Grant Reeher and Terry Newell. These gentlemen penned a joint opinion editorial in *The Syracuse Post-Standard* suggesting that legislation be introduced to honor civil servants who are killed in the line of duty.

Mr. Speaker, this bill is quite simple. If a civilian Federal employee is killed on the job as a result of a criminal contact, terrorism, natural disaster, or an extraordinary event as determined by the President of the United States, their next of kin would be authorized to receive a United States flag. The Congressional Budget Office reports that this bill would have "no significant effect on the Federal budget."

Mr. Speaker, since 1992, almost 3,000 civilian Federal workers have been killed while on duty, both in places like Iraq, Afghanistan, and Haiti, but also in places like Oklahoma City and Austin, Texas. This legislation is widely supported by a variety of groups and individuals, including civil service organizations, former Homeland Security Secretary Michael Chertoff, and the American Legion.

I would like to note for the record that the American Legion raised some concerns about the language of this

bill. I am personally very grateful and much appreciate their input. My office, as well as the committee staff, have worked with the Legion not only to listen to its concerns, but to act on them, which we have in this bill. In the end, we made a better bill, mindful of the real differences between military and civilian service, but also acceptable to all parties.

Legislative language aside, the spirit of this bill and the original intent of this bill is simple. If a Federal civil employee is killed in the line of duty, whether at home or abroad, their life will be honored by this Nation. Their family will be presented a flag on behalf of the United States of America.

More than 2 million Federal civilian employees work within our country and in countless overseas posts, many of them in dangerous jobs at Customs and Border Protection or the FBI, just to name a couple of examples. This is a modest but significant benefit in honor of these dedicated individuals who sacrifice on our behalf.

Until the September 11 attacks, the largest terrorism attack on American soil took place in 1995—the Oklahoma City bombing. Employees showed up at the Federal building that day, like so many before, to go to work, to fulfill their oath of office and meet their obligations.

Ours is a grateful Nation, one that values the sacrifices made in honor of this country. Mr. Speaker, a life can never be repaid, but it can be honored. I urge all my colleagues to join me in support of H.R. 2061.

Mr. Speaker, I rise today in proud support of H.R. 2061, the Civilian Service Recognition Act of 2011.

First, I need to thank several of my colleagues for their help in bringing this bill to the floor:

My friend and colleague to the south—and—the original co-sponsor of this bill: MAURICE HINCHEY.

My neighbor in the Cannon House Office Building and someone who's been supportive of this effort from the beginning: DONNA EDWARDS, representative from Maryland.

Oversight and Government Reform Committee Chairman DARRELL ISSA and Ranking Member ELIJAH CUMMINGS for their support of this bill.

The entire staff of the Oversight and Government Reform Committee for its work on this bill.

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These gentlemen penned a joint opinion editorial in *The Syracuse Post-Standard*, suggesting legislation be introduced to honor civil servants who are killed in the line of duty.

Mr. Speaker, this bill is simple. If a civilian federal employee is killed on the job as a result of a criminal act, terrorism, natural disaster, or an extraordinary event as determined by the President, their next of kin would be authorized to receive a United States flag.

The Congressional Budget Office reports that this bill would have "no significant effect on the federal budget."

Mr. Speaker, since 1992, almost 3,000 civilian federal workers have been killed while on duty, both in places like Iraq, Afghanistan, and Haiti—but also in places like Oklahoma City, and Austin, Texas.

This legislation is widely supported by a wide array of groups and individuals including civil service organizations, former Homeland Security Secretary Michael Chertoff, and the American Legion.

I would note for the record that the American Legion raised some concerns about the language of the bill. I personally very much appreciated the input. My office, as well as Committee staff, worked with the Legion to not only listen to its concerns, but act on them.

In the end we made this bill better. Mindful of the real differences between military and civilian service, but acceptable to all parties involved.

Legislative language aside—the spirit of this bill—and the original intent of this bill—is simple: If a federal civilian employee is killed in the line of duty whether at home or abroad, their life will be honored by this nation. Their family will be presented a flag on behalf of the United States of America.

More than 2 million federal civilian employees work within our country and in countless overseas posts, many of them in dangerous jobs at Customs and Border Protection or the FBI, just to name a couple of examples.

This is a modest, but significant benefit in honor of these dedicated individuals who sacrificed on our behalf.

Until the September 11th attacks, the largest terrorism attack on American soil took place in 1995—the Oklahoma City bombing. Employees showed up at the federal building that day—like so many before—to go to work. To fulfill their oath of service to the U.S. Government.

Ours is a grateful nation, one that values the sacrifices made in honor of this country.

A life can never be repaid, but it can be honored.

Mr. Speaker, I urge all of my colleagues to join me in supporting H.R. 2061.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Again, I wholeheartedly support this legislation, and I think it's a very, very important piece of legislation. I want to congratulate Mr. HANNA and all the cosponsors for it.

At the same time, though, there is an old saying: Give me my flowers while I live. The fact is that there are many Federal employees, and we get the calls every day, when we sit in committees and we hear negative things said about Federal employees, and I think we forget that we take so many of them for granted. And so often when you take people for granted, you just assume that things are going to work and that agencies are going to work.

In my district, I have the Social Security Administration, and I get complaints from employees almost every day. As they see a downsizing, they see their workload increasing tremendously, but yet they are still being subject to pay freezes and things of this nature.

So I think, again, this legislation is extremely important; but, again, I emphasize that I think it's so important that we not place these Federal employees in positions where they are constantly told that they're not doing enough work or they are not needed in many instances and need to be downsized, need to have their pay reduced and need to have the increases to their contribution to the retirement system.

With that, Mr. Speaker, I reserve the balance of my time.

□ 1240

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume to just merely point out that since Barack Obama took office until now, there are more than 141,000 additional Federal workers on the payroll. So while there has been some discussion about not appreciating Federal workers, I fully appreciate the Federal workers—they're patriotic people, they work hard, they do a good job. But I do think we have an expectation that people do a good day's work for a good salary. And there is nothing that has been brought up today to suggest we're doing anything other than recognizing those who are paying the ultimate sacrifice. We have been increasing the number of Federal employees; some of us are concerned about that. That is a discussion for another day.

At this time, Mr. Speaker, I would yield such time as he may consume to my distinguished colleague from Virginia (Mr. WOLF), who has been very active on this issue and cares passionately about this issue.

Mr. WOLF. I thank the chairman for recognizing me. I appreciate it very much.

I rise in strong support of the bill. It's very appropriate. The first person killed in Afghanistan was a civilian employee from my congressional district, a CIA employee, Michael Spann. I went to the funeral out at Arlington Cemetery. He was the very first person, and he was a civilian and gave his life there.

I also, about 7 or 8 months ago, went out to the agency where they had a memorial service—the President was there, as was Director Panetta—to remember the seven who were killed at that base there. You could see the young families and just the pain and the agony and the suffering. Also, the DEA; we lost three DEA people in Afghanistan fighting the drug wars. And you can go on, the Border Patrol and all the others. So I want to thank Mr. HANNA for the bill, thank the chairman for it, and thank the ranking member. This is important, I think, to do.

I want to thank the gentleman from New York, Mr. HANNA, for introducing this legislation, which authorizes the presentation of the United States flag to federal employees who have died in the line of duty.

According to the Office of Personnel Management, since 1992, nearly 3,000 federal employees have paid the ultimate price while serving their country.

Federal employees work side-by-side on the front lines with our military personnel to carry out the Global War on Terror in locations such as Iraq and Afghanistan. They put their lives at risk daily to defend our national interests.

The first American killed in Afghanistan, Mike Spann, was a CIA agent and a constituent from my congressional district. Imagine the dangers a CIA or State Department employee or DEA agent or an FBI agent working in Afghanistan with the U.S. military must encounter.

When I traveled to Afghanistan, I visited with FBI agents serving side-by-side with our military in the fight against the Taliban. DEA agents are also in Afghanistan and working to eradicate the poppy, which the Taliban and al Qaeda use as a primary source of funding in their operations. Last year, three DEA agents were killed in Afghanistan.

A year ago January, I attended funerals for some of the seven CIA agents who were killed by a Taliban suicide bomber at Forward Operating Base Chapman near the Afghanistan-Pakistan border.

Federal employees also put their lives on the line here at home. The Border Patrol agent shot and killed in Arizona this past December who was working to stop the flow of illegal immigrants across our southern border was a federal employee.

The three Immigration and Customs Enforcement agents who were attacked, including one who was killed, outside of Mexico City were federal employees.

Each federal employee repeats the following oath: "I, [name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

We fly the flag to demonstrate our support for the values and principals found in the Constitution and expressed by this oath. I believe it is appropriate to allow for the presentation of the flag if an employee is killed because they represent this oath, which is why I am a proud cosponsor of this measure.

This legislation recognizes all unsung federal employees who work to ensure that our government is running as efficiently and effectively as possible to provide the services that taxpayers expect. I urge all members to support H.R. 2061.

Mr. CUMMINGS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentlewoman from Maryland, Ms. DONNA EDWARDS.

Ms. EDWARDS. I thank my colleague from Maryland for yielding.

I want to congratulate Congressman HANNA. It's been a privilege to be able to work with Mr. HANNA on his efforts in resolving some issues that have held up the passage of H.R. 2061—and I'm glad that we're here today—the Civilian Service Recognition Act.

When Federal civilian servants take the oath of office, they solemnly swear to "defend the Constitution of the United States from enemies, both foreign and domestic." This legislation would authorize the head of an executive agency to give a U.S. flag to the next of kin of a deceased employee who dies at home or abroad of injuries incurred in connection with his or her employment with the government. The bill specifies that the employee would have to die due to injuries sustained with a criminal act, an act of terrorism, a natural disaster, or other circumstance as determined by the President.

The legislation is a well-deserved reminder of the important work done by our civilian employees, particularly when Federal employees have been so criticized and placed on the chopping block during the recent debates. H.R. 2061 is a modest but significant show of gratitude to our Federal civilian employees and the families of deceased public servants for their duty to the United States Government.

According to the Office of Personnel Management, over 100,000 civilian Federal employees have served in Afghanistan and Iraq alongside our military forces. As the daughter of a career servicemember, I know well the numerous sacrifices that members of our armed services, public servants, and their families make, and this doesn't in any way diminish the service that they engage in every day. What it says, though, is that for those who serve in harm's way and who lose their lives, that we value their service as well.

And very similar to members of the Armed Forces, members of the Federal civilian workforce often risk their lives to carry out official duties critical to the Federal Government's foreign and domestic missions. OPM reports that more than 3,000 Federal employees have been killed in the line of duty since 1992.

In 2008, as the gentleman from Virginia mentioned, an FBI special agent was tragically shot and killed during a joint DEA, FBI, and local police department raid. This special agent began his law enforcement career with the Ocean City, Maryland, Police Department and later served with the Baltimore, Maryland, Police Department. Another brave Marylander, a DEA special agent who graduated from the University of Maryland, was killed in 2009 when the U.S. military helicopter he was in crashed while returning from a joint counternarcotics mission in western Afghanistan.

I want to recognize the dedication of these civil servants. This is a long-overdue recognition to the 146,000 Federal employees living in Maryland's Fourth Congressional District, many of whom place their lives on the line every day. I know that when I had the privilege of joining our servicemembers

and our civilians in Afghanistan, I found many employed with the Department of Agriculture, Homeland Security, the IRS—virtually every agency of the United States serving in that dangerous and hostile theater.

Mr. Speaker, I want to thank Congressman HANNA and the chair and ranking member of the Oversight and Government Reform Committee for their work on this bill. I commend passage of this legislation and urge all my colleagues to vote in favor of H.R. 2061, the Civilian Service Recognition Act.

Mr. CUMMINGS. Mr. Speaker, in closing, I just wanted to let the gentleman know that he mentioned that there had been an increase in Federal employees. There have been increases in DOD, DHS, and VA, but all the other agencies over the 10 years have been decreasing.

With that, Mr. Speaker, I would urge passage of this legislation, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

While the gentleman from Maryland and I may disagree on the statistics of the number of Federal employees, I think we can be united in supporting this bill, H.R. 2061.

There are so many good people who are doing the right thing, they're working hard, they're patriotic, and somehow, some way, unfortunately they pay the ultimate sacrifice.

We simply urge our colleagues on both sides of the aisle to pass this. It may seem trivial to some, but I guarantee you that to the families who have suffered a loss of such consequence, of such magnitude, a flag presented from the United States of America is appropriate, it's something we should do. I congratulate Mr. HANNA for bringing this bill forward, and I encourage all of my colleagues to pass it.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2061, "The Civilian Service Recognition Act of 2011." This bill authorizes the presentation of a United States flag at the funeral of federal civilian employees who are killed while performing official duties or because of their status as a federal employee. The bill affords the head of an executive agency the ability to present the United States' flag to an individual who was an employee of the agency and dies of injuries incurred in connection with such individual's employment with the Federal government, suffered as a result of a criminal act, an act of terrorism, a natural disaster, or other circumstance as determined by the President.

As a senior member of the Judiciary Committee, I value the lives of all American citizens who devote themselves to the public cause. America has a longstanding tradition of honoring soldiers, sailors, marines, and airmen who have fallen in battle. The debt we owe our nation's armed service members, especially those who have fallen, cannot be quantified. It is imperative that we recognize and

fully appreciate the men and women who risk their lives each day for our freedom.

Just as we recognize our military for their bravery, we must recognize our civil servants for their dedication to this nation. Our country is made great on the backs of millions of federal employees. Much like the men and women of the Armed Forces, the individuals tasked with federal law enforcement and protection put their lives on the line every day.

In March 2011, Deputy U.S. Marshal John Perry died from a critical gunshot wound while attempting to apprehend a fugitive wanted for assaulting a police officer and drug possession in St. Louis, MO. Mr. Perry dedicated his life to federal law enforcement, and sacrificed his life to make the country safer for all Americans. Deputy U.S. Marshal John Perry was a brave and patriotic civil servant who certainly deserves the honor of the United States flag.

NASA employee David Beverly was employed by the Johnson Space Center in Houston, Texas, where I represent the 18th Congressional District. On April 20, 2007 Mr. Beverly was fatally shot in the chest during a hostage ordeal inside the Space Center. An electrical parts specialist, David Beverly fostered innovation and space exploration for the benefit of all Americans.

I have met many Americans who are proud of the work our government does. These sentiments can only be attributed to the civil servants who are the first line of contact to the federal government. Federal workers offer themselves in service to their country. They serve their duties with great pride. Federal employees serve this nation because they believe in their sense of civic duty. Civil servants believe their work provides them with an opportunity to protect and build the nation for future generations. They seek to serve their country rather than their own self-interests, and share in the belief that country comes first above all else.

Federal employees are our neighbors; they are husbands and wives, sisters and brothers, sons and daughters. They sacrifice time spent with their families. They work long hours to support and defend the Constitution. They pledge their allegiance to this land of freedom and opportunity. They take the initiative to develop new and innovative programs, techniques, and tools to improve the way the federal government serves its citizens.

In my home state of Texas, approximately 190,000 people work for the federal government. Houston employs approximately 30,000 federal workers. They represent the values that we hold dear to our democracy. These values are grounded in patriotism dedicated to making this nation realize its loyalty to its citizens.

These civil servants make a positive difference in the lives of Americans. They play an essential role in addressing challenging and critical national issues. They create strong, sustainable, inclusive communities and quality affordable homes for all. They help keep terrorists and their weapons out of the U.S. as well as secure and facilitate trade and travel while enforcing immigration and drug laws. These federal agencies care for our troops when they return from battle. The agencies make sure our borders are safe. They make sure the air we breathe and the water

we drink are clean. I am extremely proud of the work that these federal employees do. I want them to know that I support them and will forever be indebted to their great deeds.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 2061, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1250

INCREASING SHAREHOLDER THRESHOLD FOR SEC REGISTRATION

Mr. SCHWEIKERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHAREHOLDER REGISTRATION THRESHOLD.

(a) AMENDMENTS TO SECTION 12 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l (g)) is amended—

(1) in paragraph (1)—

(A) by striking "\$1,000,000" both places it appears and inserting "\$10,000,000";

(B) in subparagraph (A), by striking "and" and inserting a semicolon;

(C) in subparagraph (B), by striking the comma at the end and inserting "and"; and

(D) by inserting after subparagraph (B) the following:

"(C) in the case of an issuer that is a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding \$10,000,000 and a class of equity security (other than an exempted security) held of record by 2,000 or more persons,"; and

(2) in paragraph (4), by striking "three hundred" and inserting "300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1,200".

(b) AMENDMENTS TO SECTION 15 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking "three hundred" and inserting "300 persons, or, in the case of

bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841, 1,200").

SEC. 2. STUDY AND REPORT ON REGISTRATION THRESHOLDS.

(a) STUDY.—

(1) ANALYSIS REQUIRED.—The Chief Economist and Director of the Division of Corporation Finance of the Commission shall jointly conduct a study, including a cost-benefit analysis, of shareholder registration thresholds.

(2) COSTS AND BENEFITS.—The cost-benefit analysis under paragraph (1) shall take into account—

(A) the incremental costs and benefits to investors of the increased disclosure that results from registration;

(B) the incremental costs and benefits to issuers associated with registration and reporting requirements; and

(C) the incremental administrative costs to the Commission associated with different thresholds.

(3) THRESHOLDS.—The cost-benefit analysis under paragraph (1) shall evaluate whether it is advisable to—

(A) increase the asset threshold;

(B) index the asset threshold to a measure of inflation;

(C) increase the shareholder threshold;

(D) change the shareholder threshold to be based on the number of beneficial owners; and

(E) create new thresholds based on other criteria.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Chief Economist and the Director of the Division of Corporation Finance of the Commission shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes—

(1) the findings of the study required under subsection (a); and

(2) recommendations for statutory changes to improve the shareholder registration thresholds.

SEC. 3. RULEMAKING.

Not later than one year after the date of enactment of this Act, the Commission shall issue final regulations to implement this Act and the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. SCHWEIKERT) and the gentleman from Connecticut (Mr. HIMES) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. SCHWEIKERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SCHWEIKERT. I reserve the balance of my time.

Mr. HIMES. Mr. Speaker, I yield myself such time as I may consume.

If we've learned one thing in the last 5 years, it is that the body of financial

regulation which keeps us, as a people, safe must not be static, must not be dead, but, rather, a living thing that evolves and changes, not just to make sure that innovations and new products and new businesses don't get us into the kinds of troubles that we've experienced in the last 5 years, but also to make sure that the financial services industry remains entrepreneurial, that people who want to start small banks, small asset managers, small businesses of any kind have an opportunity to get started, to raise capital and to do well.

The securities laws that were established in 1933 and 1934 need to evolve and adapt to reflect the conditions in today's market. This is why I've introduced H.R. 1965. This bill would allow banks and bank holding companies to remain private to a point at which they believe it is in their interest to go public, undertake the fairly lengthy and complicated process of public registration at a moment when it makes sense for them to go into the public markets.

The original securities laws stipulated that banks would have to register with the SEC when they had more than 500 shareholders. Our small banks, our community banks experience difficulties because as original investors move on or pass on and leave shares to their beneficiaries, very rapidly banks reach that 500 shareholder number and are required to undertake the very complicated, up-front processes, but also the ongoing reporting requirements associated with public registration.

H.R. 1965 would very simply raise that threshold from 500 shareholders to 2,000 shareholders, again allowing these small banks to pick the optimal moment at which they go public, to allow them to continue to raise money in the private markets from private investors until such point that it makes sense for them to register and go public.

Now, it might be asked, is this prudent? And the answer to that question, of course, is that the banks and the bank holding companies are very heavily regulated by their prudential regulators. From the moment they are chartered, they are overseen by State and Federal entities that are designed to keep them from any sort of fraud from imprudent activities, and so this is an industry that is already heavily regulated, even for these companies who remain private.

I'd like to note that this bill provides relief to small banks by recognizing that unique characteristic, that they are regulated, and that they should continue to have access to the capital sources that got them started until they choose to go public.

I will note that this bill passed with broad bipartisan support in both subcommittee and committee, and I'd like to close my statement by thanking Chairman BACHUS and Ranking Member FRANK, as well as subcommittee

Chair GARRETT and Ranking Member WATERS, for their hard work and cooperation in putting this bill together.

With that, I yield 4 minutes to the minority whip, Mr. HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding, and I congratulate him for his leadership on this effort.

I thank my friend, Chairman BACHUS, for his facilitating the passage of this legislation.

Community banks, Mr. Speaker, are the life blood of our local economies. They are locally owned and operated. They know their local businesses and residents intimately, and lend to them, not just because it's a sound business decision, but also because it benefits the greater community.

With the credit and lending crisis we have experienced over the past couple of years, the small banks that operate in our local communities face numerous challenges just to stay afloat. These are the banks we need to see lending to small businesses and homeowners, but they are hamstrung in their attempt to raise capital by outdated SEC registration requirements. This one is over half a century old.

Under the nearly 50-year-old 500 investor exemption rule, banks have to register with the SEC if they have more than 500 shareholders. The gentleman from Connecticut (Mr. HIMES), whose bill this is, explained why that is difficult and why it changes as people who have stock die and leave their stock to more people and to heirs. Banks that have exceeded this low threshold must provide extensive and costly financial disclosure under our Federal securities laws.

Now, over the years, we have upped the threshold in terms of dollars that the bank assets have, but we have not affected the number of shareholders. To reverse this registration, they are then forced to lower their number of shareholders by buying back stock which, all too often, means losing local shareholders who keep these banks connected with their local communities.

The rationale behind SEC registration rules generally is to provide effective and timely disclosure to protect investors, which of course all of us support. However, as Maryland's Banking Supervisor Mark Kaufman notes, the current rule adds to banks' cost with little associated benefits, especially considering that, unlike most private companies, banks file public disclosure already on a quarterly basis and do so on a more timely basis than public companies, as the gentleman from Connecticut pointed out in his remarks.

□ 1300

The American Bankers Association, the Independent Community Bankers of America, State groups like the Maryland Bankers Association and small banks throughout Maryland and

the Nation support raising this threshold to 2,000, which is what this bipartisan legislation would do. This will lift a significant regulatory burden on our community banks without any offsetting price in regulatory oversight and make it easier for them to raise capital so they can continue to lend and support job growth in our communities.

I strongly urge my colleagues on both sides of the aisle to support H.R. 1965.

I note that my friend from Arkansas (Mr. WOMACK) is also on the floor. I want to thank him for his leadership in this effort as well.

Mr. HIMES. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan (Mr. PETERS) be designated to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Alabama will control the 20 minutes for the majority.

There was no objection.

Mr. BACHUS. Thank you, Mr. Speaker.

At this time I would like to yield 2 minutes to the gentleman from Arkansas (Mr. WOMACK), an original cosponsor of the legislation.

Mr. WOMACK. I thank the distinguished chairman for the time this afternoon, and I'd also like to offer my thanks and appreciation to my friend from Connecticut for his leadership on the issue. I am indeed an original cosponsor.

The unemployment rate in our Nation is still in excess of 9 percent. Millions of Americans are out of work. I just recently came back from my district where we had a job fair, and of the 300 or 400 jobs that were allegedly available on that particular day, there were several times more than that looking. It is a painful reminder to me that job creation is still critical to our country.

I'm also reminded as to how important it is that this job creation is linked to access to capital by businesses large and small. The slow pace of the recovery, the burdens of archaic and oftentimes unnecessary regulation have fallen disproportionately on small businesses, and particularly community banks.

As was commented on just a moment ago by the distinguished minority whip, the community banks are the lifeblood of our communities. They help a family purchase a home. They allow that mechanic the necessary capital to open his first shop. They help a chef open her first restaurant. Small businesses rely on these banks to give them a chance, a chance to take advantage of the American Dream.

Today, this Chamber has the opportunity to make it easier for community banks and small businesses to operate by removing a barrier to raising capital. So today we have the opportunity to pass H.R. 1965, and I strongly encourage my colleagues to support it. Your support will result in the fact that community banks will have the flexibility they need to raise capital without having to comply with onerous SEC regulations intended for larger banks. They will use this money in my district, the Third District of Arkansas, to create jobs, and that will be good for my district, it will be good for our State, and it will be good for America.

Again, my thanks for the time given to me by leadership and to my friend from Connecticut, and I strongly encourage support of H.R. 1965.

Mr. PETERS. I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, at this time I would like to yield 1½ minutes to the subcommittee chair, Mrs. CAPITO from West Virginia, to speak in favor of the bill.

Mrs. CAPITO. I thank the chairman of the committee, for recognizing me.

I would like to speak in support of the gentleman from Connecticut's legislation, H.R. 1965, which would amend the securities law to establish certain thresholds for shareholder registration.

We all recognize that capital is tight for lenders and for businesses, and this bill, along with several others that were passed out of the Financial Services Committee, will address the issue of capital formation and allow institutions much needed resources to stimulate our economy. More capital equals more jobs, equals more people back to work, equals a growing economy.

Cost of public companies to register with the SEC can be very, very burdensome, and this cost is augmented when it's applied to smaller institutions. They don't have the resources to be able to meet the demands that larger companies do. So this bill would allow banks and bank holding companies access to more capital for that very precious and much needed impetus of job creation.

By raising the threshold from 500 to 2,000, it would permit easier deregistration, and the expenses that are tied up with registering would then go to stimulating our economy. More lending, more lending for a florist, a restaurant. I noticed in Charleston, a long-time restaurant that had been out of business was reopened under new ownership just this morning. And that's good news, and that's the kind of capital that small businesses need to be able to create jobs and stimulate the economy.

I believe this is a good piece of legislation whose effect on the economy will far outweigh any risks that it could propose, and I heartily endorse

the gentleman from Connecticut's legislation, H.R. 1965.

Mr. PETERS. Mr. Speaker, I currently do not have additional speakers; so I reserve the balance of my time.

Mr. BACHUS. I thank the gentleman from Michigan.

At this time I would like to yield 1½ minutes to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today in support of H.R. 1965.

We missed that number by one. It should be 1964, because 1964 was the last time that they actually updated these registration numbers. That is a very long time. I can tell you, at age 42, it was a number of years before I was even born the last time that this happened, and it's high time that it does happen.

I can also tell you, Mr. Speaker, that here with the Republican Americans' Job Creators Plan, the first thing on that list is: Empower small businesses and reduce government barriers to job creation.

And I really hope that this bipartisan bill doesn't become part of that lost 15 over in the Senate. This is a very proactive, bipartisan step that this body is taking that as it goes over across to that next Chamber needs to be addressed. We need to do this because we must modernize; we must update; we must do these things to remain competitive on a world market.

Mr. Speaker, I appreciate the opportunity and am pleased that I could rise in support of that bill.

Mr. BACHUS. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. First, I would like to offer a thank you to my chairman, Mr. BACHUS, and also to the sponsor of the bill, my friend from Connecticut.

H.R. 1965 actually has an opportunity here to actually solve some things that have been of frustration, and learning some of the story was fascinating.

In Arizona, many of our community banks are quite new, but across the country you hear the story of community banks that have been there for many, many, many years. And we had one come testify and was telling us the story off to the side that most of its shareholders actually go back to returning soldiers of World War II, and they've literally had the same families, the same family members holding these shares for 50, 60 years. It causes one little technical problem: They've literally been up against their 500 shareholders for all of those years. So their ability to access new capital has been limited by these rules.

So this is a classic case of, if we want our banking system, particularly our community banks, our local lenders, to be capitalized, which they're typically capitalized with local investments,

what a terrific piece of legislation. And it's one of those moments where you stand here and you look across the aisle and you find yourself smiling, saying, This is terrific. We're doing something bipartisan. We're doing something that actually produces capital in our Main Street of our communities, particularly for those lenders that often fund our local neighborhood businesses. We're heading in the right direction here.

□ 1310

Mr. PETERS. I continue to reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

About 2 years ago, the gentleman from Michigan (Mr. PETERS) and I were in Kabul and Kandahar together on a trip.

I remember talking to my Democratic colleague, saying that there must be things that Republicans and Democrats can work together on to solve. We were obviously in a country that was torn apart by differences, but we both had something in common—we were concerned about our constituents; we were concerned about unemployment; and we were concerned about jobs. I think that's true of every Member in this body.

We know that the path to prosperity is jobs and that, if Americans are working, if they're earning, they feel better about themselves and that, if they're losing their jobs, then it's going to be not only a problem for them and their families but for their communities and for their country.

I am happy to report—and I think it's fitting that the gentleman from Michigan would be across the aisle from me managing the time for the minority—that here we are moving four pieces of legislation today, tomorrow, and on Friday, legislation which will create jobs and will do so without government expense. In fact, they'll do so with some marginal savings to the government but with a great savings to those businesses.

This morning—and I don't know that it was a coincidence—the job figures came out. Large corporations lost 1,000 employees last month, but our middle-sized and small businesses created 108,000 jobs. Now, those aren't enough jobs; those aren't enough jobs for the people graduating and going into the workforce, but that's where job creation is coming from in the economy now—from small- and middle-sized businesses, those with under 500 employees particularly, and from that midrange of 50 to 500 employees.

This bill that the gentleman from Connecticut (Mr. HIMES) has brought forward has won bipartisan support because it actually will create jobs in those small community banks and credit unions because it will make their cost of capital less. In a recent

survey, 70 percent of small- and middle-sized businesses, those with 500 or fewer employees, said if we had more capital, if we had more funding, we would hire. This is 70 percent. Only 14 percent said they were going to hire. The difference in that number is that the others weren't sure that they could get capital. There are two ways that you obtain capital to create jobs. One is you go and borrow it from a bank, or from an insurance company in some cases, or from someone else. But there is another way, which is by someone willing to invest in your company.

As a small boy, I can remember my father had a business, and before that, he'd invested with another man in a business. I think that one of the American Dreams is not only owning a house—and that's still an American Dream to own your own home even in the circumstances we've been through—but either to have your own business or to be able to invest in somebody else's business.

The gentleman from Connecticut's legislation will allow that threshold of people who want to invest in a community-based financial institution, and it will encourage those community banks to allow more shareholders, more people, to participate. Yes, they will be participating in the risk, but they'll also be participating in the profit, which is really the American system. When you invest, you take risks, but if things are successful, you profit. That's where the risks and the profits ought to be taken. They shouldn't be taken by the taxpayers involuntarily, and they shouldn't be taken by the government. The government shouldn't take the taxpayers' money and invest in business. It is those taxpayers—our constituents, our citizens—who ought to make the decisions on what companies they want to invest in. We all know community banks are struggling today. It will allow them to attract investors, people who say, "I want to invest in your bank." They may be people who do business with the banks, and will probably be people who live in the community.

This bill will be the first of four bills that we bring forward, and they are going to be successful. They're going to move from the House to the Senate, I'll predict this week, because, as the minority whip, the gentleman from Maryland, said, there is agreement that this is the right thing to do and that we do have an obligation not only to oppose some things but to also be for positive legislation. The House this week will be for something. It will be for job creation. It will be for allowing people to invest. It will be enabling companies to attract that capital and hire people. So we can feel very good about ourselves this week, and it can start with this bill.

This is not a minor piece of legislation, but it's on suspension because it

enjoys widespread support, as does the bill tomorrow. As for the two in the following days, we've worked out the differences. The gentleman from Colorado (Mr. PERLMUTTER) had a concern about a bill later this week. He felt like it didn't have enough investor protection. We've addressed that concern and have added his suggestion to the bill.

All four of these bills that will move this week are bipartisan bills. They're not Republican bills, they're not Democratic bills. They're bipartisan bills. I commend the minority whip for speaking out for these bills—I think that bodes well—and I hope the Senate was listening. I also appreciate the gentleman from Connecticut for a bill that really is long overdue. It will immediately allow our community banks to invest and not be dependent on the government for help.

With that, I yield back the balance of my time.

Mr. PETERS. Mr. Speaker, I just want to join in and thank the gentleman from Connecticut for bringing this very commonsense piece of legislation before us. It is essential to bringing capital into our local communities and creating jobs, as Chairman BACHUS mentioned. I also want to thank Chairman BACHUS for his leadership on this issue.

I remember very fondly our trip to Afghanistan. It is nice that we have found common ground and that we are working today in a bipartisan fashion to make sure that our communities are strong and are vibrant and have the tools necessary to create additional jobs.

So, with that, I would certainly encourage my colleagues to support this important piece of legislation, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H.R. 1965, which seeks, "To amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes." This legislation amends the Securities Exchange Act of 1934 regarding registration of securities to modify the registration threshold for an issuer that is either a bank or a bank holding company as well as for an issuer that is neither a bank nor a bank holding company. It raises the Exchange Act's shareholder cap from 499 to 1,999 shareholders for banks and permits banks with less than 1,200 shareholders to cease its reporting requirements under the Exchange Act. As well as, raises from \$1 million to \$10 million the threshold for total assets of an issuer that requires registration of a certain class of equity security.

This legislation would increase ability of banks to raise capital from a larger shareholder base, which would create a level playing field for smaller community banks. It also raises the Exchange Act's shareholder cap from 499 to 1,999 shareholders for banks and permits banks with less than 1,200 shareholders to cease reporting requirements under the Exchange Act.

Under current law, banks and private companies have a 500 investor threshold. Since 99.5 percent of banks reach the asset threshold for registration as a public company, the only meaningful test of whether a bank should be registered as a public company is the number of shareholders. But while the asset threshold has been increased tenfold since 1964, the shareholder threshold has stayed the same. Banks that are nearing the 500 shareholder threshold may have nowhere to turn to raise capital they need to meet the credit needs of their communities.

This provision limits the amount of capital banks and private companies can raise before they have to adhere to the Security Exchange Commission's (SEC) reporting requirements. The SEC reporting process is extensive and expensive. Small businesses, especially, can ill afford to comply with this stipulation at the cost of their ability to innovate and procure capital. As it stands community banks are part of a highly regulated industry governed by numerous statutes and regulations affecting almost every aspect of banking activity. Each banking institution is regulated by two agencies: a primary federal regulator and, in the case of state chartered banks, by the state regulator, as well.

Significant financial and other information regarding every bank and savings association can be publicly viewed on the website maintained by the FDIC. All banks are required to make annual reports available to both their customers and investors. Most provide financial and other information to investors through their company websites. The advantage to the small community banks from increases in the registration and deregistration thresholds would not be a lack of transparency, since keeping shareholders and the public fully informed about the bank's performance is essential to its presence as a community bank. Rather, it is a reduction of regulatory burdens and reporting requirements that pose a disproportionate burden on small community banks.

Banks should focus on lending money to small business rather than fulfilling a regulation that should be modified. If we alleviate this burden from banks, I expect these same banks will give loans and provide other financial resources to our nation's businesses—especially for our nation's small businesses.

Our nation's businesses need our help. Because of the 2008–2009 financial crises, the business environment has been suffering from decreased access to credit. Appropriate access to credit allows for innovation and encourages startups which may one day become major employers. Currently, there is a distinct lack of capital procurement.

Small businesses need access to loans and other lines of credit in order to build their businesses and create jobs. Before us is a measure that would allow small businesses to get the support they need. This bill will provide small businesses with increased access to capital.

According to the U.S. Small Business Administration, small businesses account for 52 percent of all U.S. workers. They are the life blood of our economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and

represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. They were hindered in large part because of lack of access to traditional forms of credit. Before us today, is a measure that would help businesses grow. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

There are hundreds of stories of start-up companies catching national attention and growing into large corporations. Just a few examples of these types of start-up businesses making it big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America On-Line; and ice cream maker Ben & Jerry's.

Without access to capital, Houston native Michael Dell would not have been able to start one of the most successful computer retail businesses in the world. His \$1,000 dollar initial investment in the 1980s allowed Dell Computers to become a household name. Without this capital, America would not have had one of its premier innovators.

The economic impact of this legislation is encouraging. Businesses require capital in order to expand and flourish. When businesses are presented with this opportunity, jobs are created that in turn, will stimulate economic growth. Dell's headquarters alone employs roughly 16,000 people.

We must always remember that American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

I urge my colleagues to join me in supporting H.R. 1070, "To amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. SCHWEIKERT) that the House suspend the rules and pass the bill, H.R. 1070, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1320

SMALL COMPANY CAPITAL FORMATION ACT OF 2011

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1070) to amend the Securities Act of 1933 to authorize the Securities and Exchange Commission to exempt a certain class of securities from such Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Company Capital Formation Act of 2011".

SEC. 2. AUTHORITY TO EXEMPT CERTAIN SECURITIES.

(a) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) by striking "(b) The Commission" and inserting the following:

"(b) ADDITIONAL EXEMPTIONS.—

"(1) SMALL ISSUES EXEMPTIVE AUTHORITY.—The Commission"; and

(2) by adding at the end the following:

"(2) ADDITIONAL ISSUES.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:

"(A) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed \$50,000,000.

"(B) The securities may be offered and sold publicly.

"(C) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

"(D) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

"(E) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

"(F) The Commission shall require the issuer to file audited financial statements with the Commission annually.

"(G) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

"(i) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements, a description of the issuer's business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

"(ii) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

"(3) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable

to equity interests, including any guarantees of such securities.

“(4) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

“(5) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount.”.

(b) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) in subparagraph (C), by striking “; or” at the end and inserting a semicolon; and

(2) by redesignating subparagraph (D) as subparagraph (E), and inserting after subparagraph (C) the following:

“(D) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

“(i) offered or sold on a national securities exchange; or

“(ii) offered or sold to a qualified purchaser, as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale.”.

(c) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 is amended by striking “section 3(b)” and inserting “section 3(b)(1)”.

SEC. 3. STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.

The Comptroller General shall conduct a study on the impact of State laws regulating securities offerings, or “Blue Sky laws”, on offerings made under Regulation A (17 C.F.R. 230.251 et seq.). The Comptroller General shall transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 3 months after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Michigan (Mr. PETERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous materials on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. At this time I would like to yield such time as he may consume to the gentleman from Arizona (Mr. SCHWEIKERT), the main sponsor of this bill.

Mr. SCHWEIKERT. Mr. Speaker, first, I would like to start this with a heartfelt thank you to both SPENCER BACHUS of Alabama, the chairman of the Financial Services Committee, for both his kindness to me as a freshman and also for the guidance he has provided me, and to the gentlewoman from California, who I hope will speak next, who partially helped spearhead this idea and helped us move it forward.

One of the reasons I stand here right now with these boards is just to sort of help get through the concept of this piece of legislation, H.R. 1070. So often around here, we refer to it as the reg A bill. But what does that mean to people? Well, to try to make it as simple as possible, it is when a company has an opportunity to do a filing with the Securities and Exchange Commission for a simplified process to go public. The problem is, in today's world, that's limited to \$5 million. Well, no one is going public at \$5 million.

And we can actually see some of our history of this. This was actually first done in 1933 when at that time, in the Securities Exchange Act, it was understood that there needed to be a path to go public. Well, at that time, it was \$100,000, and I think 1992 is when it was moved up to \$5 million.

Well, in 19 years, the world has changed a lot. But one of the changes that I consider almost a crisis is the number of our companies that aren't going public anymore. And you're going to see on a couple of these boards here that the fact of the matter is we actually have fewer, substantially fewer companies that are publicly traded today than we did even a decade ago.

Now, the first slide here is somewhat simple. It is just sort of trying to demonstrate how many years we have been sitting here at this \$5 million level, and it's been 19 years. But as we go on to the next board—and I know this is a little busy to try to read. The staff got a little colorful on this one. But what we were trying to point out is that the number of IPOs that are less than \$50 million today are almost nothing.

My understanding is last year we had only three companies—only three companies in the entire country take a look at filing in that \$5 million and under space. And if you actually look from 1995 to 2004, some of the latest data I was able to find from that entire time frame, I think there were only 78 companies that actually pursued this process. Well, in a country our size, this is a crisis, particularly if we're looking for that path of equity, that path of financing, that path of raising capital for these growing companies.

This is one of the reasons we stand here with this reg A bill, H.R. 1070.

Let's go on to this next board. And I know this is a little busy. But this is also to try to make the point of what's going on from a competitive standpoint when you look around the world. All those lines, those are other companies that are listing on exchanges, that are becoming publicly traded, that are reaching out to the world and raising capital. Well, you will happen to notice a small problem: the line with the dots, that's us. That's our country. We actually are going in the other direction.

If I remember my numbers here, we actually today have 5,091 publicly traded companies on the big exchanges. So we've got 5,000-some today. In 1997, we had 8,823. Does anyone see the real problem there? Literally in a little over a decade, we've gone down dramatically in the number of publicly listed companies. And my great hope here is, by raising this limit from the \$5 million up to \$50 million—which \$50 million is chosen for quite a reason. That is the minimum threshold for a couple of the large exchanges to be publicly traded. And that's why we're doing this, because we're trying to create jobs, we're trying to move equity, and we're trying to be competitive around the world.

Mr. PETERS. Mr. Speaker, I yield myself such time as I may consume.

The American people need to see our Congress taking meaningful action to help grow our economy. America is tired of too much partisanship out of Washington, and they want to see Republicans and Democrats working together on bipartisan solutions to create jobs and grow American businesses. As Chairman BACHUS said earlier today, this is exactly what we are doing.

But before I go any further, I would like to thank the gentleman from Arizona (Mr. SCHWEIKERT) for introducing H.R. 1070, the Small Company Capital Formation Act, and I would also like to thank the gentleman from Arizona for working across the aisle to ensure that the concerns of both Republicans and Democrats were met in this very commonsense bill.

Mr. Speaker, this bill would permit a small company to raise up to \$50 million through a security offering process that balances both streamlined registration with adequate investor protections. As of right now, the current exemption under the SEC's regulation A is little used due to the small size of issuances permitted. As a result, there were only three offerings last year.

The current offering limit of \$5 million hasn't been raised since 1992, almost 20 years; and it's long past time for us to do something about it. In the last Congress, Democrats sent a letter to the SEC recommending that it raise the exemption limits. Today we can fix this problem by passing this bill.

Additionally, H.R. 1070 would also provide small and medium companies with the ability to offer securities of up to \$50 million publicly without the full cost of a registered offering, potentially expanding their access to capital beyond private offerings that many use.

In the spirit of bipartisanship, Democrats also added important investor protections to this bill, such as requiring companies to provide investors with audited financial statements annually. In addition, Democrats offered investors legal recourse for misstatements companies make in their prospectus documents in order to prevent potential abuses.

Finally, the gentleman from Arizona has also worked with Democrats on the remaining issue of contention, and that was the preemption of State law. The gentleman from Arizona's substitute amendment to H.R. 1070 removes the exemption from State level review that was previously provided to an issuer using a broker-dealer to distribute and issue. Regulation A securities can be high-risk offerings that may also be susceptible to fraud, making protections provided by the State regulators an essential future.

Mr. Speaker, it's clear that we must pass this bipartisan legislation to help our small companies grow and create jobs. I urge adoption of this bill.

I reserve the balance of my time.

Mr. BACHUS. I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, small businesses are the engine of the American economy, and our legislation will help to provide the boost that they need to create jobs. When I talk to small business leaders in my district, they consistently cite burdensome government regulations, restrictions, and their difficulty accessing capital as the primary barriers to growth.

□ 1330

Currently, outdated Federal rules dampen both innovation and investment because the cost of regulatory compliance is just too high for the up-and-coming firms. H.R. 1070, the Small Company Capital Formation Act, will help change that.

The subject of this bill, regulation A, was enacted during the Great Depression to help small businesses access financing. However, these rules have not been properly adjusted over time to reflect the rising cost associated with taking a small company public. As a result, regulation A prohibits smaller companies from taking advantage of a crucial capital-raising vehicle.

H.R. 1070 will reopen the capital markets for small businesses, allowing them to invest and hire new employees. This legislation will jump-start the

IPO market and revitalize public capital-raising opportunities that have been severely suppressed over the last decade.

At a time when capital is harder to find than ever, this bipartisan, commonsense proposal will make our financial system work to the benefit of small businesses and promote greater competition in the marketplace.

I thank the gentleman from Arizona for his hard work on this legislation, and I ask my colleagues for their support.

Mr. BACHUS. Mr. Speaker, I yield myself 1 minute.

Earlier I said that the American citizens, our American citizens, would like to see Republicans and Democrats work together to tackle the challenges facing our country, and this bill is a great example of that. Congresswoman ANNA ESHOO from California introduced this bill, along with my colleague Mr. SCHWEIKERT from Arizona, and they are meeting that challenge. As I said, it's a bipartisan effort. I know she deserves much credit for this legislation.

I reserve the balance of my time.

Mr. PETERS. I certainly appreciate the comments of the chairman.

Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. ESHOO), who has been an incredible leader on this issue.

Ms. ESHOO. I thank the gentleman from Michigan for yielding time, and I want to thank my Republican colleagues for both what they are doing today on the floor and for what you have said.

These are really difficult economic times for the people in our country, and that's why it's so critical for Congress to bolster American innovation. That, in my view, is really what this legislation is about. It's an important way to facilitate capital formation, which is really one of the important pillars of our national economy, capital formation. I know how important this is for small businesses because my congressional district, which is Silicon Valley, is the innovation hub of our Nation and it thrives on capital formation.

In December of last year, almost a year ago, I came to the Financial Services Committee at the invitation of then-Chairman BARNEY FRANK, and I want to recognize and thank him today for what he did then, as well as the present chairman, Chairman BACHUS, urging the committee to renovate essentially regulation A, which was created, as others have said, during the Great Depression to facilitate the flow of capital into small businesses. It's really quite extraordinary that FDR and Members of Congress in 1933 recognized the importance of capital formation at that time, and we have honored that since then.

Now, reg A was established as a part of the 1933 Securities Act, and it was

designed to provide regulatory relief for small firms that want to sell shares of company stock.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PETERS. I yield the gentlelady 1 additional minute.

Ms. ESHOO. These many offerings have been used to help small companies raise capital and test the waters for IPOs, initial public offerings. Unfortunately, the regulation A threshold became stuck, as others said, at a 1992 level of \$5 million. At that low level, the benefit of a regulation A offering is extremely limited. In fact, only three companies, as has been said this afternoon, have taken advantage of it in 2010. So this threshold, the \$5 million threshold, falls far short of what companies need to develop the cutting-edge technologies in today's economy. It's outdated. It fails to serve its intended purpose, and it's why this legislation is needed and why I'm so pleased that, on a bipartisan basis, we are taking action today.

We need to raise the initial public offering limit to help provide capital to small businesses.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. PETERS. I yield the gentlelady an additional minute.

Ms. ESHOO. Very importantly, we look forward to spurring hiring and business development. That's what we are here for, and I think it's what the American people want us to do.

I'm proud to be a cosponsor of H.R. 1070, to raise the regulation offering limit from \$5 million to \$50 million, once again creating a meaningful offering limit. What better time than now when our economy needs this important boost.

So I thank the chairman of the full committee. I thank the ranking member. I thank my colleague from Michigan, and I thank the gentleman from Arizona for his very kind words, and I urge all of our colleagues to support this. I think when we do later on today, it will be a source of pride and encouragement to the American people.

Mr. BACHUS. Mr. Speaker, I yield myself the balance of my time.

You've heard from a member of the Commerce Committee, Ms. ESHOO, who I think said it well when she said that we're modernizing, we're updating a rule which had come to restrict job growth.

Secondly, she mentioned technology. We know that small businesses are the innovators. In fact, you look at Google, you look at Apple, you look at Facebook, these companies just in the past two or three decades started off as small businesses and they were able to grow. With the passage of this legislation, we believe that path will be an easier path. Sixty-five percent of the jobs created over the last 15 years have

been in small business. As every speaker has acknowledged, if there is a time to encourage job creation and capital formation, that time is here.

I urge the Members to vote in favor of this legislation, and I yield back the balance of my time.

Mr. PETERS. Mr. Speaker, I want to thank my friends Mr. SCHWEIKERT and Ms. ESHOO for their work on this bipartisan bill to help small companies grow and expand. As we all know, the American people want to see Congress working together to strengthen our economy and to create jobs. This bill will help companies access the capital they need to pull our Nation out from these tough economic times and put Americans back to work.

Additionally, this bill provides the necessary protections investors need to have in order to ensure that they will not be subjected to potential abuses.

Mr. Speaker, I urge my colleagues to vote for H.R. 1070, a commonsense, bipartisan bill to improve our economy, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Small Company Capital Formation Act, which will help restore the purpose of the "Regulation A" exemption that was designed to make it easier for growing small businesses to access capital.

It is critical that we ensure that innovative, growing small companies have access to the capital that they need to continue to grow and hire, because these companies play such an important role in our economy.

Regulation A offers these small companies a unique chance to raise money through small offerings under a streamlined and less costly registration process. This opportunity is especially important in today's economy, in which access to capital has been greatly reduced as many banks hesitate to lend.

Unfortunately, in recent years, few companies have been able to take advantage of the Regulation A exemption because the offering limit of \$5 million is too low and has not been updated in the last 30 years.

In fact, there have only been an average of eight filings per year under the exemption in recent years.

By increasing the offering limit, this bill will ensure that more growing companies can take advantage of Regulation A in order to access the capital that they need to expand and thrive.

I'm glad that this bill has come to the floor in a bipartisan way. This proposal is an important component of President Obama's American Jobs Act and has the potential to benefit small businesses across the country. It is the sort of commonsense solution that both parties should be able to agree on.

I particularly want to thank the rest of the San Francisco Bay Area delegation, as we have been working since early last year to enact this long-needed change.

Once again, I urge my colleagues to support this bill.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 1070, the Small Company Capital

Formation Act, and H.R. 1965, the Increase Shareholder Threshold for SEC Registration Act. While I applaud the bipartisan efforts of my colleagues to help small businesses grow and create jobs, the sting of the effects of financial deregulation is still too strong to allow me to support these bills.

With respect to H.R. 1070, I note that Congress has raised the Securities and Exchange Commission's Regulation A threshold five times. Each time, however, was a modest increase that was in my mind relative to the rate of inflation and the purchasing power of the dollar. H.R. 1070 would mandate an unprecedented tenfold increase in the current threshold of \$5 million to \$50 million. Such an increase strikes me as grotesquely large, especially since inflation has risen only 165 percent since 1980, and in my view constitutes a tremendous incitement to perpetrate fraud on investors.

I take a dimmer view of H.R. 1965, which increases the number of shareholders a bank can have before having to register with the SEC. Under current law, that number is 500, and H.R. 1965 would increase it four times to 2,000. I am not at all satisfied this increase is justified and furthermore consider it a sly way to skirt federal reporting requirements that are in place to protect the American public.

Mr. Speaker, I share my colleagues' concern that not enough jobs are being created and that Congress must take swift action. Where I part ways with them is voting for seemingly innocuous measures like these that unfortunately will decrease transparency for investors and create incentives for all manner of financial rascality.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H.R. 1070, "Small Company Capital Formation Act of 2011" which would require the Securities and Exchange Commission (SEC) to create a new and larger exemption, effectively raising the limit from \$5 million to \$50 million for its Regulation A security offerings and permitting a more streamlined approach for smaller issuers. Presently, the limit for Regulation A security offerings is \$5 million; however, this avenue is rarely pursued due to the small size of issuances permitted. The bill would permit SEC to impose conditions on issuance under the rule, and would require periodic review of the limit.

Regulation A was enacted during the Great Depression to stimulate the economy by improving small businesses' access to equity capital. While the initial offering threshold of \$100,000 has been increased over the years to the current \$5 million set by the Commission in 1992, it has not been increased to reflect the rising costs associated with bringing a small company public over the last two decades.

In this day and age, a small to medium company simply cannot afford to go public at a cost of \$5 million. For the last 19 years we have had substantially fewer companies that have chosen to go public. The \$5 million threshold has resulted in a chilling effect. In the last year, only 3 companies have utilized this process. Going public allows a growing company to have access to capital, equity, and additional financial resources. They need to raise capital in order to grow their business. Currently, there are 5,100 public traded com-

panies. In 1997, there were 8,873 publicly traded companies. This legislation is intended to reverse a downward trend.

Due to the low offering threshold, and without a corresponding state "Blue Sky" exemption for Regulation A offerings, Regulation A has not provided a viable capital-raising vehicle for smaller companies in recent years. Amplified by increased difficulties for smaller companies resulting from the recent financial crisis, these shortcomings of Regulation A have invited renewed focus on this regulation.

The legislation before us today is designed to encourage small companies to attract additional capital which will allow them to invest and hire additional employees. As part of a broader effort to tie the financial regulatory environment to U.S. job creation and economic competitiveness.

Small and medium companies would be able to offer securities up to \$50 million publicly without the full cost of a registered offering, potentially expanding their access to capital beyond the private offerings many now use. Additional protections for investors were added to this bill. Companies utilizing Regulation D are required to provide investors with audited financial statements annually.

We must implement policies that achieve the right balance between the competing objectives of promoting valid investment business opportunities and protecting citizens from inappropriate risk and fraudulent schemes. This bill allows States to retain their ability to review these generally high risk offers as a means for protecting investors. Additional protections include giving investors legal recourse for misstatements made by companies in the prospectus documents. Regardless of an investors sophistication level, when a company is dishonest, the investor must be protected.

Small businesses need access to loans and other lines of credit in order to build their businesses and create jobs. Before us is a measure that would allow small businesses to get the support they need. This bill will provide small businesses with increased access to capital.

According to the U.S. Small Business Administration, small businesses account for 52 percent of all U.S. workers. They are the life blood of our economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. They were hindered in large part because of lack of access to traditional forms of credit. Before us today, is a measure that would help businesses grow. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

We must always remember that American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employees, create half of our gross domestic product,

and provide three out of four new jobs in this country.

Although I support the bill before us today, it is important to highlight that having an opportunity to invest in small businesses is important. However, given the risky nature of such investments, these opportunities should be made available to investors who understand the risk and have the financial wherewithal to handle any losses that may come as a result of the investment. Small business needs access to capital in order to grow and flourish. Individuals who invest in these companies and startup should understand the unique risk associated with such investments.

The success of small business is America's success. This success can be achieved by encouraging small business growth and entrepreneurship. Especially, as our nation is facing a prolonged period of high unemployment and slow economic growth. Many of us have seen businesses disappear since the financial crisis. These businesses did not fail because of their inability to compete, or due to shortcomings in their business plan or because of the goods and services they produced. They failed because they could not get loans from banks.

Without access to capital, Houston native Michael Dell would not have been able to start one of the most successful computer retail businesses in the world. His \$1,000 dollar initial investment in the 1980s allowed Dell Computers to become a household name. Without this capital, America would not have had one of its premier innovators.

The economic impact of this legislation is encouraging because businesses require capital in order to expand and flourish. When businesses are presented with this opportunity, jobs are created that in turn, will stimulate economic growth. Dell's headquarters alone employs roughly 16,000 people.

I urge my colleagues to join me in supporting H.R. 1965, "To amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1070, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1340

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2011

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (S. 894) to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in

the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2011".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2011, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2011, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2011, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of Senate bill 894, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011. This is critically important legislation that authorizes a cost-of-living increase for our veterans' disability compensation, veterans' clothing allowance payments, and other compensation for survivors of veterans who die as a result of service to our country. The 3.6 percent increase in benefit amounts this bill would authorize is tied directly to the consumer price index, which also controls the cost-of-living adjustment for Social Security beneficiaries.

I want to thank the Senate Veterans' Affairs Committee leadership, Senators MURRAY and BURR, for working with me and our ranking member, Mr. FILNER, to get a COLA bill to the President's desk before Veterans Day.

I urge all my colleagues to support Senate bill 894, and I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Like the chair, I rise in support of passage of this COLA act, S. 894, sponsored by my good friend, Senator PATTY MURRAY of Washington, the chair of the Senate Committee on Veterans' Affairs. And I'm proud to work closely with her in my role as the ranking member of the House committee. I thank the leadership of this body for bringing this uncluttered version of the veterans' COLA bill to the floor, which passed in the Senate last month, so that we may pass it without delay and get it to the President's desk.

The veterans' COLA increase will be 3.6 percent for 2012, a figure tied directly to the Social Security COLA whose beneficiaries will also see the same increase in their payments.

As it has since 1976, Congress, through the passage of the Veterans' Cost-of-Living Adjustment Act, directs the Secretary of the VA to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, what we call DIC, to their survivors and dependents, along with other benefits, in order to keep pace with the rate of inflation. This bill will enable disabled veterans, their families, and their survivors from World War I through the current conflicts in Iraq and Afghanistan.

Many of the over 3.5 million veterans who receive disability compensation benefits depend upon these payments not only to provide for their own basic needs, but for those of their spouses, children, and parents as well. Without an annual COLA increase, these veterans, their families, and survivors would likely see the value of their hard-earned benefits slowly erode.

Mr. Speaker, I think we would be derelict in our duty if we failed to guarantee that those who sacrificed so much for this country are able to receive benefits and services that keep pace with their needs and inflation.

We funded the war; let's fund the warrior and his or her family and survivors. Let's ensure that their benefits make ends meet at the end of the month. I urge my colleagues to support this COLA bill, and I thank Senator MURRAY for sponsoring this important measure.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield such time as he may consume to the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of S. 894, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011. S. 894 is the companion bill to H.R. 1407, which I introduced in April, which passed this Chamber, as amended, on May 23 by voice vote. S. 894 provides a cost-of-living adjustment equal to the cost-of-living adjustment being provided this year to Social Security recipients for veterans' disability compensation, veterans' clothing allowance, and compensation for veterans' survivors.

This is an annual bipartisan bill which has been scored by the CBO as having no additional budgetary impact. It is crucial to ensuring that benefits for disabled veterans and their families are sufficient to meet their needs. As chairman of the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, and the Member of Congress representing the district in New Jersey with the largest number of disabled veterans, I have heard from many veterans back home and in Washington about the importance of this needed legislation.

This cost-of-living adjustment is tied to an increase in the consumer price index, which has not increased in the last 2 years. S. 894's increase in the COLA for 2012 reflects rising inflation rates in our volatile economy and is necessary to ensure the well-being of America's returning veterans who have honorably served our country and protected our rights and freedoms.

I am pleased this bill is the first piece of legislation I had the honor of introducing as a Member of this Congress, and I can think of no greater priority or commitment that our country owes than to those who have bravely worn the uniform and defended all that we hold dear as a nation.

I want to thank Chairman MILLER and Ranking Member FILNER for bringing this companion bill to the floor quickly. I would also like to thank Speaker BOEHNER for his support in

bringing this bill to a swift vote. I urge all Members to support S. 894.

Mr. FILNER. I continue to reserve the balance of my time.

Mr. MILLER of Florida. I yield such time as he may consume to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the chairman for yielding.

Mr. Speaker, I rise today in strong support of this important legislation which will deliver greater benefits to deserving veterans in Tennessee and across this Nation.

Under Senate 894, veterans will receive a cost-of-living increase for the first time in 2 years. This adjustment is equal to the 3.6 percent annual increase that will be provided to Social Security recipients. This will provide much-needed assistance to service-disabled veterans who are receiving VA disability benefits and their families. This bill is necessary to ensure the well-being of those who have honorably served our country and protect our freedoms.

In these tough economic times, millions of Americans are struggling to make ends meet, including many veterans. This bill represents an opportunity to take care of those who have given so much to take care of us and to help them through these hard times. I urge my colleagues to support this legislation. And as a veteran who has recently returned from Afghanistan, I can't say enough about what our troops in the field are doing now. It is no greater honor than to provide this benefit increase for them that they so richly deserve. I strongly support this. I thank Mr. FILNER for his support and the chairman for his support as well.

Mr. FILNER. I continue to reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield such time as he may consume to a new member of the committee, a great advocate for veterans in his time here in Congress, the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the chairman for yielding me the time.

Mr. Speaker, I rise to add my voice to those calling for a cost-of-living adjustment for our military veterans. As Americans prepare to observe Veterans Day next week, it's appropriate that this body is preparing to vote on the Veterans' Compensation Cost-of-Living Adjustment Act.

Mr. Speaker, this bill would provide a much-needed 3.6 percent increase in benefits to our veterans, their children, and surviving spouses. The men and women of America's Armed Forces answered our call when the country had asked, and now we must do the same for them.

My State, New Hampshire, has the country's sixth-largest percentage of veterans by population. Nearly 128,000 former service men and women call the Granite State home. And many of them

are hurting. The national unemployment rate among veterans is 13 percent, more than 4 percent higher than the general population.

That's why on Thursday, November 10, I'm hosting a special Veterans Job Fair in my home State of New Hampshire at Manchester Community College from 10 a.m. to 2 p.m. to help them find work. And we've got more than 40 willing employers who are attending, looking to find jobs for our men and women returning to New Hampshire.

I urge my colleagues to join with me in passing this important cost-of-living increase for the men and women who have given so much to all of us.

Mr. MILLER of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. NUGENT), a member of the Florida delegation who has three sons wearing the uniform of this country, two sons currently serving in Iraq.

□ 1350

Mr. NUGENT. Thank you, Mr. Chairman.

As a Member of Congress who represents one of the largest veterans communities in the United States, I recognize the significant responsibility that Congress has to ensure that our veterans receive the benefits that they so honorably have earned. These true American heroes answered the call of duty and put their lives on the line to protect our country, our freedoms, and our way of life.

It's important to remember that these proud Americans also spent their lives working hard, playing by the rules, and saving for a stable retirement. That is why today I am happy to rise in support of the Veterans' Compensation Cost-of-Living Adjustment Act of 2011. This legislation will provide our proud veterans with their first cost-of-living adjustment since 2009.

Mr. Speaker, we as a Nation owe our veterans a debt that can never fully be repaid. However, as Members of Congress, we can ensure that we keep our promise to our veterans by supporting this important legislation.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. First of all, I want to thank you, Mr. FILNER, for all the service that you've done for the veterans throughout the years. And of course I want to thank the chairman from Florida for your work in bringing this legislation to the floor. It's very important to the veterans.

This legislation affects the benefits of all veterans by raising the compensation they receive to allow them to continue to buy the products they need to live. It is important to pass this bill as a clean bill for those who have made sacrifices to protect the freedoms we hold most dear and do not suffer in these tough economic times.

In the words of the first President of the United States, George Washington: "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country."

As we go to Veterans Day—that's coming up November 11—I want to thank all of the veterans for their service.

God bless America.

Mr. REYES. Mr. Speaker, I rise today in support of the Veterans Compensation Cost-of-Living Adjustment Act. This legislation is of great importance to my constituents and to veterans across the Nation.

When our military forces are sent into harm's way, they know that our Nation is committed to caring for and compensating them and their families for the impacts that result of their service. For their sacrifice, we help to repay that debt with high quality care and fair compensation.

Ensuring that compensation rates continue to keep pace with inflation is critical to meeting our obligations to those men and women who have given so much. Today, the House of Representatives will vote on a measure to increase compensation for veterans and their families, so that their income will cover the increased cost of food, housing, and other essentials.

From Vietnam veterans still dealing with the effects of Agent Orange to Iraq and Afghanistan Veterans impacted by traumatic brain injuries, the lives of our troops can be forever changed by their military service. When a servicemember's health or ability to work is impacted, we must provide them with benefits that are commensurate with the sacrifices they have made in defense of our Nation.

Today's bill helps to improve those benefits, and it helps us meet the solemn obligation that we have to our veterans and their families.

Next week, we will honor those who have served on Veterans Day. Today, I urge my colleagues to show veterans the respect that they have earned through their sacrifice and service. I urge my colleagues to vote in support of this important measure.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of S. 894, the Veterans' Cost-of-Living Adjustment Act of 2011. This legislation increases the rate of disability compensation for veterans and their dependents. It also increases disability, old age, and survivor benefits provided under Title II of the Social Security Act. This bill will benefit many; there were more than 3.2 million veterans receiving total disability compensation in 2010.

The Veterans' Cost-of-Living Adjustment Act provides a much needed cost of living adjustment for the courageous men and women who served in the Armed Forces. It is in a spirit of deep gratitude and appreciation that I fight to provide for our troops fighting abroad, and our veterans who have returned from deployment. It is the responsibility of Congress and the Administration to fulfill our moral obligation to those who have fought for freedom and democracy.

In the State of Texas, we have nearly 1.7 million veterans, and the 18th District is home to 32,000 of them. Of the 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from Operation Enduring Freedom in Afghanistan, and Operation Iraqi Freedom. Additionally, there are almost 34,000 soldiers from Texas currently deployed in Iraq and Afghanistan. I am supporting this legislation to ensure that our men and women in uniform are taken care of when they return from combat.

Operation Enduring Freedom and Operation Iraqi Freedom have presented unanticipated challenges, greater threats, and higher stakes than ever before. The men and women who have served in these operations during the course of the past decade were tasked with the enormous responsibility of protecting America from a new enemy, one that does not identify itself with uniforms, or declare war, or invade by driving tanks over a border. The Veterans' Cost-of-Living Adjustment Act ensures that disabled veterans are properly compensated for their sacrifices.

Throughout my tenure in Congress, I have remained committed to meeting both the needs of veterans of previous wars, and to those who are now serving. Veterans have kept their promise to serve our Nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

We promise to leave no soldier or veteran behind. Politics and partisanship should never be a factor in our support for American veterans or troops. On the battlefield, the military pledges to leave no soldier behind. As a Nation, let it be our pledge that when they return home, we leave no veteran behind. I am pleased at the bipartisan nature with which my colleagues have approached this legislation. We must resolve together that we will provide returning veterans with the welcome, services, care, and compassion that they deserve. Let us all remember that one of the things that makes our Nation truly great are the young men and women willing to fight to defend it, to defend us, and to defend our way of life.

I urge my colleagues to join me in supporting S. 894, the Veterans' Cost-of-Living Adjustment Act of 2011.

Mr. FILNER. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material they may have on Senate bill 894.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I once again encourage all my colleagues to support Senate bill 894, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, S. 894.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2061, by the yeas and nays;

H.R. 1965, by the yeas and nays;

H.R. 1070, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CIVILIAN SERVICE RECOGNITION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2061) to authorize the presentation of a United States flag at the funeral of Federal civilian employees who are killed while performing official duties or because of their status as a Federal employee, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 818]

YEAS—425

Ackerman	Bonner	Chu
Adams	Bono Mack	Cicilline
Aderholt	Boren	Clarke (MI)
Akin	Boswell	Clarke (NY)
Alexander	Boustany	Clay
Altmire	Brady (PA)	Cleaver
Amash	Brady (TX)	Clyburn
Amodei	Braley (IA)	Coble
Andrews	Brooks	Coffman (CO)
Austria	Broun (GA)	Cohen
Baca	Brown (FL)	Cole
Bachus	Buchanan	Conaway
Baldwin	Bucshon	Connolly (VA)
Barletta	Buerkle	Conyers
Barrow	Burgess	Cooper
Bartlett	Burton (IN)	Costa
Barton (TX)	Butterfield	Costello
Bass (CA)	Calvert	Courtney
Bass (NH)	Camp	Cravaack
Becerra	Campbell	Crawford
Benishek	Canseco	Crenshaw
Berg	Cantor	Critz
Berkley	Capito	Crowley
Berman	Capps	Cuellar
Biggert	Capuano	Culberson
Bilbray	Carnahan	Cummings
Bilirakis	Carney	Davis (CA)
Bishop (GA)	Carter	Davis (IL)
Bishop (NY)	Cassidy	Davis (KY)
Bishop (UT)	Castor (FL)	DeFazio
Black	Chabot	DeGette
Blackburn	Chaffetz	DeLauro
Blumenauer	Chandler	Denham

Dent	Jackson Lee	Owens	Terry	Velázquez	Whitfield	Carter	Guthrie	McCaul
DesJarlais	(TX)	Palazzo	Thompson (CA)	Visclosky	Wilson (FL)	Cassidy	Gutierrez	McClintock
Deutch	Jenkins	Pallone	Thompson (MS)	Walberg	Wilson (SC)	Castor (FL)	Hahn	McCollum
Diaz-Balart	Johnson (GA)	Pascarell	Thompson (PA)	Walden	Wittman	Chabot	Hall	McCotter
Dicks	Johnson (IL)	Pastor (AZ)	Thornberry	Walsh (IL)	Wolf	Chaffetz	Hanabusa	McDermott
Dingell	Johnson (OH)	Paul	Tiberi	Walz (MN)	Womack	Chandler	Hanna	McGovern
Doggett	Johnson, E. B.	Paulsen	Tierney	Wasserman	Woodall	Chu	Harper	McHenry
Dold	Johnson, Sam	Payne	Tipton	Schultz	Woolsey	Cicilline	Harris	McIntyre
Donnelly (IN)	Jones	Pearce	Tonko	Waters	Yarmuth	Clarke (MI)	Hartzler	McKeon
Doyle	Jordan	Pelosi	Towns	Watt	Yoder	Clarke (NY)	Hastings (FL)	McKinley
Dreier	Kaptur	Pence	Tsongas	Waxman	Young (AK)	Clay	Hastings (WA)	McMorris
Duffy	Keating	Perlmutter	Turner (NY)	Webster	Young (FL)	Cleaver	Hayworth	Rodgers
Duncan (SC)	Kelly	Peters	Turner (OH)	Welch	Young (IN)	Clyburn	Heck	McNerney
Duncan (TN)	Kildee	Peterson	Upton	West		Coble	Heinrich	Meehan
Edwards	Kind	Petri	Van Hollen	Westmoreland		Coffman (CO)	Hensarling	Meeks
Ellison	King (IA)	Pingree (ME)				Cohen	Herger	Mica
Ellmers	King (NY)	Pitts				Cole	Herrera Beutler	Michaud
Emerson	Kingston	Platts	Bachmann	Giffords	Ruppersberger	Conaway	Higgins	Miller (FL)
Engel	Kinzinger (IL)	Poe (TX)	Cardoza	Lowey	Rush	Connolly (VA)	Himes	Miller (MI)
Eshoo	Kissell	Polis	Carson (IN)	Murphy (CT)		Conyers	Hinchey	Miller (NC)
Farenthold	Kline	Pompeo				Cooper	Hinojosa	Miller, Gary
Farr	Kucinich	Posey				Costa	Hirono	Miller, George
Fattah	Labrador	Price (GA)				Costello	Hochul	Moore
Filner	Lamborn	Price (NC)				Courtney	Holden	Moran
Fincher	Lance	Quayle				Cravaack	Holt	Mulvaney
Fitzpatrick	Landry	Quigley				Crawford	Honda	Murphy (PA)
Flake	Langevin	Rahall				Crenshaw	Hoyer	Myrick
Fleischmann	Lankford	Rangel				Critz	Huelskamp	Nadler
Fleming	Larsen (WA)	Reed				Crowley	Huizenga (MI)	Napolitano
Flores	Larson (CT)	Rehberg				Cuellar	Hultgren	Neal
Forbes	Latham	Reichert				Culberson	Hunter	Neugebauer
Fortenberry	LaTourette	Renacci				Cummings	Hurt	Noem
Fox	Latta	Reyes				Davis (CA)	Inslee	Nugent
Frank (MA)	Lee (CA)	Ribble				Davis (IL)	Israel	Nunes
Franks (AZ)	Levin	Richardson				Davis (KY)	Issa	Nunnelee
Frelinghuysen	Lewis (CA)	Richmond				DeFazio	Jackson (IL)	Olson
Fudge	Lewis (GA)	Rigell				DeGette	Jackson Lee	Olver
Gallely	Lipinski	Rivera				DeLauro	(TX)	Owens
Garamendi	LoBiondo	Roby				Denham	Jenkins	Palazzo
Gardner	Loeback	Roe (TN)				Dent	Johnson (GA)	Pallone
Garrett	Lofgren, Zoe	Rogers (AL)				DesJarlais	Johnson (IL)	Pascarell
Gerlach	Long	Rogers (KY)				Deutch	Johnson (OH)	Pastor (AZ)
Gibbs	Lucas	Rogers (MI)				Diaz-Balart	Johnson, E. B.	Paul
Gibson	Luetkemeyer	Rohrabacher				Dicks	Johnson, Sam	Paulsen
Gingrey (GA)	Lujan	Rokita				Doggett	Jones	Payne
Gohmert	Lummis	Rooney				Dold	Jordan	Pearce
Gonzalez	Lungren, Daniel	Ros-Lehtinen				Donnelly (IN)	Kaptur	Pelosi
Goodlatte	E.	Roskam				Doyle	Keating	Pence
Gosar	Lynch	Ross (AR)				Dreier	Kelly	Perlmutter
Gowdy	Mack	Ross (FL)				Duffy	Kildee	Peters
Granger	Maloney	Rothman (NJ)				Duncan (SC)	Kind	Peterson
Graves (GA)	Manzullo	Roybal-Allard				Duncan (TN)	King (IA)	Petri
Graves (MO)	Marchant	Royce				Edwards	King (NY)	Pingree (ME)
Green, Al	Marino	Runyan				Ellison	Kingston	Pitts
Green, Gene	Markey	Ryan (OH)				Ellmers	Kinzinger (IL)	Platts
Griffin (AR)	Matheson	Ryan (WI)				Emerson	Kissell	Poe (TX)
Griffith (VA)	Matsui	Sánchez, Linda				Engel	Kline	Polis
Grijalva	McCarthy (CA)	T.				Eshoo	Kucinich	Pompeo
Grimm	McCarthy (NY)	Sanchez, Loretta				Farenthold	Labrador	Posey
Guinta	McCaul	Sarbanes				Farr	Lamborn	Price (GA)
Guthrie	McClintock	Scalise				Fattah	Lance	Price (NC)
Gutierrez	McCollum	Schakowsky				Filner	Landry	Quayle
Hahn	McCotter	Schiff				Fincher	Langevin	Quigley
Hall	McDermott	Schilling				Fitzpatrick	Lankford	Rahall
Hanabusa	McGovern	Schmidt				Flake	Larsen (WA)	Rangel
Hanna	McHenry	Schock				Fleischmann	Larson (CT)	Reed
Harper	McIntyre	Schrader				Fleming	Latham	Rehberg
Harris	McKeon	Schwartz				Flores	LaTourette	Reichert
Hartzler	McKinley	Schweikert				Forbes	Latta	Renacci
Hastings (FL)	McMorris	Scott (SC)				Fortenberry	Lee (CA)	Reyes
Hastings (WA)	Rodgers	Scott (VA)				Fox	Levin	Ribble
Hayworth	McNerney	Scott, Austin				Frank (MA)	Lewis (CA)	Richardson
Heck	Meehan	Scott, David				Franks (AZ)	Lewis (GA)	Richmond
Heinrich	Meeks	Sensenbrenner				Frelinghuysen	Lipinski	Rigell
Hensarling	Mica	Serrano				Fudge	LoBiondo	Rivera
Herger	Michaud	Sessions				Gallely	Loeback	Roby
Herrera Beutler	Miller (FL)	Sewell				Garamendi	Lofgren, Zoe	Roe (TN)
Higgins	Miller (MI)	Sherman				Gardner	Long	Rogers (AL)
Himes	Miller (NC)	Shimkus				Garrett	Lowey	Rogers (KY)
Hinchey	Miller, Gary	Shuler				Gibbs	Lucas	Rogers (MI)
Hinojosa	Miller, George	Shuster				Gibson	Luetkemeyer	Rohrabacher
Hirono	Moore	Simpson				Gohmert	Lujan	Rokita
Hochul	Moran	Sires				Gonzalez	Lummis	Rooney
Holden	Mulvaney	Slaughter				Goodlatte	Lungren, Daniel	Ros-Lehtinen
Holt	Murphy (PA)	Smith (NE)				Gosar	E.	Roskam
Honda	Myrick	Smith (NJ)				Gowdy	Lynch	Ross (AR)
Hoyer	Nadler	Smith (TX)				Granger	Mack	Ross (FL)
Huelskamp	Napolitano	Smith (WA)				Graves (GA)	Maloney	Rothman (NJ)
Huizenga (MI)	Neal	Southerland				Graves (MO)	Manzullo	Roybal-Allard
Hultgren	Neugebauer	Speier				Green, Al	Marchant	Royce
Hunter	Noem	Stark				Green, Gene	Marino	Runyan
Hurt	Nugent	Stearns				Griffin (AR)	Markey	Ryan (OH)
Inslee	Nunes	Stivers				Griffith (VA)	Matheson	Ryan (WI)
Israel	Nunnelee	Stutzman				Grijalva	Matsui	Sánchez, Linda
Issa	Olson	Sullivan				Grimm	McCarthy (CA)	T.
Jackson (IL)	Oliver	Sutton				Guinta	McCarthy (NY)	Sanchez, Loretta

NOT VOTING—8

□ 1419

Mr. DINGELL changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.”

A motion to reconsider was laid on the table.

INCREASING SHAREHOLDER THRESHOLD FOR SEC REGISTRATION

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. SCHWEIKERT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 2, not voting 11, as follows:

[Roll No. 819]
YEAS—420

Ackerman	Berg	Braley (IA)
Adams	Berkley	Brooks
Aderholt	Berman	Broun (GA)
Akin	Biggert	Brown (FL)
Alexander	Billbray	Buchanan
Altmore	Bilirakis	Bucshon
Amodei	Bishop (GA)	Buerkle
Andrews	Bishop (NY)	Burgess
Austria	Bishop (UT)	Burton (IN)
Baca	Black	Butterfield
Bachus	Blackburn	Calvert
Baldwin	Blumenauer	Camp
Barrow	Bonner	Campbell
Bartlett	Bono Mack	Canseco
Barton (TX)	Boren	Cantor
Bass (CA)	Boswell	Capito
Bass (NH)	Boustany	Capuano
Becerra	Brady (PA)	Carnahan
Benishak	Brady (TX)	Carney

Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

Mr. CARSON of Indiana. Madam Speaker, I missed rollcall votes 818–820 because of a death in the family. Had I been present, I would have voted “yes” on rollcall 818, “yes” on rollcall 819 and “yes” on rollcall 820.

APPOINTMENT OF MEMBERS TO THE CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. WOLF, Virginia
Mr. MANZULLO, Illinois
Mr. ROYCE, California

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. A recent graph in CQ Weekly dated October 28 depicts the progress made so far on this year's appropriations bills. Only one box—that's for the Labor, Health and Human Services, and Education Subcommittee—is blank.

With 9.1 percent unemployment, we need a vigorous debate over this bill. Its jurisdiction includes job training, K-12 and higher education funding, and health care services. And yet unlike the other 11 appropriations bills, Labor-H is the only appropriation bill that has seen no action. Instead, the chairman has posted a draft bill on the Internet representing his own preferences for the people's budget. But the chairman, by himself, is not the subcommittee; and simply posting a wish list without ever bringing it to the subcommittee or the full committee for a markup is not an acceptable substitute for public debate and amendment.

This kind of action represents a clear violation of the majority's pledge to follow the regular order or the regular process. If no House markup is held, this would be the first time in nearly a decade that the subcommittee has failed to report a bill. It is time for the chairman and the majority to keep their promises and hold a markup for the Labor-H bill. The issues that face that subcommittee are far too important to be left to the chairman's personal wish list.

OPERATION FAST AND FURIOUS, WHO'S TO BLAME?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, when the coach messes up, blame the team. This policy occurred yesterday.

Yesterday, in an attempt to divert attention from the Attorney General, Assistant Attorney General Lanny

Breuer took one for the head coach and testified about Project Gunrunner. He claimed that he knew about the practice of "gun walking" but still tried to punt the ball by placing blame on Team ATF for not stopping Fast and Furious. But the Department of Justice oversees the ATF, and apparently the Justice Department knew about Fast and Furious. So why didn't they stop it? Mr. Breuer said that he had talked to the ATF about it, and so he thought he didn't need to tell the Attorney General. So now it appears the dysfunctional Justice Department is responsible for this disaster.

Bottom line: Nearly 2,000 semiautomatic weapons were blindly sent into the hands of criminal narcoterrorists in Mexico, and people died because of this operation, at least two Americans and who knows how many Mexican nationals. Thousands of guns are still unaccounted for in Mexico.

Clearly, the Department of Justice needs a new head coach, and a special counsel should be appointed to investigate Fast and Furious.

And that's just the way it is.

□ 1440

TRIBUTE TO LUKE WEATHERS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, this weekend I had the privilege, unfortunately, to attend a funeral of a great American, a constituent of mine living in Tucson, Arizona, when he passed at age 91, Colonel Luke Weathers.

Colonel Weathers was a Tuskeegan Airman. Born in Mississippi, he came to Memphis at I think it was age 5, and went to the famous Booker T. Washington High School. At age 23, he went to Tuskeegan. He was one of the first Tuskeegan Airmen and was decorated with more honors and awards than you can imagine, every flying award you can possibly get.

He later went on to work with the air traffic controllers and was the first African American air traffic controller in Memphis, Tennessee, at our air traffic control station. He served 25 years with the FAA as an air traffic controller, serving duties in Anchorage, Alaska, where he started; also in Atlanta, Georgia; and in Washington.

Luke Weathers was a great man who didn't let race stop him, even though sometimes his country's policies made it difficult to both integrate the Air Force and the squadron and the FAA. And even his church where the funeral was, Little Flower, he was the first African American member of that church in 1963. I was pleased to be with the family, honor this man's memory, and appreciate what he did for our country.

Mr. Speaker, Luke Weathers was a great man.

HOUSE REPUBLICAN JOBS PLAN

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the Republicans have passed over 15 bills that would help create jobs and, in addition, ease the energy needs of this country. But where are those bills, and why is the President asking us to pass his jobs bill which almost no Democrats have signed on to? We've passed over 15 bills. They're stuck in the Senate. One Senator has described the Senate as moribund.

Mr. Speaker, we can help create jobs in this country by empowering small businesses and reducing government barriers to job creation, fixing the Tax Code to help job creators, boost competitiveness for American manufacturers, encourage entrepreneurship and growth, maximize American energy production, and pay down America's unsustainable debt burden and start living within our means. People can find out more about our jobs program by going to jobs.gop.gov. I invite the American people to see what Republicans have presented to the Senate. Those 15 bills should be passed.

OPPOSE CONFEDERATE FLAG ON TEXAS LICENSE PLATES

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, one day before the Nation gathers to commemorate Veterans Day, a day that brings all of us together, it saddens me to come to the floor of the House and announce under the leadership of Governor Perry, on November 10 in Texas, the Department of Motor Vehicles board will be voting to authorize a State-issued Confederate license plate.

Now, I realize that our work here in the Congress is about passing the jobs bill, which we are advocating to do. But I think it is a disgrace on the history of this Nation that a State-elected agriculture commissioner by the name of Patterson continues to push forward this untimely and ill-fated action.

The Confederate flag does not protect or honor Confederate soldiers. You can do that in museums. The symbol of a Confederate flag is that of a Klansman of the late 1880s and early 1900s; the brutality of slavery; the oppression of slavery; the Jim Crowism of the 1940s and 1950s. It's an ugly reminder of the past of our history. It is time to take America forward and Texas forward.

I will be in Austin on November 10 opposing that action. I ask all good-faith, well-intended Texans that want to take Texas forward to come and oppose any vote that would issue a Confederate flag. And I make a clarion call to all Americans who would like to drive to Texas, come to Austin and

stand up against this dastardly deed. Stand up against promoting slavery and oppression. Come to Texas and tell Governor Perry and Commissioner Patterson enough is enough. Take the Nation forward. Don't take it backwards.

SALUTING MARK ANDOL'S COMMITMENT TO AMERICAN WORKERS

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise to share the story of Mark Andol, a member of my western New York community. Mark owns a welding and fabricating company in my district. Like many American manufacturers, it lost sales to China in recent years and was forced to cut its 70-person workforce in half.

Mark was frustrated and decided to do something about it. He opened a general store that sells only products manufactured entirely in America. When it opened last year, the store offered 50 products. Since then sales have doubled, and it now sells over 3,500 products that are 100 percent American-made, right down to the packaging.

I visited Mark's store earlier this week and was highly impressed. I was happy to invite him to the Make It in America working meeting hosted by the White House and our Democratic whip, Mr. HOYER, tomorrow.

Mr. Speaker, Mark's experience demonstrates why we need to strengthen our trade laws and pass the China currency reform bill. In the meantime, I would like to salute Mark Andol for his commitment to the American worker.

JOBS

The SPEAKER pro tempore (Mr. GUINTA). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you very much for the opportunity to take this hour together with my colleagues to discuss jobs in America. I think we know from our recent visits back to our districts that there's a great deal of pain in America. Americans want to go to work, and yet the jobs are not available.

Our President has proposed the American Jobs Act, a program that would put perhaps 1.9 million Americans to work as soon as the Congress of the United States were to pass that legislation. And so that's the subject matter of this hour, how to get Americans back to work and how to pay for it.

I'm going to start with the pay-for, a word that's used around here but per-

haps not readily understood by Americans. Pay-for is how are we going to pay for the Federal programs.

Let's start with an analysis of the distribution of income in America. There's been more and more discussion about this in recent weeks, and appropriately so because what has happened over the last 25-30 years is a skewing, a wide separation of wealth in the United States to a point where it is now perhaps the widest separation between the very wealthy and the middle and poor people in America that has ever occurred in our history. Here's a pretty good description of it. If you take the top 1 percent, we've seen an enormous growth in their income, about 350 percent.

□ 1450

If you take the middle, the other 99 percent of the American population, you see very, very modest growth. And in the case of the poor, you've actually seen a decline in their income over the last two decades. And that's what's happened, this enormous separation between the very wealthy and the middle class, the working men and women of America. It's not that the real rich don't work; just not that many of them. But they sure have got a big share of the money.

Let's take, for example, the top executives of the oil industry. If we were to take the top executives of the big five oil companies and compare them to a firefighter, a firefighter averages about \$47,000 a year. An executive, a CEO of an oil company, would have 307 times that amount of income. And if you take a teacher at say \$53,000 a year, the CEO would have 273 times the amount of income of a teacher. So what you're seeing here in just the oil industry—and this is repeated certainly in the banking and the Wall Street industries, the financial industries—you see this enormous separation. Thirty, 40 years ago, this was in the range of 40 times, maybe 50 times. But now we're talking 300 to, in the lower 300s, a separation of the super wealthy and the working middle class, the men and women that are out there constructing schools, making our schools or teaching our kids or protecting us, police and firefighters.

I put those graphs up because it provides us with a solution. Before I get to the solution, let's just take one more look at the way this income distribution is occurring here in the United States. The rising inequality since the 1970s saw a very sharp break in the prosperity from an earlier era. From 1946 to 1976, the top 1 percent actually had a very small portion of the total wealth. From 1976 to 1990, we've seen enormous growth in the average income—not the wealth but the average income—of the top 1 percent so that now it dwarfs the rest of the population. So this is why you see Occupy

Wall Street, Occupy Oakland, and the other cities talking about the 99ers, the 99 percent. The 99 percent are the rest of us, and the 1 percent are the CEOs, the Wall Street barons and those that have made enormous amounts of income over the last 20 years.

In the last decade, that's become even more apparent with the Bush tax cuts that occurred in 2001 and 2003. They basically significantly lowered the tax rate for the super wealthy and allowed them to keep even more of the extraordinary growth in their salaries and their income.

So how does that relate to American jobs? Well, very, very directly. The American jobs program that the President put forth called the American Jobs Act would provide very substantial opportunities for employment. And what I'd like to talk about is small businesses here. The small businesses of America are given a very substantial tax break in two different ways if they are to hire new people. For example, small businesses with less than \$5 million of payroll are able to not pay their payroll tax, in other words, keep that money and go out and hire people. In addition to that, with Veterans Day coming up in just 1 week, we ought to be thinking about the veterans. We know that we have more than 1.5 million Americans that have been overseas fighting in Iraq, Afghanistan, and a few other places around the world. As those veterans come back, they have become the highest proportion of unemployed in America.

It would seem to me that since we are asking so much of those men and women that have served in our Armed Forces, particularly those that have served in the Afghanistan and Iraq wars, we ought to be looking to their interest very directly and making certain that our programs are focused on them. Well, this is not lost on our President. In the American Jobs Act, he deals very directly with this by providing employers with a very powerful incentive to hire veterans. So with Veterans Day coming up, let's take a look at that. Let's take a look at what the President is proposing for the 877,000 unemployed veterans, the men and women that were out there fighting for this country, protecting us and doing what has been asked of them in an extraordinary way. More than 6,000 of them have given their lives, and over 40,000 have been seriously wounded. Of that 40,000, a very large proportion are permanently, permanently damaged in many difficult and extraordinary ways. And 877,000 of them are unemployed. And the President, looking at the necessity of building jobs in America, said, let's take care of those people.

So what he has proposed, and I think this is a terrific idea, is that small businesses, in fact, any business that is out to hire a veteran will be given an immediate \$5,600 tax credit so that the

taxes owed by that business or that employer would automatically be reduced for every veteran hired by \$5,600. Hire an unemployed veteran, and you can reduce your taxes by \$5,600. Even more so, if that veteran happens to be among those that have been wounded—and as I said, that is over 40,000—if you were to hire one of those wounded veterans, one of the seriously wounded that is connected with their service disability, the tax credit increases to \$9,600. That's a very, very powerful incentive for businesses to hire our veterans. So with Veterans Day 1 week away, it's incumbent upon the 435 of us here in the United States Congress to not just talk the talk, but begin to vote to provide the veterans with the services that they need.

Now why did I start off with this graph? Why did I start off with this, showing the income disparity in the United States? Because this is how we should be paying for it—those Americans that have done extraordinarily well. And we're not talking about just extraordinarily well; we're talking about extraordinarily extraordinarily well. They have seen their income rise to a point of astronomical figures in some cases. And certainly it's seen on Wall Street. It's time for them to push aside the George W. Bush tax cuts. These tax cuts allowed them to keep a very large portion of their income. Taxes went down on income over \$250,000 for joint filers, it went down from 39 percent to 35 percent. And do keep in mind all of the tax writeoffs that they're able to take advantage of that most Americans can't get. But nonetheless, since they've had 11 good years, 11 good years where they have received a significant tax cut, I think it's time for them to share and help our veterans get a job.

And so the President has proposed, as part of his American Jobs Act, which is fully paid for, that those men and women whose annual adjusted gross income after deductions—adjusted gross income after deductions—is \$1 million or more, we're not talking about mom and pop on Main Street here, we're talking about those folks on Wall Street and those CEOs from the energy industry and the oil companies, those folks, it's time for them to come back and help America. It's time for them to stop shipping jobs offshore, stop playing all the Wall Street gambling games that got us in such trouble, and it's time for them to share in a fair way to pay for an American Jobs Act that would put veterans back to work by providing businesses in the United States with a tax credit when they hire one of those 877,000 unemployed veterans that have been out there keeping this country safe.

So if you earn more than \$1 million adjusted gross income after all of your deductions, yes, 5.6 percent of that income over and above would be sur-

charged, and it would go back up to just about 40 percent.

□ 1500

Is that going to hurt anybody? No. Is it going to help somebody? Oh, yes. Oh, yes, it's going to help Americans go back to work. And it's not just in the area of veterans, although we certainly ought to be focusing on this. My plea to my Republican colleagues here on the floor is, let's not just talk about veterans and how we honor them next week. Let's vote this week while we are here to put the American Jobs Act out of this House, or at least put this part of the American Jobs Act out of the House and pay for it with a surcharge on those very fortunate Americans who have worked hard, been lucky, or whatever. Allow them the opportunity to pay for putting our veterans back to work. So let's get with it.

Now I know you're going to go back to your districts, and you're going to go to the veterans parades and you're going to talk all the talk. But here's where the walk occurs: in this House, in this week, we have the opportunity—in fact, we have the obligation—to really help our veterans, to really help them by putting them back to work; and this is one way to do it.

Let me talk for a moment about another way of doing it, and I think I'll deal with this one. Not only are there 877,000 veterans unemployed, but well over 9 million, 12 million Americans, and another 12 million that are underemployed. The President, in his jobs act, says for small businesses, if you hire an unemployed person who's been unemployed for 6 months or more, you can have a \$4,000 tax credit. So veterans, \$5,600; a wounded veteran—one of our returning heroes—\$9,600; and for a long-term unemployed American, hire somebody and you can reduce your tax burden by \$4,000. That's a pretty good deal.

In addition to that, if you're a small business with a payroll of less than \$5 million, you can write off, not pay the payroll tax at all. For individual families, the President has proposed—and we all talk about the need for individual families to have additional money in their pocket, so the American Jobs Act said, for individual families, tell you what, half of the payroll tax that you're presently paying—about 6 percent—you don't have to pay it; you can keep that money. It's over \$1,500 a year in the pockets of average Americans out there.

So the President has put together a program here, the American Jobs Act, to deal with unemployed—some 6 million have been unemployed more than 6 months; hire them, get a \$4,000 tax credit. Hire an unemployed veteran and you can get a \$5,600 tax credit. Or if that veteran happens to be one of the wounded warriors, one of America's true heroes, it's \$9,600.

So it's time for us to act. It's time for the American public to tell Congress we can't wait. We can't wait. We can't take any more of this unemployment. Pass a real jobs program.

I know my colleague here, a few moments ago, was talking about the 15 bills that went over to the Senate. If you take a look at those bills, not one of them was a real jobs bill. What they did was basically gut the environmental regulations of this Nation so that our children can have a little more arsenic, a little more mercury, a little more pollution, and a little more polluted water. That's not a jobs bill. There is no economist in this Nation that will tell you that by gutting the environmental regulations you're going to produce jobs. What you're going to produce is sickness, ill health, cancer, and the rest. So those are not real jobs bills at all. The real jobs bill is the American Jobs Act, and we're going to be talking about that with my colleague from Ohio in just a few moments.

I want to share with you a piece of legislation that I've introduced. All of us are paying taxes—or at least I think most every American pays some sort of tax, a payroll tax or perhaps an income tax. That tax money is used for a variety of things. It's used for our military; it's used for our Social Security and Medicare and the like. It's also used to subsidize a variety of programs. Today at a press conference, we talked about the \$12 billion a year of subsidies that we pay to the oil companies. That's right, you and I pay our tax money to the oil companies so they can have a little more. Keep in mind that this year their profits are up 100 percent. In the last decade, they've had \$1 trillion of profit. They don't need our tax money. But there is a program for clean solar and wind. Those kind of programs are our tax money being used to subsidize green energy.

We also use our tax money to build highways, bridges, trains, light rail systems. This bill, H.R. 613, simply says that if our tax money—in this case, the gasoline tax money—is going to be used, it must be used to buy American-made equipment, so that that Amtrak train out there is made in America. We're paying for it. It's our tax money; it ought to be American made. This is part of the Make It In America agenda. If you want to put a solar panel on your roof and you want the Federal tax credit, terrific, buy American-made solar panels. If you don't like American-made solar panels, use your own money, buy whatever you want; but don't use our tax money to buy a Chinese panel. Help American jobs; make it in America.

The same way with these wind turbines we're seeing all around the United States. It's our tax money that's subsidizing that, and that's good. What's not good is if that wind

turbine is made in China or Europe. American made. You want the tax credit, buy American made credit.

Now joining us from the great State of Ohio is Congresswoman BETTY SUTTON. I know that you've been involved in this for a long time, the Make It In America agenda.

I yield to the gentlewoman to share with us her thoughts.

Ms. SUTTON. I thank the gentleman for his leadership. Representative GARAMENDI has been a strong voice for the people of this country, standing up for the middle class, and it is my privilege to join you down here on behalf of the hardworking people of Ohio.

I think that we begin by noting that we think that the true measure of America's economic success is the well-being of American families, not just the stock market or corporate profits. Now, I know that you've already talked about this, but it's just so important that we focus on the fact that the promise of America must be for all Americans, not just the wealthy few.

So we come to this floor and we once again look at a couple of things. One of them—we've heard it many times, but it bears repeating—you know, even some of those who have done so well in America now are calling on us to have them do well by America. We've heard Warren Buffett say—here's a chart that shows that his income was \$46 billion, his tax rate is 17.7 percent. His secretary's income is \$60,000 and his secretary's tax rate is 30 percent. And to quote Warren Buffett, he says: "My friends and I have been coddled long enough by a billionaire-friendly Congress." So even he is calling on Congress, and we join him in that call because it's so important that we focus on what is the backbone of this country. What makes this country so great is the strength of its middle class, and we know that it has been squeezed and squeezed and squeezed.

We are now in a place where one in four homeowners are under water. That means owing more on their mortgage than their house is even worth. We know that college tuition and fees increased about 300 percent over the last 20 years, and graduates are now leaving school with an average debt of \$24,000. Taxes for the richest 400 Americans were sliced in half as their income quadrupled and now are paying only 17 percent.

Now, this is a complicated problem, and it's a serious problem; but the good news is that it doesn't have to be this way. We all know that the key, the solution to strengthening this great country and restoring the promise of the middle class lies in getting people back to work.

So I'm very happy to hear you talking about your bill that deals with making sure that we're buying American—iron, steel and manufacturing

goods—when we move into new industries in the future. And I have a number of bills that require the use of iron and steel and manufactured goods made in America when we build our infrastructure, which, of course, is one of the key components, that building of our Nation's infrastructure that our President is trying to make happen with the American Jobs Act.

□ 1510

Why do we need to do that? Obviously we need to put people back to work, but we also have this: We have more than 2,700 miles of our roads in need of repair. That's greater than the distance between Washington, D.C., and San Francisco, California. Now, that's from the Research and Innovative Technology Administration at the U.S. Department of Transportation. So we know that the need is extraordinary.

What would this mean for our workers? Under the American Jobs Act, building new jobs for nearly 2 million unemployed construction workers. Can you imagine?

We know that when we strengthen our infrastructure, we strengthen our middle class and we strengthen our Nation as a whole and its place in the world.

So, with that, thank you again, Representative GARAMENDI, for being down here fighting the fight, because we can do things differently and get different results, results that work, not just for the privileged few, not just for the billionaires and millionaires, but for people out there who want nothing more than a chance, a fair chance at the American Dream.

Mr. GARAMENDI. How correct you are. Thank you very much, Ms. SUTTON, and thank you for bringing up the issue of infrastructure. Infrastructure's a problem all across this Nation.

I spoke earlier about the use of our tax dollars to support infrastructure so that we buy American, so that we can make it in America. And those are middle class jobs. Once we start making things in America, we start making middle class jobs.

The American Jobs Act has the potential of putting 2 million Americans back to work, many of them construction. Those are not just temporary things that are going to be built. Those are permanent foundations upon which the economy will grow in the future. So it's a sanitation system; it's a water system; it's a highway. That is a solid investment that gives the American economy a foundation upon which it can build, and immediate jobs.

What does it take?

Ms. SUTTON. You mentioned our water and our sewer infrastructure, which is important, critically important. And as we build that out, I have a bill that's called Stop American Jobs from Going Down the Drain Act, and

what that would do is it would require that when we build that water—

Mr. GARAMENDI. Reclaiming my time, you have a bill that does what?

Ms. SUTTON. It's called Stop American Jobs from Going Down the Drain Act.

Mr. GARAMENDI. I thought I heard you correctly.

Ms. SUTTON. That's correct. And it's very simple because it deals with our water and our sewer infrastructure, which is in desperate need of rebuilding in this country. And as we rebuild it, we can even multiply the jobs out if, as this bill requires, we use American iron, steel, and manufactured goods, because then the ripple effects of putting those folks who work in those industries, our ironworkers, our steelworkers, those who work in manufacturing, they also will have the benefit of us building out, in addition to our construction workers.

Mr. GARAMENDI. I want to come back to your Don't Let American Jobs Go Down the Drain Act. I love that title. But even more so, I like what it tries to accomplish. I'm going to come back to it.

Our colleague from Illinois (Ms. SCHAKOWSKY) has also joined us here today.

If you could share with us your thoughts. You're not too far from Ohio. You must have similar issues in that great Midwest.

I yield to the gentlewoman.

Ms. SCHAKOWSKY. Everybody has the same issues: the underground systems, the water systems, the overhead systems, the bridges. I wonder sometimes about those who don't support the American Jobs Act. Don't they drive over bridges? Don't their families drive over bridges?

We have 400 unsafe, structurally unsafe bridges in the State of Illinois, and so aside from the jobs that it would create, the safety issues that would be addressed.

I wanted to just debunk a myth that is so persistent and that some of our colleagues on the Republican side want to repeat over and over again, and that is that the stimulus bill did nothing, created no jobs. And of course that's just not true. No matter how many times they say it, it is not true. Between 1.9 million and 3 million jobs were created or saved.

But I also know it's not true because many of those same people, when the ribbons get cut on those projects, actually appear at the ribbon cuttings. As we speak right now, there are people who are collecting those photos and videos and news accounts of those people who say the stimulus program created no jobs so that we can compile those kind of things and show the hypocrisy that you have when the project opens, there they are, smiling and cutting the ribbon, because it's not true. It did create jobs.

I wanted to point out that at the very beginning of our country, George Washington asked Alexander Hamilton to come up with a manufacturing strategy. Hamilton was the Secretary of the Treasury, and he came up with an 11-point manufacturing strategy because, at that point, almost everything had to be imported mainly from England, from whom our colonies had just broken and now our new country was trying to create its independence.

Really what Alexander Hamilton did was kick off the American industrial revolution, and there are a number of principles which I think are very applicable today. They call stimulus—he doesn't use that word, but he talks about pecuniary bounties, which essentially is to support industries, to give money to create jobs. This has been found to be one of the most efficacious means of encouraging manufacturers; and it is, in some views, the best, though it hasn't been the practice, he says, of the United States, and that we should do that.

He also says, the encouragement of new inventions and discoveries at home, and the introduction into the United States such as may have been made in other countries, particularly those which relate to machinery.

So we had a comprehensive industrial manufacturing policy which involved the public sector making contributions, investing and making sure that not only did we have a vibrant industrial economy, but we had people that would work in those things.

By the way, when George Washington found out that he had been elected President, he looked for an American-made suit and finally found someone in Connecticut that was actually making those, the fabric; because, while we had the raw materials, they were made into clothing mostly in England, and he was darned if he was going to be wearing an imported-from-England suit to the inauguration as President.

Mr. GARAMENDI. I'm absolutely fascinated. I'd heard some of this before, but I'm so happy you brought that to our attention. So since the very first day of this country, we've had a policy in the United States of encouraging manufacturing, making it in America.

Ms. SCHAKOWSKY. That's exactly right.

Mr. GARAMENDI. George Washington's inaugural suit, I'm going to use that. That is a wonderful, wonderful story.

I understand the canal system, that was a way of transportation. Infrastructure also came about at that time. I know here in the Potomac River canal, George Washington started that at about the same time, and then the Erie Canal. All of these were transportation systems that were right back at the very beginning of our country.

Ms. SCHAKOWSKY. These are called public works projects for a reason.

They're done by the public sector. They are good for our country. They are good for our economy. They put people to work. And that's exactly what we ought to be doing, and that's what the American Jobs Act is for.

Let me just emphasize one other piece of it, and that is the piece of fixing our schools. Again, not only does this create jobs and not only does this do it summer, winter, spring, and fall because you don't have to wait for construction season, but it's also good for our children who are sitting in schoolrooms around the country that are really toxic, where there's asbestos contamination and that are dangerous or inadequate in the sense of being unwired for the kinds of technologies that we need for the future in order for them to be able to get good jobs, not only now but when they become adults and go into the workforce.

This is such a no-brainer to me. If we are serious about wanting to educate our children as well as put people to work, as well as create a healthy environment for them, this is such a sensible proposal, a part of the American Jobs Act.

Mr. GARAMENDI. As I recall, there are 35,000 schools that could be renovated—classrooms, playgrounds, roofs, painting, bathrooms, laboratories—35,000 schools across this Nation.

Ms. SCHAKOWSKY. And electrical connections for the Internet.

□ 1520

Mr. GARAMENDI. I bet some of those are in Ohio.

Ms. SUTTON. Absolutely. Ohio is in need, and I think it's important that we look at not just the cost that we're experiencing today from the failure to put people to work doing this work that needs to be done in our schools, building our Nation's infrastructure, which needs serious attention, according to all of the estimates and all of the surveys out there. The fact of the matter is, it's important to look at the long-term effects, too. Because those schools, if we fail to invest in education, whether it's in the physical facilities or education in general—which is another place that some of our colleagues across the aisle want to cut back.

The American Jobs Act is going to put more teachers in the schools. One of the things that we do is we choke off our future because other countries, make no mistake, they're investing in education because they know that that creates a better future, not just for the children and the students themselves, but for their Nation and the strength of their Nation.

They're also investing in their infrastructure for the same reason, because having an up-to-date, a state-of-the-art infrastructure is going to strengthen their competitiveness. It's going to strengthen their place in the world.

And while others are doing that, here we are with all of this work that needs to be done that would add to the value of our Nation which is so great in the first instance. But there is no substitute for creating real value.

In this last recession, we saw the very risky proposition of people on Wall Street moving money around, not creating any real value. You would think that more would have learned the lesson, because we need to have strong infrastructure. When you put people to work building things, you're creating real value. When you put people to work in manufacturing and you take something of lesser value and you turn it into something of greater value, that cannot be replaced with the smoke-and-mirrors trading that we saw going on before the recession.

Mr. GARAMENDI. You're quite correct about smoke and mirrors.

When you brought up education, in the American Jobs Act, the President has proposed a better deal for America. And part of it is this education piece. It's right here.

In the American Jobs Act—fully paid for; we're not adding a nickel to the deficit—fully paid for is a huge and important education piece. We talked about the renovation of schools. Just the environment in which kids will learn. If you have a good learning environment, it's clean, it's healthy, well lit, the electrical system is working, you have air conditioning and the rest, kids are going to learn much, much faster in a better situation.

But you also need a teacher. Now, I know in California, I know from my daughter and son-in-law, both of whom are teachers, the layoffs that have occurred in their school and the increase in their class size. My daughter went from 22 or 23 to 32 or 33 students in her class because of layoffs. The President in his American Jobs Act has proposed that 280,000 teachers across this Nation go back into the classroom, that they don't have a pink slip, that they're not unemployed. That they're actually teaching our kids.

And as you said, the most important investment a society makes is in the education of their children. Infrastructure, critically important. Security, national security, military, critically important. But if you don't have a well-educated workforce, all the rest will fail.

So let's put those teachers back in the classroom. Let's use a fair tax policy: Those that have done so extraordinarily well in the last two decades, the top 1 percent, let them help the rest of the 99 percent by paying 5½ percent more on income over and above a million dollars. It works. It's fair. And 280,000 teachers will be back in the classroom in my own State. Some 30,000 teachers will be back in the classroom. And there will be police and firemen in the street to help protect

us. What's wrong with that? Why are we not doing it?

In the Senate last week and again this week, a Republican filibuster was used to stop the progress of the American Jobs Act, and here in the House of Representatives, it's not even heard before committee. The Republican leadership will not even allow it to be heard.

So let's get on with it. Let's put Americans back to work.

I yield to the gentlewoman from Ohio.

Ms. SUTTON. Thank you so much, Representative GARAMENDI.

It seems there are some here in this body, and, with all due respect, there are a lot of folks who come to Congress and they're fairly well-heeled themselves. It seems that some who are here, they seem fixated on protecting those tax breaks that ship jobs overseas. They seem very concerned about that top 1 percent, the billionaires and the millionaires.

It seems as if they almost believe that we can fix this country's economy without making most Americans better off, which is a backwards proposition. It's almost like they think that the top 1 percent is who built this country, and that that's where all of our policies should be aimed.

But I disagree and I know, Representative GARAMENDI, that you do as well. We understand that when we have people working, building infrastructure and making things and manufacturing, that that has a way of rippling out, right? And then we have those taxpayers who of course are energizing our economy. And then we have the revenue that comes into our communities that can put our firefighters and our police officers and our teachers into a salary that they have earned and they deserve for doing the important work that they do.

But instead of doing that, instead of making the choice that those at the top should pay a fair share, they want to take more out of those firefighters and teachers and police officers and nurses.

Right now as we speak, we're a week away from a referendum in the State of Ohio. If that issue, Issue 2, is voted down, it will be a really big moment because what that would do is it would repeal a bill that was passed by the State legislature there. And that bill is aimed at attacking our firefighters, our police officers, our teachers, and our nurses by reducing their collective bargaining rights, their ability to even have a voice at the table, to be part of the solution, which they always are because they know what's going on in America.

They didn't go into those jobs because they thought that they would make tons of money. They went into those jobs because they had a commitment to service, to teach our kids, to

run into our homes when they're burning to try and save us, to go out on our streets and make them safe. And yet they're the ones that some are looking at to get money back?

It wasn't our teachers or our firefighters or our police officers, it wasn't the seniors on Social Security or Medicare, it wasn't the students and their Pell Grants that drove our economy off the cliff. It was Wall Street that drove our economy off the cliff. And it's time that they pay a fair share so middle class America can start to breathe a little easier again knowing that they'll have opportunities in this country.

Mr. GARAMENDI. I am so proud of what you and others are doing in Ohio, fighting back against an extraordinarily unfair law that takes away the ability of people to come together and collectively voice their concerns. That's what it's all about.

You can say it's unions, and yes, but it's also the ability of people to say, Wait a minute—we're all working here at this school. We're the workers. We're the teachers, and we should have a voice in what is going on here. Not just in our pay and in our benefits, but also in the way this is working.

□ 1530

So you're fighting back, and you're making progress. Hopefully, that proposition will pass, and we'll begin to set a new model.

Ms. SUTTON. Representative GARAMENDI, I couldn't agree more with the idea that this is the voice of the people, that this is a referendum. They said to the Republican Governor and the legislature there, You've gone too far. Our firefighters and our police officers and our teachers, they're not our enemies. They're our heroes; they're the people who we look up to, who do good work on behalf of all of us, not just those who are the privileged few. And this is where we make our stand: on this referendum.

It's so important that the American people look at what's going on, frankly, in Ohio, and that we have a strong voice. Just to make sure that we have a correct record, a "no" vote on that issue is going to repeal that bad bill. We'll see what the people in Ohio do, but I am confident that we're speaking up together for one another and for police and firefighters and teachers.

Mr. GARAMENDI. We need to also understand where the power has shifted. The power has shifted here.

This is the average pay of the CEOs of the five biggest oil companies—\$14.5 million. That's 307 times the pay of a firefighter, 273 times the pay of a teacher, 263 times the pay of an average police officer, and 218 times the average pay of a nurse.

So what we have seen—and part of this has to do with collective bargaining—is that the power has shifted to the CEOs, to the extraordinary

wealthy, and that it has resulted in this situation: where the middle class and the poor in America have seen virtually no change in their incomes over the last 20, 25 years. They've been flatlined—basically the same level of income. They're just making it.

This particular line is the next highest 20 percent. The only reason they've seen their incomes grow is that both husband and wife are now working. Back there, back in the seventies, mostly just one or the other was working; but now both are working.

But look here: this is the top 1 percent. Here are the 99ers. Here is the 99 percent down here at the bottom and the 1 percent up here. What we're saying is let's put Americans back to work with the American Jobs Act, and let's have a Fair Tax, not the George W. Bush tax cuts that gave this group even greater wealth, a greater annual income by cutting their taxes, but rather to restore that tax rate and allow that money to be used to hire the unemployed veteran.

There are 877,000 unemployed veterans. These are the men and women who fought for us in Iraq. These are the men and women who fought for us in Afghanistan. These are the men and women who came back without their legs, with their minds jumbled because of an IED—877,000 of them. Give them a chance by this group that has been so extraordinarily successful, in part, because of their own work and, in part, because of the tax cuts that they've enjoyed for the last 11 years.

Ms. SUTTON. The gentleman makes such an important point.

Here we are. We're coming up on Veterans Day. It is not enough to just go out to ceremonies on Veterans Day and express our appreciation, although that should happen. We should be expressing our appreciation to veterans, not just through those ceremonies but through our policies. We have all of these veterans out there who are returning from the current wars, and we have other veterans out there looking for opportunities. The American Jobs Act will help us to create those opportunities that they so richly deserve.

Let's be clear: the people who are fighting our wars, they are part of the 99 percent. Very few are part of the 1 percent. So it's really, really important that we do focus on giving them the opportunities, the American Dream, the fact that if you work hard and if you try hard and if you play by the rules that you'll be able to make it in America. That is part of what they were fighting for.

So I could not agree more. We've got to focus on getting help to our veterans.

Mr. GARAMENDI. Exactly.

As we begin to wrap up our hour here, Veterans Day is one week away. There are 435 of us here in this House who are representing the American

people, and we have an opportunity. All of us will be out there on November 11. We'll be doing our parades, and we'll be giving our speeches about how wonderful the veterans have been in America; 877,000 of them have returned from Iraq and Afghanistan and have served this country in an extraordinary way. They're unemployed. They need a job.

The American Jobs Act will provide every employer in the United States with a \$5,600 tax reduction, not a tax credit, that is, their taxes will be reduced by \$5,600 for every unemployed veteran they hire. If they hire a veteran who has been wounded, one of the returning American heroes, it's a \$9,600 reduction in that employer's tax.

Why are we not doing this? It's fully paid for. It's paid for with a small tax increase by those who have been so extraordinarily successful in the last decade. Why are we not helping our veterans find a job?

Because, in this House, the Speaker and the Republican Party refuse to address this issue. No hearings have taken place on the American Jobs Act that the President has put before this Congress. You can talk the talk. You can talk the talk forever. You can go home and you can talk the talk; or you can be here this week, and you can give our veterans a real opportunity. It's not just those who have returned from the war. There are veterans out there who fought in the previous wars, who served this country in Vietnam and in the first gulf war. They're unemployed or they are retired and they're receiving Social Security.

So, here on this floor, proposals have been put forth; and in the supercommittee, again proposals have been put forth to reduce the Social Security benefits, to reduce the foundation for retirement in this Nation so that the 1 percent don't have to pay their fair share of the taxes. Something is desperately wrong. Those seniors and those veterans are dependent upon Medicare for their health when we consider that it was Medicare that took more than 50 percent of the seniors out of poverty in the 1960s and gave them the health care that they needed to stay alive. Yet the proposal put forth on this floor that was voted on three times by our Republican colleagues would destroy Medicare and put every senior at risk, and those who are 55 and younger would never receive Medicare. They'd be thrown to the mercy of the private insurance companies.

Why would we ever allow that to happen? Because apparently some want to continue the tax breaks for the super-wealthy.

But here we are one week away from Veterans Day—and a lot of talk. I want some action. America can't wait. These 877,000 veterans can't wait for a job. In Ohio and in California and in every other State in this Nation, this is the reality faced by veterans. This House

has an obligation, this Speaker has an obligation to put the legislation before this House and to let us speak, to let us represent the people who elected us.

Ms. SUTTON, thank you so very much for joining us. You've been a wonderful Representative of Ohio. I've watched you fight day after day to put legislation in place so that your men and women in your district can go back to work. Please wrap it up. Share with us your thoughts.

Ms. SUTTON. It is my honor and my privilege to stand up for the people of Ohio and for the veterans you were just speaking of.

I just have to say, those veterans, those men and women who were on the battlefield, they weren't just fighting for Wall Street; they were fighting for the United States of America and all that it stands for. They weren't just fighting for the top 1 percent; they were fighting for all of us. Now they're coming back, and we have an obligation. We have a promise that we have made to them, part of which would be fulfilled if we could get the American Jobs Act passed. So it is incumbent upon us to beat back.

□ 1540

We hear a lot of rhetorical terms. In the last election we heard over and over again, Oh, we could create jobs if we could get government off the backs of the job creators.

Well, look, the refrain, people don't want government on their back, I agree they don't want government on their back. But you know what? They do want government on their side. And that is not what they have been getting and that is why we have to be here, to stand up for the middle class, to stand up for those veterans, for those seniors, for those college students, for those workers, for those firefighters and those police officers, those teachers and those nurses who have suffered far less growth as, we know, Wall Street continues to flourish with record CEO bonuses and all of those profits. We just want people to pay a fair share, and we want the American people to have a fair shake.

Thank you for your leadership. You have been tremendous.

Mr. GARAMENDI. And thank you so very much for so ably representing Ohio and your constituents.

We've got work to do. We've got veterans to care for, and they need help. Americans want jobs, and the American Jobs Act is there. If we were to bring that up today or tomorrow instead of the foolish little bills that have been going on around here for the last month and a half, Americans could go back to work, and it would be fully paid for with a fair tax. We have work to do.

I ask the Speaker of the House and my Republican colleagues to give Americans a chance to go back to

work. Put the American Jobs Act up for a vote; put that tax up for a vote, and let's pass it. I think we'd vote it out of here in half a moment if we had a chance. But right now we don't even have that chance.

With that and hope for the future and thanksgiving for those men and women that have been out there protecting this Nation, the veterans, young and old, able and disabled, we thank them.

I yield back the balance of my time.

BALANCING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLATTE. Mr. Speaker, this afternoon we are going to talk about a very important development here in the House of Representatives—in fact, in the entire Congress. Because of the vote this summer on the Budget Control Act, we are going to have in both the House and the Senate for the first time in about 15 years a vote on a balanced budget amendment to the United States Constitution. The last time we did this was on March 2, 1995—actually, the House had already passed it with 300 bipartisan votes, and it was brought to the Senate floor on that day. The U.S. Senate failed by one vote to send a balanced budget amendment to the States for ratification. The amendment had passed the House by the required two-thirds majority previously, and the Senate vote was the last legislative hurdle before ratification by the States.

As we know, balanced budget amendments—in fact, any constitutional amendment is voted on by the House and the Senate, requiring a two-thirds vote in each body, and then it does not go to the President of the United States, as legislation does. Instead, it goes directly to our States, and then three-quarters of the State legislatures would be required to ratify it.

If that amendment had passed, then we would not be dealing with the fiscal crisis we now face. If that amendment had passed, then balancing the budget would have been the norm rather than the exception over the past 15 years, and we would have nothing like the annual deficits and skyrocketing debt that we must address today.

The good news is that, like 1995, this Congress is again standing at a crossroads at this very moment. The decisions we make today will steer the direction of the country for the next 15 years. We have an opportunity now to take action to ensure that 15 years from today our children will face a much brighter fiscal picture. We must not allow ourselves to miss this opportunity.

Experience has proven time and again that Congress cannot, for any

significant length of time, rein in excessive spending. The annual deficits and the resulting debt continue to grow due to political pressures and a dependency on government programs. In order for Congress to be able to consistently make the very tough decisions necessary to sustain fiscal responsibility over the long term, Congress must have an external pressure to force it to do so. The most realistic change we have today to enact this type of institutional reform is through a balanced budget amendment to our Constitution.

Many Members of Congress have introduced balanced budget amendments in this Congress. I introduced two versions on the first day of the 112th Congress.

H.J. Res. 2 is the exact text that passed the House in 1995 and failed in the Senate by one vote. This amendment requires total annual outlays not to exceed total annual receipts. It also requires a three-fifths majority to raise the debt limit. This legislation also has limited exceptions for times of war.

H.J. Res. 1, which I also introduced, goes much further. In addition to the provisions of H.J. Res. 2, it requires a two-thirds majority to raise taxes and imposes an annual spending cap that prohibits spending from exceeding 18 percent of GDP.

In the U.S. Senate, 47 Republican Senators—all the Republican Senators—have cosponsored a balanced budget amendment, which is a strong sign that the Senate is ready to engage in debate on this subject as well.

Our extraordinary fiscal crisis demands an extraordinary solution, so we simply cannot afford to succumb to political posturing on this issue at a point in time so crucial to our Nation's future. We must rise above that and move forward with a strategy that includes legislation that will get to 290 votes on the House floor.

So as we consider a balanced budget amendment, I encourage the Members of the body to devote our efforts to passing the strongest balanced budget amendment that can garner two-thirds of the House of Representatives. We're at a crossroads in the country. We can make the tough choices and control spending, paving the way for our return to surpluses and ultimately paying down the national debt, or we can allow big spenders to lead us further down the road of chronic deficits and leave our children and grandchildren saddled with debt that is not their own.

I have been joined by a number of outstanding Members of the House, and I am going to call upon them to offer some comments about the importance of a balanced budget amendment to them and to their constituents as well.

Since he got here first, I'm going to yield first to one of our new Members, from the State of Indiana, a great fiscal conservative, someone who believes

strongly in limiting our government and balancing our budget, Congressman TODD ROKITA.

Mr. ROKITA. I want to thank the gentleman from Virginia for yielding me this time and for your leadership here in the Congress year after year over the years to see that we've come to this point where we again can have a vote in these Chambers about the condition of our country and about living within our means.

As I talk about the balanced budget amendment, I want to also address what happened here on the House floor and what was said here on the House floor in the last hour. They used the term "foolish" several times. I want to describe how foolish what they said is.

Not enough dollars exist in the top 1 percent of taxpayers in this country to possibly address the debt situation we face, to possibly address our economy. There are not enough baseball players. There are not enough football coaches. There are not enough Oprah Winfreys. There are not even enough Warren Buffetts. Even if you taxed 100 percent of everything they made and assume two things, that they wouldn't leave the country and that they would continue to produce, there aren't enough of them to solve this country's fiscal problems.

So when people come here to the House floor or talk anywhere else in this Nation about how the rich aren't paying their fair share, by definition, they are going to come after the middle class. They are going to come after your property, those of us who live in the middle class. Our property being our dollars, which aren't theirs, which aren't the government's. They're ours. And that's what they're angling for; make no mistake about it.

As you may know, I happen to be a member of the House Education and Workforce Committee. A lot of talk was made here today about how we don't spend enough on our education; we have to spend more on our teachers. Let me just say this: The increase in our Federal budget for education has been well over 300 percent since the early 1970s, yet we haven't seen one bit of an improvement in our scholastic scores since the Federal Government has been involved in the education business.

□ 1550

I just find it humorous when they stand here and talk about how we need to now spend money on infrastructure, now spend money on other things that might marginally give us some more jobs. Where were they during the first stimulus when only 6 percent, almost a trillion dollars, went for infrastructure and the rest went for handouts like food stamps, unemployment insurance and other things that won't possibly grow the economy? Not to say that people didn't need help, not to say they

still don't need help. But it's a falsehood to think that by giving more handouts you're going to improve the prosperity of this Nation.

You cannot tax, you cannot spend, you cannot lay debt on our kids and grandkids and expect this Nation to get stronger, expect this Nation to be better off. It doesn't work. World history is littered with examples where Nations have tried to do this very same thing; and all it has resulted in is tyranny and the opposite of prosperity.

With that, thank you again for letting me speak about the balanced budget amendment. I opposed the Budget Control Act when we had that vote at the end of July because it wasn't a solution to our debt problem; it was another Washington deal. But as I've said and will continue to admit, there was a silver lining, and that silver lining was the requirement that both Houses at least take a vote on the exact same balanced budget amendment language, and they do it by December 31 of this year.

Our Constitution is the blueprint for our system of government. Our Constitution has only been amended 27 times, and for very good reason. It's not to change with the times. It's not to change with the political winds. It's a blueprint, a document that has outlined a process, contained in it negative rights, that has given us the best system for raising the condition of all men that the world has ever seen. And so it shouldn't be amended that often or that lightheartedly, but it should be amended in this case.

This Chamber, this House, this Federal Government in general, administrations both Republican and Democratic before us, have failed in their job to have us as a Federal Government live within our means. We need a constitutional amendment to do that now. Thomas Jefferson himself even said it: "I wish it were possible to attain a single amendment to our Constitution, I mean an additional article taking from the government the power of borrowing."

Given our \$15 trillion debt and what's coming, the red menace, the tidal wave of debt that's coming in the near future, there is a clear need for a balanced budget amendment.

Now, there are several different ones to consider. Which one should we take up? I would love to have a balanced budget amendment that contained a supermajority vote for us to even consider raising taxes in order to balance the budget. I would love a balanced budget amendment with language that contained an indication that the Federal Government cannot exceed 20 percent of GDP. That would be spectacular. In this season of football, I'd call that a touchdown pass that wins the game. But there are other plays as well. And I'll take a 50-yard pass; I'll take a 75-yard pass that gets us so far

down the field on this debt issue that it puts us in a position to win the day, “winning” meaning we save the Republic, we keep the Republic like Franklin suggested. So I would support a clean balanced budget amendment. Clean meaning a statement that simply says we will not spend more than we take in. Our expenditures will equal or be less than the revenues we take in.

Now, some of my very good conservative colleagues would say, well, you’re setting us up for one day raising taxes. That may be true. But in all honesty, that’s a different fight. We can have that tax fight later. Liberals love to raise taxes because their solution to everything is a bigger government, and the only way to have a bigger government is to have a more expensive government. That will never change. So let’s not have the perfect be the enemy of the good. Let’s have that fight. And if once in awhile they win, we know that the people who win that fight won’t be here for long. And in the meantime, we have an amendment in our Constitution that declares each one of us, as we take the oath to uphold the Constitution, ensures that we will live within our means.

I thank the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman from Indiana for his remarks.

We are joined now by a very important member of our conference, a leader, the chairman of the National Republican Congressional Committee and a strong supporter of fiscal responsibility and a balanced budget amendment, the gentleman from Texas, Congressman PETE SESSIONS.

I yield to the gentleman.

Mr. SESSIONS. Mr. Chairman, I want to thank you today for your strong leadership and the leadership of other members of this conference for bringing forth a discussion about a balanced budget for the United States of America. In fact, the United States Congress has brought up this issue before, and it has been debated and discussed obviously since not just the time of the signing of the Declaration of Independence, but for many, many years afterwards.

Mr. Speaker, I would say to you today that every single Member of this body should recognize the times that we live in are unlike any that this great Nation has ever seen.

We find that we are in the midst of a threat of outside forces against the United States. We find ourselves in a time of war. We find ourselves in a time when we have political unrest with thousands of people encamped in our cities who are displeased with the direction that this country is going. We have millions of people, some 14 million people who are unemployed in America, some 6 million who are underemployed in this country.

We’ve seen out-of-control spending that has taken place from a Federal

Government that is not accountable. They tax too much, they spend too much, and they listen too little. We have leaders of this country who are not honest in speaking to the American people about not only the truths of each party and what they stand for, but who I believe mislead others about the things for which they stand for themselves.

We find ourselves at a time in this country where we are faced with a \$14 trillion debt that is growing every single day. In fact, if any American looks at the debt clock, they will see that it’s spinning wildly out of control.

Mr. Speaker, I did not come to this body, nor probably did others, to think that they would be here to manage our demise. We come to Washington full of hope and opportunity, with the expectations to further the dreams of the American people, to further dreams for an experience that would allow us to enrich our lives but also to leave that that would be the best for the next generation. As an Eagle Scout I grew up scouting and understanding that you should always leave your circumstances better than what you found it.

Now, I’m well aware that the President of the United States, President Obama, keeps talking about that this is a vision that he has about a direction, but there is no end in sight to the damage and harm, the carnage that is being laid to this country as a result of economic demise. But what I would say, Mr. Speaker, is there are others who have traveled down this road ahead of us, and we are watching them for years as the very fabric of their countries becomes torn apart.

□ 1600

The essential ingredients that made those countries strong, not that put them on the map, but that gave them a heritage, a meaning and a national purpose, they are now seeing with this current generation are falling apart. I would say as my message today I stand strong with BOB GOODLATTE and RANDY HULTGREN. We have Brother ROKITA here, we have SCOTT GARRETT from New Jersey, and we have even a Member from as far south as Mississippi, STEVEN PALAZZO, who are going to come forth on this floor and talk about the need for America to gather itself with discipline and strength to add to the spirit and the resiliency of the American people, that of entrepreneurship, that of tough love and hard work that will make this country stronger and better.

I stand here, Mr. Speaker, as a result of understanding, as other Members of this body that have circumstances that are very similar to mine. I have a future that I want to leave better than what I found it. I have two sons, one that’s in the top 2 percent academi-

cally of students in this country, and one that is in the bottom 2 percent of students academically. And the future of this country is very important to them, perhaps more important than mine was to me.

But on my son who is in the top 2 percent academically, Bill, the future of his American Dream is being threatened because he wants to be a physician. And physician after physician, those in the health care field, are saying, Bill, don’t do that. This is his dream. On Alex’s side, as a Down Syndrome young man, he is faced with a sure future where he will be competing against all of us for the needs that he should have as a disabled young man that should be the mission statement of this government. Yet, the Federal Government will be incapable and unable to perform because they are trying to take on everybody, and thus they will not do their job right.

Former Senator Phil Gramm from Texas would speak about this often years ago when the same threat of a Clinton health care plan existed. Now it’s the law. And Senator Gramm would talk about that, that little red wagon that is designed for just a few people that the Federal Government should get it right and support with government assistance—those with a physical or intellectual disability, those who are seniors like our parents, yes, my parents at 81 years old who have served this country so well, so honorably and deserve a chance to be in that wagon in their latter years and, lastly, those who are too poor to take care of themselves.

Mr. Speaker, this balanced budget will ensure that we try and create a mission statement with this Federal Government that is not about expanding itself to where it is not within a mission statement, but one where it is within a mission statement where we are going to require the Federal Government to do a few things and do them well, because we’re not going to have the money unless we give it to them through economic growth. And with economic growth, people can have their own dreams and not depend on government.

So why we’re all here today there could be different reasons. But it will boil down to this: that the men and women of this body, some of whom I have spoken about, including the gentleman from Alabama (Mr. BROOKS) who’s joined us, are here for a mission and a purpose, and that is to join with Chairman BOB GOODLATTE from Virginia and say to him that we want to leave America a better place than what we found it; and we believe bankruptcy debt, misery, and loss of jobs is not the right future.

I heartily sign back up for this important effort again, which I led in ’97, ’98 and ’99. I, once again, sign my name to that pledge. I am for a balanced

budget to leave America a better place than we found it. I thank the gentleman for yielding me time.

Godspeed and good luck, Mr. Chairman.

Mr. GOODLATTE. Thank you for your good work. Thank you for your efforts on behalf of this cause.

I want to make reference to the fact that this Special Order that we're all participating in is sponsored by the House Constitution Caucus, which is chaired by Congressman SCOTT GARRETT of New Jersey. We'll hear from him in a few minutes.

But now I want to yield to another new Member of Congress who has been very, very instrumental in working on a balanced budget amendment and has made a number of good, constructive observations and recommendations about this issue, and that's Congressman MO BROOKS from Alabama.

Mr. BROOKS. I thank the gentleman from Virginia.

Mr. Speaker, America faces a financial threat of historic proportions. It has one basic cause. We suffer from unsustainable budget deficits that threaten America with insolvency and bankruptcy. We have seen what's been going on in Europe with Greece and with Paris from a few years ago, with Rome, with riots in Greece where there's even been fatalities. All of these relate to the financial stewardship of their governments.

I hope that with the remarks I'm about to share that the people of America will have a better understanding of the deficit situation we face, because given that understanding, I have confidence, Mr. Speaker, that the American people will cause Washington to do the right thing.

A little bit of history is in order. I've got a chart here, the United States annual deficits. The last balanced budget we had was \$128 billion, fiscal year '01, a Democrat President, Bill Clinton, a Republican House and Republican Senate. Since that time, we've had 9/11 and we've had wars in Iraq and Afghanistan. You can see how the deficit situation became worse. George Bush as President and Republicans in control of Congress to \$158 billion to \$377 billion to \$413 billion. All of those were bad, no question.

Notably, we have the Bush tax cuts in the summer of 2003; and, paradoxically, from one perspective across the aisle, things should have gotten worse, but they got better because our economy improved and our deficit declined to \$318 billion to \$248 billion to \$161 billion. We were on the right path as of November 2006.

Then we had a different mindset capture the United States House and the United States Senate. We had a different Speaker of the House, a different majority leader in the United States Senate, and a different philosophy of government and a different economic

philosophy that unfortunately has failed miserably.

As a consequence, after the November 2006 elections where the Democrats captured the United States Congress, we have a \$459 billion deficit followed by a \$1.4 trillion deficit. Then we have a change in the White House. For 2 years, two budgets, two sets of expenditures and two sets of revenues were totally controlled by the other party, my colleagues across the aisle. In FY10 and FY11, the fiscal year that we just finished, we had back-to-back \$1.3 trillion and \$1.3 trillion deficits.

Ladies and gentlemen, these deficits were bad. These are unsustainable trillion-dollar deficits as far as the eye can see, and they're a great risk to our Nation. To put it into perspective, that's \$2.3 trillion in revenue last year, \$3.6 trillion in expenditures, a \$1.3 trillion deficit, and a \$14.3 trillion accumulated debt. With what happened with the Budget Control Act in August of this year, a bill that I voted against, the debt ceiling was increased by \$2.4 trillion such that it will soon hit a \$16.2 trillion debt burden in 2013.

Now, I mention trillions, and people's eyes often start to glaze over, Mr. Speaker. Let me put it down in a family sense where hopefully the American people can better understand it. Think in terms of a family that's uncertain about their income. So they go over their finances, and they discover that over the last 3 years they've averaged \$50,000 a year in income—not too bad. And then they look at their expenses, and they've been averaging \$80,000 a year in expenses. That's scary to them, and it should be. They've been in the hole 3 straight years for \$30,000 a year. Then they pick up their Visa bill, and it's for \$320,000.

Now what do you think that family would do? Well, they'd cut their spending and they would try to balance their budget in order to avoid bankruptcy. Those analogies are exactly the same as that of the United States of America—those ratios.

□ 1610

We have to have a balanced budget constitutional amendment, I submit to the American people, Mr. Speaker, because that is the only way Washington will have the backbone to do the right thing, to protect future generations from the risk of insolvency and bankruptcy that we in America face today.

So I wholeheartedly endorse the efforts of Representative GOODLATTE and all the other members of the Constitutional Caucus who have been working so hard to come forth with a substantive, effective, and enforceable constitutional amendment that can help save our children and grandchildren from the seriousness of the financial situation that we in America face today.

As for me, Mr. Speaker, I will do my utmost to support a balanced budget

constitutional amendment. I will do my utmost to ensure that it is an effective constitutional amendment, that it's not a dog and pony show, that, in fact, it will achieve the desired result.

I thank the gentleman for yielding.

Mr. GOODLATTE. I thank the gentleman for his very passionate support of the cause of fiscal responsibility.

As I mentioned earlier, this Special Order is being sponsored by the Congressional Constitution Caucus. And it's now my pleasure to yield to another great champion of limited government and lower taxes and less government regulation and balancing the budget, Congressman SCOTT GARRETT of New Jersey.

Mr. GARRETT. I thank the gentleman for not only managing the floor tonight with regard to this conference, but also with regard to all your great work with regard to trying to push forward the BBA, making sure we get over the goal line this time.

As the chairman and founder of the Constitutional Caucus, we rarely come to the floor to advocate for an amendment to the Constitution, but that's exactly what we're doing here tonight. It brings us here tonight because the United States Government has what? Just as the other speakers have said, overspent, overborrowed, and overtaxed, putting this Nation on the road to fiscal ruin. Yet, as much as that is true, there are many who believe that the solution going forward is even more of the same: more spending, more borrowing, more taxation. And only here in Washington, DC, could that ever be given serious consideration.

American families are not given that luxury. American families have to do what? They have to live within their means or face fiscal disaster in their family pocketbook. So, too, here in the United States Government we should live within our means as well; but unfortunately, today, as you saw the previous chart and previous speaker, we have been incapable of doing that. And that is why we're here tonight because we know we must force ourselves to do so through a balanced budget amendment.

Now, step back. Amending the Constitution is a difficult process. It should not be entered into lightly. The process reflects the Founders' commitment to republican self-government while protecting what? The integrity of the supreme law of the land.

And so in the spirit, then, of the Founders' vision for an amendment to the Constitution, we support tonight a balanced budget amendment as the only solution to excessive and irresponsible spending that we've seen go on for far too long. And yet we hear from the other side of the aisle and the other House—Senate majority leader called the balanced budget amendment a radical new idea. But how radical is it really? Radical? Well, 49 States in this

country have some form of a balanced budget amendment, and they realize they must abide by it to live within their means.

A new idea? Well, indeed, Thomas Jefferson is the intellectual forefather of the balanced budget amendment. So we can go back some 200 years. Back in 1798, when Jefferson wrote to Virginia Senator John Taylor that the solution to then-extravagant spending was a constitutional amendment eliminating the power of the Federal Government to incur debt, he went on to say:

I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution; I mean an article, taking from the Federal Government the power of borrowing.

Now, the balanced budget amendment is the Jeffersonian solution, therefore, to today's debt crisis. And yet, when you think about it, the amount of spending and overspending that they had in Jefferson's time pales in comparison to the reckless spending that we have today and the reckless and fiscal ineptitudes that we see going on in Washington.

According to CBO, the Congressional Budget Office, the government will spend nearly—get this—\$1.5 trillion this year more than it takes in. And if we refuse to balance our budget, as your amendment would do, what will happen over the next 10 years? Almost \$9.5 trillion in additional red ink will be added to the bottom line.

So, in conclusion, the choice I think is clear: Either we continue down the same road with blissful disregard of the warnings of financial catastrophe that we've seen, or we do what? We amend the Constitution to require a balanced budget and put the United States back on the road to sustainability and also prosperity.

So let's make the balanced budget amendment the 28th Amendment to the Constitution.

Mr. GOODLATTE. I thank the gentleman from New Jersey, and I like the sound of that 28th Amendment to the Constitution.

Let me just say that, as I mentioned at the outset, because of the vote by the Congress—the House and the Senate—signed into law by the President, we will have a vote in both the House and Senate on a balanced budget amendment before the end of this year, before December 31. And if either body passes a specific balanced budget amendment, the other body has to vote on the same one so that we have the greatest possibility that if we can reach that kind of consensus, we can actually send a balanced budget amendment for the first time to the States for ratification. It would require 38 States to ratify it. But as the gen-

tleman from New Jersey just noted, 49 out of 50 States have a requirement in their constitution that they must balance their budgets.

I believe that with the public supporting this by numbers northward of 80 percent—and it's very bipartisan support. I saw a recent poll that showed that 74 percent of Democrats support this, as do a great many Democrats here in the House. In fact, to pass a constitutional amendment with 290 votes, it has to be bipartisan. So we are working across the aisle to make sure that we build the kind of support that we need to pass the strongest possible amendment to our Constitution requiring that the government lives within its means.

I yield to another great supporter of that concept, another new Member who came here to reform the way things are done here in Washington, DC, and who has joined us in this effort, the gentleman from Illinois, Congressman RANDY HULTGREN.

Mr. HULTGREN. I want to thank my good friend and colleague for the amazing work that you've done over the years fighting for structural change in how Washington does its business. Thank you, Congressman GOODLATTE, I really appreciate it. I appreciate the opportunity to be able to speak for a couple of minutes today.

Mr. Speaker, since the people of the 14th Congressional District of Illinois sent me to be their Representative in Washington, DC, last year, I have fought to bring accountability and responsibility back to Congress. Time and again, I voted to cut spending and reduce the size of Federal Government, and I haven't been shy about going against and opposing colleagues from the Republican side of the aisle when I felt like they weren't doing enough to get our fiscal house back in order.

With every vote, I'm guided by the belief that Washington, like our families and small businesses across the country, needs to live within its means. I know that the path to renewed and future prosperity lies through a return to fiscal sanity and not by saddling our kids and our grandkids with more debt.

Our job-creating bills—that have been sent over to the Senate and are stuck in the Senate right now—along with less spending and less debt will help give small business owners and job creators the confidence they need to hire and expand, putting Americans back to work again and getting our economy moving again.

Unfortunately, this Congress' efforts to cut spending are, on their own, insufficient. More importantly, any cuts we make today could be reversed by future Congresses. Long-term deficit reduction and spending restraint can only be accomplished through real structural changes to the way that Washington operates. And I believe, as

many of you do, that a balanced budget amendment to the Constitution is exactly the change that we need.

I have been an outspoken advocate for a balanced budget amendment even before being elected, and one of the first things I did after being sworn in was to cosponsor a balanced budget amendment. A balanced budget amendment would force the Federal Government to spend only what it takes in—a novel concept—but it is the surest path to fiscal sanity, less spending, and a brighter future for our kids and our grandkids.

Support for the balanced budget amendment is gathering momentum in Congress and across this great Nation. In fact, as Congressman GOODLATTE said, the House and Senate are required to vote on a balanced budget amendment very soon. But Congress has been here before. In 1995, they nearly passed a constitutional amendment mandating a balanced budget amendment but fell one vote short in the Senate. Imagine the difference of this Nation if that would have passed at that time than the situation that we're in right now. Sixteen years later, we have the chance to finally get it right.

The time is now. It is our responsibility and our duty to support a balanced budget amendment and bring accountability back to Washington.

Mr. GOODLATTE. I thank the gentleman. I very much appreciate his comments and would note the fact that we have, speaking here tonight, Members from many corners of the country: Indiana, Alabama, Texas, Illinois, Mississippi, Wisconsin, New Jersey, and Virginia.

□ 1620

In fact, Members of Congress from about 46 or 47 States have indicated their support for at least one version of the constitutional amendment. If we can bring all of them together, and they can bring just a few more Members together, we can get to that 290 votes, because this is not a regional issue, this is not a partisan issue.

This is an issue that transcends the country. It's reflected in the fact that this is an issue we can communicate directly with our constituents about, and they understand exactly what we're talking about because they live with the concept that they can't spend more than they take in year after year after year. The businesses that they work for, they can't spend more than they take in year after year after year. Local governments, State governments are all bound by this principle that you cannot live beyond your means. That principle should be enshrined in the United States Constitution.

I yield to another Member who joins us in this effort, another new Member—and it's the new Members who have helped to bring this issue back to the fore, who really want to see a vote

on this for the first time in 15 years—Congressman REID RIBBLE from Wisconsin.

Welcome.

Mr. RIBBLE. Thank you very much. It is an honor to come down to the floor of the House and work with you, Representative GOODLATTE, on this very important issue.

Mr. Speaker, I rise today to talk about the balanced budget amendment. I came down to the floor of the House this afternoon with some prepared comments, spent some time putting it together and wanted to make sure that it was right, had help from my staff, but I'm going to go a little bit off script today.

As I've listened to my colleagues speak on this very important issue, they've covered much of what we want to say with the historical context, with what Thomas Jefferson, our Founder said, what Abraham Lincoln talked about—about government being by the people.

Instead, I think I'm going to talk about my experience here in Congress. As my friend just mentioned, I'm a new Member. As a matter of fact, right around this day today I've been here 10 months. I've never served in Congress before, never served in an elected capacity before. I ran a small roofing company in Kaukauna, Wisconsin.

I have to tell you that I'm struck that we're at this place in history. When I look at our national debt, and you look at it on a chart and on a curve from 1787 to 2011, from about 1787 to 1940, 1945, that line is almost indecipherable from zero. Then as you go on and you get to the late 2000s, that line begins to turn up. And now in the last 3 years, that line is nearly vertical as our national debt continues to explode. And that debt has to be paid.

I've told high school students and college students back in Wisconsin where I'm from that there's a reckoning coming for them. There will be a date and time certain that this bill will have to be paid.

And yet, as I've worked here I've just discovered that, for whatever reason, whether it's partisan bickering or pure ideological differences, that we cannot, it seems, find agreement on controlling our national debt and our deficits, annual deficits.

Just a few years ago the deficit was only \$160 billion. As we heard from my colleague from Alabama, the last 3 years it's been over \$1 trillion each and every year. Something clearly has changed, and we would like to say that it's changed in our economy. I would propose to you, sir, that maybe it has changed in our government.

At some point, I call on my colleagues on both sides of the aisle, my friends that are Republicans and Democrats alike, it is time to put the sword down. We cannot, in fact, Mr. Speaker, we must not allow this type of spend-

ing to continue so that our children, my grandchildren, your children and grandchildren, will have to pay this bill, a bill that they did not make and a bill that they should not owe.

So I stand before you today challenging my colleagues to consider a better path forward, one that we use in our families, one that we use in our businesses, one that 49 States use in their State governments, and that is a balanced budget amendment to the United States Constitution.

Just the other day I was standing right over where my colleague was and is standing right now, and I had a copy of the Internal Revenue Code. It's nearly 10,000 pages of fine print. An amendment to the Constitution will be just a few words, and it's a simple thing.

But most importantly, the amendment to the Constitution that would call for a balanced budget allows the American people, not just through their Representatives here in Congress, which we clearly have seen is not going to solve the problem, but allows the American people to finally have a say through the ratification process.

I had a telephone town hall recently, Mr. Speaker, with 15,000 Americans on the line. I did a poll and I asked them, how many of you would support a balanced budget amendment to the United States Constitution requiring the government to live within its means? Over 80 percent of those respondents said that they would support this.

I want you to know, Mr. Speaker, that millions of families and businesses every day live under the constraint of a balanced budget. As a father, as a former small business owner, and now as a Member of Congress, I have a different perspective on this whole thing, and the perspective is that we must, must move forward with this.

As a father, I tried to teach my children the value of hard work, the importance of saving for the future and not spending more than they earn. As a business owner, I operated my company that same way. And now, as a Member of Congress, I recognize that these ideas that many of us, I would dare say the majority of Americans, hold true, is just as good for their government. And so if a balanced budget in your family, in your business, in your church and in your community and your State makes sense, it clearly makes sense here.

The reckless spending will never stop, I believe, without it. There will neither be the political will nor the courage to do so. Since Washington has proven itself incapable of doing this job, it's time that we let the people, the citizens of America have a voice so that they can force their government to act responsibly.

I call on my colleagues to pass a balanced budget amendment to the United States Constitution through this Chamber, the United States Senate,

and then send it back to the people, where they will finally have their voice heard.

Mr. GOODLATTE. I thank the gentleman for his comments.

As I indicated earlier, this is an issue that has to have a bipartisan solution. It simply is not possible to pass constitutional amendments that require two-thirds of the House, or 290 Members, and two-thirds of the Senate, 67 Members, without Members reaching across the aisle and working together to come up with language that is agreeable and can be supported on both sides of the aisle.

And quite frankly, the nature of the problem that we are confronted with is one that past Congresses controlled by both parties, Presidents of both parties have contributed to, and the solution is going to have to require also that same kind of bipartisan working it out on a year-to-year basis balancing the budget.

It won't be easy. There will be tremendous differences of opinion about whether we should do this by cutting spending or raising revenues, or doing other things that can grow our economy and cause more revenues to come in. But it cannot get to the first stage of having future Congresses live by this without it being bipartisan. That's why I'm so pleased that so many members of the Democratic Party have signed on to support this effort. They've been led by an outstanding Member who has championed a balanced budget amendment for a long time, and that's Congressman PETER DEFAZIO from Oregon.

I yield to the gentleman.

Mr. DEFAZIO. I thank the gentleman for yielding, and I thank him for his leadership on this issue over almost a couple of decades. It's been a long struggle. I hope the time is here.

I was one of 73 Democrats in 1995 to support a balanced budget amendment which was basically silent on the issue of whether we would get there with additional revenues and reforms that would raise revenues, or with spending cuts, or a combination of both. Ultimately, in the nineties, by a combination of revenue increases and reforms and spending cuts, we did reach a balance in the year 2000, and actually paid down debt. And had we passed that amendment in 1995, we wouldn't be looking at a \$14-plus trillion mountain of debt today.

As the gentleman before me spoke, that's not the legacy that I want to leave to our kids and grandkids and great-grandkids, given the magnitude of that debt. We have a responsibility to act, and anyone who is observing Washington these days can see that it's hard, it's really hard for Congress to come together and decide on issues that are extraordinarily important to our Nation.

□ 1630

We really need a little bit of forced discipline, I would say; and that's the

way I look at a balanced budget amendment, that H.J. Res. 2 would force us over a relatively short period of time to make very difficult decisions on, yes, the potential for revenue increases or spending cuts with virtually everything on the table to get to a mandatory balance of the budget within a short period of time.

Then to begin to pay down the debt, which will take, if we aren't running surpluses and we merely balance the budget into the future, including our payments of interest and principal on the debt, it will be some 30 years before our country could be debt free.

But that would at least be a point in time in which we knew that our grandkids and others to follow would not be inheriting that debt.

So I'm very hopeful that when we have a vote some time, I understand, perhaps in the next month, that we have an opportunity to bring up what I believe is the version of the balanced budget amendment, most likely to be able to engender a majority as it did in 1995, and that would be H.J. Res. 2.

With that, I thank the gentleman for the time, and I look forward to continuing to work with his leadership on this issue.

Mr. GOODLATTE. I thank the gentleman.

In the next few weeks, as we anticipate a vote coming up quite soon, we have a lot of work to do to make sure that we are giving every Member of this body an opportunity to speak out for fiscal responsibility and not just speak but put their vote on the line and say, yes, we think we should send to the States an amendment to the Constitution to require a balanced budget.

We are also joined by another new Member who has been a very strong advocate for cutting government spending and having government operate more efficiently and believes strongly in requiring that our government do what everyone else in our society has to do, and that is live within its means, balance its budget, and that's Congressman MARLIN STUTZMAN from Indiana.

I yield to the gentleman.

Mr. STUTZMAN. Thank you, Mr. GOODLATTE, and thank you, Mr. Speaker, for the time that we can come to the floor and talk about this important issue.

I think it's an opportunity for us here in Washington to do something that changes the direction of our fiscal condition in Washington, D.C., and our Federal Government.

As we all know, the economy has been very difficult for families across this country in so many different ways. And people have realized and have made tough decisions within their own budget, whether it's a family budget, whether it's a business budget, and realize that the economy and the dif-

ficulties that we face today are forcing decisions to be made that are sometimes difficult, are not sometimes the choices that we'd like to make.

But as the Federal Government continues to spend and spend money that we don't have, money that we're borrowing—40 cents for every dollar that we spend is borrowed money—I believe that this is a time for us to let the people speak, let the American people speak on an issue that is a principle that is so foundational for our family budgets, our business budgets, what should be a very basic principle for our government in the way that we operate, and that is a balanced budget amendment.

This is a historic opportunity. It could also have historic consequences. I believe that if we do not rein in Federal Government spending and save the American Dream, we will, in effect, determine the future of our great country. It is just very simple, and I believe that as we take this time to talk about the balanced budget amendment, whatever version people support in this Chamber and across the Hall in the Senate, I believe that we have to have some basic principles, basic concepts that we can all agree on.

How can we not agree on saying that every year Congress passes a budget it's going to be balanced? It is just common sense.

I come from a State that has a balanced budget amendment, Indiana. And we have a balanced budget. And now I know the temptations that have come across the State legislature in Indiana to pass budgets that are out of balance.

But if we have that anchor here in Washington that says we have to pass a balanced budget, that we cannot continue to borrow and spend, that is what's going to keep Washington in check.

Our Constitution is the bedrock of our experiment in self-government. It is a remarkable document. Libraries have been written on its importance and its legal application, but we cannot forget that the wisdom our Founding Fathers built in the Constitution is timeless and they're very simple truths.

People give the government its power is one of those. Government exists to protect our God-given rights. Men are not perfect, so neither is our government. So it must be limited, checked, and balanced.

Our great Nation rests on these principles. If we still believe in those principles, we must recognize another simple but profound truth: good government must live within its means.

So that's why I believe the balanced budget amendment to our Constitution is crucial at this time. When we face \$15 trillion of debt, we're handing off and saddling our children and every person in this country \$48,000 of debt per individual. Unemployment has held

steady at historic high rates. Confidence is declining, and Washington, like a spoiled child, continues to talk about tax increases and stimulus programs that just do not work.

I believe we owe it to our generation, to future generations, to pass a balanced budget amendment to our Constitution that requires the Federal Government to live within its means just like every American family and just like businesses across this country that are going to move this economy forward.

I thank the gentleman from Virginia for his efforts with the balanced budget amendment, and I am proud to stand here today and support it; and I believe this is a great opportunity for Congress to stand with the American people. This is our opportunity, and we must not fail.

Mr. GOODLATTE. I thank the gentleman.

I have to say that we've seen support from all across the country, from east coast States like New Jersey and Virginia all the way to the west coast to Oregon. We've heard from Members of both parties, we've heard from Members from States along the Canadian border, and Members from States on the gulf coast.

This amendment has broad, broad support in the Congress, but it has a high hill to climb in needing 290 Members to vote for it. We're continuing to work to find that support. It's not a new idea. It's been around for almost as long as our Constitution.

Thomas Jefferson has been cited, and I'll read that again here. He said, "I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government. I mean an additional article taking from the Federal Government the power of borrowing." He said that in 1798. That's not the only thing he said.

Later in his life he said, "There does not exist an engine so corruptive of the government and so demoralizing of the Nation as a public debt. It will bring on us more ruin at home than all the enemies from abroad against whom this Army and Navy are to protect us." Thomas Jefferson said that in 1821.

And about our future generations, which several Members have commented on here tonight, Thomas Jefferson said in 1789, the year that our Constitution went into effect, "Then I say, the Earth belongs to each of these generations during its course fully, and in its own right. The second generation receives it clear of the debts and encumbrances of the first, the third of the second, and so on. For if the first could charge it with a debt, then the Earth would belong to the dead and not to the living generation."

Thomas Jefferson wrote that to James Madison in 1789, and how prescient was that as our new Nation was

starting work under a new Constitution that he would observe that we are where we are today where we are passing on to future generations debt that is unsustainable.

How ironic it is that we borrow money today to pay for programs today and put that burden on the backs of our children and grandchildren and those not yet even born with the likelihood that if we do not change from this course, we will find that those very children and grandchildren will not have these programs when they need to depend upon it. They will only have the debt.

□ 1640

This is what Thomas Jefferson meant when he said the Earth would belong to the dead and not to the living.

Finally, let me give you one more quote:

“To preserve the independence of the people, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude.”

Mr. ROKITA. Just a quick note to the gentleman from Virginia.

As we're talking about “why this hill”—and I think you mentioned the hill being so high and so hard to climb—there might be people at home watching right now, maybe even some in this Chamber right now, who are wondering: Why would this be so difficult? We had others come up and say they had a telephone town hall where over 80 percent of their constituents were in favor of this. Why is this so hard?

We have to think of it this way:

There are two groups of constituents, and we can't appease both sets all the time. There is a constituency that's the here and now that will ensure that, if we do things they want, they'll give us another election; they'll let us serve longer. Yet there is another constituency that doesn't even exist yet. No matter what we do, we won't be around for them to reward us. I would just suggest that everyone here in this House of Representatives serve that latter constituency: our kids, our grandkids, those who don't even exist yet. Vote for them to make sure that we keep the Republic.

For those of you who are watching, make sure you tell your Representatives, Hey, I want you to vote, not for me, not so that I can have more on my plate now; I want you to vote for our future.

If the people of this country demand that of their Representatives and their Senators, we will keep the Republic as Franklin demanded.

Mr. GOODLATTE. Mr. Speaker, that's an excellent note on which to close.

I want to thank the gentleman from Indiana and everyone else who has participated and the other gentleman from Indiana.

With that, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PALAZZO). Members are reminded to address the Chair and not the viewing audience.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2930, ENTREPRENEUR ACCESS TO CAPITAL ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 2940, ACCESS TO CAPITAL FOR JOB CREATORS ACT

Mr. SESSIONS, from the Committee on Rules (during the Special Order of Mr. GOODLATTE), submitted a privileged report (Rept. No. 112-265) on the resolution (H. Res. 453) providing for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunding securities, and for other purposes, and providing for consideration of the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D, which was referred to the House Calendar and ordered to be printed.

MEDICAL TECHNOLOGY CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. PAULSEN) is recognized for 30 minutes.

Mr. PAULSEN. Thank you, Mr. Speaker.

For the next few minutes, some of us who are members of the Medical Technology Caucus are going to share some of our thoughts about some of the recent troubling developments that are threatening this American industry. I will tell you, as cochair of the Medical Technology Caucus, in Minnesota, I get a chance to tour these companies. We all know the big names of the big titan companies; but nearly every week, I get a chance to tour one of these small companies that might have five employees, that might have 10 employees—companies that are not yet profitable.

They're working on these really innovative and neat technologies that are there to help patients improve their lives and save their lives. In fact, Mr. Speaker, from 1980 to 2000, the medical technology firms were responsible for a 4 percent increase in U.S. life expectancy, a 16 percent decrease in mortality rates, and also an astounding 25 percent decline in elderly disability rates. I think, as we'll hear from some of our colleagues, particularly from the Indiana delegation, which is where we were just about a

week and a half ago, we're learning there are some new hurdles on the horizon.

Number one, there is a medical device tax that will be imposed in just a little over a year. It's a \$20 billion tax, and studies have shown it's going to cost the industry about 10 percent of their workforce. It's about 43,000 jobs that will be at risk. In fact, I just met with an owner of a company today who mentioned that he believes this excise tax, if put in place 1 year from now, will cost his company at least 50 high-paying jobs.

Then you have the other issue of just an FDA that has become so bureaucratic, so unpredictable, so inconsistent, and so nontransparent that it's becoming more difficult for these companies to bring these lifesaving technologies to market to make sure that the patients have access to them.

I have traveled the country—to California, to Boston, to New York, and we'll have a chance to go to North Carolina—where these pockets of industries in the medical technology field are really strong and vibrant. One area in particular was Indiana.

We were there just a little over a week and a half ago, and I will tell you, of the folks who testified there—the companies and the presence there and the jobs there—it was compelling. In fact, I'll never forget the words from one of the testifiers there at the committee when he mentioned, when he gets asked for advice on where to invest, on where to start up, that his advice to new companies is, Go to Europe. Go to Europe.

That is the wrong message.

Mr. Speaker, in this down economy, when we are trying to save jobs, when we are trying to encourage job creation, we're encouraging one of our best American success stories, one of our few net exporters, to move overseas.

We've got legislation that's actually moving forward now. Many of these members are coauthors of not only repealing the tax but also of streamlining and modernizing the FDA to make sure we're doing what Europe is doing, for instance, and to make sure we don't have as high a hurdle. We want to make sure there is a strong, relevant, rigorous process at the FDA because these companies want the gold standard. They want the gold standard of approval, but they don't want the goalpost moved in the middle of the process to make it so ridiculous that their investments are not going to be worthy of the risk/reward that they hope to have pay off.

When we were in Indiana, we had a bipartisan gathering of Mr. ROKITA, Mr. YOUNG, Mr. STUTZMAN, and Mr. DONNELLY who were there, along with Representative GUTHRIE from the Energy and Commerce Committee. They took the time to come out, to listen to

these companies that testified and also, more importantly, to listen to the patients. We had a patient testify as well, Sheila Fraser, who is a young high school student who was testifying about a device that was implanted in her leg. It truly is an amazing success story because, in a lot of cases, folks like her have to have amputations, and this is a device that is now improving her life.

So I think, as much as we like to talk about the jobs and the economic benefits, it's also just as important to hear it from the patients' perspectives as to how these lifesaving technologies are helping them and how these life-improving technologies are helping them.

As I mentioned earlier, we've been to California, and Mr. BILBRAY is going to talk in a little while. This is an industry that covers many spectrums of the economy across the country. So I just want folks who are watching out there in America to understand there are some of us who really care about this industry. We're fighting for it, and we appreciate the input and dialogue that we've had as a part of that.

With that, Mr. Speaker, I want to first yield to the gentleman from Indiana (Mr. ROKITA), who has been a leader already on this issue and has helped us get coauthors to repeal that onerous innovation tax.

Mr. ROKITA. I thank the gentleman for yielding. I also thank the gentleman for his leadership.

We were pleased to welcome you to Indiana, and I know you get that same kind of welcome all over the Nation.

The gentleman from Minnesota, I think, has done an excellent job in making sure that this issue not only was formulated the right way, not only was formulated in a bipartisan way, but is now on the verge of going through committee and coming to the floor so we can take action.

What action are we speaking of?

There is an insidious tax that was put in the new health care law, a law colloquially referred to as ObamaCare. It is a 2.3 percent tax on innovation. I often get asked in Indiana's Fourth District and in other places around the State: How do we stay competitive? Why are you letting jobs go overseas?

I am the first to point out that to succeed in this country, to succeed in this Nation, if we are to be prosperous—to maintain and increase our prosperity in the 21st century—we have got to stay a step or two or five ahead of our competition. In Indiana, we're not competing with people in Fort Wayne or in Jeffersonville or in Terre Haute. We're competing with people from places that we can barely pronounce, meaning not in the United States. No country was ever ultimately successful by building a wall, whether it's a physical wall like we found in ancient China or an economic wall like

we see with tariffs or, in this case, with taxes on companies and on an industry that continues to innovate, that continues to keep us on the cutting edge of what the world is doing in this area. That's important. That is the key to our success.

By taxing these devices, by taxing this industry, you're not going to get more of it; you're not going to get more innovation. You're going to get less. If you want less of something, you tax it. By the way, when you do that, you're not even going to get more revenue to pay for that all-inclusive, government-run, bureaucrat-interpreted health care system.

□ 1650

I'm really pleased to be a cosponsor. I continue to learn on this issue. I learned a lot from the field hearing that was done.

I would like to echo the point that was made: This was a bipartisan hearing. Just like in the last hour, we saw in a bipartisan way that we have to live within our means, and we can do that through a balanced budget amendment. We had Democrats come to speak on that.

At the field hearing we had on the repeal bill of the medical device tax, we had that same kind of bipartisanship. Bipartisanship does exist. It exists in Indiana. And with this bill, it can exist here on the House floor as well.

I was alarmed as well. The person testifying was Steve Ferguson from the Cook Group. Mr. Cook, when he started his company, he started from a spare bedroom in his apartment and grew it to a multibillion dollar operation. He is one of the best examples of an American success story. And his partner, Mr. Steve Ferguson, who testified—I will back up Mr. PAULSEN in this—said, when new startups come to him, when young men and women come with an idea and want to start a company, he says, go to Europe. Not because he isn't a true-blooded American patriot, but because he's giving honest advice.

Now what does that say about our Federal Government? What does that say about our bureaucracy when, instead of going through the FDA approval process, the best advice is to go through the bureaucracy of a union of countries that can barely stay afloat because of the debt they're incurring? Where does that put us in a 21st century world? Where does that put us in terms of our ability to continue innovating, in terms of our ability to be prosperous?

We have got to put the swords down, as it was said earlier. We have got to come together and realize that it's that innovation, it's that economic freedom, it's that liberty to associate and provide an equal opportunity for one's own success that has made us the best and most successful experiment in self-government that the world has ever known

and, as a result, has kept us on the cutting edge of profit-making innovations that employ people, that keep taxes low, where we've proven time and time again that the way to success is doing the opposite of levying a tax, by letting individual men and women rise and fall on their own decisions. That's what this medical device bill does.

Thank you for sponsoring this time, Representative PAULSEN. It's been an honor and a privilege and a pleasure to work with you.

Mr. PAULSEN. I thank the gentleman again for his leadership. I just want to mention too, you had mentioned all the authors of this bill that are trying to repeal this onerous tax. There are actually 204 Members now, Mr. Speaker, that want to repeal this tax, bipartisan support. The amount of money this tax is expected to raise is actually equal annually to the amount of money that's invested in the industry every year. So it is a very wrong-headed move.

One of the first coauthors of this bill that would repeal this tax and who, I think, recognizes the importance of this industry is my friend and colleague from Pennsylvania. I yield to him and thank him for his leadership and for being a part of the caucus effort.

Mr. ALTMIRE. I thank the gentleman from Minnesota. I can't think of anybody in the Congress who has done more for medical innovation, his leadership on the medical device tax, on FDA reform issues, than Mr. PAULSEN. It's an honor for me to be here tonight to discuss this issue before the House.

What we have done in a very strong and forceful bipartisan way, which is critically important and something we don't do nearly enough of in this Chamber, is to send a message that we want to protect the medical device industry in America. The innovations that are created in this country are second to none. The way that we handle the FDA process could be improved, and we are going to talk about that shortly.

But with regard to medical device issues in particular, I'm fortunate that the district I represent is home to a number of large and small medical device manufacturers that are doing great work right here in America, producing medical devices that we rely on in this country, that millions of Americans depend on.

And when we last year, in the last session of Congress, went through the debate and eventually passage of the health care reform bill—which I voted against—one of the issues that was in there was the medical device tax, which seemed pretty arbitrary. They were looking for sources of funding. They were looking for ways to make the bill come into balance. And one of the industries that they targeted for

the tax was the medical device industry. I believe very forcefully that it was shortsighted. I think it was something that should not have been done. That's an industry that we have international leadership on in this country. It's an industry that millions of Americans have an everyday benefit from.

What we did was say, Well, you look at the portion of overall health care costs in the country that that industry represents, and you are going to create a tax that's going to pay for approximately that portion of that industry to go towards the health care bill. I didn't think it made sense then. I don't think it makes sense now. What I want to do, along with the gentleman from Minnesota and the other 202—the total of 204 cosponsors of this legislation—is just put common sense back in place to say, we want to continue to have those innovations take place in America, not in other countries; to continue to show the worldwide leadership that we have shown and to continue to allow American citizens to benefit from the great work that's being done across the spectrum, large and small, of medical device manufacturers in this country.

So the \$20 billion cost that's associated with this tax is just the tip of the iceberg. We're going to lose a lot more than just the cost of what it's going to take to pay that tax if you're in the medical device industry. We're going to lose the innovation. We're going to lose the talent because we're competing with other countries for the top talent in the world, and where individual people want to reside when they undertake research and development of new drugs, new pharmaceuticals, and also new medical devices. This tax is absolutely the wrong thing to do, and I strongly support the gentleman's effort to repeal the tax. We're going to talk later on, and I'm going to join the discussion on FDA reform and some of the things we're doing, working together, but this medical device tax, the reason it has attracted bipartisan support for the repeal is because it makes no sense. It's burdensome, and it's absolutely the wrong thing to do.

Mr. PAULSEN. I thank the gentleman again for his leadership and for really standing up for Pennsylvania companies and understanding this is an American success story, as he outlined. He is actually a coauthor of some bills that are there to streamline and modernize the FDA, which we will talk about in a second as well.

We also have my friend, the gentleman from Indiana, here as well. Mr. STUTZMAN, I think you were at the hearing. Maybe you could share some of what you learned from the hearing in Indiana.

Mr. STUTZMAN. I thank the gentleman from Minnesota. It was a great day for us because of the things that we learned from those folks who testified at the hearing there in Indianapolis.

Those of us in Indiana, we love racing, we love agriculture, we love manufacturing. But we also have an industry there that we are very proud of and is one of the emerging businesses for the world. The orthopedic industry has \$36 billion worldwide in revenue. And I am fortunate enough to represent Indiana's Third Congressional District, which includes the city of Warsaw and the areas surrounding Warsaw, which is the orthopedics capital of the world.

I can tell you, you hear a lot of the great stories about racing from Indiana. There are also great stories about companies that started in apartments or in a garage from folks in Indiana in this particular industry. It's an industry that I believe is so beneficial to people in a personal way. I can tell you myself that my grandmother had two of her hips replaced. And that is the industry that we are talking about; knees, joints, hips, other parts of our body that can be replaced to increase the quality of life that we enjoy.

□ 1700

My grandmother had her hips replaced, and I know what it did for her. This industry was really started about helping people and increasing the quality of life that people have. We had a young lady there, Sheila Fraser, who the gentleman from Minnesota mentioned. What a great story. What an amazing young lady. She is a senior from Mishawaka, Indiana, who had a knee replaced because of cancer in her bone. They can take this particular device and extend it. As she grows taller, as her body grows, they can adjust this particular device inside her leg as she continues to grow. It's amazing technology, and that's why it's so important for us to protect this industry, to do no harm to the industry because it's growing fast. At a time when America is facing high unemployment rates, this industry continues to grow. These are high-paying jobs.

I know it is a huge benefit to the part of Indiana that I represent. The jobs that are created, these are jobs that pay well and the type of jobs that we want to keep right here in America.

As we talked about this tax, it is going to be a burden on these businesses and on these jobs. I can tell you already after talking to the folks in northeast Indiana at these businesses that there are other countries like China. China has a growing population. You have other countries that are starting to advance in bioscience, and this is why it is so important for us to make sure that we don't affect this industry in a way that it will start looking to other countries like China or India, other places around the world. Europe, obviously, is already a mature market. China is an emerging market, and they want these particular devices built there. If we build them here, we can export them to countries like

China, and they can be buying American-made products from companies and people who live in my community where they are building these particular devices.

As was mentioned, 204 Members of the House of Representatives are signed on to the repeal of this tax which I believe is a great number, almost a majority. I would urge our leadership to bring this bill forward to the floor for a vote because we know if this tax stays in place, these companies are going to start looking elsewhere because this is a huge burden upon them.

I thank each Member who was at the hearing in Indianapolis. We saw some fantastic, amazing things that are being developed. And if we can keep government from hindering this type of technology, this type of growth, we're going to lead in new ways in manufacturing. We have the automobile industry and the steel industry. This is an emerging market that will continue to grow as people gain in wealth and they gain in access to these types of services in the health care industry.

I would just encourage all of my colleagues to sign on to this piece of legislation because we don't want to see this type of industry move outside of the United States. I appreciate Mr. PAULSEN and his leadership.

Mr. PAULSEN. As you mentioned, I think one of the things that folks don't often recognize, the medical device industry is high-value manufacturing. Boy, I think of a State like California and the high-value manufacturing that exists there. I visited some companies in California one time, and I would like to yield to Mr. BILBRAY who has been a leader on moving some of the packages of bills to help streamline the FDA and to modernize the FDA as well.

Mr. BILBRAY. I thank the gentleman.

Mr. Speaker, the gentleman is leading on not just an issue of jobs. This is an issue of jobs and lives. I think that is one thing we overlook so often. I am glad to hear about the hearing in Indianapolis because we had a hearing in San Diego. I'm sure that you guys are glad that you didn't have to come to the hearing in San Diego because we were in La Jolla overlooking the beach and the surf at the Scripps Institution of Oceanography. But maybe some day you will be able to break away and come to one of our hearings down in San Diego.

But, Mr. Speaker, we're talking about an issue that is not discussed enough. I guess one of the issues that I'm really excited about on this one is it's a bipartisan effort. If there was one thing I want everyone to know about Washington, D.C.—Democrats, Republicans or Independents—the biggest problem with this town isn't that Washington tries new things or that Washington makes mistakes; but when Washington tries new things and

makes mistakes, they're not willing to go back and correct it and straighten it out. They ignore it.

In fact, a lot of times they think the only problem is just throw more money or taxes at it or more regulation, and somehow it will make it better. I think this is one of those items where Democrats and Republicans should get together and say, Look, this was rushed through, really wasn't looked into in depth and needs to be corrected and straightened out.

That is what this bill, both the gentleman's bill and my bill say: We need a step back period, a cooling off time, and let's look at this and straighten this out. And the first thing we have to do is take this huge tax off the back of not just the producers but the American consumer. We're talking about a tax of \$20 billion on an industry that can ill afford this kind of burden, especially at this time. We're talking in California alone 112,000 jobs, and something that all of us will say later if we lose these jobs, Oh, my God, how could we have done this. More importantly, we are talking about those lives of the people who depend on not just those devices that are out there today, but those that will be out there in the future.

Is there anyone here that can assure themselves that their children or grandchildren or granddaughter or grandson or even their mother or father won't need to have medical devices somewhere down the line, not just to improve the quality of life, but to ensure life extension? Or the fact of just being able to survive certain medical crises? Those are all questions that we need to ask ourselves individually. But as a Nation, we need to ask ourselves: Was this the right step for us to take at this time or at any time? And if it wasn't, we have to be brave enough to do what Washington doesn't do enough, and that is go back and correct the mistakes and move on in a much better and much more secure form, something that can be substantiated.

Let me be very blunt, as someone who has a major medical device industry in my community, that there are ways we can correct these things. ANNA ESHOO and I, back in the 1990s, actually did tort reform for medical devices. There was a kind of bipartisan support of it saying put politics aside and put people first, and when it comes down to it, you do not provide health care to the public by taxing it out of the country. You're not going to make those kinds of opportunities available to either the people who need the jobs or those who need the medical breakthrough.

I want to say again that I look forward to working on this, and I look forward to working on a bipartisan effort with my colleagues on both sides of the aisle, things like FDA reform, which is going to be another essential step that

we have to do to make sure that we keep this vibrant industry here, or we will all rue the day, Democrat and Republican, if we allow it to leave the country and the jobs and medical breakthroughs go with them.

Also, the huge resources that we have for more research and development to be brought back into this country by repatriating American money that is overseas, that is being kept overseas, but because of punitive actions of the Federal Government here in Washington, D.C., \$2 trillion that could come back to help do research and development, to save lives, to develop the next generation of medical devices, to be able to create that opportunity in economics and in medical breakthroughs, that's the kind of thing that we need to see Democrats and Republicans work together on.

I look forward to building on the co-operation we see in this bill, and work on it in other bills related to public health and the economic opportunities of creating jobs in America with American jobs on American soil.

Mr. PAULSEN. I thank the gentleman for being a leader. When folks think of States like California, they think of high technology and medical devices, but it's the investors who have a large component in States like California that invest in these companies. Unfortunately, the FDA has become so risk averse that the investors aren't investing the resources needed to start the new products, and that's the pipeline going over to Europe. That's the challenge we have.

Someone else at the hearing a little over a week ago was my friend and colleague, Mr. YOUNG, who also heard some of these personal stories not only from the patient perspective but the innovator perspective.

I want to thank the gentleman from Indiana for his leadership and for inviting me to be a part of that hearing in Indiana.

Mr. YOUNG of Indiana. I thank the gentleman from Minnesota for his leadership and I certainly share your desire to lighten the burden on this high-value-added industry. We need to ensure that all of the manufacturing jobs, all of the job and economic growth opportunities that we can help create an environment for, a nurturing environment for, that we do.

□ 1710

One thing that I hear as I travel around southeastern Indiana and listen to my constituents, there's a lot of feedback about the level of uncertainty within our economy. There's regulatory uncertainty, there's uncertainty about future tax rates, and there's uncertainty about energy rates and health care costs. And so these medical device manufacturers are certainly laboring under the burden of uncertainty with respect to the FDA regulatory

process. And then here we add an additional excise tax to their bottom line. And so I'm happy to support H.R. 436, which would lighten that burden.

I don't think probably many people appreciate—I certainly didn't appreciate it until I started looking into it—exactly how burdensome this device tax could be on the medical device industry. The tax is 2.3 percent of gross sales. So that's a top-line tax before all the other deductions and costs come out. So, essentially, that would translate into about 15 percent taxation on profits of many of these medical device companies. You add that 15 percent profit tax to 35 percent corporate tax and the 5 percent tax when you add together the State and the local corporate tax burden, and you're north of 50 percent of tax on profits. So it's no wonder that so many of these device makers are instead deciding to expand their operations or start up new operations overseas. And we have to do what we can to prevent that.

Now, in my home State of Indiana, approximately 40 percent of all life sciences sector jobs are related to this devices industry, this high value-added industry that improves the lives of so many patients and certainly all the workers who work at these companies. My district, in particular, has some employers that we'd like to keep around, like the Cook Group in Bloomington, my hometown. And then as we head further south to Jeffersonville, Indiana, we have MedVenture. And there are people everywhere in between that work at this company.

The tax impact is going to burden not just the large companies, however. There are 300-plus FDA-approved medical device manufacturers in the State of Indiana. And as my colleague from Minnesota just indicated, they're all searching for financing. They're searching for venture capital to bring their fledgling operations to the next level. So a Cook Group could probably weather this storm and figure out some way to remain profitable, but it's the next Cook of the world, the next tinkerer in their garage or their spare bedroom that may not be able to grow their business and create the jobs that our constituents are all demanding should this device tax go into effect January 1 of next year as it's currently scheduled to do.

The regulatory challenges which I've already mentioned are also very important. They must be addressed separately. I know there's separate legislation out there to do that, and I will be supporting that initiative as well. But the bottom line here is that there are jobs at stake and there are people's lives at stake as well.

We heard very powerful testimony from Sheila Fraser. Her name has been mentioned here before. She is an outstanding young lady, a high school student, who at a very young age contracted cancer, and she was going to

have to have her leg amputated. And because of the ingenuity and the entrepreneurship of people in my home State of Indiana, they were able to put together a company and sell these products and develop a product that benefited Sheila Fraser directly. And now she's living a very productive life, and she has both of her legs, thank the Lord. And we need other people to benefit from similar sorts of innovations in the future.

I am most proud to be here to speak on behalf of H.R. 436. I urge my colleagues to sign on to this legislation and to vote in favor of it.

Mr. PAULSEN. I thank the gentleman. I'm not sure how much time we have left in our colloquy, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAULSEN. Thank you, Mr. Speaker.

CIVILIAN PROPERTY REALIGNMENT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. DENHAM) is recognized for 30 minutes.

Mr. DENHAM. Mr. Speaker, I am here this afternoon to talk about H.R. 1734, the Civilian Property Realignment Act. Here we have an opportunity to not only cut waste, but also to create jobs and to bring in new revenue without raising taxes. Here's an opportunity for Republicans and Democrats to agree and send the President actually something he is asking for.

What the Civilian Property Realignment Act would do would be to have greater oversight over leasing authority. We would also have redevelopment of underutilized property, the best use possible, and combine agencies. Where you may have 50 percent of an agency in one building, 50 percent in another, we're going to combine them into one agency.

And then we're going to sell off the things we just don't need, properties that we have around the entire Nation, some of which have sat vacant, some of them are declared excess, underutilized, sell off the things we just don't need.

And then, finally, we want to create transparency. We want to shrink the size of government by creating transparency, showing how many employees are going to be housed in which buildings, and before we go out and lease new space or buy new space actually let people know before we go out and hire new employees. This is the best opportunity, I believe, to shrink the size of government.

I want to go through these one by one. First of all, oversight of leasing authority. We held a hearing several months ago. The Security Exchange

Commission went out over a weekend and secured 1 million square feet over the next 10 years at the cost of \$550 million. Over half a billion dollars of taxpayer dollars were committed on a weekend with no oversight, with no authority, and today we still have a vacant space because the employees that may have been hired have never been hired, and there's no proposal to ever hire the employees, yet taxpayers are now on the hook for \$550 million.

We need new oversight. We need greater oversight. The SEC, the Securities and Exchange Commission, we have now pulled back their oversight, but this is happening in many different areas of the bureaucracy. Many different agencies have this authority today and still have the ability to go out and secure these types of leases. It is time to bring it all under one department. GSA has the opportunity to manage all of our leases, all of our portfolios, and make sure that we are actually making sound business decisions. What a philosophy that is for government—actually see what we need, what agencies have how many employees, what are their leasing needs, have the transparency and the oversight before we go secure a new lease.

Redevelopment—we need to redevelop some of these properties. The Old Post Office right down the street here about a block away from the White House, a property that we had built in the late 1800s, it's a beautiful property. It's one of the tallest buildings in the capital region. It has a big clock. It is a nice historic building. That's one we don't want to sell off. But rather than spend \$6½ million every year in upkeep, rather than have this vacant building that could be utilized, why not redevelop it? Why not make that a showpiece? Why not allow constituents and visitors to the Washington, D.C., area to actually go up into this national monument, go up into the clock tower and be able to take in one of the greatest views that our country has to offer? And let's do it and make a profit. We have offers coming in now from Trump, Waldorf Astoria, and Marriott Properties that all want to redevelop this property, create hundreds of jobs in the short term just in the redevelopment process, but also create hundreds of jobs in the long term by making sure that we have an employment base for years to come in this capital region.

But this isn't just about Washington, D.C. We have properties like this across the Nation. If it's a historic property, then let's redevelop it. Let's make sure that the infrastructure is there, done by a private investor that is going to go out and redevelop this property and then have the long-term job effect afterwards. It can be done, it can be replicated, this one jobs investment.

The companies that are talking about moving into the Old Post Office

is \$140 million total private investment, \$100 million in materials, 300 immediate jobs. If you go around the D.C. area, you can see that we could use the 300 jobs just in this one project.

□ 1720

Then another 275 permanent jobs for year in, year out in this one beautiful new hotel that would be redeveloped. That's \$11.2 million in annual revenues to the D.C. area. This is a way to get Republicans and Democrats to agree on something that not only creates jobs, not only gets rid of waste in \$6.5 million that we spend every year just in operating costs anyway, but get a property moving again in the right way.

We also need to combine agencies, collocate. There are too many properties out there where we have 25 percent utilization, 50 percent utilization. Why wouldn't we have close to 100 percent utilization on every property? You would in business. There's no business that wants to keep vacant office space, vacant warehouse space; but in government, because we don't have agencies talking to each other, we have vacant office space and vacant warehouse space across the entire Nation.

Here's an opportunity to do more with less. We have an opportunity to, in courthouse sharing, we have waste, 946,000 extra square feet, which was constructed because of lack of sharing. The number of courtrooms needed is 27 of the 33 courtrooms, which would have been reduced by a total of 126 if all we did was just share. But this is one example. Again, this goes across the entire bureaucracy across the United States. Combining agencies, collocating, getting to 100 percent utilization rate is something we ought to all strive for.

But I think one of the biggest areas, not only for redevelopment and jobs, but to bring in revenue—there is a lot of talk out there about taxes. If you really want to bring in revenue that Republicans and Democrats can agree on, let's sell off some of those things that we just don't need, properties that we have sat on for decades, properties that we may have bought at one time or developed at one time because we actually had a purpose for using them.

But there's no accountability, no efficiency to be able to say at a certain point that this property is just not needed; it's not being utilized; it hasn't been developed. It's going to cost us millions of dollars every year in operating costs. It's going to cost us billions of dollars to do tenant improvements.

We don't look at all of our properties across the Nation. We don't even look at our asset portfolio by agency. Let's start taking a look at the 1.4 million properties, buildings that we have across the Nation that your Federal Government owns that utilizes taxpayer dollars and make a business decision: Do we need it now? Is it being

used efficiently? And can we sell off some of the things that we just don't need?

We've already identified 14,000 excess properties—"excess" meaning we don't need them today. Let's start by selling those off. But then let's look at some big ticket items. Rather than giving the Presidio back to California or to San Francisco, rather than doing a sweetheart deal for one city or one State, selling off big billion dollar properties to New York, let's do a competitive process that affects all of our taxpayers, that actually brings revenue back to our Treasury and reduces our debt.

And along the way, as we're selling off these properties, the private individual that buys it or the company that's redeveloping it is going to reinvest not only in the property, but in the community. You can generate millions of jobs just by creating the redevelopment across the entire Nation. So there's a great opportunity with our property sale as well.

And then we also need oversight. I mean, there has been a huge lack in oversight across the Nation. One of the glaring examples that I've seen is in my home State of California, a courthouse that was proposed over a decade ago. Now, in 2000 we had 60 judges, with a proposal to add about 20 more judges. They were going to build a new courthouse. About \$400 million it was going to be to build this new courthouse.

We also spent millions of dollars acquiring this new piece of property that is in a beautiful area of downtown, redeveloped all around it; but it is a hole in the ground. For the last decade, we have not done it because we haven't hired new judges; in fact, we have fewer judges now. And across the Nation there is this new policy to actually commingle, share courtroom space. So we've got two courtrooms in the L.A. area that neither one is a hundred percent occupied. We have space there just for individuals; but if we did sharing, we could actually get rid of one of those two courthouses. But instead, we're going to obligate a half a billion dollars to build a brand-new court site when we're not utilizing the other two court sites that we have today.

We need greater oversight so that we can look at all of these properties, the stimulus package that we had at one time and the money that's still being spent out there and actually use them for shovel-ready projects that will create jobs today. This little courthouse is going to spend a half a billion dollars on courtrooms that we don't need. We need greater oversight.

If we want to really move this country forward, if we want to get Republicans and Democrats to agree, if we want to get both parties in both Houses to work on something together, if you want to send something to the President that the President is actually ask-

ing for that creates jobs, not just numbers out there or long term, that creates jobs today, something that's going to bring in revenue—we know we need revenue, we know we've got a huge debt that we've got to pay off—immediate revenue within the first year, over \$15 billion within the next decade. And I think that that is a very conservative estimate, that we have a chance to sell quite a bit more than that itself.

And then, lastly, cutting waste. With one bill we can cut waste, we can create jobs, and we can create revenue with both parties agreeing to something that will move our country forward.

Mr. Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALAZZO) at 6 o'clock and 32 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. RUPPERSBERGER (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons (surgery).

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 368. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 6 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 3, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3709. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Responsibility and Liability for Government Property (DFARS Case 2010-D018) (RIN: 0750-AG94) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3710. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3711. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance and Appendix (RIN: 3133-AD79) October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3712. A letter from the Secretary, Department of Education, transmitting the Department's final rule — State Fiscal Stabilization Fund Program [Docket ID: ED-2011-OS-0010] (RIN: 1894-AA03) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3713. A letter from the Assistant General Counsel for Legislation, Regulations and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Compliance Certification for Electric Motors [Docket No.: EERE-2010-BT-CE-0014] (RIN: 1904-AC23) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3714. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Countermeasures Injury Compensation Program (CICP); Administrative Implementation, Final Rule (RIN: 0906-AA83) received October 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3715. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles [EPA-HQ-OAR-2010-0162; NHTSA-2010-0079; FRL-9455-1] (RIN: 2060-AP61; 2127-AK74) received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3716. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Electric Reliability Organization Interpretation of Transmission Operations Reliability Standard [Docket No.: RM10-29-000; Order No. 753] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3717. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Management Directive 11.6, "Financial Assistance Program" received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3718. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule — Final Division of Safety Systems Interim Staff Guidance DSS-ISG-2010-01: Staff Guidance Regarding the Nuclear Criticality Safety Analysis for Spent Fuel Pools received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3719. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Supplemental Standards for Ethical Conduct for Employees of the Department of the Treasury (RIN: 1505-AC38) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3720. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System, Grand Teton National Park, Bicycle Routes, Fishing and Vessels (RIN: 1024-AD75) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3721. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander [Docket No.: FWS-R8-ES-2009-0044] (RIN: 1018-AW86) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3722. A letter from the Acting Chief, Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Altamaha Spiny mussel and Designation of Critical Habitat [Docket No.: FWS-R4-ES-2008-0107] (RIN: 1018-AV88) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3723. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Casey's June Beetle and Designation of Critical Habitat [Docket No.: FWS-R8-ES-2009-0019] (RIN: 1018-AV91) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3724. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Regulatory Amendment [Docket No.: 110131079-1521-02] (RIN: 0648-BA79) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3725. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties [Notice 2011-79] received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3726. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Supplemental Procedures for Church Plan Letter Rulings (Rev. Proc. 2011-44) received

September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3727. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Prevailing State Assumed Interest Rates (Rev. Rule. 2011-23) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3728. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-84] received October 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3729. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Updated Procedures for Opinion and Advisory Letter Rulings for Pre-approved Plans (Revenue Procedure 2011-49) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 453. Resolution providing for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowd-funded securities, and for other purposes, and providing for consideration of the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D (Rept. 112-265). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FLORES:

H.R. 3306. A bill to repeal the Advanced Technology Vehicle Manufacturing loan program; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself, Mr. BLUMENAUER, Mr. LUCAS, Mr. KING of Iowa, Mr. LATHAM, Mr. DOLD, Mr. PETERSON, Mr. BRALEY of Iowa, Mr. LARSON of Connecticut, Mr. BOSWELL, and Mr. THOMPSON of California):

H.R. 3307. A bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit; to the Committee on Ways and Means.

By Mr. POMPEO (for himself, Mr. LABRADOR, Mr. RIBBLE, and Mr. FLAKE):

H.R. 3308. A bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN (for himself and Mr. KINZINGER of Illinois):

H.R. 3309. A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself and Mr. WALDEN):

H.R. 3310. A bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Energy and Commerce.

By Mr. BILBRAY (for himself, Mr. FILNER, Mr. HUNTER, and Mr. ISSA):

H.R. 3311. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself and Mr. LARSEN of Washington):

H.R. 3312. A bill to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; to the Committee on Homeland Security.

By Mr. DEFAZIO (for himself, Mr. BRALEY of Iowa, Mr. JOHNSON of Georgia, Mr. SARBANES, Mr. FILNER, Ms. SUTTON, Mr. BLUMENAUER, Ms. SLAUGHTER, Ms. HIRONO, Mr. WELCH, Mr. CONYERS, Ms. EDWARDS, and Mr. HINCHAY):

H.R. 3313. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Mr. MARKEY, and Ms. MATSUI):

H.R. 3314. A bill to direct the Secretary of Health and Human Services to develop a national strategic action plan to assist health professionals in preparing for and responding to the public health effects of climate change, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASSIDY:

H.R. 3315. A bill to establish a pilot program providing for monthly fee-based payments for direct primary care medical homes for Medicare-Medicaid dual eligibles and other Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself and Ms. MOORE):

H.R. 3316. A bill to prohibit election officials from requiring individuals to provide photo identification as a condition of obtaining or casting a ballot in an election for Federal office or registering to vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. ELLISON (for himself and Ms. MOORE):

H.R. 3317. A bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration; to the Committee on House Administration.

By Mr. FLEISCHMANN:

H.R. 3318. A bill to amend the Internal Revenue Code of 1986 to temporarily exclude capital gain from gross income; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 3319. A bill to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe; to the Committee on Natural Resources.

By Ms. HANABUSA (for herself, Ms. BORDALLO, and Ms. HIRONO):

H.R. 3320. A bill to amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid to affected States and territories, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 3321. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HIMES (for himself, Mr. CONNOLLY of Virginia, Mr. POLIS, and Ms. HIRONO):

H.R. 3322. A bill to establish an Early Learning Challenge Fund to support States in building and strengthening systems of high-quality early learning and development programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HUELSKAMP:

H.R. 3323. A bill to reduce the regulatory burden on the agricultural sector of the national economy; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. MCGOVERN, Ms. SLAUGHTER, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. FATTAH, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. HIRONO, Mr. LARSEN of Washington, Mr. CLAY, Ms. CHU, Ms. NORTON, Mr. TOWNS, Ms. MOORE, Ms. CLARKE of New York, Ms. DEGETTE, Mr. RUSH, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. HOLT, Mr. QUIGLEY, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. BLUMENAUER, and Ms. DELAUNO):

H.R. 3324. A bill to provide for the reduction of unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself, Mr. MORAN, Mr. AL GREEN of Texas, Ms. WATERS, Mr. JOHNSON of Georgia, Mrs. CAPPS, Mr. SIREN, Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. CLEAVER, Mr. FILNER, and Mr. QUIGLEY):

H.R. 3325. A bill to create livable communities through coordinated public investment and streamlined requirements, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure,

and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUAYLE (for himself and Mr. FLORES):

H.R. 3326. A bill to enable States to opt out of the Medicaid expansion-related provisions of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce.

By Mr. REED (for himself, Mr. OWENS, Mr. GUINTA, Mr. CRAWFORD, Mr. GOSAR, Mr. BROUN of Georgia, and Mr. WESTMORELAND):

H.R. 3327. A bill to direct the Secretary of Transportation to issue categorical exclusions from environmental assessment requirements for certain highway construction activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RENACCI (for himself and Mr. ROSKAM):

H.R. 3328. A bill to amend title XVIII of the Social Security Act to provide a six-month grace period for certain Medicare advanced diagnostic imaging services suppliers to receive accreditation; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. DONNELLY of Indiana, Mr. RUSH, Mr. RANGEL, Mr. FILNER, Mr. BENISHEK, and Mr. BRALEY of Iowa):

H.R. 3329. A bill to amend title 38, United States Code, to extend the eligibility period for veterans to enroll in certain vocational rehabilitation programs; to the Committee on Veterans' Affairs.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. RUSH, and Mr. RANGEL):

H.R. 3330. A bill to amend title 38, United States Code, to extend the Department of Veterans Affairs demonstration projects on adjustable rate mortgages and hybrid adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H.R. 3331. A bill to require an accounting for financial support made to promote the production or use of renewable energy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FLORES:

H.R. 3306.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 9, Clause 7.

By Mr. REICHERT:
H.R. 3307.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article 1, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. POMPEO:

H.R. 3308.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. WALDEN:

H.R. 3309.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution, which empowers Congress to regulate Commerce among the several States.

By Mr. SCALISE:

H.R. 3310.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution, which empowers Congress to regulate Commerce among the several States.

By Mr. BILBRAY:

H.R. 3311.

Congress has the power to enact this legislation pursuant to the following:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BRADY of Texas:

H.R. 3312.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: "The Congress shall have Power . . . To regulate Commerce with foreign Nations. . . ."

By Mr. DEFazio:

H.R. 3313.

Congress has the power to enact this legislation pursuant to the following:

Interstate Commerce Clause

By Mrs. CAPPS:

H.R. 3314.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. CASSIDY:

H.R. 3315.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. ELLISON:

H.R. 3316.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. ELLISON:

H.R. 3317.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the

United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. FLEISCHMANN:

H.R. 3318.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1.

By Mr. GRIJALVA:

H.R. 3319.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. HANABUSA:

H.R. 3320.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; and Article I, Section 8, Clause 18 to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HERGER:

H.R. 3321.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution which allows the Congress of the United States To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HIMES:

H.R. 3322.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution.

By Mr. HUELSKAMP:

H.R. 3323.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 of the U.S. Constitution, which grants Congress the authority to regulate commerce between the several states, and from Amendment X to the United States Constitution, which grants states all authority not explicitly given to the federal government. This bill seeks to ensure and promote commerce between states, and to return authority previously and erroneously claimed by the federal government, back to the states.

By Ms. LEE of California:

H.R. 3324.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. PERLMUTTER:

H.R. 3325.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the Constitution of the United States, whereby the Congress is authorized to provide for the "general Welfare of the United States."

By Mr. QUAYLE:

H.R. 3326.

Congress has the power to enact this legislation pursuant to the following:

Amendment X of the U.S. Constitution

By Mr. REED:

H.R. 3327.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 as well as Article I, Section 8, Clause 18.

By Mr. RENACCI:

H.R. 3328.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, §8, Clause. 3 To regulate commerce among foreign nations and the several states.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 3329.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 3330.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SENSENBRENNER:

H.R. 3331.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. GOODLATTE.

H.R. 12: Mr. CLYBURN, Mr. SABLON, and Mr. KILDEE.

H.R. 31: Mr. MEEHAN.

H.R. 104: Ms. HERRERA BEUTLER and Mrs. SCHMIDT.

H.R. 139: Mr. HOLT, Mr. VAN HOLLEN, and Mr. MILLER of North Carolina.

H.R. 157: Mr. DESJARLAIS, Mr. MCKINLEY, and Mr. HULTGREN.

H.R. 178: Mr. CUELLAR.

H.R. 212: Mrs. ROBY.

H.R. 321: Mr. MILLER of North Carolina.

H.R. 361: Mr. RIBBLE and Mrs. ROBY.

H.R. 363: Ms. SPEIER and Mr. BERMAN.

H.R. 374: Mr. HECK and Mrs. ROBY.

H.R. 402: Mr. KEATING and Mr. CARNAHAN.

H.R. 436: Mr. AMASH and Mr. KISSELL.

H.R. 459: Mr. GENE GREEN of Texas and Mr. WALDEN.

H.R. 507: Mr. HANNA.

H.R. 553: Mr. ROTHMAN of New Jersey.

H.R. 676: Ms. RICHARDSON.

H.R. 709: Mr. WATT.

H.R. 735: Mr. CHABOT and Mr. SENSENBRENNER.

H.R. 750: Mr. BROUN of Georgia.

H.R. 835: Mr. BASS of New Hampshire and Mr. HANNA.

H.R. 862: Mr. CONNOLLY of Virginia.

H.R. 891: Ms. SCHWARTZ.

H.R. 904: Mr. HARRIS.

H.R. 973: Ms. FOXX.

H.R. 993: Mr. CONAWAY.

H.R. 1058: Mr. YOUNG of Florida.

H.R. 1063: Mr. RIBBLE.

H.R. 1173: Mr. GUINTA, Mr. GOSAR, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. GARY G. MILLER of California, and Mr. ROKITA.

H.R. 1175: Mr. JOHNSON of Ohio.

H.R. 1195: Ms. HERRERA BEUTLER.

H.R. 1236: Ms. FUDGE.

H.R. 1265: Mr. BOREN and Mr. BACHUS.

H.R. 1358: Mr. YOUNG of Florida.

H.R. 1370: Mr. GUINTA.

H.R. 1386: Ms. FUDGE, Mr. MICHAUD, Mr. CONNOLLY of Virginia, and Mr. GENE GREEN of Texas.

H.R. 1426: Mr. KELLY.

H.R. 1489: Mr. CICILLINE and Ms. SUTTON.

H.R. 1511: Mr. KINGSTON.

H.R. 1515: Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, and Mr. ACKERMAN.

H.R. 1639: Mr. RENACCI.

H.R. 1659: Mr. DOYLE.

H.R. 1724: Ms. DEGETTE.

H.R. 1738: Mr. HANNA.

H.R. 1744: Mr. GRIFFITH of Virginia.

H.R. 1755: Mr. BROUN of Georgia.

H.R. 1802: Mr. BROUN of Georgia.

H.R. 1815: Mr. PEARCE and Mr. CHABOT.

H.R. 1834: Mr. JORDAN, Mr. SCALISE, and Mr. CHANDLER.

H.R. 1946: Mr. ADERHOLT and Mr. BUTTERFIELD.

H.R. 1951: Mr. HOLT.

H.R. 1956: Mr. CHAFFETZ and Ms. FOXX.

H.R. 1965: Mr. RUPPERSBERGER.

H.R. 1971: Mr. JONES.

H.R. 2028: Mr. TIERNEY.

H.R. 2059: Mr. GOSAR, Mrs. NOEM, Mr. BURGESS, and Mr. LONG.

H.R. 2065: Mr. FILER.

H.R. 2082: Mr. BOREN.

H.R. 2088: Mr. DOLD.

H.R. 2105: Mr. BILIRAKIS and Mr. SMITH of New Jersey.

H.R. 2108: Mr. FARR.

H.R. 2131: Mr. BONNER, Mrs. CAPPS, Mr. PEARCE, and Mr. GRIFFIN of Arkansas.

H.R. 2137: Mr. MEEHAN and Mr. QUIGLEY.

H.R. 2194: Ms. DEGETTE.

H.R. 2195: Mr. MORAN.

H.R. 2227: Mr. BARROW, Mr. ENGEL, and Mr. MATHESON.

H.R. 2239: Ms. BALDWIN.

H.R. 2284: Mr. ROSS of Florida.

H.R. 2299: Mrs. ROBY.

H.R. 2308: Mr. HUIZENGA of Michigan.

H.R. 2369: Mr. PAUL, Mr. TIBERI, and Mr. FLAKE.

H.R. 2435: Mr. BROUN of Georgia.

H.R. 2446: Mr. JONES, Mr. CRAWFORD, Mr. DUNCAN of Tennessee, and Mr. ROYCE.

H.R. 2453: Mr. ENGEL.

H.R. 2469: Ms. MOORE.

H.R. 2487: Ms. SCHAKOWSKY and Mrs. MALONEY.

H.R. 2492: Mr. TIERNEY and Mr. PASCRELL.

H.R. 2528: Mr. FLORES.

H.R. 2536: Mr. HANNA.

H.R. 2563: Mr. WOLF and Mr. STIVERS.

H.R. 2586: Ms. MOORE.

H.R. 2595: Ms. DEGETTE and Mr. HEINRICH.

H.R. 2602: Mr. ROSS of Florida.

H.R. 2697: Mr. SMITH of Nebraska.

H.R. 2706: Mr. FLORES and Mr. YOUNG of Alaska.

H.R. 2815: Ms. HAHN.

H.R. 2829: Mr. WOLF.

H.R. 2870: Mr. AUSTRIA and Mr. KLINE.

H.R. 2874: Mrs. JONES, Mrs. ELLMERS, Mrs. McMORRIS RODGERS, and Mr. JOHNSON of Ohio.

H.R. 2918: Mr. JOHNSON of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FORBES.

H.R. 2948: Mr. PASTOR of Arizona, Mr. HOLT, Mr. LUJAN, Mr. HIGGINS, Ms. CHU, Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, Mr. CONNOLLY of Virginia, Mr. KEATING, Mr. AL GREEN of Texas, Ms. DEGETTE, Mr. POLIS, Mr. SIRES, and Mr. MCNERNEY.

H.R. 2962: Ms. HAYWORTH and Mr. PEARCE.

H.R. 2982: Mr. ELLISON and Mr. JOHNSON of Ohio.

H.R. 2992: Mr. MARCHANT.

H.R. 3010: Mrs. ADAMS, Mr. GOHMERT, Mr. AUSTRIA, Mr. DAVIS of Kentucky, Mr. JOHNSON of Ohio, Mr. BACA, Mr. COSTA, Mr. CALVERT, and Mr. CARDOZA.

H.R. 3020: Mr. CROWLEY.
H.R. 3029: Ms. BUERKLE and Mr. AMASH.
H.R. 3046: Mr. GONZALEZ, Mrs. DAVIS of California, and Mr. RYAN of Ohio.
H.R. 3059: Mrs. MALONEY, Mr. PLATTS, and Mr. ROGERS of Michigan.
H.R. 3076: Mr. LEWIS of Georgia, Ms. LEE of California, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas.
H.R. 3086: Mr. ACKERMAN, Mr. NADLER, and Ms. SLAUGHTER.
H.R. 3094: Mr. CALVERT and Mr. BACHUS.
H.R. 3127: Mr. HUELSKAMP, Mr. RIBBLE, Mr. ROE of Tennessee, Mrs. SCHMIDT, and Mr. BRADY of Texas.
H.R. 3130: Mr. JORDAN and Mr. NUNNELEE.
H.R. 3145: Mr. HIGGINS.
H.R. 3155: Mr. PEARCE.
H.R. 3156: Mr. PAUL.
H.R. 3162: Mr. CASSIDY, Mr. FORBES, and Mr. BUCSHON.
H.R. 3163: Mr. STARK, Ms. LEE of California, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. NORTON, Ms. FUDGE, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. RANGEL, Ms. EDWARDS, Mr. CLEAVER, Ms. CLARKE of New York, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. DAVID SCOTT of Georgia, Mr.

MEEKS, Mr. RICHMOND, Ms. RICHARDSON, and Mr. CARSON of Indiana.
H.R. 3185: Mr. JOHNSON of Ohio, Mr. LONG, Mrs. ELLMERS, and Mrs. HARTZLER.
H.R. 3194: Mr. BROUN of Georgia.
H.R. 3200: Ms. CLARKE of New York.
H.R. 3202: Mr. YOUNG of Alaska.
H.R. 3218: Mr. FLORES, Mr. PENCE, Mr. MANZULLO, Mr. KINGSTON, Mr. COLE, Mr. POSEY, Mr. CONAWAY, Mr. BARTON of Texas, and Mrs. SCHMIDT.
H.R. 3233: Mr. CLARKE of Michigan.
H.R. 3243: Mrs. BLACKBURN and Mr. NEUGEBAUER.
H.R. 3267: Mr. BENISHEK.
H.R. 3270: Mr. DENHAM.
H.R. 3286: Mr. LEWIS of Georgia, Mr. THOMPSON of California, Mr. LANGEVIN, Mr. FILNER, Ms. BORDALLO, and Ms. EDWARDS.
H.R. 3289: Mr. GOSAR and Mr. PEARCE.
H.R. 3294: Mr. STUTZMAN, Mr. FLORES, and Mr. YODER.
H.R. 3296: Ms. HIRONO.
H.J. Res. 20: Mr. FLORES.
H.J. Res. 81: Mr. NUNNELEE, Mr. HULTGREN, Mr. PALAZZO, Mr. YOUNG of Indiana, and Mr. CUELLAR.
H. Res. 25: Mr. DUNCAN of South Carolina.
H. Res. 295: Ms. NORTON.
H. Res. 341: Ms. PINGREE of Maine, Mr. LATHAM, and Mr. CONNOLLY of Virginia.

H. Res. 351: Mr. BARTLETT.
H. Res. 356: Mr. DIAZ-BALART and Mr. WOLF.
H. Res. 433: Mr. KLINE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative MCHENRY, or a designee, to H.R. 2930, the Entrepreneur Access to Capitol Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative BRAD MILLER of North Carolina, or a designee, to H.R. 2940, the Access to Capital for Job Creators Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

SENATE—Wednesday, November 2, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rabbi Lord Jonathan Sacks, Chief Rabbi of the United Hebrew Congregation of the Commonwealth, London, England.

The guest Chaplain offered the following prayer:

Sovereign of the universe, who created all in love, teach us to love all that is good and beautiful in this world. Teach us to honor the dignity of difference, recognizing that one who is not in our image is nonetheless in Your image; never forgetting that the people not like us are still people—like us.

At this fateful moment in the human story, bless us that we may be a blessing to others. Guide the nations of the world to honor You by honoring one another, so that by reaching out in love we may turn enemies into friends and become your family on Earth, as You are our parent in heaven.

Beloved God, bless the Members of this United States Congress and guide their deliberation, that they may govern this great Nation with wisdom and justice, grace and compassion, bringing honor to Your Name and Your blessing to humankind. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 2, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the Senator from Connecticut, chairman of our Homeland Security Committee, speak briefly. He is someone who is every day an example to the rest of us in morality and the observance that he does through his religion. It is something we all admire. Senator LIEBERMAN.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

RECOGNIZING CHIEF RABBI LORD JONATHAN SACKS

Mr. LIEBERMAN. Madam President, I thank our leader. Again, I have had many conversations about things political, which will not surprise anybody who is hearing me speak. But perhaps people will be surprised that Senator REID and I have probably had as many conversations about matters spiritual and personal. Those conversations tie us together forever.

It is my honor to welcome to the Senate Jonathan Sacks, the chief rabbi of the United Kingdom, and to thank our extraordinary Chaplain Barry Black for joining me in hosting the chief rabbi.

The truth is that I knew Chief Rabbi Sacks from his writings before I knew him personally. He has written 24 books, the most recent of which was published earlier this year, called "The Great Partnership, God, Science and the Search for Meaning." His writing is extremely insightful. It is broadly accessible. Perhaps paraphrasing the old commercial—and the occupant of the chair, being from New York, will remember this about Levy's Jewish Rye: "You don't have to be Jewish to love Levy's Jewish Rye." Well, you don't have to be Jewish to benefit from Rabbi Sack's writing.

He is the sixth incumbent of the Chief Rabbi position in the United Kingdom, having served in that position since 1991. The role was formalized in 1845. He was knighted by Her Majesty the Queen in 2005, and then on the 27th of October, 2009, was made a life peer, taking his seat in the House of Lords, where he sits on the cross benches as Baron Sacks of Aldgate in the City of London. So we welcome

Rabbi Sacks not just as the Chief Rabbi of the United Kingdom but as a member of a fellow legislative body. He has spoken with remarkable wisdom and insight and has formed my faith in so many ways.

As I heard him give the opening prayer today, I could not help but think that he stands in a proud tradition that began with those remarkable Christian reformists who left England to come more than two or three centuries ago to our shores, forming the United States of America more than two centuries ago, and in our founding documents, responding to their faith, but also creating the foundation of the liberties that succeeding generations of Americans have enjoyed and that we in this Chamber work hard to protect and strengthen every day.

Again, I thank the Chair and the leader. I particularly thank Chief Rabbi Sacks for honoring us with his presence and his words today.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the second half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act.

I filed a cloture on the motion to proceed to S. 1769 last night. If no agreement is reached, we will vote on this tomorrow morning. I am working with the Republican leader to come up with an expeditious way of expressing the will of the Senate in the next 24 hours.

Again, tomorrow the Senate will vote on the Rebuild American Jobs Act. It is a plan to put hundreds of thousands of Americans back to work, constructing thousands of miles of roads, bridges, runways, and train tracks.

The plan is paid for with a small tax—less than a penny—on every dollar a person earns in excess of \$1 million every year. The legislation asks millionaires and billionaires to contribute a little more than they do today, knowing there is a pricetag associated with getting our economy back on track.

My Republican colleagues say they oppose this plan to hire hundreds of thousands of construction workers and rebuild our Nation's collapsing infrastructure because they believe the wealthiest Americans cannot afford to pay a few pennies more.

Even the majority of people who would pay this tax say that isn't true. They support our plan. This tiny fraction of American taxpayers who would pay a tiny fraction more each year are among the 1 percent of Americans who have done better and better with each passing decade.

Between 1979 and 2007, the annual aftertax income at the top 1 percent of American wage earners has increased by 275 percent. That same 1 percent now makes more than the other 99 percent of Americans combined. These are the latest figures. It is difficult to compile these numbers. Think about what has happened in the last 4 years. They have even gotten richer and richer. I repeat, that 1 percent now makes more than the other 99 percent of Americans combined. And not all of that 1 percent of wealthy Americans would even qualify to pay this tax to fund billions of dollars in road construction and create hundreds of thousands of jobs. Only those whose income is more than \$1 million. Some billionaires and millionaires would not qualify because their income in a given year is less than \$1 million. They may have a lot of property wealth and things of that nature.

Tomorrow, my Republican colleagues face a choice, which is not whether to invest in roads or bridges or whether the richest of the rich can spare a few pennies for the sake of our economy; the choice is about priorities. Who will Republicans put first, the millions of ordinary Americans who are struggling to find work and put food on the table or the millionaires and billionaires, whose biggest problem is that they may have to pay an additional \$7,000 on the second million they make each year?

We ought to be able to agree that making enough money to pay even a dollar more under our plan is a wonderful problem to have. But so far, Republicans have been pretty clear what their priorities are. They unanimously voted against the American Jobs Act. That legislation would have put more than 2 million people back to work and cut taxes for middle-class families and small businesses.

Then they unanimously voted against the Democrats' plan to put 400,000 teachers and tens of thousands of police officers and firefighters back to work. Republicans have cost this country millions of jobs in the last few weeks alone. They will have another opportunity tomorrow to show America whose side they are on—billionaires and millionaires or the middle class.

Seventy-two percent of Americans, including 54 percent of Republicans, want us to pass this plan. Seventy-six percent of them, including 56 percent of Republicans, want us to pay for it by asking the Nation's wealthiest citizens to contribute their fair share.

Americans—Democrats, Republicans, and Independents—know the only way

out of the worst recession since the Great Depression is to invest in what this country needs—its workers to be employed. They believe it is fair to ask those who have profited most from this country's success to help shoulder that burden.

Republicans have obstructed and opposed every Democratic effort to create jobs this year. Why would they do that? Fear. Because those job creation efforts would cost millionaires and billionaires even a dollar more. Who do they fear? The truth is they are terrified to violate the infamous Grover Norquist tax pledge, even though they know Norquist is wrong—or if they don't know, they should know. They are in thrall, my Republican colleagues, and in submission to a man whose singular focus is keeping taxes low for the very wealthy, no matter what the effect is on this Nation. They fear his political retribution.

I hope my Republican colleagues will heed this message sent yesterday by former Republican Senator Alan Simpson, a conservative bona fide, regarding Grover Norquist's pledge. He said the only power Norquist wields is the power you give him. Senator Simpson said:

He can't murder you; he can't burn your house. The only thing he can do is defeat you for reelection, and if that means more to you than your country, you really shouldn't be in Congress.

That is what Simpson said. I believe most Senators—and certainly most Americans—know that legislating isn't simple. It is not as simple as a mindless pledge. Those Senators must have the courage to act on their convictions.

As British historian Thomas Fuller once said, "Better break your word than do worse in keeping it."

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A DIFFERENT APPROACH

Mr. McCONNELL. Madam President, there is no denying the fact that the policies of the past 2½ years have made a bad situation worse. For 2½ years, Democrats completely dominated this town. They got everything they wanted. And what happened? Unemployment has hovered at around 9 percent for 32 months. The so-called misery index is worse than it has been in more than 25 years. Consumer confidence is at levels last seen during the height of the financial crisis. But if one number really stands out, it is this: 1.5 million. That is the number of fewer jobs we now have in this country since the day President Obama signed his signature "jobs bill" into law.

These are just some of the numbers that all of us, Republicans and Demo-

crats, read about every single day. But it is not the numbers that compel us to action; it is the stories that lie behind them. It is the millions of men and women who have seen their dreams shattered, their lives upended, and their potential unfulfilled.

What Republicans have been saying is that if we truly want to help improve the situation we are in, if we want to turn this ship around, then we need to learn from our mistakes and take a totally different approach. We know what policies haven't worked. We have tried that. What sense does it make to try those same policies again and again? That is why Republicans in the House and the Senate have been taking a different approach.

Democrats may control the White House, and they may control the Senate, but for the past 10 months Republicans in the other half of Congress have done their best to correct the mistakes and excesses of the previous 2½ years and set us on a different course.

They have done something else that Democrats have not done over the past few years: Week after week, the Republican majority in the House of Representatives has been passing bills that actually have a chance—actually have a chance—of gaining bipartisan support and becoming law. They are actually trying to do something.

Unlike the President and the Democrats who run the Senate, House Republicans are designing legislation to pass rather than fail. They want to make a difference rather than make a point, and the only thing keeping these bills from becoming law is that the Democrats in the Senate will not take them up.

We know the President's strategy. His so-called jobs bill has one purpose and only one: to divide us. Just this morning I read a story that quoted some Democratic operative almost bragging about the fact they do not expect any of the legislation the President has been out there talking about on the bus tour to pass. They openly admit these bills are designed to fail.

It is not exactly a state secret that Republicans—and, yes, some Democrats—don't think we should be raising taxes right now on the very people we are counting on to create the jobs we need to get us out of the jobs crisis. Yet the one thing every single proposal Democrats bring to the floor has in common is it does just that.

So the Democrats' plan is to keep putting bills on the floor they know ahead of time we will vote against instead of trying to solve the problem. They do not even hide it. The President's top strategist actually issued a memo a few weeks ago stating the President would use this legislation not as a way to help people but as a way to pummel Republicans.

Meanwhile, House Republicans have passed bill after bill after bill actually

designed to do something. On March 31 they passed H.R. 872, the Reducing Regulatory Burdens Act. It got 57 Democratic votes—57 Democratic votes—in the House, a bipartisan bill that could pass and become law. On April 7 they passed H.R. 910, the Energy Tax Prevention Act. It got 19 Democratic votes. The list goes on and on. There are 15 of these, Madam President—15 of them—that have passed, and each with significant Democratic support—one with 33, one with 28, one with 21, one with 23, one with 16, one with 10, and one with 47 votes.

So there are 15 of these bills that have passed the House with bipartisan support, and in the Senate we don't take up any of them because we are busy taking up bills that everybody knows are not going to pass.

This week, over in the House, they are going to pass four more bills making it easier to hire out-of-work Americans. Just last week, House Republicans passed a bill that would repeal a law requiring the IRS to withhold 3 percent of future tax payments from any company that does business with the government—a bill the President himself said he would be willing to sign into law, and 170 Democrats voted for it. So why don't we pass it in the Senate? The President is waiting to sign it.

This is just the latest example of a simple bipartisan bill that struggling businesses are begging us to pass but that Senate Democrats are holding up right now because it doesn't fit the story line.

I am not saying we have to vote on every one of the bills the House passed just as they are—there is an amendment process for that—but why not take them up? Every one would help create jobs, and none—none—would raise taxes. That is what we call compromise. It is called finding common ground, and it is how the American people expect us to legislate.

What we are witnessing in Washington right now is two very different styles of governance: a Republican majority in the House that believes we should actually do something about the problems we face and which has put together and actually passed bipartisan legislation that would help address those problems, and a Democratic majority in the Senate that has teamed up with the White House on a strategy of doing nothing—nothing—all for the sake of trying to score political points and spreading the blame for an economy their own policies have cemented in place as they look ahead to an election that is still more than a year away.

The President's economic policies have failed to do what he said they would, and now he is designing legislation to fail. Americans are actually tired of failure. So Republicans are inviting Democrats to join us in suc-

ceeding at something—anything—around here that would make a difference.

I guess to sum it up, Madam President, what we are saying is, why don't we quit playing the political games? The problems we face are entirely too serious to ignore. Let's take up the bipartisan bills that House Republicans have already passed and actually do something. There is no better time to tackle the problems we face than now. Let's not squander this moment because some political strategist over in the White House is enamored with their own reelection strategy.

Let's take advantage of this moment to act when the two parties share power in Washington. As I often note, it is only when the two parties share power that they can share the credit and the blame. That is why some of the biggest legislative achievements have taken place at moments like this, and that is why I have been calling on Democrats in Washington—privately and publicly—for the past year to follow the example of those Congresses and those Presidents before us who were wise enough to seize an opportunity such as this one for the good of the country.

We face many serious crises as a nation. We know how to solve them. Let's not let this moment pass us by.

TRIBUTE TO C. FRANK RAPIER

Mr. MCCONNELL. Madam President, I wish to express my thanks and appreciation to one of Kentucky's hardest working public servants at the end of a long career. Charles Frank Rapier, the executive director of the Appalachian high intensity drug trafficking area—that is kind of a mouthful, and we have a way to shorten that called Appalachia HIDTA—will be retiring this November after 46 years in law enforcement.

This guy is a bit of a legend, Madam President. Director Rapier—called Frank by his friends—has been leading the Appalachia HIDTA Program since 2003. Prior to his appointment, he served as deputy director of that program for Kentucky. The Appalachia HIDTA Program was established in 1998 to combat one of our country's greatest problems: illegal drug trafficking and drug abuse.

The problem of drug abuse that Frank has pledged his career to fighting is particularly bad in my home State of Kentucky. Kentucky ranks in the top three of marijuana-producing States. More Kentuckians died of drug overdoses in 2009 than in fatal car crashes—an astonishing 82 per month. The threat from illegal meth use poses a problem across the State as well. This rampant drug abuse increases crime and destroys families in Kentucky.

Under Frank's leadership, the Appalachia HIDTA Program has attacked

drug trafficking organizations in the tristate area of Kentucky, West Virginia, and Tennessee head on. And let me say, Madam President, he has done an amazing job, a truly amazing job.

Specifically, in 2009, Appalachia HIDTA disrupted or dismantled 82 separate drug trafficking organizations. That translates into hundreds of thousands of marijuana plants destroyed and hundreds of arrests. In 2006, they kept an estimated \$1 billion worth of profits off of illegal drug activities out of the State of Kentucky.

Frank played an integral role in arranging a visit to Kentucky earlier this year by Gil Kerlikowske, the Director of the White House Office of National Drug Control Policy, better known as the Nation's drug czar. The Director's visit, which I was proud to help facilitate, has been an important step in maintaining our focus in Kentucky to stem drug abuse and save our family members, friends, and neighbors from the dangers of drug addiction and drug-related crimes during a time of shrinking Federal resources.

As a strong supporter of efforts to fight drug abuse in Kentucky, I have gotten to know Frank and have seen firsthand his efforts. He is a humble man, but he is highly respected in the law enforcement community throughout the State—and even the Nation, for that matter—for the wonderful job he has done. I know his dedication and leadership in this important fight against illegal drugs will be greatly missed.

Frank knows well the area he has worked so hard to protect. Born and raised in Corbin, KY, he received his bachelor's degree from Eastern Kentucky University where he began his law enforcement service as an ECU campus police officer. He attended graduate school at Xavier University, served as an instructor at the Federal Law Enforcement Training Academy at Glynco, GA, has taught at numerous police academies, and has been a speaker at many law enforcement conferences.

Before working with Appalachia HIDTA, Frank was a special agent with the U.S. Treasury Department for 32 years. He was a member of the National Undercover Resource Pool and the National Response Team. Over the course of his long career, he has served many assignments with the U.S. Secret Service and State Department, including working as a member of the Southeast Bomb Task Force that investigated the Olympic bombing case in Atlanta in 1996.

While with the Treasury Department, Frank received four Special Achievement Awards, a Special Act Award, a Performance Award, and the Director's Award/Masengale Memorial Award.

After 46 years in law enforcement, I wish Frank congratulations on a job

well done and best wishes in his retirement. Countless Kentuckians owe their thanks to Frank as well.

Frank regularly describes the practice of asking his granddad: What did you do in the war? He feels prepared to be asked the same question himself now as he nears the end of his career. He knows someday there will be an accounting. He has worked all his professional life so that his answer to that question can be: I fought back against a tide of illegal drugs and saved lives. He has certainly done that, and more.

I know my colleagues in the Senate join me in thanking Director Rapier for decades of service. The work he has done for so many years has created a safer, stronger Kentucky.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from New Mexico.

REBUILD AMERICA JOBS ACT

Mr. BINGAMAN. Madam President, I rise today to speak in favor of the Rebuild America Jobs Act. I, first, just clarify for folks, because it is a little confusing, we have had several proposals to create jobs that have come to the floor in the last several weeks, and they have similar names. The one before us today is the Rebuild America Jobs Act, and it is a portion of the larger American Jobs Act that President Obama proposed and set out for the Congress to consider in September.

Let me talk first about that larger bill which the President proposed. This American Jobs Act the President proposed would have a very significant and beneficial impact on my State of New Mexico. Under that legislation, there would be payroll tax cuts for about 40,000 businesses in my State. There would be an expansion of payroll tax cuts for workers that would provide a typical household in New Mexico, having a median income of \$44,000, with a tax cut of about \$1,360 per year.

There would be support for up to 2,600 construction jobs in upgrading public schools. There would be \$20 million to revitalize vacant and foreclosed businesses and homes. There would be over

\$49 million for community colleges in New Mexico. There would be unemployment insurance reforms that could help put 32,000 unemployed New Mexicans back to work. And there is funding in that legislation for up to 3,100 teachers and police officers and first responders to keep those people on the job so they can continue to provide services to our schools, to our students, and to our communities.

But despite the fact that all these important investments would be fully paid for—and that is made clear in the legislation; not a single dollar would be added to the national debt—this comprehensive legislation was blocked by a filibuster by our Republican colleagues a couple weeks ago. I commend Senator REID for continuing to fight to keep job creation on top of the legislative agenda and for bringing up parts of this broader legislation independently to see if we can get support for any of these individual parts because each of them has a great deal of merit.

Two weeks ago, we voted on the Teachers and First Responders Back to Work Act. This would have helped States and local governments keep over 400,000 teachers, police, and firefighters on the job during these tough economic times. It was disappointing to me that this effort failed to get enough votes so we could go ahead and consider the bill.

The legislation we are discussing would provide \$50 billion in infrastructure investments in highways and transit and in rail projects across the country, and in doing those investments it would create thousands of jobs. Among other things, it would put Americans to work in improving 150,000 miles of roads, 4,000 miles of train tracks, restoring 150 miles of airport runways, and in implementing the NextGen air traffic modernization efforts that this Congress should be strongly supporting. Those are efforts to improve air safety and to reduce delays in air traffic.

So passage of this legislation would mean at least \$284 million in my home State of New Mexico in immediate infrastructure investments. That investment of \$284 million would support a minimum of 3,700 local jobs. These resources are greatly needed in my State. The Federal Highway Administration estimates that about 22 percent of New Mexico's major roads are in poor or mediocre condition; 19 percent of our bridges are structurally deficient or functionally obsolete, according to the Federal Highway Administration.

In addition, the bill includes \$10 billion to establish an independent national infrastructure bank in order to leverage private and public funds in advancing a broad range of infrastructure projects through loans and loan guarantees. Under this proposal that was modeled after bipartisan legislation introduced by Senators KERRY and

HUTCHISON earlier this year, the bank would help finance large-scale transportation, water, and energy projects that are of national and regional significance. I am glad to see that the infrastructure bank included in this bill would begin to address some of the significant challenges we have of stimulating investment in new energy projects. There is simply not enough capital available in the country to deploy these technologies at the scale we need to deploy them to meet our national security objectives and to remain competitive in growing international markets for clean energy technologies. So the availability of this type of financing through this national infrastructure bank could be helpful in developing the transmission capacity required to bring renewable energies developed in my State of New Mexico to communities throughout the country.

Let me also briefly comment on the fact that there is revenue raised in order to pay for this set of investments that are being proposed; that is, there is a so-called offset for the cost of this legislation. That is because I think all of us agree the deficit is at unsustainable levels. We should not be committing to increased spending without finding a way to pay for it, and that is why this legislation contains a revenue-raising provision. The legislation would impose a 0.7-percent surtax on income exceeding \$1 million.

What does that mean? That means that if a person's annual income is \$1 million, then this legislation does not, in any way, change the taxes they are required to pay. So any garden-variety millionaire who only receives \$1 million per year in income is not required to pay any more under this legislation. But if they exceed that and their income is \$1,110,000, for example, they would have to pay an extra \$700 toward the cost of this legislation.

The reality is, modernizing our Nation's infrastructure and stimulating job growth and enhancing policies to assist with our economic recovery does cost money. We all wish it did not, but it does. Frankly, if we are going to give more than just lip service to addressing our persistent deficits, I think it is reasonable to ask the wealthiest among us to pitch in to move America forward to get this economy moving again.

In New Mexico, less than one-tenth of 1 percent of taxpayers would be impacted by this modest surtax. That means 99.9 percent of New Mexicans would not be impacted at all, and the handful of filers who would be impacted would only pay the surtax on the portion of their annual income that exceeds \$1 million.

I strongly believe this legislation, the Rebuild America Jobs Act, that we are going to try to proceed to tomorrow—or whenever we can get consent

from our Republican colleagues to proceed to it—I believe is important legislation. It is an important step in turning our economy around, and I urge my colleagues to support it.

I yield the floor.

The ACTING PRESIDENT *pro tempore*. The Senator from Delaware.

Mr. COONS. Madam President, I rise because this week, once again, the Senate of the United States has the opportunity to create jobs, to find a way to work together to make a real difference in the long-term strength of this Nation, and to finally punch back against this recession which has taken so much from the working families of our States.

I rise in support of the Rebuilding America Jobs Act, a bill that will invest \$60 billion in our Nation's crumbling infrastructure and put hundreds of thousands of Americans back to work.

Investments in America's infrastructure are investments in America's future, and they could not come at a more critical time for our country, our communities, or our future.

The rest of the world is pouring money into its infrastructure because they know it will not only make it easier for them to recover from this recession; they know it will make them more competitive for their long-term future, for their people, for their countries, for their economies. So at a time when our competitors are pouring money into fixing, expanding, building their infrastructure, we have turned off the spigot. We are starving our roads and our bridges, our sewers and our water systems, our tunnels, our ports, our runways, our railroad tracks. We are starving them of the repairs they need to function properly—not just today but to lay the groundwork for our competitiveness for the next generation of Americans.

China, one of our greatest economic competitors, is spending 9 percent of its GDP on infrastructure. As anyone who has visited China in recent years knows, all across the nation of China there are gleaming new highway systems, brandnew ports, brandnew airports and runways, brandnew transportation infrastructure that connects newly built cities leaping from the ground as if by magic because they have invested enormous amounts in a modern infrastructure. Europe broadly is investing 5 percent of GDP in modernizing their infrastructure. In the United States, where modern infrastructure has for a generation made us the envy of the world, we are investing just 2 percent—just 2 percent—of our GDP. This is foolish.

Few people argue that infrastructure isn't important. In fact, it is one of the few things that seem to enjoy broad support in this Chamber, in this city, and in this country. Folks as disparate as the AFL-CIO and the U.S. Chamber

of Commerce agree that investing in modernizing our infrastructure is critical, not just for putting Americans back to work but getting America working for our country's future. They both support the idea of an infrastructure bank because they know investing in infrastructure isn't just about rebuilding our roads, it is about rebuilding our economy.

When companies make decisions about where to locate, about where to build a new factory, about where to expand production, about where to lease a new office, infrastructure is always at or near the top of their list. Proximity to a highway means everything if someone is going to run or expand a factory. Being close to a port is critical if their products need to be exported overseas. Access to airports and railroads is imperative if someone wants to do business outside their community or our country. High-speed Internet can be every bit as important as these century-old transportation technologies and can be every bit as important as clean water, modern ports or new railroads.

Infrastructure is important in every State of our Nation and especially so in my coastal State of Delaware. The Port of Wilmington brings 4 million tons of goods through Delaware each year, providing high-wage, high-skilled jobs for the longshoremens and the communities immediately around our port that rely so much on its vital link to the global economy. Railways allow Amtrak to connect businessmen and women from New York to our financial services sector, to our legal and banking community in Wilmington, and it is one of the busiest railroad stations in America. I-95, the east coast corridor, connects truckers and motorists up and down the east coast to our little State.

But as folks have known for too long, one of the worst choke points in the whole East Coast on I-95 was in our State. I used to get calls all the time in my role as county executive because folks mistakenly thought it was somehow my role to modernize this highway. It was John F. Kennedy who cut the ribbon on this modern interstate highway, and we, frankly, have failed to invest in keeping up with the times, in keeping up with the growth in traffic, in keeping up with the tempo of global commerce since then.

Delaware has finally solved these problems. With the leadership of the Obama administration and this Chamber, the investments that were made in infrastructure over the last 2 years, we finally have solved that chokepoint on I-95. Today, motorists move through at great speeds—pay their tolls to Delaware, yes—and are able to get on their way, north or south, and engage in commerce at the speed that the modern economy demands. That is what we seek to do nationwide. That is what

the Rebuilding America Jobs Act can do.

For the last 25 or 30 years, we have been building off the infrastructure built by our parents' generation, hoping that a little bandage here, a little ointment there, a little wire, a little bubble gum would be enough to get us through another year. But that is not a strategy for laying the groundwork for a great future for our children. It is not even a strategy for keeping up. The chokepoints on America's roads can't be allowed to choke America's economy for the next generation. One-third of our Nation's major roadways are in poor or even mediocre condition, and one-quarter of our bridges have been rated structurally deficient or functionally obsolete. We have even faced the human suffering and the reputational disaster of having bridges collapse across this country in recent years. We have failed to invest in our future. As a country, we can keep swerving to avoid these potholes, but eventually we are going to hit them.

The Rebuilding America Jobs Act would fill that pothole, would make smooth the rough places of this Nation, and accelerate our economic growth for the future. I am a cosponsor of the Rebuilding America Jobs Act because this bill would fill the pothole we have been avoiding for decades. It would rebuild 150,000 miles of American roadways, maintain 4,000 miles of train tracks, upgrade 150 miles of airport runways. It would restore critical drinking water and wastewater systems for our communities, and strengthen our energy infrastructure. In short, it would make us competitive. It would put people back to work. It would get us on the right road to a sustained recovery. It would put hundreds of thousands of Americans back to work in that sector of economy that took the first and hardest hit from the recession.

More than 2 million Americans who worked in construction have lost their jobs since this tragic recession hit, including 8,000 in my home State of Delaware alone, and we have thousands of folks in the skilled building trades ready to go. They need us to get over our differences, find a way past these endless, mindless filibusters, and get them to work. This week we have an opportunity to invest in those people and invest in our country. Infrastructure is such a smart investment, and in this economy and in this competitive global environment where our allies and competitors are outstripping our investment because they see clearly the road to the future, we simply cannot afford to continue to refuse to act.

It was 1 year ago today that the people of Delaware elected me to represent them in Washington. Every day since I have wondered when this Chamber was finally going to come together across the partisan divide and start moving on jobs. The persistent partisanship

here that has plagued this body is in my view not worthy of the very real human needs of the people who sent us here.

Last month, folks in this Congress, mostly from the other party, prevented us from acting on jobs—not once, not twice, but several times. I do not understand the strategy here, but the endless filibusters must stop. I know there is debate over how we are going to pay for this particular proposal to put \$60 billion into infrastructure, but as Senator BINGAMAN commented just before me, this is a modest increase in revenue from the very wealthiest Americans that I believe is justified in this critical economic time. Too many of my neighbors, too many of my constituents, are out of work.

I don't think we have a choice. We need to act. The President is right, we cannot wait to act. The Rebuilding America Jobs Act not only invests in America's jobs for today but in our economy tomorrow. We cannot wait any longer to fill this pothole. This bill deserves bipartisan support and I hope my colleagues will join me in voting for it this week.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Alaska.

Mr. BEGICH. Madam President, I rise to speak also on the Rebuild America Jobs Act. Our Nation's infrastructure is in a state of disrepair. We see it in the potholes in our streets, in the congested highways of public transit that lack the capacity to safely and efficiently get Americans where they need to go. The American Society of Civil Engineers gives our Nation's infrastructure a D grade. One in four bridges in the United States is structurally deficient. Our deteriorating infrastructure has negative impacts on commerce and our economy. We no longer have an infrastructure system that is the envy of the world.

When you invest in public infrastructure, you have two results: You create immediate construction jobs and you lay the foundation, the groundwork, to improve communities and facilitate commerce. That was certainly my experience when I was mayor of Anchorage.

I became mayor in 2003 at a time of economic slowdown—not quite as bad as the national recession we face today, but we inherited huge budget deficits and a dramatic slowdown in our economy. Our answer to turn Anchorage around was to invest in our basic system of roads and water and sewer and power—basic infrastructure. One of the best examples of the public infrastructure investment was a small community in the northern part of Anchorage called Mountain View. We knew there was great potential for economic turnaround in this community. We knew it because the community was interested. But in that community

the public infrastructure hadn't been invested in for decades. We did some simple things at first—upgraded the roads, basic systems that move people from one end of Mountain View to the other. We invested in schools. Then we invested in some public facilities. Today, Mountain View is the home of a branch of one of our large credit unions which is now their top performer in new accounts. Also new retail was established there—restaurant, phone store—and housing developments where no housing was being developed in this neighborhood. As a matter of fact, this neighborhood—I know it well because I grew up not far from there—was the neighborhood where people lived and then they tried to figure out how to move out of the neighborhood. Today it is a community of choice, a place where people want to go. Well over 140 housing units have been developed in this community in the last 5 years. Also additional public offices and a library were developed there for the first time in over 22 years. Simple investments created private sector investment along with it.

Another example is, we built a new \$100 million convention center in our downtown Anchorage. The new Dena'ina Center is now an economic engine attracting bigger conventions and meetings and tens of thousands of visitors a year. In September alone the new convention center generated almost \$12 million in revenue supporting restaurants, shops, and hotels.

Again, as someone born and raised in Anchorage, I remember when businesses were fleeing the downtown. They saw it as not an opportunity for economic development. By making these simple investments, we can have a long-term impact. This \$100 million may sound like a lot of money. Let me give another example—\$40,000 we invested in improved street lights in a small part of downtown along G Street. Property owners had legitimate concerns of safety after dark. When winter hits in Alaska, there is a lot less light, so we invested about \$40,000 per street light, installing some simple street lights, a dozen or so along the road there. As a result, the character of the street has dramatically changed. We have seen 10 new businesses spring up in a three-block section of G Street because it is safer. People move freely at any time of the day. There are year-round retail and restaurant businesses such as an Urban Greens, Jo Jo A Go Go, Modern Dwellers, Alaska Cake Studio, and Octopus Ink—a variety of new businesses. Retailers are investing their hard-earned capital, reaching out to expand opportunity for Anchorage. These businesses probably would not have made the investment without the small investment of the public infrastructure.

In my view, we need to follow this model on a national level. Failure to

invest in our crumbling infrastructure—our roads, bridges, airports—will cost us nearly a million American jobs without this investment. It is incredibly important to move our economy forward by legislation such as the Rebuild America Jobs Act. We have an opportunity to reverse this trend while helping to put hundreds of thousands of people back to work. This could put Alaskans back to work on important projects—bridge repairs outside the Denali National Park, a critical route between Alaska's two population centers and a heavily traveled route for tour operators and shippers; intersection upgrades on two of the busiest roads in downtown Fairbanks; highway safety improvements along the Seward Highway outside of Anchorage that reduce deadly traffic accidents and delays; safety improvements along the Sterling Highway on the Kenai Peninsula—other areas of high visitor traffic in the summer.

We know these improvements will support local economic growth all around Alaska, which is still a very young State compared to many States, and has tremendous transportation needs. Two years ago, this Congress approved the Recovery Act which funded sorely needed projects across my State—projects such as the Gustavus dock, Alaska Railroad line improvements, Glenn Highway repairs, and airport upgrades. These all created immediate construction jobs and have also improved access points so private companies can increase revenues and create long-term jobs.

The Rebuild America Jobs Act not only provides desperately needed repair funds, it also provides the seed money for the National Infrastructure Reinvestment Bank that will attract private sector capital to help fund a broad range of nationally significant projects. The concept for the infrastructure bank has broad bipartisan support and is currently being championed by the U.S. Chamber of Commerce.

Moody's estimates for every \$1 spent on roads and water and sewer—the basic infrastructure of this country—GDP is raised by \$1.59. The Rebuild America Jobs Act would make some key investments—\$27 billion to rebuild roads and bridges; \$9 billion to invest in public transit; \$3 billion to invest in our airports and modernization of our air traffic control system, which will make aviation more efficient and safer.

For Alaskans, this investment would fund \$220 million in much-needed transportation improvements and modernization which of course means good jobs—an estimated 2,900 jobs in Alaska from this bill.

Infrastructure development and investment has historically been a bipartisan effort. The American people want Congress to work together. This is a good bill to deal with our Nation's

roads, bridges, rails, ports, and runways.

Let me close by saying I have been here almost 3 years. We have some good bills that passed and we argued over some that we wished would pass. We have had some success over the last couple of weeks here, when you think about the China currency bill, the three trade bills. Now we have this bill. We have put three jobs bills up. Two have not been able to pass because of opposition from the other side but here is one that we know has bipartisan support. The infrastructure bank, the Chamber of Commerce is actively promoting this because they see the melding of the public and private sectors moving together to invest in the future of this economy. They also know when you lay down those roads or that better infrastructure on rail or transit, the net result is private sector investment will occur either right after it or simultaneously.

I hope folks on the other side will make the decision that it is wise to invest today and move this bill forward so we can have a long-term economic impact for our country.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REFORM

Mr. THUNE. Madam President, as we debate here in the Senate how to get our economy going again to deal with what is a stagnant economic set of circumstances, something that we have been grappling with now for a few years, I think it is instructive to look at what is happening in Europe. It was interesting to me as we look even at the papers this morning, the front page of the Wall Street Journal, "Fears of Political Chaos Tank Global Markets as Europe's Bailout Plan Teeters." Then much of the paper today, at least in the news reporting, is all about what is happening in Europe and the Greek crisis and the sovereign debt crisis that is being experienced in that country.

The business page in the New York Times, "Aftershocks for Athens and Wall Street; European Debt Crisis Tightens Its Chokehold On Global Markets." There is a whole series of stories again there about the same issue.

The front page of the Washington Post above the fold, "Europe Bailout Again In Doubt, Greece Seeks Referendum."

My point is as we have observed now what is happening in Europe, it should

be a lesson to us and a warning sign about what we need to be doing to get our economy back on track in this country. What is really saddling Europe right now is the fact that the European governments have gotten too big for their economies to support, so they are drowning in all of this debt. They have debt-to-GDP ratios that way exceed the normal levels that are required for admission into the European Union. Yet they continue to struggle with these huge amounts of debt, much of which was created over a long period of time. It didn't happen overnight. It is, frankly, that many governments made promises they could not keep. So now they are dealing with that and trying to figure out how they are going to work their way out of it. It is becoming increasingly concerning, I think, to people all across the globe and certainly to us in the United States.

If we look at the debt-to-GDP ratios in some of these countries around the world, they are pretty staggering. Greece is somewhere in the 180 percent debt-to-GDP area; in Portugal, Spain, countries like that, in some cases it is in excess of 200 percent debt-to-GDP.

Where are we in this country? We are already at 100 percent. We are 1 to 1. Our debt-to-GDP now is at a level we have not seen since the end of World War II. Spending as a percentage of our economy, debt as a percentage of our economy, deficits as a percentage of our economy—all at historic highs relative to anytime in history, at least in recent history going back to World War II.

I think, hopefully, the lesson to take away from all of this is we have to get our fiscal house in order. We are in a deep hole. We cannot continue to dig that hole deeper. When I hear the discussion about how to revive our economy, and I hear it revolve around we need to have more government intervention, we need to have more government spending, to me, that is literally a warning sign that we are on the wrong path. That is exactly what has happened in Europe. Governments have gotten too big. Their economies can no longer support them, and they are now faced with untenable circumstances; serious, dramatic austerity measures, accompanied by contracting economies, all leading to a complete mess in Europe. Hopefully, one that will not spill over into this country and around the globe. That concern clearly exists today, which is why we see so many of these headlines in our American papers focusing on that particular issue.

My point is simply this: I think as we look at how we deal with our economy in the United States, it starts with balancing our budget, getting our fiscal house in order, trying to get that debt and spending as a percentage of our economy down to more normal historic levels. If we go back over the past 40 years in American history, our spend-

ing as a percentage of our GDP has been in the 20-percent to 21-percent range on average. That is a 40-year historical average. Incidentally, the five times we have balanced the budget since 1969—and there have only been five times, regrettably, where we actually balanced the budget—the spending-to-GDP ratio was 18.7 percent on average. So, clearly, in those times when we balanced the budget going back to 1969, those 5 years, we had an economy, obviously, that was expanding and growing, but also we had government spending under control at a reasonable level.

Today we are in the 24-percent to 25-percent range of spending as a percentage of our economy. Debt to GDP is now literally at 100 percent. That is something we have not seen. It is historic in terms of our country's economy and our fiscal situation. I think it suggests that we cannot spend our way out of this; we cannot borrow our way out of this. All that will do is compound the situation, make it worse rather than better. I think we have seen that in the first couple of years of this Presidency.

President Obama, when he came into office, had a very aggressive agenda. He wanted to expand the role of government. So we had a stimulus program funded with borrowed money that was focused on government spending, government stimulating the economy. We had a massive new health care bill, \$2.5 trillion when it was fully implemented. That was a big expansion, the biggest expansion of government we have seen, literally, in the last 40 years.

We have seen excessive regulation to the point that there are now 61,000 pages of new regulations that have been issued or pushed through this year, all of which, again, compounds and makes worse the problem we have of growing spending as a percentage of GDP, growing debt as a percentage of GDP, and a shrinking private economy, or at least an economy that is not growing at the rate we would like to see, and continuing to run unemployment rates that are north of 9 percent. So these are serious economic circumstances and worsened, I believe, by the policies that have been put in place since this President took office.

I believe we need to take a different approach. We need to move in a different direction. We cannot continue to double down on what we know does not work. Clearly, government spending, government stimulus of the economy—if the last stimulus bill was any indication of that, certainly it has not worked. So much of what I hear being talked about now from my colleagues on the other side and from this administration is very similar to that. We are talking about a lot of the same prescriptions for our economy: We need to spend more here—which, of course, entails more borrowing or higher taxes on the people who create jobs.

In fact, the more recent iterations of that have entailed a tax increase on people who create jobs—a permanent tax increase, I might add—to pay for temporary spending programs, temporary spending ideas that have already been proven not to work. It seems ironic, in a way, that we are having that discussion. It strikes me at least that there are lots of other ideas we ought to be thinking about if we are serious about getting the American economy back on track and growing and expanding.

Of course, we all talk about the issue of taxes. Taxes are clearly an issue when it comes to our competitive place in the world and our ability to compete with other countries around the world. We continue to see companies move jobs to other places because our tax structure in this country is not competitive. We have the second highest tax on business in the entire world right now, which I think makes us anticompetitive and makes it more difficult for us to attract jobs and investment in this country.

We have, as I said, a regulatory structure that is spinning out of control in terms of new regulations, new mandates, new requirements on American businesses. Quite simply, we are making it more costly and more difficult for American businesses to create jobs when we ought to be looking at how we can make it less difficult and less costly, less expensive, cheaper, if you will, to create jobs. So that is where we ought to be looking.

Of the things that strike me that fit into that debate, No. 1 is tax reform. I think getting tax rates down on businesses and individuals, broadening the tax base, is something we ought to be having a debate about, and tax reform that would put policies in place that are going to be there for a while, that there is some permanence to. We continue to change tax law every year or two, and that kind of economic uncertainty makes it very difficult for American businesses to invest. Who in their right mind is going to make investments based upon a set of policies that are going to be in place for at best 2 years, at worst maybe a year? That is how we have been setting tax policy of late.

We need to create economic certainty through more permanent tax changes that promote long-term economic growth, not this decisionmaking that is designed for people in the near term. Do something that might give us a little bit of economic pop in the next 6 to 12 months, but something that actually puts in place conditions where businesses will make long-term investments, create long-term good-paying jobs right here in America.

I think that is the kind of economic debate we need to have. Frankly, instead of talking about redistribution of wealth or redistribution of income,

which is so often what we hear coming out of the White House, we ought to talk about what we can do to promote economic growth. How can we get this economy growing and expanding, and what are the policies that will make that happen? Tax reform, clearly, in my view, is one, and tax reform that is focused on getting rates down and making us more competitive with the rest of the world. Then I think we ought to have a debate about what we are going to do about these regulations. Regulations are out of control.

There are a series of things that have been passed by the other body, by the House of Representatives, which they call the “forgotten 15.” There are a whole series of things dealing with domestic energy production and development, doing away with some of these costly regulations. All of these are pieces of legislation, bills that have passed in the House of Representatives this year.

Since January when we came into this new session of Congress, 15 bills have passed in the House of Representatives that have not been acted on in the Senate. Many of us have tried and will continue to try to get votes on some of these as amendments, perhaps, to bills that might be moving through the Senate. If we are serious about supporting policies that will create the right conditions for economic growth, it seems to me at least we could start by taking legislation that has passed the House with broad bipartisan support. These are policies that have come through one body of the Congress that we could put on the Senate floor and the agenda in the Senate that would impact the economy and the job creators. These are all things we have heard people say they want and they need.

If we look at the number of regulations coming out of Washington, DC, and what it would take in terms of our job creators to comply with all of that, it is an astonishing 82 million hours. It is 82 million hours to comply at a cost of \$80 billion. That is what these new regulations that are coming out of Washington just in this last year, or since this administration has taken office, that is the cost to our economy of all of these new requirements that are being imposed upon our businesses. We know regulations, excessive redtape kills jobs. It increases our dependence on foreign oil, and it imposes costs on our businesses that we, frankly, cannot afford.

If we look at what the Federal regulations cost job creators annually, it is somewhere along the order of \$1.75 trillion. That is the composite of all of the regulations that exist on the books today, not just those that have been enacted since this administration came to power. They have taken it to a whole new level.

It is interesting because the chairman of the business roundtable and the

chairman, president, and CEO of Boeing company, a gentleman named Jim McNerney, in a Wall Street Journal op-ed and printed on Monday, noted the following:

A tsunami of new rules and regulations from an alphabet soup of Federal agencies is paralyzing investment and increasing by tens of billions of dollars the compliance cost for small and large businesses.

He goes on to say:

What we face is a jobs crisis, and regulators charged with protecting the interest of the people are making worse the problem that is hurting them now. . . . An increasingly skeptical business community needs proof Washington can put America on a sustainable fiscal footing and promote economic growth.

The recognition that we have to get our fiscal house in order, the recognition that this alphabet soup of Federal agencies is paralyzing investments, increasing by tens of billions of dollars the compliance for large and small businesses is what this particular CEO, who leads a large business organization in this country, has put his finger on in terms of the things we need to get the economy in this country growing again.

I hope as we continue to have this discussion in the Senate, rather than focusing, again, on raising taxes on people who create jobs—and that is what these proposals that have been put in front of us would do. We had one we voted on the last time we were in, the week before last, and we have one we will probably have a vote on sometime this week—essentially saying we are going to permanently raise taxes on job creators to pay for temporary spending programs that have already been proven not to work. That doesn't sound like a jobs plan to me. That sounds like another futile attempt to have Washington become relevant to this debate, knowing full well it really is the job creators out there in this country, it is our private economy where the jobs are really going to be created.

As the American people follow this debate, this is a very real issue for them because it affects their jobs. It is something about which they care deeply and profoundly. Economic issues, bread-and-butter issues, kitchen table issues are what the American people focus on. So I think they care deeply about this debate, and they should because what we do here impacts them and their children and grandchildren for generations to come.

If we think about the fact that today we have a \$15 trillion Federal debt and what that translates into per family in this country, it is about \$126,000 per family. Every family owes their share of the Federal debt, \$126,000. Now, compound that by adding the total unfunded liabilities of our Federal Government, which now total over \$60 trillion, and those are the obligations we have to pay Social Security and Medicare benefits for future generations.

That share of that unfunded liability per family in this country exceeds \$500,000 per family, and that exceeds the amount they pay for their mortgages and for all the other things combined in their daily lives. Take their mortgage payments, car payments, the payments they are making on their student loans, all those sorts of things are all exceeded by that amount—the mortgage, in effect, they have because of the unfunded liabilities their government has racked up.

So we look at where we are, we look at what we are doing to the American people with the spending and the borrowing here in Washington, DC, and we look at what is happening in Europe, and we can see some real parallels there, and it is a path I hope we will not go down. But it is clear to me at least that we continue to try to make promises to people in this country that we can't keep. When we get to the point—and I think we are there—where the size of government, the growth in our government in this country cannot be supported by our economy, we have to make some decisions, and those decisions are not going to be easy. We need to get government back into a more normal, historical size relative to our economy, and I think that will help unleash the job creation we need in this country.

By the way, as I mentioned, the amount of debt many of these European countries have racked up as a percentage of their GDP—we are not far behind. We are 1 to 1, about 100 percent. As I said, today Greece is about 180 percent.

But if we look at the studies that have been done and how sovereign debt impacts the economy and jobs, there is a clear correlation and clear connection. A good body of research done by a couple of economists, Carmen Reinhart and Ken Rogoff, suggests that when we get a debt-to-GDP level that exceeds 90 percent and we sustain that, it will cost about a percentage point of economic growth every single year. In this country, when we lose a percentage point of economic growth, it costs about 1 million jobs. So these high, sustained, chronic levels of debt-to-GDP at the ratios we are at and continue to be at today continue to make it more difficult for our economy to create jobs, that coupled, as I said, with all of the new requirements we are imposing on businesses.

I want to mention a couple of other things in wrapping up when I talk about those requirements because, in those cases, the “forgotten 15” that have been passed by the House of Representatives do focus on some areas that are costing a lot of money in our economy for our job creators. Again, these are 15 bills passed by the House of Representatives, all with bipartisan support, none of which has been taken up and acted on here in the Senate. It

seems to me we ought to at least have votes on these, and these are things American businesses are telling us they need to get the economy growing again.

The other thing we know that is making it more difficult and costly for American businesses to create jobs is the new health care bill.

The Des Moines Register reports that last week Iowa-based insurer American Enterprise Group announced that “it will exit the individual major medical insurance market, making it the 13th company to pull out of some portion of Iowa's health insurance business since June of 2010,” mere months after ObamaCare passed. As a result, 35,000 individuals receiving coverage from American Enterprise's individual insurance policies will now lose their current coverage. For these individuals, the promise that they will not have to change plans, that nothing will change under the Obama plan except they will pay less, has once again proven to be hollow.

Another example of an insurance company that is moving out of the business—and if we look at the more recent reports about companies that are dropping or talking about dropping coverage, we now know there is a McKinsey & Company report out there. They surveyed a bunch of companies in this country, both large and small, and 30 percent of employers and 28 percent of large employers will definitely or probably stop offering coverage after 2014.

So all of those people who derive their health insurance coverage from their employer or the individual marketplace are seeing not lower costs but higher costs and probably fewer options. That is the trend we are seeing. That is the experience so far, after passage of ObamaCare, the impact it is having on American businesses and American businesses' ability to create jobs in our economy.

So the health care heavy weight, the anchor that is putting on American businesses, coupled with all the other regulations that are coming out of Washington, DC, coupled with a tax code that is riddled with uncertainty and questions about what is going to happen next in terms of raising taxes on job creators in this country, focused more on income and wealth redistribution rather than economic growth, which is where we ought to be focused, suggests that we are headed in the wrong direction fiscally. We are headed in the wrong direction economically. We are headed in the wrong direction with regard to tax and regulatory policies in this country.

We still have time to change direction. I hope we start by taking these 15 bills passed by the House of Representatives and putting them on the floor of the Senate for a vote instead of having yet another political vote, which is

what we are going to have this week, that would permanently raise taxes on the people who create jobs in this country—permanently raise taxes—to pay for temporary programs that have proven not to work, as is evidenced by the failed stimulus bill from 2 years ago. We can do better. We can do better by the American people, and we need to. But it has to start here, and it can start by picking up things that we know have bipartisan support.

Madam President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

REBUILD AMERICA JOBS ACT— MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1769, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of the bill (S. 1769) to put workers back on the job while rebuilding and modernizing America.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, the Rebuild America Jobs Act addresses two of our most fundamental responsibilities: first, the need to respond to the urgent jobs crisis and, second, the duty to create the physical framework for economic growth now and into the future.

There should be no debate about our duty to fulfill those two responsibilities. Yet, once again, we are in a situation where the refusal of our Republican colleagues to compromise, even on consideration of measures they have supported in the past, prevents us from acting on behalf of the American people.

I am encouraged by reports that perhaps finally the need to act has convinced some of our colleagues across the aisle to at least consider allowing the Senate to debate this legislation. I hope for the sake of millions of people in Michigan and in every other State who are waiting for us to act that at least some of our Republican colleagues will relent and allow us to at least debate this measure.

What would this bill accomplish? Simply put, it seeks to create jobs now

and into the future. It does so by funding a wide array of infrastructure projects, including roads, bridges, rail transport, mass transit, airport facilities, and updated air traffic control systems. These projects would put construction workers on the job immediately. They would, according to estimates by Moody's, boost economic growth by more than a dollar and a half for every dollar we spend. And the benefits would continue into the future as American companies and American workers benefit from the increased competitiveness that modernized infrastructure provides.

In my home State of Michigan, this legislation would result in more than \$900 million going to infrastructure projects. It would create about 12,000 jobs. Residents of my State are keenly aware of the need to act, and to act now, on the jobs crisis, and they are keenly aware of the terrible costs we pay if we allow our economic competitors to establish advantages over our workers. In my State, nearly one-third of our bridges are structurally deficient or functionally obsolete. More than one-third of our major roads are in poor or mediocre condition. About 40 percent of our major urban roadways are congested. The people of Michigan want us to act on jobs, and they want us to act now to maintain America's competitive edge.

These are not controversial ideas—at least they have not been in the past. Support for infrastructure is traditionally bipartisan. It was a Republican President—Dwight Eisenhower—who launched the Interstate Highway System. This bill includes an infrastructure bank based on a bipartisan idea once supported by the U.S. Chamber of Commerce. Every Member of this body, Democrat and Republican, fights for adequate infrastructure spending for their State. Why, when faced with the dual challenges of a jobs crisis and increasingly outdated infrastructure, would we hamper our ability to grow now and in the future by not allowing a debate on this bill and adopting this bill?

Perhaps some of my Republican colleagues object to the way this bill is paid for. As has been the case with previous jobs bills, this legislation would not add a dollar to the deficit. It would pay for these much needed infrastructure efforts by asking those with incomes of more than \$1 million a year to pay a fraction of a percentage point of their income above \$1 million a year in additional taxes. Again, outside the Halls of Congress, this is not a controversial notion. A strong majority of Americans, including a majority of rank-and-file Republicans, support the idea of asking the wealthiest among us to contribute to solving our jobs crisis.

I might say, in terms of investing in infrastructure, a recent CNN poll shows that 72 percent of Americans

support investing in infrastructure to create jobs. We know from this poll that a huge majority of Americans want us to invest in infrastructure. They want us to invest in infrastructure now to create jobs. That is mirrored by other polls which show a vast majority of Americans believe the fair way to pay for this investment is for the wealthiest among us to pay a small fraction of the income they make above a level such as \$1 million, which is what is provided for in this bill. Now, make no mistake, if Republicans reject this legislation because of the funding mechanism, they are voting directly in opposition to the will of the American people and against the concepts of basic fairness that should guide our actions.

Finally, relative to this pay-for, there is only one group of Americans who have done well financially in the last few decades; that is, the wealthiest 1 percent. The rest of Americans, middle-income Americans, have either lost ground or gotten nowhere, but the wealthiest 1 percent of Americans have done exceedingly well, and their proportion of the national income has grown dramatically. So to say income above \$1 million should not pay a small fraction of a percent in a surcharge to help pay for what this country desperately needs and would create jobs flies right against the feelings and beliefs of the vast majority of the American people.

Finally, the vote we are going to take in the next couple days is not even a vote on the bill. This is a vote on ending a Republican filibuster on the motion to proceed to the bill. It is a motion which would allow us to begin to debate a bill.

I have been continually surprised at the lockstep opposition of Republicans to even beginning to debate on these matters. I would make a simple request, and a number of us have done the same. Let's debate this legislation. Allow us to debate the legislation. If the legislation can be improved, offer ideas to improve it. If there is a better idea, offer the better idea. I believe Republicans would have a very receptive audience if they propose ideas for which there is strong evidence of benefits and economic growth and job creation. But until we can get a job-creation measure to the floor of the Senate, we cannot even discuss those issues in a legislative setting; we can only really hear debate as to whether we ought to be allowed to debate those issues.

A bipartisan vote to begin the debate on jobs legislation would send an important signal to the people we all represent, a signal that we are ready to put aside partisanship and address the problems our people face. I hope Republicans will end their filibuster so we can adopt the motion to proceed to this jobs bill.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise to address our Nation's job crisis and to share some thoughts about why it is important that we proceed to debate on the Rebuild America Jobs Act. It may come as a surprise to some across the Nation that at this point this Chamber is not debating the Rebuild America Jobs Act but that we are debating whether to debate. Only in the Senate could we be engaged in that type of question, when across America millions of folks want to see us act, want to see us create jobs.

It was only a few weeks ago we had a similar debate. That debate was over the America Jobs Act, a broad portfolio of measures to put our economy back on track and create jobs for Americans. To get closure on whether to debate, we had to get a supermajority under the rules of the Senate.

My colleagues across the aisle opposed that and we could not get to the debate of the bill on how to create jobs. Now we have before us a smaller segment of that bill, one that focuses on the construction industry. Again, we find ourselves debating whether to debate rather than getting down to work and creating jobs. So I hope this time the outcome will be quite different.

The jobs crisis has hit hard across this Nation. It hit especially hard in my home State of Oregon, where the job rate has been lowered as the unemployment rate has been higher than in most States across this Nation. One of the main reasons Oregon is hurting is because our construction industry, our residential and commercial construction industry, is flat on its back. More than 40,000 construction jobs have been lost in Oregon since 2007. Thousands more have been lost in related industries such as forest products and nursery stock and grass seed, all of which only thrive when we are building homes in America. Right now, we are not building homes in America.

So we need a boost to get the construction industry moving again. If you do not believe me, just listen to the people in the State of Oregon. A few weeks ago, I asked my constituents to write in and share their stories. Today, I am going to share some of those stories with all of you. Carolann from Marion County writes in and says:

I am a construction cost accountant with 47 years of experience and two masters degrees. I have been widowed since 1996. I am 69

years old. I fully support my 67-year-old sister who has dementia and is in remission from colon cancer. Wall Street and my own bout with cancer just before I turned 65 has wiped out a lifetime of savings, my retirement nest egg. I have to work or we will be homeless in about 3 months. I drive a 16-year-old vehicle that is on its last legs. I have aging parents who are struggling to keep their farm. Those are the facts. In late 2008, for the first time in my career, I was laid off from my construction accounting job. Since that time I have been unable to find another job in any field despite my good references. Currently I work part time for a start-up dot-com. My prognosis for continued employment is shaky. Banks will not loan money to a start-up. This summer I went from June 26 to September 7 without a paycheck of any kind. Last week I applied for a job at Wall Mart for Oregon's minimum wage. I will probably get hired, but I am not kidding myself about job security. That does not exist any more for most of us. Senator, the worst thing about all of this is our do-nothing Congress. Washington, D.C. has lost touch with America.

Her words ring powerfully in this Chamber. She, similar to millions of other Americans, is saying this economy is tough. Family circumstances are rough. Why does Congress not get down to work and debate and pass job-creating legislation? She is frustrated with this do-nothing Congress and we are debating whether to debate a jobs bill. I encourage my colleagues to listen to Carolann from Marion County. Let's get past this point and get down to debating the jobs bill.

Hank from Marion County writes:

Three years ago, I was at the top of my more than 35 years in construction management working as a senior project manager on a large project. As the economy tanked, the projects were terminated. Today I am unemployed after hundreds of applications. I am left able, willing and highly experienced, yet undesired. Our farm was foreclosed and my wife and I had to file bankruptcy. Currently our mortgage lender refuses to complete a home loan modification, although they qualified us 2 years ago for the program. And since then we have been making the required payments each month even without a final agreement. We have met with community groups, written letters, made calls, yet nothing seems to happen. In another year when the bankruptcy period ends, we fear the bank will simply foreclose again and we will lose our farm.

Again, another voice from a family deeply affected by the collapse of the construction industry and a call to us to help put it back on its feet.

Brian from Yamhill County writes:

I have worked in the lumber industry for 35 years. In 2009 I was laid off for 11 months. I did go back to work in June only to be cut again after only 5 days of work. I went back to work in December for the same company. In September 2010 there was a cutback. More than 70 people lost their jobs. I was lucky. I made the cut. But my pay was reduced by nearly \$5 an hour. I went from driving a fork lift to a clean-up position. 6 months went by and then another cut. This time another 60 people lost their jobs. I was lucky again. And I worked at a new position for nearly a year until September 2011, and then came another cut. This time I was one of 42 people to be

laid off with no chance of a call back. Now there are rumors that the entire plant is closing. I have been out of work for 1 month now. And in my job search I have been running into the same thing everywhere I go: No work available.

Every industrial area I go into I see many buildings where companies have gone out of business. Windows and doors are boarded up. I want Congress to do the job they are being paid to do so I can go back to work.

That is the line he closes on: that we here in this Chamber should do the job we are assigned; that is, to take on, amend, and pass job-creating legislation so he can find a job, so he can go back to work. I think his sentiment is echoed by millions of American families. There is no substitute for a job. No program can come anywhere close to the important role a job plays in the personal satisfaction, the structure it gives us in our life, in the knowledge we are putting a roof over our family's head and putting food on the table. No program can suffice. A job is the heart of the success of our families. Yet here we are fiddling while Rome burns or, in this case, filibustering while millions of Americans go without jobs. It is not right.

I say to my colleagues, particularly I wish to encourage my colleagues across the aisle who filibustered the last effort to put the jobs bill on the floor: Stop. Talk to the folks in your home State who are unemployed, who expect us to do what every American worker expects us to do, which is to debate and pass job-creating legislation.

The bill which we are debating whether to debate, the Rebuild America Jobs Act, is a commonsense strategy to put people back to work in an industry that needs it, making investments our country will have to make sooner or later anyway. One in four bridges in America is rated deficient. We get a D grade on our infrastructure from the American Society of Civil Engineers.

This is not the America we know. It is not the America we want. Let's build the America of the future that will have the infrastructure to drive our economy positively. Infrastructure is not an option; it is a necessity. We can build it now when interest rates are low and jobs are needed or we can spend more later when our infrastructure has deteriorated further and it is more expensive. We can do it earlier, with lower interest rates and more bang for the buck, or we can do it later, when it will be more expensive, more difficult, with a higher interest pricetag. It doesn't seem to be a difficult choice. It certainly doesn't seem to be a difficult choice as to whether we should at least be on the bill, debating it.

I know many folks are coming to the Chamber to address the question of how we get a jobs bill actually before the Senate. I hope all of my colleagues will get on the line with folks back

home, go to that town meeting, and say: Do you want us to debate a bill or do you want me to keep stalling and preventing a debate on how to create jobs? I am pretty confident 9 out of 10 people—and maybe 10 out of 10 people—will stand up and say: Quit stalling. Let's get to work here so America can get back to work.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, today I want to discuss the jobs bill we are currently debating and how important it is that we pass this right away.

I also want to respond to the minority leader's remarks this morning in which he tried to deny the bipartisan nature of this proposal and, instead, sought to divert this Chamber toward a hodgepodge of bills taken up by the House.

All across the country, and in our State of New York, from Poughkeepsie to Buffalo, there are roads, bridges, and sewer systems in need of serious repair. In each of these places, there are thousands of middle-class families desperately looking for work.

In the construction trades—the backbone of the middle class in many of our communities, in New York and around the country—there is 25, 30, 40 percent unemployment. That is true for many of my colleagues on both sides of the aisle. We all know that in previous recessions, 60 percent of the new jobs were in construction. That is because they lower interest rates and build more housing. There is no more lower interest rates because, when the recession began, they were already very low and, of course, there is a surplus of housing now in America.

This week, by voting to pass the Rebuild America Jobs Act, the Senate can get thousands of Americans off the unemployment line and back into the workforce. Because they get paid good salaries, the money they get flows into the economy and creates a multiplier effect that creates other jobs. These are good, solid, high-skilled American jobs—jobs we need.

Investing in our roads, bridges, and sewer systems could not be more urgent. More than one in four of our Nation's bridges is either structurally deficient or obsolete. I put out a list of those in New York State and it was astounding, in every part of our State.

We all know that, as we get closer to winter, our deteriorating roads will place a heavy burden on commuters and local taxpayers. Our local towns,

villages, counties, and cities cannot afford the infrastructure work that is needed right now because of tight budgets and budget cutbacks at the Federal, State, and local levels. As this past weekend's storm made clear, investing in our crumbling sewer systems has never been more essential. All up and down the Northeast, old sewer systems have given way to serious flooding. We can make a downpayment on these priorities by passing this bill, and we should do so in a bipartisan manner.

When I travel across New York State, two of the first things people bring up to me are jobs and fixing our infrastructure. This bill does both. It doesn't matter whether the people are Democratic, Republican, Independent, from upstate or downstate, men or women, liberal or conservative, they all say the same thing, and we see this reflected in public opinion. A recent CNN poll showed nearly three-quarters of Americans support additional Federal investments in our infrastructure. Yes, they are worried about the deficit and our long-term fiscal health, but they know we can't cut our seed corn—infrastructure projects that create jobs and help America grow economically.

Here is the best part of this bill. It invests in projects that create jobs, but it is fully paid for by asking the wealthiest among us—those who have incomes of over \$1 million—to pay a fraction more in taxes. They pay that not on their entire income but just on the part that is above \$1 million. So if a millionaire—someone worth a lot of money—has an income of \$1.1 million, they only pay the small .7-percent increase on the \$100,000 that is over 1 million. Their first million doesn't change. The tax policy doesn't change.

Over the last decade, the middle class has taken a punch in the gut. The cost of sending kids to college has gone way up, the job market is tougher and tougher, and middle-class incomes are declining while costs to the middle class are rising. As a middle-class family sits around the dinner table Friday night trying to figure out how to pay all those bills and provide a great life for their future and for their children, it is very hard for them. However, the very wealthy—the very wealthy—have done very well over the last decade.

A lot of those wealthy people live in our State of New York. We say: God bless them. They started successful businesses and have done well over the last decade. So to pay for this bill, we are just asking them to pay a sliver more—.7 percent more of each \$1 they earn over \$1 million. This is a situation where they can't say: We are afraid the money will be wasted, because it goes to infrastructure—directly to infrastructure. The way this is set up, there is no politics in the process. It is the most needed projects that get the work.

Let me cite a fact. I know many of my colleagues joined with me and Senators BROWN of Ohio, STABENOW, and CASEY in saying China has to play fair, and we are all worried China will get ahead of us economically. But right now China is spending four times as much on infrastructure as the United States—four times as much. That is not four times as much per capita, that is four times as much period.

Here is the real kicker: According to a recent survey of 1,400 business leaders in 142 countries, the United States ranks No. 24 in overall infrastructure quality. Is that a shame? We are behind countries such as Barbados and Oman. We also rank No. 20 in roads behind the United Arab Emirates, Portugal, and Namibia; No. 22 in ports behind Malaysia, Bahrain, and Panama; and No. 31 in air transportation infrastructure behind Chile, Thailand, Malaysia, and Malta.

How can it be that these great United States that we dearly love, and which always was at the top in creating roads and bridges and tunnels and great water systems—the third water tunnel in New York is being built right now, and it is an engineering wonder, though the planning for it started in the 1950s, I believe—is now ranked No. 31 in transportation, 22 in ports, 20 in roads behind countries such as the United Arab Emirates, Portugal, Malaysia, Thailand, and Chile? If that isn't a wake-up call, I don't know what is. We can't afford to let our global competitors get the edge.

So this bill builds back infrastructure, creates good-paying jobs that will send a shot into the arm of an economy that desperately needs it, and pays for it only by taxing the income over \$1 million of those who are very wealthy and have done very well in our society.

How can anyone vote against something such as this? One could think maybe the only reason is because some people don't want the economy to grow and prosper. I hate to think that, but infrastructure has always been a bipartisan issue in this body, and it should continue to be.

Let me respond directly to the minority leader's comments this morning. He derided the proposal on the floor as something that had already been tried, something that had no chance of passing, and something that was not bipartisan.

First, already been tried? Oh, yes. Is the minority leader saying because we built the Erie Canal or built the highway system in the 1950s we shouldn't do any more infrastructure? That makes no sense. That just makes no sense. Every study shows the infrastructure part of the stimulus bill created lots of jobs and left us with better infrastructure.

The minority leader then said, as I mentioned, not just that it had been tried already but that it was not bipar-

tisan. We know the need for infrastructure is a bipartisan priority. Just because the minority leader may be imposing a top-down strategy that bars anyone on his side from voting for any proposal offered by the President to improve the economy doesn't mean these proposals aren't bipartisan.

Just yesterday, the former Republican Senator from Ohio, a fiscal conservative if there ever was one—Senator Voinovich—was quoted as saying he believed the need to repair our roads and bridges was so great he thought President Obama should be raising the gas tax to fund those investments. I don't know if I agree with him on that specific solution, but isn't it remarkable, a Republican Senator calling for revenue increases to pay for infrastructure investment?

That is what we do in this bill. Let me say once again that Senator Voinovich is no longer in the Senate, so he is free to pretty much do as he wants. But I would hope other Senators who are in the Senate would join in that call because I believe they know in their heart it is the right thing to do.

The only difference between what we propose and what Senator Voinovich proposes is that instead of asking middle-class Americans to pay more at the pump, we ask those who have an income above \$1 million to pay their fair share and to help put construction workers back on the job. That seems like the right set of priorities to me.

So the minority leader is clearly wrong when he says this concept isn't bipartisan.

Another former Senator—Chuck Hagel from Nebraska—has been a leader in calling for an infrastructure bank, which also is in this bill. Senator Hagel sponsored one of the first pieces of legislation creating an infrastructure bank and has continued to call for it since leaving the Senate.

So there are lots of Republicans out in the country who support this measure, and the polling shows a large number of Republicans who support the kind of proposal we have on the floor—building infrastructure and having those who make over \$1 million pay for it so we don't increase the deficit. This is a bipartisan proposal.

So let's not hear from the minority leader or anybody else that the proposal on the floor isn't bipartisan. Just this morning, the top Republican on the Environment and Public Works Committee was quoted discussing the progress he and the chairwoman of that committee are making on a 2-year surface transportation bill. This is great news. I am glad to hear they are close to advancing that bill. But if one believes infrastructure is enough of a priority that they can support a long-term highway bill, why would they object to speeding up some of that investment now so we can put more Americans to work quickly?

This bill is bipartisan for sure. The minority leader has a political strategy to block all our President's initiatives to improve the economy. What does the minority leader call for instead? He has called for the Senate to take up a hodgepodge of bills sent over by House Republicans that, even when taken together, don't do enough to tackle the jobs problem.

Who would believe this hodgepodge of bills will do more for jobs than the traditional way we get out of recessions—infrastructure building? Most of the ideas cited by the minority leader have next to nothing to do with jobs at all. Many of these ideas belong more on a lobbyist's wish list rather than any serious jobs agenda.

It is a stretch to call many of these bipartisan. Many of these bills are items Republicans would be seeking to pass even if we were in a boom and had full employment. Many are just ideological priorities dressed up as job solutions.

It is laughable for the House leadership to act as though these proposals would address the jobs crisis when they are sitting on real solutions such as the China currency bill. The Speaker and the majority leader over in the House say they want to do something about jobs. They say they are worried about the two Houses not working together. We had a large bipartisan majority—65 votes—saying we are going to force China to play fair on currency because their failure to do so causes millions of jobs—good manufacturing jobs, primarily, though not exclusively—to leave this country. There is nothing more Congress could do that would lift our manufacturing sector than to confront China's unfair trade practices. But Speaker BOEHNER and Majority Leader CANTOR sit on that bill and then tell us to take up this hodgepodge of items. The China currency bill passed with a bipartisan supermajority in the Senate. Yet the House leadership continues to sit on the sidelines as China takes advantage of us. The China currency bill is languishing in the House for no good reason.

I suggest Speaker BOEHNER heed the will of his Chamber and put that bill on the floor and that the minority leader in the Senate would be well served to stop pretending these pieces of the President's jobs bill are not bipartisan just because he is withholding his support in service to a strategy that, perhaps, outlines his No. 1 goal: the defeat of the President.

It is time to stop the games and accomplish something that can make a real dent in the jobs crisis. I say to my colleagues on both sides of the aisle: Pass this bill, rebuild our ailing and aging infrastructure, create jobs, and make sure what we do here does not increase the deficit by having those whose income exceeds \$1 million pay a small, little increase to pay for it.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

USDA APHIS MEMO

Mr. MORAN. Mr. President, yesterday we concluded our work here in the Senate on our version of the Agriculture appropriations bill. I am a member of the Appropriations Committee, a member of the agriculture appropriations subcommittee, and I supported the legislation we passed, but there is an outstanding issue at the Department of Agriculture of which I was only recently made aware. To me, it is a very serious issue, and given more time I would have taken action here on the Senate floor. It is an issue I will continue to pursue as a member of the conference committee as we work toward our final fiscal year 2012 Agriculture appropriations bill.

The issue involves a memo issued by the Department of Agriculture last month, October 6, authorizing the Department of Agriculture Animal and Plant Health Inspection Service, APHIS, to conduct an animal welfare scientific forum. This forum was approved by Under Secretary Edward Avalos on October 12.

I ask unanimous consent to have printed in the RECORD the USDA's memo.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECISION MEMORANDUM FOR THE UNDER SECRETARY

Through: Gregory Parham, Administrator, Animal and Plant Health Inspection Service.

From: William H. Clay, Deputy Administrator, Wildlife Services.

Subject: APHIS Animal Welfare Scientific Forum.

ISSUE

How can APHIS effectively engage animal advocacy groups in ongoing scientific reviews and discussions of animal welfare issues related to APHIS program activities?

SUMMARY

At a meeting on July 26, 2011, between representatives from USDA's Marketing and Regulatory Programs (MRP) and the Humane Society of the United States (HSUS), HSUS representative John Hadidian requested that USDA establish an Animal Welfare Working Group to address animal welfare concerns regarding the use of existing and emerging lethal control technology.

The Under Secretary agreed with the general concept. APHIS recommends hosting a scientific forum facilitated by Animal Care (AC) at the APHIS Center for Animal Welfare in Kansas City, MO, to bring together animal advocacy groups as well as industry organizations to discuss the latest science

regarding lethal control technology and other animal-welfare related activities carried out by the Agency. Wildlife Services (WS), AC and Veterinary Services (VS) activities in use now or those that may be used in the future would all be open for discussion at the forum. Pertinent scientific information gathered at the forum would be presented to the appropriate APHIS programmatic advisory committee for consideration.

Senior leaders from WS, AC and VS would meet with HSUS and several other advocacy groups in advance of the forum to identify priority topics for discussion and potential speakers.

BACKGROUND

In the past several meetings with MRP and APHIS representatives, HSUS representatives have consistently raised concerns regarding horse slaughter, horse transport, and WS' use of lethal control methods, as well as several welfare issues related to enforcement of the Animal Welfare Act. At a meeting between Under Secretary Avalos and HSUS on July 26, 2011, HSUS representative John Hadidian requested that an animal welfare working group be established to address animal welfare concerns regarding the use of new and emerging lethal control technology. Under Secretary Avalos agreed with the general concept.

APHIS representatives believe that HSUS' intent is to position the organization to be recognized nationally as influencing APHIS policy on critical and sensitive welfare issues. Where and how emerging and existing lethal control technology can be used is one of many issues HSUS wishes to influence. By expanding the proposed group to other APHIS programs besides WS, and establishing a scientific forum, APHIS would be able to engage HSUS and other advocacy groups on a range of animal welfare issues and focus on science-based, practical application approaches, using best practices recognized and developed with input from a variety of stakeholders, including industry groups, animal advocacy groups, and State and Federal partners.

The National Wildlife Services' Advisory Council (NWSAC) is the recognized body to make recommendations to the Secretary regarding future WS activities. Topics of discussion from the forum that might aid or impact APHIS activities could be passed to the NWSAC or equivalent advising bodies for VS and AC, as appropriate.

HSUS and other welfare advocacy groups would be invited to participate in a preplanning meeting for the forum with senior leaders from WS, AC and VS. These groups would have input into the topics to be discussed, potential speakers for the topics, dates and times for the forum, how the forum should run, etc.

The APHIS Center for Animal Welfare in Kansas City, MO is experienced at managing dialogue between diverse groups on controversial and emotional issues and in facilitating group interaction so that individuals stay focused on established topics. Holding the forum at the Center would make it convenient for transparent interaction with all interested stakeholders from across the country.

OPTIONS

Option 1. Establish an Animal Welfare Scientific Forum consisting of representatives from APHIS, animal advocacy organizations, industry groups and other interested stakeholders. This would allow APHIS to engage animal advocacy organizations with concerns about WS' use of lethal control methods, as well as other APHIS issues, such as

horse slaughter and transport. This process would also refocus attention from prescriptive protocols based on subjective criteria to science-based approaches while still allowing for input from diverse groups, including end users.

Option 2. Do not establish a scientific forum and continue operating under existing protocols. HSUS and other advocacy groups currently meet with APHIS programs individually at random intervals to discuss issues of concern. Multiple meetings of these advocacy groups with the different APHIS Programs are less efficient than a single forum that covers multiple issues.

RECOMMENDATION

APHIS recommends Option 1. This will provide cross-program participation and will allow animal advocacy groups to participate in a non-prescriptive manner.

DECISION BY THE UNDER SECRETARY

Option 1: (Signed) Edward Avalos, October 12, 2011.

Mr. MORAN. What is ironic about this forum is there is little science involved. It is little more, in my view, than the Department of Agriculture spending taxpayer dollars on a forum to provide the Humane Society of the United States a public forum to espouse its anti-agriculture views. The document speaks for itself in this regard. On page 2, the document states:

APHIS [the Animal and Plant Health Inspection Service] representatives believe that the Humane Society's intent is to [promote and] position the organization to be recognized nationally as influencing APHIS policy on critical and sensitive welfare issues.

After reading that statement, it becomes clear that the Department of Agriculture is catering to an outside organization instead of relying on the advice of animal scientists at our land grant universities or even at the Department of Agriculture. If the Department of Agriculture was interested in science, why would it allow an animal rights organization to steer its agenda? Why wouldn't APHIS simply request the latest animal research from scientists across the country to make sure its guidance is up to date?

In addition to catering to HSUS, in planning this forum the Department of Agriculture APHIS is precluding input from members of the agricultural industry it is supposed to promote. The memo states:

HSUS and other welfare advocacy groups would be invited to participate in a preplanning meeting for the forum with senior leaders from Wildlife Services, Animal Care, and Veterinary Services. These groups would have input into the topics to be discussed, potential speakers for topics, dates and times for the forum, how the forum should run, etc.

That is quoting from the memo. No mention in the memo is made of asking any agricultural organization or animal scientists for preplanning assistance. According to the memo, HSUS is going to set the agenda for this forum. Even if the agricultural industry is later invited to the event, Agriculture

would have the cards already stacked against them.

I believe it is important for most Americans to understand that HSUS is not your local animal shelter. HSUS is a national lobbying organization that spends most of its budget to lobby against farmers and ranchers who provide us with food or clothing that we enjoy. In fact, tax documents show that HSUS spends less than 1 percent of its budget on grants to animal shelters. Given these facts, you would have to wonder why the Department of Agriculture is giving this organization this platform and shunning producer organizations. This is one more demonstration that this organization is no real friend of rural America or the American farmer and rancher.

My purpose this morning is to inform my fellow Senators of this troubling development at USDA and to put the Secretary on notice that this type of conduct from the Department is unacceptable.

The Department's mission statement reads as follows:

We provide leadership on food, agriculture, natural resources, and related issues based upon sound public policy, the best available science, and efficient management.

USDA should live up to its mission statement and work to promote agriculture, not work against farmers' and ranchers' best interests and, I would say, not work against the best interests of the consumers of food in this country. Going forward, I will do my best to make sure the Department of Agriculture adheres to its mission statement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UPDATING THE POSTAL SERVICE

Mr. CARPER. Mr. President, just a few minutes ago, Senators LIEBERMAN, COLLINS, Senator SCOTT BROWN of Massachusetts, and I gathered in the press gallery upstairs to unveil a proposed compromise that is designed to help ensure we have a viable, strong U.S. Postal Service in this country for the next 10, 20, 30, 40, 50 years and longer.

There has been a lot of time spent in debate over jobs: How are we going to save jobs? How are we going to create jobs in this rough economy we are moving through? As it turns out, there are about 7 million jobs that flow from the Postal Service. There are only about 500,000 people who actually work for the Postal Service these days. There are roughly another 7 million

who are associated with the Postal Service in one way or the other.

If we do nothing, the Postal Service—which lost \$10 billion last year, is on track to lose a couple hundred billion dollars over the next 10 years—will literally go out of business next year—not in 10 years, not in 5 years but next year. That is a consequence none of us can look forward to and we need to provide predictability and certainty and part of that is to make sure we have a Postal Service that meets the needs of our businesses and the interests of our citizens.

The situation is dire, but it is not hopeless. This is one we can fix and the four of us believe this legislation will fix this problem not in 5 years, not in 10 years from now but literally provide the fix that is needed this year.

I mentioned in our press conference that a couple years ago my sister and I went to the home of my parents. My parents are now both deceased. We went to their home and we rooted through all kinds of nooks and crannies and boxes in the attic. We came across a treasure trove of letters they exchanged during World War II. They wrote to one another when my dad was overseas. They wrote several times a week. They saved the letters.

When I was in Southeast Asia back during the Vietnam War, the happiest day of the week for us was the day the mail came. The letters, the postcards, the birthday cards, the packages we received, magazines, the newspapers, made that the best day of the week.

When our Presiding Officer and I go on a CODEL to Afghanistan or to Iraq to visit our troops and see how they are doing and what we need to be doing, they still get the mail over there, but it is not like it was when I was serving or when my dad or my uncles were all serving. Troops today communicate with their families back home with Skype. They have the ability to use the cell phones. They have the Internet, Facebook, Twitter. You name it, it is a different game today. As the way we communicate in this country and in this world has changed, the Postal Service needs to change the way they do business and they are ready and anxious to do just that.

I think there is a good analogy in trying to figure out what the Postal Service needs to do to right size its enterprise. There is a good analogy we can draw from by looking back just 3 or 4 years ago at the situation the U.S. auto industry was in. Think about this: In 1970, my first trip to Southeast Asia, the market share of Ford, Chrysler, and GM was just about 85 percent. In 2009, their market share dropped to less than 50 percent.

When the auto industry reported to us and to the rest of the country in 2009 that given their market share, they had more employees than they needed, they had more auto plants than they

needed, and there was a mismatch in terms of the wage-benefit structure they were paying their own employees versus the wage benefits that were being paid to their competition selling cars, trucks, and vans in this country, they asked us for a bailout—not exactly a bailout. They asked for a cash transfusion. They promised to pay it back with interest. Lo and behold, they have, and 3 years later Ford, Chrysler, and GM are still in business. They have fewer employees than they had 3 years ago. They have fewer auto plants than they had, but they have changed the wage-benefit structure and made some changes in their health care costs and the way they administer health care costs which are now overseen by the United Auto Workers. As I said earlier, the moneys we invested in those two companies, Chrysler and GM, was money that has been repaid, largely, with interest.

The Postal Service, in 2011, is in a situation not unlike where our auto industry was a couple years ago. Given their market share, the Postal Service has more employees than they need. The Postal Service has more post offices than they need. They have more processing centers around the country than they need. What they would like to be able to do is not to fire employees, not to abrogate labor contracts. What they have asked to do is to do what the auto industry did in working with their workers; that is, to incentivize people at the Postal Service who are eligible to retire to go ahead and retire. There are about 125,000 of them. We have seen the Postal Service head count drop from 800,000 employees a decade ago to a little under 600,000 today. The Postal Service needs to reduce the head count by another 100,000 or so over the next couple years by incentivizing people eligible to retire to go ahead and retire. The Postal Service thinks they can do that for about \$2 billion. By doing that, 100,000 Postal Service employees will be eligible to retire. That will save the Postal Service \$8 billion a year going forward.

Last year, the Postal Service lost \$10 billion, and in the years to come they are projected to lose about \$20 billion. We could literally address about half of that financial challenge with one fell swoop, incentivize employees eligible to retire.

The Postal Service is interested in being able to close some post offices. They would like to be able to consolidate some post offices—where they have two, make one. In some cases, they would like to be able to take the services they provide at a post office and offer them at maybe a retail outlet that is open more than 6 days a week or maybe a retail outlet open 24/7, potentially put postal services in some supermarkets in communities across the country, put them in some conven-

ience stores or maybe in pharmacies. The idea would not be to provide worse service; the idea would be to provide better service in a lot of instances.

There are 33,000 post offices in the country. The Postal Service is looking today at 3,700 of them to decide whether they are viable. Under current law, the Postal Service can close a post office. They cannot do it solely on economic grounds, but they can close a post office pretty much at their volition and maybe have a cursory conversation with the community but not much.

The legislation we have proposed would say that the post office, as they look at these 3,700 post offices that are under review—and perhaps others in the future—that before they go about closing any of them, the Postal Regulatory Commission—which is responsible for setting service standards for the post office—would have to be part of that decisionmaking process in these communities across America. They would make sure the service standards the Regulatory Commission—the regulators, if you will, for the post office—has established are going to be met in the future if a post office is closed or post offices are consolidated or the services are colocated. This has to be a transparent process, where the folks who live and work in those communities have the opportunity to be full participants in that decisionmaking.

With respect to the closure of mail processing centers, there are over 500 of them across the country. The Postal Service would like to close as many as 300 of them. Under the legislation we have proposed, there would be the opportunity for communities, businesses, small and large, postal customers, residential customers, and others to have the opportunity to make clear whether the close of a mail processing center in their town or community would somehow be inopportune and a real detriment to that community in ways that are not fair.

Those are three things that the postal service wants to be able to do: address their head count needs, take a close look at how many post offices we have and whether those services can be provided in a more cost-effective way, and the third is to look at the 500-plus mail processing centers we have and try to figure out how many of those can be closed.

The Postal Service delivers mail from my State to the Presiding Officer's State in Minnesota—I can mail a letter today and probably it would get out there on Friday or maybe Saturday. The standard service today is, in some cases, next-day service; in some cases, service can be as much as 3 days. What the Postal Service has asked is, they will still be able to do 1-day service, but they would like for the standard to be officially 2 to 3 days. That is one of the things they are asking for

the opportunity to do, and our bill let's them do that.

The other thing the Postal Service has asked for is some relief, if you will—not a bailout, not taxpayer dollars—with the health care costs. Currently, the Postal Service pays into Medicare for its employees. They are the second largest payer into Medicare of all the employers in the country. They also pay into something called the Federal Employees Health Benefits Program. We have the Postal Service sort of paying twice for health care service for its retirees. People 65 and over, 85 percent of them are eligible for Medicare. If they are not, they are still eligible for the Federal employees health benefits as retirees. The Postal Service has asked to do what a lot of other companies do. What a lot of other companies have asked is that Medicare would be their primary source of health care coverage. In addition to that, the Postal Service would provide a Medigap plan to fill the gaps that Medicaid and Medicare do not cover. We think that is a reasonable request. We have also given the Postal Service the opportunity to negotiate with the labor unions to see if it might make sense for the Postal Service to withdraw from the Federal Employees Health Benefit Program and establish their own plan for roughly 1 million people. They will have a chance to study that and decide whether that makes sense.

I will mention three other things we believe the Postal Service can do to reduce costs. One of those is the way they deliver the mail. For a lot of folks in my home, the mail is delivered to our front door. There is a mailbox by our front door. What we are suggesting in our legislation is that in some cases the Postal Service looks at whether that is an efficient way to deliver the mail or maybe is curbside delivery fine. If someone has a mailbox, the letter carrier puts the mail in the mailbox and doesn't have to get out, park the vehicle, walk up to the house and put it in the mailbox and walk back to the vehicle. A fair amount of money can be saved there.

There is money that can be saved in the way workers' comp is handled for Postal Service employees—and we also believe for Federal employees and the President agrees—and we have that legislation in this bill too.

In addition, in finding ways to save money, I would hasten to add it is important for the Postal Service to find new ways to make money. We have seen the TV ads about flat-rate boxes. If it fits, it ships. The price is pretty good, and the service is pretty good too. That is the kind of idea we need more of from the Postal Service. The Postal Service has a partnership with FedEx and UPS. Most people think of them as competitors, but actually the Postal Service has partnered with

FedEx and UPS. FedEx and UPS don't want to deliver to every door in America every day for 6 days a week. They don't want to do that. They simply ask the Postal Service to deliver to those doors that FedEx and UPS don't want to deliver to on a particular day, and the Postal Service makes money doing this. They make a lot of money doing this. When the holiday season comes upon us, we will find there is a need for—a lot of people don't just go to brick-and-mortar stores to buy holiday gifts, they want to order online, and the Postal Service can participate broadly in that business too.

The last thing I wish to mention is this: In addition to making money, we have to come up with new ideas. Those are a couple ideas that work. There are others. We are looking for ways to save money in State and local government. Why not consolidate some of the operations in post office buildings. We have a couple more tenants and we can provide service there for other purposes. We do that for passports. Why not do it for other things? We will hear a lot about virtual mailboxes in the days to come and whether that might be a new piece of business for the post office to be involved in as well.

Let me close by saying this: I think as we go forward in this process, we need to be mindful of the Golden Rule, to treat people the way we want to be treated. That includes customers of the Postal Service, be they businesses or residential customers, employees of the Postal Service, the taxpayers. We need to treat everybody the way we want to be treated.

The last thing I would say, my friend from Tennessee, who is standing, and I are two people here who believe we ought to be serious about solving the big problems, as is the Presiding Officer. There are a lot of people who think we are incapable of dealing with big challenges these days.

This is a big challenge. The Postal Service is one of the two largest employers in this country. The consequences of the Postal Service going down next year are not what we want to see visited on this country. Seven million jobs would be in jeopardy. If we simply try to put them on autopilot and let the taxpayers pay for it, it would be over \$200 billion more of a hit on the Treasury.

This is a big challenge. This is one we can fix. To the extent we can pull together in the Senate, as we have done in our committee on this issue, I think we will set a good example for our Nation to say: Yes, we can still take on a tough problem, and we can fix it—not in a year or two or three from now but this year.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I know we are rotating right now. What I

thought I might do is yield just a couple of minutes to Senator BLUMENTHAL, and then let him yield back to me if that would be OK.

But I do want to thank Senator CARPER for his leadership on this issue. We have looked at this bill and others, and we are glad they have been able to come to an agreement between each other. Obviously, the issue of the Postal Service is one of the big issues we need to deal with. I agree with him. I think that is something we can do now. I thank him for his leadership.

I yield back for the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the Senator from Tennessee, Mr. CORKER, for very graciously beginning this discussion. I want to join in thanking the distinguished Senator from Delaware for all of his hard work and his very successful and insightful discussion this morning. It is a problem that concerns all of us very deeply and immediately, and his leadership has been an enormous contribution to the Nation on this issue.

THE GAIN ACT

I am pleased to be here today with Senator CORKER to discuss a problem that is spreading across the country. It is a public health threat to our troops, our children, our frail, and our elderly involving the spread of mutant germs, so-called superbugs, that are resistant, sometimes even immune to existing antibiotics.

I have been very proud of the work Senator CORKER and I have done together. He has joined me, and we have been joined by Senators BENNET, HATCH, CASEY, ALEXANDER, COONS, and ROBERTS in the Senate, and by Representatives GINGREY and DEGETTE in the House, along with a very bipartisan group of respected Members there on an issue that is truly bipartisan. I wish to yield to Senator CORKER and then continue my remarks on an issue that ought to concern us very closely and immediately.

Reports from the Centers for Disease Control and Prevention suggest that these infections are not only prevalent but spreading across the country. I have a detailed set of charts that demonstrate this problem. He and I have developed what I think is a solution the Congress can consider in order to provide incentives for development of new antibiotics, new medicine, that can help the Nation prevent the spread of these kinds of diseases.

So with that, I yield for the distinguished Senator from Tennessee.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee.

Mr. CORKER. Thank you, Mr. President. I am sure the Chair is familiar with us going back and forth, and I thank the Chair. I thank my friend

from Connecticut. I know he mentioned the Senators who have joined us in this effort, as well as the House Members on the other side of the Capitol, in a bipartisan way.

First, I thank him for his leadership on this issue and for approaching our office about it. I know the public watches Washington and wonders if there is ever anything that is done in a bipartisan way. There are actually lots of efforts that are undertaken that way, and I am very glad to be working with him and his staff who have been very professional and, hopefully, this bill can become law.

The problem is that we have these drug-resistant bacteria called superbugs. All of us have read and heard about them. They are becoming harder and harder to treat because we lack the new antibiotics capable of combating these infections. It is actually scary when we think about what is happening in many facilities across our country. So it is obviously crucial to discover new antibiotics so we can stay ahead of this growing trend of drug resistance.

Drug discoveries, obviously, don't happen overnight. Action is needed now to ensure that we have access to these lifesaving medications when we need them.

These are serious infections. They are definitely life threatening to the patients, especially children and the elderly. In fact, the CDC, the Centers for Disease Control, has named this antibiotic resistance as one of the top public health concerns in our country.

According to the Infectious Disease Society of America, 100,000 deaths and 360,000 hospitalizations result from antibiotic-resistant infections each year in the United States. In my State of Tennessee, nearly 2,000 cases of MRSA are reported annually. MRSA is a common and very dangerous type of antibiotic-resistant bacteria often found in hospital settings. Again, I am sure all of us know of cases where this has happened to loved ones, friends, and others.

The financial impact of these infections is also staggering, costing our health care system \$35 billion to \$45 billion annually.

This problem is also threatening the health of our troops abroad. One particular type of bacteria, known as a *Ramibacterium*, is striking hundreds of wounded soldiers coming back from Iraq. Since 2003, more than 700 U.S. soldiers have been infected or colonized with this life-threatening bacteria.

While bacterial infections continue to become more resistant to traditional antibiotics, innovation of new antibiotics capable of combating these infections has slowed by an alarming rate. FDA approval of these new antibiotics has decreased by 70 percent since the 1980s. Between 2003 and 2007,

there were five new antibiotics approved by the FDA compared to 16 new antibiotics from 1983 to 1987.

This bill, the GAIN Act, provides meaningful market incentives and reduces regulatory burdens to encourage the development of new antibiotics that will help us save lives and reduce health care costs. Specifically—and I appreciate the way the Senator from Connecticut has approached this—the bill provides 5 additional years of exclusivity to new drugs developed to treat these superbugs.

The bill also gives these antibiotics priority status during the FDA review process so they can move through more quickly. It encourages the FDA to revisit the clinical trial guidelines for antibiotics. By encouraging a more robust antibiotic pipeline, we can help ensure patients have access to lifesaving treatments while also reducing health care spending.

The GAIN Act is a straightforward, commonsense bill that provides market incentives to encourage innovation without putting Federal dollars at stake. Antibiotic resistance is a growing issue that we must address to properly prepare for the future.

Dr. William Evans, the director and CEO of St. Jude Children's Hospital in Tennessee, recently wrote a letter supporting this bill. Many of my colleagues know of St. Jude and the wonderful work they do for children across our country. Here is his quote:

We don't want to find ourselves in a situation in which we have been able to save a child's life after a cancer diagnosis, only to lose them to an untreatable multi-drug resistant infection.

I wish to thank my colleague again, Senator BLUMENTHAL from Connecticut, for his leadership on this bill, and I look forward to working with him to ensure it gets proper consideration in the Senate.

Also, I ask unanimous consent that letters of support be printed in the RECORD from the following organizations: St. Jude Children's Hospital, Le Bonheur Children's Hospital, University of Tennessee Health Sciences Center, and East Tennessee State University Quillen College of Medicine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ST. JUDE
CHILDREN'S RESEARCH HOSPITAL,
Memphis, TN, October 14, 2011.

Hon. RICHARD BLUMENTHAL,
Hon. BOB CORKER,
U.S. Senate, Washington, DC.

DEAR SENATORS BLUMENTHAL AND CORKER: I am writing on behalf of St. Jude Children's Research Hospital to express our support for the Senate companion bill of H.R. 2182, the Generating Antibiotic Incentives Now (GAIN) Act of 2011. The mission of St. Jude Children's Research Hospital is to advance cures, and means of prevention, for pediatric catastrophic diseases through research and treatment. The GAIN Act represents an important first step in addressing a public

health issue that significantly affects our mission. We believe that the legislation is of great importance not only to our children's hospital and the children and families we serve, but to children and families across the country.

Many of the children we treat at St. Jude have compromised immune systems, and are particularly vulnerable to bacterial infections. At the same time that multi-drug resistant strains of Methicillin-resistant Staphylococcus Aureus (MRSA) and gram negative bacteria are on the rise, the number of new antibiotics being approved has dropped precipitously. A study conducted at St. Jude and published in Pediatric Blood & Cancer compared MRSA colonization rates in pediatric oncology patients in 2000–2001 with rates in 2006–2007. The study showed an increasing prevalence of colonization with MRSA observed in children with cancer at our institution, and that the colonization was associated with infection. Recurrent MRSA infections were seen in 22 percent of patients. A copy of the study is enclosed.

We applaud the work that you and your bipartisan group of colleagues are doing to address the issue of the dwindling antibiotic pipeline. We believe that the GAIN Act is an important first step in stimulating new antibiotic development and getting lifesaving drugs to the children we treat. We don't want to find ourselves in a situation in which we have been able to save a child's life after a cancer diagnosis, only to lose them to an untreatable multi-drug resistant infection. Thank you for your leadership in the Senate to ensure that we have the tools we need to treat the children entrusted to our care.

Sincerely,

WILLIAM E. EVANS,
Director and CEO.

LE BONHEUR,
CHILDREN'S HOSPITAL,
Memphis, TN, October 26, 2011.

Hon. BOB CORKER,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR CORKER: on behalf of the patients, families, physicians and associates of Le Bonheur Children's Hospital, I commend your efforts to invigorate the development of new antibiotics to combat the spread of antibiotic resistant bacteria with the introduction of the GAIN Act. Thank you for taking the lead on this important public health concern.

Antibiotic infections have been on the rise for many years, disproportionately affecting children and increasing the cost of care. We applaud your efforts to encourage antibiotic innovation, an important step to ensuring that lifesaving medicine will be available to the many children who need them.

Please let us know how we can assist in passing this important legislation. Our many pediatric physicians, researchers and clinicians are available to lend whatever support you need. Thank you, Senator CORKER, for working to improve healthcare for children.

Sincerely,

MERI ARMOUR,
President and C.E.O.
Le Bonheur Children's Hospital.

THE UNIVERSITY OF TENNESSEE
HEALTH SCIENCE CENTER,
Memphis, TN, October 25, 2011.

Hon. BOB CORKER,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORKER: We, here at Le Bonheur Children's Hospital and the Depart-

ment of Pediatrics at the University of Tennessee Health Science Center, applaud your efforts to spur development of new antibiotics to combat the spread of antibiotic resistant bacteria with the introduction of the GAIN Act. Thank you for taking the lead on this important public health concern.

Antibiotic-resistant infections have been on the rise for many years, in many cases disproportionately affecting children. For example, infections caused by methicillin-resistant Staphylococcus aureus ("MRSA") have been particularly frequent in children and may be life-threatening. My colleagues Steve Buckingham and Sandy Arnold and I have published a series of articles summarizing our experience with these infections and discussing the impact of antibiotic resistance on the treatment of children with serious infections.

We commend your efforts to encourage antibiotic innovation that will bring lifesaving medications to the many children (and adults) who need them.

As a pediatric infectious disease specialist, please let me know how I can assist and support your efforts on this important issue. Thank you, Senator Corker, for your hard work and vision.

Sincerely,

B. KEITH ENGLISH, M.D.,
Professor and Interim
Chair, Department
of Pediatrics, Uni-
versity of Tennessee
Health Science Cen-
ter Interim Pediatric-
ian-in-Chief, Chief,
Division of Infec-
tious Diseases Le
Bonheur Children's
Hospital.

EAST TENNESSEE STATE UNIVER-
SITY, OFFICE OF THE VICE PRESI-
DENT FOR HEALTH AFFAIRS,
Johnson City, TN, November 2, 2011.

Hon. BOB CORKER,
Dirksen Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR CORKER: We are writing on behalf of East Tennessee State University to express our support of S. 1734, the Generating Antibiotic Incentives Now (GAIN) Act of 2011.

At the turn of the last century, infectious diseases were the leading cause of death in America. Between improvements in sanitation and the development of vaccines and antibiotics, the impact of infectious diseases on human health has been greatly reduced in our country. However, we are concerned that as microorganisms develop resistance to existing antimicrobial agents there is an increased possibility that we will see a resurgence in some infectious diseases that are currently under control. Additionally, with continued growth of the world's population, and the shortened travel times between continents, resistant organisms have the capacity to spread quickly across the globe. We believe that the GAIN Act, S. 1734, will be a first step in stimulating new research in antibiotic development to address a predictable public health crisis.

East Tennessee State University Division of Health Affairs (including the Colleges of Medicine, Nursing, Pharmacy, Public Health, and Clinical and Rehabilitative Health Sciences) has research programs strongly focused on meeting the needs of our region, particularly needs of the underserved and other vulnerable populations. We recognize the necessity to promote advancements in

research related to infectious disease and currently conduct clinical and basic science research in these areas. We feel that the GAIN Act will expedite our efforts to produce novel treatments for disease and in turn, reduce the related burden of illness to the region and state.

Sincerely,

WILSIE S. BISHOP,
*Vice President for
Health Affairs and
Chief Operating Of-
ficer.*

PHILIP C. BAGNELL,
Dean of Medicine.

GREGORY A. ORDWAY,
*Chair of Pharma-
cology.*

PRISCILLA B. WYRICK,
Chair of Microbiology.

Mr. CORKER. With that, I yield the floor for my good friend, someone with whom I have thoroughly enjoyed working on this issue. I thank him again for his leadership on a very important issue that matters to all of us.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Again, my thanks to my very distinguished colleague from Tennessee whose leadership and contribution to this bill has been instrumental from the very start. I welcome him and have been thankful for his partnership on this issue.

As my colleague from Tennessee said so well, these antibiotic-resistant drugs are a spreading scourge. Reports from the Centers for Disease Control and Prevention suggest that MRSA infections are responsible for more than 17,000 deaths in the United States every year—more than AIDS and many other diseases that are regarded as public health threats. All 50 States have seen rates of antibiotic-resistant *E. coli* infections double in less than 10 years.

A lesser known bug, *Acintobacter*, a bacteria that affects increasing numbers of our troops serving in Iraq, has infected more than 700 of our servicemembers since 2003. The numbers are continuing to rise. Those numbers are alarming. I have some charts I will show in just a moment that will be even more graphic. But to put a human face on this problem, Jamel Sawyer, a former college football player from Norwalk, CT, knows all too well the crippling impact of these antibiotic-resistant infections.

He was in school in Boston. He suffered from severe back pain and a rising temperature. He went to the hospital and was told he was suffering from a kind of antibiotic-resistant staph infection which surmounted multiple rounds of antibiotic treatment. He was left paralyzed and unable to walk. He was paralyzed from the waist down and remains very severely handicapped as a result. Right now he is fighting to gain back his ability to walk and function normally.

We are in an arms race with superbugs. We are in a fight with antibiotic-resistant mutating germs that

are a spreading, persistent, and pernicious problem all around the country. The resistance is fueled by careless use of antibiotics, the overuse of certain kinds of antibiotics, or failure to use them properly, as when they are not used for the full round when they should be and thereby lead to greater resistance on the part of these germs.

Failure to use these antibiotics properly and failure to exercise good stewardship is important, but it is not the only cause. We need to stay ahead of these germs in an arms race to develop new antibiotics and provide incentives for those antibiotics.

The problems we are encountering are shown by these charts, beginning first in the year 2000 with antibiotic-resistant *E. coli*. As this chart makes clear, nowhere—in no State in the United States—was there a rate above 10 percent. That accounts for the light yellow pattern here.

In 2009, the situation was very different. In States across the country—major States, including New York and the entire East—the rate was above 35 percent. In many parts of the Midwest, including the Presiding Officer's State, the rate was above 25 percent. *E. coli* resistance to treatment by this commonly used antibiotic presents a threat particularly to our children and our elderly.

The next chart I wish to show concerns *Acintobacter*. This bacteria has afflicted particularly our troops coming back from Iraq. It is, in fact, nicknamed "*Iraqtobacter*" by many military doctors, and it has literally jumped enormously in the number of cases.

This was the case in the year 2000, showing almost everywhere rates below 5 percent. The present incidence is very different, alarmingly so. In some States it is above 50 percent, including, I believe, New Mexico, and in many parts of the East above 30 to 40 percent.

This *Acintobacter* incidence is something that is a major national security problem insofar as 700 troops have been infected with *Acintobacter*, and as Robert Jackson, the director of Military Families United said so eloquently about this disease:

The worst part is that many of our men and women in uniform survive the war effort only to return and die of this infection in the continental United States. Thus Military Families United strongly supports the GAIN Act, which would ensure that American companies have the motivation to combat the most modern, multi-drug resistant diseases.

I brought these charts simply to show how the spread of these superbug infections has affected the entire United States. There are other diseases like MRSA and VRSA. They are a set of acronyms that are comparable to, in effect, a modern plague.

Fully one-third of all deaths from H1N1 Swine Flu, for example, in 2009 were actually caused by antibiotic-resistant bacteria. According to the In-

fectious Disease Society of America, 100,000 deaths and 360,000 hospitalizations in the United States resulted from antibiotic-resistant infections, at a cost of \$26 billion to our health system annually.

What is the reason for the rise and spread of these diseases? Well, the main reason is we do not have new antibiotics to treat and cure them. The reason for that dearth of new antibiotics goes to the fundamentals of modern economics involving the drug industry. Antibiotics are prescribed and used for a course of 2 weeks, if they work. There are blockbuster drugs and miracle drugs that are used for the treatment of chronic diseases and, therefore, are used often for lifetimes. The revenues from those blockbuster drugs are themselves blockbuster products and profits.

The problem with antibiotics is the lack of economic incentive to develop them in the modern economics of the pharmaceutical industry. The GAIN Act would remedy that problem. It would incentivize the development and research required to implement and discover these new drugs. It would extend the data exclusivity rights for 5 years. It would speed and expedite consideration of these drugs by the FDA. It would provide a fast track, essentially, and enable prompt review. It would moderate and eliminate the kinds of regulatory hurdles which is so important in providing not only incentives but also a track to consumers so they would have the availability of these drugs.

I personally would welcome other ideas if there are any for strengthening the incentives for development of these antibiotics that are so important to treat and cure the antibiotic-resistant germs that cause these problems. I hope we will continue to have the kind of bipartisan momentum in favor of these new developments.

I close by saying we are all talking about jobs on the floor of the Senate these days. This proposal is also, in a way, a jobs-related program. It would enable small innovators and small businesses—one is, for example, Rib-X Pharmaceuticals in New Haven, a 50-person company trying to develop new drugs through innovation. The kind of boost and incentive this bill will provide is very important for the innovators of America who are out there trying to provide cures for *Acintobacter*, MRSA, *E. coli*—all of them superbugs—providing a solution to this problem that I think is very much urgent and in the interests of our Nation.

This measure is a first step. I hope we can come together to enact it. I urge the Senate to join me in doing so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

SOMALIA AND AL-SHABAAB

Mr. KIRK. Mr. President, I rise today to thank the Government of Kenya and its President Kibaki for the difficult decision he and his government have made with regard to Somalia.

We all recall Somalia as the site of the Black Hawk Down tragedy in 1993. As much as Americans might wish to ignore that troubled country, I do not think we can. Somalia is a country whose government collapsed in 1991 but has now given rise to what is arguably the second largest terror presence on planet Earth, called al-Shabaab. The country also represents a new 21st-century threat of piracy across America's Persian Gulf oil supply lines.

On October 16, at the invitation of the Somali Transitional Federal Government, the Kenyan Government launched Operation Protect the Country against the al-Shabaab terrorist organization based in Somalia.

We all recall that al-Shabaab is an al-Qaida affiliate that has been designated as a foreign terrorist organization by the United States since 2008. It is responsible for multiple attacks in Somalia, Kenya, and Uganda, including a suicide bombing in July 2010 in Kampala that killed 76 people, including an American citizen, 25-year-old Nate Henn of North Carolina who worked for the Invisible Children nonprofit organization. Also, on October 25, al-Shabaab kidnapped and is still holding another American citizen, 32-year-old Jessica Buchanan of Virginia.

About 4,000 Kenyan troops are now approaching the critical Somali port city of Kismayo where al-Shabaab makes most of its money and is headquartered. The success of the Kenyan operation would mean a significant weakening of al-Shabaab's ability to plan and execute terrorist attacks and would greatly support the security of the region and the United States.

Also joining in the fight against al-Shabaab are prominent local tribal militias, including the Ahlu Sunnah Waljamaah, the ASWJ; the Raas Kaambooni Front; and the Jubaland militia formed under the former TFG defense minister, Mohamed Abdi Mohamed.

I commend the Kenyan Government and the allied groups for their action, and the United States and NATO should support this Kenyan action.

Al-Shabaab poses a significant threat to America's national security and to Kenya's safety. Since 2009, al-Shabaab has conducted at least 10 attacks on Kenyan soil and the territorial seas along her coastline. In a particularly heinous crime, on October 1, al-Shabaab kidnapped a disabled French woman on Kenyan soil and dragged her to Somalia, where she later died. Last week, al-Shabaab militants also threw a grenade into a Nairobi nightclub.

Because of al-Shabaab's refusal to allow access for humanitarian organi-

zations to relieve famine, Kenya is also now home to 600,000 Somali refugees. In many ways, the famine and distress that is now evident in Somalia should be called the al-Shabaab famine.

Al-Shabaab also poses a direct threat to the United States by actively radicalizing and recruiting American citizens.

On October 29, a suicide bomber attacked an African Union base in Mogadishu, killing himself and 10 other human beings. The suspect, Abdisalan Hussein Ali, was a 22-year-old American citizen who grew up in Minneapolis and studied to be a doctor before he suddenly disappeared to join al-Shabaab in 2008. The recording he allegedly made before his death contained a disturbing message aimed at young Americans. He said:

Today, jihad is what is most important. It's not important that you become a doctor, or some sort of engineer.

According to the FBI, Ali was one of 30 American citizens who have now joined al-Shabaab. In August of 2010, the FBI arrested 2 and charged 12 more individuals in Minnesota, Alabama, and California "with acts of terrorism that include providing money, personnel, and other material support to the Somali-based terrorist organization al Shabaab." At the time, Attorney General Eric Holder called it "a deadly pipeline that has routed funding and fighters to al Shabaab from cities across the United States."

On July 27, an investigation by the House Committee on Homeland Security found the following:

Al-Shabaab has an active recruitment and radicalization network inside the U.S. targeting Muslim-Americans in Somali communities. It also ensnared a few non-Somali Muslim-American converts, such as a top Shabaab commander:

At least 40 or more Americans—

According to the House—

have joined Shabaab;

So many Americans have joined that at least 15 of them have been killed fighting with Shabaab, as well as three Canadians;

Three Americans who returned to the U.S. were prosecuted, and one awaits extradition from The Netherlands;

At least 21 or more American Shabaab members overseas remain unaccounted for and pose a direct threat to the U.S. homeland.

The House said:

Al-Shabaab has the intent and capability to conduct attacks or aid core Al Qaeda and Al Qaeda in the Arabian Peninsula in Yemen with striking U.S. interests and the U.S. homeland.

They said that al-Shabaab has openly pledged loyalty and support to al-Qaida and al-Qaida in the Arabian Peninsula in Yemen and has cemented an alarming set of operational ties to both groups.

The House report also points out that after the successful U.S. operation to kill Osama bin Laden, al-Shabaab's leadership eulogized bin Laden and

vowed revenge against the United States. Omar Hammami, another al-Shabaab leader raised in the United States, said he "swore [a] blood revenge against his own homeland for the May 1 killing of Osama Bin Laden."

Al-Shabaab poses a grave threat to regional stability and to our own national security. I thank the Kenyan Government and their allies in Somalia for taking action. Our administration and our NATO allies should support Kenya. We should also make sure that in this support we have the objective to collapse al-Shabaab in Somalia. With luck, while al-Shabaab may have found a recruit or two among American citizens to wage jihad against their own country, there, hopefully, will be no al-Shabaab to fight for if they ever reach Somalia.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Thank you, Mr. President.

Mr. President, I believe we are currently debating the motion to proceed to go to the energy, water, et cetera, package. Included in that is the proposal of the President that he has sent up asking the Senate to vote on the question of an infrastructure bank.

I believe there was a prior vote in the Senate on that in the context of the Jobs Act, which we all know failed at that time. There are some signs that this may wind up being a partisan effort here, but I hope colleagues will stop and think very carefully about the infrastructure bank proposal and what it represents to our country.

Whether we can get it over the hurdle at this moment, I do not know. But it is an idea whose time has come, and I am confident in the next weeks or months, hopefully, the Senate will embrace this concept. The reason for doing so is very simple. Colleagues on both sides of the aisle are increasingly reminded when they go home, as well as familiar here just in the general dialog about where we are going in our country, of the enormous deficit reduction—the deficit; it is on my mind—of the infrastructure deficit we face in this country as a whole.

So I want colleagues to stop and think hard about a simple question: How are we going to build America? How are we going to build America going forward so that we can do what our parents and our grandparents did for us, providing us with the basic infrastructure of a nation that has been able to allow people to move easily from home to work to places of commerce across the country, an interstate highway system, all of our airports, our train stations, all of the assets that provided for the strength of our Nation and for the kind of communities we live in? None of it appeared out of nowhere. It was built because people had a vision, people had an idea about how

you make communities strong, and also how economies work. The fact is that some of the greatest projects in our country, whether it is some of the great bridges we look at today—Golden Gate Bridge, Triborough Bridge, George Washington, countless bridges across the Potomac and elsewhere—the tunnels, the roads, our water treatment facilities, our airports, and the airline system we have, all of those things contribute to the strength of our country.

But everyone here knows we are not currently pursuing a set of projects calculated to make America more competitive and to continue that rich history and tradition of building for the future. We are busy living off the assets that were created by the generations that preceded us. So the question has to be asked by every colleague here: Are we going to appropriate the money for grants? And the answer is no, partly because the deficit and the debt are telling us in loud terms we do not have those kinds of funds right now, but also because everybody here sees the difficulty we are having trying to get the highway bill reauthorized or the FAA bill reauthorized in order to do the things we need to do.

The proposal for an infrastructure bank is a proposal that recognizes this fiscal reality. We simply do not have and will not allocate the types of funds necessary to do the job every American knows has to be done. That does not mean the job cannot be done. There is a way to do it. And the way to do it is to invite other people's money, the private sector, not tax dollars, to come to the table and invest in these projects, where these projects have revenue streams that will support that kind of investment.

One of the important features of the infrastructure bank that I ask colleagues to focus on is the fact that this bank is not a grant entity. There will be no grants. It is exclusively loans, and exclusively loans that meet the fiduciary test of their ability to be able to be repaid, to have a revenue stream that will support the loans themselves.

I would say to my colleagues, some of them I know have asked me occasionally: Well, is this going to be an entity such as Fannie Mae or Freddie Mac? Is it going to be one of those government-supported entities that got some folks in trouble? The answer is no, resoundingly and profoundly no. It is not similar in any way whatsoever. Fannie Mae and Freddie Mac issued stock. They were for-profit entities listed on the New York Stock Exchange. They were using the Federal guarantee on a loan to actually leverage their position in the marketplace in competition with other entities and for-profits. This bank is not for profit. No issuance of stock will be listed on any exchange. It will exist exclusively for the purpose of lending to those types of projects that

meet the highest fiscal standards with respect to the ability of those projects to be repaid.

In fact, in each and every lending situation, the infrastructure bank will make a risk analysis, just as you do on any deal in Wall Street. There is a risk analysis, and a risk factor will be assigned to that deal. In fact, fees will be charged to the borrowers, to the dealmakers, in order to cover that level of risk. That will be part of the cost of the transaction.

The benefit of this infrastructure bank is that by virtue of the Treasury Department providing a discount for the Federal Treasury guarantee, you actually make the loan attractive in terms of the private sector in competition, and it does so at a level, as I said, of risk analysis that does not put the Federal Government or the taxpayer on line and at risk for the measured level of the loan itself, but only the risk which is credited or put on the books in terms of what is carried by the Treasury Department as the risk of this particular loan.

So, in fact, if you look at the type of projects that are authorized by this—only energy projects, transportation projects, and water projects—in the better part of the country, they are limited to \$100 million size or up, and there is a set-aside for rural communities. In the rural communities, the level of loans could be \$25 million or up, because obviously in parts of rural America, you have smaller kinds of projects, and we want everyone in the country to be able to share from the benefits of this kind of an infrastructure bank.

I would say to my colleagues, this bank has bipartisan support. It has been introduced in slightly different forms from what the President has put it in. But the fundamentals of the bank in structure and concept are the same. It has been introduced by Senator KAY BAILEY HUTCHISON of Texas, who is a coauthor; Senator LINDSEY GRAHAM, Senator MARK WARNER are the original cosponsors. But it has other cosponsors and broader support including, I might add, the U.S. Chamber of Commerce, which is a strong supporter of the infrastructure bank, and was present at the announcement of this legislation, as well as the AFL-CIO.

Why is this infrastructure bank necessary? What is it we need? Well, everybody knows that the experts are telling us we have a \$2.2 trillion infrastructure deficit in America. That means there are over \$2.2 trillion of projects around the country, countless bridges in countless communities around the country, roads or tunnels or airports, countless projects which need to be repaired, upgraded, or put in place at first instance.

We are that far behind, a \$2.2 trillion deficit to what we ought to be doing. The American Civil Society of Archi-

tects and Engineers tells us that we could spend about \$250 billion a year for the next 40 years just to bring our roads up to par, and we are not about to do that, we know, because we do not have the money, because we are not getting that kind of an appropriation now for our initiatives.

Listen to what Oklahoma City Mayor Mike Cornett says: Mayors see up close the deferred maintenance that is going on in the Nation's cities. It is a ticking timebomb. We also know it puts people to work.

Well, Cornett is president of the Republican Mayors and Local Officials Coalition within the U.S. Conference of Mayors. He knows what he is talking about in terms of this deferred maintenance. But the truth is, every Senator here knows. You can go back home and find mayors and State senators, State representatives, Governors, Departments of Transportation—all of them are pleading with us to try to help provide the kinds of funding necessary because they are simply overwhelmed. I might add many of our States are living under court orders to do some of these projects, particularly the water, the combined sewer overflow-water treatment facilities, where communities have sued and you need to do those projects in order to meet the standards. And they are under court order, without understanding where the money is going to come from. But they are under a court order.

The fact is that whether we decide to do these things is going to determine how competitive America is going to be. Right now, everybody knows we are facing a transformational economic challenge. It is different from the challenge we faced in the last century. During that period of time, as we came out of World War II, we were the only major economy in the world left standing. At the end of the war, we had both the vision and foresight as well as the courage to put a lot of money on the line in the Marshall plan to help rebuild Europe and rebuild Japan. And we saw throughout the Cold War the ways in which that investment paid back for the United States of America, indeed for the western world and for the values that we made central to that kind of an investment.

That has changed. It started to change in the eighties and nineties, and now we are seeing, with the rise of less developed countries that are, after all, doing the very things that we encouraged them to do—we told them you have got to liberate your societies to be able to go out and compete in the marketplace, that they needed to open up that market, they needed to trade, they needed to excite capital formation and invest and so forth. That is exactly what they have done. They have not changed their political systems, in many cases, which remain totalitarian and closed, one party, but they have

certainly changed their economic systems, and in doing so, they have transformed the marketplace we are competing in. So the United States is not looking at the same playing field, where we had unlimited resources, unlimited capacity to go out and, frankly, win. We could win many times without even trying that hard. But now other people are doing the same things we took for granted. They are competing in science, they are competing in technology, they are competing in manufacturing, they are competing in software, and they are competing all kinds of things that were our domain for a long period of time.

The market globally has changed significantly enough that we are facing a challenge to our ability to be able to remain the No. 1 economy. I heard today that China will probably be the No. 1 economy in the world within 5 or 6 years, much faster than we had anticipated previously. So if the United States is going to compete and get its act together going forward, we have to invest in the infrastructure of our country, because that is how you, No. 1, create jobs, but, No. 2, you provide the ability to move goods, to provide for people, to provide for the quality of life and the kinds of institutions that make a difference to our ability to be able to compete and to live the quality of life we want.

The figures of other people's commitment to infrastructure tell us the story. China is investing 9 percent of its gross domestic product in infrastructure. Europe is investing 5 percent of its GDP in infrastructure. Here in the United States, we are investing somewhere around 2 percent. Figures vary—2.2, 2.1, 2 percent. I think Brazil invested over \$240 billion in its infrastructure in the last 3 years, and the Brazilian economy is growing in double digits. North Korea, Mexico, Brazil, China, India, all growing in double digits, and the United States is stuck in this recession, maybe just breaking out of it, but with very uneven growth.

The infrastructure bank is geared to fill a void in our investment abilities in this country. Again, Senators know we are not going to invest billions of dollars of appropriated money—taxpayer dollars—because of the competition we have in our discretionary funds now because of the way we are heading in terms of the fiscal cliff and debt cliff and because of the challenge of the rising costs in health care and entitlements. We don't have that money.

While we get control of those components of our economy, we need to be investing in the infrastructure of our Nation and putting people back to work. We need to invest in highways, roads, bridges, mass transit, inland waterways, commercial ports, airports, air traffic control systems, passenger rail, including high-speed rail and freight rail systems, and the water sector. We

can invest in wastewater treatment facilities, storm water management systems, dams, drinking water treatment facilities, levees, and open space management systems.

In the energy sector, we need transmission in America. We need an energy grid that is modern. We need distribution, storage, energy enhancements for buildings, public and commercial.

There is an extraordinary amount of work to be done—if we decide to do it. Hundreds of billions of dollars is sitting on the side lines right now. It could come in and help us with these projects. The infrastructure bank is precisely the entity that will bring that private capital to the table so that it is the Chinese who are investing in an American infrastructure project that they cannot take back to China; it is here in America. It improves our lives, but it gives them a return on investment for the money they put on the line in a deal, which, frankly, is the kind of deal that will produce the sort of long-term, patient capital investment that I think a lot of people are going to be turning to given the nature of the financial turmoil we see going on in the world today.

We are in a competitive race with other countries to attract this private equity investment. An infrastructure bank could help us put that money to work here at home.

Some people say: Senator, why do you need the infrastructure bank to do this if these deals are so attractive? Why doesn't the money come and they will invest it anyway and so forth?

It doesn't work that way for a number of reasons. First of all, our financial institutions have not developed a long-term infrastructure-lending business. We don't have that in this country the way other banks in other parts of the world do.

If you look at a major American infrastructure transaction over the last few years, guess what. Non-U.S. banks—mostly Australian and European—are the ones providing most of the financing. They are doing it at an average of 20 to 1—20 parts by the non-U.S. banks, the European and Australian banks, and 1 part U.S. investment. Given the troubles the European sovereign market has today, I think it is going to be a very long time before we see a lot of European banks looking to invest over here. Maybe I am wrong.

The lack of investing by our institutions is not because the investment is too risky. The problem is that for a very long time, the vast majority of American infrastructure has been financed through the municipal bond market, the rest largely through Federal grants, which I have said are now under pressure. So there has been no need for large bank lending to be created. As we all know, large bank lending—that market just doesn't happen overnight.

The municipal bond market also relies principally on small retail investors for most of its funding. Because of the way it is designed, it can't access large global pools of capital or, for that matter, pension funds. Pension funds are prohibited from investing in those bonds.

The municipal bond market is not well-suited to fund large, cross-State, cross-boundary projects, so we need something else. That something else is this kind of infrastructure bank, with all of the very strict limits that have been put into place to keep it from reaching too far. It doesn't cost a lot of money—\$10 billion of startup funding. It becomes self-financing. Every loan is a loan that can be repaid because they rely on sources of revenue that are among the most dependable sources of revenue in the marketplace—from energy projects that sell electricity, and you have a pretty regular stream of buyers for that. You have a pretty regular stream of people who need water in their homes and pay for the water. All of these revenue streams—the tolls on bridges, for instance, and these others—have a certainty and longevity to them that make these kinds of deals very attractive.

I say to my colleagues that one of the silver linings of this kind of infrastructure investment is this: For every \$1 billion, the Federal Highway Administration tells us you will create, I think, 30,000 jobs. The range of jobs, depending on whom you listen to, goes from about 20,000 to 35,000. Let's say it is 20,000 jobs per billion. People say this bank investment of \$10 billion can leverage more than $\frac{1}{2}$ trillion—\$500 billion—of investment, so you are talking 20 million jobs over the course of perhaps 10 years.

I think there are so many compelling reasons for engaging this. Europe has an infrastructure bank. We have State infrastructure banks, but the State infrastructure banks don't have the advantage this bank has of being able to do transboundary, cross-State deals. They also don't have the advantage of having a discount on the lending component coming through the Treasury Department of the Federal component of this—done, as I said, under the strictest fiduciary standards. Only 50 percent of any project can be lending. The rest has to be equity and has to be invested by the other investors in the deal. It could be a combination of investors, but they need to invest.

I close by saying that a modern infrastructure is really the lifeblood of our economy. I don't know how many of my colleagues have taken the Acela to New York, but it is a train that has the ability to go 150 miles an hour. It only goes 150 miles an hour between here and New York for about 18 miles of the trip because you cannot go fast under the Baltimore tunnel because vibrations might cause it to fall in. You cannot go fast over the bridges of the

Chesapeake because the train will wind up in the Chesapeake. This is absurd.

Many of us have had the pleasure of having a train ride in China. I rode recently from Beijing to Tianjin—a trip that used to take 8 to 10 hours takes 29 minutes. You are going 200 miles an hour. The water on your table is barely jiggling during the entire ride. It is an extraordinary accomplishment. They are building something like 55,000 miles of that kind of high-speed rail system over there, as they spend their 9 percent of GDP on infrastructure.

We can do better. The United States of America can do better. We know that. We are the country that had invention and building construction in our DNA, the country that went to the Moon and developed these extraordinary technologies that connect human beings around the world instantaneously.

I am convinced that if we put this infrastructure bank together, all of a sudden the United States will attract capital, create jobs, modernize our economy, and have benefits that spill out all across our Nation. I hope our colleagues will get rid of the politics and embrace this idea, which is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before the Senator leaves the floor, I commend the Senator from Massachusetts. He has said much this afternoon that I certainly agree with.

I also want to touch on one other point about the Senator's work—the Senator from Massachusetts—in this area. The public, perhaps more than anything else, is talking about why people in Washington, DC, cannot work together, why we can't come up with ways to build coalitions. I am not sure people picked up on it in the Senator's remarks, particularly with respect to China. They are investing far more than we are. But he has pulled together the chamber of commerce and the AFL-CIO for an infrastructure package. That doesn't happen by osmosis or because somebody puts out a press release. He put in the time to try to build that coalition, which, of course, is key to getting bipartisan support up here. I want the Senator to know I very much appreciate it. I know he brought exactly the same approach to his work on the supercommittee, trying to find common ground on some of the most challenging issues so that we will generate growth and deal with health care costs.

I have some remarks to make, but I am glad I had a chance to listen to the Senator from Massachusetts because I thought the point he made about bringing people together was important. And I hope people will say, as we look at this transportation package—I just want to get on the bill, frankly, so we

can open other kinds of ideas. The Senator has put in a lot of time, and it paid off with coalitions such as the chamber of commerce and the AFL-CIO. That is the kind of approach that will solve some of these big problems.

Mr. KERRY. I thank my friend from Oregon. Nobody works harder on building coalitions than the Senator from Oregon. He has done a superb job on health care and tax policy, so those words mean a lot. I appreciate that. Thank you.

Mr. WYDEN. Mr. President, my sense is that if you tune in on the Senate today—and, of course, the ways of the Senate are always hard to follow. The occupant of the chair is involved in changing the rules of the Senate and has a sense of what I am talking about. You try to figure out what the Senate is up to, and at this point you have learned that today the Senate is working on infrastructure. You hear that word again and again. You roll your eyes and you say: Wake me when the potholes get fixed.

What I want to do for a few minutes this afternoon is try to tie this to what I believe is first and foremost on the minds of the American people, and that is jobs. That is what we hear about morning, noon, and night.

The fact is that we cannot have big-league economic growth in America with little-league transportation systems. It is not possible. If our bridges and roads are falling apart, we simply cannot have the growth we need, and job growth is the No. 1 issue for our people, and literally infrastructure improvement—roads, bridges, and transportation systems and jobs are two sides of the same coin. They go hand in hand. That is point No. 1.

Point No. 2 is on the question of how we stack up to some of our competitors worldwide. If we can't move goods and services efficiently in this country, our businesses are practically in the position where they have to put up a sign and say: We cannot compete with China because when China is making these kinds of investments that we heard Senator KERRY and other colleagues on both sides of the aisle talk about in the last few days, you know what we are up against.

Transportation is the key to moving goods and services efficiently. We have bottlenecks, for example, in my part of the country, in the metropolitan area and, frankly, in rural areas where people could not have dreamed there would be a traffic jam even a few years ago.

Point No. 3 is there is no economic multiplier in our country like transportation. When you make well-targeted investments in transportation, you create jobs for the folks who are building those projects, you create jobs for the people who are selling the equipment, you are creating jobs for folks such as the people in the res-

taurants who make the ham sandwiches for the workers who are out there building the projects and trying to find ways to help our people avoid traffic and save gas as they try to get to and from work. So this is a big economic multiplier.

And, No. 4, Mr. President, as you know from your experience as a westerner, the history of our part of the world is that private investment has always followed well-targeted public investments. You look all over the West and the great distances our folks have to travel, and you will see again and again the key to getting more private sector investment. In my view, the key to economic recovery is the private sector job growth that is behind the tax reform bill I have with Senator COATS—the first bipartisan tax reform bill. We need private sector job growth in the West. The history of our region is that private sector employment has traditionally followed well-targeted public investments.

What I want to see us do—and what the vote that is coming up is all about—is to have a chance to move to the bill. If we move to the bill, I believe there are all kinds of opportunities for Democrats and Republicans, through amendments and a variety of opportunities, to exchange ideas and to come up with bipartisan approaches. I have had a chance to be part of those kinds of discussions in the last few years.

Look, for example, at the common ground that has developed between Senator BOXER and Senator INHOFE on the Environment and Public Works Committee. They are making a lot of progress in reauthorizing a transportation bill. That is only one example here in the Senate of Democrats and Republicans coming together.

Let me cite two others. In the Economic Recovery Act, I had a chance in the Senate Finance Committee to advance an idea I have been working on for more than 5 years. There was a very large and bipartisan group of us who worked on it. Former Senator Talent was the original Republican, but Senator THUNE was involved, Senator WICKER, Senator COLLINS, and a very large bipartisan group working with colleagues on our side of the aisle. The Senator from Minnesota, AMY KLOBUCHAR, is one who comes to mind, who has been a very thoughtful advocate of improvements in transportation. So in the Senate Finance Committee, as we moved forward with the Economic Recovery Act, Chairman BAUCUS and then ranking minority member Senator GRASSLEY, in effect, said: Well, we have been hearing about some of these ideas this bipartisan group has been advancing. Let's give them a chance to make their case. I offered the proposal to create something called Build America Bonds. This was a chance to, for the first time, move the Federal Government into the bonding area. It has long

been done, of course, at the State and local level, and it received good reviews from the private sector.

I recall the day when Senator BAUCUS and Senator GRASSLEY asked me what I predicted in terms of the results of the Build America Bonds. I said: We have gotten basically about a year and a half. As you know, the Recovery Act was passed in the winter of 2009, and the IRS had to implement the rules. But when we wrapped up the period for which we issued Build America bonds, more than \$181 billion worth of Build America bonds had been used all across the country for capital infrastructure projects. They had been used in big projects on the east coast of the United States—the New Jersey Turnpike was one—and they had been used for roads in southern Oregon.

If you want to talk efficiency, look at the Web site of our State treasurer, Ted Wheeler, who said they were saving in our State 10 percent by issuing these Build America bonds.

I see my friend from California is here, Senator FEINSTEIN, and I believe California was one of the largest users of Build America bonds. To have a program that was envisioned as perhaps selling \$5 billion or \$36 billion worth of bonds selling more than \$180 billion is an example of what we can do on a bipartisan basis that will put people to work and will actually save money.

The savings we found in Oregon can also be illustrated by the analysis done by the Department of the Treasury that finds the same sort of savings we found in Oregon.

With respect to the Build America bonds, in some respects they were too successful. People said: Oh, perhaps they are being used for more kinds of projects than was acceptable to some people. So once again we said, we are going to come back and try to find a way to generate bipartisan support. My colleague from North Dakota, Senator HOEVEN, and I got together and we put forward another proposal—a different version—that we call the TRIP program—the Transportation and Regional Infrastructure Program. Our plan would allow State infrastructure banks to issue bonds to pay for transportation projects, once again having a small supportive role from the Federal Government. The folks who run the numbers at the Joint Committee on Taxation say that with this bipartisan proposal—a Republican from North Dakota, a Democrat from the State of Oregon—it would be possible to get \$50 billion worth of transportation projects with this model, with only \$12 billion worth of cost over 10 years.

I only illustrate this fact to suggest that if it is possible to get on the bill, I think we are going to see colleagues on the Republican and the Democratic side look to try to cooperate and find some common ground. Senator KERRY made the point about the infrastruc-

ture bank, how we got the support of the Chamber of Commerce, Senator GRAHAM and Senator HUTCHISON and others. I have gone through some of the history of other transportation efforts—that progress is being made now with Senator BOXER and INHOFE on the transportation bill; and the Build America bonds effort, which produced a thirtyfold increase over what was anticipated, literally revolutionizing the municipal bond market and was utilized for big projects, such as the New Jersey Turnpike, and small projects, such as roads in southern Oregon; and now if we can go to this bill—and that is what the vote is all about, whether we actually get on the bill—we will be able to offer alternatives and ideas. Frankly, the provisions that are in the bill in its current form, I don't see how anybody can be against them. The question of highway repair is about as fundamental a function of government as anything one can imagine. So there is plenty in this bill I think colleagues on both sides of the aisle could support.

I have cited a number of examples of bipartisanship in this area, where we can do more in the infrastructure field while we save money, and I hope colleagues will vote—I gather the vote will be tomorrow—to move to the bill and give us a chance to get serious about what I think is central to growing the American economy and at well-targeted investments in transportation.

To me, the question of job creation and infrastructure are literally two sides of the same coin, so I hope the Senate moves to this legislation tomorrow and begins to beef up our effort to deal with a fundamental part of job creation in this country. It is so fundamental that in much of the country, if we don't make the investments, it will literally be the equivalent of saying to our businesses: Put up a sign that says you are not going to be in a position to compete with China right now; come back another time. That is unacceptable to me and to Oregon businesses and Oregon workers. That is why I hope my colleagues will vote to go to the bill.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Oregon and the Senator from Massachusetts. I happened to hear their comments, and they are both very good and they are both right on.

I was thinking while Senator WYDEN spoke about the fact that in the past 6 months those of us on this side have tried on four different occasions to pass legislation related to jobs. We began on May 4 to reauthorize the Small Business Innovation Research Program, which would direct grants to small businesses to develop technologies.

That fell on a cloture vote. It did not get 60 votes. It only got 52. We then tried to reauthorize the Economic Development Administration, which I think most of us know essentially is a cost share for communities in distress. That didn't get cloture. It fell 49 to 51. We then tried the President's big jobs act on October 11. That vote fell. It did not get cloture. It only got 50 votes. We then tried taking a part of that on October 20, in order to fund 400,000 school jobs and thousands of jobs for police and fire departments—first responders—throughout the Nation. That was paid for with a .5 percent surtax on people who could well afford to pay for it and probably would want to pay for it, but that fell on a 50–50 vote. We did not get the 60 votes for cloture.

Today, we are trying for a fifth time on a part of the President's bill which has to do with infrastructure. Again, there is a pay-for. It is paid for by a .7 percent tax on people who can well afford to pay that .7 percent. And I think Senator WYDEN and I both know the value of keeping this Nation No. 1, because we come from the West. We are on a burgeoning trade basin. We seek competition with countries that have a blooming infrastructure, and we see the plugs and the bumps and the stoppages in this country because of an absence of adequate infrastructure.

I am delighted the Senator is here and that we share this same cause. Hopefully, there is going to be some change in the mindset on the other side of this great Hall and people will realize if we are going to remain No. 1—and we are not No. 1, and I will go into that in my speech—then we have to pass this segment of the President's bill. So I thank Senator WYDEN very much for his comments.

As I said, this legislation offered by the majority leader includes the key infrastructure provisions of the President's Jobs Act. It is \$50 billion for our roads, bridges, airports, and transit systems, and it capitalizes a free-standing infrastructure bank with \$10 billion. This bill makes the investment without increasing the deficit. Funds appropriated are offset by a .7 percent surcharge only on people who can afford it.

I come from a State where unemployment is high—11.9 percent—and employment in our construction sector is down 44 percent, as you can see from this chart. This is actually California's construction jobs, and you can see where it was in 2000. You see it rise to 900,000 in 2006, and since that time it has plummeted. The fact of the matter is, construction, to a great extent, drives the economy in a number of States, and I think California heads that list. So infrastructure and employment go directly together.

Last week, this body passed legislation authorizing the sale of power from the Hoover Dam. The Hoover Dam is on

the border between Nevada and Arizona, and it was built in the 1930s. But it reminds me of the invaluable contribution that infrastructure investments have made in generations past. During the depths of the Great Depression, we stepped forward to help build Hoover Dam. Between 1931 and 1936 our Nation made a massive effort involving thousands of workers—more than 100 of whom lost their lives—to build a powerplant unlike anything the world had ever seen.

This is kind of a working picture of Hoover Dam being built. At the time, many in Congress argued the cost of this engineering marvel was too high and the investment of taxpayer dollars too risky. They opposed efforts to invest in an unproven energy technology like hydropower. The debate was strikingly similar to the debate we hear today. Luckily for the people of California, believers in American infrastructure and technology won the Hoover Dam debate. As the years have passed, the investment has been repaid and the wisdom of Congress' investment remains clear.

Today, Hoover Dam, all these years later is still owned by the American people.

It produces power for the Southwestern United States at less than one-quarter of the market price. It is the quintessential example of why infrastructure spending and investment makes sense. During the depths of the Depression, it gave people jobs and hope. But its benefits were permanent, not fleeting. The investment made in the 1930s is still paying dividends for the economy of the Southwest.

Today, this legislation invests \$50 billion in America's transportation infrastructure. That is specifically \$27 billion for highways, \$9 billion for transit, \$4 billion for high-speed rail, \$2 billion for Amtrak rail improvements, \$3 billion for airports and air traffic control modernization, and \$5 billion for discretionary grants and TIFIA loans to multimodal projects. These funds are actually in addition to funding levels in the surface transportation bill which authorizes \$52 billion annually and the FAA authorization which authorizes \$16 billion annually. The proposal also appropriates \$10 billion to capitalize an infrastructure bank. With its own appointed board and CEO, this bank would have the power to issue loan guarantees and loans, at the Federal funds rate, to large projects in water, transportation, and energy.

The bank's authority is similar to the functions performed by EPA's State Revolving Fund, the DOE's Loan Guarantee Program, and the Department of Transportation's TIFIA and RRIF Programs.

In the long term, centralizing these functions in a single infrastructure bank will establish more consistent lending rules and policies. So I think a

lot of us have gotten together from time to time to see what could be done to fund a real infrastructure bank. Presently, when we build infrastructure, we have no way of financing it. We put up the whole cost upfront. Most States and cities don't fund their infrastructure that way. They float bonds, and they are amortized over time. So the ability to have an infrastructure bank to loan money, to look at various instruments, to move infrastructure production throughout this country I think is vital. Because the bank will lend, not grant, funds, it will leverage \$10 billion into approximately \$100 billion in actual investment dollars.

The bank would be particularly beneficial to California—I must say that—and we lead the application list for Federal financing assistance.

For example, Los Angeles citizens voted to tax themselves by raising the sales tax in order to build a desperately needed subway and transit system. They seek a Federal loan. They have the money to pay it back; it comes every year due in sales taxes, but they seek a Federal loan to build the system in 10 years, not 30 years because they need it sooner rather than later. The County of Riverside seeks a Federal loan to build a toll road on the Highway 91 goods movement corridor, through which millions of containers move from the Ports of Los Angeles-Long Beach to every community in America.

I think most people in this body don't understand that approximately 50 percent of all the containers that come into this country, east coast, west coast, come in at Los Angeles-Long Beach, 40 to 50 percent, and they go out in multimodal areas in stacked trains into the Midwest. But they run into all kinds of impediments. There is not separated grades. There is not the ability to move these trains as rapidly as they should be. So if we are going to keep up with the delivery of cargo into the heartland of this country, most of which comes from Asia, we need to do something. California's communities are prepared to repay these loans, but they need help in the beginning.

The Federal Highway Administration estimates that for every \$1 billion of Federal transportation spending, 27,822 jobs are produced. It is one of the biggest bang for the buck programs I know of. For every \$1 billion in spending, nearly 30,000 jobs are generated. So this bill is a job generator. For every \$1 spent on infrastructure projects, it also spurs economic activity, raising the level of gross domestic product by \$1.59.

So what is the conclusion? Investing in infrastructure is essential to addressing our nationwide unemployment crisis. Oh, I only wish we could see this.

Congestion is a big problem in this country. I told you about Los Angeles-

Long Beach. What I should also tell you is that the average Los Angeles commuter spends 63 hours per year stuck in traffic. That costs \$1,400 a person. In Greater Los Angeles, commuters spend 515 million hours stuck in traffic every year. They waste 407 million gallons of fuel, at a total economic cost of \$12 billion. That is just L.A.

I see the Senator from Illinois is on the floor. That is just L.A. I wonder what the Chicago numbers would be. They have to be large. San Francisco, San Jose, San Diego, and Riverside County face all the similar congestion. In each area, the average commuter spends more than 30 hours a year stuck in traffic. That costs us \$6.4 billion, and nationwide, congestion is causing Americans to travel 4.8 billion hours more and to purchase an extra 3.9 billion gallons of fuel, for a congestion cost of \$115 billion in 1 year. That year happens to be 2009. This is the equivalent of wasting 130 days of flow from the Alaska pipeline each year. It is enormous.

So is this bill necessary? The answer is clearly a resounding yes. In my State, 66 percent of our major roads are in poor condition, 68 percent of our urban interstates are congested, vehicle travel on our highways increased by 27 percent from 1990 to 2007, and 30 percent of our bridges are structurally deficient or functionally obsolete.

One of the best infrastructure projects in the Nation is the repair of Doyle Drive going onto the Golden Gate Bridge. Senator, I wish you could see it because this is a stimulus project and it is amazing because you actually see these dollars at work. Huge ramps are being rebuilt going down to ground level, this great icon of America. The Golden Gate Bridge would never be built today. We just wouldn't build it. If we did, it would take 100 years to do it with all the permits we need. But it is there, it is an icon, and there is a major infrastructure package working on it.

Our Nation's deteriorating surface transportation infrastructure is going to cost the economy more than 876,000 jobs. It is going to suppress GDP growth, it is estimated, by \$897 billion by 2020. Poor road conditions cost U.S. motorists \$67 billion a year in repairs and operating costs—\$333 per motorist. Failing infrastructure will drive the cost of doing business in this country up by \$430 billion in the next decade, as the costs to ship goods and raw materials will increase due to bottlenecks and roads that beat up vehicles.

There was a time when America built big things. In the 1800s, we built the transcontinental railroad in one of the great private-public partnerships of all time. We built projects such as the Bay Bridge, the Golden Gate Bridge, the Hoover Dam in the 1920s and the 1930s. In the 1950s and 1960s, we built an interstate highway system unlike anything

else anywhere on the planet. In the 1970s, we built the Bay Area Rapid Transit system in San Francisco. This multidecade investment gave America an economic advantage over every country around the world.

Now listen to this. As recently as 2005, the World Economic Forum rated U.S. infrastructure as No. 1 for economic competitiveness—No. 1 in 2005 for economic competitiveness. But in just 5 years, we have slipped to No. 15—not 5, not 10 but 15 in 5 years because we haven't kept up what is a deteriorating infrastructure caused by overuse. The argument is so solid to pass this bill, I can't understand how anyone could vote against it.

China is spending today 9 percent of its GDP on infrastructure. They are our competition. I live on the Pacific Rim. I can tell you, every time any one of us goes to China they will look around the city, whether it is Beijing or Shanghai, and you will count 20 to 50 cranes building in that city, improving infrastructure.

I stood in Shanghai when the head of the government told me: In 10 years, we will build 375 kilometers of underground subway and 25 stations. Guess what. They did and are doing it. We can't do that. It is a problem. Of course, China doesn't have NEPA, it doesn't have CEQA, it doesn't have three dozen permits you have to get. It is easy to write a letter to Mrs. Lee or Mrs. Chu and say: You will move in 30 days because your apartment building is going to be destroyed. That doesn't happen here.

But there is no excuse not to do what is in this bill. There is no impediment to do what is in this bill. It might not take us back to No. 1, but it might take us back to No. 3 or No. 4.

China spends 9 percent. Do you know what we spend? I will tell you. According to the Economist, on April 28, we spent 2 percent of GDP on infrastructure.

A lot of people are doing columns on whether America remains No. 1 in the world, whether we have lost our clout, whether we have lost our competitiveness, whether we have lost our ability to invest in the future. This bill is a good testing ground because this measure is all infrastructure, with the ability to get it done in the future by a bank that can specialize in the arena.

So it is a good test. It seems to me, if we want this country to be No. 1, we have to vote yes. I believe the will is on this side of the aisle and I send a challenge to the other side of the aisle. There is no reason not to vote for this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Illinois.

Mr. DURBIN. I thank the Senator from California for her presentation. As she talked about her wonderful hometown of San Francisco, one of my

favorite cities outside Illinois, I thought about my most recent trip there to that Golden Gate Bridge and the wonderful work that is done in the Presidio. What a tribute it is to that beautiful part of our country that the investments are being made now so people can enjoy it. It was filled with people, bicyclers, walkers, runners, families, tourists, and everybody. It is an indication to me that if you build it, they will come.

In this situation, I couldn't help but reflect as the Senator went through the litany of all the great achievements in America over the last 60 years from the viewpoint of infrastructure. Think back to President Eisenhower and the big debate that was on then about the interstate highway system: Was it going to be bonded or paid for with taxes? It went back and forth, and it ended with a bipartisan agreement, and thank goodness it did. We need that kind of bipartisan agreement right here.

Were it not for the interstate highway system, your State would be much different today. So would mine. Thank goodness, 60 years ago, a Republican President and a Democratic Congress reached an agreement. It can be done.

The Democrats did not say if Eisenhower gets this, people are going to think better of him. They thought better of the Nation, and that was a commitment that made a difference.

I thank the Senator for telling us this story. I appreciate it.

Mr. President, we had a meeting this morning with economists from labor and business, and they came and talked to us about what is going on with the American economy. Nothing they said was a great surprise, but it sure was troubling. One-fifth of all men in America are currently out of work. Just a few years ago, it was one-twentieth.

Since 1969, there has been a 28-percent decline in purchasing power of the average working family. Even though they are working, they have fallen behind. The level of fear and anger in our country is growing. We have had slow economic growth rates, and we are facing some serious issues. The United States today has the same number of jobs it had in the year 2000, 11 years ago, but we have 30 million more Americans in 2011 than we did in the year 2000. We can lament this and read about it and say isn't it a darn shame or we can do something about it.

Fortunately, for those of us who have been elected to this Chamber, we have a reason to do something. In fact, that is the reason we have been sent here. People didn't send us to give inspiring speeches; they sent us to solve problems, to make life better for America, to make this a stronger Nation—a secure, safe, and stronger Nation. We have that power to do this, and the question is whether we will.

I can tell you many people argue that the President's efforts to get this economy moving have failed. I could not disagree more. I have been around Illinois, and I have taken a look at what we have built in America with the stimulus funds. It is impressive. In my home State, it is impressive, not only in terms of infrastructure but helping businesses get started and to succeed.

Douglas Holtz-Eakin is the president of the right-leaning American Action Forum and was Senator McCain's top economic adviser during the 2008 Presidential campaign. In the Washington Post, on Sunday, he said: "The argument that the stimulus had zero impact and we shouldn't have done it is intellectually dishonest or wrong."

That is from a conservative, Republican-leaning economist. He knew the stimulus helped. America would have been in a deeper hole today had we not acted to reduce taxes and to help build America in ways that will serve us for generations to come.

We know now we need to do more. Tomorrow we are going to give our colleagues in the Senate a chance to join us in making that happen. We are going to try to move this country forward by putting people to work building things that count. Highways and bridges and airports and schools, community colleges and things that will serve us for years to come. It will create thousands of jobs all across America. We know the stimulus bill did that.

The Department of Transportation estimates that \$48 billion in transportation funds put 65,000 people to work on 15,000 projects. I just saw one last week. It is the new Intermodal Transportation Center in Normal, IL. It is amazing. Right next to the Amtrak station, they have built an intermodal center which has kicked off a renaissance in downtown Normal, IL. There are restaurants, a brandnew hotel I stayed in, a Marriott. There are all sorts of shops and a lot of activity. It is all focused on the centerpiece that is now under construction and will soon be completed. This intermodal center is paid for by the same stimulus funds that many come to the floor and question or mock. This multimodal center is a centerpiece for the growth of a great town in the Midwest.

Incidentally, the rail service of that Amtrak station is being funded with \$1.1 billion in high-speed rail grants that were part of the stimulus as well. We didn't just build the buildings, we are putting down new rail with concrete to make sure people have a safe, secure, and faster ride. The station is built with \$22 million in TIGER grant funds through the same Recovery Act.

These investments are doing great things for Normal, for Illinois State University that is there. The mayor of Bloomington, who is right next door, came over to say he agreed too.

The Peoria airport is another story. They just completed a brandnew airport terminal. It is beautiful. Mr. President, \$6.4 million in Federal stimulus funds are going right into Peoria, creating jobs in Peoria, and building an airport for the 21st century. There were 120 workers at work building this terminal—good pay, good benefits, jobs right here in America.

The Englewood Flyover Project in Chicago is going to eliminate the biggest railroad bottleneck in the Midwest. It will mean that goods and passengers move more quickly through that great city and to their destination. It will put hundreds to work for this construction, and it came right out of the stimulus package.

I listened earlier when Senator FEINSTEIN talked about choices we have to make in this country. I think the choices are pretty clear. We know what China is doing. If we go to China today, we will see building cranes in every direction. She talked about a 375-mile underground subway system. When I was there, they talked about 50 new airports they are going to build in the next 5 years that can land every Boeing aircraft. They are building the ports, the airports, the roads, and the railroads to compete with us in the 21st century. What are we doing? We are locked in a partisan debate on the Senate floor, where we cannot get one Republican vote to support the President's jobs bill to create jobs building America's economic future—not one.

Why? I will tell you why. Let's get down to brass tacks. The Republicans say we cannot vote for any bill that raises taxes. The President's jobs bill—the part we are going to bring—does raise taxes, and here are the taxes that are raised. For those making over \$1 million a year in income—that is over \$20,000 a week in income—we say, on the income over \$1 million, they have to pay a surtax of .7 percent. That would mean that the first \$100 that the millionaire makes over \$1 million, they would have to pay 70 cents. The Republicans have said: No way. We will not make the millionaire pay 70 cents on the first \$100 he earns over \$1 million, even if it means putting people to work in America. Who disagrees with that position? A majority of Democrats, Independents, and a majority of Republicans, a majority of the tea party members disagree with the Republican position, but not a single Republican has broken ranks yet to join us in a bipartisan effort to put Americans back to work and pay for it by having the wealthiest, the most well off in our country pay 70 cents on \$100.

To me, that is not too much to ask. I would ask that and more of those who have been blessed with a comfortable life and a good income and a nice home and no worries. For them to pay a little more so America can get moving forward and we can reduce this unem-

ployment rate is not too much to ask. It is what we were sent here to do.

I encourage my colleagues to join us. Let's get together, if we can, in a bipartisan basis tomorrow and pass this portion of the jobs act and put America to work.

Incidentally, at this point, the Republicans have produced no jobs bill. They have no ideas. As we are united in fighting this recession and unemployment, they are united in opposing anything proposed by President Obama. I don't think that is the way we need to operate.

Thank goodness when President Eisenhower built the interstate system, a Republican President and Democratic Congress looked beyond the next election and into the next century and what America needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

A SECOND OPINION

Mr. BARRASSO. Mr. President, the October 2011 issue of the AARP bulletin contains an interesting opinion piece. It was written by the Senate majority leader, HARRY REID. It is right there on the front page, Senate Leader REID. His opinion piece is entitled "The Health Care Law is Already Working."

I come to the floor, as I do from time to time, to give a doctor's second opinion. I have a second opinion today about the piece in the AARP paper. I find the choice of the words in the title, "The Health Care Law is Already Working," ironic, especially as the American people continue to express negative views about President Obama's health care law.

I come to the floor—as a physician who has practiced medicine in Wyoming and taken care of Wyoming families for a quarter of a century—to talk about the health care law and to talk about health care in America. What we see is a growing majority of Americans who want to see the entire law repealed and replaced with patient-centered reforms.

Don't take my word for it. Let's look at the facts. On October 18, 2011, just last week, the Kaiser Family Foundation released its monthly health tracking poll. This is a nonpartisan Kaiser survey and it tracks the public views about the health care law, and they have been doing it ongoing. The results this month are truly astonishing. About half of all Americans have an unfavorable view of the health care law. Overall favorability of the health care law stands at just 34 percent, an alltime low. The number of individuals who view the health care law very favorably stands at 12 percent, an alltime low. The number of people who think they will personally be better off due to the health care law stands at 18 percent, an alltime low. The number of individuals who think the country, as a whole, will be better off due to the

health care law stands at just 28 percent, an alltime low. Approval of the law among Democrats dropped 13 percentage points to an alltime low. These results make it clear that the new health care law does not work.

About 19 months ago, Mr. SCHUMER, the senior Senator from New York, claimed on NBC's "Meet The Press" that:

... as people learn about the bill, and now that the bill is enacted, it's going to become more and more popular.

The President and Washington Democrats miscalculated. They made numerous promises to the American people and they said we need to act fast. We can answer questions later. They asked the American people to trust them. Then the Nation watched as weeks went by, new stories uncovered another health care law glitch, another health care law unintended consequence and another of the President's broken promises. Seniors all around the country know that the President's health care law took over \$500 billion from a broken Medicare Program not to save Medicare but to start a whole new government spending program for someone else, not for seniors. Medicare patients know the health care law failed them and failed to address the broken physician payment system. America's seniors understand that Washington Democrats can't cut \$½ trillion from Medicare and then claim those cuts will not impact their own health care.

When we look at Medicaid, Governors all across the country know the health care law's Medicaid expansion will restrict patient access to care and very likely bankrupt our States. Medicare only pays health care providers cents on the dollar. That is why about 40 percent of physicians don't accept Medicaid patients. Having a government health care card doesn't mean patients will actually have access to medical care.

We also have concerns since the law was passed about employers dropping coverage. President Obama promised that if Americans liked their current health care plan, under the law, they would be able to keep it. Over the last 19 months, employers have made it clear that the law's mandates are too expensive, threatening their own ability to offer health insurance to their employees.

A reputable national consulting firm surveyed employers across industries, geographies, and employer sizes. The company produced a report titled "How U.S. Health Care Reform Will Affect Employees' Benefits." The company, McKinsey & Company, found that overall 30 percent of employers will either definitely or probably stop offering employer-sponsored coverage after 2014. That is when the President's health care law goes into full effect. Among employers with a high awareness of the

health care law, understanding the specific implications of the law, that number of those who will either definitely or probably stop offering employer-sponsored coverage jumps to 50 percent. At least 30 percent of employers would actually gain economically by simply dropping coverage even if they compensate employees through other benefit offerings or higher salaries. So how did we get from “if you like the plan you have, you can keep it” to “30 percent of employers will either definitely or probably stop offering health insurance”?

The problems continue to mount. Recently, on October 20, 2011, Walmart announced its decision to scale back health insurance for some part-time employees. A New York Times article explained that future part-time Walmart employees working less than 24 hours per week won't be allowed to join the company's plan. New part-time employees working between 24 and 33 hours a week won't be able to buy insurance for their spouses. The New York Times article quotes Walmart as saying that the increasing cost of health care is the reason for the change.

Now let's take a look at people's premiums. In 2009, President Obama promised that his health care plan would reduce health insurance premiums \$2,500 a year for families in America. Well, the opposite has occurred. President Obama's law has forced Americans to pay more for their health care premiums. On September 27, 2011, the Kaiser Family Foundation issued a report showing that the employer average annual family premium increased 9 percent, from \$13,770 to \$15,073. The employer average annual single premium—the other was a family, now for singles—the single premium increased 8 percent, from \$5,049 to \$5,429. Of course, part of this premium increase is tied directly to the health care law.

Then let's look at the CLASS program. That program has recently failed. Remember, President Obama's health care law established a brandnew Federal long-term care entitlement program. It was referred to as CLASS, but the letters stood for “Community Living Assistance Services and Supports.” Well, to qualify, people would have to pay the government a monthly premium for 5 years, and then after those 5 years, they could begin collecting benefits. It is now known that the CLASS program was an intentionally designed budget gimmick. The Congressional Budget Office estimated that the CLASS program would reduce the deficit by \$86 billion. These “savings” came from the premium dollars the CLASS program would collect for the first 5 years, all while the program wasn't required or allowed to pay out any benefits to individuals. So all the money would be coming in. Instead of holding on to that excess money being

collected to pay out for future expenses, Washington Democrats here in the Senate used those funds to pay for President Obama's health care law.

Fast forward, and we now know for sure that the program is not financially viable and does not work. How do we know that? Well, many of us knew it when it was going on here on the Senate floor a few years ago, but on October 14 of this year, Health and Human Services Secretary Kathleen Sebelius announced that the administration will not implement the CLASS program.

An op-ed she has written appeared in the Huffington Post, and it said:

... as a report our department is releasing today shows, we have not identified a way to make CLASS work at this time.

The Obama administration had 19 months to figure out how to implement the program, and they couldn't do it. Administration officials at the Department of Health and Human Services knew the CLASS program was unsustainable, and I believe they knew it before President Obama signed the health care law. They knew it, the administration knew it, and the administration failed in their duty to be honest with the American people and tell them.

Today, the White House still refuses to admit that the CLASS program is a colossal failure. In the middle of last month, October 17, 2011, White House spokesman Nick Papas said:

Repealing the CLASS Act isn't necessary or productive. What we should be doing is working together to address the long-term care challenges we face as a country.

How can the White House admit that this part of the health care spending law will burden taxpayers with yet another unsustainable entitlement program and at the same time demand that it stay on the books? How do they do that?

After having received the AARP bulletin with the headline “The Health Care Law Is Already Working” from the Senate majority leader, I came to the conclusion that I needed to come to the floor with a second opinion. The health care law needs to be repealed. It must be replaced with reasonable, commonsense, and financially sound alternatives. This health care law is not working. It is not good for patients; it is not good for providers, the doctors and the nurses who take care of those patients; and it is not good for the American taxpayers.

I will continue to come to the floor of the Senate as we learn more and more about this health care law. It seems that just about every week or so there is a new, unintended consequence that comes forward, a new concern for patients, a new concern for providers, a new concern for the taxpayers. I will continue to work with my patients and with my colleagues to find a health care law that gets patients the care

they need from the doctor they want at a price they can afford.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am here today to discuss the critical need to address our Nation's crumbling transportation and infrastructure system. The cracks in this system became abundantly clear to all of our country and, in fact, the entire world when, on the afternoon of August 1, 2007, the I-35W bridge in Minneapolis collapsed into the middle of the Mississippi River, taking the lives of 13 Minnesotans and injuring so many more.

As I said that day, a bridge just shouldn't fall down in the middle of America, especially not an eight-lane interstate highway which is one of the most heavily traveled bridges in our State, especially not at rush hour in the middle of a metropolitan area, especially not a bridge six blocks from my house that I take my family over all the time to go visit their friends. That is what happened on that day, in the middle of a sunny day in the middle of America. Yet, years after that bridge collapsed and then was rebuilt, 25 percent of our Nation's bridges are still structurally deficient or obsolete.

I wish I could say the bridge collapse was the only tragedy my State has suffered because of a broken infrastructure system. It is not. We saw another one just this October in Goodhue County on Highway 52, which connects the Twin Cities with Rochester, home to the Mayo Clinic. Within a 10-day span, one intersection on Highway 52 between Rochester, MN, and the Twin Cities of Minnesota was the site of two fatal crashes that claimed three lives and injured others. Even before these tragic crashes, everyone agreed that an interchange was needed so that drivers weren't forced to risk racing across a four-lane, divided highway, but the county and the Minnesota Department of Transportation didn't have the funds to build an interchange which could have eased the situation and could have saved lives. The worst part is that intersection of Highway 52 isn't even the most dangerous stretch of that road. In fact, local leaders have marked other projects as higher priorities. Yet the funds aren't there, the money isn't there to address these problems.

These are just two examples of the impact of our infrastructure and transportation needs in this country. There are tens of thousands more in small towns and big cities from Maryland to Minnesota. That is why I have come to the floor to discuss the Rebuild America Jobs Act, legislation I introduced with several of my colleagues, including Senator MANCHIN of West Virginia and Senator SHELDON WHITEHOUSE of

Rhode Island. We have come together as Senators from all corners of the country because we recognize the urgent need for new and bold initiatives to rebuild America.

Our legislation would get the ball rolling on desperately needed improvements by establishing an infrastructure bank—something that has long garnered bipartisan support in the Congress—and directing \$50 billion toward infrastructure. Both of these ideas, as I have noted, have enjoyed bipartisan support in the past. In fact, standing there with us this afternoon was Ray LaHood, a former Republican Congressman who is now the Secretary of Transportation under a Democratic President.

We have also said there is no such thing as a Democratic bridge or a Republican bridge or a Democratic or Republican highway. Transportation has always been a bipartisan issue in this country, and it must continue to be. That is why we are continuing to push this legislation. We may not pass it this week, but I know from my colleagues on the other side of the aisle that there continues to be interest in moving ahead on infrastructure funding.

This legislation is about improving public safety so that no bridge ever collapses again in the middle of America, but it is also about creating better opportunities for our businesses and jobs. I say that because if we look back through history, it is clear that many of the major milestones that contributed to America's greatness were rooted in our infrastructure. Whether it was connecting the east and west coasts by rail in 1869 or the WPA in the 1930s or the construction of the Interstate Highway System that began in the 1950s with a Democratic Congress and a Republican President—Dwight Eisenhower—or even the amazing innovations of the early American auto industry, our country did not move forward because our leaders tinkered at the edges of the status quo. America flourished because of innovators such as Henry Ford, who once said: "If I'd asked my customers what they wanted, they'd have said a faster horse." Then he turned around and built the Model T.

If Henry Ford were alive today, he would say that America cannot afford to take a horse-and-buggy approach to infrastructure. That is, in fact, what we have been doing. While other countries are moving full steam ahead with infrastructure investments, we are simply treading water.

In an increasingly competitive global economy, standing still is, sadly, falling behind.

China and India are spending about 9 and 5 percent respectively of their GDP on infrastructure. Even Europe spends 5 percent of its GDP. Yet how much are we committing right now? About 2 per-

cent. The effects of this shortsighted strategy are increasingly clear. In its 2007 and 2008 report, the World Economic Forum ranked American infrastructure sixth in the world. That was only a few years ago, and yet we have already slipped to 16th place, putting our roads roughly on par with those of Malaysia and far behind those of Germany, Canada, and Hong Kong. This is a huge problem because the strength of our infrastructure is directly tied to the competitiveness of our economy. Just look at the numbers. As our country slipped in the rankings for infrastructure, we also dropped in the World Economic Forum's rankings on competitiveness. Last year we were in fourth place, and this year we are in fifth place.

Competitiveness is a huge element here, but it is not just about global bragging rights. Fundamentally, it is about lifting the parking brake that has kept our economy idling and addressing the major inefficiencies we have seen in our infrastructure system.

If we want to move to this next-century economy, it is going to be about exports. It is going to be about making stuff again, inventing things, exporting to the world. If we do not have the roads to carry the trucks to bring those goods to market or the waterways and the barges to do it or an air traffic control system that is up to speed on a competitive basis internationally, we are not going to be that economy that so many of our workers and so many of our businesses want us to be.

Failing to move ahead will have consequences no one likes. For example, it would not be altogether different from levying a multibillion-dollar tax on American industry. I say that because inefficiencies in infrastructure are expected to drive up the cost of doing business by an estimated \$430 billion, according to the American Society of Civil Engineers. That is just in the next decade.

America spends 4.8 billion hours in traffic—just sitting there in traffic—every single year. When trucks idle in traffic on the highways or wait at port facilities to be loaded and unloaded or when freight trains sit waiting to pass in our congested rail network, our economy hemorrhages dollars, losing roughly \$200 billion each year. To put that number in perspective, it is roughly 1.5 percent of our gross domestic product.

Increased transportation costs will make it more expensive for companies to ship goods and purchase raw materials. We can only expect that those costs would be passed on to customers.

Traffic congestion, as I mentioned, costs us billions. When I said 4.8 billion hours per year, actually, I thought: Did I get that wrong? Is it millions? But, no, it is, in fact, 4.8 billion hours each year stuck in traffic. That is \$101 bil-

lion in lost revenue. That is \$713 per motorist.

The bad news is that without action those numbers are only going in one direction—up. By 2020, it is estimated that our crumbling infrastructure will cost our economy more than 876,000 jobs and \$897 billion in lost GDP growth.

As I alluded to earlier, the public safety aspect of this debate is also incredibly important, and it is something we cannot afford to ignore, particularly in the context of population growth. According to the Census Bureau, the American population is expected to add another 120 million people by 2050. That is a 40-percent increase in 40 years, and it is like adding the entire nation of Japan or more than three States of California. Think about that. We cannot stand still on our infrastructure. That is 120 million more people on our roads, bridges, tunnels, highways, and airports—structures that are already insufficient for meeting the needs of today's population.

But here is the good news. Addressing this challenge does not just make sense from a long-term competitiveness perspective, it also makes sense because it would be an immediate shot in the arm for our economy. We are still looking at an environment where too many Americans are out of work or have seen their hours cut back. And people who have taken it the hardest are people in the construction industry. In construction, the unemployment rate now is 13.3 percent—more than 4 points higher than the national average.

The Rebuild America Act will help get these workers back on the job. Here is how we do it:

First of all, we will need to make smarter decisions to stretch our transportation dollars further. This is a compelling case for public-private partnerships—we all know government cannot do this alone—public-private partnerships for private sector jobs. That is why the infrastructure bank part of the Rebuild America Jobs Act is so important. The American Infrastructure Financing Authority would provide loans and loan guarantees to finance projects that would otherwise be too expensive for any one city, county, or even a State to accomplish on its own. The bank would serve as an incentive for the creation of public-private partnerships and the mechanisms necessary for repaying loans once the projects are completed. This will help ensure the quality of projects too, because no private firm is going to invest in a project that is likely to fail.

The infrastructure bank would allow State transportation departments to move more projects off the books and to tackle other critical needs. So the Minnesota Department of Transportation could finally have the resources

to focus on fixing Highway 52 and Goodhue County Road 9—or projects in Missouri or projects in Maryland or projects in Oregon. There are needs all over this country.

I wish to make an important point here that the American taxpayers need to know; that is, they would be protected as well. Projects would be considered and reviewed by expert staff, separate from the independent and nonpartisan board that would select the projects. There are strong oversight protections, and projects would have to be backed by a dedicated revenue stream.

All of this is part of the reason this infrastructure bank has always had bipartisan support. Senator KERRY has worked very hard on this legislation, as have many of my Republican colleagues. They have suggested a similar model in the BUILD Act, many of the sponsors. The BUILD Act has 10 bipartisan cosponsors.

Beyond bipartisan congressional support, an infrastructure bank has earned the support of people as far-ranging as from the chamber of commerce to the AFL-CIO.

With the initial infusion of \$10 billion that the Rebuild America Act proposes, it is estimated it could leverage private investment to generate between \$300 billion and \$600 billion for infrastructure improvements. The infrastructure bank is the kind of bold and new action we should be taking as a nation.

Coming from a State, as I do, where there is a large rural population, I also think it is important to note that rural America—whether they are in South Dakota, North Dakota, Montana, or Nevada—should not be left behind. The infrastructure bank would be structured so that the kinds of projects that are important to rural regions, such as clean drinking water and sanitary sewer systems, could also compete for loans and loan guarantees.

Right now, too many repair and replacement projects in our Nation's drinking water and sanitary sewer systems are endangered by a lack of funding. According to the 2008 EPA survey of needs, Minnesota needs \$4.1 billion to upgrade our drinking and sanitary water systems. And in 2011 alone, my State has \$400 million worth of projects that are just sitting there.

Clean water projects are vital to the safety and health of our communities, particularly our rural communities. We all benefit from projects that can promote public health, protect our environment, help create jobs, and support local infrastructure. Let me give you an example. In southwestern Minnesota, we are working on a three-State effort—consisting of Iowa, South Dakota, and Minnesota—to get water to 20 communities. The region's current lack of water has brought economic development to a standstill in

an area where there are all kinds of possibilities for development in an agricultural community. According to the manager of the Lincoln Pipestone Rural Water System in Minnesota, this lack of clean water has forced the community to turn away businesses that would have otherwise opened in the area, including a large dairy plant, a large cattle-feeding operation, and biofuels plants. That is just in the last 5 years. In other words, the community has lost untold jobs and economic growth because it lacks the water.

Importantly, the infrastructure bank that the Rebuild America Jobs Act would create also includes technical assistance to rural communities. Five percent of the initial investment to capitalize the bank would be designated for projects in these very areas. That is \$500 million for rural America.

As we move forward with this conversation, we cannot lose sight of the critical importance of the multiyear surface transportation bill. This is something we need, and we need it now.

The surface transportation bill gives certainty to State departments of transportation so they can make the multiyear planning decisions on how best to spend Federal and State resources.

The certainty of a multiyear bill also benefits the private sector. Once States know how much they can put toward infrastructure projects, they can begin contracting with companies—private companies—in engineering, design, and construction. These are companies such as Caterpillar, which employs 750 people at its road-paving equipment manufacturing facility in Minnesota. I visited there in August. Caterpillar's employees are the kind of people who are out there on the front lines of American industry. They are people who make the slogan “Made in America” not just a slogan; it is real. They depend on the certainty that only a multiyear Transportation bill provides. We have an opportunity to give them that certainty.

I know Chairman BOXER and Senator INHOFE have been working on this out of their committee, but I did want to keep in mind that as we work on the rebuild America jobs bill, as we work on the Transportation bill we are talking about today that I would like to get passed by the end of this year, that we also are cognizant of the fact that there is a very important 2-year bill they are debating at this very moment.

When we look at the state of our Nation's infrastructure, there is no escaping the fact that we are far from where we need to be. Our 21st-century economy depends on a 21st-century transportation network. It is that simple. Fixing our infrastructure is one of the best possible ways to strengthen our Nation's most basic foundation—the

channels we use for everything from commerce and exporting to emergency management and disaster response.

But I also believe it is about bringing America back to the brass tacks. We know we have to do something about our debt, and I personally believe we can get there with a balanced approach, with spending cuts and looking at closing some of these loopholes. But even then, we must focus on what will move our economy forward in the long term. We simply can no longer base our economy on being a country that just simply churns money and shuffles paper, simply being a country that consumes, that imports and spends its way to a huge trade deficit. That has not worked.

What we need to be now is a country that makes things again, that invents things, that exports to the world. The only way we are going to make that happen is if we have the roads and the bridges and the rail and the barges and the airports to carry these goods to market. That is what this is about. We cannot put it off any longer. We must move forward now in a bipartisan manner to get this done for our country.

I urge my colleagues to support this bill.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I rise today to speak on this infrastructure jobs bill, and actually I think my good friend from Minnesota has done a great job of explaining why we need to be focused on infrastructure. I think if I was going to summarize my comments, as they might compare with hers, they would be that we need to be focused on the longer term problem.

We certainly do have a committee that is working on a 2-year bill, and here we are spending time today talking about a bill that I think is likely not to happen. Even if it did happen, would it be better than a 2-year bill? Of course not. Does it do anything better than the traditional infrastructure focus of the country that includes communities and cities and States instead of Federal bureaucrats? Of course it does not. We need to be focused on the right thing, at the right time.

The top concern on American minds today is righting our Nation's economy, having an economy that creates private sector jobs. While we take different approaches to addressing this issue, I think the Congress is genuinely united in understanding what the goal should be; we just have such a difference of opinion as to how to get there.

What role does infrastructure play in private sector job creation and competition? It plays a critical role. In fact, it is one of the few places where the Federal Government actually can take actions that specifically create private sector jobs.

Roads and bridges are maintained and kept clean and kept open and supervised by State and local authorities, but they are built by private sector contractors. So that is a good thing. The question is, What is the best way to get there? Unfortunately, we are 2 years removed from the expiration of the last surface transportation bill, and we are talking in the Transportation Committee—I am told; I am not on that committee—I know Chairman BOXER and the ranking Republican, Mr. INHOFE, are talking about how you can have another 2-year extension of that bill. It is unfortunate we are not talking about the 4- or 5- or 6-year surface transportation bill we have traditionally talked about because that is the kind of time it takes to really make a project that matters work.

We have been holding the surface transportation bill together with duct tape and Super Glue for a couple of years now, and the last time we did this, in September, we extended that bill for 6 months. The President frankly began to put his energy behind this different proposal that I have lots of concerns about. But I have even greater concerns about the fact that the energy and focus is there instead of on how do we get at least a 2-year extension of a transportation bill, a surface transportation bill that would work.

I said we were holding the bill together—the legislation together—by duct tape and Super Glue. Unfortunately, that is how we are also holding the transportation system together, because you cannot have the Eisenhower vision that was mentioned earlier of an interstate system, you cannot have an Eisenhower vision that has a 6-month shelf life or a 6-month window of opportunity. If you are going to have that kind of system put in place, you have to have a system that is put in place with an understanding that this is an ongoing program, that we have ongoing sources of funding, that we have an ongoing ability to contract.

That is why we need to be talking about the best way to find new and innovative ideas to invest in our infrastructure development. I am increasingly concerned that this legislation we are talking about today takes a short-term “Federal bureaucrat knows best” approach, rather than the approach we have had good success with in the country when we were building roads and bridges and airports and infrastructure in ways that mattered.

In all of our home States, certainly in my home State of Missouri, community leaders and job creators tell me that they are clearly looking for more certainty of how to create jobs. They need the ability to look beyond 3 or 6 months in order to plan and anticipate investment levels to expand their operations. We need to make smart investments in our Nation’s infrastructure so people who build infrastructure can

look forward with certainty, and communities that are dependent on infrastructure can look forward with certainty, and a business that is thinking about making a job-expanding commitment to a community knows what the highway plan is for the decade, not for the next day.

We have to get there, and you cannot get there 6 months at a time. This piecemeal approach, including the continuing resolution, and the so-called stimulus bill, and other things that postpone other efforts for communities to get funding, the whole idea of an infrastructure bank that would go for projects that had some ability to pay for themselves—when you ask questions about that, nobody knows what that means. Nobody knows why. If these things have an ability to pay for themselves, States could bond them out tomorrow. If you have a revenue stream that will pay off the building of a bridge, if you figured out how to create that revenue stream, States could issue that bond right now.

The only reason to have a Federal infrastructure bank is because the infrastructure bank is insolvent and not planned to be solvent, and only the Federal Government can give it the credibility it needs so it can ever possibly be used. But that is not the long-term solution to infrastructure.

As we have witnessed in recent months, the President’s idea of a jobs plan apparently is focused on holding press conferences in front of bridges—he had one today—to sell the idea that another stimulus bill will create more jobs. How does the President ever expect shovel-ready projects to be shovel ready? They only get to be shovel ready if you have a lot of time to plan and you know what the funding source is, and you know how you are going to not just start the project but complete the project—bridge replacement and major infrastructure investment and critical projects.

But if this bill does become law, 10 percent of the money, the Congressional Budget Office estimates, would be spent between now and September 30 of next year. So this is no economic recovery plan. It is also no long-term highway plan. And 10 percent of the money spent in the next 11 months is not what it takes to get this job done.

Of course, 50 percent of that—of all of the money—would be spent by the Federal highway department rather than allocated, as we have allocated Federal highway money since the 1950s, back to the States with incentives for them to match that money and to do the best they could to have a fair distribution of highway and surface transportation money across the country.

These piecemeal solutions will not work. There are many examples of communities that are facing challenges and they want to know how that question is going to be met. In Washington,

MO—not Washington, DC, but Washington, MO—there is an 80-year-old bridge that goes across the Missouri River. It needs to be replaced. It has needed to be replaced for some time now. But are we going to let the President of the United States decide if that is the bridge we replace? There are some things that the President should not decide. The President is without any question in the best position to decide what is the best way to go into Abbottabad and get Osama bin Laden. The President is not in the best position to decide what are the bridges to be built between Kentucky and Ohio.

I know he likes to give that example a lot because the Republican Senate leader is from Kentucky and the Republican Speaker of the House is from Ohio. And he says, we need a bridge between Ohio and Kentucky. That may actually be true. But the President of the United States is not the best person to solve that problem. The best people to solve that problem are the people in Kentucky and Ohio who get their gas tax money, their transportation money, whatever kind of funding we can figure out meets the needs of the future and say, here is our 10-year plan. Here is how we are going to fund our 10-year plan. In year one we are going to do the bridge planning for which of these bridge possibilities we need. In year two we are going to plan the bridge we decided we needed. In year three we are going to build the bridge. Maybe by year six or seven someone is using the bridge. This is the idea. These ideas, these short-term solutions, simply do not work.

State departments of transportation are hesitant to commit to long-term projects without the assurances of a funding stream in the future. The President’s bus tour will not provide individuals with more certainty, but instead a long-term investment plan would work to answer these questions. We need a clear Federal infrastructure blueprint to help county commissioners, to help contractors and cities, to help statewide departments of transportation lay the groundwork to plan, to assess local needs, to hire more employees, to make the decisions necessary to encourage economic growth.

In addition to the short-term approach that I think this bill has, I am concerned with some of the policies included in this proposal. With the increased funding for discretionary proposals, grant programs such as the Federal TIGER grants and now the infrastructure bank, the message being sent to the States is that Washington bureaucrats will set the priorities. Our entire infrastructure network is in desperate need of comprehensive updating that refuses to be put off any longer. We need to refocus all our efforts on the modes of transportation, the flexibility between them. Why we continue to rely on fragmented programs makes

no sense to me or lots of other people. The answer is not to continue writing blank checks to the administration and then hoping that the people who will make the decision—with zero accountability, frankly—will somehow make that in the best interests of all of our States. We need to do the hard work of crafting and investing in a formula that works for the future.

Chairman BOXER and Ranking Member INHOFE have been working hard putting together a new reauthorization bill. I wish that were a 6-year bill, not a 2-year bill. But I tell you, a 2-year bill has far greater possibilities for success than a 6-month bill that will go away before it is able to do any good.

I look forward to starting the work. I hope we can stop taking time on things that will not work and start solving the problems that have to be solved for the country, that have private sector job recovery that we need to be prepared for the next century, as people in this body worked in the 1950s to see that we could be prepared for the last 50 years of the last century.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, most every Republican in this body and probably outside of this body would admit that President Obama inherited a very bad economy by the time he was sworn in. The only thing is, by every measure of the economy, this economy is much worse now than what he inherited.

The Obama economy is bad because there is a prospect of taking more money from the American taxpayers with the biggest tax increase in the history of the country next year; and many brand new regulations that are very costly to the economy. Particularly small businesses do not know where they are going to be hit next and where their costs will be.

We have this big budget deficit that is a damper on the economy. In every respect, things this administration are doing are putting a wet blanket on the economy. We have wrongheaded energy policies as well.

We hear the President say, when he puts forth his jobs bill, touring the country in his bus: Pass this bill right now. Pass this bill right now. We have had some experience with efforts to pass bills “right now.” They got passed, like the stimulus bill, 1 month after he was sworn in, which was supposed to keep unemployment under 8 percent. But it has never been under 8 percent since 1 month after that time. We have to pass the health care reform

bill “right now.” And the health care reform bill was passed that very first year when the other party controlled everything, all three political branches of government. They had everything their way. And it was passed “right now.”

We are finding out that passing something right now is not the way to do business, particularly if it is done in a partisan way. I think the extent to which the President would lead instead of being on the fringe would help this process along, because he is the only elected official in this country who speaks for the national voice. Each one of us representing our constituencies has a national perspective, but we also have to be worried about the needs of our constituents.

Let's go to what the latest effort is of this President to turn this economy around his way and get this bill passed “right now.”

Just a few weeks ago, the Senate considered a so-called jobs bill that would have provided \$35 billion of the \$447 billion for the purpose of creating or saving jobs for teachers and policemen and firefighters. This bailout was included by President Obama in this \$447 billion stimulus bill No. 2 that he proposed in his speech before Congress this September.

When it became apparent the Senate leadership didn't have the necessary votes for the whole package, then Majority Leader REID chose to move this bill in parts instead of in one big package. Most of the reason he had to do that is because people in his caucus were not ready to vote for big tax increases or taking more money away from the American people and sending it to Washington.

Proponents of that bill argued that this \$35 billion bailout was necessary to prevent the layoff of teachers and public safety employees. Don't forget, this isn't the first time the Senate has considered this type of bailout because it was that bailout that just had to pass “right now,” in February of 2009, which was supposed to keep employment under 8 percent. That was the \$814 billion stimulus bill Congress enacted in early 2009. It included bailout money for State and local governments.

That is one of the reasons it didn't work, because whether it is the State, local, or Federal government, governments consume wealth. They don't create wealth. When we put half of that \$814 billion bill into public employment, it doesn't create jobs. That money should have been used to stimulate private sector employment.

President Obama stated that bill would save or create up to 4 million jobs over the following 2 years. That bill was supposed to create or save 150,000 jobs for teachers, nurses, firefighters, and police officers according to our President.

Then, in August 2010 Congress passed another State and local bailout, this time sending \$26 billion to States to save or create public sector jobs. At that time, Robert Gibbs, the White House spokesman, stated that this bill was “a very important proposal, particularly to ensure that 160,000-plus teachers don't get fired as a result of bad State budgets.” This \$26 billion was the second effort by Congress to help States plug their budget holes while claiming that we were saving the jobs of teachers and other government workers.

The truth is, these efforts to save State and local public sector jobs are more simply a bailout of State and local governments that have failed to rein in their own spending. State and local governments became addicted to tax-and-spend big government policies, and Federal bailouts have only aided the addiction.

Rather than making the necessary and difficult budget decisions, these State and local governments come to rely on the spendthrift behavior of their Congress to spend more and plug budget holes. Nationally, the debt held by States is approaching \$3 trillion. That doesn't even figure in unfunded pension liabilities. Some of the States in the worst trouble are Massachusetts, Rhode Island, New York, New Jersey, Connecticut, Illinois, and California. The increase in debt has had a significant impact on their budgets or on their bond rates and their ability to find competitive bond rates and competitive financing.

The free-spending State legislatures, coupled with a huge public work force, have driven up the cost of doing business in these States. It has negatively impacted their unemployment rate and their economic growth.

For much of the history of our country, States have been responsible for financing their schools, police, firefighters, first responders, and other public employment. We know that throughout the 224-year history of our country most of the time these State and local governments have done a pretty darn good job. States that have done well have grown economically and attracted more jobs. With economic growth we are going to have more taxpayers. What this country needs is more taxpayers, not more taxes.

States that haven't managed their budgets well have had, as you might expect, the opposite result. This competition among States has created a system that demands and rewards good government and, in the process, attracts employers and workers.

A Federal bailout of States upsets this balance. It rewards bad behavior and ultimately hurts the American economy. Federal bailouts eliminate the risks associated with poor economic policies. The moral hazard of Federal bailouts is that it sends a message to bad actors that there are no

negative consequences for their failure to effectively govern.

At the same time, this type of Federal stimulus is ineffective at saving or creating jobs, and it does nothing to promote private sector growth. Annual Federal deficits are close to about 8 to 9 percent of GDP, and our national debt is \$15 trillion. We cannot afford to bail out States and continue to encourage poor fiscal behavior by our States.

The bailout of Democratic Governors and State legislatures—and I suppose I ought to include Republican Governors and Republican State legislatures, as well—and public employees may be good politics, but it is terrible economics and creates even worse fiscal situations. Rather than propose political solutions during this economic downturn, the President should work with Congress to find real, authentic, genuine solutions to our economic and unemployment problems.

The recession began in December 2007, and nearly 1 in 10 Americans remain unemployed today. More than 26 million Americans are either unemployed or underemployed. The policies of the past 2½ years have not worked; they have made things worse.

Now, for the benefit of people—and maybe we can't say this too often because it looks strictly partisan—but we all ought to admit that this President inherited a bad economic situation. It is nothing to be proud of for a Republican President or any of us Republicans who were in office at that time. But by any measure of the economy, this President has made things worse.

The time for political documents has long past. It is time to govern, to work together, to get our economy growing again, and move the Obama economy into a bipartisan economy, at least to job creation.

For those who are unemployed, it is a depression. It is time we did something to help turn this situation around. Private sector employers need an international trade agenda that opens new doors to sell U.S. agricultural goods and manufactured products and services. Obviously, I am glad the President finally sent to the Senate three trade agreements and that they were passed last month. They were delayed, though, unnecessarily for years, and the rest of the world is moving ahead without us. We are more than capable of increasing exports, but we need the markets to do it. It is very simple. Why worry about exports? Because only 4 percent of the people on the face of the Earth live in the United States. The other 96 percent live outside the United States. Who are we going to market to, the 4 percent? Yes. But if we are going to expand our economy, we are going to have to market to the other 96 percent.

Thank God, President Obama has set an agenda that he wants to double exports. But in order to reach this goal

and do everything possible to generate economic activity and opportunity in the United States, the President needs to move forward on other job-generating and trading initiatives without delay.

It is time to put an end to job-killing Federal regulations—as I move on to a new subject of why the economy is not so good. New regulations from EPA, the Department of Labor, National Labor Relations Board, and others are making it harder for businesses to grow. Understand that I said “new” regulations. I think sometimes people, when they hear us talk about a moratorium on regulations, they think we ought to take all of the present regulations off the books. They may not necessarily be good, but the economy has accounted for them already.

When we have 9.1 percent unemployment, and we have all these new regulations coming out—66,000 pages of new regulations so far just this year—that just makes it very hard to decide whether we ought to hire somebody—particularly, for small business.

Remember, small business creates 70 percent of the new jobs and about 25 percent of all employment in America. In some cases, new regulations are actually destroying jobs. With unemployment at 9.1 percent, it is time for the Federal bureaucracy to stop harmful, job-killing, new regulations.

What we are calling for is not to stop ever regulating into the future, but to put a short-term moratorium on regulations so that people have a chance to get us out of the hole we are in with this 9.1 percent unemployment—let's say a measure of getting unemployment down to 7 percent before we have new regulations.

It is also time to develop domestic energy resources that will create jobs while increasing domestic energy supplies. Nobody seems to be very concerned about spending \$830 million every day—just in case that sounds phenomenal, \$830 million a day is the amount of money we send overseas to bring oil into this country. That is a terrible subsidy to the volatile Middle East, which wants to train Americans to kill us or to reward Hugo Chavez, who badmouths us almost every day.

We need to make more energy available, driving down prices, making our country more energy independent. The President's energy agenda is moving us backward because of not enough emphasis on the fossil fuels that are available in this country. It was only 3 years ago that natural gas was \$14, \$15 per unit because we thought we were using it all up in America. Recent discoveries tell us that we have natural gas for maybe 100 years. It is down to around \$4 or \$5 now per unit.

But it is not a case of finding fault with the President on green energy because whatever source of energy we have, if we want a growing economy,

we are obviously going to use more energy. We just must use it more conservatively. We ought to encourage conservation, and we should also encourage the use of fossil fuels wherever it can be found. It ought to encourage all sorts of green energy, and that is all the biofuels we in the Midwest talk about—the wind energy that my State is second in production of, and it is also solar, biomass, cellulosic, biofuels, all of the above.

I said conservation, and I guess the fourth one would be nuclear energy. It is time to change course and develop energy sources at home and create jobs in the process.

Finally, in 2009, President Obama said we don't raise taxes in a recession. He stated his position clearly: The last thing you would want to do is raise taxes on anyone during a recession because it would harm businesses and economic growth. We know when he said that unemployment was under 8 percent. So if we have 9.1 percent unemployment now and will for quite a bit into the future, aren't we still in a recession? So isn't the President's own benchmark the benchmark we ought to be using yet today? Yet we have the biggest tax increase in the history of the country—taking more money away from the taxpayers and sending it to Washington—coming up next year.

Wouldn't it do a great deal of economic good if this President said exactly what he said about the time he was sworn in; that we shouldn't increase taxes during a recession. Yet we have all these jobs packages put before the Senate that include job-killing tax hikes. That is why they have been received with bipartisan opposition. To those who say the packages the President has proposed have been killed by Republicans, one of the reasons the majority leader had to change the President's tax packages for a vote here a couple weeks ago is because there is opposition within his own conference about that. A few courageous Senate Democrats have consistently said no to their leadership when it comes to raising taxes on small business and other job creators.

The only bipartisanship we have seen so far is the bipartisan opposition to ill-conceived political documents. The Democratic majority needs to get serious about addressing our economic problems. It is time to consider policies that will get people back to work without harming the economy. It is time to stop the political aspects of this debate. The best way to do that, it seems to me, is to look at the other body—controlled by Republicans—that has passed 15 pieces of legislation that will help turn this economy around. We haven't taken up any of them, although I think we are about ready to take up, thank God, one of the 15 that is referred to as the “3-percent withholding.” Unemployed Americans need

to know we are going to do something to help create jobs and grow the economy, and taking up more of those 15 bills would be getting something done in a bipartisan way. Unfortunately, so far the Democratic majority and President Obama are more interested in political strategies than creating jobs and economic growth. The only reason I say that is it seems to me there is little intellectual honesty on the part of the President when in a speech given to a joint session of Congress one evening—as he did in September—he would plead for bipartisan support and then, the very next day, go out on the road on a political venture and say he can't get the cooperation of the Republicans—pass that bill right now.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, later this week—I assume sometime tomorrow—the Senate is expected to vote on the Rebuild America Jobs Act. This is a practical, commonsense piece of legislation that does two urgent and important things: It will help to modernize America's crumbling infrastructure, and it will help to put Americans back to work and get our economy going again.

Not surprisingly, this bill enjoys overwhelming popular support among the American people. Every day, Americans see the infrastructure crisis with their own eyes. They see interstate highways increasingly overwhelmed—potholes everywhere. They see bridges and overpasses that are structurally unsound and in danger of collapse. Need I mention the gridlock in some of our major cities because of inadequate roadways and access points for automobiles? China and Brazil are building world-class seaports, while ours are left over from early in the last century.

We know we need to make major Federal investments in modernizing America's infrastructure, so why not do it now, at a time when our Nation is suffering from the most protracted period of joblessness since the Great Depression. The construction sector is the hardest hit part of our economy. We can put those people back to work renewing our infrastructure and, again, as I said, boosting our economy.

Why aren't we doing this? The answer is, Republicans have made it clear they intend to block this legislation tomorrow, just as they have blocked so many other bills designed to put Americans back to work and get the economy moving again. They filibustered and killed the American Jobs Act. Two

weeks ago, they filibustered and killed the Teachers and First Responders Back to Work Act. It seems to me if the word “no” were removed from the English language, our Republican friends would be rendered speechless.

Let me state the obvious. The word “no” will not put 28 million Americans back to work. The word “no” will not allow us to strike a balanced agreement to bring deficits under control. The word “no” will not allow us to undertake a robust program to modernize our transportation system.

The job-creating investments in this bill are fully paid for with a tiny fractional tax on the richest of the rich in the United States. These wealthy Americans would pay a 0.7-percent surtax on incomes in excess of \$1 million a year. Let me repeat that. This infrastructure jobs bill we will be voting on tomorrow, which the Republicans have indicated they are going to filibuster and kill, is fully paid for with a 0.7-percent surtax on incomes in excess of \$1 million a year. If those making more than \$1 million a year even noticed such a negligible tax, I would be astonished. Still, the Republicans say no.

Let's put this in context. Just last week, the nonpartisan Congressional Budget Office reported that over the last three decades the aftertax income of millionaires and billionaires increased by 275 percent. That is correct. The Congressional Budget Office said over the last three decades the aftertax income of millionaires and billionaires increased 275 percent. During the same 30 years—the same three decades—the average take-home pay of middle-class workers in America actually declined. So is it any wonder the middle class is upset when they see what has happened to them over the last 30 years—flat, slightly declined in terms of their living standards and their income—while the super-rich increased their take-home by 275 percent.

The top 1 percent of income earners in America now take home more than half of all the money earned each year in America. Again, that needs repeating. The top 1 percent of income earners in America take home over half of all the money earned in America every year. Mind-boggling, isn't it? Mind-boggling. Yet Republicans adamantly oppose any tax increase on these people—even 0.7 percent—which would go toward the infrastructure of America and putting people back to work.

Certainly, no one questions the solicitude of Republicans toward the rich and the super-rich. I just wish they would show even a fraction of that concern on behalf of the besieged middle class in this country. Republicans on this so-called supercommittee are willing to block all progress in order to prevent any tax increase at all on the rich, but they are demanding—demanding—deep cuts to Social Security, Medicare, student loans, and other

Federal programs that undergird the middle class in the United States. Meanwhile, Republicans in the Senate continue to block the bills we have proposed in order to put people back to work and get the economy moving again.

Some pundits have speculated that, for political reasons, Republicans are deliberately blocking any legislation that would boost the economy or create jobs because that would make President Obama maybe look good. These pundits point out the Senate's minority leader has been explicit in stating that his No. 1 priority is to prevent the reelection of President Obama. So many of the pundits say that, to the extent Republicans can prevent us from doing anything—keep this place in gridlock, keep us from having a jobs program—and the economy gets worse, then they will say to the American people: See, President Obama is not doing his job. The economy is getting worse.

I just heard my colleague from Iowa. In his speech, he was at least honest enough to say President Obama had inherited a bad economy. That is true. He admitted that. My friend from Iowa, my colleague, went on to say, however, that President Obama has made it worse; that he hasn't improved anything over the last 2½ years; that his plan hasn't worked.

I daresay it is the Republicans who have been blocking anything we could do to put America back to work, including their voting no tomorrow, which I understand they will, in order to prevent us from getting this infrastructure and jobs bill through.

A more charitable explanation is Republican ideology is simply that government can't create jobs. This may be a sincere belief of most Republicans, but I must point out it is sincerely wrong. Across our Nation's history, an often visionary Federal Government has funded and spearheaded initiatives that have expanded private commerce, given birth to countless inventions and new industries and created tens of millions of jobs in the process.

Let's take a look at history. One of the most visionary advocates of Federal investment to create jobs was, believe it or not, the father of the Republican Party—Abraham Lincoln. Despite the disruption of the Civil War, Lincoln insisted on moving the Nation forward through bold Federal investments and initiatives. For example, in 1862, he signed the Pacific Railway Act, authorizing huge Federal land grants to finance construction of the transcontinental railroad—one of the great technological feats of the 19th century. To produce the rails for this railroad, he enacted a steep tariff on foreign steel in order to get the American steel industry going.

There is a story—I don't know if it is real or apocryphal—about Abraham

Lincoln. He was approached by, I guess, the free traders of his time who said: If you are going to build this transcontinental railroad, it would be cheaper to import the rails from England. They have the steel mills, they know how to do it, and it would be cheaper to build them in England and ship them here. It is said Lincoln thought about this for some time and came back and said: Well, it seems to me, however, if we buy the rails from England, they have our money and we have the rails. But if we build the rails here, we have our money here and we have the rails.

As I said, I don't know if that story is true, but I have heard it many times in my lifetime. Thus, he put in place a steep tariff, kept England's rails out, rebuilt our steel industry, and, as they say, the rest is history.

These and other Federal initiatives during Lincoln's Presidency had a transformative impact on the U.S. economy—creating new industries and millions of new jobs. Again, Lincoln did this despite the fact the Federal Government was deeply in debt—deeply in debt—and running huge deficits to finance the Civil War.

It is almost humorous to imagine how today's Republicans would have reacted to Lincoln's agenda. No doubt they would have attacked him as reckless and irresponsible. They would whine that we are broke and can't afford to invest in the future. I keep hearing this all the time: We can't afford to do this. We can't afford that. We are broke. We are broke. Doesn't anybody understand we are broke?

I keep pointing out the United States is the richest country in the history of mankind—the richest country in the history of mankind. We have the highest per capita income of any nation in the world. So if we are so rich, why are we so broke? We have got to keep asking that question. I am sure the tea party contingent would have demanded that Lincoln be expelled from the party, all of which reminds us how far the modern-day Republican Party has strayed from its progressive, forward-thinking beginnings. Indeed, the present-day Republican Party would have excoriated President Reagan. I see they just put a new 9-foot statue of him out at National Airport. They should put underneath it, "He raised taxes in 1982, 1983, and 1984." Yes, President Reagan raised taxes in 1982, 1983, and 1984.

Dwight Eisenhower, another Republican, championed one of the greatest public works projects in our history, and that is the building of the Interstate Highway System. A 1996 study of the system concluded that:

The interstate highway system is an engine that has driven 40 years of unprecedented prosperity and positioned the United States to remain the world's preeminent power into the 21st century.

And, of course Franklin Roosevelt in the depths of the Depression put a lot

of people to work, and they built a lot of good things. So I thought I would bring this over here. I hang this on the wall in my office. This is my father's—not my grandfather's—WPA card. For all you young people here, you can read your history. WPA stands for the Works Project Administration. It was instituted in the Depression to put people back to work building public works projects. So this is my father's WPA card because he was out of work, and he went to work on WPA. It has his name here, Patrick F. Harkin, Cumming, IA. It says here: You are asked to report, ready for work at once at a project as a laborer, \$40.30 per month, 138 hours max, Warren County. Signed by my father.

So my father went to work on WPA, and this is his card. I keep it as a reminder of a lot of things, but also a reminder of the good things the government can do. They gave my father a job. He was married and had five kids and the sixth one on the way—me; no work, no income. Of course, that was before Social Security or Medicare or anything else.

What did they do? Did they stand around doing nothing? Years later, my father took me out to visit some of the projects he worked on, on WPA. There is a place out in Des Moines called Lake Ahquabi. It is a huge State park, it is a recreational facility, campgrounds, Boy Scouts, a big lake there, conference centers, still being used today, built by my father. Well, not by him alone, but he worked on it in the WPA, still being used today. You can go in and look at the high school built by WPA, still being used today, I might add. My father was rather proud of the things he worked on.

When they built the high school, did the government do it? Was it some kind of government entity that built it? No, it was a private contractor. Who dug out the lake and built the things at Lake Ahquabi? Private contractors.

The bill we are going to vote on tomorrow, the public works bill, the putting America back to work jobs bill, would put people all over America back to work on highways and bridges, and sewer and water systems and things such as that, who would be employed by the private sector, by private companies to do the work. And the work needs to be done.

Many of the things my father and others in the WPA worked on in the 1930s still are being used today, although they are crumbling. Someone recently said that we are still driving on Eisenhower's highways and going to Roosevelt's schools.

What is our generation going to do to rebuild that infrastructure for future generations? Well, I guess we are going to sit around here and do nothing, because the Republicans continue to filibuster and block any meaningful jobs bill getting through the Senate.

Mr. MCCAIN. Will the Senator yield for a question as to how much more time the Senator will be taking, so we can adjust?

Mr. HARKIN. I would say to my friend from Arizona, less than 10 minutes, about 7 minutes.

Mr. MCCAIN. I thank the Senator.

Mr. HARKIN. I thank the Senator.

Investments such as these, investments such as what Abraham Lincoln did or what Eisenhower did or Franklin Roosevelt did, investments that were led by Lyndon Baines Johnson to educate our workforce and to retrain our workforce, to make sure every child had a good education in America, all of these helped people who were unemployed, helped them to get jobs, helped them to become taxpayers, and it set the stage for economic growth in our country.

To me, the most obvious and quickest way to dramatically ramp up our Federal investments in infrastructure is to pass this jobs bill. The American Society of Civil Engineers estimates that America faces a \$2.2 trillion infrastructure backlog. Bringing the U.S. infrastructure into the 21st century would rapidly create millions of private sector jobs, especially in the hard-hit construction industry, while modernizing our arteries and veins of commerce.

There could be no economic recovery without robust, forward-thinking investments to boost our competitiveness and put people back to work. This means to invest in education, innovation, the infrastructure in America. It means restoring a level playing field with fair taxation, a good ladder of opportunity to give every American the education they need to gain decent employment and achieve the American dream.

Again, it is all wrapped up in the Rebuild America Jobs Act that we will be voting on here tomorrow. I wish I could say I am hopeful that we could pass it, but I understand the Republicans are going to filibuster it and we won't have the 60 votes needed. That is a shame, because we need to put people back to work and we need to rebuild our infrastructure, and we can't wait much longer to do it.

Mr. President, I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 720

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from

further consideration of S. 720 and the Senate proceed to its immediate consideration; that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Reserving the right to object, which this Senator does, I want to make a comment and then I will give my answer.

Mr. President, the good Senator, who is on the Finance Committee, wants to repeal the CLASS Act. It is called long-term care. To be sure, the CLASS Act is not perfect, but little of what we do in the Senate is perfect. But if there is anything in this country that we ought to be driving toward, it is a long-term care policy, which right now consists of impoverishing yourself and getting rid of your assets, homes, house, whatever, car, in order to classify for Medicaid. That way you can get it. It is called the humiliation of Americans with legitimate health care needs.

The CLASS Act could be amended through the regular legislative process to make it sustainable over the long term, but always our friends on the other side of the aisle find it easier to object and repeal. "Let's repeal something." You don't have to have an alternative in mind. You can leave people in the same sense of suffering as we found way back during the Pepper commission, where people would prostrate themselves in order to qualify for Medicaid, in which they would have a chance at getting some long-term care. We need to discuss this, because it is a huge problem.

In 2008, 21 million Americans had a condition that caused them to need help with their health and personal care. Why? Because Congress has shied away from this subject forever. We have made a habit of shying away from it. Medicare does not cover long-term services and other supports, yet about 70 percent of people over age 65 will require some type of long-term services and support at some point during their lifetime—70 percent of people over 65. As our population ages, the need for services will grow. A little known fact is that about 40 percent of the individuals who need long-term care are under the age of 65, and long-term care services and supports can help these individuals be more independent and be part of the workforce and to have a sense of self-esteem.

Medicare, as I say, does not cover these services. The difference between Medicare and Medicaid and what each of their roles should be is such that there is now a separate agency in Health and Human Services, which I helped promote, which is now sorting out what is the best relationship between the two so they don't have to duplicate each other and so they can clarify roles and get at the problems.

Medicare doesn't cover these services, so Medicaid is in fact the real, de facto, long-term care program in the country. That is what it is. Only after middle-class Americans impoverish themselves are they allowed to get into that situation.

Again, the CLASS Act is not complete as an answer, but it was at long last an attempt on the part of the Congress to do something about it. That in itself was a signal victory. An attempt to help people live with dignity in their homes and communities is not something which we should consider a frivolous matter.

Those who are gloating today about the administration's decision not to carry forward with the CLASS Act are not the fiscal heroes they make themselves out to be. They have no answers. They have no answers. They have no alternatives. But if you can repeal something, boy, you can take that home and people say, Boy, they got rid of that part of government, not having any understanding of what it does to people who have situations either of age or other problems which they cannot help. And they are called people.

Instead, they use this as a political opportunity to bash the President. I was disappointed when the President did this. I was very disappointed. But it doesn't mean we have to go along. Imagine that, bashing the President, using seniors and people with disabilities as a political prop instead of putting forward real solutions. What this place lacks is in fact real solutions. A lot of people like to tease the health care bill. They are, for the most part, wrong. Not entirely wrong. But one thing they can't tease is the fact that a whole bunch of people called Senators and Congressmen and staff members worked hard for a very long 2 years to try and come up with answers. And we did.

Let's have a serious discussion how to meet the current and future needs of seniors and people with disabilities. They are all of our friends. We know them. Those needs are not going away.

Having said that, I object to the Senator's request.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I appreciate the objection of the Senator from West Virginia and I appreciate his comments about the importance of long-term care. I agree, it is something we need to address in this country. There are other ideas out there, and I think better ideas, ideas that are based upon incentives as opposed to creating a new government program. But let me get, if I might briefly here, for a moment at what I believe is the real issue.

This was a program destined to fail. It was clear from the beginning many of us said that. There were 12 of my colleagues on the other side, 12 Democrats who voted to strike this par-

ticular provision from the health care bill back in December of 2009. I think at that time many of us were making the same arguments the experts are now conceding at the Department of Health and Human Services. In fact, there were colleagues on the other side, one of my Democratic colleagues, who called this "a Ponzi scheme of the first order, the kind of thing that Bernie Madoff would be proud of." That is how it was described before it was voted on and put into the health care bill to help demonstrate the health care bill would actually reduce the deficit.

The fact is, after having had several months to look at this, here we are 19 months or so later, the Department of Health and Human Services has concluded that this doesn't work. They can't make it work. Now the CBO has come out and said it doesn't impact the budget. My view is we ought to pull this, we ought to get it off the books, and we ought to address the issue in a way that makes sense for the American people, not in a way that adds trillions of dollars of additional debt.

If we look at what we have today in terms of unfunded liabilities, we have \$61.6 trillion in unfunded liabilities in this country or \$528,000 for every family. That is five times what most families have in terms of home mortgages, car mortgages, other types of debt. That is what we are piling on the American people today. This would have been yet another unfunded liability, and the experts warned us at the time.

Now, we did an investigation of this. It was published in September. I worked with some of my House colleagues on it. It was "The CLASS Act, The Untold Story." It concluded that the actuaries at HHS were saying before this bill was even passed that it would be a recipe for disaster, that it would lead to an insurance death spiral, and the Chief Medicare Actuary at HHS said at the time:

... 36 years of actuarial experience lead me to believe that this program would collapse in short order and would require significant Federal subsidies to continue.

That is what the experts were saying about this program way back before it was even voted on in 2009.

I think we ought to acknowledge what now everybody concludes to be the case; that is, this program will not work. It is actuarially unsound. We ought to repeal it. We ought to get it off the books, and that was simply what my motion would do. I regret that the other side has objected to it, but I have some of my colleagues today who have been very active on this issue.

I say to my colleague from Arizona, in light of this report that came out from the HHS last month outlining exactly why they cannot move forward with CLASS, it seems difficult to understand why the administration

doesn't support repeal of this program. Can my colleague make any sense out of this contradiction and apparent hypocrisy to say a program doesn't work, yet we want to keep it on the books?

Mr. MCCAIN. I say to my colleague I do not quite understand it either.

In response to the comments of the Senator from West Virginia about the importance of long-term care, I think all of us understand that. I think all of us who meet and have interface with our constituents recognize that the issue of long-term care is one of transcendent importance. The Senator from West Virginia said he would be glad to make some changes or tweaks to the program. We would be eager to hear of those. We would be eager to hear how we could change the program, the CLASS Act, so it is not, as Senator CONRAD, the chairman of the Budget Committee, said of the CLASS Act, "a Ponzi scheme of the first order, the kind of thing that Bernie Madoff would have been proud of."

I think it is pretty clear if we accept Senator CONRAD's and other objective assessments of the CLASS Act that we have to go back to square one. We are not going to be able to fix a program about which, the Congressional Budget Office said:

... the programs would add to budget deficits in the third decade—and in succeeding decades—by amounts on the order of tens of billions of dollars for each 10-year period.

The CLASS program would add to budget deficits in future decades even though the proposals require the Secretary of Health and Human Services to set premiums to ensure the program's solvency for 75 years.

I would like to interject. I know my colleagues share my view. When Senators leave we kind of forget them. Maybe we do not mention them anymore. But we owe a debt of gratitude to Senator Gregg, former Senator from New Hampshire, who put in this provision that required solvency over a period of 75 years before it could be implemented. If it had not been for that provision, we would now be moving forward with a program that, according to the CBO, would add tens of billions of dollars to the deficit in each 10-year period.

Wherever you are, Senator Gregg, and I know you are happier than if you were here, I offer my appreciation and my thanks.

I note the presence of Dr. BARRASSO. I think there is something we ought to understand about the CLASS Act. It did have a short-term impact according to the way the Congressional Budget Office "scores" things, tells us how much things will add or detract from the deficit, either plus or minus. The fact is, the CLASS Act, in the first 10 years, because younger people would be paying in premiums and would not have gotten to the point where they are eligible for the benefits, it disguised the cost of what we know now as—what we call ObamaCare.

Because of the way they are restricted on scoring, the CLASS Act, at least for 10 years, contributed \$70 billion and helped them estimate that the Health Care Reform Act, known as ObamaCare, would have \$122 billion in savings, when in reality after the first 10-year period it was tens of billions of dollars in added deficit and burdens on average Americans.

I ask my colleague, Senator BARRASSO, Isn't there a way we could address the long-term care problem in America? Isn't there a way we could address this issue without piling on, as the CBO judged the CLASS Act, an increase of tens of billions of dollars to the deficit, which we all know right now is \$44,000, I believe, for every man, woman, and child in America?

Mr. BARRASSO. I respond to my colleague from Arizona that we all have concerns for the people of America. That is why we were here trying to offer constructive ideas to make sure people would get the care they need, from the doctor that they want, at a price they can afford.

We heard the President make promises that the cost of premiums would go down \$2,500 a family. We have seen instead the premiums have gone up.

We heard the President say: If you like what you have, you can keep it. We saw that we lost out on that. So many people are going to lose the health coverage they like under this new health care law. So I say to my colleague, absolutely there are things we can do and should be doing.

It is astonishing. I received through my medical office the AARP Bulletin. On the cover of this AARP Bulletin for this past month, October 2011, the headline is, "Senate Leader Reid: The Health Care Law Is Already Working." This is what the Senate majority leader has said on the cover of the AARP Bulletin. Yet the Kaiser survey that tracks public views about health care every month has come out with their recent numbers, and the results are astonishing. The American people have seen through this health care law to the point that a majority of Americans now have an unfavorable view of the health care law.

Mr. MCCAIN. So we now have about two-thirds of what was advertised as a savings now going by the boards; in other words, \$70 billion of the advertised \$122 billion in total savings that we voted on not that long ago; is that correct?

Mr. BARRASSO. That is exactly the way I read it, that is the way the American people read it, which is why the overall favorability of the health care law now stands at only 34 percent, an all-time low.

Mr. THUNE. Mr. President, I ask unanimous consent we be able to enter into a colloquy now for 25 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I would simply say—we have the ranking member of the Budget Committee here too—that it strikes me that there were probably lots of other budget gimmicks in the health care law that are going to come to the surface in the same way this CLASS Act gimmick has. The Senator from Arizona pointed out they tried to understate the true cost by taking a lot of savings in the early years as people were paying premiums, knowing full well in the outyears it was going to add billions of dollars to the deficit. So it was a gimmick that was used, again, to make this salable to the American people and salable here.

In spite of that, there was still a majority of Senators who voted again against this, who actually voted to strike the provision from the health care bill in December of 2009 when I offered that amendment.

It seems to me at least we ought to have bipartisan support now that everyone has come out and recognized what we were trying to tell them in advance: this doesn't work, it was a gimmick, and we ought to get it off the books.

I ask my colleague, the ranking member of the Budget Committee, about this budget gimmick that was used. Is it illogical to think if we have this \$2.5 trillion expansion of government in the form of this new health care bill that somehow it is going to reduce the Federal deficit because that was the argument that was made at the time, and that is one of the reasons they were able to make that argument? I suggest there are going to be lots of other gimmicks we are going to uncover to demonstrate this thing was way out of line at the time, but I ask for his comments as being the ranking member of the Budget Committee.

Mr. SESSIONS. Mr. President, Senator THUNE deserves a lot of credit for pursuing this issue tenaciously and seeing his prediction validated now by President Obama's own Secretary that this cannot be a viable program. But he is exactly correct. One of the greatest financial misrepresentations in history, if it continues to be on the books, will be the contention that this health care bill would actually create money for the U.S. Treasury, actually produce a surplus.

They used a 10-year scoring model; \$70 billion, 60 percent or so of the total savings this bill is alleged to produce—not savings, actual revenue, net revenue increase—was this program. Now it is gone.

As Senator MCCAIN correctly said, Judd Gregg deserves great credit for it because he put in the bill that the Secretary had to certify that this was a sound program. So after all the political smoke had been going on, after the bill had been passed, while they were defending it as a viable CLASS Act program that would actually produce

revenue for the government, when she had to certify it, I suppose, under penalty of perjury—she could go to jail if she didn't do it correctly—she said she could not do so.

It was never possible this bill was going to be a moneymaker for the U.S. Treasury. They double-counted, maybe \$300 billion, \$400 billion, \$500 billion in money that is Medicare money also counted as income to fund an entirely new bill. That is going to come out also.

As Senator BARRASSO has noted, their estimates have been wildly inaccurate concerning the ability to bend the cost curve down, to actually reduce health care costs. This was something a lot of people thought was a good idea. This was going to produce a reduction in our insurance premiums, and since the bill was passed they have gone up dramatically, just the opposite of what was promised.

I think this is a death knell for the entire health care concept. This is just one more example of it. I thank the Senator.

Mr. MCCAIN. I say to my colleague, what is a little hard to understand—maybe Dr. BARRASSO understands it—the Secretary of Health and Human Services said they can find no way to implement it, after nearly 2 years. So why would there be an objection to Senator THUNE having just moved to repeal the CLASS Act?

If they tried for all of these months since the passage of the bill to figure out a way they can meet the Judd Gregg proviso that required the 75-year sustainability, then one would wonder why—one would wonder why we would not just go ahead and repeal it. If there is a better proposal, as we have all agreed, to address the long-term care issue in America, then why don't we sit down at the drawing board and find a way to care for people who, in their most vulnerable years, need government assistance?

I know of no one in this body who is opposed to a viable, reasonable, fiscally sound long-term care program. This is not it. This is not it. It is not even close. So I wondered why my colleagues on the other side of the aisle would refuse to repeal it unless it is some distorted pride in authorship.

Mr. THUNE. I would say to our colleague from Wyoming, who is a physician and has a lot of experience on these issues, who comes down every week with a second opinion talking about all the various issues regarding the health care bill—the more recent one, as we have all seen now is contrary to predictions—health care costs are going up. The predictions were that they would go down. That is also something many of us saw coming.

The question is if we leave this on the books, and if they decide at some point to resurrect it—after they have already acknowledged it doesn't

work—and come up with some new language that does away with the Judd-Gregg proviso, what are the fiscal consequences of this program being resurrected? We talked about this, and there were lots of predictions made at the time.

In fact, the Senator from Arizona had statements from some of our colleagues who said on the floor at the time how this was going to be a great deal and how it was going to work. The administration said at the time that this was not a budget gimmick. That is what they were quoted as saying. Clearly this was a budget gimmick. We all know that now. It is a Ponzi scheme. Clearly that is what the actuaries are saying at Health and Human Services.

If, in fact, we don't get this repealed and at some point this program ends up being resurrected, what are the fiscal consequences and implications for the country and future generations who will be saddled with yet another unfunded liability, another entitlement program that is not paid for?

Mr. BARRASSO. I think this is devastating for the country. I told the President directly that overall I thought his proposal was going to bankrupt the country. We stood here and debated over a year ago the fact that the Democrats in this body were voting to take \$500 billion away from our seniors on Medicare—not to save Medicare, but to start a whole new government program for somebody else. And when we talk about long-term care and what people need over the course of their lifetime, they took money away from hospice. They took money away from home health. They continue to take money away from hospitals and the physicians who take care of our seniors.

Mr. MCCAIN. The popular Medicare Advantage Program.

Mr. BARRASSO. Which has an advantage because it coordinates care. It does a number of things that are important. I believe this is the reason why last week in the Kaiser poll, the number of individuals who have a very favorable view of the overall health care law has dropped to 12 percent, an all-time low. The number of people who think they will personally be better off under the health care law is only 18 percent, an all-time low. The number of people in the country who think that the country as a whole will be better off due to the health care law stands at 28 percent, an all-time low. The American people realize we need truth, honesty in budgeting.

I know my colleague from the Budget Committee is working on that. He has an op-ed I read and has a proposal and is working on that. That is what the American people want. They want some honesty in budgeting, not the kind of politics and budget gimmicks and tricks we see happening here. The

American people are tired of being misled and sold a bill of goods. They see through it. They don't like it, they don't want it, and that is why all of the polling on the health care law shows it at an all-time low.

Mr. THUNE. We all saw this coming and we tried our best to prevent it, but now we know and we have these statements that came out as part of the report that was done by the House and Senate, an investigative report called the CLASS Act, the untold story. It was published in September. What it revealed was that the Health and Human Services Department actuaries—the people who are the experts, not the politicians, not those of us who are making many of these statements during the political debate we are having here in the Senate—who are actually responsible for doing the math on this came up and called the CLASS program a recipe for disaster. Those were in internal e-mails we discovered when we were doing this investigation.

Prior to their announcement in October that HHS is not moving forward with the CLASS program at this time, Secretary Sebelius and other officials at the Health and Human Services Department claimed through much of 2011 that the Department had sufficient authority to modify it. What they were trying to suggest is that we can make this work. Yet these internal documents cast significant doubt on all of those assertions.

I will repeat this because I think this is important. The Chief Actuary, during 2009, when this program was being debated—it was a part of the health care bill. It was during the debate here in the Senate. Richard Foster said:

... 36 years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.

That was what they were saying in 2009 before this vote ever occurred. He also went on to say:

... this would end in an insurance death spiral because the coverage would only be attractive to sicker people who will need costly services. This will force premiums higher and deter healthy individuals from enrolling.

You have all the experts who were putting all this information out there and sharing this with their superiors, all of who were out there on the record promoting this as being something that would work and something that is not a budget gimmick, but actually could, in fact, be actuarially sound. We all know now it was not. It wasn't then and isn't now and that is why we ought to repeal it.

Again, I appreciate my colleagues' input and work on this. I think this is something we ought to end. We need to put the final touches on this program and end it once and for all so it doesn't come back in some other form and saddle future generations with trillions of dollars of additional unfunded liabilities and debt. There are ways we can approach this issue.

In fact, I have some ideas that I introduced in 2007 that deal with long-term care and providing incentives for people that we all are going to be faced with at some point in our lives. But this is the wrong way. It was the wrong prescription at the beginning. It is the wrong prescription now. That is why it ought to be repealed.

Mr. SESSIONS. If I recall, Senator THUNE quoted the Chief Actuary, Richard Foster, in his statement that this would collapse during the debate on the floor. This was talked about, but the administration and our Democratic colleagues refused to listen. They continued to repeat the idea that they would have this large surplus. They counted this money as surplus money in justifying voting for passage of this bill when common sense told us in a host of areas, including this one, it was not going to produce a surplus. It goes to mean something systemic about our problem and why this Congress now going into the third year will be borrowing 40 percent of the money the United States spends. It is because the politics here is that we want to pass the bill. When somebody shows it is not actuarially sound and it is going to cost money in the outyears, they don't worry about that; somebody will take care of that in the outyears. It is that kind of mentality that I think has helped overrule commonsense budgeting.

We have not had a budget now in over 900 days in this Senate. So this is not the kind of responsible approach to managing the taxpayers' money.

I know Senator BARRASSO raised this repeatedly, that this should not be counted, but did we hear Secretary Sebelius at that time? Back in 2009 she wrote to Senator Kennedy and said to express the administration's support for inclusion of this bill, calling it an innovative bill. They were supporting it, promoting it, totally ignoring the critics and, as a result, they got the bill passed on a straight party-line vote. As a matter of fact, I believe had Senator BROWN from Massachusetts taken office 2 weeks sooner, there would not have been the 60 votes necessary to pass it. There would have only have been 59 and the bill would not be law today.

I thank both Senators for their consistent, steadfast explanation of the financial danger of this legislation and their willingness to continue to carry on that fight. I hope we learned something throughout our whole budgetary and financial process here. We cannot continue to play games with the American people's money. We have to be honest with them—honest about our budget, honest about what things are going to cost, and only then can we get the country on a sound footing.

Mr. THUNE. We have to quit making promises we cannot keep. What we are seeing today in Europe and the melt-

down that is occurring in the economies over there is a result of too many promises that were made, too much government debt, governments that have gotten too big, that can no longer be supported by the economy in those countries.

That is where we are headed. That is why we have to start living within our means. We have to quit spending money we don't have, and this was a perfect example of the tendency around here to want to grow government, to have a government answer, a government solution for everything, when this makes matters not better but much worse. It makes it much worse for hardworking taxpayers in this country and for future generations of Americans for whom this would become an enormous liability added already to the \$528,000 that every family in this country owes, the mortgage they have on their families already as a result of the unfunded liabilities we have already racked up. We cannot keep making promises we cannot keep.

I hope we can get this repealed, and I appreciate my colleagues' hard work in that regard and look forward to getting an opportunity to get it voted on. I am sorry our request this afternoon to repeal it was rejected, but I hope we will get another opportunity to revisit that and perhaps a vote that will actually put people on the RECORD. I believe there is a majority of Senators who agree with us on this point.

Mr. SESSIONS. I would say a couple of weeks ago the Wall Street Journal, after all of this happened, wrote that "including this CLASS Act was a special act of fiscal corruption."

If a private business said: Invest in our company; I have a plan that is going to be sound and it is going to make money in the future, trust me, invest your money with me, vote for me, yet they knew and had evidence in their files and their own employees were saying it was not sound, it was actually going to cost money, I wonder what would happen to them.

Mr. BARRASSO. You would hear about it. This speaks to the problems we have in this body. When they write legislation in the cloak of darkness, behind closed doors, and come in and vote at 1 in the morning and try to jam things through at a time when an administration calls for openness and transparency and then they do this sort of thing with the books in a manipulative way and try to come up with ways to say that it saves money—in any other true, real business, people would go to jail for this sort of behavior, I would assume. Is it wrong? All the way wrong? We have seen other so-called bets that this administration has made which have the American people scratching their head.

Yesterday it was noted that at Fannie Mae and Freddie Mac, bonuses have been paid to 10 of their executives

to the tune of over \$12 million. I called for the President to cancel those bonuses. The White House is fairly silent on that. Yet when Senator Obama was running for President, he wrote a letter to the Treasury Secretary and said: Make sure no bonuses go to Freddie and Fannie. Now under his administration, \$12 million, it was reported yesterday, went to 10 executives. It doesn't seem to be a problem now. The White House said there is nothing they can do about it. Well, why not get the Secretary of the Treasury involved? That is what Candidate Obama did in 2008. It is time for this White House to stand up and do what is right.

Mr. SESSIONS. Let me say a more accurate explanation of how this happened. The Congressional Budget Office scored this as a surplus, indeed, over 10 years. And, as Senator MCCAIN said, the benefits only come out after 5 years and these are people paying in, so the real benefits and payments take place in outer years.

The question is, Is the plan sufficient to be actuarially sound for the distant future when the payouts occur? So what happened was, Mr. Orszag had been CBO Director. He said it was not a gimmick and not a Ponzi scheme. In one sense, he was telling the truth. He was using a window score from the Congressional Budget Office over the first 10 years, when it didn't pay out any benefits and had a surplus, to claim that this was going to make the bill itself financially sound. In a sense, to me, it is these kinds of gimmicks that might keep somebody from being prosecuted and sent to jail if they were a private person.

This ought to end in the Congress. I think the American people are crying out for honesty in budgeting. They want us to be responsible. They want us to tell them the good news but to also tell them the bad news financially that we face.

They know we can't do things we would like to do if we don't have the money. They know we don't have the money to keep taking on new obligations. So I feel as though this is not healthy.

When Secretary Sebelius came along and had to certify that they had a 75-year actuarially sound program, there was no way she could do it. It knocks a gaping hole into the entire scheme, this health care bill.

I think it is a lesson for all of us. On every vote we do, we need to be sure we are honest not only in the short-term window but in the long-term window also.

Mr. THUNE. Too often, the practice around here is focused on the short term, the near term, the gain, to be able to have some sort of political victory at the expense of what is in the best interests of this country and our children and grandchildren. This is a perfect example of that. I appreciate

my colleagues being here. This discussion will be continued.

I yield the floor.

Mr. BARRASSO. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask unanimous consent that Senator SESSIONS and I have up to 15 minutes for a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

LSU VERSUS ALABAMA

Mr. VITTER. Mr. President, Senator SESSIONS and I come to the floor following a discussion of a lot of important issues on the floor to discuss the most important issue back home for us this week, which is the upcoming regular season national championship game between LSU and Alabama. In the history of the SEC, this is the first ever regular season matchup between a No. 1 and No. 2 team in the SEC. As most folks probably know, LSU and Alabama are both 8 to 0 overall and 5 to 0 in the SEC.

Obviously, I know who is going to win. The Tigers are going to win. They have beaten five ranked opponents this year, three of those away from home, as we are going to have to play Alabama. They have outscored all opponents 314 to 92 this year. Not to get cocky or anything, but LSU has beaten Alabama 8 out of the last 11 years, including 4 of the last 5 times in Tuscaloosa.

We have a lot of strengths. Our senior quarterback Jarrett Lee leads the SEC in passing efficiency. We have a ferocious defense led by lineman Sam Montgomery and defensive backs Tyrann Mathieu and Mo Claiborne. Tyrann, by the way, is much better known as Honey Badger. This is a prelude to the BCS championship which, by the way, is going to be in January in New Orleans in the Superdome.

So we feel great going into this game, and that is why I was very eager to get with both Senators from Alabama and have a friendly wager which the Senator from Alabama will explain. The loser is going to treat the winners to some great gulf shrimp and other seafood. We feel great about it, so we look forward to it.

As I turn the floor over to Senator SESSIONS, I would just summarize our feelings in Louisiana in a simple way: You all have a great team—maybe one of the best Alabama teams ever—but it doesn't matter who LSU's opponent is because, as we say in Louisiana, the Honey Badger takes what he wants. We are looking forward to doing that on Saturday night.

Mr. SESSIONS. Mr. President, I thank Senator VITTER for those comments. We are going to look forward to being very hospitable to the fabulous LSU fans who will be in Tuscaloosa for the "Titanic tussle in Tuscaloosa," the game of the century, many are calling it, the match of the millennium, between Alabama and LSU. It is always a big game, and it is going to be a big game especially this year.

While we have a minute on the floor and there is no other business being conducted, I just wish to celebrate college football, particularly in the Southeastern Conference. When we go to those games and see the color and the crowd and the enthusiasm and the roar for the home team, it is a thrilling event. It is very special. The fans in Tuscaloosa are very sophisticated. They know this is a big game, one of the biggest games in the history of the University of Alabama, and they know when good plays are good and bad plays are bad. It is going to be exciting. They know LSU is consistently one of the great teams in America.

So Alabama is doing pretty well: Eight and zero, their all-star defense is No. 1 in scoring and No. 1 in total defenses. They also have their No. 1 rushing defense in the country, allowing only 44 yards per game, a historic number that ranks better than Alabama's national championship game in 1992 and the undefeated and untied 1966 team. So it is going to be a special time.

Our university is a great university. The University of Alabama has been growing in strength for years now. It has one of the greatest presidents in America: Dr. Robert D. Witt, who was my high school classmate, and Judy Bonner is the provost there, sister of Congressman JO BONNER. So it is an exciting time in Alabama in general. Academically and otherwise, the University of Alabama is doing great—one of its best years in its history.

I wish to also point out and thank the LSU fans and chefs John Folse and Rick Tramonto, along with Bob Baumhower and Steve Zucker from Alabama, for sponsoring the LouisiBama Gumbo Bowl to benefit tornado victims in Tuscaloosa. That shows true class in both of the schools' fan base. For all the talk going on this week, I hope to see the kind of respect this partnership indicates among all our fans.

While I don't think it will happen, should Les Miles and his team somehow manage to get out of Tuscaloosa with a victory, I would love to treat Senator VITTER and Senator LANDRIEU to some of the finest gulf seafood there is, healthy and straight from the Gulf of Mexico, which my colleague knows is fresher and cleaner and finer than it ever has been, and maybe we could garnish it with some of the best grass that marks the field at Bryant Denny Sta-

dium. I understand Les Miles is a fan. I would also be more than happy to bring my friend, Senator VITTER, an Alabama tie on the Monday after the game, which I think would look good if he were to wear it on the floor of the Senate.

Mr. VITTER. Mr. President, should the unthinkable happen, I will do that. Should the unthinkable happen, I will deliver fresh, healthy gulf seafood to Senator SESSIONS' office as well as Senator SHELBY's. We have been in contact with Senator SHELBY's office and Senator LANDRIEU's office and they are part of this friendly arrangement as well. So we will look forward to that. But, most of all, we will look forward to a great game Saturday night, and we will both look forward to a win Saturday night. One of us will have to be disappointed—we will see who—but it is going to be a great game.

Mr. SESSIONS. I thank Senator VITTER for his friendship and good service in the Senate. We work on so many things together. But college football is special, and I think the game this weekend will be one of the great games in college history. I am so excited about it. I know the fans in both our States, and throughout the country, are excited about it.

Mr. VITTER. Amen.

With that, we yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I came to the floor to speak about a different type of football. It seems to be a political football that some of our colleagues are playing on the question of getting America back to work again. I am amazed at the political posturing we have seen this year.

I know for some of our colleagues on the other side, this election cycle has been driven by tea party economics that demand political purity over good governance. They have said no to just about everything. The problem with no to everything is that no doesn't create a job, no doesn't build an economy, no doesn't create prosperity, no doesn't get America moving again. They have said no to every different venture we have had to try to put America back to work.

Certainly, back in my home State of New Jersey, what I hear from the average citizen is: Senator, help me get back to work. Because I have New Jerseyans who come up to me, sometimes with tears in their eyes, and say: This is the first time in my life I have been unemployed. While that has created a significant economic consequence to them and their family, it

has shaken something even more profound, which is that social contract, that promise in America that if I prepare myself, work hard and sacrifice, I get ahead, and my children will do better than I did growing up. That has been shaken to the core by the economic challenges we inherited as a result of the crisis of 2008 and that we have been working out of.

So I have a problem when, every time we come to the floor to offer an opportunity to get those New Jerseyans, to get those Americans back to work, all I hear is no.

They say no, refusing to invest in rebuilding our infrastructure, to creating jobs, to keeping us competitive in a global economy.

They know roads and highways and bridges in their States—in every State—are in critical need of improvement, and yet we have to come here time and time again, day after day, to fight back a politically charged, ideologically fueled opposition that says one thing but does another.

The fact is, even those who oppose this legislation for political reasons know good governance means investing in our future. It means putting Americans back to work. In an economy in which 70 percent of GDP is consumer demand, if there is no job, there is no money, and if there is no money, there is no demand. So in addition to the lives of New Jerseyans and Americans which we could positively affect, this is about our global picture in terms of our economy. It means also keeping us competitive in this global economy.

Let me talk about that global economy for a moment because we are in it. We see what happens in Europe, and we see how we are affected here at home with our markets and whatnot. But let's look at a different place. Let's look at China. Let's look at the competition. According to China's 5-year plan, they have a range of investment priorities for the future: clean energy technology; biotechnology, including pharmaceutical and vaccine production; high-tech equipment for manufacturing airplanes; a new space program and satellites.

In fact, this week they launched a satellite, the first step toward a Chinese space station by the end of the decade.

China is planning more high-speed rail, next generation powerplants and manufacturing facilities, new nuclear, solar, and wind energy technologies.

The plan calls for building new energy-efficient cars and adding 9,000 kilometers to their highway system, expanding their national high-speed rail system to 45,000 kilometers, and building light rail systems in 21 urban metropolitan areas.

They are planning 6 new heavy material ports, adding 440 new 10,000-ton shipping berths; a second Beijing airport; and 11 regional airports.

This is some pretty stiff competition that will allow Chinese businesses to thrive.

This is the challenge we have. Yes, we have a debt question in our country, and we must meet that challenge. There is no question we should and we can and we must. But by the same token, we need to grow this economy as part of meeting that challenge, an economy that was on the brink of ruin when this administration inherited it, an economy that—I will never forget that famous meeting or infamous meeting in September of 2008 that was called by the Chairman of the Federal Reserve that members of the Banking Committee and others were called to. I remember going to it and listening to him describe a series of financial institutions that were on the verge of bankruptcy and collapse and in doing so would have created systemic risk to the entire country's economy and being on the verge not of the great recession we talked about but a new depression. That is what we have been working out of.

But even in this economy, we have to make investments and build for a competitive future. We invest just 2 percent of our gross domestic product on infrastructure projects. Europe and China invest between 5 and 9 percent, respectively.

The President today called on Congress to up the ante. The American Jobs Act would invest \$50 billion in our transportation infrastructure and \$10 billion in a national infrastructure bank, putting hundreds of thousands of construction workers back on the job. But it is not just the construction workers. Certainly, we want to get them back to work. It is all the architectural firms, all the engineering firms, all the people who work at those firms who will help build this infrastructure. It is all the suppliers for all the materials that will be needed to do this and everybody who produces those supplies and everybody who transports it and everybody who installs it. So it is an enormous ripple effect in getting our people back to work—hundreds of thousands waiting to work, working for America's future.

Clearly, opposition to the Rebuild America Jobs Act is not about good governance because we have ways and we have offered ways to pay for this fully. It is about politics. It is about playing political games. But it is playing political games with the lives and livelihoods of American families.

While China is planning major investments in retooling for their new economy, we cannot even seem to agree to fix our own roads. It is akin to the story of Nero fiddling while Rome burned, except American families and businesses are the ones who are going to get burned in this story.

The President today released a report that highlights the importance of re-

building our roads and bridges and railways and airports and has cited important projects around the country. They include over 17,000 jobs in New Jersey that would put people to work making our future brighter.

One of the projects the President's report highlights as an example of success is in New Jersey: the Route 52 causeway bridge replacement between Somers Point and Ocean City in Atlantic and Cape May Counties. This is a critical emergency evacuation route for Ocean City during floods and hurricanes. The new bridge eliminates the need to raise the drawbridge at the old section that is still being replaced. This is a critical \$400 million project that is an investment in New Jersey, in our community, in our infrastructure that will upgrade an old bridge to meet today's needs, protect the community, and put people to work.

We can make these investments and still find ways to responsibly reduce the deficit. An investment is not even just about new projects, of course. It is about maintaining the very infrastructure we have already spent money on in the past that we need to preserve for future use.

Thirty-six percent of New Jersey's bridges are structurally deficient or functionally obsolete. Seventy-eight percent of New Jersey's major roads are listed in poor or mediocre condition. Sixty-four percent of New Jersey highways are chronically congested because of a 29-percent increase in vehicle travel on New Jersey's highways from 1990 to 2007. All of that, and we already have \$13 billion worth of maintenance projects on hold because we do not have the money to pay for them.

Those are just numbers in one respect, but those numbers are about lives. Because when we have infrastructure—major roads, major highways—that are in bad condition, it means we are sitting more time in traffic and less time being productive at work or having more quality time with our families. It means businesses that have a product they need to get to the marketplace are going over an infrastructure that means it takes more time. It takes longer to get that product to market. It has consequences. It adds to the costs. It creates an uncompetitive set of circumstances. It is about the quality of our lives and our economy at the same time.

That \$13 billion is not to add even any capacity to New Jersey's transportation system. It is just to keep the status quo. As I have said for quite some time, as we have attempted, with my colleague, Senator LAUTENBERG, to build a new Trans-Hudson Passenger Rail Tunnel, which is critically needed in that region—and we have learned since September 11 that multiple modes of transportation are incredibly important so that, God forbid, if we have a tragedy again—we learned on

that day, when all the bridges were closed and all the tunnels were closed that ferries brought people out of downtown Manhattan to New Jersey, ultimately, to be taken to hospitals—multiple modes of transportation and options are critical for our economy. They are also critical for our security. Yet we cannot even keep up-to-date that which we have, much less create a new Trans-Hudson tunnel that would open the entire region with its economic opportunities. We cannot grow if we are stuck. In that region, as in many regions of the country, we are stuck.

We can begin the long-overdue process of maintaining, rehabilitating, and replacing if we pass this legislation. We can do it if we act together as a nation, as we did in 1956. In 1956, it was a Republican administration that created the Interstate Highway System, and now we cannot seem to get one Republican to vote to maintain that system. In 2011, we cannot get one Republican to vote to help keep us competitive and put Americans back to work.

We need our Republican colleagues in Congress to end the roadblock and fix the roads. They need to vote yes to providing every State with the resources they need to repair and rebuild aging roads and bridges and put people back to work.

Think of the jobs we could create nationwide if we publicly committed to investing enough to keep up and stay competitive with the Chinas of the world. Even if China is able to meet only a fraction of its ambitious goals, it will be far beyond the course we are presently on.

In 1956—I want to go back to that history—under a Republican President, Dwight Eisenhower, Congress passed the Federal Aid Highway Act. It took 35 years, but we committed this Nation to building 46,876 miles of highway—one of the largest public works projects at that time in the Nation's history. Why? Because a young Army officer, Dwight Eisenhower, saw the need.

He drove across the country in an Army convoy that left Washington on July 7, 1919, went to Gettysburg, and took the old Lincoln Highway to San Francisco. On the journey, bridges cracked and had to be rebuilt, vehicles got stuck in the mud, equipment broke, and they did not arrive on the west coast—they left on July 7—they did not arrive on the west coast until September 6—a 2-month journey that gave birth to the American Interstate Highway System.

Let's not be so shortsighted that we will turn back the clock to the days of the old Lincoln Highway. I understand the need to reduce our deficit, and these provisions I have talked about that I support are paid for. But I do not understand the blind commitment to doing nothing, refusing to invest in our future and create American jobs in the process and calling it good governance.

Good governance is what President Eisenhower did when he signed the Federal Highway Act into law. Now it is up to us to invest in maintaining it. Let's be honest with ourselves about the fact that good governance means investing in our Nation, in our people, in our progress, in our prosperity, in our future. Investing in our infrastructure is an investment in our country and in our future. Let's put today's ideologically driven politics aside and recall the practical Republican politics of President Eisenhower who saw a national need and had the will and the wisdom to put the Nation to work to build it.

So I ask my colleagues: Where is the Grand Old Republican Party that united America behind an interstate highway system and put government and people to work to make it happen?

If we put aside the ideological posturing, if we put aside the suggestion I have heard many times that the major goal is—by some of our Republican colleagues—to make Barack Obama a one-term President and then, ultimately, use both the filibuster to stop progress in the Senate and/or use a constant “no” vote to stop progress for the Nation under the guise that is the way President Obama will fail—the problem with that is, that is, at the end of the day, in my mind, not about President Obama failing, that is about the Nation failing at one of the most critical times in our country's history and one of the most critical times in our economy.

If we can put aside the ideological posturing, if we can put aside the political strategy and gamesmanship, if we are honest with ourselves about what good governance means and what it means to American families to invest in creating jobs and keeping us globally competitive so that we can continue to grow that economy and create other jobs for individuals that will help them realize their hopes and dreams and aspirations, that will help them contribute to the Nation, that will create new revenues that will be part of meeting our debt challenge, we would pass this legislation and make it happen. That is the opportunity before the Senate. It is one I hope our colleagues will grasp.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SANCTUARY CITIES

Mr. SESSIONS. Mr. President, earlier today my friend and colleague from Illinois, Senator DURBIN, came to

the floor and criticized—wrongly, I believe—my State of Alabama and the State of Arizona for something that I would think we would all want every State and locality to do; that is, cooperate in the enforcement of Federal immigration law.

Alabama and Arizona are undertaking a legitimate effort in attempting to help enforce the laws of the United States when this administration too often has failed to do so. The American people and the rule of law in our country have suffered as a result.

This administration has flatly refused to enforce our national laws—generous immigration laws that they are—despite the fact that there is on the books extensive and a fair code of laws designed to facilitate substantial, legal immigration into our country. Moreover, the Obama administration is systematically going after States that attempt to assist—Arizona, Alabama, now South Carolina, and Indiana next. Even more egregious is that the administration has refused to take any action against States and localities that affirmatively, proactively, and intentionally impede the immigration enforcement in the United States. These jurisdictions include San Francisco County, Santa Clara County, Washington, DC, and perhaps the most egregious example: Cook County, IL, which recently passed an ordinance—passed an ordinance directing local Illinois law enforcement officials to ignore U.S. Immigration and Customs Enforcement detainees.

The detainees are sent to local jails, and they request that officials at those jails detain illegal aliens for an additional 48-hour period, statutorily provided, after that local jurisdiction's business with that immigrant ceases so that an ICE officer may place an alien into Federal custody. This is done on all kinds of crimes throughout the country. People are arrested in Alabama; Georgia has charges against them, and they send a detainer. If someone is arrested in Illinois and the Federal Government has a charge against them, they place a detainer. So when they are finished in that trial or with their sentence, before they are released out on the street, they are turned over to the other jurisdiction. Maybe it is a murder charge. Maybe it is a serious felony charge. This happens every day in America. It is common practice. If it were to cease, law enforcement in this country would be dealt a devastating blow.

Cook County has decided that it gets to decide who gets deported from the country and when, and acting in this way directly undermines Federal law enforcement. When testifying before the Senate Judiciary Committee last week, Department of Homeland Security Secretary Janet Napolitano said, incredibly, that she has had no contact

with Cook County and has had no discussions with the Attorney General of the United States on this issue.

So today Senators GRASSLEY, CORNYN, COBURN, and I sent a letter to Secretary Napolitano, and we requested that she and others in the administration consider taking action against Cook County and other local jurisdictions that purposefully and deliberately undermine the laws of the United States and offer sanctuary to illegal aliens who have broken our laws by entering the country illegally. Is there no consequence to that in this country now? If that is so, aren't we, in fact, putting up a sign on our borders that says: Just get by the border and you are home free, nothing will ever happen to you. Isn't that a magnet to more illegal immigration? Isn't that a mixed message to the world? Don't we need to be sending a good and decent message; that is, we believe in immigration. We are a nation of immigrants. We have the most generous immigration laws in the world, but you must comply with them. We can't accept everybody who would like to come whenever they would like to come. We have to ask people to file applications, meet certain qualifications, and come when your time has come to come to America.

That is what law is all about. That is why people want to come to this country, frankly, because in their countries they have no law, and they don't have the opportunity to earn something and be able to keep it.

Since the implementation of this ordinance in Chicago, over 40 suspected illegal aliens arrested on felony charges have been released from Cook County jails. Last week, the Executive Associate Director of Enforcement and Removal Operations at the Federal Department of Immigration and Customs Enforcement, ICE, told my staff that Cook County presents a major problem for immigration enforcement efforts. In fact, he said that Cook County, IL, is the most egregious example of sanctuary city policies and is "an accident waiting to happen." Yet the head of the Department of Homeland Security stands silent, and the Justice Department is too busy prosecuting States that are trying to cooperate and uphold the law of the United States.

Senator DURBIN said that no State is above the law, but it is these sanctuary jurisdictions, such as Cook County, and not States such as Alabama, Arizona, South Carolina, and Indiana that need to remember they are not above the law.

The truth is that this is yet another example of a longtime trend in Chicago of elected officials placating immigration law breakers while thumbing their noses at Federal law enforcement, jeopardizing public safety, and pretending that what they do is honorable and good and for the taxpayers who

elected them. But releasing dangerous criminals is a dangerous thing to do. Releasing dangerous criminals—it could be a person who goes and murders someone, as we have seen time and time again.

The Cook County commission passed this order less than a month after Chicago-based open-borders group National Immigrant Justice Center sued the Department of Homeland Security, challenging the constitutionality of these ICE detainers—things that have been done by every State, city, and county throughout America for decades, hundreds of years—since the founding of our Republic, I suppose. The lawsuit undoubtedly influenced the Cook County commission. They decided they would be open about it in voting in favor of this ordinance. So if one of those illegal aliens arrested on felony charges and released by Cook County commits a crime now, Cook County officials are to blame for it.

We should not release someone when the Federal authorities place a detainer on them. They do not do that very often. They do not do it nearly enough, frankly. So there will be a good reason for sure if they place a detainer on them, and to ignore that is really stunning.

So sanctuary jurisdictions such as Cook County, IL, undermine the ability of law enforcement personnel to enforce the laws that are on the books now and represent a threat to our security. These jurisdictions cannot choose if and when they will turn over illegal aliens charged with a crime and wanted by ICE.

So if we are going to talk about who is and who is not above the law, I suggest that my good friend—and we have worked together on a number of things, some of them criminal justice issues—the Senator from Illinois needs to clean up his own backyard rather than casting unfounded criticisms on States that are taking up a valuable effort to see that our immigration laws actually are enforced, to help end the lawlessness that has caused so much disruption in our country and upset the American people.

The American people are not anti-immigrant. We are a nation of immigrants. The American people are not opposed to people being able to come to our country. The American people do not dislike people who are here. Their anger is basically addressed to those of us in authority who are failing to maintain a lawful system of immigration, one that we can be proud of, one that is consistently enforced throughout the country. I believe that is what we should be striving for in our Nation, and if somebody wants to change the law and allow more people to come or fewer people to come, let's vote on it and have it right here on the floor of the Senate, and maybe we can have some changes.

But, fundamentally, it is the duty of Homeland Security, it is the duty of the Department of Justice to enforce the laws as they exist. They do not get to make the laws and enforce them. It is the duty and responsibility of Cook County to participate with the Federal Government in fulfilling its basic duties, such as honoring detainment. When you do not have that, we have a real problem in our country.

So I would suggest that the Attorney General take a little timeout from his lawsuit against Arizona or Alabama or other States and focus a little bit of his attention on a major jurisdiction such as Cook County that is willfully and deliberately acting to undermine Federal law enforcement.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise today to speak on the bill before the Senate—the Rebuild America Jobs Act. The Rebuild America Jobs Act contains a variation of a bill that I cosponsored with Senator KERRY—we call it the BUILD Act. It is the Building and Upgrading Infrastructure for Long-Term Development Act, and so we call it BUILD. But the changes that have been made in the bill that is before us today are untenable, and I cannot support it.

Last March, I introduced the bipartisan BUILD Act along with Senators KERRY, WARNER, and GRAHAM. It puts forward a method of addressing our infrastructure needs that I think is the right way forward. The need and demand for greater infrastructure investment is unprecedented. The American Society of Civil Engineers estimates that a \$2.2 trillion investment is needed over the next 5 years to restore our infrastructure to an adequate condition. Ignoring these needs hampers our economic growth, impedes the flow of inter- and intrastate commerce, and slows the development and distribution of domestic energy production. We should consider new, innovative ways of financing our infrastructure. Traditional government mechanisms alone cannot keep pace with our national demand.

Our legislation—Senator KERRY's and mine—creates the American Infrastructure Financing Authority. This would be an independent authority designed to facilitate private investment in critical infrastructure projects. It is designed like a bank, providing loans or loan guarantees for regionally or nationally significant projects in transportation, energy and water sectors.

Let me emphasize that this will not provide grants. Grants will not be given. They will not be allowed. Nationally significant projects or regional projects would be at least \$100 million. There is a \$25 million category for rural areas, but we are not looking at a stimulus where we go in and provide financing for small projects. This is for dams, for desalination plants, or for an electric grid that isn't working and causing brownouts in major areas.

We are talking about big dollars that are not easily raised in the government sector or the private sector alone because it doesn't make economic sense, unless we put the loans and the loan guarantees together. There is a prohibition against spending more than 50 percent of the project cost, and the other 50 percent has to have come from another source—a private source or a State or local government source.

In addition, there has to be a revenue stream that will have the ability to pay this loan back. We want the loans paid back so that more infrastructure can be built. So we are talking about a revenue stream from, say, water bills, if it is a water desalination plant that is going to provide water for economic development, or if it is a dam that is going to provide electricity, we have electric bills. But we have to have a revenue source. So we have narrowed our legislation so that it will have the ability to pay back the loan. It is going to be something that can work.

In its first 10 years, it is estimated that our BUILD Act would provide \$160 billion in financial assistance for major projects like this. So if it would be highways or bridges, there would be a toll that would be necessary for the transportation—something that would have a revenue stream to pay these back but allow them to be built because the private sector is sitting on the sidelines right now.

The bank would not replace our existing Federal funding mechanism, but it would supplement them for the large projects that have a major public benefit. The bank administering this fund would apply sound underwriting principles to assess the risk of a loan or loan guarantee.

The BUILD Act would require an initial appropriation. Senator KERRY and I have committed to identifying a reasonable offset. Additional deficit spending has never been an option for the BUILD Act. So it would be \$10 billion that would be taken from a program today and put into this long-term bank so we can match loans and loan guarantees with private funds or State or local funds and do big things, not little things, except in rural areas where there is a \$25 million threshold. It is going to be \$100 million or more, and no more than 50 percent of it can be from this program.

I appreciate the fact the bill before us incorporates some elements of the

BUILD Act and seeks to correct some of the flaws in the previous infrastructure bank proposals that have been put forward by the administration. However, I think the differences between our BUILD Act and the legislation brought forward by the majority leader take away the bipartisan appeal of the bill.

Let me also say there is in this legislation—in addition to the \$10 billion in the long-term plan Senator KERRY and I introduced—a \$50 billion stimulus package, which is why I couldn't possibly support this bill. It is another \$50 billion stimulus package. I appreciate the need for investment—obviously, that is why I support the BUILD Act—but \$50 billion in the bill in addition to the \$10 billion bank is more of the same type of stimulus that has not worked. It is more debt. Well, I guess it isn't more debt because they pay for it with a tax, which is even worse. The bill before us has the \$50 billion added to it, and it is paid for with a surtax on people who are making more than \$1 million a year, and mostly from their businesses. That is why I can't support it. It proposes a permanent tax increase to pay for a temporary spending program. That is bad policy in itself.

Raising taxes on incomes that would harm business owners and job creators is part of the reason people aren't hiring today. The President keeps talking about more taxes on business. On top of the Obama health care plan, it is causing businesses not to hire people, and we have a 9-percent unemployment rate in this country.

So I think it is important we defeat the bill before us and try to come up with something that is more akin to the BUILD Act that Senator KERRY and I have put forward. Data from an August 2011 Treasury report says four out of five people who would be hit by the surtax are business owners—the same people we need to encourage to create jobs.

I think it is going to be essential, if we are going to try to create jobs in our country, that we stop talking about surtaxes on businesses. We have to stop talking about more costs, and we have to stop the overregulation. We have overregulation, the talk of more taxes, and we have the Obama health care plan that is going to have fines and taxes that are coming after the next election when that all comes together. Businesspeople are seeing this and saying: I am going to hold where I am now instead of hiring people and getting our economy jump-started.

So I think job creation should be the key of anything we do in this Congress. It should be our focus. It should be the priority, and that means we should have conditions in the private sector that will create job growth. The bill before us today is simply another \$50 billion stimulus plan that we have already seen doesn't work, and it is paid

for with a new tax that is going to further stifle business hiring.

Now more than ever we must focus our efforts in this Congress on commonsense measures that will jumpstart the economy and make our businesspeople think it is worth hiring. Then we will have a surge in the private sector, which is the sector that can create jobs that will last.

So I am not going to be able to vote for the bill before us, but I would like to urge my colleagues to look at the Kerry-Hutchison bill that offers a long term approach. It is not going to be immediate because it would take up to a year to set up this bill. But we shouldn't be just talking about today. We shouldn't just be talking about something that will jump-start the economy between now and the end of the year. We should also be looking at the long term as well. We should be looking at the long term fiscal situation and how we assure that not only are we trying to jump-start right now but that we are looking forward to the future. That is what a true BUILD Act would do. That is what an infrastructure bank that is put in place with solid principles would do.

The Kerry-Hutchison bill is such a bill. The bill that is before us is not.

I hope we will be able to have a chance for our bill to go through the Finance Committee and to get suggestions from our colleagues on ways to strengthen it. But the bill before us today would hurt our economy, hurt job creation, and that is not the direction we should be going.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I just left a meeting with President Obama at the White House, and we discussed the jobs bill that is pending before the Senate. It is a bill which the President put together and presented to Congress almost 2 months ago. He invited the Republicans at that time to come forward with their ideas, and hoped that we could come up with a bipartisan approach to dealing with the 9-percent-plus unemployment in our country and the 14 million people out of work, not to mention another 10 million who are underemployed and could do better with a better job.

We had a briefing this morning from an economist from labor and business

who talked about some of the realities facing America today, and they are daunting: that one out of five men in this country is out of work; that we have seen, since 1969, a 28-percent decline in the purchasing power of working families in America; that we are seeing growth rates which are at least anemic and maybe even worse in terms of the future of our economy.

There are those who are criticizing the President and saying his approach is all wrong. But what those who criticize him offer is nothing. Nothing. There is no Republican plan for creating jobs in this country. It is a litany of complaints that they have had about the Federal Government for decades. For example, they argue there are too many rules and regulations, and that is what is impeding job growth.

I spent 2 straight weeks going across Illinois visiting businesses, large and small, that have done well in this recession. Not a single one has raised that issue. None. I don't think that is a real issue. It is an issue that we should be concerned about when it comes to job creation. It is not an issue for causation.

Secondly, the Republican approach has been, and consistently so, that the most important thing they can do is to protect the income taxes paid by the wealthiest people in America. That is not why I was sent to Congress. I believe my responsibility is to look to the common good and beyond the wealthiest in this country, particularly to help working families who are struggling so much.

The bill that will come up tomorrow will give the Republicans a chance to join us again in part of the jobs bill which they used to support. Some of the elements of that bill are pretty straightforward: \$60 billion that will be spent on infrastructure, \$50 billion for transportation funding, and another \$10 billion for the infrastructure bank. Of that, \$27 billion is for highways across America. I will take a big chunk of that in Illinois, and I will bet you will in Colorado. There is plenty to be done out there to alleviate congestion, to make the roads safer. There is another \$9 billion for mass transit. We need it desperately. Mass transit, of course, keeps people off the highways, moves them back and forth to work in a most economical way. Our mass transit systems in Illinois and most places could use a shot in the arm with an investment for safety and for reliability. There is \$4 billion for high-speed inner city passenger rail corridors. That is working in Illinois, proof positive, almost \$1 billion in our State. We got the money, incidentally, that the Republican Governor of Wisconsin said he didn't want. We said we will take it in Illinois and the people in Wisconsin can wave as the train goes by. We are going to put that money into better rail beds, faster service, more reliability.

We broke all records in Amtrak passenger volume a few weeks ago, 30 million passengers, the most ever in any 1 year in Amtrak history. Eighty-two percent of passengers say they are satisfied with the good service of Amtrak. It is an enterprise that has a lot of support in America, and we want it to grow. Unfortunately, the other side has come out against it many times. So the President has put \$2 billion directly into Amtrak. They can use it for new trains, new locomotives, and passenger cars built in America. How about that? Good-paying jobs in our country. There is \$3 billion for TIGER and TIFIA grant loan assistance, \$2 billion for FAA improvement grants, \$1 billion for FAA NextGen air traffic control. And for the record, those of us who fly on airplanes every week think this is long overdue. The air traffic control system in America is based on science that is decades old and goes back to World War II, and it is time to move beyond it. And we can, but we need to invest to make sure that happens. Then there is \$10 billion for the national infrastructure bank. That is absolutely critical for us so that we can continue to grow and continue to build.

When I look at this, what it translates into is pretty amazing. It would put people to work upgrading 150,000 miles of road in America, laying or maintaining 4,000 miles of train tracks, restoring 150 miles of runways at airports, and putting in place a NextGeneration air traffic control system to reduce time delays and add safety. The plan includes \$27 billion for roads and bridges, \$9 billion, as I mentioned, for transit systems, and money for a competitive grant program, \$5 billion, \$4 billion for construction of high-speed rail. It is no wonder this has been supported not only by the labor unions—they want to put people back to work—but by businesses all across America that have an interest in highway construction.

The national infrastructure bank, of \$10 billion, will leverage private and public capital to fund a broad range of infrastructure projects. The bank would be based on a bill introduced by Senators JOHN KERRY and KAY BAILEY HUTCHISON of Texas, which has been endorsed by the U.S. Chamber of Commerce. So if you think these are all Democratic ideas with no business support, one of the central elements here, the infrastructure bank, has the support of the Chamber of Commerce. It builds on legislation offered by Senators ROCKEFELLER and LAUTENBERG, and long-time bank champion Congresswoman ROSA DELAURIO.

How do we pay for this? I think that is where the conversation starts falling apart on the floor of the Senate. We pay for it and don't add to the deficit by adding a new income tax surtax on those making over \$1 million a year. Listen carefully. Those making over \$1

million a year. So you have to already be making \$20,000 a week before you pay the first penny in new taxes, and the tax just applies to the additional money over \$1 million, and it is 0.7 percent.

I want to apologize, for the record. I think I misstated this earlier when I said that for the first \$100 of new income over \$1 million, that those who were millionaires would pay 7 cents more in taxes. I misstated it. I missed it by a factor of 10. It turns out to be 70 cents instead of 7 cents. So the burden is 10 times what I suggested.

For every \$100 a millionaire earns over \$1 million, under this bill to put America to work, they would have to pay 70 cents. The Republicans have said, "Unacceptable." It is unconscionable that we would tax what they call the job creators.

We did a survey, incidentally, and found out that 1 percent of small business owners make \$1 million or more—1 percent. For 99 percent of small business owners this is no tax increase, so it is not hurting job creators. It is creating jobs and that is what we need to do, and I cannot believe we are going to see this fail tomorrow again because we do not want millionaires to pay 70 cents out of every \$100 more they make beyond \$1 million, 70 cents in taxes. I think it is worth a lot more than 70 cents to get America back to work, and I think the sooner we do it, the better.

The Congressional Budget Office released a report that highlights the trend in household income between 1979 and 2007. As I mentioned earlier, American families, working families, have fallen further and further behind. The data showed that the top 1 percent of earners saw a dramatic increase in their share of household income. The remaining 99 percent were relatively unchanged.

The share of aftertax household income for the top 1 percent of the population more than doubled, climbing to 17 percent in 2007 from 8 percent in 1979. For the top 1 percent of household earners, the highest earners in America, average real aftertax household income grew by 275 percent between 1979 and 2000.

What happen to the others? The top quintiles were receiving 53 percent of aftertax household income in 2007, up from 43 percent in 1979. People in the lowest fifth of the population received about 5 percent of aftertax household income—that is 20 percent of the people receiving about 5 percent of aftertax household income in 2007, going down from 7 percent in 1979.

People in the middle? Three-fifths of the population saw their share of aftertax income decline by 2 to 3 percent in those years, 1979 to 2007.

If you wonder why people are sitting in tents in these "occupy" areas and why there is a rage across America, it has a lot to do with this. People are

working hard, playing by the rules, and falling further and further behind. They are looking up at the top and saying, I don't understand this. Why is it that the bank CEOs are getting multimillion dollar bonuses and the management of my company is getting a dramatic increase, while they tell us we are the most productive workers in the world? It is understandable they want a fair shake, and it starts with putting people to work.

With 14 million people out of work today, getting them jobs where they can start paying taxes instead of drawing benefits is something they want and we should want. It is worth saying to the wealthiest in America, pay your fair share; maybe a little bit more than you did today. If it makes America a stronger nation and the economy stronger, my guess is those folks making over \$1 million a year will prosper too. That has been the story of America. I am sure that story will be repeated.

The question tomorrow is whether there will be a single Republican vote to support us. I am not certain. I have to think back. I do not believe we have had one Republican vote supporting the President's jobs bill so far, any aspect of it. We are going to keep trying, and the American people expect us to.

The President spoke today at Key Bridge, right here between Arlington, VA, and DC, a bridge right near where I went to college and crossed hundreds of times. It is a bridge that needs some work and he was making that point, let's put Americans to work right there, creating good American jobs with this jobs bill. The President made a point of noting that while we are talking about passing a jobs bill in the Senate, the House of Representatives is talking about commemorative coins and reaffirming our belief in the phrase "In God we trust." The President said in the speech there is no doubt in his mind that people do trust in God, they just don't trust in the House of Representatives to get the job done here, to pass a jobs bill that will get people back to work.

That is the challenge we face. That is the challenge America faces, and a bipartisan solution will serve the Nation well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I come to the floor tonight to discuss an issue I have addressed many times in this Chamber over the course of the past few years, and that is the

urgent need for this Congress to come together to pass policies that will spur job creation in our country. I know the Presiding Officer, my colleague from Colorado, has done so in powerful ways himself. I want to talk specifically about the Rebuild America Jobs Act, legislation that is pending as I stand here and as you sit here for Senate debate.

We both know that the Rebuild America Jobs Act is one component of President Obama's comprehensive job creation package which he and the American people have been urging us in this Congress to pass. But my colleagues on the other side of the aisle, the Republicans, have uniformly filibustered the President's comprehensive job creation package, so we are now attempting to debate the package in smaller legislative pieces. This week we are attempting to begin debate on the Rebuild America Jobs Act, which would put hundreds of thousands of Americans back to work rebuilding our crumbling bridges, our roads, and our airports. It is an important bill. It is worthy of this Chamber's debate consideration. It should not be subject to another filibuster that leaves the American people wondering why the heck we cannot charter a path forward that would help create jobs and build our economy.

Before I specifically address what is in the Rebuild America Jobs Act, I thought it would be informative to briefly talk about how our economy got in the rough place it is in today. We are 3 years removed from a near global economic meltdown. If you think about it, in the final year of the Bush administration we lost nearly 4.5 million jobs. That is very significant. Our economy was bleeding over 800,000 jobs a month when President Obama was sworn in. Credit markets were frozen, job losses mounted, and there was real concern that we as a nation risked slipping into another Great Depression. The Presiding Officer remembers all too well, as we all do, the concerns and the dynamics that were present at that point.

Fortunately, President Obama took a leadership role and the Congress worked with him to take steps to avert a catastrophe. But we are left with an enormous hole we are trying to climb out of. Beginning in 2009, we slowed the economic free fall that we passed and we put an end to the great recession—at least on paper. The Presiding Officer knows that. But, as typical of any recession, let alone the great recession, job growth has trailed economic growth.

Under the President's leadership, in the last year and a half, the economy has added nearly 2 million jobs. We are nearly halfway restoring the jobs lost under the Bush recession. Yet with unemployment standing at 9.1 percent nationwide, we still have a long way to go.

As I mentioned at the beginning of my remarks, in order to speed up economic recovery and bring down this stubborn unemployment rate, the President presented to us a few months ago an ambitious job creation package called the American Jobs Act. The bill, which consisted of bipartisan proposals, as we well know, proposals that both parties had supported time and time again, ran into a wall of uncooperative partisanship in this Chamber and was grounded by a Republican filibuster.

Mr. President, you and I both adhere to the concept of bipartisanship, working with the other party, but this kind of obstructionism has become way too common in the modern Senate and it truly is getting in the way of our capacity, our desire to create jobs. I say that in a plain and simple way. It has put in jeopardy our future, frankly. We have to win a global economic race. We have traded the burden of governing—I should say also the responsibility of governing and legislating—for seemingly a set of ideological positions and gamesmanship, and you know and I know Coloradoans are flat out tired of it. They want their elected leaders to lead, to work across the aisle and produce some results that will help working Americans, will help small businesses.

I could not agree more with our citizens at home. I have to say that I think impartial observers would say with regularity, tea party interests in the Congress have taken our economy, have walked our economy, driven our economy to the edge of a cliff with the repeated threats of a government shutdown. If I could use the words of my colleague from Colorado: Can you imagine a city government leader allowing Denver, for example, to forfeit and default on its financial obligations? It would not happen. It feels as though we are creating in this Congress crises out of thin air, to rattle our economic markets.

You do not have to look back to August, to those dark days when the debate over the debt ceiling and then threat of default was an economic crisis completely of this element's own making. Then what followed? What was predicted to follow: Our credit was downgraded and it had economic effects.

I have been meeting with businesspeople this week who can give you example after example. I was a businessman in the private sector. My colleague from Colorado was. We know the Federal Government can only do so much to grow jobs and positively affect the economy. But when you have self-inflicted wounds, such as those that were produced in August, you are going to stifle recovery and you are going to create real business uncertainty in the private sector.

If we were serious about economic recovery, we would stop taking the Federal budget to the brink of disaster at every opportunity. I know there are people in this town who want to score points, but hard-working Americans, hard-working Coloradoans, and our businesses ultimately pay the price for this kind of increased uncertainty. If we were serious about providing businesses, particularly small businesses, with the capital they need, we would look for opportunities to do so.

One of the ways I believe the Senate could help would be to consider and pass a bipartisan piece of legislation that I have introduced now in a series of Congresses that will double the amount of loans credit unions can offer to small businesses.

This would literally help tens of thousands of Americans. It would allow businesspeople to create jobs for hundreds of thousands of Americans and there would be no cost to the American taxpayer. This is a form of lifting a regulation. Credit unions are overly regulated and this simple change in the policy that applies to their access to the small business sector would make a difference.

Instead—and this pains me to say—what I hear from the other side of the aisle, what my Republican colleagues offer are proposals that rely almost entirely on attacking the administration or suggesting that we implement the failed policies that got us into this situation in the past. This is one area where the commonsense rules that protect our consumers and preserve our clean air and our clean water are designated as the problem. There is, frankly, scant evidence to support their regulatory boogymen. They offer no hard evidence of these claims. I am convinced the constant drumbeat about regulations is more harmful to our country's job creation potential than the alleged effect of the regulations themselves.

In fact, a recent Bloomberg study noted that this administration has issued 5 percent fewer regulations than the Bush administration at the same juncture. Economic data shows that these regulations have a minor effect, if at all, on the economy. I have in hand studies that show the right kinds of regulations, particularly when it comes to protecting the public's health, that actually can create jobs. The Assistant Secretary of Economic Policy at the Department of the Treasury recently wrote: "None of these data support the claim that regulatory uncertainty is holding back hiring."

On the contrary, she found that a lack of demand in the market and global financial and economic conditions are the primary culprits for our slow recovery.

This jives with what we hear generally from business leaders who, by large margins, point to a lack of de-

mand and uncertainty in the marketplace as the primary barriers to their businesses, not Federal regulation. What feeds this uncertainty and lack of demand is the constant political threats to send our economy off a cliff and the constant scare campaign that tells Americans to fear the Obama administration.

I am not unsympathetic to the plight of the regulated sectors of our economy. President Obama said it well. He said: "We should have no more regulation than the health, safety, and security of the American people require," and we should make compliance with the ones we do have as easy as possible. I don't want to overstate this, but that is why I have taken steps to eliminate unnecessary Federal redtape, such as easing the cap on how much credit unions can loan to small businesses. But to constantly spread fear about our Government's work to provide oversight and protect clean air and clean water is a further uncertainty and worsen the lack of demand we see in the economy.

To break through this nonsense—and I don't use this word lightly—this "nonsense" about the effect regulations are having, President Obama has offered a real path forward based on sound economics and bipartisan ideas. The Rebuild America Jobs Act was introduced yesterday. As I said, it is a part of the President's overall comprehensive approach. I hope we can move to debate this important infrastructure bill.

We are going to have a vote tomorrow morning, I believe, that would allow the Senate to move to actually debating the bill, and it would significantly and immediately boost job creation across the country. We would be able to ensure that we keep our roads and our bridges and other infrastructure safe, while investing in new projects that will stimulate businesses to invest and begin to create new, good-paying, American-based jobs, the type of jobs that cannot be shipped overseas. The American people, without question, overwhelmingly support the ideas in this projobs bill. It is all about investing in the future of hard-working Americans and making sure they have the tools to achieve the American dream.

In Colorado alone, the investments for highway and transit projects in the bill are estimated to support the creation of at least 6,400 local jobs. We would accept those jobs in a minute. We know those people. We know the construction sector is one of the ones languishing in our State. These are trained, committed Coloradans who are dying to improve our State, to improve our infrastructure, to improve our economy. Why is that important beyond our State or beyond our country? We cannot compete if we do not have the infrastructure that allows commer-

cial activity to thrive. That has been one of our competitive advantages for decades. Our competitors are not sitting back and waiting for us. They are investing in their infrastructure now. We don't have to go any further than China, India, Africa, South America. Those countries and continents are investing in their infrastructure.

What was heartening is that recently we have seen a great coalition, one that maybe we could mirror in the Congress, to support the President's proposal. That is the AFL-CIO, the leading labor organization in the United States that speaks for all the various unions across our country, allied with business interests such as the U.S. Chamber of Commerce. These are diverse interests. They are often at loggerheads. They have come together to urge us to pass such a measure that would build America.

The bill will not solve all our infrastructure challenges. It will not respond to every infrastructure opportunity we have. For example, we ought to reauthorize the Federal Aviation Administration. That is another less-than-valiant effort we made this year. As the Presiding Officer knows, we left in August with the FAA not funded and that cost us some economic growth. It put people out of work. Even for a week or two, that was too much time to be out of work. We ought to fully reauthorize the Federal Aviation Administration and in the process upgrade our national system of air travel.

I served in the House. I worked on the NextGen concept, which would upgrade the way in which we direct airplanes to travel across our country using satellite technology. Now we use radar technology. That is a 20th century technology. We need a 21st century technology. So let's pass a full authorization of the Federal Aviation Administration. We ought to pass a robust highway bill. For too long we have not had the full funding and full direction on a robust highway bill. I wish to applaud the bipartisan work that has gone into that. Senators BOXER, INHOFE, and VITTER have taken the first steps on a bipartisan proposal to do just that.

I note that many of my Republican colleagues object to the Rebuild America Jobs Act on the grounds that we would pay for it with additional revenue from those who make annually more than \$1 million. I wish to point out that the American people disagree with them. Polls show close to 70 percent of Americans support offsetting the costs of the bill—because we are going to pay for this. We heard that message loudly and clearly; that those who make over \$1 million a year could help shoulder more of the burden. I know I talked to people who have done quite well at home in Colorado who are willing to make that kind of investment if they see the return on the investment. The American people are

ahead of us on this. They know it is a matter of simple fairness.

If I were in an ideal world—therefore, I am running the show—I would make some changes to the bill to address our broader infrastructure challenges. I would fold in the FAA; I would fold in the highway bill I mentioned. But let's take the first modest step. Let's open the floor of the Senate to debate on the Rebuild America Jobs Act just like the American Jobs Act more generally. We could discuss how to pay for it and what are the best mechanisms. Perhaps there is another way to pay for it, but let's begin the process.

I wish to close by focusing on our home State of Colorado. I return home, as the Chair does, almost every weekend and take the time to hear out my fellow citizens and those who hired me to represent them in the Senate. They will briefly complain about our inability to get things done, as we know, even the simplest things it seems like this year. I know my colleagues have similar experiences. But they quickly move to what they are doing at home and how they are making their lives better. I get energized by their commitment to working in their own communities. The other thing I don't hear much at home is a litmus test as to what political party we are a member of or what their concerns are about who is up for reelection next year. They come together all across our State, in Alamosa and Durango and Grand Junction, Sterling, and the list goes on and on of communities that come together. That isn't to say there isn't disagreement or that the solution comes easy, but they don't deal in the kind of partisan bickering that has become so common here.

I know the Presiding Officer feels that sense of possibility at home. So let's match that sense of possibility. Let's match their energy. We can take some heart from the fact that our economy is beginning to show some signs of improvement.

The Department of Commerce report showed a 2.5-percent growth in Gross Domestic Product. That is welcomed news and signals that we are slowly making progress. I want to underline unemployment remains stubbornly, maddeningly high at 9.1 percent. We must do better. I hope we can start by a minimum voting tomorrow to at least debate the Rebuild America Jobs Act.

Let's end the filibusters, particularly when it comes to starting a debate. Literally, we are not even going to debate this bill. If we were to open the debate tomorrow, in a few days' time, we would have to have an additional cloture vote to end debate on the vote itself. If the minority and my Republican colleagues don't want to move to end debate, they certainly have that option at that time.

Let's keep faith with the description of the Senate, which was one of my mo-

tivations for wanting to represent Coloradans here, which is the most deliberative legislative body in the world. If we are the Chamber that many look to for debate, for time spent to understand the best policies for the country, let's keep faith with that. Let's keep faith with our obligations as Senators. So the time for filibusters is over. Let's go to work on behalf of the American people.

I remain optimistic. I think we can bring forth creativity and a sense of cooperation. That is what we see at home. That is what happens in Colorado. That is what happens in all the States that are represented here. That is the American way. Let's bring the American way to the Senate and put Americans back to work.

I thank the Chair for his patience, his interest, his partnership, his service to the State of Colorado and the United States itself.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, November 3, 2011, when the Senate resumes consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act, it be in order for the Republican leader or his designee to move to proceed to S. 1786; that the motions to proceed be debated concurrently, with the time until 3 p.m. equally divided between the two leaders or their designees prior to votes on the motions to proceed in the following order: Reid motion to proceed to S. 1769 and McConnell or designee motion to proceed to S. 1786; that the motions to proceed each be subject to a 60-affirmative-vote threshold; that if the Reid motion to proceed is agreed to, the vote on the McConnell or designee motion to proceed be delayed until disposition of S. 1769; finally, that the cloture motion with respect to the motion to proceed to S. 1769 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I now ask unanimous consent to move to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mr. DURBIN. Mr. President, what if I came to the floor today and said I have

a new law I want to introduce, and here is what it says: If you stop motorists across America, anywhere across America—for speeding, reckless driving, driving under the influence—you can not only arrest that motorist, you can arrest the child in the backseat. You can tell that child in the backseat, maybe 2 years old or 5 years old, you have to pay a price because your parent broke the law. People would laugh me out of the Senate Chamber. That is not right. That is not the way we handle justice in America. You do not impose a penalty on children because of the wrongdoing of their parents.

Keep that in mind for a moment because I want to tell you a story, a story that goes back 10 years in Chicago, IL, when a Korean-American woman called my office in Chicago and said, I have a problem. Actually, I have a good thing to tell you, she said. My daughter, who is graduating from high school, is an accomplished concert pianist. She has gone through the Merit Music Program in Chicago, a wonderful program that allows kids—not from the wealthy families but kids from families of lower income groups—a chance to own musical instruments or take musical lessons and see if they thrive—and they do; 100 percent of them go to college.

Her daughter was one of them, a concert pianist graduating from high school, and her mom said: She has been accepted at the Juilliard School of Music in New York. We cannot believe it. She said: I run a dry cleaner and my daughter is going to the best music school in America, and the Manhattan Conservatory of Music has also accepted her. She sat down and she was filling out the application, and she came to the box which said nationality, citizenship, and she said: USA, right? And her mom said: You know, we brought you here when you were 2 years old, from Korea, and we never filed any papers. So I don't know what to call you at this point, I don't know what your legal status is. Your brother and sister were born here and they are American citizens. The mom said, I am a naturalized citizen but we never filed any paperwork for you. I don't know what to tell you. They called my office. We checked the law. Do you know what the law said? The law said that young girl had to leave the city of Chicago and America for 10 years—10 years—and then apply to come back in. You see, her mother did not file the papers, and at age 2 she became undocumented and illegal.

That is not right. It is no more just than to arrest the child in the backseat for the speeding parent. But it was happening right before our eyes. We started looking at it, and said the only way to deal with this is to change the law, and here is what we said. If you came to the United States as a child under the age of 16—as a child; if you finished high school; and if you had no problems, no significant criminal record—

we will give you two chances to become a legal person in America. First chance: Enlist in our military. If you are willing to risk your life for this country, you deserve a chance to be a citizen. Second: Finish at least 2 years of college. Not a lot of kids do that, but if you finish 2 years of college we will give you a chance to be legal. We called it the DREAM Act. For 10 years I have been standing on the Senate floor trying to pass the DREAM Act.

Time and again we have had a majority vote here. The last time I think there were 55, if not 53, Senators. But because it is controversial, someone objected and we needed 60 votes and we failed.

When I first introduced this bill, I would stand up in the Hispanic neighborhoods of Chicago and I would talk about it. A lot of people would listen intently. Then I would leave and go outside to my car to leave and, without fail, usually in the dark of night, there would be a young person standing by my car and that person would say to me: Senator DURBIN, I am one of those kids. Can you do something to help me? Can you pass the DREAM Act? Many of them with tears rolling down their cheeks, and they would tell me their stories, how they had no future, no place to go. They couldn't go to college. If they graduated from college, and some of them had, they could not become engineers or doctors or lawyers or what they wanted to be. They were without a country.

Time has changed that approach. These young people no longer stand in tears in the darkness. They filled the galleries last December when we voted on this. They were all over the galleries with caps and gowns like graduates, and signs that said, "I am a DREAMer." They waited and watched, and the bill failed.

It broke my heart, and many of them left in tears. But they are standing up to tell their stories now and some of them are brave enough to stand up and let America know who they are and why they should have a chance. I think they deserve a chance.

Let me tell you right off the bat I have a conflict of interest on this bill. I guess Senators in this time of ethical considerations should confess and make public their conflict of interest. See, my mother was an immigrant to this country. She would have been a DREAMer in her day. She was brought in at the age of 2 from Lithuania 100 years ago. It was only after she was married and had two children that she became a naturalized American citizen. I have a naturalization certificate upstairs in my office. I am very proud of it. She passed on. She saw me sworn into the Senate and passed on a few months after that.

As her son, first-generation American, son of an immigrant, I stand here as a Member of the Senate, a privilege

which barely 2,000 Americans have ever had. It says a lot about my family but it says a lot about America that I had my chance; the fact that my mother came here at the age of 2, perhaps under suspicious circumstances, and was given a chance to become an American citizen, raised a family, worked hard, sent her kids to school, and saw one of them actually end up with a full-time government job as a U.S. Senator.

That is why when I hear this debate across America on immigration I wonder who these people are who are talking about how evil and negative it is to have immigrants in our country. I just left an historic ceremony a couple of hours ago. It was at the hall in the new Visitor Center, Emancipation Hall. I could not believe my eyes. It was a special Congressional Gold Medal honoring those Japanese Americans who served in World War II. What astounded me was the number who showed up. These are men who have to be in their eighties and nineties, who came there to be honored with this Congressional Gold Medal, people of Japanese ancestry, whose parents and relatives were often sent to interment camps, and asked for the chance to risk their lives and serve America in World War II and ended up being some of our most heroic warriors.

I looked at that audience and I wondered if some of the critics of immigration would criticize these men and their families, men who had literally risked their lives—some lost their lives—many of whom were seriously injured.

I am honored serving with so many great people in this Senate, but none more than DANNY INOUE, who is in my estimation a true American hero, a recipient of the Congressional Medal of Honor for his service in the 442nd, and a man who still comes and leads the Senate as chairman of the Senate Appropriations Committee. Here was a person who was frowned on and even being spit on for being Japanese at a time when Pearl Harbor was still fresh in the minds of many people. But he said: "Sign me up, hand me a uniform, give me a gun and I will die for this country." He risked his life like thousands of others and I am glad this honor was given today. But it is a constant reminder that we are a nation of immigrants, we are a diverse nation, and it is in that diversity we find our strength. We come from so many different corners of the world and we come to America to call it home. These children are in that same position.

When I see the argument being made in Arizona and Alabama, the anti-immigrant argument being made, I am thinking to myself they are ignoring the reality. The reality is the diversity of our Nation is its strength, the fact that we come from so many different places, drawn and driven to this great

country for the opportunity it offers. The Arizona law that was passed last year requires police officers to check the immigration status of any individual if they have "reasonable suspicion" that he or she may be undocumented. Under this law, any undocumented immigrant can be arrested and charged with a State crime solely on the basis of their immigration status, if they did nothing wrong. It is a crime for a legal immigrant to fail to carry documents proving their legal status at all times in the State of Arizona.

It doesn't sound right to me in this Nation of immigrants. Last year it was Arizona. This year it is Alabama. Arizona Gov. Robert Bentley recently signed H.R. 56, Alabama's immigration law that requires police officers to check immigration status of any individual they suspect is undocumented. Any undocumented immigrant can be arrested and charged with a State crime. Legal immigrants must carry documents proving their legal status at all times.

It is wrong to criminalize people based solely on their immigration status. That is not the way we treat immigrants in our country and that is not the way our criminal justice system should work. It is not right to make criminals of people who go to work each day, cook our food, clean our hotel rooms, and care for our children and parents. It is not right to make criminals of those who worship with us in our churches, synagogues, and mosques, and send their children to school with our own kids.

I think about this and I think about what a blind eye some of the backers of these laws have when they walk into a restaurant in a major city and don't look up and notice who is cooking, who is cleaning the dishes, who is taking care of their parents at the nursing homes, who cut the grass at the golf course. Many of these people are undocumented. We know it but we are not calling for them to leave. They are serving us, right? No, with these laws we are condemning those in similar status.

Here is the reality. Criminalizing immigrants will not help combat illegal immigration. Law enforcement does not have the time or resources to become the immigration office of America. That is why the Arizona Association of Chiefs of Police opposes the Arizona law. It makes it more difficult for them to keep people safe—not easier, more difficult. Immigrants will be much less likely to cooperate with police who can arrest them on the spot.

Alabama's law goes even further. Most contracts with undocumented immigrants are declared null and void, including, for example, rental agreements and child support agreements. Schools have to check the immigration status of every student and parent and report that information to the State.

Schools are authorized to report students and parents they believe to be undocumented to the Federal Government.

I am concerned about the use of our schools in enforcing immigration laws. The Supreme Court has made it clear that it is constitutional to provide elementary education to children and not discriminate based on their immigration status. The Education Department of our Federal Government has warned States, including Alabama, not to use education as a device to exclude those students who are otherwise eligible to be taught.

It is good to tell these stories. It is good to speak to these issues. But what I found over the years—and I am sorry it has been years; I wish we had passed this long ago—the best way to tell the story of the DREAM Act is to tell the story of the DREAMers. Let me tell you a couple at this moment.

The first is about Amanda Uruchurtu. Here is Amanda. She is a pretty young woman. She was brought to the United States at the age of 10. She lives in Tuscaloosa, AL. When Amanda first arrived here she did not speak a word of English. She sent me a letter about what it was like, and here is what she said:

I remember how frustrating it was in school because I had no clue what was going on, but I told myself that all the frustration and fear should be blocked and I should concentrate on learning English. . . . Some made fun of the way I talked but that helped because it made me work even harder and try to assimilate even more. Little by little I worked with my accent to the point that it was hardly noticeable.

There is Amanda. When she started high school she decided she knew what she wanted to do with her life. She wanted to serve in the U.S. military. She was No. 5 in her high school class. She was a member of the National Honor Society and, listen to this, she received the Daughters of the American Revolution award at her high school. Amanda overcame great obstacles and wants to be part of America's future.

She asked, when she wrote to me, if I would tell her story and let those who hear it know that Amanda wants to serve in the U.S. military, but under our law she cannot. She is undocumented. If the DREAM Act passed she would have her chance.

Here is another story, another lovely young lady, Karla Contreras, brought to the United States at the age of 3. Today Karla is 16. She lives in Pelham, AL. She is a sophomore in high school.

She is a leader in the Alabama Dreamers for the Future, an organization of students of similar status, in her State. Her dream? To become an attorney. Her family's considering moving to Washington State because of this new Alabama law, this anti-immigrant law. Here is what Karla wrote to me:

I have never really lived anywhere besides Alabama. I have been here practically all my life. Alabama is my home.

Karla sent me a powerful essay about the Alabama immigration law. She said:

All that people want is a better future, a job to maintain them in an average way, a place they can call home with no fear of being kidnapped by a drug dealer, a place where they are not afraid to walk out to their yard. It is so hard for me to see how these things could be a crime in anyone's eye. This law is putting children in fear for their parents. Now tell me who on earth would want to purposely frighten a child.

In 1982, Texas passed a law that allowed elementary schools to refuse entrance to undocumented children. The Supreme Court of the United States of America struck down that law. As a result, millions of children have received an education and millions have become citizens. They are doctors, soldiers, policemen, lawyers, engineers, and businesspeople who make America a better nation. Imagine what would have happened if the Texas law had been allowed to stand. Incidentally, that is exactly what Alabama wants today. Alabama should know—every State should know—that no State is above the law. No State is above the findings of our Supreme Court.

The American people have a right to be frustrated. Congress has repeatedly failed to fix our broken immigration system. The casualties—many are young DREAMers whom I talked about today, and many have been around many years and still live in the shadows and live in fear every single day. We are a better nation than that. We are a nation of immigrants, a nation of justice, and a nation that can find its way to give an opportunity to young people who have attended school every day, stood, put their hand over their heart, and pledged allegiance to the only flag they have ever known. They are asking for a chance to be part of the future of America.

I urge my colleagues on both sides of the aisle to help me pass the DREAM Act.

CRIME VICTIMS' RIGHTS ACT

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Attorney General Holder.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, November 2, 2011.

Hon. ERIC H. HOLDER, JR.,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: I am writing to follow up regarding my June 6, 2011 letter to you concerning the Justice Department's implementation of the Crime Victims' Rights Act—an Act that I co-sponsored. I am writing to ask why the Justice Department persists in taking the view that

the CVRA does not extend rights to crime victims until the formal filing of criminal charges.

As I explained in my earlier letter to you, Congress intended the CVRA to broadly protect crime victims throughout the criminal justice process—from the investigative phases to the final conclusion of a case. Congress could not have been clearer in its direction that using “best efforts” to enforce the CVRA was an obligation of “[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime. . . .” 18 U.S.C. §3771(c)(1) (emphasis added). Congress also permitted crime victims to assert their rights either in the court in which formal charges had already been filed “or, if no prosecution is underway, in the district court in the district in which the crime occurred.” 18 U.S.C. §3771(d)(3) (emphasis added).

As you know, it has now been more than four months since I sent the letter to you explaining this clear point. In those four months, I have not received any response from you. Instead, during that time, on October 1, 2011, you promulgated new Attorney General Guidelines for Victims and Witness Assistance. These Guidelines persist in misconstruing the CVRA so that it does not extend any rights to victims until charges have been filed. Your Guidelines state: “CVRA rights attach when criminal proceedings are initiated by complaint, information, or indictment.” Guidelines at 8.

The Guidelines you have promulgated now conflict quite clearly with the CVRA's plain language. This is not simply my view. One court of appeals has addressed the issue of whether the CVRA applies only after charges have been filed. In *In re Dean*, 527 F.3d 391 (5th Cir. 2008), the Department took the position that crime victims had no right to confer with federal prosecutors until the Department had filed a plea agreement in court. The agreement involved a corporation (BP Products North America) whose illegal actions had resulted in the deaths of fifteen workers in an oil refinery explosion. In rejecting the Department's position that it did not have to confer with victims earlier, the Fifth Circuit held that “the government should have fashioned a reasonable way to inform the victims of the likelihood of criminal charges and to ascertain the victims' views on the possible details of a plea bargain.” *Id.* at 394.

In spite of this binding decision from the U.S. Court of Appeals for the Fifth Circuit, you have now promulgated guidelines that directly conflict with that decision. As a result, it continues to appear to me (as I noted in my earlier letter) that your prosecutors are failing to extend rights to potentially thousands of crime victims within the Fifth Circuit in Louisiana, Mississippi, and Texas.

The Fifth Circuit's decision is hardly an outlier. To the contrary, so far as I have been able to determine, the Fifth Circuit's position is supported by all other court decisions that have decided the issue. For example, in *United States v. Rubin*, 558 F.Supp.2d 411, 419 (E.D.N.Y. 2008), the court discussed a claim by various movants that they had been victimized by a criminal fraud. The court explained that CVRA can attach before charges are filed:

Quite understandably, movants perceive their victimization as having begun long before the government got around to filing the superseding indictment. They also believe their rights under the CVRA ripened at the

moment of actual victimization, or at least at the point when they first contacted the government. Movants rely on a decision from the Southern District of Texas for the notion that CVRA rights apply prior to any prosecution. In *United States v. BP Products North America, Inc.*, the district court reasoned that because §3771(d)(3) provided for the assertion of CVRA rights “in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred,” the CVRA clearly provided for “rights . . . that apply before any prosecution is underway.” *United States v. BP Products North America, Inc.*, Criminal No. H-07-434, 2008 WL 501321 at *11 (S.D. Tex. Feb. 21, 2008) (emphasis in original), mandamus denied in part, *In re Dean*, 527 F.3d 391 (5th Cir. 2008). But, assuming that it was within the contemplation and intent of the CVRA to guarantee certain victim’s rights prior to formal commencement of a criminal proceeding, the universe of such rights clearly has its logical limits. For example, the realm of cases in which the CVRA might apply despite no prosecution being “underway,” cannot be read to include the victims of uncharged crimes that the government has not even contemplated.

Rubin, 558 F.Supp.2d at 419.

United States v. Okun, 2009 WL 790042 (E.D. Va. 2009), also reached the same conclusion that CVRA rights can apply before charges are filed:

Victims have been permitted to exercise CVRA rights before a determination of the defendant’s guilt. See, e.g., *United States v. Edwards*, 526 F.3d 747, 757–58 (11th Cir. 2008); *In re Mikhel*, 453 F.3d 1137, 1138–39 (9th Cir. 2006) (per curiam); see also *United States v. Rubin*, 558 F.Supp.2d 211, 418 (E.D.N.Y. 2008) (anyone the government identifies as harmed by the defendant’s conduct is a victim). Furthermore, the Fifth Circuit has noted that victims acquire rights under the CVRA even before prosecution. See *In re Dean*, 527 F.3d 391, 394 (5th Cir. 2008). This view is supported by the statutory language, which gives the victims rights before the accepting of plea agreements and, therefore, before adjudication of guilt. See 18 U.S.C. §3771(a)(4).

Okun, 2009 WL 790042 at *2.

Also agreeing that at least some CVRA rights apply before charging is *In re Peterson*, 2010 WL 5108692 (N.D. Ind. 2010). The court acknowledged that some rights in the CVRA do not apply before charges have been filed. But the court also specifically held that “a victim’s ‘right to be treated with fairness and with respect for [his or her] dignity and privacy,’ 18 U.S.C. §3771(a)(8), may apply before any prosecution is underway and isn’t necessarily tied to a ‘court proceeding’ or ‘case.’” *In re Dean*, 527 F.3d 391, 394 (5th Cir. 2008); *United States v. BP Products North America, Inc.*, 2008 WL 501321 (S.D. Tex. 2008).” *Peterson*, 2010 WL 5108692 at *2.

The most recent court decision to carefully review the Justice Department’s position is *Jane Does #1 and #2 v. United States*, No. 08–80736–CIV–MARRA/JOHNSON (S.D. Fla. Sept. 26, 2011). In that case, the court flatly rejected the Department’s claim that rights attach only after charges are formally filed:

The Court first addresses the threshold issue whether the CVRA attaches before the government brings formal charges against the defendant[.] The Court holds that it does because the statutory language clearly contemplates pre-charge proceedings. For instance, subsections (a)(2) and (a)(3) provide rights that attach to “any public court proceeding . . . involving the crime.” Similarly,

subsection (b) requires courts to ensure CVRA rights in “any court proceeding involving an offense against a crime victim.” Court proceedings involving the crime are not limited to post-complaint or post-indictment proceedings, but can also include initial appearances and bond hearings, both of which can take place before a formal charge. . . .

Subsection (c)(1) requires that “Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights in subsection (a).” (Emphasis added). Subsection (c)(1)’s requirement that officials engaged in “detection [or] investigation” afford victims the rights enumerated in subsection (a) surely contemplates pre-charge application of the CVRA.

Subsection (d)(3) explains that the CVRA’s enumerated rights “shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred.” (Emphasis added). If the CVRA’s rights may be enforced before a prosecution is underway, then, to avoid a strained reading of the statute, those rights must attach before a complaint or indictment formally charges the defendant with the crime.

Id. at *3–4.

In sum, the plain language of the CVRA—and every reported court decision I have been able to find—all clearly indicate that the CVRA does extend rights to crime victims even before charges are filed. Yet in spite of this, the Justice Department has apparently prepared a new form letter to be sent to victims that specifically tells crime victims that they lack any rights in federal criminal cases before charges have been filed in federal court. As I understand it, this letter will be sent to victims in federal cases around the country (including victims in the Fifth Circuit, the Eastern District of New York, the Eastern District of Virginia, the Northern District of Indiana, and the Southern District of Florida) telling them that they should “[p]lease understand that these rights only apply to victims of the counts charged in federal court. . . .”

Compounding the confusion is the fact that your own Guidelines make it a matter of policy to confer with victims about plea negotiations even before charges have been filed. The new Attorney General Guidelines for Victims and Witness Assistance specifically state: “In circumstances where plea negotiations occur before a case has been brought, Department policy is that this should include reasonable consultations prior to filing a charging instrument with the court.” Guidelines at 41. I can only assume that this new policy has been put in place to avoid the outrageous situations that occurred in the *Dean* case and the *Jane Does* case, where prosecutors did not confer with victims before the Government reached final agreements with defendants. But the policy would seem to be a complete dead letter if you never notify victims that they have a right under the CVRA to confer with the prosecutors.

In light of all this, I am writing to ask you several questions. First, when will you send an answer to the questions I raised in my June 6, 2011 letter? Second, why is the Department failing to follow the CVRA’s plain language, as interpreted by these court decisions, and delaying extending crime victims

their CVRA rights until after formal charges have been filed? And third, what is the Department doing to implement the Fifth Circuit’s binding decision in *In re Dean* that crime victims can have rights under the CVRA even before criminal charges are filed?

Sincerely,

JON KYL,
United States Senator.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

CDBG FUNDING

Mr. CONRAD. Mr. President, as the chairman and ranking member of the Transportation-HUD appropriations subcommittee are aware, I, along with Senators HOEVEN, LEAHY, SANDERS, BLUNT, MENENDEZ, LAUTENBERG, GILLIBRAND, BAUCUS and SCOTT BROWN have filed an amendment, Senate amendment No. 839, to add \$600 million in supplemental community development block grant, CDBG, funding. We deeply appreciate the inclusion of \$400 million in supplemental CDBG funds to aid communities impacted by disasters this year. However, given the magnitude of the damage just in my State of North Dakota from flooding this year, I am deeply concerned that this level of funding will not meet the needs. As many of my colleagues know, the city of Minot, ND, was devastated by a historic flood that impacted more than 4,100 homes and forced the evacuation of 11,000 people. The road to recovery will be long. CDBG offers an important component of the flood recovery effort to assist with buyouts and assistance to homeowners and businesses to repair the damage. My State alone has identified a need of at least \$235 million for CDBG funds. We would like to work with the chairman and the ranking member of the subcommittee in conference to make sure there are sufficient resources for CDBG to meet the needs that exist in my State as well as others most impacted by this year’s disasters.

Mr. HOEVEN. Mr. President, we have seen flooding of historic proportion in North Dakota this year, and, as you know, other States have also sustained severe damages from hurricanes, tornadoes, wildfires and a range of natural disasters. In Minot, my hometown, friends and neighbors were forced to evacuate their homes and live day-to-day in makeshift accommodations. Some are not yet in temporary FEMA housing as winter approaches. Almost as severe as the impact of the floodwaters, however, is the anxiety of not knowing when and how much help is forthcoming from the federal government. The State of North Dakota, local communities, and the Federal Government are already providing extensive assistance, but uncertainty over housing and infrastructure persists in the aftermath of this disaster. We took an

important step forward in the Appropriations Committee 6 weeks ago when we approved \$400 million in supplemental CDBG funding, which goes directly to help with housing for people who have lost their homes. We are grateful to the subcommittee for approving that appropriation, but I am here to tell you there is more to be done. We look forward to working with subcommittee Chairwoman MURRAY and Ranking Member COLLINS to ensure that we do all we can to maximize CDBG assistance to those in need, not just in North Dakota, but across the Nation.

Mr. LEAHY. Mr. President, some of the worst damage caused by disasters around the country has been to the houses, mobile homes and apartments where families have built their lives and made their homes. In Vermont, entire mobile home developments were washed away in Hurricane Irene's fury. Where homes once stood, now lies a path of damage, destruction and heartbreak. Our small State's ability to build new homes depends greatly on support from Federal safety net programs, like the \$400 million in emergency community development block grant funding that we have worked to include in this bill. While this emergency funding is a first step in addressing the urgent housing needs of States like Vermont that have been struck by natural disasters, we know that much more will be needed to help our decimated towns and communities, and their citizens, get back on their feet. I look forward to working with the chairman and ranking member of the subcommittee to ensure that homeowners, businesses and towns have the assistance they need to begin the long rebuilding process. I have not seen damage and destruction of this magnitude in Vermont in my lifetime. Vermont and other states that were hit by Irene are stretched to the limit right now, and just as the victims of past disasters throughout the country were able to rely on their fellow Americans' help in their time of need, so should Vermonters be able to count on a helping hand when they need it most.

Mrs. MURRAY. Mr. President, I recognize the incredible impact of the disasters in your States and other States across the country this year and agree that CDBG is an effective tool in helping aid recovery efforts. The Senators from North Dakota and the Senator from Vermont have been strong advocates for this badly needed assistance. I pledge to work with them to ensure that communities impacted by this year's disasters have the support they need to recover.

Mr. BLUNT. Mr. President, over the past year, Missouri and the entire country have faced numerous natural disasters that devastated the livelihoods of people in our communities. As we work to rebuild, the scope of these

events has placed unusual logistical and financial pressures on rebuilding efforts. Disaster community development block grants provide communities with vital short-term and long-term recovery funds that pick up where FEMA funding leaves off. The \$400 million that is included in the transportation; housing and urban development appropriations bill is a step in the right direction. I am thankful for the opportunity to join with Chairman MURRAY, Ranking Member COLLINS and my other colleagues in expressing the importance of these funds for the communities rebuilding after disaster. I look forward to continuing our work together to make sure that disaster community development block grants get the funds necessary to meet disaster needs in Missouri and throughout the country.

Ms. COLLINS. Mr. President, disasters have affected nearly every State this year, and several States were hit particularly hard with devastating tornadoes and historic flooding. CDBG disaster recovery funding is an important tool that has helped States and communities address recovery needs related to infrastructure, housing, and economic development. I recognize that supplemental CDBG funding is important for communities recovering from disasters, and I look forward to working with my colleagues to help communities throughout the Nation.

Mr. CONRAD. Mr. President, I thank the chairman and the ranking member for their support. We look forward to working with them to ensure our communities have the resources necessary to recover from these devastating disasters.

EMERGENCY JUDICIAL RELIEF ACT

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1014, the Emergency Judicial Relief Act of 2011. While the sponsors of the legislation adopted one amendment I offered during debate in the Judiciary Committee, and that amendment improves the legislation, the bill remains deeply flawed and I cannot support it.

I oppose S. 1014 in its current form for a number of reasons, and I will just briefly describe them here. First, I believe strongly that we should analyze critically any expansion of the Federal Government, and first and foremost, determine whether there is a more efficient and cost effective way to allocate taxpayer resources. This is especially true during a time when our Federal debt is at historic levels.

In its current form, this legislation creates 10 new judgeships and converts two judgeships from temporary to permanent. The legislation does not pay

for the increased spending by cutting a corresponding amount of Federal spending. Rather, it raises the filing fees imposed on litigants.

The sponsors of the legislation have argued, based on caseload statistics, that these districts have some of the highest caseloads in the country. That may be true if you believe that the caseload statistics accurately describe how busy a particular district is. I am not arguing, today, that these statistics are necessarily inaccurate, but I would simply note that there have been some questions raised over the years regarding how well those statistics describe the caseloads. Regardless, based on those same statistics, there are other districts that are slow and getting slower.

If we conclude that some districts are disproportionately busy, and therefore conclude that we should increase the number of judgeships in those districts, then it only makes sense to offset the increase in judgeships by reallocating judicial resources away from districts that are slow. For this reason, I offered an amendment in the Judiciary Committee that would have reduced the number of judgeships in other districts by a total of 10. I will not take the time here to go through the statistics in each of the districts where I proposed eliminating judgeships. Suffice it to say, in each district slated for a reduction, the caseloads have decreased over the last 5 years, with the exception of 1 district, where the caseload has remained flat. And, even after you reduce the number of judgeships in these districts, they would still have caseloads that are well below the national average, across all 94 districts. If we are going to add judgeships, I believe this is the most appropriate way to do it.

The amendment I proposed in committee would also have delayed the effective date for the creation of the new judgeships until after the next Presidential election. Because none of us knows for certain who will be sworn in as President in January 2013, delaying the effective date would remove politics from the debate. Not only would it remove politics from the discussion, but it is consistent with how this issue was handled in the past. For instance, when the chairman of the committee introduced legislation to create additional judgeships during the 110th Congress, this is the approach he embraced.

Finally, I would note that the sponsors of the bill agreed to adopt a separate amendment I offered in the Judiciary Committee that would extend Whistleblower protection to Judicial Branch employees. This is an improvement. My amendment ensures that Judicial Branch employees are not simply left without redress when they face retaliation for blowing the whistle on fraud, waste, abuse, and mismanagement. While I appreciate the bill's

sponsors' willingness to adopt my amendment, and I believe it is an improvement, the underlying legislation remains deeply flawed for the reasons I have discussed. Therefore, I must oppose it. I urge my colleagues to do the same.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN BRUCE

• Mr. LEVIN. Mr. President, John Bruce will retire as the associate director for the Support Equipment Product Support Integration Development on December 3, 2011, his 94th birthday. His retirement is particularly noteworthy because John enjoys the distinction of being the oldest and longest-serving employee of the U.S. Army. This momentous occasion will be fittingly marked by a celebration in his honor with his colleagues, family and friends in Warren.

John Bruce began his service in the U.S. Army in 1942 during World War II as a member of the Army Signal Corps. He was stationed in the South Pacific as an intercept operator. After being honorably discharged in 1946, John began his civilian career at the Detroit Arsenal in Warren, MI as a cost/price analyst. In the ensuing decades, Mr. Bruce has held a number of positions of increasing responsibility at the Detroit Arsenal. He was an integral contributor to the reorganization of the Defense Department and helped to consolidate and centralize the Military Services field activities, which later became the Defense Logistics Agency.

John Bruce has dedicated his life to serving our country and has accomplished much in his long and illustrious career. John's accomplishments throughout his career have been publicly recognized through a number of citations and awards, including the 1975 Secretary of the Army Award; 1983 Commanders Award for Exceptional Civilian Service; 1990 Meritorious Civilian Service Award; 1991 Achievement Medal for Superior Civilian Service; and 2002 Department of the Army Decoration for Exceptional Service.

I know my Senate colleagues join me in congratulating John Bruce and honoring his distinguished record of service to our country as he retires on his 94th birthday. John has left a lasting impact on our Nation's security, and he will be deeply missed by his colleagues. I wish him the best as he embarks on the next chapter of his life.●

TRIBUTE TO DR. VIVIAN PINN

• Ms. SNOWE. Mr. President, please allow me to join with family, friends, and colleagues in extending my heartfelt congratulations to Dr. Vivian Pinn on her retirement as Director of the Office of Research on Women's Health at

the National Institutes of Health after two decades of exceptional service for women in our Nation.

First and foremost, let me say it has not only been a privilege to work with her over the years to advance women's health policy, but to call her my friend as well. In fact, just this past February, Vivian was in my office where I had the extraordinary honor of receiving the prestigious Women's Health Research Visionary Award. As one of two recipients this year the other being my good friend and colleague, Senator BARBARA MIKULSKI of Maryland, one of the Senate's greatest advocates and indeed voices for women, I can tell you this is an accolade I will cherish forever. And that it was presented to me by such a remarkable woman made the occasion all the more poignant and special.

Indeed, Vivian is as phenomenal as she is inspirational—and her monumental legacy at the National Institutes of Health and across the country will reverberate for generations. Nearly 20 years after she first took the helm of the Office of Research on Women's Health and a career later, it is incredible to see how far we have come due in no small part to her indelible efforts as a legendary and tireless advocate.

Simply put, Vivian paved the way in America for women's health research and continues to be an unrivaled force for the greater good. In addition to her many accomplishments at the Office of Research on Women's Health, her numerous awards and honors—including her induction as a fellow of the American Academy of Arts and Sciences in 1994, the Elizabeth Blackwell award from the American Medical Women's Association, and her election to the Institute of Medicine in 1995, just to name a few—are truly indicative of her selfless and boundless commitment. And we couldn't be more grateful.

The timeline of America's consciousness about women's health fittingly parallels Vivian's unmatched trajectory of public service in medicine. In 1990—with Vivian's help and my strong support in close bipartisan, bicameral collaboration with Representative Pat Schroeder—with whom I cochaired the Congress—Caucus for Women's Issues, Representative Connie Morella who succeeded me as co-chair, Senator BARBARA MIKULSKI—our vital compatriot in the Senate, as well as dedicated patient advocates across the country, the groundbreaking Office of Research on Women's Health was established at the National Institutes of Health, with Vivian as the first full-time director in 1991.

Throughout her tenure, she worked endlessly to ensure that women's health became a priority at the National Institutes of Health, and have helped increase the number of women in leadership roles in research and academic institutions. Working with Viv-

ian, our allies in Congress, leaders at the National Institutes of Health like Dr. Bernadine Healy, the former director who sadly passed away in August, as well as many other stakeholders nationwide, we secured more funding and greater attention to breast cancer, osteoporosis, ovarian and cervical cancer research through groundbreaking programs like the Women's Health Initiative.

Vivian, you are a trailblazer, a pioneer, a visionary, and frankly, an icon of medicine. You saw what others could not see and led where others would not act, and for that we are forever in your debt. You have my very best wishes and my profound gratitude for all you have achieved for women and the Nation.

Thank you for allowing me to share my thoughts as Vivian embarks on this next chapter in her life.●

RECOGNIZING ISLANDPORT PRESS

• Ms. SNOWE. Mr. President, small businesses are the backbone of America's economy. These small firms, which number over 27 million, endeavor to create jobs and bring a sense of fiscal security into their local communities. That alone is commendable, but what is truly rare among small businesses is the one that seeks to promote their home State's vast historical and cultural heritage, igniting a sense of deep pride in the community and sharing this pride with others. With this rare quality in mind, today I recognize and commend Islandport Press, an independent book publisher, located in the coastal Maine town of Yarmouth.

Eleven years ago, Dean Lunt had a dream of publishing books which detail the historical and cultural riches of Maine and New England. Growing up in Maine, Dean's grandmother encouraged him to write and share, with the rest of the world, the history of their own Long Island, a small island located off the coast of Maine. This inspired Mr. Lunt to write and publish Islandport Press's first book "Hauling by Hand: The Life and Times of a Maine Island." This first book sold 3,000 copies, and inspired Mr. Lunt to continue publishing several books, always with an eye on increasing awareness about this historic region of our country.

In its efforts to continually develop and grow, Islandport Press has expanded into the ever vast literary world, publishing several categories of books that reflect the vast diversity of New England's people and places, and has simultaneously established itself as an award-winning publisher for children's books. In 2010, Islandport Press was honored with its first Moonbeam Children's Book Award, receiving the gold medal award in the category of Picture Book, All Ages, for "The Fish House Door" by Robert F. Baldwin and illustrated by Astrid Sheckels. Moonbeam Children's Book Awards honor

exemplary children books with the goal of increasing childhood literacy and inspiring life-long reading. There are 38 award categories, ranging from Pictures Books, to Pre-Teen Fiction, to Best Book By A Young Author.

This year, Islandport Press was again honored with three books receiving awards. "Mercy" by Sarah Thompson was awarded the silver medal for Young Adult Fiction-Horror/Mystery; "Farmyard Alphabet" by Dahlov Ipcar was awarded the bronze medal for Best Board Book; and "My Cat, Coon Cat" by Sandy Fuller and Jeannie Brett, was awarded a silver medal in Best Picture Book for Ages 4-8. While these awards are certainly remarkable accomplishments for the individual authors and illustrators, they are also a testament to the keen eye that Dean has for promising and talented authors who offer substantive new literature.

Islandport Press is uniquely dedicated to promoting Maine and New England as part of its mission. Each Moonbeam award is a well-deserved reminder of the hard work and tireless effort of a dream that Dean Lunt had, to share his piece of Maine with the world. I am proud to extend my congratulations to everyone at Islandport Press for their dedication to excellence, and offer my best wishes for their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:49 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1280. An act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1002. An act to restrict any State or local jurisdiction from imposing a new dis-

criminatory tax on cell phone services, providers, or property.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 13. Concurrent resolution reaffirming "In God We Trust" as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 31. Concurrent resolution directing the Secretary of the Senate to make a correction in the enrollment of S. 1280.

ENROLLED BILL SIGNED

At 12:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 368. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

The enrolled bill was subsequently signed by President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1002. An act to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 13. Concurrent resolution reaffirming "In God We Trust" as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and ordered placed on the calendar:

S. 1786. A bill to facilitate job creation by reducing regulatory uncertainty, providing for rational evaluation of regulations, providing flexibilities to States and localities, providing for infrastructure spending, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3720. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Salvage Discount Factors for 2011" (Rev. Proc. 2011-54) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC-3721. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Unpaid Loss Discount Factors for 2011" (Rev. Proc. 2011-53) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC-3722. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Cost-of-Living Adjustments to the International Revenue Code Tax Tables and Certain Other Tax Items" (Rev. Proc. 2011-52) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC-3723. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Eligibility for Exemption from User Fee Requirement for Employee Plans Determination Letter Applications Filed After January 31, 2011" (Notice 2011-86) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC-3724. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding the Treatment of Stock of a Controlled Corporation under Section 355(a)(3)(B)" ((RIN1545-BH49)(TD 9548)) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC-3725. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2011" (Rev. Rul. 2011-25) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC-3726. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deduction for Qualified Film and Television Production Costs" ((RIN1545-BJ24)(TD 9552)) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC-3727. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disregarded Entities; Excise Taxes and Employment Taxes" ((RIN1545-BH90)(TD 9553)) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC-3728. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification for the export of firearms, to include technical data, and defense services to the Government of India, Ministry of Home Affairs in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-3729. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for the manufacture of an integrated network to be used for command and control functionality to support military and civil defense applications for chemical, biological, explosive, and radiological detection equipment; to the Committee on Foreign Relations.

EC-3730. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to Australia to support the manufacture and transfer of the Optus-10 Commercial Communication Satellite in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3731. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to support the Configuration 3 Upgrade and Refurbishment of the Patriot Missile Air Defense Systems and Radar for end-use by the Royal Saudi Air Defense Force in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3732. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance license agreement to include the export of defense articles, including, technical data, and defense services to support the integration of Satellite Communication (SATCOM) radios and Helicopter Integrated Electronic Warfare System (HIEWS) equipment for the upgrade of AH-64D Apache helicopters in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3733. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to the Republic of Colombia for the repair, modernization, standardization, follow-on support and performance upgrade of UH-60A helicopters in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3734. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including, technical data, and defense services to the United

Kingdom relating to the Fine Track System Kits in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3735. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of Distraction Chaff Rounds in the amount of \$13,200,000 or more; to the Committee on Foreign Relations.

EC-3736. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of all chemical toilets and their related components; to the Committee on Foreign Relations.

EC-3737. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0161–2011-0166); to the Committee on Foreign Relations.

EC-3738. A communication from the Chair of the U.S. Preventive Services Task Force, transmitting, pursuant to law, a report entitled “First Annual Report to Congress on High-Priority Evidence Gaps for Clinical Preventive Services”; to the Committee on Health, Education, Labor, and Pensions.

EC-3739. A communication from the Chair of the Community Preventive Services Task Force, transmitting, pursuant to law, the Task Force's first Annual Report to Congress; to the Committee on Health, Education, Labor, and Pensions.

EC-3740. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Organization Officer and Employee Reports; Final Rule” (RIN1215-AB74 and RIN1245-AA01) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3741. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Piqua Organic Moderated Reactor in Piqua, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3742. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Norton Company in Worcester, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3743. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Investment Advice—Participants and Beneficiaries” (RIN1210-AB35) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3744. A communication from the Deputy Administrator, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Nondisplacement of Qualified Workers

Under Service Contracts” (RIN1215-AB69; RIN1235-AA02) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3745. A communication from the Special Master, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “James Zadroga 9/11 Health and Compensation Act of 2010; Final Rule; Correction” (RIN1105-AB39) received in the Office of the President of the Senate on October 20, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3746. A communication from the Section Chief of the Division of Individual Exemptions, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Prohibited Transaction Exemption Procedures; Employee Benefit Plans” (RIN1210-AB49) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3747. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2011 Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC-3748. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “CBP Audit Procedures; Use of Sampling Methods and Offsetting of Overpayments and Over-Declarations” (RIN1515-AD65) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3749. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-198 “New Issue Bond Program Tax Exemption Amendment Act of 2011”; to the Committee on Homeland Security and Governmental Affairs.

EC-3750. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-199 “The Park at LeDroit Designation Act of 2011”; to the Committee on Homeland Security and Governmental Affairs.

EC-3751. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-200 “Closing of a Portion of a Public Alley in Square 1027, S.O. 06-5762, Act of 2011”; to the Committee on Homeland Security and Governmental Affairs.

EC-3752. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-201 “Health Benefits Plan Grievance Temporary Amendment Act of 2011”; to the Committee on Homeland Security and Governmental Affairs.

EC-3753. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-202 “Child Abuse and Treatment Temporary Amendment Act of 2011”; to the Committee on Homeland Security and Governmental Affairs.

EC-3754. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 19-203 "Residential Parking Protection Pilot Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3755. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-212 "Public Sector Workers' Compensation Return to Work Clarifying Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3756. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-209 "Rita B. Bright Family and Youth Center Designation Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3757. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-210 "Closing of a Portion of the Public Alley in Square 2905, S.O. 11-4751, Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3758. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-211 "Martin Luther King, Jr. Drive Designation Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3759. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-213 "Public Space Permit Fee Waiver Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3760. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-214 "Green Building Technical Corrections Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3761. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-215 "Meridian Public Charter School-Harrison Campus Property Tax Exemption Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-3762. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3763. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions" ((RIN9000-AL46)(FAC 2005-54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3764. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Successor Entities to the Netherlands Antilles" ((RIN9000-AM11)(FAC 2005-54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee

on Homeland Security and Governmental Affairs.

EC-3765. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Labor Relations Costs" ((RIN9000-AL39)(FAC 2005-54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3766. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Technical Amendments" (FAC 2005-54) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3767. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005-54) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3768. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-54; Introduction" (FAC 2005-54) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3769. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Notification of Employee Rights Under the National Labor Relations Act" ((RIN9000-AL76)(FAC 2005-54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3770. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions" ((RIN9000-AL71)(FAC 2005-54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3771. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Disadvantaged Business Self-Certification" ((RIN9000-AL77)(FAC 2005-54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3772. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Sudan Waiver Process" ((RIN9000-AL65)(FAC 2005-54)) received in the Office of the President of the Senate on October 31,

2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3773. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Set-Asides for Small Business" ((RIN9000-AM12)(FAC 2005-54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3774. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Representation Regarding Export of Sensitive Technology to Iran" ((RIN9000-AL91)(FAC 2005-54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2016.

*Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors for a term of five years.

*Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2016.

*Coast Guard nomination of Capt. Kurt B. Hinrichs, to be Rear Admiral (Lower Half).

*Coast Guard nominations beginning with Captain Mark E. Butt and ending with Captain Joseph A. Servidio, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Gregory L. Parsons, to be Lieutenant Commander.

*Coast Guard nominations beginning with Michael B. Bee and ending with James W. Whitley, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

*Coast Guard nominations beginning with Paul Albertson and ending with Michael L. Woolard, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

*Coast Guard nominations beginning with Ricardo M. Alonso and ending with Torrence B. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

*Coast Guard nomination of Kenneth W. Megan, to be Captain.

*Coast Guard nomination of Jennifer A. Ketchum, to be Commander.

*Coast Guard nominations beginning with Alonzo D. Alday and ending with Peter J. Zauner, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MERKLEY (for himself, Mr. ENZI, Mr. BARRASSO, Mr. SCHUMER, Mr. LEVIN, and Ms. SNOWE):

S. 1779. A bill to require the United States Trade Representative to notify the World Trade Organization if any member of the World Trade Organization fails during 2 consecutive years to disclose subsidies under the Agreement on Subsidies and Countervailing Measures, and for other purposes; to the Committee on Finance.

By Mr. HELLER:

S. 1780. A bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. COLLINS):

S. 1781. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. AKAKA, Mr. FRANKEN, and Mr. DURBIN):

S. 1782. A bill to provide for the reduction in unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 1783. A bill to amend title 46, United States Code, to require the Maritime Administrator, in making determinations regarding the non-availability of qualified United States flag capacity to meet national defense requirements, to identify any actions that could be taken to enable such capacity to meet some or all of those requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELLER:

S. 1784. A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL:

S. 1785. A bill to amend the Internal Revenue Code of 1986 to provide work oppor-

tunity tax credits for the hiring of long-term unemployed workers; to the Committee on Finance.

By Mr. HATCH:

S. 1786. A bill to facilitate job creation by reducing regulatory uncertainty, providing for rational evaluation of regulations, providing flexibilities to States and localities, providing for infrastructure spending, and for other purposes; placed on the calendar.

By Mr. HARKIN (for himself, Mr. SANDERS, and Mr. BROWN of Ohio):

S. 1787. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions; to the Committee on Finance.

By Mr. REID (for himself and Mr. HELLER):

S. 1788. A bill to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts):

S. 1789. A bill to improve, sustain, and transform the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

By Ms. AYOTTE (for herself and Mr. MCCAIN):

S. 1790. A bill to modify the Financial Improvement and Audit Readiness Plan to provide that the full statement of budget resources of the Department of Defense is complete and validated by not later than September 30, 2014; to the Committee on Armed Services.

By Mr. BROWN of Massachusetts:

S. 1791. A bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WHITEHOUSE:

S. 1792. A bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. 1793. A bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENTHAL:

S. 1794. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself, Ms. AYOTTE, Mrs. SHAHEEN, Mr. BEGICH, Mr. MERKLEY, and Mr. HELLER):

S. Res. 309. A resolution supporting the preservation of Internet entrepreneurs and small businesses; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 543

At the request of Mr. WYDEN, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 604

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 687

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 720

At the request of Mr. THUNE, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 968

At the request of Mr. LEAHY, the names of the Senator from Georgia

(Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Nevada (Mr.

HELLER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1571

At the request of Mr. ISAKSON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1571, a bill to amend title I of the Elementary and Secondary Education Act of 1965, and for other purposes.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from Utah (Mr. LEE) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1704

At the request of Ms. AYOTTE, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1704, a bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force.

S. 1707

At the request of Mr. BURR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1731

At the request of Mr. GRASSLEY, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S. 1731, a bill to improve the prohibitions on money laundering, and for other purposes.

S. 1762

At the request of Mr. BROWN of Massachusetts, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wyoming (Mr. BARASSO), the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Nebraska (Mr. JOHANNES), the Senator from Idaho (Mr. RISCCH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1762, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities and to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs.

S. 1769

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 1769, *supra*.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. HELLER):

S. 1788. A bill to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Pine Forest Recreation Enhancement Act of 2011.

The entire Nevada congressional delegation has joined together in support of this important legislation for northern Nevada. The Pine Forest Recreation Enhancement Act would designate 26,000 acres of public lands within the Blue Lakes and Alder Creek Wilderness Study Areas, WSAs, as the Pine Forest Range Wilderness Area while releasing 1,500 acres of existing WSA lands. The bill also directs the Bureau of Land Management, BLM, to exchange federal lands nearby ranches in Humboldt County for private parcels within the existing WSAs. These exchanges will allow the BLM to more effectively manage the wilderness area and increase the economic opportunities for the adjacent ranches by providing land for agricultural uses.

This bill is the product of a comprehensive local process that took into consideration the concerns of local landowners, sportsmen, conservationists, and other interested parties in Humboldt County. This diverse group

of stakeholders came together to develop this compromise proposal through a series of public meetings and field trips. This process was so successful that, for the first time that I can remember, a wilderness proposal was presented to our delegation with almost unanimous support and the Nevada State Legislature passed a joint resolution endorsing the work of the County commission and the Pine Forest Working Group.

Beyond the widespread state and local support, there is no question that the pristine natural lands and wildlife habitat in the Blue Lakes and Alder Creek WSA should receive the strongest level of protection we can provide for public lands. Rising from the confluence of the Great Basin and Owyhee deserts, the Pine Forest Range boasts high alpine lakes surrounded by granite spires that are home to a variety of large trout including our Lahontan Cutthroat trout that is native only to Nevada. The thick forests of aspen and pine that blanket these mountains provide a stronghold for mule deer, pronghorn, and bighorn sheep. The area is also well known by sportsmen across the west for its world class chukar hunting; a favorite fall pastime for many Nevadans.

Protecting these untouched natural lands in Nevada is important to me and to the people of Humboldt County. I want to thank each member of the Humboldt County Commission, Garley Amos, Mike Bell, Tom Fransway, Dan Cassinelli, and Jim French as well as Bill Deese for their work to bring this legislation to fruition. I would also like to express my gratitude to Jim Jeffress from Trout Unlimited, Shaaron Netherton from the Friends of Nevada Wilderness, and the other members of the Pine Forest Range working group for their tireless efforts that have been universally recognized as the gold standard for developing wilderness proposals.

I look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members of the Senate Energy Committee to move this legislation forward in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Pine Forest Range Recreation Enhancement Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Addition to national wilderness preservation system.

Sec. 5. Administration.

Sec. 6. Adjacent management.

Sec. 7. Military overflights.

Sec. 8. Native American cultural and religious uses.

Sec. 9. Release of wilderness study areas.

Sec. 10. Wildlife management.

Sec. 11. Wildfire, insect, and disease management.

Sec. 12. Climatological data collection.

Sec. 13. Land exchanges.

SEC. 2. FINDINGS.

Congress finds that—

(1) public land in the Pine Forest Range contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of land that remain in a natural state;

(2) continued preservation of the public land would benefit the County and the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality; and

(3) designation of the Pine Forest Range as a wilderness area is supported by the State, units of local governments, and the surrounding communities.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNTY.—The term “County” means Humboldt County, Nevada.

(2) MAP.—The term “Map” means the map entitled “Proposed Pine Forest Wilderness Area” and dated May 4, 2011.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Nevada.

SEC. 4. ADDITION TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) DESIGNATION.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 26,000 acres, as generally depicted on the Map is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Pine Forest Range Wilderness”.

(b) BOUNDARY.—

(1) ROAD ACCESS.—The boundary of any portion of the wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet away from the edge of the road to allow public access.

(2) ROAD ADJUSTMENTS.—The Secretary shall—

(A) reroute the road running through Long Meadow to the west to remove the road from the riparian area;

(B) reroute the road currently running through Rodeo Flat Meadow to the east to remove the road from the riparian area; and

(C) close, except for administrative use, the road along Lower Alder Creek south of Bureau of Land Management road #2083.

(3) RESERVOIR ACCESS.—The boundary of the wilderness area designated by subsection (a) shall be at least 160 feet downstream from the dam at Little Onion Reservoir to allow public access.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the wilderness area designated by subsection (a) with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) WITHDRAWAL.—Subject to valid existing rights, the wilderness area designated by subsection (a) is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) LIVESTOCK.—Within the wilderness area designated by this Act, the grazing of livestock in areas administered by the Bureau of Land Management in which grazing is established as of the date of enactment of this Act shall be allowed to continue—

(1) subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary; and

(2) consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101-405.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the area designated as wilderness by this Act that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area.

(d) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this Act is located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few, if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the land designated as wilderness by this Act is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the land designated as wilderness by this Act, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the

land designated as wilderness by this Act by means other than a federally reserved water right.

(3) **STATUTORY CONSTRUCTION.**—Nothing in this Act—

(A) constitutes an express or implied reservation by the United States of any water or water rights with respect to a wilderness designated by this Act;

(B) affects any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) establishes a precedent with regard to any future wilderness designations;

(D) affects the interpretation of, or any designation made under, any other Act; or

(E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) **NEVADA WATER LAW.**—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness area designated by this Act.

(5) **NEW PROJECTS.**—

(A) **DEFINITION OF WATER RESOURCE FACILITY.**—

(i) **IN GENERAL.**—In this paragraph, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(ii) **EXCLUSION.**—In this paragraph, the term “water resource facility” does not include wildlife guzzlers.

(B) **RESTRICTION ON NEW WATER RESOURCE FACILITIES.**—Except as otherwise provided in this Act, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area, any portion of which is located in the County.

SEC. 6. ADJACENT MANAGEMENT.

(a) **IN GENERAL.**—Congress does not intend for the designation of land as wilderness by this Act to create a protective perimeter or buffer zone around the wilderness area.

(b) **NONWILDERNESS ACTIVITIES.**—The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness designated by this Act shall not preclude the conduct of the activities or uses outside the boundary of the wilderness area.

SEC. 7. MILITARY OVERFLIGHTS.

Nothing in this Act restricts or precludes—

(1) low-level overflights of military aircraft over the area designated as wilderness by this Act, including military overflights that can be seen or heard within the wilderness area;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness area.

SEC. 8. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this Act diminishes—

(1) the rights of any Indian tribe; or

(2) tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 9. RELEASE OF WILDERNESS STUDY AREAS.

(a) **FINDING.**—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land in any portion of the Blue Lakes and Alder Creek wilderness study areas not designated as wilderness by section 4(a) has been adequately studied for wilderness designation.

(b) **RELEASE.**—Any public land described in subsection (a) that is not designated as wilderness by this Act—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of enactment of this Act; and

(3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10. WILDLIFE MANAGEMENT.

(a) **IN GENERAL.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness area designated by this Act.

(b) **MANAGEMENT ACTIVITIES.**—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), management activities to maintain or restore fish and wildlife populations and the habitats to support the populations may be carried out within the wilderness area designated by this Act, if the activities are carried out—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies, such as those set forth in Appendix B of House Report 101-405, including the occasional and temporary use of motorized vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values with the minimal impact necessary to reasonably accomplish those tasks.

(c) **EXISTING ACTIVITIES.**—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations.

(d) **WILDLIFE WATER DEVELOPMENT PROJECTS.**—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by section 4(a) if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) **HUNTING, FISHING, AND TRAPPING.**—

(1) **IN GENERAL.**—The Secretary may designate, by regulation, areas in which, and es-

tablish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by section 4(a).

(2) **CONSULTATION.**—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under paragraph (1).

(f) **COOPERATIVE AGREEMENT.**—

(1) **IN GENERAL.**—The State, including a designee of the State, may conduct wildlife management activities in the wilderness area designated by this Act—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled “Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9” and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws (including regulations).

(2) **REFERENCES; CLARK COUNTY.**—For the purposes of this subsection, any reference to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be a reference to the Pine Forest Range Wilderness.

SEC. 11. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.

(a) **IN GENERAL.**—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the wilderness designated by this Act as may be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(b) **EFFECT.**—Nothing in this Act precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment).

SEC. 12. CLIMATOLOGICAL DATA COLLECTION.

If the Secretary determines that hydrologic, meteorologic, or climatological collection devices are appropriate to further the scientific, educational, and conservation purposes of the wilderness area designated by this Act, nothing in this Act precludes the installation and maintenance of the collection devices within the wilderness area.

SEC. 13. LAND EXCHANGES.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means Federal land in the County that—

(A) is not segregated or withdrawn on or after the date of enactment of this Act;

(B) is identified for disposal by the Bureau of Land Management through the Winnemucca Resource Management Plan; and

(C) is determined by the Bureau of Land Management to be appropriate for exchange consistent with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) **NON-FEDERAL LAND.**—The term “non-Federal land” means land identified on the Map as “non-Federal lands for exchange”.

(b) **ACQUISITION OF LAND AND INTERESTS IN LAND.**—

(1) **IN GENERAL.**—Consistent with applicable law and subject to subsection (c), the Secretary may exchange the Federal land for non-Federal land.

(2) **INCORPORATION OF ACQUIRED LAND.**—Any non-Federal land or interest in non-Federal

land in, or adjoining the boundary of, the Pine Forest Range Wilderness Area that is acquired by the United States shall be added to, and administered as part of, the Pine Forest Range Wilderness Area.

(c) **CONDITIONS.**—Each land exchange under subsection (a) shall be subject to—

(1) the condition that the owner of the non-Federal land pay not less than 50 percent of all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances; and

(2) such additional terms and conditions as the Secretary may require.

(d) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchanges under this section be completed by not later than 5 years after the date of enactment of this Act.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts):

S. 1789. A bill to improve, sustain, and transform the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, today Senators COLLINS, CARPER, SCOTT BROWN of Massachusetts, and I are introducing bipartisan, compromise legislation to rescue the United States Postal Service, USPS, from financial ruin and secure its commercial health into the future.

Five years ago, Senators COLLINS and CARPER led Congress in the adoption of postal reform legislation. The speed of the migration to internet communications, combined with the recent economic downturn, means we need to revisit the Postal Service's financial viability again. This year, Senator BROWN and I joined Senators COLLINS and CARPER in proposing the 21st Century Postal Service Act.

The Postal Service needs a fundamental restructuring of the way it meets its obligations to the public, to its customers—including individual and business mailers—and to its employees. If our reform legislation is adopted, we are confident this time USPS, which was founded in the 18th century, will survive and flourish into the 21st.

Too many people still rely on the Postal Service for us to sit back and allow its demise. Despite a 22 percent drop in mail volume in four years, the Postal Service will deliver 167 billion pieces this year. It is the second largest private sector employer in our country after Wal-Mart and has 557,000 career employees. It has 32 thousand post offices, which represents more domestic retail outlets than Wal-Mart, Starbucks and McDonalds combined.

The financial health of the USPS has been deteriorating for years. But the rapid changeover to electronic communications and the recent economic downturn have swept it up into a financial death spiral. In this fiscal year, 2011, the Postal Service first projected a total loss of \$8 billion. That was in

July. By September, it revised its estimate and now says it will lose \$10 billion. Unless major reform is adopted, the Postal Service will run out of money to deliver the mail sometime next summer.

That is why we are introducing this comprehensive legislation to put a number of cost saving measures in place. Let me summarize just a few of the most important provisions.

Of great interest to the American public will be our provision related to 5-day delivery. As you all know, the Postal Service has been pushing to reduce the number of days it delivers mail each week from six to five. USPS believes this will achieve \$3 billion in savings.

Communities across the country, however, are deeply concerned about what this would mean for people who rely on Saturday delivery for critical medications or newspapers.

We are mindful of these concerns, so our legislation would bar the Postal Service from moving to 5-day delivery until two years after enactment of our bill and, in the meantime, reduce costs in other ways. The Government Accountability Office would have to verify that sufficient savings cannot be achieved without going to 5-day delivery. USPS also would have to identify customers and communities that might be disproportionately affected by 5-day delivery and develop remedies to address their concerns.

Our bill also recognizes that the Postal Service must continue to decrease the number of its employees. Thus, we authorize USPS to offer buyouts to help it transition to a smaller workforce. To ensure the Postal Service can pay for these buyouts, we direct the Office of Personnel Management to refund to the Postal Service what everyone agrees has been an overpayment by USPS into the Federal Employees Retirement System. Using this money to support buyouts, the Postmaster General believes he may be able to reduce the Postal Service workforce by as many as 100,000 employees over the next three years and save \$8 billion a year.

To achieve healthcare savings, we would allow the Postal Service to work with its employee unions and the Office of Personnel Management to try to develop and agree on a new health plan for postal employees. The Postmaster General is confident that he and the postal unions can agree on an approach that could cut healthcare costs significantly, while retaining adequate benefits.

Finally, our bill would help USPS get out from under the onerous weight of its current pre-funding requirements for its retiree health benefits by recalibrating the payments and amortizing them over time. This, too, will provide significant financial relief to the Postal Service.

We know many of our proposals will be controversial. But without taking controversial steps, the Postal Service will not make it. We are pursuing broad changes rather than working around the edges to put the Postal Service back on the road to recovery. The Postmaster General has told us he needs to cut \$20 billion from the USPS' annual budget, and we are giving him and his employees the tools to make that happen. The bottom line is we must act quickly to prevent a Postal Service collapse and we must act boldly to secure its future.

The U.S. Postal Service is not an 18th Century relic. It is a great 21st Century national asset. But times are changing rapidly and so too must the Postal Service, if it is to survive.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Postal Service Act of 2011".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I—POSTAL WORKFORCE MATTERS

Sec. 101. Treatment of surplus contributions to Federal Employees Retirement System.

Sec. 102. Additional service credit.

Sec. 103. Medicare coverage for Postal Service Medicare eligible annuitants.

Sec. 104. Restructuring of payments for retiree health benefits.

Sec. 105. Postal Service Health Benefits Program.

Sec. 106. Arbitration; labor disputes.

TITLE II—POSTAL SERVICES AND OPERATIONS

Sec. 201. Postal facilities.

Sec. 202. Additional Postal Service planning.

Sec. 203. Area and district office structure.

Sec. 204. Retail service standards.

Sec. 205. Conversion of door delivery points.

Sec. 206. Limitations on changes to mail delivery schedule.

Sec. 207. Time limits for consideration of service changes.

Sec. 208. Public procedures for significant changes to mailing specifications.

Sec. 209. Nonpostal products and services.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

Sec. 301. Short title; references.

Sec. 302. Federal workers compensation reforms for retirement-age employees.

Sec. 303. Augmented compensation for dependents.

Sec. 304. Schedule compensation payments.

Sec. 305. Vocational rehabilitation.

Sec. 306. Reporting requirements.

Sec. 307. Disability management review; independent medical examinations.

Sec. 308. Waiting period.

Sec. 309. Election of benefits.

Sec. 310. Sanction for noncooperation with field nurses.

Sec. 311. Subrogation of continuation of pay.

Sec. 312. Social Security earnings information.

Sec. 313. Amount of compensation.

Sec. 314. Technical and conforming amendments.

Sec. 315. Regulations.

TITLE IV—OTHER MATTERS

Sec. 401. Profitability plan.

Sec. 402. Postal rates.

Sec. 403. Cooperation with State and local governments; intra-Service agreements.

Sec. 404. Shipping of wine and beer.

Sec. 405. Annual report on United States mailing industry.

Sec. 406. Use of negotiated service agreements.

Sec. 407. Contract disputes.

Sec. 408. Contracting provisions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the Postal Regulatory Commission.

(2) POSTAL SERVICE.—The term “Postal Service” means the United States Postal Service.

TITLE I—POSTAL WORKFORCE MATTERS

SEC. 101. TREATMENT OF SURPLUS CONTRIBUTIONS TO FEDERAL EMPLOYEES RETIREMENT SYSTEM.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5)(A) In this paragraph, the term ‘surplus postal contributions’ means the amount by which the amount computed under paragraph (1)(B) is less than zero.

“(B) For each fiscal year in which the amount computed under paragraph (1)(B) is less than zero, upon request of the Postmaster General, the Director shall transfer to the United States Postal Service from the Fund an amount equal to the surplus postal contributions for that fiscal year for use in accordance with this paragraph.

“(C) For each of fiscal years 2012, 2013, and 2014, if the amount computed under paragraph (1)(B) is less than zero, a portion of the surplus postal contributions for the fiscal year shall be used by the United States Postal Service for the cost of providing to employees of the United States Postal Service who voluntarily separate from service before October 1, 2014—

“(i) voluntary separation incentive payments (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) before October 1, 2014) that may not exceed the maximum amount provided under section 3523(b)(3)(B) for any employee; and

“(ii) retirement service credits, as authorized under section 8332(p) or 8411(m).

“(D) Any surplus postal contributions for a fiscal year not expended under subparagraph (C) may be used by the United States Postal Service for the purposes of—

“(i) repaying any obligation issued under section 2005 of title 39; or

“(ii) making required payments to—

“(I) the Employees’ Compensation Fund established under section 8147;

“(II) the Postal Service Retiree Health Benefits Fund established under section 8909a;

“(III) the Employees Health Benefits Fund established under section 8909; or

“(IV) the Civil Service Retirement and Disability Fund.”.

SEC. 102. ADDITIONAL SERVICE CREDIT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(p)(1)(A) For an employee of the United States Postal Service who is covered under this subchapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 1 year (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this subchapter (except for a disability annuity under section 8337).

“(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

“(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

“(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8348(h)(1)(A).”.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(m)(1)(A) For an employee of the United States Postal Service who is covered under this chapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 2 years (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this chapter (except for a disability annuity under subchapter V of that chapter).

“(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

“(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

“(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8423(b)(1)(B).”.

SEC. 103. MEDICARE COVERAGE FOR POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.

(a) FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.—

(1) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903b the following:

“§ 8903c. Postal Service Medicare eligible annuitants

“(a) DEFINITIONS.—In this section—

“(1) the term ‘contract year’ means a calendar year in which health benefits plans are administered under this chapter;

“(2) the term ‘Medicare part A’ means the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

“(3) the term ‘Medicare part B’ means the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

“(4) the term ‘Postal Service Medicare eligible annuitant’ means an individual who—

“(A) is an annuitant covered under this chapter whose Government contribution is paid by the Postal Service under section 8906(g)(2); and

“(B) is eligible to enroll in Medicare part A and Medicare part B.

“(b) REQUIREMENT OF MEDICARE ENROLLMENT.—

“(1) POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

“(A) IMMEDIATE APPLICATION.—An individual who is a Postal Service Medicare eligible annuitant on the date of enactment of the 21st Century Postal Service Act of 2011 may not continue coverage under this chapter, unless that individual enrolls in Medicare part A and Medicare part B during the special enrollment period established under section 1837(m) of the Social Security Act.

“(B) PROSPECTIVE APPLICATION.—An individual who becomes a Postal Service Medicare eligible annuitant after the date of enactment of the 21st Century Postal Service Act of 2011 may not continue coverage under this chapter, unless after becoming eligible for Medicare part A and Medicare part B that individual enrolls in Medicare part A and Medicare part B during the applicable initial enrollment period under section 1837 of the Social Security Act (42 U.S.C. 1395p).

“(2) FAMILY MEMBERS OF POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

“(A) FAMILY MEMBER IS MEDICARE ELIGIBLE.—An individual who, on the date of enactment of the 21st Century Postal Service Act of 2011, is a Postal Service Medicare eligible annuitant, is enrolled in self and family coverage under this chapter, and has a member of the family who is eligible to enroll in Medicare part A and Medicare part B, may not continue coverage under this chapter, unless—

“(i) the family member enrolls in Medicare part A and Medicare part B during the special enrollment period established under section 1837(m) of the Social Security Act; or

“(ii) the individual enrolls for self only coverage under this chapter.

“(B) FAMILY MEMBER BECOMES MEDICARE ELIGIBLE.—An individual who, on the date of enactment of the 21st Century Postal Service Act of 2011, is a Postal Service Medicare eligible annuitant, is enrolled in self and family coverage under this chapter, and has a member of the family who becomes eligible to enroll in Medicare part A and Medicare part B after that date, may not continue coverage under this chapter, unless—

“(i) the family member enrolls in Medicare part A and Medicare part B during the applicable initial enrollment period under section 1837 of the Social Security Act (42 U.S.C. 1395p); or

“(ii) the individual enrolls for self only coverage under this chapter.

“(c) ENROLLMENT OPTIONS.—

“(1) ESTABLISHMENT.—For contract years following the date of enactment of the 21st Century Postal Service Act of 2011, the Office shall establish enrollment options for health benefits plans that are open only to Postal Service Medicare eligible annuitants or family members of a Postal Service Medicare eligible annuitants who continue coverage

under this chapter in accordance with subsection (b).

“(2) **ENROLLMENT REQUIREMENT.**—Any Postal Service Medicare eligible annuitant or family member of a Postal Service Medicare eligible annuitant who continues coverage under this chapter in accordance with subsection (b) may only enroll in 1 of the enrollment options established under paragraph (1).

“(3) **VALUE OF COVERAGE.**—The Office shall ensure that the aggregate actuarial value of coverage under the enrollment options established under this subsection, in combination with the value of coverage under Medicare part A and Medicare part B, shall be not less than the actuarial value of the most closely corresponding enrollment options available under section 8905.

“(4) **ENROLLMENT OPTIONS.**—

“(A) **IN GENERAL.**—The enrollment options established under paragraph (1) shall include—

“(i) an individual option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1);

“(ii) a self and family option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1) and family members of Postal Service Medicare eligible annuitants subject to subsection (b)(2); and

“(iii) a self and family option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1) and family members of Postal Service Medicare eligible annuitants, including family members not subject to subsection (b)(2).

“(B) **SPECIFIC SUB-OPTIONS.**—The Office may establish more specific enrollment options within the types of options described under subparagraph (A).

“(5) **REDUCED PREMIUMS TO ACCOUNT FOR MEDICARE COORDINATION.**—In determining the premiums for the enrollment options under paragraph (4), the Office shall—

“(A) establish a separate claims pool for individuals eligible for coverage under those options; and

“(B) ensure that—

“(i) the premiums are reduced from the premiums otherwise established under this chapter to directly reflect the full cost savings to the health benefits plans due to the complete coordination of benefits with Medicare part A and Medicare part B for Postal Service Medicare eligible annuitants or family members of Postal Service Medicare eligible annuitants who continue coverage under this chapter; and

“(ii) the cost savings described under clause (i) result solely in the reduction of—

“(I) the premiums paid by the Postal Service Medicare eligible annuitant; and

“(II) the Government contributions paid by the Postal Service.

“(d) **CONVERSION OF ENROLLMENT.**—

“(1) **IN GENERAL.**—For any individual who enrolls in Medicare part A and Medicare part B in accordance with subsection (b) other than during the special enrollment period established under section 1837(m) of the Social Security Act, coverage under this chapter shall be converted to coverage under the applicable enrollment option established under subsection (c) upon enrollment in Medicare part A and Medicare part B.

“(2) **NOTIFICATION.**—The Office shall provide reasonable advance notice to any Postal Service Medicare eligible annuitant or family member of any Postal Service Medicare eligible annuitant that such annuitant or family member will become subject to conversion of enrollment under paragraph (1).

“(e) **POSTAL SERVICE CONSULTATION.**—The Office shall establish the enrollment options

and premiums under this section in consultation with the Postal Service.”.

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8903b the following:

“8903c. Postal Service Medicare eligible annuitants.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply with respect to contract years beginning 6 months following the date of enactment of this Act.

(b) **SPECIAL ENROLLMENT PERIOD FOR POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.**—

(1) **SPECIAL ENROLLMENT PERIOD.**—

(A) **IN GENERAL.**—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

“(m)(1) In the case of any individual who is a Postal Service Medicare eligible annuitant (as defined in section 8903c(a) of title 5, United States Code) at the time the individual is entitled to part A under section 226(b) or section 226A and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual’s initial enrollment period, there shall be a special enrollment period described in paragraph (2).

“(2) The special enrollment period described in this paragraph, with respect to an individual is the 6-month period, beginning on the first day of the month which includes the date of enactment of the 21st Century Postal Service Act of 2011.

“(3) In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under this part shall begin on the first day of the month in which the individual enrolls.”.

(B) **EFFECTIVE DATE.**—The amendment made by subparagraph (A) shall apply to elections made with respect to initial enrollment periods that end after the date of enactment of the 21st Century Postal Service Act of 2011.

(2) **WAIVER OF INCREASE OF PREMIUM.**—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by striking “(i)(4) or (l)” and inserting “(i)(4), (l), or (m)”.

SEC. 104. RESTRUCTURING OF PAYMENTS FOR RETIREE HEALTH BENEFITS.

(a) **CONTRIBUTIONS.**—Section 8906(g)(2)(A) of title 5, United States Code, is amended by striking “through September 30, 2016, be paid by the United States Postal Service, and thereafter shall” and inserting “after the date of enactment of the 21st Century Postal Service Act of 2011”.

(b) **POSTAL SERVICE RETIREE HEALTH BENEFITS FUND.**—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2)(B)—

(i) by striking “2017” and inserting “2012”; and

(ii) by inserting after “later, of” the following: “80 percent of”; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding “and” at the end;

(II) in clause (iv), by striking the semicolon at the end and inserting a period; and

(III) by striking clauses (v) through (x); and

(ii) in subparagraph (B), by striking “2017” and inserting “2012”; and

(2) by adding at the end the following:

“(e) Subsections (a) through (d) shall be subject to section 105 of the 21st Century Postal Service Act of 2011.”.

SEC. 105. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) **DEFINITIONS.**—In this section—

(1) the term “covered employee” means an employee of the Postal Service who is represented by a bargaining representative recognized under section 1203 of title 39, United States Code;

(2) the term “Federal Employee Health Benefits Program” means the health benefits program under chapter 89 of title 5, United States Code; and

(3) the term “Postal Service Health Benefits Program” means the health benefits program that may be agreed to under subsection (b)(1).

(b) **COLLECTIVE BARGAINING.**—

(1) **IN GENERAL.**—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Service Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) **ARBITRATION LIMITATION.**—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(3) **TIME LIMITATION.**—The authority under this subsection shall extend until September 30, 2012.

(c) **POSTAL SERVICE HEALTH BENEFITS PROGRAM.**—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;

(B) provide adequate and appropriate health benefits;

(C) be administered by the Postmaster General; and

(D) provide for transition of coverage under the Federal Employee Health Benefits Program of covered employees to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) **AGREEMENT AND IMPLEMENTATION.**—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) covered employees may not participate as employees in the Federal Employees Health Benefits Program.

(e) **GOVERNMENT PLAN.**—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) **REPORT.**—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

SEC. 106. ARBITRATION; LABOR DISPUTES.

Section 1207(c)(2) of title 39, United States Code, is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking the last sentence and inserting “The arbitration board shall render a decision not later than 45 days after the date of its appointment.”; and

(3) by adding at the end the following:

“(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as—

“(i) the financial condition of the Postal Service;

“(ii) the requirements relating to pay and compensation comparability under section 1003(a); and

“(iii) the policies of this title.”.

TITLE II—POSTAL SERVICES AND OPERATIONS

SEC. 201. POSTAL FACILITIES.

Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

“(f) CLOSING OR CONSOLIDATION OF CERTAIN POSTAL FACILITIES.—

“(1) POSTAL FACILITY.—In this subsection, the term ‘postal facility’ does not include—

“(A) any post office, station, or branch; or

“(B) any facility used only for administrative functions.

“(2) AREA MAIL PROCESSING STUDY.—

“(A) NEW AREA MAIL PROCESSING STUDIES.—After the date of enactment of this subsection, before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall—

“(i) conduct an area mail processing study relating to that postal facility that includes a plan to reduce the capacity of the postal facility, but not close the postal facility;

“(ii) publish the study on the Postal Service website; and

“(iii) publish a notice that the study is complete and available to the public, including on the Postal Service website.

“(B) COMPLETED OR ONGOING AREA MAIL PROCESSING STUDIES.—

“(i) IN GENERAL.—In the case of a postal facility described in clause (ii), the Postal Service shall—

“(I) consider a plan to reduce the capacity of the postal facility, but not close the post facility; and

“(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.

“(ii) POSTAL FACILITIES.—A postal facility described in this clause is a postal facility for which, on or before the date of enactment of this subsection—

“(I) an area mail processing study that does not include a plan to reduce the capacity of the postal facility, but not close the facility, has been completed or is in progress; and

“(II) a determination as to the necessity for the closing or consolidation of the postal facility has not been made.

“(3) NOTICE; PUBLIC COMMENT; AND PUBLIC HEARING.—If the Postal Service makes a determination under subsection (a)(3) to close or consolidate a postal facility, the Postal Service shall—

“(A) provide notice of the determination to—

“(i) Congress; and

“(ii) the Postal Regulatory Commission;

“(B) provide adequate public notice of the intention of the Postal Service to close or consolidate the postal facility;

“(C) ensure that interested persons have an opportunity to submit public comments during a 45-day period after the notice of intention is provided under subparagraph (B);

“(D) before that 45-day period provide for public notice of that opportunity by—

“(i) publication on the Postal Service website;

“(ii) posting at the affected postal facility; and

“(iii) advertising the date and location of the public community meeting under subparagraph (E); and

“(E) during the 45-day period described under subparagraph (C), conduct a public community meeting that provides an opportunity for public comments to be submitted verbally or in writing.

“(4) FURTHER CONSIDERATIONS.—Not earlier than 30 days after the end of the 45-day period for public comment under paragraph (3), the Postal Service, in making a determination whether or not to close or consolidate a postal facility, shall consider—

“(A) the views presented by interested persons solicited under paragraph (3);

“(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closure or consolidation may have on a State, region, or locality;

“(C) the effect of the closing or consolidation on the travel times and distances for affected customers to access services under the proposed closing or consolidation;

“(D) the effect of the closing or consolidation on delivery times for all classes of mail;

“(E) any characteristics of certain geographical areas, such as remoteness, broadband internet availability, and weather-related obstacles to using alternative facilities, that may result in the closing or consolidation having a unique effect; and

“(F) any other factor the Postal Service determines is necessary.

“(5) JUSTIFICATION STATEMENT.—Before the date on which the Postal Service closes or consolidates a postal facility, the Postal Service shall post on the Postal Service website a closure or consolidation justification statement that includes—

“(A) a response to all public comments received with respect to the considerations described under paragraph (4);

“(B) a description of the considerations made by the Postal Service under paragraph (4); and

“(C) the actions that will be taken by the Postal Service to mitigate any negative effects identified under paragraph (4).

“(6) CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.—

“(A) IN GENERAL.—Not earlier than the 15 days after posting and publishing the final determination and the justification statement under paragraph (6) with respect to a postal facility, the Postal Service may close or consolidate the postal facility.

“(B) ALTERNATIVE INTAKE OF MAIL.—If the Postal Service closes or consolidates a postal facility under subparagraph (A), the Postal Service shall make reasonable efforts to ensure continued mail receipt from customers of the closed or consolidated postal facility at the same location or at another appropriate location in close geographic proximity to the closed or consolidated postal facility.

“(7) POSTAL SERVICE WEBSITE.—For purposes of any notice required to be published

on the Postal Service website under this subsection, the Postal Service shall ensure that the Postal Service website—

“(A) is updated routinely; and

“(B) provides any person, at the option of the person, the opportunity to receive relevant updates by electronic mail.”.

SEC. 202. ADDITIONAL POSTAL SERVICE PLAN- NING.

Section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note) is amended—

(1) in paragraph (8), by striking the period at the end and inserting “; and”;

(2) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively, and adjusting the margins accordingly;

(3) in the matter preceding subparagraph (A), as so redesignated, by striking “shall include” and inserting the following: “shall—

“(1) include”; and

(4) by adding at the end the following:

“(2) where possible, provide for an improvement in customer access to postal services;

“(3) consider the impact of any decisions by the Postal Service relating to the implementation of the plan on small communities and rural areas; and

“(4) ensure that—

“(A) small communities and rural areas continue to receive regular and effective access to retail postal services after implementation of the plan; and

“(B) the Postal Service solicits community input in accordance with applicable provisions of Federal law.”.

SEC. 203. AREA AND DISTRICT OFFICE STRUCTURE.

(a) PLAN REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives—

(1) a comprehensive strategic plan to govern decisions relating to area and district office structure that considers efficiency, costs, redundancies, mail volume, technological advancements, operational considerations, and other issues that may be relevant to establishing an effective area and district office structure; and

(2) a 10-year plan, including a timetable, that provides for consolidation of area and district offices wherever the Postal Service determines a consolidation would—

(A) be cost-effective; and

(B) not substantially and adversely affect the operations of the Postal Service.

(b) CONSOLIDATION.—Beginning not later than 1 year after the date of enactment of this Act, the Postal Service shall, consistent with the plans required under subsection (a)—

(1) consolidate district offices that are located within 50 miles of each other;

(2) consolidate area and district offices that have less than the mean mail volume and number of work hours for all area and district offices; and

(3) relocate area offices to headquarters.

(c) UPDATES.—The Postal Service shall update the plans required under subsection (a) not less frequently than once every 5 years.

SEC. 204. RETAIL SERVICE STANDARDS.

(a) ESTABLISHMENT OF SERVICE STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall exercise its authority under section 3691 of title 39, United States Code, to establish service standards for market-dominant products in order to guarantee customers of

the Postal Service regular and effective access to retail postal services nationwide (including in territories and possessions of the United States) on a reasonable basis.

(b) **CONTENTS.**—The service standards established under subsection (a) shall—

(1) be consistent with—

(A) the obligations of the Postal Service under section 101(b) of title 39, United States Code; and

(B) the contents of the plan developed under section 302 of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note), as amended by section 202 of this Act; and

(2) take into account factors including—

(A) geography, including the establishment of standards for the proximity of retail postal services to postal customers, including a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location;

(B) population, including population density, demographic factors such as the age and disability status of individuals in the area to be served by a location providing postal retail services, and other factors that may impact the ability of postal customers, including businesses, to travel to a postal retail location;

(C) the feasibility of offering retail access to postal services in addition to post offices, as described in section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note); and

(D) the requirement that the Postal Service serve remote areas and communities with transportation challenges, including communities in which the effects of inclement weather or other natural conditions might obstruct or otherwise impede access to retail postal services.

SEC. 205. CONVERSION OF DOOR DELIVERY POINTS.

(a) **IN GENERAL.**—Subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“§ 3692. Conversion of door delivery points

“(a) **DEFINITIONS.**—In this section, the following definitions shall apply:

“(1) **CENTRALIZED DELIVERY POINT.**—The term ‘centralized delivery point’ means a group or cluster of mail receptacles at 1 delivery point that is within reasonable proximity of the street address associated with the delivery point.

“(2) **CURBLINE DELIVERY POINT.**—The term ‘curbline delivery point’ means a delivery point that is—

“(A) adjacent to the street address associated with the delivery point; and

“(B) accessible by vehicle on a street that is not a private driveway.

“(3) **DOOR DELIVERY POINT.**—The term ‘door delivery point’ means a delivery point at a door of the structure at a street address.

“(4) **SIDEWALK DELIVERY POINT.**—The term ‘sidewalk delivery point’ means a delivery point on a sidewalk adjacent to the street address associated with the delivery point.

“(b) **CONVERSION.**—Except as provided in subsection (c), not later than September 30, 2015, in accordance with standards established by the Postal Service, the Postal Service may, where feasible, convert door delivery points to—

“(1) curbline delivery points;

“(2) sidewalk delivery points; or

“(3) centralized delivery points.

“(c) **EXCEPTIONS.**—

“(1) **CONTINUED DOOR DELIVERY.**—The Postal Service may allow for the continuation of door delivery due to—

“(A) a physical hardship of a customer;

“(B) weather, in a geographic area where snow removal efforts could obstruct access to mailboxes near a road;

“(C) circumstances in an urban area that preclude efficient use of curbside delivery points;

“(D) other exceptional circumstances, as determined in accordance with regulations issued by the Postal Service; or

“(E) other circumstances in which the Postal Service determines that alternatives to door delivery would not be practical or cost effective.

“(2) **NEW DOOR DELIVERY POINTS.**—The Postal Service may provide door delivery to a new delivery point in a delivery area that received door delivery on the day before the date of enactment of this section, if the delivery point is established before the delivery area is converted from door delivery under subsection (b).

“(d) **SOLICITATION OF COMMENTS.**—The Postal Service shall establish procedures to solicit, consider, and respond to input from individuals affected by a conversion under this section.

“(e) **REVIEW.**—Subchapter V of this chapter shall not apply with respect to any action taken by the Postal Service under this section.

“(f) **REPORT.**—Not later than 60 days after the end of each fiscal year through fiscal year 2015, the Postal Service shall submit to Congress and the Inspector General of the Postal Service a report on the implementation of this section during the preceding fiscal year that—

“(1) includes the number of door delivery points—

“(A) that existed at the end of the fiscal year preceding the preceding fiscal year;

“(B) that existed at the end of the preceding fiscal year;

“(C) that, during the preceding fiscal year, converted to—

“(i) curbline delivery points or sidewalk delivery points;

“(ii) centralized delivery points; and

“(iii) any other type of delivery point; and

“(D) for which door delivery was continued under subsection (c)(1);

“(2) estimates the cost savings from the conversions from door delivery that occurred during the preceding fiscal year;

“(3) describes the progress of the Postal Service toward achieving the requirements under subsection (b); and

“(4) provides such additional information as the Postal Service considers appropriate.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“3692. Conversion of door delivery points.”.

SEC. 206. LIMITATIONS ON CHANGES TO MAIL DELIVERY SCHEDULE.

(a) **LIMITATION ON CHANGE IN SCHEDULE.**—Notwithstanding any other provision of law—

(1) the Postal Service may not establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, earlier than the date that is 24 months after the date of enactment of this Act; and

(2) on or after the date that is 24 months after the date of enactment of this Act, the Postal Service may establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, only in accordance with

the requirements and limitations under this section.

(b) **PRECONDITIONS.**—If the Postal Service intends to establish a change in delivery schedule under subsection (a)(2), the Postal Service shall—

(1) identify customers and communities for whom the change may have a disproportionate, negative impact, including the customers identified as “particularly affected” in the Advisory Opinion on Elimination of Saturday Delivery issued by the Commission on March 24, 2011;

(2) develop, to the maximum extent possible, measures to ameliorate any disproportionate, negative impact the change would have on customers and communities identified under paragraph (1), including, where appropriate, providing or expanding access to mailboxes for periodical mailers on days on which the Postal Service does not provide delivery;

(3) implement measures to increase revenue and reduce costs, including the measures authorized under the amendments made by sections 101, 102, 103, 104, 204, and 208 of this Act;

(4) evaluate whether any increase in revenue or reduction in costs resulting from the measures implemented under paragraph (3) are sufficient to allow the Postal Service, without implementing a change in delivery schedule under subsection (a), to—

(A) become profitable by fiscal year 2015; and

(B) achieve long-term financial solvency; and

(5) not earlier than 15 months after the date of enactment of this Act and not later than 9 months before the effective date proposed by the Postal Service for the change, submit a report on the steps the Postal Service has taken to carry out this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Comptroller General of the United States; and

(C) the Commission.

(c) **REVIEW.**—

(1) **GOVERNMENT ACCOUNTABILITY OFFICE.**—Not later than 3 months after the date on which the Postal Service submits a report under subsection (b)(5), the Comptroller General shall submit to the Commission and to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that contains findings relating to each of the following:

(A) Whether the Postal Service has adequately complied with subsection (b)(3), taking into consideration the statutory authority of and limitations on the Postal Service.

(B) The accuracy of any statement by the Postal Service that the measures implemented under subsection (b)(3) have increased revenues or reduced costs, and the accuracy of any projection by the Postal Service relating to increased revenue or reduced costs resulting from the measures implemented under subsection (b)(3).

(C) The adequacy and methodological soundness of any evaluation conducted by the Postal Service under subsection (b)(4) that led the Postal Service to assert the necessity of a change in delivery schedule under subsection (a)(2).

(D) Whether, based on an analysis of the measures implemented by the Postal Service

to increase revenues and reduce costs, projections of increased revenue and cost savings, and the details of the profitability plan required under section 401, a change in delivery schedule is necessary to allow the Postal Service to—

(i) become profitable by fiscal year 2015; and

(ii) achieve long-term financial solvency.

(2) **POSTAL REGULATORY COMMISSION.**—

(A) **REQUEST.**—Not later than 6 months before the proposed effective date of a change in delivery schedule under subsection (a), the Postal Service shall submit to the Commission a request for an advisory opinion relating to the change.

(B) **ADVISORY OPINION.**—

(i) **IN GENERAL.**—The Commission shall—

(I) issue an advisory opinion with respect to a request under subparagraph (A), in accordance with the time limits for the issuance of advisory opinions under section 3661(b)(2) of title 39, United States Code, as amended by this Act; and

(II) submit the advisory opinion to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(ii) **REQUIRED DETERMINATIONS.**—An advisory opinion under clause (i) shall determine—

(I) whether the measures developed under subsection (b)(2) ameliorate any disproportionate, negative impact that a change in schedule may have on customers and communities identified under subsection (b)(1); and

(II) based on the report submitted by the Comptroller General under paragraph (1)—

(aa) whether the Postal Service has implemented measures to reduce operating losses as required under subsection (b)(3);

(bb) whether the implementation of the measures described in item (aa) has increased revenues or reduced costs, or is projected to further increase revenues or reduce costs in the future; and

(cc) whether a change in schedule under subsection (a)(2) is necessary to allow the Postal Service to—

(AA) become profitable by fiscal year 2015; and

(BB) achieve long-term financial solvency.

(3) **PROHIBITION ON IMPLEMENTATION OF CHANGE IN SCHEDULE.**—The Postal Service may not implement a change in delivery schedule under subsection (a)(2)—

(A) before the date on which the Comptroller General submits the report required under paragraph (1); and

(B) unless the Commission determines under paragraph (2)(B)(ii)(II)(cc) that the change is necessary to allow the Postal Service to become profitable by fiscal year 2015 and to achieve long-term financial solvency, without regard to whether the Commission determines that the change is advisable.

(d) **ADDITIONAL LIMITATIONS.**—

(1) **RULES OF CONSTRUCTION.**—Nothing in this subsection shall be construed to—

(A) authorize the reduction, or require an increase, in delivery frequency for any route for which the Postal Service provided delivery on fewer than 6 days per week on the date of enactment of this Act;

(B) authorize any change in—

(i) the days and times that postal retail service or any mail acceptance is available; or

(ii) the locations at which postal retail service or mail acceptance occurs;

(C) authorize any change in the frequency of delivery to a post office box;

(D) prohibit the collection or delivery of a competitive mail product on a weekend or a recognized Federal holiday; or

(E) prohibit the Postal Service from exercising its authority to make changes to processing or retail networks.

(2) **PROHIBITION ON CONSECUTIVE DAYS WITHOUT MAIL DELIVERY.**—The Postal Service shall ensure that, under any change in schedule under subsection (a)(2), at no time shall there be more than 2 consecutive days without mail delivery to street addresses, including recognized Federal holidays.

SEC. 207. TIME LIMITS FOR CONSIDERATION OF SERVICE CHANGES.

Section 3661 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

“(b) **PROPOSED CHANGES FOR MARKET-DOMINANT PRODUCTS.**—

“(1) **SUBMISSION OF PROPOSAL.**—If the Postal Service determines that there should be a change in the nature of postal services relating to market-dominant products that will generally affect service on a nationwide or substantially nationwide basis, the Postal Service shall submit a proposal to the Postal Regulatory Commission requesting an advisory opinion on the change.

“(2) **ADVISORY OPINION.**—Upon receipt of a proposal under paragraph (1), the Postal Regulatory Commission shall—

“(A) provide an opportunity for public comment on the proposal; and

“(B) issue an advisory opinion not later than—

“(i) 90 days after the date on which the Postal Regulatory Commission receives the proposal; or

“(ii) a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives the proposal, determine jointly.

“(3) **RESPONSE TO OPINION.**—The Postal Service shall submit to the President and to Congress a response to the advisory opinion issued under paragraph (2), including any recommendations contained therein.

“(4) **ACTION ON PROPOSAL.**—The Postal Service may take action regarding a proposal submitted under paragraph (1)—

“(A) on or after the date that is 30 days after the date on which the Postal Service submits the response required under paragraph (3);

“(B) on or after a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives a proposal under paragraph (2), determine jointly; or

“(C) after the date described in paragraph (2)(B), if—

“(i) the Postal Regulatory Commission fails to issue an advisory opinion on or before the date described in paragraph (2)(B); and

“(ii) the action is not otherwise prohibited under Federal law.

“(5) **MODIFICATION OF TIMELINE.**—At any time, the Postal Service and the Postal Regulatory Commission may jointly redetermine a date determined under paragraph (2)(B)(ii) or (4)(B).”

SEC. 208. PUBLIC PROCEDURES FOR SIGNIFICANT CHANGES TO MAILING SPECIFICATIONS.

(a) **NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED.**—Effective on the date on which the Postal Service issues a final rule under subsection (c), before making a change to mailing specifications that could pose a significant burden to the customers of the Post-

al Service and that is not reviewed by the Commission, the Postal Service shall—

(1) publish a notice of the proposed change to the specification in the Federal Register;

(2) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days;

(3) after considering any comments submitted under paragraph (2) and making any modifications to the proposed change that the Postal Service determines are necessary, publish—

(A) the final change to the specification in the Federal Register;

(B) responses to any comments submitted under paragraph (2); and

(C) an analysis of the financial impact that the proposed change would have on—

(i) the Postal Service; and

(ii) the customers of the Postal Service that would be affected by the proposed change; and

(4) establish an effective date for the change to mailing specifications that is not earlier than 30 days after the date on which the Postal Service publishes the final change under paragraph (3).

(b) **EXCEPTION FOR GOOD CAUSE.**—If the Postal Service determines that there is an urgent and compelling need for a change to a mailing specification described in subsection (a) in order to avoid demonstrable harm to the operations of the Postal Service or to the public interest, the Postal Service may—

(1) change the mailing specifications by—

(A) issuing an interim final rule that—

(i) includes a finding by the Postal Service that there is good cause for the interim final rule;

(ii) provides an opportunity for the submission of written comments on the interim final rule for a period of not less than 30 days; and

(iii) establishes an effective date for the interim final rule that is not earlier than 30 days after the date on which the interim final rule is issued; and

(B) publishing in the Federal Register a response to any comments submitted under subparagraph (A)(ii); and

(2) waive the requirement under paragraph (1)(A)(iii) or subsection (a)(4).

(c) **RULES RELATING TO NOTICE AND COMMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Postal Service shall issue rules governing the provision of notice and opportunity for comment for changes in mailing specifications under subsection (a).

(2) **RULES.**—In issuing the rules required under paragraph (1), the Postal Service shall—

(A) publish a notice of proposed rulemaking in the Federal Register that includes proposed definitions of the terms “mailing specifications” and “significant burden”; and

(B) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days; and

(C) publish—

(i) the rule in final form in the Federal Register; and

(ii) responses to the comments submitted under subparagraph (B).

SEC. 209. NONPOSTAL PRODUCTS AND SERVICES.

(a) **IN GENERAL.**—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

“(6) after the date of enactment of the 21st Century Postal Service Act of 2011, and except as provided in subsection (e), to provide other services that are not postal services, after the Postal Regulatory Commission—

“(A) makes a determination that the provision of such services—

“(i) uses the processing, transportation, delivery, retail network, or technology of the Postal Service;

“(ii) is consistent with the public interest and a demonstrated or potential public demand for—

“(I) the Postal Service to provide the services instead of another entity providing the services; or

“(II) the Postal Service to provide the services in addition to another entity providing the services;

“(iii) would not create unfair competition with the private sector; and

“(iv) has the potential to improve the net financial position of the Postal Service, based on a market analysis provided to the Postal Regulatory Commission by the Postal Service; and

“(B) for services that the Postal Regulatory Commission determines meet the criteria under subparagraph (A), classifies each such service as a market-dominant product, competitive product, experimental product, or new product, as required under chapter 36 of title 39, United States Code;”; and

(2) in subsection (e)(2), by striking “Nothing” and all that follows through “except that the” and inserting “The”.

(b) **MARKET ANALYSIS.**—During the 5-year period beginning on the date of enactment of this Act, the Postal Service shall submit a copy of any market analysis provided to the Commission under section 404(a)(6)(A)(iv) of title 39, United States Code, as amended by this section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

TITLE III—FEDERAL EMPLOYEES’ COMPENSATION ACT

SEC. 301. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This title may be cited as the “Workers’ Compensation Reform Act of 2011”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) **CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.**—

(1) **DEFINITIONS.**—Section 8101 is amended

(A) in paragraph (18), by striking “and” at the end;

(B) in paragraph (19), by striking “and” at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(21) ‘retirement age’ has the meaning given that term under section 216(1)(1) of the Social Security Act (42 U.S.C. 416(1)(1));

“(22) ‘covered claim for total disability’ means a claim for a period of total disability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2011;

“(23) ‘covered claim for partial disability’ means a claim for a period of partial dis-

ability that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2011; and

“(24) ‘individual who has an exempt disability condition’ means an individual—

“(A) who—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers’ Compensation Reform Act of 2011; and

“(ii) meets the criteria under 8105(c);

“(B) who, on the date of enactment of the Workers’ Compensation Reform Act of 2011—

“(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

“(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1 year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2011, constant in-home care or custodial care, such as in placement in a nursing home; or

“(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

“(i) for not less than the 3-year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2011; or

“(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers’ Compensation Reform Act of 2011 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.”.

(2) **TOTAL DISABILITY.**—Section 8105 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) **CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

“(2) **EXCEPTIONS.**—

“(A) **COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR HAVE AN EXEMPT DISABILITY CONDITION.**—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

“(i) on the date of enactment of the Workers’ Compensation Reform Act of 2011, has attained retirement age; or

“(ii) is an individual who has an exempt disability condition.

“(B) **TRANSITION PERIOD FOR CERTAIN EMPLOYEES.**—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2011.”.

(3) **PARTIAL DISABILITY.**—Section 8106 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) **CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

“(2) **EXCEPTIONS.**—

“(A) **COVERED RECIPIENTS WHO ARE RETIREMENT AGE.**—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers’ Compensation Reform Act of 2011, the employee has attained retirement age.

“(B) **TRANSITION PERIOD FOR CERTAIN EMPLOYEES.**—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2011.”.

SEC. 303. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) **IN GENERAL.**—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) **TERMINATION OF AUGMENTED COMPENSATION.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

“(2) **EXCEPTIONS.**—

“(A) **TOTAL DISABILITY.**—For a covered claim for total disability by an employee—

“(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

“(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2011 if the employee is not an employee described in clause (i).

“(B) **PARTIAL DISABILITY.**—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2011.

“(C) **PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.**—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2011, the employee shall receive augmented compensation under subsection (c).”.

(b) **MAXIMUM AND MINIMUM MONTHLY PAYMENTS.**—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting “subsections (b) and (c) and” before “section 8138”;

(B) by striking “including augmented compensation under section 8110 of this title but”; and

(C) by striking “75 percent” each place it appears and inserting “66 ⅔ percent”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) EXCEPTIONS.—

“(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if the employee is an individual who has an exempt disability condition—

“(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

“(B) subsection (a) shall be applied by substituting ‘75 percent’ for ‘66 ⅔ percent’ each place it appears.”

“(2) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2011—

“(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

“(B) subsection (a) shall be applied by substituting ‘75 percent’ for ‘66 ⅔ percent’ each place it appears.”; and

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (a)” and inserting “subsections (a) and (b)”.

(C) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking “75 percent” each place it appears and inserting “66 ⅔ percent (except as provided in subsection (g))”; and

(2) by adding at the end the following:

“(g) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2011, subsections (a) and (e) shall be applied by substituting ‘75 percent’ for ‘66 ⅔ percent’ each place it appears.”.

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking “75 percent” and inserting “66 ⅔ percent (except as provided in subsection (c))”; and

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2011, subsections (b)(2)(B) shall be applied by substituting ‘75 percent’ for ‘66 ⅔ percent’.”.

SEC. 304. SCHEDULE COMPENSATION PAYMENTS.
Section 8107 is amended—

(1) in subsection (a), by striking “at the rate of 66 2/3 percent of his monthly pay” and inserting “at the rate specified under subsection (d)”; and

(2) by adding at the end the following:

“(d) RATE FOR COMPENSATION.—

“(1) ANNUAL SALARY.—

“(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 66 ⅔ percent of the annual salary level established under subparagraph (B), in a lump sum equal to the present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

“(B) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the Workers’ Compensation Reform Act of 2011 had not been enacted.

“(ii) COST OF LIVING ADJUSTMENT.—The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

“(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.

“(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Workers’ Compensation Reform Act of 2011, the rate under subsection (a) shall be 66 ⅔ percent of the employee’s monthly pay.

“(e) SIMULTANEOUS RECEIPT.—

“(1) TOTAL DISABILITY.—An employee who receives compensation for total disability under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the later of—

“(A) the date on which the basic compensation for total disability of the employee becomes 50 percent of the monthly pay of the employee under section 8105(b); or

“(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(A)(ii), if the employee receives such compensation.

“(2) PARTIAL DISABILITY.—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for partial disability after the later of—

“(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

“(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(B), if the employee receives such compensation.”.

SEC. 305. VOCATIONAL REHABILITATION.

(a) IN GENERAL.—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking “(a) The Secretary of Labor may” and all that follows through “undergo vocational rehabilitation.” and inserting the following:

“(a) IN GENERAL.—

“(1) DIRECTION.—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106 is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a

reasonable distance from the residence of the individual.”;

(B) by striking “the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29” and inserting “the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)”;

(C) by striking “under section 32(b)(1) of title 29” and inserting “under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)”; and

(D) by adding at the end the following:

“(2) EXCEPTION.—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive return to work plan or to undergo vocational rehabilitation.”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) CONTENTS OF RETURN TO WORK PLAN.—A return to work plan developed under subsection (a)—

“(1) shall—

“(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

“(B) take into account the prior training and education of the individual and the training, educational, and employment opportunities reasonably available to the individual; and

“(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

“(2) may provide that the Secretary will pay out of amounts in the Employees’ Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees, supplies, equipment, and child or dependent care) during the course of the plan; and

“(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.”;

(4) in subsection (c), as so redesignated—

(A) by inserting “COMPENSATION.—” before “Notwithstanding”; and

(B) by striking “, other than employment undertaken pursuant to such rehabilitation”; and

(5) by adding at the end the following:

“(d) ASSISTED REEMPLOYMENT AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

“(2) CONTENTS.—An assisted reemployment agreement under paragraph (1)—

“(A) may provide that the Secretary will use amounts in the Employees’ Compensation Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

“(B) may not be for a period of more than 3 years.

“(e) LIST.—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the

Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.”.

(b) **TERMINATION OF VOCATIONAL REHABILITATION REQUIREMENT AFTER RETIREMENT AGE.**—Section 8113(b) is amended by adding at the end the following: “An individual who has attained retirement age may not be required to undergo vocational rehabilitation.”.

(c) **MANDATORY BENEFIT REDUCTION FOR NONCOMPLIANCE.**—Section 8113(b) is amended by striking “may reduce” and inserting “shall reduce”.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

“§ 1538. Authorization for assisted reemployment

“Funds may be transferred from the Employees’ Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.”.

(2) **TABLE OF SECTIONS.**—The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

“1538. Authorization for assisted reemployment.”.

SEC. 306. REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—Chapter 81 is amended by inserting after section 8106 the following:

“§ 8106a. Reporting requirements

“(a) **DEFINITION.**—In this section, the term ‘employee receiving compensation’ means an employee who—

“(1) is paid compensation under section 8105 or 8106; and

“(2) has not attained retirement age.

“(b) **AUTHORITY.**—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

“(c) **CONTENTS.**—An employee receiving compensation shall include in a report required under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

“(d) **FAILURE TO REPORT AND FALSE REPORTS.**—

“(1) **IN GENERAL.**—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

“(2) **FORFEITED COMPENSATION.**—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under section 8129, unless recovery is waived under that section.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following:

“8106a. Reporting requirements.”.

SEC. 307. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

“(e) **DISABILITY MANAGEMENT REVIEW.**—

“(1) **DEFINITIONS.**—In this subsection—

“(A) the term ‘covered employee’ means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

“(B) the term ‘disability management review process’ means the disability management review process established under paragraph (2)(A).

“(2) **ESTABLISHMENT.**—The Secretary of Labor shall—

“(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and

“(B) promulgate regulations for the administration of the disability management review process.

“(3) **PHYSICAL EXAMINATIONS REQUIRED.**—Under the disability management review process, the Secretary of Labor shall periodically require covered employees to submit to physical examinations under subsection (a) by physicians selected by the Secretary. A physician conducting a physical examination of a covered employee shall submit to the Secretary a report regarding the nature and extent of the injury to and disability of the covered employee.

“(4) **FREQUENCY.**—

“(A) **IN GENERAL.**—The regulations promulgated under paragraph (2)(B) shall specify the process and criteria for determining when and how frequently a physical examination should be conducted for a covered employee.

“(B) **MINIMUM FREQUENCY.**—

“(i) **INITIAL.**—An initial physical examination shall be conducted not more than a brief period after the date on which a covered employee has been in continuous receipt of compensation for total disability under section 8105 for 6 months.

“(ii) **SUBSEQUENT EXAMINATIONS.**—After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

“(5) **EMPLOYING AGENCY OR INSTRUMENTALITY REQUESTS.**—

“(A) **IN GENERAL.**—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

“(B) **REQUESTING OFFICER.**—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

“(i) the head of the agency or instrumentality;

“(ii) the Chief Human Capital Officer of the agency or instrumentality; or

“(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer designated by the head of the agency or instrumentality to make requests under this paragraph.

“(C) **INFORMATION.**—A request under subparagraph (A) shall be in writing and accompanied by—

“(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee’s file;

“(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

“(iii) copies of the materials relating to the employee that are relevant to the officer’s determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

“(D) **EXAMINATION.**—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

“(E) **AFTER INITIAL EXAMINATION.**—

“(i) **IN GENERAL.**—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

“(I) review the request and the information, explanation, and other materials submitted with the request; and

“(II) determine whether to require the physical examination of the employee who is the subject of the request.

“(ii) **NOT GRANTED.**—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the request and provide an explanation of the reasons why the request was denied.”.

SEC. 308. WAITING PERIOD.

(a) **IN GENERAL.**—Section 8117 is amended—

(1) in the section heading, by striking

“Time of accrual of right” and inserting

“Waiting period”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “An employee” and all that follows through “is not entitled” and inserting

“IN GENERAL.—An employee is not entitled to continuation of pay within the meaning of section 8118 for the first 3 days of temporary disability or, if section 8118 does not apply, is not entitled”;

(B) in paragraph (1), by adding “or” at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (b)—

(A) by striking “A Postal Service” the first place it appears and all that follows through “A Postal Service” the second place it appears and inserting “USE OF LEAVE.—

An”;

(B) by striking “that 3-day period” and inserting “the first 3 days of temporary disability”;

(C) by striking “or is followed by permanent disability”.

(b) **CONTINUATION OF PAY.**—Section 8118 is amended—

(1) in the section heading, by striking “; election to use annual or sick leave”;

(2) in subsection (b)(1), by striking “section 8117(b)” and inserting “section 8117”;

(3) by striking subsection (c); and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—The table of sections for chapter 81 is amended by striking the items relating to sections 8117 and 8118 and inserting the following:

“8117. Waiting period.

"8118. Continuation of pay.".

SEC. 309. ELECTION OF BENEFITS.

(a) IN GENERAL.—Section 8116 is amended by adding at the end the following:

"(e) RETIREMENT BENEFITS.—

"(1) IN GENERAL.—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

"(2) ELECTION.—

"(A) DEADLINE.—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish.

"(B) REVOCABILITY.—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

"(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

"(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

"(3) INFORMED CHOICE.—The Secretary of Labor shall provide information, and shall ensure that information is provided, to an individual described in paragraph (1) about the benefits available to the individual under this subchapter or under chapter 83 or 84 or any other retirement system referred to in paragraph (1) the individual may elect to receive."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 8337(f)(3) and 8464a(a)(3) are each amended by striking "Paragraphs" and inserting "Except as provided under chapter 81, paragraphs".

SEC. 310. SANCTION FOR NONCOOPERATION WITH FIELD NURSES.

Section 8123, as amended by section 307, is amended by adding at the end the following:

"(f) FIELD NURSES.—

"(1) DEFINITION.—In this subsection, the term 'field nurse' means a registered nurse that assists the Secretary in the medical management of disability claims under this subchapter and provides claimants with assistance in coordinating medical care.

"(2) AUTHORIZATION.—The Secretary may use field nurses to coordinate medical services and vocational rehabilitation programs for injured employees under this subchapter. If an employee refuses to cooperate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops."

SEC. 311. SUBROGATION OF CONTINUATION OF PAY.

(a) IN GENERAL.—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting "continuation of pay or" before "compensation"; and

(2) in subsection (b), by inserting "continuation of pay" before compensation; and

(3) in subsection (c)—

(A) by inserting "continuation of pay or" before "compensation already paid"; and

(B) by inserting "continuation of pay or" before "compensation payable".

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting "continuation of pay or" before "compensation is payable";

(B) by inserting "continuation of pay or" before "compensation from the United States";

(C) by striking "by him or in his behalf" and inserting "by the beneficiary or on behalf of the beneficiary";

(D) by inserting "continuation of pay and" before "compensation paid by the United States"; and

(E) by striking "compensation payable to him" and inserting "continuation of pay or compensation payable to the beneficiary";

(2) in the second sentence, by striking "his designee" and inserting "the designee of the beneficiary"; and

(3) in the fourth sentence, by striking "If compensation" and all that follows through "payable to him by the United States" and inserting "If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to the beneficiary by the United States".

SEC. 312. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116, as amended by section 308, is amended by adding at the end the following:

"(f) EARNINGS INFORMATION.—Notwithstanding section 552a or any other provision of Federal or State law, the Social Security Administration shall make available to the Secretary of Labor, upon written request, the Social Security earnings information of a living or deceased employee who may have sustained an injury or died as a result of an injury that is the subject of a claim under this subchapter required by the Secretary of Labor to carry out this subchapter."

SEC. 313. AMOUNT OF COMPENSATION.

(a) INJURIES TO FACE, HEAD, AND NECK.—Section 8107(c)(21) is amended—

(1) by striking "not to exceed \$3,500" and inserting "in proportion to the severity of the disfigurement, not to exceed \$50,000"; and

(2) by adding at the end the following: "The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent."

(b) FUNERAL EXPENSES.—Section 8134(a) is amended—

(1) by striking "\$800" and inserting "\$6,000"; and

(2) by adding at the end the following: "The maximum amount of compensation under this subsection shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent."

(c) APPLICATION.—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 314. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(1)(D), by inserting "for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198; 87 Stat. 783; 5 U.S.C. 8101 note)" before the semicolon;

(2) in section 8139, by inserting "under this subchapter" after "Compensation awarded";

(3) in section 8148(a), by striking "section 8106" and inserting "section 8106a";

SEC. 315. REGULATIONS.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) CONTENTS.—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

TITLE IV—OTHER MATTERS

SEC. 401. PROFITABILITY PLAN.

(a) PLAN REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Comptroller General of the United States, and the Commission a plan describing, in detail, the actions the Postal Service will take to—

(1) become profitable by fiscal year 2015; and

(2) achieve long-term financial solvency.

(b) CONSIDERATIONS.—The plan required under subsection (a) shall take into consideration—

(1) the legal authority of the Postal Service;

(2) the changes in the legal authority and responsibilities of the Postal Service under this Act;

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service; and

(4) projected changes in mail volume.

(c) UPDATES.—The Postal Service shall update the plan required under subsection (a) not less frequently than quarterly, until the last quarter of fiscal year 2015.

SEC. 402. POSTAL RATES.

(a) COMMISSION STUDY.—

(1) IN GENERAL.—Not earlier than 2 years after the date of enactment of this Act, the Commission shall commence a study to determine—

(A) whether and to what extent any market-dominant classes, products, or types of mail services do not bear the direct and indirect costs attributable to those classes, products, or types of mail service; and

(B) the impact of any excess mail processing, transportation, or delivery capacity of the Postal Service on the direct and indirect costs attributable to any class that bears less than 100 percent of the costs attributable to the class, as determined under subparagraph (A).

(2) REQUIREMENTS.—The Commission shall conduct the study under paragraph (1) in a manner that protects confidential and proprietary business information.

(3) HEARING.—Before completing the study under paragraph (1), the Commission shall hold a public hearing, on the record, in order to better inform the conclusions of the study. The Postal Service, postal customers, and other interested persons may participate in the hearing under this paragraph.

(4) COMPLETION.—Not later than 6 months after the date on which the Commission commences the study under subsection (a), the Commission shall complete the study.

(b) ANNUAL UPDATES REQUIRED.—Not later than 1 year after the date of completion of

the study under subsection (a), and annually thereafter, the Commission shall—

(1) determine whether any class of mail bears less than 100 percent of the direct and indirect costs attributable to the class, product, or type of mail service, in the same manner as under subsection (a)(1)(A);

(2) for any class of mail for which the Commission makes a determination under paragraph (1), update the study under subsection (a); and

(3) include the study updated under paragraph (2) in the annual written determination of the Commission under section 3653 of title 39, United States Code.

(c) **POSTAL RATES.**—

(1) **DEFINITION.**—In this subsection, the term “loss-making”, as used with respect to a class of mail, means a class of mail that bears less than 100 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

(2) **IN GENERAL.**—Not later than 1 year after the date on which the study under subsection (a) is completed, and annually thereafter, the Postal Service shall establish postal rates for each loss-making class of mail.

(3) **CONSIDERATIONS.**—The Postal Service may establish postal rates under paragraph (2) in a manner that ensures, to the extent practicable, that a class of mail described in paragraph (2) is not loss-making by—

(A) using the authority to increase rates under section 3622(d)(1)(A) of title 39, United States Code;

(B) exhausting any unused rate adjustment authority, as defined in section 3622(d)(2)(C) of title 39, United States Code, subject to paragraph (4); and

(C) maximizing incentives to reduce costs and increase efficiency with regard to the processing, transportation, and delivery of such mail by the Postal Service.

(4) **UNUSED RATE ADJUSTMENT AUTHORITY.**—Section 3622(d)(2)(C) of title 39, United States Code, shall be applied by annually increasing by 2 percentage points any unused rate adjustment authority for a class of mail that bears less than 90 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

SEC. 403. COOPERATION WITH STATE AND LOCAL GOVERNMENTS; INTRA-SERVICE AGREEMENTS.

(a) **COOPERATION WITH STATE AND LOCAL GOVERNMENTS.**—Section 411 of title 39, United States Code, is amended, in the first sentence by striking “and the Government Printing Office” inserting “, the Government Printing Office, and agencies and other units of State and local governments”.

(b) **INTRA-SERVICE AGREEMENTS.**—Section 411 of title 39, United States Code, as amended by subsection (a), is amended—

(1) in the section heading, by adding at the end the following: “**and within the Postal Service**”;

(2) in the second sentence, by striking “section” and inserting “subsection”;

(3) by striking “Executive agencies” and inserting the following:

“(a) **COOPERATION WITH STATE AND LOCAL GOVERNMENTS.**—Executive agencies”; and

(4) by adding at the end the following:

“(b) **COOPERATION WITHIN THE POSTAL SERVICE.**—The Office of the Inspector General and other components of the Postal Service may enter into agreements to furnish to each other property, both real and personal, and personal and nonpersonal services. The furnishing of property and services under this subsection shall be under such terms and conditions, including reimbursability, as the Inspector General and the head of the component concerned shall deem appropriate.”.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 411 and inserting the following:

“411. Cooperation with other Government agencies and within the Postal Service.”.

SEC. 404. SHIPPING OF WINE AND BEER.

(a) **MAILABILITY.**—

(1) **NONMAILABLE ARTICLES.**—Section 1716(f) of title 18, United States Code, is amended by striking “mails” and inserting “mails, except to the extent that the mailing is allowable under section 3001(p) of title 39”.

(2) **APPLICATION OF LAWS.**—Section 1161 of title 18, United States Code, is amended, by inserting “, and, with respect to the mailing of wine or malt beverages (as those terms are defined in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211)), is in conformity with section 3001(p) of title 39” after “Register”.

(b) **REGULATIONS.**—Section 3001 of title 39, United States Code, is amended by adding at the end the following:

“(p)(1) In this subsection, the terms ‘wine’ and ‘malt beverage’ have the same meanings as in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211).

“(2) Wine or malt beverages shall be considered mailable if mailed—

“(A) by a licensed winery or brewery, in accordance with applicable regulations under paragraph (3); and

“(B) in accordance with the law of the State, territory, or district of the United States where the addressee or duly authorized agent takes delivery.

“(3) The Postal Service shall prescribe such regulations as may be necessary to carry out this subsection, including regulations providing that—

“(A) the mailing shall be by a means established by the Postal Service to ensure direct delivery to the addressee or a duly authorized agent;

“(B) the addressee (and any duly authorized agent) shall be an individual at least 21 years of age;

“(C) the individual who takes delivery, whether the addressee or a duly authorized agent, shall present a valid, government-issued photo identification at the time of delivery;

“(D) the wine or malt beverages may not be for resale or other commercial purpose; and

“(E) the winery or brewery involved shall—

“(i) certify in writing to the satisfaction of the Postal Service, through a registration process administered by the Postal Service, that the mailing is not in violation of any provision of this subsection or regulation prescribed under this subsection; and

“(ii) provide any other information or affirmation that the Postal Service may require, including with respect to the prepayment of State alcohol beverage taxes.

“(4) For purposes of this subsection—

“(A) a winery shall be considered to be licensed if it holds an appropriate basic permit issued—

“(i) under the Federal Alcohol Administration Act; and

“(ii) under the law of the State in which the winery is located; and

“(B) a brewery shall be considered to be licensed if—

“(i) it possesses a notice of registration and bond approved by the Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury; and

“(ii) it is licensed to manufacture and sell malt beverages in the State in which the brewery is located.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Postal Service issues regulations under section 3001(p) of title 39, United States Code, as amended by this section; and

(2) 120 days after the date of enactment of this Act.

SEC. 405. ANNUAL REPORT ON UNITED STATES MAILING INDUSTRY.

(a) **IN GENERAL.**—Chapter 24 of title 39, United States Code, is amended by adding at the end the following:

“**§2403. Annual report on the fiscal stability of the United States mailing industry**

“(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Postal Regulatory Commission shall submit a report on the fiscal stability of the United States mailing industry with respect to the preceding fiscal year to—

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform of the House of Representatives.

“(b) **ASSISTANCE.**—The United States Postal Service and any Federal agency involved in oversight or data collection regarding industry sectors relevant to the report under subsection (a) shall provide any assistance to the Postal Regulatory Commission that the Postal Regulatory Commission determines is necessary in the preparation of a report under subsection (a).”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 24 of title 39, United States Code, is amended by adding at the end the following:

“2403. Annual report on the fiscal stability of the United States mailing industry.”.

SEC. 406. USE OF NEGOTIATED SERVICE AGREEMENTS.

Section 3622 of title 39, United States Code, is amended—

(1) in subsection (c)(10)(A)—

(A) in the matter preceding clause (i), by striking “either” and inserting “will”;

(B) in clause (i), by striking “or” at the end;

(C) in clause (ii), by striking “and” at the end and inserting “or”; and

(D) by adding at the end the following:

“(iii) preserve mail volume and revenue; and”;

(2) by adding at the end the following:

“(g) **COORDINATION.**—The Postal Service and the Postal Regulatory Commission shall coordinate actions to identify methods to increase the use of negotiated service agreements for market-dominant products by the Postal Service consistent with subsection (c)(10).”.

SEC. 407. CONTRACT DISPUTES.

Section 7101(8) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) the United States Postal Service and the Postal Regulatory Commission.”.

SEC. 408. CONTRACTING PROVISIONS.

(a) IN GENERAL.—Part I of title 39, United States Code, is amended by adding at the end the following:

“CHAPTER 7—CONTRACTING PROVISIONS

“Sec.

“701. Definitions.

“702. Advocate for competition.

“703. Delegation of contracting authority.

“704. Posting of noncompetitive purchase requests for noncompetitive contracts.

“705. Review of ethical issues.

“706. Ethical restrictions on participation in certain contracting activity.

“§ 701. Definitions

“In this chapter—

“(1) the term ‘contracting officer’ means an employee of a covered postal entity who has authority to enter into a postal contract;

“(2) the term ‘covered postal entity’ means—

“(A) the United States Postal Service; or

“(B) the Postal Regulatory Commission;

“(3) the term ‘head of a covered postal entity’ means—

“(A) in the case of the United States Postal Service, the Postmaster General; or

“(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

“(4) the term ‘postal contract’ means any contract (including any agreement or memorandum of understanding) entered into by a covered postal entity for the procurement of goods or services; and

“(5) the term ‘senior procurement executive’ means the senior procurement executive of a covered postal entity.

“§ 702. Advocate for competition

“(a) ESTABLISHMENT AND DESIGNATION.—

“(1) There is established in each covered postal entity an advocate for competition.

“(2) The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

“(b) RESPONSIBILITIES.—The advocate for competition of each covered postal entity shall—

“(1) be responsible for promoting competition to the maximum extent practicable consistent with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

“(2) review the procurement activities of the covered postal entity; and

“(3) prepare and transmit to the head of each covered postal entity, the senior procurement executive of each covered postal entity, the Board of Governors of the United States Postal Service, and Congress, an annual report describing—

“(A) the activities of the advocate under this section;

“(B) initiatives required to promote competition;

“(C) barriers to competition that remain; and

“(D) the number of waivers made by each covered postal entity under section 704(c).

“§ 703. Delegation of contracting authority

“(a) IN GENERAL.—

“(1) POLICY.—Not later than 60 days after the date of enactment of the 21st Century

Postal Service Act of 2011, the head of each covered postal entity shall issue a policy on contracting officer delegations of authority for the covered postal entity.

“(2) CONTENTS.—The policy issued under paragraph (1) shall require that—

“(A) notwithstanding any delegation of authority with respect to postal contracts, the ultimate responsibility and accountability for the award and administration of postal contracts resides with the senior procurement executive; and

“(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

“(b) POSTING OF DELEGATIONS.—

“(1) IN GENERAL.—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

“(2) EFFECTIVE DATE.—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of the 21st Century Postal Service Act of 2011.

“§ 704. Posting of noncompetitive purchase requests for noncompetitive contracts

“(a) POSTING REQUIRED.—

“(1) POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make the noncompetitive purchase request for any noncompetitive award, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Regulatory Commission—

“(A) not later than 14 days after the date of the award of the noncompetitive contract; or

“(B) not later than 30 days after the date of the award of the noncompetitive contract, if the basis for the award was a compelling business interest.

“(2) UNITED STATES POSTAL SERVICE.—The United States Postal Service shall make the noncompetitive purchase request for any noncompetitive award of a postal contract valued at \$250,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the United States Postal Service—

“(A) not later than 14 days after the date of the award; or

“(B) not later than 30 days after the date of the award, if the basis for the award was a compelling business interest.

“(3) ADJUSTMENTS TO THE POSTING THRESHOLD FOR THE UNITED STATES POSTAL SERVICE.—

“(A) REVIEW AND DETERMINATION.—Not later than January 31 of each year, the United States Postal Service shall—

“(i) review the \$250,000 threshold established under paragraph (2); and

“(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

“(B) AMOUNT OF ADJUSTMENTS.—An adjustment under subparagraph (A) shall be made in increments of \$5,000. If the United States Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than \$5,000, the United States Postal Service may not make an adjustment to the threshold for the year.

“(4) EFFECTIVE DATE.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days

after the date of enactment of the 21st Century Postal Service Act of 2011.

“(b) PUBLIC AVAILABILITY.—

“(1) IN GENERAL.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a) shall be readily accessible on the website of the covered postal entity.

“(2) PROTECTION OF PROPRIETARY INFORMATION.—A covered postal entity shall—

“(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

“(B) remove any proprietary data or security-related information before making publicly available a description of the rationale supporting a noncompetitive award.

“(c) WAIVERS.—

“(1) WAIVER PERMITTED.—If a covered postal entity determines that making a noncompetitive purchase request publicly available would risk placing the United States Postal Service at a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the covered postal entity, may waive the requirements under subsection (a).

“(2) FORM AND CONTENT OF WAIVER.—

“(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

“(B) CONTENT.—A waiver under paragraph (1) shall include—

“(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

“(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the United States Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

“(3) DELEGATION OF WAIVER AUTHORITY.—A covered postal entity may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

“§ 705. Review of ethical issues

“If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

“(1) review the proposed contract; and

“(2) advise the contracting officer on the appropriate resolution of ethical issues.

“§ 706. Ethical restrictions on participation in certain contracting activity

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered employee’ means—

“(A) a contracting officer; or

“(B) any employee of a covered postal entity whose decisionmaking affects a postal contract as determined by regulations prescribed by the head of a covered postal entity;

“(2) the term ‘covered relationship’ means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto; and

“(3) the term ‘final conviction’ means a conviction, whether entered on a verdict or

plea, including a plea of *nolo contendere*, for which a sentence has been imposed.

“(b) IN GENERAL.—

“(1) REGULATIONS.—The head of each covered postal entity shall prescribe regulations that—

“(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

“(i) discloses any covered relationship of the covered employee; and

“(ii) the covered employee will not take any action with respect to the noncompetitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

“(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the ‘Standards of Ethical Conduct for Employees of the Executive Branch’);

“(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the ‘Standards of Ethical Conduct for Employees of the Executive Branch’), or any successor thereto;

“(D) under subsections (d) and (e) of section 2635.50 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

“(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

“(ii) disqualify a covered employee that makes a disclosure under subparagraph (A)(i) from participating in the noncompetitive postal contract;

“(E) require a contractor to timely disclose to the contracting officer in a bid, solicitation, award, or performance of a postal contract any conflict of interest with a covered employee; and

“(F) include authority for the head of the covered postal entity to grant a waiver or otherwise mitigate any organizational or personal conflict of interest, if the head of the covered postal entity determines that the waiver or mitigation is in the best interests of the Postal Service.

“(2) POSTING OF WAIVERS.—Not later than 30 days after the head of a covered postal entity grants a waiver described in paragraph (1)(F), the head of the covered postal entity shall make the waiver publicly available on the website of the covered postal entity.

“(c) CONTRACT VOIDANCE AND RECOVERY.—

“(1) UNLAWFUL CONDUCT.—In any case in which there is a final conviction for a violation of any provision of chapter 11 of title 18 relating to a postal contract, the head of a covered postal entity may—

“(A) void that contract; and

“(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

“(A) IN GENERAL.—In any case where a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(D), the head of a covered postal entity may—

“(i) void that contract; and

“(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(B) CONVICTION OR ADMINISTRATIVE DETERMINATION.—A case described under subparagraph (A) is any case in which—

“(i) there is a final conviction for an offense punishable under section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)); or

“(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 27(e) of that Act.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 39, United States Code, is amended by adding at the end the following:

“7. Contracting Provisions 701”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 309—SUPPORTING THE PRESERVATION OF INTERNET ENTREPRENEURS AND SMALL BUSINESSES

Mr. WYDEN (for himself, Ms. AYOTTE, Mrs. SHAHEEN, Mr. BEGICH, Mr. MERKLEY, and Mr. HELLER) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 309

Whereas the United States enjoys a strong Internet retail market, which, for the past decade, has provided consumers in the United States with the opportunity to purchase quality products and services at competitive prices;

Whereas the free Internet marketplace has enabled a large number of small retailers and entrepreneurs across the Nation to establish and strengthen businesses on various e-commerce platforms and therefore protect and create jobs, increase consumer choice, create competition in the retail industry, and provide quality goods and services at reasonable and often discounted prices;

Whereas any Federal legislation that would upset the free and fair Internet marketplace and allow State governments to impose new, onerous and burdensome sales tax-collecting schemes on out-of-State, Internet-enabled small businesses would adversely impact hundreds of thousands of jobs, reduce consumer choice, and impede the growth and development of interstate commerce; and

Whereas at a time when national unemployment numbers are high and businesses across the country are struggling to keep their doors open, the Federal Government should promote pro-growth and pro-business policies instead of enacting legislation that extracts additional taxes from our Nation's Internet-enabled businesses: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should not enact any legislation that would grant State governments the

authority to impose any new burdensome or unfair tax collecting requirements on small Internet businesses and entrepreneurs, which would ultimately hurt the economy of, and consumers in, the United States.

Mr. WYDEN. Mr. President, I am pleased today to be joined by Senators AYOTTE, BEGICH, HELLER, MERKLEY, and SHAHEEN to submit a simple but important bipartisan resolution. Our resolution simply expresses a sense of the Senate that the government should not sack small online businesses with any new tax collecting mandates that would hurt their competitiveness, hurt economic recovery, hurt competition, and harm consumers.

The Internet is transforming the way that commerce is conducted. It is leveling the playing field so that the marketplace—whether for goods and services or for ideas—is less and less dominated by the big and by the powerful. The Internet is democratizing information, speech, and making it easier to exchange ideas as well as goods and services.

The legal regime that the United States currently has in place, which facilitates e-commerce, must be protected. Our Constitution and laws such as the Internet Tax Freedom Act and section 230 of the Communications Decency Act, which I championed and protect e-commerce platforms from litigation and small e-commerce businesses from being crushed by layers and layers of state and local taxes, are the pillars that support America's e-commerce platforms and online entrepreneurs' ability to compete.

Everyone in this body recognizes that small businesses are the engines of our economy. They are responsible for the bulk of innovation and job creation in this country—job creation that is so desperately needed right now. In this difficult economic period, however, many State and local governments are facing budgetary shortfalls. It is a difficult challenge that I am sure all of my colleagues recognize, but State budget gaps should not be filled by imposing new tax collecting mandates on the very types of businesses that we rely on to innovate and create the new jobs of tomorrow. But that is what some people are suggesting that Congress allow. I am opposed to that right now, especially given the economic challenges that we face.

Let me give just one example of why we shouldn't upset the legal regime that is currently working to foster innovation, encourage e-commerce and interstate economic activity and which supports jobs. Without the regime that we have in place, a small online retailer, whether it is someone that is selling new merchandise or used merchandise, would be responsible for collecting sales tax for up to 15,000 different sales tax jurisdictions. That is just not a reasonable thing to expect. That is not a reasonable thing to expect particularly, say, from a stay-at-

home parent who sells household goods online to supplement the family's income. Or a college student who buys and sells used merchandise online to help finance the increasingly higher costs of attending college. We don't want to saddle online entrepreneurs like these with new tax collecting responsibilities that will, in effect, put them right out of business.

I look forward to working with my Senate colleagues to build support for this resolution and to ensure that we keep the policies in place that enable small businesses, including online businesses, to have a policy environment that allows them to innovate and create good American jobs.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to S. 1014, a bill to provide for additional Federal district judgeships, dated November 2, 2011.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Monday, November 14, 2011, at 10 a.m., in 7th Floor Courtroom of the Robert C. Byrd Federal Courthouse, 300 Virginia Street, East Charleston, WV 25301.

The purpose of the hearing is to examine Marcellus Shale Gas development and production in West Virginia.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or

by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224- 7143 or Abigail Campbell at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 2, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 2, 2011, at 9:30 a.m. to conduct a hearing entitled "Ten Years After 9/11: The Next Wave in Aviation Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 2, 2011, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 2, 2011, at 9:30 a.m., to hold a European Affairs subcommittee hearing entitled, "The European Debt Crisis: Strategic Implications for the Transatlantic Alliance."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND ORGANIZATIONS, HUMAN RIGHTS, DEMOCRACY, AND GLOBAL WOMEN'S ISSUES

and

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 2, 2011, at 2:30 p.m., to hold a joint hearing of the Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues, and the Subcommittee on Near Eastern and South and Central Asian Affairs entitled, "Women and the Arab Spring."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BEGICH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on November 2, 2011, at 2:00 p.m. in room G-50 of the Dirksen Senate office building to conduct a hearing entitled "Ensuring Quality and Oversight in Assisted Living."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that floor privileges be extended for the balance of the day to my intern, India Wade.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Julia Feinberg and Adam Newman of my staff be granted the privilege of the floor for the duration of today's proceedings on the motion to proceed to S. 1769.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Grove:									
Uzbekistan	Som		224.00						224.00
United States	Dollar				6,380.00				6,380.00
Mary Katherine Fitzpatrick:									
Russia	Ruble		1,534.00						1,534.00
Georgia	Lari		645.70						645.70
Ukraine	Hryvnia		581.53						581.53

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				12,641.20				12,641.20
Erik Fatemi:									
Cambodia	Riel		991.55						991.55
India	Rupee		2,422.00						2,422.00
United States	Dollar				10,690.00				10,690.00
Adrienne Hallett:									
Cambodia	Riel		814.55						814.55
India	Rupee		2,422.00						2,422.00
United States	Dollar				10,690.00				10,690.00
Laura Friedel:									
Cambodia	Riel		901.55						901.55
India	Rupee		2,162.00						2,162.00
United States	Dollar				10,690.50				10,690.50
Sara Love Swaney:									
Cambodia	Riel		891.55						891.55
India	Rupee		2,102.00						2,102.00
United States	Dollar				10,690.50				10,690.50
Janet Stormes:									
Japan	Yen		10.00		39.00				49.00
South Korea	Won		492.00		62.00				554.00
China	Yuan Renminbi		858.00						858.00
Taiwan	Dollar		295.50						295.00
Philippines	Peso		570.00						570.00
United States	Dollar				6,681.00		35.00		6,716.00
Senator Barbara Mikulski:									
France	Euro		2,513.89		405.43				2,919.32
United States	Dollar				11,722.00				11,722.00
Gabrielle Batkin:									
France	Euro		2,513.89		405.43				2,919.32
United States	Dollar				11,722.00				11,722.00
Julia Frifield:									
France	Euro		1,524.91		89.90				1,614.81
United States	Dollar				11,722.00				11,722.00
Paul Grove:									
Egypt	Pound		92.00						92.00
Israel	Shekel		438.00						438.00
Malta	Euro		226.00						226.00
United States	Dollar				4,354.65				4,354.65
Senator Mark Kirk:									
Malta	Euro		146.01						146.01
Total			25,372.63		108,985.61		35.00		134,393.24

DANIEL INOUE,
Chairman, Committee on Appropriations, Oct. 11, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lindsey Graham:									
United States	Dollar				9,300.40				9,300.40
Afghanistan	Dollar		68.00						68.00
Sergio Sarkany:									
United States	Dollar				9,300.40				9,300.40
Afghanistan	Dollar		76.17						76.17
Senator John McCain:									
United States	Dollar				9,300.40				9,300.40
Afghanistan	Dollar		68.00						68.00
Senator Mark Begich:									
Croatia	Dollar		124.00						124.00
David Ramseur:									
Croatia	Dollar		854.00						854.00
Senator Joseph I. Lieberman:									
United States	Dollar				9,300.00				9,300.00
Turkey	Lira		4.80						4.80
Afghanistan	Dollar		87.00						87.00
Vance F. Serchuk:									
United States	Dollar				9,300.00				9,300.00
Afghanistan	Dollar		156.00						156.00
Turkey	Lira		200.00						200.00
Michael J. Kuiken:									
United States	Dollar				13,578.00				13,578.00
Algeria	Dinar		201.00						201.00
Italy	Euro		99.00						99.00
Tunisia	Dinar		343.00						343.00
Mauritania	Ouguiya		213.00						213.00
Michael J. Nobilet:									
United States	Dollar				13,653.00				13,653.00
Algeria	Dinar		196.00						196.00
Italy	Euro		91.00						91.00
Tunisia	Dinar		363.00						363.00
Mauritania	Ouguiya		264.00						264.00
Margaret Goodlander:									
United States	Dollar				9,410.00				9,410.00
Turkey	Lira		200.00				14.00		214.00
Afghanistan	Dollar		156.00				69.00		225.00
Daniel A. Lerner:									
United States	Dollar				12,641.20				12,641.20
Russia	Ruble		1,099.00						1,099.00
Georgia	Lari		575.70						575.70
Ukraine	Hryvnia		383.53						383.53
Chad Kreikemeier:									
United States	Dollar				11,674.00				11,674.00

November 2, 2011

CONGRESSIONAL RECORD—SENATE, Vol. 157, Pt. 12

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Afghanistan	Dollar		13.00						13.00
Pakistan	Dollar		25.65						25.65
Senator Jeanne Shaheen:									
United States	Dollar				11,674.00				11,674.00
Pakistan	Dollar		15.65						15.65
Senator John McCain:									
United States	Dollar				6,981.00				6,981.00
United Arab Emirates	Dollar		102.69						102.69
Pakistan	Dollar		146.72						146.72
India	Dollar		159.37						159.37
Senator Lindsey Graham:									
United States	Dollar				11,607.55				11,607.55
United Arab Emirates	Dollar		790.00						790.00
Christian D. Brose:									
United States	Dollar				9,300.40				9,300.40
Turkey	Dollar		167.00						167.00
Afghanistan	Dollar		78.00						78.00
United States	Dollar				10,198.98				10,198.98
United Arab Emirates	Dollar		167.00						167.00
Pakistan	Dollar		131.00						131.00
India	Dollar		506.00						506.00
William K. Sutey:									
United States	Dollar				10,210.46				10,210.46
Germany	Euro		923.42						923.42
Italy	Euro		485.56						485.56
William G.P. Monahan:									
United States	Dollar				11,841.90				11,841.90
Afghanistan	Dollar		10.00						10.00
Pakistan	Dollar		236.65						236.65
Senator Richard Blumenthal:									
United States	Dollar				11,416.05				11,416.05
Pakistan	Dollar		745.18			25.06			770.24
Ethan Saxon:									
United States	Dollar				11,176.05				11,176.05
Pakistan	Dollar		745.18			36.79			781.97
Senator Lindsey Graham:									
Malta	Dollar		210.14						210.14
Richard D. DeBobes:									
United States	Dollar				11,841.90				11,841.90
Pakistan	Dollar		236.65						236.65
Senator Carl Levin:									
United States	Dollar				10,367.90				10,367.90
Pakistan	Dollar		236.65						236.65
Christian D. Brose:									
Malta	Dollar		266.00						266.00
Senator John McCain:									
Malta	Dollar		254.64						254.64
Total			12,474.35		224,073.59		144.85		236,692.79

CARL LEVIN,
Chairman, Committee on Armed Services, Oct. 4, 2011.CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Michael F. Bennet:									
Pakistan	Rupee		711.32						711.32
United States	Dollar				12,279.30				12,279.30
Mr. Layth Elhassani:									
Pakistan	Rupee		714.42						714.42
United States	Dollar				13,108.30				13,108.30
Total			1,425.74		25,387.60				26,813.34

TIM JOHNSON,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 26, 2011.CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Merkley:									
United States	Dollar				11,841.90				11,841.90
Afghanistan	Dollar		10.00						10.00
Pakistan	Dollar		236.45						236.45
Michael Zamore:									
United States	Dollar				11,841.90				11,841.90
Afghanistan	Dollar		10.00						10.00
Pakistan	Dollar		236.45						236.45
Total			492.90		23,683.80				24,176.70

KENT CONRAD,
Chairman, Committee on the Budget, Oct. 12, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert King:									
United States	Dollar				1,789.50				1,789.50
United Kingdom	Pound		1,590.00						1,590.00
Total			1,590.00		1,789.50				3,379.50

JOHN D. ROCKEFELLER, III,
Chairman, Committee on Commerce, Science, and Transportation,
Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rory Murphy:									
Canada	Dollar		989.75						989.75
United States	Dollar				1,424.72				1,424.72
Tony Clapsis:									
Canada	Dollar		884.06						884.06
United States	Dollar				2,765.62				2,765.62
Brianne Dugan:									
Canada	Dollar		865.33						865.33
United States	Dollar				1,043.35				1,043.35
Total			2,739.14		5,233.69				7,972.83

MAX BAUCUS,
Chairman, Committee on Finance, Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED 1ST QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Brazil	Real		1,298.08						1,298.08
Amber Cottle:									
Brazil	Real		1,298.08						1,298.08
Chelsea Thomas:									
Brazil	Real		1,298.08						1,298.08
Gabriel Adler:									
Brazil	Real		1,298.08						1,298.08
Scott Mulhauser:									
Brazil	Real		1,298.08						1,298.08
Michael Smart:									
Brazil	Real		1,298.08						1,298.08
John Lewis:									
Brazil	Real		1,298.08						1,298.08
Kate Downen:									
Brazil	Real		645.44						645.44
Delegation Expenses:									
Brazil	Real						973.57		973.57
Total			9,732.00				973.57		10,705.57

MAX BAUCUS,
Chairman, Committee on Finance, Aug. 5, 2011.

* Delegation expenses include hotel expenses for security.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert Casey:									
Pakistan	Rupee		712.14						712.14
Afghanistan	Dollar		23.08						23.08
United States	Dollar				11,885.40				11,885.40
Senator John Kerry:									
United Arab Emirates	Dirham		1,169.51						1,169.51
United States	Dollar				11,708.50				11,708.50
Senator John Kerry:									
United Kingdom	Dollar		1,775.13						1,775.13
United States	Dollar				11,600.59				11,600.59
Senator Marco Rubio:									
Malta	Euro		778.64						778.64
Senator Jim Webb:									
Thailand	Baht		698.89						698.89
Singapore	Dollar		395.00						395.00
Indonesia	Rupiah		600.00						600.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Vietnam	Dong		1,307.57						1,307.57
United States	Dollar				16,330.70				16,330.70
Fulton Armstrong:									
Nicaragua	Cordoba		789.00						789.00
United States	Dollar				539.10				539.10
Jonah Blank:									
India	Rupee		980.00						980.00
Sri Lanka	Rupee		978.00						978.00
United States	Dollar				7,892.20				7,892.20
David Bonine:									
Thailand	Baht		640.38						640.38
Singapore	Dollar		370.00						370.00
Indonesia	Rupiah		544.98						544.98
Vietnam	Dong		1,227.57						1,227.57
United States	Dollar				16,330.70				16,330.70
Steven Feldstein:									
Ethiopia	Birr		1,589.08						1,589.08
Rwanda	Franc		397.08						397.08
United States	Dollar				8,518.72				8,518.72
Paul Foldi:									
Guatemala	Quetzal		400.82						400.82
United States	Dollar				907.60				907.60
Douglas Frantz:									
United Arab Emirates	Dirham		464.74						464.74
United States	Dollar				11,708.50				11,708.50
Chad Kreikemeier:									
India	Rupee		515.00						515.00
United States	Dollar				9,064.80				9,064.80
Frank Lowenstein:									
United Arab Emirates	Dirham		445.74						445.74
United States	Dollar				11,708.50				11,708.50
Emily Mendrala:									
Guatemala	Quetzal		507.82						507.82
United States	Dollar				907.60				907.60
Damian Murphy:									
Pakistan	Rupee		721.07						721.07
Afghanistan	Dollar		23.00						23.00
United States	Dollar				12,279.30				12,279.30
John Schwenk:									
Serbia	Dinar		1,194.00						1,194.00
United States	Dollar				4,938.60				4,938.60
Shannon Smith:									
Cote d'Ivoire	CFA		264.00						264.00
United States	Dollar				6,440.00				6,440.00
Shannon Smith:									
Ethiopia	Birr		618.00						618.00
United States	Dollar				5,672.00				5,672.00
Halie Soifer:									
Kenya	Shilling		870.00						870.00
Ethiopia	Birr		400.00						400.00
United States	Dollar				9,816.92				9,816.92
Mark String:									
Ukraine	Hrivna		1,275.97						1,275.97
Moldova	Lei		751.79						751.79
United States	Dollar				9,911.20				9,911.20
Atman Trivedi:									
Thailand	Baht		208.00						208.00
Burma	Rupee		1,889.14						1,889.14
China	Renminbi		1,180.18						1,180.18
United States	Dollar				5,298.20				5,298.20
Debbie Yamada:									
Serbia	Dinar		1,205.54						1,205.54
Total			27,910.86		173,459.13				201,369.99

JOHN KERRY,
Chairman, Committee on Foreign Relations, Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jeffrey Greene:									
United States	Dollar				741.18				741.18
Canada	Dollar		333.00						333.00
Vance Serchuk:									
United States	Dollar				4,530.98				4,530.98
United Arab Emirates	Dirham		457.25						457.25
Pakistan	Rupee		305.00						305.00
India	Rupee		1,553.92						1,553.92
Jeffrey Greene:									
United States	Dollar				3,582.90				3,582.90
Estonia	Kroon		706.08						706.08
Georgia	Lari		894.00						894.00
Matthew Grote:									
United States	Dollar				3,582.90				3,582.90
Estonia	Kroon		706.08						706.08
Georgia	Lari		894.00						894.00
Delegation Expenses:									
Georgia	Lari						556.54		556.54
Total			5,849.33		12,437.96		556.54		18,843.83

JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Oct. 14, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sheldon Whitehouse:									
United States	Dollar				12,026.30				12,026.30
Pakistan	Rupee		965.14						965.14
Afghanistan	Afghani		91.08						91.08
Lacy Dwyer:									
United States	Dollar				12,026.30				12,026.30
Pakistan	Rupee		965.14						965.14
Afghanistan	Afghani		91.08						91.08
Delegation Expenses:									
Pakistan	Rupee						1,215.60		1,215.60
Marian Grove:									
United States	Dollar				907.60				907.60
Guatemala	Quetzal		539.35						539.35
Delegation Expenses:									
Guatemala	Quetzal						1,132.20		1,132.20
Total			2,651.79		24,960.20		2,347.80		29,959.79

PATRICK LEAHY,
Chairman, Committee on the Judiciary, Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary L. Landrieu:									
Guatemala	Quetzal		1,163.20						1,163.20
United States	Dollar				2,109.60				2,109.60
Alston Walker:									
United States	Dollar				907.60				907.60
Guatemala	Quetzal		1,163.20						1,163.20
Delegation Expenses									
Guatemala	Quetzal						2,264.40		2,264.40
Total			2,326.40		3,017.20		2,264.40		7,608.00

MARY LANDRIEU,
Chairman, Committee on Small Business and Entrepreneurship,
Oct. 17, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jacqueline Russell:			2,350.90						2,350.90
	Dollar				11,869.90				11,869.90
Kathleen Rice:			2,420.90						2,420.90
	Dollar				11,869.90				11,869.90
James Smythers:			2,010.14						2,010.14
	Dollar				11,869.90				11,869.90
Andrew Kerr:			6,299.00						6,299.00
	Dollar				12,012.50				12,012.50
Ryan Tully:			6,256.00						6,256.00
	Dollar				12,021.50				12,021.50
Christian Cook:			1,592.00						1,592.00
	Dollar				9,695.00				9,695.00
Paul Matulic:			472.00						472.00
	Dollar				9,957.10				9,957.10
Martha Scott Poindexter:			472.00						472.00
	Dollar				9,957.10				9,957.10
Randall Bookout:			660.00						660.00
	Dollar				9,957.10				9,957.10
Hayden Milberg:			472.00						472.00
	Dollar				9,957.10				9,957.10
Richard Girven:			3,857.98						3,857.98
	Dollar				14,116.66				14,116.66
Andrew Kerr:			3,598.98						3,598.98
	Dollar				13,972.96				13,972.96
Jeffrey Howard:			2,960.98						2,960.98
	Dollar				14,116.66				14,116.66
Andrew Grotto:			4,170.98						4,170.98
	Dollar				14,116.66				14,116.66
Senator Ron Wyden:			4,637.00						4,637.00
	Dollar				10,014.80				10,014.80
John Dickas:			4,455.00						4,455.00
	Dollar				10,014.80				10,014.80
Total			46,685.86		185,519.64				232,205.50

DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Oct. 25, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Fred Turner:									
Denmark	Krone		1,308.00						1,308.00
United States	Dollar				3,031.80				3,031.80
Alex Johnson:									
Austria	Euro		6,170.99						6,170.99
Total			7,478.99		3,031.80				10,510.79

BENJAMIN CARDIN,
Co-Chairman, Commission on Security and Cooperation in Europe,
July 27, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Benjamin L. Cardin:									
Serbia	Dinar		1,182.21						1,182.21
Senator Jeanne Shaheen:									
Serbia	Dinar		1,123.00						1,123.00
Fred Turner:									
Serbia	Dinar		1,307.00						1,307.00
Austria	Euro		756.00						756.00
United States	Dollar				2,898.40				2,898.40
India	Rupee		2,215.20						2,215.20
United States	Dollar				8,382.50				8,382.50
Total			6,583.41		11,280.90				17,864.31

BENJAMIN CARDIN,
Chairman, Commission on Security and Cooperation in Europe,
Oct. 17, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Hawkins:									
United States	Dollar				11,864.60				11,864.60
Jordan	Dinar		360.00				55.20		415.20
Total			360.00		11,864.60		55.20		12,279.80

MITCH McCONNELL,
Republican Leader, Oct. 11, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rene Hanna:									
United States	Dollar				1,098.70				1,098.70
Honduras	Lempira		253.00						253.00
Guatemala	Quetzal		578.00						578.00
Eric Jacobstein:									
United States	Dollar				1,098.70				1,098.70
Honduras	Lempira		201.00						201.00
Guatemala	Quetzal		532.00						532.00
Total			1,564.00		2,197.40				3,761.40

DIANNE FEINSTEIN,
Chairman, Senate Caucus on International Narcotics Control,
Oct. 18, 2011.

UNANIMOUS CONSENT AGREE-
MENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican lead-

er, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 353, 356; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate pro-

ceed to vote, without intervening action or debate, on the nominations in the order listed, with 2 minutes for debate equally divided in the usual form between the votes; that the motions to reconsider be considered made and laid

upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following items en bloc: Calendar No. 130, S. 271; Calendar No. 131, S. 278; Calendar No. 139, S. 535; Calendar No. 140, S. 683; Calendar No. 141, S. 684; Calendar No. 142, S. 808; Calendar No. 143, S. 897; and Calendar No. 145, S. 997.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that any committee-reported amendments relative to these bills be agreed to en bloc, where applicable; that the bills be read a third time and passed, as amended, if amended, en bloc; that the motions to reconsider be laid upon the table for each of these measures, with no intervening action or debate, and any statements relating to the measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 271) to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italics*.)

S. 271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wallowa Forest Service Compound Conveyance Act".

SEC. 2. CONVEYANCE TO CITY OF WALLOWA, OREGON.

(a) DEFINITIONS.—In this Act:

(1) CITY.—The term "City" means the city of Wallowa, Oregon.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) WALLOWA FOREST SERVICE COMPOUND.—The term "Wallowa Forest Service Compound" means the approximately 1.11 acres of National Forest System land that—

(A) was donated by the City to the Forest Service on March 18, 1936; and

(B) is located at 602 First Street, Wallowa, Oregon.

(b) CONVEYANCE.—On the request of the City submitted to the Secretary by the date

that is not later than 1 year after the date of enactment of this Act and subject to the provisions of this Act, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Wallowa Forest Service Compound.

(c) CONDITIONS.—The conveyance under subsection (b) shall be—

(1) by quitclaim deed;

(2) for no consideration; and

(3) subject to—

(A) valid existing rights; and

(B) such terms and conditions as the Secretary may require.

(d) USE OF WALLOWA FOREST SERVICE COMPOUND.—As a condition of the conveyance under subsection (b), the City shall—

(1) use the Wallowa Forest Service Compound as a historical and cultural interpretation and education center;

(2) ensure that the Wallowa Forest Service Compound is managed by a nonprofit entity; **[and]**

(3) agree to manage the Wallowa Forest Service Compound with due consideration and protection for the historic values of the Wallowa Forest Service **[Compound]**. *Compound; and*

(4) *pay the reasonable administrative costs associated with the conveyance.*

(e) REVERSION.—In the quitclaim deed to the City, the Secretary shall provide that the Wallowa Forest Service Compound shall revert to the Secretary, at the election of the Secretary, if any of the conditions under subsection (c) or (d) are violated.

The committee-reported amendments were agreed to.

The bill (S. 271), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF 2011

The bill (S. 278) to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sugar Loaf Fire Protection District Land Exchange Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term "District" means the Sugar Loaf Fire Protection District of Boulder, Colorado.

(2) FEDERAL LAND.—The term "Federal land" means—

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled "Sugarloaf Fire Protection District Proposed Land Exchange", and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled "Sugarloaf Fire Protection District Proposed Land Exchange", and dated November 12, 2009.

(3) NATIONAL FOREST.—The term "National Forest" means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled "Sugarloaf Fire Protection District Proposed Land Exchange", and dated November 12, 2009.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—

(1) IN GENERAL.—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) VALUE OF FEDERAL LAND.—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit in the fund established under Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest.

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest.

(h) REVOCATION OF ORDERS; WITHDRAWAL.—(1) REVOCATION OF ORDERS.—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) WITHDRAWAL.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.

FORT PULASKI NATIONAL MONUMENT LEASE AUTHORIZATION ACT

The bill (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fort Pulaski National Monument Lease Authorization Act”.

SEC. 2. LEASE AUTHORIZATION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may lease to the Savannah Bar Pilots Association, or a successor organization, no more than 30,000 square feet of land and improvements within Fort Pulaski National Monument (referred to in this section as the “Monument”) at the location on Cockspur Island that has been used continuously by the Savannah Bar Pilots Association since 1940.

(b) RENTAL FEE AND PROCEEDS.—

(1) RENTAL FEE.—For the lease authorized by this Act, the Secretary shall require a rental fee based on fair market value adjusted, as the Secretary deems appropriate, for amounts to be expended by the lessee for property preservation, maintenance, or repair and related expenses.

(2) PROCEEDS.—Disposition of the proceeds from the rental fee required pursuant to paragraph (1) shall be made in accordance with section 3(k)(5) of Public Law 91-383 (16 U.S.C. 1a-2(k)(5)).

(c) TERMS AND CONDITIONS.—A lease entered into under this section—

(1) shall be for a term of no more than 10 years and, at the Secretary’s discretion, for successive terms of no more than 10 years at a time; and

(2) shall include any terms and conditions the Secretary determines to be necessary to protect the resources of the Monument and the public interest.

(d) EXEMPTION FROM APPLICABLE LAW.—Except as provided in section 2(b)(2) of this Act, the lease authorized by this Act shall not be subject to section 3(k) of Public Law 91-383

(16 U.S.C. 1a-2(k)) or section 321 of Act of June 30, 1932 (40 U.S.C. 1302).

BOX ELDER UTAH LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Box Elder Utah Land Conveyance Act”.

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Box Elder Utah Land Conveyance Act” and dated [July 14, 2008] *June 23, 2011*.

[(2) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means the parcels of National Forest System land that—

[(A) are located in—

[(1) sec. 27, T. 9 N., R. 1 W., Salt Lake meridian; and

[(ii) the Wasatch-Cache National Forest in Box Elder County, Utah;

[(B) consist of approximately 31.5 acres; and

[(C) are depicted on the map as parcels A, B, and C.]

(2) NATIONAL FOREST SYSTEM LAND.—*The term “National Forest System land” means the approximately 31.5 acres of National Forest System land in Box Elder County, Utah, that is generally depicted on the map as parcels A, B, and C.*

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) TOWN.—The term “Town” means the town of Mantua, Utah.

(b) CONVEYANCE.—[As soon as practicable after the] *On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the National Forest System land.*

(c) SURVEY; COSTS.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) [Cost.—The Town shall pay each cost arising from a survey described in paragraph (1).]

(2) *COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.*

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the quitclaim deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the

election of the Secretary, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The committee-reported amendments were agreed to.

The bill (S. 683), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Box Elder Utah Land Conveyance Act”.

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Box Elder Utah Land Conveyance Act” and dated June 23, 2011.

(2) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means the approximately 31.5 acres of National Forest System land in Box Elder County, Utah, that is generally depicted on the map as parcels A, B, and C.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) TOWN.—The term “Town” means the town of Mantua, Utah.

(b) CONVEYANCE.—On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY; COSTS.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the quitclaim deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

ALTA, UTAH, CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 684) to provide for the conveyance of certain parcels of land to the town of Alta, Utah, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

(a) DEFINITIONS.—In this Act:

(1) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means the parcels of National Forest System land that—

(A) are located—

(i) in sec. 5, T. 3 S., R. 3 E., Salt Lake meridian;

(ii) in, and adjacent to, parcels of land subject to special use permit SLC102708, the authority of which expires on December 30, 2026;

(iii) in the Wasatch-Cache National Forest in Salt Lake County, Utah; and

(iv) in the incorporated boundary of the town of Alta, Utah; and

(B) consist of approximately 2 acres (including appurtenances).

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) TOWN.—The term “Town” means the town of Alta, Utah.

(b) CONVEYANCE.—[As soon as practicable after the] *On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration, all right, title, and interest of the United States in and to the National Forest System land.*

(c) SURVEY COSTS.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) MAXIMUM AREA.—The acreage of the National Forest System land determined under paragraph (1) may not exceed 2 acres.

[(3) COST.—The Town shall pay each cost arising from a survey described in paragraph (1).]

(3) *Costs.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.*

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary based on the best interests of the United States, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The committee-reported amendments were agreed to.

The bill (S. 684), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

UNITED STATES AND THE UTAH WATER CONSERVANCY DISTRICT PAYMENT ACT

The bill (S. 808) to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Utah Water Conservancy District, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND THE UTAH WATER CONSERVANCY DISTRICT.

The Secretary of the Interior shall allow for prepayment of the repayment contract no. 6-05-01-00143 between the United States and the Utah Water Conservancy District dated June 3, 1976, and supplemented and amended on November 1, 1985, and on December 30, 1992, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those used in implementing section 210 of the Central Utah Project Completion Act (Public Law 102-575), as amended. The prepayment—

(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this Act was not in effect;

(2) may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid, and any increase in the repayment obligation resulting from delivery of water in addition to the water being delivered under this contract as of the date of enactment of this Act;

(3) shall be adjusted to conform to a final cost allocation including costs incurred by the Bureau of Reclamation, but unallocated as of the date of the enactment of this Act that are allocable to the water delivered under this contract;

(4) may not be adjusted on the basis of the type of prepayment financing used by the District; and

(5) shall be made such that total repayment is made not later than September 30, 2022.

SURFACE MINING CONTROL AND RECLAMATION AMENDMENT ACT

The bill (S. 897) to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABANDONED MINE RECLAMATION.

(a) RECLAMATION FEE.—Section 402(g)(6)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6)(A)) is amended by inserting “and section 411(h)(1)” after “paragraphs (1) and (5)”.

(b) FILLING VOIDS AND SEALING TUNNELS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting “and section 411(h)(1)” after “section 402(g)”.

(c) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by striking “section 403” and inserting “section 402(g)(6), 403, or 409”.

EAST BENCH IRRIGATION DISTRICT WATER CONTRACT EXTENSION ACT

The bill (S. 997) to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “East Bench Irrigation District Water Contract Extension Act”.

SEC. 2. AUTHORITY TO EXTEND WATER CONTRACT.

The Secretary of the Interior may extend the contract for water services between the United States and the East Bench Irrigation District, numbered 14-06-600-3593, until the earlier of—

(1) the date that is 4 years after the date on which the contract would have expired if this Act had not been enacted; or

(2) the date on which a new long-term contract is executed by the parties to the contract.

MEASURE PLACED ON THE CALENDAR—S. 1786

Mr. REID. Mr. President, I ask unanimous consent that S. 1786 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, NOVEMBER 3, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Thursday, November 3, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act, with the time until 3 p.m. equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be up to two rollcall votes at approximately 3 p.m. tomorrow. The first vote will be on the Reid motion to proceed, and if that is unsuccessful, then there will be a vote on the McConnell motion to proceed. Also, as indicated a few minutes ago, we are going to have two votes on judicial nominations tomorrow.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Thursday, November 3, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ANDREW DAVID HURWITZ, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE MARY M. SCHROEDER, RETIRING.

KRISTINE GERHARD BAKER, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS, VICE JAMES M. MOODY, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. HESTERMAN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. HYTEN

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO DOMESTIC
VIOLENCE AWARENESS MONTH**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. RANGEL. Mr. Speaker, as October comes to a close, I rise today to celebrate what was Domestic Violence Awareness Month as well as bring attention to the one of many serious issues mainly women and children in our society are struggling with domestic violence. In the United States, every nine seconds a woman is assaulted or beaten by stalkers or her partner. And believe it or not, domestic violence is the leading cause of injury for women in America. According to a study, victims of domestic violence are more than rapes, muggings and car accidents combined. It really is difficult to see that even in this great Nation of ours such unfortunate events can take place. We, as a nation, must take collective action to make the case that violence is not the solution and it never is acceptable.

Each year, ten million children in this country have witnessed various forms of violence within the household. This, itself, I believe, is unfortunate. The result of these acts has weakened women's voice and positioned children in a situation where they have to grow up without parents.

There is no doubt that domestic violence creates viral impacts for our society. Each year, the Federal government injects hundreds of million of dollars fighting against the cause by creating support programs. In a smaller scale, many have suffered physically and emotionally. In addition, victims would be forced out of work due to injuries; this further positions them in a more economical disadvantage. Women in this country and around the world deserve more respect. They are the important element in our society. In fact, they are the mothers of our Nation's future. This epidemic must be stopped.

Many of us know that violence against women has existed for a very long time in our history. When the settlers set foot in America, they adopted an old English common law, which authorized a husband to use force upon his wife, for correction purposes. Not until 1871, that we began to see women's liberation movements, which ultimately abrogated men's legal right from committing violence on his spouse, at least in Alabama. It became a nationwide concern in 1970 when the issue was put under magnifying lens, while grassroots movements began to grow. Prior to the movement in 1970s, domestic violence was not considered a public issue, since violence mainly took place in one's private property. At the time, the government had taken measures to ensure victim's access to care and support. Though not until a decade later that legisla-

tions were proposed as an attempt to take on the issue. In 1994, two legislations were enacted as an effort to respond to this ongoing problem, the Family Violence Prevention and Service Act and the Violence Against Women Act. In 2006, the Congress reauthorized VAWA 2005 and Department of Justice Reauthorization Act 2005. These legislations have created new programs to assist and ensure the safety, well-being of survivors and victims. I am also pleased to see that the President has been showing strong support for this campaign. For FY2011, President Obama requests \$649 million dollars for violence against women programs. As of last year, there are 1,920 shelters to house and assist victims, nation-wide. Our Nation has come a long way on this issue and we still have many more unmet challenges to face. Brighter days are ahead of us.

I would like to take this moment to recognize all my colleagues in the House of Representatives, government agencies in the great State of New York, local non-profit organizations such as Greater New York City Chapter of The Links, Dominican Women's Development Center, Safe Horizon 100 Black Women, and many others in my Congressional District who have shown tremendous dedication and enthusiasm to fight domestic violence, whether it is to seek for more protection or to ensure that support programs continued to be funded.

Mr. Speaker, in my very own district a not-for-profit organization, We All Really Matter or W.A.R.M., is leading the community to reach out to battered women who have just been released from the shelters. On the 27th of October, W.A.R.M. will be holding its Second Annual Domestic Violence Panel to present positive faces of women who have been abused. This event will be a great resource for the community to learn more about domestic violence as well as allowing victims the break the silence.

We must continue to do all we can to eradicate violence in every household in America. I strongly urge victims to speak up and reach out to your local community about the issue. Do not allow shame and fear to silence you. The best way to solve a problem is to confront it, not to shy away from it. You are the voice of change in our community. Our commitment is to ensure that there will be no more victims. We all really matter and we all deserve to live in a community where there is no place for violence.

A MAN ON THE GROUND IN SUDAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. WOLF. Mr. Speaker, I submit New York Times columnist Nicholas Kristof's recent

piece highlighting the courageous work of Ryan Boyette in the Nuba Mountains of Sudan.

I had the privilege of meeting with Ryan when he was recently in town. At a time when few outside groups or media have access to the region, he has been an eye-witness to some of the atrocities presently occurring in that country.

Ryan has issued a compelling clarion call to action. Will we answer the call?

[From the New York Times, Oct. 22, 2011]

THE MAN WHO STAYED BEHIND

(By Nicholas D. Kristof)

In the last few months, as you and I have been fretting about the economy or moaning about the weather, Ryan Boyette has been living in a mud-wall hut and dodging bombs in his underwear.

Some humanitarian catastrophes—Congo, Somalia, Sudan—linger because the killing unfolds without witnesses. So Ryan, a 30-year-old from Florida, has made the perilous decision to bear witness to atrocities in the Nuba Mountains of Sudan, secretly staying behind when other foreigners were evacuated.

I met Ryan a few years ago in Sudan, and even then he was a compelling figure who spoke the local languages of Otoro and Sudanese Arabic. An evangelical Christian deeply motivated by his faith, Ryan moved to the Nuba Mountains in 2003 and worked for Samaritan's Purse, an aid group led by the Rev. Franklin Graham.

Early this year, Ryan married a local woman, Jazira, a health worker—and 6,000 joyous Nubans celebrated at the wedding, along with Ryan's parents, who flew in from Florida.

It was clear that war was brewing in the Nuba Mountains. The region had sided with South Sudan in the country's long civil war, but now South Sudan was separating while the Nuba Mountains would remain in the north. The people—mostly Muslim but with a large Christian minority—supported a local rebel army left over from the civil war.

In June, fighting erupted. The Sudanese government moved in to destroy the rebel army and depopulate areas that supported it. Aid organizations pulled out their workers. Ryan decided that he could not flee, so when Samaritan's Purse ordered him to evacuate, he resigned and stayed behind.

"A lot of people tried to convince me to leave," Ryan remembers. "But this is where my wife is from, this is where I've lived for eight years. It's hard to get on a plane and say, 'Bye, I hope to see you when this ends.'"

Ryan organized a network of 15 people to gather information and take photos and videos, documenting atrocities. He used a solar-powered laptop and a satellite phone to transmit them to the West, typically to the Enough Project, a Washington-based anti-genocide organization. He also supplied eye-witness interviews that helped the Enough Project and the Harvard Humanitarian Initiative find evidence of atrocities, including eight mass graves, on satellite images. And he helped journalists understand what was going on.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"He's irreplaceable," said Jonathan Hutson of the Enough Project. "There's no substitute for someone on the ground."

Ryan tried to keep his presence in the region a secret, at least from the Sudanese government, for fear that it might seek to eliminate a witness. Once, a bombing seemed to target his hut, but he heard the plane approaching and ran out in his skivvies and took cover; the bombs missed, and he was unhurt.

After the first few weeks, the killings on the ground abated. But the government has continued the bombings.

"It's terrifying when they bomb," Ryan told me. "You don't feel safe at any time of day or night."

The bombs typically miss and have killed fewer than 200 people, he says, but they prevent people from farming their fields. Several hundred thousand people have been driven from their homes in the surrounding state of South Kordofan, Ryan says, and a famine may be looming.

"It's not a good time to have kids," Ryan quoted Jazira as telling him. "If we have kids, they'll just starve."

Frustrated by the lack of attention for the Nubans' plight, Ryan decided to return to the United States this month and tell his story. He couldn't get a visa for Jazira in time—obtaining an American visa for a spouse is a long and complex process—so she is in a refugee camp for 15,000 Nubans in South Sudan, struggling to address health needs there. Meanwhile, in Washington, Ryan has testified before Congress and met with White House officials.

Soon, he'll go back, rejoining Jazira and sneaking back with her into the Nuba Mountains. It'll be more dangerous than ever now that he has gone public, but he is determined to give voice to the voiceless—and Nubans will do everything to protect him.

In a world where leaders often pretend not to notice mass atrocities, for fear that they might be called upon to do something, I find Ryan an inspiration. His eyewitness accounts make it more difficult for the world to neglect a humanitarian crisis in the Nuba Mountains—even if he does need to brush up on his tech skills.

I asked Ryan if he planned to use Twitter. "Twitter?" he asked. "I've been in the bush for nine years, so I don't know how to use it." But he's planning to learn.

TRIBUTE TO SPC. JOSEPH B.
DELOACH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor one of South Carolina's heroic sons, U.S. Army Specialist Joseph B. DeLoach, from Ruffin, South Carolina. In 2010, Specialist DeLoach was injured by an RPG while in Kunar Province, Afghanistan. He was serving as a cavalry scout with the 1–32 Cavalry Squadron, 101st Airborne (Air Assault), out of Fort Campbell, Kentucky.

The following poem, composed by Mr. Bert Caswell, an appreciated Capitol tour guide, is a testament to this true American hero.

OUT IN FRONT

All in times for war!
There, are but all of those who so insure!

With Scouts Out in front, you must believe!
For way out up ahead, there are all of those
fine soul who have died and bled!

As all out there on the very edge of death,
they so live . . .

All for Country Tis of Thee, so much they
give!

Scouts Out, Heroes who no doubt . . . may
not be coming home!

Gathering Intel, melding into the battle zone
. . . knowing so very well, death lies
close!

As they may be gone for days and days, for
only our Lord God so knows where are
they!

All to help win all those wars! Airborne!

As to new heights Blake, your fine heart has
soared!

For when they sign you up on that line,

You know for sure that you so live on all
borrowed time!

Realizing, on each new day . . . you but live
on, someone else's prayers!

All for love of Country Tis of Thee, they
cheat death we see!

Out of RECON, all by themselves as they
must be!

As their magnificent souls go so far beyond!
Oh Yea Blake, Rambo aint got nothing on
you . . . as into that darkness dis-

appearing, your gone!

The ones who so lead the way, and for all of
them and their fine families we now so
pray!

Way out up ahead, as into that darkness all
by themselves as they've so led!

Give Blake some C4 and DEC CORD, and he
will blow up anything all for . . .

All for that old red, white and blue!
For he's a true Son of the South . . . through
and through!

Scouts out!
Bad to the bone, as Blake that's you . . . the
title that you now so own!

As an American Hero so tried and true, but
The Best That South Carolina Can So
Do!

In Seven months in Iraq, you were involved
in six exploded IED's attacks!

And then on that fateful day, after recover-
ing from his injuries re upping so
bravely!

In Afghanistan, with your name on it . . .
you met an RPG that your sight so
ripped!

Right on the very edge of death, four times
. . .

As your Brothers in Arms rushing in . . .
your so blessed!

As an Angel on the Battlefield, named SPC
Resmondo . . . so brought you back
from death!

As you magnificent warrior, so lost your
sight . . .

And yet you see far much more clearer than
any of us tonight!

As you'd do it all again, All Out in Front . . .
As so magnificently, bringing to all your
light!

Scouts Out, are some of our nation finest
men . . . who are Devout!

As it's only upon themselves, they they must
so count!

As this strong South Carolina son, was
raised by his fine mom and dad . . .

To be such the one!

But, there's even more greatness still to
come . . . all in Blake's three young
sons!

Ethan, Bryson, and Joey Jr., are but Blake's
greatest of all loves!

Now, Blake is "Out in Front" all in his re-
covery, as he's on the hunt!

Because, Scouts fight, and they don't run!

A quiet calmness all in his heart has so
begun!

And if ever I have a son, I wish he could be
like this one!

Whose, life speaks volumes . . . all because
of what he's so said and done!

As one day up in Heaven, one again, Blake
you will be Out in Front!

For all you've done, and you will see our
Lord my son!

HONORING LT. COLONEL THOMAS
PLOURDE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Lt. Colonel Thomas Plourde of Lewiston, Maine. Plourde was a member of the 100th Battalion, 442nd Japanese American Combat Team in World War II, all of whom will be receiving Congressional Gold Medals today.

The 442nd Combat Team was comprised almost entirely of Japanese Americans, men who volunteered to fight tyranny and oppression abroad even while their families were interred in camps at home. For its size and length of service, it was the most decorated unit in the entire history of the United States military. In the course of their service, the 442nd earned 9,486 Purple Hearts, eight Presidential Unit Citations, and 21 Medals of Honor. These brave men fought with unparalleled skill and valor winning tremendous victories for the allies in Europe. Their heroism cannot be overstated.

At just 23 years old at the time of his enlistment, Thomas Plourde would serve as a 1st Lieutenant before rising to become a company commander for the 442nd. Following a decisive victory in the allied push to liberate Italy, Lieutenant Plourde led a task force that secured the capture of 33 German officers and over 300 soldiers in the city of Alessandria. For his actions, he was awarded a division citation and accepted the key to Alessandria on behalf of his battalion. Subsequently Plourde would receive a field promotion to the rank of Captain, a Bronze Star, a Purple Heart, and a Distinguished Unit Badge for his heroism. Citing his effectiveness under fire and his personal concern for the men under his command, Plourde's commanding officer Major Mitsuyoshi Fukuda wrote that he had "won the highest respect from both the men and the officers within the 100th Battalion."

Today, Thomas Plourde's daughter, Janet Barrett, will accept the Congressional Gold Medal on behalf of her father for his courageous service in the war. The Congressional Gold Medal is the highest civilian award in the United States. The decoration is awarded to an individual who performs an outstanding deed or act of service for the security, prosperity, and national interest of the country. Mainers have a long tradition of service in the armed forces. I am proud of Lt. Colonel Plourde's place in that history. His remarkable leadership and heroism in the face of unspeakable evil will never be forgotten.

Mr. Speaker, please join me in honoring Lt. Colonel Thomas Plourde of Lewiston, Maine, for his distinguished service to this country.

PENNY FOOLISH

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to talk about common cents.

Currently it costs more than a penny for the U.S. Mint to make a one cent coin and more than a nickel to make the five cent piece. This problem is currently being examined at the request of the U.S. Mint.

Over the next two years, a Pennsylvania company has been contracted by the Mint to conduct research and development for more economical alternative metallic materials for the production of all circulating coins.

As this study begins, I would like to submit into the RECORD one possible solution, offered by David L. Ganz, a friend of mine, a member of the Board of Freeholders of Bergen County, N.J., and a former president of the American Numismatic Association.

In an op-ed in the Sunday New York Times from August 21, 2011, Mr. Ganz took on the issue of the penny and proposes a specific solution, which I hope that the study will review along with other alternatives.

[From New York Times, Aug. 20, 2011]

PENNY FOOLISH

(By David L. Ganz)

In this time of fiscal strain, Americans can find some savings by simply looking in their purses and pockets.

Because of increases in commodity prices, it now costs more than one cent to make a penny and more than five cents to make a nickel. The United States Mint, sensitive to the risks of changing the composition and feel of our coinage, has been reluctant to revise the composition of these two coins.

But that is precisely what the Mint—which last year produced 4 billion pennies and 490 million nickels—should do.

While eliminating the penny has been debated for decades, it is not a realistic option; the penny has tremendous symbolic value and removing it would have the effect of raising prices—particularly for people of modest means, who use currency the most—because retailers would round up. Reducing the size of the coins is impractical because of the cost of recalibrating vending machines and the need to ensure that the coin is not interchangeable with any foreign coin.

Changing the composition of the penny by using less costly materials is the only feasible alternative. The Mint, part of the Treasury Department, has changed the size or composition of the cent more than a dozen times since 1793. Two of the most recent alterations were the switch to zinc-coated steel in 1943, caused by the wartime shortage of copper, and the switch to zinc with copper plating in 1982, a response to rising commodity prices.

Past debates have brought forth a variety of unconventional suggestions: plastic (used as sales-tax tokens—representing fractions of a cent—in the 1930s, but cheap-looking), industrial porcelain (Germany and Thailand tried this, but it breaks easily); and vulcanite rubber (used as currency in Guatemala early in the last century, but too exotic for American tastes).

Metallic alloys are probably the best choice for a new-composition penny and nickel. The precise choice needs to reflect

four values: cost effectiveness, security of supply, aesthetic acceptability and minimal disruption to vending machines. (Pennies are not commonly accepted by machines, but are sometimes inserted anyway; a penny of a different composition could cause machines to jam.)

In a 1976 study of the penny, the Research Triangle Institute rejected chromium, tin, titanium, copper-aluminum-nickel-zinc derivatives and zinc mixtures. At current prices, none of these would be cost-effective. In practical terms, that leaves two basic metallic groups: an aluminum alloy, which is better, heavier and stronger than the pure aluminum cent proposed in the 1970s, but still expensive, and steel, which is the clear favorite for affordability and security, but poses technical challenges.

The best approach is to meld the two. Aluminized steel is ideal because it is available coiled—squeezed by rollers and then put into a lasso-like form that can be fed directly into a coining press. It would work for the penny and the nickel—and the dime, if it is ever threatened.

Let's use a new aluminized-steel alloy that allows the Mint to produce an affordable penny. Ideally, this would be accompanied by a redesign, and a collector's-edition one-cent coin made of gold and silver. This would complement the success the Mint has had with the state quarters program and with collectors' coins made of precious metals.

Contrary to the song, pennies do not come from heaven. Ours come from the Mint, which must supply them now and in the future. Let's reintroduce the penny as a coin that matters, and put its production on a sounder financial footing.

HONORING PATRICK HYLAND ON HIS DISTINGUISHED CAREER AS EXECUTIVE DIRECTOR OF THE NORTHEAST PUBLIC POWER ASSOCIATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. MARKEY. Mr. Speaker, I rise today to pay tribute to Mr. Patrick Hyland, who, for more than 22 years, has served with distinction as executive director of the Northeast Public Power Association.

Under Pat Hyland's leadership, the Northeast Public Power Association has been the leading voice for 79 consumer-owned utilities that provide energy to more than two million citizens in the six New England states of Massachusetts, Maine, New Hampshire, Vermont, Connecticut and Rhode Island.

Over the years, Pat Hyland has worked closely with Members of the New England delegation, from both sides of the aisle, to advance the interest of NEPPA consumers in New England. Under the leadership of their local elected energy boards, NEPPA utilities are responsible for providing reliable electric services at affordable prices throughout the region.

Pat Hyland is well known throughout the New England Congressional delegation for his integrity and forthrightness. He has played a pivotal role in advocating on behalf of NEPPA utilities that deliver vital electricity, and in some cases water services, on a non-profit,

publicly-accountable basis to consumers in small and large communities throughout New England.

To highlight just two of his successes, Pat has effectively spearheaded legislative efforts to increase awareness of impacts to consumers in New England—who are also our constituents—of wholesale and retail competition, including the creation of Regional Transmission Organizations (RTOs), and energy capacity markets and the implementation of key transmission rate policies.

Throughout his career, Pat Hyland has been actively involved in federal energy policy. He was a key resource to me during the debate over the amendment that I successfully offered to provide for open transmission access when Congress enacted the Energy Policy Act of 1992; he was a voice of caution regarding the need to ensure appropriate consumer and investor protections in the event of a repeal of the Public Utility Holding Company Act in the Energy Policy Act of 2005; and he was a leader in the effort to obtain comparable renewable incentives for the customers of consumer-owned utilities.

He has also taken the lead to increase consumer awareness about the impact of wholesale and retail competition and operations of Regional Transmission Organizations.

My personal and professional respect and admiration for Pat runs deep, and I wish him happiness and good health in his retirement. The wise counsel, calm determination, and good Irish sense-of-humor, which he has provided to me and others in Congress for many years on behalf of NEPPA, will be sorely missed.

I am told that one of the highlights of Pat's life was to meet the legendary Celtics basketball player Bob Cousery. I understand that, because over the last 20 years Pat Hyland has been New England's public power "point guard": taking control of the game, mastering it with wizardry and elegance, and dazzling fans.

And so I wish today, Mr. Speaker to say to Pat, thank you for your service. We will miss you and we wish you well.

A TRIBUTE TO MR. WILLIAM "BILL" GOODWIN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Bill Goodwin in recognition of his 75th birthday this Wednesday, November 2nd.

Bill Goodwin served as a page in the United States House of Representatives during the 83rd Congress. Sponsored by former Michigan Representative George Dondero, he began his time as a bench page in January of 1953 at the age of 15 in an effort to support his widowed mother and four siblings back home. Bill was quickly moved to work in the Democratic Cloakroom where he answered calls, organized the transportation of documents and later guarded lobby doors and access to the House floor. Additionally, he participated in the page glee club, sang for page graduations,

and was even asked by members of Congress to sing the Lord's Prayer on the Floor while the House was in recess.

Most notably, Bill can be remembered for his valiant efforts during the 1954 Puerto Rican shootings in the House Chamber where he assisted in carrying stretchers from the House floor. In a widely popularized photograph of the events, he can be recognized carrying a stretcher bearing Representative Alvin Bentley down the House steps.

In 1955, Bill graduated from the Capitol Page School and returned to Michigan to finish his studies. He entered Wayne State University as a veterinarian student, but left two years later to return home to support his family. He worked as a technician at National Cash Register for several years, and left the company to begin his own cash register business.

An avid entrepreneur, Bill later delved into the hovercraft business, where he secured several patents for the vehicle over the years. Ever the businessman, Bill currently operates his own landscaping business and enjoys taking part in activities such as hunting, and singing in the church choir.

Bill Goodwin's contributions to his family, the State of Michigan, and this House of Representatives have been truly remarkable. On behalf of the Fourth Congressional District of Michigan, I am honored today to recognize Bill Goodwin in celebration of his 75th birthday. I hope the year to come will bring him health, happiness, and special times with family and friends.

HONORING STORIED GAY RIGHTS LEADER FRANKLIN KAMENY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. MORAN. Mr. Speaker, I rise to introduce a recent editorial by Nick Benton, editor and publisher of the Falls Church News Press. His editorial, which appeared on October 19, 2011, reads as follows:

It was by a remarkable and gracious coincidence that the first weekend after the passing of our gay movement's greatest pioneer, Franklin Kameny, the Martin Luther King Jr. Memorial was dedicated on the National Mall.

The ceremony included a viewing of the entirety of Dr. King's 17-minute "I Have a Dream" speech delivered on the steps of the Lincoln Memorial to 300,000 in the "Great March on Washington" of August 28, 1963, the year of the 100th anniversary of Lincoln's signing of the Emancipation Proclamation.

Seven of the handful of original gay members of the Mattachine Society of Washington, led by Kameny, attended that historic rally and heard that speech. It was with its echoes ringing in their ears that in 1965, Kameny and a tiny cadre of fellow homosexuals carried out the first-ever organized picket line demanding homosexual equality held at the White House gates.

In his 1963 speech, Dr. King welcomed the racially-diverse makeup of the rally. "Many of our white brothers, as evidenced by their presence here today, have come to realize

that their destiny is tied up with our destiny. They have come to realize that their freedom is inextricably bound to our freedom," he intoned.

"We hold these truths to be self-evident: that all men are created equal," Dr. King declared. "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

That speech directly inspired the rise of our modern gay movement, led by Kameny (May 21, 1925–October 11, 2011), Lilli Vincenz, Barbara Gittings and a handful of others, as chronicled in the film documentary, "Gay Pioneers" (2004), produced by the Philadelphia Equality Forum.

Frank Kameny, I am proud to say, was my friend in recent years. He was arguably the single most seminal influence in the history of our movement, so claimed at a Rainbow History Project forum last week. Kameny was scheduled to speak at that forum before his untimely death at age 86 just two days before.

His was the strident, compelling force that led the effort against the 1950s McCarthyite anti-homosexual witch hunts in the government (David K. Johnson, "The Lavender Scare, The Cold War Persecution of Gays and Lesbians in the Federal Government," 2004).

He organized picket lines when no one else was doing it and carried on a relentless, life-long fight for equality. He ran for public office and railed loudly against injustice in an era when no one, except in rarefied circles of literary or artistic elites, dared publicly declare their homosexuality.

His crowning achievement was his relentless, eventually successful campaign to get the American Psychiatric Association to remove homosexuality from its list of mental disorders in 1973. That signal achievement changed the public perception of homosexuality, laying the groundwork for growing public acceptance and affirmation since.

Kameny invented the slogan, "Gay is Good," far more controversial in its time than it seems now. I defended it then against objections of dedicated gay friends who considered it too radical.

When I first met Frank, I was a young gay activist in 1970 in San Francisco. Dr. King's speech permeating the national ethos, I'd made two life-changing decisions, entering seminary in 1966 and joining Kameny and his San Francisco counterparts prior to Stonewall in early 1969 to "come out" and join the struggle for gay, and human, liberation.

Our fight, I wrote in the editorial for the first Gay Sunshine newspaper, "should harken to a greater cause, the cause of human liberation, of which homosexual liberation is just one aspect."

Regrettably, about that same time, the onslaught of the right wing, socially-engineered anarcho-hedonist counterculture hijacked our movement, dashing Dr. King's appeal to the "content of character" in the process. We've had to live, and die, with the consequences of that since.

I reconnected with Frank in recent years, while his contributions became more recognized and appreciated. A milestone came when the many picket signs, leaflets, speeches and photographs he'd kept from his earliest activist days were formally received as a special collection at the Smithsonian Institution. He was honored at the White House by President Obama, and a photo of him and me with Vice President Biden hangs in my office.

Along with another other early activist and mutual friend, Lilli Vincenz, and her

long-time partner Nancy Davis, I hosted Frank as my guest at the national dinner of the Human Rights Campaign in 2005, and often invited him to lunches at The Palm restaurant in downtown D.C.

Those many lunches were not only to enjoy his company, but to provide opportunities for my friends, especially younger ones, gay and otherwise, to meet and appreciate this genuine hero of our movement. Recently, of this "Gay Science" project, Kameny smiled and quipped, "I think we wind up in the same place." I concurred.

TO RECOGNIZE 18TH ANNUAL YOM HASHOAH-HOLOCAUST COM- MEMORATION PROGRAM FOR THE STATEN ISLAND JEWISH COMMUNITY

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. GRIMM. Mr. Speaker, I rise today to recognize the incredible sacrifice made by the victims of the Holocaust. On the 27th Day of Nissan, Jews around the world stood in respect and memoriam to honor the senseless slaughter of so many. On Staten Island, the 18th annual Yom Hashoah-Holocaust Commemoration Program for the Staten Island Jewish Community was held at Temple Israel Reform Congregation, Randall Manor. Holocaust survivor Inge Auerbacher—a woman of remarkable bravery—gave the keynote address.

While humanity vowed never to repeat the atrocities committed during the Holocaust, we must recognize that genocide continues in places like Darfur and Rwanda. With the memory of the Holocaust permanently in our minds, we must maintain an intense focus on the present and future to put an end to these unconscionable crimes.

HONORING THE WASHINGTON STATE'S NISEI VETERANS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. McDERMOTT. Mr. Speaker, I rise today to recognize the Japanese-American veterans who served so courageously during World War II in the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service. In recognition of their extraordinary service, they are being honored with the Congressional Gold Medal.

I am especially proud to join 26 veterans, six widows of veterans, and more than 320 family members who are here today to attend the award ceremony on behalf of Washington State's Nisei Veterans Committee. We come together to acknowledge and to thank the Nisei veterans and their families for their sacrifice and their patriotism.

As an Honorary Nisei Veteran, I have had the opportunity to talk to many of these veterans, their children, and their grandchildren as we remember the soldiers and their proud,

fearless service to our country, which is all the more exemplary given that some of their families were held in U.S. internment camps solely because of their race.

Mr. Speaker, the Nisei Veterans have helped to enrich the Seattle community and strengthen our country. Their service and legacy are an inspiration to us all. I am privileged to be a part of the ceremony in Emancipation Hall at the Capitol Visitor Center.

HONORING WORTHINGTON WHITTREDGE AND THE HUDSON RIVER SCHOOL OF PAINTING

HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. CICILLINE. Mr. Speaker, I rise today to draw my colleagues' attention to a recent change nearby at the Capitol Visitors Center. Two paintings by Albert Bierstadt, "Discovery of the Hudson River" and "Entrance into Monterey," are now on public display in the CVC. These paintings capture the beauty of the American landscape, and, as part of the Hudson River School of Painting, symbolize an important time period in our country's history that impacted culture, recreation, and conservation in the United States.

The Hudson River School was comprised of painters who created detailed landscapes of the American wilderness. One of these men, Worthington Whittredge, is connected to my district. His work "Sakonnet Point, Rhode Island" captures the calm and color of our country's smallest state. His paintings of my district's coastline reflect his studies with other American artists and European influences. This vibrant landscape is very emblematic of many of the School's ideals.

Whittredge, like many Hudson River School painters, garnered acclaim and traveled widely both abroad and throughout the United States. However, his works of the American West are not of mountainous scenes, but of the plains. One of these works, "Crossing the River Platte," resides in the White House Art Collection and has been displayed in the Roosevelt Room.

As part of the first indigenous American schools of painting, the School's painters used small brush strokes to create highly detailed paintings that accurately portrayed the landscapes around them. This technique contributed to one of the School's most important legacies.

Another way the Hudson River School influenced American history and culture is through the creation of several National Parks. Many of Whittredge's contemporaries, like Bierstadt, helped support environmental conservation. Primarily through the artists' travels to the American West, and also to other parts of the United States, we can still see the dramatic landscapes they captured on canvas of Yellowstone, Yosemite, Zion, and Acadia National Parks, among others. These landscapes were also later used to help our predecessors create the National Park Service in 1916.

Another legacy of the Hudson River School of Painting is the Metropolitan Museum of Art

in New York City. Many of the School's painters, like Whittredge, spent considerable time traveling in the grand capitals of Europe and were inspired by the cultural and artistic scenes. Together with local businessmen, lawyers, and educators, they formed the Met in 1870. Several of the School's painters served as trustees or as members of the executive committee. Today, many of their works, including some by Whittredge, hang in the Met.

Mr. Speaker, it is clear that Worthington Whittredge and the Hudson River School of Painting made significant contributions to American art, culture, and conservation that have spanned three centuries.

ROCKY MOUNTAIN ARSENAL RESTORATION ADVISORY BOARD

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize the members of the Rocky Mountain Arsenal Restoration Advisory Board in Colorado, who are dissolving as a board this month after more than 17 years of service to the nation.

As the primary community advisory board for the U.S. Army at the Rocky Mountain Arsenal, the members have ensured that the community was informed and involved during each phase of the design, remediation and transformation of this environmental cleanup site into a premier urban national wildlife refuge. Given the importance of the task and the many years of work it required, their dedication deserves our recognition and thanks.

Their work is particularly remarkable because of the unique role the site has played in the history and defense of our nation. The U.S. Army built the Rocky Mountain Arsenal following the attacks on Pearl Harbor to manufacture chemical weapons as a deterrent against the Axis Powers. After the war, the U.S. Army leased some of the facilities to Shell Chemical Co., which manufactured agricultural chemicals at the site. As the decades unfolded, the Rocky Mountain Arsenal played critical roles in allowing our nation to win the Cold War, put men into space and complete a historic demilitarization program.

These achievements came at a price, however. Although the U.S. Army and Shell used accepted waste disposal methods of the time, some contamination of the structures, soil and groundwater occurred. The communities of Brighton, Commerce City and Denver, which surround the Rocky Mountain Arsenal and are represented on the Restoration Advisory Board, help forged consensus around the environmental restoration and future use of the site.

Together with representatives from the U.S. Army, Shell Oil Co., U.S. Fish and Wildlife Service, Environmental Protection Agency, Colorado Department of Public Health and Environment and Tri-County Health Department, these citizens held more than 130 public meetings. They reviewed countless technical documents, shared community questions and perspectives and served as liaisons with the

larger community to ensure public concerns were addressed throughout the environmental restoration program.

They also provided critical support for the future use of the site as a national wildlife refuge once remedial actions were complete. Today, the Rocky Mountain Arsenal National Wildlife Refuge encompasses more than 15,000 acres and offers habitat to more than 330 wildlife species, including American bald eagles and wild bison. Just as importantly, the refuge offers exhibits to educate visitors about the historic use and legacy of the site.

Now that the environmental restoration and transformation of the Rocky Mountain Arsenal is complete and the board has completed its oversight role, the Restoration Advisory Board has decided to dissolve. Please join me in thanking the members for their service and in congratulating them on a job well done.

IN RECOGNITION OF SHILOH COMMUNITY FELLOWSHIP UNITED HOLY CHURCH OF AMERICA'S 75TH ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Shiloh Community Fellowship United Holy Church of America (UHCA) as members of the congregation gather to celebrate its 75th Anniversary. Since its humble beginnings in 1920, the organization has grown structurally and in membership, while continuing to provide outstanding spiritual leadership to members of the community. This organization's service and dedication is highly deserving of this body's recognition.

Shiloh Community Fellowship began hosting church services at the home of the late Reverend Henry Jeffers in 1920. The steady increase in membership later encouraged and supported the decision to relocate the organization to Dewitt Avenue in Asbury Park, New Jersey. In 1938, the late Bishop H.L. Fisher brought the church into fellowship with United Holy Church of America (UHCA), a title which the organization retains today. Throughout its tenure, Shiloh Community Fellowship UHCA was governed by various administrations. In 1976, Reverend Sarah Wright assumed leadership on behalf of her ill husband, Rev. Thomas Wright, and became the first female to serve at Shiloh Community Fellowship. In 1987, the Board of Trustees unanimously agreed to build a new church at 142 Dewitt Avenue in Asbury Park to better serve constituents and members of the congregation. The dedication service of the new building was held on May 22, 2004 under the direction of Elder Felton Miller. In October 2008, Reverend Mark E. White, Sr. was appointed to minister various services at Shiloh Community Fellowship and was later installed as the new Pastor on February 13, 2010. To this day, he continues to provide insightful leadership and spiritual guidance to the members of the community.

Mr. Speaker, once again, please join me in celebrating the Shiloh Community Fellowship

United Holy Church of America's 75th Anniversary. The organization continues to provide outstanding spiritual guidance and solace for members of the Asbury Park community.

IMMIGRATION AND LOCAL LEGISLATIVE REFORM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. RANGEL. Mr. Speaker, I rise to express my growing concern on the current state of our Nation's immigration reform. On October 2nd, I had the privilege of attending a press conference at the Church of the Ascension. I was joined by many of my constituents, my colleague Congressman LUIS GUTIERREZ of Illinois, State Senator Adriano Espaillat, members of New York City Council, local city officials, and numerous immigration rights advocates to discuss immigration reform and a landmark bill that will change the way the City of New York Department of Corrections works with the federal immigration authorities and to reduce unnecessary immigrant deportations in New York City.

Mr. Speaker, we all live in a nation built by immigrants. When our great grandparents first arrived, they had hope to escape from religious persecution or perhaps economic and political repression; they had hope to work hard so they can build strong families and make a decent living with respect and dignity. The United States of America is known to be a country where anyone with good moral standing, courage, endurance and the desire to do the right thing can achieve and live the American Dream. The least we can all do for one another is to pave way, not to inflict pain.

Upon their arrival, those newcomers had never been given legitimacy to help grow this Nation. They were very well welcomed, simply because this vast Nation desperately needed builders. Those people worked hard, sacrificed to strengthen the agriculture, infrastructures and all other things our generation relies on. Present day immigrants are still important to our national economy. In a time when our national economy is in peril, losing this part of our community would cause industries to collapse.

The United States would not be the same without our ancestors, who were, in fact, the product of immigrants. They have contributed enormously to the standing of our economy and will continue to do the same in the future. I believe that it only is fair to treat them with justice and fairness. We certainly do not want to look back in 20 or 30 years and have our grandchildren ask: how could we be so cruel? America can not be known as a place where Federal agencies simply disregard local people and laws in order to detain, deport immigrants, separate families and loved ones.

Folks, who are in the custody of local New York authorities, have been, in the last two or three years, subjected to be detained, questioned and can potentially be deported by ICE. Mr. Speaker, some of these folks had no prior conviction. They pose no threat to our society. Thus, deserve a second chance. Ultimately,

we may have an honest and extensive debate on whether or not we would like to use amnesty or banishment as a method to fix our own problem, but it is imperative that the procedure is done with respect to the law and basic human rights.

I would like to praise my colleague, Congressman LUIS GUTIERREZ, New York City Council Speaker Christine Quinn, Council Member Melissa Mark-Viverito, Council Member Danny Dromm, Council Member Ydanis Rodriguez and Make the Road NY Organization for their enormous efforts to bring to the attention this issue. I would also like to praise the New York City Council for taking a bold action to limit the Immigration and Custom Enforcement's authority over New York City Department of Correction. We certainly can not allow agency such as ICE to detain and deport people without the appropriate legal basis. The introduction of Int.656-2011 certainly is a stepping stone to a true, effective reform.

I would like to take this moment to show my sincere appreciation for Pastor John P. Duffell for allowing the use of the site to advocate the reform. This is truly a humanitarian concern and Churches through out the country should not shy away from helping those who are in need. I encourage more mosques, synagogues, churches throughout this country to teach and advocate local people about immigration reforms. People incline to think that religion and politics should not mix and that religious institutions should stay away from this matter. Though this isn't so. This matter is not about politics; it's not about winning or losing; it's about people who just want to work hard and live well. We want to treat and praise them like we have to our ancestors.

Finally, I encourage all my colleagues to consider immigration reform as a serious concern and that we can no longer neglect to establish a legislative reform that is fair, effective and serve the best of the whole. Deporting people, tearing families apart, build a wall to keep people out is not real reform; it is a temporary solution to a problem. We need a sensible immigration policy which will allow the best, the brightest and those who are willing to work hard to continue the great chapter of our Nation's history. Mr. Speaker, America is strong because people come from all over the world with the intent to achieve the American Dream. The will of the people, as history have shown, have strive our nation to success from every corner.

RECOGNIZING THE IMPORTANCE OF SCHOOL LIBRARIES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Ms. WOOLSEY. Mr. Speaker, I rise to recognize the importance of school libraries, which are changing to better address the needs of students in the 21st century. School libraries are an important part of our educational system and help prepare students for college and a good career.

Teacher librarians teach students how to conduct good research, how to be critical

users of the information they find, and how to avoid plagiarism. They also play an important role teaching online research skills and raising awareness of cyber safety issues.

Mr. Speaker, I know how important school libraries are to the students in my district and across the nation. Please join me in recognizing the invaluable contributions that teacher librarians and school libraries make to our education system.

THE INTRODUCTION OF A BILL, THE VET SUCCESS ENHANCEMENT ACT OF 2011

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to introduce a bill the Vet Success Enhancement Act of 2011.

This bill renews and extends the solemn promise we have made to our veterans. It will allow our wounded warriors a greater chance to prepare for, find and keep suitable jobs through apprenticeships, vocational counseling and general career services.

Currently, many veterans miss their window of opportunity to enroll in the VetSuccess program. Many veteran service organizations have come before the Committee on Veterans Affairs and testified that the current cut-off period does not adequately provide disabled veterans sufficient time to enroll in the program.

Therefore, I am introducing this legislation to extend the eligibility period by 3 years. It is my hope that this additional time will allow our disabled veterans the time they need to complete training that allows them to reenter the workforce.

Disabled veterans have paid a steep price in their service to our country. The least we can do is fix a legislative technicality which would ensure that our service men and women are able to benefit from this important program that allows them to return to productive civilian life.

Mr. Speaker, it is our duty to ensure that our wounded warriors are given the opportunity to succeed here at home. I strongly believe that participation in the VetSuccess program can help put veterans on a meaningful path to success. I urge our colleagues to join me in supporting our veterans.

DESTINY BEAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Destiny Bean for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Destiny Bean is a 8th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Destiny Bean is exemplary of the type of achievement

that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Destiny Bean for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. BECERRA. Mr. Speaker, on October 26th I was unavoidably detained and missed rollcall vote No. 812. If present, I would have voted "yea" on rollcall vote No. 812.

U.F. STUDENT BODY GOVERNMENT ISRAELI-PALESTINIAN RESOLUTION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. STEARNS. Mr. Speaker, I rise today to recognize the University of Florida's Student Body Government, and to submit for the RECORD their resolution supporting the U.S. commitment to a negotiated settlement of Palestinian conflict through direct Israeli-Palestinian negotiations.

The University of Florida Student Government was established in 1909, and represents the interests of the student body. As representatives for the students of the University of Florida, this student government body has put forth Resolution 2011-138, which calls for the continuation of peaceful negotiations between Israel and the Palestinian Authority, and to oppose any attempt seeking a unilateral declaration of statehood from the United Nations.

The students of the University of Florida hereby resolve:

RESOLUTION SUPPORTING THE U.S. COMMITMENT TO A NEGOTIATED SETTLEMENT OF PALESTINIAN CONFLICT THROUGH DIRECT ISRAELI-PALESTINIAN NEGOTIATIONS, AND CALLING UPON THE UNITED STATES TO OPPOSE UNILATERAL PALESTINIAN EFFORTS OF DECLARING INDEPENDENCE IN THE UNITED NATIONS.

Whereas, a true and lasting peace between Israel and the Palestinian people can only be achieved through direct negotiations between two legitimate parties and the acceptance of Israel's right to exist; and

Whereas, direct negotiations between two legitimate parties to ensure an agreement that acknowledges both historical territorial claims to land while also taking into account the current demographic and security realities; and

Whereas, Hamas, an organization responsible for the death of hundreds of Israeli and American civilians, has been designated by

the United States State Department as a Foreign Terrorist Organization and is in control of the Gaza strip; and

Whereas, Hamas has held merger talks with the Palestinian Authority and continues to forcefully reject the possibility of peace with Israel; and

Whereas, refusing to come to the table and negotiate despite President Obama's direct request for a meeting following the Israeli nine month settlement freeze, the Palestinian Authority is preventing any constructive dialogue from taking place that could eventually lead to the formation of a Palestinian state; and

Whereas, the Palestinian Authority attempting to gain full membership at the United Nations through a unilateral declaration of statehood is counterproductive to the peace process; and

Whereas, a poll done by the Palestinian Center for Public Opinion showed that eighty-three percent of Palestinians cited job creation as the most pressing issue, with only four percent citing UN recognition of Palestinian statehood as the most important; and

Whereas, of that same poll only forty percent of Palestinians think that the UN vote will actually help to bring about an independent Palestinian state; and

Whereas, the United States passed H. Res 268 and S. Bill 185 calling on the Administration to block the Palestinian Authority's efforts at the United Nations, and to cut foreign aid to the Palestinian Authority in the event of a unilateral declaration; and

Whereas, the Obama administration has publicly criticized the Palestinian Authority's push for an unsustainable unilateral declaration, then be it

Resolved That the University of Florida Student Senate, on behalf of the students of the University of Florida, join our elected officials in support of a peaceful, two-state solution through direct negotiations between the Palestinians and Israelis; and be it further

Resolved That the students of the University of Florida support a halt to any efforts for a unilateral declaration of statehood at the United Nations and that the Palestinian Authority terminates its association with Hamas, so that it may be considered a legitimate partner for peace.

RECOGNIZING U.S. ARMY 1ST LT. ASHLEY I. WHITE STUMPF

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. RENACCI. Mr. Speaker, I rise today to recognize U.S. Army 1st Lt. Ashley I. White Stumpf—a member of the North Carolina National Guard's 230th Brigade Support Battalion, 30th Heavy Brigade Combat Team. She was attached to a Joint Special Operations Task Force in Afghanistan when she and two Army Rangers were killed as enemy forces attacked her unit with an improvised explosive device.

Ashley was commissioned in the U.S. Army as a Medical Service Corps Officer after receiving a commission from Kent State University in 2009. After completing both the medical services officer basic course at Fort Sam Houston, Texas, and the U.S. Army basic air-

borne course at Fort Benning, Georgia, she volunteered to become a member of a new tactical force called Cultural Support Teams.

Cultural Support Teams highlight the importance and necessity of women on the battlefield today. Their primary task is to engage the female population in ways that would be culturally inappropriate if performed by a male service member. As a member of only the second class of women to enter this program, Ashley was a trail-blazer. Cultural Support Team members assist in a variety of functions in Afghanistan, including medical programs, searches and seizures, humanitarian assistance, and civil-military operations. In support of these special Special Operations units, Ashley exposed herself to danger on a regular basis and has now become the first casualty in what the Army says is a new and vital wartime attempt to gain the trust of Afghan women. She will be remembered for her sacrifice for years to come.

Ashley's awards and decorations are many and include the Parachutist Badge, the Ohio Faithful Service Ribbon, the Armed Forces Reserve Medal, the Army Reserve Achievement Medal, and the National Defense Service Medal. She will be posthumously awarded the Bronze Star, the Purple Heart, the Meritorious Service Medal, the Afghanistan Campaign Medal, and the Combat Action Badge.

Lt. Col. David Hodne stated it well when he said, "Ashley was an incredibly talented officer and teammate who lost her life while committed to making a difference in our effort in Afghanistan. She demonstrated a level of quiet courage that set the example for others to follow, and we will never forget her sacrifice. Her family is in our thoughts and prayers."

A native of Alliance, Ohio, Ms. White Stumpf is survived by her husband Cpt. Jason Stumpf of Raeford, N.C., her parents Robert and Deborah White, twin sister Brittney and brother Josh, all of Alliance. Loved by friends, family and citizens across this nation, Ashley will remain a shining example of selfless sacrifice.

I honor Ashley's life, her service, and her memory. She will surely be missed by many, but she—along with all of our fallen heroes—will not be forgotten.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. AKIN. Mr. Speaker, on rollcall No. 816 and 817, I was delayed and unable to vote. Had I been present, I would have voted "aye" on both.

DEAN ROGERS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dean Rogers

for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Dean Rogers is a 8th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Dean Rogers is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Dean Rogers for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING THE WORLD WAR II VETERANS OF ILLINOIS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. QUIGLEY. Mr. Speaker, I rise to honor the World War II veterans who are traveling to Washington, D.C. today with Honor Flight Chicago, a program who provides as many World War II veterans as possible the opportunity to see the World War II Memorial here in Washington, D.C., a memorial that was built to honor their courage and service.

The American Veteran is one of our greatest treasures. The Soldiers, Airmen, Sailors, Marines, and Coast Guardsmen traveling here today answered our nation's call to service during one of its greatest times of need. From the European Campaign to the Pacific Asian Theatre to the African Theater, these brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them more gratitude than can ever be expressed.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men and women for all to see, hear, and recognize, and I call on my colleagues to rise and join me in expressing gratitude.

Marvin Leroy Abramson, Louis Alejandre, Earl Allen, Robert Arvidson, Thomas Atchison, Julio A. Battistoni, Birgie Dean Bergeson, Charles S. Bergh, Earl F. Bishop, Stanley J. Biskup, Ralph Blattner, Marjorie H. Bobzin, William J. Bolt, Lloyd Bowman, Seymour Brodsky, Edward V. Bucaro, Norman E. Burbury, Julius Burrell, Anthony Candice, William J. Christian, Vernon Ciske, Guy Colletti, Irving Covitt, Louis Czyzewski, Robert K. Dean, Walter J. Dobosz, Edward L. Effertz, Vincent J. Fiduccia, Arthur E. Fosslund, Paul J. Gerjol, Wilbert Gerrish, Louis Guthmann, Arthur J. Habel, Gerald Hastings, Roscoe Hastings, Edward C. Hausknecht Jr., Albert R. Heminger, Edward J. Heywood, William R. Higgins, Gerald Hulslander, Diderick M. Iversen, Robert Jenkins, Alfred Jordi Jr., Francis Kaduk, Albert Komar, John Kotowski, Robert Bernhardt Krueger, Walter C. Kuhn, Herbert J. Lustig, George Mahony, James E.

McShane, William Merrill, Harold Milling, Edwin John Misniak, Charles W. Moffett, Aldo J. Mob, Mary C. Nolan, Fulton Nolen Sr., Joseph R. Pacholski, Jerome Pierce, Joseph P. Pomykala, Frank N. Popp, Frederick Popper, Richard Priske, Robert Prorok, Eugene G. Qualizza, John Radke, Fred V. Randazzo, Kenneth L. Rapalee, Raymond F. Reece, William G. Rieker, John L. Ritchie, Eugene V. Rodarte, Shirley Marie Roeing, Richard Sven Roeing, Sam A. Scardino, Louis C. Seno, Vincent James Serio, Lawrence Smith, Samuel Stookal, Edward Sulkowski, Clarence F. Talentowski, Herbert L. Tatroe, Hilbert O. Teske, George H. Thompson, Gilbert T. Vinzani, George H. Vozari, Barbara Q. Watson, Harold E. Weir, Franklin C. Wellhausen, John P. Whitbread, Richard Wolff, Berlin W. Wyman, Elmo R. Younger, Michael Yurchak, Leonard F. Zaehler, Walter Ziolkowski.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,971,183,021,178.32.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,333,405,274,884.52 since then. This debt and its interest payments we are passing to our children and all future Americans.

SALUTING THE BETTER BUSINESS BUREAU OF MIDDLE TENNESSEE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. COOPER. Mr. Speaker, today I rise to salute the Better Business Bureau of Middle Tennessee. An organization dedicated to consumer protection, business standards, and community involvement, the Bureau has seen record growth and become a pillar in our great city of Nashville.

In October of 1961, the Bureau opened its doors with 510 members. During the 1960s, it handled nearly 80,000 service requests. After 5 decades of expansion and growth, the Better Business Bureau of Middle Tennessee now has 5,000 members. In 2011, the Bureau will top 3 million requests with 98 percent of all services delivered via the Internet.

The Better Business Bureau of Middle Tennessee has a solid reputation for both helping the consumer and raising the standards of business. The Bureau continually encourages businesses to strive for the highest and most ethical standards in commerce. Local businesses aspire to be recipients of the highly coveted "Torch Award for Marketplace Ethics."

Although its primary focus is to direct consumers to businesses they can trust, the Bet-

ter Business Bureau of Middle Tennessee has become a community partner and a good corporate citizen. The Bureau has invested in higher education awarding scholarships to deserving high schools students through the "Students of Integrity" program and partners with many other nonprofits in community events throughout the area.

And so, Mr. Speaker, it is my privilege today to salute the Better Business Bureau of Middle Tennessee for its 50 years of dedicated service to our citizens and our community, and for promoting higher ethical standards in business.

RECOGNIZING JUDGE RICARDO M. URBINA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing Judge Ricardo M. Urbina, the first Latino appointed to the bench in the District of Columbia. President Ronald Reagan nominated Judge Urbina for the Superior Court of the District of Columbia in 1981, and President Bill Clinton nominated him for the U.S. District Court for the District of Columbia in 1994. Both before and after these path-breaking judicial appointments, Judge Urbina has been recognized by his peers, his city, and many organizations for his many contributions to the law and to society.

Judge Urbina began establishing his reputation with his broad experience as an attorney in the Public Defender Service for the District of Columbia, in private practice specializing in commercial litigation, and as an associate professor at Howard University School of Law. Among Judge Urbina's achievements while on the bench was his leadership of efforts by the bar and community organizations to create the Superior Court's Office of Interpreter Services, which for the first time institutionalized the practice of providing court interpreters for non-English speakers and the hearing-impaired.

The District of Columbia and its residents are particularly grateful for Judge Urbina's attention to our youth and for his work in developing the next generation of legal achievers by exposing D.C. high school students to the court system, as well as by teaching law while on the bench. Throughout his career, Judge Urbina has been invested in improving both the law that serves our community and the community where the law is observed.

Judge Urbina has now taken senior status on the U.S. District Court for the District of Columbia, but he will continue to serve the city, the court, and the law in a multifaceted life and career that has been characterized by dedication and wisdom. Judge Urbina's career in the law has special meaning today particularly for Latinos, the fastest growing community in our country. The judge's roots in our Latino community make him a history-making role model particularly for a community that had no presence on either our local or federal courts before he paved the way on both. Yet, because of Judge Urbina's professionalism,

excellence, character, and many contributions to the law and to the community, he has set a high bar as a lawyer, judge and distinguished citizen not only for lawyers, but for all who aspire to achieve in our city.

Mr. Speaker, I ask the House of Representatives to join me in honoring Judge Ricardo M. Urbina for his accomplishments on the courts on which he has served and for his contribution to the law and to the residents of the District of Columbia.

PERSONAL EXPLANATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. LATTA. Mr. Speaker, on Tuesday, November 1, 2011, I missed a series of votes due to a mechanical failure of a United Airlines plane, and the unavailability of a replacement, at Cleveland Hopkins Airport. If I had been present, I would have voted "aye" on rollcall No. 816 and "aye" on rollcall No. 817.

HONORING CRYSTAL GLOBE AWARD WINNER FRANKIE FESKO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with sincere admiration that I recognize the Asian American Medical Association, which is hosting its 35th Annual Gala on Saturday, November 5, 2011, at the Avalon Manor in Merrillville, Indiana. Each year, the Asian American Medical Association pays tribute to prominent, outstanding citizens and organizations for their contributions to the community. In recognition of their efforts, these honorees are awarded the prestigious Crystal Globe Award at this annual banquet.

The Asian American Medical Association has always been a great asset to Northwest Indiana. Its members have selflessly dedicated themselves to providing quality medical services to the residents of Indiana's First Congressional District and have always demonstrated exemplary service through their many cultural, scholastic, and charitable endeavors.

At this year's Annual Gala, the Asian American Medical Association will present the Crystal Globe Award to one of Northwest Indiana's finest citizens, Frankie Fesko. For her outstanding accomplishments and charitable contributions to numerous organizations, she is worthy of such an honor.

Frankie graduated from Illiana Christian High School and continued her education, earning a bachelor's degree from Depauw University and a master's degree from Purdue University. Frankie then spent many years as a teacher for the School City of Hammond and the School Town of Munster. She also worked as a Supervising Teacher at Purdue University Calumet in Hammond.

Frankie has been a true inspiration when it comes to community service, devoting much

of her time and efforts to serving so many in need throughout Northwest Indiana. Her amazing compassion and generosity led her to become involved in many charitable organizations throughout the years. Frankie has chaired many events including: the Perennial Ball, which is a fundraiser for the Community Cancer Research Foundation, the Share and Love annual luncheon fundraiser for the Cancer Resource Center in Munster, and Briarfest, which benefits a different organization every year and has supported the National Kidney Foundation, Hospice of the Calumet Area, the Humane Society, Campagna Academy, and the Boy Scouts of America. Additionally, Frankie serves as a board member for many charitable organizations including: the Munster Medical Research Foundation, the Community Cancer Research Foundation, and the Legacy Foundation. Frankie serves as Chairwoman of the Board for the Community Foundation of Northwest Indiana, which is a non-profit organization that works to improve the health and quality of life for people in Northwest Indiana. The businesses that the foundation operates include three non-profit hospitals in Northwest Indiana: Community Hospital in Munster, Saint Catherine Hospital in East Chicago, and Saint Mary Medical Center in Hobart. The foundation has also been instrumental in the development of The Center for Visual and Performing Arts, the creation and operation of the Community Cancer Research Centre Foundation, and the donation of land to create the Edward P. Robinson Community Veterans Memorial and Hartsfield Village Retirement Community in Munster. For her exceptional dedication and passionate support to so many charitable endeavors, Frankie was awarded the very first Community Leader Award at the Northwest Indiana's Most Influential Women of the Year Awards Banquet in June 2011.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the Asian American Medical Association, as well as this year's Crystal Globe Award recipient, Frankie Fesko, for their outstanding contributions to their communities and beyond. Their unwavering commitment to improving the quality of life for the people of Northwest Indiana and throughout the United States is truly inspirational. For these reasons, the Asian American Medical Association, its members, and Frankie Fesko are to be recognized, and I am proud to serve as their representative in Washington, DC.

DILAN RAMOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dilan Ramos for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Dilan Ramos is an 11th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Dilan Ramos is exemplary of the type of achieve-

ment that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Dilan Ramos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING THE MEMORY OF JOHN J. NALBONE, SR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. HIGGINS. Mr. Speaker, today I rise to honor a longtime leader in the field of aviation—the late John J. Nalbone Sr. Mr. Nalbone dedicated his life to the field of aviation and was tireless in his efforts to make the skies accessible to many of his friends, family and neighbors in his hometown of Dunkirk, NY.

Mr. Nalbone was fascinated with flying since boyhood, and shortly after graduating from Jamestown High School he went off to Leroy, NY where he was chosen to undergo early government training in the field of modern aviation. This training became essential part of America's defense system as the United States entered World War II in 1941. At this time John was assigned to the 54th Flight Training attachment at Dorr Field in Acadia, FL where he was the primary instructor for Sherman Biplanes until the end of the war.

After the war, John and his wife relocated back to Western New York, where he became a civilian flight instructor and was able to open his own flight school at Werle Field, a small grass strip equipped only with runway lights. John soon realized that through instruction, pilot exams, and rebuilding of aircrafts he could continue to pursue his love for flying while providing a modest lifestyle for himself and his family.

By 1960, Mr. Nalbone became the manager of the Dunkirk Airport while still maintaining his own airfield, instruction school and building several of his own aircraft including a Steen Skybolt, and a Grumman Tiger which he flew into his mid 80's.

During his lifetime, John was the recipient of numerous aviation awards including the FAA's Lifetime Achievement Award in both 1996, and 2003. Mr. Nalbone was also awarded the prestigious Charles Taylor Mechanics Award, which is presented to aviators with 50 or more years of service in the aviation industry.

Mr. Nalbone passed away at the age of 93. He is survived by his three children and six grandchildren. Clearly, Mr. Nalbone passed his love of aviation along to his family. I have dealt very often with his son Lou, who currently serves as President of Dunkirk Aviation, and who remains Chautauqua County's most tireless advocate for aviation in New York's Southern Tier.

Mr. Speaker, it is my honor to ask you and our colleagues to extend the sympathies of

the House to the family of John J. Nalbone Sr., to recognize his contributions to our military and to his community, and for his commitment to the United States of America, and to Western New York.

RECOGNIZING RICHARD G. LANDIS

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. MCCLINTOCK. Mr. Speaker, I rise today in recognition of Richard Landis of Lake Wildwood, California. Mr. Landis grew up in Marysville and Yuba City. He and his wife, Beth, met while attending the University of La Verne. They have three grown children.

Dick Landis began his long legacy of contributing to his community by serving our country as an aviator in the U.S. Army Air Corps. He had a distinguished military service record, having flown the P-38 and the P-51 in two and a half combat tours in the European theater.

After graduating from La Verne and leaving military service, Dick went on to have a very successful business career, eventually rising to be Chairman and CEO of the Del Monte Corporation, as well as serving on the boards of several other corporations. During his tenure in the private sector Dick was known for his active involvement in the communities in which his firms did business. He was named California Manufacturer of the Year in 1981 and given the Good Scout Award as well as the Silver Beaver Award in 1975 by the San Francisco Bay Area Council of the Boy Scouts of America, of which he was Executive Board Chairman.

In the 1980s, Landis retired to Lake Wildwood. In Nevada County, Mr. Landis has been a very enthusiastic supporter, member of the Board and major donor to Music in the Mountains, Penn Valley Rotary becoming a Paul Harris Fellow many times over and having received Rotary Foundation's Major Donor Recognition, supporting and advising Nevada County Habitat for Humanity, along with several other non-profit organizations. He has authored two books on business and personal ethics, one of which is aimed at encouraging youth to be active members of their communities throughout their lifetimes.

This weekend, the Rotary Club of Penn Valley, California will host a dinner in Dick's honor to thank him for his many years of support for his community and to raise funds to endow the Dick Landis Music in the Mountains Rotary Scholarship through the new Penn Valley Rotary Foundation. The group is right to honor Mr. Landis, and I am proud to rise today in recognition of his fine example of how a citizen can contribute to his community and country.

INTRODUCTION OF A BILL TO AMEND TITLE 38, UNITED STATES CODE, TO EXTEND THE DEPARTMENT OF VETERANS AFFAIRS DEMONSTRATION PROJECTS ON ADJUSTABLE RATE MORTGAGES AND HYBRID ADJUSTABLE RATE MORTGAGES

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to introduce a bill to amend title 38, United States Code, to extend the Department of Veterans Affairs demonstration projects on adjustable rate mortgages and hybrid adjustable rate mortgages.

My bill would ensure we continue to provide affordable mortgages for our veterans, who put their lives on the line protecting our freedom. This VA-backed mortgage program is currently set to expire next year.

In contrast to traditional Adjustable Rate Mortgages (ARMs), VA-guaranteed ARMs limit the annual interest rate adjustment to a maximum increase or decrease of one percent. Over the life of the loan, the interest rate is limited to a maximum increase of five percent. For VA-backed hybrid ARMs, the interest rate adjustment is limited to two percent each year, with a maximum increase of six percent over the life of the loan.

Compared to a conventional mortgage, VA-backed ARMs and hybrid ARMs make it easier for veterans to obtain affordable financing. If interest rates drop, veterans can save thousands of dollars in mortgage payments. This legislation would make mortgages more affordable and would play an important role in combating veteran homelessness.

The Department of Veterans Affairs estimates that over 100,000 veterans are homeless, while 1.5 million veterans are considered "at risk" of homelessness due to poverty and substandard housing arrangements. These mortgage extensions encourage veterans to pursue the American Dream of homeownership and ensure that they are not living on the streets due to the volatility and exposure of traditional mortgages.

Mr. Speaker, one of the most overarching public policy goals of the Congress and our country is to take care of our veterans. I strongly believe that providing affordable mortgage rates is a key component in our effort to meet this goal. I urge our colleagues to join me in supporting this successful and necessary program.

EXPRESSING SUPPORT FOR THE "OCCUPY WALL STREET" MOVEMENT, THE VOICE OF THE 99% AND A VISION OF DEMOCRACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. RANGEL. Mr. Speaker, today I rise in support of the Occupy Wall Street Movement

and to bring the voices of the long-oppressed 99% back to the Representatives who are supposed to represent them.

Truly, when I think of the vision of democracy today, instead of our gridlocked Congress, where we can hardly speak to each other because of deeply polarized political differences, I look to the Occupy Wall Street groups burgeoning across the country.

They took to heart the value of the freedoms of speech and assembly consecrated in the Bill of Rights, and put them to practice. They are convening in open air town halls to give voice to the voiceless and organize as a unit. Here in Congress, every vote comes with a fight. After it is all said and done, the disagreement remains and the bitterness deepens. Out there in the General Assemblies of these "Occupation" sites, decisions are made by consensus. Who has it figured out better?

Some are quick to dismiss the protesters as a bunch of kids who do not know what they are doing. I beg to differ.

Yes, the Occupy Wall Street groups have no established leadership team. But that is very much by choice. And in many ways, these eclectic gatherings are so much stronger as a collective of equals. Each individual, from child to senior, has taken initiative to help in a way best suited to his or her interests and abilities. They have voluntarily taken up posts to welcome newcomers, to offer legal advice, to provide medical relief, to cook, to clean, to entertain, and to be sure, to discuss policy, from sustainability to electoral reform.

And yes, these General Assemblies do not have a bill of solutions to present for deliberation on the floors of Congress to rectify the problems facing our country. But they have deliberately chosen not to present a list of demands as an organizational strategy. In the second issue of the New York occupation newspaper, cleverly named the "Occupied Wall Street Journal", they declared: "No List of Demands. We are speaking to each other and listening. This occupation is first about participation."

And they are right. All they need to know is that they are discontent with the status quo in this country and are willing to do something about it. This is what democracy is all about. If the people do not express their point of view, how are their voices supposed to be represented?

The fact is that the people have been trying to communicate their grievances—through phone calls, letters, petitions, national conferences, and other traditional methods of organizing—yet we, their elected representatives, have failed to produce legislation to adequately address their needs. Now they are mad as hell, and I do not blame them. In fact, I thank them for containing their anger and organizing in a non-violent manner.

My colleagues, it is our sworn duty to listen to our constituents and represent their views. Why are we not honoring the position of the 99%? Why do attacks on the 99% persist? What more do the American people have to do to get its Congress to wake up and actually deliver the systematic changes that are necessary to lift this country out of its fiscal recession and spiritual depression? The American Dream needs to be revived with some real

changes before it withers away like the millions upon millions of dreams deferred.

Americans have been suffering long before these market crashes, bubble bursts, and quagmire wars. This movement is not about ephemeral concerns and will not be mollified by superficial fixes. The problems highlighted by Occupy Wall Street contingents around the country are deeply entrenched structural issues and we must address them earnestly and develop permanent, holistic solutions. We can no longer afford to patch one sleeve with the other. It is abundantly clear that a total make-over is needed.

The process will be difficult, but we must undertake the challenge. We cannot simply bicker on and watch more than a quarter of our children grow up in poverty. We cannot simply hype up the promises of higher education and abandon our students when they are locked down with debt. We cannot simply wait for the "market god" to do its wonders and leave our families to suffer as the prices go up and real wages go down. It is not only our job to rectify these wrongs, it is our moral obligation.

I call on all my colleagues to listen to the voices of the people and act. Let us collaborate in good faith and reaffirm that this is a government of the people, by the people, and for the people. The American public is sick and tired of waiting. It is time to get to work.

Once more I urge spiritual leaders all across the country to take an active role in this movement. Every faith tradition affirms the value of social justice. This is the time to fight for a more perfect nation, one that would more closely embody the ideals upheld in our holy books. I ask all faith leaders to encourage their congregants to contact their elected officials and make sure that their views are faithfully represented.

Lastly, I would like to remind all the leaders of the world that this movement is not stopping at Wall Street, in New York, or even within the bounds of the United States. More than 1,500 cities around the globe committed to launching united campaigns for global change on October 15, 2011. The "Occupation" is poised to continue, growing persistently as more and more people step out and speak up. Never forget that the power of government is derived from the consent of the governed. Their will and support are the foundations on which our nations were built. Listen to the 99%, preserve peace, and ensure justice to all.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose

of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 3, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 4

10 a.m.
Joint Economic Committee
To hold hearings to examine the unemployment situation for October 2011.
210, Cannon Building

NOVEMBER 8

9:30 a.m.
Armed Services
To hold hearings to examine the Committee's investigation into counterfeit electronic parts in the Department of Defense supply chain.
SD-G50

10 a.m.
Energy and Natural Resources
To hold hearings to examine market developments for United States natural gas, including the approval process and potential for liquefied natural gas exports.
SD-366

Finance
To hold hearings to examine unemployment insurance, focusing on the path back to work.
SD-215

Foreign Relations
To hold hearings to examine the nominations of Roberta S. Jacobson, of Maryland, to be Assistant Secretary for Western Hemisphere Affairs, Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, and Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador, all of the Department of State.
SD-419

Health, Education, Labor, and Pensions
To hold hearings to examine beyond No Child Left Behind (NCLB), focusing on views on the Elementary and Secondary Education Reauthorization Act.
SD-106

Judiciary
To hold an oversight hearing to examine the Department of Justice.
SD-226

2 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of the District of Columbia, Department of Justice, and Danya

Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342

NOVEMBER 9

10 a.m.
Homeland Security and Governmental Affairs
Business meeting to consider pending calendar business.
SD-342

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine securing our nation's transportation system, focusing on oversight of Transportation Security Administration's current efforts.
SR-253

Foreign Relations
Near Eastern and South and Central Asian Affairs Subcommittee
To hold hearings to examine United States policy in Syria.
SD-419

Judiciary
Privacy, Technology and the Law Subcommittee
To hold hearings to examine health and privacy, focusing on protecting health information in a digital world.
SD-226

NOVEMBER 10

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security.
SD-342

Veterans' Affairs
To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.
SR-418

2:15 p.m.
Indian Affairs
To hold hearings to examine S. 1192, to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes, S. 872, to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land, and S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior.
SD-628

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NOVEMBER 15

NOVEMBER 17

DECEMBER 6

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of Virginia, both to be a Federal Trade Commissioner.

SR-253

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes.

SD-628

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Express Scripts/Medco merger.

SD-226

SENATE—Thursday, November 3, 2011

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are concealed, cleanse the thoughts of our hearts by the inspiration of Your Holy Spirit that we may perfectly love You and worthily magnify Your holy Name.

Lord, look with mercy upon our Senators and use them to heal the brokenness in our land. May they use their talents to lead people to replace fear with faith, cynicism with courage, and division with unity. Keep them from the forces that impede them from doing Your will.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 2011.

To the Senate:

Under the provision of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will debate

the motions to proceed to S. 1769 and S. 1786. One is a Democratic-sponsored infrastructure bill, and the other is a Republican-sponsored bill. The time until 3 p.m. will be equally divided and controlled between the two leaders or their designees. At about 3 p.m., there will be up to two rollcall votes. The first vote will be on a motion to proceed to S. 1769, the Rebuild America Jobs Act. If that is not successful, there will be a second vote on the motion to proceed to S. 1786. Both motions will require 60 votes.

We also expect to vote on a number of judicial nominations today.

REBUILD AMERICA JOBS ACT

Mr. REID. Mr. President, yesterday evening, I called my friend from Searchlight, NV, Arthur Fraijo. Arthur's family has been in Searchlight for many years. His mom and dad have passed away. I keep in touch with him. He is a wonderful, hard-working man. I said, "Where are you today, Arthur?" He said, "I am at work." I said, "You're kidding, where are you?" He was at this project out by Primm, a big solar project. I said, "How long have you been working?" I remember that he said it was a matter of weeks. It is the first job he has had in 3 years. He is an iron worker and he is working now, and he is very happy. Here is an iron worker, a construction worker, who has finally found a job.

In Nevada we have thousands of other people who have been out of work for a long period of time—construction workers such as Arthur. Most are not fortunate enough to have a job such as he has. That is what our legislation is all about. The legislation we will vote on this afternoon deals with putting people back to work, hundreds of thousands of construction workers. This is a bill that does not add more deficit spending. It is paid for, and it is not an attack on millionaires and billionaires. Many millionaires and billionaires are very fortunate in that they may not, in a given year, make a million dollars but they still have assets, so they are millionaires and billionaires. We have made sure that a small percentage of Americans would help us put people such as Arthur back to work.

What we have suggested in our legislation is so reasonable and so fair. What we are saying is that people who make all this money—more than a million dollars a year—should contribute to the restructuring of our economy. The plan is paid for by asking these people to contribute a little more to get the economy back on track. We are

not asking all millionaires and billionaires; we are asking the people who have made more than \$1 million a year to pay a little bit extra. It is the right thing to do. It amounts to two-tenths of 1 percent of the people who make money in America—two-tenths of 1 percent.

It is unbelievable that the Republicans have lined up in the past—and we have heard they are going to do the same thing today—in unanimous opposition to this commonsense plan that is supported by people all over America—not Democrats only, not Independents only, but Democrats, Independents, and Republicans.

Americans are crying for jobs, crying for us to pass this bill. This would put 3,000 or 4,000 people to work in Nevada. I think that is extremely important. And in every State it is the same. I talked to my friend from New Mexico yesterday, Senator BINGAMAN, the senior Senator, and he said it would put 4,000 people to work there. New Mexico's economy is not as troubled as Nevada's, but they are not doing as well as in years past.

This legislation levies a small tax on the top two-tenths of 1 percent of the American taxpayers. Their income has increased 275 percent over the last three decades. The top 1 percent of these people in America make as much as the other 99 percent put together.

We are being told that, well, we want to help you, but we have taken a tax pledge from this person named Grover Norquist. As Alan Simpson said, does that mean more than your country? If it does, he said you should not be in Congress.

I yield the floor.

RECOGNITION OF THE MINORITY LENDER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DUELING HIGHWAY BILLS

Mr. MCCONNELL. Mr. President, we are going to see very different approaches to infrastructure and job creation today. The American people can decide for themselves which one makes more sense.

The Republican proposal extends the current highway bill for another 2 years, giving States and contractors the certainty they need to start new infrastructure projects and to create jobs.

The legislation Senator HATCH is proposing today puts an end to the uncertainty for the next 2 years. This proposal also gives States the authority to

decide how this money is spent. If folks in Ohio or Kentucky want to build a bridge, Washington can't force them to build a bike path.

The Republican proposal accelerates the review period and clears away the bureaucratic redtape. The President admitted a few months ago that the shovel-ready projects in his first stimulus bill didn't turn out to be as shovel ready as he thought. Our proposal helps make sure they are.

Our bill prohibits the EPA from imposing burdensome and unnecessary new regulations on American cement producers and domestic boilers, so the cost of American-made materials for the projects paid for through this highway bill don't skyrocket just as they are set to begin. The bill keeps those costs down.

Best of all, it is fully paid for through funds that were originally appropriated for another purpose but not spent. Whatever is left over after these projects are funded goes to pay down the deficit.

The Democrats are taking a different approach. First, according to the CBO, the Democrats' proposal will do little for the economy and putting people back to work in the short term, because the money will be spent very gradually. According to the CBO, less than one-tenth of the funds in the Democrats' proposal will be spent next year. Less than one-tenth of the funds in the Democrats' proposal, which we will be voting on today, will be spent next year, and roughly 40 percent won't be spent until after 2015. This hardly matches the President's call for doing something "right away."

Second, it costs another \$57 billion we don't have.

Third, they want to pay for this temporary spending bill with a permanent tax increase on job creators. Again, they want to pay for a temporary spending bill with a permanent tax hike on job creators.

Fourth, they already know that Republicans and, yes, some Democrats, don't think we should be taxing job creators, particularly at a time when 14 million Americans are looking for a job—and that we will vote against any proposal that does so.

In other words, the Democrats have deliberately designed this bill to fail.

So the truth is that Democrats are more interested in building a campaign message than in rebuilding roads and bridges. Frankly, the American people deserve a lot better than that. The people of Kentucky deserve a lot better than that. The people in my State have serious, time-sensitive bridge projects—the Brent Spence bridge, I-69 bridge, Louisville bridges, and Sherman Minton bridge, which is currently shut down. They deserve better than that.

The Associated General Contractors of America and the U.S. Chamber of

Commerce have already spoken out against the Democrats' proposal.

The rest of the American people can decide which approach they prefer: our proposal, which doesn't add to the deficit, doesn't raise taxes, empowers the States to make decisions on the local level, and is designed to gain bipartisan support or the Democrats' top-down approach, which perpetuates uncertainty, raises taxes on businesses at a time when we should be giving them more reasons to hire, not less, and which was designed in coordination with the White House political team to fail.

These are the two approaches on display in the Senate today. The choice should be obvious.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the highway bill has been worked on for months by Senator BOXER, who is the chairman, and the ranking member, Senator INHOFE. They have arrived at a conclusion.

I had a conversation yesterday with Senator INHOFE, and they have worked out almost all of the details on the bill. We have to do something on this bill because it expires at the end of this year—the 1st of February, I believe.

My friend, the Republican leader, whom I care a great deal about personally, is absolutely wrong. The American people support our approach. Seventy-six percent of the American people like it. People of all political definitions support it. Why? Because it is so fair.

We are asking the top two-tenths of 1 percent of people who make money in this country to contribute a surtax of seven-tenths of 1 percent of money they make over \$1 million.

Job creators? I don't think so. The funding mechanism the Republicans use this time is in violation of the agreement we made last July. We have an agreement. We have cut domestic discretionary spending enough. That was the agreement we made. What they have done is come back to whack it more, which, I repeat, is going back on our agreement on how much we are spending on appropriations.

Not only that, but the Republicans do what they have done time and time again. We all know we would be better off if we didn't have as many regulations as we have. That is why every President, including Presidents Bush and Clinton, have done their best to eliminate unnecessary regulations. President Obama is doing the same thing. The Republicans come here and say that the way to create jobs is to get rid of regulations. On this way of paying for this—this smoke and mirrors that they have—they want to block implementation of health care reform, leading to higher costs and more uninsured Americans; block Wall Street reform, increasing the risk of

future financial crises and taxpayer bailouts. Can you imagine, at this stage, that we would want to increase the power of those on Wall Street? I don't think the American people care about that. Also, they want to block antipollution protections, leading to dirtier air and more premature deaths and illness. They want to weaken food safety protections and weaken worker safety protections. I, of course, will urge my entire caucus to vote against this because it is the typical approach the Republicans have used, and it has not created a single job—a single job.

There is commentary in today's newspapers about what the House has been doing. They haven't done anything to create jobs. With that extremely powerful Republican caucus, they have done nothing—nothing—to create jobs.

Now, Mr. President, I am glad we have a motto that says "In God We Trust." But can you imagine, they voted yesterday whether we wanted to emphasize, to underline and underscore "In God We Trust." They spent yesterday debating that issue in the House of Representatives. That didn't create a single job.

There is not a single Senator who does not trust in God, that I know of. Yet that is what they are debating. People such as Arthur Fraijo are desperate for work, have been out of work all these years. Yet not a single thing they do creates jobs.

The legislation we will vote on at 3 o'clock will produce hundreds of thousands of jobs now.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. My good friend has made a great campaign speech, but the election is in November of next year. If we want to accomplish something, we have to do it together. We have had a series of votes over the last few weeks clearly designed to fail. The proposal my good friend is talking about, in all likelihood, is going to have bipartisan opposition. It was not developed with Republican input, and it was not designed to get a positive outcome.

The House of Representatives, on 15 different occasions recently, has passed bills with bipartisan support—bipartisan support—that we are not taking up. One of them—the 3-percent withholding bill—enjoys the support of the President of the United States as well. So it is my hope that in the very near future we can figure a way to actually pass something together that would become law.

I wish we could put off the election until next year because these efforts to do these messaging amendments, as politically invigorating as it may be to the base of the Democratic Party, don't have anything to do with actually passing legislation that could have a positive impact. So we will have the two votes today, but I would urge my

good friend to join me in looking for things on which there is enough bipartisan support to actually make a law, not just try to make a point.

I am sure it is the case that most Americans support raising taxes on high-income individuals. My guess is they might have a different view if they knew that four out of five of those individuals were actually business owners. Nevertheless, it is time, it seems to me, for us to quit making the campaign speeches and remember the election is in November 2012, not this month of 2011, and see if we can't work together to pass legislation the President can sign and that will help move the country in a different direction.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, my friend, the Republican leader, comes before this body today and says we should do our campaign speeches next year when the world knows my friend has said his No. 1 priority in this Congress is to defeat President Obama.

We have had on the Senate floor for the last 10 months a campaign speech every day directed by my friend and his Republican colleagues in his caucus doing everything they can to make President Obama look bad and doing nothing to help our economy. Their goal is to do everything they can to drag down this economy, to do anything they can to focus attention negatively on the President of the United States in hopes the minority leader can get my job, perhaps, and that President Obama will be defeated.

So let's not talk about campaign speeches on the Senate floor. Let's talk about reality. I do not believe we should be concerned about a piece of legislation that asks the richest of the rich to pay a few pennies of their vast fortunes to put people like my friend back to work. That is what this is all about. The American people agree with what we are doing. We are trying to have this government involved in things that create jobs, not slogans, not "let's get rid of those regulations" or do we believe in God or that kind of stuff.

That has not created a single job. What we want to do is create jobs. We also don't want to go back on the agreement we worked on for months regarding the deficit reduction plan and raising the debt ceiling, where we agreed on what our spending should be for this coming year. We will see how sincere my Republican colleagues are. The CR expires in 2 more weeks. The CR is the continuing resolution. Let's see if they go back on their word in that regard; that they will begin threatening to shut down the government if they do not get whatever slogan looks good during any specific period of time.

We have the FAA that is about to go out of business again because the Re-

publicans are unwilling to pass a bill without some labor issue that has nothing to do with the bill that was passed—zero to do with it. Even the person who runs Delta Air Lines, that has been the focus of this, wants the FAA bill done. They recognize they have been hurt very badly by what the Republicans have done to focus attention on them—attention they do not want focused on them.

So I hope we can, on a bipartisan basis, do the things that are good for the country, and I think creating jobs is one of the most important things we should do. I would say to my friend: We can stay here all day, and I will get in the last word. We can extend to 11:20 now, but I will get in the last word in our conversation today.

Mr. MCCONNELL. Mr. President, it is certainly the case the majority leader can always have the last word, but I would say, with all due respect to my friend, he just made another campaign speech.

I think what the American people would like to see us do is actually pass something together that will become law—pass something together that will become law. That is how to get an accomplishment out of the U.S. Constitution. That is how to send something to the President.

We know how to work together to make things happen. We have done that in the past. All I am suggesting is that the exercise we are going to have later today has nothing to do with making law and making a difference. It is about making a point. We both know how to do that. We both know how to make points and make laws. What we are doing later today is not about making laws.

I am told by staff I need to move to proceed to S. 1786.

The ACTING PRESIDENT pro tempore. The motion will be pending.

The majority leader.

Mr. REID. Mr. President, I would finally say this: I hope we will have a new dawn arising soon where we will see my Republican friends break away from this lockstep they have been in. I can't imagine they believe they are doing the right thing by voting against asking the richest of the rich—.02 percent of the richest people in America—to contribute a small amount toward creating jobs in America. That is what this is all about.

I would hope someday we will see a few Republicans break from the pack and vote to create jobs rather than trying to defeat President Obama come next November.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

REBUILD AMERICA JOBS ACT— MOTION TO PROCEED

LONG-TERM SURFACE TRANSPORTATION EXTENSION ACT OF 2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1769, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of the bill (S. 1769) to put workers back on the job while rebuilding and modernizing America.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 3 p.m. will be equally divided and controlled between the two leaders or their designees.

The motion to proceed to S. 1786 is also the matter before the Senate.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, while I have been interested in the comments between the two leaders, I have to agree with the Republican leader that this is an exercise, in many ways, in futility because the bill brought forth by the other side has very little chance of passing through both Houses of Congress because it is a partisan bill.

Let me just mention a few things this morning. While growth remains sluggish in our economy, unemployment high, and job growth insufficient to drive unemployment lower, the number of pages in the *Federal Register* is at an all-time high. Pages devoted to final rules rose by 20 percent between 2009 and 2010, and proposed rules have also risen by close to 20 percent to 2,439 in 2010.

Of the 4,257 regulatory actions already in the pipeline, 219 are considered economically significant, meaning they are estimated to impose a cost of \$100 million or more on the economy. By comparison, that is 28 more than this time last year and 47 percent more than in 2009. In total, the Obama administration has imposed 75 new major regulations costing over \$38 billion annually. And we wonder why our country is in such trouble.

The minutes of the late September meeting of the Federal Reserve monetary policymaking committee reveal that in talking to businesses and market participants, many contacts have "cited uncertainty about regulatory and tax policies as contributing to businesses' reluctance to spend."

If businesses are not spending because of regulatory uncertainty, then their customers will see lack of demand for their products. The lack of demand explanation for economic sluggishness offered by the administration and its Keynesian advisers begs the question of why there is a lack of demand. While there are likely several reasons, the Fed clearly identifies one

of them: Uncertainty about regulatory policies.

Indeed, uncertainty regarding future regulatory policies as a contributing factor for business reluctance to hire and invest has been cited in minutes of the past three policymaking meetings of the Fed's monetary policymaking committee. Those identifying that such uncertainty is impeding job creation are American businesses and not government bureaucrats insulated from the front lines of businesses and not their Keynesian advisers. They are the boots on the ground in the American economy—the very people who create jobs—most of whom are small businesspeople.

The legislation I have introduced seeks in part to ease the burden of Federal regulations on businesses, including smaller and younger businesses—where vibrancy is critical for job creation—and to provide a rational regulatory decisionmaking process to provide greater certainty to businesses about the future regulatory environment.

Provisions in this act represent ideas that have garnered bipartisan support. Indeed, many of the provisions follow directly from the President's own jobs council. The President's Council on Jobs and Competitiveness, according to the council, "was created to provide nonpartisan advice."

I am talking about the bill we have filed on this side.

The jobs council presented recommendations to President Obama on October 11, 2011, in Pittsburgh, PA. Those recommendations stem from the council's interim report titled "Taking Action, Building Confidence: Five Common-Sense Initiatives to Boost Jobs and Competitiveness." Many of the provisions in my act stem directly from recommendations in the council's report and from the report's call for a more rational Federal regulatory system.

Allow me to offer some quotes and comments related to the President's jobs council's interim report recommendations in the context of this act.

First, the President's job council says:

The nation's complex federal, state, and local permitting system can lead to unnecessary delays. In fact, large Department of Transportation projects can spend years getting the required Environmental Impact Statement process completed under the National Environmental Policy Act (NEPA).

I agree. This legislation—my legislation—promotes more efficient regulation to rein in some of the burdensome Federal redtape that stymies transportation infrastructure projects and job creation. At the same time, it fully recognizes environmental and safety concerns surrounding those projects. Relative to those concerns, the President's jobs council remarks that

"what's gotten less attention, however, is the number of jobs at stake."

Second, the President's jobs council says:

Current markets face significant uncertainty—tax policy, pollution restrictions, and performance standards are all in flux.

I agree. This side's legislation serves to reduce some of that uncertainty and promote rational regulatory decisionmaking with congressional review of rules and regulations that are of major economic significance and required approval of the very rules that would impose major costs on the U.S. economy and job creators.

Third, the President's jobs council states:

There is broad consensus that a key step towards jump-starting economic growth would be removing regulatory barriers and simplifying overly complex government processes. Their inefficiencies cost businesses time and money.

I agree. This legislation seeks, through rational regulatory decisionmaking and reviews, to remove unnecessary and costly regulatory barriers and provide simpler, more rational government regulatory processes.

Fourth, the President's jobs council—this is referring to Executive orders to review regulations—says:

Unfortunately, the Executive Orders mandating regulatory analysis and review did not apply to IRCs [independent regulatory commissions] such as the Securities and Exchange Commission or the Commodity Futures Trading Commission because the law won't allow it. While some IRCs employ economic analysis when crafting new regulations, many do not routinely do so. As an example, in 2010, IRCs issued 17 economically significant regulatory reactions—16 of which were promulgated by the Securities and Exchange Commission and the Federal Reserve System. None underwent the comprehensive regulatory impact analysis or included the cost-benefit analysis that is expected from executive branch agencies. The Council therefore recommends that legislation be passed that requires that IRCs conduct cost-benefit analysis for all "economically significant" regulatory actions that may have an annual impact on the economy of \$100 million or more as well as any significant guidance that meets the same threshold.

I agree. This legislation we have filed on this side will provide congressional oversight on any such performed by IRCs such as the Securities and Exchange Commission, the Federal Reserve, the Commodity Futures Trading Commission, and other Federal regulators for economically significant actions.

Fifth, the President's jobs council says of its recommendations for economically significant regulatory actions:

These recommendations are not designed to weaken regulation or regulatory agencies, but rather to improve the rulemaking process, and to create more effective and less burdensome regulations that will promote economic growth and job recovery.

I agree. The Republican legislation promotes a rational regulatory system

with improved rulemaking oversight to create more effective and less burdensome regulations in order to help promote jobs growth.

I also agree with the spirit of the jobs council remarks that efforts such as this legislation, far from "gutting regulations and threatening safety," will promote economic efficiency and renewed job creation. The call for rational regulation and rulemaking is in no way a gutting of regulations or a sacrifice of public safety or of environmental quality efforts. We all know that rules and regulations are quite likely to continue to grow and evolve. This legislation seeks only to put rational decisionmaking into the foundation of our regulatory and rulemaking processes that are too often driven by special interests of largely unaccountable and fully unelected Federal regulatory bureaucrats wishing to impose their preferences on America's job creators.

Proponents of the so-called infrastructure bank have actively cited in recent advocacy speeches findings from Global Competitiveness Reports of the World Economic Forum. Well, if ratings from the World Economic Forum guide their views and guide them to advocate hundreds of billions of dollars from taxpayer resources for a risky new GSE that they call an infrastructure bank, let's look at what the forum has to say regarding the United States.

First, in their recent Global Competitiveness Report, in what are called "the most problematic factors for doing business" in America, the top 4 factors out of 15 are tax rates, No. 1; inefficient government bureaucracy, No. 2; access to financing, No. 3; and tax regulations, No. 4. Inadequate supply of infrastructure rates No. 10, right below policy instability and restrictive labor regulations.

There you have it. The Global Competitiveness Report the administration and my friends on the other side of the aisle use to advocate a risky new infrastructure bank places taxes and inefficient government bureaucracy as the top two leading problems in doing business in America. Those are the top two factors that are holding back job growth, and a brandnew, risky infrastructure bank bureaucracy funded by permanently higher taxes would only make those problems worse.

By contrast, the legislation I offer directly addresses inefficient government bureaucracy by acting to ease the inefficient regulatory burdens imposed on job creators by largely unaccountable and unelected Federal bureaucracies throughout our massive regulatory agency maze and their special interests. And, I might add, those regulatory agencies seem clearly not to have job creation and easing of the plight of America's 14 million unemployed workers as part of their main interests.

The legislation I am proposing also provides for a fully paid-for highway extension through 2013 that will give States and contractors the certainty they need to begin large projects and create jobs.

It calls for an elimination of dedicated funding for transportation enhancements and gives States the authority to decide whether to spend resources on bike paths or other such transportation add-ons.

It reforms the National Environmental Policy Act—NEPA—to eliminate the inefficient bureaucratic environmental redtape and to accelerate project delivery and contracting, just as called for by the President's own jobs council. It addresses the bureaucratic redtape associated with the NEPA that the President's own jobs council identifies, and it contains reforms that receive the support of the Department of Transportation.

It includes a provision to stop Environmental Protection Agency rules that serve to drive up costs of concrete and steel, which are key ingredients in the road and construction projects.

It includes provisions for waivers of inefficient environmental reviews, approvals, and licensing and permitting requirements on road, highway, and bridge rebuilding efforts in emergency situations.

It imposes a regulatory timeout on regulations to help stem the regulatory tsunami that is impeding job creation. We face a national jobs and unemployment emergency. It is truly a crisis. The Federal Reserve, the President's own jobs council, and job creators in Utah and across America have made clear that onerous regulations and regulatory uncertainty are acting to cast a wet blanket on job creation in America, and the 14 million unemployed Americans are painfully in need of jobs. My fellow Republicans and I are listening.

The legislation I propose goes straight to the matter in the interest of job creation now, not years from now once some inefficient, new, politicized, unelected Federal bureaucracy called an infrastructure bank is up and running to supply taxpayer funds to specially chosen and favored risky projects—something we have seen plenty of in this administration and some administrations in the past as well.

The legislation I propose addresses the repeated calls from job creators who are stymied by inefficient, burdensome regulatory redtape derived from special interest Federal bureaucracies rather than the interests of American workers.

The legislation I propose draws from bipartisan recommendations, including recommendations from the President's own bipartisan jobs council.

The legislation I propose accommodates fully paid-for infrastructure projects to be undertaken to help build

roads, bridges, and a host of other projects without imposing permanent, job-killing, higher taxes during a national unemployment emergency.

I urge all of my colleagues in the Senate to support this legislation. This idea of an infrastructure bank appears to me to be just a future example of what Fannie and Freddie were all about. I think we can do this without having an infrastructure bank, we can do it better, and we can do it pushing a lot of the President's ideas forward, a lot of the World Economic Forum's ideas, and a lot of ideas that both sides of the aisle have to conclude are important for overcoming this regulatory mess that is making it almost impossible to create jobs and almost impossible to get legislation through this body.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the time be divided equally and not charged to one side or the other.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I come to the floor this morning to speak to the legislation that is pending before us, S. 1769, the Rebuild America Jobs Act. This legislation, in fact, would put literally millions of Americans back to work rebuilding our Nation's roads, our bridges, our airports, and our railways.

The bill that is before us has two components. The first is a direct \$50 billion Federal investment in our infrastructure, and it would be split between roads, rail, transit, and airport projects. More than half of that would go to our well-established, formula-driven highway and transit programs, and that would include about \$132 million for New Hampshire.

The second piece of this proposal would create an infrastructure bank. That is legislation I cosponsored, and it has had bipartisan cosponsorship in the Senate. The bank, as it is structured, would be able to leverage public dollars to attract private capital, and that would, if it is successful, lead to hundreds of billions of dollars in infrastructure over the next 10 years. It is a bipartisan idea, as I said, and it has attracted support from both the AFL-CIO and the U.S. Chamber of Commerce. Clearly, it is a good idea if it has both of those organizations onboard. Together, this legislation that is pending before us would mean immediate jobs for our construction industry. It has been one of the hardest hit by this recession.

In New Hampshire the number of people working in the construction industry in 2010 was the lowest it had been in a decade. It was 25 percent lower than it was just in 2006, according to the Bureau of Labor Statistics.

Christian Zimmerman, who is the head of one of our biggest contractors in New Hampshire, Pike Industries in Belmont, told me he has had to lay off 150 workers in the last couple of years as Federal funding to build New Hampshire's roads has run out.

The Federal Highway Administration estimates that every \$1 billion in highway spending supports more than 27,000 jobs. Economists at Moody's estimate that for every dollar we spend on infrastructure, our gross domestic product goes up by \$1.59. That is because of the ripple effect this spending has in economic activity. There are a number of good reasons to support the legislation that is before us.

In the short term, this proposal would help put those who are unemployed in the construction industry back to work. That is something that would be critical as we are thinking about how to help the millions in this country who are unemployed and who have been unemployed, many of them for more than a year.

In the long term, the benefits of this investment in our infrastructure are equally important. A quality infrastructure is critical to our businesses. It is critical to our future economic growth, and it is critical to our future competitiveness in the world.

According to numerous studies, deteriorating infrastructure costs businesses more than \$100 billion a year in lost productivity. There is very good evidence to show that our lack of investment in recent years is making itself felt in the condition of our roads and our bridges. This past June, the New Hampshire Society of Civil Engineers issued a report card on the condition of our State's roads and bridges, our dams, our wastewater facilities, our airports, and our waterways, those major projects we all consider part of

our infrastructure. Sadly, the engineers' report card gave New Hampshire's infrastructure a grade of C. That is better than the grade the national organization has given the United States as a whole; that was a D. It is not as good as we want it to be, and it is not as good as we need for New Hampshire or this country if we are going to continue to be competitive.

Mr. President, 15 percent of New Hampshire's bridges are rated structurally deficient by the Federal Highway Administration, and 148 of them are red-listed. When I was first elected to the State senate, we had a controversy in New Hampshire because we had a highway commissioner who said because of the number of red-listed bridges, when we all drove around New Hampshire and went over a bridge we should drive fast and not look back.

Well, fortunately, we are not in that position right now, but we have a lot of bridges that need investment, and this bill before us would provide New Hampshire with additional Federal highway funding that would help us address these bridges that are red-listed and address our other transportation needs.

The most important project that should be addressed by this legislation in New Hampshire is a project that has been under way for years in the southern part of our State that has been threatened by the uncertainty surrounding Federal funding. It is the widening of Interstate 93 between southern New Hampshire and Massachusetts. This project is long overdue. It is badly needed by commuters and businesses in the area. The I-93 project was budgeted and planned based on the idea that the Federal Government would provide a consistent level of funding, but, unfortunately, the Republican budget the House has called for would produce a 35-percent cut in our highway program. Unfortunately, Congress has not yet been able to reach an agreement on a long-term reauthorization of our highway program. The uncertainty around this and the prospect of such a drastic cut has made this project, I-93, very difficult to finance.

Right now New Hampshire transportation officials have \$115 million worth of bonding authority for this project that is just sitting on the sidelines because the Federal Government has not made good on its funding commitments. The bill before us would help complete this critical project for New Hampshire and so many others like it across the country.

If we want to see the benefits that investment and infrastructure can provide in New Hampshire, we only need to look at the new airport access road that goes to our largest airport and our largest city of Manchester. It is going to open to traffic a full 2 years ahead of schedule. The project was accelerated because of the funding it received from the Recovery Act.

I remember the winter after we passed the Recovery Act and looking at the bridge that was being constructed and talking about how we were going to be able to speed up this project because of those Recovery Act dollars. In fact, it has happened. It is going to open 2 years early. Local planning boards along the Manchester Airport access road are already seeing increased interest from commercial developers for the land that is along that road, that has been opened because of this new highway. Of course, Manchester's airport is also going to benefit from the investment in our airport access road.

Another piece that is in this legislation that is critical to our infrastructure investment in New Hampshire and across the country is the funding for a next-generation system of air traffic control which would transfer our system from a ground-based radar system to a GPS-based system—something most of us have in our cars these days. That would allow the entire airline industry to plan more efficient, point-to-point routes, and it would allow everybody to save on fuel costs.

I had the opportunity to meet with Southwest Airlines a couple weeks ago. It is the largest air carrier at the Manchester Airport. They talked to me about the challenges they are facing and the entire airline industry is facing because we haven't invested in this next generation system of air traffic control. They said it will save us money because it will be more economical in terms of fuel usage because they can go point to point, and it will save time because we can provide for more efficient routes.

This is a no-brainer. Right now, our system of air traffic control is behind even the country of Mongolia. It is time for us to make this investment, to make it easier for airlines to fly into a small hub airport such as Manchester. It would save us all money. It would be safer. It is an investment that is long overdue.

A couple weeks ago, I also had a chance to speak at an infrastructure summit that the Greater Manchester Chamber of Commerce supports for the Greater Manchester region. There was a whole day of talking about why investment in our infrastructure is important, because without reliable power, without reliable bridges and public transportation and roads, businesses can't thrive. The Manchester Chamber believes investment in infrastructure is critical to growing our economy and creating jobs, and I share that belief. It is a belief that I came to as a State senator way back over 20 years ago, when I served in the New Hampshire State Senate. It is something I continued to support as Governor. In those days, we worked together on a bipartisan basis because we all understood, Republicans and Demo-

crats, investing in infrastructure produces returns.

New Hampshire and the rest of our country need this investment that this legislation pending before us would provide. Our unemployed need the work. Our businesses need to know we are going to make these investments so they can depend on this certainty for their long-term growth and competitiveness.

So I hope, as we come to this vote today on the motion to proceed to this legislation, my colleagues, particularly those across the aisle, will give up their opposition to this legislation. I know they know how critical it is to invest in our infrastructure. So this is something we all ought to come together around. Just because this is a proposal that has been put forward by the President is not a reason not to support it.

I urge all my colleagues to support the passage of this legislation. Let's make these investments. Let's put people back to work. Let's make sure we are going to be competitive in the future. Thank you very much.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, we know that investment in our infrastructure means jobs and economic development now and in the future. We know as a country that in the fifties, sixties, seventies, and eighties we built infrastructure—highways, bridges, water, sewer, community colleges, medical research, modernizing high schools—all the things we did in the postwar years for five decades, in the forties through the eighties. The world had never seen this before.

We know that American prosperity—the postwar prosperity—in large part was based on the foundation we had set in infrastructure—again, the physical infrastructure of bridges across the Ohio River joining the Presiding Officer's State and mine in Huntington, Ironton, Parkersburg, Marietta, and Wheeling, and across to Belmont County in Ohio. We know that the infrastructure of building community colleges such as Jeff Tech and building branch campuses at OU, and now building broadband, but then funding medical care—those things created the long-time prosperity of our country. These are forward-thinking investments with payoffs that last for decades and benefit our Nation, our small businesses, and our workers for generations.

History tells us that our Nation's infrastructure has been critical to our Nation's economic, competitive, and industrial strength. Let's look back a bit. Abraham Lincoln created the transcontinental railroad. Thousands of jobs were created, and the development of the American West was possible. President Roosevelt modernized our Nation's electric grid during the New Deal. More than just electricity came to the Tennessee Valley in rural America. Americans were put to work setting the poles, stringing wire, building the hydroelectric dams that improved the quality of life, and attracting countless businesses to the region. So the infrastructure was built, creating jobs. But even more so, the foundation was set where many more jobs were created.

President Eisenhower and the Congress established our interstate transportation system. A generation of workers carved out highways and roadways, allowing commerce and people to travel from coast to coast.

Our Nation used its postwar infrastructure boom to become the economic superpower that we are today. Public work investments not only create good-paying, middle-class construction jobs, they spur economic development projects in small towns and rural communities and urban areas. We know what happens when a highway comes into a community, what it does to spawn other kinds of work. It serves as a multiplier effect and attracts businesses and workers and foreign companies to build in America, and benefits from that clear competitive advantage. That is why we led the world for five decades.

It is clear that when companies decide where to locate or expand or invest, that infrastructure, broadband, energy, transportation, all are critical factors in the decision. Businesses rely on solid infrastructure.

Companies such as Ohio's Proctor & Gamble in Cincinnati recognize that our infrastructure provides a competitive advantage, enabling them to ship their products anywhere in the world. Ohio manufacturers, such as General Motors and Honda and Smuckers, rely upon our infrastructure as they operate with just-in-time manufacturing.

Yet we are falling behind in maintaining the very infrastructure that made us a superpower. Unsafe bridges have cost lives. Clogged roads and congested air space cost billions of dollars in lost trade and productivity. Some people tell us they spend more time commuting than they are at home with their families.

We are seeing 19th century water and sewer systems failing our 21st century cities. Meanwhile, more and more people depend on these services, while cities and States can't meet demand—where States face budget and revenue shortfalls that make these investments difficult, if not impossible.

And there is China—which is fast becoming one of our chief economic competitors—building more roads, better airports, and faster rail systems than we are. Why do we let that happen? No one in this Congress—nobody—and in State legislatures, as Senator SHAHEEN said earlier—should be proud of the condition of our roads. No one in this Congress should be proud of the fact the newest airports and train stations are being built somewhere far from our shores. Yet there remains an unwillingness here—and I am still incredulous about this—to make the sort of investments necessary to improve our Nation's infrastructure.

I guess we have to cut taxes more for rich people instead of asking them to pay a little more to put that money into infrastructure. Historically, infrastructure has been bipartisan. I have heard some of my colleagues saying there is no such thing as a Democratic or Republican bridge. But it seems there is now because we see time and time again some of my conservative colleagues saying: No, we are not going to spend money on infrastructure. We are not going to do that.

Let me show a picture of a bridge I have been across many times. I have seen it from Cincinnati many times. This is a view from the Kentucky side. This is called the Brent Spence Bridge. The President was there not too long ago. I was not with him that day, but I have been on this bridge many times. It was named after a Congressman from Kentucky who served from 1931 to 1963. The bridge was inaugurated by President Johnson. So the bridge construction began and came later.

This is I-75 through Cincinnati, going from Kentucky to Cincinnati into Dayton, if you can follow it all the way north, and then into Toledo and ultimately into Detroit. This bridge carries millions of dollars' worth of freight and millions of drivers across the bridge. Someone said this bridge accounts, perhaps, for as much as 4 percent of our gross domestic product going either north or south across this bridge.

Today, the Brent Spence Bridge is 1 of 15 the U.S. Department of Transportation has deemed functionally obsolete. But the Brent Spence bridge is not alone. We can see there is no real space if a car breaks down. There is not much of a lane to get over if someone has a heart attack while driving or all the problems one can imagine having while on the bridge. This is major, major bridge across one of the most important rivers in this country—the Ohio River.

A recent study of our Nation's infrastructure found there are more—get this—more structurally deficient bridges in the United States than there are McDonald's restaurants. Think about that: There are 14,000 McDonald's restaurants. But according to

Transportation for America, there are 18,000 deficient bridges and 70,000 structurally deficient bridges.

From a public safety and commerce perspective, fixing a bridge is a necessity. The largest hurdle remains financing. Under the President's proposal we will vote on this afternoon, more than \$60 billion, completely paid for, would go toward road and bridge construction, fixing our airports and transit systems. It would make our roads and skies safer for transportation.

The bill includes a national infrastructure bank that would fund infrastructure projects of regional or national significance, such as this almost 50-year-old bridge. Increasing private sector infrastructure lending, a national infrastructure bank could couple Federal loans with private equity, ensuring a private-public partnership that meets local needs.

For the Brent Spence Bridge, it would mean Ohio and Kentucky could obtain the necessary funding to complete the project ahead of schedule, create jobs, and protect the public safety.

We have to do this. We have to renovate and update our infrastructure. Why wait? Interest rates are as low as they have almost ever been. Construction costs—because there is so much competition among construction companies to get work now—are as low in historical times as perhaps they have ever been, and we need this work now because of the job employment situation. So we will benefit from replacing and fixing this bridge for years into the future.

For freight rail investments in Columbus, it would mean reducing the bottlenecks that prevent goods from moving across the country. For airports, it means reducing congestion and improving runways; on our rivers, such as the Ohio River, it means fixing locks that slow barge traffic.

Lake Erie, at the other end of my State, has made such a difference in the settlement of Buffalo—although there is also Lake Ontario there—Cleveland, Ashtabula, and Toledo. We know what these Great Lakes have done for the economic development of our country. It means fixing these ports. For all our States, it means jobs and economic development.

This is about a construction manufacturer in Peoria selling equipment to contractors working at the Port of Toledo. It is about dock workers loading American-made steel and Ohio-grown soybeans for export to markets around the world. That is what this bill is about.

This bill is about jobs now. It is about setting the table for jobs in the future. We know that. Republicans and Democrats alike know that. Yet Republicans, I guess, just want to see Barack Obama fail. That is what the

Republican leader has said repeatedly, though I don't understand that. But that is what he says.

This bill is fully paid for. The bill before the Senate is funded by a very small tax on people making over \$1 million a year. If someone is making \$1 million a year, their taxes will not go up, but they will pay a little bit of money on the second million they make. So this isn't in any way going after small business, it is just saying the people who have done well have to pay a little more money. It is common sense and it is the American way.

We are asking those who have benefited the most—many on Wall Street, many of them on Main Street—people who have done very well to make this investment. We know it is infrastructure that has helped people make lots of money in this country. Without infrastructure, many of these companies never would have been successful.

World-class infrastructure is how we move goods across the country and export around the world—on our trucks, on our rails, on our barges, and on our airplanes. It is how we get to work and school, it is how we attract businesses, and it is how we protect the public health, through clean water and sewer systems.

This will create jobs immediately—good-paying, middle-class jobs. These jobs provide workers with health care and retirement. These are exactly the kind of jobs the Presiding Officer welcomes in Wheeling and Charleston and Beckley and I welcome in Portsmouth and Cleveland and Akron. These jobs enable people to buy a home, to save for their children's education, and to plan for their future. These jobs not only create the construction jobs we need, putting money in people's pockets they will spend in the community, but they also create manufacturing jobs in steel and cement and all kinds of materials. They also create long-term jobs as companies grow because they have better infrastructure.

This is about rebuilding our infrastructure. It is about rebuilding our middle class. I ask my colleagues to support this legislation later today when we vote on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

FANNIE MAE AND FREDDIE MAC

Mr. MCCAIN. Mr. President, I would like to speak about an issue that I and most Americans, I believe, find extremely troubling and one I have been seeking to have properly addressed for many years now; namely, the outright corruption and blatant abuse of the American taxpayer that has been taking place at the hands of Fannie Mae and Freddie Mac for decades.

Since they were placed in conservatorship in 2008, the two government-sponsored enterprises—GSEs; i.e., supported by the taxpayers—have

soaked the American taxpayer for nearly \$170 billion in bailouts. Just this morning, the Associated Press reported that Freddie Mac has now requested an additional \$6 billion to continue their, so far in my view, failed efforts. I quote from the Associated Press:

Government-controlled mortgage giant Freddie Mac has requested \$6 billion in additional aid after posting a wider loss in the third quarter. Freddie Mac said Thursday that it lost \$6 billion, or \$1.86 share, in the July-September quarter. That compares with a loss of \$4.1 billion, or \$1.25 a share, in the same quarter of 2010. The government rescued McLean, Virginia-based Freddie Mac and sibling company Fannie Mae in September 2008 after massive losses on risky mortgages threatened to topple them. Since then, a Federal regulator has controlled their financial decisions. Taxpayers have spent about \$169 billion to rescue Fannie and Freddie, the most expensive bailout of the 2008 financial crisis. The government estimates it will cost at least \$51 billion more to support the companies through 2014, and as much as \$142 billion in the most extreme case.

Freddie and Washington-based Fannie own or guarantee about half of all U.S. mortgages, or nearly 31 million home loans worth more than \$5 trillion. Along with other federal agencies, they backed nearly 90 percent of new mortgages over the past year. The two mortgage giants buy home loans from banks and other lenders, package them into bonds—

Et cetera, et cetera, et cetera. So here we are. We have spent \$169 billion and now they are asking for \$6 billion more. What do we find out? Fannie and Freddie now will dole out big bonuses. I am not making this up.

Quoting now from a Politico article: The Federal Housing Finance Agency, the government regulator for Fannie and Freddie, approved \$12.79 million in bonus pay after 10 executives from the two government-sponsored corporations last year met modest performance targets tied to modifying mortgages in jeopardy of foreclosure. The executives got the bonuses about two years after the federally backed mortgage giants received nearly \$170 billion in taxpayer bailouts—and despite pledges by FHFA, the office tasked with keeping them solvent, that it would adjust the level of CEO-level pay after critics slammed huge compensation packages paid out to former Fannie Mae CEO Franklin Raines and others.

I might add, these huge bonuses and packages that were given to Mr. Johnson, Mr. Raines, and many others—and there is clear evidence of this—was done by cooking the books. Yet not a one of them has been held accountable in any way, shape or form.

Continuing to quote from the article:

Securities and Exchange Commission documents show that Ed Haldeman, who announced last week that he is stepping down as Freddie Mac's CEO, received a base salary of \$900,000 last year yet took home an additional \$2.3 million in bonus pay. Records show other Fannie and Freddie executives got similar Wall Street-style compensation packages; Fannie Mae's CEO Michael Williams, for example, got \$2.37 million in performance bonuses.

That was after the taxpayers paid \$160 billion. That is why they are on

the hook for another \$6 billion and God knows how much more. So we are giving these individuals \$900,000 a year in salary, millions of dollars in bonus pay, and who in the world is the Federal Housing Finance Agency to award these bonuses?

FHFA's Acting Director Edward DeMarco—and I must admit to my colleagues I had not heard of Mr. DeMarco—told Congress last year that the managers who were at the helms of the mortgage companies during the market collapse were dismissed but also argued that generous pay helps lure “experienced, qualified” executives able to manage upward of \$5 trillion in mortgage holdings.

Whatever happened to asking patriotic Americans to come and serve and help homeowners out of this crisis? Whatever happened to patriotic Americans who would serve and help the nearly half of all homeowners in my State of Arizona whose mortgages are underwater?

DeMarco told lawmakers he is concerned that suggestions to apply a Federal pay system to non-Federal employees could put the companies in jeopardy of mismanagement—could put the companies in jeopardy of mismanagement—and result in another taxpayer bailout. They just asked for \$6 billion more. He said the compensation packages at Fannie and Freddie are part of the plan to return them to solvency while reducing costs to the taxpayers.

A March report by FHFA's inspector general—obviously ignored by Mr. DeMarco—said the agency “lacks key controls necessary to monitor” executive compensation, nor has it developed written procedures for evaluating those packages. In other words, the beat goes on. Business as usual, Fannie Mae and Freddie Mac.

It is unconscionable. It has been proven time and time again that Fannie and Freddie Mac are synonymous with mismanagement, waste, outright corruption, and fraud. And their Federal regulator has the audacity to approve \$12.8 million in executive bonuses to people who make \$900,000 per year. This body should be ashamed if we let this happen, especially in these economic times. Every day more and more Americans are losing their jobs and their homes, and we are allowing these people to take home annual salaries of \$900,000 and bonuses of millions of dollars, all while they ask the taxpayers for \$6 million more today.

It has come to my attention that some of my colleagues are writing letters, calling for committee hearings on this issue. Letters are fine, hearings are fine, hearings are great. They are not the answer. The answer is for us to stop it from happening, and we can do

that with an amendment on the pending appropriations bill. I will be offering an amendment, and I hope all of my colleagues would join in.

Let me just bring the attention of my colleagues to a book called "Reckless Endangerment," written by Gretchen Morgenson and Joshua Rosner. The title of it is "How Outside Ambition, Greed and Corruption Led to Economic Armageddon." So we are talking about pay and bonuses, and I read from the book:

Because bonuses at Fannie Mae were largely based on per-share earnings growth, it was paramount to keep profits escalating to guarantee bonus payouts. And in 1998, top Fannie officials had begun manipulating the company's results by dipping into various profit cookie jars to produce the level of income necessary to generate bonus payouts to top management.

Federal investigators later found that you could predict what Fannie's earnings-per-share would be at year-end, almost to the penny, if you knew the maximum earnings-per-share bonus payout target set by management at the beginning of each year. Between 1998 and 2002, actual earnings and the bonus payout target differed only by a fraction of a cent, the investigators found.

Investigators uncovered documents from 1998 detailing the tactics used by Leeane Spencer, a finance official at Fannie, to make the company's \$2.48 per-share bonus target. That year, Fannie Mae earned \$2.4764 per share.

In a mid-November memo to her superiors, Spencer forecast that the company was on track to earn \$2.4744 per share, just shy of what was needed to generate maximum bonus payments to executives.

Look, this story goes on in this book. It goes on and on how the Fannie Mae and Freddie Mac executives intentionally ripped off the American people, describing profits in a way that was totally false, getting tens of millions in bonuses. This is a government-sponsored enterprise. Mr. Johnson, bailed out with \$100 million or so of taxpayers' bonuses:

In 1999, Johnson joined Goldman's board, stepping into a highly lucrative position that offered rich investment opportunities overseen by the firm and opened doors for Johnson around the world. In 2000, the Goldman board position paid Johnson \$50,000, not counting stock awards.

With brokerage firms such as Goldman Sachs, which flourished from the fees by underwriting securities issued by Fannie and Freddie, with fees totaling \$100 million a year, guess who came on Fannie's board. Mr. Johnson.

Johnson was still on the board in 2010, when the Securities and Exchange Commission sued the investment bank for securities fraud related to its sale of a dubious mortgage security. By that time, Johnson was earning almost \$500,000 for his work on the Goldman board.

The accounting fraud at Fannie went undiscovered until 2005 when an investigation by OFHEO unearthed it. In a voluminous, intensely detailed 2006 report, OFHEO noted that if Fannie Mae had used appropriate accounting methods in 1998, the company's performance would have generated no executive bonuses at all.

A lawsuit filed by the Securities and Exchange Commission in 2006 said the company's 1998 results were "intentionally manipulated to trigger management bonuses."

Although a highly kept secret at the time, Johnson's—

This is Mr. James Johnson—

Johnson's bonus for 1998 was \$1.9 million, investigators determined. It later emerged that the company had made inaccurate disclosures when it said Johnson earned a total of almost \$7 million in 1998. In actuality, his total compensation that year was like \$21 million, OFHEO said, referring to an internal Fannie Mae analysis it had turned up.

So one of the great scams in American history is going on, and the people responsible for it have never been held responsible. They have never been held responsible. I refer my colleagues, take a look at this book, and I recommend taking blood pressure medicine before you read it.

Now, here we are, business as usual in Washington. The approval rating of Congress is now down to 9 percent. As I have said continuously, we are down to paid staffers and blood relatives.

Why aren't they happy with us? Why haven't we solved the housing crisis in America? Why is it that half the homes in Arizona are still underwater, worth less than their mortgages, while the financial institutions on Wall Street are doing just fine, with record profits, and Fannie and Freddie continue to act as if they did nothing wrong? And to add insult to injury, after a third quarter loss of \$6 billion, they are going to get millions of dollars in bonuses.

I may be a bit of an idealist, but I will bet you there are some patriotic, talented Americans who would be willing to serve on Fannie Mae and Freddie Mac without being paid \$900,000 a year and millions of dollars in bonuses. I really believe that. I really believe that. Yes, people are sitting in around the country; and, yes, I don't agree with a lot of their agenda. But when they read of things like this, their anger is justified. Already, \$170 billion in bailouts. This morning, an additional \$6 billion. Yet the American taxpayer is told they are making progress? And who has been held responsible at these organizations, at these government-sponsored enterprises that were responsible? To my knowledge, no one.

So it seems to me the least we can do is cancel these bonuses, make sure it doesn't happen, and maybe ask for some qualified, experienced, talented Americans to come in and take over this agency. And the first guy I think ought to go is the guy who approved these payouts, Mr. Edward J. DeMarco.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I couldn't agree more with the Senator who just spoke that we are in a situation where the all-time approval rating of this body seems to have reached an all-time low. There are justified reasons for the

frustration and for the anger of a very broad run of our constituents, of the folks who hired us to come here from our States of West Virginia and Delaware, from Arizona, and others to try to fix the problems confronting this country. And much of the mess, many of the things that got us into this problem have not been solved.

I rise today to speak about one way forward out of it. I think one of the reasons there is so much frustration with Congress and the general public is there is broad support for some simple solutions to get Americans back to work, to revive and strengthen our economy, and we just seem incapable of reaching across this partisan divide and moving forward. One of those is an infrastructure bank.

I rise today to follow up on a speech I gave yesterday about why investing in American infrastructure means investing in America's future. Infrastructure—building roads and bridges, highways and sewer systems, modernizing America's backbone—enjoys very broad support from all across the United States, from all different sectors, because Americans understand it will put folks back to work in the building trades industries that have taken the hardest hit in this recession and in a way that will lay the groundwork for our long-term future competitiveness.

This is smart spending. This is investing in the best tradition of Federal, State, local, and private partnerships to make America more competitive for the future.

I want to talk about one element of the bill which I hope we will move to later today, the American Infrastructure Financing Authority, or known more colloquially as the National Infrastructure Reinvestment Bank.

If this idea sounds familiar, it is because it has already been introduced. It is a bipartisan bill, the BUILD Act, championed by Senator KERRY and Senator HUTCHISON, of which I am a co-sponsor, and one that provides a creative financing vehicle for building infrastructure going forward.

Before becoming a Senator in the election just 1 year ago yesterday, I served for 6 years as the county executive of Delaware's largest county, and one of the services our county was responsible for was running a county-wide sewer system. We had 1,800 miles of sanitary sewer, and it was a constant challenge to maintain. That is a lot of pipe, a lot of pump stations, and a lot of sewage backing up in people's homes in the middle of the night, which led to a lot of aggravated calls from constituents.

It was an aging system like so much of America's infrastructure, one in which we had underinvested for too long. From personal experience, I can tell you that the lack of infrastructure, of adequate sewer capacity was a major to barrier to future growth. So, too,

across States and counties and cities all over this country. Where the roads and rail, the ports, and the sewer systems aren't up to current global standards, we can't expect to grow to meet our global competitors.

When we talk about capital infrastructure improvements at the local level in the government I used to be with, it wasn't some wish list. This wasn't some future technology. This wasn't some risky investment. It was triage. It was critically needed investment in pipes in the ground that would protect our water, strengthen our community, and grow our economy.

As a nation, the American Society of Civil Engineers has told us we need \$2.2 trillion over just the next 5 years in infrastructure investments to keep America moving forward. We are talking about fixing unsafe bridges, dealing with clogged highways, and rebuilding airports so they can handle larger modern aircraft safely. That is an enormous scope, \$2.2 trillion over just the next 5 years. We are already asking so much of the supercommittee in terms of finding dramatic savings and reductions in Federal spending. Where will this level of investment come from to put America back to work?

So, in my view, we have to get creative. We have to leverage. We have to bring in more resources than are currently on the field, and especially now, especially in this country I think we have to be smart about how we spend our funds.

The Rebuild America Jobs Act, to which I hope we will be moving later this afternoon, would put \$50 billion directly into infrastructure, put \$10 billion as a downpayment into making possible this new infrastructure bank, seed money that makes possible loans and loan guarantees—not grants—for a wide range of infrastructure projects, including energy, water, and critically needed transportation. Remember, we need more than \$400 billion a year in investment right now just to keep up. But we all know the constrained budgets of our counties, State, and local governments can't get the financing they need. This infrastructure bank would provide the leverage, a vehicle to finance desperately needed projects.

Just a few things about it. It would be for big projects, projects that cost more than \$25 million in rural communities, \$100 million in the rest of the country. It would only be allowed to finance up to 50 percent of a project to avoid crowding out private capital and to make sure that private capital has skin in the game so it is a viable project. It is my expectation, in fact, that the infrastructure bank would finance a much smaller piece of most projects, just enough to bring private investment to the table. It would be government-owned but independently operated, have its own bipartisan board of directors, and function much like the successful Ex-Im.

An infrastructure bank passed by the Senate this week could provide up to \$160 billion in direct financial assistance over its first 10 years to infrastructure for transportation. That would be paired with private investment that could double, triple, or even quadruple, increasing the full impact of this bank.

I said yesterday that infrastructure is a smart investment for our country and that a national infrastructure bank as a part of that strategy would provide a vehicle for the private sector to get in on this investment as well and to help us accelerate our move toward the future. This is smart policy.

It is a funny thing about infrastructure, how we inevitably take it for granted. Whether you are running a State highway system or a county sewer system, you never know how much people miss it until it isn't working the way they expect.

Unfortunately, in cities, counties, and States across our country today, companies and communities are discovering that our aged infrastructure is imposing costs on us we cannot bear. The American Society of Civil Engineers, which I have referred to before, recently released a study saying that our Nation's deteriorating surface transportation infrastructure alone could result in the loss of nearly 1 million jobs and will suppress our GDP growth by nearly \$1 billion between now and 2020. That is an enormous loss of future economic activity.

We cannot put this off any further. As a country, we cannot keep swerving to avoid these potholes on the path to prosperity. Eventually we are going to hit them, and eventually they will continue to be a drag on our Nation. The Rebuild America Jobs Act would fill these potholes, would patch these pipes, would lay the new runways to allow America's economy to take off.

This Rebuild America Jobs Act, which would rebuild 150,000 miles of roadway, maintain 4,000 miles of train track, upgrade 150 miles of airport runways, restore critical drinking water and wastewater systems, is nothing short of the smart investment we need to be competitive for the future. It would put people back to work, it would steer us on the right road to sustained recovery, and it would fix the problems that lie right in our path as we try to do our jobs for the folks who hired us to come here and help them get back to work.

We need to act today. It is my hope that my colleagues will join us this afternoon in voting for the motion to proceed to the Rebuild America Jobs Act, a critical piece of which is this smart infrastructure bank.

THE NOMINATION OF RICHARD ANDREWS

Mr. President, I move now briefly to support the nomination of Richard Andrews, who has been nominated to be U.S. district court judge for the Dis-

trict of Delaware. Rich Andrews is an exceptional lawyer, a dedicated public servant, and a good man. When the Senate confirms his nomination, hopefully later today, Rich will become the fourth active judge serving in the District of Delaware. This will mark the very first time in 5 years that this very busy court will operate without a vacancy. For a small district such as Delaware, albeit one with such a specialized and complex caseload, even a single vacancy places a significant burden on the court.

Mr. Andrews' nomination has been pending 177 days, and while I am grateful for the consent agreement that I hope will allow his nomination to be considered today, I remain concerned that such a noncontroversial and qualified nominee as Rich could take nearly half a year to reach floor consideration. The judicial vacancy rate hovers near 10 percent, we have 31 judicial emergencies, and it is my hope that this body will continue to move expeditiously to fill vacancies throughout the country.

As a member of the Judiciary Committee, I had a chance to chair the nominations hearing for Rich and to take part in the committee's consideration of his nomination. I have reviewed his record, listened to his testimony, met with him personally, conferred with my senior Senator, Mr. CARPER, and as a result of all this, I assure my colleagues I have every confidence that Rich is a qualified judge and will serve Delaware and this Nation brilliantly.

During his 30 years of service for Delaware so far, he has established himself as a talented, dedicated, and humble public servant who possesses the strongest work ethic and the highest integrity and intellect.

He began his service to our State when, after graduating from Berkeley Law School, he came to Delaware as a law clerk for Chief Judge Collin Seitz of the Third Circuit. Luckily for us, he never left.

After completing his clerkship, he joined the U.S. Attorney's Office for the District of Delaware, where he spent the next 24 years, much of it serving as the first assistant U.S. attorney and chief of the Criminal Division. During this time, he has tried, in that role, more than 50 felony jury cases and argued 17 cases before the Third Circuit Court of Appeals.

Since leaving the U.S. Attorney's Office in 2007, he has served as State prosecutor for the Delaware Department of Justice and leads more than 70 deputy attorneys general in the Criminal Division and has overseen tens of thousands of prosecutions each year. I am confident that his experiences as a prosecutor have given him the knowledge, skills, and temperament to join and serve ably on the District of Delaware Federal bench.

When I chaired his nomination hearing, I was impressed by his professionalism, intelligence, and demeanor. Rich enjoys broad bipartisan support, having been reported unanimously by the Senate Judiciary Committee.

I urge all my colleagues to join Senator CARPER and me in supporting Mr. Andrews so he will have the opportunity to continue his selfless service to the people of our State and our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. I also ask unanimous consent that the Senator from Rhode Island be recognized immediately after me.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN TRAFFICKING AND SLAVERY

Mr. RUBIO. Mr. President, I come to the floor today for a moment to introduce an issue I have become interested in in the last few months, one that, quite frankly, I didn't know a lot about—the issue of human trafficking and slavery.

For many Americans, for many of us in the 21st century, we think of slavery as a concept of the 18th and 19th centuries, something that happened in other places a long time ago, when, in fact, it exists today around the world. The issue is actually pretty startling. The State Department estimates that there are between 700,000 and 800,000 people in the world each year who are trafficked. The number of people trafficked in the United States is about 16,000 to 17,000. That is a lot of people in the 21st century who are being trafficked and are held in bondage. I saw a special on a cable network recently that outlined this issue. I then started researching it. I was shocked to learn that my home State of Florida is particularly affected by this issue.

Recently, I had the honor and the privilege of being appointed to the Helsinki Commission, the group here in the Senate that works, along with the House of Representatives, as Commissioners on that Commission. We held a hearing yesterday on the issue of human trafficking, and it is an issue I am going to be increasingly speaking about over the next few weeks because I truly believe it is one of the great humanitarian causes of this new century. It begins with awareness, with a clear understanding of what is happening around the world with regard to this issue, the fact that there are these people. As we speak, as I stand here today, perhaps within walking distance of this very building there are people held against their will in servitude.

The one that gets all the publicity—and rightfully so because it is so pain-

ful and outrageous—is sex trafficking, children and young girls and young women brought into this country and held against their will as sex slaves. It happens all over the world. It is sad to learn there are governments around the world that cooperate with this and tolerate it and are corrupted by it. That gets a lot of publicity and attention, and we are going to be paying a lot of attention to that.

We heard stories of diplomats who work in this city, diplomats from other nations who come here and bring domestic workers with them to their homes and hold them here against their will and take their entire paycheck. We are going to be denouncing some of these people on the floor by name in the weeks and months to come.

The other thing that is shocking—although I said the sex trafficking gets a lot of attention—is the forced-labor aspect of it. People are recruited in other countries, brought here, and they are told: We are going to bring you to the United States, and you are going to come here, you will make a living, make some money, and you can send some back home. When they get here, they are held against their will, and they are not paid. In fact, sometimes they owe traffickers money, and they are held in squalid conditions. That is happening here in this country underneath our very noses, not to mention the egregious cases around the world, and we are going to focus on those cases around the world as well.

The State Department, by the way, ranks every country on the basis of how much they cooperate, on the progress they are making in prosecuting and investigating these issues. Those are available. A report came out recently. It identified the countries that are doing well, the countries that are trying to do well, and the countries that, frankly, couldn't care less and actually do not mind this stuff going on in their jurisdiction. They deserve to be condemned not just on this floor but in the international community, and we will talk about that as well in the weeks to come.

I do not think we can point the finger at anyone unless we look at ourselves as a nation and society and call attention to this issue. So, as I begin to introduce this issue and my involvement in it, there are a couple of things I would like to point out from yesterday's hearing.

The first is that this is largely occurring as a result of criminal enterprises. The same people who traffic drugs and are involved in all kinds of organized crime are also involved in human trafficking. We see that increasingly in major areas, and we have seen prosecutions, but we have also learned that increasingly what we are finding are small-scale operations, sometimes families.

We heard the case of a mother and her two sons who were involved in a human trafficking ring. It is very profitable, very lucrative. It costs about \$10,000 to bring a young woman into this country, and they can make that money back in the sex trade within a few days, and after that it is all profit. It is outrageous and has opened the door to small-scale operations that are doing this.

What are the impediments to dealing with this? There are a few, and it will take a long time to work on.

The first, unfortunately, is lack of recognition. I think that at the local level and even at the Federal level, our law enforcement officers and personnel who want to do the right thing probably need more information about identifying these cases, seeing the markers of human trafficking, identifying cases that clearly reek of human trafficking, and identifying those and treating them for what they are.

The second thing we need is better protections for these victims. You know you are not going to be able to prosecute people and put them in jail unless the victims are willing to testify, and victims are not going to testify if they don't feel secure. If they believe you are going to deport them or put them in immigration jails or, worse, if they think these organized crime rings are going to harm their families overseas, it is going to be very hard to get victims to cooperate.

Last but not least—and I know this is a complicated issue—our immigration system is contributing to this. We have a very complicated immigration system, and it is an expensive one, a burdensome one. What it is creating is the need for middlemen, and, guess what, more often than not, unfortunately, nowadays the middlemen, these foreign labor agencies—too many of them—are, in fact, human traffickers who are utilizing this system, the legal immigration system, to bring people into this country and, once they are here, to hold them against their will. We have to focus on that because ultimately that has to be solved. Our legal immigration system has to be modernized. If it is not, one of the problems we will continue to face is this issue of human trafficking.

The good news is that here in Congress there is a bill—reauthorization of the TVPRA. It passed out of the Senate Judiciary Committee in October of this year by a 12-to-6 vote. It does a few things.

It promotes increased cooperation among Federal agencies, between the United States and other countries.

It supports and enhances the victim-centered approach, which basically says we are going to approach this from the viewpoint of the victim and create protections and security for the victims so they can cooperate and help us prosecute these people.

The bill focuses on cutting off human trafficking at its roots by supporting international efforts to focus on this issue. There are a lot of countries out there that want to do the right thing; they either do not have the resources or knowledge base to do it. There are some countries out there that do not mind this. In fact, they cooperate with this stuff. They like that it is going on in their countries. They are on the take, so to speak. They need to be called out for what they are doing as well.

Finally, it promotes accountability. It ensures that the Federal funds are being used for their intended purposes, and it reduces the authorization levels to address fiscal concerns but focuses on the programs that have been most effective.

My hope is that bill, which is a bipartisan bill, will come to this floor soon and that we will have an opportunity to make it better, to get it passed, and to work with our colleagues in the House to send a very clear message that this is a priority, that this is something we should all agree on and work on together. It is a great cause to be involved in. It is one of the great humanitarian, human rights causes of the 21st century, and I think how we deal with it or fail to deal with it will say a lot about us as a people and as a nation. I hope I can encourage as many of my colleagues as possible to take up this cause as their own. I look forward, in the weeks to come, to coming to the floor and talking more about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of the Rebuild America Jobs Act because it responds to two critical needs: the jobs crisis we face throughout this country and the need to improve our national infrastructure, which is obvious to everyone, in every part of this country.

Over the 4 years of this economic crisis, the unemployment rate in Rhode Island has been one of the highest in the Nation. It now stands at 10.5 percent. For many families, it has been a stressful and demoralizing time. Very few have avoided the impacts of this economic crisis in their own lives or in the life of someone close to them.

It has been particularly devastating for those involved in construction, a sector where more than 2 million Americans, including 7,000 Rhode Islanders, have lost their jobs since 2007. It is frustrating for these workers because all around them they can see the need to maintain and improve our infrastructure, which, by the way, is essential to the free-flow of commerce and the economic prosperity of the country going forward. Indeed, all of us, regardless of our economic status, benefit from a sound transportation system.

A few weeks ago, Senator WHITEHOUSE and I joined Rhode Island transportation officials at the Providence Viaduct. This is a 1,300-foot stretch of Interstate 95 that runs directly through the heart of Providence, RI, our capital city. It connects New York and Boston and the whole north-south highway system on the east coast. It is one of 155 bridges in our State alone that have been found to be structurally deficient. It must be replaced within the next few years. It no longer can be repaired time and time again; it has to be replaced. If it is not replaced, then traffic will have to be rerouted, which will have a major impact on our economy and the regional economy. Route 95 is the highway link between New York City and Boston. If suddenly you put up a roadblock in that highway link and restrict traffic to one lane, you are going to see economic activity throughout the Northeast affected. Already, the Rhode Island Department of Transportation has installed wooden planks beneath the viaduct to catch any concrete or debris before it falls on cars and pedestrians below. That is an example of the first signs of the increasing decay. This is the kind of commonsense project this jobs bill addresses, but it is not the only one.

Indeed, 21 percent of Rhode Island's bridges are listed as structurally deficient, while nearly 30 percent are functionally obsolete. There is a huge amount of work that we can do to improve existing conditions that make us more productive going forward. For Rhode Islanders, passing this jobs bill would translate into approximately \$141 million of highway funding to help us respond to these obvious needs. Moreover, it would provide approximately \$21 million in transit funding, which would provide a real shot in the arm to help maintain an efficient public transportation system. We take pride in that. We have a statewide transportation system. It is oriented around our bus system. It travels the length and breadth of the State. It is very efficient, but it needs support, and this bill would help provide that support.

The bill would also provide funding for airport improvements, which could help Rhode Island's major airport, T.F. Green Airport, with a major runway safety and expansion project. This project would make air travel not only safer, but it would make our airport more capable of intercontinental and international service. Right now we don't have that effective option. If we did, that would be a huge multiplier for our economy, and it is based on sound infrastructure improvement.

These are not new, novel techniques or new, advanced technologies. This is old-fashioned extending a runway, fixing a bridge, getting the economy moving again. Everyone understands that. Everyone on Main Street and East

Street and South Street and West Street in every corner of this country understands that, and we have always done it, and this bill will help us do it.

Finally, the bill establishes a national infrastructure bank, which I believe can play a critical role in financing these projects going forward. These projects would include clean water projects, energy projects, as well as transportation projects. There is absolutely no doubt that these investments in infrastructure will benefit our economy.

According to economist Mark Zandi, every dollar invested in these types of projects will generate approximately \$1.59 in economic activity, so there is a significant multiplier effect. Importantly, it is part of getting us moving again and building up a self-sustaining momentum. Again, these projects will employ private companies that will hire individuals in all of our home States to begin the work that must be done to improve our infrastructure, to provide the kind of vital transportation links that are critical to any economy. It is also very important to know that this proposal is fully paid for, and you have both business and labor supporting the investments in the bill.

I would hope we could all join together in a sign of not just common unity but common sense and adopt this provision. Build infrastructure. It is paid for, and it puts people to work. That is what the American public is asking us to do and we should do it.

I want to comment briefly on the Republican alternative proposal. It fails to provide the investment to deal with the infrastructure and the job crisis we face today. In fact, it does the opposite. It effectively cuts \$40 billion in discretionary funding without addressing the needs of our highway trust fund and other infrastructure improvement vehicles.

More importantly, it scales back important public health protections under the EPA. The Republican package includes the so-called EPA Regulatory Relief Act, the REINS Act, and the Regulatory Time-Out Act. Together these provisions not only threaten our economic progress but also our public health, and they would nullify the EPA boiler rule. This rule has been calculated to produce \$10 to \$24 in health benefits for every dollar spent, at least a 10-to-1 ratio of health benefits versus dollar spent, preventing approximately 6,600 premature deaths and about 40,000 asthma attacks each year.

This translates, again, into another major crisis we face, and that is an affordable health care system. One way to make the health care system affordable is to prevent premature deaths, asthma attacks, and a host of other things, and that is not incidental to what environmental protection does.

That is at the heart of environmental protection.

Finally, it would place a moratorium on most regulations, including financial regulations. We have seen, sadly to our chagrin, the effect of lax regulation in 2008 when our financial markets were on the verge of collapse. Unless we have effective regulation, unless we can effectively deploy the new tool provided under the Dodd-Frank act, unless we can resource regulators to keep a watchful eye on the marketplace, frankly, we are going to once again relive those very dark and daunting days of 2008 when we saw markets on the verge of collapse. And we do so, frankly, in a global economic environment where there are pressures coming from Europe and pressures coming from around the globe, economic pressures. If our markets are not strong and well regulated, can they withstand the backwash from a crisis in Greece, a crisis in Italy, a crisis across the globe?

I do believe the legislation that has been proposed by Leader REID—proposed essentially by the President—makes sense, and I hope we can unite in common purpose to do what is common sense and invest in bridges and roads in America, fully paid for, and avoid the diversion of this alternate proposal that would essentially impair our health, the public health of America, and not advance our financial stability as a nation.

I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to make some brief remarks about a judge who is coming up for a vote, and I ask that both myself and the other Senator from Wyoming be allowed to speak consecutively.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF SCOTT SKAVDAHL

Mr. ENZI. Mr. President, I wish to thank Senator LEAHY and Senator GRASSLEY and their staffs for moving this nomination. Because of their efforts, I have this opportunity to express my support for Judge Scott Skavdahl's nomination to serve on the bench of the U.S. District Court for the District of Wyoming.

Although Scott grew up in Harrison, NE, it wasn't long before he made his way to my home State and enrolled at the University of Wyoming. The university must have felt like a whole new world to him because he had just graduated from a high school that had less than 50 students. Still, while others might have been intimidated, Scott

saw it as another of life's challenges to be faced and overcome, so he worked hard to complete the requirements for his undergraduate degree. In between his classes, Scott managed to find the time to pursue another interest of his, as he joined and played on the university's football team for 4 years.

After graduation, Scott made a decision that was to start him on a path that would set the tone and the direction of his life when he applied to and was accepted by the University of Wyoming Law School. His classes were difficult and demanding, but Scott knew what he wanted to do with his life, and, as was true for him in so many things, he just wouldn't quit until he had accomplished what he set out to do. That attitude of confidence and commitment to setting goals and achieving them is one of the reasons Scott has been able to establish a reputation for himself throughout his career as a serious and thoughtful litigator and as a judge. Whenever someone speaks of him, they always seem to use the same words to describe him. They say he is incredibly smart, a hard-working attorney, and a highly competent and capable judge. They also say: Although he wasn't born in Wyoming, we are very glad to have him.

Looking back over each step along the way that led him to this nomination, it is clear that Scott has used his time and his talents wisely and well. Because of his background and his experience on a daily basis, Scott has come to know in detail the issues that face the people of Wyoming and how the people feel about him. That is why it was no surprise that I have heard nothing but good things about Scott, his approach to the law, and his demeanor as a judge. Simply put, Scott knows all about the administrative ins and outs of the District of Wyoming, and he has used his courtroom as a classroom to help us all be informed and aware of the issues that come before him and the reasons for his decisions on all of them.

At times such as these, it is always interesting to take a moment to look back at someone's life and connect the dots that brought him or her to this important moment in time. For Scott, a childhood in Nebraska led him to Wyoming, where he obtained the knowledge and skills he needed to pursue a career in something that really interested him—the law. He then used those credentials he earned in the classroom and his life to move step by step through our legal and judicial system.

His talents and abilities soon caught the attention of former Wyoming Governor Dave Freudenthal and President Obama. The President has now nominated him to serve in this very important post, and he has been unanimously voted out of committee. In and of itself, that recognition is a powerful endorsement of Scott's background, his

ability to interpret and apply the law, and his experience both in the courtroom and in his community. It also expresses our confidence that Scott will continue to serve as an integral part of the court system of Wyoming, the West, and our Nation for many years to come.

I urge my colleagues to support this nomination, and I look forward to the Senate's approval of the nomination of Judge Scott Skavdahl.

I thank the Chair, and I yield the floor for my fellow Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, in the 19 years since his graduation from the University of Wyoming School of Law, Judge Skavdahl has distinguished himself both as an attorney and as a trial judge.

After working in the private sector and clerking for U.S. district judge William Downes, Judge Skavdahl was appointed by former Governor Dave Freudenthal to serve as a district judge for Wyoming's Seventh Judicial District.

During his time on the State bench, Judge Skavdahl earned the respect of the attorneys and the parties appearing in his court. He earned that respect for his integrity and his ethics to carry out his duties. He earned that respect for his reasoned decisions. He earned that respect for the manner in which he conducts himself in the courtroom and for being prepared and for his knowledge of the law. There is no doubt in my mind that Judge Skavdahl will bring those same skills and that respect for the law that he exhibited in the Seventh Judicial District to the Federal bench. Wyoming's Federal judges have a long tradition of being widely regarded by their peers and respected by the people who appear in their courts. Judge Scott Skavdahl will continue that tradition for many years to come.

I know Judge Skavdahl. I know his family. He is a judge I respect and admire from a family I respect and admire. I strongly encourage all of the Members of the Senate to join with Senator ENZI and join with me in supporting Judge Skavdahl's nomination.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I see the Senator from West Virginia in the Chamber. Is he prepared to speak? I do not want to take advantage of the Senator from West Virginia. I was going to speak for about 5 minutes, if I could.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the plan that has been introduced to the Senate today is an affront to common sense, the plan presented by Senator REID. It is an affront to the financial condition this country is in. I am working and hope to be able to support a highway bill that will have a modest increase in highway spending that is paid for that does not increase the debt. We can do that. It is not that hard.

Apparently, it is hard because nobody wants to make any tough choices. They do not want to set priorities. So then it becomes very hard. We just want to keep everything going at the same rate. But we do need to invest some money in our infrastructure to maintain it, our highways, bridges, roads, and expand certain highways that need to be fixed. I think we should do that.

Senator REID comes in with a tax increase plan, a big spending plan, totaling, I think, \$60 billion. We are supposed to pass this, and we have not yet found the money to pay for the fundamental highway bill this Congress is supposed to be working on. I believe it is wrong. I do not believe it can be justified by any stretch of the imagination.

They say: Don't worry. We are raising taxes to fund this new transportation infrastructure program. Only a small portion of it is the infrastructure bank. This country is spending enough. We are wasting enough money now. It would be a mistake for the American people to allow Congress to extract more money from them to spend today on even a new program while we are doing nothing about the surging debt that is running on in our country, while we are doing nothing about the Solyndra-type loan programs that are wasting money in huge amounts. That loan failure alone amounts to as much money as Alabama gets from the general fund, the highway bill, and infrastructure bill, period—one loan. So we need to get our act together, and I do not believe it is legitimate.

I am the ranking Republican on the Budget Committee. I am looking at these numbers, and I am astounded. So we raise taxes. One time they said we have to raise taxes to reduce our debt. Now we raise taxes to increase spending on a new program, and we still do not have the basic \$12 billion that is being looked at to be found to fund the basic highway bill.

I am flabbergasted. I do not believe it is right. I think it is some sort of clever gimmick that political thinkers got together and conjured up, that they could imagine: This will be a fun thing. We will bring it up on the floor. It has no chance of passage. We will bring it up on the floor. Republicans will oppose it, and we will accuse them of

being against highways. We will accuse them of giving tax breaks to millionaires. That is what we will do. That will be clever. That will be fun.

Sometimes we have to get serious about this debt. For the third year in a row—we have just completed the fiscal year on September 30—we have had over \$1 trillion in debt. Forty percent of the money we are spending is borrowed. If we ever have to raise taxes—and that would be the last thing—it ought to be done only after we have squeezed every wasteful dime out of spending in this country before we go back and ask the American people to give more money to a Congress that plays games with their money, that has allowed the deficits to be maintained at a rate beyond anything this Nation has ever seen before and are projected to continue indefinitely under plans that are out there from the budget the President submitted to us, which, fortunately, is not going to be accepted.

We have a real problem. I wish to be on record as saying I do not believe this is a responsible way for us to proceed. I know there are a lot of politics around here. But we are at a point where we need to be thinking about a responsible way to find the funding to maintain a good highway program, and that is not going to be easy. To have this bill thrown in here that is going to be dead as a doornail is not a good approach to it. We need to be worrying about that problem rather than a huge new spending program, allowing a bunch of bureaucrats to pick and choose where they want to send the money. That is the way the progressives like to do it: We give them money and let these smart people decide where to pass it around. They probably will not give any to West Virginia and Alabama. They have bigger projects in their minds than that.

I wanted to share those thoughts, and I thank the Presiding Officer. I hope my colleagues will oppose the Reid idea that will be coming up later today.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, we have had a lot of conversation today. We all agree we need infrastructure. On both sides of the aisle we have had a good conversation. I have said before, a road is not a Democratic or Republican road, a bridge is not a Democratic or Republican bridge, nor is a water line or a sewer line. So I rise to address the competing proposals to build infrastructure in this country and to start getting America back to work.

Earlier this week, I attended a ribbon-cutting at the Bluestone Dam in beautiful Hinton, WV. When they started work on that dam, I was the Governor of our great State of West Virginia. I was sitting in my office and

said to the Corps colonel: Explain to me what the problem could be.

He said: Maybe the bedrock, and there might be some possibilities with unusual flooding where we could lose that dam, breach that dam.

I asked: What does that mean?

He said: Think of it this way, Governor. We are sitting in your office in the capitol, in Charleston, WV. We would be underwater right now.

So it brought it to reality for me, the extent of the water we are dealing with and the billions and billions of dollars in downstream costs that would be incurred. So we decided we had to fix that. With the help of our Federal Government, we started working on that way back in 2002, and we are going into our third phase of that project.

Roads and bridges are in terrible condition all over the country and in every part of everybody's State. Every Member of the House and every Member of the Senate has a road or a bridge—all 535 of us—Republicans and Democrats alike have a road or a bridge or a water line or a sewer line in our area that needs repair. As the Presiding Officer from Delaware had noted with the work he did for all the good people of Delaware, there was still an awful lot of repair that was needed.

I believe in infrastructure. In West Virginia, we say: Our economy can't grow if people can't go. With that, you have to be able to be mobile. We also say in West Virginia: You have to drive to survive because we are one of the most rural States in the Nation. Our people drive as far, if not farther, than people in most other States do for their jobs.

With that, we have to make sure they have the ability to get to those good jobs and be able to provide for their family.

I have said before—and it has been heard on the floor over the last few hours—that infrastructure is not a Democratic idea or a Republican idea. It is a commonsense idea.

In 2007, we Governors at that time met in Philadelphia. Knowing the economy was slowing down, we asked: What can we do? We looked back in history and saw President Roosevelt, in the 1930s, basically invested in infrastructure. We had the WPA projects which we see today. A lot of us have used the projects and still are. Tremendous value was returned to this country and the infrastructure of this country through those hard-working people at that time who just needed a helping hand.

President Eisenhower, in the 1950s—after the Korean war, the economy needed a jump-start, and we saw the Interstate Highway System being built for a very mobile society coming off the wars. We are still using that same infrastructure that was put in place then.

This issue is bipartisan because building infrastructure is bipartisan. It

solves two problems. It fixes our crumbling roads and bridges, and it creates much needed American jobs. Of all the people in my State applying for unemployment—and it might be true in most every State—construction workers are the biggest group of unemployed people today, with the most skill sets in America. Almost 20 percent of the unemployment is in the construction trades. That is unacceptable in this great country when we have repairs being needed everywhere.

We are going to vote on two proposals today. I know one was just put on quick order, and there is another one we are going to be voting on. One is a Democratic measure, which is our Rebuild America Jobs Act, and the other one is a Republican measure that funds transportation, and it reins in the EPA, for which I have been trying to make sure there is a commonsense approach to how we balance the economy and the environment. In West Virginia, I think we can do it as well if not better than most because we are dealing with those types of challenges.

I believe both these bills will help kick-start the economy and create American jobs—I do—and we all know we need that. I will vote for both of them. One is a Democratic proposal and one is a Republican proposal. But I do believe I was sent here as a West Virginian to help my State.

It is not because they are bad ideas or wrong ideas that they are probably going to fail. They both have good merits to them. But as our good friend from Alabama just said, it is politics of the order. That is what we are dealing with, and we will find reasons, probably, why we can't give our support.

On our jobs bill, there is \$60 billion—\$50 billion, which I think the Presiding Officer spoke so eloquently on earlier, and \$10 billion for an infrastructure bank. I know what an infrastructure bank does in my State. In my State, we have \$2 billion of need. We have a \$300 million revolving account. It is the same as what we are talking about here. It has helped us tremendously. But everybody comes to the table. We are able to bridge some financing and put projects together that we never could have done, and it is tremendously needed.

With that being said, it probably will not pass because our dear friends on the other side of the aisle, our Republican colleagues, and our friends over in the Republican Party, are going to say: It has a seven-tenths-of-1-percent tax on incomes over \$1 million—seven-tenths of 1 percent.

I can vote for that. I support that. But I also recognize that is a problem for them. So in recognizing that, I am willing to reach out and look for other ways to pay for this. I think that is the spirit we should be working in. Are there offsets or credits? I think 73 of us have voted in a bipartisan fashion for

an ethanol credit. Isn't that something we could work on? How about the money we are spending in Afghanistan and Iraq and rebuilding those nations' infrastructures? I have said this before: If you help us build a new bridge in West Virginia, we will not blow it up. If you help us build a new school, I guarantee we will not burn it down. We are so proud to say the good people all over this country have helped us in West Virginia, and we like to help other people in other States. We will work together. That is what we should be doing, rebuilding America.

That is what I have asked of everyone: Come together. Let's make sure the infrastructure need we have all over our great country is the first and foremost thing we are working on together because we do agree, as Democrats and Republicans and as Americans, we need it. That is something I think we can come together on.

Let me turn now to the Republican bill, which a few hours ago I was notified will be coming up. This bill is not perfect either. A 2-year extension of transportation spending does not give States the certainty they need. We have usually had a 6-year authorization. I know when I was Governor of West Virginia we did 6 years. We did our 6-year planning of our roads in our State based on the Federal bill, the authorization of the Federal highway bill. With only 2 years, it is hard to get any project completed. Sometimes it is even hard to get it on the drawing board.

That being said, I am a strong supporter of reining in the EPA, which this bill does. I believe we have to set our transportation priorities. Unfortunately, Washington and all of us here seem to have become so dysfunctional that politics—whether it is the party politics or the personal politics—is put before the good of the country. This has to stop.

I heard one of our good Senators from Arizona this morning saying we are down to a 9-percent approval rating. If it was not for our staff and our family, we don't know if we would be within the margin of error. With that being said, we have to come together. We have had disagreements throughout the history of this great country, and we have come together many times on very difficult issues.

This is one I think will challenge all of us to come together as Americans. The people of West Virginia did not send me to Washington to play the blame game. I have said many times, I have never fixed a problem by blaming somebody else for it. I fixed a problem by identifying that we had a problem and then trying to bring all sides together to fix it. That is what we need more of in Washington. I do not think any of us were sent to blame each other. I think we were sent to work together.

Again, I am going to urge all my colleagues and friends on both sides of the aisle to focus on the next generation. We see them every week we come here, our young pages. They are our next generation. We need to be making votes for them, not our next election, which will be in 2012. That election is going to come and go. But if we do not give them the opportunity to have the building tools they need to build a foundation that they can be the greatest next generation this country has ever seen, then I do not know what we are going to say for the future of this country.

I, for one, am not going to vote along those lines, to where it is going to be based on what is good for me, based on what is good for the party I belong to but strictly based on what is good for America and this next generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I ask unanimous consent to speak for about 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JOHANNIS pertaining to the introduction of S. 1805 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I listened with interest to the Senator's explanation of the cross-air rule. I would just say he is off the mark, because if you produce deadly pollution in your State—deadly—you have an obligation to clean it up before it goes into another State.

It is like taking your garbage and dumping it in your neighbor's front lawn. We don't do that in America. So we are going to have a robust debate next week on the cross-State air rule.

I hope people keep in mind that we are talking about deadly pollution produced in one State and moving over to a series of other States which have no defense. So anyone who wants to come and claim that is the right thing to do morally—just walk away from that rule—I think they are going to have a hard time explaining it back home. I would not dump garbage on the front lawn of my neighbor's house. I think that patina is the best explanation of what this is about. More on that later.

Today we are going to be facing a very interesting choice. As we know, President Obama has put together a major jobs package, and he pays for it by going to the millionaires and saying that once they make \$1 million, after that we think they could pay a little bit more to help us get out of this recession. My Republican friends voted that down. They were appalled we would even suggest there would be even a few dollars of increased taxes on people who make over \$1 million. They

would rather not do any job creation and protect the people who earn over \$1 million.

(Mr. MANCHIN assumed the Chair.)

Mrs. BOXER. We have a very stark choice today. We have a small version of the jobs bill—this one focuses on infrastructure, mostly transportation investments—paid for by a seven-tenths-of-1-percent tax on people who earn over \$1 million, and it would not go into effect on any of those funds until they pass the million. So it would be taxed seven-tenths of 1 percent on income over \$1 million.

I make that point because it is not going to hurt anybody. A person making \$1.5 million would pay an additional \$3,000. This is not anything that will hurt the millionaires and billionaires. It is going to make this country stronger. It is going to grow this economy.

Here is what we have: We have a Democratic jobs bill. It is \$60 billion—\$50 billion for roads and bridges and \$10 billion for an infrastructure bank.

To put that into the context of why this is such a good bill and why it would create 650,000 jobs, let me tell you what it is doing in essence. It is taking an extra year of transportation funding—we spend about \$50 billion a year, approximately, through the highway trust fund—and it would inject essentially another year of spending over the next 12 months, creating well over 650,000 new jobs.

The Republican alternative actually loses jobs. They say they will continue the highway trust fund for 2 years. So they are just continuing what we are already doing. That is great. But then they cut the equivalent amount from police, fire, food inspection, and the FBI, and it will result in a loss of many jobs—200,000 jobs. So we have one bill, the Democratic bill, that creates a minimum of 650,000 jobs, and we have the Republican bill that cuts 200,000 jobs.

What are they thinking, Mr. President? What are they thinking? This is not the time to cut 200,000 jobs. Then they end health care reform which we all know, while not perfect, is going to help reduce our deficit. What they have done is continue the highway spending at current levels—it doesn't add one job—and then they cut all those other jobs to pay for it—200,000 jobs—and then they repeal health care reform, which will add to the deficit.

They cannot stand the thought of a millionaire paying a little bit more to help us at this time even though everybody knows we are at a point in time where the gap between the wealthiest and the middle class has never been bigger. Four hundred families earn more than 50 percent of all the rest of us; 400 families earn more than 50 percent of all the rest of us. It is unbelievable.

My State has many wealthy people in it, many poor people in it, and has a

good middle class. But it is getting tougher to be part of that middle class. The middle class is hit hard with health costs, with college costs that keep going up, and with gas prices going up. They are hit hard with mortgages they can't refinance because their mortgage is now higher than their home is worth. So we have to act on these issues. We have the ability to do it.

If we just read the Preamble of our Constitution, it tells us what we are supposed to do: work for a more perfect union, establish justice, domestic tranquility, and promote the general welfare. We have to do these things today because we are losing the middle class.

This bill before us, the Democratic jobs bill, is an excellent place to start this very day by infusing \$60 billion into spending that will go mostly to private sector contractors, people who build roads and bridges. Do you know that 70,000 bridges in America are deficient?

My colleague, Senator INHOFE, and I are working closely on a highway bill. We are going to have one soon. He tells the story of a woman walking in Oklahoma. She is simply taking a walk, and the bridge starts to fall apart; it falls down and traps her and kills her. He said she was a young mother. This is America in the 21st century. That is not acceptable. We can't have a country like ours neglect its infrastructure. It is wrong.

But our Republican friends will not work with us because they don't want to ask people earning over \$1 million to pay just a little bit more. For example, if someone makes \$1.1 million, they will have to pay \$700 more in their taxes. That is it. But they don't even want to go there. What they want to do is say: Oh, yes, we will just renew the highway bill, but we will slash across the board everything but defense. That is how we are going to pay for their jobs bill, which actually will lose hundreds of thousands of jobs. It is unbelievable to me.

I don't think this is the time to say we will turn our backs on jobs. As a matter of fact, in order to extend the highway trust fund we are going to fire cops, firefighters, food safety inspectors, FBI agents, and Border Patrol agents. That is their alternative. So don't vote for it unless you think it is the time to put all those people out of work.

What Republicans also do in this so-called jobs bill—which is a no jobs bill; it is a jobs loss bill—is they decide they want to block implementation of very important health and safety rules. I want to go through what those rules are. We are going to talk about the Clean Air Act right now.

The Republicans are repealing two rules that deal with clean air. Here is the thing. It is going to make people sicker. It is going to mean lots of jobs

in clean tech. It is the last thing the country needs. It flies in the face of the views of the people. Let's talk about one of the rules they want to cut back: industrial boilers and incinerators.

This bill, called a jobs bill, would halt an EPA rule issued in February 2011 to reduce toxic air pollution. What do I mean? Toxic means it is toxic to our health; it will hurt us. People will die from toxic air pollution. People do die from toxic air pollution. The toxins the boilers and incinerators rule would reduce include mercury, lead, and other hazardous air pollution released by boilers and incinerators.

They can write it the way they want it, but here is what happens when we go back to those days when we allowed these toxins to be emitted. We saw developmental disabilities in our children. We saw more cases of cancer, more cases of heart disease, aggravated asthma, and premature death.

These are not just words. Congress commissioned a study, and we now know exactly what we are doing, how many lives it saves, and how many visits to the hospital it saves. Let me remind my friends who think that it is good for the economy to have toxic air pollution, if we cannot breathe we cannot work. If someone has to rush to the hospital or their child is rushed there because of an asthma attack, they lose a day's work. If a pregnant woman now has a problem with the child, and the child is disabled or has problems mentally from too much mercury, this is a tragedy.

Some people say: Oh, the EPA is regulating too much and it costs too much. Let me tell you the price of the Republican agenda: sick people, loss of jobs in the clean tech industry, lost days of work, loss of kids' schooldays.

I urge my colleagues in the Senate, when they have their next meeting with a large group of people—whether it is 100 or 50 or just a couple—ask them how many of them have asthma. Ask them how many know someone close to them with asthma. I guarantee the hands of one-third to one-half of those in the room will go up. That doesn't just happen—asthma—because a person just woke up on the wrong side of the bed. It happens because of the air they are breathing. It is toxic.

But in the Republicans' so-called jobs bill—which I already told you loses jobs—they not only do that, but to add insult to injury they repeal all of these rules.

Let me put it into context for you, since I have now spoken emotionally about what it does to people when they breathe in toxins. Let me cite the numbers.

Congress demanded a study. We said, give us the numbers, and so a study was done. We believe the protections from this industrial boiler rule will annually prevent up to 6,500 premature deaths, 4,000 heart attacks, 4,300 hospital emergency room visits, 310,000

days when people miss work or school, and 41,000 cases of aggravated asthma. The benefits from these safeguards are expected to be \$54 billion annually by 2014. That is the rule my Republican colleagues want us to set aside.

If you went to your constituents and said to them: You know, we have a rule here that says industry is going to have to use the best available technology and clean up their pollution, and here is what it is going to do—it is going to prevent 6,500 premature deaths, 4,000 heart attacks, 4,300 hospital visits, 310,000 days when people miss school or work, and 41,000 cases of aggravated asthma, and it is going to deliver \$54 billion a year in health benefits—I think your constituents would say, go for it, Senator; that makes sense.

Let me talk about a poll that just came out that reflects how people feel about this. Listen to this. We have our Republican friends offering what they call a jobs bill, which I have proven contains job cuts because they simply continue the highway trust fund. They do not add anything new, but they cut a couple hundred thousand jobs to pay for it. That is their so-called jobs bill.

They then want to repeal two rules that fall under the Clean Air Act, and I just talked about the boiler rule. But let me tell you what the people think, since we are supposed to represent the people.

There was a bipartisan poll done in October, a few days ago, reflecting 88 percent of Democrats, 85 percent of Independents, and 58 percent of Republicans opposed Congress stopping the EPA from enacting new limits on air pollution from electric powerplants.

Who is speaking for the people? We need to vote down the Republican alternative because 88 percent of Democrats want us to, 85 percent of Independents want us to, and 58 percent of Republicans want us to. They do not want Congress stepping in.

On Tuesday, Senator PAUL is going to have a motion to repeal the cross-state air pollution rule, which is a rule that says to the States if they are creating toxic air pollution and it is flowing to another State, it has to be cleaned up. Now, 67 percent of voters support the cross-state air pollution rule and 77 percent of voters support the mercury air toxics rule. So 65 percent of voters surveyed are confident the health and environmental benefits of air pollution standards outweigh the costs, and 75 percent of voters believe a compelling reason to implement these air rules is the boost to local economies and thousands of new jobs that are created from investments in new technologies.

If we are representing the people of these great United States, we better listen to what they are saying in a bipartisan way. They are telling us to leave the EPA alone. When people

come to this floor and demonize the EPA, they are going against the beliefs of the American people.

There are some incredible quotes I want to read, because, to me, it is amazing what is happening around here. When I get to the place here I want, I am going to cite some quotes from unlikely sources.

Mr. President, how many minutes remains on our side?

The PRESIDING OFFICER. There is 14 minutes 10 seconds.

Mrs. BOXER. I thank the Chair.

Here is a quote from General Motors:

General Motors company recognizes the benefit of the country continuing the historic national program to address fuel economy and greenhouse gases that the EPA began.

That is signed by the chairman and CEO of General Motors.

Here is a quote from a letter from a whole group of electricity-producing companies: PG&E, Calpine Corp., NextEra Energy, Inc., Public Service Enterprise Group, National Grid USA, Exelon Corp., Constellation Energy, and Austin Energy. This is a quote from their letter to the Wall Street Journal:

Our companies' experience complying with air quality regulations demonstrates regulations can yield important economic benefits, including job creation, while maintaining reliability.

Kind of amazing, isn't it? And there is Gerald Ford, the Republican President who signed the Safe Drinking Water Act in 1974—also under attack, by the way—who said:

Nothing is more essential to the life of every single American than clean air, pure food, and safe drinking water.

Yet if you look at the Republican plan, they roll back clean air regulations and they roll back food safety. Even after we had people die from contaminated cantaloupe, my friends on the other side think now is the time to cut back on food safety inspection. Give me a break. Who are we here representing?

This is why people across the country are upset. They see things such as this and they say, is this Alice in Wonderland?

Listen to what Christine Todd Whitman and William Ruckelshaus wrote—two Republicans who were former EPA Administrators under Republican Presidents. They said:

It is easy to forget how far we have come in the past 40 years. We should take heart from all this progress and not, as some in Congress have suggested, seek to tear down the agency that the President and Congress created to protect America's health and environment.

They wrote that letter in March of this year. They understand. This isn't a partisan issue. Republicans breathe the same air that Democrats and Independents breathe. That is why it is so frustrating to see, in a so-called jobs bill from my colleagues on the other side of

the aisle, an actual loss of jobs and loss of clean air regulations and loss of food safety inspectors.

I have to say I find myself quoting Richard Nixon more and more these days. He signed the Clean Air Act. Listen to what he said at a State of the Union speech. He said:

Clean air, clean water, open spaces—these should once again be the birthright of every American.

I have cited these quotes from Republican Presidents and former Administrators of the EPA under Republican Presidents, so I am stunned at this so-called jobs bill. I have talked about the industrial boiler rule, but they also roll back the cement manufacturing facilities rule that would indefinitely delay standards to address smog and toxic soot pollution from over 150 cement kilns nationwide. These facilities contain hazardous air pollutants, including mercury, arsenic, lead, and other heavy metals.

Remember the movie "Arsenic and Old Lace"? Arsenic kills you. Too much of it does that. Come on. We need to clean up the air, and we need to be sure we do it in a reasonable way. I am on that side—the side of doing it in a reasonable way. And no one could be more reasonable than Lisa Jackson. I tell you, the woman has the patience of a saint. She is not going to go out and hit people over the head with this. She is going to phase in these regulations, and she is going to listen carefully. And you have to listen. Mercury, arsenic, lead, and other heavy metals are the third largest mercury source in the country. These relate to cement manufacturing facilities.

Let me tell you what these pollutants do. They cause cancer and they harm the reproductive system and the developmental system. Pregnant women and children are at risk. We hear a lot of talk about life—when does life begin? That is up to each individual and their God to decide that. But one thing I hope we can agree on is that a pregnant woman shouldn't be subjected to too much mercury or too much arsenic in the air.

We have a rule here, a reduction of mercury and toxic soot emissions. We know that rule will prevent 2,500 premature deaths, 1,500 heart attacks, more than 1,700 emergency room and hospital visits, that it will prevent 17,000 cases of aggravated asthma attacks, 130,000 days of lost work, and it will provide up to \$18 billion of benefits annually by 2013, which is a benefits-to-cost ratio of 19 to 1. Yet my friends on the other side think it is a terrible idea and want to indefinitely delay it.

Let me tell you something. If we had that kind of attitude in Congress years before, we wouldn't have a Clean Air Act. I can tell you what happened in Los Angeles. We used to have about 160 days in Los Angeles where people could not go out. They were warned to stay

indoors. As a result of the Clean Air Act, we have had none of those days—none—in Los Angeles in 2010.

So why on Earth does anyone want to delay these rules? If you want to sit with Lisa Jackson and sit with me, as the chairman of the Environment and Public Works Committee, and sit with others and see if there is a way we can do this in a fair manner, of course. But the public wants us to act, and the action they want us to take is to support the EPA, not to put our noses in there and stop them from doing what the Clean Air Act requires them to do.

Poll after poll shows that voters are on the side of clean air. They are on the side of protecting the public health. They are not on the side of polluters. So I wish to say, we know two things today: People want jobs, and they also want their health protected. We also know that when you protect the people's health, what happens is a huge economic boost is given to the clean tech sector, and that boost has resulted in many jobs. As many as 1.7 million jobs are created because of these clean air rules and clean water rules.

The whole world wants these technologies. I had the amazing experience of visiting China, and I didn't see the Sun—I didn't see the Sun—for the 7 days or so I was there. The air is filthy, and people complain about it. One day we had the hint of sun—the hint of sun—breaking through the pollution, and the people there said, what a beautiful day. You must have brought the good weather. I said, you know what, come to California, I will show you a blue sky.

We cannot go backward. We need to move this country forward.

If the arc of history bends toward justice, it also bends toward health, public health, making sure our people get that health care, that they don't have those public health enemies out there—the soot, the arsenic, the lead, the mercury—and, yes, jobs. We have seen our GDP explode since we passed the Clean Air Act, and we grew more than any other industrialized nation while we had these laws in place, for two reasons. One, these laws create clean tech jobs. Two, if we can't breathe, we can't work. When we have a healthy society, we are far more productive.

So we have the Democratic alternative that will create over 600,000 jobs in transportation. It doesn't go into these extraneous issues such as the air pollution laws, and it is paid for by seven-tenths of 1 percent of income over \$1 million.

Then we have the Republican alternative that just continues our transportation at the same levels and pays for it by cutting 200,000 jobs—police, fire, and the rest, FBI agents, food safety inspectors, Border Patrol agents. Just what we don't need. That

is what they do. Plus, just for good measure, they repeal basically two Clean Air Act rules that I talked about from boilers and cement plants.

Folks, if ever there was a difference between the parties in evidence, this is it. If one person comes up to me and asks if there is really a difference between Democrats and Republicans, I will point them to this debate.

So I hope very much that we will get enough votes to take up the Democratic bill that is fully paid for and will create over 600,000 jobs, that will fix our deficient bridges and our deficient highways, that will say to the construction workers: We know you are out of work, and we are going to put you back to work—or the Republican alternative that would result in 200,000 jobs lost and overturn these clean air rules that are so important that the vast majority of people, including Republicans, who are asked about it would say: Congress, keep your hands off these rules because, you know what. We think they are working.

I reserve the remainder for other speakers, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let's be clear about what the Democrats' Rebuild America Jobs Act is and what it is not about.

It is about expanding infrastructure spending, financed by tax increases. It is about setting up a brand-new government bureaucracy in the form of an infrastructure bank that will take years to get underway and will subject taxpayers, once again, to private sector risk-taking and to bailouts.

It is about following in the footsteps of the ongoing costly government-sponsored enterprises, or GSEs, called Fannie and Freddie. It is about increasing the Federal footprint in the infrastructure arena. It is about increasing taxes on those with incomes above \$500,000, now creatively called millionaires, including incomes of many business owners who risk their own capital to create jobs.

It is about further Federal wage controls on construction projects which lead to inefficient use of taxpayer funds. It is also about creating political talking points for the upcoming Presidential election. They know their bill is doomed to fail. It is all a game.

Here is what the legislation is not about. It is not about creating jobs. It is not about engineering a more efficient and a more fair tax code. No, this is the same tune, different song: A bill for more spending, financed with new taxes.

It remains baffling to me that this is all the other side ever seems to have to offer. The Democrats' proposal incorporates more spending on various infrastructure initiatives, including one of the President's favorites, high-speed rail.

As columnist Robert Samuelson wrote in the Washington Post in February of this year:

High-speed rail is not an investment in the future. It's mostly a waste of money.

As for the arguments by some that we risk losing our global competitive edge without things such as high-speed rail, I would encourage them to pay attention to what is going on beyond our shores.

China, facing safety concerns, high debt associated with high-speed rail, and political scandals involving kickbacks and undue influence on rail spending has scaled its plans back and operates some high-speed rail at 30 miles per hour.

Spain, a one-time darling of those who promote high-speed rail spending, is also scaling back, having identified such spending as imprudent in the current economic environment.

Here at home, States have rejected high-speed rail initiatives. We just learned in recent days that California's bullet train is now projected to cost close to \$100 billion, nearly twice its previous projection.

Nonetheless, the administration and my friends on the other side of the aisle wish to plow forward by shoveling more taxpayer funds into exactly those sorts of projects, with little more than rosy projections of future costs and benefits that justify the expense.

I am deeply skeptical that the Democrats' legislation to fund more infrastructure projects is a good way to address our current national unemployment emergency and need for jobs.

According to CBO:

Large-scale construction projects of any type require years of planning and preparation. Even those that are "on the shelf" generally cannot be undertaken quickly enough to provide timely stimulus to the economy.

More often than not, the delays are because of burdensome and inefficient regulatory red tape.

As President Obama discovered too late, shovel-ready projects are hard to find. In June he joked about his first stimulus, saying:

Shovel-ready was not as shovel-ready as we had expected.

Now, that may have been humorous, except they should have known better. Unfortunately, Americans looking for jobs and the American taxpayers who are now on the hook to pay off President Obama's stimulus-driven debt do not find this to be a laughing matter.

The infrastructure bank proposed by the other side would not even be up and running for well over 1 year, and probably longer. It will take 1 year or more just to set up the bureaucracy. How can this possibly have anything to do with creating jobs and lowering unemployment today?

There are worrisome details about the proposed new government infrastructure bank bureaucracy and the power it will wield. The proposed

bank's board is required to give "adequate consideration"—whatever that means—to a host of features, including "whether there is sufficient State or municipal political support for the successful completion of the infrastructure project."

While proponents of the infrastructure bank are selling it as a new, politics-free way to fund projects, even the authorizing legislation explicitly calls for political considerations.

The Democrats' bill also claims the bank would be a "United States Government-owned independent" institution—government-owned and controlled by political appointees but somehow independent, just like a GSE, government-sponsored enterprise.

The definition of "eligible infrastructure project" in their bill includes a wide range of possible projects, including high-speed rail, which Americans do not want or need, and solid waste disposal facilities such as the one that drove Harrisburg, PA, into bankruptcy.

Most worrisome, the infrastructure bank board is provided with the authority to make any modifications it would like, at its discretion, to what constitutes an eligible infrastructure project. How long do we think it would take for the board to start doling out taxpayer funds to non-viable projects? Haven't we seen enough of that in this administration?

Proponents of the infrastructure bank make the peculiar argument that somehow because the bank would not be able to make grants, taxpayers face no risks of losses. Yet the bank is empowered to make loans, which are risky. The bank is empowered to issue loan guarantees just like taxpayer-backed government guarantees of Fannie and Freddie. Really. Stop and think about it. This just looks like a rebirth of Fannie and Freddie. That is all we need. How is that not risky?

Also problematic is direct authorization in the Democrats' proposed infrastructure bank for deferral of payments of direct loans in the event "the infrastructure project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan under this Act."

Translation: If a project's revenues streams are insufficient to pay off the government loan, then the loan gets modified and extended. This, of course, benefits any private partner of the taxpayer-funded infrastructure project while taxpayers are put on the hook for the losses.

Have we been here before? We all know what the answer to that is.

This is an explicit admission, in the authorizing legislation, that contingencies are expected in which taxpayers suffer losses and end up bailing out private entities. This is the essence of a corporate bailout. This is corporatism at its worst—privatized profits and socialized losses.

The whipsawing is too much to handle. On one hand, the President, a former community organizer, stands with the Occupy Wall Street protesters, criticizing the so-called rich. On the other hand, he and his congressional allies support legislation that would make taxpayers responsible for the bad decisions of wealthy contractors. I look forward to the critiques of this crony capitalism at the Occupy Wall Street gatherings.

Taxpayers are on the hook for billions. Keep in mind it is not merely the advertised initial price of \$10 billion of taxpayer money necessary to start up the proposed new infrastructure bank bureaucracy that would be at stake. The bank will be empowered to "leverage" taxpayer dollars to support 10, 20, or maybe 30 times that amount for so-called public-private partnership projects.

Have we already forgotten that leverage is what helped create the largest financial crisis since the Great Depression? Yet, amazingly, for proponents of the infrastructure bank, leverage in this case is a good thing.

Make no mistake, leverage means risk, and more leverage means more risk. Why, when taxpayers have not even seen the last of the losses from Fannie and Freddie, would we even consider setting up a brand-new public-private mongrel called an infrastructure bank that will again subject taxpayers to losses? Why would we set up a new Federal bureaucracy that will require bailouts on projects specially selected by unelected political appointees with the power to pick winning and losing projects eligible for government assistance?

It is of interest that one of the new pitches for an infrastructure bank is that we need it to help us be more globally competitive. Sometimes comparisons are made with the growth of infrastructure spending in developing countries such as China. But, of course, developing countries devote many resources to infrastructure spending. It is almost a tautology. Those countries are starting with a much smaller beginning base, so we would expect a need for greater growth.

Proponents of infrastructure spending cite rankings of the United States globally on its infrastructure from a recent World Economic Forum's Global Competitiveness Report. If they had read the most recent report carefully, they would note that it identifies that the top two most problematic factors for doing business in America are tax rates and inefficient government bureaucracy. Yet the Democrats' bill seeks to increase tax rates and construct a new bureaucracy called an infrastructure bank.

We do not need a new Federal bureaucracy filled with politically appointed bureaucrats. We do not need a government picking economic winners

and losers. We do not need more government spending years from now to deal with an unemployment crisis today. We do not need more taxes at a time when the unemployment rate is stuck at 9.1 percent. And we most definitely do not need another GSE. But if you like Fannie and Freddie, you will love the proposed infrastructure bank.

Once again, the other side has turned to divisiveness and class warfare. Evil millionaires and billionaires, whom Democrats now define as an individual with income starting at \$500,000, need to be brought to economic justice. A 0.7-percent tax—or whatever the rate-of-the-week special cooked up by the Democratic war room happens to be—imposed on individual incomes that begin at \$500,000 will bring equality and justice for all.

A few points need to be made about the surtax proposal. First, it is more taxes to pay for more government spending. We need to keep that in mind when we hear Democrats talk about the need to raise taxes to reduce the deficits.

Second, it is not real economic or tax policy. It is designed to deliver a talking point to an administration increasingly concerned about its reelection prospects.

I remind my friends on the other side of the aisle again that those earning \$500,000 or more, whom they creatively call millionaires and billionaires, are not a static group of people. Many who earn those amounts in 1 year are likely to earn far less in the next year or in the prior year. In fact, the highest income taxpayers are a dynamic and rapidly changing group. Any one of us could get there if we just work hard enough and are smart enough to get there. That income group is constantly changing.

Keep in mind that a significant number of people hit by the Democrats' tax hike would be business owners—the same people we need to create new jobs. Significant fractions of net-positive business income and of active flow-through business income would be subject to Senator REID's new surtax. This is especially harmful to small businesses, which are often organized as flow-through entities, including sole proprietorships, partnerships, LLCs, and S corporations.

We do not need higher taxes that will fall on job creators to write checks for the President's special preferences, such as spending on high-speed rail that Americans do not want or need. We do not need a risky, GSE-like, taxpayer-funded infrastructure bank populated by political appointees, able to pick and choose whatever spending they would like to define as an infrastructure project, while subjecting taxpayers to private risk-taking.

Fortunately, there is a better way, and it is contained in my legislation, the Long-Term Surface Transportation

Extension Act of 2011. Briefly, here is what it does.

It eliminates dedicated funding for transportation enhancements and gives States the authority to decide whether to spend resources on add-ons, such as bike paths.

It reforms the National Environmental Policy Act, or NEPA, by eliminating inefficient bureaucratic red tape and accelerating project delivery and contracting, just as called for by the President's Jobs Council.

It supports job creation by placing a temporary timeout on job-killing regulations that are estimated to have significant economic effects.

It includes provisions for waivers of inefficient environmental reviews, approvals, and licensing and permitting requirements for road, highway, and bridge rebuilding efforts in emergency situations.

It goes straight to the matter of job creation, and it draws from bipartisan recommendations, including recommendations from the President's own bipartisan Jobs Council. We have not ignored the President. We are taking some of his ideas and putting them in this bill.

It allows fully paid-for infrastructure projects to be undertaken to help build roads, bridges, and a host of other projects without imposing permanent, job-killing, higher taxes during our national unemployment emergency.

I urge all of my colleagues to vote in support of my legislation and to vote against the tax-and-spend alternative offered by those on the other side. We have had enough of this. We had enough with Fannie and Freddie. Yes, it was set up to do good, but it has wound up putting us in hock, and then just this week we find that they all—many of the leaders of Fannie and Freddie—are taking home huge bonuses for running the place. The new ones, the new leadership—maybe that is a little harsh, but the fact is, why should they be taking bonuses when we know Fannie and Freddie are in real trouble? I predict that if the Democratic bill passes and we get this infrastructure bank set up, it is only a matter of time until this will be another Fannie or Freddie. That is what happens when government bureaucrats decide who wins, who loses, and interferes with the private sector and those who have always made the private sector go and work well for all of us.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Rebuild America Jobs Act. This bill is about jobs today and jobs tomorrow across the Nation and in my home State of Maryland. It also is about repairing our crumbling infrastructure.

This bill does three things. First, it provides \$50 billion for immediate transportation investments. It will provide formula funding and award

competitive grants to our States for transportation infrastructure projects. This includes funding for our highways and bridges. It also includes our transit systems and passenger and freight networks as well as our aviation system and ports.

Second, it provides \$10 billion to establish a national infrastructure bank. This bank will leverage private and public capital to fund large infrastructure projects. These include not only transportation projects but also desperately needed water and sewer, and energy projects. The bank will provide direct loans and loan guarantees for projects of regional and national significance.

I have been a strong proponent of establishing a national infrastructure bank for several years now going back to the original Dodd-Hagel legislation. I am now a cosponsor of Senators KERRY, HUTCHISON, and WARNER's bill.

Third, this bill pays for itself. It implements a surtax of less than 1 percent on those that make more than \$1 million a year. This tax will begin in 2013.

This bill is so important because it will create hundreds of thousands of jobs across America by putting construction workers and engineers back to work. According to Moody's, every \$1 spent on infrastructure spurs economic activity raising GDP by about \$1.59. Without this investment, nearly 1 million Americans will lose their jobs and our economy will lose nearly \$1 trillion over the next 10 years.

Our failing transportation infrastructure is costing everyone money we don't have: State and local governments, motorists, and companies shipping their goods. Americans pay approximately \$333 in car repairs a year because of poor road conditions and more at the pump because of congestion. We just learned Marylanders have the longest commute in the country—even longer than New Yorkers. Can you believe that?

Freight bottlenecks and congestion are costing us about \$200 billion a year. It is estimated that our failing infrastructure will drive the cost of doing business up by adding \$430 billion to costs in the next decade. This means it will cost more to ship goods and consumers will feel it in their pocket-books.

My State of Maryland has a 6-year transportation plan with \$10 billion worth of needs. A recent blue ribbon commission found the State needs another \$500 million annually to meet these needs. This bill will help close this funding gap by providing nearly \$600 million in transportation formula funding to Maryland. This funding will support about 7,500 jobs.

This formula funding will pay for repaving and improving safety on our highways and byways. It will be used for to replace diesel buses with more

environmentally friendly hybrid models. Improvements also will be made to Maryland's commuter rail service, MARC, and the light rail and metro in the Baltimore region. Lastly, Maryland would be eligible for competitive grants for all modes of transportation including high-speed rail investments along the Northeast corridor.

In addition, the infrastructure bank will provide new financing options for Maryland. It will help move along projects of regional and national significance that currently are harder to get underway with traditional financing options. Most promising is that the bank will provide financing for water and sewer and energy infrastructure projects too. Maryland alone has \$14 billion in water and sewer infrastructure needs.

I firmly believe that a reliable and well maintained infrastructure is a vital to sustain economic growth and create jobs. That is why we must pass this bill and get Americans back to work.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD ANDREWS

Mr. CARPER. Mr. President, last year, I was pleased to provide the President with the names of three superbly qualified Delawareans for him to consider for the one open seat on the U.S. District Court in Delaware. Any one of them would have made an excellent addition to the court, and all of them uphold the high regard in which this court is held, not only in Delaware but across the country.

The President has made a particularly strong choice in nominating Richard G. Andrews for this judicial appointment this past May. The Senate Judiciary Committee used sound judgment in approving his nomination unanimously in September. We are grateful for the expeditious handling and approval of this nomination—unanimously.

When I travel across Delaware, I often hear from people who are convinced that the Senate is overwhelmed by partisan tensions. I am sure that my colleagues—both Republicans and Democrats here today—have heard similar concerns. Confirming Rich Andrews will help to win back confidence that we can work together to do the right thing, not just for the people of Delaware but the people of America.

Throughout his career, Rich Andrews has been supported by members of both parties. He was appointed to U.S. Attorney under Attorney General Janet Reno and Attorney General John Ashcroft. Most recently, the Senate Judiciary Committee supported his nomination without one single dissent.

Our country is fortunate that someone with his outstanding credentials has stepped forward to do this critical work. Mr. Andrews' education, background, and legal experience make him superbly qualified for this position.

As a student at Haverford College, Rich Andrews graduated with a bachelor of arts degree in political science, after which he earned his law degree at the University of California at Berkeley—where he served as Note and Comment Editor for the California Law Review. After law school, Rich Andrews launched his career as a Clerk for the Honorable Collins J. Seitz, legendary chief judge of the Third Circuit Court of Appeals.

Following his clerkship, for 23 years Rich served as a prosecutor in the U.S. Attorney's Office in Wilmington—serving in a number of high-profile positions and eventually rising to the position of assistant U.S. attorney. When duty called, he stepped up to serve as acting U.S. attorney on three separate occasions. I kidded him and said he served as acting U.S. attorney longer than other people have served as U.S. attorney in other States. During his time with the United States Attorney's office, Rich prepared and prosecuted countless Federal cases, and in so doing, gained wide-ranging trial experience that he will draw upon heavily while serving as District Court Judge, if confirmed today.

Currently, Rich serves as the State prosecutor for the Delaware Department of Justice, where he manages the Criminal Division, oversees more than 70 deputy attorneys general, and makes critical decisions about how to proceed in high-level criminal cases.

Finally, in addition to his professional experience, Rich is a family man and a person of great character. His wife, Cathy Lancot is the associate dean and a professor of law at Villanova University. Their son Peter is a sophomore at Columbia University, and their daughter Amy is a senior—and student council president—at Mount Pleasant High School, not far from where my family and I live.

In his "free time," Rich has coached for the Concord Soccer Association of Delaware for more than a decade—and I understand that Rich also has spent the last 4 years grading answers for the Delaware bar exam.

In every facet of his life, Richard Andrews has performed with distinction. Let me conclude by saying that I am proud to support someone who has provided, and who will continue to provide, exemplary service for the people of our State and Nation.

His sound legal judgment, his tireless work ethic, and his experience as a Federal prosecutor have prepared Richard Andrews well to fill this seat on the U.S. District Court in Delaware. I urge my colleagues to join me in supporting his confirmation.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I would like to speak on the vote that is about to occur in this Chamber on the Rebuild America Jobs Act.

Over the past few days, we have been discussing how to best address our Nation's crumbling infrastructure. The cracks in this broken system became tragically clear on a beautiful summers day in Minnesota, August 1, 2007, when the I-35W bridge simply crashed into the Mississippi River, killing 13 people and throwing dozens of cars in the river. As I said that day, a bridge should not fall down in the middle of America, but it did, and an eight-lane highway should not fall down, not a highway that is literally six blocks from my house, a bridge that I drive over every day with my family, but that is what happened.

Four years after the I-35W bridge collapsed and was fixed a year later, still 25 percent of the Nation's 600,000 bridges have been declared structurally deficient or obsolete—25 percent. Our country has gotten a near-failing grade from the Civil Academy of Engineers. Our construction workers have an unemployment rate that is over 13 percent—more than 4 points above the national average. These are not acceptable realities in this country.

Americans spend 4.8 billion hours every year stuck in congestion, stuck in traffic.

When you look at what happens in other countries, other countries that are spending 7, 8, 9 percent of their gross national product on infrastructure, we are barely hanging in at 2 percent. Yet we want to be a competitive nation, we want to be a nation that makes things again, that exports to the world. If we do not have the air traffic control system that works, if we don't have the bridges that work, if we don't have the highways that work, if we don't have the waterways to bring our barges down to bring our goods to market, we are not going to be able to compete in this economy. This is simply not an acceptable reality for a country such as America.

Think about the Interstate Highway System, built during Eisenhower's Presidency with a Democratic Congress. Think about rural electrification. These things were built during difficult times in this country. Why? Because we didn't think America was about just tinkering at the edges, we believed America was about moving ahead. That is why we need to move forward today on the Rebuild America Jobs Act. All of us recognize the urgent need for new and bold initiatives to fix what is broken and to build the roads, the bridges, and the airports we need to fuel a 21st-century export economy.

The infrastructure bank, which is, of course, included in this legislation, is

something that has enjoyed bipartisan support from the beginning. It is one of those initiatives that will foster public-private partnership, with the potential to leverage hundreds of billions of dollars for infrastructure investment. It is about big projects, but it is also about rural projects in States such as Vermont and Minnesota. It is about wastewater treatment plants and water projects and sewer projects—work that has been neglected for way too long.

Fixing our Nation's infrastructure will provide a broad range of benefits. We can reduce our congestion, we can better compete globally, and we can create jobs and improve public safety. This is about working to ensure that no bridge ever again collapses in the middle of America. This is our challenge. We cannot put it off any longer. This is the time to act.

Traditionally, there had been no such thing as a Democratic bridge or a Republican bridge. In fact, the Transportation Secretary for President Obama is a former Republican Congressman. We have come together on infrastructure. We cannot come apart. This is the time to come together.

I urge my colleagues to vote to allow this bill to proceed to a vote.

Mr. President, I yield back all the time on both sides, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion to proceed to S. 1769. Under the previous order, 60 votes are required to adopt the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—49

Alexander	Crapo	Kyl
Ayotte	DeMint	Lee
Barrasso	Enzi	Lieberman
Blunt	Graham	Lugar
Boozman	Grassley	McCain
Brown (MA)	Hatch	McConnell
Burr	Heller	Moran
Chambliss	Hoeven	Murkowski
Coats	Hutchison	Nelson (NE)
Coburn	Inhofe	Paul
Cochran	Isakson	Portman
Collins	Johanns	Risch
Corker	Johnson (WI)	Roberts
Cornyn	Kirk	Rubio

Sessions
Shelby
Snowe

Thune
Toomey
Vitter

Wicker

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—47

Alexander
Ayotte
Barrasso
Blunt
Boozman
Brown (MA)
Burr
Chambliss
Coats
Coburn
Cochran
Collins
Corker
Cornyn
Crapo
DeMint

Enzi
Graham
Grassley
Hatch
Heller
Hoeven
Hutchison
Inhofe
Isakson
Johanns
Johnson (WI)
Kirk
Kyl
Lee
Lugar
Manchin

McCain
McConnell
Moran
Murkowski
Paul
Portman
Risch
Roberts
Rubio
Sessions
Shelby
Thune
Toomey
Vitter
Wicker

NAYS—53

Akaka
Baucus
Begich
Bennet
Bingaman
Blumenthal
Boxer
Brown (OH)
Cantwell
Cardin
Carper
Casey
Conrad
Coons
Durbin
Feinstein
Franken
Gillibrand

Hagan
Harkin
Inouye
Johnson (SD)
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (NE)

Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Snowe
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

The PRESIDING OFFICER (Mrs. McCaskill). On this vote, the yeas are 51, the nays are 49. Under the previous order requiring 60 votes for the adoption of this motion, the motion to proceed is rejected.

The majority leader.

Mr. REID. Madam President, we wish to outline what the rest of the day appears to be.

I ask unanimous consent that notwithstanding the previous order, following the next vote, the Senate proceed to executive session to consider the following nominations: Calendar No. 353 and Calendar No. 356; that there be 15 minutes for debate equally divided in the usual form; that following that debate, Calendar No. 356 be confirmed and the Senate proceed to vote with no intervening action or debate on Calendar No. 353, with the provisions of the previous order remaining in effect; and that the next 2 votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to proceed to S. 1786.

Under the previous order, 60 votes are required to adopt this motion. Under the previous order, there will now be 2 minutes of debate, equally divided.

Who yields time?

The Senator from California.

Mrs. BOXER. Madam President, what is before us now is supposed to be a jobs bill. Actually, all they do in this alternative, my Republican friends, is extend the highway trust fund at the current levels. That is something we intend to do, and Senator INHOFE and I are going to bring the bill to the floor that does that, but they decided they want to do it now. And how do they pay for it? They cut \$40 billion out of such functions as firefighters, police, Border Patrol, food safety inspectors, and we will lose 200,000 jobs from that action.

In addition, there are two rollbacks of environmental laws that deserve a heck of a lot more notice than putting them in this bill. That is going to hurt our people because if you can't breathe, you can't work. We have to get the mercury and the soot and the arsenic out of the air.

I hope we will vote no on this. It is not a jobs bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

All time is yielded back.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

EXECUTIVE SESSION

NOMINATION OF SCOTT WESLEY SKAVDAHL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING

NOMINATION OF RICHARD G. ANDREWS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Scott Wesley Skavdahl, of Wyoming, to be United States District Judge for the District of Wyoming, and Richard G. Andrews, of Delaware, to be United States District Judge for the District of Delaware.

The PRESIDING OFFICER. There is 2 minutes, equally divided.

The Senator from Wyoming.

Mr. ENZI. Madam President, I wish to ask for your wholehearted support for Judge Skavdahl of Wyoming. He was nominated by our Democratic Governor. He was appointed by the President, and he has the wholehearted support of our delegation. We have spoken for him in committee and are doing that again on the floor. We have a full statement we submitted. So I would thank you for your vote on this nomination. He came up through the courts in Wyoming and now will be a Federal judge, with your help.

I thank the Chair.

Mr. LEAHY. Madam President, I thank the majority leader for securing votes on 2 of the 22 judicial nominees on the Senate's Executive Calendar ready for Senate consideration. I am glad that we will finally vote on the nominations of Scott Skavdahl to the District of Wyoming and Richard Andrews to the District of Delaware, both qualified, consensus nominees reported unanimously by the Judiciary Committee nearly 2 months ago. I wish that we were able to vote today on the other 20 judicial nominees who have been ready and waiting for final Senate action.

This morning the Judiciary Committee reported another 5 judicial nominations, bringing the total to 27 who have been thoroughly vetted, considered and reported by the Judiciary Committee. All 27 of these nominees are qualified and have the support of their home State Senators, Republican and Democratic. Twenty-three of the 27 nominees, like the 2 we will consider today, were unanimously approved by the Judiciary Committee with all members. Senate Democrats are prepared to have votes on all these important nominations. I know of no good reason why the Republican leadership

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate having received from the House a message with respect to H.R. 2112, the Senate insists on its amendments, agrees to a conference with the House, and the Chair appoints Mr. KOHL, Mr. HARKIN, Mrs. FEINSTEIN, Mr. JOHNSON of South Dakota, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. BROWN of Ohio, Mr. INOUE, Mrs. MURRAY, Ms. MIKULSKI, Mr. BLUNT, Mr. COCHRAN, Mr. MCCONNELL, Ms. COLLINS, Mr. MORAN, Mr. HOEVEN, Mrs. HUTCHISON, and Mr. SHELBY conferees on the part of the Senate.

is refusing to proceed on the 20 nominees who have been stalled before the Senate for weeks and months. At a time when vacancies on Federal courts throughout the country remain near 10 percent, the delay in taking up and confirming these consensus judicial nominees is inexcusable.

The American people need functioning Federal courts with judges, not vacancies. Though it is within the Senate's power to take significant steps to address this problem, refusal by Senate Republicans to consent to voting on consensus judicial nominations has kept vacancies high for years. The number of judicial vacancies has been near or above 90 for over 2½ years. A recent report by the nonpartisan Congressional Research Service found that we are in the longest period of historically high vacancy rates in the last 35 years. These needless delays do nothing to help solve this serious problem and are damaging to the Federal courts and the American people who depend on them.

More than half of all Americans—over 163 million—live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations reported by the Judiciary Committee with bipartisan support. As many as 26 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

Senator GRASSLEY and I have worked together to ensure that each of the 27 nominations reported by the Judiciary Committee was fully considered after a thorough but fair process, including completing our extensive questionnaire and questioning at a hearing. This White House has worked with the home State Senators, Republicans and Democrats, and each of the judicial nominees being delayed from a Senate vote is supported by both home State Senators. The FBI has conducted a thorough background review of each nominee. The American Bar Association's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. When the nominations are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they begin serving the American people.

Despite the damagingly high number of vacancies that has persisted throughout President Obama's term, some Republican Senators have tried to excuse their delay in taking up nominations by suggesting that the Senate is doing better than we did dur-

ing the first 3 years of President Bush's administration. That is simply not true. It is wrong to suggest that the Senate has achieved better results than we did in 2001 through 2003. As I have pointed out, in the 17 months I chaired the Judiciary Committee in 2001 and 2002, the Senate confirmed 100 of President Bush's Federal circuit and district court nominees. By contrast, after the first 2 years of President Obama's administration, the Senate was allowed to proceed to confirm only 60 of his Federal circuit and district court nominees.

Indeed, as 2010 was drawing to a close, Senate Republicans refused to proceed on 19 judicial nominees who had been considered and reported by the Judiciary Committee and forced them to be returned to the President. It has taken the Senate nearly twice as long to confirm the 100th Federal circuit and district court judge nominated by President Obama as we had when President Bush was in the White House.

During the third year of President Bush's administration, the Senate confirmed 68 of his Federal circuit and district court nominees. By early November, 66 judges had been confirmed. In contrast this year, even including many nominees confirmed this year who should have been confirmed last year, the Senate has only confirmed 53 of President Obama's judicial nominees. Fifty-three is not better than 66. By this point in President Bush's first 3 years, the Senate had confirmed 166 of his Federal circuit and district court nominees. So far in the 3 years of the Obama administration, that total is only 113. One hundred and thirteen is not better than 166. Notably, the Senate this year is lagging far behind the pace we set for circuit court nominations in the third year of President Bush's administration. The Senate this year has confirmed just 6 circuit court nominations, compared to 12 at this point in President Bush's third year. The six confirmations this year are only half as many as were confirmed at this point in President Bush's third year. There are five circuit court nominations pending on the Senate's Executive Calendar today and a sixth circuit court nomination reported by the committee this morning. By this point in the third year of President Bush's administration, the Senate had confirmed a total of 29 of his circuit court nominees. By comparison, the Senate has confirmed only 22 of President Obama's circuit court nominees. Twenty-two is not better than 29. By this point in the Bush administration, vacancies had been reduced to 42. Today they stand at 85. Eighty-five vacancies is not better than 42.

This is not the way to make real progress. No resort to percentages of nominees "processed" or "positive action" by the committee can excuse the

lack of real progress by the Senate. In the past, we were able to confirm consensus nominees more promptly, often within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

I think confirmations and vacancies numbers better reflect the reality in our Federal courts and for the American people. It is hard to see how the Senate is supposed to be doing better when it remains so far behind the pace we set in those years. During President Bush's first 4 years, the Senate confirmed a total of 205 Federal circuit and district court judges. As of today, we would need another 92 confirmations over the next 12 months to match that total. That means a faster confirmation rate for the next 12 months than in any 12 months of the Obama administration to date. That would require Senate Republicans to abandon their delaying tactics. I hope they will.

The two nominations we consider today are each superbly qualified consensus nominees whom I expect will be confirmed with significant bipartisan support. The nomination of Judge Scott Skavdahl to fill a vacancy on the District of Wyoming was reported unanimously by the Judiciary Committee on September 8, nearly 2 months ago. Judge Skavdahl, who is currently a magistrate judge on the District of Wyoming, having previously served as a law clerk for Chief Judge William Downes, the judge he is nominated to replace, has the strong support of his Republican home State senators, Senators ENZI and BARRASSO. Judge Skavdahl spent 8 years as a State court judge for the Seventh Judicial District of Wyoming before that working in private practice in Wyoming. The ABA's Standing Committee on the Federal Judiciary unanimously rated Mr. Skavdahl "well qualified" to serve, its highest rating.

The Judiciary Committee also unanimously reported the nomination of Richard Andrews to fill a vacancy on the District of Delaware nearly 2 months ago. Mr. Andrews currently serves as Delaware's State prosecutor, having previously spent 24 years as a Federal prosecutor in Delaware, where he rose through the ranks to become chief of the Criminal Division. Mr. Andrews was appointed to serve as the acting U.S. attorney for Delaware on three occasions, including by John Ashcroft, the Attorney General under President Bush. He also clerked for Chief Judge Collins Seitz of the U.S. Court of Appeals for the Third Circuit. Mr. Andrews has the strong support of both his home State Senators, Senator CARPER and Senator COONS, who

worked with Mr. Andrews in Delaware. I thank Senator COONS for chairing the committee's hearing on Mr. Andrews' nominations and for working hard to move it through the committee and Senate process.

The Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for well over 2 years. We can and must do better for the more than 163 million Americans being made to suffer by these unnecessary Senate delays.

Mr. GRASSLEY. Madam President, today the Senate will confirm two more judicial nominees, which will be the 52nd and 53rd article III confirmations of this Congress. We have confirmed 17 judges in the past 30 days.

I may sound like a broken record, but despite what others have said, we have and continue to make real progress on consensus nominees. We have taken positive action on 85 percent of the judicial nominees submitted by President Obama this year. Over 91 percent of nominees submitted during President Obama's Presidency have had their hearing. With these votes, only during 8 of the last 30 years has the Senate confirmed more judicial nominees than we have done during this year.

I would like to say a few words about the nominees, both of whom I support.

Scott Wesley Skavdahl is nominated to be a district court judge for the District of Wyoming. He is a graduate from the University of Wyoming and their College of Law. Judge Skavdahl began his legal career in 1992 as an associate attorney at the law firm of Brown, Drew, Massey & Sullivan. After 2 years with the firm, he departed for a 3-year clerkship with the Honorable William F. Downes on the District Court for the District of Wyoming.

In 1997, he returned to private practice at the firm Williams, Porter, Day & Neville, where he made partner in 2000. From 2001 to 2003, Judge Skavdahl served as a part-time U.S. magistrate judge. He also served as a State district judge for the Seventh Judicial District of Wyoming from 2003 to 2011. In February 2011, Judge Skavdahl was appointed U.S. magistrate judge for the District of Wyoming, a post he holds to this day.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Skavdahl with a unanimous "well qualified" rating.

Richard G. Andrews is nominated to be a district judge for the District of Delaware. Mr. Andrews received his bachelor of arts from Haverford College in 1977 and a juris doctorate from the University of California at Berkeley Boalt Hall School of Law in 1981.

He began his legal career as a law clerk to the Honorable Collins J. Seitz, Chief Judge of the U.S. Court of Ap-

peals for the Third Circuit. Mr. Andrews then joined the Office of the United States Attorney for the District of Delaware as a Federal law clerk. After a year in that position, he was named an assistant U.S. attorney.

Mr. Andrews spent the next 24 years in that office, handling a mix of criminal and civil cases in Federal district court. He has served on three occasions as acting or interim U.S. attorney, was first assistant for a number of years in the office, and served as chief of the Criminal Division.

Since 2007, Mr. Andrews has served as State prosecutor within the Delaware Department of Justice.

The American Bar Association Standing Committee on the Federal Judiciary has rated Mr. Andrews with a substantial majority "well qualified," minority "qualified" rating.

The PRESIDING OFFICER. Who yields back time?

Mr. HARKIN. Madam President, I yield back all time on our side.

The PRESIDING OFFICER. Time is yielded back.

Under the previous order, the nomination of Richard G. Andrews, of Delaware, to be United States District Judge for the District of Delaware is confirmed.

The question is, Will the Senate advise and consent to the nomination of Scott Wesley Skavdahl, of Wyoming, to be United States District Judge for the District of Wyoming?

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 197 Ex.]

YEAS—96

Akaka	Carper	Graham
Alexander	Casey	Grassley
Ayotte	Chambliss	Hagan
Barrasso	Coats	Harkin
Baucus	Cochran	Hatch
Begich	Collins	Hoeven
Bennet	Conrad	Hutchinson
Bingaman	Coons	Inhofe
Blumenthal	Corker	Inouye
Blunt	Cornyn	Isakson
Boozman	Crapo	Johanns
Brown (MA)	DeMint	Johnson (SD)
Brown (OH)	Enzi	Johnson (WI)
Burr	Feinstein	Kerry
Cantwell	Franken	Kirk
Cardin	Gillibrand	Klobuchar

Kohl	Moran	Sessions
Kyl	Murkowski	Shaheen
Landrieu	Murray	Shelby
Lautenberg	Nelson (NE)	Snowe
Leahy	Nelson (FL)	Stabenow
Lee	Paul	Tester
Levin	Portman	Thune
Lieberman	Pryor	Toomey
Lugar	Reed	Udall (CO)
Manchin	Reid	Udall (NM)
McCain	Risch	Vitter
McCaskill	Roberts	Warner
McConnell	Rockefeller	Webb
Menendez	Rubio	Whitehouse
Merkley	Sanders	Wicker
Mikulski	Schumer	Wyden

NOT VOTING—4

Boxer	Durbin
Coburn	Heller

The nomination was confirmed.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, the motions to reconsider are considered made and laid upon the table. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session. The Senator from Vermont.

MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

THE HIGHWAY BILL

Mr. INHOFE. Madam President, after the vote today, I think that any effort to pass a bill such as the ones we just voted on would be very difficult. But something good does happen from that; that is, we had the vast majority of people in the Chamber recognizing that we need to do something that would be stimulative to the economy—something unlike the stimulus bill we had before, where only 3 percent of the money actually went to building roads, highways, maintenance, and that type of thing.

I do appreciate the fact that we are now in a position where I think, with this behind us, we can be looking at a good, legitimate highway transportation reauthorization bill. I have been working very closely with Senators BOXER, VITTER, and BAUCUS—we are considered the "big four" in the Environment and Public Works Committee—to come up with something. I have to say that we have worked very hard, and I am talking about hours and hours. Anytime you can get Senator BARBARA BOXER from California and me to agree on something, you know we have gone through a lot of work—

and we have. We have gone through a lot of give and take.

Senator BOXER and I, along with Senators VITTER and BAUCUS, recognize that we desperately need to have a transportation reauthorization bill, and we need to do it the right way. All these things we have been doing with extensions don't work. There is not a Member of this Chamber who doesn't go back every week and talk to his transportation director and say why can't we quit these extensions and get a good bill.

We have a good bill, and we are talking about reforms. It is our intention next week, I believe, to mark up this bill. We are looking forward to that. I have a very strong bias toward transportation. For the years I was in the House, I was on that committee. We didn't have these problems then. We had a highway trust fund that always had a surplus because we were very aggressive at that time and, of course, a lot more people were purchasing gas at that time and revenues were up. So we had a surplus.

Unfortunately, this always happens in Washington, DC. Members came along and looked at the surplus, and that was a target. Everybody wanted in on it, so they put their deals into the highway trust fund. That is partly why we got to where we are today.

I appreciate the conversation we have gotten from the President. He talks about how he wants infrastructure, and he has a picture of where he was standing in front of a bridge making a speech about creating jobs. But he doesn't have anything in his program that does anything with infrastructure. Our problem is that President Obama has been talking the talk, and he has spoken more about infrastructure than any other President since Eisenhower proposed the Interstate Highway System. But when you get up to the \$800 billion stimulus bill, in doing the calculations, only 3 percent—about \$27 billion of that—was in highway construction or maintenance. Senator BOXER and I made an effort on the floor—a bipartisan effort—to try to raise the percentage. I wanted it up to 10 percent or higher, but we were unable to do it. The President was not on our side on that.

I think the good news is that today's votes, of both Democrats and Republicans, showed that they are very interested and supportive of a highway bill. We have gotten a lot of that out of the way and we can concentrate on a highway bill. I think both parties are trying to create jobs and economic growth through the building of highways and bridges.

Most Americans are unaware of how damaging regulations are. When I stop and think about proposing a massive program, which is what we are talking about now—reauthorization program—it is massive in that the funding level

would probably stay the same as it has been since the highway authorization bill of 2005. But when they talk about that, we are always faced with the regulation problems. We are trying to address in this bill the regulation problems that are out there to try to have some shortcuts, to try to get some things done that otherwise would take a lot longer. Regulations have been a huge problem.

EPA REGULATIONS

This administration's Environmental Protection Agency alone has an unprecedented number of regulations, and they are destroying jobs. The results are there. I will mention the five most expensive regulations of all the regulations that have come out.

First is the greenhouse gas regulation. I think we all know what that is. That is them trying to do something through regulations they were unable to do through legislation.

Second, ozone, the national ambient air quality standards. That would be about a \$678 billion loss in GDP by 2020.

Incidentally, I failed to mention the greenhouse gas regulations, which would be in excess of \$300 billion to \$400 billion a year.

The boiler MACT regulations—that would be a \$1 billion loss to GDP. Utility MACT—MACT is maximum achievable technology. In other words, one of the problems with all these MACT bills coming out of the administration is that there is no technology available to carry out the mandates on emissions. Cement MACT is another, with \$3.5 billion in compliance costs.

Fortunately, in September, President Obama withdrew the EPA's proposed toughened ozone standards. There is good reason for that, and one is that ozone standards are supposed to be predicated upon new science. This was on the same science that the last ozone changes were based on. I think when people caught on to that and recognized what it would cost—in Oklahoma, we would be looking at some 15 counties that would be out of attainment, and there is nothing more dreadful that could happen to a State than have your counties go out of attainment so that you are not able to recruit jobs, or even keep the jobs you have. We would be talking about around 7 million jobs throughout the United States. Because of that, politically, he postponed that. Frankly, I think he is postponing it until after the next election. If he should be re-elected, I can assure you we will see that again.

Democrats always say we need to have tax increases and that is the best way to grow. I look at this sometimes. Recently, the Office of Management and Budget came up with a calculation that is consistent with one I have been using for 20 years: For each 1-percent increase in economic activity in this country, or 1-percent growth, that

equates to about \$50 billion of new revenue. Interestingly enough, this is all a Republican idea. President Kennedy, who was a Democrat, said we have to raise more money for the Great Society, and the best way to raise money is to reduce marginal tax rates. He did it and it worked. We saw what President Ronald Reagan did in the years that followed that. During the 8 years he was in office, the proceeds for marginal rates went from \$204 billion to \$466 billion. That was at a time when rates were reduced more than any other 8-year period in history. We are looking at other opportunities to reduce regulations and all that so we can resolve the problem.

There is one thing that is very important—and I know there is nobody in this Chamber who doesn't recognize the concern I have expressed over the years about the legislation proposed ever since the Kyoto treaty on legislative cap and trade. Every time there is an analysis made—whether by MIT, or by the Wharton School, Charles Rivers, or any of the rest of them—the range of the cost of cap and trade legislatively is always between \$300 billion and \$400 billion a year. We found out that if you do it by regulation, it is going to be far more than that. These are Democrats who are on record as saying that. Lisa Jackson, for whom I have a great deal of respect, is the Obama-appointed Director of the Environmental Protection Agency. Every time I ask her a question, she gives me an honest answer. She said:

I have said over and over, as has the President, that we do understand that there are costs to the economy of addressing global warming emissions, and that the best way to address them is through a gradual move to a market-based program like cap and trade.

Yes, they would cost a lot of money. Nobody refutes the \$300 billion to \$400 billion figure.

JOHN KERRY said this:

If Congress does not pass legislation dealing with climate change, the administration will use the Environmental Protection Agency to impose new regulations.

These regulations would be more expensive. I think the EPA admitted that if they were able to accomplish this through regulations, they would need to hire an additional 230,000 employees and spend an additional \$21 billion to implement its greenhouse gas regime.

All of this economic pain is for no gain. As EPA Administrator Jackson also admitted before the EPA committee, these regulations will have no effect on the climate. I want to mention that. That is significant. A lot of people disagree with me in terms of the impact of CO₂ emissions and all of that.

Let me say this. Two things having to do with that issue are very important. One is that if we were to pass legislation or do something through regulation that would be aimed at reducing greenhouse gases, would this have an effect on the reduction of emissions

worldwide? I asked that question to Lisa Jackson, and her answer was "no." Obviously, the problem is not here in the United States, it is in China, India, and other places.

In looking at it that way, I have to also mention that we all know what happened with climategate. We all know, when we went in and started an endangerment finding, it was based on the science that came from the IPCC, which has now been totally discredited. When I have more time, I will go into the details as to how that was discredited. For example, this was such a great scandal, the Daily Telegraph said:

This scandal could well be the greatest in modern science.

So that is what was happening. They were cooking the science at the United Nations and the IPCC. Now we are at the point where we asked for an inspector general opinion as to whether the EPA had followed the proper guidelines in trying to regulate greenhouse gases, and, in fact, they did not follow the right guidelines.

So I would only say that the inspector general's investigation uncovered that the EPA failed to engage in the required record-keeping process leading up to the endangerment finding decision, and it also did not follow its own peer review procedures to ensure that the science behind the decision was sound science. EPA Administrator Lisa Jackson readily admitted the science that was used was flawed, the science used by the Intergovernmental Panel on Climate Change.

So I would say this: We are concerned about what is going to happen now. We are concerned about the overregulations. We are concerned about the process that has been used and how regulations are used to support an agenda the President has.

I will mention one last thing, and that is a regulation I didn't mention before. Of the five most expensive regulations, this isn't one of them, but it could end up costing the most. We know for a fact that the United States of America—we have a report now that shows that with all the findings and with all the good things that are happening in the shale throughout the United States and elsewhere in the Northern Hemisphere, we could be totally free from dependency on any other country if we would just get politicians out of the way and develop our own resources.

We have enough natural gas to meet America's demand for 90 years and enough oil for 50 years, but in order to do this, they have to use a process called hydraulic fracturing. Ironically, that was started in my State of Oklahoma in 1949 and has been used ever since that time, and there has never been a confirmed case of groundwater contamination. Nonetheless, right now we see that they are going through this

process of saying: We are going to take over the regulation of hydraulic fracturing from the States and place it with the Federal Government. I have to be suspicious that there is motive behind that, and that motive is to restrict the use of hydraulic fracturing.

We could open the east coast, the west coast, the gulf coast, the northern slope, and everything else, but if we can't use that process, we will not be able to achieve energy independence, which we can do. We don't have to use anything new that is out there other than oil, gas, and coal. With what is happening right now with hydrogen, we have an opportunity to become self-sufficient.

With that, I will yield the floor so my good friend can make his comments.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

TRIBUTE TO THE 389TH EXPEDITIONARY FIGHTER SQUADRON

Mr. RISCH. Madam President, I rise today to recognize the valor and accomplishments of the 389th Expeditionary Fighter Squadron. The 389th—better known as the T-Bolts—is part of the 366th Fighter Wing based at Mountain Home Air Force Base in Idaho. At Mountain Home, the squadron is composed of 80 airmen from across the United States, including aviators and essential ground personnel. While deployed, the squadron grew to over 400, including maintainers, intelligence personnel, and support staff from the 366th.

In May 2011, the T-Bolts deployed to Bagram airbase in Afghanistan, with 18 F-15E Strike Eagles to support Operation Enduring Freedom. In the process, they demonstrated resolve and what can be accomplished through fierce loyalty to each other and to our country. The T-Bolts prosecuted 3,100 combat missions and dropped 800 tons of ordnance. They supported 3,700 ground missions by American and allied forces and responded to 820 "troops in contact" emergency combat support calls. In addition, they worked directly with special operations forces to destroy 170 enemy weapons caches and capture 620 detainees, including 90 high-value individuals.

The diligence of the maintainers and ground personnel ensured that the 389th met 100 percent of their taskings without missing a single sortie. And the pilots and weapons system officers broke the F-15E deployment record, flying more than 14,000 hours in just over 6 months.

Through their excellence and determination, the 389th kept relentless pressure on the al-Qaida network, killing key members of their senior leadership. Additionally, they directly supported numerous large-scale coalition ground operations with kinetic and non-kinetic effects as they provided le-

thal close air support across Afghanistan.

The men and women of the 389th made a real and substantial contribution to the safety of America, the success of the global war on terror, and the destruction of al-Qaida and those who would do us harm. By successfully taking the fight to the enemy, the T-Bolts helped write the history of the early 21st century through their tenacity and courage.

No one summed it up better or more eloquently than the commander of the 366th Fighter Wing, COL Ron Buckley, who said of his airmen:

I am incredibly proud of the professionalism and dedication our gunfighters displayed while flawlessly executing their mission to deliver precise combat air power for joint operations on the ground. From aircrews to maintainers to support, the T-Bolts carried on the incredible legacy of the gunfighters and answered our Nation's call.

I also want to take this important opportunity to honor America's unsung heroes by recognizing and commending the families and loved ones of those who serve in the 389th. We are also proud of their service, their commitment, and the immense sacrifices they made and continue to make on behalf of our country.

The T-Bolts served honorably in defense of a grateful nation, and I am pleased today to recognize the heroic members of the 389th for their valorous service while deployed in support of Operation Enduring Freedom.

I am reminded of the core values of the Air Force: integrity first, service before self, and excellence in all you do. There is no better example than the airmen of the 389th Expeditionary Fighter Squadron. With consummate bravery and boldness, the T-Bolts honor every American through a spirit of dedication and a sense of duty to defend a cause larger than one's self. For their efforts, we and future generations are forever indebted and eternally grateful.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EPA REGULATIONS

Mr. INHOFE. Madam President, I apologize to the Chair. I had a misunderstanding as to where we were, and I only wanted to try to get the point across, which I think I failed to do, regarding the cost of these regulations.

I think I used as an example the five—I mentioned, actually, six when

you consider hydraulic fracturing also as one of the regulations. By far, the one that is the most expensive is the regulation that would be for the greenhouse gases. I think we have pretty much established the cost to do a cap-and-trade bill and the range being from \$300 billion to \$400 billion. The quotes I used, which I won't repeat now, were from Administrator Jackson and Senator KERRY and others stating that doing it through regulation would be far more expensive. So I think we need to be looking at it in terms of about \$400 billion a year. This would be a tax on the American people. This would be the cost to our GDP.

I remember back in 1993 when we had the Clinton-Gore tax increase. It was the largest one in four decades at that time. It was an increase in the death tax, an increase in marginal rates, an increase in capital gains—an increase in almost all taxes—and it was a \$30 billion tax increase. What we are talking about here is a tax increase that is 10 times that great—10 times. We are using the figure now of \$400 billion because we know that through regulation, it will cost more.

Again, I go back and repeat the quote we had from Administrator Jackson of the EPA, who said in response to my question, live in our committee, if we were to pass legislation—at that time, I think it was the Waxman-Markey bill, although it doesn't really matter because cap and trade is cap and trade—would that reduce overall emissions, and she said no because it would only apply to the United States.

I would carry it one step further. If we were to pass or do anything through regulation here, all it will do is cause our manufacturing base to go out and find the energy necessary to operate. And where do they go? They go to places such as China, India, and Mexico—places that have almost no emission standards. So if there is a pollution problem, it becomes much greater, not less, in terms of overall emissions.

Another situation I often talk about is the time before I left to go to the Copenhagen United Nations event, where they were going to try to convince the rest of the world that we were going to pass legislation that would be cap and trade and impose this tax on the American people.

In a committee hearing, I said to Administrator Jackson: I have a feeling that as soon as I leave town, you are going to have an endangerment finding.

Sure enough, that is what happened.

I said: When you have an endangerment finding, it has to be based on science. So what science would you be using?

She said: By and large, it would be the science developed by the United Nations Intergovernmental Panel on Climate Change.

Ironically, right after that, climategate came up and really destroyed the legitimacy of the IPCC.

I have read some of the quotes that were given by different people when they talked about climategate. One of them is a British writer George Monbiot, who is known for his environmental and political activism, and he is on the other side of this. He writes a weekly column for the Guardian. He said:

Pretending that this isn't a real crisis isn't going to make it go away.

Here, he is referring to climategate and the fact that they were cooking the science.

Nor is an attempt to justify the emails with technicalities.

Again talking about the participants in IPCC.

We'll be able to get past this only by grasping reality, apologizing where appropriate and demonstrating that it cannot happen again.

I also mentioned the Daily Telegraph in the UK. Quoting from it:

This scandal could well be the greatest in modern science.

Then the Atlantic Magazine, which generally is editorializing the other side of this issue, said:

The closed-mindedness of these supposed men of science, their willingness to go to any lengths to defend a preconceived message, is surprising even to me. The stink of intellectual corruption is overpowering.

That was the loss of credibility of the whole idea of the science that was put together by the Intergovernmental Panel on Climate Change at the United Nations. But to make it even worse, we requested that the inspector general do a study and report back as to the science and how the science was developed by the IPCC and whether it followed the guidelines that were necessary. They came back just 1 week ago with a report that says the EPA has failed to follow the responsible guidelines. In fact, even before the scope of the study was finalized today, the EPA was already collecting data samples at the undisclosed fracking sites, so they are going in now to using the same type of flawed science and going after other parts of their agenda. In this case, it would be hydraulic fracturing, which I mentioned just a few minutes ago, is an attempt to stop our ability to develop our own resources.

In the course of this overregulation, I think we have to keep in mind and to keep talking about these six greatest and most costly regulatory problems that we have out there and how much it is going to cost the American people. Again, the one that is the most serious right now is trying to regulate and do a cap-and-trade through the regulations as opposed to doing it through legislation.

We are going to keep talking about that. It is not going to go away. People think time will make people forget.

But we don't forget something of that magnitude.

I did a calculation in my State of Oklahoma; as I always do, I get the number of families who file a tax return each year. When something comes along that will cost something, I do the calculation and I do the math and then I go back to the American people and say: Get ready. This is what it is going to cost.

If we were to have passed any of the bills that were like the Kyoto Protocol, and the last one being the Waxman-Markey bill, the cost would have been at least \$300 billion. If we take that annual cost, that would cost my tax-paying families in Oklahoma in excess of \$3,000 a family, and they get nothing for it.

We can do an awful lot of talking about the deficits and the spending of this administration. Let's don't overlook perhaps the most expensive thing to the American people; that is, the overregulation that makes us non-competitive with the rest of the world.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

PUBLIC DEFENDER JOHN J. HARDIMAN

Mr. REED. Madam President, I rise to pay tribute to John Hardiman, public defender for the State of Rhode Island, who passed away several days ago.

John was, frankly, the finest public servant I have ever seen in my entire career, as a soldier, as an elected official. I have never encountered anyone with the dedication, decency, and the determination of John Hardiman. He literally devoted his life to the office of public defender in the State of Rhode Island.

He graduated from law school in 1982. He started as a staff attorney there, worked his way up to the head of trial division, and then became the public defender for the entire State of Rhode Island.

His life was devoted to the law. Quietly, persistently, with diligence, dedication, and decency, he sought to do justice—justice not to the powerful or privileged but for the powerless. Indeed, in many cases, his clients were not only notorious; they were infamous. But John knew the test of our ideals, the test of our legal system, and of our constitutional form of government was that the laws would not simply protect the powerful and privileged, but that they protect all Americans.

Above the entrance of the U.S. Supreme Court are the words "Equal Justice Under Law." For many people, even lawyers, those are just words. For John Hardiman, it was his life's vocation, and he made real those words in the lives of every Rhode Islander.

John was a tenacious advocate, but he was always a remarkably modest

and decent man. His legal skills rested on a foundation of unimpeachable integrity and decency. He dedicated his life to serving others. In that advocacy and vocation, he was following the example of his father, Dr. James Hardiman, and his mother. They left John a shining example of compassion and concern, a generous spirit, and a humble heart. All his brothers and sisters follow that same example as they, too, in their lives served others.

I had the privilege of growing up with John. He was one of the little kids in school, about 5 years younger, but he always had the reputation—entirely justified—of being a good kid. Where I come from, being a good kid was the highest form of praise. That good kid turned out to be an extraordinary man, advocate, and public servant. This is a poignant moment for me because I recall the many times I saw him throughout his life and my life, as a young student in grammar school, as an athlete similar to his brothers, as a lawyer, as a public defender, as a public servant. He was someone whom you were always glad to see, and those types of individuals are rare and precious, indeed.

John's passing diminishes all of us, especially his family. But his life has touched the lives of every Rhode Islander. Many will never recognize what he has done. But in standing for justice and for the rule of law and for the rights of those who are in the shadows, he stood for all of us, nobly, decently, with a proud spirit but a gentle spirit also. We have all been diminished, but what he has done for us has made us stronger and better and more ready to go on to take up his work. His example will sustain us and inspire us as we go forward, as we try to finish his noble work.

I wish to especially extend my condolences to his children, Elizabeth and Emmett, and to all his family. Rhode Island has lost an extraordinary public servant, an extraordinary gentleman. But we are better for having known him, we are better for having him serve us so well, so courageously, so decently.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPERCOMMITTEE DELIBERATIONS

Mr. SANDERS. Madam President, there has been a lot of discussion in the Senate, in the House, and in the media about what the supercommittee is

doing and what they should be doing. The American people understand their responsibility in terms of trying to reduce our national debt and our deficit is difficult. I wish them the best of luck in coming up with a solution.

My hope, simply stated, is that the supercommittee will do what the American people want them to do. The American people, through demonstrations all over this country and in poll after poll, have made it pretty clear what they want to see happen. The American people are becoming more and more aware that there is something very wrong in this country when we have the most unequal distribution of income and wealth of any major country on Earth; when the top 1 percent earns more income than the bottom 50 percent; when in a recent 25-year period, 80 percent of all new income went to the top 1 percent; and when the gap between the very rich and everybody else is wider today than it has ever been since 1928, the year before the Great Depression.

If anyone thinks distribution of income in this country is unfair, then they should look at distribution of wealth, which is much more unfair. Today the wealthiest 400 Americans own more wealth than the bottom half of America, 150 million people—400 people, 150 million Americans. That unbelievable inequality in terms of wealth, in my view, is not only morally wrong, it is very bad economics, and it is not sustainable.

When the supercommittee deliberates as to where they should go, I think one direction is very clear. The American people of all political spectrums have made their point of view known very strongly on this issue. Whether Democrat, Independent, or Republican, poll after poll shows when the wealthiest people in this country are becoming wealthier; when, as Warren Buffett reminds us, their effective tax rate—i.e. real tax rate—is the lowest it has been in decades; yes, the wealthiest people in this country are going to have to pay more in taxes to enable us to go forward on deficit reduction.

So any serious plan brought forth by the supercommittee must ask the wealthiest people in this country to pay more in taxes. Furthermore, as I think everybody knows, we have corporation after corporation that benefits from huge tax loopholes.

A study just came out today that shows one out of four major corporations pays nothing in taxes. Recently, there are examples that major corporations made billions of dollars in profit and not only paid nothing in taxes but got rebates from the IRS. Many of these corporations stash their profits in tax havens in the Cayman Islands and elsewhere to avoid U.S. taxes.

I think the American people are very clear; if we are going to go forward

with deficit reduction, large corporations are also going to have to start paying their fair share of taxes. This is across the political spectrum.

I hope the supercommittee is hearing and understands that any agreement must contain significant revenue from the wealthiest people in this country and from the largest corporations.

Furthermore, at a time when military spending has tripled since 1997, I hope as part of their agreement that the supercommittee takes a hard look at our defense budget and asks whether it is necessary that the United States of America spends more on defense than the entire rest of the world combined.

Those are some of the areas I hope the supercommittee will explore: asking the wealthy to start paying their fair share of taxes, ending tax loopholes for large corporations, and taking a hard look at military spending which has tripled since 1997.

Then there is another area the supercommittee must also look at; that is, to understand that in the midst of the worst recession since the Great Depression, a recession caused by the greed and recklessness and illegal behavior on Wall Street, the supercommittee must not cut Social Security, cut Medicare, or cut Medicaid. Social Security is the most successful Federal program in the history of our country. It has a \$2.5 trillion surplus. It can pay out all benefits for the next 25 years because it is funded by the payroll tax. It has not contributed one nickel to our deficit. The supercommittee must not cut Social Security.

Madam President, 50 million Americans have no health insurance and many others are underinsured. According to a study at Harvard University, 45,000 Americans die each year because they do not get to the doctor when they should. Under those conditions it would be immoral, it would be wrong for the supercommittee to cut Medicare and to cut Medicaid.

I hope the supercommittee does what the American people have said very loudly and clearly—they have said it in demonstrations, they have said it in polls, they have said it in communications with their Members in the House and the Senate—we have an opportunity to make significant progress in terms of deficit reduction, but that deficit reduction should not take place on the backs of the elderly, the children, the sick, and the poor. Those populations, the most vulnerable people in this country, are hurting enough right now.

I hope the supercommittee has the courage to do what is right. I hope they have the courage to do what the American people want them to do.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask that I be allowed to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RIGGED ECONOMICS

Mr. WHITEHOUSE. Mr. President, we are going through one of the most difficult and painful periods in American history, and millions of Americans are wondering what is happening to our country. Behind the curtain of spin, propaganda, and political attacks, here is what I believe is happening.

The rules of the economic game in this country are increasingly being rigged to provide unfair advantage to the wealthy and well-connected and to take unfair advantage of regular folks and families. America has always promised a straight deal, and that straight deal, for many Americans, is getting harder and harder to find.

Let me say I am relentlessly proud to be an American. I grew up in the foreign service of this country, surrounded by families who put public service and pride in this country ahead of their comfort, their convenience, even their safety and their family's safety. I am absolutely convinced of American exceptionalism. I have seen it, and I have lived it.

That is why I am so upset to see our country in the shape it is in today. Our Founding Fathers changed the world when they set in place our finely balanced system of government, illuminated by the clear and guaranteed rights of the American people. We are squandering that inheritance. Our government is not working, our rights are being undermined, and it is the American people who are paying the price. They are paying the price because too often they are not getting a straight deal anymore.

Let's look at some of the places where the deal is rigged, where special interest gets special deals, and where the regular American family doesn't get a straight deal. Big multistate banks are allowed to charge middle-class families 30 percent credit card interest rates that are likely illegal under the State laws where that family lives. Senators in this Chamber who are ardent States rights federalists in every other circumstance have no complaint when their State law is overruled and overborne by the big banks. Students with college loans—who now carry \$1 trillion of debt—and families with home mortgages are denied the privileges every corporate borrower

gets to seek, bankruptcy protection against their debt when they are in over their heads.

Our individual tax system allows the wealthiest and highest income Americans to pay lower tax rates than middle-class wage earners pay or even hide their income in offshore tax havens and pay no tax at all. The corporate tax system allows international corporations to route their profits through foreign countries and through tax shelters to pay little or no tax in this country.

When you drill down to cases, GE, General Electric, on billions of dollars in profit, paid little or no Federal income tax. When you pull up to look system-wide, even though corporations are richer than ever, American people now contribute \$5 for every \$1 corporations contribute to sustaining our country's revenues. It used to be 1 to 1. For every \$1 corporations contributed, the American people contributed \$1. There was an even sharing of our Nation's revenue needs. But for 75 years now it has been steadily sliding, and now it is 5 to 1 against ordinary Americans and in favor of corporations.

The wealthy elite who make their fortunes in the marketplace don't protect and honor the marketplace. They try to rig the game, even when it puts the marketplace itself at risk. When that requires everybody else to come to their rescue, they show no shame and little gratitude and go right back to work gaming the system. Those who have become CEOs extract from their company's ridiculous amounts of compensation. CEO pay is up in my lifetime from 40 times the average wage of the employee to 400 times the average wage. These CEOs even extract princely compensation when they fail.

The big polluters have one party denying science entirely, denying the plain evidence of carbon pollution all around us and spinning the phony theory that the cost of controlling pollution is a burden on the economy when it is actually a huge net gain for our country. A party that used to proudly carry the banner of conservation and environmental protection is now reduced to serving corporate spin masters with phony fabrications, and it is the middle-class families who pay the price.

The appointees of one party on the Supreme Court, by a bare 5-to-4 majority, are willing to overturn precedent and flout the rules of judicial decision-making to decrease something novel and remarkable: that corporations are people and money is speech and, therefore, our precious constitutional rights to free speech, as American people, give corporations a right to spend as much money as they please, even anonymously, in American elections.

International corporations with no loyalty to any flag or nation but with virtually unlimited money may now drown out the voices of regular people,

regular families in our American democracy. CEOs get to use the corporate megaphone amplified by the corporate treasury to drown out their employees' voices. Just one big corporation with just 5 percent of one-quarter's profits could match the entire political spending of both Presidential campaigns in the last election.

Our Constitution and Bill of Rights established the jury not once but three separate times as an important institution of freedom in our system of democracy. DeTocqueville—one of the great historians and commentators on the American system of government—called the American jury “one of the forms of the sovereignty of the people.” Big corporations go to court all the time and fight it out before a jury when they want to. Yet over and over again, a middle-class family, in contracts, cannot negotiate or control, in fine print they probably never even read, their credit card company, their cell phone company, the companies they do business with, quietly take away their right to go against them before an American jury. Over and over again those same Supreme Court Justices who decided a corporation was a person have let them down. They have to go, instead, to something called arbitration instead of a constitutional American jury.

To give an idea of how arbitration works, for a long time the biggest arbitration company in the country was a racket rigged to rule against the consumer. It had to be shut down by legal actions by our State attorneys general. Add it all up, all those different areas that I mentioned, and there have been a lot of changes since my childhood.

There are a lot of changes in how our country runs, and it is all in the same direction—special deals and special tax rates and special rules that help big corporations and people who are as wealthy as big corporations and leave out regular people who don't have masses of money, money, money; rules that allow corporations to intrude into our public discourse in this democracy and drown out people's voices through mighty corporate megaphones amplified by money, money, money; lies and nonsense cooked up in corporate spin factories being treated as fact obtaining acceptability by how often the lies are repeated thanks to money, money, money.

Under all of that money, what is drowning is the sense we are all in this together as Americans. One of the things America actually stands for in this world is that we are fair with each other. We get a straight deal, and we give each other a straight deal. That is one of the ways we, as Americans, set an example in this world, an example of being fair. There are plenty of countries in the world whose internal political and economic systems amount to a racket, a racket rigged for the benefit

of the rich and powerful where farmers and workers and ordinary families get screwed and the wealthy skim all the cream. Some of these countries are so bad we call them kleptocracies. The world is full of that.

It has been the pride and joy of America that we are not like that. It has been our message to the world that it doesn't have to be like that. But now it is looking more and more like we actually are becoming just like that.

What can we do about it? What can we do to make sure Americans are getting a straight deal in all of this? I propose these actions: No. 1, big banks should have to follow the State laws just like local banks do and just like you and I do. No more going to South Dakota and marketing from their credit cards 30 percent interest rates that violate the laws of the home State.

No. 2, if big corporations can restructure all their debts in bankruptcy court, so should students and families be able to. No second-class citizenship for those who borrowed college loans and home mortgages.

No. 3, amend the Constitution to make it clear that corporations are not people—never were, never could be. The Good Lord just did not make it that way. We need to make it crystal clear that corporations can't spend money in American elections anonymously or through phony shell organizations. If big oil wants to influence American elections, Americans should know it is big oil.

No. 4: Straighten out our tax systems and, until we do, put in a minimum tax for ultra-high income earners that is at least at the rate that ordinary American taxpaying families pay. While we are at it, put in a minimum corporate tax rate that is at least half of what average corporations pay. No corporation that is making millions or billions of dollars should get away with paying nothing in income tax.

No. 5: Shut down the offshore tax havens and charge companies a CEO pay surtax on CEO compensation that is more than 100 times their average worker's compensation.

No. 6: Make polluters pay the actual costs of their pollution. Why should a polluting company be able to push onto all of the rest of us the costs of their pollution? Why should American families bear that polluting corporation's costs? Economics tells us that should be part of the company's cost of doing business.

No. 7: No more corporate tax deductions for offshoring American jobs, and no more favoring of offshore corporate income derived from what used to be American jobs.

No. 8: Take out of those take-it-or-leave-it consumer contracts the provisions that take away in the fine print the American right to go before an American jury, as the Constitution and Bill of Rights promises whenever a cit-

izen has a grievance or has been harmed.

None of these eight things I have mentioned asks anything of anyone that isn't fair, and most of them simply ask that ordinary Americans get the same deal, or at least no worse of a deal, than special Americans get and big corporations get. This all does no more than put people on the same level, or at least under the same rules, as the rich and powerful.

When someone is getting a better deal than you because of who they are, you are not getting a straight deal. When someone is taking advantage of you because you are small and easy to take advantage of, you are not getting a straight deal. When the rules of the game are rigged to help the winners win and to make you a loser, you are not getting a straight deal. It is time we started giving the people of America a straight deal around here.

I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

TRIBUTE TO MR. DELMER GROSS

Mr. MCCONNELL. Madam President, I rise today to pay tribute to an outstanding Kentuckian who dedicated his life to serving the children of Laurel County. Mr. Delmer Gross was a bus driver for the Laurel County Board of Education for 39 years and cherishes his memories driving kids to and from school—many of his former students are his good friends still to this day. In his spare time, Delmer serves as the pastor at London Community Church, a role he has enjoyed for almost 43 years.

Delmer started driving a school bus in 1969 when he was only 21 years old. He spent 5 years driving a double route as his first assignment. Each morning he would start by busing students in grades 1 through 12 to Swiss Colony. Then he would go to Mitchell Creek, located west of Interstate 75, and pick up elementary school students, only to return them to Swiss Colony via the road that is now Ky. 1956.

His second route took him all the way down to Rockcastle River and was much more dangerous because of the truck traffic. "We didn't have a four-lane road then," Delmer recalls. "There were a lot of crooked places where I had to pick up kids on the opposite side of a curve. I've had trucks slide at me sideways. A couple of times it was quite frightening." Delmer drove this route for almost 24 years before he

began driving a town route with special-needs students in 1997.

One time, Delmer was driving on Ky. 1956 through freezing rain and snow and made a stop just under the crest of a hill. Two girls got off the bus just before a car came over the hill and barely stopped in time. Unfortunately, a second car came along and was unable to stop. It crashed into the back of the first, sending the car spinning into a driveway. The second car bounced into Delmer's lane as a result of the crash and hit the bus head-on, clipping one of the girls in the knee. Delmer went straight home, got in his car, and drove over to the little girl's house to help her father take her to the hospital. Thankfully, she walked away with only minor injuries.

Delmer deeply cherishes the countless memories that he made with the students he shuttled throughout his three-decade-long career, and he rarely had any disciplinary issues with any of the children. "I had a good relationship with almost all of the students I hauled," Delmer said.

Madam President, Mr. Delmer Gross's dedication to his job and the safety of his students is admirable. I commend him for his 39 years of excellent service to the children of Laurel County schools. Delmer's career serves as an inspiration to the people of our great Commonwealth and exemplifies the true spirit of Kentucky. The Laurel County-area Sentinel Echo published an article in the spring of this year to honor Mr. Delmer Gross's achievements. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Sentinel Echo, Spring 2011]
DRIVING A BUS IS NO LAUGHING MATTER
(BY CAROL MILLS)

Delmer Gross loved being a bus driver for the Laurel County Board of Education for 39 years, but he saw the behavior of students getting worse over the years.

"The last 15 years the students have been getting progressively worse," he said. "Less respect for adults, less respect for authority. You had several that were pushing their boundaries. I see the attitudes of children, the discipline and behavior is a much greater problem than it was 20 years ago. It's becoming a problem in all public places. Kids don't have parents who really discipline them. As adults they have major problems with society. They weren't taught respect, weren't forced to respect and it's showing."

Gross said the Bible teaches "to spare the rod we hate our child." "I don't think we get much smarter than the man who said that," he said. "In his day he was the wisest man that ever lived. Solomon wrote all those proverbs that are recorded in the Bible."

Gross did not have many disciplinary problems with the students on the bus and when he did, he usually handled them himself.

Gross, now 64, started driving a school bus in 1969 when he was 21 years old. He also painted houses between routes and has been the pastor at London Community Church for almost 43 years.

"I had a double route, which most drivers did," Gross recalled. "I left this community and went to the next community which is White Oak. I transported all of the children first through 12th grade to Swiss Colony and then I would drop all of the kids and go to Mitchell Creek, which is back by Interstate 75 just on the west side of 75. Then I would go through that community and would pick up just elementary kids and bring them back on what was old Route 80 at the time. It's (Ky.) 1956 now. I would run that route from Interstate 75 along with Mitchell Creek and transport them back to Swiss Colony. I did that for a short time."

Gross drove the White Oak route for five years and then he let someone else take it over who lived in that community. He then took a dangerous route on Old Ky. 80.

"It was a very dangerous route because of the truck traffic. We didn't have a four-lane road then," he said. "I drove all the way down to the Rockcastle River. I drove that route for 23 or 24 years. There were a lot of crooked places where I had to pick up kids on the opposite side of a curve. I've had trucks slide at me sideways. A couple of times it was quite frightening."

In 1997, Gross started driving a town route with special-needs students. He said it was not as hectic as driving a route with all the age groups.

Over the years while driving a school bus, Gross had two or three minor accidents and one that could have been very dangerous.

"It was a day in March. It would snow and then it would melt, then freeze and then snow some more, melt and freeze," he recalled. "The officials kept an eye on most of the main roads, but just about 3 o'clock it started freezing and snowing. I picked up a load at South High School and came to (Ky.) 1956. I made a stop just under the crest of a hill, probably 150 to 200 yards away. A car came over the hill just after I dropped off two girls. The car stopped in time. Another car came over the crest and when she braked, she hit the little car in the rear end and spun it around and pushed it back into a driveway."

"One of the girls managed to run across the road and over to the edge of a bank," he continued. "The car that caused all of this bounced off that little car and into my lane and hit my bus head on and went underneath the bus. The other girl who had gotten off the bus was clipped on the knee by the car that caused the accident. She only had a minor injury. The drivers of the two cars weren't hurt. I thought both girls were going to be pinned between my bus and the car."

Gross said the officer who worked the accident did not mandate the girl who was hurt be taken to the hospital to be checked out.

"I was quite surprised after it was all over and when I went home, I called back to the child's home and I took my little car and waited until her father got home from work and we took her to the hospital."

One of Gross's memorable moments on the bus route was the day two boys were cutting up and joking. They were sitting up front so that he could keep an eye on them.

"They were cutting up quite a bit, joking, teasing and laughing," Gross said. "That didn't bother me. I was listening to them. One of them said something kind of funny. I thought I could be cute so I said something I thought topped what he had said. He looked at his little buddy—they were both elementary kids—'Tell you what,' he said, '5,000 comedians in this country out of a job and look what we're stuck with.' I got so tickled I didn't even try to top that line."

"I had a good relationship with almost all of the students I hauled," Gross added. "A lot of the older age groups are grown up now and are good friends of mine."

Gross is married to Yvonne and they have three children—Suzanne Gray, Cheryl Winters, and Delmer Paul Gross.

ILLINOIS JUVENILE JUSTICE REFORM

Mr. DURBIN. Madam President, as a proponent of smart and fair crime policies, as well as improving the effectiveness of the juvenile justice system, I would like to commend my home State of Illinois for its recent reforms in this area. I have long supported and sponsored legislation in Congress to ensure that children are treated appropriately, whether they are sexually exploited victims who do not belong in the criminal justice system, or whether they commit crimes and deserve targeted assistance or punishment. As one of several States in the Nation moving away from a punishment-based juvenile justice system and toward one of rehabilitation and prevention, Illinois has been nationally recognized for its progress. Two recent laws in particular have advanced our treatment of youth in the criminal justice system in Illinois.

First, as of January 1, 2010, 17-year-old misdemeanants in Illinois are no longer automatically filtered into the adult justice system. Under Public Act 95-1031, 17-year-olds charged with misdemeanors will now have access to the juvenile courts rather than the adult system. This change will allow more youth to participate in much-needed rehabilitation services such as mental health, drug treatment, and community-based services.

In addition, the state legislature took another step forward by enacting Public Act 96-1199 last year. This law requires the Illinois Juvenile Justice Commission to study the impact of expanding the juvenile court's jurisdiction to 17-year-olds charged with felonies. It also requires the Commission to develop timelines, propose a funding structure, and submit a final report to the Illinois General Assembly by December 31, 2011.

These new State laws will help our state use its resources more effectively and give more young people the opportunity to live productive lives. In their efforts to further these goals, I would also like to commend two of our juvenile justice advocates in Illinois. Betsy Clarke is the founder and president of the Illinois Juvenile Justice Initiative and has spent more than 20 years advocating for the youth of our state. Along with leading efforts to reduce the prosecution of youth in adult criminal courts, she has supported Redeploy Illinois, a program that emphasizes community-based alternatives over secure confinement. Redeploy Illinois has saved Illinois taxpayers millions in

corrections costs. Ms. Clarke also played a role in the formation of the new Illinois Department of Juvenile Justice and legislation requiring early counsel so youth can obtain quality legal representation from the beginning of their dealings with the criminal justice system.

Grace Warren is the co-director and family organizer for the National Parent Caucus, a group of parents and family members dedicated to keeping youth under the age of 18 out of the adult criminal system. She became involved in this public awareness campaign in 2004 when her 17-year-old son was convicted and sentenced as an adult. Previously, she worked with the Tamms Year Ten Campaign and the Illinois Coalition for Fair Sentencing of Children at Northwestern University. She currently volunteers with the John Howard Association of Illinois, monitoring juvenile and adult facilities, and she recently provided testimony to the Federal Coordinating Council on Juvenile Justice on the importance of family engagement by juvenile and criminal justice systems.

In this time of shrinking state budgets, it is important to recognize efforts to improve outcomes for our youth and communities which also utilize our state resources more effectively. With the recent juvenile justice reforms in Illinois and the hard work of two dedicated leaders in this field, Illinois is well on track to succeeding in these goals. I commend this progress, and I will continue to wholeheartedly support these efforts through my work in the U.S. Senate.

OBJECTION TO FCC NOMINATIONS

Mr. GRASSLEY. Madam President, I intend to object to proceeding to the nomination of Jessica Rosenworcel and Ajit Pai to be commissioners on the Federal Communications Commission.

I will object to proceeding to the nomination because the FCC continues to stonewall a document request I submitted to the FCC over 6 months ago on April 27, 2011, regarding their actions related to LightSquared and Harbinger Capital. Since then, I have repeated my request to the FCC through letters I sent on July 5 and September 8 and the FCC continues to deny my request for documents.

During the course of my correspondence with the FCC, the FCC has made it clear that it will not voluntarily turn over documents to the 99.6 percent of the Members of Congress and Senators who do not chair a committee with direct jurisdiction over the FCC. As I said in my September 8, 2011, letter their actions are misguided and unsupportable.

It not only sets a dangerous precedent for Federal agency to unilaterally set the rules on how it engages with

Congress it also prevents any meaningful ability for the vast majority of Congress to inform themselves of how an agency works.

Several months ago, I had to take similar action when I supported Senator CHAMBLISS' hold of James Cole's nomination to be Deputy Attorney General in order to get documents from the Department of Justice. In the end, the documents we uncovered shed light on the Department's actions regarding Operation Fast and Furious and the murder of Agent Brian Terry.

I strongly believe that it is critical for Congress to have access to documents in order to conduct vigorous and independent oversight. It is unfortunate that this administration, which has pledged to be the most transparent in history, disagrees. As long as they continue to do so, I will be forced to take steps like this in order to ensure that Congress receives a complete picture of this administration's actions.

TRIBUTE TO KRISTEN KELLIHER

Mr. LEAHY. Madam President, I am taking this opportunity to share with the Senate the extraordinary accomplishment of a young Vermonter. At the age of 17 years, 4 months, and 13 days, Kristen Kelliher became the youngest female to climb the highest peaks in all 48 States in the continental United States. Her journey began in 2002 as she and her family started climbing during family vacations. Soon she progressed to scaling the tops of America's most challenging peaks, including Mount Hood and Mount Rainier. Along the way, she endured injuries and logistical setbacks, but she never let those stop her from reaching her goal. She saved the best for last. Surrounded by 30 family members on a sunny September day, she summited Vermont's Mount Mansfield, in Stowe. She is a dynamic role model to all Vermonters, young and old.

Along with excelling on the hiking trails, Kristen is also an honor student and a three-sport athlete. She plans to graduate early and climb the last two peaks—Hawaii's Mauna Kea, and Alaska's Mount McKinley—next year. Kristen is modest when praised about her achievement and says she only hopes to inspire others to reach goals they once thought unattainable. Vermonters are proud to recognize Kristen Kelliher's strength, skill and stamina, and we congratulate her on this great accomplishment. I ask unanimous consent to have printed in the RECORD an article about her achievement, from The Boston Globe.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Oct. 14, 2011]

CLIMBING INTO THE RECORD BOOK

(By Josephe P. Kahn)

NORWICH, VT.—On a warm, sunny afternoon last month, Kristen Kelliher hiked to

the top of Mount Mansfield, the highest point in her home state of Vermont. Accompanied by 30 family members and friends, she was greeted at the summit by a banner celebrating her achievement, one that landed Kelliher in the record books.

That day, at age 17 years, 4 months, and 13 days, she became the youngest female to “highpoint”—stand atop the highest peak—in all 48 states in the continental United States.

Climbing Mount Mansfield, all 4,393 feet of it, was a piece of cake, though, compared with what Kelliher accomplished this year. Beginning in June, she conquered three peaks that rank among America's most challenging: Oregon's Mount Hood, Montana's Granite Peak, and Washington's Mount Rainier, whose imposing height (14,410 feet) and treacherous weather conditions make any ascent risky.

The previous female record holder, Danielle Birrer, was 18 years, 4 days old when she set the record in 2000. In all, only 404 climbers of any age or gender have achieved the 48-state feat, according to the Highpointers Club, a Colorado organization that compiles such statistics.

In the meantime, Kelliher has set her sights on Hawaii and Alaska—and an even more exclusive club, the 50-staters. Of its 214 members, fewer than 15 are female.

“I’ve wanted to do this since I was 9,” Kelliher said in an interview at the high school she attends across the Vermont border in Hanover, N.H., where she is in her senior year. A three-sport athlete and honors student, Kelliher was preparing to play in a varsity field hockey game.

Inspired by an article about a record-setting 12-year-old male highpointer, Kelliher, who has been hiking and skiing all her life, decided to try for the girls’ record at an age when many girls might consider hiking more of a chore than a challenge.

“I’m kind of competitive. OK, a lot,” Kelliher said, breaking into smile. “It sounded like a cool goal. I thought, I could do that, too.”

Her climb into the record books has not been uneventful, uninterrupted, inexpensive, or worry-free, however, particularly on her family’s part.

Conquering Rainier in July took three attempts, each with its own challenges. Her first expedition—accompanied by her stepfather, Bill Bender, a solar-energy company owner, and led by a professional guide team—ended in disappointment. After returning to base camp, Kelliher learned that while her group had technically “summitted,” they had stopped short of reaching Rainier’s actual highpoint, because of bad weather. The mountain’s true highpoint, known as Columbia Crest, was a 40-minute round trip from where her party turned around, even though the group received papers certifying that they had summited.

It took two more attempts, each costing several hundred dollars in guide fees and equipment rentals, for Kelliher to cross Washington off her list: number 46, and counting.

“I was so upset,” she recalled of the stomach-sinking moment when she found she had fallen short. “If I am going for a record, I have to get to the top. Technically, nobody would have known. But morally it wasn’t quite right.”

Her stepfather says it’s in her nature to persevere where others might not.

“Mentally as well as physically, Kristen’s very tough,” he said. Climbing Mount Hood,

Kelliher incurred painfully swollen shins that stayed unhealed through her first Rainier climb. “You never heard her complain, though” Bender said. Instead, Kelliher grew even more determined after other climbers seemed doubtful she could make it up Rainier, period, potentially forcing them to turn back, too.

What has recently become a celebration of one teen’s extraordinary feat is also a family saga, one that has taken Kelliher, her parents, and three siblings to remote corners of America that few seek out, much less scale with backpacks and ice axes.

Their first conquest happened almost by accident, on a 2002 cross-country road trip, when the family hiked up South Dakota’s Harney Peak. Highpointing wasn’t even in their vocabulary yet.

In 2004, urged on by Kelliher, they began targeting other states more systematically. First came New England (all except Vermont, which she saved for last), then six mid-Atlantic states. An 18-state odyssey in 2005 took them through the Deep South, Midwest, and Southwest. In 2006, they knocked off 11 more states. In most cases, the family—including Kelliher’s older brother, Ryan, now 19, and two half-brothers, Billy, 10, and Danny, 7—drove from state to state, camping along the way and hiking together up all but the steepest peaks.

“This trip has taken places we just wouldn’t have gone to otherwise,” said her mother, Mary Bender, a pediatrician. Asked whether her daughter’s quest to set a record had been their driving force, she nodded and laughed. “Although I will say that if Kristen had set out to see every shopping mall in America, that wouldn’t have worked for us.”

Only once, in June 2006, did the family highpoint twice (Illinois and Indiana) in a single day. States like Florida, whose 345-foot highpoint, Britton Hill, is America’s lowest, were no challenge at all. Five, including Rhode Island, never rise above 900 feet.

On the other extreme are 11 state highpoints soaring 11,000 feet and higher, many of which are difficult to access. Wyoming’s Gannett Peak, for instance, which Kelliher and Bender climbed in August 2010, is reachable only by a 46-mile round trip hike. Lugging backpacks crammed with climbing equipment and camping gear, the two spent six long days getting to the top and back.

Highpoints, said Bill Bender, “are all kind of weird in their own way. You have to be a little eccentric to do this.” He has never calculated the overall cost of their highpointing excursions, which until recently have been budgeted as ordinary family vacations. However, flying to the last few Western states and paying for guides and equipment have nudged their spending into “the many thousands. I’m not sure we want to know the total. Except for the last handful, though, it’s been fairly inexpensive.”

Tim Webb, president of the 3,000-member Highpointers Club, says his organization attracts a diverse mix of hikers, wilderness backpackers, and serious mountaineers, each with different objectives.

“We get a broad spectrum, including lots of families who plan vacations around highpointing,” Webb notes. Accumulating even 40 states, for which his club awards a special pin, is “a pretty significant accomplishment,” he adds.

Early on, the Benders were unsure Kelliher would remain interested in pursuing all 48. By 2007, Kelliher having completed 10 trips and 42 highpoints, only two Eastern states,

New York and Vermont, were left. Then came a two-year hiatus.

"Kristen was still growing, and she needed to grow into the bigger mountains," her stepfather recalled.

She began last year taller, stronger, and more resolute than ever. "If I wanted to do this [set the record]," Kelliher said, "I knew I'd have to start moving."

Now it's on to 50, and another possible age record. Next February, after completing high school a semester early, Kelliher will tackle Hawaii's 13,796-foot Mauna Kea, a relatively easy climb. Last is Alaska's 20,320-foot Mount McKinley (also known as Denali), the most challenging of all. For every 1,000 climbers who go up, three fail to make it down alive.

Kelliher has signed with a guide team for next May and will pay for the trip's \$17,000 cost herself. Already filling out college applications, she's looking for corporate sponsorship or grant money to help.

"It's definitely scary," her mother said. "If Kristen can figure out how to fund it, in her 17-year-old way, I won't stop her, though. And if she can't, well, then I don't have to worry about her being killed in an avalanche."

Kelliher says she will not be discouraged if her group fails to conquer Denali.

Yet if she succeeds, it just might inspire another fourth-grader to work harder—and climb higher—to achieve goals she once thought were unreachable.

ADDITIONAL STATEMENTS

TRIBUTE TO STEVEN C. BORELL

• Ms. MURKOWSKI. Madam President, today I bid farewell to Steven C. Borell, the executive director of the Alaska Miners Association, who has decided to retire after 22 years at the helm of Alaska's foremost mining advocacy agency.

While I am sure the State's mining industry will be in great hands when Mr. Fred Parady takes over as the new executive director in January, still it is very hard for me to imagine a minerals industry in the State of Alaska without Steve championing not only its regulatory survival but its future growth.

For far longer than I have been in public service, Steve has been the steady, knowledgeable voice on all issues surrounding mineral development in Alaska. His depth of knowledge of land laws and regulatory/permitting issues is legendary. He has had the trust of regulators and politicians and has done a sensational job of representing the interests of the minerals industry, fighting for reasonable terms and commonsense regulation of the industry—an increasingly difficult task given recent regulatory proposals out of Washington.

Alaskans are extremely lucky that Steve, an industrial engineer by training, came to Alaska in spring 1988 to run Valdez Creek mineral operations at Cantwell and then stayed on to cheerlead the rebirth of the State's minerals industry. Steve, who grad-

uated from Kansas State University in 1968, had previously worked first as a foreman at a mine in Velva, ND, advancing to be the mine's superintendent in 1976. He later worked at mines in Colorado and in Colombia in South America before working at the Consolidated Coal Company and for the Arch Mineral Corporation in Illinois before coming to Alaska. While in Alaska, he also served as a consulting engineer on several mineral projects.

In 1989, the State, after the death of efforts to open the U.S. Borax molybdenum claims at Misty Fjords outside of Ketchikan, had only two major operating hard-rock mines, the Red Dog and Greens Creek Mines, and the Usibelli coal mine that together produced \$277 million in minerals. Since Steve assumed the helm of the industry's main advocacy arm, Fort Knox, Pogo, and the Kensington mines have all come on line, exploration spending has quadrupled, and the value of the minerals industry has risen more than tenfold, topping \$3 billion, and many more projects are on the way. While higher ore prices certainly have helped, Steve's hardwork, perseverance, and dedication to helping the industry overcome regulatory barriers is a key reason for the increase.

I know how hard he has worked to keep track of and to help bring some common sense to the mind-boggling permitting and regulatory processes that have dogged the minerals industry in recent years. His determination and attention to detail have helped numerous Alaska projects advance. He has always been a strong advocate for Alaska's hundreds of small-scale placer and recreational miners and for large-scale mineral developers. He has helped both equally, giving freely of his time and talent to promote Alaskan development for the good of the State and all its citizens.

I could sing his praises on this floor for hours. My staff and I will miss him greatly, and I am sure all of the industry will too. But promoting mineral development, fighting the forces that want to overregulate and lock up Alaska lands, has become not just a full-time job, but now requires an all-consuming passion given the administration's wild land edicts, more than 2,000 Federal regulatory proposals, and an endless stream of environmental suits and attacks. No one has earned a rest more than Steven C. Borell.

I can only wish him well in the future and again thank him for all that he has done for Alaska and our citizens. The State is a far better place for all of his many efforts. We all owe him our true thanks and gratitude for a job very well done, and we will all miss his sage advice and wisdom.●

RECOGNIZING THE COLORADO NONPROFIT ASSOCIATION

• Mr. UDALL of Colorado. Madam President, today I honor the Colorado Nonprofit Association as it celebrates 25 years of supporting Colorado's nonprofit organizations and strengthening our communities.

Colorado has a strong and diverse nonprofit sector with almost 19,000 public charities. These nonprofits perform many services that strengthen Colorado's communities and enrich the lives of our residents. It is also important to note that even in our current troubled economy, these organizations are an engine of growth, generating almost \$17 billion in revenue in 2009 and sustaining thousands of jobs throughout the State.

Colorado Nonprofit Association is a statewide organization with almost 1,400 nonprofit members whose mission is to lead, assist, and strengthen nonprofits. Founded in 1986 as the Colorado Association of Nonprofit Organizations, its original charge was to create and support programs designed to increase the effectiveness of nonprofits around the State. The Association has since expanded its scope as the nonprofit sector has grown.

The association has developed key resources for nonprofit organizations and the public. "The Principles and Practices for Nonprofit Excellence in Colorado," first published in 2007, contains State and Federal legal requirements, management best practices, and transparency and accountability standards. Supported by Colorado's secretary of state and attorney general, the association has distributed more than 30,000 copies of this resource and conducted numerous training sessions around the State. The association's Colorado Generosity Project seeks to increase charitable giving in Colorado by increasing awareness of the nonprofit sector. It has also published several research reports about nonprofit economic activity and the beliefs and behaviors of Colorado's donors. Each of these initiatives has contributed to a greater culture of giving in the State while strengthening local economies and improving the well-being of every Coloradan.

The association further encourages civic engagement by nonprofit organizations. With wide community networks, nonprofits are well situated to solve community and social problems and to engage policymakers in this effort. The Colorado Nonprofit Association provides resources and information to nonprofits to support their advocacy and develop productive working relationships with elected officials. I appreciate the association's continued partnerships, which make our State a better place to live.

In the Nation's current economic climate, the demand for services and programs offered by nonprofit organizations is greater than ever. The Colorado Nonprofit Association provides the right leadership to assist our nonprofits in these challenging times. I recognize this organization for its contributions over the years and look forward to its continued success.●

MESSAGES FROM THE HOUSE

At 10:31 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1070. An act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

H.R. 1965. An act to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

H.R. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.

The message also announced that the House has passed the following bill, without amendment:

S. 894. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The message further announced that pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. WOLF of Virginia, Mr. MANZULLO of Illinois, and Mr. ROYCE of California.

At 3:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House: Mr. ROGERS of Kentucky, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. WOLF, Mr. KINGSTON, Mr. LATHAM, Mr. ADERHOLT, Mrs. EMERSON, Mr. CULBERSON, Mr. CARTER, Mr. BONNER, Mr. LATOURETTE, Mr. DICKS, Ms. DELAULO, Mr. OLVER, Mr. PASTOR of Arizona, Mr. PRICE of North Carolina, Mr. FARR, Mr. FATTAH, and Mr. SCHIFF.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 894. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 1280. An act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advocacy Council, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment; to the Committee on Homeland Security and Governmental Affairs.

MEASURES DISCHARGED

The following joint resolutions were discharged by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 6. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

S.J. Res. 27. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2042. An act to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1070. An act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

H.R. 1965. An act to amend the securities laws to establish certain thresholds for

shareholder registration, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, November 3, 2011, she had presented to the President of the United States the following enrolled bill:

S. 894. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3775. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Derivatives Clearing Organization General Provisions and Core Principles" ((17 CFR Parts 1, 21, 39, and 140)(RIN3038-AC98)) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3776. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to requesting a waiver of realistic survivability testing of the Ship to Shore Connector (SSC) program; to the Committee on Armed Services.

EC-3777. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF" (RIN3235-AK92) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3778. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program" (FRL No. 9487-6) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC-3779. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Regulations for Control of Air Pollution by Permits for New Construction or Modification" (FRL No. 9485-3) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC-3780. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metro

Air Quality Management District" (FRL No. 9477-4) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC-3781. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9481-6) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC-3782. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9481-1) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC-3783. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Imperial County Air Pollution Control District" (FRL No. 9479-3) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC-3784. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules" (FRL No. 9486-2) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC-3785. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Addition of the Cook Islands to the List of Nations Entitled to Special Tonnage Tax Exemption" (CBP Dec. 11-21) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Finance.

EC-3786. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States-Peru Trade Promotion Agreement" (RIN1515-AD79) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Finance.

EC-3787. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2012" (RIN0938-AQ16) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC-3788. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health

and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Part A Premiums for Calendar Year 2012 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938-AQ15) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC-3789. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Final Waivers in Connection With the Shared Savings Program" (RIN0938-AR30) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC-3790. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; End-Stage Renal Disease Prospective Payment System and Quality Incentive Program; Ambulance Fee Schedule; Durable Medical Equipment; and Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies" (RIN0938-AQ27) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC-3791. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Co-insurance Amounts for Calendar Year 2012" (RIN0938-AQ14) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC-3792. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2012" (RIN0938-AQ30) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC-3793. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Shared Savings Program: Accountable Care Organization" (RIN0938-AQ22) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC-3794. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Payment Policies Under the Physician Fee Schedule, Five-Year Review of Work Relative Value Units, Clinical Laboratory Fee Schedule: Signature on Requisition, and Other Revisions to Part B for Calendar Year 2012" (RIN0938-AQ25 and RIN0938-AQ00) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC-3795. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs: Hospital Out-

patient Prospective Payment; Ambulatory Surgical Center Payment; Hospital Value-Based Purchasing Program; Physician Self-Referral; and Patient Notification Requirements in Provider Agreements" (RIN0938-AQ26) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC-3796. A communication from the Department of State, transmitting, pursuant to law, a report relative to U.S. Assistance for the Government of Ukraine (DCN OSS-2011-1727); to the Committee on Foreign Relations.

EC-3797. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to recent Global Fund audit information, commitment and disbursement data, and a summary of the recipient and sub-recipient expenditures as reported to the United States Government; to the Committee on Foreign Relations.

EC-3798. A communication from the Chairman of the National Council on Disability, transmitting, pursuant to law, a report entitled "National Disability Policy: A Progress Report"; to the Committee on Health, Education, Labor, and Pensions.

EC-3799. A communication from the Chairman of the National Council on Disability, transmitting, pursuant to law, a report entitled "The Power of Digital Inclusion: Technology's Impact on Employment and Opportunities for People with Disabilities"; to the Committee on Health, Education, Labor, and Pensions.

EC-3800. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to waiving or partially waiving Section 404(a) of the Child Soldiers Prevention Act of 2008 with respect to Yemen, the Democratic Republic of the Congo, and Chad; to the Committee on the Judiciary.

EC-3801. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2010 Annual Report to Congress for the Office of Justice Programs; to the Committee on the Judiciary.

EC-3802. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Temporary Placement of Three Synthetic Cathinones Into Schedule I" (Docket No. DEA-357) received during recess of the Senate in the Office of the President of the Senate on October 24, 2011; to the Committee on the Judiciary.

EC-3803. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, a report entitled "Mandatory Minimum Penalties in the Federal Criminal Justice System"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 75. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1487. A bill to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1759. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit.

Michael Walter Fitzgerald, of California, to be United States District Judge for the Central District of California.

Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York.

Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

Miranda Du, of Nevada, to be United States District Judge for the District of Nevada.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. JOHANNES):

S. 1795. A bill to require the Corps of Engineers to revise the Missouri River Mainstem Reservoir System Master Water Control Manual to ensure greater storage capacity to prevent serious downstream flooding; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself and Mr. ISAKSON):

S. 1796. A bill to make permanent the Internal Revenue Service Free File program; to the Committee on Finance.

By Mr. MERKLEY:

S. 1797. A bill to amend title 23, United States Code, to permit as part of certain highway projects the installation of charging infrastructure for plug-in electric drive vehicles; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mrs. MCCASKILL, Mr. BINGAMAN, Mr. SCHUMER, Mr. NELSON of Florida, Mr. UDALL of Colorado, and Mr. ALEXANDER):

S. 1798. A bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the

Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself, Mr. WYDEN, Mr. BEGICH, and Mr. PRYOR):

S. 1799. A bill to amend title 38, United States Code, to provide for certain requirements relating to the immunization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL:

S. 1800. A bill to prohibit the use of Federal funds for any universal or mandatory mental health screening program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1801. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mrs. GILLIBRAND, Mr. MERKLEY, and Mr. BENNET):

S. 1802. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 1803. A bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a prohibition against revising any national ambient air quality standard applicable to nuisance dust, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. MERKLEY):

S. 1804. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Finance.

By Mr. JOHANNES:

S. 1805. A bill to prohibit the Administrator of the Environmental Protection Agency from rejecting or otherwise determining to be inadequate a State implementation plan in any case in which the State submitting the plan has not been given a reasonable time to develop and submit the plan in accordance with a certain provision of the Clean Air Act; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mr. BEGICH, and Mr. MERKLEY):

S. 1806. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN:

S. 1807. A bill to amend the Federal Non-nuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS (for himself and Mr. GRAHAM):

S. 1808. A bill to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear

for an interview to remove the conditional basis for permanent resident status, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1809. A bill to amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself and Ms. COLLINS):

S. Res. 310. A resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Res. 311. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. WICKER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 299

At the request of Mr. PAUL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 412

At the request of Mr. LEVIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 704

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 704, a bill to provide for duty-free

treatment of certain recreational performance outerwear, and for other purposes.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 720

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 1002

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1391

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

S. 1451

At the request of Mr. VITTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1506

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1506, a bill to prevent the Secretary of the Treasury from expanding United States bank reporting requirements with respect to interest on deposits paid to nonresident aliens.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Oklahoma

(Mr. INHOFE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Idaho (Mr. RISCH) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1582

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1582, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 1588

At the request of Mr. WEBB, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1588, a bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1616, *supra*.

S. 1671

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1671, a bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for dividends received from a controlled foreign corporation.

S. 1702

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1702, a bill to provide that the rules of the Environmental Protection Agency entitled "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated by certain persons and entities for the purpose of generating electricity or operating a water pump.

S. 1707

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1737

At the request of Mr. BENNET, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1737, a bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.

S. 1759

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1759, a bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

S. 1769

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

At the request of Mr. CARPER, his name was added as a cosponsor of S. 1769, *supra*.

S. 1780

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1780, a bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

S. 1784

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1784, a bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 274

At the request of Mr. WHITEHOUSE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from

California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 274, a resolution expressing the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction program.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1801. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I introduce the Small Business Tax Extenders Act of 2011, targeted tax relief legislation to extend, for one year, the essential tax relief provisions that were included in the Small Business Jobs Act of 2010.

When the Small Business Jobs Act was crafted, I worked closely with Finance Committee Chair BAUCUS and then Ranking Member GRASSLEY to ensure the critical small business tax provisions that reflected our shared priorities were included in that legislation. I sincerely appreciate all of their hard work on that legislation.

As the former Chair and now Ranking Member of the Small Business Committee, I am well aware of the urgent imperative of job creation in our country. According to the Bureau of Labor Statistics, the average annual unemployment rate for 2010 was 9.6 percent. For 27 out of the past 32 months the unemployment rate has been at 9 percent or above. About 45 percent of the unemployed have been out of work for at least 6 months—a level previously unseen in the 6 decades since World War II.

At a time when 14 million Americans are still unemployed, and have been so for the longest period since record keeping began in 1948, our government should be taking every possible step to ease the burden on job creators. We must help create an environment that is conducive to small businesses' job creation. One critical way to do so is through targeted small business tax incentives.

That is why as a senior member of the Senate Finance Committee, I have been urging this administration to champion tax reform and in fact, I led a panel on the issue as part of the Economic Summit at the White House more than 2 years ago.

The individual income tax form has more than tripled in length from 52 pages for 1980 to 174 pages for 2009. American taxpayers spend 7.6 billion hours and shell out \$140 billion, or 1 percent of GDP, just struggling to comply with tax filing requirements. This is not surprising as there has been 15,000 changes to the tax code since the last overhaul in 1986.

Alarming, the tax code is also needlessly handcuffing our ability to

compete in today's integrated global economy, as we strain under the second highest corporate tax burden in the industrialized world. While this administration and the Senate majority are pondering whether we should reform our tax code, small businesses continued to struggle with the current tax regime at the expense of creating more jobs and growing operations.

While I continue to advocate for comprehensive tax reform, there are certain measures that, although not a silver bullet, should be passed right away to help improve the economic environment for small businesses. The Small Business Tax Extenders Act of 2011 is a critical example. This legislation contains provisions I have championed for years to provide small businesses greater cash flow, incentivizing their investments, and increasing tax fairness.

The lifeblood of a small business is its cash flow and this bill contains several provisions to improve it. One of these provisions will address a fundamental injustice of the tax code by extending for another year deduction for health insurance premiums against not only income taxes but also against payroll taxes. At a rate of 15.3 percent, the self-employment, or SECA, tax is imposed on the health benefits of business owners. This is a costly injustice that makes health insurance just that much more expensive at a time when insurance costs are already prohibitively expensive.

In the coming year we will certainly see health premiums rise, making it all the more onerous on small businesses to provide critical benefits to their employees. Allowing the full deduction for health insurance is critical for its affordability. I was thrilled that we were able to address this injustice in the Small Business Jobs Act of 2010, and I sincerely hope that this provision can be extended for another year.

This legislation will also extend for 1 year a provision permitting general business credits to be carried back 5 years and taken against the Alternative Minimum Tax, AMT. Before the enactment of the Small Business Jobs Act, a business's unused general business credit could be carried back to offset taxes paid in the previous year, and the remaining amount could be carried forward for 20 years to offset future tax liabilities.

The 5-year carryback of credits will allow business owners to reach back to prior years when they had taxable income to offset prior tax liability with these credits and get immediate cash infusion. Business owners can use this cash as they choose, but as we have seen with net operating loss relief, they use these funds for anything from meeting payroll to investing in new equipment. The same principle applies with respect to the provision that allows credits to be used against the AMT.

When Congress implements policies through the tax code, it is with intent that businesses will utilize such incentives to do what they do best—grow their operations which in turn leads to hiring additional employees. Unfortunately during a downward business cycle that we have been experiencing for more than two years, businesses do not have income tax liability that can be offset with a credit. It is rather simple: if you do not have enough revenue to claim a credit, that credit is of little use to you.

An incredible benefit of the carryback and the use of general business credits against the AMT is to make the small business health insurance tax credits enacted earlier this year more effective and make health insurance more affordable for business owners to offer to their employees.

This bill would also extend for 1 year the availability of the so-called section 179 expensing to give businesses the option of writing off the cost of qualifying capital expenses in the year of acquisition instead of recovering these costs over time through depreciation, and allow businesses to take advantage of higher limits for the so-called section 179 expensing. Under this provision, up to \$250,000 can be expensed for real property and up to \$250,000 for equipment, or up to the full \$500,000 for just equipment.

Expanding Section 179 expensing has been a significant Small Business Committee bipartisan priority of mine, and former Small Business Committee Chair KERRY and current Chair LANDRIEU, as reflected in no fewer than three separate bills in the previous Congress: the Small Business Stimulus Act of 2009, S. 156, Snowe-Kerry-Landrieu; the Small business Expensing Permanency Act of 2009, S. 2822, Snowe-Landrieu; and the Small Business Job Creation Act of 2010, S. 3103, Snowe.

I want my colleagues to understand that this provision is expected to confer a major economic boost because it certainly speeds up the recovery time on these investments. Extending this provision will help the businesses modernize while aiding construction firms and their employees.

Additionally, the Small Business Jobs Act of 2010 provided for a temporary reduction in the recognition period for S corporation built-in gains tax. When businesses move from being a corporation with two levels of tax to an S corporation, they have generally been required to hold their "retained earnings" for up to 10 years. This prevents owners from taking the retained earnings as distributions where only income taxes are owed rather than both corporate income tax at one level and then personal income tax at the second. Recent law changes have shortened this holding period to 7 years, but that is still too long.

By infusing capital, of their own retained earnings, this provision in the Small Business Jobs Act enabled companies to reduce the holding period from 7 years to 5 years so that companies that made the conversion before 2006 can redeploy this capital for use in their business. Extending this provision also underscores how vital retained earnings are for small businesses.

A final provision would extend for one year a complete exclusion on capital gains attributable to small business stock held for 5 years. Extending this measure will help further critical investment in our Nation's small businesses. This is a longstanding priority of mine and of Senator JOHN KERRY, former Chair of the Small Business Committee and my fellow colleague on the Finance Committee. The Kerry-Snowe Invest in Small Business Act of 2009 included this exclusion, which we fought to incorporate into the Small Business Jobs Act.

It is essential that we pass these small business tax extensions. I urge my colleagues to support this legislation so we can ensure that our Nation's small businesses and their employees are provided with much needed tax relief.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Small Business Jobs Tax Extenders Act of 2011”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

Sec. 2. Findings.

TITLE I—EXTENSION OF SMALL BUSINESS TAX RELIEF

Sec. 101. Extension of temporary exclusion of 100 percent of gain on certain small business stock.

Sec. 102. Extension of 5-year carryback of general business credits of eligible small businesses.

Sec. 103. Extension of alternative minimum tax rules for general business credits of eligible small businesses.

Sec. 104. Extension of temporary reduction in recognition period for built-in gains tax.

Sec. 105. Extension of increased expensing limitations and treatment of certain real property as section 179 property.

Sec. 106. Extension of bonus depreciation.

Sec. 107. Extension of special rule for long-term contract accounting.

Sec. 108. Extension of increased amount allowed as a deduction for start-up expenditures.

Sec. 109. Extension of allowance of deduction for health insurance in computing self-employment taxes.

TITLE II—OFFSETTING PROVISIONS

Sec. 201. Expansion of affordability exception to individual mandate.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Small businesses represent 99.7 percent of all employer firms and generate approximately two-thirds of net new jobs.

(3) Broadening the tax base and lowering statutory rates through comprehensive tax reform is preferable to short term tax rate extensions.

(4) There is no consensus on Congressional passage and implementation of such reform at this time; it is therefore critical that tax relief for small businesses promulgated in the Small Business Jobs Act of 2010 be extended.

TITLE I—EXTENSION OF SMALL BUSINESS TAX RELIEF

SEC. 101. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2012” and inserting “January 1, 2013”, and

(2) by striking “AND 2011” and inserting “2011, AND 2012” in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2011.

SEC. 102. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by “or 2011” after “2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

SEC. 103. EXTENSION OF ALTERNATIVE MINIMUM TAX RULES FOR GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 38(c)(5) is amended by “or 2011” after “2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

SEC. 104. EXTENSION OF TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Clause (ii) of section 1374(d)(7)(B) is amended by inserting “or 2012,” after “2011”.

(b) CONFORMING AMENDMENT.—The heading for section 1372(d)(7)(B) is amended by striking “AND 2011” and inserting “2011, AND 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 105. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—Section 179(b) is amended—

(1) by striking “2010 or 2011” each place it appears in paragraph (1)(B) and (2)(B) and inserting “2010, 2011, or 2012”;

(2) by striking “2012” each place it appears in paragraph (1)(C) and (2)(C) and inserting “2013”, and

(3) by striking “2012” each place it appears in paragraph (1)(D) and (2)(D) and inserting “2013”.

(b) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(6) is amended by striking “2012” and inserting “2013”.

(c) COMPUTER SOFTWARE.—Section 179(d)(2)(A)(ii) is amended by striking “2013” and inserting “2014”.

(d) ELECTION.—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—Section 179(f)(1) is amended by striking “2010 or 2011” and inserting “2010, 2011, or 2012”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 106. EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking “January 1, 2014” in subparagraph (A)(iv) and inserting “January 1, 2015”, and

(2) by striking “January 1, 2013” each place it appears and inserting “January 1, 2014”.

(b) 100 PERCENT EXPENSING.—Paragraph (5) of section 168(k) is amended—

(1) by striking “January 1, 2013” and inserting “January 1, 2014”, and

(2) by striking “January 1, 2012” each place it appears and inserting “January 1, 2013”.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Subclause (II) of section 168(k)(4)(D)(iii) is amended by striking “2013” and inserting “2014”.

(2) ROUND 3 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

“(J) SPECIAL RULES FOR ROUND 3 EXTENSION PROPERTY.—

“(i) IN GENERAL.—In the case of round 3 extension property, this paragraph shall be applied without regard to—

“(I) the limitation described in subparagraph (B)(i) thereof, and

“(II) the business credit increase amount under subparagraph (E)(iii) thereof.

“(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, or a taxpayer who made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

“(I) the taxpayer may elect not to have this paragraph apply to round 3 extension property, but

“(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 3 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 2 extension property.

“(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer

who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, nor made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

“(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2011, and each subsequent taxable year, and

“(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 3 extension property.

“(iv) **ROUND 3 EXTENSION PROPERTY.**—For purposes of this subparagraph, the term ‘round 3 extension property’ means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 7(a) of the Small Business Jobs Tax Extenders Act of 2011 (and the application of such extension to this paragraph pursuant to the amendment made by section 7(c)(1) of such Act).”.

(d) **CONFORMING AMENDMENTS.**—

(1) The heading for subsection (k) of section 168 is amended by striking “JANUARY 1, 2013” and inserting “JANUARY 1, 2014”.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking “PRE-JANUARY 1, 2013” and inserting “PRE-JANUARY 1, 2014”.

(3) Paragraph (5) of section 168(l) is amended—

(A) by striking “and” at the end of subparagraph (A),

(B) by redesignating subparagraph (C) as subparagraph (B), and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) by substituting ‘January 1, 2013’ for ‘January 1, 2014’ in clause (i) thereof, and”.

(4) Subparagraph (C) of section 168(n)(2) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(5) Subparagraph (D) of section 1400L(b)(2) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(6) Subparagraph (B) of section 1400N(d)(3) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(e) **EFFECTIVE DATES.**—The amendments made by this section shall apply to property placed in service after December 31, 2011, in taxable years ending after such date.

SEC. 107. EXTENSION OF SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) **IN GENERAL.**—Clause (ii) of section 460(c)(6)(B) is amended by striking “January 1, 2011 (January 1, 2012)” and inserting “January 1, 2012 (January 1, 2013)”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2010.

SEC. 108. EXTENSION OF INCREASED AMOUNT ALLOWED AS A DEDUCTION FOR START-UP EXPENDITURES.

(a) **IN GENERAL.**—Paragraph (3) of section 195(b) is amended—

(1) by inserting “or 2011” after “2010”, and

(2) by inserting “AND 2011” in the heading thereof.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

SEC. 109. EXTENSION OF ALLOWANCE OF DEDUCTION FOR HEALTH INSURANCE IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) **IN GENERAL.**—Paragraph (4) of section 162(l) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE II—OFFSETTING PROVISIONS

SEC. 201. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1) is amended by striking “8 percent” each place it appears and inserting “5 percent”.

By Mr. UDALL of Colorado (for himself, Mrs. GILLIBRAND, Mr. MERKLEY, and Mr. BENNET):

S. 1802. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I speak in support of a bill I am introducing called the Healthy Kids Outdoor Act of 2011. This bill will help the development of locally-based plans that will encourage kids to enjoy one of our nation's most cherished past-times: recreating outdoors.

I am introducing the Healthy Kids Outdoors Act of 2011 with the support of Senators GILLIBRAND, MERKLEY and BENNET. My friend and colleague Representative KIND of Wisconsin is introducing companion legislation today in the U.S. House of Representatives. I want to thank Rep. KIND for his leadership on these issues over the years. I especially want to thank him for the opportunity to steal his good idea and appropriate it for myself in the Senate.

Specifically, the Healthy Kids Outdoors Act authorizes the U.S. Secretary of the Interior to provide grants, one per State, to eligible organizations for the development of State-level outdoor recreation plans. Working in cooperation with local partners, the eligible entities will develop plans designed to ensure that States have appropriate programs and infrastructure in place to help Americans effectively connect with the outdoors. These plans supplement current outdoor recreation planning by emphasizing how to use outdoor recreation resources and infrastructure, such as public parks, transportation and health systems, to facilitate outdoor activities. The plans supported by Federal funding under this act must be updated every five years based on evaluations of each state strategy and lessons learned from their implementation. Additionally, in order to ensure that state and local partners are contributing to this effort, funding recipients must provide a 25-percent non-federal cost share.

Finally, this bill requires the administration to develop a national strategy to get Americans active outdoors and

evaluate the health impacts of the State strategies authorized under the legislation. The national strategy, to be developed with significant public participation, should align with the State strategies and identify barriers to and opportunities for outdoor activities.

Why is this important you might ask, especially at a time when we are looking at ways to cut spending and other programs?

We live in an increasingly sedentary world that makes it more difficult for our Nation to reach the heights that it can achieve. Today's society provides more distractions from active lifestyles and the natural world around us than ever before. This is particularly true among children, who spend on average just 4-7 minutes a day in unstructured outdoor play while spending an average of 7.5 hours a day in front of electronic media. Partially as a result of this, obesity has become a major public health problem. Today, one in three children is either overweight or obese, whereas only about 4 percent of children in 1960 were. Working together, we must find proactive ways to reverse this harmful trend.

Being overweight or obese can lead to many chronic health conditions, including heart disease, stroke, and diabetes. All of these conditions are costly for health care purchasers and patients, reduce quality of life, and are among the top 6 leading causes of death each year. The good news is that, in the vast majority of cases, obesity is completely preventable. Particularly for children, if we teach them good eating and fitness habits early in life, they will have a much better shot at maintaining a healthy weight later in life. In addition, research demonstrates the myriad mental health benefits of active lifestyles that make use of green spaces outside the home.

Furthermore, spending time in the outdoors, connecting with our public lands and waters and green spaces, furthers America's conservation legacy. For example, research demonstrates that hunters who become engaged in the sport as children are among the most active and interested sportsmen as adults.

Spending time in the outdoors also supports the outdoor recreation industry. We have a large and growing industry in this country of supply stores, manufacturers, guides, hotels, and other important businesses that are the backbone of many rural communities. In fact, outdoor recreation activities add over \$730 billion to the national economy every year. In this time of economic uncertainty, outdoor recreation is one of the bright spots in our economy.

Additionally, at a time when disparities in health status and health insurance rates for minority populations are at an all-time high, particularly in my

State of Colorado, the common sense goals of the Healthy Kids Outdoors Act can help level the playing field for good health across America. This legislation will make it easier for all Americans, regardless of cultural differences, geography or socio-economic status, especially children and families, to connect with healthy, active, outdoor lifestyles and the natural world. By doing so, we can combat the obesity epidemic, improve public health overall and bolster America's proud legacy of conservation and outdoor recreation economy.

Finally, I want to note that this bill could play a small role in making sure our children, as they reach adulthood, are qualified to serve in our U.S. military, if they so choose. As a member of the Senate Armed Services Committee, I have seen firsthand the studies that have shown that greater and greater numbers of young adults are ineligible to serve in the Armed Forces due to disqualifying health factors such as being overweight. Nearly one in four applicants is rejected for being overweight, which is the most common reason for medical disqualification. It's not a stretch to say that a more fit population can result in a more secure nation.

This legislation is a small but important step we can take to promote healthy, active lifestyles supporting the use and enjoyment of our natural world. I want to thank the Outdoor Alliance for Kids, whose members include many of the country's leading conservation groups and outdoor recreation companies, for its support and help developing this bill. I also want to thank the Campaign to End Obesity for their endorsement of it. I look forward to working with my colleagues to advance this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Kids Outdoors Act of 2011".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Children today are spending less time outdoors than any generation in human history, as evidenced by studies that show children enjoy half as much time outdoors today as they did just 20 years ago, while spending more than 7½ hours every day in front of electronic media.

(2) The health of our children is at risk as evidenced by the growing obesity crisis where, during the 20-year period between 1991 and 2011, the childhood obesity rate has more than doubled and the adolescent obesity rate has tripled, costing the economy of the United States billions of dollars each year.

(3) Our military readiness is declining as nearly 1 in 4 applicants to the military is re-

jected for being overweight or obese, which is the most common reason for medical disqualification.

(4) Research has shown that military children and families are facing increased stress and mental strain and challenges due to multiple, extended deployments. Military family service organizations have developed programs that connect military children and families with positive, meaningful outdoor experiences that benefit mental and physical health, but they lack sufficient resources to meet increasing demand.

(5) In addition to the negative economic impact of childhood obesity, the outdoor retail industry, many local tourist destinations or "gateway communities", and State fish and wildlife agencies rely on revenue generated when individuals spend time outdoors to create jobs in local communities.

(6) Over the past several years, urbanization, changing land use patterns, increasing road traffic, and inadequate solutions to addressing these challenges in the built environment have combined to make it more difficult for many Americans to walk or bike to schools, parks, and play areas or experience the natural environment in general.

(7) Visitation to our Nation's public lands has declined or remained flat in recent years, and yet, connecting with nature and the great outdoors in our communities is critical to fostering the next generation of outdoor enthusiasts who will visit, appreciate, and become stewards of our Nation's public lands.

(8) It takes many dedicated men and women to work to preserve, protect, enhance, and restore America's natural resources, and with an aging workforce in the natural resource professions, it is critical for the next generation to have an appreciation for nature and be ready to take over these responsibilities.

(9) Spending time outdoors in nature is beneficial to our children's physical, mental, and emotional health and has been proven to decrease symptoms of attention deficit and hyperactivity disorder, stimulate brain development, improve motor skills, result in better sleep, reduce stress, increase creativity, improve mood, and reduce children's risk of developing myopia.

(10) Children who spend time playing outside are more likely to take risks, seek out adventure, develop self-confidence, and respect the value of nature.

(11) Spending time in green spaces outside the home, including parks, play areas, and garden, can increase concentration, inhibition of initial impulses, and self-discipline and has been shown to reduce stress and mental fatigue. In one study, children who were exposed to greener environments in a public housing area demonstrated less aggression, violence, and stress.

(12) As children become more disconnected from the natural world, the hunting and angling conservation legacy of America is at risk.

(13) Conservation education and outdoor recreation experiences such as camping, hiking, boating, hunting, fishing, archery, recreational shooting, wildlife watching, and others are critical to engaging young people in the outdoors.

(14) Hunters and anglers play a critical role in reconnecting young people with nature, protecting our natural resources, and fostering a lifelong understanding of the value of conserving the natural world.

(15) Research demonstrates that hunters who become engaged in hunting as children are among the most active and interested

hunters as adults. The vast majority of hunters report they were introduced to hunting between the ages of 10 and 12, and the overwhelming majority of children are introduced to hunting by an adult.

(16) A direct childhood experience with nature before the age of 11 promotes a long-term connection to nature.

(17) Parks and recreation, youth-serving, service-learning, conservation, health, education, and built-environment organizations, facilities, and personnel provide critical resources and infrastructure for connecting children and families with nature.

(18) Place-based service-learning opportunities use our lands and waters as the context for learning by engaging students in the process of exploration, action, and reflection. Physical activity outdoors connected with meaningful community service to solve real-world problems, such as removing invasive plants or removing trash from a streambed, strengthens communities by engaging youth as citizen stewards.

(19) States nationwide and their community based partners have some notable programs that connect children and families with nature; however, most States lack sufficient resources and a comprehensive strategy to effectively engage State agencies across multiple fields.

(20) States need to engage in cross-sector agency and nonprofit collaboration that involves public health and wellness, parks and recreation, transportation and city planning, and other sectors focused on connecting children and families with the outdoors to increase coordination and effective implementation of the policy tools and programs that a State can bring to bear to provide healthy outdoor opportunities for children and families.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State; or

(B) a consortium from one State that may include such State and municipalities, entities of local or tribal governments, parks and recreation departments or districts, school districts, institutions of higher education, or nonprofit organizations.

(2) LOCAL PARTNERS.—The term "local partners" means a municipality, entity of local or tribal government, parks and recreation departments or districts, Indian tribe, school district, institution of higher education, nonprofit organization, or a consortium of local partners.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any Indian tribe.

SEC. 4. COOPERATIVE AGREEMENTS FOR DEVELOPMENT OR IMPLEMENTATION OF HEALTHY KIDS OUTDOORS STATE STRATEGIES.

(a) IN GENERAL.—The Secretary is authorized to issue one cooperative agreement per State to eligible entities to develop, implement, and update a 5-year State strategy, to be known as a "Healthy Kids Outdoors State Strategy", designed to encourage Americans, especially children, youth, and families, to be physically active outdoors.

(b) SUBMISSION AND APPROVAL OF STRATEGIES.—

(1) APPLICATIONS.—An application for a cooperative agreement under subsection (a) shall—

(A) be submitted not later than 120 days after the Secretary publishes guidelines under subsection (f)(1); and

(B) include a Healthy Kids Outdoors State Strategy meeting the requirements of subsection (c) or a proposal for development and submission of such a strategy.

(2) APPROVAL OF STRATEGY; PEER REVIEW.—Not later than 90 days after submission of a Healthy Kids Outdoors State Strategy, the Secretary shall, through a peer review process, approve or recommend changes to the strategy.

(3) STRATEGY UPDATE.—An eligible entity receiving funds under this section shall update its Healthy Kids Outdoors State Strategy at least once every 5 years. Continued funding under this section shall be contingent upon submission of such updated strategies and reports that document impact evaluation methods consistent with the guidelines in subsection (f)(1) and lessons learned from implementing the strategy.

(c) COMPREHENSIVE STRATEGY REQUIREMENTS.—The Healthy Kids Outdoors State Strategy under subsection (a) shall include—

(1) a description of how the eligible entity will encourage Americans, especially children, youth, and families, to be physically active in the outdoors through State, local, and tribal—

(A) public health systems;

(B) public parks and recreation systems;

(C) public transportation and city planning systems; and

(D) other public systems that connect Americans, especially children, youth, and families, to the outdoors;

(2) a description of how the eligible entity will partner with nongovernmental organizations, especially those that serve children, youth, and families, including those serving military families and tribal agencies;

(3) a description of how State agencies will collaborate with each other to implement the strategy;

(4) a description of how funding will be spent through local planning and implementation subgrants under subsection (d);

(5) a description of how the eligible entity will evaluate the effectiveness of, and measure the impact of, the strategy, including an estimate of the costs associated with such evaluation;

(6) a description of how the eligible entity will provide opportunities for public involvement in developing and implementing the strategy;

(7) a description of how the strategy will increase visitation to Federal public lands within the state; and

(8) a description of how the eligible entity will leverage private funds to expand opportunities and further implement the strategy.

(d) LOCAL PLANNING AND IMPLEMENTATION.—

(1) IN GENERAL.—A Healthy Kids Outdoors State Strategy shall provide for subgrants by the cooperative agreement recipient under subsection (a) to local partners to implement the strategy through one or more of the program activities described in paragraph (2).

(2) PROGRAM ACTIVITIES.—Program activities may include—

(A) implementing outdoor recreation and youth mentoring programs that provide opportunities to experience the outdoors, be physically active, and teach skills for life-long participation in outdoor activities, including fishing, hunting, recreational shoot-

ing, archery, hiking, camping, outdoor play in natural environments, and wildlife watching;

(B) implementing programs that connect communities with safe parks, green spaces, and outdoor recreation areas through affordable public transportation and trail systems that encourage walking, biking, and increased physical activity outdoors;

(C) implementing school-based programs that use outdoor learning environments, such as wildlife habitats or gardens, and programs that use service learning to restore natural areas and maintain recreational assets; and

(D) implementing education programs for parents and caregivers about the health benefits of active time outdoors to fight obesity and increase the quality of life for Americans, especially children, youth, and families.

(e) PRIORITY.—In making cooperative agreements under subsection (a) and subgrants under subsection (d)(1), the Secretary and the recipient under subsection (a), respectively, shall give preference to entities that serve individuals who have limited opportunities to experience nature, including those who are socioeconomically disadvantaged or have a disability or suffer disproportionately from physical and mental health stressors.

(f) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, and after notice and opportunity for public comment, the Secretary shall publish in the Federal Register guidelines on the implementation of this Act, including guidelines for—

(1) developing and submitting strategies and evaluation methods under subsection (b); and

(2) technical assistance and dissemination of best practices under section 7.

(g) REPORTING.—Not later than 2 years after the Secretary approves the Healthy Kids Outdoors State Strategy of an eligible entity receiving funds under this section, and every year thereafter, the eligible entity shall submit to the Secretary a report on the implementation of the strategy based on the entity's evaluation and assessment of meeting the goals specified in the strategy.

(h) ALLOCATION OF FUNDS.—An eligible entity receiving funding under subsection (a) for a fiscal year—

(1) may use not more than 5 percent of the funding for administrative expenses; and

(2) shall use at least 95 percent of the funding for subgrants to local partners under subsection (d).

(i) MATCH.—An eligible entity receiving funding under subsection (a) for a fiscal year shall provide a 25-percent match through in-kind contributions or cash.

SEC. 5. NATIONAL STRATEGY FOR ENCOURAGING AMERICANS TO BE ACTIVE OUTDOORS.

(a) IN GENERAL.—Not later than September 30, 2012, the President, in cooperation with appropriate Federal departments and agencies, shall develop and issue a national strategy for encouraging Americans, especially children, youth, and families, to be physically active outdoors. Such a strategy shall include—

(1) identification of barriers to Americans, especially children, youth, and families, spending healthy time outdoors and specific policy solutions to address those barriers;

(2) identification of opportunities for partnerships with Federal, State, tribal, and local partners;

(3) coordination of efforts among Federal departments and agencies to address the im-

pacts of Americans, especially children, youth, and families, spending less active time outdoors on—

(A) public health, including childhood obesity, attention deficit disorders and stress;

(B) the future of conservation in the United States; and

(C) the economy;

(4) identification of ongoing research needs to document the health, conservation, economic, and other outcomes of implementing the national strategy and State strategies;

(5) coordination and alignment with Healthy Kids Outdoors State Strategies; and

(6) an action plan for implementing the strategy at the Federal level.

(b) STRATEGY DEVELOPMENT.—

(1) PUBLIC PARTICIPATION.—Throughout the process of developing the national strategy under subsection (a), the President may use, incorporate, or otherwise consider existing Federal plans and strategies that, in whole or in part, contribute to connecting Americans, especially children, youth, and families, with the outdoors and shall provide for public participation, including a national summit of participants with demonstrated expertise in encouraging individuals to be physically active outdoors in nature.

(2) UPDATING THE NATIONAL STRATEGY.—The President shall update the national strategy not less than 5 years after the date the first national strategy is issued under subsection (a), and every 5 years thereafter. In updating the strategy, the President shall incorporate results of the evaluation under section 6.

SEC. 6. NATIONAL EVALUATION OF HEALTH IMPACTS.

The Secretary, in coordination with the Secretary of Health and Human Services, shall—

(1) develop recommendations for appropriate evaluation measures and criteria for a study of national significance on the health impacts of the strategies under this Act; and

(2) carry out such a study.

SEC. 7. TECHNICAL ASSISTANCE AND BEST PRACTICES.

The Secretary shall—

(1) provide technical assistance to grantees under section 4 through cooperative agreements with national organizations with a proven track record of encouraging Americans, especially children, youth, and families, to be physically active outdoors; and

(2) disseminate best practices that emerge from strategies funded under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act—

(1) \$1,000,000 for fiscal year 2013;

(2) \$2,000,000 for fiscal year 2014;

(3) \$3,000,000 for fiscal year 2015;

(4) \$4,000,000 for fiscal year 2016; and

(5) \$5,000,000 for fiscal year 2017.

(b) LIMITATION.—Of the amounts made available to carry out this Act for a fiscal year, not more than 5 percent may be made available for carrying out section 7.

(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this Act shall be used to supplement, and not supplant, any other Federal, State, or local funds available for activities that encourage Americans, especially children, youth, and families to be physically active outdoors.

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. MERKLEY):

S. 1804. A bill to amend title IV of the Supplemental Appropriations Act, 2008

to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Emergency Unemployment Compensation Extension Act of 2011 to ensure that millions of unemployed Americans will not lose desperately needed unemployment benefits and to provide relief to states and employers that are facing automatic penalties for overdrawing on their unemployment insurance trust fund during the worst unemployment crisis in modern history. I am pleased to be joined by my colleagues Senators DURBIN, WHITEHOUSE and LEVIN.

Fourteen million Americans are looking for work and the average length of unemployment is 40 weeks. Rhode Island has endured especially high and persistent rates of unemployment. If Congress fails to extend unemployment benefits or if benefits lapse for as little as a month—10,000 Rhode Islanders and 2 million Americans nationwide will fall through the safety net and lose benefits. This would have far reaching impacts on families, communities, and businesses. It would seriously endanger our economic recovery as a whole.

The legislation would continue funding for the Federal unemployment programs for jobless workers through 2012 by extending the Emergency Unemployment Compensation Program and making improvements to the Extended Benefits Program.

The bill will also provide relief for States and employers that have been hit the hardest by our unemployment crisis and whose unemployment trust funds have been subjected to historic levels of stress by providing a 1 year moratorium on interest payments for States and tax relief for employers in States with outstanding unemployment trust fund loans.

Requiring States to make such interest repayments now, at a time when they face massive budget deficits and the economy is still weak does not make economic sense. Nor does requiring businesses to pay an additional tax of \$21 per employee for the 2011 tax year.

This bill would provide immediate relief and certainty to 23 States with outstanding loans and all of their employers facing automatic tax increases that are otherwise set to be assessed as soon as January 31, 2012.

For States that have remained solvent during this crisis, they would receive a 2 percent interest bonus on trust fund reserves. This reflects the need to start moving in the direction of replenishing and maintaining solvent unemployment trust funds, which is why I joined Senator DURBIN in introducing the Unemployment Insurance Solvency Act earlier this year.

Unfortunately, today's legislation is necessary because Republicans have

blocked passage of the President's American Jobs Act. The American Jobs Act proposed extending the EUC and EB programs along with incorporating several important reforms to the UI system. These reforms would provide enhanced assistance to the long-term unemployed in their job search and ensure benefits are being administered properly. Indeed, as we look to extend unemployment benefits to those who have been harmed by this economy through no fault of their own and aid States and employers, we must be mindful to enhance the integrity of the unemployment system and prevent improper payments, which hurt taxpayers and ultimately erode benefits for those that are most in need. It is my hope that Congress and States, which are responsible for administering these programs, continue to improve the integrity and functioning of our UI system.

We know what policies will strengthen our recovery. Extending benefits and addressing solvency are among them and I urge my colleagues to join us in cosponsoring and pressing for action on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Emergency Unemployment Compensation Extension Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF UNEMPLOYMENT PROGRAMS

Sec. 101. Temporary extension of unemployment insurance provisions.

Sec. 102. Modification of indicators under the extended benefit program.

Sec. 103. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE II—STATE AND EMPLOYER ASSISTANCE

Sec. 201. Extension of temporary assistance for States with advances.

Sec. 202. FUTA credit reductions for 2011 contingent on voluntary agreements.

Sec. 203. Assistance contingent on voluntary agreements.

Sec. 204. Solvency bonus.

TITLE I—EXTENSION OF UNEMPLOYMENT PROGRAMS

SEC. 101. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “January 3, 2012” each place it appears and inserting “January 3, 2013”;

(B) in the heading for subsection (b)(2), by striking “JANUARY 3, 2012” and inserting “JANUARY 3, 2013”; and

(C) in subsection (b)(3), by striking “June 9, 2012” and inserting “June 8, 2013”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 4, 2012” each place it appears and inserting “January 4, 2013”; and

(B) in subsection (c), by striking “June 11, 2012” and inserting “June 11, 2013”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “June 10, 2013”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 101(a)(1) of the Emergency Unemployment Compensation Extension Act of 2011; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

SEC. 102. MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) EXTENSION.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2011” and inserting “December 31, 2012”; and

(2) in subsection (f)(2), by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by adding at the end the following: “Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance having the force and effect of law provide that the determination of whether there has been a State ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding subparagraph (A) of paragraph (1) and disregarding ‘either subparagraph (A) or’ in paragraph (2).”.

(c) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance with the force and effect of law provide that the determination of whether there has been a State ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding clause (ii) of paragraph (1)(A) and as if paragraph (1)(B) had been amended by striking ‘either the requirements of clause

(i) or (ii)' and inserting 'the requirements of clause (i)'.

SEC. 103. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312), is amended—

(1) by striking "June 30, 2011" and inserting "June 30, 2012"; and

(2) by striking "December 31, 2011" and inserting "December 31, 2012".

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

TITLE II—STATE AND EMPLOYER ASSISTANCE

SEC. 201. EXTENSION OF TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended, in the matter before clause (i), by striking "2010—" and inserting "2010 and the 12-month period beginning on October 1, 2011—".

SEC. 202. FUTA CREDIT REDUCTIONS FOR 2011 CONTINGENT ON VOLUNTARY AGREEMENTS.

(a) **IN GENERAL.**—Section 3302(c) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (3) as paragraph (4), and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) If a State has entered into a voluntary agreement under section 203 of the Emergency Unemployment Compensation Extension Act of 2011, the provisions of paragraph (2) shall be applied with respect to the taxable year beginning January 1, 2011, or any succeeding taxable year, by deeming January 1, 2012, to be the first January 1 occurring after January 1, 2010. For purposes of paragraph (2), consecutive taxable years in the period commencing January 1, 2012, shall be determined as if the taxable year which begins on January 1, 2012, were the taxable year immediately succeeding the taxable year which began on January 1, 2010. No taxpayer shall be subject to credit reductions under this paragraph for the taxable year beginning January 1, 2011.

"(B) If the voluntary agreement specified in subparagraph (A) is terminated under section 203(e) of the Emergency Unemployment Compensation Extension Act of 2011, subparagraph (A) shall not be effective for any taxable year."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

SEC. 203. ASSISTANCE CONTINGENT ON VOLUNTARY AGREEMENTS.

(a) **IN GENERAL.**—The amendment made by section 201 shall not apply with respect to any State with which the Secretary of Labor

has not entered into a voluntary agreement under this section.

(b) **APPLICATION.**—Any State that has 1 or more outstanding repayable advances from the Federal unemployment account under section 1201 of the Social Security Act (42 U.S.C. 1321) may apply to the Secretary of Labor to enter into a voluntary agreement under this section.

(c) **REQUIREMENTS.**—An application described in subsection (b) shall be submitted within such time, and in such form and manner, as the Secretary of Labor may require, except that any such application shall include certification by the State that during the period of the agreement—

(1) the method governing the computation of regular compensation under the State law of the State will not be modified in a manner such that the average weekly benefit amount of regular compensation which will be payable during the period of the agreement will be less than the average weekly benefit amount of regular compensation which would have otherwise been payable under the State law as in effect on the date of the enactment of this subsection;

(2) the State law of the State will not be modified in a manner such that any unemployed individual who would be eligible for regular compensation under the State law in effect on such date of enactment would be ineligible for regular compensation during the period of the agreement or would be subject to any disqualification during the period of the agreement that the individual would not have been subject to under the State law in effect on such date of enactment; and

(3) the State law of the State will not be modified in a manner such that the maximum amount of regular compensation that any unemployed individual would be eligible to receive in a benefit year during the period of the agreement will be less than the maximum amount of regular compensation that the individual would have been eligible to receive during a benefit year under the State law in effect on such date of enactment.

(d) **DECISION.**—The Secretary of Labor shall review any application received from a State to enter into a voluntary agreement under this section and, within 30 days after the date of receipt, approve or disapprove the application and notify the Governor of the State of the Secretary's decision, including—

(1) if approved, the effective date of the agreement; and

(2) if disapproved, the reasons why it was disapproved.

(e) **TERMINATION.**—

(1) **IN GENERAL.**—If, after reasonable notice and opportunity for a hearing, the Secretary of Labor finds that a State with which the Secretary has entered into an agreement under this section has modified State law so that it no longer contains the provisions specified in paragraph (1), (2), or (3) of subsection (c) or has failed to comply substantially with any of those provisions, the agreement shall be terminated, effective as of such date as the Secretary shall determine, but in no event later than December 31, 2012.

(2) **EFFECT WITH RESPECT TO REPAYABLE ADVANCES.**—If an agreement under this section with a State is terminated, then, effective as of the termination date of such agreement, paragraph (10) of section 1202(b) of the Social Security Act shall, for purposes of such State, be applied as if subparagraph (A) of such paragraph had been amended by striking the date specified in such subparagraph (in the matter before clause (i) thereof) and inserting the termination date of such agreement.

(f) **REGULATIONS.**—Any regulations or guidance necessary to carry out this title or any of the amendments made by this title may be prescribed by—

(1) to the extent that they relate to section 201, the Secretary of Labor; and

(2) to the extent that they relate to section 202, the Secretary of the Treasury.

(g) **DEFINITIONS.**—For purposes of this section, the terms "State", "State law", "regular compensation", and "benefit year" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 204. SOLVENCY BONUS.

Section 904 of the Social Security Act (42 U.S.C. 1104) is amended by adding at the end the following:

"Solvency Bonus

"(h)(1) Notwithstanding any other provision of this section, the amount which is credited under subsection (e) to the book account of the State agency of a solvent State shall, for each quarter to which this subsection applies, be equal to the amount which would be determined under this section, for such State agency and for such quarter, if the 5th sentence of subsection (b) were applied by using—

"(A) the average rate of interest which (but for this subsection) would otherwise have been determined under subsection (b) for purposes of such quarter; plus

"(B) an additional 2 percentage points.

"(2) For purposes of this subsection, a State shall be considered to be a 'solvent State' if the outstanding balance for such State of advances under title XII is equal to zero. A determination as to whether or not a State is a solvent State shall be made by the Secretary of Labor—

"(A) for each State;

"(B) for each quarter to which this subsection applies; and

"(C) based on such date or period (before the 1st day of such quarter), and otherwise in such manner, as the Secretary of Labor shall determine in consultation with the Secretary of the Treasury.

"(3) This subsection applies to each quarter in calendar year 2012.

"(4) Nothing in this subsection shall have the effect of causing the amount which is credited under subsection (e) to any account in the Fund for any quarter to be less than the amount which (disregarding this subsection) would otherwise have been so credited to such account for such quarter."

By Mr. JOHANNES:

S. 1805. A bill to prohibit the Administrator of the Environmental Protection Agency from rejecting or otherwise determining to be inadequate a State implementation plan in any case in which the State submitting the plan has not been given a reasonable time to develop and submit the plan in accordance with a certain provision of the Clean Air Act; to the Committee on Environment and Public Works.

Mr. JOHANNES. Mr. President, few things provide me with greater charity than conversations I have with people back home in Nebraska. I rise to discuss a few of those conversations I had just last week during our work period back home. I used this opportunity to meet with electricity providers serving Nebraskans across the great State of

Nebraska, from the more populated areas such as Omaha, to smaller communities such as Hastings, NE.

It will come as no surprise, I believe to anyone, that the focus of their frustration, their anger is with the EPA. They feel they have been treated unfairly. They feel the Agency has not been straight forward or transparent. They feel they now have a target on their backs, and they know that compliance with the latest EPA regulatory bombshell is going to have a crushing impact on the communities they serve.

Their latest concern is a rule known as the cross-state air pollution rule or cross-state. The rule addresses airborne emissions that EPA claims cross State lines and may affect air quality in another State. EPA issued the final rule in July of this year. Let me repeat that. EPA issued the final rule in July of this year and then demanded compliance by January 2012.

That is 6 months. That is an impossibility and EPA knows it. Here is why it is an impossibility. This is especially relevant to my State. Nebraska was not included in the old version of the same rule, the so-called clean air interstate rule. We were not a part of it. The final rule changed dramatically from the proposed version.

For example, the required reductions increased dramatically from the proposed rule that was published in July of 2010. So Nebraska first found itself subject to this type of EPA rule in the proposed rule in July of 2010. Then the final rule arrives a year later and, boom, it is a dramatically different rule—more severe reductions in compliance in an almost laughable 6 months.

Basically, Nebraska gets a final rule thrust upon them and no opportunity to comply. That could not be more unjust. Draconian changes made in a final rule that depart so significantly from the proposed rule defeat the very purpose of our laws that prescribe how agencies are supposed to make rules. I ran one of those agencies as Secretary of Agriculture.

This process makes a mockery out of the rulemaking process. It makes public comments absolutely meaningless. What good does review of a proposed rule do when the final rule is so radically different from the original proposal? It also means the community regulated cannot plan and cannot fix the problem.

This is our government we are talking about. Utilities cannot go to their ratepayers and say: Look, we have to make changes. It is going to take some time and money, but here is our plan and here is how much it will cost as a ratepayer. EPA has totally shoved aside the traditional role that some State regulators play as an EPA partner in establishing clean air plans known as State implementation plans. In fact, in this case, the EPA estab-

lished a Federal implementation plan, a one-size-fits-all national plan that completely rejects State efforts to manage compliance.

Our power providers and regulators are echoing this same message. There just is not enough time for them. Instead of 3 or 5 or 10 years that is needed, by administrative fiat, EPA has said: They get 6 months to rebuild a powerplant. Let me be crystal clear about what Nebraska's power providers did and did not do.

They did not say: We cannot change and we will not change. They did not say: Just leave me alone. What they did say to me, very clearly, is: We cannot waive a magic wand. We cannot do the impossible. We cannot put together the finance plan in 6 months. We cannot put a request for bid out and get the work done in 6 months. We cannot get a design plan written by a competent engineering firm. We cannot arrange for a plant shutdown. We cannot get the construction crews to our facility, especially as cold weather sets into our State between now and January 1 to rebuild the powerplants. It simply is not humanly possible.

What options are possible? Someone listening to me might ask: What options do they have? Unfortunately, the first thing our providers are doing is just trying to understand the rule. That in itself is no small task, because as I explained, the rule is essentially brand new. The ink is barely dry. The EPA did a head fake. They said: Here is the rule and then completely changed it in the final rule.

Secondly, electricity providers are making plans—get this. They are making plans all across this country to decrease electric generation because of this rule. In Hastings, NE, ratepayers have been told to expect an increase in operating costs of at least \$3.8 million per year. Including costs of retrofits for this rule and two others that are in the works by EPA, Hastings figures \$40 to \$50 million will be spent over the next 5 years.

Think about that for a second. Imagine \$40 to \$50 million for a community of 25,000 people. That is for Hastings and only if the utility can figure out how it can get it done. Guess who bears the brunt of these costs. Every Hastings resident with an electricity meter—not shareholders. This is not a big electric company. No shareholder equity will be drawn down, no preferred stock to be newly issued. We are, in our State, a 100-percent public power State. Just those folks in Hastings, NE, because they got swept into an EPA rule last July with a January deadline. Fremont, NE, another great Nebraska community caught in the crosshairs, has indicated the cross-state rule and two other EPA rules will cost customers about \$35 million over the next 3 years.

In New York City or Washington, DC, \$35 million may seem insignificant.

But to the 25,000 residents of Fremont, NE, it is a huge deal. Similarly, the cross-state rule will cost the Nebraska public power district, our largest electricity provider, about \$6 million next year in reduced revenue, as well as mandating about \$40 million in costs before the end of 2012. Electricity providers across the State are all looking at purchasing power from other generators. The only way they can get compliance now is to reduce generation.

Of course, many neighboring utilities in the State are subject to the same final rule. Guess what. This is the problem across the country. So everybody is in the hunt, and the short compliance timeframe is likely to drive the price of energy even higher. Another option includes purchasing pollution credits on the open market. No one knows how much it will cost because the same comprised timeline affects the markets for credits.

People may have also noticed I have not mentioned the bid, the design, the implementation, the installation of pollution control equipment as a compliance strategy, because in our State, that possibility is not an option for us because of the EPA's timeline. Six months is not enough time, especially when the labor, the technical knowledge, the contractors, the financing are all being chased by our utilities subject to the same rule.

Is it any wonder people are frustrated? Is it any wonder at all? That is why today I am introducing legislation that addresses the way the EPA handled this rule. My bill takes a couple reasonable steps to address this unfair treatment, not only in my State but in 27 other States. First, under my bill, EPA is prohibited from dictating Federal implementation plans unless the Agency has given the State a sufficient amount of time to develop a plan.

The State must be given 2 years to put a plan in place. In addition, if my bill is enacted, EPA cannot choose to reject a State's plan if, as a result, compliance would immediately follow. In other words, my bill prohibits EPA from jamming States by rejecting their plans and requiring an unreasonable compliance timeframe. Finally, my bill says EPA's compliance deadlines are set aside for 3 years while States get a chance to put this together. The message of my bill is straightforward: Do not freeze out States. Do not jam us with a compliance schedule that everybody knows will not work.

Nebraskans, similar to everybody else, are tired of being treated as second-class citizens by an agency that has run amuck. I suspect the same is true of 27 other States. Nebraskans simply cannot believe EPA is hitting the accelerator on a rule that will drive up electricity bills in more than half the country with no way for States to comply.

I share their frustration. The EPA is in a constant thirst for power. I urge

my colleagues to cosponsor this legislation, to introduce one small dose of common sense to this out-of-control agency.

By Mr. BINGAMAN:

S. 1807. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce the Energy Research and Development Coordination Act of 2011. This bill updates one of the basic statutes governing energy research and development, the Federal Nonnuclear Energy Research and Development Act of 1974, to improve the planning and coordination of energy research and development government-wide. It also puts in place a mechanism to allow Congress to see a consolidated annual budget for all energy research, development, and demonstration activities across the Federal agencies, and to provide an opportunity to better coordinate and reduce unnecessary duplication in these activities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Energy Research and Development Coordination Act of 2011”.

SEC. 2. COMPREHENSIVE PLAN FOR ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) IN GENERAL.—Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

“SEC. 6. COMPREHENSIVE PLANNING AND PROGRAMMING.

“(a) COMPREHENSIVE PLAN.—

“(1) IN GENERAL.—The Secretary, in consultation with the National Energy Research Coordination Council established under section 18, shall submit to Congress, along with the annual submission of the budget by the President under section 1105 of title 31, United States Code, a comprehensive plan for energy research, development, and demonstration programs across the Federal Government.

“(2) RELATIONSHIP TO OTHER REVIEWS.—The plan—

“(A) shall be based on the most recent Quadrennial Energy Review prepared under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321); and

“(B) may take into account key energy developments since the most recent Quadrennial Energy Review.

“(3) REVISIONS.—The plan shall be appropriately revised annually in accordance with section 15(a).

“(4) GOALS.—The plan shall be designed to achieve solutions to problems in energy supply, transmission, and use (including associated environmental problems) in—

“(A) the immediate and short-term (the period up to 5 years after submission of the plan);

“(B) the medium-term (the period from 5 years to 15 years after submission of the plan); and

“(C) the long-term (the period beyond 15 years after submission of the plan).”; and

(2) in subsection (b), by striking “(b)(1)” and all that follows through the end of paragraph (1) and inserting the following:

“(b) DEPARTMENT OF ENERGY PROGRAM.—

“(1) PROGRAM.—

“(A) IN GENERAL.—Based on the comprehensive plan developed under subsection (a), the Secretary shall develop and submit to Congress, along with the annual budget submission for the Department, a detailed description of an energy research, development, and demonstration program to implement the aspects of the comprehensive plan appropriate to the Department.

“(B) UPDATES.—The program shall be updated and transmitted to Congress annually as a part of the report required under section 15.”.

(b) REPORTS.—Section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “this Act” and inserting “this Act and the plan under this Act”;;

(B) in paragraph (2), by striking “nuclear and nonnuclear”; and

(C) in paragraph (3), by striking “nonnuclear”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “nonnuclear” and inserting “energy”; and

(B) in paragraph (1), by striking “objectives” and inserting “objectives”; and

(3) by striking subsection (c) and inserting the following:

“(c) ADMINISTRATION.—Section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; Public Law 104-66) shall not apply to this section.”.

SEC. 3. COORDINATION AND REDUCTION OF DUPLICATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.

The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.) is amended by adding at the end the following:

“SEC. 18. COORDINATION AND REDUCTION OF DUPLICATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.

“(a) DEFINITIONS.—In this section:

“(1) ANNUAL BUDGET SUBMISSION.—The term ‘annual budget submission’ means the budget proposal of the President transmitted under section 1105 of title 31, United States Code.

“(2) CHAIRPERSONS.—The term ‘Chairpersons’ means—

“(A) the Director of the Office of Science and Technology Policy; and

“(B) the Secretary.

“(3) COMPREHENSIVE PLAN.—The term ‘comprehensive plan’ means the comprehensive plan for energy research, development, and demonstration developed under sections 6(a) and 15(a).

“(4) COUNCIL.—The term ‘Council’ means the National Energy Research Coordination Council established under subsection (b).

“(5) ENERGY PROGRAM AGENCY.—The term ‘energy program agency’ means an executive department or agency for which the annual expenditure budget for energy research, development, and demonstration activities, including activities described in section 6(b), exceeds \$10,000,000.

“(b) NATIONAL ENERGY RESEARCH COORDINATION COUNCIL.—

“(1) ESTABLISHMENT.—There is established within the Department a National Energy Research Coordination Council to coordinate the development and funding of energy research, development, and demonstration activities for all energy program agencies.

“(2) COMPOSITION.—The Council shall be composed of—

“(A) the Director of the Office of Science and Technology Policy and the Secretary, who shall jointly serve as Chairpersons of the Council;

“(B) the Director of the Office of Management and Budget;

“(C) the head of any energy program agency; and

“(D) such other officers or employees of executive departments and agencies as the President may, from time to time, designate.

“(c) NATIONAL ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM BUDGET.—

“(1) IN GENERAL.—The Chairpersons shall—

“(A) in coordination with the Council, establish for each fiscal year a consolidated budget proposal to implement the comprehensive plan, taking into account—

“(i) applicable recommendations of the National Academy of Sciences under this Act; and

“(ii) the need to avoid unnecessary duplication of programs across Federal agencies;

“(B) provide budget guidance, coordination, and review in the development of energy research, development, and demonstration budget requests submitted to the Office of Management and Budget by each energy program agency; and

“(C) submit to the President and Congress the consolidated budget proposal under subparagraph (A) as part of the annual budget submission.

“(2) TIMING AND FORMAT OF BUDGET REQUESTS.—The head of each energy program agency shall ensure timely budget development and submission to the Chairpersons of energy research, development, and demonstration budget requests, in such format as may be determined by the Chairpersons with the concurrence of the Director of the Office of Management and Budget.

“(d) COORDINATION OF IMPLEMENTATION.—The Chairpersons, in consultation with the Council, shall—

“(1) establish objectives and priorities for energy research, development, and demonstration functions under this Act;

“(2) review the implementation of the comprehensive plan in all energy program agencies;

“(3) make such recommendations to the President as the Chairpersons determine are appropriate regarding changes in the organization, management, and budgets of energy program agencies—

“(A) to implement the policies, objectives, and priorities established under paragraph (1) and the comprehensive plan; and

“(B) to avoid unnecessary duplication of programs across Federal agencies; and

“(4) notify the head of an energy program agency if the policies or activities of the energy program agency are not in compliance

with the responsibilities of the energy program agency under the comprehensive plan.

“(e) REPORTS FROM THE NATIONAL ACADEMY OF SCIENCES.—

“(1) IN GENERAL.—The Secretary, in consultation with the Council, may enter into appropriate arrangements with the National Academy of Sciences under which the Academy shall prepare reports that evaluate and provide recommendations with respect to specific areas of energy research, development, and demonstration, including areas described in section 6(b) and fundamental science and engineering research supporting those areas.

“(2) SUBMISSION TO CONGRESS.—The Secretary shall submit to Congress a copy of each report prepared under this subsection.

“(f) INDEPENDENT ADMINISTRATION OF COUNCIL.—

“(1) LOCATION.—The physical location of the Council shall be separate and distinct from the headquarters of the Department.

“(2) BUDGET.—The Secretary shall submit the budget of the Council as a separate and distinct element of the budget submission of the Department for a fiscal year.

“(3) PERSONNEL.—

“(A) IN GENERAL.—The Secretary shall ensure that the Council has necessary administrative support and personnel of the Department to carry out this section.

“(B) COUNCIL PERSONNEL.—

“(i) IN GENERAL.—The Chairpersons shall select, appoint, employ, and fix the compensation of such officers and employees of the Council as are necessary to carry out the functions of the Council.

“(ii) AUTHORITY.—Each officer or employee of the Council—

“(I) shall be responsible to and subject to the authority, direction, and control of the Chairpersons, acting through an Executive Director appointed by the Chairpersons or the designee of the Executive Director; and

“(II) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department or Office of Science and Technology Policy.

“(C) PROHIBITION ON DUAL OFFICE HOLDING.—An individual may not concurrently hold or carry out the responsibilities of—

“(i) a position within the Council; and

“(ii) a position within the Department or Office of Science and Technology Policy that is not within the Council.

“(g) GAO REVIEW OF EFFECTIVENESS OF COUNCIL.—Not later than 3 years after the date of enactment of this section and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a management assessment of the Council, including an assessment of whether the Council is—

“(1) adequately staffed with personnel with necessary skills;

“(2) properly coordinating and disseminating policy and budget information to the energy program agencies and managers on an effective and timely basis; and

“(3) aligning the overall energy research, development, and demonstration budget so as to achieve the comprehensive plan and avoid unnecessary duplication of programs across Federal agencies.”.

By Mr. KERRY:

S. 1809. A bill To amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes; to the

Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, there is a silent epidemic in our country that today threatens the lives of more than 5 million Americans. Of those people afflicted with this disease, 150,000 will not survive this decade. In 2008 alone, an estimated 56,000 Americans were newly infected while as many as 75 percent of all infected people did not even know that they carried this disease. Without further preventative action, this growing health threat will only cost more lives and hundreds of billions in additional health care expenses. This ticking time bomb is viral hepatitis.

That is bad news. But there is also cause for hope.

Treatment already exists that can eradicate hepatitis C in close to 75 percent of people with the disease. Another treatment reduces the level of hepatitis B in over 80 percent of those treated. There has been a vaccine against hepatitis B for decades that has left millions immune to that strain of virus. We understand how viral hepatitis is spread, how it can be prevented, and how to test people for infection. There have just been a string of significant medical advances that will improve the effectiveness of viral hepatitis screening and treatment.

It is clear that we already have the tools at our disposal to prevent, treat, and control the vast majority of these infections, now what we need is a coordinated strategy to put these tools to work.

That is why I am introducing the Viral Hepatitis Testing Act of 2011, which appropriates \$110 million over five years to improve education, testing, and care for viral hepatitis across Massachusetts and in local communities around the country. This legislation is a down-payment on a national effort to fight and ultimately eradicate hepatitis B and C in America. I hope my colleagues on both sides of the aisle will join me in cosponsoring this effort.

Viral hepatitis is known as a silent killer because it can stay a-symptomatic for years before it leads to serious liver disease. It is the most common cause of liver cancer and yet doctors and patients alike are often largely uninformed about this disease. Hepatitis B is 100 times more infectious than HIV and has spread to an estimated 2 billion people worldwide while hepatitis C has reached about 170 million people. Chronic viral hepatitis is widespread and it is dangerous.

Last year, the Institute of Medicine released a report outlining a number of specific recommendations on how to combat viral hepatitis. To build on those recommendations, Assistant Secretary of Health Dr. Howard Koh convened a task force and developed a detailed, comprehensive action plan to combat the pervasive spread of this dis-

ease. These recommendations served as the foundation for the legislation I am proposing today.

As of today, there is no coordinated national strategy in place to fight viral hepatitis. The action plan put forward by Dr. Koh and his team seeks to rectify that problem by incorporating standardized viral hepatitis prevention and treatment programs into the health care infrastructure that already exists. The bill I introduced today would quickly implement a number of these programs and provides the Department of Health and Human Services with the resources to act.

The first step in prevention is determining who is infected with the virus so they can receive the appropriate care and will be less likely to pass on this disease to others. In order to determine the prevalence of the problem and to increase the number of people who are aware of their infection, The Viral Hepatitis Testing Act calls for HHS to work with the Center for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the Preventive Services Task Force to develop and implement effective surveillance and testing protocols. Whereas 75 percent of people carrying viral hepatitis today do not even know they are infected, improved testing could flip that disturbing statistic on its head in just 5 years.

It is also a sad reality that a number of minority populations are at greatly increased risk for contracting viral hepatitis. Asian-Americans and Pacific Islanders account for over half of chronic hepatitis B cases. African Americans, Latinos, and American Indians and Native Alaskans also have disproportionately high rates of these viruses. Additionally, without the proper preventative care, there is a high likelihood that pregnant women who carry the virus will pass it on to their unborn children.

For those reasons, the legislation I introduced today also focuses on screening and treating high-risk populations and pregnant mothers for viral hepatitis. Educational programs targeting high-risk groups will empower people to protect themselves from contracting hepatitis, and ensuring that people who have viral hepatitis receive the appropriate follow-up care will further help to prevent the spread of this epidemic.

Additionally, providing doctors with the proper training on the causes, symptoms, and treatments would also go a long way toward stemming the tide of transmission and improving outcomes for patients who have contracted the disease. This legislation makes supplemental viral hepatitis training for health care professionals a priority.

To do the things we need to do in order to save lives and control this deadly epidemic, we are going to have

to make a relatively modest investment. The Viral Hepatitis Testing Act appropriates \$110 million over 5 years that will go toward implementing the educational, screening, and treatment measures required under this act. Rather than creating a whole new hepatitis prevention apparatus, this funding will be used to integrate these new and improved procedures into the existing health care infrastructure through grants to public and nonprofit private entities, including States, Indian tribes, and public-private partnerships.

The human benefits of this legislation are undeniable—these provisions will reduce transmission, improve the quality of life for people with viral hepatitis, and prevent the deaths of countless mothers and fathers and children. It is also undeniable that this is a wise investment of resources and good policy. These investments are a classic case of using limited resources to maximum impact, as we invest a modest amount of money today in order to save lives, pain, and tens of billions of dollars tomorrow.

Today, hepatitis B costs patients around \$2.5 billion per year. With baby boomers aging into Medicare and accounting for an estimated two out of every three cases of chronic hepatitis C, medical costs for treating this disease are expected to skyrocket from \$30 billion to more than \$85 billion in 2024. Late diagnosis is a significant driver of costs, as more expensive procedures and treatments are required the further the infection has progressed. To put this in even starker terms, the cost of the hepatitis B vaccine ranges from \$75 to \$165, while treatment can cost up to \$16 thousand per year for a single person, or up to \$110 thousand per hospital visit, should the disease develop into liver cancer.

Viral hepatitis is an increasingly significant issue for Massachusetts. The Department of Public Health reports over 2,000 cases of newly diagnosed chronic Hepatitis B infection and 8,000 to 10,000 cases of newly diagnosed chronic Hepatitis C infection each year. Viral hepatitis is the highest volume of reportable infectious diseases in the state. Additionally, there continues to be a striking increase in cases of hepatitis C infection among adolescents and young adults in the State, which suggests that there is a new epidemic of the disease taking hold.

Until recently, the Massachusetts State Legislature provided \$1.4 million for surveillance to detect outbreaks and behaviors of concern as well as for targeted screening and treatment of high-risk populations. Today, however, as this public health threat spreads, all of that funding has been eliminated due to budget cuts. Massachusetts receives just \$104,305 from the CDC for an Adult Viral Hepatitis Prevention Coordinator. This is a valuable position but

it is not nearly enough to support core public health services. The Viral Hepatitis Testing Act will allow Massachusetts to invest in a sustainable infrastructure that would improve health care for our citizens.

The choice is ours: we can either invest in preventative programs and more robust screening now or we can just let this epidemic continue to proliferate around the country and foot the bill later for the expensive surgical procedures, medicines, and hospital bills that will only continue to grow.

Without action, thousands more Americans will die year from preventable diseases. We know what we need to do; now it is up to us to do it. Let us not make excuses. Let us lower health care costs for American families, improve the quality of our care, and save lives. I again urge my colleagues to join me in cosponsoring this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 310—DESIGNATING 2012 AS THE “YEAR OF THE GIRL” AND CONGRATULATING GIRL SCOUTS OF THE USA ON ITS 100TH ANNIVERSARY

Ms. MIKULSKI (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 310

Whereas, for more than 100 years, Girl Scouts of the USA (referred to in this preamble as “Girl Scouts”) has inspired girls to lead with courage, confidence and character;

Whereas the Girl Scout movement began on March 12, 1912, when Juliette “Daisy” Gordon Low (a native of Savannah, Georgia) organized a group of 18 girls and provided the girls with the opportunity to develop physically, mentally, and spiritually;

Whereas the goal of Daisy Low was to bring together girls of all backgrounds to develop self-reliance and resourcefulness, and to prepare each girl for a future role as a professional woman and active citizen outside the home;

Whereas, within a few years, there were nearly 70,000 Girl Scouts throughout the United States, including the territory of Hawaii;

Whereas Girl Scouts established the first troops for African-American girls in 1917 and the first troops for girls with disabilities in 1920;

Whereas today more than 50,000,000 women in the United States are alumnae of the Girl Scouts, and approximately 3,300,000 girls and adult volunteers are active members of the Girl Scouts;

Whereas Girl Scouts live in every corner of the United States, Puerto Rico, the territories of the United States, and more than 90 countries overseas;

Whereas Girl Scouts is the largest member of the World Association of Girl Guides and Girl Scouts, a global movement comprised of more than 10,000,000 girls in 145 countries worldwide;

Whereas the robust program of Girl Scouts helps girls develop as leaders and build confidence by learning new skills;

Whereas the award-winning Girl Scout Leadership Program helps each girl discover herself and her values;

Whereas the Girl Scout Leadership Program leadership model helps girls develop skills such as critical thinking, problem solving, cooperation and team building, conflict resolution, advocacy, and other important life skills;

Whereas core programs around Science, Technology, Engineering and Math (referred to in this preamble as “STEM”), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership;

Whereas STEM programming, first introduced in 1913 with the “electrician” and “flyer” badges, offers girls of every age science, technology, engineering, and math activities that are relevant to everyday life;

Whereas the award-winning STEM program helps girls build strong, hands-on foundations to become future female leaders and meet the growing need for skilled science and technology professionals in the United States;

Whereas healthy living programs—

(1) help each Girl Scout build the skills necessary to maintain a healthy body, an engaged mind, and a positive spirit; and

(2) teach girls about fitness and nutrition, body image, self-esteem, and relational issues, especially bullying;

Whereas through the 100th Anniversary Take Action Project, “Girl Scouts Forever Green”, Girl Scouts is honoring the commitment of Juliette Low to the outdoors by engaging families, friends, and communities to improve the environment and protect the natural resources of the United States;

Whereas the financial literacy programming of Girl Scouts, most notably the iconic Girl Scout Cookie Program, helps girls set financial goals and gain the confidence needed to ultimately take control of their own financial future;

Whereas the beloved tradition of the Girl Scout Cookie Program has a proven legacy in the United States, as more than 80 percent of highly successful businesswomen were Girl Scouts;

Whereas Girl Scouts has also helped millions of young girls become good global citizens through international exchanges, travel, “take action” and service projects, and newer programs such as “twinning” (where girls in the United States connect with girls in other countries) and virtual Girl Scout troops;

Whereas Girl Scouts has helped girls advance diversity in a multicultural world, connect with local and global communities, and feel empowered to make a difference in the world;

Whereas the Girl Scout Gold Award, the highest honor in Girl Scouting, requires a girl to make a measurable and sustainable difference in the community by—

(1) assessing a need;

(2) designing a solution;

(3) finding the resources and the support to implement the solution;

(4) completing the project; and

(5) inspiring others to sustain the project;

Whereas the Gold Award honors leadership in the Girl Scout tradition because Gold Award recipients have already changed the world as high school students;

Whereas two-thirds of the most accomplished women in public service in the United States were Girl Scouts;

Whereas research by Girl Scouts shows that Girl Scouts alumnae—

(1) have a positive sense of self;

- (2) are engaged in community service;
- (3) are civically engaged;
- (4) have attained high levels of education; and
- (5) are successful according to many economic indicators;

Whereas, in addition to the outstanding programs that Girl Scouts offers, Girl Scouts has evolved into the premier expert on the healthy growth and development of girls;

Whereas, since the founding of the Girl Scout Research Institute in 2000, the Institute has become an internationally recognized center for original research, research reviews, and surveys that provide significant insights into the lives of girls;

Whereas the research conducted by Girl Scouts not only informs Girl Scout program development and delivery, but also helps bring the voice of girls to key issues in the public sphere;

Whereas, by bringing greater attention to the health, education, and developmental needs of girls, Girl Scouts provides a voice for girls with policymakers, business leaders, educators, and all other stakeholders who care about the healthy growth and development of girls;

Whereas Girl Scouts ensures that issues such as STEM education, bullying prevention, unhealthy perceptions of beauty as portrayed by the media, and many other important issues—

(1) are brought to the attention of the public; and

(2) are addressed through public policy at the national, State, and local levels; and

Whereas Girl Scouts of the USA is recognizing its 100th anniversary by designating 2012 as the “Year of the Girl”: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of empowering girls to lead with courage, confidence, and character;

(2) congratulates Girl Scouts of the USA on its 100th anniversary; and

(3) designates 2012 as the “Year of the Girl”.

Ms. COLLINS. Mr. President, I rise today to join Senator MIKULSKI in submitting a resolution honoring the 100th anniversary of Girl Scouting. In March of 2012, the Girl Scouts of America will celebrate a century as the world’s preeminent organization dedicated solely to helping young women develop the character and skills for future success.

The Girl Scouts have a tremendous history that should be celebrated and remembered. Since this organization was founded in 1912 in by Juliette Gordon Low, more than 50 million American girls have learned the values of integrity, leadership, and volunteerism. Today, there are more than 3.7 million members in 236,000 local troops throughout the United States and its territories, Girls Scouts has a global reach, with more than 10 million members in 145 countries. As the program continues to inspire, challenge, and empower young women across our Nation and around the world, its members are seeking to come together and recognize its 100th year of creating challenges, opportunities, and unforgettable memories.

In 2009, I introduced the Girl Scouts USA Centennial Commemorative Coin

Act with Senator MIKULSKI. Our bill, which passed both the House and Senate unanimously and was signed into law by the President, directs the Secretary of the Treasury to mint commemorative silver-dollar coins, which will be issued in 2013. Proceeds from the coin sales will benefit the Girl Scouts Centennial Year activities and the preservation of the Juliette Gordon Low Birthplace so that future generations of Girl Scouts will be able to pay tribute to the history of this notable organization.

With more than 16,000 girl and adult members, Girl Scouts of Maine is my State’s preeminent organization dedicated solely to girls, all girls, where, in an accepting and nurturing environment, girls build the character and skills for success that last a lifetime. I thoroughly enjoyed my years as a Girl Scout in my hometown of Caribou, ME, including the two summers I spent at Camp Natarawi, so it gives me great pleasure to join in celebrating this important anniversary. On behalf of Girl Scouts in Maine and across America, I am pleased to introduce this resolution in celebration of 100 years of Girl Scouting.

SENATE RESOLUTION 311—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 311

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 922. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 923. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. TOOMEY)) proposed an amendment to the bill S. 1759, to facilitate the hosting in the United States of the 34th America’s Cup by authorizing certain eligible vessels to participate in activities related to the competition.

TEXT OF AMENDMENTS

SA 922. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. ____ WATER INFRASTRUCTURE JOBS AMENDMENT.

(a) FINDINGS.—Congress finds that—

(1) the State water pollution control and State drinking water revolving funds create jobs, repair crumbling infrastructure, and protect public health;

(2) the State water pollution control and State drinking water revolving funds invest in short- and long-term improvements in communities across the United States, providing significant environmental, economic, and public health benefits;

(3) the water infrastructure of the United States is approaching a tipping point, as each day, the poor condition of water infrastructure of the United States results in significant losses and damage from broken water and sewer mains, sewage overflows, and other negative impacts of a water infrastructure system that is nearing the end of the useful life cycle of the system;

(4) the most recent infrastructure report card of the American Society of Civil Engineers gave the water infrastructure of the United States a D-, the lowest of any category;

(5) the Environmental Protection Agency estimates for the next 20 years put wastewater needs at \$187,900,000,000 and drinking water needs at \$334,800,000,000;

(6) investments in water infrastructure provide significant economic benefits and enjoy a strong return on investment;

(7) the United States Conference of Mayors notes that each public dollar invested in water infrastructure increases private, long-term Gross Domestic Product output by \$6.35;

(8) The National Association of Utility Contractors estimates that \$1,000,000,000 of water infrastructure investment can create more than 26,000 jobs; and

(9) the Department of Commerce estimates that each job created in the local water and sewer industry creates 3.68 jobs in the national economy, and each public dollar spent yields \$2.62 in economic output in other industries.

(b) CAPITALIZATION GRANTS.—Of the total amount made available by this Act, 4 percent shall be made available to the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) to establish water infrastructure grants, of which—

(1) $\frac{2}{3}$ shall be for capitalization grants for State water pollution control revolving funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(2) $\frac{1}{3}$ shall be for capitalization grants for State drinking water treatment revolving loan funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

(c) FEDERAL SHARE.—Notwithstanding section 202 and paragraphs (2) and (3) of section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1282, 1382(b)) and section 1452(e) of the Safe Drinking Water Act (42 U.S.C. 300j-12(e)), the Federal share of the costs of a grant under this section shall be 90 percent.

(d) AVAILABILITY.—

(1) IN GENERAL.—The amounts made available to the Administrator under this section shall be available for obligation until the date that is 2 years after the date of the enactment of this Act.

(2) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall obligate not less than 50

percent of the amounts made available under this section.

(e) **USE OF AMOUNTS.**—

(1) **PRIORITY.**—The Administrator shall only make a grant available under this section for projects that are on a State priority list and ready to proceed to construction not later than 1 year after the date of enactment of this Act.

(2) **TRANSFER OF FUNDS.**—Notwithstanding section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383), the Governor of a State may—

(A) reserve an amount equal to not more than the greater of—

(i) 33 percent of a capitalization grant made under this section; and

(ii) 33 percent of a capitalization grant made under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12); and

(B) add the reserved funds to any funds provided to the State under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

(3) **GREEN PROJECTS.**—To the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this section to State water pollution control revolving funds, and not less than 10 percent of the funds made available under this section to State drinking water treatment revolving funds, shall be for projects that address—

(A) watershed restoration;

(B) green infrastructure, including through the use of watershed-based environmental management approaches;

(C) water or energy efficiency improvements; or

(D) other environmentally innovative activities.

(4) **TRIBAL GRANTS.**—Notwithstanding section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)), the Administrator shall reserve not less than 1.5 percent of the amounts made available under this section to carry out that section.

(5) **ADMINISTRATIVE EXPENSES.**—The Administrator may retain up to .15 percent of the amounts made available under this section for management and oversight purposes.

SA 923. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. TOOMEY)) proposed an amendment to the bill S. 1759, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition; as follows:

At the end, add the following:

SEC. 7. VESSEL DOCUMENTATION EXEMPTION.

(a) **IN GENERAL.**—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) **LIMITATION ON OPERATION.**—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) **TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.**—The coastwise endorsement issued under subsection (a) for a vessel shall

expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Jessica Rosenworcel and Ajit Pai to be commissioners on the Federal Communications Commission, dated November 3, 2011.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a business meeting on Thursday, November 10, 2011 at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

For further information, please contact Sam Fowler at (202) 224-7571 or Alison Seyferth at (202) 224-4905.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, November 17, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Secretary of the Interior's Order No. 3315 to Consolidate and Establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact Patricia Beneke (202) 224-5451 or Jake McCook (202) 224-9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on November 3, 2011, at 10 a.m., to conduct a hearing entitled "Empowering and Protecting Servicemembers, Veterans and their Families in the Consumer Financial Marketplace."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 3, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 3, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 3, 2011, at 9 a.m., to conduct a hearing entitled, "Excessive Speculation and Compliance with the Dodd-Frank Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 6 AND S.J. RES. 27

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 6, a joint resolution disapproving a rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; that there be up to 4 hours of debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be

equally divided between the two leaders or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution; finally, that all other provisions of the statute governing consideration of the joint resolution remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the order with respect to S.J. Res. 6 also apply to S.J. Res. 27, with the only exception being 2 hours of debate equally divided between the two leaders or their designees prior to a vote on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE PETITIONS (S.J. RES. 6 AND S.J. RES. 27)

S.J. RES. 6

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Commerce, Science, and Transportation be discharged of further consideration of S.J. Res. 6, a resolution on providing for congressional disapproval of a rule submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Kay Bailey Hutchison, Marco Rubio, Richard Burr, Thad Cochran, John Cornyn, Jon Kyl, Lamar Alexander, Ron Johnson, Mike Lee, Kelly Ayotte, Roy Blunt, Richard G. Lugar, Mitch McConnell, Johnny Isakson, Mike Johanns, Susan M. Collins, Roger F. Wicker, Richard C. Shelby, John McCain, James E. Risch, John Barrasso, Michael B. Enzi, John Boozman, Pat Roberts, Patrick Toomey, Lisa Murkowski, Jim DeMint, David Vitter, Bill Nelson, James M. Inhofe, Olympia J. Snowe, Orrin G. Hatch, Daniel Coats, Mark Kirk, Dean Heller, Mike Crapo, Rand Paul, John Thune, Jeff Sessions, Saxby Chambliss, John Hoeven, Rob Portman.

S.J. RES. 27

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 27, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency related to mitigation by States of cross-border air pollution under the Clean Air Act.

Rand Paul, David Vitter, Ron Johnson, James Risch, John Barrasso, Max Baucus, John Thune, Roy Blunt, Orrin Hatch, Pat Roberts, John Boozman, John Cornyn, Jim DeMint, Mike Lee, Saxby Chambliss, Tom Coburn, Kay Bailey Hutchison, John McCain, Richard Burr, Jon Kyl, Chuck Grassley, Roger F. Wicker, Marco Rubio (FL), James Inhofe, Patrick J. Toomey, Thad Cochran, Jeff Sessions, John Hoeven, Johnny Isakson, Mitch McConnell, Lindsey Graham, Mike Johanns,

Michael B. Enzi, Jerry Moran, Mike Crapo, Richard Shelby.

3% WITHHOLDING REPEAL AND JOB CREATION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to Calendar No. 212, H.R. 674.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to H.R. 674, a bill to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 212, H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care related programs, and for other purposes.

Harry Reid, Christopher A. Coons, Joe Manchin III, Kay R. Hagan, Dianne Feinstein, Benjamin L. Cardin, Al Franken, Mark Begich, Mark R. Warner, Jeff Bingaman, Tom Udall, Amy Klobuchar, Jeanne Shaheen, Barbara A. Mikulski, Kent Conrad, Michael F. Bennet, Patty Murray.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 415; that the nomination be confirmed with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 405; that there be 15 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 405; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UINTAH WATER CONSERVANCY DISTRICT PREPAYMENT ACT

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to Calendar No. 211.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 818) to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 818) was ordered to a third reading, was read the third time, and passed.

ASIA-PACIFIC ECONOMIC 21 CO-OPERATION BUSINESS TRAVEL CARDS ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to S. 1487, Calendar No. 216.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1487) to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on Homeland Security and Governmental Affairs, with an amendment to strike out all after the enacting clause and insert the following:

S. 1487

SECTION 1. SHORT TITLE.

This Act may be cited as the “Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011”.

SEC. 2. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.

(a) *IN GENERAL.*—During the 7-year period ending on September 30, 2018, the Secretary of Homeland Security, in coordination with the Secretary of State, is authorized to issue Asia-Pacific Economic Cooperation Business Travel Cards (referred to in this section as “ABT Cards”) to any eligible person, including business leaders and United States Government officials who are actively engaged in Asia-Pacific Economic Cooperation business. An individual may not receive an ABT Card under this section unless the individual has been approved and is in good standing in an international trusted traveler program of the Department of Homeland Security.

(b) *INTEGRATION WITH EXISTING TRAVEL PROGRAMS.*—The Secretary of Homeland Security may integrate application procedures for, and issuance, suspension, and revocation of, ABT Cards with other appropriate international trusted traveler programs of the Department of Homeland Security.

(c) *COOPERATION WITH PRIVATE ENTITIES.*—In carrying out this section, the Secretary of Homeland Security may consult with appropriate private sector entities.

(d) *RULEMAKING.*—The Secretary of Homeland Security, in coordination with the Secretary of State, may prescribe such regulations as may be necessary to carry out this section, including regulations regarding conditions of or limitations on eligibility for an ABT Card.

(e) *FEE.*—

(1) *IN GENERAL.*—The Secretary of Homeland Security may—

(A) prescribe and collect a fee for the issuance of ABT Cards; and

(B) adjust such fee to the extent the Secretary determines to be necessary to comply with paragraph (2).

(2) *LIMITATION.*—The Secretary of Homeland Security shall ensure that the total amount of the fees collected under paragraph (1) during any fiscal year is sufficient to offset the direct and indirect costs associated with carrying out this section during such fiscal year, including the costs associated with establishing the program.

(3) *ACCOUNT FOR COLLECTIONS.*—There is established in the Treasury of the United States an “APEC Business Travel Card Account” into which the fees collected under paragraph (1) shall be deposited as offsetting receipts.

(4) *USE OF FUNDS.*—Amounts deposited into the APEC Business Travel Card Account—

(A) shall be credited to the appropriate account of the Department of Homeland Security for expenses incurred in carrying out this section; and

(B) shall remain available until expended.

(f) *TERMINATION OF PROGRAM.*—The Secretary of Homeland Security, in coordination with the Secretary of State, may terminate activities under this section if the Secretary of Homeland Security determines such action to be in the interest of the United States.

Mr. REID. I ask unanimous consent the committee-reported substitute be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1487), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AMERICA'S CUP ACT OF 2011

Mr. REID. I now ask unanimous consent the Senate proceed to Calendar No. 218, S. 1759.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1759) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask the Feinstein amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be made and laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 923) was agreed to, as follows:

(Purpose: To authorize issuance of certificates of documentation authorizing certain vessels to engage in coastwise trade in the carriage of natural gas)

At the end, add the following:

SEC. 7. VESSEL DOCUMENTATION EXEMPTION.

(a) *IN GENERAL.*—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) *LIMITATION ON OPERATION.*—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) *TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.*—The coastwise endorsement issued under subsection (a) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

The bill (S. 1759), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “America's Cup Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term “34th America's Cup”—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term “America's Cup Race Management” means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term “Eligibility Certification” means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term “eligible vessel” means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b)) of title 46, United States Code;

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term “supporting vessel” means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for,

or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. VESSEL DOCUMENTATION EXEMPTION.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) LIMITATION ON OPERATION.—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under subsection (a) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

AUTHORIZING PRINTING OF A COLLECTION OF RULES OF THE COMMITTEES OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 311.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 311) to authorize the printing of a collection of the rules of the committees of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 311) as agreed to, reads as follows:

S. RES. 311

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME—H.R. 1070 and H.R. 1965

Mr. REID. Madam President, there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title.

The legislative clerk read as follows:

A bill (H.R. 1070) to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

A bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

Mr. REID. Madam President, I now ask for a second reading of these two bills, but I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, NOVEMBER 7, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 2 p.m., Monday, November 7, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate will resume consideration of the motion to proceed to H.R. 674, the 3 Percent Withholding Repeal and Job Creation Act, with 30 minutes of debate, equally divided and controlled between Senators BAUCUS and HATCH or their designees; further, that the cloture vote with respect to the motion to proceed to H.R. 674 occur at 5:30 p.m., on Monday, November 7, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, the next rollcall vote will be at 5:30 p.m., on Monday, on the motion to invoke cloture on the motion to proceed to H.R. 674.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 7, 2011, AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Monday, November 7, 2011, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 3, 2011:

THE JUDICIARY

SCOTT WESLEY SKAVDAHL, OF WYOMING, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING.

RICHARD G. ANDREWS, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE.

EXECUTIVE OFFICE OF THE PRESIDENT

ALAN B. KRUEGER, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

HOUSE OF REPRESENTATIVES—Thursday, November 3, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FITZPATRICK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 3, 2011.

I hereby appoint the Honorable MICHAEL G. FITZPATRICK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

LONE SURVIVOR OF THE DOUGHBOYS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, as we approach Veterans Day, the day we honor those who served and came back home, I want to talk about a very special veteran.

Frank Buckles, Jr., when he was 16 years of age—some say 15—during the beginning of the great World War I, wanted to join the military and go overseas. Remember they sang that song, those doughboys, when they went overseas, George Cohan's song "Over There." And they wouldn't come back until it was over "over there."

The war started. He tried to join the Marines; they wouldn't take him because he was not 18. He tried different recruiters. He finally found an Army recruiter. He says he just told the recruiter a whopper—that he was 21. The recruiter took him, swore him in; and the fastest way he could get to Europe and get into action was to drive an ambulance. This is a photograph of Frank Buckles, Jr., when he served in the great World War I.

After that war was over with, he came back home, although 116,000 Americans did not come back home. Four million of them served in World War I. Frank Buckles, Jr., joined up as a seaman on a merchant ship. He was in the Philippines when World War II started, and he was captured by the Japanese and held in a prisoner of war camp for 3½ years. He was rescued, came back home to America, went to his farm in West Virginia, and he worked on the farm until he was 109 years old.

Frank Buckles, Jr., died this year at the age of 110. He was the last surviving doughboy from America that served in the great World War I. This is a photograph taken shortly before his death this year.

Frank Buckles, Jr., the loan survivor of World War I, a veteran of that great war, came back home. And his wish before he died, Mr. Speaker, was that we would have a permanent memorial for all who served in World War I on the Mall. You see, we have a memorial for Vietnam veterans, we have a memorial for the Korean veterans, the World War II veterans. There is a small memorial for the D.C. troops that served in World War I, but there's no memorial on the Mall for all of the doughboys like Frank Buckles, Jr., that served. And they have all died, Mr. Speaker. And it's our job, it's important for us to have that memorial for them, to allow it to be constructed.

There is one memorial in Kansas City for the World War I doughboys, but we need one here also on the Mall. And it's important that we honor these great Americans because they are the veterans that we honor, that we appreciate, and that we should not forget, although all of them, including the loan survivor, Frank Buckles, Jr., has died. So I hope this House will join me and the gentleman from Missouri, EMANUEL CLEAVER, in passing legislation to authorize this memorial for those World War I doughboys.

Veterans Day is approaching. We are approaching the 100th anniversary of the great World War I. We should remember them, and we can do this by erecting and allowing a memorial to be constructed on the Mall. The veterans are the greatest that we have. We should remember every one of them, those that served and came home, those that served and did not come home, and those that are serving and representing us today.

And that's just the way it is.

THE WAR AGAINST SPORTS FANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. There is a drama being played out in the divorce and bankruptcy court with the McCourt family and the Los Angeles Dodgers. It's another chapter in the sad war against fans, the very people who make these multibillion-dollar enterprises possible in the first place.

It's an all-too-familiar refrain. No city is exempt from the threat of bankruptcy or being held hostage by an owner threatening to move if their demands are not met. No one, that is, except the fans of the team that is arguably the most successful franchise in professional sports, the current Super Bowl champions, currently undefeated—and maybe the strongest team in the NFL this year—the Green Bay Packers.

Packer fans will tell you they're unique: little Green Bay, Wisconsin, with only 104,000 people, a metropolitan area of less than a third of a million, the smallest sports media market in the United States, but arguably the most successful franchise.

Green Bay is special perhaps for another reason: it's the only franchise in all of Major League sports that doesn't have to worry about some billionaire egomaniac running the franchise into the ground or being tired of it and selling it off to another city, or just the community being held hostage by obscene demands for even more revenue, more sacrifice from fans and the community.

You know, that's been the fate. About one city a year since 1950 has had a franchise change, and many others have had the screws put to them. But the Green Bay Packers, are owned by 112,158 shareholders. Each shareholder is given voting rights in the franchise, and no shareholder can hold a controlling stake in the company. The Packers can raise funds for team expenses through prudent decision-making by the board of directors and by offering public shares.

Well, Mr. Speaker, there is something to be said for the approach of the long-term success of the Green Bay Packers; but, sadly, the billionaires who run the NFL and other professional sport franchises have decided otherwise. All Major Leagues, formally or informally, prohibit public ownership. The NFL formally outlawed public ownership in 1961—the same year it

instituted a radical revenue-sharing policy—but grandfathered in Green Bay. Major League Baseball outlawed public ownership through an informal resolution passed in the mid-1980s when Joan Kroc sought to donate her baseball team, the Padres, to San Diego.

Well, I think the sad record is that the billionaires are not always so brilliant; but they are long on money, political influence and ego, and they know a sweet deal when they've got it. The franchises to this point have been a ticket to even greater wealth in part because these franchises are part of a cartel that would be illegal in most other industries. Guaranteed massive profits, they're the only show in town. They often can threaten to pick up and move and of course witness some of these egregious stadium deals.

I was just in Cincinnati earlier this week; and people there, whether they're conservative, liberal, Democrats or Republicans, are still holding their heads about being saddled with an egregious contract for a recent new stadium that put all the revenue upside in the pockets of the owner.

George Steinbrenner recently passed away. He was a wealthy man to begin with from a family business, but he became a billionaire based on his Yankee empire and his ability to further enrich himself as a result, in part, of the construction of a brand new Yankee Stadium that not only cost an astronomical sum for the taxpayers of New York, but further inflated the value of his ownership of the Yankees.

□ 1010

There have been critical appraisals that have suggested that it would have been cheaper for New York to simply buy the New York Yankees outright for the value of the team than submit to the outrageous demands from Steinbrenner to keep them there.

Well, the gravy train is fueled by another source of revenue; not only having communities and fans over a barrel, but they have an antitrust exemption that enables them to negotiate lucrative television contracts worth billions of dollars. For instance, the current NFL contract worth \$3 billion a year to go with the \$6 billion that has been pried out of locals for stadium deals and parking.

Mr. Speaker, I strongly urge my colleagues to look at legislation Congresswoman HAHN and I will be introducing today. Give fans a chance. It's time to do that, to broaden the ownership options, allow democracy and the free enterprise system to work.

MAKE THE BUDGET PROCESS TRANSPARENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, the American taxpayer is facing a struggling

economy, skyrocketing debt, and political partisanship here in Washington. While every American family must balance the budget, the Federal Government does not have to do the same.

Additionally, publicly traded companies are required to provide financial statements for their shareholders, whereas the government is not held accountable to the American taxpayer. That is why Representative MIKE QUIGLEY and I are introducing bipartisan legislation that would require the Federal Government to prepare and publish online periodic financial statements that are independently audited and that accurately reflect the government's true financial condition.

In the short time that I've been in Congress, I've focused my efforts on creating an environment that fosters job creation and gets our economy back on track. Part of that effort involves America's fiscal house getting in order, and that is why I've worked to curb out-of-control government spending.

Moving forward, I believe that we must also reform the way our Federal accounting methods are conducted to make the budget process more transparent and accessible to every American so that they, as taxpayers, can truly know how their money is being spent and what our government's true liabilities are. That is why I'm introducing the bipartisan Truth in Government Accounting Act, H.R. 3332.

To protect private-sector shareholders, the Federal Government requires each publicly traded company to file periodic GAAP financial statements that are independently audited and that accurately reflect the company's true financial condition. By contrast, the Federal Government's own accounting practices substantially conceal and confuse the Federal Government's true financial condition, especially with respect to long-term unfunded liabilities and year-over-year spending.

To protect taxpayers as much as the private-sector shareholders, the Federal Government should similarly require each Federal agency to file periodic GAAP financial statements that are independently audited and that accurately reflect the agency's true financial condition. The Truth in Government Accounting Act would require the Federal Government to do so, to make the resulting Federal Government financial statements easily available online, and to require zero-base-line budgeting.

This bill will require all Federal agencies to provide three quarterly and one annual consolidated financial statement, just as the private sector must do, using the fair-value accrual accounting method on all their assets and liabilities, including unfunded entitlement liabilities. These statements will be audited by a single entity, the

Government Accountability Office, an independent, nonpartisan agency that reports to the Congress. These audited statements will be put online, in terms of a searchable Web site for all Americans to use and to see easily.

As incredible as it may seem, there's not a simple way for the American public to easily view our national budget with all of its liabilities, current and long term. What exists now is a system where information is scattered between Federal agency and government office Web sites. Our bill creates a simple and accessible Web site that can be a one-stop shop for all information related to our Federal budget, based off of Web sites that we know currently exist, like recovery.gov.

Americans deserve a transparent way to see where their tax dollars go and what they are on the hook for in the future. The bill will require the Congressional Budget Office to use current year spending as a baseline for estimating future mandatory and discretionary changes to determine whether the future legislation would increase or decrease Federal spending. It will be measured against current year spending and not against previously anticipated and hypothetical future year spending.

The American people deserve an open and transparent budgeting process, and the Truth in Government Accounting Act provides just that. By requiring agencies to provide quarterly financial statements, auditing those financial statements and putting that information on a comprehensive Web site, as well as implementing the zero-based budgeting, we will greatly improve our Federal budget practice and enhance the public's ability to know how their tax dollars are being spent.

We expect and demand that companies conduct their business in a transparent manner. We should expect and demand no less of our Federal Government.

I want to urge my colleagues to co-sponsor this legislation. The American taxpayers deserve true accounting of how their money is being spent.

PUERTO RICO'S ABUSIVE GOVERNMENT PRACTICES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I've come to the floor on several occasions this year to denounce the abuses of the current government in Puerto Rico and discuss where the government has taken actions to suppress dissent and conduct business in secret, cutting the people out of the process of governance.

I've discussed the current regime's push for a dangerous, environmentally risky 92-mile natural gas pipeline known locally as the "gasoducto"; the

violations of civil rights and human rights of workers who protested the firing of up to 30,000 government employees; closing the legislature to the press and the public and conducting their business in secret; the violent treatment of students who opposed a steep fee increase, whose protest was broken up with billy clubs and pepper spray; the civil rights abuses revealed in the devastating report by our own U.S. Department of Justice about the systematic abuses by the Puerto Rican Police Department; and the attempt to destroy the Puerto Rican Bar Association, one of the most important independent organizations of civil society.

And the reaction in official Puerto Rico to my denunciations here in the House is telling as well. The legislature in Puerto Rico, both Houses, controlled by the ruling party, approved a joint resolution condemning me—not condemning the abusive tactics and oppressive practices I denounced, and that the Department of Justice confirmed exists—but condemning me for telling you about them.

Now the effort in Puerto Rico to silence any and all opposition has reached a new low. Incredible as it may sound, according to press reports published in Puerto Rico, the Vatican sent an official to conduct an investigation on allegations of political involvement by the archbishop of San Juan, conducted in secrecy until the press got wind of it this week.

While no names have surfaced on who filed an accusation against the archbishop, or who was in contact with the Vatican, it is telling that the elite of the ruling party has been quick to saturate the airwaves and pages of local newspapers with loud public accusations against the archbishop.

Attacking the archbishop is nothing new for the ruling party in Puerto Rico. They've done it many times in the past.

I'm a strong supporter of the democratic principle of separation of church and state, but as someone who has spent my life working to defend the rights of workers, minorities, working class people and immigrants, I have often been joined by people of faith and, particularly, leaders of the Catholic Church.

Just as here on the mainland, in Puerto Rico there is a broad religious leadership that has joined with the people as they strive to achieve a greater degree of social justice. Among those people is the Archbishop Roberto Gonzalez Nieves of San Juan.

Archbishop Gonzalez Nieves has courageously stepped forward on very important issues in Puerto Rico, such as the struggle to achieve peace on the island of Vieques, the need to protect civil rights and free speech, the freedom of political prisoners, and the just treatment of the poor.

But the one issue that has inflamed the passions of the ruling party against

the archbishop has been his clear and firm stance on the need to reform Puerto Rican identity and the existence of a Puerto Rican nation. He has expressed a bold and comprehensive opinion in reference to Puerto Rican nationhood. That quote is, "Motherland nation and identity are indivisible gifts of God's love."

He's had the temerity to incorporate the Puerto Rican flag into the Catholic Church, a Puerto Rican church.

□ 1020

Mr. Speaker, this is just another instance where the regime, through any means necessary, seeks to silence all voices of opposition and undermine all independent institutions on the island. Whether they initiated the effort to silence the archbishop or whether they're just cheering it loudly from the sidelines, the current regime in Puerto Rico is repeating its pattern of driving all opposing forces into the wilderness.

Mr. Speaker, I am one voice, and I suspect that the Archbishop Gonzalez Nieves is another that cannot be silenced or driven into the wilderness.

I will be going to Puerto Rico this Friday night and trekking to the mountains of Adjuntas to meet with the good people of Casa Pueblo this Sunday where we will discuss the next steps of the people's opposition to the gasoducto gas pipeline project. Interestingly, the archbishop also expressed serious concerns about the gasoducto and in June participated in a meeting with leaders of the community discussing possible actions they could take in case construction of the pipeline actually begins.

I am sure that the regime's attempts in Puerto Rico to suppress the will of the people and impose upon them politically driven policies, such as the gasoducto, or get the institution of civil society to shut up will not be happy to hear what I have to say next week when I arrive on the island.

KEYSTONE XL/CANADA OIL SANDS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Canadian oil sands transported via pipelines play a major role in supplying the energy needs of southern Illinois. Two weeks ago, I visited the oil sands in Alberta, Canada, and here is exactly what we saw.

On Monday of this week, I visited three facilities also, but before I talk about those three facilities, Daniel Yergin yesterday in *The Washington Post* said this about the oil sands of Canada: "Oil sands production in Canada today is 1.5 million barrels per day—more oil than Libya exported before its civil war. Canadian oil sands output could double to 3 million barrels per day by the beginning of the next decade. This increase, along with

its other oil output, would make Canada a larger oil producer than Iran—becoming the world's fifth largest, behind Russia, Saudi Arabia, the United States, and China."

On Monday of this week, I visited three facilities in southern Illinois that utilize Canadian oil sands: Robinson refinery, the Patoka tank farm, and the Wood River refinery.

Pipelines play a vital role in providing the energy needs for our daily lives. There are over 2.5 million miles of pipelines in this country: 175,000 miles of onshore and offshore hazardous liquid pipelines, mostly oil; 321,000 miles of onshore/offshore gas transmission and gathering lines; and 2,066,000 miles of natural gas distribution mains and service pipelines.

Keystone XL would stretch about 1,700 miles. Again, going back to Yergin's article, he says: "Though large"—he's referring to the Keystone XL pipeline. "Though large, it would increase the length of the oil pipeline network in the United States by just 1 percent."

Due to the high volumes of various liquids and gasses that must be transported, pipelines are the feasible mode of transportation. Imagine trying to transport this gas, crude oil on rail, on trucks, in our major waterways. In fact, just today there was a supertanker that was just hijacked by pirates on the high seas. That's the challenge of moving crude oil other than the pipeline system.

We continue to import oil from countries that are not our closest friends. Further blocking of this pipeline development will only increase foreign oil imports from far-off places that are not our neighbors.

This pipeline application is a jobs plan. Five major labor unions have endorsed this project, and there would be 20,000 construction jobs. As refineries expand, there's an estimated 100,000 new jobs as a whole. This Keystone XL pipeline is supported by the AFL-CIO and several other organized labor groups. In fact, they have started to run ads today in support of the pipeline and encouraging the Obama administration to approve it. Canadian oil sands are already creating jobs in my district in southern Illinois.

Caterpillar, which my friend JOE WILSON is going to talk about too—you'll see a larger mock than this. This is one of their major pickup trucks, lightly said. It's about four stories tall. The major place that this goes to is the oil sands in Canada. The tires, themselves, are two stories tall. The Caterpillar 797 is the largest truck they make. It's partially assembled in Decatur, Illinois. The truck is so large, final assembly must be done at the delivery site. The largest concentration of these Caterpillar trucks are in Alberta, Canada. These are manufactured in the good old U.S.A. These are great Midwestern manufacturing jobs that are

directly tied to the oil sands development.

At my last stop on Monday to the ConocoPhillips refinery, I just posed this basic question to the reporters who attended the press conference: Would you rather have the oil being refined in Wood River, Illinois, come from Venezuela, Saudi Arabia, the Middle East, or Africa, or would you have that oil rather come from Canada? I think the answer is simple. So this administration must approve the Keystone XL pipeline.

POVERTY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. I rise again today, as I've been doing every week, to sound the alarm on poverty in America. Twelve Members of Congress are or will be participating in the food stamp challenge, which is a nationwide effort to bring attention to the needs of the 45 million Americans who are receiving food benefits under the Supplemental Nutrition Assistance Program, or food stamps. For 1 week, we lived on the food budget of the average food stamp recipient, or \$31.50 a week, \$4.50 a day, which means I spent on average \$1.50 a meal. This is for 1 week.

Let me thank Congressmen DEBBIE WASSERMAN SCHULTZ, TIM RYAN, JOE COURTNEY, JAN SCHAKOWSKY, DONNA CHRISTENSEN, ALCEE HASTINGS, KEITH ELLISON, JIM MORAN, JACKIE SPEIER, TED DEUTCH, MARCIA FUDGE, and ELEANOR HOLMES NORTON for their participation and their commitment to drawing attention to the struggle of millions of hardworking families to put food on the table during very difficult economic times.

We faced limited food choices, lacked access to fresh and healthy foods, and were repeatedly exposed to unhealthy and inadequate food choices that promote poor health, obesity, and hypertension. But of course, our week will end.

I hope that every Member of Congress will stop for at least a moment and consider the millions of American families who will face these challenges each and every day until they can find a good job with a real living wage.

Now, I'm a former food stamp recipient, and let me tell you that I was deeply thankful for my fellow Americans who were there for me and my children during a difficult time in our lives. The benefits that were extended to us were a critical help and provided a vital bridge over troubled waters when we needed them the most. But we didn't want to stay on food stamps forever, and we got off as soon as we could.

Let me also say that now is not the time to gut these critical human needs programs. We are facing record poverty

levels and unacceptably high unemployment rates, and it is simply unconscionable to attempt to balance the budgets on the backs of the most vulnerable and the neediest Americans.

We must create what is being called a circle of protection around these core programs that keep American families from suffering the worst impacts of living in poverty.

But we must do more than just minimize the cuts to programs. We must make bold, targeted investments that will lift those families up and off of food stamps. We must improve and extend programs that create jobs and provide ladders of opportunity for all. We must commit ourselves to removing barriers, and they're many, to opportunity like poverty and hunger so that we can reignite the American Dream.

Mr. Speaker, on January 22, 2008, the House unanimously passed a resolution that I authored which committed Congress to the goal of cutting poverty in America in half in a decade. Now it's time to put that commitment to the test.

□ 1030

An estimated 46 million Americans were living in poverty in 2010; and according to the latest Census figures, the official poverty rate in 2010 is now 15.1 percent.

It is simply unconscionable that the richest and most powerful Nation in the world can allow so many of its fellow Americans to fall to the wayside and be left with little hope and few opportunities to reach the American Dream. It's clear that our policies and programs addressing poverty have not kept pace with the growing needs of millions of Americans. It's time we make the commitment to confront poverty head on, create pathways out of poverty, and provide opportunities for all.

I've introduced H.R. 3300, the Half in Ten Act of 2011. This bill would establish a Federal interagency working group on reducing poverty. The working group will be tasked with developing and implementing a national plan to reduce poverty in half in 10 years. We really should be talking about eliminating poverty.

It would also work to eliminate child poverty, extreme poverty and finally put an end to the historic and ongoing disparity in poverty rates in communities of color. It's simply unacceptable that communities of color continue to face disturbingly high rates of poverty, with 27.4 percent of African Americans and 26.5 percent of Hispanics living in poverty, compared to their white counterparts, who have a poverty rate of just under 10 percent.

It's time to work together to dramatically improve access to opportunities for low-income Americans so that they can climb up the economic ladder

and reignite the fire of the American Dream.

We must put partisanship aside to preserve and extend the vital human needs programs that protect our most vulnerable communities. We cannot and we must not seek to balance the budget on the backs of America's poor, her children and an entire generation of young people, who are really now taking to the streets to protest the fact that they are afraid that theirs will be the first generation in America's history to be less well off than the one before.

JOBS FOR ALBERTA, JOBS FOR AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. WILSON) for 5 minutes.

Mr. WILSON of South Carolina. Two weeks ago, I traveled to Fort McMurray in the province of Alberta, in Canada, with subcommittee chairman JOHN SHIMKUS of Illinois and Congressman BOB LATTI of Ohio of the Energy and Commerce Committee. We were accompanied by the Honorable Cal Dallas, the Minister of Intergovernmental, International and Aboriginal Relations for Alberta. We were welcomed to Edmonton by the Honorable Alison Redford, the newly inaugurated Premier of Alberta.

The purpose of this visit was to see firsthand the development of Canadian oil sands and to fully understand the positive impact this exploration has for the American people. We were briefed on the Keystone pipeline and how this project creates jobs. We saw the environmental stewardship where development is subject to environmental standards that are among the most stringent in the world. The Government of Alberta requires that companies remediate and reclaim 100 percent of the land after the oil has been extracted.

This project will connect a growing supply of Canadian oil with the largest refining markets in the United States and will significantly reduce America's reliance on oil from overseas as new jobs are created in Canada and America. As oil sands production grows in the next 4 years, the industry is expected to generate 340,000 new jobs. This is in addition to the 110,000 jobs currently provided. There are more than 900 American businesses that supply goods and services for the Canadian oil sands development.

In my home State of South Carolina, oil sands development will add up to \$128 million per year to the State's economy, and it will support nearly 2,000 jobs per year. Companies in South Carolina supply equipment, parts and services used in the oil sands projects and pipelines.

In this picture, we are standing in front of a 12-foot-high tire made by

Michelin in Lexington County, South Carolina. Each tire is valued at \$60,000. The Michelin plants in Lexington currently employ over 500 people in the Earth-mover division. The tire manufacturer also has facilities in the upcountry of our State, with their North American headquarters in Greenville.

There are also over 100 large mine haul trucks operating in the oil sands, powered by MTU engines. The engines are produced in Aiken County, South Carolina. By next year, the plant in Graniteville will be producing MTU's largest engine for the haul truck market. When MTU announced last year that Aiken County was to be its home for its new manufacturing facility, the company pledged to invest \$45 million and to create 250 new jobs over 4 years. However, last month, plant officials said MTU is already employing 250 people and will achieve its investment goal by the end of this year.

It's very simple. If Canadian families do well, American families do well. For every dollar the U.S. spends on imports from Canada, 90 cents is returned to the American economy, paying for equipment and services. Developing the oil sands is clearly more jobs for Canada and more jobs for America. We all know our country needs to be less dependent on oil from overseas. Canada's oil sands are clearly mutually beneficial to Canada and America and the security of North America.

Very significantly, Canada's enormous deposits of 175.2 billion barrels of proven reserves of oil place it third in the world, and 170 billion of these barrels are in the oil sands. These deposits place Canada as one of the central sources of production growth in the coming decades. It represents about 60 percent of the world's accessible oil, which is right here in our neighborhood. I am grateful that Canada is our largest trading partner and the largest supplier of oil to America. Canada contributes 22 percent of the total oil imports for America's daily use of 19.1 million barrels.

Congress has indicated its support for oil sands. In July, we passed the North American-Made Energy Security Act. This bill urges the President to approve the pipeline. I appreciate jobs for Alberta which produce jobs for America.

VOTER SUPPRESSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Before I start, Mr. Speaker, let me just take a moment to comment about one of the previous speakers this morning, my dear friend, Congresswoman BARBARA LEE from the State of California.

Congresswoman LEE has been an advocate for low-income families for as

long as I can remember; and especially since I first came to Congress some 7½ years ago, she has been tenacious on this issue. I just want to publicly thank her for her advocacy. I represent a low-income/low-wealth district in eastern North Carolina. My district is the fourth poorest district in the Nation, so I understand full well the challenges that she has confronted, and I thank her so very much.

Mr. Speaker, I've come to the floor this morning to talk about voter suppression—yes, voter suppression—across the country. Republicans are tightening the restrictions on who can vote and on how Americans can vote. During next year's elections, there will be millions of Americans who will find that since 2008 there are now new barriers that could prevent them from voting.

The number of States with laws requiring voters to show government-issued photo identification has quadrupled. Mr. Speaker, it has quadrupled in the last 4 years. Actually, over the last year, it has quadrupled. In fact, at least 34 States have now introduced legislation that would require voters to show photo identification in order to vote. Seven States—Alabama, Kansas, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin—have already signed photo identification bills into law. Before this legislative session, only two States had ever imposed strict photo identification. Under the guise of eliminating voter fraud, 21 million American citizens, or 11 percent of Americans, could be prevented from voting—all because they do not possess government-issued photo identification.

Republicans are also seeking to put an end to early voting—a hugely popular voting method that is used by millions of Americans. At least nine States have introduced bills to reduce their early voting periods. Four States have tried to reduce absentee voting opportunities, and two States have reversed early reforms. Once again, it has disenfranchised thousands of taxpaying citizens who have past criminal convictions while a number of other States have made it much more difficult for citizens to register to vote. These new restrictions will undoubtedly disenfranchise young voters, minority voters, low-income voters, and voters with disabilities—all of whom, as we know, traditionally vote with the Democratic Party.

In my home State of North Carolina, Republicans have mounted two strong efforts to suppress low-income and African American voters—House bill 351, for example, a voter ID bill which passed our State House and Senate earlier this year. It was vetoed by Governor Beverly Perdue, and we thank her for being strong in vetoing that legislation.

□ 1040

Senate bill 47, which would reduce the early voting period by 1 week, eliminates Sunday voting, and eliminates same-day voter registration. This bill is currently pending now in our legislature.

The right to vote, Mr. Speaker, is protected. It is dearly protected by more constitutional amendments—the 1st Amendment and the 14th Amendment, 15th, 19th, 24th, and even the 26th Amendments—than any other right we enjoy as Americans. We must continue to inform our constituents that their fundamental right in this democracy is being infringed and urge them to fight back against this voter suppression epidemic.

In closing, Mr. Speaker, it is obvious to me that any objective observer who is looking at this will know the real motive of this effort. It is specifically intended to diminish voter participation of some in our society who support progressive movements and who support the Democratic Party.

HONORING DR. MILTON A. GORDON

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. ROYCE) for 5 minutes.

Mr. ROYCE. Mr. Speaker, I rise before you today to honor Dr. Milton A. Gordon for his distinguished career. Dr. Gordon has served for over two decades as president of California State University, Fullerton.

I first met Milt Gordon more than 20 years ago when he was in his first year as president of my alma mater, Cal State Fullerton. As State senator then and a Member of Congress now, I have met countless community leaders, including university presidents, and I have enjoyed a good working relationship with them. Very few, however, have I come to admire and respect more than Milt Gordon. Very few do I call my very good friend.

Mr. Speaker, Dr. Gordon's impressive achievements and commitment to education were evident long before he became the president of Cal State Fullerton. As our country was undergoing the civil rights movement, Milt Gordon was breaking through longstanding racial barriers. He obtained a bachelor of science in mathematics and secondary education at Xavier University of Louisiana in 1957, a master of arts in mathematics at the University of Detroit in 1960, and lastly, a doctorate degree in mathematics at the Illinois Institute of Technology in 1968. These are significant achievements for anyone, but even more so for someone who had to overcome the discrimination of the time.

It is this experience that has driven Milt Gordon's lifetime commitment to improving access to education for everyone. In his first convocation address

at Cal State Fullerton in 1990, Dr. Gordon said, "By providing access to professional careers for the broadest cross-section of Americans, including women and members of minority and immigrant groups, our university represents a pathway into the American mainstream for individuals and families who otherwise would not have the opportunity to make this step, thus helping to ensure the stability of our free economy and of our Democratic government."

That was his first commencement address. Well, from that commencement address, I would say that the impressive enrollment and graduation statistics and the many awards and accolades that Milt Gordon has received over the last 20-some years clearly demonstrate that he more than met the challenge of his work.

Today Cal State Fullerton is one of our Nation's largest and most inclusive institutions of higher education. And I assure you, greater quality has been the hallmark of this growth. It is no exaggeration to say that Dr. Gordon has transformed CSUF from being a regional school to being a global one. His vision has provided an enriching environment which allows students to develop intellectual, cultural, and economic curiosities well beyond Orange County, California. The university in the Gordon years has been an unquestioned asset to the region, to the State, the country, and the world.

In closing, as an alumnus and the congressman who represents this university, I have to say that I am sorry to see President Gordon retire. His accomplishments are many, and the university will continue to thrive because of them, but there is only one Milt Gordon. But speaking as a friend, I am pleased for Milt and for his wife, Marge. They have dedicated their lives to education, to Cal State Fullerton, and to their community. To that end, they deserve our deepest gratitude and our most heartfelt wishes for a long and enjoyable retirement after a job very well done.

HOPE FOR AMERICA'S UNEMPLOYED

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. Last Christmas the gift that we gave to the unemployed was the shock of their lives, as they thought that the Congress would not extend the unemployment compensation. So this morning, I'm joining with Congressmen STARK, DOGGETT, LEVIN, and CROWLEY to make certain that we don't do that again this year.

The opposition to the extension last year was due to a large number of Republicans truly believing—and voting against the bill—that these people really would rather receive unemployment

checks than look for work. Of course it's more than just the salary when you are working. It's the pride and dignity of knowing that you are taking care of your family, you are responsible for putting food on the table, clothing on your children's backs, and all of those things that America has come to believe as just the normal way of life.

With the poverty numbers growing so fast and the unemployment going up so fast, a lot of people are losing hope in terms of finding a job. As a matter of fact, it's oftentimes forgotten that in order to qualify for extended unemployment comp, you have to be qualifying for a job. But because jobs are so scarce and people want to remain with a little bit of dignity and not just automatically increase the rolls of poverty, we ask that this body, in the name of humanity, think about these people as they would think about themselves if suddenly they found themselves without work and without their savings and without health care and without the resources to save their families from disaster.

In addition to that, when we go home next week—and again, we will be home—talk to some of the local vendors. We all recognize that it's small businesses that are really the backbone of our economy, as it's the small businesses that produce the jobs. But one of the problems they're having is, if consumers don't buy, they can't sell, and they cannot continue to hire people, which adds to the vicious cycle of unemployment.

So if those people truly believe that they want to spur the economy, allow these people to be able to buy the goods and services that they would normally buy if they were employed. And for God's sake—since the day before yesterday we made it abundantly clear that we trust in God—so for God's sake, let's get a jobs bill on the floor. Let's put aside our party labels. Let's just put the election aside long enough to be able to get our country back to work. More and more people are not only losing their jobs, but the most important ingredient, I think, that America has: giving hope to people who don't have much.

□ 1050

If we take that away from them, by seeing the solid pillars of our society without work, without the ability to take care of their families, little hope that it gives for those people that have been consistently unemployed as the job market shrinks, and so I do hope that there will come a time, and very soon, that there will be no need in this great country for unemployment compensation because we would have been able to have a jobs bill that would include severe cuts in terms of expenditures that we make but also would include putting revenue on the table so that we just don't balance the budget

at the expense of those people who have little or no resources.

The United States of America, unfortunately, is becoming one of the countries that have the widest gap between the handful of 1 percent of the people that own almost half of the wealth of this great Nation. That formula doesn't work economically, it doesn't work morally, and it doesn't work spiritually. So we all have to come to the table to save this Nation, whether we are wealthy or whether we hope one day to become middle class and wealthy, because without the country having hope for the future, there's absolutely no hope for the people who are looking for employment to raise their family and to forever protect this great Nation.

HONORING CHIEF WARRANT OFFICER W5 JOHN CURRIE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. COFFMAN) for 5 minutes.

Mr. COFFMAN of Colorado. Mr. Speaker, as we approach the 236th birthday of the United States Marine Corps, I would like to take the opportunity to honor a marine whom I served with during the first Gulf War.

Chief Warrant Officer W5 John Currie, United States Marine Corps Reserve (Retired), served our Nation with distinction from his first enlistment in 1966 until his retirement in 1999. I met Chief Warrant Officer Currie late in the fall of 1990 when I volunteered to serve with a light armored infantry company that was mobilized for the first gulf war.

From the start, I was deeply impressed by his leadership, the respect his subordinate marines had for him, and by his tactical skill and the courage he demonstrated on the battlefield.

His citation for the Navy Commendation Medal reads: "Late in the afternoon of 21 February 1991, Chief Warrant Officer W3 Currie decisively led his platoon through enemy indirect fires to occupy a key defensive position opposite significant portions of an Iraqi infantry brigade. Over the next 2 days and nights of combat, his clear reasoning, calm issuance of orders, and effective employment of supporting arms against enemy forces motivated his platoon and the entire company in their efforts to hold the center of the battalion's defenses. Early on the morning of 24 February 1991, he led his platoon to a new position on the division's extreme left flank and initiated a series of aggressive actions against enemy positions which inflicted numerous casualties. Chief Warrant Officer W3 Currie's coolness, poise, and decisive actions inspired and steadied all who observed him, as he successfully gained and maintained control over a very fluid and chaotic situation caused by the surrender of more than 800 Iraqi soldiers."

I will never forget Chief Warrant Officer W5 John Currie and all he did not only to lead his men so effectively against the enemy, but in setting such a high standard for all of the officers in the command, to include myself.

Chief Warrant Officer John Currie is a credit to the United States Marine Corps, and it's an honor to reflect on his service to our Nation and to the Marine Corps as we approach the 236th birthday of the Corps.

SEXUAL ASSAULT IN THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise again today with a heavy heart to talk about sexual assault and rape in the military, an epidemic in this country that must be addressed.

As I've said before, the Department of Defense, by its own statistics, has stated that 19,000 servicemembers, women and men, every year are raped by fellow soldiers. I will continue to share these stories until something changes. Survivors can email me at stopmilitaryrape@mail.house.gov if they want to speak out.

Each of these soldiers was raped by another soldier, and each was subjected to a system of justice that protects the perpetrators and punishes the victims. The story I will tell today is the story of Corporal Sarah Albertson. This gets to the rot at the root of the justice system in the military, and that is: a commander, one person, has complete and total discretion in deciding how and if sexual assault and rape are dealt with.

Corporal Albertson served in the Marine Corps from 2003 to 2008. On August 27, 2006, Corporal Albertson was raped by a fellow marine, a man who outranked her. That's right, he outranked her and raped her.

Right after the rape, Corporal Albertson went to her commander to inform him of what had happened. Instead of detaining her alleged assailant, calling in criminal investigators, or sending Corporal Albertson to the hospital to preserve the evidence that would corroborate her story, he told Corporal Albertson that because she had consumed some alcohol, if she reported the rape, she would be charged with inappropriate barracks conduct. She was then told not to discuss her rape with anyone and was also ordered to "respect" her rapist and follow his orders because he outranked her. It soon became clear to Corporal Albertson that others knew about what had happened, and her other superiors, acting with the open support of her commander, ostracized and harassed her.

Corporal Albertson sought counseling. The military counselor that Corporal Albertson went to, in no uncertain terms, advised her commander

that she should not be forced to interact with her rapist and that Corporal Albertson was suffering from panic attacks due to these interactions. Her commander ignored the professional advice and forced her to interact with her rapist for another 2 years. And when she had panic attacks, she was punished.

This same commander also refused Corporal Albertson's request to change housing. Instead, he forced her to live one floor below her rapist for 2 years. The commander also required her to disclose medications she had been prescribed to counter the trauma. Now, Corporal Albertson never filled those prescriptions; but, nonetheless, by having to disclose those prescriptions, she lost her security clearance.

But what happened to her rapist? Not a thing. In fact, I venture to say he has been promoted, not just once, probably twice, maybe three times. I have become painfully aware that at the rate DOD is working to address this issue, the epidemic of military sexual assault will never end.

Mr. Speaker, this is a national travesty. Congress, the administration, the Department of Defense, all of us, all of us should be ashamed of what is going on in the military.

SUPPORTING KEYSTONE XL PIPELINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. NUNNELEE) for 5 minutes.

Mr. NUNNELEE. Mr. Speaker, today I rise in support of the Keystone XL pipeline.

Opponents of this pipeline claim it will damage the environment, that it will ship oil from Canada to China, and that increasing the supply of oil will somehow raise gas prices.

□ 1100

The truth is that this pipeline has been through the most thorough environmental review of any pipeline in history, the oil carried by it will go to American markets, and it will help lower energy prices by moving capacity from growing basins in Canada, Montana, North Dakota, Oklahoma, and west Texas that are comparable in volume to nearly half of the U.S. Persian Gulf imports.

The Keystone XL pipeline will also benefit America by increasing the percentage of our energy supply provided by a stable neighbor and ally. More North American oil means less oil from Venezuela and Iran. This pipeline will create 20,000 high-wage construction jobs and 100,000 indirect jobs. Keystone XL will also provide a new and stable supply access to gulf coast refiners, like the one in Pascagoula, Mississippi, who set the price of gasoline and are vulnerable to OPEC and supply disrup-

tions. We in the House are focused on jobs and the economy, and this pipeline is an obvious, direct example of what real stimulus looks like—stimulus that comes from the private economy and produces real value.

The fact of the matter is that Canada is going to develop their resources, and if we do not want their oil, that supply will go elsewhere to our competitors such as China. The Canadians have the supply, and we have the demand. And the Keystone XL pipeline has gone through a rigorous environmental review. There's no reason not to move forward with this vital project. The President needs to get off the campaign trail long enough to get his administration out of the way so that the Keystone XL pipeline can be developed.

THE HOUSE-PASSED JOBS AGENDA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. Mr. Speaker, I appreciate the time this morning. I came down to talk about jobs too, and I brought with me a card that folks may have seen—I know you've seen it, Mr. Speaker—that goes through the House-passed jobs agenda. I try to keep it here in my pocket so I'll be accurate when we talk about all of the good work that is happening in the people's House to promote jobs and promote the economy.

Because the truth is, Mr. Speaker, as you know, we only have two pockets we can dig into. We can dig into the pocket where we talk about government regulations that we are repealing to help job creators, we can dig into the pocket where we talk about government mandates that we're repealing to take the foot of government off the throat of small businesses, or we can dig into the other pocket. And the other pocket is where America's checkbook is. Because it's not my checkbook, as your Congressman. As you know, Mr. Speaker, when I dig into the pocket for the checkbook, I'm digging into your pocket. Every penny that we spend comes out of your pocket.

So we have two choices as we talk about jobs and the economy. Are we going to dig into the pocket of the American taxpayers' checkbook? Or are we going to get the regulatory burden off of America's small businesses? For me, the choice is easy. But the choice hasn't always been easy in this House. Time and time again, this House goes to the American people's checkbook to find solutions for America's problems. And I will tell you that there's no problem in America that taking money out of somebody else's pocket is going to fix.

The challenges in America are going to come when we get government out of the way. I represent, Mr. Speaker, as you know, a wonderful district in Georgia. I go back home and I talk about

what's going on in the United States House. I ask folks what they want to happen on the United States House of Representatives floor, and they say, ROB, stop helping. Stop. Just get out of the way. Stop helping. You don't have the answers, just get out of the way.

If folks go, as you have gone, Mr. Speaker, to jobs.gop.gov, they see this House's effort to get government out of the way. And we've been successful. We were successful in passing the repeal of the President's health care bill's 1099 provision that burdens small businesses, and the President signed that bill. We've been successful in passing three free trade agreements, and the President has signed. As we know, we have manufacturing surpluses with every nation with which we have a free trade agreement.

But the work still has to be done, Mr. Speaker. There are jobs bills languishing in the Senate. We call them the "forgotten 15"—15 bills that the Senate could pass tomorrow to get government out of the way and get Americans back to work.

Two pockets we have, Mr. Speaker, the American taxpayers' pocket and the pocket that contains the job-killing regulations that we can repeal today. Let's choose correctly, Mr. Speaker—let's get jobs.gop.gov, let's get this agenda done.

KEYSTONE XL PIPELINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker, the President recently came before the people's House and asked "whether, in the face of an ongoing national crisis, we can stop the political circus and actually do something to help the economy." Well, Mr. Speaker, House Republicans agree circus time is over. And that's why we have passed 15 jobs bills that remain stuck in the Senate majority leader's inbox.

One of those jobs bills is the Keystone XL pipeline that imports oil from Canada and will create over 340,000—let me say that again—340,000 American jobs by 2015, 27,000 of those jobs in my home State of Texas, while bringing in new revenue, all without costing the taxpayer one single dime.

When the Keystone XL pipeline is fully operational, we will get more oil from Canada than we currently import from Saudi Arabia. Replacing OPEC oil with Canadian oil increases our energy security. And if we increase our energy security, we increase our national security.

If we do not seize this opportunity, China will gladly take the oil from Canada that the Canadians want us to have. While the President tours the Nation promoting a new half-trillion-dollar stimulus plan, approval of the Keystone XL pipeline remains stalled.

Mr. Speaker, the President can jumpstart our economy and stop the political circus by approving the Keystone XL pipeline. The ball is in his court.

YUCCA MOUNTAIN

The SPEAKER pro tempore (Mr. WOODALL). The Chair recognizes the gentleman from South Carolina (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of South Carolina. Mr. Speaker, everyone knows that Washington isn't very popular right now, and a big reason why is that too often our leaders make decisions that lack common sense. When we need to cut spending, Washington finds a way to spend more. When we need to create jobs, Washington piles on new regulations that put Americans out of work. When we spend billions of dollars to create a safe, permanent storage facility for our country's nuclear waste, politics gets in the way, and that facility is shut down.

Like millions of Americans across the country, I'm tired that politics is getting in the way, and I'm looking to bring some common sense back to this Republic.

And as you know, Mr. Speaker, there's no better example of putting politics before country than the case of Yucca Mountain. Yucca Mountain is a multibillion-dollar project that was supposed to be the solution for storing our country's nuclear materials. Ratepayers in States like South Carolina, ratepayers like my constituents, have poured billions of dollars into the development of Yucca Mountain as a nuclear repository.

Mr. Speaker, this administration needs to understand that America runs by the rule of law, and depositing our nuclear waste at Yucca Mountain is the law of the land. This administration does not get to make willy-nilly decisions to benefit supporters without congressional approval. And when Congress spoke, in the National Waste Policy Act, it made Yucca Mountain the law of the land.

I was deeply disappointed when the Presidential candidates were recently asked about Yucca Mountain. I was astonished that these good folks would echo the failed rhetoric of Senator HARRY REID. And I would remind all the Presidential candidates of the Federal Government's promise to construct a long-term storage facility for the legacy weapons materials temporarily being stored in South Carolina. And I would remind them that this is the law of the land. I suspect that many South Carolina voters, including myself, will expect to hear the Presidential candidates' plan to solve this problem during their next visit to the Palmetto State.

□ 1110

But let's talk about the states' rights aspect of this. Where is South Caro-

lina's right to be rid of this waste? This is a federally created problem, the residual waste of our Cold War weapons programs. Whole towns in my district were relocated by the Federal Government to create the Savannah River site. I'm not saying that we don't want the Savannah River site to continue the important nuclear nonproliferation work of the Nation. And I commend NNSA's recent announcement concerning the conversion of some of the plutonium material into mixed oxide fuel for commercial reactors. What I am saying is that the Nation needs to do right by South Carolina and fulfill the promise to take care of the radioactive waste and get it out of our State.

Yucca Mountain is a geologically stable location; it's the right location for the job. It doesn't get much rain, it's in the middle of nowhere; and when it does rain, the arid climate evaporates the water. But let's take, for instance, that it may rain a lot one day. For leakage to happen at Yucca Mountain would require that little bit of water that doesn't evaporate to transpire through a thousand feet of granite-like rock. And then it's going to get to our concrete vault, and inside that concrete vault are stainless steel canisters. So the water erodes and transfers through a thousand feet of granite rock, through the concrete, through the stainless steel, and it comes in contact with radioactive glass, glassified material that it's got to erode. And then the water has to transfer that material through more stainless steel, through more concrete, through another thousand feet of nonporous rock, down to an aquifer that is a closed system.

This is why Yucca Mountain is the right place to do the job. No one thinks that rolling fields next to a river that is a water source for two States, as it is at Savannah River site, is a long-term answer to nuclear waste disposal. The sooner we recognize this, the sooner we can deal with the real problem.

Now the Department of Energy's blue ribbon commission is circulating a draft report on the future of America's nuclear waste, including the nuclear waste currently being temporarily stored at the Savannah River site. The Savannah River site can only be a short-term home for this waste. The best long-term outlook for the waste of this sort is in a deep geological site, hence the need for Yucca Mountain. The waste stored at Savannah River site can be processed for a number of purposes, but ultimately this waste needs to go deep underground.

Mr. Speaker, I urge representative Lee Hamilton and General Brent Scowcroft, the cochairs of the blue ribbon commission, to reconsider their draft report to include Yucca Mountain as the long-term disposal site that Congress mandated.

Americans have already given billions of dollars to the State of Nevada for the construction of a safe, long-term storage site for nuclear material. President Obama and Senator REID shouldn't be able to have it both ways; Nevada must either rebate the billions of dollars already spent on Yucca Mountain or stand out of the way and allow the facility to open for business. It would create jobs in the State of Nevada. South Carolina has unfairly carried the burden for storing nuclear material for decades already. It's time for this waste to move on.

May God continue to bless America.

GOP JOB-CREATING AGENDA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, when I go home every weekend and talk to my constituents, there are two things that they ask me repeatedly: What can be done about jobs, and what can be done about energy prices?

My constituents understand the colossal failure of the Obama stimulus bill. My constituents understand that government can create jobs only for more government bureaucrats. And those bureaucrats will have to justify their existence by creating more regulations that will kill more private sector jobs.

The liberal Democrats in Congress keep asking for a Republican jobs bill. Well, Mr. Speaker, we have passed at least 15 jobs bills. We have them outlined on this card, as my two colleagues before me talked about, and they are shown on jobs.gop.gov. We've passed at least 15 jobs bills that will help the private sector do exactly what Americans are asking us to do, which is to create jobs through growth in their businesses and allowing new businesses to form.

The liberal elite keep buying into the failed theory that government will create millions of jobs. The reality is that unless we provide the private sector with an environment that is conducive to job creation, jobs will be hard to come by.

Mr. Speaker, I remember the cost of a gallon of gasoline when President Obama was sworn in, it was \$1.85. Today, it is at least \$3.45, an 86-percent increase—and it was a 100-percent increase until very recently. Republicans have addressed this with legislation that increases American energy production, provides us with energy security, and lowers our dependency on Middle Eastern oil.

Mr. Speaker, Republicans listen to the American people. We are acting to provide business owners and entrepreneurs the tools that they need to create jobs and at the same time reduce the cost of energy. We have ad-

vanced legislation that will help our constituents in these two very important ways: by helping businesses and their communities hire people, and by reducing the cost of energy.

But what has happened to legislation that will put Americans to work and lower energy costs? Democrat intransigence. The Senate has had these bills for months now and has failed the American people by refusing to take action. Senate Democrat Majority Leader REID recently said: "It's very clear that private sector jobs are doing just fine." This failure to accept the reality that the job-killing, anti-growth policies of this administration and the liberal elites are the key contributors to the 9.1-percent unemployment rate that continues to be in the United States.

The liberal Democrats keep pushing for what is almost a carbon copy of the failed Obama stimulus that cost the taxpayers almost \$1 trillion without having the slightest positive impact on unemployment and the economy. Now President Obama and the liberal elites are asking to do it all over again—more spending, fewer jobs.

The administration wants to continue to pick winners and losers and fund unproven technologies that cost the taxpayers billions with little or no return. One shining example—if that's the way you want to look at it—is the Solyndra fiasco. The administration acted like a venture capital firm and squandered half a billion dollars, leaving the taxpayer holding the bill.

Mr. Speaker, while the liberal elites in the House and Senate keep thinking that the private sector—the job-creating sector—is doing fine, House Republicans will continue to craft and pass legislation to help job creators, to lower energy prices, and to improve the economy. And I encourage Americans to learn about this on their own through jobs.gop.gov.

CALLING ON THE SENATE TO PASS JOBS BILLS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. HERGER) for 5 minutes.

Mr. HERGER. Mr. Speaker, this House has sent numerous jobs bills to the Senate in an effort to get our Nation back to work.

I want to call particular attention to the 3 percent withholding repeal legislation I authored, which passed the House with overwhelming bipartisan support just last week. This legislation will help many small businesses create more jobs, and the Senate should act on it without further delay. The House-passed bill would eliminate a burden on job creators by repealing a tax that requires government agencies to withhold 3 percent of all payments for goods and services.

As someone who comes from a small business background, I can attest that

although this provision does not take effect until the end of next year, it hurts job creation now because businesses look several years ahead when they are deciding how to invest. It is not surprising that over 150 businesses, health care, education, and local government groups support passage of this legislation. In addition, over 400 Members of the House of Representatives have voted for it, and President Obama has endorsed it, as well as Representative BLACK's associated cost-saving measure.

Instead of waiting for more stimulus bills that face bipartisan opposition, the Senate should work with the House to pass jobs bills like this one that is supported by both parties.

□ 1120

There are already 15 jobs bills passed by the House that are being delayed unnecessarily, and 3 percent withholding repeal joins those forgotten 15 in waiting in our U.S. Senate and by our Senate colleagues. The House version of this repeal continues to have strong bipartisan support.

The Senate has heard from job creators just as we have about the need for this legislation, and they should work with us in passing commonsense jobs bills, starting with the repeal of the 3 percent withholding tax.

KEYSTONE XL PIPELINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. TERRY) for 4 minutes.

Mr. TERRY. Mr. Speaker, I'm the author of one of the bills sitting in the Senate, the "forgotten 15." This is a bill that will instantaneously create 20,000 jobs and spin off a potential 100,000 to 200,000 additional jobs and put us on the path to energy security. I'm talking about the pipeline bill, the Keystone XL pipeline.

Now, that bill was passed on a massive bipartisan vote, 279-174, one of the best bipartisan showings of nonsuspension bills. It was placed on the Senate calendar on July 28. We held a press conference asking the Senate to take it up. We sent a bipartisan letter to the majority leader asking him to place it on the calendar for vote.

This bill just simply set a timeline for the President and State Department to make a decision. Then, it was November 1. We sit here on this day, November 4—I think it's the 4th—and the President just said 2 days ago to a local Omaha TV station anchorman that he'll make a decision in a few months.

Well, I would encourage the Senate to take up this bill; change the date, obviously, maybe to December 1 or December 15 or December 31. But the reality is this permit for this pipeline is 1,142 days old. That's double the record time for any other transcontinental pipeline—double.

Yes, there is a political storm about environmental safety. This trans-Canadian pipeline has been studied more than any other pipeline. The environmental assessments say this is the most secure pipeline ever designed and has little to no impact to the environment of the sand hills of Nebraska and the underlying aquifer.

Now, since all of the studies have shown there's little to no risk to the environment and pipelines remain the safest way to transport oil to our United States refineries, this puts us on a path to energy security. In fact, the 700,000 barrels that come from our friend Canada offset the oil we import from Venezuela. And even the Department of Energy said that this will almost offset all of OPEC oil. I think that secures our Nation.

And did I again—should I mention the 20,000 labor jobs created by this pipeline, the fact that it doesn't impact the fragility, the ecosystem or environment of the sand hills and the aquifer?

Mr. Leader, bring this bill up in the Senate. Let's create these jobs, let's produce our infrastructure, and let's secure America's energy future.

HOMELESSNESS AMONG OUR VETERANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 4 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise today, as we approach Veterans Day and we set aside time to recognize our Nation's veterans, also to address the problem of homelessness among those who have served our Nation.

Homelessness is a problem facing many Americans today, but it is particularly acute in the veteran community. While less than 10 percent of the population of the United States are veterans, they comprise 25 percent of the entire homeless population. All told, the Veterans Administration estimates that there are 107,000 homeless veterans nationwide. Among a population that have devoted themselves to the service of our Nation, these numbers are unacceptable.

The National Cemetery at Washington Crossing is located in my congressional district in Bucks County, Pennsylvania, and serves as a final resting place for many veterans. The location of the National Cemetery is in the heart of Pennsylvania's Eighth Congressional District and places the plight of all veterans, homeless or not, preeminently in the collective psyche of my community.

Bucks County takes a solemn measure of pride in guarding both the mortal remains and the honor of veterans from across the Nation. And while Bucks County is honored and proud to provide a final resting place or final home to our Nation's veterans, our Na-

tion must ensure all veterans are honored and sheltered while they are living as well. Today I would like to share one of their stories.

This past Flag Day, I was handed a pouch containing spent shell casings from a memorial service at the National Cemetery. The casings were from the service of U.S. Army Veteran John Griffin, who was buried at the National Cemetery at Washington Crossing earlier this year. John served our Nation in Vietnam from 1968 to 1970. He passed away in February of this year at a nursing home in Pennsylvania, and for some period before John entered the nursing home, he was homeless.

John's service was not attended by any relatives or friends. The National Cemetery holds monthly services for veterans who are laid to rest without the presence of their families. At this service, the flag that draped John's coffin was accepted by a group of women from the community who have undertaken this role to provide a measure of respect and recognition to those who have passed.

Despite numerous inquiries, neither I nor my staff has been able to learn any more about the life, service, or death of John Griffin. We know that John was honorably discharged, but beyond that, his life and his service to our Nation have been lost for the next generation of soldiers who will serve.

In his second inaugural address, President Lincoln, looking at the wounds that needed to be healed as the Civil War drew to a close, charged our Nation "to care for him who shall have borne the battle." This we must do, but we must be ever mindful that homelessness, among veterans or among the population at large, is often a symptom of a deeper problem. Addiction, posttraumatic stress disorder, and strained family relations can collude to leave veterans without shelter. And while these factors may explain homelessness among veterans, they do not excuse us, as a Nation, from remedying it.

I do not know with any certainty what, if any, root causes led to John Griffin's homelessness, but I'm certain that our Nation owed him better. We owed him more than a makeshift camp in a local woods. We must rededicate ourselves to the service of those who have served our Nation.

The story of John Griffin is not rare, but we must work to make it so, because among the men and women who sacrificed and risked their lives in the service of our Nation, one homeless veteran is too many.

UNEMPLOYMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. CASSIDY) for 2 minutes.

Mr. CASSIDY. Unemployment continues to hover over 9 percent. And

when we say unemployment as 9 percent, that is a statistic. But we know that it's just not a statistic; it is a family. It is a family which is less able to provide, less able to have stability because of this unemployment rate.

Now, as it turns out, the unemployment rate is not generally distributed. It turns out it's principally among blue collar workers. Blue collar workers have traditionally been employed in manufacturing, construction, and mining. And this is one of the reasons why I, and many Republicans and many Democrats, so strongly support the Keystone XL project.

Think about it. Because they will extract that oil from the ground, creating jobs there, they are then going to build a pipeline, construction. And to build that pipeline, they have to manufacture steel. We're going to be creating jobs by this one project in the three areas that those who are now unemployed are principally employed in.

Now, this is not done with government subsidies. It does not put the taxpayer at risk. Indeed, it will generate more tax, not by increasing rates, but by increasing income, more tax receipts to help lower our Nation's deficit.

I could go on about the increase in energy security, about how the oil sands actually have a better carbon footprint than some of the oil we are now importing from Venezuela. But the bottom line is we are in a recession of 9 percent. The President has the ability to create 20,000 jobs directly and 100,000 thereafter.

I think because of this and to show the kind of across-the-aisle support for this—this pipeline is supported by the Laborers International Union of North America, the Teamsters, the AFL-CIO, the Pipeline Contractors Association, and other major unions.

□ 1130

Mr. President, please create 20,000 jobs directly, 100,000 jobs indirectly, a total package, targeting those people who are most unemployed now without using a government subsidy and, in fact, by increasing government tax receipts and, in so doing, increase our energy security. Please approve the Keystone XL project.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 31 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

We pause in Your presence and ask guidance for the men and women of the people's House. Give them wisdom, strength, and love as they face the tasks of the waning weeks of the first session. Help them to be great in heart, genuine in commitment, generous in spirit, and good in mind that the work done may be for the highest welfare of our Nation and of all nations.

Whatever the experiences that come to them and to us all this day, grant that we may meet them with quick confidence and never-ending goodwill. Keep us ever faithful to our duties, committed to doing justice and truth, and loyal to our Nation in its lofty ideals.

Bless us this day and every day, and may all that is done within the people's House be for Your greater honor and glory. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

TRAFFICKING GRANT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, earlier this week, The Washington Post uncovered astonishing evidence that political appointees at the Department of Health and Human Services meddled with a grant to help victims of human trafficking. For 5 years, the U.S. Conference of Catholic Bishops has provided these services. Now The Post has revealed that the grant renewal was denied over the objections of career staff and despite the recommendation of an

independent review board that rated the Catholic program as the best agency to do the work. In fact, some career staff within HHS refused to sign the documents awarding the new grants. It cannot be a coincidence that the ACLU is suing to force the Catholic bishops to offer abortion services with this grant money.

It is outrageous that the administration appears to be letting the ACLU dictate policy and interfere with a grantee that is doing good work. Victims of trafficking will now face a reduced level of service because of political meddling.

A complaint has been referred to the HHS inspector general. I hope there will be a thorough investigation determining whether religious bigotry played a role in this grand decision.

THE SUPERCOMMITTEE AND JOBS

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, this week the partisan chairs of the previous deficit reduction commissions admonished the supercommittee to "go big" with a package that includes a balance of cuts and revenues. Unfortunately, I think they will "go small," and that would be a tragic lost opportunity. It would also be a lost opportunity if the supercommittee's legislation does not include job-creating measures, because the best way to reduce deficits is to create jobs.

Just ten years ago, the debate in this country was over the implications of repaying our debt in its entirety. We had that debate because, under President Clinton, 22 million jobs were created and record deficits were turned into record surpluses.

Mr. Speaker, the supercommittee should be bold and include a major investment in infrastructure. With interest rates at historic lows, it will never be cheaper to finance the massive backlog of improvements that we need to make in order to stay competitive.

Optimistically, economic growth over the next 2 years is not expected to be enough to sustain the current employment levels. That means unemployment will increase unless we act to create jobs.

I urge the supercommittee to do the right thing—go big. The American people need to work, and much work needs to be done.

POLL SHOWS SMALL BUSINESSES FEAR REGULATIONS

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, last week I was astounded to read a new Gallup Poll on small business owners'

concerns; and as you can imagine, in an economy like this, they have many concerns. But the issue that they said was the most important concern for small business owners was complying with government regulation.

You know what? I didn't need a Gallup Poll to tell me what I've heard from dozens of small business owners across my district. They feel threatened by the Obama administration's avalanche of needless red tape.

In the House, we've worked hard to cut that red tape, provide a pro-growth, pro-jobs environment here. We've passed more than 15 bills to cut red tape, most of them with bipartisan support. You can see all of them at jobs.gop.gov. Unfortunately, they now languish over in the cul-de-sac at the other end of this building called the "do-nothing" Senate.

So I urge the Senate to listen to American small business owners, listen to their concerns. Pass the forgotten 15. Get Washington off the backs of small business and get Americans working again.

ACT NOW TO PUT AMERICANS BACK TO WORK

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, 10 months ago this week, Republicans took control of the House of Representatives. Since then, we have not seen one comprehensive jobs bill to help put Americans back to work. Our GOP-led House must show urgency, where now they show indifference, in helping the millions of workers who have lost their jobs through no fault of their own.

The American Jobs Act will help create those jobs by investing in infrastructure and incentivizing businesses to hire new workers.

I have also proposed a plan to help put people back to work; and many others in this Chamber, both Republican and Democrat, have other great ideas to support job creation. But the majority has thus far refused to allow any such measures to come to the floor for consideration. They are common-sense and traditionally bipartisan steps that we should take today.

People need jobs, they need them now, and Congress must not delay any further.

DEFENSE CUTS INCREASING UNEMPLOYMENT BY 1 PERCENT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Defense Secretary Leon Panetta recently warned Congress that if the deficit reduction process does not succeed, the Department of Defense

could be cut by \$1 trillion. These cuts will threaten the effectiveness of the world's greatest Armed Forces which provide peace through strength. According to Secretary Panetta, these cuts would increase America's unemployment rate by 1 percent, nearly 1.5 million workers. Drastic cuts will limit advanced equipment that is essential to protect our servicemembers who are defeating terrorists overseas.

For the United States to successfully continue to protect its families, Congress should not further cut the defense budget, which destroys jobs and undermines our manufacturing base. Yesterday in Roll Call, Army Secretary John McHugh, our former colleague, advised, "We can't break faith with the men and women who fought for us during the past decade."

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

VOTER SUPPRESSION

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Mr. Speaker, I rise to address the right of every American, and that is the right to vote.

Republicans across this Nation are attempting to suppress certain predetermined populations of eligible voters. In Ohio, they are trying to limit voting by mail, which greatly affects seniors, the disabled, and students.

In 2009, in the county in which I live, Cuyahoga County, we eliminated 26 percent of all of our precincts because of the effectiveness of our vote-by-mail operation. We saved more than \$1.2 million on voting machines alone. And with fewer precincts, we save at least \$800,000 for each countywide election by having people vote by mail. Yet Republicans passed legislation that would restrict counties from mailing ballots. As a consequence, this year alone, early voting is down by one-third from last year.

With such an efficient vote-by-mail system, why would Republicans seek to eliminate mail ballots or to confuse voters? Why are Republicans pushing policies that seem to have no other objective than to disenfranchise our citizens?

□ 1210

SENATE NEEDS TO ACT ON FORGOTTEN 15

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Mr. Speaker, in response to the President's jobs plan, Linda Shevchuk from Carmel, New York, in my own 19th district, sent the

following letter to me: "The government's first priority should be to make sure that existing programs and agencies are operating efficiently and effectively. I can't fathom how the President can ask for more revenue when there is so much waste in our government. Government needs to act more like a business. In order to succeed, a business has to operate efficiently and effectively, be innovative, set a reasonable budget, and operate within that budget."

Ms. Shevchuk, you're absolutely right. In fact, on our list of the forgotten 15 bills that we need the Senate to act on right away, there is the budget for fiscal year 2012. It has now been 918 days since the American people received a budget for the Federal Government because our Senate has not yet acted.

Please call your Senators across the country—and, Ms. Shevchuk, call our Senators from New York—and ask them to act on the forgotten 15, including the budget for fiscal year 2012, so that we can free our economy, free our hardworking American taxpayers, and get us all back to work.

WAKE UP, AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, I spoke yesterday with a very well-known Cleveland talk show host, Mike Trivisonno, who told me he and his listeners, who are many, are concerned that an al Qaeda flag is flying over the courthouse in Benghazi, Libya. It was put there by the same group that we helped to oust the Qadhafi regime.

Trivisonno is right. U.S. soldiers died fighting al Qaeda in Afghanistan, but in Libya we enabled al Qaeda to raise their flag? Will al Qaeda now have access to Libya's oil wealth thanks to the U.S.-led invasion?

Months ago I raised this question about elements of al Qaeda reportedly being involved with so-called rebels. This administration looked the other way. Why? What are we doing?

Our international policies are a diversion from our disastrous domestic policies: 14 million unemployed, millions of small businesses at risk, millions of homes at risk, Social Security at risk.

Wake up, America. The administration just helped elements of al Qaeda knock off one of the world's leading oil producers. Their flag flies over Benghazi. It's time for us to get out of these foreign adventures and start taking care of things here at home.

SONGWRITERS' TAX LEGISLATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise to speak about legislation I'm introducing dealing with tax options for songwriters and music publishers. The Songwriters Tax Simplification Reauthorization Act reinstates the ability of American music publishers and self-published songwriters to elect to use a 5 year, 20 percent per year amortization schedule. We had this tax option from 2005 to 2010. Inadvertently, it wasn't reauthorized.

Under current law, tax options available to songwriters and publishers are unworkable, obsolete, and cost-prohibitive. This creates a disincentive to new investment at a time when the music industry is under assault from illegal piracy online and as they are fighting to retain and create jobs.

A 16-year-old singer-songwriter named Bonner Black from Hot Rock, Tennessee, came to Washington last month to build support for this idea. Her dream is the American dream—to write songs that inspire and entertain us. We need this legislation to make certain songwriting remains a part of the American dream.

THE PRESIDENT'S AMERICAN JOBS ACT AND SMALL BUSINESS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak in support of the President's American Jobs Act because America's small businesses need this legislation now to grow and hire new workers. Creating jobs and strengthening the economy is my highest priority, and I strongly urge this Congress to remain focused on these goals because they are the most pressing challenges facing Americans today.

The President's American Jobs Act will cut the payroll tax in half for 98 percent of small businesses. The non-partisan Congressional Budget Office estimates that cutting of the payroll tax is one of the most effective job-creating measures. In addition, the President's proposal will completely eliminate payroll taxes for businesses that add new workers. This incentive is directly targeted to encourage small businesses to hire new workers.

Mr. Speaker, I urge my colleagues on both sides of the aisle to put partisan politics aside and pass this legislation now because American families and small businesses are in need of jobs now.

THE FORGOTTEN 15

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Well, with a national government seemingly incapable of

confronting a mountain range of debt and a national media preoccupied with politics, I have to tell you, Mr. Speaker, as I travel across the State of Indiana, one thing is clear: In the city or on the farm, Hoosier families are hurting. Unemployment in the State of Indiana is a heartbreaking 8.9 percent, and Hoosiers want action on jobs.

Now, the President is traveling around the country talking about his legislation. He says that the American people can't wait to take action on jobs, and let me just say, I couldn't agree more. The good news is House Republicans have a plan, and House Republicans have taken action.

Since the first of this year, House Republicans have passed no less than 15 different pieces of legislation to create jobs in America. These are common-sense, bipartisan bills that have passed the House of Representatives and are now languishing in the Senate. We call them the forgotten 15. Among the forgotten 15 is legislation to increase domestic energy production, reduce the harmful Federal regulatory burden on jobs, help unemployed veterans, and the rest.

I urge my colleagues in the other body to take action on the forgotten 15. We can't wait. Let's take the measures necessary to put Americans back to work.

END CHINESE CURRENCY MANIPULATION

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I recently visited two factories in my district in Woonsocket, Rhode Island—a textile mill, Hanora Spinning; and a producer of personal care products, Diversified Distribution. These businesses had a clear message: They believe in making it in America, but they need an even playing field.

The U.S. has the best workers in the world and makes the best products in the world, but we need policies that allow us to compete and prevent cheating by our global competitors. Rhode Island businesses, American businesses, can't compete with their Chinese counterparts who keep their currency artificially low so their imports are cheaper than U.S. goods.

It's time to end this unfair practice, and I'm calling on the Republican leadership in the House to allow a vote on the Currency Reform for Fair Trade Act. This is a bipartisan bill that could create between 500,000 and 2 million jobs. Ending the cheating by our trading partners, especially the Chinese, we can level the playing field for American manufacturers and create jobs. We must bring H.R. 639 to the floor for a vote now.

UNESCO AND THE PALESTINIAN AUTHORITY

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, on Monday, October 31, UNESCO voted to award the Palestinian Authority full membership in its organization. UNESCO made the decision in spite of an existing U.S. law which prohibits U.S. contributions to the United Nations or any associated organization that awards the Palestinian Authority the same standing as full member states.

It defies logic that UNESCO would willingly forgo nearly one-quarter of its budget—the 22 percent that is contributed by the United States each year—in exchange for awarding the PA full member status. This decision is especially troubling considering that it will only diminish the prospects for genuine peace between Israel and the Palestinians, which can only be achieved through direct negotiations between the parties involved and not by fiat.

Nevertheless, UNESCO has made its decision, and the U.S. should stand by existing law and cut off funding for the organization. Anything short of this will send a clear message to other international organizations considering similar action that Congress and the United States does not follow up on what it says. It will also send a message to America's allies, most especially Israel, that the United States cannot be taken at its word. Congress needs to stand by Israel and all of its allies and hold UNESCO accountable for the decision that it made.

□ 1220

SOCIAL SECURITY

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker and Members, I rise in support of the 54 million retirees, disabled workers, children and spouses in our country who currently receive Social Security. For 75 years, Social Security has served as a promise to the men and women who worked hard all their lives to make this country great that they could look forward to financial security later in their lives.

Social Security was designed to be one leg of a three-legged stool. Unfortunately, the other two legs—savings and pensions—aren't there for many seniors. Only 41 percent of seniors have employer-sponsored pensions. Three out of five senior households have no retirement savings at all, and one in three seniors rely on Social Security for 90 percent or more of their entire income.

The Joint Select Committee on Deficit Reduction should not look at Social Security as a way to pay down our national debt or as a way to offset tax cuts for the most fortunate in our country. Social Security is not in crisis. It presently has a surplus of over \$2.6 trillion—enough to pay its obligations in full over the next 25 years.

Social Security needs to be reformed over the long term. These reforms need to be debated in proper order inside the appropriate committees in the House and Senate and not hastily put together. I ask my colleagues to stand together with America's seniors and support a strong, robust Social Security program.

IN MEMORY OF BYRON DAY TATE, JR.

(Mr. NUGENT asked and was given permission to address the House for 1 minute.)

Mr. NUGENT. Mr. Speaker, born September 13, 1921, in Chicago, Illinois, Byron Day Tate, Jr., spent his early years working alongside his brother as a brass and iron molder. On November 14, 1942, Byron answered the call to service and enlisted in the United States Army. While in the service, he saw action with the 1st Army across the European Theater under the command of General Omar Bradley. He joined the D-day invasion force in July of 1944 and saw combat in the Battle of the Bulge.

After returning to Chicago as a decorated and proud Army veteran, he married the love of his life, Mildred, and like so many of our brave World War II heroes, he went on to become part of the greatest generation the world has ever seen.

On October 20, 2011, my uncle Byron Day Tate, Jr., passed away at his home in Macon, Georgia. With his passing, however, I'm reminded that without the hard work and selfless sacrifice and attitude of our World War II veterans, this Nation truly would not be what it is today.

NO JOBS

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Forty-three weeks, Mr. Speaker. For 43 weeks, my Republican colleagues have led the House, and they have failed to pass a single bill to create jobs. Our national unemployment rate has returned to 9.1 percent after declining earlier this year and late last year as a result of the Recovery Act.

Yet my colleagues who ran on the platform of upholding a pledge to America to create jobs and strengthen the economy have failed to do so. Instead of delivering on their promise to

the 14 million Americans without jobs, the Republican Congress has decided to take off of work for themselves.

This Republican-led Congress has only been at work for 111 days, leaving 105 days off for recess. With so many of our constituents out of work, Congress should be at work on their behalf, doing its job and creating jobs for Americans and improving America's economy.

That is what my Democratic colleagues and I have tried to do. We have proposed commonsense legislation that would strengthen our economy and create jobs now. And we say that this is what we were sent to Washington to do. We must create jobs now.

VETERANS OPPORTUNITY TO WORK ACT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to speak about jobs. Millions of Americans are hurting and in need of work. Our Nation's veterans have been particularly hard hit by the economic downturn. With Veterans Day approaching, it is heartbreaking to see so many of our Nation's heroes suffering. Nearly 1 million veterans are unemployed right now, and their unemployment rate exceeds the rest of the Nation.

We must act now, Mr. Speaker. Here in the House, we have passed the Veterans Opportunity to Work Act. This legislation takes an all-encompassing approach that incorporates education and training, eliminates roadblocks in the system, and helps veterans compete in a 21st-century economy.

Putting our veterans back to work is something we can all agree on, Mr. Speaker; and I encourage the Senate to address this important issue.

JOBS

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, we can't cut our way to national prosperity. Since President Obama took office, private sector employment has steadily grown; but largely due to misguided priorities of many Republican officeholders, public sector cuts have offset that private sector job gain. In fact, the States that took the most severe hatchet to their State budgets have lost the most jobs and faced a more severe economic downturn. But the States that increased spending in the public sector saw real and steady economic growth since the recession began.

According to a study by the Center for American Progress, that's because

there's a corresponding increase in the private sector when we pursue a responsible policy of investment in the public sector. Some States have, in fact, slashed their way into a deeper economic slump. Yes, big cuts in public spending do have an immediate effect on the quality of life; but it's worse if in addition to affecting our quality of life, we are actually making the national employment situation much worse. There's abundant data to support that conclusion.

Mr. Speaker, the fact is that President Obama's jobs bill invests in teachers, cops and firefighters because he knows that that investment will stimulate more private sector capital investment in our communities. That's why it should be passed.

JOBS

(Mrs. BLACK asked and was given permission to address the House for 1 minute.)

Mrs. BLACK. Mr. Speaker, I'm here today to talk about jobs. People in the Sixth District of Tennessee are hurting. Our State has currently a 9.8 percent unemployment rate, and we have been at over 9 percent unemployment since February of 2009. Many of my counties are well above the Tennessee average. In Overton County, in the eastern part of my district, their unemployment rate is 10.6 percent; and in Marshall County in the southern part of my district, 13.8 percent of our population is out of work.

The President's new slogan on jobs of "We can't wait" is an odd choice. Right now, there are 15 House-passed bills sitting on the Senate desk waiting for action. Since day one, I have been working with my colleagues to create certainty in our economy, trying to cut the burdensome red tape and get government out of the way. Throughout our Nation's history, it's been the American entrepreneurial spirit that has pushed us forward.

Put simply, government does not create jobs. American small businessowners create jobs. That's why I'm here today to urge Majority Leader REID and our colleagues in the Senate to pass these 15 jobs that we have created in a bipartisan manner over here in the House. America cannot wait, Mr. REID. Take up our bills.

BULLYING PREVENTION

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. We cannot forget our children, and I ask that this body not close the doors on the Good Samaritan. Let that person in.

I would encourage the support of H.R. 83 that has focused on protecting our children from bullying. I have founded

and cochaired the Congressional Children's Caucus with my colleague from Illinois, a bipartisan caucus that wants to remember the children. I encourage my colleagues to sign on to H.R. 83 so that we can have a national statement against bullying and begin to fund the best practices that our communities can work on to protect our children.

And then I want to ensure that the 2.5 million Americans that will lose their unemployment in 2012 are protected. Let's determine that those who have worked not be left in the cold without unemployment benefits.

And as we look forward to Veterans Day, I want to stand publicly and say that I oppose any cuts to veterans benefits by the supercommittee. I stand in support of our veterans and declare that if they gave us a promise and their willingness to sacrifice their life, we must stand in promise to them to never cut their benefits. Let me say to the homeless veterans that I visited, we, too, respect your condition and your service. We will not cut veterans benefits.

□ 1230

OKLAHOMA CITY: CITY ON A HILL

(Mr. LANKFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. As we talk about jobs in America, let's talk about a positive story: Oklahoma City, ranked yesterday as having the number one best employment rate in America among cities of 1 million or more.

In our federal system of government, States and cities compete for excellence, and the result is a terrific city like Oklahoma City.

What made it work? I can tell you what made it work: Great State and local leadership, people who love to work, commonsense regulations locally, business owners who build great businesses, and a great community. In Oklahoma City, you see, we have traditional and new energy production working well side by side, community banks that work through the regulatory maze and do commercial lending. We have reasonable real estate development, trucking and manufacturing for all types of products, a military and civilian workforce who work together, small business owners and employees who love to serve our community, and pro-business, pro-family laws and regulations.

There is something our Nation could learn from a city like Oklahoma City.

A SALUTE TO PUBLIC EMPLOYEES

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, my friends on the other side of the aisle

are very fond of saying that government doesn't create jobs but only the private sector. But all you've got to do is talk to any small business person on any Main Street in America and ask them, if the police department didn't come out and make sure that they had a safe neighborhood, how would that affect their business? Or you can go to a trucking company and say, you know, if the roads and the bridges and the transportation network of this country were not in place, could you ship products if we didn't have an interstate highway system? They would tell you, obviously the government helps business. Obviously. This is so obvious that we have to state the obvious here on the floor of Congress.

This anti-government, anti-public sector, anti-public employee and worker attitude does not help our country. It sets us back, and it is wrong. And I, for one, want to salute the everyday heroes—the cops, the firefighters, the teachers, the people who work on our roads, the people who make sure we have clean water and air to breathe.

Go for it, public employees. We're proud of you.

HOUSE REPUBLICAN PLAN FOR AMERICA'S JOB CREATORS

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute.)

Mr. DESJARLAIS. If the Obama administration is serious about creating jobs for the American people, they should start by listening to America's job creators.

As part of my Tennessee Job Creators Tour, I've had the opportunity to meet with over 40 businesses. They have a clear message on how Washington can help create jobs: Get government spending under control; create a fair, flatter and simpler Tax Code; and repeal job-killing regulations that hurt their ability to do business and hire more workers.

House Republicans understand the importance of freeing our Nation's business owners from the confidence-killing threat of higher taxes and more regulation so that they can invest, grow, and hire. To accomplish this, we have passed a total of 17 job-creating bills this year, and they are now stuck in the Senate. Please go to jobs.gop.gov and read the plan.

The Democrats' suggestion that "poor sales" are driving unemployment is shortsighted and out of touch, considering the overwhelming consensus among the businesses I have personally visited.

It's time for Senate Democrats and President Obama to follow our lead and pass these 17 bills.

NOT A PRETTY PICTURE FOR POLICE OFFICERS

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, just a few days ago, Bernard Melekian, who is Director of the Justice Department's Office of Community Oriented Policing Services, produced a job loss ratio and report on the police departments throughout the United States of America. Mr. Speaker, it was not a pretty picture. We pat our police officers on the back, say they do a good job, and watch 12,000 of them lose their jobs in the United States of America.

There's one point I want to bring out here, Mr. Speaker, and it's this: If we place so much homeland security responsibilities on our first responders, then how in God's name can we turn our backs when cities and towns and rural areas are in tough financial shape? We will have an opportunity to rectify and right the ship this afternoon.

CALLING ON SENATE TO PASS JOBS BILL

(Mr. MULVANEY asked and was given permission to address the House for 1 minute.)

Mr. MULVANEY. Mr. Speaker, last week, unbeknownst to most people because it doesn't get a lot of coverage, we did something in this House that most people in the Nation didn't think we had the capability of doing. We passed, on a bipartisan basis, a bill that will help put people back to work. We passed a bill that made it easier for companies that do business with the Federal Government to get paid, the 3 percent withholding rule. It passed through subcommittee on a bipartisan basis, through committee on a bipartisan basis, and off of the floor of this House on a bipartisan basis. It is actually part of the President's jobs plan—the President directly addresses this 3 percent withholding in his jobs bill—yet it got absolutely no attention. More importantly, it sits today at the Senate with absolutely no activity on it.

This House, Mr. Speaker, has done its job, and we've done our job on a bipartisan basis to pass a bill to put people back to work. But the Senators—most specifically, the Democrat leadership in the Senate—are not doing their job, and I call upon them to do exactly that.

LET'S WORK TOGETHER TO REBUILD INFRASTRUCTURE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, jobs is the most important issue this House can

deal with. And it's been said in the past that there are two things that are bipartisan: defense budgets and infrastructure budgets, transportation.

Historically, we've gotten together on transportation and we've had a transportation bill and we've developed a great infrastructure that made this country the country that it is. No longer is America the top nation in the globe on infrastructure; it's countries in Asia and other places. We're 15th on the list on infrastructure.

The President's got a jobs bill that will put \$50 billion into roads and bridges, infrastructure, and put people to work—25,000 people for \$1 billion of investment go to work.

Ray LaHood, a Republican Member of this House when I started, now the Secretary of Transportation, said yesterday that the Republican side—or at least some part of it—is not here to get things done, that they're here only to defeat this President, and they need to pass the bill to put people to work and improve infrastructure.

I agree with Secretary LaHood. Let's work for America together, let's be bipartisan, and let's rebuild our infrastructure.

REPUBLICANS ARE HOLDING UP JOB CREATION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I want to follow up on my colleague from Tennessee.

I heard my Republican colleague on the other side of the aisle talk about the Senate. Well, the fact of the matter is that the Senate Democrats, on at least two occasions, have tried to bring up the American Jobs Act, the President's job initiative. They even broke it into smaller pieces. But what happens is they vote for it, but they can't get the 60 votes because none of the Republicans will join with them to get over that 60-vote majority rule. So this is being held up by the Republicans.

Here in the House, Speaker BOEHNER has said that he will not post the American Jobs Act. You know, it's been 43 weeks since the Republicans took control of the House and they haven't passed a single jobs bill yet. When the Republicans say, oh, they're passing bills to deregulate, that's not going to create jobs.

I have spent a lot of time in the last few weeks going around my district to some of the Main Streets and talking to small businesses. They like the American Jobs Act because they like the fact that it has the payroll tax reduction. They like the various tax credits if they hire people. But when you ask them about regulation, regulation is not the issue, Mr. Speaker.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. YODER) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 3, 2011 at 9:36 a.m.:

That the Senate passed S. 271.
That the Senate passed S. 278.
That the Senate passed S. 535.
That the Senate passed S. 683.
That the Senate passed S. 684.
That the Senate passed S. 808.
That the Senate passed S. 897.
That the Senate passed S. 997.
With best wishes, I am

Sincerely,

KAREN L. HAAS.

MOTION TO INSTRUCT CONFEREES
ON H.R. 2112, AGRICULTURE,
RURAL DEVELOPMENT, FOOD
AND DRUG ADMINISTRATION,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate on the disagreeing votes of the two Houses.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DESJARLAIS). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DICKS. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Dicks moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2112, be instructed to insist on (1) the highest level of funding for the "Federal Highway Administration—Emergency Relief Program" account, within the scope of conference and only for activities consistent with the definition of "disaster relief" included in the Budget Control Act of 2011, and (2) the highest level of funding within the scope of conference for the Community Oriented Policing Services (COPS) programs.

□ 1240

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gen-

tleman from Washington (Mr. DICKS) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. DICKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Mr. Speaker, I yield myself as much time as I may consume.

The motion instructs conferees to provide funds needed for the Federal Highway Administration to eliminate the backlog of repairs to highways, roads and bridges damaged in natural disasters. The motion also instructs the conferees to fund the Community Oriented Policing Services (COPS) programs.

It is not unusual for Congress to appropriate funds to address the backlog of disaster repairs for highways, bridges and roads. Since 1989, Congress appropriated additional funds to eliminate the emergency relief backlog on 20 separate occasions.

This motion will put nearly 60,000 construction workers to work repairing roads and bridges in 37 States. The Federal Highway Administration needs about \$1.76 billion for emergency relief repairs in States that received a Presidential disaster declaration.

I would remind my colleagues that the Budget Control Act reformed the process for determining the total amount available for disaster relief funding. Funding is based on objective criteria. Disasters must be declared, and the total amount cannot exceed the rolling 10-year historical average. If conferees provide the highest level of disaster relief funding within the scope of conference, it will be within that range. The motion instructs conferees to remain consistent with the Budget Control Act. And the act makes clear that if disaster relief funding is within the average, it does not need to be offset.

The motion simply asks the House to honor the agreement on disaster relief reached in the Budget Control Act.

The motion also instructs the conferees to support the highest level of funding for COPS within the scope of conference. The House bill, as reported by the Appropriations Committee back in July, included no funding for the COPS programs. However, the Budget Control Act provides a higher discretionary funding total for FY 2012 than the allocation the committee was working with during the summer. This permits the House to fund some items that were difficult to provide for in July. And the COPS programs should be at the top of the list of things to fix

in the CJS bill with a higher allocation.

The House has supported COPS on a bipartisan basis, and it is needed now more than ever. The economic downturn of the last few years is straining the resources of State, local and tribal governments across the country. Public safety agencies have been affected along with nearly everyone else.

According to the COPS office, nearly 12,000 police officers and sheriff's deputies will have been laid off by the end of 2011. Approximately 30,000 law enforcement jobs are unfilled. And an estimated 28,000 officers and deputies faced week-long furloughs in 2010.

We can't fix all the financial pressures facing local law enforcement, but we can do something to help stem the tide. This motion would support the hiring or rehiring of approximately 1,500 police officers in FY 2012.

Mr. Speaker, I urge the House to vote "yes" on the motion to instruct, and I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I have no other speakers other than myself at this point; so I reserve the balance of my time.

Mr. DICKS. I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL), who has been a tireless advocate for both the COPS program and our firefighters and for local law enforcement.

Mr. PASCRELL. I thank the gentleman from Washington for yielding.

I want to thank Mr. DICKS for his leadership on this issue. I want to thank Mr. ROGERS for his open-mindedness, as usual, hopefully as we go into this discussion.

As cochair of the House Law Enforcement Caucus, I want to call everyone's attention to one of the glaring differences between the bill the Senate passed earlier this week and the one reported by our own Appropriations Committee: Funding for our local police officers.

The Senate bill contained \$232 million for the COPS office, including \$200 million for COPS hiring. This bill completely eliminated funding altogether. We're here today to try to rectify that situation.

Mr. Speaker, we know that State and local governments are still slashing their budgets as a result of the recession. In fact, just last week the Department of Justice released a sobering report, "The Impact of the Economic Downturn on American Police Agencies." I think all of our Members should read it. I want to place this as Exhibit A in my presentation today, Mr. Speaker, into the RECORD.

The report revealed that nearly 12,000 law enforcement officers will lose their job this year alone. Another 30,000 positions remain unfilled, and 2011 would produce the first national decline in law enforcement officers in 25 years.

Less cops on the beat means more crime on the streets, plain and simple.

It is a very specific aspect of this particular problem. It's not going to get better.

I work very closely with my counterpart, Representative REICHERT, who was a sheriff's officer in Washington State, to cochair the Law Enforcement Caucus. Earlier this year, 115 Members of this body, Republicans and Democrats, supported these programs in a letter to appropriators.

It is just not enough, Mr. Speaker, to pat our police officers on the back. We must support them. The Federal Government has a particular responsibility, specifically, to debate the issue and look at the issue of homeland security. They're the first there, our firefighters. If there's any manmade disaster or act of nature, they show up first before anybody from the Federal Government.

To see the number of police officers being reduced in this country is unconscionable, particularly after 9/11. Our crime is rising specifically in the towns where these police officers have been laid off, furloughed, demoted—and certainly lack the promotions. The Federal Government has some responsibility here.

I would also like to place into the RECORD a very strong statement on the issue of the matter of crime in our cities and in our towns. I will make that Exhibit B.

I think the homeland security issue is a critical issue. But let's bring it back to our own towns. Police departments in the United States now have put on a list of priorities what they're going to respond to and what they cannot respond to.

Listen to these. They've stopped responding to motor vehicle thefts in many towns. They've stopped responding to burglar alarms that go off. They've stopped responding to non-injury motor vehicle accidents. In many towns, the warrant squads—if you don't know what a warrant squad is, then you don't know what police departments do day in and day out. They've minimized, two or three people left to try to find the folks that have perpetuated crimes in our communities.

They've reported decreases in investigations of property crimes. You talk about a response when you call the police department. Wait till you see the response in terms of investigating these particular crimes.

This has all come out under the Justice Department. I'm not making these numbers up. That's why I submit for the RECORD the numbers.

□ 1250

Let me just conclude, Mr. Speaker, in saying this has to be a priority. Protecting the public is our primary priority, and I ask consideration of what the gentleman from Washington is putting forth today.

[From the New York Times, Oct. 21, 2011]

IN HIGH-CRIME AREAS, STILL TOO FEW POLICE
(By Dan Mihalopoulos and Hunter Clauss)

Despite Mayor Rahm Emanuel's highly promoted efforts at concentrating additional police patrols in the city's most dangerous neighborhoods, many crime-ridden police districts still have fewer officers patrolling their streets than far safer areas of the city have, according to recent data obtained by The Chicago News Cooperative.

The data included officer-assignment data for all 9,400 Chicago police officers, as well as almost 1,000 detectives—information that the city has steadfastly declined to make public.

The analysis found that the distribution of patrol officers among the city's 25 police districts does not correlate to the places where crime rates are highest.

The 5th police district, which includes the Roseland and Pullman neighborhoods on the Far South Side, has 266 patrol officers, four fewer than the 270 officers in the 12th district on the gentrified Near West Side, the data showed.

But the 5th district experienced 1,049 violent crimes in the first eight months of this year, while the 12th district recorded 341 violent incidents during the same period, according to police department records.

Many predominantly black districts on the South and West Sides had more than three or four murders, rapes, armed robberies or assaults for every beat officer assigned to work within their boundaries during that period.

That contrasted drastically with 10 districts, mostly in more affluent sections on the North Side, where there were one or two such crimes for every officer.

Many City Council members and neighborhood activists have long campaigned for a police department reorganization that would put more officers in high-crime neighborhoods. Told of the deployment data analysis, they said the results vindicated their demands.

"It basically validates the need for redeployment and reallocation," said Alderman Anthony Beale, whose 9th Ward is largely in the 5th district.

Mr. Beale said this week that he would call for Council hearings on staffing levels in police districts. He said he had unsuccessfully sought deployment statistics from the police for years.

"Putting the most police in the areas with the most crime—it's just that simple," said the Rev. Marshall Hatch, whose New Mount Pilgrim Missionary Baptist Church is in a West Side police district with the second-lowest proportion of police officers to violent crimes.

Lt. Maureen Biggane, a spokeswoman for the police department, said officials were in the process of "right-sizing the department" and had focused initial redeployment efforts on the highest-crime districts. The debate over how best to deploy police officers has raged for decades, with representatives of more tranquil corners of the city successfully blocking repeated attempts to shift greater resources away from their neighborhoods to the most violent districts.

The topic has become especially heated as City Hall's budget problems have worsened in the past few years. Even after the planned closing of three district stations, the police department would remain by far the largest component of the budget.

Police spending is slated to drop by 4.4 percent in 2012, to about \$1.26 billion out of the total city budget of \$6.28 billion.

During economic boom times, former Mayor Richard M. Daley promised and delivered expansion of the police ranks. When the city's budget deficits grew, the Daley administration allowed the police force to dwindle.

In 2008, officials reluctantly confirmed that they had been forced to renege on Mr. Daley's vow to hire new officers, and police academy classes ceased training cadets. Retirements and other attrition quickly drove down the count of sworn officers on the payroll.

Since his inauguration in May, Mayor Emanuel and his new police superintendent, Garry McCarthy, have faced reality. In presenting his 2012 budget-proposal, Mr. Emanuel said he would delete more than 1,200 perennially unfilled officer positions from the books "to end the charade of carrying hundreds of police officer vacancies without actually hiring them."

While acknowledging that they will have a smaller force than the Daley administration once commanded, Mr. Emanuel and Mr. McCarthy are as leery as Mr. Daley was of moving officers from safe neighborhoods to higher-crime areas. Instead, City Hall's new leaders say they have shifted personnel from the specialized units that Mr. Daley built up and reassigned them as beat officers in districts across Chicago.

Mr. Emanuel said he had transferred more than 1,000 officers "to beat patrols in our neighborhoods," removing them from desk jobs and special units.

"Every police district across our city received additional officers," Mr. Emanuel told aldermen in his budget speech on Oct. 12. "Those districts with the most crime got the biggest increases, as it should be."

Ms. Biggane, the police spokeswoman, said eight high-crime districts had benefited from the first redeployment wave, involving 500 officers, and other parts of the city have since received additional patrols.

But the Emanuel administration has declined to provide documentation of those moves. The new administration has adhered to longstanding policies of the Daley administration, whose officials denied Freedom of Information Act requests by contending that public disclosure of documents detailing officer deployment levels would compromise security.

The Chicago News Cooperative recently obtained a list of the unit assignments for the 10,300 sworn Chicago police department employees from a police source who requested anonymity because the department leaders have declined to release it.

The records described the unit assignments as of early October and appeared to reflect the vast majority of the recent personnel moves ordered by the Emanuel administration.

Most of the detectives were assigned to one of the department's five area headquarters, while about 2,400 of the police officers were either assigned directly or detailed to specialized units, including the narcotics section and the internal affairs division.

It was impossible to deduce from the data exactly where the officers in specialized units were working. The list also did not include supervisors.

The other 7,000 police officers, representing a majority of the department's sworn members, were each assigned to patrol beats in one of the 25 districts. The number of officers in each district ranged from a low of 191 in the 23rd district to 386 in the 7th district.

A comparison of the beat deployment figures with department statistics for property crimes and violent crimes in each district this year shows:

Four districts—the 25th, 8th, 6th and 4th—had higher ratios of both property crimes and violent crimes per officer than the city-wide average.

The highest ratios of property crimes to beat officer counts were in the 14th, 8th and 25th districts, each of which reported at least 15 property crimes per patrol officer in the year's first eight months.

The lowest proportion of violent crimes to officers was in the 1st district, which covers downtown Chicago, followed by the 19th district on the North Side.

The 4th district, in the city's southeast corner, had the largest gap between staffing level and violence, with 4.05 violent crimes per officer.

The 4th district covers most of the 7th Ward, whose alderman, Sandi Jackson, praised Mr. Emanuel for adding officers to areas of greater need, despite tight budget constraints. But asked about the Chicago News Cooperative findings, Ms. Jackson replied: "There is absolutely a disparity. We are not where we would want to be ideally."

Some experts say the reaction of aldermen in apparently underserved districts, though politically astute, would not lead to the wisest policies for fighting crime.

"It is reasonable and rational to expect that there should be more officers in areas with more crime," said Arthur Lurigio, a professor of psychology and criminology at Loyola University. "But there is no evidence that would necessarily be the case."

Mr. Lurigio said saturating areas with officers often merely pushed criminals to other places that then witnessed a spike in violence.

Still, the city should deploy its police officers based on a formula that would account not only for crime rates but also for average response times to service calls, said Wesley Skogan, professor of political science at Northwestern University's Institute for Policy Research.

"This is Chicago, so everybody wants more and nobody wants to give up officers," Mr. Skogan said. "Emanuel should use his crisis clout and allocate police resources based on workload."

THE IMPORTANCE OF COMMUNITY POLICING IN TOUGH FINANCIAL TIMES

Many of the cost saving techniques discussed within this report are directly related to community policing efforts. Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime (COPS Office 2009a). The three tenets of community policing—community partnerships, organizational transformation, and problem solving—are of increased importance when facing budget cuts that reduce the number of officers on the streets.

Collaborative partnerships to develop solutions to problems and increase trust in police can be seen in many of the solutions police agencies are using in light of the economic downturn. Specifically, the use of volunteers, partnerships between the police and private agencies, and the use of social media as a means to communicate effectively with the community in order to meet their needs, are all examples of how collaborative partnerships act as a cost-saving tool.

Organizational transformation exists through the alignment of organizational management, structure, personnel, and in-

formation systems to support community partnerships and proactive problem solving. From its inception, community policing's goal is one of forging strong relationships between law enforcement and the communities they serve. It aims to redesign the practice of public safety into a collective, collaborative effort (COPS Office 2009a).

The current economic crisis, which has thwarted many police activities, requires police agencies to place a greater emphasis on problem-solving techniques. By engaging in the proactive and systematic examination of identified problems and developing and rigorously evaluating effective responses, they will be able to best use the limited resources that are available to them.

Unfortunately, when agencies are forced to make widespread budget cuts, some have done so by reducing or eliminating some of their community policing programs. In fact, according to the MCCA survey, 39 percent of respondents who have reduced budgets stated that those budgets cuts were made to their community policing efforts (MCCA 2011).

Herein lies one of the major fallacies as it relates to community policing. Community policing should not be viewed as a particular program within a department, but rather as a department-wide philosophy. Programs are typically initiated as a response to a specific problem, in which only a small portion of the organization is involved and once the problem has been addressed the program is dissolved (Trojanowicz and Bucqueroux 1994). Instead, community policing must be understood as a philosophy that promotes the systematic use of partnerships and problem-solving techniques to proactively address the conditions within a community that are cause for public concerns over crime and social disorder issues (Melekian 2011d).

Community policing is an organizational strategy. It can be used to govern the way police services are delivered, recognizing the police officer as an organizer of resources in pursuit of public safety rather than someone designated to perform specific tasks (Trojanowicz and Bucqueroux 1994).

In an article in *The Police Chief*, COPS Office Director Melekian articulates the importance of the community policing philosophy in the face of the current economic climate. He argues that the downturn in the economy has affected the country in ways that could not have been predicted even 5 years ago. The enhancement of community policing and the myriad of social outreach programs that have been employed by local law enforcement were initially brought about in large measure by the combination of federal grant dollars and readily available local funding sources. That financial foundation is now in serious jeopardy in many local jurisdictions.

Melekian further highlights how some have made the argument that these economic challenges may compel us to abandon community policing because we simply cannot afford it (Melekian 2011d). However, experience has shown that community policing is a more cost-effective way of utilizing available resources than simple traditional policing practices, for a number of reasons. Primarily, community participation in crime-prevention amplifies the amount of available resources, while community partnerships used to address problem solving provides a more efficient distribution of combined police and community resources than simply reactive policing program models (Brown 1989).

THE IMPORTANCE OF COMMUNITY POLICING IN A RECESSION

Concord, Massachusetts—Deputy Police Chief Barry Neal has utilized the proactive

approach of community policing to prevent crime and reduce victimization. "We recognize that we can't solve problems alone, we need to engage the community and work in partnership with them," he said. "It gives us direct daily face-to-face contact between the community and the officers, and also gives us the ability to prevent problems from occurring instead of reacting to them" (Ball 2009).

Albuquerque, New Mexico—Chief Schultz of Albuquerque is having officers develop partnerships with retailers to address shoplifters and boosters. The Police Department has experienced a 20 percent reduction in their workforce and is developing partnerships with retailers with the goal of sharing information in order to link petty crimes together to prosecute larger and stronger cases and get repeat offenders off the street. In addition, they are offering rewards to housekeepers at hotels to report the accumulation of large amounts of merchandise, which can often be found in hotel rooms (Stelter 2011).

Kansas City, Missouri—"When we talk in Kansas City about 'doing something different,' a mention of community policing usually follows. And surely, the thought of police officers working hand in hand with neighborhood folks is enticing. But successful, citywide community policing would require a culture change for a police department that places more faith in arrest statistics than relationships as a crime-fighting tool. [In looking for a new police chief, Kansas City] believes a chief who finds a way to make it acceptable, indeed desirable, for officers to connect with citizens and help solve problems will be the start of the change that everyone talks about" (Shelly 2011).

CONCLUSION

In 2008, the entire country was introduced to the largest fiscal crisis since the Great Depression. Many who have worked in the field for decades have never seen an economic situation that has affected law enforcement like the one our country currently faces. As cities and counties across America are experiencing a downturn in local revenues, the effects on public safety budgets have been significant. Americans are faced with a new economic reality, in which they are challenged to develop new and innovative ways to leverage resources and maximize productivity in the face of diminishing financial means. Police agencies have not escaped the effects of shrinking revenues. In fact, the economic challenges facing many Americans are amplified when it comes to public safety.

To compensate for shrinking budgets, many individuals focus on what can be sacrificed from their normal lifestyle in order to offset the reduction in available spending. Families may forego their annual summer vacation, or choose to only shop in discount stores rather than their favorite department stores. However, law enforcement agencies face the more difficult and ever important task of maintaining the same quality of service that they always have provided despite a severe reduction in available resources. Therefore, to successfully deliver the high levels of community protection and emergency responsiveness communities depend on, law enforcement agencies must develop new and innovative techniques to address the needs of their communities in cost-effective and sustainable ways.

The recognition and acceptance of this new economic reality is more important than ever in developing strategic management practices to ensure the effective and efficient delivery of police services. Never before has

the law enforcement community experienced such significant cuts to operating budgets and available resources. Rather than continuing to provide services through traditional means in hopes that the economy will return to pre-recession levels, police nationwide are shifting, adapting, and redeveloping the ways in which they do their job—to ensure the highest levels of public safety.

In every corner of the United States, state, local, and tribal police departments are being forced to lay off officers and civilian staff, or modify their operations as a result of budget cuts. Over the last 2 years, many agencies have experienced considerable affects from budget constrictions, including mandatory furloughs and hiring freezes, which have resulted in significant reductions in staffing levels never experienced before. Indeed, American law enforcement is changing, and the effects are likely to last over the next 5 to 10 years, if not longer.

While the exact nature of how these changes will take place is unclear, the data within this report suggest that changes may occur on several fronts. First, there may be greater application of “force-multiplier” technologies such as closed-circuit TVs, automated emergency dispatch systems, video conferencing equipment, and social media usage. Utilization of technologies such as these has the ability to provide law enforcement agencies with a way to maximize available information while alleviating the need for an immediate response.

Another fundamental alteration that has been seen in delivery of police services as a result of the changing economy is the increased application of non-sworn individuals—both as employees and as volunteers. More and more police agencies have begun to shift some of the responsibilities that have traditionally been performed by sworn staff to civilian personnel as a means to mitigate payroll costs and maintain staffing levels. Further, some agencies have even engaged citizen volunteers to help alleviate the strain on police work loads. Such approaches can provide sworn staff with more time to focus on pressing and time-sensitive issues that can only be successfully managed by a law enforcement officer.

Some agencies have had to drastically change their methods for handling non-emergency situations and administrative duties. Many police agencies are no longer able to dispatch an officer to every call for service. Instead, more often police managers are forced to direct their resources to focus on situations which pose the most threat to public safety. For example, some agencies are no longer able to send officers to collect crime reports for cases that don't involve suspects, or dispatch patrol officers to every non-emergency/non-injury service call. The primary focus on law enforcement is protecting the safety of their communities. Therefore, agencies experiencing limited resources must adjust their approach to focus in on situations that are an immediate threat to public safety.

A more drastic change that is being seen as a result of the economic downturn is the increase in the number of agencies combining efforts and resources through consolidation, shared services, and regionalization. When agencies are faced with maintaining services levels with less and less, collaborating or combining agency's efforts often is the only way to maximize available resources, training, and information.

As this report has shown, the recent economic downturn has placed serious constraints on police budgets and severely diminished the availability of resources. As an additional step to help compensate for declining resources, many departments have also begun collecting and disseminating crime data in real-time via new technology. This has allowed for the effective management and strategic deployment of resources to focus on specific problems as they develop. With the increased use of technology and information-sharing policies being institutionalized throughout many police departments nationwide, it has become essential that the collection of national census data relating to law enforcement agencies be collected with the same urgency.

It is crucial for policy makers to create proactive, aggressive, and productive problem-solving strategies based on relevant and current data. However, the delay in the current methods of data collection and dissemination makes it difficult to present an accurate picture of the state of police agencies as things happen. In turn, a true understanding of the challenges confronting law enforcement agencies as seen through comprehensive analysis takes time and resources. It will be important for federal partners to collaborate on a way to collectively participate in data collection efforts in the future that will increase the availability of up-to-date data, and its analysis and dissemination. By collecting data more frequently and comprehensively, policy makers and government agencies will be able to adjust and realign their strategic goals to provide relevant assistance where law enforcement agencies need it most.

Institutionalization of the community policing philosophy is vital to the ability of law enforcement agencies to succeed and thrive in the current economic climate. Agencies must systematically use partnerships and problem-solving techniques to proactively address the problems that their communities are facing. Development and enhancement of symbiotic relationships between police and the communities they serve is key to ensuring community safety.

It is clear that the challenges facing America as a result of the economic decline that began in 2008 have been significant. Law enforcement communities are facing a new reality in American policing—one that requires a shift in the methods they use to uphold levels of service while dealing with ever shrinking budgets. However, the importance of maintaining and expanding community policing practices during this time of eco-

nomie hardship is paramount. Research and feedback from the field indicate that community policing is a successful practice in both small and large agencies with significant public safety problems. Thankfully, many of the law enforcement agencies in the United States already practice community policing, and more are coming to recognize the value of community partnerships in this time of limited resources.

Mr. ROGERS of Kentucky. I continue to reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, the ranking member of the Transportation, HUD Subcommittee, Mr. OLVER.

Mr. OLVER. I thank the gentleman for yielding time.

Mr. Speaker, I rise in support of the motion to instruct conferees. This motion would instruct the conferees to provide adequate funding to the Federal Highway Administration's Emergency Relief program in order to eliminate the backlog of repairs needed as a result of hurricanes, earthquakes, floods, and other natural disasters.

Since the Hayden-Cartwright Act of 1934, Congress has repeatedly recognized the need to provide assistance to States when unanticipated disasters occur without conditioning the support on cuts to other programs.

Currently, there is roughly \$1.75 billion in emergency relief backlog covering disasters in 37 States. The 2012 year has been an unusually active one for natural disasters, and 33 States have experienced declared disasters totaling \$1.4 billion since the beginning of this year alone.

This includes \$50 million in repairs that are needed in my State, Massachusetts, due to tornadoes in the spring and damage from Hurricane Irene; \$42 million needed by Iowa to repair damage from Missouri River spring floods; and \$100 million in Ohio due to severe rainfalls in the early spring.

Mr. Speaker, as we have done 20 times since 1989 during both Republican and Democratic Congresses, we have a responsibility to our neighbors to provide them funding needed to address their emergency relief needs.

Mr. Speaker, the chart I have in my hand references those 20 acts of Congress. I urge my colleagues on both sides of the aisle to support the motion to instruct conferees.

EMERGENCY RELIEF PROGRAM SUPPLEMENTAL APPROPRIATIONS 1989—PRESENT

[Excludes \$100 million annual authorization under 23 U.S.C.—125]

Public Law	Date signed	Title	Highway Trust Fund	General Fund	Purpose	Waivers
PL 101-130	10/26/1989	Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance.	\$1,000,000,000	September 17, 1989 Loma Prieta Earthquake.	Hurricane Hugo and October	Waived 23 U.S.C. 120(f) [now 120(e)] by extending the 100% Federal share from 90 days ¹ to 180 days and extending this to all projects (emergency and permanent repairs). Waived the \$100 million State cap.
PL 102-368	9/18/1992	Supplemental appropriations for Fiscal Year 1992.	\$30,000,000	Hurricane Andrew, Hurricane Iniki, and Typhoon Omar.	none	

EMERGENCY RELIEF PROGRAM SUPPLEMENTAL APPROPRIATIONS 1989–PRESENT—Continued

(Excludes \$100 million annual authorization under 23 U.S.C.—125)

Public Law	Date signed	Title	Highway Trust Fund	General Fund	Purpose	Waivers
PL 103–75	1/5/1993	Emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993.	\$175,000,000	.....	Midwest floods of 1993 and other disasters	none
PL 103–211	1/25/1994	Making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.	\$1,665,000,000	.....	January 1994 Northridge earthquake in Southern California and other disasters including an additional \$315 million for the Loma Prieta Earthquake.	Waived 23 U.S.C. 120(e) by extending the 100% Federal share from 90 days to 180 days and extending this to all projects (emergency and permanent repairs) related to the Northridge earthquake. Waived the \$100 million per State cap for the Northridge earthquake.
PL 104–134	4/26/1996	Making appropriations for fiscal year 1996 to make a further down payment toward a balanced budget, and for other purposes.	\$300,000,000	.....	January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters.	Waived the \$100 million per state cap for the January 1996 flooding in the Mid-Atlantic and Northwest States.
PL104–208	9/28/1996	Making Omnibus Consolidated Appropriations for Fiscal Year 1997.	\$82,000,000	.....	Hurricanes Fran and Hortense and for other disasters.	none
PL 105–18	6/12/1997	1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters and for Overseas Peacekeeping Efforts, Including Those in Bosnia.	\$650,000,000	.....	For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters.	Waived the \$100 million per State cap for the December 1996 and January 1987 flooding in the western States.
PL 105–174	5/1/1998	1998 Supplemental Appropriations and Rescissions Act.	\$259,000,000	.....	For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters.	Waived the \$100 million per State cap for projects resulting from flooding during the fall of 1997 through the winter of 1998 in California.
PL 106–346	10/23/2000	Department of Transportation and Related Agencies Appropriations, 2001.	\$720,000,000	.....	For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters.	none
PL 107–117	1/10/2002	Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002.	\$100,000,000	.....	For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Miscellaneous Appropriations," including the operation and construction of ferries and ferry facilities.	none
			\$75,000,000	.....	For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the "Emergency Relief Program," as authorized by section 125 of title 23, United States Code.	none
PL 107–206	8/2/2002	2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States.	\$167,000,000	.....	For an additional amount for "Emergency Relief Program," as authorized by 23 U.S.C. 125, for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City.	Waived 23 U.S.C. 120(e) or projects resulting from the 2001 NYC WTC terrorist attacks by allowing all projects to be eligible at 100% without any time limit. Waived the \$100 million per State cap for such projects.
			\$98,000,000	.....	For an additional amount for the "Emergency Relief Program," as authorized by section 125 of title 23, United States Code.	none
PL 108–324	10/13/2004	Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005.	\$1,202,000,000	.....	2004 Hurricanes Charley, Frances, Gaston, Ivan, and Jeanne, as authorized by 23 U.S.C. 125.	Waives the \$100 million per State cap for projects arising from Hurricanes Charley, Frances, Ivan, and Jeanne.
PL 108–447	12/8/2004	Consolidated Appropriations Act, 2005	\$741,000,000	.....	For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code.	none
PL 109–148	12/30/2005	Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.	.....	\$2,750,000,000	Hurricanes Katrina, Rita, and Wilma	Waived 23 U.S.C. 120(e) for Hurricanes Katrina, Rita, and Wilma. Waived the \$100 million per State cap for Hurricanes Dennis, Katrina, Rita or Wilma and for the 2004–2005 winter storms in the State of California.
PL 109–234	6/15/2006	Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.	.....	\$702,362,500	For an additional amount as authorized under 23 U.S.C. 125, for expenses identified under "Formal Requests" in the Federal Highway Administration table entitled "Emergency Relief Program Fund" Requests—updated 06/06/06.	Waived the \$100 million per State cap for Hurricane Dennis and for the 2004–2005 winter storms in the State of California.
PL 110–28	5/25/2007	U.S. Troop Readiness, Veterans' Care,–Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.	.....	\$871,022,000	For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, U.S.C.	Waived the \$100 million per State cap for the 2005–2006 winter storms in the State of California.
PL 110–161	2/26/2007	Consolidated Appropriations Act, 2008 .....	.....	\$195,000,000	For replacement of I–35W bridge in Minneapolis, Minnesota as authorized in Public Law 110–56.	PL 110–56 waived 23 U.S.C. 120(e) and lifted the \$100 million per State cap for the I–35W bridge replacement.
PL110–329	9/30/2008	Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.	.....	\$850,000,000	For an additional amount as authorized under section 125 of title 23, United States Code.	PL 110–329 lifted the \$100 million per State cap for Hurricanes Gustav and Ike.
Total from GF				\$5,368,384,500		
Total from HTF 1989–present.			\$7,264,000,000			

¹ The time limit for eligibility of emergency repair work [currently 23 U.S.C. 120(e)] was increased from 90 days to 180 days in 1998 (TEA–21).

Mr. ROGERS of Kentucky. I continue to reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, the ranking member of the Commerce, Justice, Science Subcommittee, Mr. FATTAH.

Mr. FATTAH. I thank the gentleman from Washington State, who's the ranking member on the Appropriations Committee, and I thank our chairman, Chairman ROGERS. I'm very pleased that we are having a motion to instruct and that actually we're moving appropriation bills.

I rise in support of the gentleman from Washington's motion to instruct,

particularly in support of additional disaster relief and also the COPS program.

It's critically important that we continue the national declining crime rates, and because of the layoffs or dismissals of over 12,000 police officers and the fact that we have over 30,000 law enforcement jobs that are unfilled today in our country, we see in many cities now a rising level of criminal activity.

I want to mention that in Paterson, New Jersey, we heard from the gentleman who used to be mayor of Paterson that they've had to lay off 125 police officers, a fourth of the police

force there, and they've experienced a 15 percent increase in crime. And I think that one could draw a correlation between these two. In Flint, Michigan, the police force has been cut by two-thirds over the last 3 years, and its murder rate is higher than that of Baghdad. Last January, Camden, New Jersey, was cut by 163 officers, 44 percent of the total force.

It's critically important that we understand the direct nexus between the Federal effort which began many years ago to put cops on the street and to assist local officers and the dramatic declines that we've seen for more than a decade now in criminal activity in our

country, and I would hope that this motion to instruct would inform all of the conferees how important this is in addition to the disaster relief.

When we call 911, we want to be calling for a police officer, not dialing for a prayer.

So we need real help, and the conferees will have an opportunity to adjust the figures hopefully in line with what we want as an ideal. If we can fund police officers in Iraq and Afghanistan, we can fund them in Flint, Paterson, and in Camden, New Jersey, and in other cities similarly situated.

Mr. ROGERS of Kentucky. Mr. Speaker, does the gentleman have further speakers?

Mr. DICKS. I have one additional speaker, and then I will close very briefly.

I have the right to close, I believe.

The SPEAKER pro tempore. The gentleman is correct.

Mr. DICKS. I yield 2 minutes to the gentleman from Vermont (Mr. WELCH), a very distinguished Member of the Congress and a person whose State has been very hard-hit by disasters, and we're going to do everything we can to work to assist him on this important endeavor.

Mr. WELCH. I thank the gentleman.

Mr. Speaker, on August 28 of this August, Hurricane Irene left a path of destruction from the Carolinas to Vermont. The districts of 55 of our colleagues were hit and hit hard. And that storm did damage without regard to partisan affiliation or income distribution. If you were in the path of that storm, you suffered.

The 55 Members of Congress who were affected by it created the Hurricane Irene Coalition, Republicans and Democrats, and we are united in the single goal of getting the aid to our people back home that they need to get back on their feet.

Hurricane Irene, Mr. Speaker, saved its greatest fury to the end, when it descended upon Vermont. It was the biggest damaging storm that we've had in 100 years. We lost 700 homes of hard-working Vermonters, many of whom had no flood insurance, 260 roads and 30 bridges were impassable, 13 communities were entirely cut off.

The good news was that the Vermont response is extraordinary. People came together. They started a school on the town green in Pittsfield when they were unable to go north or south because the road was cut off. Then when the main artery was reopened so school buses could pass but they couldn't get out on their road, they got their chainsaws out and cut a half-mile path through the woods so the kids could get to school. That's the kind of spirit that we find in our districts, and I'm very proud of Vermont, and all of our colleagues are as well.

Mr. Speaker, I also want to express a statement of gratitude. I've had the op-

portunity to visit with Mr. ROGERS. I've had the opportunity to visit with Mr. LATHAM, with Mr. OLVER, with Mr. KINGSTON, with Mr. DICKS, with Mr. CANTOR, where they've given me the opportunity to tell them the specific story of Vermont and hear my request that Vermont be treated as Vermonters have treated others.

I rise in support of this motion to instruct so that this Congress can do what it's always done. It's come forward to help people in this country who have been on the bad end of a tough storm.

□ 1300

Mr. ROGERS of Kentucky. Is the gentleman from Washington prepared to close?

Mr. DICKS. Yes, I am prepared to close and to yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

The motion to instruct conferees on the fiscal year 2012 bill will encourage the conferees to consider and support several funding items as they negotiate the final agreement on this three-pack of bills. While I believe that this motion is unnecessary, I am willing to accept the gentleman's motion as it does address some important issues that will be considered by the conferees. As we move forward, I expect the ranking member and myself to work together to negotiate these issues, and therefore, today, I can accept this motion.

First, if approved, this motion would express the House's support for funding for the COPS program within the Department of Justice.

While local law enforcement is primarily a State and local responsibility, there is strong bipartisan support for a variety of Federal programs that help first responders, including the COPS program for State and local police.

The Commerce/Justice/Science bill has historically included a range of programs to strengthen local law enforcement, including Byrne grants, State Criminal Alien Assistance, Juvenile Accountability, programs to combat violence against women, and COPS programs. COPS has not only supported the hiring and rehiring of new officers, but it has also allowed local police departments to modernize their technology and to address the enforcement and cleanup challenges of the meth epidemic.

However, we must make these funding decisions very carefully to avoid adverse impacts. State and local budgets are often incapable of sustaining new first responder positions when Federal money runs out, and this risk is especially high given the current economic challenges in our local communities.

Second, this motion encourages the conferees to support funding for the

Highway Emergency Relief Program, commonly referred to as the "ER Program."

This program is authorized, and provides States with funds to repair eligible roads damaged by disasters and catastrophic events. This program was created to rebuild after disasters and get businesses and everyday life back up and running. Unfortunately, in 2011, the total amount of eligible disaster-stricken roads exceeded the level of available ER funds. It's important that we now provide the appropriate level of funding to ensure that States and communities receive the legitimate assistance that they are relying upon.

Mr. Speaker, again, while I don't think this motion is necessary, I will accept it, and I look forward to working with both sides on these important issues in order to come up with a satisfactory solution.

Mr. DICKS. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the chairman for his commitment this year to return to regular order. I wish we could have finished all 12 bills, but we at least got six of them done. I just want to thank him and his staff and the staff of the minority for working together in a collegial way.

I think it's important for the American people to know that the Appropriations Committee here is working together on a bipartisan basis. Now, we may have differences on economic theory and everything else, but we are committed to getting these bills passed and bringing as many as we can to the floor. I hope that, next year, we can start a little earlier and get the budget resolution and move these bills. I would love to see us in the second session of this Congress get all 12 bills to the floor where the Members can offer their amendments. I think that still should be our goal and objective.

Mr. ROGERS of Kentucky. I thank the gentleman for those words.

He is exactly right. He and I started out this year both new to our jobs on the committee; but determined, we agreed with each other and committed to each other that we would work together to try to restore the regular order that used to prevail on these appropriations bills, where we had heated debate but collegial debate, realizing that we have to finally come to some agreement on these bills that keep the government going. We don't have the luxury of failing. The gentleman has been a great partner in this work all year long, and I look forward to the rest of the work.

Now, on this year's bills, the 2012 bills that we're working on now, it is my hope and ambition—I know you share this with me—that we finish these bills before the end of this calendar year.

Mr. DICKS. Absolutely, we are determined to do that. I'm glad to see that the other body is actually bringing some of these minibuses to the floor and allowing their Members to have a vote. I think we may have inspired them.

Mr. ROGERS of Kentucky. That would take some doing.

Nevertheless, I agree with you. I'm tickled to death to see the Senate is finally acting. They only passed one bill, up until 2 days ago, of the 12. We've passed six through the House, and have sent them over there without a response until now.

I want to finish the 2012 bills right away so that we can begin work in January on the 2013 bills and so that we'll have plenty of time to do them one by one, which is the regular order and what we all want to see happen. I know that's my goal and ambition, and I know the gentleman shares that.

Mr. DICKS. I concur with what you've said, and I concur with the direction we're going in. I just hope we can do a little better and finish the job next year. It has been done before. It's not impossible. We also have to think about the impact of these bills on the economy and the country. That's very important as well.

Mr. ROGERS of Kentucky. We were sidelined a good part of this year from our regular business with H.R. 1. We inherited a House that had not passed an appropriations bill for fiscal '11, so we spent the first 5 months or so of the year trying to pass a bill to fund that current year, fiscal '11.

Mr. DICKS. Your point is that that's why it's so important to finish these in 2011, before the end of the calendar year, so we don't have to waste time next year in finishing the job.

Mr. ROGERS of Kentucky. Exactly.

Nevertheless, it held us up for 5 months and kept us from doing our chores for fiscal '12. Then came along the debt ceiling increase debate, which took weeks and sucked all of the air out of everything else, so we were prevented on the committee from doing our regular chores.

As the gentleman says, we want to finish these bills for fiscal '12 so that finally, in fiscal '13, we can have a real clean year, taking each bill one by one.

Mr. DICKS. Speaking of a clean year, let's try to get rid of as many of those riders as we can, Mr. Chairman. You know it's the right thing to do.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. By the way, in closing, we're going to conference with the Senate on these three bills this afternoon—as a matter of fact, at 5 o'clock. That's the first time that there has been a House-Senate appropriations conference in years. So, between us and the Senate, we are achieving something almost historic here, and that is going to conference with the Senate, which used to be a

routine thing, and we hope to restore that idea.

With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1310

PROVIDING FOR CONSIDERATION OF H.R. 2930, ENTREPRENEUR ACCESS TO CAPITAL ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 2940, ACCESS TO CAPITAL FOR JOB CREATORS ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowd-funded securities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion

of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Miller of North Carolina or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. YODER). The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Colorado (Mr. POLIS), a brand-new father who today presents himself on the floor as we work together, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. House Resolution 453 provides for a structured rule for the consideration of H.R. 2930 and H.R. 2940. This rule allows for all seven amendments submitted to the Rules Committee by Democrats and Republicans to be made in order.

Mr. Speaker, I rise today in support of this rule and the underlying bills. H.R. 2930, the Entrepreneur Access to

Capital Act, was introduced on September 14, 2011, by my friend, the gentleman from North Carolina, Mr. PAT McHENRY, and was reported by the Committee on Financial Services by a voice vote last week. The second bill, H.R. 2940, the Access to Capital for Job Creators Act, was introduced by the Republican majority whip, the gentleman from California (Mr. MCCARTHY), and also passed the Committee on Financial Services by a voice vote last week.

Both pieces of legislation have been through regular order. Members from both sides of the aisle have had opportunities to submit perfecting ideas, and those amendments have been carefully considered. Every amendment that was submitted to the Rules Committee was made in order and will be given full and fair consideration today. The chairman of the Rules Committee, the gentleman from California (Mr. DREIER), has once again allowed the House to work its will through an inclusive legislative process.

On December 10, 2009, I stood on the floor, and I argued then against the rule for consideration of the bill known as the Dodd-Frank financial reform bill. It should be noted that I authored two proposals amongst many Republican and Democratic amendments that were all shut out that day. Then-Speaker NANCY PELOSI chose to advance the Dodd-Frank bill without any open process consideration. The result of that legislation has caused great concern in financial markets not just here in the United States, but it has caused financial concern around the world.

Today the Republican House is changing that course in consideration of bills from the Financial Services Committee. Today we are looking at a targeted removal of outdated regulations simply to encourage market access for millions of small businesses and to encourage not only investment but also jobs in America.

For those who are listening to this, you could consider this a jobs creation bill. So I would advance this cause down the street to the White House to encourage the President to know that this is yet another in a line of job-creating, job-saving, jobs-in-America bills that the U.S. House of Representatives is once again considering, and today, on a bipartisan basis, with every single amendment that was submitted to the Rules Committee through an open process on the floor of the House of Representatives, ready for us to move this bill and vote on that today.

□ 1320

Mr. Speaker, our economy has a revenue problem. The administration continues to promote policies that slow economic growth. Republicans believe we must create an environment that encourages investment in small busi-

ness, really the engine of our national job creators. This underlying bill will do just that. H.R. 2930 would remove restrictions on crowdfunding, allowing companies to pool small investors so that small businesses and entrepreneurs can raise capital equity. Outdated SEC regulations do not allow business owners in search of investments to solicit or to advertise. This legislation is needed and it's being presented on a bipartisan agreement basis.

Yesterday, I met with community bankers from Texas—Scott Heitkamp, the president of Value Bank; John Jay, the president of Roscoe State Bank; and Milton McGee, with the Independent Bankers of Texas, among others, who described to me their inability to raise capital investment, not due to a lack of willing investors, but as a result of burdensome regulations which inhibit or do not allow this. They informed me that the SEC limit on individual investors restricts their ability to raise funds through community participation and local business creation. I was proud to tell them and I will tell them again today, I heard your story and we are here on the floor doing something about that that will be of immediate benefit and health to jobs and job creation in America today on the floor of the House of Representatives in a bipartisan agreement fashion.

H.R. 2940 allows for general solicitation and advertising which would attract private investment. Small, privately held companies will no longer be forced to have an existing relationship with potential investors. However, the legislation requires the SEC to ensure that investors are accredited.

As Congressman JARED POLIS from Colorado, the lead today from the Rules Committee on behalf of the minority, indicated at the Rules Committee meeting yesterday that “crowdsourcing” investment through new advertising mediums, such as social media, would allow for access to new pools of available capital. These are exactly the kinds of ideas that are being brought today to the floor for the creation of investment dollars to help jobs in America and to make sure that we are prepared for our future.

Our Nation is in crisis. We cannot wait. And with an unemployment population of over 14 million people, we cannot continue the failed policies of government spending which have brought us to this point. Investment capital for small business continues to sit on the sidelines because of the uncertainty created by burdensome regulations and outdated rules. The underlying bills will foster job creation by simply allowing the private sector to participate in this endeavor.

The future success of our economy rests in the hands of private small business, not government. Unleashing their potential is the sole focus of this

Republican majority in the U.S. House of Representatives. The result is an economic environment that promotes growth and generates revenue as well as the creation of jobs in America.

I urge my colleagues to vote for this fair rule that allows consideration of all requested amendments and to vote for the underlying bills.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. I thank the gentleman from Texas.

I would like to express my appreciation to the leadership of the House for expediting these two important bills and bringing them before the House of Representatives. I rise in support of the underlying bills, the Entrepreneur Access to Capital Act and Access to Capital for Job Creators Act.

Now, while I support the two bills before us, I do wish the rule was an open one. I will be voting against the rule. An open rule would allow the House to work its will in a true democratic process, allowing Members to come down to the floor and freely debate these bills. Unfortunately, in the Rules Committee, we were offered only a structured rule.

Now, both of these bills accomplish something very important in terms of opening up capital markets and helping startups work. Let me discuss briefly how this whole accredited investor concept works.

To be an accredited investor, you simply need to be worth \$1 million or have income of \$200,000 a year. Now, that's a very rarified strata of the American people.

What does that mean when you're an accredited investor? It means that you can participate in a private equity offering that doesn't need to go through the full SEC process which is cumbersome and costs a lot of money. So, in effect, many venture capital opportunities, funding opportunities for startup companies, are reserved for those who are only worth above a million dollars. They say the easiest way to make a million dollars is to already be worth a million dollars. In fact, people worth more than a million dollars have heretofore had a monopoly on participating in these kinds of opportunities.

Now, what can an average American family, let's say with a net worth of \$50,000 or \$100,000 do? Well, they can go to Las Vegas and they can bet it all on number 9. They can buy gold, which is being pushed by all these profit organizations, and I think we need a congressional investigation into that. Many of these organizations selling gold sell it for above market value by preying on unsuspecting people who are not accredited investors. They might be worth \$50,000 or \$100,000.

What you find, by the way, is that this whole concept of tying an accredited investor to net worth has its flaws.

Just because somebody has several million dollars doesn't mean they're a sophisticated investor. Meanwhile, there could be somebody who's worth \$10,000 who is very sophisticated. It's unfortunate that we have the whole system tied to that.

But what we see before us today are two important chinks in this armor. One is consistent with the current concept of accredited investor but at least opens it up beyond their personal networks, and the other one allows small investors to participate in a more meaningful way.

First, the Entrepreneur Access to Capital Act, crowdfunding. What this means is it provides a new way that companies, startup companies, can raise a limited amount of money, \$1 million a year, or \$2 million if they have audited financial statements. Now, that's a sizable amount for a company to get off the ground and get started. Many tech companies that you hear of today started with that much money or less. Historically, how did they raise that money? They would go to a venture capitalist. They would go to a wealthy individual. We call that person an angel investor. They'd get a check for \$500,000. The investors had to be worth more than a million dollars. Your average American might be worth—might only have \$5,000 to invest or \$1,000 to invest, was unable to, under law, participate in that offering.

What this does is it opens up an avenue that allows the individual investor to invest up to \$10,000 in a startup company. Now, that's a risky investment. They could lose that \$5,000. They could lose that \$2,000. But you know what? They could go to Las Vegas and they could lose it a lot quicker with a lot less upside.

So this gives every American the opportunity to invest in startup companies, if one of their friends is starting one, if there is some concept they are excited about, and reap the rewards as well. In addition to feeling part of something special, some of these investments, the vast minority, could return 50:1, 100:1 and could help those people acquire wealth, and that's very, very exciting.

The Access to Capital for Job Creators Act also deals with a flaw in how private equity is raised. Currently, you have to know the right people to get into a private equity deal. In fact, a company that's offering private equity is not even allowed to, under SEC regulation, post a prospectus and information on their Web site in an open environment. What this bill does is it creates a safe harbor that allows them not to advertise it in the sense of loudly promoting it and trying to sell shares, but in a sense of simply providing it in a nonpassword-protected way on their Web site to allow people who aren't part of their personal network of elite friends to participate in that private equity offering as well.

The average median household net worth in this country is about \$100,000. And previously, all of these investment opportunities have been reserved for people worth over a million dollars. Now, if somebody's family, an American family watching this, or one of my constituents is worth \$100,000 or \$150,000 or \$50,000, it may not make all the sense in the world to invest \$5,000 or \$10,000 in one startup, but a cap of \$10,000 is a reasonable amount. It's their money and their right to do that if that's what they want to do. These bills are consistent with that. And, more importantly, they provide a new financing mechanism for startups in this country. That way, a startup that has broad appeal and a broad network can go to 1,000 people that have \$1,000 each rather than one wealthy investor for \$1 million. That was previously nearly impossible under current law.

Mr. Speaker, I have here a Statement of Administration Policy, and I'm proud to say that this bill, the Entrepreneur Access to Capital Act, has strong support from the administration: "This bill will make it easier for entrepreneurs to raise capital and create jobs, and the administration looks forward to continuing to work with Congress to craft legislation that facilitates capital formation."

□ 1330

I would like to applaud the leadership of the President of the United States in strongly supporting these endeavors. As a former small business owner, I know how important it is to invest in a company's future and how critical resources are for growth. The more avenues that we can provide for financing startup companies or allowing a mom-and-pop company to expand, the better it is for the growth of our economy.

More importantly, these two pieces of legislation before us demonstrate that Democrats and Republicans can work together. We can put aside our partisan differences, we can fast track a commonsense piece of legislation and work towards solutions to spur economic growth.

Now, to be clear, these two bills alone don't do enough to turn our economy around. These measures do little to address what the American people are asking us for, creating jobs in the short term and getting the economy moving. Will they have a positive impact in creating jobs and allowing for financing to flow to new startup operations? Yes, but they are not fundamentally game changers.

These bills will allow average Americans an opportunity to invest in early-stage companies. Now, many of these opportunities won't work out. American investors will lose their money. Other American investors will make money. But, again, it is a very American concept that it is your money to

invest as you choose, and the best opportunities shouldn't be reserved for millionaires. We should make them widely available to all Americans.

Democrats on the Financial Services Committee have also been extremely instrumental in improving these bills to protect business and investors. Democrats have added a critical provision requiring that issuers verify that an investor is actually eligible to purchase the offer in securities, and the change ensures there's a balance between the need to use restrictions on capital formation and protecting investors from fraud and making sure we don't get in the way of State regulation, as well.

There is a fine line; and there are, as I mentioned, some areas where sham investments are being aggressively promoted that are certainly contrary to the spirit, if not the letter, of the law.

Likewise, there are real opportunities that until this bill becomes law those who are worth under \$1 million are ineligible from participating in, and as a companion those who might be worth more than \$1 million but don't know the right people are unable to participate in private equity offerings. This bill remedies both of those restrictions and will help unleash capital flows to startup corporations. I'm proud to support both bills.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, November 2, 2011.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2930—ENTREPRENEUR ACCESS TO CAPITAL
ACT

(Rep. McHenry, R-North Carolina, and 5
cosponsors)

The Administration supports House passage of H.R. 2930. In the President's September 8th Address to a Joint Session of Congress on jobs and the economy, he called for cutting away the red tape that prevents many rapidly growing startup companies from raising needed capital, including through a "crowdfunding" exemption from the requirement to register public securities offerings with the Securities and Exchange Commission. This proposal, which would enable greater flexibility in soliciting relatively small equity investments, grew out of the President's Startup America initiative and has been endorsed by the President's Council on Jobs and Competitiveness. H.R. 2930 is broadly consistent with the President's proposal. This bill will make it easier for entrepreneurs to raise capital and create jobs. The Administration looks forward to continuing to work with the Congress to craft legislation that facilitates capital formation and job growth and provides appropriate investor protections.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. DREIER), chairman of the Rules Committee.

Mr. DREIER. I want to begin by saying to the very distinguished vice chairman of the Rules Committee, Mr.

SESSIONS, the gentleman from Dallas, that I appreciate his energy and effort on the Rules Committee. And I want to say that I think that he's very clearly made the case that we have, through this entire Congress, been focusing on the priority that the American people want us to focus on, and that is job creation and economic growth.

Now, it's a very specious claim that has been made by many that somehow this institution has failed to address the issue of job creation and economic growth. And I appreciate the good words and thoughtful comments on capital formation made by the minority manager of this rule on the floor. My friend from Colorado (Mr. POLIS), who has taken on, and throughout his life has been focused on, the idea of the entrepreneur, taking the entrepreneurial spirit and generating jobs, he understands what it takes. Capital formation is a critical part of that.

The two measures that are going to be made in order under this rule go a long way in this 21st century recognizing that for us to grow the economy and create jobs, we're going to need to ensure that decreasing the regulatory burden that undermines the ability for small businesses to have access to capital as they pursue innovative ideas is something that needs to be addressed. And that's exactly what we're going to be doing.

And I say it's a specious claim, Mr. Speaker, that many people have made that this institution is not taking action. For that reason, I hope very much that with this bipartisan effort that we have here, a bipartisan effort, that we will bring to an end those kinds of statements, mischaracterizing, grossly mischaracterizing the work of the United States House of Representatives.

I believe that it's been inappropriate to make those claims for a long period of time. Why? Because we have made many, many efforts over the past several months to put into place policies that can help create jobs. Have they all worked at this point? No. They're all obviously prospective. But if you look at what we've done in the area of encouraging domestic energy production, that's a critically important part of getting the economy going, increasing job opportunities and reducing energy costs for our fellow Americans.

If we look at the notion of trying to ensure that we open up new markets around the world for union and non-union workers here in the United States of America, we have just, in a bipartisan way, with the support of both Democrats and Republicans, passed measures that will open up markets for us in Colombia, in Panama and in South Korea. I was privileged yesterday to be with the Ambassador from Korea as we marked a celebration, a bipartisan celebration of that effort.

Look at the measure that was passed, again, with huge bipartisan support, dealing with the 3 percent withholding for those contracting with Federal, State, and local governments that we are bringing that to an end. That's something that the President of the United States has asked of us. We passed it out of the House of Representatives. And I have to admit, it's a measure that should easily pass the United States Senate, and I hope that Majority Leader REID does bring that measure up in the Senate. Unfortunately, it hasn't happened so far, but I do think it's something that should pass the Democratic-controlled Senate. It has passed the Republican-controlled House of Representatives with strong bipartisan support.

Just this week we are continuing down that path towards putting into place a structure that will reduce the tax and regulatory burden to create jobs for our fellow Americans.

I think it's also important to note, Mr. Speaker, that one of the things that we need to do since we have seen an 82 percent increase in non-defense discretionary spending for the 4 years leading up to this year, it's important that we decrease the size, scope and reach of government so that those small businessmen and -women who are seeking to create job opportunities are in a climate where that can take place. That's why I say that virtually everything that we have been doing to reverse that course that we were on, with that 82 percent increase in non-defense discretionary spending, everything that we've been trying to do to pare this down, the work that's going on right now of our 12 colleagues who are part of the joint select committee charged with reducing by \$1.2 trillion over the next decade the level of spending and we hope—we hope—beyond that \$1.2 trillion level.

All of these things, Mr. Speaker, are geared to getting our economy growing so that our fellow Americans will have more job opportunities. And so the message is a clear one. The process that we have is a very good one. I'm happy to say that if you look at the number of amendments that have been considered on the House floor in the first 9 months of this year, we've had 842 amendments considered on the House floor. I'm very pleased that we've been able to have a greater degree of openness and transparency. We've made every single amendment in order. There were many more Democratic amendments made in order than Republican amendments made in order on the two bills that are coming before us.

We have seen, as I said, 842 amendments considered here on the floor in the first 9 months of this year. But, Mr. Speaker, in the entire 111th Congress, that's 2 years, two sessions of Congress, there were a grand total of 787 amend-

ments considered on the House floor. And so I'm very pleased that we have, in a bipartisan way, been able to open up the floor so that Members, regardless of their political party, Democrats and Republicans alike, have been able to have their ideas considered. And that is exactly what is going to happen under this special rule which we are considering at this moment.

So, Mr. Speaker, let me say again, job creation and economic growth is what this is about. The American people are hurting. The people of my State have an unemployment rate that is well in the double-digits. Part of the area I represent has a 15 percent-plus unemployment rate. We need to do everything that we can to get our economy moving.

I would say to anyone out there, anyone out there who would try to make the claim that the United States Congress, specifically the House of Representatives, is not taking action to create jobs and get our economy growing is just plain wrong and that kind of mischaracterization has got to come to an end.

I look forward, again, to bipartisan support for both this rule, which allows, again, every Democratic and Republican amendment that was submitted to us to be considered on the floor and also the very strong bipartisan support that I know that both of these measures will have as we proceed with debate.

□ 1340

Mr. POLIS. Mr. Speaker, I yield 2 minutes to my colleague on the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding.

Let me, first of all, remind my colleagues that this is not an open process; this is not an open rule. If Members are watching the proceedings on the floor and want to offer an amendment, they are denied that opportunity. Not only that, but that's typical of the way this Congress has been run from the very beginning; promises of openness have not come to pass.

Let me also say that the Republican majority in this House of Representatives has failed, and they have failed miserably, on the issue of jobs. We have talked about everything but jobs.

This week we began our proceedings by debating a bill reaffirming the words "In God We Trust" as our national motto. Well, behind me, above the Speaker, in gold, is "In God We Trust." On the back of a dollar bill it says, "In God We Trust." I didn't know there was a problem. We get it. It didn't need reaffirming. It was there. But we spent a day debating that and not debating jobs. There are millions of people in this country without work, and we're debating those kinds of resolutions.

We should bring the President's job bill to the floor. Why can't we bring the President's jobs bill to the floor? It has bipartisan support. All the others had bipartisan support until the President presented it. We were denied that opportunity.

I am going to urge my colleagues to vote "no" on the previous question so we can bring up the issue of China's manipulation of its currency. The bills we are debating here today are fine, but they are peanuts compared to the jobs that are lost because of China's manipulation of its currency. But we have not, time and time and time again, been allowed to bring that to the floor. We can't bring the President's jobs bill to the floor.

I have offered multiple times in the Rules Committee an amendment to end U.S. taxpayer subsidies for Big Oil; put that toward deficit reduction or put that toward investment in job creation. Time and time and time again, on party-line votes, we have been denied that right to bring that to the floor. So the Republicans have failed miserably on the issue of jobs.

To come out here and say that jobs have been a priority is laughable, given the stuff that we have debated on this floor. What we should be debating is the President's jobs bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. McGOVERN. I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

I would say to my friend who just yielded an additional 30 seconds, will the gentleman yield to me?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, thank you very much.

At this time, I would like to extend to the gentleman from California 5 minutes.

Mr. DREIER. I would like to engage in a discussion, if I might, with my friend from Worcester who has just, in response to my quest to recognize that the measure that is before us today that is a job-creating measure will, in fact, Mr. Speaker, enjoy strong bipartisan support—and everyone acknowledges. I mean, all one needs to listen to is the minority floor manager of this measure that this issue is a jobs-creation item.

Mr. McGOVERN. Will the gentleman yield?

Mr. DREIER. I yield to my friend from Worcester.

Mr. McGOVERN. I thank the gentleman.

Why won't you allow the President's jobs bill to come to the floor? Why have you denied us the opportunity to have an up-or-down vote on the issue of

China's manipulation of its currency? Why, on these issues that will create millions of jobs, can we not get a vote?

Mr. DREIER. Reclaiming my time, Mr. Speaker, I thank my friend for his very thoughtful contribution. Let me respond to his points.

Mr. Speaker, this is the President's jobs bill that we are considering today right here on the House floor. The President stood just over the gentleman's shoulder and addressed a joint session of Congress on the issue of job creation and economic growth and how he wanted his jobs bill brought forward. Do you know what he said to us? He said we needed to pass the Colombia, Panama, and Korean free trade agreements. And guess what? With bipartisan votes, we have embraced and supported that provision of the President's jobs bill.

Mr. McGOVERN. Will the gentleman yield to me?

Mr. DREIER. I yield to my friend.

Mr. McGOVERN. I thank the gentleman.

I would urge the gentleman to come with me and talk to some of these unemployed manufacturing workers and say to them that the Colombia free trade agreement somehow—

Mr. DREIER. Mr. Speaker, now I will reclaim my time to say that, since my friend has brought up the issue of Colombia, and we've disagreed on this for a long period of time, there are 40 million consumers in Colombia. And right now there are people who are union workers at Caterpillar and at John Deere and at Whirlpool and other manufacturing companies in the United States who are going to have access to those consumers because of the agreement that we have put into place.

Mr. McGOVERN. Will the gentleman yield?

Mr. DREIER. I yield to my friend.

Mr. McGOVERN. The gentleman said the same thing about NAFTA too.

Mr. DREIER. I would like to reclaim my time, if I might, to say to my friend that if one looks at the jobs that have been created in the manufacturing sector of our economy—and I'm very sympathetic to those workers that my friend has just spoken about in his district; but, Mr. Speaker, I think it's important for us to note that the United States of America today is still the number one manufacturing country on the face of the Earth.

It is true that there are other countries that are growing in the manufacturing sector, and it is true that we have lost manufacturing jobs in the United States of America, in large part due to the tax and regulatory burden, things like repatriation and other items which play a role in discouraging economic investment here in the United States, but having said that, we can't forget that the United States still is the number one manufacturer.

So with 96 percent of the world's consumers outside of our border, the idea

of saying that we're ignoring the President's request—the President stood here. And I will admit, it's with our encouragement, I encouraged him just days after he was elected, Mr. Speaker, with our encouragement he has supported the idea of opening up these markets in Colombia and Panama and South Korea. And I will say, Mr. Speaker, that as we seek to do that, we have embraced these measures and we're doing them in a bipartisan way.

And so as my friend got up and said we're talking about "In God We Trust" rather than talking about jobs, we do have the ability, believe it or not, to walk and chew gum at the same time. But we all know that the top priority is making sure that we get our economy back on track. And, Mr. Speaker, that is exactly what we're doing. That's exactly what we have done for the past several months. Because in the last Congress, with the passage of things like the stimulus bill that they told us that if we passed the stimulus bill the unemployment rate would not exceed 8 percent, we all know where it is. As I said, in part of my district it's in excess of 15 percent. That has been a failed policy.

We have been putting into place policies, again, working in a bipartisan way, unlike the way the stimulus bill was put into place at the beginning of last year. We have now, I believe, established policies that can play a big role to ensuring that those workers whose hands my friend shook in his district are able to have the kind of potential job opportunity that is necessary.

Mr. McGOVERN. Will the gentleman yield?

Mr. DREIER. I'm happy, of course, to further yield to my friend, even though he would never yield to me.

Mr. McGOVERN. Two final thoughts: One, this is not the President's jobs bill. And there are millions of people who are unemployed in this country. I repeat my claim that the Republicans have a lousy record on jobs.

Mr. DREIER. If I could reclaim my time, Mr. Speaker, to say that this is not the President's jobs bill—I will admit, it was at our encouragement—but these are things that he said when he addressed us right here in a joint session of Congress. So it is for that reason that we have been able to come together in a bipartisan way to address these very important issues.

And so I'm happy, Mr. Speaker, to recognize and support bipartisanship when it comes to getting America working again.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Very briefly, I yield myself 1 minute to respond before I yield to the gentleman from Michigan.

To be clear, these bills have the potential to create jobs, but there will also be many investors that lose money

as a result of these bills. Again, it's their money to lose. These bills are consistent with that. And obviously these bills, in addition to causing job growth in companies, will also cause misery to some people. But it is their money to lose, and it's probably better that they bet it on some startup than they invest it in gold or they take it to Vegas. So at least there's an opportunity to create jobs. Even if the company doesn't go anywhere, that's a job for a year. And it limits the loss to 10 percent of their income. So if somebody makes \$80,000, they can only lose \$8,000 a year under this. Hopefully that won't put them out of house and home. And it gives them the same opportunities to invest in startup companies that millionaires have had for years. It's a very egalitarian measure.

It is my honor to yield 3 minutes to the ranking member of the Ways and Means Committee, my good friend, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I'm glad we're having this debate. This bill isn't basically a jobs bill, and it puts a Halloween mask on it to say that's what it is, basically.

The gentleman from California talks about manufacturing. The President struggled to save the automobile sector, the domestic sector of this country, over the opposition of many Republicans, including who is now apparently the leading nominee for the Republican Presidential nomination.

□ 1350

If we really want to talk about jobs, what we should do is to turn down the previous question on this bill so we can bring up the currency bill. This will put Republicans to the test on a real jobs bill.

The estimate is, by Fred Bergsten, that passage of legislation like this changing the Chinese undervaluation of their currency would create a million jobs.

No one in authority has said this bill will create any jobs. And Paul Krugman, his estimate is 1.5 million jobs.

And you talk about bipartisanship? This currency bill is truly bipartisan. So it will also put to the test whether you believe in bipartisanship when it comes to a real jobs bill. This bill, H.R. 639, now has 230 sponsors, a majority in the House of Representatives, and it has 62 Republicans, and it passed the Senate, a similar, though not identical bill, with strong Republican support.

So this previous question, everyone who votes, will put you to the test. Do you believe in a real jobs bill? It won't destroy the bill on the floor. It will add to it.

And also, do you really want to not only have bipartisan action, but on a currency bill that will really mean hundreds of thousands of jobs to the American people? Not 6 months from now, as this bill before us might bring

about a few, but right in the immediate future, tens of thousands.

So I strongly urge that we vote "no" on the previous question and free the majority of the Members of this House to act on a bill that they now sponsor. Free us. Take off the bonds.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), chairman of the Insurance, Housing and Community Opportunity Subcommittee.

Mrs. BIGGERT. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of this rule. It is time to act. We cannot afford to wait any longer on regulatory agencies to tweak the rules and regulations, commission further studies, or form another committee.

Since 2008, employment at regulatory agencies is up 13 percent while private-sector jobs have decreased by more than 5 percent. And despite the increased manpower, regulators have been unable to meet deadlines, issue timely rules, or reform unnecessary and outdated regulations.

The cost of starting a business, measured as a percentage of per capita income, has more than doubled since 2007. Even more troubling, according to a new report by the World Bank, the U.S. has fallen to number 13 in terms of ease of starting a business.

To reverse these troublesome trends, it is critical that Congress focus its efforts on eliminating barriers to capital formation. Instead of inhibiting innovation, we must put in place sound policies that harness America's entrepreneurial spirit and spur economic growth.

I am pleased that we are able to join with our friends from the other side of the aisle on today's legislation, which will amend outdated provisions that currently inhibit the ability of small businesses to connect with investors. These bipartisan provisions will allow small businesses to raise essential job-creating capital and reclaim their rightful place as the most vibrant job creators in America.

I want to recognize the gentleman from California and the gentleman from North Carolina for their hard work on these bills, and I encourage all my colleagues to support this rule on the underlying legislation.

Mr. POLIS. Mr. Speaker, again I express appreciation to both majority and minority leaders for expedited action in trying to get to the President's desk these two important measures.

With that, I would like to yield 2 minutes to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman for yielding.

I think the ranking member of Ways and Means really hit what the point of this is; that this is not against the two bills that are the underlying bills for this rule, but this is about jobs.

And you know, in this body, many times we think about, what does a poll say? What does this poll say?

Well, regardless of what the polls say, when I go home everyone in my congressional district is talking about jobs, is talking about the economy.

I was thrilled to hear that these two bills flew through the process, introduced in September and now we're debating them on the floor. What I can tell you, though, is that the Chinese currency bill, H.R. 639, the currency manipulation bill, was proposed in February of this year.

I've heard comments like "bipartisan," and "let the House work its will." Well, this bill enjoyed tremendous bipartisan support last year, 348-79, with 99 Republicans voting for it. Reintroduced this year. It's interesting; in this body many times we do things and then complain about things that go to the Senate, and it doesn't happen in the Senate.

Well, here's a bill, actually a stronger version of this bill, that passed the Senate 63-35. It's the House, it's the House leadership, it's the Republican leadership in this House that is denying the Chinese manipulation bill coming to the floor. Let the House work its will. This is about jobs.

As the gentleman from Michigan (Mr. LEVIN) mentioned, estimates are 1 million to 1.5 million jobs, 1.5 percent of GDP. It's something that we should all be passionate about. This is about standing up for the American people. This is about standing up for the American manufacturers.

The Speaker said this could be dangerous. Well, let me tell you something. Ask folks in the tire industry, ask folks in the steel tubing industry who've watched Chinese unfair trade practices put them in jeopardy and put their people out of work. This is something about, you have to stand up, you have to take a stand.

Sixty-two Republicans are cosponsors of this bill. I urge defeat of the previous question. It does not defeat the underlying bill so that we can talk about jobs and this bill, H.R. 639.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

We're here talking about capital formation. We're here talking about entrepreneurial spirit, catching up with ideas to go to make job creation, and then for the jobs to be here in America.

That's what this bill is about today. It is about a bipartisan attempt, Republicans and Democrats working together, through regular order, to the Rules Committee, all seven amendments—Republicans and Democrats—that were submitted coming to the floor today, and us working these few hours, a chance for, I think, not only Members of Congress to effectively present their ideas and do the will of the people, but for us, perhaps more importantly, to work together to find

common ground on important issues that will aid and help Americans have sounder financial footing. That's what this bill's about today.

I know there are other bills that people want to debate and want to bring to the floor. I felt that way for 4 years when the other side was, in fact, in control. But job creation through capital investment, through the formation, is what this bill's about.

I'm very proud of what we're doing here on the floor today.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, it is my honor to yield 1 minute to the gentleman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for the time.

Mr. Speaker, I rise today to urge my colleagues to defeat the previous question and get back to the work of really creating jobs in our country.

Every week I go home to Ohio and I meet with countless men and women who are ready to get back to work. They're ready to prove something that we already know—that the American worker is the most productive and innovative in the world.

Right now there are thousands, an estimate of a million Americans, who could be put back to work if we held China accountable for manipulating its currency. By rigging the system and giving the manufacturers, their manufacturers, an unfair advantage, China has placed a roadblock in our road to economic recovery.

The Senate has already taken action. They passed a bill to hold China accountable and give our workers a level playing field on which to compete. If House Republican leaders are really serious about significant actions to create jobs, they can bring this bill to the floor right now, right here today. We can do something big to help people in Ohio and across the country.

I urge defeat of the previous question so that we can bring the currency manipulation bill to the floor and bring jobs back to the United States.

□ 1400

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Regarding what is on the floor today, it is important that we recognize it is a continuing trend for job growth, job creation on not just a net basis, but on a positive basis without the loss of jobs. The Federal Government creates an average of 4,000 final rules and regulations each year, and that is what inhibits job growth. That's what the prior two Congresses have been about—massive rules and regulations, not the empowerment of the free enterprise system.

We need to remember that what we are here for is to work in the best interest of making a future brighter and better for those who are with us today and those who are behind us for their

future. And that's why job creation, investment, and capital formation is important.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I rise in strong support of the motion so that we can amend the rule and provide for the consideration of a bill that will create over 1 million jobs, the Currency Reform for Fair Trade Act. The floor schedule of the House has long been determined by the majority leader. Everybody knows that.

I'd hope that the majority leader would therefore represent what is the majority of our Members, 230 Members who cosponsored the bill—that's not so bad—and schedule it for a vote.

We quite simply can't afford to wait any longer. China's currency manipulation has a devastating impact on manufacturing and other industries across this country. This results in Chinese exports being up to 30 percent cheaper in America. Now you know where the problem is. Now you know what's hurting American industries. Conversely, our exports are being more expensive in China. Estimates vary, but economists believe that this manipulation reduces unemployment by no more than 1 million to 1½ million.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. We are out of excuses, Mr. Speaker. We really are.

We've got support from both sides of the aisle on this. There are over 14 million people unemployed in America. The bill costs nothing to the taxpayer. This is amazing that we're putting something before the House that won't cost us any money. No taxes. The Senate has already passed the bill—bipartisan, huge numbers, margin. There are 235 bipartisan cosponsors in our institution here. This legislation passed with over 350 votes. No excuses, Mr. Speaker.

Mr. SESSIONS. I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman.

I'd just like to build on a point that the gentleman from New Jersey was making. We need investments into our economy. This is an opportunity for us to get private investments into our economy. And the gentleman from California was talking about 96 percent of the globe is outside of the United States.

What's happening now with the currency manipulation is China is artificially making their products cheaper so that they can ship them here to the

United States, and because of that, our products trying to go into China are more expensive.

Now, we had dozens and dozens and dozens of Republicans vote for this last year at the end of the session. The Senate has passed this. This is a simple measure where we can send a signal to the country and to the world that if we play fairly with China and China plays fairly with us, we all can benefit. And that will drive investment back into the United States and manufacturing.

We had two cases at the International Trade Commission on tires and steel tubing in which China was cheating. The Americans, we put tariffs on these products, we saw job creation come, over \$2 billion worth, in the steel tubing industry of investments that have been made since that decision. We've seen tire manufacturers expand in places in northwest Ohio.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. RYAN of Ohio. So if we level off the playing field with these guys, we can compete. With transportation costs going up, we can compete. We have the productivity. We have the workforce. We just need a level playing field.

So I ask, Mr. Speaker, that this Congress, this House of Representatives, brings this bill up and let's make some progress with China and set the tone and reclaim the mantle for manufacturing here in the United States.

Mr. SESSIONS. Mr. Speaker, I would like to advise the gentleman from Colorado that I have no additional speakers other than myself, and I reserve the balance of my time to close.

Mr. POLIS. I thank the gentleman. I believe we are on our last speaker.

I would like to yield 1½ minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank my friend for yielding.

More than 3 weeks ago, the Senate passed bipartisan legislation to address China currency manipulation. Since then, the Census Bureau reported that the U.S. trade deficit with China set a new record at \$28.96 billion in August. But House leadership still refuses to bring to the floor bipartisan legislation that would withdraw on the yuan's illegal undervaluation. The consequences of China's unchecked currency manipulation will only get worse.

China is literally robbing us of our factories, of our manufacturing jobs; and we aren't doing a thing about it. Addressing China's currency manipulation would create at least 1 million jobs without costing the American taxpayers a penny. That is why Congress has to bring the Currency Reform for Fair Trade Act to the floor immediately. And that's what we're trying to do here today.

I urge my colleagues to vote "no" on the previous question and "yes" on getting tough on China.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Congress has an opportunity today to unleash investors in American business for the benefit of capital formation in America for American companies and jobs.

Additionally, we have an opportunity because we have worked so well together. There is joint agreement to ensure the safety and soundness of financial institutions in the United States with this legislation. Reforms to company-investor relations are long overdue, long overdue that would reform the industry to make them better, stronger—to add jobs, may I add.

Congress should be doing everything we can do to help economic growth and development, to jump-start the free enterprise system and put Americans back to work. That happens through capital formation. Growing our economy and slowing Federal spending will be the best way to get this government back and the economy back on track and getting out of the rising debt and deficit that is facing this great Nation.

The underlying bills provide necessary steps today for doing just that.

So I applaud my colleagues, Mr. McHENRY and Mr. MCCARTHY, for introducing the bills that we're discussing here today. In particular, I'm proud of my committee, the committee I've served on for 14 years, the Rules Committee, under the leadership of the gentleman from California, DAVE DREIER, for making sure that this bill—the power for investment, capital formation, jobs—also included ideas, ideas from both sides of the aisle, which equally, if submitted, were given not only consideration but the green light to come to the floor today to make sure that what we did, we did together; to make sure that we speak with a voice that's very powerful about the need for us to ensure that America's greatest days lie in our future through the free enterprise system.

I'm proud of what we have done here today.

□ 1410

I reserve the balance of my time.

Mr. POLIS. I will inform the gentleman from Texas that one additional speaker has emerged.

I would be honored to yield 1½ minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I agree with the gentleman from Texas that we ought to be doing everything we can for American workers. The time has come for this House to vote on the Currency Reform for Fair Trade Act.

My friends across the aisle need to stop standing in the way of American jobs. It's time to act. We've been discussing this issue with the Government of China for more than 8 years, and this Republican majority has done not one blessed thing. American manufac-

turers should not be forced to compete against a 28 percent discount on imports from China due to China's predatory currency practices. This legislation will give meaningful relief to U.S. companies and workers who are hurt by China's currency manipulation.

This is a bipartisan measure. Amazing. The same bill passed the House last year with an overwhelming vote, including with a strong majority of Republicans. Now, of course, that was last year. The majority of the House this year, 230 Members, have cosponsored this bill, including 62 Republicans. A similar bill passed the Senate by a large bipartisan vote. American workers expect every one of us on both sides of the aisle to fight against China's predatory trade practices and to fight for American workers.

The question you have to ask yourself, Mr. Speaker, is: How long are we going to have to wait for a jobs bill to come from the Republican side? It seems like it may never happen until after the election of 2012.

Mr. SESSIONS. I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

The bills before us do something for people of all economic classes in the country—they help working families and the poor; they're good for the middle class; and they're good for millionaires. Let me talk about each group and how it helps.

First, millionaires. It gives millionaires more ways to lose their money. Isn't that exciting?

Previously, again, you not only had to be a millionaire, but you had to be a millionaire with the right connections to be networked to a company that's doing a private equity offering. Otherwise, you weren't allowed to find out about it. This will put all millionaires on an equal footing and will give them the opportunity to examine prospectuses on company sites, have them presented to them under the Access to Capital for Job Creators Act, allow them to squander their money on startups, and to, of course, occasionally reap a reward as they hope to do.

Again, this money that's invested will then create jobs. It will help fund the companies and get them off the ground, giving millionaires many more ways to lose their money through investing in risky startup companies.

What does this do for the middle class? Again, it gives the middle class more ways to risk their money and lose their money as well.

Previously, with a middle class family, the average net worth in this country was about \$100,000. They were unable to invest in a startup company. They were not accredited investors. They couldn't lose their money that way. They could go to Las Vegas. They could bet it all on number six. They could lose it all there. They could re-

spond to a full-page ad in a paper and buy gold with all their money. That doesn't create any jobs. But no. They couldn't invest it in their neighbor's startup company. This bill remedies that.

It limits their losses, and allows them to invest 10 percent of their income. If they make \$80,000 a year, they can invest \$8,000 in a risky startup company. Again, nine out of 10 of these are going to go out of business—they'll lose their money—and maybe one out of 10 will make a lot of money; but this allows middle class families the same opportunities that millionaires have always had to lose their money.

What does it do for working families and the American poor? Access to capital.

What if you have an idea? What if you don't have any net worth, but you have a great idea? You need to raise \$100,000, \$300,000—the proverbial “better mousetrap.” Do you know what? You might not know any fancy venture capitalists, and you might not know a lot of people with money. But do you know what this bill allows you to do? It allows you to put that idea up on the Internet and raise money from small investors across the country—legally. There is no legal way to do that until this bill passes. There is no legal way for somebody without access to capital to raise capital in small tranches without incurring SEC oversight and having to hire lots of lawyers.

This effectively allows working American families to raise money for their ideas by crowdsourcing, or raising money over the Internet, from that newly enfranchised middle class that now has the ability to lose their money in new ways and from the millionaires, who have always been able to lose their money but only if they knew the right people. So these bills allow new avenues for growth capital for startup companies.

Again, to be clear, most of these companies aren't going to work out. That's the nature of capitalism. Most of them are going to go out of business. They might employ three people for a year, and 2 years down the road, they'll be a footnote. But do you know what? Some of them are going to work out. We could see the next Google, the next Yahoo!, the next Microsoft. Many of these companies started as garage companies, funded by proverbial friends and family. The next great American success story can be funded by crowdsourcing. It can have thousands of investors from middle class families across the country, earning millions of dollars on their investments and limiting their losses to 10 percent of their incomes.

I am proud to support these two bills and am appreciative of the majority and minority staffs for expediting their passage and improving them in committee and through the amendment

process. It's time we get back to work for the American people.

I again call on the Speaker and my Republican colleagues to put aside partisanship and give us more bills like these and more bills that can contribute to robust job growth and to do something for all American families regardless of their economic worth.

Mr. Speaker, I oppose the previous question; and I ask unanimous consent to insert the text of the aforementioned amendment to the rule in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Again, I would like to point out that I will be opposing the previous question on the underlying issue. I don't necessarily agree with what some of my colleagues have said with regard to China, and I voted consistently with that in the last Congress and have in this Congress; but I do believe that the House should be able to work its will on this important matter to the American people and with regard to international relations.

There are bigger fish to fry than giving millionaires more ways to lose their money, than giving middle class families more ways to lose money and giving working families access to more capital; but these are important steps forward for capitalism, for capital growth and capital formation, and to create the next generation of great American companies that will lift us from this recession and carry forward the torch of American progress across the world.

I am honored to support both underlying bills and hope that they move to immediate passage in the Senate as well.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, it's a rare day when members of the Rules Committee from opposing parties have a chance to do so well with each other on the floor.

Once again, I'd like to congratulate the gentleman from Colorado on being a new father. We celebrated this with the pictures at the Rules Committee just yesterday.

I encourage a "yes" vote on the rule.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 453

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 639) to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country. The

first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend

the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 453, if ordered, and the motion to instruct on H.R. 2112.

The vote was taken by electronic device, and there were—yeas 241, nays 184, not voting 8, as follows:

[Roll No. 821]

YEAS—241

Adams	Bucshon	DesJarlais
Aderholt	Buerkle	Diaz-Balart
Akin	Burgess	Dold
Alexander	Burton (IN)	Dreier
Amash	Calvert	Duffy
Amodei	Camp	Duncan (SC)
Bachus	Campbell	Duncan (TN)
Barletta	Canseco	Elmiers
Bartlett	Cantor	Emerson
Barton (TX)	Capito	Farenthold
Bass (NH)	Carter	Fincher
Benishek	Cassidy	Fitzpatrick
Berg	Chabot	Flake
Biggert	Chaffetz	Fleischmann
Bilbray	Coble	Fleming
Bishop (UT)	Coffman (CO)	Flores
Black	Cole	Forbes
Blackburn	Conaway	Fortenberry
Bonner	Cravaack	Foxx
Bono Mack	Crawford	Franks (AZ)
Boustany	Crenshaw	Frelinghuysen
Brady (TX)	Culberson	Gallegly
Brooks	Davis (KY)	Gardner
Broun (GA)	Denham	Garrett
Buchanan	Dent	Gerlach

Gibbs Luetkemeyer
Gibson Lummis
Gingrey (GA) Lungren, Daniel
Gohmert E.
Goodlatte Mack
Gosar Manzullo
Gowdy Marchant
Granger Marino
Graves (GA) Matheson
Graves (MO) McCarthy (CA)
Griffin (AR) McCaul
Griffith (VA) McClintock
Grimm McCotter
Guinta McHenry
Guthrie McKeon
Hall McKinley
Hanna McMorris
Harper Rodgers
Harris Meehan
Hartzler Mica
Hastings (WA) Miller (FL)
Hayworth Miller (MI)
Heck Miller, Gary
Hensarling Mulvaney
Herger Murphy (PA)
Herrera Beutler Myrick
Huelskamp Neugebauer
Huizenga (MI) Noem
Hultgren Nugent
Hunter Nunes
Hurt Nunnelee
Issa Olson
Jenkins Palazzo
Johnson (IL) Paul
Johnson (OH) Paulsen
Johnson, Sam Pearce
Jones Pence
Jordan Petri
Kelly Pitts
King (IA) Platts
King (NY) Poe (TX)
Kingston Pompeo
Kinzinger (IL) Posey
Kline Price (GA)
Labrador Quayle
Lamborn Reed
Lance Rehberg
Landry Reichert
Lankford Renacci
Latham Ribble
LaTourette Richardson
Latta Rigell
Lewis (CA) Rivera
LoBiondo Roby
Long Roe (TN)
Lucas Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Rosskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)

Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires

Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Burton (IN)
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gingrey (GA)
Gonzalez
Gosar
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heck
Heinrich
Higgins

Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne

Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wittman
Womack
Woolsey
Yarmuth

NOT VOTING—8

Giffords
Hirono
Larson (CT)
Murphy (CT)
Ruppersberger

□ 1444

Ms. MCCOLLUM, Mr. HOYER, and Ms. PINGREE of Maine changed their vote from “yea” to “nay.”

Ms. RICHARDSON, Mr. GINGREY of Georgia, and Mrs. McMORRIS RODGERS changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2112, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2112 offered by the gentleman from Washington (Mr. DICKS) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 160, not voting 8, as follows:

[Roll No. 822]

YEAS—265

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers

NAYS—184

Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)

Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Baldwin
Bartlett
Barrow
Bass (CA)

Bass (NH)
Becerra
Benishke
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)

Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Burgess

Adams
Akin
Amash
Amodel
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)

NAYS—160

Brooks
Broun (GA)
Buerkle
Camp
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coble
Conaway

Crenshaw
Culberson
Davis (KY)
DesJarlais
Doggett
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher

Flake	Lamborn	Roby
Fleischmann	Landry	Roe (TN)
Fleming	Latta	Rohrabacher
Flores	Lewis (CA)	Rokita
Foxx	Long	Rooney
Franks (AZ)	Luetkemeyer	Roskam
Gallegly	Lummis	Ross (FL)
Gardner	Mack	Royce
Garrett	Marchant	Ryan (WI)
Gibbs	McCarthy (CA)	Schmidt
Gohmert	McClintock	Schock
Goodlatte	McHenry	Schweikert
Gowdy	McKeon	Scott (SC)
Granger	McKinley	Scott, Austin
Graves (GA)	McMorris	Sensenbrenner
Graves (MO)	Rodgers	Sessions
Griffith (VA)	Mica	Shimkus
Guthrie	Miller (FL)	Smith (NJ)
Hall	Miller, Gary	Smith (TX)
Hanna	Mulvaney	Southerland
Harper	Myrick	Stearns
Harris	Neugebauer	Stutzman
Hartzler	Nugent	Sullivan
Hastings (WA)	Nunes	Thornberry
Hensarling	Nunnelee	Tipton
Herger	Olson	Upton
Herrera Beutler	Palazzo	Walberg
Huelskamp	Paul	Walden
Huizenga (MI)	Pearce	Walsh (IL)
Hultgren	Pence	Webster
Hunter	Petri	West
Hurt	Pitts	Westmoreland
Issa	Poe (TX)	Whitfield
Jenkins	Pompeo	Wilson (SC)
Johnson (IL)	Posey	Wolf
Johnson, Sam	Price (GA)	Woodall
Jordan	Quayle	Yoder
King (IA)	Reed	Young (AK)
Kingston	Renacci	Young (FL)
Kline	Ribble	Young (IN)
Labrador	Rigell	

NOT VOTING—8

Austria	Butterfield	Murphy (CT)
Bachmann	Giffords	Ruppersberger
Bilirakis	Hirono	

□ 1452

Messrs. NUNES and FLEMING changed their vote from “yea” to “nay.”

Messrs. FRANK of Massachusetts and McDERMOTT changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 2912:

Messrs. ROGERS of Kentucky, YOUNG of Florida, LEWIS of California, WOLF, KINGSTON, LATHAM, ADERHOLT, Mrs. EMERSON, Messrs. CULBERSON, CARTER, BONNER, LATOURETTE, DICKS, Ms. DELAURO, Messrs. OLVER, PASTOR of Arizona, PRICE of North Carolina, FARR, FATTAH, and SCHIFF.

There was no objection.

ACCESS TO CAPITAL FOR JOB CREATORS ACT

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2940 and to insert extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, pursuant to the rule just adopted, I call up the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 453, the amendment in the nature of a substitute recommended by the Committee on Financial Services printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Access to Capital for Job Creators Act”.

SEC. 2. MODIFICATION OF EXEMPTION.

(a) REMOVAL OF RESTRICTION.—Section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2)) is amended by adding before the period the following: “, whether or not such transactions involve general solicitation or general advertising”.

(b) MODIFICATION OF RULES.—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission shall revise its rules issued in section 230.506 of title 17, Code of Federal Regulations, to provide that the prohibition against general solicitation or general advertising contained in section 230.502(c) of such title shall not apply to offers and sales of securities made pursuant to section 230.506, provided that all purchasers of the securities are accredited investors. Such rules shall require the issuer to take reasonable steps to verify that purchasers of the securities are accredited investors, using such methods as determined by the Commission.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of House Report 112–265, if offered by the gentleman from North Carolina (Mr. MILLER) or his designee, which shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 2940, the Access to Capital for Job Creators Act.

Throughout this week, the House is considering several jobs bills that are sponsored by members of the Financial Services Committee and that have recently been approved by the committee. They have been sponsored by both Republicans and Democrats. Yes-

terday, we passed two of those bills overwhelmingly, and today we will consider the other two.

Presently, we’re considering H.R. 2940, which was introduced by Mr. MCCARTHY, a member of the committee and of leadership. What this bill does is create jobs. It gives entrepreneurs the ability to raise capital, and that capital translates into jobs.

The President, in his State of the Union, called on the Congress to create ways, additional ways, alternative ways for entrepreneurs to raise capital. He also called on Congress to address burdensome regulations and restrictions imposed on American businesses that create American jobs, and that’s what brings us on the floor today.

I received a letter last week from EMANUEL CLEAVER, a member of our committee who voted in favor of all four of these bills in committee. And this is what he said—and this is, I think, what we’re doing today: “As we attempt to breach the divide in Congress, I want to share an insightful civility story.”

“Two young boys went to a neighborhood park to have some play time before their respective mothers called them in for dinner. But upon arriving, a controversy ensued. One boy said, ‘let’s play on the seesaw.’ ‘No,’ the other replied, ‘I want to play catch.’ One boy got on the seesaw, but because no one sat on the other end, he never got off the ground. The other boy threw the ball, but no one threw it back. That sounds a lot like the two sides in Congress: Both sides have come to Congress for the same purpose but with different priorities.

“As representatives of the people of the greatest Nation on Earth, we must be willing to alter one preference in order to acquire another, often resulting in accommodation of both.” It was signed by my colleague, EMANUEL CLEAVER, a Member of Congress from Missouri.

□ 1500

That’s why we’re here today. We’re here today to set aside our differences and do what the American people have asked us to do, and that’s create jobs. I can’t think of a better way to create jobs, particularly for small and middle-sized businesses, than the legislation of the gentleman from California (Mr. MCCARTHY), and I’m happy to report that the Democratic members of Financial Services overwhelmingly agreed with us.

Yesterday the job numbers came out, and it showed that while large corporations actually lost 1,000 jobs last month, small- and medium-sized businesses created 107,000 or 108,000 jobs. They did that despite what was described as “restrictions.” The greatest restriction was the lack of capital.

There are two ways to obtain funds needed to hire new employees. One is

to go to the bank and borrow it. Any-one on the Financial Services Committee will tell you that when entrepreneurs go to the bank to get a loan for their business, they're often told, I'm sorry, it's too risky.

There is an alternative to loans. And we all know loans can be hard to come by for new businesses and for small businesses who create almost all the innovation and new jobs in our country. The other way is to attract capital, people willing to invest and have the opportunity to share in the profits and share in the growth of that company but, at the same time, willing to take the risk.

That's what the gentleman from California's bill does, in a nutshell. It makes it easiest for people to invest in companies.

We've often said that in America one of the dreams—and we've had a difficult time with this recently—is homeownership. Another is to either own a business or invest in a business that does well.

How many of us have thought, I wish we had invested in Apple. I wish we had invested in Google. I wish we'd gotten in on the ground floor.

The gentleman from California's bill allows investors to get in on the ground floor without having to spend \$200,000 or \$300,000 to the Securities Exchange Commission, and put their money that they have earned, not the government, to work.

And let me say this: when it comes to investing our money, I'll trust individual investors every time over the government.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2940, the Access to Capital for Job Creators Act.

Before I begin my remarks, I would like to thank Chairman BACHUS, Chairman GARRETT, Congressman MCCARTHY, and Ranking Member FRANK for their assistance and support with this bill. We were able to work in a bipartisan manner on this bill in our committee, passing it on a voice vote.

H.R. 2940 amends the Securities Act of 1933 to remove the prohibition on general solicitation or general advertising for offers of securities made under rule 506 of regulation D, if those securities are only sold to accredited investors. In other words, investors will be able to advertise their private, unregistered securities offerings if those securities are only sold to accredited investors.

As you know, accredited investors are individuals, companies, or organizations that generally have the sophistication needed to make complex financial decisions. These folks are thought to need less protection than average retail investors.

Because this lifting of the ban on general solicitation and advertising would only apply when securities were sold to accredited investors, I am sympathetic to the goals of the gentleman from California's bill.

The current ban on general advertising has been interpreted to mean that companies can only raise capital from investors with whom they have had a preexisting relationship. This requirement would hamper their ability to obtain capital and it's, therefore, appropriate to modernize this provision.

However, during the hearing on this bill in September, the North American Securities Administrators Association and others noted that one problem with the original bill was that it would be difficult to limit the sale of these securities to only accredited investors when issuers advertise to everyone, particularly since accredited investors were able to self-certify their status.

An amendment I offered in subcommittee, which was accepted, directs the SEC to write rules requiring issuers to verify that purchasers are accredited investors. I think this will substantially improve the potential fraud issues identified by the State regulators.

Given this improvement, I'd like to offer my support for this legislation. This bill will make it just a bit easier for some companies to raise funds in the private market, enabling them to grow their businesses.

But make no mistake. I believe that we still need to pass the American Jobs Act in order to truly get people back to work in this Nation. In addition to this small change to enable capital formation, we need to keep teachers, police officers and firefighters on the job, extend unemployment insurance for laid-off workers, and revitalize neighborhoods devastated by foreclosures. A truly comprehensive approach is needed to get Americans working again. And I hope my colleagues are willing to work with me on passing the American Jobs Act.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

I first want to start by thanking the gentlelady from California for her work on this legislation and her amendment making the bill better.

Mr. Speaker, as many know on this floor, I started, before I was in Congress, as a small business owner. At the age of 20, I took some savings I had, some luck within a lottery, and some investments in the market and I took a risk. I went out and opened a deli. I didn't put a lot of thought into the name, so I named it after myself.

But as I took that risk, as many people across this country do, you find the challenges of a small business. Fortunately, I was successful, able to hire

people, able to work through; and at the end of 2 years, I now had enough money to pay my way through college.

But when I think back to those days of the risk I took, I wonder if in today's environments could I do the same. Unfortunately, the answer is, no, I could not. I cringe at the thought today of the regulations and the challenges a small business faced.

When I look at what small businesses do to this economy, they represent 99.7 percent of all employers. When you analyze the growth of America, if you just want to take from the beginning of the last recession, 2001, the end of it to the beginning of this one in 2007, and you look at that time in America when we had job growth, when you think about who created that growth, well, small businesses added 7 million jobs. Large corporations cut 1 million jobs during that same time.

Today, when we look at the market, we're at our all-time low in the last 16 years for new small businesses entering. And all statistics tells us we will not grow unless small businesses grow.

Unfortunately, the entrance to market has become too great. The regulations have been too tough, and the access to capital has been too hard to get.

So just with that story I tell you of starting my own small business when it became successful, before I sold it I actually looked to expand. I had dreams of putting five new delis throughout my town. I even started negotiating on a new lease.

But to raise that extra capital, when, one, a bank had turned me down, because of the regulations by the Federal Government, I could only talk to those people I already had a relationship with. Well, I came from a side of town that didn't have great wealth. I didn't know people with money.

□ 1510

So for me to be able to talk to them, I'd have to hire an attorney, file with the SEC all things that I did not have the time to do as a small business, even to talk to somebody about the idea. So I ended up selling.

Well, that law was based in 1933. This country has moved forward, and this Congress should move forward as well. That's why today that's exactly what this bill will do. It will allow the small business to unshackle the capital which it needs. It will allow the individual to talk to those who are accredited, and it has the protections to do that. But the idea could actually gain the capital. And you have to think, when you're in a small business, sometimes this capital is better than going to a bank. It's what you negotiate.

The cash flow is very important in a small business. A bank makes you pay monthly. The investment of an individual allows you to have growth. It also allows Americans to invest in

America. It is a win-win all the way around. It is involving in a place that allows small business to grow.

I will tell you that the strength from the amendment from MAXINE WATERS, and the adoption in the committee, requires insurers to verify that purchasers are in fact SEC accredited. And I thank you for that amendment.

This was approved in the Financial Services Committee by a bipartisan vote. This is another example of an issue where we can find common ground, work on both sides of the aisle, work with this President, but more importantly, let America start working again.

Mr. Speaker, I urge all of my colleagues to support this commonsense legislation, and I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the remaining time on the bill.

There was no objection.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank my good friend and the ranking member on the subcommittee, the gentlewoman from California, for her leadership on this bill and her amendment and her efforts to make a good product an even better one. And I thank our ranking member, Mr. FRANK, for all of his leadership now, and also Chairman BACHUS, Chairman GARRETT, and Representative MCCARTHY.

This was a bipartisan effort. So in a Congress that everyone says we're not working together, this is one example where we work together in the best sense of the word to bring this bill to the floor.

I rise in strong support of the Access to Capital for Job Creators Act because I believe that it will help businesses in our country raise money they need to create jobs and help our economy recover.

This was an important bill for businesses across our country, but it is particularly important to New York City. New York City is the home of many innovators, innovation. Entrepreneurs come there from across the country, and this bill will help them raise money and grow the American Dream and help them go up that ladder of success in providing jobs and helping our economy.

Under our current system, companies seeking to raise capital by selling shares are barred from many types of advertising and solicitations. In effect, our current system tells businesses: Go out and create jobs, but don't tell people who might want to invest in your company or invest in your idea or invest in America, don't tell them anything.

So this message is contradictory at best and patently unfair at worst, and

it is bad for businesses at a time when we are asking businesses across this country to lead our economic recovery and to create jobs.

This bill before us today would end this contradiction by removing the restrictions on general solicitation and advertising for certain private securities offerings. It will help companies attract potential investors and raise the capital that they need to be successful. This bill accomplishes this task in a balanced way.

During the committee markup and work on this bill, we incorporated numerous ideas from both sides of the aisle, including a provision requiring that issuers verify that an investor is actually eligible to purchase the offered securities. The Waters amendment made sure that the investors were credible and accredited.

Today, as it stands, investors only self-certify that they have a million in assets or make \$200,000 a year to qualify to purchase the private security. Now, with this bill, we will have additional safeguards in place to make sure that investors are qualified and that these financial transactions are safer.

I support this bill today. I urge my colleagues to join in supporting it. And I feel that this is really an investment in the American Dream.

I hope that we can likewise work together to pass the American Jobs Act in a bipartisan way. We are not going to cut our way to prosperity. We need to invest and grow our economy. This bill helps us to do that. The American Jobs Act does, too. I hope our colleagues will join us in supporting that important job-creator initiative also.

So this is a vote for the American Dream. I'm proud to support it.

Mr. MCCARTHY of California. Mr. Speaker, I yield 2 minutes to a doctor, mother, businesswoman, who brings a fresh perspective to the freshman class and knows firsthand the challenges that job creators face, having started her own medical practice from scratch, the gentlelady from New York's 19th District, Congresswoman NAN HAYWORTH.

Ms. HAYWORTH. Thank you, Mr. Whip.

Last week, I had the privilege of coming to the floor and sharing a letter from one of our constituents in the 19th Congressional District of New York, Mr. Paul Manahan from Mahopac, New York. This is what he wrote:

"We don't need or want more government spending. Cut regulations; cut taxes; repeal the 2010 health care law and let business do what it does best—create jobs based upon demand, not government dictates, spending, and attempts at market manipulation."

Today, in this bill, the Access to Capital for Job Creators Act, H.R. 2940, we are taking yet another step toward implementing this kind of advice from a commonsense American.

Small businesses, as many of us have already mentioned, they really are the job creators and the key to a healthy and strong economy. Our number one priority in this Congress is to ensure that the regulatory environment for small businesses supports capital formation, investment, and job creation. This bill does exactly that, furthering job creation by eliminating unnecessary regulations.

The Access to Capital for Job Creators Act creates jobs by eliminating a prohibition on solicitation that is a barrier to capital formation and job creation. And regulations that are unnecessary in this case are being eliminated because investors under regulation D have to be sophisticated and accredited.

So there is the common sense. This is a win all the way around.

I'm very proud to cosponsor this important piece of legislation, and I am so glad to join colleagues on both sides of the aisle supporting this bill.

I want to make mention of the fact that this bill now joins 15 other bills that have been supported by both Democrats and Republicans. They are listed on a card that we're carrying with us and that you've probably seen quite a bit. I want the Senate to know that this support from both sides indicates how strongly we are committed to creating jobs; and our Nation cannot wait for the Senate to hold yet this one hostage as well, so I urge its swift passage.

Ms. WATERS. I yield myself such time as I may consume.

I am very pleased that we have bipartisan support for this legislation. It has been stated over and over again that access to capital is extremely important to our businesses, and small businesses in particular.

Mr. Speaker and Members, we talk a lot about our support for small businesses; but I know there's a long way to go in order to make sure that they have not only access to capital, but we have one-stop shops and other kinds of efforts that will help them not only to grow their businesses and expand their businesses but to hire people. And really, that's what this is all about.

This is about how do we stimulate our economy, how do we get it working, how do we create jobs. This is one way that we can do this.

□ 1520

While we're talking about small businesses, let me remind you that, in the American Jobs Act that is being debated by this Congress, we have similar efforts for small businesses. We have tax credits for small businesses; we have tax credits when they hire workers, when they hire veterans. So I am very pleased that both sides of the aisle are showing more and more support. These small businesses need this capital to acquire inventory. Many of

them need to get up to speed with their computer equipment to be able to market their services, their goods, and their products. As we do this, let us keep in mind that this is one aspect of how we stimulate the economy, of how we grow our small businesses, of how we give support to them.

Let's look at the other ways we're talking about stimulating the economy. Don't forget that many small businesses will benefit from the repair of our infrastructure. Just think about it. When we're repairing our roads and our bridges and our water systems, small business persons will have many opportunities to grow their small businesses, whether or not they are wholesalers and people in the middle who will be providing supplies and materials to those contractors or whether or not they are subcontracting for some aspect of this development and growth and repair of our infrastructure. So we're on the right track here when we talk about assistance to small businesses and job creation, but let us open up our minds and really think about how the infrastructure repair will certainly be a big boon for small businesses.

I can point to other things in the American Jobs Act. Just think about the construction and repair of our schools. We have schools that still need a lot of repair. They don't have science labs. The laboratories and much of what is involved in the whole construction of schools is very much needed. Again, our small businesses will benefit from this. Just think about it. When they go to their local boards of education and when they get involved in supplying goods and services as we repair these schools and build more schools, that's how you stimulate the economy. You cannot separate small businesses from jobs. Small businesses create jobs. Jobs allow people the ability to spend money and to stimulate our economy.

I am just so pleased that we see bipartisan support in the effort for small businesses. Let's not stop here. Let's keep going. Let's keep creating these opportunities so that we can say that we're a country that not only respects small businesses but that we're going to put our money where our mouths are, and we're going to give them the opportunity again to create and grow and expand.

With that, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCARTHY of California. Mr. Speaker, I yield 2 minutes to an integral member of the Financial Services Committee, a member who ran one of the oldest pest management companies in the country and who has personally faced many of the challenges confronting small businesses today, the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I certainly want to thank the gentleman from California for yielding the time.

One thing that I am very pleased about today is that we're talking about some bipartisan legislation that does focus in on the number one issue that we face in our country today, which is jobs and the economy.

As a small business owner, I can personally understand that access to capital is critical in sometimes determining the factor between success and failure for small businesses. Small businesses do represent two-thirds of all net new jobs created in our Nation. Businesses, especially small businesses, must raise capital to create and maintain jobs, to invest in research and development, to sell and market goods and services, and generally to expand their businesses.

Debt financing is very difficult and sometimes impossible in today's market, especially for smaller businesses like my own. Equity financing is also very difficult, with enormous transaction costs and very expensive and time-consuming SEC regulation requirements. Our capital markets, both debt and equity, are struggling and are expensive for small businesses, so we need to find creative ways to reduce the regulatory costs and burdens.

This legislation, this commonsense legislation, I would add, would do just that. It would give companies greater access to capital to grow and to create jobs while still protecting the less sophisticated investors at no cost to the American taxpayers. Specifically, this bill removes the ban on small companies from soliciting equity financing from accredited investors. It expands the pool of those that we can go out to to help raise dollars, to help raise resources so that we can invest in our businesses and so that we can grow them.

There are 29 million small businesses in our Nation. If we can create an environment here in Washington where half of those businesses can create a single job, think about where we'd be then. This is the kind of bipartisan legislation we talk about with regard to jobs and the economy, and we are doing things in the United States Congress.

I certainly want to thank the gentleman from California for her leadership. I want to thank Chairman BACHUS for his leadership, certainly want to thank Chairman GARRETT, because this is the kind of bipartisan legislation that can get our economy moving again and our focus back on jobs.

Mr. McCARTHY of California. Mr. Speaker, I am pleased to yield 1 minute to a man who knows what it takes to create jobs and meet a payroll in having spent 20 years building a real estate development company that he started with his brothers and sisters, the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. Mr. Speaker, I rise today in support of the Access to Capital for Job Creators Act.

I want to thank the gentleman from California (Mr. McCARTHY) and the gentlelady from California (Ms. WATERS) for this bipartisan effort as well as thank our leadership on the committee.

As a nation, we have an unemployment rate that is hovering around 9 percent and 14 million Americans out of work. We've had 32 consecutive months with unemployment rates at or above 8 percent. Yet Senator HARRY REID, the Senate majority leader, insists, "It's very clear that private sector jobs have been doing fine."

The American people disagree.

I'm 62 years old and a freshman in this, the people's House. Before coming to Congress, I spent my entire career in the private sector. I've signed the front of a paycheck. I know something about how to create jobs. What I know is that attempting to spend our way to an economic recovery won't work, and we have the economy today that proves just that.

From the experiences gained from an almost 40-year career in private business, to get the private sector creating jobs again and our economy growing, government needs to get out of the way and not be an impediment to job creation.

This is the philosophy that has governed bill after bill that the House has passed to get our economy moving again. Unfortunately, these bills are rotting at the doorstep of the Senate as HARRY REID refuses to allow them to be considered. The Access to Capital for Job Creators Act is governed by the same philosophy. This will help fix an outdated government regulation that is inhibiting capital formation for small businesses that are having a hard time accessing loans from financial institutions.

To get the economy back on track, job creation in the private sector is the key. We need to get government out of the way and let private sector job creators do what they do best—create jobs.

Mr. McCARTHY of California. Mr. Speaker, it is my pleasure now to yield 2 minutes to the chairman of the Capital Markets and Government Sponsored Enterprises Subcommittee, one who has been a leading advocate for pro-growth economic policies, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman for yielding.

I thank the gentleman from California as well for his leadership on this issue, as well as others, and also behind us over here, the chairman of the full committee, SPENCER BACHUS, for his leadership on this issue as well as on the general issue of trying to do what we can do best in order to facilitate the

greater liquidity and openness of credit in the marketplace. This bill is one step in that direction, so I commend both gentlemen for their efforts in that regard.

I've been on the floor, I guess, for the last few days now, and I've heard Members from the other side of the aisle repeatedly coming to the floor, saying, Where are the jobs bills? We haven't had any jobs bills come through.

Here is certainly one of the pinnacles of the jobs bills that we've been talking about that this House has passed already and that today we will pass going forward.

What this bill will do is provide, as has already been indicated, to both small and big businesses the opportunity to get the wherewithal to start their businesses, grow their businesses, expand their businesses—and to do what after that? Create jobs. That's what this is all about.

We just had a litany of people come to the floor, one right after the other, just as the sponsor of the bill has done. He is someone who started out with probably not much in his pockets but was able to get that all together and probably get some capital outside of that as well—and do what? Create a business. It wasn't a one-man operation, I'm sure. He then brought people into that business. He created jobs. The other speakers who came to this floor, they created jobs as well. As the other side of the aisle has already indicated, this bill will create jobs.

Now, one of the other things this bill does is to create certainty in the marketplace, which is something that has been a problem over the last couple of years with all of the legislation and regulation that has been coming out of Washington. This will provide some degree of certainty in the marketplace so that investors and business owners will understand how they can get into the credit marketplace and then do so.

I know a little bit later from now we may see some attempts to amend this bill which would go in just the opposite direction. What would it do? It would provide more uncertainty in the marketplace; it would provide more convulsion to the system; and it would make it even more difficult to do what we're trying to do today.

Support this bill clean as it is right now in order to create more jobs for the American public.

□ 1530

Mr. MCCARTHY of California. Mr. Speaker, I yield 1 minute to the former chairman of the Small Business Committee, who has never stopped working to create good-paying jobs for northern Illinois, Mr. MANZULLO.

Mr. MANZULLO. Mr. Speaker, I hear complaints from our small business constituents back home about the difficulty in raising capital. Today we have an opportunity to fix one aspect

of this problem so that our Nation's small businesses can obtain the funds that they need to hire workers.

Current law bars companies from raising capital through unsolicited advertisements. Requiring potential investors to have an existing relationship with a particular company limits the pool of potential investors and hampers the efforts of small companies who have a great idea to raise much-needed capital to expand and hire workers. This bill would make an exemption in the advertising ban for accredited investors. H.R. 2940 will make it easier for companies to raise capital without putting less sophisticated investors at risk.

As a former chairman of the Small Business Committee, I urge my colleagues to support H.R. 2940. The bill will help small gazelle firms raise capital during these difficult economic times.

Mr. MCCARTHY of California. Mr. Speaker, I yield 1 minute to a Member who is leading the way in encouraging job creation in Ohio's 15th Congressional District, Mr. STIVERS.

Mr. STIVERS. I would like to thank the gentleman from California for yielding me time and for his leadership on this issue.

I want to voice my support for the Access to Capital for Job Creators Act. This is straightforward legislation that provides a simple method for job creators to find funding for their businesses. This legislation will allow entrepreneurs to advertise their investment opportunity to accredited investors and to solicit investment without being subject to costly and burdensome regulations. This exemption would only apply to general solicitations or advertising if the buyers are accredited investors, those people that have \$1 million net worth or an income above \$200,000. This leaves protections in place for those who may be less sophisticated investors. Simply put, this bill helps finance job growth in America by connecting small businesses and job creators with sophisticated investors while keeping protections for less sophisticated investors.

Mr. MCCARTHY of California. Mr. Speaker, I yield 1 minute to a new Member who knows firsthand how to create jobs through his work—he has employed over 100 people—the gentleman from Butler, Pennsylvania (Mr. KELLY).

Mr. KELLY. I rise in strong support of this piece of legislation. This is so commonsense. This is so basic. It is as basic as blood is to the body, the access to capital for small businesses, the ability to raise capital in hard times.

I will tell you right now the biggest inhibitor right now to us creating jobs is the uncertainty. And for anybody in small business to go to a bank right now and say, I need to borrow money, I want to buy equipment, I want to in-

vest in inventory, you know what they're met with: we are not sure we can do that. With the new rules and regulations, we don't know them yet, so we have to kind of hold back on that.

But you know what, we need access to that capital if we are to succeed. If we are to move forward as a country, we need to unleash those bonds that are keeping us moored by them, and we can do it.

This legislation is commonsense. And as I said earlier, this is the same as blood is to the body. Access to capital for small business is absolutely critical. It has to be done now. There is great bipartisan support for it.

Mr. MCCARTHY of California. Mr. Speaker, it is my pleasure to yield 1 minute to the Member whose top priority in Washington is getting the Granite Staters back to work, the gentleman from Manchester, New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the gentleman for yielding the time.

Mr. Speaker, you know all too well that Granite Staters are still hurting in this economy, as are many other Americans. One thing we can do as a body in a bipartisan way is to continue to bring jobs bills to this floor and vote them out in a bipartisan way, as the country has asked. And we are doing that today. The leadership that Mr. MCCARTHY and Ms. WATERS have both demonstrated is an opportunity for this country to get greater access to capital, to get innovators and job creators the ability to hire quicker, for those like our own Dean Kamen to continue to find the next revolutionary way to change our State and our Nation.

This is a great opportunity for us to reform an old piece of legislation, going back to 1933, update it to make sure it meets the required standards of 2011 for the new job creators of tomorrow. And I am thrilled to support it, and I look forward to more job creation bills to come to this floor for us to vote on and get our country moving back in the right direction.

Mr. MCCARTHY of California. Mr. Speaker, this bill represents an important step towards unleashing the potentials of entrepreneurs and small businesses. We must all remember, an entrepreneur never takes a job from someone. They only create them. Today we're going to unleash them.

I urge all my colleagues to join me in this bipartisan effort to help promote small businesses' capital formation by supporting the underlying bill.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2940, "Access to Capital for Job Creators Act," to remove the prohibition against general solicitation or advertising on sales of non-publicly traded securities, provided that all purchasers of the securities are "accredited investors." Requires the

Securities Exchange Commission to write rules on how an issuer would verify that the purchasers of securities are accredited investors.

The legislation before us today is designed to encourage companies to advertise in order to attract additional capital which will allow them to invest and hire additional employees. As part of a broader effort to tie the financial regulatory environment to U.S. job creation and economic competitiveness. The bill amends section 4(2) of the Securities Act of 1933 to permit use of public solicitation in connection with private securities offerings.

At present, the Securities and Exchange Commission (SEC) rules (including Rule 506) create a "safe harbor" for companies that want to issue private securities to raise an unlimited amount of money from an unlimited number of accredited investors (and up to 35 other investors). However, the safe harbor does not permit the use of general solicitation or advertising to market these securities. This measure requires the SEC to revise Rule 506 within 90 days to provide that companies can use general solicitation or advertising to market these private securities, providing that all purchasers of the securities are accredited investors.

In addition, it mandates SEC to write rules requiring issuers using general solicitation to verify that investors are accredited, rather than rely on investor self-certification, as is currently permitted. In addition to a number of different types of institutions, an "accredited investor" is an investor with more than \$1 million in assets excluding the primary residence, or an annual income greater than \$200,000 for an individual and \$300,000 for a couple.

Before us is a measure that will allow companies to more easily raise capital by removing restrictions on general solicitation and advertising for certain private securities. It fairly balances the need to ease capital formation to spur job creation, with a provision to better protect investors by putting greater responsibility on the issuer.

One of the more important provisions in the bill is to ensure the identities of investors. The onus is on the issuer to verify that an investor actually is eligible to purchase the offered securities. Currently, investors only self-certify that they have \$1 million in assets or make \$200,000 a year to qualify to purchase the private security.

This has created the balance we need to ease restrictions on capital formation with protecting investors from fraud. NASAA continues to oppose the private offering process generally, which does not provide notice to the States, and therefore opposes this bill. This bill will ease a regulation that implements stipulations on garnering investors and capital.

Without access to investors and capital, Houston native Michael Dell would not have been able to start one of the most successful computer retail businesses in the world. His \$1,000 primary investment in the 1980s allowed Dell Computers to become a household name. Without this capital, America would not have had one of its premier innovators.

The economic impact of this legislation is encouraging. Businesses require investors and capital in order to expand and flourish. When businesses are presented with this opportunity,

jobs are created that in turn, will stimulate economic growth. Dell's headquarters alone employs roughly 16,000 people.

I urge my colleagues to join me in supporting H.R. 2930, "Entrepreneur Access to Capital Act"; this will ease SEC restrictions in order to stimulate our economic recovery and job creation.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. MILLER OF NORTH CAROLINA

Mr. MILLER of North Carolina. I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 9, insert before the period the following: "and the person offering or selling such securities utilizing the general advertising or general solicitation permitted by such rules discloses in any advertising materials connected with such offering or selling any bonus compensation structures and 'golden parachute' severance packages that the person has provided to executive officers, directors, or other principals of the person".

The SPEAKER pro tempore. Pursuant to House Resolution 453, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Speaker, this amendment will require a disclosure that if there are going to be unregulated solicitations, unregulated advertisements asking for investments in these companies, at the very least, the advertisement or the solicitations should reveal if they are to disclose if there is a compensation agreement with the executives or a golden parachute severance package and what those are so that investors won't find that they are buying into a company that, if it does make a profit, there are already contracts in place that will make sure all those profits go to the executives who are there and not to the investors.

We've heard all manner of glowing praise for the kinds of small businesses that might benefit from this bill. I think the gentleman from Illinois referred to these as gazelle companies.

Mr. Speaker, there has been a bad history of flim-flams that have taken investors' money. The reason that we have investor protections is not just because of the self-aggrandizing ambitions of regulators. It is because there has been a history of abuse, and that abuse discourages capital from coming. No one is going to want to invest when there have been well publicized examples of investors who put their money into unregulated companies like these, like what this bill would create and lost their entire investment because it all was grabbed by a handful of executives.

And these disclosures are even more important because these companies

will not be subject to the say-on-pay rules under the financial reform legislation passed and signed into law just last year. And we've already seen from the experience on say-on-pay that there remain real abuses of executive compensation. Even though many companies have changed their practices and have made them more transparent because they are worried about putting their pay practices to a vote of the shareholders, they fear disapproval, and they've changed their practices.

But even with that, about 2 percent—which is actually a pretty big number—get turned down. And they all get turned down for pretty much the same reasons. There is no connection between pay and performance. There are poor pay practices, like long-term benefits without any kind of a performance measure. There are bonuses that were way too easy to achieve, that the bar was set very, very low. There are performance measures that make no sense or simply that there was poor disclosure of what the compensation was, or the compensation was simply too much for the size of the company and what others in the industry are paying.

These companies will not have say-on-pay. They will not get a chance to vote on executive compensation, and they might find that they have bought into a company that has pay practices already in place, executive compensation contracts, golden parachute contracts that really ensures that even if the company does prove to be profitable, they won't get the benefit of the profits. It will all go to the executives who are selling them investments, who are encouraging them to invest in those companies.

□ 1540

These are obviously very, very helpful disclosures. This is important information for investors, and honest small businesses should not hesitate in the least to provide it.

STATE OF NORTH CAROLINA, DEPARTMENT OF THE SECRETARY OF STATE,

November 3, 2011.

Re H.R. 2930—"Entrepreneur Access to Capital Act of 2011"

Hon. MELVIN WATT,
Rayburn HOB,
Washington, DC.

DEAR REPRESENTATIVE WATT: I am writing to express my concern with H.R. 2930, the Entrepreneur Access to Capital Act, which could be voted on by the House this week. This legislation, intended to promote an internet-based fundraising technique known as "crowd-funding" as a tool for investment, will preempt state investor protection laws and weaken important investor protections.

Crowdfunding is an online money-raising strategy that began as a way for the public to donate small amounts of money, often through social networking websites, to help artists, musicians, filmmakers and other creative people finance their projects. The concept has recently been suggested as a way

of assisting small businesses and start-ups looking for investment capital to get their business ventures off the ground.

Soliciting charitable donations from strangers online to advance a goal or cause is one thing. Selling shares in a business online to strangers who expect to realize a potential return on their investment is something very different.

H.R. 2930 contains a preemption provision that would prohibit my agency from requiring the filing or disclosure of information about these investment opportunities before they are offered to the public in my state. I believe enacting this preemption would be a serious mistake because, based on our previous experience, many of the crowdfunding opportunities will be targeted at Mom and Pop retail investors. The authority to require filings is critical to my office's ability to "get under the hood" of an offering to make sure that it really is what it says it is.

I appreciate efforts by Congressman Ed Perlmutter (D-CO) to work with the bill's sponsor to produce a bipartisan amendment that would alleviate the states' concern with the preemptive provisions of H.R. 2930. Unfortunately, the Perlmutter-McHenry Amendment made in order by the Rules Committee on November 2 does not achieve this goal. Indeed, by simply clarifying that states "retain jurisdiction . . . to investigate and bring enforcement actions with respect to fraud or deceit," the amendment essentially restates the preemptive provisions as they existed in the original bill.

H.R. 2930 may be well intended, but I am concerned that it could create serious enforcement challenges and potentially open the door to the possibility of significant increases in investment fraud. Small businesses are vital to job growth and to improving the economy in our state, but by displacing significant safeguards currently provided by the crucial role of state securities regulators, Congress could enact policies intended to strengthen the economy that have precisely the opposite effect.

As North Carolina's top investor protection official, I urge you not to support H.R. 2930 in its current form. I understand the North American Securities Administrators Association (NASAA), of which I am a member, is already hard at work on a state level model rule on crowdfunding that would preserve a state's ability to prevent scam artists from using crowdfunding offerings as the latest method for ripping off Main Street investors. I urge you to remove the state preemption section from the bill.

Thank you for your attention to this important matter. Please don't hesitate to contact me if I may be of any assistance, or if you or your staff have questions regarding the legislation in question.

Sincerely,

ELAINE F. MARSHALL,
Secretary of State.

I yield back the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I rise to claim the time in opposition.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from North Carolina's amendment goes against the very purpose of this bill. This amendment would force private companies raising capital to actually face stiffer regula-

tions than public companies regarding compensation. The Securities and Exchange Commission doesn't require public companies selling to retail investors to put this in their advertising, and even Dodd-Frank did not go this far.

With Ms. WATERS' help, we made sure that this bill specifically targets only sophisticated Securities and Exchange accredited investors. The SEC has no authority to regulate the compensation of executives at private companies. At a time when the costs and benefits of regulations are so important, the Miller amendment would fail anyone's cost benefit analysis. I, therefore, urge my colleagues to reject this amendment.

I yield 1 minute to the gentlelady from New York, NAN HAYWORTH.

Ms. HAYWORTH. Mr. Speaker, I would like to add to my colleague's comments by noting that shareholders in major public corporations, major issuers of public stock have said over and over again that they do not find that the amount of capital that would have to be devoted, the amount of resources that would have to be devoted to unusual disclosures about executive compensation beyond what the SEC rules already require prior to Dodd-Frank actually make any difference to their decisions about investing at all. So you can certainly expect that accredited investors who are sophisticated will not need this kind of additional burden to be placed on companies that clearly they want to see thrive and grow with the precious capital that they have.

Mr. MCCARTHY of California. Mr. Speaker, the purpose of H.R. 2940 is to help facilitate capital for small business. This amendment flies directly in the face of that effort. I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

Mr. MCCARTHY of California. Mr. Speaker, I ask unanimous consent that the Speaker may postpone further proceedings on the amendment offered by Mr. MILLER of North Carolina to H.R. 2940 as though under clause 8(a)(1)(A) of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. MILLER of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the previous order of the House, further proceedings on this question will be postponed.

ENTREPRENEUR ACCESS TO CAPITAL ACT

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 2930 and to insert extraneous material thereon.

The SPEAKER pro tempore (Mr. GARRETT). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 453 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2930.

□ 1545

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowd-funded securities, and for other purposes, with Mr. BASS of New Hampshire in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from North Carolina (Mr. MCHENRY) and the gentleman from Colorado (Mr. PERLMUTTER) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, I yield myself such time as I may consume.

When I'm at home in western North Carolina, I hear frequently from my constituents, from small businesses, that they have a very difficult time raising capital in these very challenging times that we're in. And over 2 years into an economic recovery that is struggling, America's labor and capital markets continue to face unprecedented challenges. Nearly 14 million Americans remain officially unemployed, with an additional 11 million underemployed. And small businesses continue to struggle to access capital despite an endless number of government initiatives.

The origin of these barriers to capital formation rests in two Federal securities laws—the Securities Act of 1933 and the Securities Exchange Act of 1934—that have not been substantially updated since a gallon of gasoline cost 10 cents and only 31 percent of households owned a telephone. Today, a gallon of gas, as we know, costs about 35

times more per gallon than it did then, and nearly every American owns a telephone. In fact, most people have the Internet in their pocket.

So while the comparison of then and now is nostalgic, the ramifications of not modernizing our securities regulations have led to registration and reporting requirements so onerous and costly that small companies have great difficulty raising capital.

For instance, if a startup company offers an equity stake to investors through a medium like Facebook or Twitter, it is presumably in violation of SEC regulations for that communication and offering. However, soliciting money for one's favorite charity or even a political candidate through the same Internet medium is perfectly legal. So, clearly, something is not right.

Furthermore, high net worth individuals can invest in businesses before the average family can. And that small business is limited on the amount of equity stakes they can provide investors and limited in the number of investors they can get. So, clearly, something has to be done to open these capital markets to the average investor, and that's what the Entrepreneur Access to Capital Act is all about.

It removes the SEC restrictions on crowdfunding to allow entrepreneurs and small businesses to raise capital from everyday investors. Already prevalent in Europe and Asia, crowdfunding has proven that broadening the communication investment capabilities between investors and entrepreneurs can have a positive impact and a positive effect on capital formation which is the lifeblood of a strong and growing economy.

Specifically, my bill will allow companies to pool up to \$1 million without the expense of registering with the SEC or up to \$2 million if the company provides investors with audited financial statements. Individual contributors are limited to \$10,000 or 10 percent of the investor's annual income, whichever is less.

In addition, H.R. 2930 creates a regulatory structure of investor protection around this new, innovative form of financing with substantial intermediary requirements or issue requirements if there is no intermediary. This key mandate for investor protection is why the bill has received broad bipartisan support both in the Financial Services Committee and from President Obama.

This has been crafted both with Republican and Democrat staffers, getting input from my colleagues from across the aisle at a subcommittee markup, multiple hearings we've had on the idea of crowdfunding, as well as a full committee markup. And we worked together and passed it with a bipartisan vote coming out of committee. This was a collaborative operation, and I appreciate my colleagues

and I appreciate the staff of the Financial Services Committee as well as the staff on the Oversight and Government Reform Committee and my subcommittee where we had a number of hearings on capital formation, and out of that came this idea.

□ 1550

This is the culmination of months of work. The process began for crafting this piece of legislation over the summer. When the President stood in this Hall, in this room just a couple months ago for his jobs bill, and when he included in the proposal this idea of crowdfunding, it was a very positive thing—not just to have a good idea that we can pass here in the House, but to have a good idea that has the possibility of getting through the Senate, where it's a very challenging time for them to pass legislation at all. And that way it can make it to the President's desk and really give entrepreneurs the opportunity to raise this capital, to actually create and grow jobs. That's why they need the capital, so we can grow jobs, create jobs and provide more opportunity for our constituents and folks across this country.

We can protect and inspire confidence in the investor community as well as allow small businesses, those companies most critical to our economy, to gain the capital needed to expand, compete, and thrive.

I urge my colleagues to support this bill that combines both the best of microfinance with the power of crowdsourcing and give folks the opportunity—the average, everyday investor—the opportunity to have an equity stake in their favorite company, not just accredited investors and not just so-called high net worth individuals. That's the purpose of this legislation. I ask my colleagues to support this legislation, and I reserve the balance of my time.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, November 2, 2011.

STATEMENT OF ADMINISTRATION POLICY
H.R. 2930—ENTREPRENEUR ACCESS TO CAPITAL
ACT

(Rep. McHenry, R-North Carolina, and 5
cosponsors)

The Administration supports House passage of H.R. 2930. In the President's September 8th Address to a Joint Session of Congress on jobs and the economy, he called for cutting away the red tape that prevents many rapidly growing startup companies from raising needed capital, including through a "crowdfunding" exemption from the requirement to register public securities offerings with the Securities and Exchange Commission. This proposal, which would enable greater flexibility in soliciting relatively small equity investments, grew out of the President's Startup America initiative and has been endorsed by the President's Council on Jobs and Competitiveness. H.R. 2930 is broadly consistent with the President's proposal. This bill will make it easier

for entrepreneurs to raise capital and create jobs. The Administration looks forward to continuing to work with the Congress to craft legislation that facilitates capital formation and job growth, and provides appropriate investor protections.

Mr. PERLMUTTER. Mr. Chairman, I yield myself such time as I may consume.

I thank my friend from North Carolina for bringing this matter to the floor, for being the sponsor of this bill and for working with us to make this bill better.

Now, as Mr. McHENRY said, this is a bill that really allows money to be raised, investments to be made by people without a lot of money. They are investors who are going to make smaller investments but in a large volume. As my friend said, this isn't 1933, and this isn't 1934 when those acts were passed. But still, what we've got to remember is sales can be made on the Internet now, or this bill will ask that sales be made of securities on the Internet. Originally, it could be on the phone, it could have been by mail, and it could have been by word of mouth. But what we've got to do with this ability to raise money across the Internet is ensure that the proper protections are put into place so that those who might deceive or defraud or in some other way mislead investors who are making these investments can be policed and the laws can be enforced if, in fact, there is some type of fraudulent act.

Now H.R. 2930 enables small companies and individuals to make use of Internet-based social networks to raise up to \$1 million from friends, family, and other interested investors. While the bill caps both the total level of securities and the amount investors can invest, Democrats expressed strong concerns about the potential harm this new market could pose to investors. Originally, the bill provided few investor protections and no SEC or State regulatory oversight.

During the committee markup of H.R. 2930, Democrats added provisions requiring crowdfunding. And "crowdfunding" is a term that really isn't seen in our law to date. And what it is is the sale of securities, the solicitation of investments across the Internet in small amounts. So Democrats asked that there be notice given to State regulators so that they could police the activities against wrongful conduct, deception, fraud, embezzlement, or other kinds of misdeeds. Democrats successfully added a provision to disqualify bad actors, individuals that have been convicted of either State or Federal securities law violations or other financial law violations. Democrats also requested, and the gentleman from North Carolina and the Republicans agreed, to create a regulatory framework for the crowdfunding

Web sites that would provide additional disclosures, safeguards, and protections for investors who wanted to buy into one of these investments.

We recently had a financial crisis that we're still continuing to dig our way out of. There were Ponzi schemes. Everybody is aware of the Madoff Ponzi scheme and others. We need to have protections for investors as businesses seek to form and develop capital. We thank the gentleman from North Carolina in working with us to place some of those investor protections into this bill.

We know there will be a number of amendments that are proposed that will continue to strengthen those investor protections. We thank the gentleman from North Carolina for bringing this bill forward.

I reserve the balance of my time.

Mr. MCHENRY. I thank my colleague from Colorado for working actively with me and with my staff to make this bill better, as well as my colleagues, Mrs. MALONEY from New York, Ms. WATERS of California, and Mr. AL GREEN. Thank you so much for your work in working in a bipartisan way to improve the bill.

With that, I would like to yield such time as he may consume to the chairman of the Financial Services Committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I feel like I'm having a dream, and in that dream my colleague, PATRICK MCHENRY, has legislation on the floor, and President Obama has endorsed that legislation. I feel like I ought to wake up and find out that that was a dream. But in reality, it's actually what's happening here today. I told Mr. MCHENRY that I would like unanimous consent to ask that we call this the McHenry-Obama friendship bill, but I won't do that.

Let me say this: The President did issue a statement yesterday, and in that statement, it says that the administration supports House passage of H.R. 2930. It goes on to say, in the President's September 8 address to the Joint Session of Congress on jobs and the economy, he called for cutting away redtape that prevents many rapidly growing startup companies from raising needed capital, including through crowdfunding exemption from the requirement to register public securities offerings with the Securities and Exchange Commission. He goes on to say that he believes that this bill will make it much easier for entrepreneurs to raise capital and create jobs. And it will.

Last night, I was at a Faith & Politics dinner where our friends, Congressman STENY HOYER and Senator ROY BLUNT, were receiving the John Lewis-Amo Houghton Award. As we know, both those colleagues are bridge builders. The gentleman at the table next to

me, and these were people that were supporting Faith & Politics, said to me, I appreciate the fact you're going to bring a crowdfunding bill to the floor of the House. And I was somewhat amazed, because a few months ago—I have to admit, I'm not a high techie like the President or Congressman MCHENRY—I really didn't know the difference between clown funding and crowdfunding before we started talking about this bill.

I said to him, how do you know about this bill? He said, well, I'm an executive with Facebook. And he said many companies similar to Facebook, and you mentioned this in your earlier speech, in other countries they raise money through crowdfunding. And he said they even do it here, but they avoid the law. It is a modern thing to do. It's like Facebook, it's like Google, and it's like BlackBerry several years ago. It's something that we didn't know about. But we do now, and we do need to keep our laws current.

I do also close by commending Congressman PERLMUTTER for making this bill a better bill and one that protects consumers. With this legislation, we'll move this provision into the 21st century and bring it up to date with modern ways to finance businesses.

□ 1600

That will give us an advantage that presently is a disadvantage when it comes to competing with some of our foreign competition. We certainly want to level that playing field and create jobs, and this bill does that.

Mr. PERLMUTTER. Madam Chair, I yield myself such time as I may consume.

For the record, H.R. 2930 creates a new exemption from registration under the Securities Act of 1933 for what we call "crowdfunding" securities. I think the record should have a definition. Crowdfunding refers to a technique for raising money over the Internet in relatively small amounts from a large number of people. And that's the exemption that's being sought pursuant to this bill, a different way to raise money. Would the gentleman agree?

I yield to my friend from North Carolina.

Mr. MCHENRY. I thank my colleague for submitting that for the record, the definition.

Now, the intention is that you have an Internet portal of sorts, but this could be done on any mass basis. But the disclosures have to be very clear—which we specify in the legislation—and we've given the SEC the ability to specify additional pieces. I have a technical amendment to clarify what the Securities and Exchange Commission staff thinks is very important to add to this bill. But I do appreciate the gentleman offering the definition.

Mr. PERLMUTTER. I thank my friend.

One other new term in the bill that we ought to have some discussion about is "intermediary." Intermediary in the bill is more or less a custodian of funds. Am I correct or not?

I yield to my friend.

Mr. MCHENRY. I appreciate the gentleman.

The intention would be that the intermediary is, in essence, the conduit of funds. There's the notion of the broker-dealer, which is well established in law. What this does is, it's similar to a broker-dealer; but it is a very low-regulatory, low-cost basis of doing it.

What this is, in essence, is an intermediary defined as Websters would define an intermediary. And I think that's probably the better way to describe it.

Mr. PERLMUTTER. To the degree that the intermediary exists in this, they will be subject to the enforcement principles as we go through the amendments.

With that, I yield 3 minutes to my other friend from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Madam Chair, exempting this funding source from SEC regulation is not all this bill does. It also prohibits the States from doing anything. This is not a case where the proponents of the bill are saying, let's not let the Federal Government do this; let's let the States do this. They say, no, the States can't touch it at all.

The people of the various States, using their right to vote, can't decide that in their State they want someone looking at what is being offered to mom-and-pop investors to make sure that they're not getting flim-flammed. That is a great deal of the investor protections that we've had in this country. It has been done at the State level, and this takes those cops off the beat altogether.

So if you think that the people of the States should be able to exercise their own judgment about whether they want their States looking at what is being offered to mom-and-pop investors, you should vote against this bill.

Mr. MCHENRY. Madam Chair, I yield myself such time as I may consume.

I need to correct the record with regard to what my colleague from North Carolina said. What he said is simply not, in fact, what this bill does.

Furthermore, as we know, securities fraud is prosecuted not just at the Federal level, but by the States as well. That will continue to exist.

Furthermore, if my colleague from North Carolina would reach out to my colleague from Colorado, I'm supporting his amendment which preserves the States' rights of action.

Mr. MILLER of North Carolina. Will the gentleman yield?

Mr. MCHENRY. I yield to the gentleman.

Mr. MILLER of North Carolina. Yes, that has to do with enforcement. But

the bill prohibits the States from having up-front disclosure requirements so that a Secretary of State—who is typically the securities law enforcer in most States—can look at it, require disclosure, look at what the disclosures are, look at what is being offered is really what is there. Yes, the bill does, thanks to the gentleman from Colorado's good work—

Mr. MCHENRY. Reclaiming my time, to correct the record, in the State of North Carolina, there is no pre-filing requirement. In the State of New York, for instance, they actually have up-front filing requirements.

Additionally, in this legislation, how it is crafted is the SEC would provide notice of this offering to the States once that offering occurs. This is something that my colleague from New York (Mrs. MALONEY) crafted in the subcommittee. My staff, as well as the Financial Services Committee Republican staff, worked diligently with the Democrat staff on the Financial Services Committee as well as Mrs. MALONEY's staff and came up with a three-page amendment, which was adopted on a bipartisan basis at the committee—I appreciate my colleague from New York offering that—and it has improved the bill.

Mr. MILLER of North Carolina. If the gentleman will yield, did the gentleman not get a letter dated November 3, 2011, from Elaine Marshall saying what you just said isn't right?

Mr. MCHENRY. Reclaiming my time, I did not receive that letter. My two Democratic colleagues from North Carolina that are on the Financial Services Committee did in fact get that letter. My colleague MEL WATT—a fantastic member—submitted it for the record in the Financial Services Committee. I had neither a letter nor a call from my Secretary of State raising concerns about that.

With that, I would be happy to yield such time as he may consume to my colleague from New Jersey, the chairman of the Subcommittee on Capital Markets in Financial Services, Mr. GARRETT.

Mr. GARRETT. I thank the gentleman from North Carolina for all of his work on this legislation, as well as the chairman of the full committee, SPENCER BACHUS, for his leadership on this initiative as well.

To the extent, as with the previous piece of legislation that we had, it goes to the overarching theme I think of today—and also during the last 10 months of this time in the House—which is job creation for this country, what can we do here in the House of Representatives to facilitate the creation of more jobs.

And just like with the last piece of legislation, what we can do is help businesses, both small and large, to obtain additional capital, capital being at the heart of the ability of a small busi-

ness to go out, to expand, to grow, to hire new employees, and to create jobs in this country.

The legislation before us goes well in that direction. And now, done in a bipartisan manner, it, as the sponsor, stands head and shoulders above the way it was before because it adds additional provisions for safety and soundness to it.

It allows for equity financing, in which investors can purchase ownership stakes in the company in exchange for basically stock or shares in those companies to grow in a future direction, to grow larger and what have you. And it allows the companies to obtain those funds without having to repay specific amounts at any particular time. What does that mean? That means it enables the company today to obtain that capital today to expand the company and hire new employees.

Now, through the efforts of the gentleman from North Carolina, what they did, in a bipartisan manner, was to add additional—what do you want to call it, protections, I guess, it will—and which was part of the discussion I think we had in committee at the time. And that was a good discussion there. We had the markup in the committee to allow for some of these discussions; and I know it went further, after the hearing and eventually with markup, to achieve this.

I think it's important—I'm just going to spend a minute—I know you touched on some of these, but I want to take a minute or two to run through what the additional protections are that we are providing for investors, in no particular order—well, maybe they are, actually. They are in the order of page eight and nine of the bill, but in front of me here, first: Warning investors of the speculative nature generally applicable to investment in startups—and that's what we're talking about here, they're startups. And if you're going to invest in a startup, it's not a sure thing, it is speculative. So those warnings are there.

Secondly, warning investors that they are subject to the restrictions on sale requirements. What that basically means is that if you're investing in this today, don't expect necessarily that you can just take your money out tomorrow, but that there may be restrictions as to when you can take out your money. But that's necessary, as I said before, so that the business can have that capital to grow. So it's reasonable.

Thirdly, taking reasonable measures to reduce the risk of fraud with respect to such transactions—again, a reasonable measure.

Fourthly, providing the SEC, the Securities and Exchange Commission, with continuous investor-level access to the issuer's Web site. Why? Because we want to make sure that that infor-

mation that is being conveyed to whom—the investors in this—is the same information that the SEC has. A good provision.

Fifthly, requiring each investor to answer questions, to do what? To demonstrate their abilities—and I think the gentleman from North Carolina already went through this as far as what those restrictions should be—but, A, recognition of the level of risk generally applicable. It goes back to what I said before: If you're going to get involved in this, make sure that you understand it. And that's one of the questions. B, risk of liquidity. If you're talking about a startup company as opposed to something that's traded on one of the exchanges, there's not a lot of liquidity out there, generally speaking.

□ 1610

That means there's not a lot of folks out there who are trading these shares on a daily or hourly basis. So you have to understand that there is going to be a restriction on liquidity in this marketplace.

And, C, such areas as the SEC may determine appropriate, so broad authority there.

Sixth out of seventh I'm going to touch upon, and maybe this is the point that the gentleman was just referencing in some respects, the outsourcing of cash-managing functions to a qualified third-party custodian. And I think the gentleman referenced traditional broker-dealers, but actually this goes into a slightly different caveat from that which, I think, is actually the appropriate manner; otherwise, what you may be doing with all these restrictions being good, you don't want to get too restrictive in this and too costly. If you did do that, then you may end up making this just as difficult as if you were in some other framework.

Mr. MCHENRY. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from North Carolina.

Mr. MCHENRY. I thank my colleague for yielding.

This is a very important point of distinction here. These intermediaries are not broker-dealers. That is neither the intent on either side of the aisle. That is not the description of it. These intermediaries are there to have a low-cost conduit for capital formation and a means to do that. That is the intention.

And all the protections outlined in the bill on these intermediaries, on how they are to operate, are there to enable it to be both low-cost but also preserve individuals' capital and make sure their investment's appropriately taken care of.

Mr. GARRETT. One of the reasons that you do that is because we are talking about small companies, companies that may be creative artists starting up a business, a nonprofit starting

up a business, a small entrepreneur, so you're talking about small folks, small businesses. You're talking about businesses under \$1 million.

If you were talking about what we read about in *The Wall Street Journal*, if we were talking about things that may be shortly traded on the New York Stock Exchange, that would be more appropriate. But you're talking about these much more, smaller type of industries here; right?

Mr. MCHENRY. Absolutely. And I appreciate my colleague yielding.

The intent is, if you're going to raise \$50,000 from 5,000 people, it has to be a low-cost basis of doing that; and the traditional broker-dealer model is not efficient at those lower cost basis fundraising opportunities or equity-raising opportunities.

Mr. GARRETT. Part of the other problem is that you may not find the interest actually by the broker-dealers if you're talking about a \$25,000 or \$50,000 or \$100,000 enterprise.

Is that another reason why you went this way?

Mr. MCHENRY. Yes. The idea is that, with the traditional broker-dealers, they're not in this market. So our intent with these low-dollar issuances, that has not been a traditional part of the action on Wall Street, not in the modern era, and so we're trying to carve out this opportunity for small business folks.

Mr. GARRETT. Before you leave, tied to this is another one of the two last points I was going to raise, which perhaps you would like to illuminate on.

The bill also requires that the intermediaries state a target amount that you're raising. You just said perhaps \$50,000; right? And one of the requirements under it, as I understand it, is that you would have to withhold the capital formation proceeds, the money that you collect, the capital, until you hit a percentage of or that target amount. Is that correct?

Mr. MCHENRY. Correct.

Mr. GARRETT. The point of that is, again, what? Basically investor protection here. What you don't want to have happen, I guess, is: Say I'm going to go out into the marketplace and start raising money, and as soon as the cash starts coming in I can start using it right away, even though I was intending to raise \$200,000, but I'm going to start using it right away. Those proceeds may not go to the point where you intended.

I see the gentleman from Colorado is nodding his head. Is that your understanding? Is that the reason why this was included in here?

Mr. PERLMUTTER. The answer is yes, if my friend from New Jersey is yielding to me for a second.

Mr. GARRETT. Well, I will very briefly. I understand that I've gone over the time that I was supposed to be speaking.

Mr. PERLMUTTER. I will reserve my comments for my time.

Mr. GARRETT. With that, I rise in complete support of this legislation.

Mr. PERLMUTTER. I would like to ask the Chair what time each side has remaining.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentleman from Colorado has 23 minutes remaining. The gentleman from North Carolina has 9½ minutes remaining.

Mr. PERLMUTTER. I yield myself such time as I may consume.

The gentleman from New Jersey just brought something up. My friend from North Carolina is correct, and I misstated it. The intermediary is more or less the platform, the conduit. But one of its responsibilities, and this is found in 4A, section 10, is to outsource the cash management responsibilities to qualified third-party custodians such as broker-dealers or insured depository institutions, which was a concern that we were all—we all had during the committee hearing is, "Okay. Who's holding the money? Can they be trusted? Will they release the money at the right time?" which was what the gentleman from New Jersey was just talking about.

So I thank my friend from North Carolina for reminding me of that section. Again, it's another piece of investor protection and a good idea that helps with capital formation. Again, we're trying to blend these two concepts.

I would like to yield 3 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Mr. PERLMUTTER, and I thank Mr. MCHENRY.

I rise in support of H.R. 2930, the Entrepreneur Access to Capital Act.

I'm standing where I'm standing because I'm honored to celebrate the bipartisanship associated with this act. For those who are at home who may not be able to see and understand, normally I would be standing to my right; but I do unconventional things, and I think it's appropriate today to stand where I'm standing.

Mr. MCHENRY, I'd like to thank you for the spirit that you have shown as we have tried to make this a better bill. I'd also like to echo these same expressions of appreciation to Mr. BACHUS. I think that Mrs. MALONEY merits an expression of appreciation as well. And I especially, notwithstanding all of the other persons that I've had a chance to thank, including the ranking member, but I do want to thank the staffs who worked with us because they did outstanding work.

Mr. GRIMM and I were able to craft a bipartisan amendment that would aid and assist in the effort that Mr. PERLMUTTER has called to our attention, making sure that the persons who handle the dollars, that these persons are not persons who have been convicted of

either State securities fraud or Federal securities fraud. And this amendment would require that the SEC construct appropriate measures, regulation or rule, to prevent these persons from handling the money, if you will.

And I'm honored to say that, with this amendment, I find this bill much better than it was initially. But I also have to say that Mr. MCHENRY never rejected the bill, the amendment, and I'm grateful that it has worked out to the extent that it has.

So today we will have greater transparency. We will have small businesses in a position such that they can use this thing called crowdfunding to fund their efforts. And also, we give persons who cannot invest in a large way an opportunity to invest in a small way and hopefully enter into the capital markets for equity purposes.

Mr. MCHENRY. Madam Chair, I reserve the balance of my time.

Mr. PERLMUTTER. I yield 3 minutes to the Congresswoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his outstanding work on this bill and so many others.

I, first of all, want to thank Ranking Member WATERS and Ranking Member FRANK for their hard work on this bill, and to commend Ranking Member FRANK for his outstanding leadership on the Dodd-Frank regulatory reform bill.

I also applaud the leadership of Chairman BACHUS and Chairman GARRETT and my colleague Mr. MCHENRY from the great State of North Carolina for his work on this really new idea in capital formation, and for working so well and being so open to Democratic ideas and working in a very professional way with the Democratic staff and Members' staffs and Members and literally, in some form or another, accepting every Democratic amendment, which I think is a first. So we are grateful for that.

Crowdfunding is a way for small startups to raise capital through the Internet. Investors use these Web sites to come together, and on the Internet they are able to raise lower dollar amounts to help enterprises get off the ground.

Crowdfunding is a new way of raising capital. It's a new idea, and it helps small businesses. In this time of economic hardship, we have repeatedly heard from our constituents about the need to help small businesses. We have heard from small businesses about the need to have more liquidity and more loans.

□ 1620

We really need to make sure that America's innovators and entrepreneurs and researchers have the resources necessary to drive economic recovery and to turn their ideas into the

reality of a company that will create jobs and grow our economy.

By passing this bill, we will make it easier to provide different avenues for startups and smaller businesses to access the capital they need to move our economy forward, and it will not only help small businesses raise capital, but thanks to the changes and amendments we agreed upon in committee, it contains much stronger investor protections as well.

During the committee markup, I offered an amendment that was accepted which will require the issuers to provide notice to the SEC that they intend to engage in crowdfunding. The SEC must then make that notice available to the State's securities regulators. And with that knowledge, the States can ensure and better protect investors, and it's strengthening, really, investor protection and, really, enforcement.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. PERLMUTTER. I yield 1 additional minute to the gentlelady.

Mrs. MALONEY. The manager's amendment agreed to in the committee will empower the SEC with additional safeguards to make crowdfunding safer for investors. It was literally a joint Democratic and Republican amendment, and I am very glad we were able to work together to make this a better bill.

I'm really happy about this bill because New York is a center for innovators, and many people come from all around the world to build their ideas. And this bill will help them do it.

It was done in a joint effort. And I hope that my friends on the other side of the aisle will join us in passing the American Jobs Act, which will also put Americans to work and help grow our economy.

We are not going to cut our way to prosperity. We need to invest in growth. The American Jobs Act invests in our infrastructure, in our workers, in innovation. It helps build the American Dream. So I hope my colleagues will join with us in passing that important bill, too.

I urge my colleagues to support this bill.

Mr. MCHENRY. I yield myself 20 seconds.

I thank my colleague from New York for improving this legislation and her staff for working so diligently with my staff and the staff on the committees as well. Very wonderful and constructive process.

I think this is a better bill, and I hope the Senate can take it up and pass it and send it to the President.

I reserve the balance of my time.

Mr. PERLMUTTER. Madam Chair, I yield myself such time as I may consume.

I would like to thank my friend from North Carolina for bringing this bill forward.

It is a good idea. It allows for investments to be made in smaller amounts by more people using mass kinds of solicitations through the Internet, through some other vehicle that we may not know of at this point. And that is a good step. And as we've gone through the process, we've built it into a better bill by adding in investor protections because this is something where people could be misled. There could be misrepresentations, and there has to be some penalty for that. As the amendment process goes forward today, we will build those amendments into this.

Now, having said all of that, having listened to the description of the bill that preceded us about making it easier to sell securities, sell investments, sell deals to accredited investors, that's a nice step, too. Again, we need to have investor protection restrictions in there just to make sure people don't get defrauded. We just suffered through that in 2008 with the likes of Madoff and Stanford and a number of other fraudsters, con artists. We want to minimize that if we can as we try to make capital available to businesses to grow.

Now, let's not make any mistake here. These are nice steps, but they're not going to put a lot of people back to work.

My friend, Mr. MCHENRY, described the President speaking in this very Chamber about this bill, but what he was really talking about was the American Jobs Act. And the American Jobs Act is what this body needs to pass as well. We need to keep teachers on the job. We need to keep firefighters on the job. We need to put construction workers back on the job.

There were complaints about the United States Senate slowing things down, blocking things. Well, today, the United States Senate, the Republicans in the United States Senate, blocked rebuilding the infrastructure of this country—the roads, the bridges, the energy system, the sewer systems, the basic things that this country needs which would put thousands and thousands of construction workers back on the job.

So it would be jobs today, investments for a long time for this country.

We need to keep those teachers on the job. We need to put our veterans, as they come home from Iraq and from Afghanistan, we need to make sure they have a job. That's part of the Jobs Act. That's what needs to be done today. This is a good step in capital formation. But it isn't putting people to work right away. That's what this Nation needs.

This Jobs Act that the President proposed when he talked about crowdfunding, as we have been in this bill, what he was here for was to get the Jobs Act, to get these tax credits passed that would help our veterans

get to work, to get our infrastructure rebuilt, to rebuild our schools and to keep teachers on the job. That's what this Nation needs. That's what this Nation wants. That's what our people expect.

So I thank my friend from North Carolina for bringing this bill forward. It's a good idea. He's been willing to work with us to make it a better idea, and we thank him. We also ask him and his colleagues on the Republican side of the aisle to pass this Jobs Act today. America needs it today.

With that, I yield back the balance of my time.

Mr. MCHENRY. Madam Chair, I yield myself the balance of my time.

The Entrepreneur Access to Capital Act is about giving entrepreneurs the power to raise money, to raise equity stakes in their business or their business idea, to grow their business or create a new business. That's really what this is about.

The legislation we have here on the floor today—I know to some of my colleagues, as some people talk about, the Internet is just a series of tubes, or they refer to the Internet as the "Internets" or something like that. But we understand and my colleagues understand that the Internet can be used in a positive way, in an absolutely positive way.

With a Web site like eBay, you have individuals exchanging goods that don't know each other. But they can tell their reputation. And they can exchange these goods and get quality goods for a quality price. And you have a lot of choices. We want to take that idea and give investors that same idea.

We have crowdfunding Web sites in the United States today. They help raise money for musicians or artists. And what the artists do is say, "You know, if you invest in my ability to go into the studio and record an album," or whatever they call it, "I'll give you the first download, or I'll give you the first CD."

□ 1630

So you have folks pony up \$50 or \$25 for their favorite bands. You have folks who are raising money—folks who have a bakery—and they say, If you contribute a few bucks, you'll get six whoopie pies.

People have innovative ways of doing this. We're giving them the power, the opportunity; and we're relieving this Federal restriction that currently prevents them from having equity stakes in their favorite businesses, in their favorite ideas—their local coffee shops or their bakeries, their favorite bands or even the next Facebook. These are the opportunities that we're going to be able to give investors.

We have fraud protection in this legislation, language which has been crafted in a bipartisan way. It's a strong improvement to the bill, and I

look forward to a bipartisan vote. I am very hopeful it will make its way intact through the Senate and make its way to the President's desk where he can sign it. That way, we can allow entrepreneurs and innovators that opportunity.

We take the best of micro-finance and the best of crowdsourcing and combine them in this legislation, and it's a positive thing. We can work together on important matters of creating jobs—and we have—and this is a first step. I certainly appreciate my colleague's willingness to work to improve the bill and to bring us to this day.

With that, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Chair, I rise today in support of H.R. 2930, "Entrepreneur Access to Capital Act" to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes. This bill reduces the regulatory burdens on capital formation by small businesses and addresses regulations on crowdfunding.

The concept of crowdfunding focuses on collective cooperation where investors try to get funding publicly instead of from personal contacts. The network is large, and many investors are often found through the Internet. It is a valuable tool for startups and other fledgling businesses. As I have said time and time again, startups are the lifeblood of our economy and American innovation. They provide necessary jobs, especially in this sluggish market.

This bill provides a crowdfunding exemption to the Securities and Exchange Commission (SEC) registration requirements for firms raising up to \$5 million, with individual investments limited to \$10,000 or 10 percent of an investor's income. As per the exemption, limits are removed on the number of investors until the first \$5 million of capital is raised. This exemption provides smaller investors the chance to support startups, which is currently not an option under SEC regulation. There is a current 499-shareholder cap for private companies. The bill excludes crowdfunding investors from the cap for private companies and removes the ban on general solicitation that exists in many current exemptions.

I support this bill because its purpose is to ease the regulations that implement stipulations on garnering investors and capital. It is a measure fledgling small businesses benefit from. Also it should limit fraud and promote the jobs America needs.

Without access to initial investors and capital, Houston native Michael Dell would not have been able to start one of the most successful computer retail businesses in the world. His \$1,000 dollar primary investment in the 1980s allowed Dell Computers to become a household name. Without this capital, America would not have had one of its premier innovators.

The economic impact of this legislation is encouraging. Businesses require investors and capital in order to expand and flourish. When businesses are presented with this opportunity, jobs are created that in turn, will stimu-

late economic growth. Dell's headquarters alone employs roughly 16,000 people.

I urge my colleagues to join me in supporting H.R. 2930, "Entrepreneur Access to Capital Act," this will ease SEC restrictions in order to stimulate innovation, and promote regulations that open up the sphere for startups that would not have the opportunity to succeed without a wide network of investors. This, in turn, promotes economic recovery and job creation.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Entrepreneur Access to Capital Act".

SEC. 2. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

"(6) transactions involving the issuance of securities for which—

"(A) the aggregate annual amount raised through the issue of the securities is—

"(i) \$1,000,000 or less; or

"(ii) if the issuer provides potential investors with audited financial statements, \$2,000,000 or less;

"(B) individual investments in the securities are limited to an aggregate annual amount equal to the lesser of—

"(i) \$10,000; and

"(ii) 10 percent of the investor's annual income;

"(C) in the case of a transaction involving an intermediary between the issuer and the investor, such intermediary complies with the requirements under section 4A(a); and

"(D) in the case of a transaction not involving an intermediary between the issuer and the investor, the issuer complies with the requirements under section 4A(b)."

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 is amended by inserting after section 4 the following:

"SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

"(a) REQUIREMENTS ON INTERMEDIARIES.—For purposes of section 4(6), a person acting as an intermediary in a transaction involving the issuance of securities shall comply with the requirements of this subsection if the intermediary—

"(1) warns investors, including on the intermediary's website, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;

"(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);

"(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;

"(4) provides the Commission with the intermediary's physical address, website address, and the names of the intermediary and

employees of the person, and keep such information up-to-date;

"(5) provides the Commission with continuous investor-level access to the intermediary's website;

"(6) requires each potential investor to answer questions demonstrating competency in—

"(A) recognition of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

"(B) risk of illiquidity; and

"(C) such other areas as the Commission may determine appropriate;

"(7) requires the issuer to state a target offering amount and withhold capital formation proceeds until aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;

"(8) carries out a background check on the issuer's principals;

"(9) provides the Commission with basic notice of the offering, not later than the first day funds are solicited from potential investors, including—

"(A) the issuer's name, legal status, physical address, and website address;

"(B) the names of the issuer's principals;

"(C) the stated purpose and intended use of the capital formation funds sought by the issuer; and

"(D) the target offering amount;

"(10) outsources cash-management functions to a qualified third party custodian, such as a traditional broker or dealer or insured depository institution;

"(11) maintains such books and records as the Commission determines appropriate;

"(12) makes available on the intermediary's website a method of communication that permits the issuer and investors to communicate with one another; and

"(13) does not offer investment advice.

"(b) REQUIREMENTS ON ISSUERS IF NO INTERMEDIARY.—For purposes of section 4(6), an issuer who offers securities without an intermediary shall comply with the requirements of this subsection if the issuer—

"(1) warns investors, including on the issuer's website, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;

"(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);

"(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;

"(4) provides the Commission with the issuer's physical address, website address, and the names of the principals and employees of the issuers, and keeps such information up-to-date;

"(5) provides the Commission with continuous investor-level access to the issuer's website;

"(6) requires each potential investor to answer questions demonstrating competency in—

"(A) recognition of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

"(B) risk of illiquidity; and

"(C) such other areas as the Commission may determine appropriate;

"(7) states a target offering amount and withholds capital formation proceeds until the aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;

"(8) provides the Commission with basic notice of the offering, not later than the first day funds are solicited from potential investors, including—

"(A) the stated purpose and intended use of the capital formation funds sought by the issuer; and

"(B) the target offering amount;

“(9) outsources cash-management functions to a qualified third party custodian, such as a traditional broker or dealer or insured depository institution;

“(10) maintains such books and records as the Commission determines appropriate;

“(11) makes available on the issuer’s website a method of communication that permits the issuer and investors to communicate with one another;

“(12) does not offer investment advice; and

“(13) discloses to potential investors, on the issuer’s website, that the issuer has an interest in the issuance.

“(c) **VERIFICATION OF INCOME.**—For purposes of section 4(6), an issuer or intermediary may rely on certifications provided by an investor to verify the investor’s income.

“(d) **INFORMATION AVAILABLE TO STATES.**—The Commission shall make the notices described under subsections (a)(9) and (b)(8) and the information described under subsections (a)(4) and (b)(4) available to the States.

“(e) **RESTRICTION ON SALES.**—With respect to a transaction involving the issuance of securities described under section 4(6), an investor may not sell such securities during the 1-year period beginning on the date of purchase, unless such securities are sold to—

“(1) the issuer of such securities; or

“(2) an accredited investor.

“(f) **CONSTRUCTION.**—

“(1) **NO TREATMENT AS BROKER.**—With respect to a transaction described under section 4(6) involving an intermediary, such intermediary shall not be treated as a broker under the securities laws solely by reason of participation in such transaction.

“(2) **NO PRECLUSION OF OTHER CAPITAL RAISING.**—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).”

(c) **RULEMAKING.**—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue such rules as may be necessary to carry out section 4A of the Securities Act of 1933. In issuing such rules, the Commission shall carry out the cost-benefit analysis required under section 2(b) of such Act.

(d) **DISQUALIFICATION.**—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission shall by rule or regulation establish disqualification provisions under which a person shall not be eligible to utilize the exemption under section 4(6) of the Securities Act of 1933 or to participate in the affairs of an intermediary facilitating the use of that exemption. Such provisions shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

SEC. 3. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended—

(1) by striking “(5) For the purposes” and inserting:

“(5) **DEFINITIONS.**—

“(A) **IN GENERAL.**—For the purposes”; and

(2) by adding at the end the following:

“(B) **EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.**—For purposes of this subsection, the term ‘held of record’ shall not include holders of securities issued pursuant to transactions described under section 4(6) of the Securities Act of 1933.”

SEC. 4. PREEMPTION OF STATE LAW.

Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in part A of House Report 112-265. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MCHENRY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 112-265.

Mr. MCHENRY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 5, strike “issuance” and insert “offer or sale”.

Page 5, line 6, strike “for which” and insert “by an issuer, provided that”.

Page 5, beginning on line 7, strike “annual amount raised through the issue of the securities” and insert “amount sold within the previous 12-month period in reliance upon this exemption”.

Page 5, beginning on line 13, strike “individual investments in the securities are limited to an aggregate annual amount equal to” and insert “the aggregate amount sold to any investor in reliance on this exemption within the previous 12-month period does not exceed”.

Page 5, line 17, strike “the” and insert “such”.

Page 6, line 8, strike “issuance” and insert “offer or sale”.

Page 6, line 12, after “website” insert “used for the offer and sale of such securities”.

Page 6, line 24, strike “person” and insert “intermediary”.

Page 7, line 4, strike “competency in”.

Page 7, line 5, strike “recognition” and insert “an understanding”.

Page 7, line 8, before “risk” insert “an understanding of the”.

Page 7, line 10, before the semicolon insert “by rule or regulation”.

Page 7, strike lines 11 through 15 and insert the following:

“(7) requires the issuer to state a target offering amount and a deadline to reach the target offering amount and ensure the third party custodian described under paragraph (10) withholds offering proceeds until aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;”.

Page 7, line 18, strike “with basic” and insert “and potential investors with”.

Page 7, beginning on line 19, strike “funds are solicited from” and insert “securities are offered to”.

Page 8, line 2, strike “capital formation funds” and insert “proceeds of the offering”.

Page 8, line 4, before the semicolon insert “and the deadline to reach the target offering amount”.

Page 8, beginning on line 6, strike “traditional broker or dealer or” and insert

“broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an”.

Page 8, line 13, strike “and” and insert after such line the following:

“(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and”.

Page 8, line 14, strike “(13)” and insert “(14)”.

Page 8, line 17, before “securities” insert “or sells”.

Page 9, line 13, strike “competency in”.

Page 9, line 14, strike “recognition” and insert “an understanding”.

Page 9, line 17, before “risk” insert “an understanding of the”.

Page 9, line 19, before the semicolon insert “by rule or regulation”.

Page 9, beginning on line 20, strike “withholds capital formation” and insert “ensures that the third party custodian described under paragraph (9) withholds offering”.

Page 10, line 1, strike “basic”.

Page 10, beginning on line 2, strike “funds are solicited from” and insert “securities are offered to”.

Page 10, line 5, strike “capital formation funds” and insert “proceeds of the offering”.

Page 10, line 7, before the semicolon insert “and the deadline to reach the target offering amount”.

Page 10, beginning on line 9, strike “traditional broker or dealer or” and insert “broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an”.

Page 10, line 16, strike “and” and insert after such line the following:

“(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and”.

Page 10, line 17, strike “(13)” and insert “(14)”.

Page 10, line 22, strike “provided by an investor” and insert “as to annual income provided by the person to whom the securities are sold”.

Page 11, line 1, strike “(a)(9) and (b)(8)” and insert “(a)(9), (a)(13), (b)(8), and (b)(13)”.

Page 11, line 5, strike “an investor may not sell” and insert “a purchaser may not transfer”.

Page 11, strike lines 11 through 15 and insert the following:

“(1) **NO REGISTRATION AS BROKER.**—With respect to a transaction described under section 4(6) involving an intermediary, such intermediary shall not be required to register as a broker under section 15(a)(1) of the Securities Exchange Act of 1934 solely by reason of participation in such transaction.”.

Page 11, line 21, strike “90” and insert “180”.

Page 12, beginning on line 1, strike “carry out the cost-benefit analysis required under section 2(b) of such Act” and insert “consider the costs and benefits of the action”.

Page 12, line 3, strike “90” and insert “180”.

Page 12, line 6, strike “a person” and insert “an issuer”.

Page 12, beginning on line 8, strike “or to participate in the affairs of an intermediary facilitating the use of that exemption.” and insert “based on the disciplinary history of the issuer or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles. The Commission shall also establish disqualification provisions under which an intermediary shall not be eligible to act as

an intermediary in connection with an offering utilizing the exemption under section 4(6) of the Securities Act of 1933 based on the disciplinary history of the intermediary or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles.”.

Page 13, beginning on line 1, strike “the term ‘held of record’ shall not include holders of securities issued pursuant to transactions described under section 4(6) of the Securities Act of 1933.” and insert “securities held by persons who purchase such securities in transactions described under section 4(6) of the Securities Act of 1933 shall not be deemed to be ‘held of record’.”.

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. This is primarily a technical amendment based on post-markup feedback from the staff of the Securities and Exchange Commission. The final language has been negotiated between my staff and the majority and minority staffs of the Financial Services Committee.

The more substantive changes made to this amendment include: requiring the issuer to state a target offering amount and a deadline to reach the target offering amount; requiring the commission to provide a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; clarifying the disqualification provision to ensure that both issuers and intermediaries, as well as their predecessors, affiliates, officers, directors or persons fulfilling similar roles, are disqualified from the exemption established in this bill should they have a history of committing securities fraud.

I appreciate the SEC staff lending their technical expertise to this amendment, and I appreciate the bipartisan effort from both the majority and minority committee staffs to further improve the final bill.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FINCHER

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 112-265.

Mr. FINCHER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 9, insert after “\$1,000,000” the following: “, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

Page 5, line 12, insert after “\$2,000,000” the following: “, as such amount is adjusted by

the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from Tennessee (Mr. FINCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. FINCHER. I want to thank my colleague from North Carolina (Mr. MCHENRY) for his great work on this bill and for trying to put the focus on creating jobs. It’s not often so many times what we do but what we can undo up here in Washington that will let the private sector get back in the business of creating jobs.

Madam Chairman, the amendment I am offering with my colleague from California (Mr. SHERMAN) would simply adjust for inflation the \$1 million and \$2 million caps in the underlying bill. This will ensure investment opportunities today are just as strong tomorrow.

As the real value of money decreases over time, small-contribution investors may be discouraged from supporting start-up companies in the future due to the diminishing buying power of their original investments. By indexing the caps in the bill to reflect the annual change in the consumer price index, we will continue to allow investment opportunities for Main Street Americans, like our teachers, police officers and farmers, to pool their money and support entrepreneurs in their communities.

I urge my colleagues to support this amendment.

Mr. MCHENRY. Will the gentleman yield?

Mr. FINCHER. I yield to my colleague from North Carolina.

Mr. MCHENRY. I thank the gentleman from Tennessee for offering this bipartisan amendment. This is a good-government amendment.

The old adage is “a million bucks isn’t what it used to be.” Well, when reg D-504 of the Securities and Exchange Act of 1934 had a \$1 million exemption that was put in place in 1982, that \$1 million would be \$2.4 million today. So, just in a short period of time, it can show you the impact of 30 years of inflation.

I appreciate my colleague for offering this amendment, as it’s a very good amendment, and I certainly appreciate your representing the good folks of Tennessee.

Mr. FINCHER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. FINCHER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. QUAYLE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 112-265.

Mr. QUAYLE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 16, insert before the semicolon the following: “, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from Arizona (Mr. QUAYLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. QUAYLE. Madam Chair, I yield myself such time as I may consume.

I want to thank my friend and colleague from North Carolina for bringing this bill to the floor, and I want to thank our friends on the other side of the aisle for working on this important bill as well.

Madam Chair, this is a commonsense amendment that will make it easier for American companies to raise capital, to expand, and to hire more workers.

I support the gentleman from North Carolina’s legislation, which removes an unnecessary barrier to allow start-ups and small businesses to raise capital through individual investments of up to \$10,000, or 10 percent of an investor’s income. My amendment would simply index this individual investment cap to inflation.

Entrepreneurs and new businesses play a vital role in advancing both job creation and innovation in our country. Over the last three decades, new businesses have created nearly 40 million jobs and have been responsible for nearly all net new job creation. Unfortunately, the environment for new businesses has grown increasingly unfavorable. In the past 3 years, the number of new businesses launched has fallen 23 percent. Capital investment in start-up companies has decreased, and far fewer small companies are holding initial public offerings.

Madam Chair, too often when legislation is not indexed to inflation, Congress must go back and amend current laws. For instance, \$10,000 in 1980 would actually be \$27,535 today. The need for small businesses to have access to capital is constant. It makes sense that, as the value of the dollar fluctuates over time, we should adjust the investment cap accordingly.

This amendment will promote economic growth at no cost to the taxpayer. I support H.R. 2930, and I urge my colleagues to support this pro-growth amendment.

I reserve the balance of my time.

Mr. PERLMUTTER. I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

□ 1640

Mr. PERLMUTTER. I want my friend from New York to catch her breath. That's why I'm going to claim time in opposition. But I also do have a question.

In 2008 when the stock market crashed, when we saw home prices drop like a rock, when people lost their jobs, we experienced over a several month period deflation—not inflation; deflation. Under the amendments, both the preceding one as well as the amendment by my friend from Arizona, when I look at it, I think, if the price goes down, this could also shrink.

I yield to my friend North Carolina.

Mr. MCHENRY. I thank my colleague for bringing this up, and it is a great concern. I didn't have the opportunity to say, I do, in fact, support the gentleman's amendment. I appreciate him offering it. It's a very thoughtful amendment.

I believe, looking at this, when you have it on an annualized basis, that does actually allay some of those concerns. But I think you and I agree that when we don't address some of these securities laws as frequently as we should to update with technology and what happens in the market, we should have in place these measures to ensure that Congress' intent is followed even 20 years from now and can keep pace with what is reasonable in the marketplace.

I think that your concern is actually a very interesting one. And I would be happy to talk with the gentleman more about ways that we can update securities laws to deal with some of these struggles.

Mr. PERLMUTTER. Reclaiming my time, I thank my friend from North Carolina. We have no opposition to this amendment. We urge its adoption.

I yield back the balance of my time.

Mr. QUAYLE. I yield to the gentleman from North Carolina.

Mr. MCHENRY. Madam Chair, I want to thank my colleague from Arizona (Mr. QUAYLE) for offering this amendment. It's a very sharp amendment, a very thoughtful approach to securities law, a very thoughtful approach to crowdfunding and the idea of allowing average, everyday investors the same opportunities that high-net-worth individuals enjoy in this country. I thank the gentleman for working on job creation and job growth.

Mr. QUAYLE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. QUAYLE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 112-265.

Ms. VELÁZQUEZ. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 13, strike "and".

Page 8, line 14, strike the period and insert "and".

Page 8, after line 14, insert the following:

"(14) discloses to potential investors the intermediary's compensation structure for participation in the security offering."

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Ms. VELÁZQUEZ. Madam Chair, I yield myself such time as I may consume.

In order for entrepreneurs to continue to fulfill their traditional role as job creators, it is essential that they have access to the capital they rely upon as fuel for innovation and economic expansion. Crowdfunding represents a promising new tool for this service. But in order to realize its full potential, investors who buy these securities must be able to make fully informed decisions. My amendment will make this possible by requiring crowdfunding intermediaries to disclose how they are compensated.

Despite its relatively recent emergence, crowdfunding shares many characteristics with ordinary stock investing. In this marketplace, however, Web sites and social media will fill the role of brokers and dealers. They will act as a conduit between stock insurers and ordinary investors. Unlike stockbrokers, these intermediaries may be paid by commission, flat fees, or subscriptions. Depending on their compensation structure, however, intermediaries may have an incentive to advertise the ideas that provide them with the most money, rather than what makes the most investment sense. This not only puts ordinary investors at risk but also undermines the entire premise of crowdfunding, which is supposed to promote those ideas that have the most merit.

Compensation disclosure is not without precedent. It is currently required by all securities brokers and dealers. This transparency provides investors with the vital information necessary to have the confidence that their investment decisions are prudent. Furthermore, these disclosures take nothing more than a few lines on an offer sheet or a quick conversation. This is a simple commonsense amendment that will help ordinary people make informed investment decisions as this new industry evolves. If intermediaries are going to fill the role of brokers and dealers in crowdfunding operations, it only makes sense that just like others in the investment industry, they should be subject to similar requirements to protect the investors they will solicit.

I urge Members to vote "yes" on the amendment, and I reserve the balance of my time.

Mr. MCHENRY. Madam Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Unfortunately, I have to oppose this amendment. In the course of a subcommittee legislative hearing, a subcommittee markup, and a full committee markup, this amendment was never offered. My colleague from New York serves on the Financial Services Committee. As my other colleagues have mentioned, I worked diligently across the aisle to incorporate every idea my colleagues from across the aisle had. They've incorporated them into this bill. It's a better piece of legislation because of it.

My colleague had the opportunity at the full committee markup to offer this amendment and didn't. We heard at the capital formation and crowdfunding hearing in the Capital Markets Subcommittee—I attended that, and all Members of the Financial Services Committee that were there that day were allowed to participate. None of the witnesses raised a compensation disclosure as a precondition to create successful crowdfunding securities offerings. My colleague did not participate in the hearing. And when the subject matter of the amendment could have been raised with a panel of capital formation experts, it was not raised.

This is an interesting amendment. What we have in this legislation is an enormous amount of investor protection. We want crowdfunding intermediaries to be able to compete with one another and to innovate and to offer the best platform and technology for both issuers and investors. Our belief is that businesses will be able to work with different intermediaries. If they don't see an intermediary that fits with their cost structure or the cost basis they see fit, they can be their own intermediary. That's how this bill is constructed. This amendment doesn't work technically with the construct of that. By forcing intermediaries to disclose the compensation structure to potential investors, we believe it will have a chilling effect on compensation in the market and the participation of potential intermediaries in this mode.

So unfortunately, I have got to oppose this amendment. Had the gentleman brought this to me during the subcommittee or full committee markup, I would have been happy to work with my colleague on trying to craft workable language. But here on the floor today, I'm opposed to the amendment. I ask my colleagues to vote against this flawed amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentlewoman from New York has 2½ minutes remaining.

Ms. VELÁZQUEZ. I yield 30 seconds to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank the gentlelady.

I would just say to my friend from North Carolina, I appreciate the fact that this is new, but I think when we are dealing with these small investments and lots of people, just as with a charity, you'd like to know that most of it's going to the charity and not to the solicitation effort. That is why I would say this is important, so you know that it's getting to your investment and not to the sale effort. So I would support her amendment.

Mr. MCHENRY. Madam Chair, I yield myself such time as I may consume.

I would ask my colleagues, do they disclose on their campaign Web sites how much it costs to process a credit card contribution?

Exactly. I don't know if my colleagues are making those disclosures when folks are contributing to their campaigns. So this restriction is actually a creation of Congress.

I understand the issue. It's a very powerful issue on compensation. This was never raised in the two subcommittee hearings I have had on capital formation on the TARP in the Financial Services Subcommittee of Oversight and Government Reform, nor in the legislative markup at the Subcommittee on Capital Markets, nor during the subcommittee markup nor the full committee markup in the Committee on Financial Services.

□ 1650

Furthermore, I would point my colleague to page 6 of the legislative text. We have investor protection requirements for intermediaries that go on for, really, three pages. This specifies a lot of investor protection. It has received a bipartisan vote. The time for this amendment is past. It is not best constructed here on the floor. I ask my colleagues to vote "no."

With that, I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield myself the balance of my time.

It amazes me that given the experience that brought us to this time, that brought the economy to its knees with the Wall Street crisis, with the Madoff Ponzi scheme, that you come here and say this is not the appropriate time. It is the appropriate time to protect investors, and that is exactly what we do here.

Compensation disclosure, for the investors to have the information to know who their intermediaries are and how they are going to be compensated, this is the appropriate time. This is the

right time. It is important that we protect investors by them knowing how those intermediaries will be compensated, how their money will be invested. What makes more sense for an intermediary to invest in this company versus this other company, because if he invests in this other company he's going to make more money? What is wrong with transparency? What is wrong with disclosure? Nothing is wrong.

You have three pages of protection, but you left the most important protection for investors. What is wrong with the investor to know how those intermediaries will be compensated? That is the core of my amendment. And we should, just like brokers and dealers, they will have their own business interest and they will not necessarily be the same as investors' interest. Their interest and that of the investors are not mutually exclusive. Just like brokers and dealers, intermediaries will have discretion to choose which investment they propose.

I ask for a "yes" vote on my amendment.

The Acting CHAIR. The question is on the amendment offered by gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. BARROW

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 112-265.

Mr. BARROW. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 11, after line 9, insert the following:

"(f) WEBSITE FOR CROWDFUNDING INVESTMENT SAFETY TIPS.—

"(1) IN GENERAL.—The Commission shall establish a website that provides the public with safety tips for investing in securities described under section 4(6).

"(2) LINKS TO WEBSITE.—The intermediary in a transaction involving the issuance of securities described under section 4(6) or, in the case of such transaction not involving an intermediary, the issuer, shall place a link to the website described under paragraph (1) in a prominent location on the main page of the website of such intermediary or issuer that is used to facilitate such transaction."

Page 11, line 10, strike "(f)" and insert "(g)".

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from Georgia (Mr. BARROW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BARROW. Madam Chair, I yield myself such time as I may consume.

Many of the small business owners that I've talked to back home tell me that the biggest barrier that they face in starting up a business is securing access to capital. When traditional lenders aren't lending, we need to find innovative ways to get startup and expansion money in the hands of small business job creators.

This bill uses the Internet to knock down some of the financial barriers that get between mom-and-pop startups and willing investors so they can get the money they need to grow their businesses and put more people to work. However, as with almost everything involving the Internet, new opportunities to do good bring new opportunities for mischief. We all agree that businesses and investors must understand the potential risks that come with these innovations. The bill requires that the SEC adopt regulations specifying the warnings and information that the issuer has to offer, but it leaves the content and the formatting of this information to rulemaking proceedings to be completed later, and it leaves open the possibility of inconsistent warnings and information for different investment opportunities.

My amendment takes the bill's basic approach one step further by requiring that the offering contain a link to a site maintained by the SEC where the SEC will post a comprehensive set of warnings and safety tips to anyone who is about to use the Internet to raise capital without all of the hassle and the safeguards of a regulated SEC offering. This would provide a consistent set of warnings and avoid the inconsistent, unclear, or misleading messages that investors might get from different Web sites.

Madam Chair, a word to the wise is sufficient, but too many words can obscure the information that folks really need. My amendment offers something better than a word—a link to the information that we all agree that investors should have available to them before they put their money down. Investors don't have to read it and they don't have to heed it, but it's there. And that's the least that we should do. Small businesses and the investment community stand to gain from this system, but only if everyone involved is on the same page about the potential benefits and the drawbacks. My amendment will help make sure that happens.

I want to thank my colleagues for their work on this bipartisan bill, and I ask for your support in passing this job-creating, investor-protecting amendment.

I reserve the balance of my time.

Mr. MCHENRY. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Unfortunately, I have to oppose this amendment. I ask my colleague from Georgia if he consulted, in the construct of this language, with the SEC staff.

I yield to the gentleman.

Mr. BARROW. Well, I understand that our staffs have consulted with each other about the utility of this. I don't know how far they have gone with the SEC. But I can tell you the basic outline of this requirement is not to gum up the offering, not to require the issuer to put all kinds of stuff in the offering that can actually obscure the information that the offerer wants to put to the public and can allow the SEC basically to intrude into that offering, but to require one simple link where they can go and get all of the information that any wise investor needs.

Mr. MCHENRY. Reclaiming my time, we did not see this legislative text until it was filed with the Rules Committee. We worked to try to accommodate the Member with text that could be acceptable. Unfortunately, the construct of this is simply not acceptable and we couldn't come to reasonable accommodation on language that would be workable.

Look, the SEC is certainly overburdened. We all know that. I mean, they're working very hard. They currently have two Web sites right now. What this amendment would do is force them to have a third Web site.

Furthermore, in the discussion of this amendment, my colleague describes this as a public offering. The crowdfunding legislation described here is an exempt offering, very different in nature than a public offering, and is exempt from the SEC regs.

On page 6 of the legislation, subsection (a)(1), it mandates that individuals, intermediaries in this process, would have to add a warning to investors, including the intermediary's Web site, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity.

(2) warns investors that they are subject to the restrictions on sales requirements described under subsection (e).

Additionally, (6) requires each potential investor to answer questions demonstrating competency in:

(A) recognition of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

(B) risk of illiquidity; and

(C) such other areas as the Commission may determine appropriate.

This part of the legislation, my staff as well as the staff of the Financial

Services Committee, Democrats and Republicans, as well as the staff of Mrs. MALONEY and Ms. WATERS crafted this language in a very balanced way. We've included those concerns.

Unfortunately, the language before us today is deeply flawed, and with the nature of securities laws as they are in this country—and in the world, for that matter—we want to make sure that it has the appropriate balance, that it has been thoroughly vetted through counsel and actually has agreement. That is why this amendment is deeply flawed and I oppose it.

I reserve the balance of my time.

Mr. BARROW. Madam Chair, I yield myself such time as I may consume.

I understand the gentleman to be concerned about the distinction between this type of offering and a public offering, and I wish to remind him of what perhaps wasn't clearly understood. The point we're trying to make here is an exempt offering. That does not have all of the rigamarole and the hassle and the fine print and all of the safeguards that go along with a public offering.

□ 1700

It is because we're trying to provide the ease and convenience of an exempt offering while still providing the necessary information that folks have to have that we all are concerned about the investment warnings that the gentleman thinks we need to have in the bill. I agree with that. This is not a public offering. What we're trying to do, though, is to make sure that we don't exempt folks from having the information they might need to have before they make an investment in this entirely new and heretofore unregulated marketplace.

The gentleman is also concerned about the fact that there is yet another Web site. We're just talking about a page here that can be readily linked so the person looking at the information that the issuer wants to make available to the public, they can just hit on one link, and they can go someplace else immediately and get all the information that they need or the information they don't need. They can read it or not read it.

Mr. MCHENRY. Will the gentleman yield?

Mr. BARROW. I yield to the gentleman from North Carolina.

Mr. MCHENRY. The legislative text on line 4 specifies, establish a Web site.

Mr. BARROW. Yes, a site on the Internet, on the World Wide Web, can be just one page that can have all the information that you need.

Reclaiming my time, the main concern that I've got is that the investment protections the gentleman refers to in the bill suffer from the problem of being both overinclusive and underinclusive. On the one hand, it gives the SEC comprehensive authority to re-

quire that certain information be made available and the person be tested and answer questions on the information that the SEC requires that they demonstrate competence on. This could suffer from underinclusion if the SEC doesn't ask or insist that the person have the most minimal information. It could be incredibly overinclusive if the SEC wants to use the authority given by the bill, as written, to require that the investor demonstrate competence on a million things.

Just think of the terms and conditions in the typical software download program; and if someone's got to answer a question about every sentence in there, you can actually give the SEC the authority, and you're kind of inviting them to go into this offering and to require competence on all kinds of stuff the person doesn't need.

Oftentimes, as Emerson said, a glimpse reveals what the gaze obscures. What I think folks need to have is a direct link that takes them to the information that anybody ought to have, and they can read it or not read it. They can heed it or not heed it. But it won't gum up the offering. It won't get between what the issuer wants to make available in order to make the sale and the information a person needs to have in order to decide whether or not this is the right place for them to make this kind of investment.

With that, I reserve the balance of my time.

Mr. MCHENRY. May I inquire of the Chair the remaining time on both sides.

The Acting CHAIR. The gentleman from North Carolina has 1¼ minutes remaining. The gentleman from Georgia has 30 seconds remaining.

Mr. MCHENRY. Madam Chair, I yield myself the balance of my time.

I certainly appreciate my colleague's intent, but I'm simply uncomfortable with requiring facilitators or these intermediaries that we create in this legislation of what is an exempt offering under securities law to actually link to the SEC's Web site. It gives the stamp of approval of sorts, it seems to me, of this exempt offering. It actually might create more confusion, not necessarily by the gentleman's intent, but by the design of the legislation before us, by the legislative text that we have here in this amendment.

Unfortunately, that is not helpful. Actually, it would be hurtful to this matter, and that's why I have to oppose it.

Now, I am hopeful that when this legislation is signed into law by the President that the Securities and Exchange Commission Office of Education and Investor Advocacy would create an investor alert, which is their standard process, regarding crowdfunding investments like the SEC did with the microcap stock, a guide to investors, which is available on the SEC's existing Web site.

And that's the concern here. We want to make sure that this is done appropriately. We currently are operating in securities law that originated over 75 years ago, or roughly 75 years ago. So we want to make sure we get this right. Unfortunately, this amendment is ill-crafted, and that's why we have to oppose it.

I yield back the balance of my time.

Mr. BARROW. Madam Chair, I yield myself the balance of my time.

I thank the gentleman for his discussion and for his good-faith effort to try and reach an understanding as how we can make the investment information more meaningful. I'm concerned, too, about the stamp of approval, the so-called Good Housekeeping Seal of Approval someone might get from finding something that is heretofore highly regulated available now in a totally brand-new marketplace. I'm concerned about the opposite impact, that not having the right information in the hands of the investor can serve as a Good Housekeeping Seal of Approval, what's in front of them now.

As written, the bill allows the SEC to prescribe all kinds of information that the person has to demonstrate a competence in. My bill would do a lot better than that. It would get the SEC out of the conversation, provide a link where a person can go someplace else and see what it is they need to see if they want to see it without getting between the issuer and the customer.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BARROW).

The amendment was rejected.

AMENDMENT NO. 6 OFFERED BY MR. PERLMUTTER

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 112-265.

Mr. PERLMUTTER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 4, strike "Section" and insert the following:

(a) IN GENERAL.—Section

In section 4, add at the end the following:

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, intermediary, or any other person or entity using the exemption from registration provided by section 4(6) of such Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF INTERMEDIARIES, ISSUERS, AND CUSTODIANS.—Section 18(c)(1) of the Securities Act of 1933 is amended by striking "with respect to fraud or deceit, or

unlawful conduct by a broker or dealer, in connection with securities or securities transactions," and inserting the following: "in connection with securities or securities transactions, with respect to—

"(A) fraud or deceit;

"(B) unlawful conduct by a broker or dealer; and

"(C) with respect to a transaction described under section 4(6), unlawful conduct by an intermediary, issuer, or custodian."

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Madam Chair, I yield myself such time as I may consume.

This is the amendment we've been visiting about over the course of this bill. And what it does, the structure of the bill is such that it solicits, an issuer can solicit small investments via the Internet or some other mass type of media, and that solicitation then, a notification is made to the Securities and Exchange Commission. Once that notification is made, then notice of the solicitation on the Internet, this crowdfunding so to speak, is then given to each State so that the State regulators, the State enforcement authorities, are given notice of this solicitation, of this crowdfunding request for sale of securities.

The amendment that Mr. MCHENRY and I have prepared makes sure that when the States get this notice, they can use their police powers, their enforcement authority, to make sure that the issuer, or anyone involved with the solicitation, anyone involved with this crowdfunding which is being used across the Internet, can then, the laws can be enforced to stop any kinds of fraud, defalcation of funds, embezzlement, misrepresentation, any kinds of bad acts related to the solicitation under the crowdfunding.

This applies to both the issuer and the intermediaries. Anybody holding the funds will still be subject to the police powers of the State. So we maintain the States' rights for police power.

Mr. MCHENRY. Will the gentleman yield?

Mr. PERLMUTTER. I yield to my friend from North Carolina.

Mr. MCHENRY. I thank my colleague from Colorado for offering this amendment, and I thank my colleague for working diligently across the aisle. This was an idea that he had in the full committee markup. We worked diligently to get that done at full committee markup. It was not able to be done, but the language we have here today is a very good amendment.

The amendment ensures that the States' securities regulators have the means to police fraud, deceit, misrepresentation, and other unlawful behavior to protect investors. Since States' se-

curities regulators already have the resources and expertise, much more so than the SEC, to examine unlawful behavior at a micro-level, it is essential that this legislation recognize and authorize them to continue to fight unlawful conduct. The powers of State securities regulators for crowdfunding are no different from what that which they have for any covered security.

Mr. PERLMUTTER. I reserve the balance of my time.

Mr. MCHENRY. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. I am not opposed to this legislation. I thank my colleague for offering it.

Mr. WATT. Will the gentleman yield?

Mr. MCHENRY. I'd be happy to yield to my colleague from North Carolina.

Mr. WATT. I was rising to claim time in opposition because I am opposed. But if the gentleman is going to yield me time.

Mr. MCHENRY. I'd be happy to let my colleague—

The Acting CHAIR. As a true opponent on his feet, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes in lieu of the other gentleman from North Carolina (Mr. MCHENRY).

Mr. WATT. I thank the Chair.

□ 1710

Let me say this: This is kind of an awkward conversation because we did have this discussion in committee. We were advised in committee that the preemption language would be corrected between the committee and the floor. It was revised. And the amendment does take a step in the right direction, so I won't ask for a recorded vote on the amendment, but it doesn't take a step far enough in the right direction because the amendment still preempts States from having the pre-review of these offerings that they now have. Even though it reserves to them the authority to do something about fraud, it does not reserve to them the authority to get involved in the review process. And in that sense, it continues to preempt State law.

I want to applaud my friends, both Mr. MCHENRY and Mr. PERLMUTTER, for making a step in the right direction, but this still preempts State law, and States ought to have the prerogative to be involved in this. The State of North Carolina, from which Mr. MCHENRY hails, the Secretary of State is adamantly of the opinion—and I agree with her—that this amendment does not go far enough.

When we get back into the full House and I can offer a letter into the RECORD, it will note that the North American Securities Administrators Association does not think the amendment goes far enough to protect States' rights.

I'm not accusing anybody of bad faith. I think they made a good faith effort to try to find grounds. But this raises the exact issue that I raised in the committee, which was the appropriate place to have done this and made this amendment and debated it and thought it out—in the committee, not on the floor of the House. And when you leave it to just a couple of individuals to work out something between committee and the floor of the House, sometimes it doesn't get to where people would like for it to be.

With that, I reserve the balance of my time.

NORTH AMERICAN SECURITIES
ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, November 3, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing on behalf of the North American Securities Administrators Association (NASAA) to express my opposition to H.R. 2930, the Entrepreneur Access to Capital Act, which is scheduled to be voted on by the House of Representatives this week.

This legislation is well intended, but structurally flawed. While intended to promote an internet-based fundraising technique known as "crowd-funding" as a tool for investment, this legislation will needlessly preempt state securities laws and weaken important investor protections.

Crowd-funding is an online money-raising strategy that began as a way for the public to donate small amounts of money, often through social networking websites, to help artists, musicians, filmmakers and other creative people finance their projects. The concept has recently been promoted as a way of assisting small businesses and start-ups looking for investment capital to help get their business ventures off the ground.

State securities regulators are acutely aware of today's difficult economic environment and its effects on job growth. Small businesses are important to job growth and to improving the economy. However, by placing unnecessary limits on the ability of state securities regulators to protect retail investors from the risks associated with smaller, speculative investments, Congress is poised to enact policies intended to strengthen the economy that will very likely have precisely the opposite effect. If this legislation is enacted in its present form it will prohibit states from enforcing laws designed to minimize the risks to investors. As currently written, H.R. 2930 would only allow states to address investor losses after they occur. Under this scenario, the public will lose confidence in this business funding method, thus, hurting the efforts to make crowd-funding a viable means for raising capital.

PREEMPTION OF STATE LAW

Section 4 of H.R. 2930 would preempt state laws requiring disclosures or reviewing exempted investment offerings before they are sold to the public. The authority to require such filings is critical to the ability of states to get "under the hood" of an offering to make sure that it is what it says it is. Moreover, as a matter of principle and policy, NASAA ardently believes that review of offerings of this size should remain primarily the responsibility of the states. As the securities regulators closest to the investing public, and in light of our demonstrated record of effectiveness, states are the most appro-

priate regulator in this area. State regulators are closer, more accessible, and more in touch with the local and regional economic issues that affect both the issuer and the investor in a small business offering.

NASAA sincerely appreciates the effort of Congressman Ed Perlmutter (D-CO) to work with the bill's sponsor to produce a bipartisan amendment that would alleviate states concerns with the preemptive provisions of H.R. 2930. Unfortunately, the Perlmutter-McHenry amendment that was made in order by the Rules Committee on November 2 falls far short of this goal. By simply clarifying that states "retain jurisdiction . . . to investigate and bring enforcement actions with respect to fraud or deceit," the amendment essentially restates the preemptive provisions as they existed in the original bill. The Perlmutter-McHenry amendment fails to address the fundamental concern that states have had with H.R. 2930 since its introduction: the preemption of state authority to review securities prior to their offering.

Congress should refrain from preempting state law. Preempting state authority is a very serious step and not something that should ever be undertaken lightly or without careful consideration, including a thorough examination of all available alternatives. In the case of crowd-funding, state securities regulators are not only capable of acting, but indeed, are acting, and Congress should allow them the opportunity to continue to protect retail investors from the risks associated with smaller, speculative investments.

INDIVIDUAL INVESTMENT CAP

One of the fundamental tenets of securities law is that an investor is protected when the seller of securities is required to disclose sufficient information so that an investor can make an informed decision. Post-sale anti-fraud remedies provide little comfort to an investor who has lost a significant sum of money that is unrecoverable. Any effort to remove or weaken the up-front registration and disclosure process should not happen without adequate alternative safeguards.

NASAA appreciates that the concept of crowd-funding is appealing in many respects because it provides small, innovative enterprises, access to capital that might not otherwise be available. Indeed, this is precisely the reason that states are now considering adopting a model rule that would establish a more modest exemption for crowd-funding as it is traditionally understood, with individual investments capped at several hundred dollars per investor.

By contrast, H.R. 2930 goes far beyond anything that is being contemplated by the states or traditional advocates of crowd-funding. By setting an individual investment cap of 10 percent of annual income, or \$10,000, H.R. 2930 will create an exemption that will expose many more American families to potentially catastrophic financial harm. Given that most U.S. households have a relatively modest amount of savings, a loss of \$10,000, in even a single case, can be financially crippling.

AGGREGATE INVESTMENT CAP

H.R. 2930 would permit businesses to solicit investments of up to \$2 million, in increments of \$10,000 per investment. Such a high cap on aggregate investment makes the bill inconsistent with the expressed rationale for the crowd-funding exception. A company that is sufficiently large to warrant the raising of \$2 million in investment capital is also a company that can afford to comply with the applicable registration and filing requirements.

Registration and filing requirements at both the state and federal level exist to protect investors, and any company raising up to \$2 million can afford to comply with them.

Thank you for your consideration of these important issues. If you have any questions, please feel free to contact me or Michael Canning, Co-Director of Policy, at the NASAA Corporate Office at (202) 737-0900.

Sincerely,

JACK E. HERSTEIN,
President.

STATE OF NORTH CAROLINA, DEPARTMENT OF THE SECRETARY OF STATE,

Raleigh, NC, November 3, 2011.

Re H.R. 2930—"Entrepreneur Access to Capital Act of 2011"

Hon. MELVIN WATT,
Rayburn HOB,
Washington, DC.

DEAR REPRESENTATIVE WATT: I am writing to express my concern with H.R. 2930, the Entrepreneur Access to Capital Act, which could be voted on by the House this week. This legislation, intended to promote an internet-based fundraising technique known as "crowd-funding" as a tool for investment, will preempt state investor protection laws and weaken important investor protections.

Crowdfunding is an online money-raising strategy that began as a way for the public to donate small amounts of money, often through social networking websites, to help artists, musicians, filmmakers and other creative people finance their projects. The concept has recently been suggested as a way of assisting small businesses and start-ups looking for investment capital to get their business ventures off the ground.

Soliciting charitable donations from strangers online to advance a goal or cause is one thing. Selling shares in a business online to strangers who expect to realize a potential return on their investment is something very different.

H.R. 2930 contains a preemption provision that would prohibit my agency from requiring the filing or disclosure of information about these investment opportunities before they are offered to the public in my state. I believe enacting this preemption would be a serious mistake because, based on our previous experience, many of the crowdfunding opportunities will be targeted at Mom and Pop retail investors. The authority to require filings is critical to my office's ability to "get under the hood" of an offering to make sure that it really is what it says it is.

I appreciate efforts by Congressman Ed Perlmutter (D-CO) to work with the bill's sponsor to produce a bipartisan amendment that would alleviate the states' concern with the preemptive provisions of H.R. 2930. Unfortunately, the Perlmutter-McHenry Amendment made in order by the Rules Committee on November 2 does not achieve this goal. Indeed, by simply clarifying that states "retain jurisdiction . . . to investigate and bring enforcement actions with respect to fraud or deceit," the amendment essentially restates the preemptive provisions as they existed in the original bill.

H.R. 2930 may be well intended, but I am concerned that it could create serious enforcement challenges and potentially open the door to the possibility of significant increases in investment fraud. Small businesses are vital to job growth and to improving the economy in our state, but by displacing significant safeguards currently provided by the crucial role of state securities

regulators, Congress could enact policies intended to strengthen the economy that have precisely the opposite effect.

As North Carolina's top investor protection official, I urge you not to support H.R. 2930 in its current form. I understand the North American Securities Administrators Association (NASAA), of which I am a member, is already hard at work on a state level model rule on crowdfunding that would preserve a state's ability to prevent scam artists from using crowdfunding offerings as the latest method for ripping off Main Street investors. I urge you to remove the state preemption section from the bill.

Thank you for your attention to this important matter. Please don't hesitate to contact me if I may be of any assistance, or if you or your staff have questions regarding the legislation in question.

Sincerely,

ELAINE F. MARSHALL.

Mr. PERLMUTTER. Madam Chair, how much time remains?

The Acting CHAIR. The gentleman from Colorado has 2 minutes remaining. The gentleman from North Carolina has 2 minutes remaining.

Mr. MCHENRY. Will my colleague yield?

Mr. PERLMUTTER. I yield to my other friend from North Carolina.

Mr. MCHENRY. I thank my colleague Mr. PERLMUTTER for working diligently with us on this language. He raised significant concerns. The language that we have that the gentleman was integral in crafting actually is perhaps part of the reason why the President supports the legislation. And I appreciate Mr. PERLMUTTER's working diligently on this.

I would remind my colleagues that in our legislative hearing on this bill, the Democrat witness before the committee said that crowdfunding will not work but for this exemption from individual State registration. It is a very key part of this process. When it costs \$150 to register a security in Connecticut, and all you're trying to do is raise \$150 from Connecticut, you net zero. And beyond that, asking a lawyer to file the paperwork. What we want to do is preserve that anti-fraud bit that the States do very well at, and we have done that with this language.

I thank my colleague for yielding.

Mr. PERLMUTTER. I reserve the balance of my time.

Mr. WATT. Madam Chair, I yield myself the balance of my time, although I won't take it.

I want to express my thanks also to Mr. PERLMUTTER, and to my colleague from North Carolina (Mr. MCHENRY). As I indicated, they made an effort to move this in the right direction. They, in fact, moved it. This amendment is better than the underlying bill, which totally preempted State law. So it moves in the right direction, it just does not move far enough in the right direction. Because of that—I mean, I'm not going to vote against the amendment. I'm not even going to ask for a recorded vote on the amendment itself.

But it will make it necessary for me to oppose the bill itself. And I thought it was important enough for me to come down and express this because there are a significant number of people out there, including a number of State Attorneys General and/or Secretaries of State who believe this does not go far enough.

With that, I yield back the balance of my time.

Mr. PERLMUTTER. In closing, Madam Chair, I appreciate Mr. WATT's comments. They're legitimate, except that the purpose of this is to have in effect a national solicitation notification nationally to the SEC, and then the powers of the States kick in, as opposed to individual notification State by State. And I appreciate his concern—it's legitimate, but to make this work, you have to have a structure that allows for the national offering, notice to the States, and then the States' police powers kick in. And the SEC has its police powers as well if there is any fraud, manipulation, misrepresentation, or the like.

With that, I would urge adoption of the amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The amendment was agreed to.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. MCHENRY) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate as passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2112. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2112) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes," agree to a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. KOHL, Mr. HARKIN, Mrs. FEINSTEIN, Mr. JOHNSON (SD), Mr. NELSON (NE), Mr. PRYOR, Mr. BROWN (OH), Mr. INOUE, Mrs. MURRAY, Ms. MIKULSKI, Mr. BLUNT, Mr. COCHRAN, Mr. MCCONNELL, Ms. COLLINS, Mr. MORAN, Mr. HOEVEN, Mrs. HUTCHISON, and Mr. SHELBY, to be the conferees on the part of the Senate.

The SPEAKER pro tempore. The Committee will resume its sitting.

ENTREPRENEUR ACCESS TO CAPITAL ACT

The Committee resumed its sitting.

AMENDMENT NO. 4 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 234, not voting 10, as follows:

[Roll No. 823]

AYES—189

Ackerman	Fudge	Miller, George
Altmire	Garamendi	Moore
Andrews	Gonzalez	Moran
Baca	Green, Al	Nadler
Baldwin	Green, Gene	Napolitano
Barrow	Griffith (VA)	Neal
Bass (CA)	Grijalva	Oliver
Becerra	Gutierrez	Owens
Berkley	Hahn	Pallone
Berman	Hanabusa	Pascarell
Bishop (GA)	Hanna	Pastor (AZ)
Bishop (NY)	Hastings (FL)	Payne
Blumenauer	Heinrich	Pelosi
Boren	Higgins	Perlmutter
Boswell	Himes	Peters
Brady (PA)	Hinchee	Peterson
Brown (FL)	Hinojosa	Pingree (ME)
Butterfield	Hirono	Polis
Capps	Hochul	Price (NC)
Capuano	Holden	Quigley
Cardoza	Holt	Rahall
Carnahan	Honda	Rangel
Carney	Hoyer	Reyes
Carson (IN)	Inslee	Richardson
Castor (FL)	Israel	Richmond
Chandler	Jackson (IL)	Ross (AR)
Chu	Jackson Lee	Rothman (NJ)
Cicilline	(TX)	Roybal-Allard
Clarke (MI)	Johnson (GA)	Rush
Clarke (NY)	Johnson, E. B.	Sánchez, Linda
Clay	Jones	T.
Cleaver	Kaptur	Sanchez, Loretta
Clyburn	Keating	Sarbanes
Cohen	Kildee	Schakowsky
Connolly (VA)	Kind	Schiff
Conyers	Kissell	Schrader
Cooper	Kucinich	Schwartz
Costa	Langevin	Scott (VA)
Costello	Larsen (WA)	Scott, David
Courtney	Larson (CT)	Serrano
Critz	Lee (CA)	Sewell
Crowley	Levin	Sherman
Cuellar	Lewis (GA)	Shuler
Cummings	Lipinski	Sires
Davis (CA)	Loebach	Slaughter
Davis (IL)	Lofgren, Zoe	Smith (WA)
DeFazio	Lowey	Speier
DeGette	Lujan	Stark
DeLauro	Lynch	Sutton
Deutch	Maloney	Thompson (CA)
Dicks	Markey	Thompson (MS)
Dingell	Matheson	Tierney
Doggett	Matsui	Tonko
Donnelly (IN)	McCarthy (NY)	Towns
Doyle	McCollum	Tsongas
Edwards	McDermott	Van Hollen
Ellison	McGovern	Velázquez
Engel	McIntyre	Visclosky
Eshoo	McNerney	Walz (MN)
Farr	Meeks	Wasserman
Fattah	Michaud	Schultz
Frank (MA)	Miller (NC)	Waters

Watt	Welch	Woolsey
Waxman	Wilson (FL)	Yarmuth
NOES—234		
Adams	Goodlatte	Palazzo
Aderholt	Gosar	Paul
Akin	Growdy	Paulsen
Alexander	Granger	Pearce
Amash	Graves (GA)	Pence
Amodel	Graves (MO)	Petri
Bachus	Griffin (AR)	Pitts
Barletta	Grimm	Platts
Bartlett	Guinta	Poe (TX)
Barton (TX)	Guthrie	Pompeo
Bass (NH)	Hall	Posey
Benishek	Harper	Price (GA)
Berg	Harris	Quayle
Biggert	Hartzler	Reed
Bilbray	Hastings (WA)	Rehberg
Bishop (UT)	Hayworth	Reichert
Black	Heck	Renacci
Blackburn	Hensarling	Ribble
Bonner	Herger	Rigell
Bono Mack	Herrera Beutler	Rivera
Boustany	Huelskamp	Roby
Brady (TX)	Huizenga (MI)	Roe (TN)
Brooks	Hultgren	Rogers (AL)
Broun (GA)	Hunter	Rogers (KY)
Buchanan	Hurt	Rogers (MI)
Bucshon	Jenkins	Rohrabacher
Buerkle	Johnson (IL)	Rokita
Burgess	Johnson (OH)	Rooney
Burton (IN)	Johnson, Sam	Ros-Lehtinen
Calvert	Jordan	Roskam
Camp	Kelly	Ross (FL)
Campbell	King (IA)	Royce
Canseco	King (NY)	Runyan
Cantor	Kingston	Ryan (WI)
Capito	Kinzinger (IL)	Scalise
Carter	Kline	Schilling
Cassidy	Labrador	Schmidt
Chabot	Lamborn	Schock
Chaffetz	Lance	Schweikert
Coble	Landry	Scott (SC)
Coffman (CO)	Lankford	Scott, Austin
Cole	Latham	Sensenbrenner
Conaway	LaTourette	Sessions
Cravaack	Latta	Shimkus
Crawford	Lewis (CA)	Shuster
Crenshaw	LoBiondo	Simpson
Culberson	Long	Smith (NE)
Davis (KY)	Lucas	Smith (NJ)
Denham	Luetkemeyer	Smith (TX)
Dent	Lummis	Southerland
DesJarlais	Lungren, Daniel	Stearns
Diaz-Balart	E.	Stivers
Dold	Mack	Stutzman
Dreier	Manzullo	Sullivan
Duffy	Marchant	Terry
Duncan (SC)	Marino	Thompson (PA)
Duncan (TN)	McCarthy (CA)	Thornberry
Ellmers	McCauley	Tiberi
Emerson	McClintock	Tipton
Farenthold	McCotter	Turner (NY)
Fincher	McHenry	Turner (OH)
Fitzpatrick	McKeon	Upton
Flake	McKinley	Walberg
Fleischmann	McMurray	Walden
Fleming	Rodgers	Walsh (IL)
Flores	Meehan	Webster
Forbes	Mica	West
Fortenberry	Miller (FL)	Westmoreland
Fox	Miller (MI)	Whitfield
Franks (AZ)	Miller, Gary	Wilson (SC)
Frelinghuysen	Mulvaney	Wittman
Gallely	Murphy (PA)	Wolf
Gardner	Myrick	Womack
Garrett	Neugebauer	Woodall
Gerlach	Noem	Yoder
Gibbs	Nugent	Young (AK)
Gibson	Nunes	Young (FL)
Gingrey (GA)	Nunnelee	Young (IN)
Gohmert	Olson	
NOT VOTING—10		
Austria	Filner	Ruppersberger
Bachmann	Giffords	Ryan (OH)
Bilirakis	Issa	
Braley (IA)	Murphy (CT)	

□ 1743

Ms. HERRERA BEUTLER, Messrs. CANSECO, BURTON of Indiana, LANDRY, Mrs. LUMMIS, and Mrs.

McMORRIS RODGERS changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, On rollcall No. 823, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mrs. MILLER of Michigan, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowd-funded securities, and for other purposes, and, pursuant to House Resolution 453, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. HOLT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOLT. I am opposed.

Mr. MCHENRY. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Holt moves to recommit the bill H.R. 2930 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 5, line 22, strike “section 4A(a)” and insert “subsections (a) and (g) of section 4A”.

Page 11, line 20, strike the quotation mark and following period and insert after such line the following:

“(g) PROHIBITION ON INTERMEDIARY DOING BUSINESS WITH IRAN.—

“(1) IN GENERAL.—For purposes of section 4(6), a person acting as an intermediary in a

transaction involving the issuance of securities may not, directly or indirectly—

“(A) own any share or interest in a person doing business with the Government of Iran; or

“(B) be affiliated with any person who is, or who directly or indirectly owns any share or interest in a person who is, doing business with the Government of Iran.

“(2) CONSTRUCTION.—For purposes of this subsection, the term ‘Government of Iran’ shall include any agent or instrumentality owned or controlled by the Government of Iran.”.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, at the outset, I want to make one thing clear, which is that the passage of this amendment will not prevent the passage of the underlying bill. If this amendment were to be adopted, it would be incorporated into the bill, and the bill would be immediately voted upon.

As written, Mr. Speaker, the underlying bill would not prevent potential beneficiaries of this act from doing business with the Government of Iran, whose rogue actions threaten our interests and, through their terrorist intermediaries, the interests of our ally Israel. It’s a gaping loophole that this final amendment would close.

The U.S. has a comprehensive embargo against the Government of Iran. Recent events have reminded us exactly how clever the agents of the Government of Iran can be in circumventing U.S. and international law in an effort to keep funds flowing to the Iranian clerical dictatorship. We saw that in the debate last week over a mining bill, during which a link between an American company and an Iran foreign investment company was discussed at length.

Last week, our colleague from Florida (Mr. DEUTCH) offered the Republican majority an opportunity to close the loopholes in the mining bill that could benefit Iranian entities. Regrettably, that amendment was defeated on a party-line vote.

I come to offer the majority another chance.

The bill on the floor today would leave the door open to similar abuses. This final amendment would close any loopholes in the embargo by targeting intermediaries—those who run Web sites or act as broker-dealers—who are seeking to provide help to unaffiliated issuers to do business around the globe.

This final amendment mandates that those who want to benefit from the provisions of this bill must not have any interest in doing business with the Government of Iran. Furthermore, they cannot be affiliated with any person who is doing business directly or indirectly with the Government of Iran.

Yes, Mr. Speaker, this is a serious amendment.

□ 1750

This final amendment is really a commonsense safeguard measure. We all know that money is fungible, including securities. We all know that Iran's dictatorial regime is feeling the pinch from the sanctions the United States has already imposed. The radical clerics that control Iran's government are constantly searching to get the money and goods they need to stay in power and to threaten our interests and, through their terrorist intermediaries, threaten the interests of our allies in Israel. Without this final amendment, this bill would provide them with a possible opening to do so. This final amendment to the bill will help slam shut the door for that option.

I urge all of us to support this final amendment to the bill, and I yield back the balance of my time.

Mr. MCHENRY. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws the point of order.

Mr. MCHENRY. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. We have had two subcommittee hearings on capital formation. This issue was not raised. We had a subcommittee legislative hearing. This issue was not raised. We had a subcommittee markup. This issue was not raised. We had a full committee markup where we incorporated every Democrat idea into this legislation. It is outrageous for the minority party to stoop to this level of taking our important national security issues—

Through hours of debate and crafting a bipartisan bill, I thought they were better than that. I did. I thought we could get through this and pass this bill. The President announced his support. A statement of administrative policy says, Pass this bill. He says, We can't wait. And what does his party in Congress do? Offer an amendment that is already existing law. It is outrageous to play this political stunt with something so important as our national security.

I ask my colleague to withdraw this motion to recommit so we can get to final passage and get going.

Will my colleague withdraw?

Mr. HOLT. Is the gentleman seeking to yield time to me?

Mr. MCHENRY. Will the gentleman withdraw, yes or no?

Mr. HOLT. If this is such a non-controversial amendment, I ask the gentleman to accept it.

Mr. MCHENRY. Reclaiming my time, I ask my colleagues, do you want to allow small businesses that are starved for capital to raise capital? Do you want to allow that to happen? Then vote this down. Let's get to final passage. Let's get this economy moving. We can't wait.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOLT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 2930, if ordered, and adoption of amendment No. 1 to H.R. 2940 by Mr. MILLER of North Carolina.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 9, as follows:

[Roll No. 824]

AYES—187

Ackerman	Fattah	Miller (NC)
Altmire	Frank (MA)	Miller, George
Andrews	Fudge	Moore
Baca	Garamendi	Moran
Baldwin	Gonzalez	Nadler
Barrow	Green, Al	Napolitano
Bass (CA)	Green, Gene	Neal
Becerra	Grijalva	Olver
Berkley	Gutierrez	Owens
Berman	Hahn	Pallone
Bishop (GA)	Hanabusa	Pascarell
Bishop (NY)	Hastings (FL)	Pastor (AZ)
Blumenauer	Heinrich	Payne
Boren	Higgins	Pelosi
Boswell	Himes	Perlmutter
Brady (PA)	Hinchee	Peters
Brady (IA)	Hinojosa	Peterson
Brown (FL)	Hirono	Pingree (ME)
Butterfield	Hochul	Polis
Capps	Holden	Price (NC)
Capuano	Holt	Quigley
Cardoza	Honda	Rahall
Carnahan	Hoyer	Rangel
Carmey	Insee	Reyes
Carson (IN)	Israel	Richardson
Castor (FL)	Jackson (IL)	Richmond
Chandler	Jackson Lee	Ross (AR)
Chu	(TX)	Rothman (NJ)
Cicilline	Johnson (GA)	Roybal-Allard
Clarke (MI)	Johnson, E. B.	Rush
Clarke (NY)	Kaptur	Ryan (OH)
Clay	Keating	Sánchez, Linda
Cleaver	Kildee	T.
Clyburn	Kind	Sanchez, Loretta
Cohen	Kissell	Sarbanes
Connolly (VA)	Kucinich	Schakowsky
Conyers	Langevin	Schiff
Cooper	Larsen (WA)	Schrader
Costa	Larson (CT)	Schwartz
Costello	Lee (CA)	Scott (VA)
Courtney	Levin	Scott, David
Critz	Lewis (GA)	Serrano
Crowley	Lipinski	Sewell
Cuellar	Loeb sack	Sherman
Cummings	Lofgren, Zoe	Shuler
Davis (CA)	Lowey	Sires
Davis (IL)	Luján	Slaughter
DeFazio	Lynch	Smith (WA)
DeGette	Maloney	Speier
DeLauro	Markey	Stark
Deutch	Matheson	Sutton
Dicks	Matsui	Thompson (CA)
Dingell	McCarthy (NY)	Thompson (MS)
Doggett	McCollum	Tierney
Donnelly (IN)	McDermott	Tonko
Doyle	McGovern	Towns
Edwards	McIntyre	Tsongas
Engel	McNerney	Van Hollen
Eshoo	Meeks	Velázquez
Farr	Michaud	Visclosky

Walz (MN)
Wasserman
Schultz
Waters

Watt
Waxman
Welch
Wilson (FL)

Woolsey
Yarmuth

NOES—237

Adams	Goodlatte	Nunnelee
Aderholt	Gosar	Olson
Akin	Gowdy	Palazzo
Alexander	Granger	Paul
Amash	Graves (GA)	Paulsen
Amodei	Graves (MO)	Pearce
Bachus	Griffin (AR)	Pence
Barletta	Griffith (VA)	Petri
Bartlett	Grimm	Pitts
Barton (TX)	Guinta	Platts
Bass (NH)	Guthrie	Poe (TX)
Benishkek	Hall	Pompeo
Berg	Hanna	Posey
Biggert	Harper	Price (GA)
Bilbray	Harris	Quayle
Bilirakis	Hartzler	Reed
Bishop (UT)	Hastings (WA)	Rehberg
Black	Hayworth	Reichert
Blackburn	Heck	Renacci
Bonner	Hensarling	Ribble
Bono Mack	Herger	Rigell
Boustany	Herrera Beutler	Rivera
Brady (TX)	Huelskamp	Roby
Brooks	Huizenga (MI)	Roe (TN)
Broun (GA)	Hultgren	Rogers (AL)
Buchanan	Hunter	Rogers (KY)
Bucshon	Hurt	Rogers (MI)
Buerkle	Jenkins	Rohrabacher
Burgess	Johnson (IL)	Rokita
Burton (IN)	Johnson (OH)	Rooney
Calvert	Johnson, Sam	Ros-Lehtinen
Camp	Jones	Roskam
Campbell	Jordan	Ross (FL)
Canseco	Kelly	Royce
Cantor	King (IA)	Runyan
Capito	King (NY)	Ryan (WI)
Carter	Kingston	Scalise
Cassidy	Kinzing (IL)	Schilling
Chabot	Kline	Schmidt
Chaffetz	Labrador	Schock
Coble	Lamborn	Schweikert
Coffman (CO)	Lance	Scott (SC)
Cole	Landry	Scott, Austin
Conaway	Lankford	Sensenbrenner
Cravaack	Latham	Sessions
Crawford	LaTourette	Shimkus
Crenshaw	Latta	Shuster
Culberson	Lewis (CA)	Smith (NE)
Davis (KY)	LoBiondo	Smith (NJ)
Denham	Long	Smith (TX)
Dent	Lucas	Southerland
DesJarlais	Luetkemeyer	Stearns
Diaz-Balart	Lummis	Stivers
Dold	Lungren, Daniel	Stutzman
Dreier	E.	Sullivan
Duffy	Mack	Terry
Duncan (SC)	Manzullo	Thompson (PA)
Duncan (TN)	Marchant	Thornberry
Ellmers	Marino	Tiberi
Emerson	McCarthy (CA)	Tipton
Farenthold	McCaul	Turner (NY)
Fincher	McClintock	Turner (OH)
Fitzpatrick	McCotter	Upton
Flake	McHenry	Walberg
Fleischmann	McKeon	Walden
Fleming	McKinley	Walsh (IL)
Flores	McMorris	Webster
Forbes	Rodgers	West
Fortenberry	Meehan	Westmoreland
Fox	Mica	Whitfield
Franks (AZ)	Miller (FL)	Wilson (SC)
Frelinghuysen	Miller (MI)	Wittman
Gallegly	Miller, Gary	Wolf
Gardner	Mulvaney	Womack
Garrett	Murphy (PA)	Woodall
Gerlach	Myrick	Yoder
Gibbs	Neugebauer	Young (AK)
Gibson	Noem	Young (FL)
Gingrey (GA)	Nugent	Young (IN)
Gohmert	Nunes	

NOT VOTING—9

Austria	Filner	Murphy (CT)
Bachmann	Giffords	Ruppersberger
Ellison	Issa	Simpson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1811

Mr. ROHRBACHER changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 824, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McHENRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 17, not voting 9, as follows:

[Roll No. 825]

AYES—407

Adams	Capito	Doyle
Aderholt	Capps	Dreier
Akin	Cardoza	Duffy
Alexander	Carmahan	Duncan (SC)
Altmire	Carney	Duncan (TN)
Amash	Carson (IN)	Ellison
Amodel	Carter	Ellmers
Andrews	Cassidy	Emerson
Baca	Castor (FL)	Engel
Bachus	Chabot	Eshoo
Baldwin	Chaffetz	Farenthold
Barletta	Chandler	Farr
Barrow	Chu	Fattah
Bartlett	Cicilline	Fincher
Barton (TX)	Clarke (MI)	Fitzpatrick
Bass (CA)	Clarke (NY)	Flake
Bass (NH)	Clay	Fleischmann
Becerra	Cleaver	Fleming
Benishkek	Clyburn	Flora
Berg	Coble	Forbes
Berkley	Coffman (CO)	Fortenberry
Berman	Cohen	Foxx
Biggert	Cole	Frank (MA)
Bilbray	Conaway	Franks (AZ)
Billirakis	Connolly (VA)	Frelinghuysen
Bishop (GA)	Conyers	Fudge
Bishop (NY)	Cooper	Galleghy
Bishop (UT)	Costa	Gardner
Black	Costello	Garrett
Blackburn	Courtney	Gerlach
Blumenauer	Cravaack	Gibbs
Bonner	Crawford	Gibson
Bono Mack	Crenshaw	Gingrey (GA)
Boren	Critz	Gohmert
Boswell	Crowley	Gonzalez
Boustany	Cuellar	Goodlatte
Brady (PA)	Culberson	Gosar
Brady (TX)	Davis (CA)	Gowdy
Braley (IA)	Davis (IL)	Granger
Brooks	Davis (KY)	Graves (GA)
Broun (GA)	DeFazio	Graves (MO)
Brown (FL)	DeGette	Green, Al
Buchanan	DeLauro	Green, Gene
Bucshon	Denham	Griffin (AR)
Buerkle	Dent	Griffith (VA)
Burgess	DesJarlais	Grijalva
Burton (IN)	Deutch	Grimm
Calvert	Diaz-Balart	Guinta
Camp	Dicks	Guthrie
Campbell	Doggett	Gutierrez
Canseco	Dold	Hahn
Cantor	Donnelly (IN)	Hall

Hanabusa	McCaul
Hanna	McClintock
Harper	McCollum
Harris	McCotter
Hartzler	McDermott
Hastings (FL)	McGovern
Hastings (WA)	McHenry
Hayworth	McIntyre
Heck	McKeon
Heinrich	McKinley
Hensarling	McMorris
Herger	Rodgers
Herrera Beutler	McNerney
Higgins	Meehan
Himes	Meeks
Hinchee	Mica
Hinojosa	Michaud
Hirono	Miller (FL)
Hochul	Miller (MI)
Holden	Miller, Gary
Holt	Miller, George
Honda	Moore
Hoyer	Moran
Huelskamp	Mulvaney
Huizenga (MI)	Murphy (PA)
Hultgren	Myrick
Hunter	Nadler
Hurt	Napolitano
Inslee	Neal
Israel	Neugebauer
Jackson (IL)	Noem
Jackson Lee	Nugent
(TX)	Nunes
Jenkins	Nunnelee
Johnson (GA)	Olson
Johnson (IL)	Owens
Johnson (OH)	Palazzo
Johnson, E. B.	Pallone
Johnson, Sam	Pascarella
Jones	Pastor (AZ)
Jordan	Paul
Kaptur	Paulsen
Keating	Payne
Kelly	Pearce
Kind	Pelosi
King (IA)	Pence
King (NY)	Perlmutter
Kingston	Peters
Kinzinger (IL)	Peterson
Kissell	Petri
Kline	Pingree (ME)
Labrador	Pitts
Lamborn	Platts
Lance	Poe (TX)
Landry	Polis
Langevin	Pompeo
Lankford	Posey
Larsen (WA)	Price (GA)
Larson (CT)	Quayle
Latham	Quigley
LaTourette	Rahall
Latta	Rangel
Lee (CA)	Reed
Levin	Rehberg
Lewis (CA)	Reichert
Lipinski	Renacci
LoBiondo	Reyes
Loeb sack	Ribble
Lofgren, Zoe	Richardson
Long	Richmond
Lowe y	Rigell
Lucas	Rivera
Luetkemeyer	Roby
Lujan	Roe (TN)
Lummis	Rogers (AL)
Lungrén, Daniel	Rogers (KY)
E.	Rogers (MI)
Mack	Rohrabacher
Maloney	Rokita
Manzullo	Rooney
Marchant	Ros-Lehtinen
Marino	Roskam
Matheson	Ross (AR)
Matsui	Ross (FL)
McCarthy (CA)	Rothman (NJ)
McCarthy (NY)	Roysal-Allard

NOES—17

Ackerman
Butterfield
Capuano
Cummings
Dingell
Edwards

Runyan
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woodsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

Olver
Price (NC)
Schakowsky
Tierney
Watt

NOT VOTING—9

Austria	Garamendi	Murphy (CT)
Bachmann	Giffords	Ruppersberger
Filner	Issa	Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1818

Ms. EDWARDS and Mr. BUTTERFIELD changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 825, I was away from the Capitol due to prior commitments to my constituents. Had I been present I would have voted “aye.”

ACCESS TO CAPITAL FOR JOB CREATORS ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of amendment No. 1 printed in part B of House Report 112-265 by the gentleman from North Carolina (Mr. MILLER) on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 190, nays 234, not voting 9, as follows:

[Roll No. 826]

YEAS—190

Ackerman	Costello	Hastings (FL)
Altmire	Courtney	Heinrich
Andrews	Critz	Higgins
Baca	Crowley	Hinchee
Baldwin	Cuellar	Hinojosa
Barrow	Cummings	Hirono
Bass (CA)	Davis (CA)	Hochul
Becerra	Davis (IL)	Holden
Berkley	DeFazio	Holt
Berman	DeGette	Honda
Bishop (GA)	DeLauro	Hoyer
Bishop (NY)	Dent	Inslee
Blumenauer	Deutch	Israel
Boswell	Dicks	Jackson (IL)
Brady (PA)	Dingell	Jackson Lee
Braley (IA)	Doggett	(TX)
Brown (FL)	Donnelly (IN)	Johnson (GA)
Butterfield	Doyle	Johnson, E. B.
Capps	Duncan (TN)	Jones
Capuano	Edwards	Kaptur
Cardoza	Ellison	Keating
Carnahan	Engel	Kildee
Carney	Eshoo	Kind
Carson (IN)	Farr	Kissell
Castor (FL)	Fattah	Kucinich
Chandler	Fitzpatrick	Langevin
Chu	Fortenberry	Larsen (WA)
Cicilline	Frank (MA)	Larson (CT)
Clarke (MI)	Fudge	Lee (CA)
Clarke (NY)	Garamendi	Levin
Clay	Gonzalez	Lewis (GA)
Cleaver	Green, Al	Lipinski
Clyburn	Green, Gene	LoBiondo
Cohen	Grijalva	Loeb sack
Connolly (VA)	Gutierrez	Lofgren, Zoe
Conyers	Hahn	Lowe y
Costa	Hanabusa	Lujan

Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters

Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman

NAYS—234

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores

Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis

Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise

Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)

Smith (TX)
Southernland
Stivers
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden

NOT VOTING—9

Austria
Bachmann
Burton (IN)
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger
Stutzman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1825

So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, On rollcall No. 826, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. DEFAZIO. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DEFAZIO. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DeFazio moves to recommit the bill, H.R. 2940, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 4, line 9, insert before the period the following: " , and that the person offering or selling such securities utilizing the general advertising or general solicitation permitted by such rules has not been convicted of fraud in connection with a financial transaction, including predatory lending to a veteran".

Mr. DEFAZIO (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MCCARTHY of California. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I asked to have the reading suspended because I want to expedite things.

I listened to the debate over the previous motion to reconsider. I'd just like to address a couple of points in advance.

This will not delay the bill. In fact, if we adopt this motion by voice vote, we can move directly on to passage of the legislation, which I believe enjoys broad bipartisan support.

Now, I know we all have tremendous pride of authorship in legislation we write or we move to the floor, and that's to be understood, but sometimes bills are not quite perfect. And I would look at this amendment, which narrows the scope of the bill, that is, it says basically that we're opening up a new way for small business and other undertakings to offer a share of stock in their business to the public in order to raise capital and grow and employ folks. That's great, and I think everybody here supports that. However, I think that we should adopt one minor restriction to that, one that would narrow the scope of the bill, and it's quite simple. It just says that these new rules apply to everyone, except for persons who have been convicted of fraud in connection with a financial transaction, including predatory lending to a veteran.

Now, it seems to me that there should be unanimous support for that. We want to open up this new vehicle for small businesses and others to gain investors, but we certainly don't want to open it up to people convicted of fraud in connection with a financial transaction or predatory lending to a veteran.

In fact, I'd just sort of poll the House here and ask: Does anybody think that we should allow those who were convicted of fraud or predatory lending be allowed to engage in this? If so, raise your hand.

Okay. I don't see anyone raising their hand, so I would hope that we can move along very quickly to this amendment and adopt it by voice vote. It is narrowing the scope, it's a commonsense amendment, and it just addresses the potential for abuse for those who have a proven record of fraud due to conviction.

With that, I yield back the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. The gentleman's reservation is withdrawn.

Mr. MCCARTHY of California. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. MCCARTHY of California. It never ceases to amaze me. Not once, but twice today you have just taken two bills on the floor that have been through subcommittee and full committee unanimously and came down.

This bill accepted every single amendment that came to rules. This

bill accepted MAXINE WATERS' amendment in the committee. Had the gentleman listened to the debate on the floor, you would have heard from your side of the aisle support of this bill. Had the gentleman talked and listened about this bill itself, this has nothing to do about lending. Let me tell you why.

□ 1830

When I was 20 years old I started my first small business. You know what the government does for a small business? If you're someone like me and you come from the wrong side of the tracks, they punish you. They tell you you can't go find money from an individual source unless you have a pre-existing relationship. It dates back to 1933.

The only thing that this bill does is correct that problem. It opens it up for an individual that has to be accredited. This has nothing to do with lending.

I would tell the gentleman from the other side of the aisle, maybe you are not used to a regular order and an open order because your side of the aisle did not play that way in the majority. I will tell you, the committee acted as the American people wanted it to, unanimously, working on small business and job creation. America's looking for partnership, not partisanship.

Mr. DEFAZIO. Will the gentleman yield?

Mr. MCCARTHY of California. I will not yield. You did not take the time to read the bill, understand the bill, and you brought a motion that does not deal with the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. All Members will suspend.

The Chair will remind the Members to address their comments to the Chair.

The gentleman from California may resume.

Mr. MCCARTHY of California. The bill does one thing, the number one thing the American people are looking for: create more jobs, less partisanship, and more small businesses.

I urge my colleagues to reject this motion to recommit and support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 190, noes 236, not voting 7, as follows:

[Roll No. 827]

AYES—190

Ackerman	Garamendi	Oliver
Altmire	Gonzalez	Owens
Andrews	Green, Al	Pallone
Baca	Green, Gene	Pascrell
Baldwin	Grijalva	Pastor (AZ)
Barrow	Gutierrez	Payne
Bass (CA)	Hahn	Pelosi
Becerra	Hanabusa	Perlmuter
Berkley	Hastings (FL)	Peters
Berman	Heinrich	Peterson
Bishop (GA)	Higgins	Pingree (ME)
Bishop (NY)	Himes	Polis
Blumenauer	Hinchee	Price (NC)
Boren	Hinojosa	Quigley
Boswell	Hirono	Rahall
Brady (PA)	Hochul	Rangel
Braley (IA)	Holden	Reyes
Brown (FL)	Holt	Richardson
Butterfield	Honda	Richmond
Capps	Hoyer	Ross (AR)
Capuano	Inslee	Rothman (NJ)
Cardoza	Israel	Roybal-Allard
Carnahan	Jackson (IL)	Rush
Carney	Jackson Lee	Ryan (OH)
Carson (IN)	(TX)	Sánchez, Linda
Castor (FL)	Johnson (GA)	T.
Chandler	Johnson, E. B.	Sanchez, Loretta
Chu	Jones	Sarbanes
Cicilline	Kaptur	Schakowsky
Clarke (MI)	Keating	Schiff
Clarke (NY)	Kildee	Schrader
Clay	Kind	Schwartz
Cleaver	Kissell	Scott (VA)
Clyburn	Kucinich	Scott, David
Cohen	Langevin	Serrano
Connolly (VA)	Larsen (WA)	Sewell
Conyers	Larson (CT)	Sherman
Cooper	Lee (CA)	Shuler
Costa	Levin	Sires
Costello	Lewis (GA)	Slaughter
Courtney	Lipinski	Smith (WA)
Critz	Loeb sack	Speier
Crowley	Lofgren, Zoe	Stark
Cuellar	Lowe	Sutton
Cummings	Luján	Thompson (CA)
Davis (CA)	Lynch	Thompson (MS)
Davis (IL)	Maloney	Tierney
DeFazio	Markey	Tonko
DeGette	Matheson	Towns
DeLauro	Matsui	Tsongas
Deutch	McCarthy (NY)	Van Hollen
Dicks	McCollum	Velázquez
Dingell	McDermott	Visclosky
Doggett	McGovern	Walz (MN)
Donnelly (IN)	McIntyre	Wasserman
Doyle	McNerney	Schultz
Duncan (TN)	Meeks	Waters
Edwards	Michaud	Watt
Ellison	Miller (NC)	Waxman
Engel	Miller, George	Welch
Eshoo	Moore	Wilson (FL)
Farr	Moran	Woolsey
Fattah	Nadler	Yarmuth
Frank (MA)	Napolitano	
Fudge	Neal	

NOES—236

Adams	Black	Cantor
Aderholt	Blackburn	Capito
Akin	Bonner	Carter
Alexander	Bono Mack	Cassidy
Amash	Boustany	Chabot
Amodei	Brady (TX)	Chaffetz
Bachus	Brooks	Coble
Barletta	Brown (GA)	Coffman (CO)
Bartlett	Buchanan	Cole
Barton (TX)	Bucshon	Conaway
Bass (NH)	Buerkle	Cravaack
Benishek	Burgess	Crawford
Berg	Burton (IN)	Crenshaw
Biggert	Calvert	Culberson
Bilbray	Camp	Davis (KY)
Bilirakis	Campbell	Denham
Bishop (UT)	Canseco	Dent

DesJarlais	Kingston	Ribble
Diaz-Balart	Kinzing (IL)	Rigell
Dold	Kline	Rivera
Dreier	Labrador	Roby
Duffy	Lamborn	Roe (TN)
Duncan (SC)	Lance	Rogers (AL)
Ellmers	Landry	Rogers (KY)
Emerson	Lankford	Rogers (MI)
Farenthold	Latham	Rohrabacher
Fincher	LaTourette	Rokita
Fitzpatrick	Latta	Rooney
Flake	Lewis (CA)	Ros-Lehtinen
Fleischmann	LoBiondo	Roskam
Fleming	Long	Ross (FL)
Flores	Lucas	Royce
Forbes	Luetkemeyer	Runyan
Fortenberry	Lummis	Ryan (WI)
Fox	Lungren, Daniel	Scalise
Franks (AZ)	E.	Schilling
Frelinghuysen	Mack	Schmidt
Gallegly	Manzullo	Schock
Gardner	Marchant	Schweikert
Garrett	Marino	Scott (SC)
Gerlach	McCarthy (CA)	Scott, Austin
Gibbs	McCaul	Sensenbrenner
Gibson	McClintock	Sessions
Gingrey (GA)	McCotter	Shimkus
Gohmert	McHenry	Shuster
Goodlatte	McKeon	Simpson
Gosar	McKinley	Smith (NE)
Gowdy	McMorris	Smith (NJ)
Granger	Rodgers	Smith (TX)
Graves (GA)	Meehan	Southerland
Graves (MO)	Mica	Stearns
Griffin (AR)	Miller (FL)	Stivers
Griffith (VA)	Miller (MI)	Stutzman
Grimm	Miller, Gary	Sullivan
Guinta	Mulvaney	Terry
Guthrie	Murphy (PA)	Thompson (PA)
Hall	Myrick	Thornberry
Hanna	Neugebauer	Tiberi
Harper	Noem	Tipton
Harris	Nugent	Turner (NY)
Hartzler	Nunes	Turner (OH)
Hastings (WA)	Nunnelee	Upton
Hayworth	Olson	Walberg
Heck	Palazzo	Walden
Hensarling	Paul	Walsh (IL)
Herger	Paulsen	Webster
Herrera Beutler	Pearce	West
Huelskamp	Pence	Westmoreland
Huizenga (MI)	Petri	Whitfield
Hultgren	Pitts	Wilson (SC)
Hunter	Platts	Wittman
Hurt	Poe (TX)	Wolf
Jenkins	Pompeo	Womack
Johnson (IL)	Posey	Woodall
Johnson (OH)	Price (GA)	Yoder
Johnson, Sam	Quayle	Young (AK)
Jordan	Reed	Young (FL)
Kelly	Rehberg	Young (IN)
King (IA)	Reichert	
King (NY)	Renacci	

NOT VOTING—7

Austria	Giffords	Ruppersberger
Bachmann	Issa	
Finler	Murphy (CT)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1849

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 827, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCARTHY of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 11, not voting 9, as follows:

[Roll No. 828]

AYES—413

Ackerman	Costa	Hanna
Adams	Costello	Harper
Aderholt	Courtney	Harris
Akin	Cravaack	Hartzler
Alexander	Crawford	Hastings (FL)
Altmire	Crenshaw	Hastings (WA)
Amash	Critz	Hayworth
Amodei	Crowley	Heck
Andrews	Cuellar	Heinrich
Baca	Culberson	Hensarling
Bachus	Cummings	Herger
Baldwin	Davis (CA)	Herrera Beutler
Barletta	Davis (IL)	Higgins
Barrow	Davis (KY)	Himes
Bartlett	DeFazio	Hinchee
Barton (TX)	DeGette	Hinojosa
Bass (CA)	DeLauro	Hirono
Bass (NH)	Denham	Hochul
Becerra	Dent	Holden
Benishek	DesJarlais	Holt
Berg	Deutch	Honda
Berkley	Diaz-Balart	Hoyer
Berman	Dicks	Huelskamp
Biggart	Doggett	Huizenga (MI)
Billray	Dold	Hultgren
Bilirakis	Donnelly (IN)	Hunter
Bishop (GA)	Doyle	Hurt
Bishop (NY)	Dreier	Inslee
Bishop (UT)	Duffy	Israel
Black	Duncan (SC)	Jackson (IL)
Blackburn	Duncan (TN)	Jackson Lee
Blumenauer	Edwards	(TX)
Bonner	Ellison	Jenkins
Bono Mack	Ellmers	Johnson (GA)
Boren	Emerson	Johnson (IL)
Boswell	Engel	Johnson (OH)
Boustany	Eshoo	Johnson, E. B.
Brady (PA)	Farenthold	Johnson, Sam
Brady (TX)	Farr	Jones
Braley (IA)	Fattah	Jordan
Brooks	Fincher	Kaptur
Brown (GA)	Fitzpatrick	Keating
Brown (FL)	Flake	Kelly
Buchanan	Fleischmann	Kildee
Bucshon	Fleming	Kind
Buerkle	Flores	King (IA)
Burgess	Forbes	King (NY)
Burton (IN)	Fortenberry	Kingston
Butterfield	Fox	Kinzinger (IL)
Calvert	Frank (MA)	Kissell
Camp	Franks (AZ)	Kline
Campbell	Frelinghuysen	Labrador
Canseco	Fudge	Lamborn
Cantor	Gallely	Lance
Capito	Garamendi	Landry
Capps	Gardner	Langevin
Cardoza	Garrett	Lankford
Carnahan	Gerlach	Larsen (WA)
Carney	Gibbs	Larson (CT)
Carson (IN)	Gibson	Latham
Carter	Gingrey (GA)	LaTourette
Cassidy	Gohmert	Latta
Castor (FL)	Gonzalez	Lee (CA)
Chabot	Goodlatte	Levin
Chaffetz	Gosar	Lewis (CA)
Chandler	Gowdy	Lewis (GA)
Chu	Granger	Lipinski
Cicilline	Graves (GA)	LoBiondo
Clarke (MI)	Graves (MO)	Loebsack
Clarke (NY)	Green, Al	Lofgren, Zoe
Clay	Green, Gene	Long
Cleaver	Griffin (AR)	Lowe
Clyburn	Griffith (VA)	Lucas
Coble	Grijalva	Luetkemeyer
Coffman (CO)	Grimm	Lujan
Cohen	Guinta	Lummis
Cole	Guthrie	Lungren, Daniel
Conaway	Gutierrez	E.
Connolly (VA)	Hahn	Mack
Conyers	Hall	Maloney
Cooper	Hanabusa	Manzullo

Marchant	Pitts	Sewell
Marino	Platts	Sherman
Matheson	Poe (TX)	Shimkus
Matsui	Polis	Shuler
McCarthy (CA)	Pompeo	Shuster
McCarthy (NY)	Posey	Simpson
McCaul	Price (GA)	Sires
McClintock	Quayle	Slaughter
McCollum	Quigley	Smith (NE)
McCotter	Rahall	Smith (NJ)
McDermott	Rangel	Smith (TX)
McGovern	Reed	Smith (WA)
McHenry	Rehberg	Southerland
McIntyre	Reichert	Speier
McKeon	Renacci	Stark
McKinley	Reyes	Stearns
McMorris	Ribble	Stivers
Rodgers	Richardson	Stutzman
McNerney	Richmond	Sullivan
Meehan	Rigell	Sutton
Meeks	Rivera	Terry
Mica	Roby	Thompson (CA)
Michaud	Roe (TN)	Thompson (MS)
Miller (FL)	Rogers (AL)	Thompson (PA)
Miller (MI)	Rogers (KY)	Thornberry
Miller, Gary	Rogers (MI)	Tiberi
Miller, George	Rohrabacher	Tipton
Moore	Rokita	Tonko
Moran	Rooney	Towns
Mulvaney	Ros-Lehtinen	Tsongas
Murphy (PA)	Roskam	Turner (NY)
Myrick	Ross (AR)	Turner (OH)
Nadler	Ross (FL)	Upton
Napolitano	Rothman (NJ)	Van Hollen
Neal	Roybal-Allard	Velázquez
Neugebauer	Royce	Walberg
Noem	Runyan	Walden
Nugent	Ryan (OH)	Walsh (IL)
Nunes	Ryan (WI)	Walz (MN)
Nunnelee	Sánchez, Linda	Waters
Olson	T.	Watt
Oliver	Sanchez, Loretta	Waxman
Owens	Sarbanes	Webster
Palazzo	Scalise	Welch
Pallone	Schiff	West
Pascarell	Schilling	Westmoreland
Pastor (AZ)	Schmidt	Whitfield
Paul	Schock	Wilson (SC)
Paulsen	Schrader	Wittman
Payne	Schwartz	Wolf
Pearce	Schweikert	Womack
Pelosi	Scott (SC)	Woodall
Pence	Scott (VA)	Woolsey
Perlmutter	Scott, Austin	Yarmuth
Peters	Scott, David	Yoder
Peterson	Sensenbrenner	Young (AK)
Petri	Serrano	Young (FL)
Pingree (ME)	Sessions	Young (IN)

NOES—11

Capuano	Markey	Schakowsky
Dingell	Miller (NC)	Tierney
Kucinich	Price (NC)	Visclosky
Lynch	Rush	

NOT VOTING—9

Austria	Issa	Wasserman
Bachmann	Murphy (CT)	Schultz
Filner	Ruppersberger	Wilson (FL)
Giffords		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1855

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 828, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2930 AND H.R. 2940

Mr. McCARTHY of California. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2930 and H.R. 2940, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Ms. KAPTUR, Ohio
Mr. HONDA, California

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2838, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-267) on the resolution (H. Res. 455) providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE U.S. ARMY'S 2011 SOLDIER OF THE YEAR

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I am proud to offer my enthusiastic congratulations to Army Specialist Thomas Hauser for being named the Army's 2011 Soldier of the Year.

Specialist Hauser is a native of my district, Ohio's First Congressional District. He is a 2008 graduate of Colerain High School and is the son of Colerain Township residents Kim Ranson Hauser and Michael Hauser.

Without question, Specialist Hauser has distinguished himself as the best of the best. This Army-wide competition culminated in a final round of 12 soldiers being tested on a wide array of skill sets, to include physical fitness,

urban warfare tactics, a day and night land navigation course, battlefield scenario tests, and a variety of drills.

Specialist Hauser serves his country as a proud member of the 563rd Military Police Company, of the 91st Military Police Battalion, and of the 10th Mountain Division at Fort Drum, New York.

Congratulations to Specialist Thomas Hauser on this great accomplishment. You've made all the folks back home in Cincinnati proud.

IN HONOR OF PENN STATE'S FOOTBALL COACH, JOE PATERNO

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. I rise today to honor one of the legends of college football, Penn State's football coach, Joe Paterno, who this past weekend scored his 409th victory as head coach. The win took place on a snowy State College afternoon where the Nittany Lions defeated the University of Illinois.

With this past weekend's win, Paterno becomes the winningest coach in Division I football. As if this accomplishment weren't extraordinary by itself, it is important to note that all 409 wins have come under the head coach of one school—Penn State.

Starting his football coaching career at Penn State in 1950 as an assistant coach, Paterno's tenure has spanned over 62 years. His 409-win and 136-loss record is truly unrivaled, passing over legendary coaches Bear Bryant of Alabama, Bobby Bowden of Florida State, and Eddie Robinson of Grambling.

From 1950 to today, Coach Paterno has led his team with humility, class, and integrity. He's truly one of a kind, but words can't describe his tremendous contributions to the Penn State community.

Today, I stand to honor and recognize Coach Paterno, the winningest coach in Division I football history.

Congratulations, Joe Paterno.

□ 1900

PATRIOT AND MEDAL OF HONOR RECIPIENT FIRST SERGEANT DAVID MCNERNEY, UNITED STATES ARMY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, as we near Veterans Day, I want to pay a special tribute to my friend First Sergeant David McNerney. Here is a photograph of him, here to my left. After high school in Houston, David volunteered and enlisted in the United States Navy. He spent two tours of duty in Korea. And after leaving the

Navy in 1953, he joined the United States Army. In 1962, McNerney was one of the first 500 soldiers sent to Vietnam. During his third tour of duty in Vietnam, he was stationed near the Cambodian border. And in March of '67, he and his company were sent to recover a missing reconnaissance team.

Coming under heavy Vietnamese attack, McNerney was wounded by a grenade, and his commander was killed. Nonetheless, McNerney continued the fight, calling in close artillery fire. He destroyed an enemy machine gun, he pulled wounded to safety, he secured a landing zone for medical helicopters, and he refused to be evacuated himself. His actions stopped the enemy advance and saved his own men's lives. His valor earned First Sergeant McNerney the Congressional Medal of Honor, and it was presented to him by President Lyndon Baines Johnson. Then McNerney volunteered yet again for a fourth tour of duty in Vietnam.

After serving in the Army and the Navy, McNerney returned to Crosby, Texas. And last year, my friend First Sergeant McNerney died in Texas, still a patriot. Mr. Speaker, where does America get such men as these, these warriors, this rare breed, these Americans?

And that's just the way it is.

GUILLERMO FARINAS

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Mr. Speaker, I rise to inform my colleagues of yet more beatings and arrests of opposition leaders by the Castro dictatorship in Cuba. Early this week, Guillermo Farinas, winner of the Sakharov Human Rights Award in 2010, was beaten and arrested by Castro's thugs while visiting another dissident on a hunger strike at a hospital in the Santa Clara province. According to his mother, Farinas was not allowed into the hospital and was arrested. A State security agent then held him in place and beat him.

Farinas is a dissident journalist who has advocated for a free press and against Internet censorship while also participating in various hunger strikes, asking for the release of political prisoners. On Monday, Cuban State security officials also arrested prominent dissidents Jorge Luis Perez Garcia "Antunez" and his wife Yris at the same hospital and proceeded to drag them through the street.

While some across the world continue to ignore the brutal reality of repression and human rights abuses in Cuba, even pushing for appeasement of the Castro tyrants, these heroes continue fighting for freedom and democracy. Let us not forget their brave struggle.

HIGH-LEVEL NUCLEAR WASTE DISPOSAL

The SPEAKER pro tempore (Mr. FLEISCHMANN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, before my freshman colleagues get too concerned, I am only going to go a couple of minutes to talk about why I have been coming to the floor once each week for a whole debate on high-level nuclear waste and a national repository that is defined in law, a law passed in 1982 that that national repository would be at Yucca Mountain. So I have been going through a geography lesson about where we have nuclear waste in this country, comparing it to the site at Yucca Mountain, and then addressing the positions of our colleagues on the Senate side from those affected States.

The House has spoken on Yucca Mountain again this year in a vote in which 297 of my colleagues joined me in ensuring that we had enough money to finish the scientific study to finally bring closure to Yucca Mountain and, if the science is sound, then start moving high-level nuclear waste from all over this country to a single repository. So today I come to the floor to highlight another location.

This is Yucca Mountain. And I want to remind folks that Yucca Mountain has no nuclear waste onsite right now. The waste, once it gets to Yucca Mountain, will be stored 1,000 feet underground. The nuclear waste will be 1,000 feet above the groundwater. And Yucca Mountain is 100 miles from the Colorado River. So it's pretty far. It's in a mountain. It's in a desert. It is pretty far from ever being close to major bodies of water. And what's been interesting is, as we go around geographically, we find that we have high-level nuclear waste right next to major rivers and major lakes throughout the country.

This is one of the most compelling sites in our tour so far. This is a nuclear power plant in California called San Onofre. And if you look at this—yes, this is the ocean. Here is the nuclear power plant. And yes, these are waves that are coming up to the rocky shoreline and a concrete barrier that leads to the nuclear power plant.

Now compare San Onofre with Yucca Mountain. There are 2,300 waste rods—that's nuclear waste rod material—onsite here right next to the Pacific Ocean. There's none at Yucca Mountain in the desert. The waste is stored above the ground and in pools here. The waste will be stored 1,000 feet underground at Yucca Mountain. The waste here is adjacent to the Pacific Ocean. You can see the waves. Yucca Mountain is in a desert, and it's 100 miles from the Colorado River. San

Onofre is 45 miles from San Diego. Yucca Mountain is over 100 miles from Las Vegas, Nevada. So if you want to compare and contrast where we should have nuclear waste, would it be next to the Pacific Ocean? Or should it be in a desert underneath a mountain? I would think most Americans and my colleagues on the House floor agree, based upon our 297-vote total, that it should be in a geological repository underneath a mountain in a desert.

So let's look at the surrounding Senators and what are their current positions as far as we can determine. Senator BOXER says that if the Yucca project is constructed, there will be thousands of shipments of high-level nuclear waste transported through California. She voted "no" on Yucca Mountain in 2002. Senator FEINSTEIN, after Fukushima Daiichi, said, "I had always thought we didn't need one. Yesterday"—and that was the day after the damage done because of the tsunami in Japan—"yesterday candidly changed my mind." She voted "no" to Yucca in 2002. I think she might be reconsidering.

Senator MCCAIN voted "yes" in 2002. "I was absolutely opposed to its closure," he said, referring to Yucca Mountain. "It's absolutely ridiculous to not have Yucca Mountain after developing it over a 20-year process." I would agree with Senator MCCAIN. We've already spent \$12.5 billion for Yucca Mountain. I think it's time that we finish the project. Senator KYL is quoted—these are the two Senators from Arizona, next to California—and he used this example of just everyday residential waste. He says, "It is a little like saying since every Wednesday morning, everybody in my area of Phoenix is going to put their garbage out, and because we keep producing garbage, we should not have a dump to where all that garbage is taken. If we produce more garbage and store it on-site, it is, in effect, storing it on the curb. That doesn't argue for the proposition that there should not be a central repository where that material is taken and disposed of in a proper way."

□ 1910

So I come back down to the floor to highlight another location where you have high-level nuclear waste near a major body of water, the Pacific Ocean, not in the desert as defined by law we should.

Other States and locations that I've talked about, I first went to Hanford which is high-level nuclear waste, 23 million gallons in tanks that are leaking a mile from the Columbia River. Then I went to Zion.

Mr. DOLD. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Illinois.

Mr. DOLD. The gentleman raises a great point. In Zion, just a sheer couple of miles from my district, right along

the coast of Lake Michigan, next to 95 percent of the fresh drinking water, surface fresh water in the United States, and we're storing just literally yards off the shore of Lake Michigan spent fuel rods. That is obviously not the place to be doing that; and it's my understanding, correct me if I'm wrong, at Yucca Mountain we're talking about 1,000 feet underground, 1,000 feet above the water table, and at least 100 miles away from most of the individuals and inhabitants that are around. A perfect place. And we've spent \$14 billion constructing it. It seems like common sense that we want this waste not around fresh water, not around some of the urban areas, but in a place specifically designed, as Yucca Mountain is.

Mr. SHIMKUS. Reclaiming my time, as my colleagues know, Senator KIRK is strongly in support of moving high-level nuclear waste to Yucca Mountain. Senator DURBIN said the right things. We just want him now to lead on that issue for the importance of the State of Illinois.

Another week I talked about the Savannah River site, nuclear waste right on the Savannah River, and highlighted the Senators there. And now I end up this week talking about California. This is not the only nuclear power plant that's on the Pacific Ocean. There's one in San Luis Obispo.

I appreciate my colleagues allowing me this time to do my weekly process of talking about high-level nuclear waste. It's the law of the land, and we're going to continue to work hard until we get this done and we move and have a central repository for high-level nuclear waste in Las Vegas, in Nevada at Yucca Mountain.

With that, Mr. Speaker, I yield back the balance of my time.

GOP FRESHMEN HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. GARDNER) is recognized for the balance of the hour as the designee of the majority leader.

Mr. GARDNER. Mr. Speaker, tonight I am joined by several of my colleagues from the freshman class to talk about some of the greatest issues facing our country and what we are going to do in this country to get our job creators back on their feet so we can do something to address the unacceptably high levels of unemployment.

For the past 11 months in this Congress, we have been focused on what it would take to get government out of the way and let job creators do what they do best, and that's put people back to work. How can we restore the economic growth of this country? Obviously as part of that, you look at so many of the policies that this country has—whether it's regulations, whether

it's overspending, whether it's our tax policy—but it all starts right here in the House of Representatives of what we are going to do, the policies we are going to pass to get this country hiring again.

Over the past several months, this is the 32nd month in a row, actually, where unemployment has exceeded 8 percent. For 32 consecutive months, the unemployment rate has been at or above 8 percent. Remember back when the stimulus was passed, they said if it was passed, the unemployment rate would never exceed 8 percent. But we're in the 32nd month in a row of unemployment over 8 percent. Fourteen million people, the number of Americans who are unemployed. The number of net jobs the economy has shed from February 2009 when the stimulus was signed into law, 2.2 million people losing their work. The unemployment rate among job-seekers between the age of 16 and 19 is 24.6 percent.

This country faces a crisis. It's a crisis of jobs, and that's what we have risen to the task to accomplish, to find jobs and to make sure that we are creating policies to get this country back to work. The House of Representatives for the past 11 months has worked hard to pass legislation to find ways to get the private sector moving again.

I would start with a number of bills that we've called the forgotten 15. The forgotten 15 are a number of bills that this House has passed, many with strong bipartisan support, to get job creators going again and to get the private sector invigorated and hiring once again. One bill is Reducing Regulatory Burdens Act. My bill, H.R. 2021, No. 7 on the list, this bill, if signed into law by the President, would create 54,000 jobs around the country, creating opportunities to develop American energy and American energy security. There are actually more bills. This is just the beginning, and we've gotten 15.

The question I hear in town meeting after town meeting is: Where are those jobs? Well, I want to show you another chart that shows where those jobs are. You see the forgotten 15. We did a little Google search and the Google search showed us those jobs are right here in the United States Senate. They are waiting to be passed by the United States Senate. Where are the jobs? The forgotten 15 are piling up in the Senate. The bills that we have passed, bills like the Jobs and Energy Permitting Act that would create jobs—54,000 jobs waiting in the United States Senate; waiting to be acted on; waiting to be moved; waiting to be signed by the President of the United States.

We have got a great conversation tonight, and I hope participation from colleagues around the country will shed light on our efforts.

Mr. DOLD. Will the gentleman yield?

Mr. GARDNER. I yield to the gentleman from Illinois.

Mr. DOLD. You've talked about the forgotten 15. I'm just wondering if the jobs bills that we passed on the floor just moments ago would add 16 and 17 onto that list.

Mrs. ROBY. Will the gentleman yield?

Mr. GARDNER. Reclaiming my time, I yield to the gentlelady from Alabama.

Mrs. ROBY. It's actually 22. Our work today on the floor put the forgotten 15 to a number of 22. I don't know if you're ready for us to start this discussion, but I would just like to read a couple of words.

We have all been carrying around "Where are the jobs?" Everybody has theirs, I'm sure, in their pocket to remind the people of the United States of America of exactly these bills and what we have done to reduce regulatory burdens to allow for offshore drilling. The list goes on and on. And even today, the Access to Capital and Entrepreneur Access to Capital was right here on the floor just minutes ago.

But I found myself looking at the thesaurus, looking for a good word for "forgotten" because now we're at 22. Instead of picking a great "T" word, although there is one and I'll get back to that in a minute, we can look at words like "abandoned," "blanked out," "blotted out," "omitted," "left behind," "drew a blank," but the best one is "slipped one's mind."

I think as Americans we have to ask ourselves what's on the minds of those in the Democrat majority in the Senate, because if they were to get out and travel around their district and look into the eyes of the people who are without jobs, who can't put food on the table, who are struggling to make ends meet, I think it might slip them right back into reality.

The President is saying over and over and over again, We can't wait. Yet now we've got the tardy 22. These bills need to be voted on by the Senate. It has been over 900 days since they have even passed a budget. This is unconscionable. This is the United States of America, the greatest Nation in the world; and yet we have a Senate that is unwilling to do the job that the people of America sent them here to do.

So as we continue through this discussion here tonight, we need to focus on the tardy 22, the bills that have yet to be voted on by the Senate.

I thank my friend from Colorado for having this hour tonight.

Mr. GARDNER. I thank both the lady from Alabama and the gentleman from Illinois who rightfully pointed out that with the addition of the bills that passed the House just today, we have added to the forgotten 15 bills that are creating jobs, that have passed the House, many with strong bipartisan support, that number now reaching 22, the bills that would create thousands and thousands of jobs around the coun-

try, recognized by people on both sides of the aisle as bills that would do what it takes to create jobs in this country.

I yield to the gentleman from New York.

Mr. REED. I thank the gentleman for yielding and for taking the leadership role and putting this hour together, and joining my fellow freshman Members on the floor of the House to talk about the number one issue of the day, and that is our economy. That is jobs.

□ 1920

I come down here tonight to join my colleagues and to tell the American people that we here in the House of Representatives are going to be open and honest and will push forward an agenda that relies on the private sector being that primary engine that creates the economic environment so that people—hardworking Americans, hardworking taxpayers—have the opportunity to take care of their children for generations to come by having a good, solid job.

I'm looking at the vote tally from tonight's two votes that we took just moments ago that added to the forgotten 15, the last two of the tardy 22. And look at the numbers on passage of each bill. It was 407-17, and it was 413-11. That is almost an unbelievable percentage of bipartisan support in the House of Representatives for two bills that are going to create a stronger private sector America so that we can put people back to work.

And yet we continue to engage in partisan politics in the Senate, and we don't even allow these bills to have a vote on the floor of the Senate, at least to be debated in an open and honest debate, an argument about their merits to be heard by all Americans just like we do here in the House of Representatives on the floor of the House.

It's interesting. I listen to the President as he goes around and he's promoting his Jobs Act bill, and I would say that I clearly have an impression that the President is concerned about his job. But is he really concerned about your job? Because he's spending an inordinate amount of time going around this country rather than coming here to Washington and working with us in the House and working with the Members in his own party in the Senate to say, Take up with these bills and have an honest debate. Send them over. If they strengthen the private sector of America—like essentially all of our colleagues here in the House agreed tonight would do by passing and supporting these bills with the numbers that we see—have that debate in the Senate and move forward.

We're going to stand, and we're going to continue to work for the hardworking taxpayers here in the House of Representatives. I know my colleagues share in that sentiment because that's what we came to Washington to do. We

came to Washington as freshmen Members of Congress not to engage in politics, not to engage in partisan debates, but to talk about fundamental policy issues that are going to move us forward as a Nation, so that we can have the great experience that we've all enjoyed and the opportunities that we've all enjoyed, so that all of our fellow Americans can give that opportunity not only to themselves but to their kids, to their brothers, their sisters, so everybody in this Nation can enjoy that opportunity.

Mr. GARDNER. I thank the gentleman from New York.

You bring up some great points in terms of what the American people are facing when they look at Congress and see the number of bills that we have passed with bipartisan support to create jobs. They see them passing the House with bipartisan support and going over to the Senate and are asking, Where are the jobs? Right over in the U.S. Senate.

I will share with you some of the uncertainty that our constituents are facing. Consumer confidence has plunged. A measure of Americans' optimism about the economy and their personal financial situations recently dropped to its lowest level in 2½ years in October. CBS News had a poll this past month. Americans say they feel worse about the economy than they have since the depths of the Great Depression. The Great Recession that we are in now, the fact that Americans feel worse about this time than they did about the Great Depression is simply unacceptable. And we have addressed legislation. We have passed legislation to deal with the uncertainty and to put people back to work.

I now yield to the gentlelady from Washington, one of the ladies who has worked very hard in this House to get people back to work.

Ms. HERRERA BEUTLER. Thank you so much.

We're all here tonight because we really believe that America is the greatest country on the face of the Earth, and it is so because of her people.

Folks at home in my neck of the woods in southwest Washington are out of work. I can go through the statistics. It's alarming. It's very alarming. I have family and close friends who have been out of work now going on several years. Double-digit unemployment, and we've been at this rate for 3, going on 4 years now.

I had a jobs fair a couple of weeks ago. We invited employers who are hiring real jobs, good jobs to come. We got them in a room with job seekers and put out kind of an all-hands-on-deck call: Anybody who's looking for a job, we have real job openings available. Come to this jobs fair. We had over 1,700 people show up. And as I walked through the line that snaked through

the parking lot to say hello and to greet these folks, I was talking to men and women, young and old, very experienced or fresh out of high school or college who were looking to find work, experienced individuals who had that look on their face, some of them, of desperation. And they're asking, What is Congress going to do? What is Congress going to do to help me find work to keep my mortgage, to pay for my kids' education, and to put food on the table? What are you going to do?

Well, we're here tonight to talk about some of the things we've already done. And right now what we're doing is we want to put pressure on the other side of the rotunda to pass these bills and get some jobs flowing for the folks who stood in that parking lot.

That event was a success. We've had over 30 people find work, and we've had hundreds more who are in interviews. Great. I did that because I didn't feel you could wait on an act of Congress. And watching those individuals who are on the other side of the rotunda who haven't passed any of these jobs bills, it would seem like a good idea. But here tonight we are applying appropriate pressure to that group, saying, Pass these bills.

Let me talk to you about one of these bills that will make a huge difference for people across this Nation. It's called the EPA Regulatory Relief Act. It's a simple bill. It's a very bipartisan bill. And let me tell you about this bill. And people throw around that word "bipartisan." What does that mean? It means strong support from Republicans and Democrats.

I'm going to read for you, right here is H.R. 2250. That's the bill that we passed off this House floor. These are all of the folks, my friends from the other side of the aisle. Here are the Democrats in the House who have sponsored this bill. We have folks in leadership and we have newer Members. They have joined with the Republican House here and passed a bill, the EPA Regulatory Relief Act, that the Senate must take up if we are going to protect these jobs. These regulations, in fact, hit all sorts of industries.

There's a rule that the Obama administration's EPA has put forward that says business, industry, and hospitals, anyone that has a type of boiler, you have to put millions, in some cases millions of dollars into this boiler to bring it up to some standard. That standard hasn't been clearly defined. And, actually, the EPA itself has asked and said, Can we take a little bit more time to figure out what we are requiring of folks before we require major capital investments, capital investments that could otherwise be used to hire someone or to increase productivity in a business to create more jobs?

But what's happening is these businesses are now going to be required to

put this money into an expenditure to bring this boiler up to some code that we can't prove has any environmental benefit, which is why you see so many folks who are advocates for the environment who have cosponsored this bill in the House. We need the Senate to pass this bill; otherwise, we could lose potentially over 20,000 jobs nationwide. That's in the primary pulp and paper industry alone. I'm not talking about hospitals. I'm not talking about other industries. In southwest Washington, we value the primary pulp and paper industry, which is 18 percent of that workforce.

At a time when we need to be creating jobs, we certainly should be getting rid of those regulations that cost us jobs. The way we do that is we get the Senate to join with us and pass this bill, get it to the President's desk, get that man to sign that bill and move forward for the people in our communities.

The EPA, the Obama administration's EPA alone has estimated that that regulation, if untouched, will cost employers over 5, almost 6 billion, and that's the low-end number. The industries have said it would be as high as 14 billion. Any way you look at it, that's a high price tag that's going to cost jobs. Over 230,000 total jobs are at risk if you count the related industries, not just pulp and paper. So we're talking about major impacts to our national economy, and all we have to do—all we have to do to protect those jobs is we need to pass this bill off the Senate floor, get it to the President and get him to sign it into law. We really don't have time to wait.

I have talked to the men and women, the moms and dads, the young people who are hoping to find work. And when we let some of our industry just go out, basically die, death by 1,000 cuts, death by 1,000 regulations, shame on this institution. Congress does need to act, and I implore my colleagues on the other side of the rotunda to join with us in this bipartisan fashion. Send this bill to the President, and have the President sign it.

□ 1930

Mrs. ROBY. Will the gentlelady yield?

Ms. HERRERA BEUTLER. I yield to my colleague from Alabama.

Mrs. ROBY. I just want to say to all of our colleagues on the floor tonight, it's so important to the gentlelady from Washington not to wait, that she's spending her birthday night on the floor of the U.S. House of Representatives fighting for the American people. So happy birthday to our friend and colleague.

Ms. HERRERA BEUTLER. Thank you.

With that, I thank the gentleman for yielding.

Mr. GARDNER. And thank you for the points that you raised.

Talking about the EPA and the regulations they've issued, I had the opportunity at a committee hearing several months ago, the Energy and Commerce Committee, to discuss with the assistant administrator of the EPA—one of the assistant administrators, Mathy Stanislaus—where we were asking a very simple question: Does the Environmental Protection Agency actually take into account jobs, the impact on jobs when they do an economic analysis? And the answer we got was, no, he didn't take into account jobs when they did the economic analysis. And I find it hard to believe that anybody could actually have an adequate analysis of a rule or regulation's impact on the economy if they're not even taking a look at jobs and what it means for our economy.

Ms. HERRERA BEUTLER. Will the gentleman yield?

Mr. GARDNER. I yield to the gentlelady from Washington.

Ms. HERRERA BEUTLER. With that point, we're not saying let's erase or eviscerate environment protections, absolutely not. We want to protect our quality of life and pass it on to the next generation. We're simply asking, as with our Democratic colleagues, for some common sense to be used. Take into account, when you're going through the matrix of these environmental regulations, what the impact is on the economy. It's a very reasonable, very commonsense way to approach it.

Mr. GARDNER. I thank the lady from Washington and yield to the gentleman from Illinois.

Mr. KINZINGER of Illinois. I thank the gentleman from Colorado.

You know what's amazing about those forgotten 15? You know how much they cost? Nothing. I mean, isn't that great? When you think about it, we're talking about something out of Washington, D.C. that doesn't cost anything and is actually going to do something. I mean, how often does that happen? Well, if you look, a couple of years prior—or actually I guess a year ago 4 years prior—everything that came out of here cost a lot of money.

The President's own stimulus bill, as was mentioned earlier, when they said unemployment will never go above 8 percent if we pass this, in fact it has never gone below 8 percent since it was passed; and that cost almost \$1 trillion added onto our debt. And I actually remember once I was doing an interview and there was a fellow Congresswoman from the other side, there was a Democrat that said, well, you know, the problem with the first stimulus is it wasn't large enough. That's why it didn't work, it wasn't large enough. Okay. I disagreed, but for a moment of time let's say that's accurate; let's say it wasn't large enough. So why would you do a stimulus that's half as large as the original one?

Truthfully, to be honest with you guys, I think that the President has no

intention of his jobs plan, his Stimulus II passing the House of Representatives. In fact, I think if we actually voted on it and passed it tomorrow, there would be some panic in the administration because they know that it's not going to be a job-creation plan; they know it's just a political thing to talk about.

This is a real job-creation plan right here, the bills that we have over in the Senate. And it's time that today we just—I mean, look, Senator REID, take up the bills, vote them down if you want to vote them down, but give the American people a voice. They can't have a voice when they sit on your desk. You don't have a voice when they sit on your desk. We don't need another \$450 billion added onto our debt. What we need is to pass these bills and this plan.

I thank the gentleman for yielding.

Mr. GARDNER. I thank the gentleman from Illinois.

I know in Colorado that my neighbor the gentleman from Kansas has done tremendous work on getting this country back economically and what he's doing to create jobs.

I yield to the gentleman from Kansas.

Mr. YODER. I appreciate the gentleman from Colorado for yielding your time.

I was listening to the comments from the gentleman from Illinois discussing the unemployment rate being over 8 percent now for some time. In fact, it's been over 8 percent for 32 months, which is the longest period of unemployment this high since the Great Depression. I mean, the things we're doing in Washington, D.C. frankly haven't been working, and so it's time to start pushing the types of bills that the House has been pushing this year to try to get this economy back on track.

I'm happy to join my colleagues tonight. I'm also happy to be a strong supporter of the forgotten 15 and the new seven bills and dozens of bills that are passing the House throughout this session that will help the economy recover and help small businesses create jobs.

Now, Americans are frustrated with what they see going on in Congress, with what they see going on in Washington, D.C., and there's a reason, because they see the policies that have failed in this town over the past few years and they don't believe that Washington can function and they can do things to help the economy recover.

That's because we've been doing all the wrong things. Whether it was the bailout, stimulus bills, Cash for Clunkers, the health care takeover, cap-and-trade, Card Check, you couldn't think of a more anti-business set of legislation that this Congress passed over the last few years than those bills. And what they did is

they've held down the recovery and they've stopped small business owners, they've stopped entrepreneurs from growing and creating jobs.

Frankly, we know that jobs are not going to be created in Washington, D.C. They're going to be created back home in places like Illinois and in Colorado and in Kansas and in Alabama and, yes, even Wisconsin—all across the country—by innovators and job creators and entrepreneurs, the people that built this country and that create the jobs.

They're not going to come from big Washington programs, and that's what has caused the problems in this country. These big Washington bailouts run up national debt. All of it has not worked. And so it's time we changed course. It's time we start pushing legislation that will promote small business, that will promote the free enterprise system. And frankly, these things are common sense. The American people want Congress to pass commonsense legislation.

The point about these commonsense bills that the House is pushing, these pro-business, pro-job-creating bills that the House has been pushing and sending over to the Senate, is that they focus on the very things that built this country in the first place. This Nation was not built because we had the highest tax rates in the world, because we had more regulations than any country in the world, because we had national debt in the trillions. That's not what built this country. It was the hard work and determination, the sweat equity of the American people—who had no guarantees—who built this country brick by brick.

The commonsense things that Congress doesn't do, that they've been doing the wrong way for years—look, tax increases. Tax increases don't create jobs. Borrowing and spending doesn't create wealth, doesn't create jobs. Regulations don't create jobs. And so every day in Washington we're putting more barriers in the way of these small business owners that we want to have create jobs, and it's making things worse.

In fact, just looking at the regulations that are coming out every week out of Washington, it's unbelievable. This is just a stack of the regulations that have come out just this week in Washington, D.C. Monday, a new set of regulations. Tuesday, a new set of regulations. Wednesday, a new set of regulations. That one was pretty thick there. Thursday, another set of regulations. Just this week, these regulations, they just don't stop. It just keeps coming and coming and hitting our small business owners and stopping the economy from recovering.

Let me just give you an example of what these regulations have. On Wednesday alone, 188 pages of new regulations dealing with the health care

takeover. Is that what the economy needs? Is that what you hear from your small business owners at home? Is that what Americans are crying out for, 188 new pages of regulations dealing with health care? It's got to stop.

And yes to the President: we can wait on having new regulations, we can wait on the President's big tax increases, we can wait on this stuff. We don't need 188 new pages of ObamaCare regulations. We don't need this new stack of regulations this week. It's not helping the economy recover. It's making it more difficult.

That's why I'm proud to stand with my colleagues today on the House floor and fight for the American people and fight for the prosperity of this country that we all believe in. We know we can restore it, but we've got to stop doing the stuff in Washington that's making it hard to recover.

Mr. GARDNER. I have a question for the gentleman, if he would entertain it. You're talking about, what you're holding in your hand, that is this week, that's just 1 week, 1 day of regulations?

Mr. YODER. These are the regulations that have come out since Monday. You have Monday, Tuesday, Wednesday, Thursday, the regulations. These didn't create jobs. These made it harder on the economy. Every day—in fact, I think there's been over 65,000 new pages of regulations coming out of Washington, D.C. Frankly, to the gentleman from Colorado, the people at home, they hear us talking about the regulations, but they may not always see and understand what Washington is actually doing. This is what we're doing to the job creators; this is what we're doing to the entrepreneurs of this country. We are strangling them. These regulations are making what was once the most prosperous Nation in the world, that was a beacon of hope around the world that we all still believe in, it's trying to strangle that and we've got to stop it.

Mr. GARDNER. I thank the gentleman from Kansas.

One of the most common things I hear at town meetings is the issue of uncertainty in our economy, and the issue that regulations are forcing businesses to make decisions not to hire new people, but to actually either prevent them from growing or to actually reduce in size.

With that, I would yield to the gentleman from Illinois.

Mr. DOLD. I thank the gentleman for yielding.

I still am just thinking about the regulations from this week, and the week is not over. We've still got another day of regulations that are going to be coming out.

And we hear time and again from our colleagues on the other side of the aisle that it's been 10 months and still no jobs bill. We hear it time and again with the 1-minute speeches when we

open up session; the other side says "still no jobs bill."

□ 1940

Well, I beg to differ. We've got jobs bills. We talk about the forgotten 15. We've got several more. We passed some tonight.

Part of our plan is to empower the private sector. Part of our plan is to make sure that we're eliminating some of the uncertainty that's out there. And let me just tell you, the week of regulations, just 1 week of regulations that are out here that literally shakes the desk when you drop it is certainly not creating more certainty.

Now, the one thing that I am pleased to say is that I believe that we were sent here to be able to work with those on the other side of the aisle to move our country forward. I am pleased to say that we passed bills today talking about access to capital for job creators, like many of us here coming from the private sector—broad bipartisan support.

The President of the United States came and spoke before the Chamber here in a joint session talking about a jobs plan. As opposed to saying no, I don't want it, what I tried to talk to others about, and I know many agree, is what are the areas that we agree on?

Let's talk about free trade or the trade agreements. We agree. We passed those. That's about 250,000 American jobs, increasing our bottom line in terms of our GDP by \$10 billion this year alone with South Korea as the only one. We add Colombia and Panama and that number obviously rises.

The President talks about the burdensome regulations. We agree. We need to make sure we have regulations. As the gentlelady from Washington noted, we want them to be smart regulations, not just more of them. I mean, my goodness. How much does it cost us to even print these?

The long and the short of it is that we need to create an environment, we need to create an environment for the private sector out there with broad bipartisan support. And I believe that if we ask those on the other side of the aisle what's the biggest issue facing our country today, it's jobs and the economy. We just have a different view of who should be creating those jobs.

I believe it should be the private sector. I believe the private sector, entrepreneurship. The United States of America has been and continues to be the greatest force for hope the world has ever known. We have 29 million small businesses in our Nation. If we can create an environment where half of them can create a single job, think about where we'd be then.

Let's just take a look at this because these are some bold points, and I think if I asked the gentleman from Illinois to talk to me about empowering small businesses and reducing government

barriers to job creation, I guarantee you he can give me a couple of things that we're doing right now here in this Congress.

If I talked to the gentleman from Colorado about fixing the Tax Code to help job creators, I know that he'd come up with some things because we've already done it. We passed a budget.

We're at 918 days in the United States Senate. 918 days, and still no budget. Yet, the law requires the Congress to come up with a budget every April 15. And yet that responsibility—by the way, it's against the law—has been shirked by the United States Senate.

We're going to hear more about this "Do-Nothing Congress." And I want to make sure that the American public knows that we are here passing what we believe is commonsense legislation, in a bipartisan fashion, to move the country forward.

We realize that unless things pass the United States Senate and go to the President's desk for signature, we're not going to be able to move the needle.

The American public is frustrated. We're frustrated too, because I believe that the American Dream is at stake. The American Compact that we all came to Congress to deal with, that we leave the country better for the next generation than we received from our parents and grandparents, I believe, is in jeopardy today. That, to me, is completely unacceptable.

Mrs. ROBY. Will the gentleman yield?

Mr. DOLD. I yield to the gentleman from Alabama.

Mrs. ROBY. I'd just like to say, I had asked for the totals; I didn't have them written down. But you take the kind of bipartisan support that you're talking about that we received on the two bills that we passed just today, the access to capital and the access for entrepreneurs, you take that kind of bipartisan support—the American people are frustrated because the President is calling this the Republican Congress. This is a bicameral Congress, and whereas we hold the majority in this House, we don't in the Senate.

But you saw the actions that took place on the floor tonight. The first one passed 407-17. The second bill passed 413-11. There is a way to find common ground without compromising principle, and that is what we are doing because the American people are hurting, and we've got to create that environment, and we have by passing these bills.

We are calling on those in the Senate to see our bipartisanship in this House to get Americans back to work.

Mr. DOLD. I thank the gentlewoman for commenting on that. There's no doubt. Look, bipartisanship can be done. The American public is frus-

trated because they don't think that we're working, and, in some instances, we know that Washington can be broken.

We want to work together because we know we've got to move the ball down the field. We know we've got to get people back to work. We've got a 9.1 percent unemployment. What is it in Wisconsin?

Mr. DUFFY. About 9 percent.

Mr. DOLD. About 9 percent? In Illinois it's at 10 percent. In certain areas of the 10th District in Illinois we've got areas of 20 to 22 percent. I can tell you that jobs right now, absolutely number one priority, and that's why I'm willing to work with anybody here in Washington that's willing to listen, that's willing to reach across the aisle to come up with solutions. And I want to let you know, people are saying that we don't have a plan—we've got a plan: Jobs.gov. I welcome everybody to go get it.

Mr. GARDNER. I want to thank the gentleman from Illinois for his comments because when he started talking tonight he talked about his great hope and optimism for this country, the fact that we really do live in the greatest Nation on the face of this earth.

But we face tremendous challenges. The unemployment that you spoke about for your State, the unemployment in Wisconsin, the unemployment levels in Colorado and across this country are significant. Fourteen million people who are out of work, and if you start looking at the people who are underemployed or who've simply given up looking for work, that number increases even more.

I want to share with you something that I think is very difficult for all of us to realize is happening, and that's the fact that there's more fear about our future than at many other times in our history. According to a recent newspaper account, a resounding 69 percent of respondents said the country is in decline.

But yet we know this country is better. We know this country is great. We know that the bills that we have passed, the leadership that we have provided will restore the greatness of this country and get this country working again.

I have worked with my colleague from Colorado for many years in the State legislature. He is a small businessman, somebody who knows how to sign a check to employees, to work under regulations that he has had to deal with, and in the State legislature he stood up for jobs, and I know he's doing the same thing here.

I would yield to my colleague from western Colorado, and thank the gentleman for being here tonight.

Mr. TIPTON. I thank the gentleman for yielding.

We talk about unemployment in this country—over 8 percent, 9.1 percent nationally.

Let me tell you the story in my district in Colorado, the two largest communities: 10.7 percent unemployment in Pueblo, Colorado; 10.5 percent in Grand Junction, Colorado. I have 29 counties in Colorado. We have one county that has higher than 17 percent unemployment.

There's a lot of discussion on this floor in Washington, DC, about jobs and the economy, and it's well placed. We talked about businesses. But what we often forget to remember is that these businesses are made up of moms and dads, grandparents, people with hopes, with dreams for a better future. These are the employers, the people who make America work, working together in business.

Let me tell you a story about a man named Jim Bartmus in Pueblo, Colorado. Just about a month ago, Mr. Bartmus, who was a contractor, was faced with a real dilemma. Just a few years ago he qualified under the President's definition as wealthy. A small contractor. That wealth he reinvested back into his business to try and grow it, to try and create more jobs in this country.

Mr. Bartmus made that investment. He paid down his line of credit to zero. When he went to the bank to re-up that line of credit to be able to keep that business going, to keep his 24 core employees at work, he discovered that, because of regulations, because of Dodd-Frank, that he couldn't get that line of credit re-upped once again. As a result, Mr. Bartmus lined up his equipment and auctioned it off.

When you talk to a grizzled contractor, and you hear his voice crack as he has to describe how he laid off 24 people that we call employees—and he called family, you know this hits America at home.

As I travel throughout my district, as I know my colleagues travel throughout the rest of the country, we hear the same lament from small business, from the number 1 job creators in this country. They're overregulated. They're worried about that pile of regulations that we see dropped upon the desk on a weekly basis. Being able to have access to capital. What is that tax rate going to actually be?

□ 1950

What is the President's health care plan actually going to cost? Those are the questions that they raise and why they are afraid to invest. If we will unleash American entrepreneurialism once again, if we will create that certainty for Americans to do what we do better than any people on the face of the Earth—that's to create, to innovate, to build—we can get this American economy moving.

My colleague from Colorado and I have discussed oftentimes there's something very unique about being an American. The very blood that courses

through our veins is infused with something that people from around the world simply can't understand. We don't look for government to be the answer; we don't look for a government program. We want the freedom and the ability to be able to build our own future.

Government should not be a stumbling block to that success, but a stepping stone. And in this case, it means the government should get out of American businesses' way, the American employees' way, and let us do what we do best: get America back to work.

Mr. GARDNER. I thank the gentleman from Colorado.

I was speaking to a pharmacist the other day. You mentioned the issue of regulations, what it's doing to business, and they actually wanted to create a little different business model for their pharmacy by placing a pharmacist instead of behind the counter within the pharmacy, they wanted to move them up in front of the counter so as customers came in, they could go and talk to the pharmacist about what they needed help with. They actually had to change a regulation to allow that pharmacist to sit in front of the counter instead of behind the counter.

I now yield to the gentleman from Wisconsin who has been working hard to create jobs as well.

Mr. DUFFY. I appreciate the gentleman from Colorado yielding, and I commend my colleagues for your hard work and the focus that you have all had on jobs and job creation and legislation that's actually going to help move our economy forward.

I think we're in a unique time in American history. If you look at where we're at and the level of competition that we are under from countries like China, India, Mexico, Vietnam, Brazil, this is a whole new environment that we haven't seen before. It's not 1950, it's not 1980, it's not even the 1990s. This is a different form of competition.

If we're going to be successful in this new environment, we have to do it right because if we get it wrong, you see massive unemployment.

And as we came into this recession, I think the American people said to the President, We are willing to go along with you, Mr. President, if you tell us that we could spend a trillion dollars and from that you can take the pain away, you can create jobs with that kind of spending. If you tell us that we can pass a health care bill and that's going to create jobs, we can pass more regulation and that's going to create jobs, okay, Mr. President. We'll go along with you because the pain is too great.

When one of my family members is out of work and I see the pain and suffering in their family, it's worth it, Mr. President. I will go with you.

Now, this is a path that we haven't traditionally gone down because we're

an economy, we're a society of free markets and free enterprise where we look to the individual who invests, works hard, innovates, and creates wealth, creates opportunity, creates jobs in their community.

But we're willing to go for a while and say, Let's try it out, Mr. President.

A couple years down the road, we now look back and say where are we. Are we better off today than we were 2½, 3 years ago? And I think if you ask the American people, they will give you a resounding, No, we're not.

So what we're doing here today is saying let's go back to our great history. Let's go back to our roots of free markets. Let's try to streamline the regulatory process that this government has given the private sector. Let's make sure we free the American people, we free the entrepreneurial spirit. And if we do that and we engage in this new competitive environment against China, India, Mexico, I don't care who it is, if you set America free, we will compete, we will win, we will thrive, we will grow, and we will prosper.

That's why we in this House have passed bills with bipartisan support that advocate for free markets. And listen, some people come at us and say, You don't want regulation. That's not true. We want smart regulation. They'll say, listen, the Tax Code needs to be reformed. And we'll say, yes, absolutely it needs to be reformed. We want to make sure that there aren't loopholes that don't make big corporations and big industry and the wealthy not pay their fair share.

We were the first ones in Washington to say let's root out the loopholes. That was in our budget that we said let's root it out. And it was only after we did it did we see the President come out and say he wanted to follow. And I will tell him that I'm a willing partner to join him in tax reform.

I think as we look at what's happened here, as one of the Members here said, we sent over 22 bills to the Senate. And with that, the Senate hasn't taken up any of them. And as the gentleman from Illinois noted, at least the Senate should take them up and give them a vote. And if they want to vote them down, that's okay. But at least take them up and give them a vote.

They took the President's bill up, gave it a vote and on a bipartisan effort it failed.

So my point to my colleagues and to the American people is that if we are going to move our economy forward, we have to tap in to the principles and the ideals that made this country great. That is what this freshman class is talking about tonight. That's what we've been talking about for the last 10 months.

I look forward to the work with my colleagues on both sides of the aisle. As you might notice, I'm on the left side

here. I'm on the Democrat side of the aisle. I'm willing to work with my friends on both sides. But let's get it done. Let's not do it for parties. Let's do it for the American people, putting them back to work.

With that, I thank my colleague from Colorado for yielding.

Mr. GARDNER. I thank you.

I'd be curious to hear from my colleagues tonight. Over the 55 town meetings that I've held, I've never heard somebody come up to me and say, hey, when is the government going to start creating all of these jobs to replace 15 million unemployed, to give them jobs, 15 million unemployed. I don't know if you're hearing the same thing.

Mrs. ROBY. I get asked the question, or I did early on, What has been a shocking thing in your experience in Washington? And I unequivocally can say the most shocking part of this experience of representing Alabama's Second District is really beginning to understand how huge this government is, how the Federal Government right now today trickles down into every crevice of our lives.

And to go with the gentleman from Wisconsin's remarks, we are trying to get government out of the way and allow the private sector to thrive. And we don't have people coming up to us at our town halls saying, when are you going to pass more regulations?

What is the gentleman from Illinois hearing?

Mr. KINZINGER of Illinois. What's amazing to me is we've conditioned—I mean Republicans and Democrats, not “we.” We've only been here less than a year. But the American people have been so conditioned to believe that if there is any difficulty, the answer is a giant government expenditure package, a giant bill with a lot of money spent. We've been conditioned to believe that.

So if the economy is bad, it obviously is because the government is not spending enough. Well, that's not true.

The reality is we built this country—and this is what I hear from people—we built this country based on people just having an idea and going out and getting it done. That's what we're talking about, that idea.

Mr. GARDNER. The statistics speak for themselves. Two million people, the number of net jobs the economy shed from February of 2009 when the stimulus was passed.

Are you hearing the same thing in the great State of Washington?

Ms. HERRERA BEUTLER. Absolutely.

And here's an important point. We as Republicans understand that the Federal Government has responsibilities and duties: security, our Nation's infrastructure. There are certain things we're responsible for. We're not against those things. We just think they need

to be done in a smart and efficient fashion.

When you look at the last time the stimulus, giant amounts of money were spent before this most recent round of stimulus spending under the Obama economy, the last time we got things out of it like the Hoover Dam. We got something for it.

Out of the stimulus spending, which was sold primarily as a jobs bill because it was going to create transportation infrastructure, less than 7 percent of that \$800 billion stimulus bill actually went to transportation and infrastructure.

So it's not that Republicans don't support making sure those things take place. We're here to require some accountability. We're not going to throw money at it and hope that that works. We recognize there's something broken here in Washington. We have now passed well over 15 bills to get jobs growing to fix that thing that's broken. And we just need some help from folks on the other side of the rotunda.

Mrs. ROBY. I would just say this, too: I think the American people ought to be begging the question to the Senate as it relates to the tardy 22 bills that they have sitting over there on their side that we know will create jobs. They need to ask them specifically, their Senators, why are you opposed to this? What is your sound objective? What is your reasoning? We want to create jobs. We're out of work.

□ 2000

Earlier, I said another word for “forgotten” because the forgotten 15 has slipped our minds. It has just slipped our minds. We need to remind these Senators over there. All Americans do. They need to pick up the phone and ask, What's your opposition to these 22 bills that will create jobs and put America back to work so that we can be a thriving economy once more?

Mr. GARDNER. America's job creators, the plan that we have come up with to get this economy moving forward again, it's embodied in the forgotten 15, and the other bills that we have passed to join the forgotten 15 are piling up in the United States Senate, all these bills with the simple goal of empowering small businesses and reducing government barriers to job creation.

Fix the Tax Code to help job creators. Nobody opposes these ideas. Nobody opposes these ideas. If you go to Americans around this country and ask them, should we be encouraging entrepreneurship and growth, they're going to say “yes,” and that's exactly what these bills do.

I'm sure that you're hearing the same thing in your meetings.

Mrs. ROBY. The private sector is sitting on trillions of dollars. We know that. The money is there to jump-start our economy, but because of all this uncertainty, no one is spending these

dollars to reinvest in their private businesses.

Mr. KINZINGER of Illinois. Yes.

How many times is Washington going to be dishonest with us and just say, I know it didn't work in the past, but it's going to work this time? The President himself said the shovel-ready jobs—chuckle, chuckle—weren't so shovel-ready after all.

That's fine—because it doesn't work.

This plan right here, this will work. The American people are our jobs recovery plan. The American people doing what they can do best, that's the recovery plan. It's not another \$500 billion.

Mrs. ROBY. And getting the government out of the way so that they can thrive.

Ms. HERRERA BEUTLER. Absolutely.

I think, for those controlling this time, it's important to recognize, if you want more details about these jobs, the forgotten 15, jobs.gop.gov is a good place to go. If you want pick up the phone and call your Senators, there's the Reducing Regulatory Burdens Act, there's the EPA regulation bill, and there are several more bills that the other side needs to hear from the folks from home on.

Mr. GARDNER. I want to thank everybody for participating in tonight's discussion about our plan for jobs, about what we're going to do to get this country back to work. For 32 months, this country has faced unemployment of over 8 percent.

I want to share a story that happened just a couple of weeks ago when I had the opportunity to sit down with some employers around the State of Colorado. We were in a restaurant, and had the opportunity to discuss what regulations are doing to our economy—over-regulations, as mentioned here tonight. We all believe in smart regulations, in those regulations that make sense but that aren't overly burdensome to job creators. As we had this conversation, we talked about what burden we were placing on future generations, the high unemployment rate, with nearly 14 million people who are out of work, and what we were going to do to help America's working families make ends meet once again.

We had a waitress who was coming in and helping everybody, taking orders and working very hard that morning. After we were done, we walked away, walked out. The conversations were going, and I was the last one to leave this meeting. Just then, the waitress who was working in that room came up to me and grabbed me by the shoulder.

She said, Hey, I liked what you guys were talking about, because this is my second job. This isn't my only job. I'm trying to start a business, and I'm trying to work here while that business gets off the ground. We're trying to make ends meet so that I can get that

business going, and I'm trying to work here.

As to what you talked about, the regulations that are hurting businesses, the taxes that are giving an uncompetitive advantage to people right here, that's hurting her ability to get her job going, and there she is, working a second job, and there are people out there with third jobs and trying to make ends meet.

I want to thank everybody for participating tonight, and I encourage people who may be interested in the Republican jobs plan to visit jobs.gop.gov.

Mr. Speaker, I yield back the balance of my time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 818. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1487. An act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Thank you, Mr. Speaker, for recognizing me for this hour.

I am going to speak for a time, and then I am going to yield my time to the gentleman from Illinois (Mr. JACKSON), who has an important message, but I would like to start by just talking to the American people about the Progressive message.

You can sit at your television sets and you can watch this broadcast. For the last hour, what you would have heard is people claiming that you can get jobs by just taking away our health and safety rules, by just getting rid of regulation—and magically, we're going to get jobs. Well, we've had the Clean Air Act in place since the early seventies; we saw record job growth in the 1990s; and we have seen the Bush era, which was when the Republicans had the House, the Senate and the White House—the lowest job era in modern

memory. They have tried their way, and they got us into this mess.

I will never forget that it was January 2009 when this country lost 741,000 jobs in that month alone, and the Democrats and President Obama have been building it back ever since.

The Progressive message is about the antidote to that line of argument—that the rich don't have enough money, that the poor have too much, that asking our American corporations to look after health and safety laws is too much of a burden, that we have to sacrifice our lungs so that some multinational can make even more money.

No, no, no.

The Progressive message is where we stand up for small business people, where we talk about the right to organize on the job, where we get into the conversation about civil rights and human rights, where we talk about peace at home and abroad, and where we talk about the importance of protecting our environment.

I want to welcome a great Member from Texas, Congresswoman SHEILA JACKSON LEE, who has just joined me for the moment. I thank the gentlelady for joining me with the Progressive message.

Ms. JACKSON LEE of Texas. I am delighted to join my friend and colleague from the great State of Minnesota—the distinguished cochair of the Progressive Caucus, of which I have the privilege of serving as a vice chair.

I truly want to say to our colleagues that the Progressive Caucus has been on the mark, and in fact it stays on a pattern, frankly, that should draw good-thinking, well-intentioned Americans from both sides of the aisle. Let me recount for my cochair the number of job fairs and summits that we've had. We have not yet finished, and we'll probably go into 2012.

I want to focus on just a couple of points that I believe have been the Progressive message. It is the good Samaritan message, the secular good Samaritan message: that we're all in this together. It is to recognize that the Nation is not so broke—or it is not broke—that it cannot help the most vulnerable.

In a supercommittee hearing, it was delineated by the head of the OMB that, actually, Mr. ELLISON, our debt-deficit is 8½ percent of the gross domestic product. That means that 92 percent is rolling along, not the way we would like it, but it is rolling along. It's as if we took a family's budget, and they said, "You know what? We have less than 10 percent debt—we've got 100 percent, but 10 percent debt. Let's work to diminish that debt, but let me not stop feeding the three children, and let me not stop paying the mortgage," if that were the ratio of our debt.

I think it is important for the Progressive message in that we are saying there are ways of pulling us up by our bootstraps:

One, we can close our eyes, and in a moment, the Bush tax cuts can expire, and we will generate billions of dollars that will help promote jobs. We can pass the Jobs Act, which really focuses on infrastructure, providing for our veterans, small businesses, and in fact, focuses on creating the millions of jobs that we can generate out of that particular legislation. We can eliminate the discrimination of the chronically unemployed, and we can give a \$4,000 tax credit to employers for hiring, as I indicated, the long-term unemployed.

□ 2010

Are we remembering that on December 31, 2011, we will be bringing home—or by that time, our President has said that soldiers from Iraq will come home? That is an immediate infusion of dollars back into our bank account; although, we must be able to protect our soldiers who are coming home and provide for them.

We have on the horizon, Mr. Speaker—and I know that all who are listening are excited about the fact that an omnibus jobs bill is about to come forward from the Progressive Caucus. But the only reason I just say that without giving the details of it is we have found a way to pay for creating jobs and answering the clarion call of the American people. So I believe the Progressive message is the secular Good Samaritan, that we cannot leave the vulnerable along the streets and highways of despair. We must be able to ensure that we are looking out for those who cannot look out for themselves.

I will finish on these two points: The supercommittee is doing the very best that it can do. I am grateful that we will be opening opportunities for our own hearing in the coming week. But there is a dilemma; and that dilemma is that there is a certain amount of the vulnerable, needy of America that are protected, but there are some that are exposed. And what that means is that we will be looking in the face of America in 2012, looking back in our rear-view mirror, and we will see along the highway of life the despair in those that have been left out by the draconian cuts that had to come because we have raised no revenue. That is a crisis.

And if I might do a personal moment on my final closure. If we have States like the State of Texas that are, in essence, left with elected officials who have "N"-head Rock—and I am coming to my closure, so you can understand how I prioritize what we should be doing. The "N"-word Rock. We have got States—I come from that State. I am ashamed of that description but am proud to make it known on the floor of the House. Or we have State agencies that we fund. The Texas Motor Vehicle Board—the State of Texas gets Federal funds—was about to issue a Confederate license plate issued by the State of Texas on November 10. I will be in Austin to oppose it.

But the reason why I say that is, if we have time to deal with these negatives, do we not have the time to galvanize States and Representatives and Governors to focus on the most vulnerable? Don't we have time to call for the voices to be raised, to be able to give encouragement to the supercommittee, encouragement to those who are not willing to raise revenue, that the better way for America is to take that 8.5 percent deficit opposed to the GDP, boost the GDP, build, rebuild, create jobs, create jobs for small businesses? Let's steer ourselves away from negative Confederate flags and "N"-head and get all of the States to work together, Democrats and Republicans, to follow the Progressive message, which is liberty and justice for all and opportunity for all.

I thank the gentleman for yielding to me on this occasion.

Mr. ELLISON. I thank the gentlelady.

In a moment, I will yield to my good friend from Illinois, JESSE JACKSON.

But I do want to say that as you talk about the least of these, we are talking about poor folks who need some home heating oil, children who need Head Start; right? We are talking about people who need the SNAP program, the food stamp program. We are talking about students who need some help to be able to afford a college education.

And my question is: Will the rich and the wealthy and the well-to-do of America pay a little bit more to help this happen? Bank of America didn't pay a single penny in Federal income tax in 2009. Boeing, despite receiving billions of dollars in Federal Government contracts every single year in taxpayer money, Boeing didn't pay a dime in U.S. Federal corporate income taxes between 2008 and 2010. Citigroup. Citigroup's deferred income taxes for the third quarter of 2010 amounted to a grand total of zero. At the same time, Citigroup continued to pay its staff lavishly. John Havens, the head of Citigroup's investment bank, is expected to be the bank's highest paid executive for the second year in a row, with compensation of \$9.5 million.

ExxonMobil, Big Oil, dodgers, use offshore subsidies in the Caribbean to avoid paying their fair share. Although ExxonMobil paid \$15 billion in taxes in 2009, none of it went to the American Treasury. This is the same year that the company overtook Walmart in the Fortune 500. Meanwhile, the total compensation for ExxonMobil's CEO was about \$29 million.

Of course General Electric, 2009, the world's largest corporation, filed more than 7,000 tax returns and still paid nothing to America's Government. GE has managed to do this with the aid of a rigged Tax Code that essentially subsidizes companies for losing profits and allows them to set up tax havens overseas.

So let me just say, on behalf of the people who need food stamps, on behalf of the people who need college tuition, on behalf of the folks who need home heating oil because of cold winters, on behalf of the people who are struggling to make it in America today, will our most privileged Americans do anything? The Progressive Caucus thinks they ought to do something.

Ms. JACKSON LEE of Texas. Before you close, I want to just comment on the gentleman from Illinois.

Thank you, Mr. JACKSON, for what I know you are about to begin, which is an eloquent presentation on the importance of construction. It looks as if the airport that you have been fighting on for many years, and if we would listen to you on the particular project that you are speaking of, but also as we look to infrastructure around America, we would be able to create what I'm getting ready to see. We would be able to compete with some of these other nations that he will cite that will have probably more airports than the United States.

I just want to thank you, Mr. JACKSON, for your astuteness, and we look forward to hearing you. And thank you for the Progressive message.

Mr. ELLISON. Thank you, Congresswoman.

Let me yield to the gentleman from Illinois who is going to talk to us about infrastructure, very important, putting Americans back to work.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1759. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

CONSTRUCTING NEW AIRPORTS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. JACKSON) will control the remainder of the hour.

Mr. JACKSON of Illinois. Mr. Speaker, may I inquire as how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 48 minutes remaining.

Mr. JACKSON of Illinois. I thank the gentlelady from Houston for her kind remarks.

Mr. Speaker, as many of you know, I have been talking about building a third airport for Chicago's metropolitan area since my first campaign, which was in 1995. The congressional district that I represent has nearly

three people for every one job in many communities; and compare that to the northwest suburban parts of the city of Chicago, there are nearly three jobs for every one person. It is an enormous disparity.

Since that time in 1995, the United States has not built a single new airport. In fact, the United States has not built a new greenfield airport in more than 40 years. The last totally new airport built in this country was Dallas/Fort Worth which opened for business in 1969.

Now, some of you may say that Denver built a new airport. Well, yes and no. Denver has a new airport, but it was a replacement airport. Once the new Denver International Airport was completed, the old Stapleton Airport was shut down. So while Denver has an updated facility, that airport really didn't add to the number of U.S. airports.

Since 1969, when Dallas/Fort Worth opened, the U.S. air traffic, the number of passenger and cargo flights, has more than tripled. Yet, despite a tripling of activity and 40-plus years of aviation growth, no new major airport has come online to accommodate that expansion. That's absolutely incredible, Mr. Speaker.

Compare our record to China's. The Chinese Government recently announced plans to build 97 new airports between 2008 and 2020. So the U.S. builds zero airports in 42 years; China is embarking on a plan to build 97 new airports in just 12 years.

If the United States wants or hopes to stay competitive in the global economy, we need to start thinking a little bit bigger. We need to start thinking about ports, and specifically airports. We need to start thinking a little bit more like the Chinese, 100 new airports by 2020. The General Administration of Civil Aviation of China said that it plans to spend over 450 billion yuan, building no fewer than 97 airports by the year 2020.

□ 2020

If the plans are carried through, this massive expansion of capacity will see the number of Chinese airports increase to 244. The plans will mean that eight of every 10 Chinese people will live within 100 kilometers of an airport.

If the United States wants to compete, we simply have to be prepared to build more of these facilities. And I'm happy to report that some of us in Washington and in Illinois are doing precisely that. In the past 2 months, I've heard President Obama talk about the need to build new airports. Not once, not twice, but several times I've heard the President say this. The first time when he unveiled his national jobs plan, the President said: "We can put people to work rebuilding America. Our highways are clogged with traffic.

Our skies are the most congested in the world. It's an outrage.

"Building a world-class transportation system is part of what made us an economic superpower, and now we're going to sit back and watch China build newer airports and faster railroads at a time when millions of unemployed construction workers could build them right here in America," the President said.

Mr. Obama even noted that perhaps the best way and maybe the only way to build new airports, new highways, new infrastructure is through a public-private partnership, also known as PPP. In fact, Mr. Speaker, I explained this concept to State Senator Barack Obama while he was running to become a United States Senator in 2004. When he wrote an op-ed in the *Chicago Sun Times* in support of this proposed new airport, in his article he said: "There is a strong case for a regional third airport in the south suburbs, a region that has struggled economically while other suburban areas have prospered. Employment and income in the south suburbs lags the rest of the Chicago area. The construction and operation of a new airport near Peotone would bring 1,000 construction jobs in the next 2 years and 15,000 permanent jobs by the first full year of operations, as well as billions of dollars in new economic activity to residents and communities that sorely need it."

"Rep. Jesse Jackson, Jr., a key leader in the Peotone effort, has assembled a group of private investors who are willing to risk their capital on the new airport's prospects. State government's role in the project would be limited to providing infrastructure improvement such as roads, transit, and sewers, which it routinely provides to other development projects around the State."

Mr. Obama said: "The benefits of a south suburban airport would not be limited to the Chicago region. Many downstate communities are hampered by their lack of air access to Chicago. Since gates for such flights are extremely limited at O'Hare and Midway, an airport near Peotone would provide downstate communities with enhanced air access to Chicago, as well as accommodating general aviation traffic that formerly utilized Meigs Field. In addition, as the world's first and only airport custom designed, built, and priced to attract low-cost carriers, it will attract air service to the Chicago area by startup and discount airlines currently not operating out of Chicago's existing airports."

As many of you know, the plan that I've put together for Chicago's third airport is precisely that. I've advocated for building this airport through a public-private partnership for the past 8 years. To quote President Obama again, he said: "There are private construction companies all across America just waiting to get to work. We'll set

up an independent fund to attract private dollars and issue loans based on two criteria—how badly a construction project is needed, number one; and how much good it will do for the economy."

The President knows that Chicago's two airports, O'Hare and Midway, have been operating at or above capacity for years, so the need is clearly there. In fact, the Federal Aviation Administration has been asking Chicago to build a new airport since 1985—for more than 25 years. As for the President's requirement that new infrastructure be good for the economy, there is no greater job generator in the world than an airport. For proof, we need look no further than Washington, DC, and the Dulles Airport corridor. Once out in the middle of nowhere, the Dulles Airport corridor today is home to 35,000 new companies. Some 575,000 people go to work there every day, and roughly 57 percent of the world's Internet traffic now flows through the Dulles corridor. Most of that is possible due to the airport.

As for the airport that I'm proposing for Chicago, it would create 1,000 construction jobs immediately over the next 2 years. Once phase 1 construction is done—which could be done as early as June of next year—and the airport opens for business, it would create an additional 15,000 new permanent jobs for the local economy, again by the first day of operation. Those 15,000 jobs at the airport include some jobs at the airport like pilots and baggage handlers and air traffic controllers and service agents and TSA agents. But, moreover, Mr. Speaker, it includes jobs located outside of the airport's footprint. I'm talking about jobs at the new Hilton, the new Hyatt, the new Fairmont hotels locating near airports; jobs at UPS and Federal Express, two businesses that can't survive without airports; Hertz, Dollar, Alamo, Avis, and Enterprise; jobs at local restaurants; McDonald's and Burger King and Chili's and KFC, Olive Garden, White Castle, Outback Steakhouse, Steak 'n Shake, Red Lobster, Wendy's, Applebee's, Panera Bread; convention centers, malls with entertainment complexes, sport complexes, warehouses, rail yards, all in the service industry, and corporate headquarters, all of which historically like to locate near airports.

Hotels all across America must be at 80 percent occupancy in order to be profitable every single day. People who stay in hotels tend to get to those hotels by flying there. Catching a taxi from an airport, or even renting a car, airports are the center of the service-based economy. Expanding the service-based economy is the fastest way to employ the American people and put them, Mr. Speaker, back to work.

And just like Dulles, which was Washington's third airport, Chicago's new third airport would create, over

time, hundreds of thousands of new jobs.

So how do we build and finance an airport in these tough economic times? I know someone out there in television land is actually asking that question.

As the President said, the way to build new airports is through a public-private partnership, by getting private companies to invest their own capital without risk to taxpayers. In fact, Mr. Speaker, I learned a lot about public-private partnerships a dozen years ago when I began researching ways to build and finance a third airport for Chicago. And the President is absolutely correct. I learned right here in the Congress of the United States from my late colleague, Congressman Henry Hyde, who introduced me to a number of consultants who impressed upon us the need to move to public-private partnerships in order to handle the Nation's future infrastructure demands.

Our research taught me that the old method for financing and building airports is absolutely obsolete. It doesn't work anymore. In short, the paradigm has shifted since 1969 when America built its last major airport. The old model used to work like this:

Runways and taxiways were built and financed by cities. A city would then recoup its investments by collecting landing fees from airlines and eventually get paid back over the next 30 years. Under that same old model, terminals were built and financed by the airlines. That's why O'Hare has a United terminal and an American terminal, et cetera.

But guess what. The old model, Mr. Speaker, does not work anymore. Most cities cannot afford to pay for runways and then wait 30 years to get reimbursed, and they're reluctant to hit up taxpayers for more money. Likewise, most airlines, many of whom are teetering on bankruptcy, can no longer afford to invest in and build massive terminal buildings. The new model is the public-private partnership.

Under the public-private partnership, cities create airport commissions. They form participating governments who then enter into an intergovernmental agreement. And by entering into that intergovernmental agreement, they form an airport authority with the State; the State which owns lands, leases land or yields land to the airport authority who then, in turn, provides that land to the developers. The developers make an investment in the airfield. They build the airport. The income from the airfield comes to the developers who then pay the public entity rent.

□ 2030

And that's how the engine of our economy for a local airport begins to spin. And it continues to spin as the airport begins to grow and begins to manifest itself in the form of productivity for those who take advantage of

the facility. If the private sector does it right, they reap profits that can then be shared with the communities that formed the airport commission. This model is exactly what has been used at new airport projects around the world for the last 40 years.

The main reason this model hasn't been used in the U.S. is simple. During the last 40 years, we haven't built any new airports. In Chicago, we are following the new international model of the public-private partnership. First, we formed the local airport commission to create and oversee the public-private partnership. That commission, formed in 2003, is comprised of 21 municipalities from three counties, Cook, Will and Kankakee, located near the airport site. These communities, who call themselves the Abraham Lincoln National Airport Commission, or ALNAC, work essentially as one city, and they make up the public side of the partnership.

These 21 communities, again, acting as one airport commission, then conducted a global competition to find private developers who had the expertise, the experience, the wherewithal and the willingness to design, finance, construct, and manage a new airport. Seventeen companies from around the world ultimately responded to the commission's requests for proposals. At the conclusion of that global search, ALNAC, the public commission, selected two companies with aviation expertise, SNC Lavalin and L-COR, as its private development partners. These two companies have built new airports or expanded existing airports in countries from Europe, Africa, North America and from Central America to South America. They've done so with great success, and, more importantly, they've done it with their own money at no cost to the taxpayers.

Now, for anyone who is thinking this is just a pie-in-the-sky concept or some airport fantasy, I must say that the Governor of Illinois has carefully vetted the ALNAC proposal. Governor Quinn, his lawyers, outside counsel, and the Illinois Department of Transportation spent close to a year vetting all of ALNAC's work. In the end, the Governor's office found that ALNAC's public-private partnership is legal, is viable and capable.

And I'm proud of what this local commission has done. I'm proud of our private partners who want to invest \$700 million in Chicago's new airport. And I'm proud and happy that President Obama and Illinois Governor Quinn have a clear understanding that public-private partnerships are capable, indeed, perhaps necessary in building, financing and operating world-class airports that will expand the Nation's aviation capacity and create jobs without using taxpayer dollars faster than any single thing that this Congress can do.

All of us in public life, as well as many leaders in the private sector, are feeling the pressure to create jobs and to rebuild America, or as the President said, it's time for us to take off our slippers, put on our marching shoes, stop complaining, stop whining; we've got work to do.

Now I want to take a few minutes, Mr. Speaker, to show you just how this plan would work and introduce you to a key concept that makes this financial model better than the one that exists at virtually every U.S. airport in the United States. The concept is called common-use gates. It simply means that airlines no longer build terminals; so, therefore, they can no longer control the gates. Instead, the gates are built and controlled by a private company that has expertise in running airports. For airlines, it means all gates can be used by any airline. And they pay for just the hour or so that they use to unload passengers, reload, and then take off. The common-use gate concept, which is used at modern airports everywhere outside the United States, means terminals need less space, which in turn means they cost less money. Ultimately, common-use gates should save travelers time and money.

In closing, Mr. Speaker, I'm proud to report that the Abraham Lincoln National Airport Commission, or ALNAC, along with its 21 municipal members and our private developers, have developed a fully vetted, cost-effective plan to update and expand our Nation's infrastructure, which costs taxpayers nothing but will create tens of thousands of jobs.

This airport, Mr. Speaker, is bigger than just an airport in my congressional district and for Chicago's Southland. This airport would change the way we build things in the United States and will have national and global significance. This Republican-led Congress hasn't been very helpful to President Obama. In fact, this Congress is determined not to pass a single piece of legislation that will help him put the American people back to work.

Since the President is issuing executive orders and looking for other ways to go around this Republican-led and dysfunctional Congress, the beauty of the Jackson plan to build a third airport in the Chicago area is that we don't need Congress or the Illinois Legislature to vote on or approve anything. We just need the signature of the Governor of Illinois on a land lease.

So what I need you to do is call the Governor of Illinois, 312-814-2121, that's 312-814-2121, and tell him to lease the land to the Abraham Lincoln National Airport Commission so we can give President Obama a victory and begin to put the American people back to work.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore (Mr. RUNYAN). The gentleman has 29 minutes remaining.

Mr. JACKSON of Illinois. Fantastic, Mr. Speaker. I want to thank the gentleman for clarifying that for me.

I want to spend the next 29 minutes explaining to the American people how modern airports will be constructed in the United States.

This is a mockup of the facility that we seek to build in the Second Congressional District. It's a small airport with five simple gates whose basic footprint fits the local vernacular of the communities that it will be built in. Between the Village of Monee, University Park, Creek, Beecher and Peotone exist 25,000 acres of land, 25,000 acres of land that have been designated by the Federal Aviation Administration for the building of a major airfield. The light area on this map represents land that has been acquired by the State of Illinois for the purposes of building a major airport.

So the private companies, the private developers have done, Mr. Speaker, an analysis to determine what is the appropriate size of the airport that they should build as soon as humanly possible for the purposes of relieving air traffic in the region. And their analysis showed that if the airport were built in 2007 at the low enplanement hours, or deplanement hours, 174 passengers would use the airport. The median number of passengers per hour would be 347, or the high number of passengers 695 passengers per hour.

What's fascinating, Mr. Speaker, is the near perfect correlation between the median numbers in 2007 and the low numbers in 2008, the median numbers in 2008 and the low numbers in 2009—or let's fast forward to where we are today, the median numbers in 2010, the low numbers in 2011. The median numbers in 2011 compared to the out numbers in 2012, what you can see is that because of the number of passengers who use the airport every hour in succeeding years, it is possible to design an airport in 25,000 acres but actually scale it back to the size of an airport that we need to build today, in other words, a cost-effective airport, annual enplanements by 2012, 2,200,000; 2013, 2,700,000; 2023, 7,600,000.

□ 2040

Once, Mr. Speaker, we have determined how many passengers would use such an airport, we then have to right-size the airport. We have to determine the number of aircraft operations per hour that would have to exist at such a facility or be used at such a facility in order to determine the size of the airport that we need to build.

And once again, the median numbers equal the low numbers in each of the succeeding years. Assuming an airport is built today, 31 total aircraft operations by 2012, 34 by 2013, 38 by 2018, and

so forth, a near perfect correlation, suggesting that every single year from the moment this airport is built it will continue to expand.

Well, Mr. Speaker, unlike using the old government model, because we are using a for-profit model in a public-private partnership, we should never build more airport than we need. We should never build more bridge than we need. We should never build more road than we need because the private sector doesn't have money to waste quite like government has money apparently to waste. So we have to right-size the airport. And as a result of the passenger emplanement and the number of aircraft that take off from the airport every hour, we are able to determine the size of an airport that we need to build by 2008, 2011, 2013, and 2018.

The most cost-effective airport, Greenfield Airport, starts out with five gates, about 1,300 parking spaces, a terminal size of about 142,000 square feet, and an apron of about 933,000 square feet. Remember, Mr. Speaker, not one dollar spent by taxpayers to arrive at this jobs plan.

Well, here's the key to what we're trying to build in Illinois with the Governor's signature—provided enough of our constituents today call the Governor at 312-814-2121 and tell him to sign the lease to the local commission. The real key to the concept and the success of this airport, unlike traditional airport models, is the idea of a common-use terminal. It's really a private sector model because we're not building more airport than we need. It doesn't compete with O'Hare Airport; it doesn't compete with Midway Airport. In fact, Mr. Speaker, how could a five-gate airport compete with O'Hare Airport or compete with Midway Airport? It simply can't. However, a five-gate airport represents 15,000 right-now jobs for the local communities that need them the most.

That's why Congressman JACKSON is hanging around airports. Congressman, all you do is talk about airports. Yeah, because with airports come Hyatt Hotels and Hilton Hotels and Fairmont Hotels, and Avis and Hertz and Dollar and all kinds of businesses that tend to locate near airports. Look at Arlington, Virginia. It is developed because it is close to Reagan Airport. Look at the Dulles corridor, home to 575,000 people who work every day because of the airport. Look at the Baltimore-Washington corridor; it's tied to the airport.

Look at all of the jobs and growth and economic activity out by O'Hare Airport. Look at the economic activity by LAX. The FAA said 20 years ago that we need to build 10 new airports in America the size of O'Hare Airport to handle the aviation problem then. How many have we built in America while China's going to build 100 new airports? In 10 years, how many have we built in America? Not one.

So, what's the key, Congressman JACKSON, to this airport? Well, the reason this airport's going to be successful is because United, American, and Qantas do not own gates at this airport. This airport is not contingent upon them assuming any debt or liability for building the airport. Virgin Airlines does not own a gate at this airport. The airport is paid for, Mr. Speaker, by the private sector. American is welcomed to land and use the gate. For the 1 hour that it takes them to let their passengers on, let their passengers off, and get back on the runway, that's all the amount of time that we charge American, United, Qantas Air or Virgin Airways.

So when you walk into this airport, it looks like a modern facility. There's a big flat-screen television set behind the ticket agent, and it has the logo of United Airlines or some airline on it. After the plane boards and then takes off, guess what, Mr. Speaker. The flat-screen television set, suddenly it has the American logo on it, the same gate as the American flight pulls up to that terminal and takes off. A much more efficient method of using gates at airports. This is the key concept behind making the airport successful.

But because we are able to project well into the future, in a \$25,000-acre footprint, the size of a future facility, we start out with hand drawing with a five-gate airport, but we're already contemplating what it would mean using the profits to build roads, to build the infrastructure to make the airport work.

As you can see in the 10-to-25-year plan, we're contemplating a ring road like a modern airport, where you enter and you exit the airport, and if necessary you return to baggage claim or to departing passengers under a much broader facility.

In the plus-25-year plan, we're already widening the processor, that is, the processor where ticket agents and the Transportation Security Administration help process passengers to global locations not only within the United States, but around the world.

So because of accurate forecasting, Mr. Speaker, we build a small terminal in land owned by the State with a small apron of about 933,000 square feet and one 112,000-foot runway, which is large enough to handle contemporary serious aircraft, including new aircraft that are presently coming online. As you can see, we've already contemplated a small cargo space.

Remember, I said I only wanted to build with \$700 million, not paid for by the taxpayers. I just wanted to build five gates—one, two, three, four, five. But very quickly, for very little money, the airport expands to a 13-gate airport. But for five gates, I've already employed 15,000 Americans. A 13-gate airport employs 30,000 Americans.

We're already focusing on phase two. We tear down the wall between phase

one and phase two, and now the airport, Mr. Speaker, looks like this. Then we tear down the wall, a modest expansion of the airport for phase three. We build phase four. We're contemplating phase five. And then while this part of the airport is functioning, we then go back to the other side of the airport and modernize its processor without any disruption in customer service. What started out as a one, two, three, four, five-gate airport, it's now already a 40-gate airport, not paid for by the taxpayers, not paid for by the airlines, with common-use gates and expanding infrastructure.

Very quickly, the airport, Mr. Speaker, has now moved to a modern-looking facility, paid for by the private sector in a public-private partnership, including its roads. The roads that approach the top of the airport are for departing planes. We've already got a ring road now coming around the airport for arriving passengers. This 80-gate airport represents nearly 130,000 jobs to a local economy.

There is absolutely nothing that Congress can do to compete with an airport. If there's going to be public works projects, a public works bill, we heard the President of the United States stand right there and say he refuses to accept that in America we can't build one new airport while China is building 100 new airports. I'm taking this time, Mr. Speaker, to carefully explain to my colleagues how airports can be built without you appropriating a single dollar.

This is all I'm building, Mr. Speaker, one runway and five gates. But over time, following the model that I proposed, one runway and five gates quickly becomes an 80-gate airport now needing two runways. This 80-gate airport represents more than 130,000 jobs to a local economy, and we need to be building 10 airports just like this to alleviate today's aviation and capacity demands.

□ 2050

And you can also see under our airport in our field, we're already looking at an expanded cargo area for UPS, Federal Express, and other cargo-related international trade that would be the by-product of building this airport.

As I shared with you at the very outset of my presentation, Mr. Speaker, while we're building five gates and one runway, the airport is being built in a 25,000-acre footprint. O'Hare Airport is in a 7,000-acre footprint. The footprint in my congressional district is four times the size of the present footprint of O'Hare International Airport, which is somewhere between the busiest airport in the world, the second busiest, or the third busiest airport in the world.

Well, when you start talking about an airport of this magnitude in a 25,000-

acre footprint, you're obviously talking about a global facility. In the Midwest, it means an absolutely functioning O'Hare airport. It means a strong and strengthened Midway Airport. But five gates and one runway will eventually become this facility, four runways, 200-plus gates and massive cargo areas, both north and south, within the airport footprint.

It's actually kind of humbling, Mr. Speaker. It's humbling to know that for 17 years I've been fighting to build, without asking Congress for a single dollar, one runway and five gates, in land already owned by the State of Illinois, to build this one runway and five gates to create 15,000 jobs.

It's humbling to know that I probably won't live to see this facility, the 25-year-plus plan. And there's almost no one in this Congress who's likely to be living to ever see this facility. But because of the size and scope and the planning of the private sector, we can already anticipate what the future of the airport will be, provided passenger forecasts and demand continue to grow.

But I can scan and scale this very large facility, Mr. Speaker, all the way back to this little bitty facility that got started because President Barack Obama said we need to use public-private partnerships to build airports. Why? Because airlines can't afford them anymore, and municipalities don't build runways anymore. They simply can't afford it, and so we have a model to make it happen.

What are the public sector benefits? Job creation, 15,000. Sales and income taxes from businesses and individuals who live and dwell around the facility. Off-airport real estate taxes. People who live close to these things, their property values go up. The quality of their lives go up. And with the buffer between the last runway and the nearest communities being more than a mile, there's a significant noise reduction factor already built into the appropriate and proper planning of this airport.

The net present value of the public-private joint venture, cash flow to participating governments estimated at nearly \$230 million annually.

Now, what do you do with \$230 million? Well, as I shared with you at the beginning, the State of Illinois has only purchased this land, Mr. Speaker, just the light yellow land. But the entire footprint is the entire green land.

Well, with \$230 million of net present value and profit from the facility, which goes to the private developer and comes back to the commission in the form of rent, that money begins to purchase the remaining elements of the footprint in anticipation and with the expectation that the facility will expand. So when the private developer says it's time to expand the airport, the land has already been acquired by

the government entity, again, not at a cost to the taxpayer.

But every time this airport expands by another 10 gates, it creates another 15,000 jobs to a local economy. No road can do that. No bridge can do that.

Mr. Speaker, may I inquire as to how much time I have left.

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. JACKSON of Illinois. I'm really excited about that, Mr. Speaker. Ten more minutes, I think I can talk till tomorrow. That's what I kind of like about these Special Order speeches.

What's the role of the public sector? Well, it's very limited, Mr. Speaker. It's not that complicated. We're a landlord.

I've been fighting for the last 7 years back home. A lot of people say we want to be in control. Jackson, we like your ideas, we like your money, we like your developers. We want to be in control.

Mr. Speaker, that's the old model, and they think like they're still participating in the old model. That's not the new model, Mr. Speaker. The only role that the public sector provides or plays in a public-private partnership is they're the landlord. That's all.

Imagine this. The city of Washington, D.C. wants to attract Target, a shopping center, to its city. So it has land somewhere in Washington. The city owns the land. It might be a vacant lot. It might be a dilapidated area. The city owns the land.

So it says to Target, Target, we want to enter into a public-private partnership with you. We have land; you know how to run Target. If we give you the land, will you build Target?

Target says, yes. And for some lease fee, some arrangement between the local government and Target, Target builds its own store, maybe a 25-year lease, maybe a 99-year lease. The only role that the government plays is in leasing the land. That's it.

Unfortunately, that's not the Illinois way. That's not the Chicago way. The Chicago way is we need to be telling people who are running their business how to run their business.

You can't do that. If we lease the land and Target builds the store, Target runs their own store. The business on the public land runs their own business.

What do we get from it? We get taxes. We get employed Americans. We get economic activity and less crime and less violence. There's a benefit to the society when we make the trade-off in the public-private partnership where there is governance over the land. There are lease terms, but we're not in the management and the day-to-day operation of that business.

The same is true of this new airport. Most public airports, the local mayor, the local city council, the local politicians are all involved in the business,

trying to get their cousins hired and get their friends hired.

Not in the new model. In the new model we have the land, and we turn it over to the developers to make judgments about what is the most cost-effective way to run an airport.

Jackson, if you would just turn the developers over to us and let us—no, no, no. I've been working on this too long. The way to do this right is for the politicians to stay out of it and turn it over to the private sector so that they can do their job.

I've got to be honest with you. I ain't never ran a business before in my life. I came right from the seminary and right from law school to Congress. What kind of advice can I give an airport developer?

What kind of advice can anyone who's never run an airport before give some professional who's in the airport business? Absolutely none.

And so you need to have a hands-off approach to allowing a public-private partnership to operate at a profit without political interference.

Land, that's your public sector role. You're a landlord. You're responsible for getting utilities to the fence. That's what you're responsible for. You're responsible for regulatory permits and approvals. That's what the public is responsible for. You're responsible for highways and transit improvements, which the public-private partnership can, in fact, help pay for because it's a for-profit venture making a profit.

So, Mr. Speaker, I've talked about the need to build a new airport. I showed you tonight that we don't need the Congress of the United States that does not want to help Barack Obama. We don't need Congress for nothing to get this model moving.

We just need the Governor of the State of Illinois, Governor Pat Quinn, area code (312)814-2121, to lease the land to the governments that have established this commission.

□ 2100

From that we will have a national model emerge on how to put the American people back to work. It can start in Illinois, but it can spread very quickly by bringing the \$2.5 trillion in private sector money that is sitting on the sidelines and presently not engaging the economy.

So, Mr. Speaker, I stripped the idea of an airport out of this model of a public-private partnership. This can be any government entity.

It then enters into an intergovernmental agreement with other governments with an understanding that it will have a relationship to the Federal Government, the State government, or local governments in the form of land or utilities or whatever is required in order to get the business started.

We then lease the land to a developer, who then invests in the land to

create jobs and economic opportunities for the American people. The profits from the activity are paid to the developer to help them satisfy and settle the obligations associated with the initial investment. And then the developer rents the land or pays rent to the government entity established by the local government and the profits can also be shared by local governments.

Mr. Speaker, it doesn't have to be airports. Public-private partnerships can also build roads. They may end up being toll roads because if the private sector makes an investment in a toll road, in a road that the public is going to use, certainly they need to get their money back. So how do they get their money back?

Well, after they've made the investment, it has to be a toll road. Public-private partnerships can work. Public-private partnerships can work for bridges. It may be a toll bridge. Public-private partnerships can work.

Mr. Speaker, if we offer as a Congress the kinds of incentives that encourage public-private partnerships, we can put the American people to work in quick order.

Mr. Speaker, I am particularly honored and privileged that you've allowed me the opportunity to share with my colleagues and with the American people the importance of a project in my congressional district. I am particularly honored that my constituents have been leading this charge for building new airports in the United States. We need to build 10 of them just like this.

I'm hoping, Mr. Speaker, that those of us who want to see and help President Barack Obama be successful that we will call 312-814-2121 and encourage the Governor of the State of Illinois to give Barack Obama the victory that he needs and the victory that he deserves that can show us a way to put the American people to work without raising taxes, without borrowing more money, without passing another government program.

Public-private partnerships, Mr. Speaker, can work. I'm asking my colleagues and those who can hear my voice to give the people of the Second Congressional District of Illinois a chance to get one started so we can show you that it works.

I thank the Speaker, and I yield back the balance of my time.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 271. An act to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes; to the Committee on Natural Resources.

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within

Fort Pulaski National Monument, and for other purposes; to the Committee on Natural Resources.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah; to the Committee on Natural Resources.

S. 897. An act to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs; to the Committee on Natural Resources.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District; to the Committee on Natural Resources.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 894. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 1280. An act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

ADJOURNMENT

Mr. JACKSON of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Friday, November 4, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3730. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary, Non-Electronic Benefits Transfer-Related Provisions (RIN: 0584-AE13) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3731. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes With Stems From the Republic of Korea Into the United States [Docket No.: APHIS-2010-0020] (RIN: 0579-AD33) received October 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3732. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket IN:

FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8201] received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3733. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Disclosure of Information; Privacy Act Regulations; Notice and Amendments (RIN: 3064-AD83) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3734. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Sample Income Data To Meet the Low-Income Definition (RIN: 3133-AD76) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3735. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Environmental Impact Considerations, Food Additives, and Generally Recognized As Safe Substances; Technical Amendments [Docket No.: FDA-2011-N-0011] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3736. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Interpretation of Transmission Planning Reliability Standard [Docket No.: RM10-6-000; Order No. 754] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3737. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Design-Basis Hurricane and Hurricane Missiles for Nuclear Power Plants Regulatory Guide 1.221 received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3738. A letter from the Acting District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a letter report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2011", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3739. A letter from the Acting District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting three letter reports entitled, (1) "Audit of Advisory Neighborhood Commission 2F for Fiscal Years 2008 Through 2011, as of March 31, 2011", (2) "Audit of Advisory Neighborhood Commission 4D for Fiscal Years 2008 Through 2011, as of March 31, 2011", and (3) "Audit of Advisory Neighborhood Commission 5A for Fiscal Years 2008 Through 2011, as of March 31, 2011", pursuant to 15 U.S.C. 2076(j); to the Committee on Oversight and Government Reform.

3740. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XA690) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3741. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Pacific Cod by Non-American Fisheries Act Crab Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA715) received October 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3742. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Removal of Regulations [Docket No.: 110707375-1578-02] (RIN: 0648-BB07) received October 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3743. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast (NE) Multi-species Fishery; Framework Adjustment (FW) 45; Adjustments for Fishing Year (FY) 2011 [Docket No.: 100923469-1543-05] (RIN: 0648-BA27) received October 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3744. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA722) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3745. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Groupers Fishery of the South Atlantic; Closure [Docket No.: 040205043-4043-01] (RIN: 0648-XA677) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2840. A bill to amend the Federal Water Pollution Control Act to regulate discharges from commercial vessels, and for other purposes; with an amendment (Rept. 112-266). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEBSTER: Committee on Rules. House Resolution 455. Resolution providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes (Rept. 112-267). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DOLD (for himself and Mr. QUIGLEY):

H.R. 3332. A bill to require each agency to prepare and make public quarterly and annual consolidated financial statements using the fair-value accrual accounting method, to require the Congressional Budget Office to use current-year spending as the baseline for estimating future mandatory and discretionary changes, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. RANGEL, Ms. BASS of California, Mr. GRIJALVA, Mr. SLAUGHTER, Mr. BECERRA, Mr. POLIS, Ms. MOORE, and Mr. NADLER):

H.R. 3333. A bill to amend part E of title IV of the Social Security Act to require States to help alien children in the child welfare system apply for all available forms of immigration relief, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. GRIJALVA, Mr. MARKEY, Ms. ROYBAL-ALLARD, Mr. CLEAVER, Ms. HIRONO, Mr. CONYERS, Mr. ACKERMAN, Mr. MORAN, Mr. SABLON, Mr. ELLISON, Ms. BORDALLO, Mrs. CAPPS, Ms. SCHWARTZ, Mr. HONDA, Mr. HINCHAY, Mr. WAXMAN, Mr. STARK, Mr. SERRANO, Mr. KUCINICH, Mr. NADLER, Mrs. NAPOLITANO, Ms. LEE of California, Mr. FARR, Mr. BERMAN, Mr. KILDEE, Mr. MCNERNEY, and Mr. GEORGE MILLER of California):

H.R. 3334. A bill to designate certain National Forest System lands and public lands under the jurisdiction of the Secretary of the Interior in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness and wild and scenic rivers, to provide for the establishment of a Northern Rockies Wildlife Habitat and Corridors Information System and Program, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 3335. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to members of the Armed Forces and veterans; to the Committee on Natural Resources.

By Mrs. HARTZLER:

H.R. 3336. A bill to ensure the exclusion of small lenders from certain regulations of the Dodd-Frank Act; to the Committee on Agriculture.

By Mr. AKIN (for himself, Mr. KISSELL, Mr. HEINRICH, Mr. SCHIFF, Mr. CARSON of Indiana, Mr. BARTLETT, Mr. CONYERS, Ms. CASTOR of Florida, Mr. LUJAN, Mr. GRIJALVA, Ms. BORDALLO, Mr. OWENS, Mr. HANNA, Mr. PEARCE, Mr. ROE of Tennessee, Mr. LONG, Mr. LOBIONDO, Mr. LATHAM, and Mr. FRANKS of Arizona):

H.R. 3337. A bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCNERNEY (for himself, Mr. BISHOP of New York, and Mr. PETERS):

H.R. 3338. A bill to amend the Internal Revenue Code of 1986 to provide for the identification of corporate tax haven countries and increased penalties for tax evasion practices in haven countries that ship United States jobs overseas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself, Mr. DOGETT, Mr. ISSA, Mr. LEWIS of Georgia, Mr. HERGER, Mr. NUNES, Mr. TIBERI, Mr. REICHERT, Mr. BOUSTANY, Mr. PRICE of Georgia, Ms. JENKINS, Mr. PAULSEN, Mr. MARCHANT, Mr. BERG, Mrs. BLACK, Mr. REED, and Mr. LANKFORD):

H.R. 3339. A bill to establish consistent requirements for the electronic content and format of data used in the administration of certain human services programs under the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself and Mr. BARROW):

H.R. 3340. A bill to direct the Secretary of Commerce to establish a grant program to provide veterans with apprenticeships and career advice; to the Committee on Veterans' Affairs.

By Ms. HIRONO (for herself and Mr. DREIER):

H.R. 3341. A bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS of New Hampshire (for himself, Mrs. EMERSON, and Mr. WELCH):

H.R. 3342. A bill to amend title XIX of the Social Security Act to encourage States to increase generic drug utilization under Medicaid; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. COOPER, Mrs. BLACK, Mr. ROE of Tennessee, Mr. FLEISCHMANN, Mr. FINCHER, Mr. GRIFFIN of Arkansas, Mr. GOHMERT, Mr. GUTHRIE, Mr. COHEN, and Mr. SHULER):

H.R. 3343. A bill to amend the Internal Revenue Code of 1986 to make permanent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself and Ms. HAHN):

H.R. 3344. A bill to amend the Act of September 30, 1961, to limit the antitrust exemption applicable to broadcasting agreements made by leagues of professional sports, and for other purposes; to the Committee on the Judiciary.

By Mr. BUTTERFIELD (for himself and Mr. MCHENRY):

H.R. 3345. A bill to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients; to the Committee on Oversight and Government Reform.

By Mr. DOGGETT (for himself, Mr. LEVIN, Mr. STARK, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. RANGEL, Mr. DINGELL, Mr. GENE GREEN of Texas, Mr. REYES, Mr. PETERS, Mr. JOHNSON of Georgia, Mr. PAYNE, Ms. DELAURO, Ms. LEE of California, Mr. TOWNS, Ms. NORTON, Ms. WOOLSEY, Mr. KILDEE, Mr. MEEKS, Mr. GEORGE MILLER of California, Mr. SERRANO, Ms. MOORE, Mr. NADLER, Mr. JACKSON of Illinois, Ms. BROWN of Florida, Mr. FRANK of Massachusetts, Mr. DEUTCH, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. COHEN, Ms. EDWARDS, Mr. HINOJOSA, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. WATT, Mr. BERMAN, Ms. JACKSON LEE of Texas, Mr. GONZALEZ, Ms. VELÁZQUEZ, Ms. SLAUGHTER, Mr. TIERNEY, Mr. DICKS, Mr. CARNAHAN, and Mr. CICILLINE):

H.R. 3346. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 3347. A bill to exempt any road, highway, or bridge damaged by a natural disaster, including a flood, from duplicative environmental document reviews if the road, highway, or bridge is reconstructed in the same location; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 3348. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIFFIN of Arkansas:

H.R. 3349. A bill to amend title 10, United States Code, to recognize the distance education program developed by the Department of Defense to provide advanced joint professional military education through a combination of non-resident and resident instruction as equivalent to the joint professional military education phase II program consisting of exclusively of resident instruction; to the Committee on Armed Services.

By Mr. GRIFFIN of Arkansas:

H.R. 3350. A bill to amend title 38, United States Code, to clarify the waiver period with respect to a deductible made by a veteran for certain travel costs necessary to receive treatment at facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GRIFFIN of Arkansas:

H.R. 3351. A bill to amend title 38, United States Code, to allow certain veterans to use

educational assistance provided by the Department of Veterans Affairs for franchise training; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. MURPHY of Pennsylvania, Mr. FILNER, Mr. BISHOP of New York, Mr. GRIMM, Mr. TOWNS, and Mr. BOSWELL):

H.R. 3352. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND:

H.R. 3353. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUJÁN:

H.R. 3354. A bill to adjust the boundary of the Carson National Forest, New Mexico; to the Committee on Natural Resources.

By Mr. LUJÁN (for himself and Mr. HEINRICH):

H.R. 3355. A bill to direct the Secretary of Veterans Affairs to establish a grant program to assist veterans find employment, to make permanent and modify the work opportunity tax credit with respect to unemployed veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. HUNTER, Mr. CALVERT, and Ms. JENKINS):

H.R. 3356. A bill to amend the Americans with Disabilities Act of 1990 to impose notice and a compliance opportunity to be provided before commencement of a private civil action; to the Committee on the Judiciary.

By Ms. MCCOLLUM (for herself, Mr. SCHOCK, Mr. SENSENBRENNER, Ms. ESHOO, Mr. LATOURETTE, Ms. DEGETTE, Mrs. EMERSON, Mr. SIMPSON, Mr. CHANDLER, Mr. TIBERI, Ms. MOORE, Mr. DENT, Mr. JACKSON of Illinois, Mrs. NAPOLITANO, Mr. MORAN, Mr. McDERMOTT, Ms. BROWN of Florida, Mr. RANGEL, Mr. GRIJALVA, Mrs. MALONEY, Ms. BALDWIN, Mr. HONDA, Mr. MCGOVERN, Mr. MCNERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. PAYNE, Ms. HIRONO, Mr. ISRAEL, Mr. ANDREWS, Mr. KIND, Ms. LEE of California, Mr. BRADY of Pennsylvania, Mr. PAULSEN, Mr. COHEN, Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. KILDEE, Mr. MARKEY, Mr. RYAN of Ohio, Mr. BLUMENAUER, Ms. SLAUGHTER, Ms. SCHWARTZ, Mr. HASTINGS of Florida, Ms. RICHARDSON, Ms. NORTON, Mr. CARNAHAN, Mr. JOHNSON of

Georgia, Mrs. CAPPS, and Ms. DELAURO):

H.R. 3357. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MICHAUD (for himself, Mr. WELCH, Ms. PINGREE of Maine, and Mr. OWENS):

H.R. 3358. A bill to amend title 40, United States Code, to extend the authorization of the Northern Border Regional Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN (for himself, Mr. ROTHMAN of New Jersey, Mr. FILNER, Mr. YOUNG of Florida, Mr. RAHALL, Mr. STARK, Mr. KUCINICH, Mr. NADLER, Mr. VAN HOLLEN, and Mr. POLIS):

H.R. 3359. A bill to amend the Animal Welfare Act to restrict the use of exotic and non-domesticated animals in traveling circuses and exhibitions; to the Committee on Agriculture.

By Mr. RENACCI (for himself, Mr. CARNEY, Mr. MEEHAN, Mr. WEBSTER, Mr. QUIGLEY, and Mr. WELCH):

H.R. 3360. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to tax-exempt Housing Equity Savings Accounts; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 3361. A bill to direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System; to the Committee on the Judiciary.

By Mrs. SCHMIDT (for herself, Mr. COBLE, and Mr. BUCSHON):

H.R. 3362. A bill to limit the manner in which Amtrak is authorized to provide food and beverage service; to the Committee on Transportation and Infrastructure.

By Mr. WELCH (for himself, Mr. MICHAUD, Mr. OWENS, and Ms. PINGREE of Maine):

H.R. 3363. A bill to amend title 18, United States Code, to prohibit fraudulently representing a product to be maple syrup; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself, Mr. ENGEL, Mr. BILIRAKIS, Mr. GRIMM, Mrs. MALONEY, Mr. FALLONE, and Mr. ROYCE):

H.J. Res. 83. A joint resolution disapproving the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to Turkey; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Mr. CARNAHAN, Mr. HONDA, Mr. ISRAEL, Mr. GRIJALVA, Mr. PAYNE, Mrs. MALONEY, Ms. WOOLSEY, Ms. SPIERER, and Mrs. CAPPS):

H. Con. Res. 84. Concurrent resolution recognizing the disparate impact of climate change on women and the efforts of women globally to address climate change; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. HIGGINS, Mr. TOWNS, Mr. TIERNEY, Mr. HINCHEY, Ms. LEE of California, Ms. SCHAKOWSKY, Mr. CICILLINE, Ms. KAPTUR, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. McDERMOTT, Mr. STARK, Mr. THOMPSON of California, Ms. MATSUI, Mr.

HASTINGS of Florida, Mr. HOLT, Ms. MOORE, Mr. MCGOVERN, Ms. TSONGAS, Mr. ELLISON, Mr. COHEN, Mr. LARSON of Connecticut, Mr. CUMMINGS, Mr. KUCINICH, Mr. GUTIERREZ, and Mr. CONYERS):

H. Con. Res. 85. Concurrent resolution expressing the sense of the House of Representatives regarding the proposed settlement between the Department of Justice, the State attorneys general, and mortgage servicers regarding mortgage fraud and the economic crisis; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. FILNER, Mr. GRIJALVA, Ms. KAPTUR, Ms. LEE of California, Mr. MCGOVERN, Mr. MORAN, Ms. NOTON, Mr. SABLAN, and Mr. SERRANO):

H. Res. 454. A resolution supporting the goals and ideals of National Community Gardening Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H. Res. 456. A resolution encouraging civilians to observe Veterans Day by listening, with respect and without judgment, to the stories of combat veterans; to the Committee on Veterans' Affairs.

By Mr. ROE of Tennessee:

H. Res. 457. A resolution encouraging individuals to seek training in the use of cardiopulmonary resuscitation (CPR) and automated external defibrillators (AEDs), and for other purposes; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DOLD:

H.R. 3332.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, clause 7, which states, "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law, and a regular statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

By Mr. STARK:

H.R. 3333.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of article I of the Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mrs. MALONEY:

H.R. 3334.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. BILIRAKIS:

H.R. 3335.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 1, 12, 13, 14, and 16), which grants Congress the power to lay and collect Taxes, Duties, Imposts and Excises,

to pay the Debts and provide for the common Defense and general Welfare of the United States; raise and support Armies; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mrs. HARTZLER:

H.R. 3336.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. AKIN:

H.R. 3337.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. MCNERNEY:

H.R. 3338.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. DAVIS of Kentucky:

H.R. 3339.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. BILBRAY:

H.R. 3340.

Congress has the power to enact this legislation pursuant to the following:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. HIRONO:

H.R. 3341.

Congress has the power to enact this legislation pursuant to the following:

Clause 4, Section 8, of Article I, of the Constitution

By Mr. BASS of New Hampshire:

H.R. 3342.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mrs. BLACKBURN:

H.R. 3343.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BLUMENAUER:

H.R. 3344.

Congress has the power to enact this legislation pursuant to the following:

The bill I am introducing today, the Give Fans a Chance Act, modifies the Act of September 30, 1961 (Public Law 87-331; 15 U.S.C. 1291 et seq.), which Congress enacted pursuant to its powers under the commerce clause of the U.S. Constitution, as well as its powers to tax and spend for the general welfare. Congress has the power under those provisions to enact this legislation as well.

By Mr. BUTTERFIELD:

H.R. 3345.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. DOGGETT:

H.R. 3346.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution that grants Congress the authority, "To

make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. FORTENBERRY:

H.R. 3347.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GENE GREEN of Texas:

H.R. 3348.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution (the Commerce Clause).

By Mr. GRIFFIN of Arkansas:

H.R. 3349.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. GRIFFIN of Arkansas:

H.R. 3350.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GRIFFIN of Arkansas:

H.R. 3351.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. ISRAEL:

H.R. 3352.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have power to lay and collect Taxes, Duties, Imposts and Excises, and to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KIND:

H.R. 3353.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the constitution.

By Mr. LUJÁN:

H.R. 3354.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. LUJÁN:

H.R. 3355.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. DANIEL E. LUNGREN of California:

H.R. 3356.

Congress has the power to enact this legislation pursuant to the following:

This bill is justified under the Commerce Clause of the United States Constitution.

By Ms. MCCOLLUM:

H.R. 3357.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers."

By Mr. MICHAUD:

H.R. 3358.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. MORAN:

H.R. 3359.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. RENACCI:

H.R. 3360.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Article I, Section 8, Clause 18: "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

Amendment XVI: "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

By Mr. SCHIFF:

H.R. 3361.

Congress has the power to enact this legislation pursuant to the following:

The Utilizing DNA Technology to Solve Cold Cases Act is constitutionally authorized under Article I, Section 8, Clause 18, the Necessary and Proper Clause. The Necessary and Proper Clause supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text. Additionally, the Preamble to the Constitution provides support of the authority to enact legislation to promote the General Welfare.

By Mrs. SCHMIDT:

H.R. 3362.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: "The Congress shall have Power To regulate Commerce with foreign Nations, and among several States, and with the Indian Tribes"

By Mr. WELCH:

H.R. 3363.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. BERKLEY:

H.J. Res. 83.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WAXMAN, Mr. LARSON of Connecticut, and Mr. CLAY.

H.R. 49: Mr. YOUNG of Florida.

H.R. 83: Mr. DOGGETT, Mr. CONYERS, Ms. HANABUSA, Mrs. NAPOLITANO, Mr. RICHMOND, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. KILDEE, Ms. KAPTUR, Mr. GARAMENDI, Mr. MCGOVERN, Ms. SPEIER, Ms. DEGETTE, Mr. ELLISON, Mr. GENE GREEN of Texas, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mr. GONZALEZ, Mr. TONKO, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. COURTNEY, Mr. OWENS, Mr. ANDREWS, and Mr. VAN HOLLEN.

H.R. 85: Mr. RYAN of Ohio.

H.R. 132: Mr. FILNER.

H.R. 178: Mr. BERG.

H.R. 219: Mr. JOHNSON of Illinois.

H.R. 265: Mr. TOWNS, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 266: Mr. TOWNS, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 267: Mr. TOWNS, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 328: Mr. CAPUANO.

H.R. 329: Mr. CARNAHAN and Mr. PLATTS.

H.R. 402: Mr. PRICE of North Carolina.

H.R. 452: Mr. JOHNSON of Illinois.

H.R. 504: Mr. GRIFFIN of Arkansas.

H.R. 507: Mr. JOHNSON of Illinois.

H.R. 576: Ms. LEE of California.

H.R. 598: Mr. CUELLAR and Mr. MEEKS.

H.R. 615: Mr. WALSH of Illinois.

H.R. 640: Mr. BISHOP of New York, Mr. ELLISON, Ms. DEGETTE, and Mr. TOWNS.

H.R. 648: Mr. FITZPATRICK.

H.R. 676: Mr. PASTOR of Arizona.

H.R. 719: Mr. KING of Iowa, Mr. PEARCE, Mr. AUSTIN SCOTT of Georgia, Mr. PRICE of North Carolina, Mr. KISSELL, and Mr. HANNA.

H.R. 721: Mr. BRADY of Pennsylvania, Mr. GIBBS, and Mr. KINGSTON.

H.R. 735: Mr. FLEISCHMANN.

H.R. 743: Ms. HOCHUL.

H.R. 809: Mr. BOSWELL.

H.R. 812: Mr. RANGEL, Mr. BOSWELL, Mr. MCCOTTER, and Mr. PAULSEN.

H.R. 835: Mr. CROWLEY.

H.R. 860: Mr. PAYNE, Mr. BERG, Mr. HONDA, Mr. GUINTA, and Mr. CLEAVER.

H.R. 865: Ms. SCHWARTZ and Mr. CUELLAR.

H.R. 886: Mr. FITZPATRICK, Mr. SHUSTER, Mr. BRADY of Texas, Mrs. CAPITO, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. BERMAN, Mr. BISHOP of New York, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CARNEY, Mr. CAPUANO, Ms. CASTOR of Florida, Ms. CHU, Mr. CLYBURN, Mrs. DAVIS of California, Mr. ENGEL, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HOLT, Mr. INSLEE, Mr. KILDEE, Mr. KIND, Mrs. LOWEY, Mr. MARKEY, Mr. MATSUI, Mr. MILLER of North Carolina, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RICHMOND, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. SMITH of Washington, Mr. STARK, Ms. SUTTON, Mr. THOMPSON of California, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Mr. DAVIS of Kentucky, Mr. BASS of New Hampshire, Mr. LATOURETTE, Mr. STUTZMAN, Mr. SCHWEIKERT, Mr. BUCHANAN, Mr. MCCARTHY of California, Mr. UPTON, Mr. BURGESS, and Mr. WALDEN.

H.R. 890: Mr. FORTENBERRY.

H.R. 891: Mr. FRANK of Massachusetts.

H.R. 912: Mrs. DAVIS of California.

H.R. 1048: Mr. HINCHEY.

H.R. 1167: Mr. BROUN of Georgia.

H.R. 1179: Mr. COFFMAN of Colorado, Mr. BROUN of Georgia, Mrs. BACHMANN, and Mr. RIGELL.

H.R. 1193: Mr. ALTMIRE.

H.R. 1195: Mr. SCOTT of South Carolina.

H.R. 1206: Mr. PERLMUTTER and Mr. SHUSTER.

H.R. 1244: Ms. SCHAKOWSKY and Mr. PITTS.

H.R. 1267: Mr. INSLEE.

H.R. 1288: Mr. DEFazio, Mr. RYAN of Ohio, and Mr. JACKSON of Illinois.

H.R. 1297: Mr. ELLISON.

H.R. 1340: Mr. WOMACK and Mr. BRALEY of Iowa.

H.R. 1385: Mr. MANZULLO.

H.R. 1417: Ms. DELAURO.

H.R. 1457: Mr. MEEKS.

H.R. 1465: Ms. EDWARDS.

H.R. 1489: Ms. JACKSON LEE of Texas.

H.R. 1513: Mr. MARINO, Mr. DICKS, Mr. CROWLEY, Ms. TSONGAS, Ms. VELÁZQUEZ, Mr. CICILLINE, Mr. OLVER, Mr. LYNCH, Mr. SERRANO, and Mr. WEST.

H.R. 1524: Ms. LEE of California and Mr. CARNAHAN.

H.R. 1529: Mr. SCHILLING.

H.R. 1574: Mr. SHERMAN.

H.R. 1578: Mr. FRANK of Massachusetts, Mr. SABLAN, Ms. BORDALLO, Ms. CLARKE of New York, Ms. SPEIER, and Ms. BASS of California.

H.R. 1585: Mr. COFFMAN of Colorado.

H.R. 1639: Mr. HANNA, Mrs. BLACK, and Mr. CHABOT.

H.R. 1653: Mr. POLIS and Mr. TOWNS.

H.R. 1697: Mr. NUNNELEE, Mr. CRENSHAW, and Mr. HEINRICH.

H.R. 1739: Mr. MANZULLO.

H.R. 1742: Mr. WELCH.

H.R. 1815: Mr. ROONEY, Mr. BLUMENAUER, Mr. ALTMIRE, Mr. COURTNEY, Mr. HOLT, Mr. KIND, Mr. GENE GREEN of Texas, Mr. COSTA, Mr. RAHALL, and Mrs. CAPPS.

H.R. 1831: Mr. JOHNSON of Illinois.

H.R. 1834: Mr. SHULER and Mr. TERRY.

H.R. 1842: Mr. PETERS.

H.R. 1848: Mr. YODER.

H.R. 1881: Mr. QUIGLEY.

H.R. 1901: Mr. GUTIERREZ.

H.R. 1905: Mr. MARKEY.

H.R. 1909: Mr. RENACCI and Mr. JACKSON of Illinois.

H.R. 1956: Mr. FRANKS of Arizona.

H.R. 1957: Mr. BISHOP of New York.

H.R. 1971: Mr. MICHAUD, Mr. MARINO, and Mr. KILDEE.

H.R. 2020: Mr. YARMUTH, Mr. LANCE, and Mr. TOWNS.

H.R. 2033: Mr. PAYNE.

H.R. 2051: Mr. HULTGREN, Mr. RENACCI, and Mr. CHABOT.

H.R. 2069: Mr. ROSS of Florida.

H.R. 2077: Mrs. ELLMERS and Mr. BURTON of Indiana.

H.R. 2082: Mr. NEAL and Mr. PENCE.

H.R. 2088: Mr. SARBANES, Mr. JACKSON of Illinois, and Mr. HOLT.

H.R. 2104: Mr. BRADY of Pennsylvania and Mr. DAVID SCOTT of Georgia.

H.R. 2180: Ms. RICHARDSON and Ms. ZOE LOFGREN of California.

H.R. 2187: Mr. REYES.

H.R. 2214: Mr. PENCE, Mr. GRIFFITH of Virginia, Mr. BROOKS, Mr. GUINTA, Mr. GOSAR, Mr. BILBRAY, Mr. ROE of Tennessee, Mr. BERG, Mr. WESTMORELAND, Mr. SCOTT of South Carolina, and Mr. COFFMAN of Colorado.

H.R. 2334: Mr. CRENSHAW.

H.R. 2353: Mr. MURPHY of Connecticut, Mr. BISHOP of New York, Mr. GOSAR, and Mr. MILLER of North Carolina.

H.R. 2412: Ms. LEE of California, Ms. NOR-
TON, Ms. ESHOO, and Ms. DELAURO.

H.R. 2453: Mr. MEEKS, Mr. TOWNS, and Ms. SPEIER.

H.R. 2461: Mr. CRAWFORD.

H.R. 2466: Mr. BISHOP of New York and Mr. CARDOZA.

H.R. 2514: Mr. NUGENT and Mr. AMASH.

H.R. 2536: Mr. JOHNSON of Illinois.

H.R. 2541: Mr. GIBSON.
H.R. 2621: Mr. COFFMAN of Colorado and Mr. LAMBORN.
H.R. 2634: Mrs. MALONEY, Mr. BOSWELL, Ms. BORDALLO, and Mr. LOEBACK.
H.R. 2655: Mr. MCGOVERN and Mr. MARKEY.
H.R. 2657: Mr. PETERS.
H.R. 2674: Mr. WELCH.
H.R. 2735: Mr. NEAL.
H.R. 2809: Mr. PETERS and Mr. AL GREEN of Texas.
H.R. 2849: Ms. JACKSON LEE of Texas.
H.R. 2874: Mr. SOUTHERLAND, Mr. SAM JOHNSON of Texas, Mr. MCCAUL, Mr. KING of Iowa, Mr. JOHNSON of Illinois, Mr. GINGREY of Georgia, Mr. WESTMORELAND, and Mr. MCKINLEY.
H.R. 2885: Mr. JOHNSON of Illinois and Mr. CRAVAACK.
H.R. 2900: Mr. JOHNSON of Ohio.
H.R. 2945: Mr. SIMPSON and Mr. JOHNSON of Illinois.
H.R. 2948: Mr. REYES, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, and Mrs. NAPOLITANO.
H.R. 2966: Mr. MCNERNEY, Mr. MARINO, Ms. BALDWIN, and Mr. WEST.
H.R. 2969: Mr. MARINO, Mr. COSTA, Mr. WOLF, and Mr. HOLT.
H.R. 3001: Mr. JONES, Ms. SCHWARTZ, Mr. PETERS, Mr. LUETKEMEYER, and Mr. HOYER.
H.R. 3010: Mr. CARTER and Mr. MATHESON.
H.R. 3035: Mr. GINGREY of Georgia.
H.R. 3039: Mr. SESSIONS and Mr. TERRY.
H.R. 3046: Mr. JACKSON of Illinois, Mr. FATTAH, and Ms. LEE of California.
H.R. 3059: Mr. BENISHEK.
H.R. 3066: Mr. WESTMORELAND.
H.R. 3077: Ms. PINGREY of Maine and Ms. ZOE LOFGREN of California.
H.R. 3083: Mr. HASTINGS of Florida and Mr. BERMAN.
H.R. 3113: Mr. LANDRY.
H.R. 3127: Mr. MARCHANT.
H.R. 3130: Mr. GARY G. MILLER of California.
H.R. 3156: Mr. GENE GREEN of Texas.
H.R. 3162: Mr. ROKITA and Mr. SCOTT of South Carolina.
H.R. 3167: Mr. DOLD.
H.R. 3184: Ms. LEE of California.
H.R. 3187: Mr. PETERS, Ms. HIRONO, and Mr. TOWNS.
H.R. 3206: Mr. WALDEN.
H.R. 3210: Mr. ROE of Tennessee and Mr. GRIMM.
H.R. 3221: Ms. ZOE LOFGREN of California.
H.R. 3225: Ms. MATSUI.
H.R. 3257: Mr. LATTI.
H.R. 3261: Mr. WATT, Mr. CARTER, Ms. BASS of California, Ms. WASSERMAN SCHULTZ, Mr. KING of New York, Mr. AMODEI, Mr. MARINO, and Mr. NUNNELEE.
H.R. 3262: Mr. LANKFORD, Mr. MEEHAN, Mr. MANZULLO, Mr. DUNCAN of South Carolina, Mr. YODER, Mr. JORDAN, Mr. FARENTHOLD, Mr. DESJARLAIS, Mr. SCHILLING, Mr. GOSAR, Mr. BURTON of Indiana, Mr. BASS of New Hampshire, Mr. MARINO, Ms. BUEKLE, Mr. MACK, and Mr. SCOTT of South Carolina.
H.R. 3277: Mr. AL GREEN of Texas.
H.R. 3278: Mr. CONYERS.
H.R. 3283: Ms. MOORE.
H.R. 3300: Mr. ACKERMAN, Mr. ANDREWS, Ms. BASS of California, Mr. BISHOP of Georgia, Mrs. CAPPS, Mr. CICILLINE, Mrs. CHRISTENSEN, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLEAVER, Mr. CLYBURN, Mr. DAVIS of Illinois, Ms. EDWARDS, Mr. ELLISON, Ms. FUDGE, Ms. HAHN, Mr. HONDA, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. NORTON, Ms. JACKSON LEE of Texas, Mr. MEEKS, Ms. MOORE, Mr. NADLER, Mr. PAYNE,

Ms. RICHARDSON, Mr. RICHMOND, Ms. ROYBAL-ALLARD, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. VAN HOLLEN, Ms. WATERS, Ms. WILSON of Florida, Ms. WOOLSEY, Mr. YARMUTH, Mr. MORAN, and Mr. FILLNER.
H.R. 3305: Mr. ELLISON.
H.R. 3307: Mr. GERLACH.
H.R. 3324: Mr. KUCINICH.
H.J. Res. 52: Mr. ROSS of Florida.
H.J. Res. 78: Mr. TIERNEY.
H.J. Res. 80: Mr. PAYNE and Mr. HOLT.
H.J. Res. 81: Mr. YARMUTH.
H. Con. Res. 72: Mr. CLAY.
H. Res. 20: Mr. KEATING.
H. Res. 21: Mr. FALOMAVAEGA.
H. Res. 71: Mr. BROUN of Georgia.
H. Res. 134: Mr. FRANKS of Arizona and Mr. GRAVES of Missouri.
H. Res. 253: Mr. MURPHY of Pennsylvania and Mr. YOUNG of Florida.
H. Res. 271: Mrs. SCHMIDT, Mr. GRAVES of Georgia, Mr. KINGSTON, Mr. POSEY, Mr. WILSON of South Carolina, Mr. COLE, Mr. BUCHSON, Mr. CONAWAY, Mr. ROE of Tennessee, Mr. STUTZMAN, Mr. FLEISCHMANN, Mr. CANSECO, Mr. GUINTA, Mr. HUIZENGA of Michigan, and Mr. BRADY of Texas.
H. Res. 376: Mr. HULTGREN, Ms. CHU, Mr. CICILLINE, and Mr. FRANKS of Arizona.
H. Res. 378: Mr. WOLF.
H. Res. 450: Ms. LEE of California and Ms. CHU.
H. Res. 452: Ms. CHU, Ms. TSONGAS, Mr. WELCH, Mr. BLUMENAUER, Ms. BORDALLO, and Mr. LARSEN of Washington.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative LOBIONDO, or a designee, to H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2838

OFFERED BY: Mr. LOBIONDO

AMENDMENT NO. 1: Page 18, line 13, strike "section 569a" and insert "section 569a(a) for the sixth national security cutter and section 569a for the seventh national security cutter".

Page 40, before line 7, insert the following:
SEC. 409. AUTHORITY TO EXTEND THE DURATION OF MEDICAL CERTIFICATES.

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§ 7508. Authority to extend the duration of medical certificates

"(a) GRANTING OF EXTENSIONS.—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner's document, or certificate of registry if the

Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for medical certificates or in response to a national emergency or natural disaster.

"(b) MANNER OF EXTENSION.—An extension under this section may be granted to individual seamen or a specifically identified group of seamen."

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

"7508. Authority to extend the duration of medical certificates."

Page 56, after line 3, insert the following:

SEC. 612. REPORT ON SURVIVAL CRAFT.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the carriage of survival craft that ensures no part of an individual is immersed in water.

(b) CONTENT.—The report shall include information on—

(1) the number of casualties as the result of immersion in water by vessel type and area of operation reported to the Coast Guard for each of fiscal years 1991 through 2011;

(2) the effect the carriage of such survival craft has on vessel safety, including stability and safe navigation;

(3) the efficacy of alternative safety systems, devices, or measures; and

(4) the cost and cost-effectiveness of requiring the carriage of such survival craft on vessels.

Page 58, line 15, after "technology" insert "to reduce or eliminate aquatic invasive species".

Page 62, line 2, strike "or" at the end.

Page 62, line 7, strike the period at the end and insert "; or".

Page 62, after line 7, insert the following:

"(iii) a discharge into navigable waters from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water.

Page 64, line 3, strike "December 19, 2008," and all that follows through the period at the end of line 5 and insert "February 6, 2009."

Page 65, line 12, strike "point" and insert "port or place".

Page 65, line 22, insert ", if such system does not introduce aquatic nuisance species into navigable waters, as determined by the Secretary in consultation with the Administrator" before the semicolon at the end.

Page 71, line 11, strike "this subparagraph" and insert "clause (ii)(II)".

Page 86, line 8, strike "guidelines specifying" and insert "requirements for".

Page 87, beginning on line 6, strike "this section for" and all that follows through the period at the end of line 8 and insert the following: "this section for—

"(A) a commercial vessel having a maximum ballast water capacity of less than 8 cubic meters; and

"(B) a commercial vessel that is 3 years or fewer from the end of its useful life, as determined by the Secretary pursuant to subsection (b)(2)(B)(v).

Page 87, line 24, strike "Subsections (c), (e), and (i)" and insert "Subsection (c)".

Page 88, beginning on line 2, strike ", as determined by the Secretary, in consultation with the Administrator".

Page 88, line 7, insert ", or an equivalent restriction, as determined by the Secretary, issued by the country of registration of the commercial vessel" before the period.

Page 107, line 10, insert “, in consultation with the Administrator,” before “shall promulgate”.

Page 110, after line 18, add the following:

TITLE VIII—PIRACY

SEC. 801. SHORT TITLE.

This title may be cited as the “Piracy Suppression Act of 2011”.

SEC. 802. REPORT ON ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED VESSELS FROM PIRACY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, shall provide to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on actions taken by the Secretary of Defense to protect foreign-flagged vessels from acts of piracy on the high seas. The report shall include—

(1) the total number of incidents for each of the fiscal years 2008 through 2011 in which a member of the armed services or an asset under the control of the Secretary of Defense was used to interdict or defend against an act of piracy directed against any vessel not documented under the laws of the United States; and

(2) the total cost for each of the fiscal years 2008 through 2011 for such incidents.

SEC. 803. TRAINING PROGRAM FOR USE OF FORCE AGAINST PIRACY.

(a) IN GENERAL.—Chapter 517 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 51705. Training program for use of force against piracy

“The Secretary of Transportation shall establish a training program for United States mariners on the use of force against pirates. The program shall include—

“(1) information on waters designated as high-risk waters by the Commandant of the Coast Guard;

“(2) information on current threats and patterns of attack by pirates;

“(3) tactics for defense of a vessel, including instruction on the types, use, and limitations of security equipment;

“(4) standard rules for the use of force for self defense as developed by the Secretary of the department in which the Coast Guard is operating under section 912(c) of the Coast Guard Authorization Act of 2010 (Public Law 111-281; 46 U.S.C. 8107 note), including instruction on firearm safety for crewmembers of vessels carrying cargo under section 55305 of this title; and

“(5) procedures to follow to improve crewmember survivability if captured and taken hostage by pirates.”.

(b) DEADLINE.—The Secretary of Transportation shall establish the program required under the amendment made by subsection (a) by no later than 180 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

“51705. Training program for use of force against piracy.”.

SEC. 804. SECURITY OF GOVERNMENT IMPELLED CARGO.

Section 55305 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(e) SECURITY OF GOVERNMENT IMPELLED CARGO.—

“(1) In order to assure the safety of vessels and crewmembers transporting equipment, materials, or commodities under this section, the Secretary of Transportation shall direct each department or agency (except the Department of Defense) responsible for the carriage of such equipment, materials, or commodities to provide armed personnel aboard vessels of the United States carrying such equipment, materials, or commodities while transiting high-risk waters.

“(2) The Secretary of Transportation shall direct each such department or agency to reimburse, subject to the availability or appropriations, the owners or operators of such vessels for the cost of providing armed personnel.

“(3) For the purposes of this subsection, the term ‘high-risk waters’ means waters so designated by the Commandant of the Coast Guard in the Port Security Advisory in effect on the date on which the voyage begins.”.

SEC. 805. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on efforts to track ransom payments paid to pirates operating in the waters off Somalia and improve the prosecution of such pirates. The report shall include—

(1) the status of Working Group 5 of the Contact Group on Piracy Off the Somali Coast, any efforts undertaken by the Working Group, and recommendations for improving the Working Group’s effectiveness;

(2) efforts undertaken by the United States Government to implement and enforce Executive Order 13536, including recommendations on how to better implement that order to suppress piracy;

(3) efforts undertaken by the United States Government to track ransom payments made to pirates operating off the coast of Somalia, the effectiveness of those efforts, any operational actions taken based off those efforts, and recommendations on how to improve such tracking;

(4) actions taken by the United States Government to improve the international prosecution of pirates captured off the coast of Somalia; and

(5) an update on the United States Government’s efforts to implement the recommendation contained in General Accountability Office report GAO-10-856, entitled “Maritime Security: Actions Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Countering Piracy off the Horn of Africa”, that metrics should be established for measuring the effectiveness of counter piracy efforts.

EXTENSIONS OF REMARKS

CONGRATULATING FORMER STATE SENATOR WALTER JOHN CHILSEN ON HIS MANY YEARS OF SERVICE TO THE CITIZENS OF THE STATE OF WISCONSIN

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. DUFFY. Mr. Speaker, I rise today to offer congratulations to former State Senator Walter John Chilsen on his many years of service to the citizens of the State of Wisconsin.

Walter John is a World War II veteran, serving as a B-24 navigator in the Pacific. He graduated from Lawrence University in Appleton, Wisconsin, in 1949, and began his career in radio and television broadcasting at WLIN radio in Merrill, Wisconsin.

In 1954 he moved to WSAU radio in Wausau and was the first News Director and Anchor for WSAU-TV when it signed-on the air in October of 1954. Often referred to as "the Walter Cronkite of the North," Walter John was inducted into the Wisconsin Broadcasters Association Hall of Fame in 2005. Walter John was elected to the Wisconsin State Senate in 1966 and served until his retirement in 1990.

During his time in the Wisconsin State Legislature, he established a reputation for his commonsense approach to public policy and for always acting in the best interest of his constituents. He was recognized as a leader by his colleagues, serving as Majority Caucus Secretary, Assistant Minority Leader and, ultimately, Minority Leader. Walter John has remained politically active since his retirement from the Legislature, serving on the Town of Weston Board of Supervisors. In many ways, Walter John has been and continues to be the political conscience of the Wausau area.

Again, Mr. Speaker, I am pleased to recognize the many contributions former State Senator Walter John Chilsen has made on behalf of his fellow citizens, and I ask my colleagues to join me in offering him our best wishes.

IN HONOR OF THE RIVERDALE
COMMUNITY CENTER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. ENGEL. Mr. Speaker, neighborhoods become true communities when people band together for their common good. In Riverdale this happened when the Riverdale Community Center, a non-profit, grass roots, multi-cultural, multi-service agency was founded in 1972 by the Parents' Association and principal of MS/

HS 141, Riverdale Kingsbridge Academy, the school where it is located.

Since then the RCC has provided cultural, recreational, academic and developmental activities for area residents and students with many youth programs provided at no cost through the generosity of state and city government agencies, private foundations, individual donors and elected officials. Each year, more than 1,000 children, teens, adults and seniors enjoy activities at the Center.

Among the programs offered are an adult and youth education center with classes in wellness, languages, life skills, leisure activities, and arts and music among many others; after school programs for middle schools, including a comprehensive, holistic program that focuses on the whole child and assists young people in developing a sense of competence, usefulness, belonging, and empowerment; and for high school they have programs designed to help teens stay in school and on track towards graduation; a teen theater, teen action programs offering young people the opportunity to make a difference in their school and their community; and a career readiness workshop teaching valuable life skills that help students identify careers interests.

RCC's primary mission today is the same as when it was founded: To provide within the community cultural, recreational, and developmental activities and entertainment, instruction, athletics, sports and other wholesome activities for children and adults, under supervision and guidance in order to aide and maintain the physical and mental health of the people in the community, as a basis and preventative means of combating delinquency and as a means of bringing people together under proper supervision in appropriate surroundings.

The RCC is hugely successful in fulfilling its mission by contributing so much for so long to the community. I enthusiastically join in congratulating this fine organization on its fortieth anniversary for the many and varied contributions it has made to the community, and wish it many more years of success.

IN HONOR OF WARREN EJIMA,
TOM FUJIMOTO, ASA HANAMOTO,
MAS HASHIMOTO, HIROSHI ITO,
THOMAS SAKAMOTO, AND
MARVIN IRATSU

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. FARR. Mr. Speaker, I rise today to recognize Warren Ejima, Tom Fujimoto, Asa Hanamoto, Mas Hashimoto, Hiroshi Ito, Thomas Sakamoto, and Marvin Iratsu for their courageous service to our nation during World War II as part of the Military Intelligence Service, MIS.

Established on November 1, 1941, MIS graduated 6,000 service members during World War II to provide critical Japanese language capabilities to the American military. These brave servicemen and women provided translation, interpretation and code breaking services in the essential Pacific Theater, which contributed significantly to our nation's victory.

Primarily comprised of Nisei, second-generation Japanese-Americans who faced crushing prejudice and discrimination in the United States at the same time many of their family members were serving their country; this exceptional group has received honors and commendations of the highest level. In 2000, the Military Intelligence Service received the Presidential Unit Citation, the highest possible honor for a military unit, and in 2010 the 6,000 graduates of the MIS were awarded the Congressional Gold Medal, the highest civilian award given in this country. The Gold Medal ceremony conferring this honor was held this week in the U.S. Capitol and was attended by many of these courageous men. At the end of the war, General Charles Willoughby, Chief of Staff for Military Intelligence under General MacArthur, said that "The Nisei shortened the Pacific War by two years and saved possibly a million American lives and saved probably billions of dollars" during the conflict.

Initially run out of an airplane hangar on Crissy Field in San Francisco, the Military Intelligence Service was forced to relocate to Camp Savage in Minnesota in 1942 after President Roosevelt ordered the relocation of Japanese on the West Coast into internment camps. The language school continued to grow rapidly from its base at Camp Savage, and by 1944 had moved again, to Fort Snelling in St. Paul, to accommodate its increasing enrollment. After the war ended the MIS moved to the Presidio in Monterey, California, where it continued to provide essential language services to the Department of Defense.

By the 1970s the Military Intelligence Service's name had been changed to the Defense Language Institute, and all of the Department of Defense language programs were consolidated to the Monterey location. From there the program grew into the Defense Language Institute Foreign Language Center, which celebrates its 70th anniversary on November 5, 2011 with a ball in Monterey.

Mr. Speaker, I am honored to be paying tribute to this outstanding group of Japanese Americans who selflessly served our nation during World War II. I know I speak for the entire House of Representatives in honoring these heroes.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMEMORATING 25TH ANNIVERSARY OF THE BARBARA SINATRA CHILDREN'S CENTER

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mrs. BONO MACK. Mr. Speaker, I rise today to pay tribute to a truly remarkable woman and dear friend, Mrs. Barbara Sinatra; and to celebrate the enduring legacy of one of her greatest achievements: The Barbara Sinatra Children's Center in Rancho Mirage, California.

One of the Coachella Valley's—and indeed the world's—most revered couples, Frank and Barbara Sinatra founded the Children's Center at the Eisenhower Medical Center in 1986, and this year the Center celebrates its 25th anniversary. On behalf of the people of the 45th Congressional District, I extend my most heartfelt congratulations on this momentous occasion.

Barbara Sinatra is beloved in our community for her caring and personal nature. Well known as someone who is just as comfortable running errands around town or attending charity galas with celebrity friends, Barbara Sinatra is a community treasure, and I am privileged to have this opportunity to call attention to one of the great women of our time and her signature cause.

Dedicated to improving the health and wellness of children who have suffered from child abuse and neglect or who are considered at risk, the Barbara Sinatra Center serves today as a shining example for the rest of the world to follow. The Center exists to benefit children of all walks of life, but the majority of those served are the ones who are most in need due to either their economic or family circumstances. By their own estimates, more than 86% of the children who benefit from the Center's services are below the federal poverty line. Having established the popular "Bosley the Bear" method of abuse education for young children, the Center is well regarded for its innovative approach to empowering kids to recognize dangerous situations and learn how to protect themselves.

Barbara Sinatra earned respect throughout the world for her commitment to ending abuse of our society's most vulnerable members. As the spouse of one of the world's most famous entertainers, Barbara Sinatra used her considerable talents to help children in need and has literally devoted her life to this critically important mission. Her work has been praised as groundbreaking and effective, and the Center enjoys remarkable support from the community and the families it has assisted over the more than two decades it has been in operation.

The list of philanthropists and abuse professionals who sing the praises of the Barbara Sinatra Children's Center is long and illustrious. At the 25th Anniversary Gala being celebrated this month, two such supporters will be recognized for their contributions to the Center—co-founders Helene Galen and Nelda Linsk.

Helene Galen is widely recognized as a leader in the philanthropic community, and a

driving force behind countless worthwhile and charitable causes. Her support as a co-founder and President of the Children's Center Board of Directors has been invaluable and provides the Center with organizational and fundraising guidance that only someone of Galen's stature and expertise could impart.

Well respected in the desert community for her business acumen and commitment to helping others, Nelda Linsk has also been there from the beginning. Ms. Linsk joined Barbara Sinatra in recognizing the need for building self-esteem among victims of abuse, and her passion for helping others by sharing from her personal experience and her generous financial support helped make the difference in the evolution of the center from a local resource to a world-class treatment facility.

Of course, none of this would have been possible without the drive, determination and devotion of Barbara Sinatra. Before Barbara Sinatra, Helene Galen and Nelda Linsk established the Children's Center, child abuse was rarely discussed and there was little understanding of the causes and means to prevent this devastating behavior.

The lives of countless families, most importantly the children themselves, have been forever altered due to the tireless commitment and generous contributions made by these caring and unselfish women. Under Barbara Sinatra's leadership, the Center has made a difference in our community and throughout the world. No longer is child abuse discussed only in hushed conversations and hidden from the light of day, due largely to their groundbreaking work, new treatments and strategies are being developed that will hopefully reduce this most heinous form of abuse.

I am deeply honored not only to call Barbara, Helene and Nelda my friends, but also to serve as their representative in Congress and to have this opportunity to call attention to their great work and the Center's ongoing mission.

Mr. Speaker, I ask all Members to join me in recognizing Barbara Sinatra Children's Center on the occasion of its 25th anniversary, and wishing Mrs. Sinatra and the Center another 25 years of service to these most vulnerable members of our community.

ECKERD COLLEGE SEARCH AND RESCUE TEAM CELEBRATES 40 YEARS OF OUTSTANDING SERVICE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to recognize the 40th Anniversary of the Eckerd College Search and Rescue (EC-SAR) team, one of the most unique and successful programs of its kind anywhere in our nation.

It is a privilege for me to represent Eckerd College and to have seen first hand the outstanding work of the students, faculty and staff who run the search and rescue program. Eckerd is a beautiful small private waterfront

college with not only a tremendous academic reputation but also one as a leader in water sports and water activities.

The Search and Rescue Program was started by a group of students in 1971 to provide safety services for the college's water sports activities. By 1977, the program had become so successful and had attracted so much interest that it expanded to provide routine and emergency search and rescue services to the Tampa Bay boating community. Since then, the students, who are trained in technical rescue, boating safety, seamanship, searching, fire fighting, de-watering, navigation, medical response, and piloting rescue vessels; have worked side by side with the United States Coast Guard and a multitude of state and local agencies to save lives and rescue stranded boaters. In fact, the Eckerd Search and Rescue team was one of the first units to respond to a disastrous shipping accident in 1980 which destroyed one span of the massive Sunshine Skyway Bridge.

Mr. Speaker, the students and staff of Eckerd College give back to our community many times over through this superb program. They receive and respond to more than 500 calls per year and throughout the program's history have handled over 15,000 calls for assistance. This weekend, many of the program's organizers and volunteers from the past 40 years will gather to celebrate the history and accomplishments of this unique and valuable program. It is my hope that my colleagues in the House will join me in saying thank you to all those who have been a part of the Eckerd College Search and Rescue program for a job well done.

TRIBUTE TO HOWARD WOLPE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I pay tribute to the life of one of my House colleagues, Howard Wolpe. Congressman Wolpe was a former chair of the U.S. House of Representatives Africa Subcommittee and senior adviser for Africa to two Democratic presidents, who died last week at his home in Saugatuck, Michigan.

Congressman Wolpe, who represented Michigan in Congress from 1979–1992, was a leading anti-apartheid campaigner and advocate for Africa. As Subcommittee chair for 10 years, he sponsored the Comprehensive Anti-apartheid Act of 1986, which imposed sanctions against South Africa, and passed despite President Ronald Reagan's veto. Congressman Wolpe also spearheaded a comprehensive overhaul of American assistance to Africa, winning passage of the African Famine Recovery and Development Act and creating the African Development Foundation.

Congressman Wolpe also served as President Bill Clinton's special envoy to Africa's Great Lakes Region. He helped mediate an end to conflicts in Burundi and the Democratic Republic of the Congo, which killed and uprooted large numbers of civilians. He served as director of the Africa Program at the Woodrow Wilson International Center for Scholars

and returned to government service as special adviser to President Barack Obama.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Congressman Wolpe. I appreciate his dedication to this nation and to the peace in Africa. He will truly be missed.

PERSONAL EXPLANATION

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. RENACCI. Mr. Speaker, on rollcall No. 817, due to flight cancellation and subsequent delay traveling to Washington from my District, I was unable to vote. Had I been present, I would have voted "yea."

CONGRATULATIONS PRESIDENT-ELECT ROSEN PLEVNELIEV

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to congratulate President-Elect Rosen Plevneliev who was declared the winner of Bulgaria's presidential election on Monday in an outcome that now gives his party control over all major government posts and will bolster its push for painful economic reforms, according to The Washington Examiner.

President-Elect Plevneliev won Sunday's contest with 52.56 percent of the vote, according to the Central Election Commission in its final tally. It said the turnout was 48 percent.

Most of the power in the Balkan country of 7.4 million people rests with Prime Minister Boiko Borisov and Parliament, but the president leads the armed forces and can veto legislation and sign international treaties. He also names ambassadors and the heads of the intelligence and security services.

The governing GERB party now controls Bulgaria's top two executive positions and Parliament.

President-Elect Plevneliev, 47, is a former entrepreneur who has been lauded for pushing through several large-scale infrastructure projects as regional development minister. He has been a member of the board of directors of the American Chamber of Commerce (AmCham). He has pledged to reduce the budget deficit and pursue business-friendly policies. He also said he would do his best to unite Bulgarians in pursuit of reforms in the judicial and health care systems, while diversifying energy supplies and improving trade.

President-Elect Plevneliev will take office on January 23. He will replace President Georgi Parvanov, who was barred by law from seeking re-election because he had served two five-year terms.

The center-right GERB party also scored victories in the run-off elections for local mayors in most of Bulgaria's big cities, including in the capital, Sofia.

Congratulations President-Elect Plevneliev and best wishes for success in serving the

people of Bulgaria which is a valued partner of America.

SUPPORT OF H.R. 2940 AND H.R. 2930

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud supporter of H.R. 2940, the Access to Capital for Job Creators Act and H.R. 2930, The Entrepreneur Access to Capital Act, both of which seek to help entrepreneurs and small business owners access the capital they need to start or expand their business.

Providing entrepreneurs with the ability to raise more capital will lead to further innovation and a more favorable business model, for small businessmen and women.

Mr. Speaker, the House has passed 15 jobs bills—the 'Forgotten Fifteen' that are languishing in the Senate. With over 46 million Americans living in poverty, we cannot afford to wait any longer.

I urge my colleagues in the House and Senate to support these critical bills.

NORTHERN ROCKIES ECOSYSTEM PROTECTION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mrs. MALONEY. Mr. Speaker, today, along with my friends RAÚL GRIJALVA, EDWARD MARKEY and 25 other Members, I am reintroducing the Northern Rockies Ecosystem Protection Act (NREPA), legislation that will protect one of our nation's greatest natural resources, the Wild Rockies. With Americans vacationing closer to home, our national parks have seen an increase in visitors in the last few years—a clear indication of America's love for our wild national treasures. We must do everything possible to preserve our pristine wilderness areas so they can be enjoyed by future generations. In addition, a healthy habitat helps to create jobs including those related to restoration, construction, engineering, recreation, tourism, and retail.

NREPA uses sound science to protect the health of whole ecosystems, including the animals that graze, the native plants and forests that grow, and the watersheds that run through the Northern Rockies. With that goal in mind, this legislation will protect 23 million acres by designating all of the inventoried roadless areas in the Northern Rockies as wilderness, including wild and scenic rivers and streams. The bill also includes a process for States and tribal governments to negotiate a management plan for migratory and biological corridors. NREPA will safeguard only federal public lands—lands owned by all Americans—in Idaho, Montana, Wyoming, Oregon and Washington, and does not affect private landowners. It also allows for historic uses such as hunting, fishing and firewood gathering.

NREPA designations are based on ecological and watershed features—not political boundaries. As we all know, rivers don't stay within one Congressional District, animals don't know when they've crossed a political boundary, and forests span millions of miles with no regard for state-lines. I urge my colleagues to take this essential step toward preserving precious wildlife habitat and whole functioning ecosystems in the Wild Rockies.

RECOGNIZING THE LIFE AND LEGACY OF EVANGELIST DELLA MAE KING SUTTON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to give honor to the life and legacy of Evangelist Della Mae King Sutton of Nesbit, Mississippi. Mr. Speaker, Evangelist Sutton was an indomitable woman of God. She devoted her life to empowering those around her with the knowledge found both in traditional school settings as well as within the Christian church. Born July 20, 1941 in Desoto County, Mississippi, Ms. Della was the first born daughter to the late Turner King, Sr. and the late Remell Bridgeforth King.

Ms. Sutton began her educational training at Shiloh M.B. Church in Desoto County, Mississippi where her father was the instructor. She later attended Hernando High School which culminated at 8th grade. Ms. Sutton graduated from Hernando High as class Valedictorian and went on to finish her secondary education at Eastern High School in Olive Branch, Mississippi. Finishing as Salutatorian of her Eastern High class, Ms. Sutton decided to further her education by enrolling in the Mississippi Industrial College in Holly Springs, Mississippi. It was during this time that she met her life companion and husband, Mr. Jesse Sutton, Jr. From their union came three beautiful children who were raised and reared by the same biblical principles and standards Ms. Sutton and her husband had walked their entire lives.

After completing studies at Mississippi Industrial Ms. Sutton continued on to receive her Master's of Science degree from Jackson State University.

Ms. Della Mae believed in supporting efforts which would produce nurturing environments which fostered quality learning conditions for children. She served as a dedicated educator for more than thirty years in several learning facilities throughout Mississippi. Some of them included East Side High School in Olive Branch, Mississippi; Oakley Training School in Learned, Mississippi; Mendenhall Junior High School in Mendenhall, Mississippi and Northside Elementary School in Pearl, Mississippi from which she retired.

Throughout the years, Ms. Sutton has been recognized on several occasions for her outstanding works. The most notable was when she was recognized by former Governor and First Lady Ronnie Musgrove as one of the Most Outstanding Women for the Each One Reach One Mother of the Year contest. She

served as Chairperson of the Elementary Language Arts and was recognized for a host of other social awareness and scholastic advancement achievements. Ms. Sutton was also recognized by Who's Who Among Teachers, Teacher of the Year and by the Jackson District Association's with their Living Legacy Award.

Ms. Sutton was a civically engaged woman. She was a member of the Southern Christian Leadership Conference, a member of the National Association for the Advancement of Colored People, a member of "Keep Jackson Beautiful", an instructor of the Jackson District Ministers' Wives/Widows group and passionate supporter of the Mississippi Baptist Seminary. She was an active member of the General Missionary Baptist Convention and a devote member of the New McRaven Hill Missionary Baptist Church where she served as Sunday School teacher, Mother's Ministry member, devotional leader for the Mission Society and Vacation Bible School teacher.

This spiritual steward for Christ lived a life of both passion and purpose. She was an advocate of education, a champion of civility and a true lover of the Lord.

Mr. Speaker, I ask you and my fellow colleagues to join me in celebrating the life and legacy of a true champion, Evangelist Della Mae King Sutton.

HONORING PROFESSOR DERRICK BELL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Ms. LEE of California. Mr. Speaker, I rise today with my colleague Congressman RANGEL to honor the extraordinary life of Professor Derrick Bell, a bold legal scholar, educator, author, activist, veteran, husband, father, brother, mentor and friend. Prof. Bell was a preeminent intellectual and a fearless harbinging of change. He was a man who inspired many to advocate for civil rights, hiring equity and judicial reform, and his stories of individual protest will be a timeless call to action for all who stand for justice. With his passing on October 5, 2011 we look to Prof. Bell's continued legacy and the outstanding quality of his life's work.

Derrick Albert Bell, Jr., was born to Derrick Albert and Ada Elizabeth Childress Bell on November 6, 1930 in Pittsburgh, Pennsylvania. He graduated from Schenley High School and became the first member of his family to attend college, receiving his bachelor's degree in 1952 from Duquesne University. In 1957, after serving as an Air Force officer for two years, Prof. Bell earned his law degree at the University of Pittsburgh Law School, where he was the only African-American student.

With the recommendation of U.S. Associate Attorney General William Rogers, Prof. Bell took a position with the Civil Rights Division of the U.S. Department of Justice, where he was the only black staff member. When, in 1959, the Department asked him to relinquish his membership to the National Association for

the Advancement of Colored People (NAACP), Prof. Bell resigned. This would be the first of several high-profile resignations proffered in protest of racial injustice. He soon joined the NAACP Legal Defense and Educational Fund, where he oversaw more than 300 school desegregation cases in Mississippi.

In the mid-1960s, Prof. Bell served as faculty and executive director of the University of California's Western Center on Law and Poverty. In 1969, partially as a result of black students' protests for a minority faculty member, Prof. Bell was recruited to teach at Harvard University—where he shortly became the ivy league school's first black tenured professor. He established new coursework and law review articles dedicated to civil rights law, became an invaluable mentor to students of color and called on the university to improve its minority hiring record. In 1973, he published, "Race, Racism and American Law," a book that became a staple in law schools and is now in its sixth edition.

In 1980 Prof. Bell left Harvard to become one of the first African-American deans of a non-historically black law school at the University of Oregon School of Law. However, he resigned five years later when the school did not offer a position to an Asian American woman. After returning to Harvard in 1986, he led a five-day sit-in inside his office to protest the school's failure to grant tenure to two professors whose work involved critical race theory. Moreover, in 1990 he took an unpaid leave of absence, pledging not to return until Harvard Law School asked a woman of color to join tenured faculty for the first time. (Eight years later, Professor Lani Guinier achieved that milestone.)

By the time the school refused to extend his leave, Prof. Bell was already teaching at New York University School of Law, where he continued to be a visiting professor until his passing. Professor Derrick Bell's long legacy as a pioneer of critical race theory and as an unwavering upholder of principles, earned him a comparison by then Harvard law student Barack Obama, as a civil rights hero akin to Rosa Parks.

Today, California's 9th Congressional District and New York's 15th Congressional District salute and honor Professor Derrick Albert Bell, Jr. He dedicated his life to challenging academic paradigms and seeking justice for the systemically marginalized. His legacy will serve as a reminder that we must not be afraid to ask critical questions and to defend individual principles on behalf of future generations. We extend our deepest condolences to Professor Bell's family and to his extended group of loved ones. He will be deeply missed.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 817, I was attending the funeral mass of a family member and was unable to vote. Had I been present, I would have voted "yea."

THE STANDARD DATA ACT

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, today I am joining with my colleague Mr. DOGGETT of Texas, among others, to introduce the Standard Data and Technology Advancement Act, or the "Standard DATA Act." This legislation will establish consistent requirements for the electronic content and format of data used in the administration of key human services programs authorized by the Social Security Act.

Human services programs serve overlapping populations and should, from an information technology standpoint, operate consistently within and across programs. By beginning the process of data standardization and the use of common reporting mechanisms, this bill will help achieve three goals: better prevent and identify fraud and abuse; increase the efficiency of administrative resources to serve eligible beneficiaries; and produce program savings for U.S. taxpayers.

The private sector is far ahead of the public sector in its ability to use data efficiently to detect patterns of misuse, such as when credit cards are lost or stolen, and streamline backend data processing to reduce manual workloads. The public sector needs to review and implement these same sorts of best practices to better improve the operation of public benefit programs.

As Chairman of the Subcommittee on Human Resources, I called a March 11, 2011 hearing on the use of data matching to improve customer service, increase program integrity, and achieve taxpayer savings. We received testimony in support of consistent data standards that are non-proprietary and promote the interoperability of data across various information technology platforms, including the range of State legacy systems. The hearing confirmed that not only are programs within the Subcommittee's jurisdiction in silos, but so are the accompanying data.

Applying the provisions of the Standard DATA Act across multiple programs will advance the longer-term goal of allowing data both within and across all Federal assistance programs to operate more efficiently—first by establishing standard elements for individual items of information, and second by defining, in predictable ways, how those elements relate to one another. These standardization activities will promote transparency, flexibility, and consistency across various information technology platforms established by Federal and State agencies.

This bill continues the efforts begun in the bipartisan, bicameral Child and Family Services Extension and Enhancement Act of 2011, which was our first effort at requiring a human services program to implement standard data elements and reporting. President Obama signed that bill into law on September 30, 2011.

Improved data standards will help increase the efficiency of data exchanges to use and reuse data within and across programs. That will allow States to automate the exchange of

claimant data on work and benefit receipt, reducing delays and minimizing improper payments. It will also help to automate application forms by pre-populating them with reliable and verified data, which can reduce the manual burden on staff and allow them more time to engage beneficiaries, all while reducing error. That's good for program beneficiaries and taxpayers at the same time.

I thank my colleagues for co-sponsoring this important legislation, starting with Mr. DOGGETT, the Ranking Member on the Human Resources Subcommittee, as well as Mr. LEWIS of Georgia, Mr. HERGER, Mr. NUNES, Mr. TIBERI, Mr. REICHERT, Mr. BOUSTANY, Mr. PRICE of Georgia, Ms. JENKINS, Mr. PAULSEN, Mr. MARCHANT, Mr. BERG, Mrs. BLACK, and Mr. REED.

I also want to thank Oversight and Government Reform Committee Chairman ISSA and the Technology, Information Policy, Intergovernmental Relations and Procurement Reform Subcommittee Chairman LANKFORD for co-sponsoring this bill, as well as for their support and leadership on the larger effort to improve data reporting transparency.

I invite all Members to join us in supporting this important legislation designed to improve the integrity of the benefit programs millions of Americans access today, and ensure that taxpayer funds are properly spent.

INTRODUCING THE FOSTER CHILDREN OPPORTUNITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. STARK. Mr. Speaker, I rise today to introduce legislation to ensure that thousands of abused and neglected immigrant children in our foster care system have the opportunity to overcome their abuse and become successful adults.

Every year, hundreds and perhaps thousands of abused and neglected children leave the child welfare system and become illegal immigrants through no fault of their own. Under a law passed by Congress in 1990 immigrant foster youth are able to gain legal status. This status, known as Special Immigrant Juvenile Status (SIJS), is available if a child is in the foster care system, under 21, and cannot be safely reunified with their family or returned to their country of origin.

SIJS ensures that the child has a recognized legal status and a pathway to becoming a citizen. After a young person leaves foster care, they are not eligible for SIJS. Unfortunately, many youth and many caseworkers are unaware of SIJS or how to apply. As a consequence, potentially eligible youth "age out" of the foster care system every year without a legal status. After being cared for by our child welfare system because they were victims of abuse and neglect, these young people then leave the system and face the threat of deportation and lack access to the supports other transitioning foster youth rely upon. My office has heard from young people who aged out of the system and others who were adopted who never heard of SIJS. These youth were forced

into the underground economy, face exploitation, and live in constant fear of being deported to a country they don't know.

To fix this problem, the Foster Children Opportunity Act will require that all children in the foster care system be screened for SIJS eligibility and other forms of immigration relief. It also requires that they be assisted in applying for the status. Child welfare agencies and juvenile courts will be provided with technical assistance and additional resources to make this happen. In addition, my legislation will guarantee that youth who obtain SIJS have access to the same benefits, such as student loans, Medicaid, and food stamps that support other former foster youth as they make the transition to adulthood.

My bill will not change current immigration law. Nor will it result in any adults who have engaged in illegal behavior from gaining legal status because a person with SIJS cannot act as a sponsor for any family members. The Foster Children Opportunity Act has nothing to do with the fight over immigration reform. It is simply about fulfilling our responsibility to all abused and neglected children and providing these youth with a fighting chance to succeed. I encourage all my colleagues to join me in supporting this simple legislation that will improve the lives of thousands of vulnerable children.

IN RECOGNITION OF THE 65TH AN- NIVERSARY OF SACRAMENTO MUNICIPAL UTILITY DISTRICT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Ms. MATSUI. Mr. Speaker, I rise today in recognition of Sacramento Municipal Utility District (SMUD), as the organization celebrates its 65th anniversary. It is a great pleasure to recognize SMUD's dedication in keeping electricity rates affordable, providing customers with energy-efficient options, and supporting the deployment of renewable power. As SMUD's customers and employees gather to celebrate this milestone, I ask all my colleagues to join me in honoring the key role the organization plays in the Sacramento region.

SMUD was formed in 1946. In response to overpriced electricity, Sacramento voters opted to create a municipal utility district that would provide them with an alternative to investor owned power companies. This led to the formation of SMUD, a public utility company that measures success by how much money stays within the community through low rates, rather than going out to stockholders. SMUD has proven to be a success as their electricity rates are among the lowest in the state of California.

Over the last 65 years, SMUD has become the nation's sixth-largest public electric utility, serving nearly 600,000 customers and a population of 1.4 million. Residential and business customer satisfaction surveys consistently rank SMUD as the top provider of electricity in California, as well as one of the best in the nation.

SMUD is regarded across the nation as a leader in renewable energy and energy effi-

ciency. In 2010, SMUD became the state's first large utility to have 20 percent of its power from renewable resources. The figure has since climbed to 24 percent and is expected to reach the state mandated 33 percent mark by 2020. Taking into account the hydroelectricity generated in SMUD's Upper American River Project, nearly 50 percent of SMUD's power comes from non-carbon resources. SMUD's energy efficiency programs have helped customers reduce their carbon dioxide emission by over 3 million tons since 1987. SMUD has also provided more than \$495 million in energy efficiency loans since 1990.

SMUD is led by a forward thinking Board of Directors, an energetic executive team, and 2,000 hard working employees. They are united in their desire to offer the Sacramento Region affordable power and an excellent customer experience.

Mr. Speaker, I am honored to pay tribute to Sacramento Municipal Utility District and their continuous commitment to providing the Sacramento Region with access to energy efficient programs, more energy choices, and affordable electricity. SMUD has contributed an immense amount to making Sacramento a better place to live, work, and do business. As SMUD's General Manager John DiStasio, Board President Renee Taylor, and others gather together to celebrate the organization's 65th anniversary, I ask all my colleagues to join me in honoring their outstanding work in providing the community with affordable electricity.

PERSONAL EXPLANATION

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. COURTNEY. Mr. Speaker, I regret that I was unable to attend votes on Tuesday, November 1, 2011 as I was attending to needs in my district resulting from the unprecedented snow storm that hit Connecticut this past weekend. Had I been present, I would have voted "yea" on rollcall 816, reaffirming "In God We Trust" as the official motto of the United States, and "yea" on rollcall vote 817, on passage of the Kate Puzey Peace Corps Volunteer Protection Act of 2011.

HONORING JAMES CHARLES ROB- BINS OF LAKE COUNTY, CALI- FORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the tremendous public service of Mr. James Charles Robbins, who served honorably and admirably for 44 years as a fireman, 37 of which were as a fire chief of the Lucerne Volunteer Fire Department in Clearlake Oaks, California.

In addition to his duties with the Fire Department, Chief Robbins worked with the Lucerne

Business Association and held the title of the "Moose" of Clearlake Oaks. Chief Robbins coached football and baseball for youth and high school teams, mentoring several generations of athletes and teaching them the values of team sports and leadership.

His professional activities were always dedicated to the betterment of the fire department and the protection of his district. He was instrumental in maintaining the special fire tax, which keeps the doors open at Lucerne Volunteer Fire Department. Perhaps, Chief Robbins' greatest accomplishment of his career was the reorganization and consolidation of four fire districts into one, known now as the Northshore Fire Protection District. This district is one of the largest in California, covering more than 350 square miles.

Chief Robbins was born in San Francisco and went to high school in Upper Lake, California. He pursued his degree at Santa Rosa Junior College, taking many classes related to fire science and management of personnel.

Therefore, Mr. Speaker, I believe it is appropriate at this time that we recognize and honor James Charles Robbins for his career of fire protection and community leadership. We congratulate him on his retirement, and extend our best wishes for many years of health and happiness. His dedication to the safety and protection of Northern California is truly commendable, and his leadership will be missed.

HONORING KENNETH P. DOYLE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Kenneth P. Doyle. For 36 years, Mr. Doyle has served as a Tipstaff for the First Judicial District, and in November he will celebrate his retirement after decades of service to his community.

Mr. Doyle's celebrated career began thirty-six years ago when on February 17, 1976, Ken was sworn in as a Tipstaff by then Administrative Judge Ethan Allen Doty. Mr. Doyle was first assigned to the Family Court Division at 1801 Vine Street, under the direction of Judge Gregory Lagakos before moving on to the Criminal and Civil Trial Division in first City Hall and for the last 15 plus years the Criminal Justice Center.

Mr. Doyle's knowledge of the court system has been an invaluable asset to both Courtroom Operations and the Judiciary as evidenced by his long successful stints with Judges' Paul Ribner, Theodore Smith, Ned Hirsch, Joyce Keane and most notably our current Administrative Judge D. Webster Keogh. The last seven plus years of Mr. Doyle's service have been as a supervisor for Courtroom Operations under Chief of Courtroom Operations, Michael P. Spaziano. Ken's knowledge and work ethic will be missed by the Courtroom Operations family, but his legacy will live on forever.

Mr. Doyle's long and impressive career showcases his commitment and service to his community. Mr. Speaker, I ask that you and my other distinguished colleagues join me in

thanking Mr. Doyle for his work and congratulate him on the occasion of his retirement.

100TH ANNIVERSARY OF
LINCOLNWOOD

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the 100th anniversary of Lincolnwood.

Not many cities can boast a more colorful start than Lincolnwood. A hundred years ago, the city came to be known as Tessville after a band of tavern owners incorporated the area to take advantage of a loophole during Prohibition that allowed organized municipalities to grant liquor licenses.

It was an unconventional way for a city to begin. Though not as infamous as its Midwestern counterpart Dodge City, Kansas a few decades prior, Tessville was also known for its speakeasies, saloons and gambling halls.

In the 1920s, under the helm of long-serving Mayor Henry Proesel, came an electric rail. With the electric rail came new ideas and prosperity.

Stricter liquor control laws were passed, and Tessville would become Lincolnwood—an ethnically diverse, popular community that offered fast access to and from Chicago, and good fortune for its residents.

Since then, Lincolnwood has had many proud moments—from the construction of a 1.5 million-gallon water tower to the election of Peter Moy, the first Asian American to serve any municipality in Illinois as its President.

Over the years, city efforts—including the Vision 2020 plan—have yielded improvement in repairing infrastructure, renovating city parks, and construction of new parkways.

Today, Lincolnwood is a vibrant community that still sports a strong business sector and a diverse population. The city of Lincolnwood has much to be proud of and much to look forward to in the next 100 years. I am proud to serve as Congresswoman for Lincolnwood and wish its leaders, businesses and residents a happy 100th anniversary.

RECOGNIZING THE ACCOMPLISHMENTS OF SMC IN NOBLESVILLE, INDIANA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. BURTON of Indiana. Mr. Speaker, in these tumultuous times, it is important to take the opportunity to highlight the successes of some businesses. One such business is SMC—a leader in industrial manufacturing whose U.S. headquarters is in my district in Noblesville, Indiana.

SMC's products have improved upon the ideas that have enabled manufacturers to operate efficiently for years. Recent innovations include a light-weight actuator that fits into

older systems, allowing businesses to increase efficiency without a costly and complete system overhaul. A new SMC pump consumes less energy than its predecessor, but outlives it by 10 million pumps. Lastly, I believe their premium on face-time with customers enables their next innovation to be inspired by the very hard-working people that use them.

It is also worth noting that the company has partnered in some fashion with 38 countries across the globe. Their sales market connects them to almost 50 countries, affirming their stance that "products are not confined to the limits of conventional pneumatic control components, but are reaching out to cover peripheral markets as well."

These accomplishments have recently landed SMC on Forbes' list of the Top 100 Most Innovative Companies, sharing the list with industry leaders such as Apple, Google, and Amazon. Their core business policy of "Customer First and Quality First" has propelled the company forward. They should be applauded for such achievements and for their future. SMC, along with Mayor Ditslear and the people of Noblesville, no doubt are excited, as I certainly am.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,977,962,674,363.87.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,339,536,928,070.07 since then. This debt and its interest payments we are passing to our children and all future Americans.

A TRIBUTE TO THE KNIGHTS OF
COLUMBUS—SAINT CABRINI
COUNCIL #3472

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Knights of Columbus Saint Cabrini Council #3472 upon its 60th anniversary.

On October 2, 1881, a group of men called together by their parish priest, Father Michael J. McGivney, formed a fraternal society and declared their devotion to be defenders of their families, their country and their faith. These men were interconnected by the principles of Christopher Columbus, who brought the Christian faith to the New World. The efforts of this dedicated group came to light with the establishment of the Knights of Columbus on March 29, 1882. Thanks to the superb leadership of Father McGivney, on that very day, the Knights of Columbus was formally approved as a fraternal benefit society.

Since its inception, the Knights of Columbus has devoted an enormous amount of energy and time to serve communities on a global scale. The goals and infinite accomplishments of the Knights have been guided by the four core principles of charity, unity, fraternity and patriotism, which are reflected in their actions. The Order provides a life insurance program to support orphans and widows of deceased members of the Order, and has also been a champion in helping members and their families benefit from the financial aid provided if they become ill, disabled and needy. In addition, intellectual and social fellowship is encouraged among members and their families through charitable, educational, public relief and war relief works. Members of the Knights of Columbus are patriotic citizens and proud of their commitment to God and country.

Last year alone, the Knights of Columbus raised and donated over \$154 million to charitable projects and needs, in addition to volunteering over 70 million hours to benefit charitable causes. The Knights' yearly Survey of Fraternal Activity revealed that in 2010, the entirety of charitable donations reached a remarkable \$154,651,852—surpassing the previous year's sum by over \$3 million. In addition, the survey evidenced a remarkable increase in volunteer service hours as well.

The St. Cabrini Council in Burbank, Council #3472, was founded in 1951. For six decades, its members have made immense contributions to the community by hosting events, a golf outing, community fundraisers and Christmas luncheons to provide lunch and Santa With Gifts, to support intellectually disabled individuals. Furthermore, they organize programs and events geared towards drug treatment, individual and family counseling, emancipation services and educational services. Also, they donate books, volunteer to read for students and provide mentoring programs. Additional contributions to the members and community include supporting the Cabrini Sisters and seminarians at the Parishes of St. Roberts, St. Finbar and St. Francis, remodeling a kitchen for a brother serving in Iraq, remodeling their facilities and organizing a free throw competition amongst four parish schools.

I am proud to recognize the past and present members and supporters of the Knights of Columbus Saint Cabrini Council #3472 for their selfless dedication to the community, and I ask all Members to join me in congratulating this exceptional organization for sixty years of dedicated service.

RECOGNITION OF THE 2011 BORDER HEROES AWARD RECIPIENTS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. REYES. Mr. Speaker, I rise today in recognition of three outstanding individuals, Jacob Heydemann, Kathleen Staudt, and Sister Phyllis Nolan, who will be honored this weekend with the 2011 Border Heroes Award for their dedication to academic, social and humanitarian service to communities on both sides of the U.S.-Mexico border.

Dr. Jacob Heydemann is an El Paso orthopedic surgeon who generously donates his services to clinics and hospitals in Ciudad Juárez and other parts of Mexico. Dr. Heydemann has been honored for his humanitarian work by the government of Mexico, and he is admired and respected by all of the borderland community. His efforts change lives for those in desperate need, provide critical health care access to the underserved, and inspire us all to give back to others.

I also rise to recognize Dr. Kathleen Staudt, a political science professor at the University of Texas at El Paso. She founded the Center for Civic Engagement, which aims to foster collaborative leadership, civility and deepen democracy in the region through action-oriented learning, civic education, and active citizenship. She is also a faculty advisor for a number of student organizations at UTEP and is co-founder of the Women's Fund of El Paso. She has written or co-authored more than a dozen scholarly books and published over 80 journal articles in women's studies, borderlands, and political science. Her dedication to civic engagement and human rights serves as an inspiration to the El Paso community.

I would also like to recognize the service of Sister Phyllis Nolan from the Daughters of Charity who will receive the 2011 "Extraordinary Volunteer" award. Sister Nolan is a volunteer intake specialist at Las Americas Immigrant Advocacy Center who visits the immigration detention center to interview detainees. She has touched countless lives by listening to their stories, and assisting immigrants in many ways as they go through the legal process. Sister Nolan's selfless service has given a voice for those who are seeking a better life.

Individuals such as these are a true asset to our community and it is my privilege to represent them, and others like them.

BIRTHDAY OF CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, one hundred and sixty-two years ago, over thirteen thousand citizens of the United States of America met at the California Constitutional Convention on November 13, 1849. At this convention, Californians ratified their constitution in a proportion of twelve to one. The first order of business was to elect the State executives, and to set the borders of twenty-seven counties.

For the past twelve years, the Society of Hispanic Heritage and Ancestral Research (SHHAR), Los Amigos of Orange County, among other organizations, have been seeking to raise public awareness of the state's ratification day.

In the past, the University of California Irvine, the State University of Fullerton, and the Orange County Heritage Museum in Santa Ana, have all organized events to commemorate this historic occasion. These events have been encouraged, organized and run by volunteers on the local, state, and national levels,

including public officials, friends, and neighbors.

This year, the birthday of California's original constitution, November 13, falls on a Sunday, a date which is most appropriate to reflect on the roles that community and sacrifice played in the establishment of the state of California.

I am proud to recognize the statehood of California, and proudly celebrate our state's admittance as the 31st State of the Union. At this moment, it is only appropriate to celebrate the accomplishments and historical contributions of the great state of California.

Happy Birthday California!

SUPPORT OF H.R. 1905, THE IRANIAN THREAT REDUCTION ACT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to applaud the House Committee on Foreign Affairs for their work earlier this week in unanimously passing H.R. 1905, the Iran Threat Reduction Act out of committee. This bipartisan legislation is critical to the protection of the American people and our allies around the world.

I would like to thank Chairman ILEANA ROS-LEHTINEN and Ranking Member BERMAN for their hard work in shepherding this bill through the Committee, and I am confident that House leadership will bring this bill to the floor without delay.

Mr. Speaker, I believe it is imperative that the United States take the lead in opposing Iran's strong quest to produce nuclear weapons. Such a development would produce the greatest destabilizing element into that volatile region the world has ever known.

The recent discovery of a plot to assassinate the Saudi Ambassador to the United States on American soil is but the latest reminder of the urgent need for the United States to take forceful and effective action to ensure that Iran does not succeed in developing the capability to produce nuclear weapons.

Last year, Congress passed H.R. 2194, the Iran Sanctions, Accountability and Divestment Act. This legislation marked the most comprehensive Iran sanctions legislation ever passed by Congress.

While current sanctions on Iran have impeded Iran's ability to successfully develop a nuclear weapon, most experts agree that Iran will have nuclear capabilities in the next two to three years if tougher sanctions are not imposed.

According to a recent report released by the International Atomic Energy Agency, Iran has a stockpile of low-enriched uranium that if further enriched could produce three nuclear weapons.

Earlier this week, I sent letters to Chairman ROS-LEHTINEN, Ranking Member BERMAN and House leadership urging them to consider H.R. 1905 and sanctions on the Central Bank of Iran. I am encouraged by the Committee's swift action and hopeful that this bill will swiftly

be brought to the floor for consideration in the whole House.

H.R. 1905 strongly reflects the demands of the international community that tougher sanctions must be placed on Iranian leaders to end their nuclear program. If enacted, H.R. 1905 would increase sanctions on human rights violators in Iran, impose tougher sanctions on the Islamic Revolutionary Guard Corps (IRGC), and would finally codify the U.S. policy to prevent Iran from developing unconventional weapons and ballistic missiles. This bill takes steps to peacefully thwart Iran's nuclear aspirations.

During the markup of this bill, an amendment offered by Ranking Member BERMAN to strengthen sanctions against Iran's Central Bank was unanimously agreed to. The Berman Amendment strengthens H.R. 1905 by inserting language that directs the President to determine whether the Central Bank of Iran is engaged in sanctionable activity.

By sanctioning the Central Bank of Iran, the United States would set a strong example for countries around the world that depend on a geopolitically stable Middle East for their own security and prosperity. Imposing tougher sanctions on the Iranian economy will demonstrate that the international community will not tolerate Iran's continued refusal to end their nuclear enrichment program.

Specifically, the Berman Amendment directs the President of the United States to determine whether the Central Bank of Iran has:

Assisted Iran's WMD or missile programs, including proliferation of WMD to other governments;

Financed Iran's procurement of advanced conventional weapons;

Provided financial services for the Islamic Revolutionary Guard Corps; or

Facilitated Iran's support of international terrorism.

Should the President make the determination that the Central Bank of Iran is involved in any of these areas, the bill would require him to apply sanctions under the International Emergency Economic Powers Act. These sanctions would ensure that any foreign bank involved in significant transactions with the Central Bank of Iran are excluded from doing business with the U.S. If this bill is passed by the whole House, the President will have 30 days to make this determination.

Mr. Speaker, history has taught us that strong sanctions can bring about peaceful change. A generation ago, Congress passed the Anti-Apartheid Act which led to the end of the apartheid regime and brought about a peaceful revolution resulting in the new democratic South Africa.

While the Arab Spring has deflected a lot of attention away from Iran's nuclear enrichment program, H.R. 1905 will help to refocus our efforts on appropriately addressing this critical issue. Leaders in the Iranian government have shown repeatedly that they are unwilling to comply with international demands to scrap their nuclear program.

For these reasons, Mr. Speaker, I strongly support this bill and look forward to voting for it when it comes to the floor for final passage.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. BASS of New Hampshire. Mr. Speaker, while I was present for rollcall vote 820 on November 2, 2011, my vote was not recorded. Had my vote been recorded I would have voted "yes" on that passage of the Small Company Capital Formation Act.

INTRODUCTION OF THE HIRE VETERANS ACT OF 2011

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. BILBRAY. Mr. Speaker, as Americans celebrate Veterans' Day this year it is important to take time and reflect on the infinite contributions and sacrifices the men, women, and families of those who have served in our Armed Forces. Our commitment to veterans should not end with their service, we must show our gratitude by offering them every opportunity to experience the American dream that they fought to protect.

With a veteran unemployment rate of 22 percent nationwide, much more needs to be done to create an environment that helps the private sector hire men and women who have served our country in uniform, more than 250,000 of whom live in San Diego County. That is why I am pleased to introduce the Help Inspire and Retrain our Exceptional (HIRE) Veterans Act of 2011 along with my colleague, Congressman JOHN BARROW of Georgia.

Over the next two years, as the wars in Iraq and Afghanistan begin to wind down, more veterans will find themselves searching for jobs in the civilian workforce. One of the biggest obstacles for unemployed veterans is connecting to employers. The HIRE Veterans Act of 2011 helps overcome this obstacle and provides opportunities to valuable members of our community with the resources they need to transition from the armed services to a civilian workforce. This legislation will authorize grants to be awarded by the Department of Commerce to local Chambers of Commerce to create job training, apprenticeship, and internship programs for local veterans.

The time to act is now. As part of the record, I am submitting letters of support from the Carlsbad Chamber of Commerce and the San Diego North Chamber of Commerce. These letters emphasize the importance of this legislation and describe how local Chambers and businesses can help HIRE veterans.

CARLSBAD CHAMBER OF COMMERCE,

November 2, 2011.

HON. BRIAN BILBRAY,
Member of Congress, Rayburn House Office
Building, Washington, DC.

DEAR CONGRESSMAN BILBRAY: I am writing to support the proposed Help Inspire and Retrain our Exceptional (HIRE) Veterans Act you are proposing in the upcoming session.

The Carlsbad Chamber of Commerce is the 10th largest Chamber in the State of Cali-

fornia and the second largest in San Diego County. We are located adjacent to the large Marine Corps Base at Camp Pendleton and as such see first-hand the serious unemployment problem facing our young veterans. In response to the problem we have created the Boots in Business Military Mentoring Initiative to allow as many of the 8,000 veterans leaving the service from Camp Pendleton each calendar year to mentor with civilian employers across the county.

The main issue facing these veterans is competing for jobs with civilians in the region is their ability to see first-hand the types of jobs in the marketplace and learn what employers are looking for when they hire someone both in experience and education.

Our mission is to help military personnel in the last weeks of their active duty term learn about the business world through job shadowing 60 to 90 days prior to their discharge date. By showing them what it's like to work in a variety of professions, local companies will help veterans make smart future career and educational decisions. Our program (a Memorandum of Understanding MOU) is a collaborative effort between the Marine Corps Base at Camp Pendleton, the Carlsbad Chamber of Commerce and many local businesses that are willing to provide a variety of job shadowing experiences to active military members and their spouses as they prepare to enter civilian life.

Military members are allowed up to 30 days of paid Temporary Additional Duty to be mentored, so they can shadow as many civilian jobs as possible during that time. A mentoring activity can be one day, one week or even one month in duration, depending on the goals of the veteran, the number of positions shadowed, and the depth of involvement with each position.

We are providing resume writing, job interviews, and first-hand experience test driving as many jobs that they desire in order to see if the job fits how they can compete to get it. There is no charge for our program and their spouses are equally allowed to participate.

If the veteran decides to return to his or her home town we have arranged with the U.S. Chamber of Commerce to contact the local city chamber of commerce and notify them of the arrival of a new veteran and have them arrange business introductions were possible.

We endorse your proposed legislation 100%. The soaring unemployment rate adds another layer of difficulty to the job search experience. Your legislation will go a long way toward allowing Chambers across the country with veterans in their community have a fair chance to be hired and begin a meaningful career.

Respectfully,

TED OWENS,
President/CEO.
Carlsbad Chamber of Commerce.

SAN DIEGO NORTH,
CHAMBER OF COMMERCE,
November 2, 2011.

Subject: Support of "HIRE Veterans Act of 2011"

HON. BRIAN BILBRAY,
U.S. Representative, 2410 Rayburn Building,
Washington, DC.

DEAR CONGRESSMAN BILBRAY: We, the San Diego North Chamber of Commerce, support your proposed legislation titled, "Help Inspire and Retrain our Exceptional Veterans

Act of 2011." In a time of economic uncertainty and high unemployment, your legislation would allow for local chambers of commerce to provide assistance for those who have honorably served.

As organizations that are familiar with local employer needs and that are able to provide workforce training, Chambers of Commerce are a bridge between businesses with open positions and job seekers such as our returning military men and women. This bill will ensure that our veterans are better prepared for job opportunities in our communities by funding training workshops, résumé writing and interview classes, and career coaching.

In areas like San Diego, where returning military often choose to retire, our organizations hear from veterans on a constant basis looking for career development advice and jobs. This bill will allow these veterans to be better served and better prepared as they seek opportunities after their service.

This Act will help prepare our veterans and help local economies get back on their feet. For these reasons, the San Diego North Chamber of Commerce supports the "HIRE Veterans Act of 2011."

Sincerely,

DEBRA ROSEN,
President and CEO,
San Diego North Chamber of Commerce.

PERSONAL EXPLANATION

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. RENACCI. Mr. Speaker, on rollcall No. 816, due to flight cancellation and subsequent delay traveling to Washington from my District, I was unable to vote.

Had I been present, I would have voted "yea."

TRIBUTE TO DR. JOHN FOLKS OF
SAN ANTONIO, TEXAS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Dr. John Folks on being awarded Superintendent of the Year from the Texas Association of School Boards.

Dr. Folks has served as superintendent of the Northside Independent School District in San Antonio, Texas since 2002 and was selected from among the 1,000 eligible superintendents from across the state of Texas for this award. Dr. Folks has consistently advocated against budget cuts to education and schools, and during his time as superintendent, Northside ISD has become the largest school district in Bexar County and has grown from 65,000 students to 97,500 students. Northside ISD is also the largest school district in Texas to be classified as a "recognized" school under the state's accountability system.

Dr. Folks has been instrumental in maintaining the quality of Texas public schools and

has served as superintendent of Spring Independent School District in Houston and Midwest City-Del City Public Schools in suburban Oklahoma City. He began his teaching career in Port Arthur, Texas and has remained an educator for 41 years. As Past President of the Texas Association of School Administrators, he has used his leadership skills to help school districts excel across the state of Texas. He is committed to doing what is right for Texas youth and understands that it takes a skilled team of dedicated educators to pave their road to success to prepare students to lead productive and fulfilling lives.

I would again ask you to congratulate Dr. John Folks on his recognition as Superintendent of the Year by the Texas Association of School Boards and acknowledge his fight for providing an exemplary education throughout our nation's public school systems.

HONORING DALLAS COUNTY PUBLIC DEFENDER MICHELLE MOORE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Michelle Moore, a distinguished Dallas County public defender from my district. After sixteen years with the Dallas County public defender's office, Ms. Moore will be leaving her current position to open the first public defender's office in Burnet County, Texas.

There are few people with as much capacity for compassion and as much dedication to her work as Ms. Moore has demonstrated throughout her term of public service. Her years of tireless work to help absolve innocent men of crimes they never committed have been critical to strengthening the integrity of our judicial system here in Texas and throughout the Nation.

Having helped to free eleven wrongfully-imprisoned men, Ms. Moore has contributed greatly to Dallas County's record as having more DNA exonerations than any other county in the Nation since Texas began permitting post-conviction DNA testing in 2001.

Ms. Moore has frequently gone above and beyond her normal scope of duty by making sure that exonerees had no trouble assimilating back into the lives that were taken from them, even regularly working off the clock and without charging her clients for legal advice.

Beyond the boundaries of this great State, her work has gone far to highlight the need for a closer examination of certain convictions and for stronger safeguards against wrongful imprisonment. Ms. Moore's contributions have undoubtedly not only changed the lives of those she directly represented, but also the vast others in similar circumstances throughout the country.

Mr. Speaker, it is with great sadness that we must see Ms. Moore go. However, I have found relief in the fact that she is not leaving her work entirely and will instead be going on to serve the needs of other wrongfully convicted prisoners. I would like to end by wishing

Ms. Moore the best of luck in her latest attempt to bring veritable justice to under or unserved areas in Texas.

[From dallasnews.com, Oct. 29, 2011]

PUBLIC DEFENDER WHO SPENT DECADE WORKING TO FREE THE INNOCENT IS LEAVING DALLAS COUNTY

(By Jennifer Emily)

For a decade, Dallas County public defender Michelle Moore has worked on and off the clock to free the innocent from prison and help them adjust to life on the outside once they're released.

This week, Moore, the face of the public defender's office, is leaving to open the first public defender's office in Burnet County, in the Hill Country.

Moore helped free 11 men from prison, appeared on a television documentary called Dallas DNA and helped change state laws to compensate exonerees and prevent wrongful convictions.

"It's tough to leave Dallas County and leave behind the exonerees," she said. "I'll still be in touch and help out."

Dallas County's exonerees are mostly excited about Moore's new opportunity, she said. But they still wish she would stay in Dallas County.

"A couple of the guys were 'Oh, yeah, that's cool,'" Moore said. "But a couple of the guys were like 'We'll never see you again.'"

Someone else will take over her job with the public defender's office, but the position has not yet been filled.

Christopher Scott, freed in October 2009 after spending 12 years in prison for a crime he did not commit, said that while behind bars, he saw Moore on television and hoped that one day she would be his attorney. He said he couldn't believe it when she was appointed to his case.

Scott said Moore not only works on cases in her job as a public defender but also regularly gives them free legal advice and makes sure they are adjusting well when freed from prison.

"Michelle is a princess to us," said Scott, who said he considers Moore both a friend and family. "A lot of people take advantage of exonerees—not Michelle. She gives us advice normally people would charge hundreds of dollars for."

James Hammond, a DA's office investigator who has worked on numerous claims of innocence, said Moore's dedication to her job extends far beyond regular hours.

"She's very compassionate toward the exonerees," he said. "Not just the legal side in the courtroom but that they had clothes and a place to stay. She made sure when they stepped out of the building, they had a parachute, that they had people interested in their interests."

Moore spent 16 years in the public defender's office. In 2001, when the state began allowing post-conviction DNA testing, Moore began working cases in which inmates requested DNA testing of old evidence to prove their innocence. Later, she worked similar cases where there was no DNA to test.

Dallas County has had 22 exonerations by DNA evidence and three, including Scott's, by other evidence. Since 2001, when Texas began allowing DNA testing and Moore began working on cases, the county has had more DNA exonerations than any other county in the nation.

Some DNA tests confirmed guilt and others were inconclusive. Moore was the lead attorney on nine cases in which inmates were freed, and she assisted on two others.

In Burnet County, she will oversee the public defender's office and hire two attorneys, an investigator and an office manager. The office is being created with a grant from the Texas Indigent Defense Commission.

"It's new territory," she said.

Dallas County prosecutor Cynthia R. Garza, who worked with Moore on several exonerations, said that Moore's efforts, along with those of the DA's conviction integrity unit, established in 2007 by District Attorney Craig Watkins, made an impact on how exonerations are seen locally and throughout the country.

"Her role was very important to her clients and to the whole movement" of post-conviction exonerations, said Garza. People are more open-minded now about exonerations, Garza said.

Moore also worked with legislators to bring about increased compensation for Texas exonerees and changes in eyewitness identification procedures.

"I was excited and relieved," Moore said about the changes to the law. "I'm proud to have been involved, however small, in changing the system."

AT A GLANCE—MICHELLE MOORE

Age: 46

Education: Law degree from University of Arkansas, 1990.

Career Highlights: Joined Dallas County public defenders office 16 years ago; has helped free 11 innocent Dallas County men from prison since 2001; former board president of the Innocence Project of Texas.

OPPOSE THE SIERRA JUAREZ CROSS-BORDER TRANSMISSION LINE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. FILNER. Mr. Speaker, I rise today in opposition to the Energia Sierra Juarez cross-border transmission line between California and Mexico. I would like to insert into the RECORD Senate Joint Resolution 13, adopted by the California Senate.

SENATE JOINT RESOLUTION NO. 13—RELATIVE TO CROSS-BORDER TRANSMISSION

[Filed with Secretary of State September 15, 2011]

LEGISLATIVE COUNSEL'S DIGEST

SJR 13, Vargas. Public utilities: cross-border transmission lines.

This measure would call upon the Secretary of the United States Department of Energy to reject Semptra Energy's application to construct the Energia Sierra Juarez cross-border transmission line between Mexico and California in order to preserve jobs in California, promote energy independence, and uphold California's labor and environmental laws.

Whereas, Cross-border transmission lines between California and Mexico would facilitate the exportation of American jobs by enabling energy companies to import electricity into the United States instead of building energy projects here, where the energy is being used, and thereby move our economy in the wrong direction at a time when we should be putting Americans back to work; and

Whereas, The Obama administration has emphasized the need for our nation to reduce

our dependence on imported energy because our nation's economic future and security depend on developing energy infrastructure within our own borders; and

Whereas, A core component of President Obama's electoral campaign was his commitment to a green energy economy, which would usher in a period of environmental advancement and economic prosperity; and

Whereas, Constructing cross-border transmission lines would undermine the President's vision by enabling energy companies to deliver electricity to the United States from foreign facilities not built to American labor or environmental standards; and

Whereas, If we are to reclaim America's middle class, our nation must eliminate opportunities for corporations to export jobs, exploit workers, or raid natural resources: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature, to preserve jobs in California, promote energy independence, and uphold California's exemplary labor and environmental laws, calls upon the Secretary of the United States Department of Energy to reject Semptra Energy's application for a Presidential permit to construct the Energia Sierra Juarez cross-border transmission line between Mexico and San Diego County, California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States, to the Chair of the Senate Committee on Energy and Natural Resources, to the Chair of the House Energy and Commerce Committee, to the Secretary of the United States Department of Labor, and to the Secretary of the United States Department of Energy.

CELEBRATING THE 100TH ANNI- VERSARY OF THE ST. PETERS- BURG, FLORIDA ELK LODGE 1224

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to recognize the 100th anniversary of St. Petersburg, Florida Elks Lodge 124 which was established on February 16, 1911. Forty-two members started what would become the second Elks Lodge along the west coast of Florida.

By 1926, with a new three story clubhouse in downtown St. Petersburg, Lodge 1224 became the largest Elks Lodge in Florida with 1,750 members. Throughout the years, the Lodge has moved several times but in 1970, under a stronger leadership, the post significantly grew and was able to purchase the building it now occupies on 66th Street in St. Petersburg.

Today with nearly 1000 members, the Lodge is very active in a number of important activities throughout the community. Along with many other Florida lodges, Lodge 1224 supports the Children's Physical Therapy Services Program. This program consists of 22 vans driven by physical therapists who

offer free services to any child in need. The Lodge also welcomes our nation's veterans with open arms, proudly offering entertainment and meals in their lodge twice a month.

Mr. Speaker, over the last 100 years the members of the Elk's Lodge 1224 have seen the city of St. Petersburg grow from a sleepy little town of 8,000 to a bustling city of nearly 250,000. Like all Americans, they suffered through the Great Depression, comforted a community through two World Wars, and they continue to serve the community today by proudly offering essential services to our children and veterans. It is my hope that my colleagues will join me this afternoon in recognizing the 100th anniversary of Elks Lodge 1224 and their century of service to our community.

IN MEMORY OF THE LIFE OF DR. RICHARD LEON HOOKS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to the life of Dr. Richard Leon Hooks who passed away on October 29, 2011.

Dr. Hooks was born in Montgomery, Alabama, in August of 1943, and graduated from Alabama State University with a degree in Secondary Education. Dr. Hooks also attended the University of Alabama, where he earned a Masters of Arts and Doctorate of Philosophy in Education.

Dr. Hooks began teaching in 1963 at Cobb High School in Anniston, Alabama. Later in his career, in 1980, he began administrative work with Anniston City Schools. In 2003, he retired and in 2008, was elected to serve on the Anniston City Board of Education. He served two years as the school board president.

It is a sad day in Alabama as we have lost one of our great educators. We honor the memory of Dr. Richard Leon Hooks today.

TRIBUTE TO THE GENERAL PAT- TON MEMORIAL MUSEUM AND THE WORLD WAR II DESERT TRAINING CENTER

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mrs. BONO MACK. Mr. Speaker, I rise today to pay tribute to the General Patton Memorial Museum located in the 45th Congressional District and in the center of the historic military landscape—General Patton's World War II Desert Training Center.

Through the hard work and dedication of local supporters, volunteers and donors, the museum preserves artifacts from the major conflicts of the 20th and 21st centuries and serves an important role educating the public on U.S. military history. In cooperation with the U.S. Bureau of Land Management, this historically significant land will be protected for future generations to enjoy.

I want to especially thank Margit Chiriaco Rusche and her family who have given selflessly of their time, energy and finances to preserve the memory of General Patton's presence in our community. Generations of American families have been rewarded with a glimpse of America's military history through this unique facility, and our community has been enriched by the one-of-a-kind historical artifacts preserved at this site.

Located in the heart of the Desert Training Center, the General Patton Memorial Museum was established on November 11, 1988, to honor the memory of General George Patton. The museum contains exhibits ranging from World War I through the Iraq and Afghanistan Wars and honors the service and sacrifice of America's veterans.

In the early days of World War II, the greatest global conflict our world has ever seen, the War Department recognized the need to train troops to withstand the rigors of battle over rough desert terrain. Thus, the Desert Training Center, formally known as the California-Arizona Maneuver Area, was established in 1942. Led by Major General George S. Patton Jr., the training camp trained 1 million troops from 1942-1944.

When the direction of the war shifted to the Allies' favor in 1944, the camp was closed, ending the largest simulated theater of operations in the history of military maneuvers. While most of the structures were removed, much of the infrastructure, including rock-lined streets, staging areas, flag circles, and tent areas remain.

It is my hope that the General Patton Memorial Museum and the World War II Desert Training Center will serve as a powerful reminder of how our nation's freedom has been preserved by the dedication of our armed forces. While no single tribute can fully honor their sacrifice, this memorial offers a chance for our community to stand together in honoring the men and women who have fought under the Stars and Stripes. I am certain that any patriotic American would benefit from a visit to the General Patton Memorial Museum and I encourage all those traveling to this region to consider visiting.

Mr. Speaker, it is with great pride that I ask the United States House of Representatives to join me in recognizing the General Patton Memorial Museum and the World War II Desert Training Center.

NOVEMBER 2011 IS PULMONARY
HYPERTENSION AWARENESS
MONTH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. WILSON of South Carolina. Mr. Speaker, November is Pulmonary Hypertension Awareness Month 2011 in the Second Congressional District of South Carolina. Pulmonary Hypertension, PH, is the condition of continuous high blood pressure in the arteries or veins of the lungs which can result in an enlarged heart, causing it to lose its ability to pump. PH symptoms are similar to common

respiratory and cardiac ailments and is therefore difficult to properly diagnose. It often leads to life-threatening delays in treatment. Although there is no cure for the disease, there is hope. Unfortunately, the medications can be expensive and invasive, with some patients requiring continuous infusion pumps and oxygen.

The Pulmonary Hypertension Association, PHA, a patient support charity group, raises funds for research, promotes awareness, and proves educational and emotional support to the estimated 30,000 diagnosed patients in the United States. It has helped to establish 235 patient support groups throughout the nation, including four groups in South Carolina that serve over 150 patients, caregivers and family members across the state.

On behalf of the Pulmonary Hypertension patients in the Second Congressional District of South Carolina, I would like to bring awareness to their cause by citing November 2011 as Pulmonary Hypertension Awareness Month.

RECOGNIZING THE 109TH BIRTHDAY OF MR. ROOSEVELT LEE, SR. OF KOSCIUSKO, MS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Mr. Roosevelt Lee, Sr. of Kosciusko, Mississippi; as a father, husband and agricultural entrepreneur in recognition of his 109th birthday. Born October 23, 1902 to Mr. Tom Lee and Mrs. Mary Young Lee, Roosevelt is the eldest and last surviving of nine siblings. Mr. Lee is the father of eighteen (18) children, grandfather to sixty (60) grandchildren and great-grandfather to more than fifty (50) great-grandchildren.

During a period when educational resources for African Americans were slim to none, Mr. Lee managed to receive up to a third grade education which was offered out of a local church in Kosciusko where he is a native. At a very young age Mr. Lee committed his time and talent to working to help support his family; he worked as a farmer, mechanic, and raiser of cattle and other livestock.

He is a devote Christian and passionate steward of the Lord. He was a member of the Mount Ollie Missionary Baptist Church in Kosciusko, Mississippi for 67 years where he actively served as Sunday school superintendent, treasurer, head deacon, and trustee for the church. Currently, he is a member of the Bell Grove Missionary Baptist Church of Clarksdale and has been for the past eight years.

Mr. Lee is a member of the Sir Knight Masons of Clarksdale, Mississippi. He has selflessly devoted his time to helping other local farmers maintain and repair their farming equipment and vehicles. Mr. Lee's work ethic and commitment to making provisions for his family has allowed his family to keep its farm for 81 years.

In October of 2007, Mayor Henry Epsy of Clarksdale, Mississippi, declared October 27th

as Roosevelt Lee, Sr. Day. At the seasoned age of 109, Mr. Lee does not suffer from high blood pressure, cholesterol, heart issues or diabetes but has most recently been diagnosed with Alzheimer disease.

Boxing and wrestling are two of his favorite sports. He has a passion for checkers and loves to travel. He has frequented many of America's most popular destinations such as Chicago, St. Louis, California, Atlanta and a host of others.

Out of his more than a century of life, Mr. Lee confirms that his commitment to Christ has been what has sustained him. He believes that if you serve the Lord and do the right thing regardless of what the next person does, God will bless you. He is a true example of the wondrous works of the Lord and what it means to be a provider for your family.

Mr. Speaker, I ask that you and my colleagues join me in celebrating a true champion of the life, Mr. Roosevelt Lee, Sr. for his tenacious and zealous works as a farmer, father and one fine American.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 816, I was attending the funeral mass of a family member and was unable to vote. Had I been present, I would have voted "yea."

A TRIBUTE TO JOAN SLAUGHTER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Joan Slaughter for her service to the United States and to my home town of Philadelphia, PA. Joan began her career with the Federal Government on October 23, 1973. She started as a Sewing Machine Operator at the Directorate of Manufacturing at the Defense Personnel Support Center in my district. But, she would not remain in that post for long.

Her drive for excellence and her commitment to service led her to a constant string of educational certificates and degrees and promotions at work.

Providing the best product to the warfighter has been her guiding principal. That commitment resulted in a nearly 38 year career and the undying love and respect of her colleagues and friends.

Mr. Speaker, Joan's love of country is only exceeded by her love of her family. Her husband Gregory and children Gregory, Jr., Shirley and Karen, along with son-in-law Victor, daughter-in-law Nicole, and her grandsons, granddaughters and great grandson could tell us story after story illustrating how wonderful she is.

Joan is retiring now. But, DLA's loss is her family's gain. Our country's loss will be our community's gain.

I ask that all every Member of the House of Representatives join me in honoring her on the occasion of her retirement.

TRIBUTE TO MR. CHARLIE CALVIN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. Charlie Calvin, who has distinguished himself as both an outstanding community leader and political organizer for over 30 years.

Mr. Calvin graduated from Northern Illinois University with a Bachelor of Arts Degree in Political Science/Pre-Law; he subsequently earned a Master of Arts Degree in Political Theory and Government from Governors State University and two Juris Doctorate Degrees, one from LaSalle University School of Law and the other from the National Conference of Black Lawyers College of Law and International Diplomacy.

For the past 31½ years, Charlie Calvin has worked tirelessly as a community and political organizer—addressing issues of family, community, public education, the justice system, and the destruction of the African American male. Mr. Calvin has addressed concerns and advocated for help to feed and clothe the needy. As Deputy Register, he has helped to register thousands of new voters and has held town hall meetings relative to vital issues, such as disproportionate incarceration, the adverse effect of the criminal justice system on the African American Community, and leadership through political forums.

Charlie Calvin has affected people young and old through his motivational speaking engagements, Criminal Justice Conferences, and Adjunct professorships at the National Conference of Black Lawyers, LaSalle Law School, Harold Washington College and Chicago State University. Mr. Calvin is affiliated with many organizations ranging from the NAACP to Alpha Phi Alpha Fraternity Inc. to the National Association of Blacks in Criminal Justice.

Charlie Calvin entered the Democratic Political Primary of 1978 where he was a candidate for County Clerk—which at 22 years of age, made him the youngest and first African American in the history of Kankakee County to run for a seat in county government. He later assisted a number of local politicians to be elected as judges.

Recently Charlie Calvin became the Division Administrator for the Presiding Judge's Office of Juvenile Justice.

Charlie is married to Mrs. Dorothy Calvin, and they have three children; Charlie Jr. is a graduate of Governors States University, Felicia is a junior at Northern Illinois University, and Thomas is a high school student.

I am pleased to commend and congratulate Mr. Calvin on an outstanding career and wish him well in all of his future endeavors.

H.R. 2930, THE ENTREPRENEUR ACCESS TO CAPITAL ACT, AND H.R. 2940, THE ACCESS TO CAPITAL FOR JOB CREATORS ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 2930, the Entrepreneur Access to Capital Act, and H.R. 2940, the Access to Capital for Job Creators Act. Just as I remarked earlier this week during the House's consideration of H.R. 1070 and H.R. 1965, I strongly support measures to free up capital for job creation, but such measures must be responsible and protect investors. I lament that the bills we consider here today fail to meet that threshold.

H.R. 2930 has as its goal the facilitation of crowdfunding, a relatively new phenomenon and one the Securities Exchange Commission is beginning to study. Mandating laxer regulatory requirements in statute strikes me as premature, if not irresponsible, in this case. Further, I recognize the potential the Internet holds for the financial services industry but also have grave reservations on the nefarious ways in which it can be used to defraud investors, particularly the more casual kind that might participate in crowdfunding.

The other bill on which we will vote—H.R. 2940—would seem to obviate the regulatory distinction made between private and public securities. The latter are permitted to be solicited publicly in exchange for greater regulatory scrutiny. I am extremely wary of granting the same privilege to private securities without associated reporting requirements.

Mr. Speaker, I commend my colleagues on the Committee on Financial Services for producing bipartisan legislation. Nevertheless, I cannot in good conscience support either H.R. 2930 or H.R. 2940 because each bill obfuscates transparency for investors and could expose them to new risks that any intelligent person would seek to avoid in this economy.

On a final note, I would add that the financial deregulatory bills considered by the House this week will put more pressure on our country's broken fiduciary system. By waiving registration and reporting requirements, we will be further muddying the distinction between brokers and investment advisers. This will be to the detriment of investors and market integrity.

TRIBUTE TO ADMIRAL MULLEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Admiral Mike Mullen, who retired last month as the 17th Chairman of the Joint Chiefs of Staff after more than 43 years of distinguished service to his country.

Admiral Mullen grew up in San Fernando Valley portion of Los Angeles, in the district I have the privilege to represent.

Last year, he graciously agreed to serve as Grand Marshall of the San Fernando Valley

Veterans Day Parade, for which I will always be grateful.

A 1968 graduate of the United States Naval Academy, Admiral Mullen assumed his duties as chairman in 2007, the culmination of an extraordinary military career.

Admiral Mullen's many accomplishments in the military are well known. I would like to focus on two initiatives he pursued as Chairman, which made direct contributions to our national security and demonstrated the strength of his character.

First, Admiral Mullen recognized early on in his service as Chairman the critical and difficult relationship the United States has with Pakistan's military leaders, and he dedicated himself to serving as a conduit for that critical relationship.

In many cases, effective diplomacy boils down to having someone with the tenacity and intellectual muscle to work a difficult issue, and Admiral Mullen more than proved his mettle in his dealings with Pakistan. I commend him for his efforts to keep the U.S.-Pakistan relationship on track.

I also believe our nation owes Admiral Mullen a debt of gratitude for his stance in repealing Don't Ask Don't Tell. Admiral Mullen called it like he saw it, an immeasurably critical quality, and our military is the better for it.

Admiral Mullen was driven by the desire to advance the interests of America's fighting men and women. He accomplished this goal, many times over.

I salute Admiral Mullen for his service, I pay tribute to his contribution, and I wish him all the best as he leaves the Navy.

INTRODUCTION OF THE GIVE FANS A CHANCE ACT NOVEMBER 3, 2011

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. BLUMENAUER. Mr. Speaker, today I am proud to introduce the Give Fans a Chance Act. Professional sports teams are a focal point and an important part of the identity of a community. Many of these communities have taxed themselves and provided financial incentives for stadiums, infrastructure improvements, and other enticements to team owners.

Too often the owners of sports franchises play cities off of one another to leverage even more money. In certain disdainful cases, owners have moved sports teams from cities who would and could provide the support for them to remain.

Public ownership of teams can help prevent these franchise moves and closures that occur against the wishes of a region. Unfortunately, many league rules and practices either prohibit or discourage public ownership. The "Give Fans a Chance Act" eliminates such rules.

The bill ties the leagues' broadcast antitrust exemption to the requirements in this bill, which eliminates league rules against public ownership and gives communities a voice in team relocation decisions.

An example of how this has worked is the story of the Green Bay Packers. The Packers

were founded in 1919. In 1950, the fans saved the team from bankruptcy through a public stock offering. Since then, this team from the NFL's smallest city has seen stadium sell-outs for over 50 years and 13 NFL championships, including four Super Bowls.

Like it or not, professional sports teams have become an integral part of the fabric that makes up our communities. Since 1950, however, there have been over 50 franchise moves in the four major sports leagues. Sports team owners often instigate pitched battles between local communities over placement of teams. These communities are willing to pay millions of dollars to coax teams from one city to another, sometimes at the expense of other vital city services. Communities need more leverage in these battles.

Give Fans a Chance provides that leverage by requiring teams to listen to the community before making a relocation decision. It also gives communities an opportunity to purchase the team before they would be allowed to move to another city.

CONGRATULATING MR. THOMAS R. ASHLEY, ESQ. FOR RECEIVING THE DANIEL L. GOLDEN LIFETIME ACHIEVEMENT AWARD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. PAYNE. Mr. Speaker, today I rise to congratulate Mr. Thomas R. Ashley, Esq. who is a recipient of the Daniel L. Golden Lifetime Achievement Award. Mr. Ashley is one of New Jersey's and the nation's leading trial lawyers. It is with great pleasure and honor that I recognize the legacy of this accomplished attorney.

Mr. Thomas R. Ashley, Esq. is a native of Camden, New Jersey. As a star basketball player at Camden High School, Mr. Ashley received a scholarship to attend Rutgers University. He went on to accept an academic scholarship to Rutgers Law School, later becoming a recipient of Rutgers Law School's Civil Rights Award. With many opportunities and offers at major law firms, it was his law school professor, Mr. Arthur Kinoy, who urged Mr. Ashley to join the national legal staff of the National Association for the Advancement of Colored People (NAACP).

In 1968, Mr. Ashley prepared his first case with the NAACP lead team for the dismissal of an African-American man charged with the arson of a building in Enid, Oklahoma. Within four years, he teamed up with the well-known criminal and civil rights attorney, Mr. Raymond A. Brown, and started building a Newark based law practice that continues to this day.

Mr. Ashley's other accomplishments and affiliations include membership in the New Jersey State Bar Association, Essex County Bar Association and the National Directory of Criminal Lawyers as one of the top 500 criminal trial lawyers in the United States. He was also named the "Ten Leaders of Criminal Defense Law for Northern New Jersey" by Digital Press International in April 2004.

Mr. Thomas R. Ashley, Esq. is an extraordinary attorney, who continues to advocate for

civil rights and justice in the Newark community and throughout the United States. Mr. Speaker, I rise to congratulate a noble and well-deserved recipient of The Daniel L. Golden Lifetime Achievement Award.

THE ENTREPRENEUR ACCESS TO CAPITAL ACT (H.R. 2930) AND THE ACCESS TO CAPITAL FOR JOB CREATORS ACT (H.R. 2940)

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of today's legislation, which will modernize our securities laws to support capital formation at our nation's start-ups and small businesses.

Specifically, the Entrepreneur Access to Capital Act (H.R. 2930) will facilitate the technique of "crowdfunding", whereby internet-based platforms like social networks are used to raise small amounts of money from large numbers of people. Under this legislation, securities offerings are capped at a maximum of \$2 million with investments limited to \$10,000 or less. Additionally, this Administration priority contains important investor protections to keep bad actors from undermining the crowdfunding market.

Similarly, the Access to Capital for Job Creators Act (H.R. 2940) will allow small companies to raise capital more easily by removing restrictions against general solicitation and advertising to potential investors. While maintaining the "accredited investor" requirement for participation in these private offerings, H.R. 2940 will make it easier for legitimate businesses to find qualified investors to launch and fund their operations.

While I continue to believe this body should be taking up more comprehensive jobs legislation like the American Jobs Act, these initiatives both represent modest improvements to existing securities law and merit our support.

HONORING MONTFORD POINT MARINES FOR SERVICE TO THE COUNTRY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I join my colleagues in honoring the Montford Point Marines for their great sacrifice and courage in becoming the first African Americans admitted to the Marine Corps, and their service to our country during multiple wars, including World War II, the Korean War, and the Vietnam War. Their service to the country was great, which is why I voted in favor of H.R. 2447 to grant the Congressional Gold Medal to the Montford Point Marines. The Congressional Gold Medal is a prestigious honor that these men truly deserve.

After President Franklin D. Roosevelt established the Fair Employment Practices Com-

mission in 1941, allowing for equal opportunity in all branches of the armed forces, the first black recruits entered boot camp at Camp Montford Point in Jacksonville, North Carolina. The recruits were prohibited from training with white recruits in nearby Camp Lejeune, and the conditions during their training in the snake-infested swamps of New River were much more difficult than those of their white peers. These men dealt with unsanitary drinking water, inferior barracks made of cardboard, and freezing living quarters, all of which were unfit for any American, let alone the men and women that protect our country.

As a testament to the resolve of the Montford Point Marines, after completion of their training in North Carolina, the 8th Ammunition Company and the 36th Depot Company were deployed to Iwo Jima on D-Day during World War II, receiving praise from fellow officers for their actions under fire. In addition, Marines trained at Montford Point participated in the seizure of Okinawa and helped with clean-up of debris from the atomic bomb attacks in Japan.

After the announcement of U.S. victory in the war, nearly 17,500 of the 19,000 black marines were discharged from the Corps. A few of the Montford Point men remained in the service completing tours of duty in the Korean and Vietnam conflicts. Today, few of these men are still with us, but their legacy continues to inspire young men and women who strive for participation in the U.S. Armed Services.

I salute the Montford Point Marines for their endless determination to bring about change in the Marine Corps, and for their exceptional contributions to equality in this country. Their sacrifices opened doors for many individuals seeking to serve this country, and we are forever grateful for their accomplishments.

REAFFIRMING "IN GOD WE TRUST" AS THE OFFICIAL MOTTO OF THE UNITED STATES

HON. JAMES LANKFORD

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2011

Mr. LANKFORD. Mr. Speaker, I hear many people say, that our country has never been more at odds or our rhetoric more divisive than now—I would strongly disagree. While I believe that our debate and tone should reflect respect for each person, regardless of the deep philosophical divide—I would remind us of a time in 1861 when our nation stood at the precipice of the Civil War and the oratory spilled over into bloodshed. During that dark moment in our nation's history, the Secretary of the Treasury ordered the Director of the US Mint to create a new inscription for the nation's coins: He wrote,

No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins. You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.

The Director of the Mint responded back with a variation of the phrase used in the Star

Spangled Banner, The Motto, "In God is our trust"—since it was a familiar hymn and indicative of the American people, but though he thought it had too many letters for a coin, so he recommended "God our Trust", it was later finalized as, "In God we Trust" and was first put on a two cent coin in 1864, near the end of the Civil War. Most coins then followed with that motto until 1907 when some coins were approved without the words, In God we Trust, but after a huge public outcry, it was added back in 1908.

This was not an isolated moment in our American story, it was a consistent theme of our American story.

As we struggled as a group of thirteen small colonies we penned, "We are endowed by our Creator with certain unalienable rights. . . ."

As I already mentioned, Francis Scott Key watched the shelling of Baltimore in 1814 after the burning of Washington, DC thinking that this could be the decisive moment when our young nation would be wiped out, he wrote the Star Spangled Banner—which ends with "So this be our motto, In God is our Trust."

After fighting World War I and then in short order World War II, then immediately finding the world waging the Cold War against Communism in the 1950's, we declared again our

national value, what defines our nation—how we are different than the rest of the world.

The Communists declared their confidence that man can solve every problem of mankind, the educated and benevolent heart and mind of a few leaders could fix all of man's inequities, if you would only put your trust in the government.

In 1954 and 1956 our nation declared again with a resounding voice by adding, Under God, to the pledge, In God we trust to all currency and declaring "In God we Trust" as our official national motto. The Francis Scott Key's poem, that became a song, that declared since 1814, "this is our motto, In God is our trust" finally actually became our official motto.

In a time of national crisis the nation, through its elected leaders declared again that as a free people, we do not put our trust in Congress, the President, the Supreme Court, in the creativity of people or anyone else. We expect that the nation's leaders will also be the nation's humble servants, but we do not put our trust in them.

We have a national optimism because we believe that this world and this nation was created with a purpose and that the creator cares for his creation—from our founding documents, we believe that all people are created

equal and are given certain rights from God, including Life, Liberty and the Pursuit of Happiness. We are different as American, we believe that our rights come from God, not men—our core value comes from something higher than ourselves. It is that belief that drives Americans to not give up in the struggle to restore our great Republic.

We have been through hard times before, war, depression, poverty and struggle, but in this world of chaos, debt, irresponsibility and fear it is wise to stop and reflect again on our hope and our trust—we must work with all diligence to do what is right—but we should also remember that at the end of the day, we will have this world and its problems in right perspective if we will work and put our trust in God. This is not an establishment of a religion, it is an acknowledgement of our history, our present and our future—we are a diverse nation, with all kinds of belief and some with no belief—but a common theme has resonated through each national crisis, In God we Trust.

In this moment of national debate over the issue of our day, I encourage the continued support of this simple and historic national motto.

HOUSE OF REPRESENTATIVES—*Friday, November 4, 2011*

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Compassionate and merciful God, we give You thanks for giving us another day.

As this House comes together at the end of the week, bless the work of its Members. Give them strength, fortitude, and patience. Fill their hearts with charity, their minds with understanding, their wills with courage to do the right thing for all of America.

The work that they have is difficult work. May they rise together to accomplish what is best for our great Nation, and, indeed, for all the world, for You have blessed us with many riches and a great history of building a participative government of the people, by the people, and for the people.

May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. BARROW) come forward and lead the House in the Pledge of Allegiance.

Mr. BARROW led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

THANK YOU, NEAL PATEL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today I would like to extend my sincere appreciation to Neal Patel,

a committed staff member in the office of the Second Congressional District of South Carolina. After little more than a year, Neal is departing the office to join Congressman CHARLES BOUSTANY's staff and serve as his communications director to further the Republican plans to create jobs.

A native of Nichols, South Carolina, Neal is a graduate of the University of North Carolina and Charleston School of Law. I have worked with his parents, Ashvin and Suwarna Patel in the motel industry for over 30 years, and I know they are proud of their son's achievements.

Neal has been a tremendous asset for the people of the Second Congressional District. From his early days as an intern to now communications director, Neal has represented our office with enthusiasm and professionalism. It is with sincere gratitude that I would like to thank Neal for his dedication.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, I rise to highlight this week's passage of S. 894, the Veterans Compensation Cost-of-Living Adjustment Act of 2011. During this difficult economic time, it's more important than ever that we keep our promises to our veterans.

This bill provides a cost of living adjustment to the disability pay of our wounded veterans. This well-earned increase will go a long way to help veterans make ends meet. This could not have been done at a more appropriate time as we're one week away from Veterans Day.

I'm happy to see that my colleagues joined together in a bipartisan fashion to pass this legislation. Again, I commend my colleagues for standing together for veterans by passing the Veterans' Compensation Cost-of-Living Adjustment Act, and I encourage my colleagues to continue to work together in a bipartisan fashion to keep the promises our country made to veterans when they first signed up.

JOBS FOR OUR VETERANS

(Ms. HOCHUL asked and was given permission to address the House for 1 minute.)

Ms. HOCHUL. Mr. Speaker, as we approach the impending Veterans Day next week, I think it's important that we pause for a moment as a country and reflect on the contributions that these veterans have done, veterans who served us since the early part of last century, all the way up to those who are waiting to come home with open arms, just a month away, this Christmas.

But importantly, we have to give them jobs when they come home. And Mr. Speaker that's why I support the sections of the President's jobs bill that will create small business incentives to hire our veterans, and an even greater incentive to hire our wounded veterans. This is so important because the last thing I want to see in this country is to give thanks to these people on one day and then to find them under a bridge because they're homeless and couldn't get a job.

These people deserve better than that, Mr. Speaker, and I call on my Members of Congress, in a bipartisan way, to support incentives to give our veterans what they need when they come home—a warm welcome and the dignity of a job.

VETERANS DAY

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. I, too, rise to honor, celebrate, and remember our courageous men and women in uniform who've served in the United States Armed Forces.

Next Friday, our Nation as a whole will observe Veterans Day, a day which should serve as a reminder to every American that our Armed Forces, both past and present, are made up of individuals of great courage, character, and honor.

As a 29-year Air Force veteran and a former prisoner of war for nearly 7 years, I know firsthand that freedom is not free. We owe a debt of gratitude to all who have worn the uniform and their families.

I urge all Americans to use this Veterans Day as an opportunity to personally thank a veteran. It's because of their sacrifices that we remain the land of the free and the home of the brave.

I think an inscription on the wall at the POW camp when we left says it all: Freedom has a taste to those who fight and almost die that the protected will never know.

I salute our veterans. God bless America.

BIPARTISANSHIP IS NOT DEAD

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, bipartisanship is not dead. There are policies grounded in common sense that lawmakers on both sides of the aisle can agree upon.

I'm proud to be part of a group of lawmakers, Democrat and Republican, who are fighting to complete the Lewis and Clark Rural Water System in Minnesota, Iowa, and South Dakota. This infrastructure project alone will bring drinking water to an area of the United States the size of Connecticut. It will sustain hundreds of jobs and create an estimated 10,000 jobs in the long run.

The funds for this project were promised during the Clinton Presidency, the Bush Presidency, and the Obama Presidency. Locals not only paid their share, they paid in advance. And yet today, the earth movers, the forklifts, and the dump trucks sit idle, and no water runs to thirsty communities.

A bipartisan coalition in this Congress is ready to act to push this project forward. With only 14 legislative days left in our congressional calendar, the time is now to work together, create jobs in a commonsense approach, bring Lewis and Clark to a reality.

HONORING PAUL EASON

(Mr. NUNNELEE asked and was given permission to address the House for 1 minute.)

Mr. NUNNELEE. Mr. Speaker, today I rise to honor one of the members of the Greatest Generation, Mr. Paul Eason. Mr. Paul came home after World War II and became a success in his community by any measure of the word: a manufacturing leader, three terms on our city council, chairman of the Parks and Recreation Commission, Citizen of the Year.

But his most significant contribution was giving his time and energy as scoutmaster for three generations of boys in Tupelo, Mississippi. He was the scoutmaster for Boy Scout Troop 12 for over 59 years.

When he began, his scouts thought it would be interesting to see if they could go for a year without missing a monthly campout. And Troop 12 recently completed its 729th consecutive monthly campout, not missing a month since Harry Truman was president.

They thought they were learning how to tie knots and pitch tents; Mr. Paul was teaching them the meaning of the scout oath: "On my honor, I will do my best to do my duty to God and my country."

America needs more young men that understand the meaning of duty, excellence, and honor.

As a father of two of Troop 12's eagle scouts, Mr. Paul, I want to say thank you for the contribution you've made to your community, your State, and to your Nation. And on this, your 90th birthday, may God bless you, and may God bless the United States of America.

□ 0910

INTERNATIONAL FAMILY PLANNING

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, on Monday the Earth's 7 billionth person was born. Our population has doubled in the last 50 years, and it could double again by the end of the century if we let it.

This rapid growth is straining water and food supplies, reducing access to health care and education, and even creating instability and violence.

Most importantly, this growth is denying women in nations like Yemen and Afghanistan, who still average more than five children, their basic human right to decide if, when, and how many children to have; 215 million women around the world say they want access to contraception but can't get it. We can fulfill that need and save lives, improve lives, and save tax dollars while we do it.

According to the Guttmacher Institute, meeting this unmet need for family planning could save the lives of 251,000 women and 1.7 million newborns, improve rates of education and health, and save a net total of \$1.5 billion.

America can lead the world in family planning as it once did, but we have to increase our investment in international family planning.

HONORING OUR VETERANS

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Mr. Speaker, today I rise to express my strong support and gratitude to America's heroes, our veterans. While our servicemembers and veterans deserve our gratitude and thanks every day, Veterans Day, which we will celebrate next Friday, serves as an important reminder of the sacrifices that our brave men and women in uniform make every day to defend our freedoms.

As a veteran myself, I am also aware of the extraordinary sacrifices that families at home endure while their loved ones are deployed. I would like to extend my thanks to those families for

their patience and support which play an integral role in the success of our troops serving abroad.

As a member of the House Veterans' Affairs Committee, I am committed to ensuring that our Nation's veterans, their families, and survivors receive the care, benefits, and services they've earned.

Once again, I would like to offer my sincere gratitude to our Nation's veterans and their families.

DOMESTIC VIOLENCE

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, I rise this morning to address the pervasive and life-threatening challenges posed by domestic violence.

Mr. Speaker, according to the National Coalition Against Domestic Violence, as many as one in four women over the course of her lifetime will experience domestic violence. This is a crime that knows no geographical boundaries, a crime which knows no class boundaries, and a crime which does not come to the family from without but comes from within and transcends generations as children are scared and then replicate the behavior that unfortunately they saw in their families.

Mr. Speaker, around the United States and certainly in Connecticut, we've got wonderful organizations like the YWCA of Greenwich, the Center for Women and Families of Eastern Fairfield County, and the Domestic Violence Crisis Centers in Stamford and Norwalk doing wonderful work providing safety and comfort to victims of these crimes.

We should support those organizations, Mr. Speaker. But each and every one of us as fathers, as brothers, as community leaders, as Members of Congress should stand up and say we will put an end to this terribly destructive force.

PROVIDING FOR CONSIDERATION OF H.R. 2838, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011

Mr. WEBSTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for

other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated October 28, 2011. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived.

(b) No amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Transportation and Infrastructure or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. It shall be in order at any time on the legislative day of November 4, 2011, for

the Speaker to entertain motions that the House suspend the rules relating to a measure addressing the applicability of the coastwise trade laws.

□ 0920

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida is recognized for 1 hour.

Mr. WEBSTER. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to my colleague, the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEBSTER. Mr. Speaker, I rise today in support of this rule and the underlying bill.

House Resolution 455 provides for a structured rule for the consideration of H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011. The rule makes 18 amendments submitted to the Rules Committee in order for robust debate here in the House of Representatives: 10 of those 18 amendments made in order are Democrat-sponsored amendments; 7 are Republican amendments; and one is a bipartisan amendment.

Five information-gathering subcommittee hearings were held prior to this bill being reported out of committee. Further, this legislation passed out of the Transportation and Infrastructure Committee with bipartisan support by a voice vote.

The Coast Guard is comprised of nearly 100,000 military personnel, reservists, civilian employees, and auxiliary volunteers. It is one of the five branches of the armed services that constitutes our Armed Forces. The Coast Guard or its predecessors has defended this Nation in every war since 1790. Charged primarily with enforcing the laws of the United States in, under, and over the high seas and waters under American jurisdiction, the Coast Guard is asked to serve many functions simultaneously. This is important in my own State of Florida, which has the largest coastline of any of the 48 contiguous States. From drug interdiction to port security to border enforcement, the Coast Guard's reach is wide and its mission critical.

This bipartisan legislation authorizes appropriations through fiscal year 2015 for the Coast Guard to carry out all of its many responsibilities. It also authorizes appropriations for the Federal

Maritime Commission, including grants for certain short-distance shipping activities. Finally, the bill makes some changes to current law, affecting maritime safety, transportation and the authorities of the Coast Guard.

The rule also allows for the consideration of H.R. 2840, the Commercial Vessel Discharges Reform Act. Ballast water and the subsequent discharge of ballast water are essential to the safe operation and stability of our seafaring vessels. This bill will simply set a single uniform, nationwide standard for ballast water discharge from commercial vessels.

Currently, the Coast Guard and the EPA have developed separate regulations under two different laws to govern ballast water discharge. The EPA's regulations are particularly burdensome as they allow each State to impose different requirements on top of the Federal regulations. The result: 29 differing and often contradicting standards. A uniform national standard, as set by this legislation, will assure the free flow of ships in and out of United States ports while protecting both the jobs, dependent on their efficient operation, and U.S. waters.

It should be stressed that the standard is meant to protect commerce and the environment. It conforms with the standards set by the International Maritime Organization and the EPA's Science Advisory Board. They have found that the standard set in the bill is the best currently achievable standard. Should a higher standard become achievable due to technological improvements, this legislation allows States to petition for an improved nationwide standard. Further, the bill allows for a review of the performance standard no later than January 1, 2016, and a new review can be ordered upon petition from the States after that.

So, once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. The Transportation and Infrastructure Committee has worked to provide us with a very good bipartisan bill, which provides for the ongoing needs of the Coast Guard and the important missions that they carry out on a daily basis.

I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for yielding me the customary 30 minutes.

The Republican majority has placed the House in a terrible bind this morning. They've taken a worthy bill to authorize the Coast Guard, which enjoys broad bipartisan support, and has tied it together with an unwise, unrelated, misguided bill that will severely limit the ability of States to fight the harmful invasive species that are destroying local ecosystems and disrupting local economies.

In the majority's Pledge to America, leaders of the House promised "we will advance major legislation one issue at a time." This pledge is broken yet again today by this bill we are debating.

Ship-borne ballast discharge has introduced approximately 180 nonindigenous invasive species to the Great Lakes, lakes which comprise 20 percent of the freshwater on this planet. As long as I have been privileged to serve in Congress, Members on both sides of the aisle have vigorously protected these waters. In fact, during the debate on NAFTA, we discovered, along with our Canadian friends, that the Great Lakes water was to be sold in other trade agreements to other parts of the country that had shortages of water. We all banded together and had that part removed. We do have an obligation to save 20 percent of the planet's freshwater, which is becoming more and more scarce every day.

Nationally, more than 4,500 invasive species have been introduced to the Nation's waters. In total, they cost us billions of dollars on an annual basis. \$5 billion alone has been spent to try to deal with the European zebra mussel, which we've barely made any inroads against. It has been introduced into the Great Lakes and can be found by the thousands throughout the lakes. They attach to the hard surfaces so thickly that they clog municipal water systems and electric generation plants, costing over \$1 billion a year to control.

States know all too well of the dangerous threat of invasive species and are taking commonsense action; but today's bill destroys the effective work by taking away the right of the States to have control. We must allow States to have an equal voice in protecting their ecosystems and economies if we are truly to solve the threat of invasive species in our waters.

Despite the unique challenges facing each State, the majority is demanding that all States follow one set of Federal requirements. This approach is completely different from the one taken by the congressional Republicans when debating regulations that would affect mountaintop mining corporations, which is taking off the top of a mountain and throwing it down into a valley, oftentimes clogging up the water supply.

Earlier this year, the Republican majority passed H.R. 2018, which gave power to the States to decide whether or not they should follow the guidelines set forth by the EPA to regulate pollution from mountaintop mining; but when it comes to ballast water, suddenly we think that the Federal Government and not the States must have the final say.

This inconsistency and, obviously, this war against the EPA is causing great consternation in the country.

The only consistent logic in their approach is that, in both instances, they are advocating the interests of the respective industries, not the interests of the American people.

I urge my colleagues to oppose today's rule and the underlying bill, and I reserve the balance of my time.

Mr. WEBSTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentleman from Florida for yielding.

Mr. Speaker, pardon my immodesty, but as the only Member of the United States Congress who is also a Coast Guardsman, I can speak with some credibility regarding the Coast Guard. It is my belief that the American taxpayer has more bang for his buck from the United States Coast Guard than from, probably, any other Federal agency.

It continues to do more with less: be it the search and rescue program, which is endless; be it the drug interdiction that appears to be endless as well; be it the Aids to Navigation program with which the Coast Guard continues to stay on top of the play; be it the ice patrols in the Arctic, the Antarctic, the Great Lakes, and others. The Coast Guard stands always ready.

I am thankful of the comments surrounding this dialogue, and I urge my colleagues to vote in favor of the rule and in favor of the bill authorizing the Coast Guard during this time.

□ 0930

Ms. SLAUGHTER. I continue to reserve the balance of my time.

Mr. WEBSTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. I thank the gentleman for yielding.

Mr. Speaker, I rise in very strong support of the rule which provides for consideration of H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011. The bill will reauthorize the activities of the Coast Guard through fiscal year 2014. It includes critical provisions that will give the Coast Guard, its servicemembers, and dependents greater parity—something that is extremely important—with their counterparts in the Department of Defense.

It includes language which will reform and improve Coast Guard administration and, very importantly, will save taxpayer dollars without impacting the service's critical missions. The bill also amends shipping laws to improve safety and foster job growth throughout the maritime sector.

The bill also establishes a uniform national standard for the discharge of ballast water that is based on the most recent effective technology that is currently available. The standard also must be updated on a regular basis as technology improves. Under current

law, the Coast Guard and EPA regulate ballast water, while every State and tribe is allowed to add their own requirements to these regulations. As a result, ships engaged in interstate and international commerce must comply with two Federal standards and 29 different State and tribal standards for water ballast release, many of which are contradictory and technologically unachievable. It's an impossible regulatory nightmare that threatens jobs and the economy.

Mr. Speaker, I would like to insert into the RECORD a letter of support signed by 28 organizations representing the U.S. flag industry, our ports, farmers, steel manufacturers, the largest maritime unions in the country, and others.

I urge all Members to support the rule and the underlying bill.

SEPTEMBER 22, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

Hon. FRANK LOBIONDO,
Chairman, Subcommittee on Coast Guard and Maritime Transportation, House of Representatives, Washington, DC.

Hon. BOB GIBBS,
Chairman, Subcommittee on Water Resources and Environment, House of Representatives, Washington, DC.

Hon. NICK RAHALL,
Ranking Member, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

Hon. RICK LARSEN,
Ranking Member, Subcommittee on Coast Guard and Maritime Transportation, House of Representatives, Washington, DC.

Hon. TIM BISHOP,
Subcommittee on Water Resources and Environment, House of Representatives, Washington, DC.

DEAR MESSRS. CHAIRMEN AND RANKING MEMBERS: The undersigned organizations represent U.S. and international vessel owners and operators, industries that rely on marine vessels to transport essential cargoes in domestic and international commerce, and labor unions representing the men and women whose work keeps this vital segment of our economy moving. We write to express our strong support for H.R. 2840, the Commercial Vessel Discharges Reform Act of 2011, which will provide a uniform federal framework for the regulation of ballast water and other vessel discharges.

Legislation to establish a consistent, practical, and science-based national program for the management of vessel discharges is urgently needed. The current statutory system is a confusing, duplicative, and inconsistent patchwork in which two federal agencies (the Coast Guard and EPA) and more than two dozen states regulate the same vessel discharges in overlapping and sometimes contradictory ways. The absence of a clear and effective federal framework for regulating vessel discharges constrains the movement of essential maritime commerce, jeopardizes American jobs, multiplies regulatory burdens on businesses and workers, puts the environment at risk and forces American taxpayers to foot the bill for duplicative and contradictory government programs.

H.R. 2840 will fix this untenable situation and establish a clear and consistent framework for the regulation of vessel discharges

that protects the economy and the environment. We respectfully urge its prompt passage. Thank you again for your leadership on this important issue.

Sincerely,

Thomas A. Allegritti, President & CEO, The American Waterways Operators; Captain Lee A. Kincaid, President, American Maritime Congress; Brenda Otterson, Legislative Consultant, American Maritime Officers Service; Joseph J. Cox, President & CEO, Chamber of Shipping of America; Barry Holliday, Executive Director, Dredging Contractors of America; Harold Daggett, President, International Longshoremen's Association; R. Andrew Riester, Executive Vice President, International Propeller Club of the United States.

Kurt Nagle, President & CEO, American Association of Port Authorities; Thomas Bethel, National President, American Maritime Officers; Robin Rorick, Director of Marine and Security Operations, American Petroleum Institute; Christine Duffy, President & CEO, Cruise Lines International Association; Brian T. Petty, Executive Vice President-Government Affairs, International Association of Drilling Contractors; Captain Timothy A. Brown, President, International Organization of Masters, Mates & Pilots; Joseph J. Angelo, Managing Director, INTERTANKO.

James H.I. Weakley, President, Lake Carriers' Association; C. James Patti, President, Maritime Institute for Research and Industrial Development (MIRAID); Joseph C. Curto, President, New York Shipping Association; John R. Groundwater, Executive Director, Passenger Vessel Association; Thomas Danjczek, President, Steel Manufacturers Association; Richard H. Hobbie III, President & CEO, Water Quality Insurance Syndicate.

Christopher L. Koch, President & CEO, World Shipping Council; Mike Jewell, President, Marine Engineers' Beneficial Association; Kendell W. Keith, President, National Grain and Feed Association; Jim Adams, President/CEO, Offshore Marine Services Association; Mike Sacco, President, Seafarers International Union; James L. Henry, Chairman and President, Transportation Institute; and Catherine Reheis-Boyd, President, Western States Petroleum Association.

Mr. WEBSTER. Mr. Speaker, I advise the gentlelady from New York that I am prepared to close.

Ms. SLAUGHTER. As am I; so I will close.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to make in order an amendment by Mr. KISSELL of North Carolina which would prohibit the Coast Guard from procuring items classified as textiles and apparel that are not grown, reprocessed, reused, or produced in the United States. Republicans blocked this germane amendment last night in the Rules Committee.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote "no" and

defeat the previous question so we can help the American workers, and I urge a "no" vote on the rule.

I yield back the balance of my time.

Mr. WEBSTER. Mr. Speaker, this rule provides for ample and open debate, allowing our colleagues from across the aisle the opportunity to offer their legislative proposals to this bill.

This bill provides a single uniform, nationwide standard for how commercial vessels discharge ballast water, a standard that protects American jobs by encouraging the efficient flow of goods in and out of our ports while also protecting our unique water bodies. More importantly, the bill provides the service men and women of the United States Coast Guard the funding they need to fulfill their critical missions: keeping our borders secure, preventing drugs from infiltrating our communities, and safeguarding our men and women.

Service men and women in the Coast Guard deserve our gratitude and support. This includes Coast Guard veterans, such as Garrett Bess, a member of my own staff here in Washington, D.C. Partisanship has no place in providing the resources necessary for those brave men and women in uniform to do what they do best, keep us safe. Therefore, I ask my colleagues to join me in voting in favor of the rule and passage of the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 455 OFFERED BY MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 6. Notwithstanding any other provisions of this resolution, the amendment printed in section 7 shall be in order as though printed after the amendment numbered 18 in the report of the Committee on Rules if offered by Representative Kissell of North Carolina or his designee. That amendment shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

SEC. 7. The amendment referred to in section 6 is as follows:

Page 56, after line 3, insert the following (and conform the table of contents accordingly):

SEC. 612. BUY AMERICAN REQUIREMENT.

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code, is further amended by adding at the end the following:

"§ 569c. Buy American requirement

"(a) REQUIREMENT.—Except as provided in subsections (c), (d), (e), and (i), the Secretary may not procure for the Coast Guard an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

"(b) COVERED ITEMS.—

"(1) IN GENERAL.—An item referred to in subsection (a) is any item described in paragraph (2), if the item is directly related to the national security interests of the United States.

"(2) ITEMS DESCRIBED.—An item described in this paragraph is any article or item of—

"(A) clothing and the materials and components thereof, other than sensors, elec-

tronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

"(B) tents, tarpaulins, or covers;

"(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

"(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

"(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed.

"(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

"(1) Procurements by vessels in foreign waters.

"(2) Emergency procurements.

"(e) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold (as defined in section 2302 of title 10, United States Code).

"(f) GEOGRAPHIC COVERAGE.—In this section, the term 'United States' includes each of the several States, the District of Columbia, and each territory or possession of the United States.

"(g) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subsection (b), if the Secretary applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied.

"(h) TRAINING.—

"(1) IN GENERAL.—The Secretary shall ensure that each member of the acquisition workforce of the Coast Guard who participates personally and substantially in the acquisition of textiles on a regular basis receives training on the requirements of this section and the regulations implementing this section.

"(2) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce of the Coast Guard developed or implemented after the date of enactment of this section includes comprehensive information on the requirements described in paragraph (1).

"(i) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements."

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end of the items relating to such subchapter the following:

"569c. Buy American requirement."

(c) EFFECTIVE DATE.—Section 569c of title 14, United States Code, as added by subsection (a), shall apply with respect to contracts entered into on and after the date that is 180 days after the date of enactment of this Act.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WEBSTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 35 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1015

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 o'clock and 15 minutes a.m.

PROVIDING FOR CONSIDERATION OF H.R. 2838, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 455) providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 234, nays 177, not voting 22, as follows:

[Roll No. 829]

YEAS—234

Adams	Bachus	Biggert
Aderholt	Barletta	Bilbray
Akin	Bartlett	Billrakis
Alexander	Barton (TX)	Bishop (UT)
Amash	Bass (NH)	Black
Amodei	Berg	Blackburn

Bonner	Harper	Petri
Bono Mack	Harris	Pitts
Boustany	Hartzler	Platts
Brady (TX)	Hastings (WA)	Poe (TX)
Brooks	Hayworth	Pompeo
Broun (GA)	Heck	Posey
Buchanan	Hensarling	Price (GA)
Bucshon	Herger	Quayle
Buerkle	Herrera Beutler	Reed
Burgess	Huelskamp	Rehberg
Calvert	Huizenga (MI)	Reichert
Camp	Hultgren	Renacci
Campbell	Hunter	Ribble
Canseco	Hurt	Rigell
Cantor	Jenkins	Rivera
Capito	Johnson (IL)	Roby
Carter	Johnson (OH)	Roe (TN)
Cassidy	Johnson, Sam	Rogers (AL)
Chabot	Jones	Rogers (KY)
Chaffetz	Jordan	Rogers (MI)
Coble	Kelly	Rohrabacher
Coffman (CO)	King (IA)	Rokita
Cole	King (NY)	Rooney
Conaway	Kingston	Ros-Lehtinen
Cravaack	Kinzinger (IL)	Roskam
Crawford	Kline	Royce
Crenshaw	Labrador	Runyan
Culberson	Lamborn	Ryan (WI)
Davis (KY)	Lance	Scalise
Denham	Landry	Schilling
Dent	Lankford	Schmidt
DesJarlais	Latham	Schock
Diaz-Balart	LaTourette	Schweikert
Dold	Latta	Scott (SC)
Dreier	LoBiondo	Scott, Austin
Duffy	Long	Sensenbrenner
Duncan (SC)	Lucas	Sessions
Duncan (TN)	Luetkemeyer	Shimkus
Ellmers	Lummis	Shuster
Emerson	Lungren, Daniel	Simpson
Farenthold	E.	Smith (NE)
Fincher	Mack	Smith (NJ)
Fitzpatrick	Manzullo	Smith (TX)
Flake	Marchant	Southerland
Fleischmann	Marino	Stearns
Fleming	Matheson	Stivers
Flores	McCarthy (CA)	Stutzman
Forbes	McCaul	Sullivan
Fortenberry	McClintock	Terry
Fox	McCotter	Thompson (PA)
Franks (AZ)	McHenry	Thornberry
Frelinghuysen	McKeon	Tiberi
Galeggly	McKinley	Tipton
Gardner	McMorris	Turner (NY)
Garrett	Rodgers	Turner (OH)
Gerlach	Meehan	Upton
Gibbs	Mica	Walberg
Gibson	Miller (FL)	Walden
Gingrey (GA)	Miller (MI)	Walsh (IL)
Gohmert	Miller, Gary	Webster
Goodlatte	Mulvaney	West
Gosar	Murphy (PA)	Westmoreland
Gowdy	Myrick	Whitfield
Granger	Neugebauer	Wilson (SC)
Graves (GA)	Noem	Wittman
Graves (MO)	Nugent	Wolf
Griffin (AR)	Nunes	Womack
Griffith (VA)	Nunnelee	Woodall
Grimm	Olson	Yoder
Guinta	Palazzo	Young (AK)
Guthrie	Paulsen	Young (FL)
Hall	Pearce	Young (IN)
Hanna	Pence	

NAYS—177

Ackerman	Carnahan	Crowley
Altmire	Carney	Cuellar
Andrews	Carson (IN)	Cummings
Baca	Castor (FL)	Davis (CA)
Baldwin	Chandler	DeFazio
Barrow	Chu	DeGette
Bass (CA)	Cicilline	DeLauro
Becerra	Clarke (MI)	Deutch
Berkley	Clarke (NY)	Dicks
Berman	Clay	Dingell
Bishop (GA)	Cleaver	Doggett
Bishop (NY)	Clyburn	Donnelly (IN)
Blumenauer	Cohen	Doyle
Boren	Connolly (VA)	Edwards
Boswell	Conyers	Ellison
Brady (PA)	Cooper	Engel
Braley (IA)	Costa	Eshoo
Brown (FL)	Costello	Farr
Butterfield	Courtney	Fattah
Capuano	Critz	Frank (MA)

Fudge	Lofgren, Zoe	Roybal-Allard	Black	Hall	Pence	Edwards	Levin	Roybal-Allard
Garamendi	Lowey	Ryan (OH)	Blackburn	Hanna	Petri	Ellison	Lewis (GA)	Ryan (OH)
Gonzalez	Lujan	Sánchez, Linda	Bonner	Harper	Pitts	Engel	Lipinski	Sánchez, Linda
Green, Al	Lynch	T.	Bono Mack	Hartzler	Platts	Eshoo	Loeb sack	T.
Green, Gene	Maloney	Sarbanes	Boren	Hastings (WA)	Poe (TX)	Farr	Lofgren, Zoe	Sarbanes
Grijalva	Markey	Schakowsky	Boustany	Hayworth	Pompeo	Fattah	Lowey	Schakowsky
Gutierrez	Matsui	Schiff	Brady (TX)	Heck	Posey	Frank (MA)	Lujan	Schiff
Hahn	McCarthy (NY)	Schrader	Brooks	Hensarling	Price (GA)	Fudge	Lynch	Schrader
Hanabusa	McCollum	Schwartz	Broun (GA)	Herger	Quayle	Garamendi	Maloney	Schwartz
Hastings (FL)	McDermott	Scott (VA)	Buchanan	Herrera Beutler	Rahall	Gonzalez	Markey	Scott (VA)
Himes	McGovern	Scott, David	Bucshon	Holden	Reed	Green, Al	Matsui	Scott, David
Hinchey	McIntyre	Serrano	Buerkle	Huelskamp	Rehberg	Green, Gene	McCarthy (NY)	Serrano
Hinojosa	McNerney	Sewell	Burgess	Huizenga (MI)	Reichert	Grijalva	McCollum	Sewell
Hirono	Meeks	Sherman	Calvert	Hultgren	Renacci	Gutierrez	McDermott	Sherman
Hochul	Michaud	Shuler	Camp	Hunter	Ribble	Hahn	McGovern	Shuler
Holden	Miller (NC)	Sires	Campbell	Hurt	Rigell	Hanabusa	McIntyre	Slaughter
Holt	Miller, George	Slaughter	Canseco	Jenkins	Rivera	Hastings (FL)	McNerney	Speier
Honda	Moore	Smith (WA)	Cantor	Johnson (IL)	Roby	Himes	Michaud	Stark
Hoyer	Moran	Speier	Capito	Johnson (OH)	Roe (TN)	Hinchey	Miller (NC)	Sutton
Inslee	Nadler	Stark	Carter	Johnson, Sam	Rogers (AL)	Hinojosa	Moore	Thompson (CA)
Israel	Napolitano	Sutton	Cassidy	Jones	Rogers (KY)	Hirono	Moran	Thompson (CA)
Jackson (IL)	Neal	Thompson (CA)	Chabot	Jordan	Rogers (MI)	Hochul	Nadler	Thompson (MS)
Jackson Lee	Olver	Thompson (MS)	Chaffetz	Kelly	Rohrabacher	Holt	Napolitano	Tierney
(TX)	Pallone	Tierney	Coble	King (IA)	Rokita	Honda	Neal	Tonko
Johnson (GA)	Pascarell	Tonko	Coffman (CO)	King (NY)	Rooney	Hoyer	Olver	Towns
Johnson, E. B.	Pastor (AZ)	Towns	Cole	Kingston	Ros-Lehtinen	Inslee	Israel	Towns
Kaptur	Pelosi	Tsongas	Conaway	Kinzinger (IL)	Roskam	Israel	Pallone	Tsongas
Keating	Perlmutter	Van Hollen	Cooper	Kissell	Ross (AR)	Jackson (IL)	Pascarell	Van Hollen
Kildee	Peters	Velázquez	Costa	Kline	Royce	Jackson Lee	Pastor (AZ)	Velázquez
Kind	Pingree (ME)	Visclosky	Cravaack	Labrador	Ryunan	(TX)	Pelosi	Visclosky
Kissell	Polis	Walz (MN)	Crawford	Lamborn	Ryan (WI)	Johnson (GA)	Perlmutter	Walz (MN)
Kucinich	Price (NC)	Wasserman	Crenshaw	Lance	Scalise	Johnson, E. B.	Peters	Wasserman
Langevin	Quigley	Schultz	Culberson	Landry	Schilling	Kaptur	Pingree (ME)	Schultz
Larsen (WA)	Rahall	Waters	Davis (KY)	Lankford	Schmidt	Keating	Polis	Waters
Larson (CT)	Rangel	Watt	Denham	Latham	Schock	Kildee	Price (NC)	Watt
Lee (CA)	Reyes	Waxman	Dent	LaTourette	Schweikert	Kind	Quigley	Waxman
Levin	Richardson	Welch	DesJarlais	Latta	Scott (SC)	Kucinich	Rangel	Welch
Lewis (GA)	Richmond	Wilson (FL)	Diaz-Balart	Lewis (CA)	Scott, Austin	Langevin	Reyes	Wilson (FL)
Lipinski	Ross (AR)	Woolsey	Dold	LoBiondo	Sensenbrenner	Larsen (WA)	Richardson	Woolsey
Loeb sack	Rothman (NJ)	Yarmuth	Donnelly (IN)	Long	Sessions	Larson (CT)	Richmond	Yarmuth
			Dreier	Lucas	Shimkus	Lee (CA)	Rothman (NJ)	
			Duffy	Luetkemeyer	Shuster			
			Lummis	Lungren, Daniel	Simpson			
			E.	Smith (NE)	Smith (NJ)			
			Mack	Smith (TX)	Southerland			
			Manzullo	Stearns	Stivers			
			Marchant	Stutzman	Sullivan			
			Marino	Terry	Thompson (PA)			
			Flake	Thornberry	Tiberi			
			Fleischmann	Turner (NY)	Turner (OH)			
			Fleming	Upton	Walberg			
			Flores	Walsh (IL)	Webster			
			Forbes	West	Westmoreland			
			Fortenberry	Westmoreland	Whitfield			
			Fox	Whitman	Wilson (SC)			
			Franks (AZ)	Wolf	Wittman			
			Frelinghuysen	Womack	Woodall			
			Gallegly	Woodall	Yoder			
			Gardner	Yoder	Young (AK)			
			Garrett	Young (FL)	Young (IN)			
			Gerlach					
			Gibbs					
			Gibson					
			Gingrey (GA)					
			Gohmert					
			Goodlatte					
			Gosar					
			Gowdy					
			Granger					
			Graves (GA)					
			Graves (MO)					
			Griffin (AR)					
			Griffith (VA)					
			Grimm					
			Guinta					
			Guthrie					

NOT VOTING—22

Austria	Giffords	Payne
Bachmann	Heinrich	Peterson
Benishak	Higgins	Ross (FL)
Burton (IN)	Issa	Ruppersberger
Capps	Lewis (CA)	Rush
Cardoza	Murphy (CT)	Sanchez, Loretta
Davis (IL)	Owens	
Filner	Paul	

□ 1048

Messrs. DEFAZIO, SHULER, and AL GREEN of Texas changed their vote from “yea” to “nay.”

Mr. MULVANEY changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 829, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 166, not voting 22, as follows:

[Roll No. 830]

YEAS—245

Adams	Bachus	Berg
Aderholt	Barletta	Biggert
Akin	Bartlett	Bilbray
Alexander	Barton (TX)	Bilirakis
Amash	Bass (NH)	Bishop (NY)
Amodei	Benishak	Bishop (UT)

Ackerman	Butterfield	Conyers
Altmire	Capuano	Costello
Andrews	Carnahan	Courtney
Baca	Carney	Critz
Baldwin	Carson (IN)	Crowley
Barrow	Castor (FL)	Cuellar
Bass (CA)	Chandler	Cummings
Becerra	Chu	Davis (CA)
Berkley	Cicilline	DeFazio
Berman	Clarke (MI)	DeGette
Bishop (GA)	Clarke (NY)	DeLauro
Blumenauer	Clay	Deutch
Boswell	Cleaver	Dicks
Brady (PA)	Clyburn	Dingell
Braley (IA)	Cohen	Doggett
Brown (FL)	Connolly (VA)	Doyle

NAYS—166

Conyers	Costello	Courtney
Critz	Crowley	Cuellar
Cummings	Davis (CA)	DeFazio
DeGette	DeLauro	Deutch
Dicks	Dingell	Doggett
Doyle		

NOT VOTING—22

Austria	Harris	Peterson
Bachmann	Heinrich	Ross (FL)
Burton (IN)	Higgins	Ruppersberger
Capps	Issa	Rush
Cardoza	Murphy (CT)	Sanchez, Loretta
Davis (IL)	Owens	Smith (WA)
Filner	Paul	
Giffords	Payne	

□ 1057

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 830, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. MURPHY of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMERICA'S CUP ACT OF 2011

Mr. LOBIONDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3321) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 3321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “America’s Cup Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **34TH AMERICA’S CUP.**—The term “34th America’s Cup”—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America’s Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America’s Cup, includes additional sailing competitions conducted by America’s Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) **AMERICA’S CUP RACE MANAGEMENT.**—The term “America’s Cup Race Management” means the entity established to provide for independent, professional, and neutral race management of the America’s Cup sailing competitions.

(3) **ELIGIBILITY CERTIFICATION.**—The term “Eligibility Certification” means a certification issued under section 4.

(4) **ELIGIBLE VESSEL.**—The term “eligible vessel” means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America’s Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America’s Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) **SUPPORTING VESSEL.**—The term “supporting vessel” means a vessel that is operating in support of the 34th America’s Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America’s Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) **REQUIREMENT.**—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) **ISSUANCE.**—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America’s Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America’s Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. WAIVERS.

(a) **IN GENERAL.**—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) MACY-RENEE (United States official number 1107319).

(3) OCEAN VERITAS (IMO number 7366805).

(4) LUNA (United States official number 280133).

(5) IL MORO DI VENEZIA IV (United States official number 1028654).

(b) **DOCUMENTATION OF LNG TANKERS.**—

(1) **IN GENERAL.**—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) **LIMITATION ON OPERATION.**—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) **TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.**—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) **OPERATION OF A DRY DOCK.**—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3321.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3321 provides a limited waiver of domestic cabotage laws for vessels participating in America’s Cup and related races. It also provides waivers of cabotage laws for several other vessels and clarifies that vessels carried on a movable dry dock in Alaska are not considered merchandise under chapter 551 of title 46.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

I too rise in support of this legislation, which would provide a narrow waiver from the coastwise laws for the vessels competing or supporting the upcoming America’s Cup finals to be held in 2013.

The America’s Cup, the world’s premier international sailing competition, will be held in San Francisco Bay by virtue of the United States’ successful challenge to reclaim the cup last year. This legislation is necessary to ensure that the competition can go forward in an expeditious manner for all competitors.

The legislation also includes several other vessel waivers that are included in H.R. 2828, which were cleared by the Committee on Transportation and Infrastructure in September.

I appreciate as well that my request to waive the coastwise laws for the maritime education vessel, LUNA, has been included in this bill, as well as in the Coast Guard bill, and support passage of this legislation.

I reserve the balance of my time.

□ 1100

Mr. LOBIONDO. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise in support of H.R. 3321.

While it may be identified as the America’s Cup Act, and the reasons behind it having been clearly articulated by our good friends across the aisle, I want to drive home, as well, the fact that there are some additional issues that will be served by the passage of this bill. And what it relates to is a genuine opportunity today for people from both sides of the aisle to support the creation of genuine, blue-collar jobs immediately.

Mr. Speaker, what this bill will do is allow for a simple process to take place. In my own district of southeastern Pennsylvania, which is adjacent to the Delaware River, we have

the opportunity to re-flag three vessels. What that means is three vessels that were built here in the United States, and that because of their service went outside the continent of the United States for a period of time, must now come back into the United States. In order to do that, they have to be able to comply with the Jones Act. With a simple vote today, we will be able to put these three vessels back into service here in the continental United States.

But the significance of this, most importantly, Mr. Speaker, in my backyard is the fact that what they will do is create the opportunity for the creation of new jobs that will relate to the utilization and transportation of the gas that is being developed in this country, 25 good, blue-collar jobs in my district which will sustain themselves, and close to 300 to 400 construction jobs in which people will be put to work as soon as possible building the extension of a pipeline that will go out into western Pennsylvania.

This is an opportunity for people from both sides of the aisle to put hardworking blue-collar workers back to work almost immediately by helping us cure what is a simple, technical issue. I strongly support the passage of this important bill because it will help put people back to work.

Mr. LOBIONDO. Mr. Speaker, I have no further requests for time and am prepared to yield back if the gentleman from Washington is.

Mr. LARSEN of Washington. Mr. Speaker, I have no further requests for time.

In conclusion, let me just say that the America's Cup is the oldest competitive sailing competition. The U.S. held the Cup for over 134 years before losing to Australia off of Newport, Rhode Island. We are very proud to have reclaimed the Cup and look forward to defending it in 2013.

With that, Mr. Speaker, I support the passage of the America's Cup Act of 2011, and I yield back the balance of my time.

Mr. LOBIONDO. On to victory for America.

I yield back the balance of my time.

Mr. DENHAM. Mr. Speaker, I rise today to speak in favor of H.R. 3321, the America's Cup Act of 2011. This legislation will allow officially competing and support vessels of the America's Cup to have a waiver from the Merchant Marine Act of 1920.

Since 1851 the America's Cup has been one of the sporting world's premier events. Taking place this year in my home state of California, the America's Cup will generate an estimated \$1.2 billion in economic activity and create 8,000 jobs, activity and employment that California sorely needs.

Unfortunately, I was unavoidably detained during the floor vote on this bill and was unable to cast my official vote in support of the measure. If I were present at the time of the vote, I would have proudly cast an "aye" vote

to provide race participants the waiver they need to further the excitement, pageantry and traditions of the America's Cup.

The SPEAKER pro tempore (Mr. WOMACK). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 3321.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LOBIONDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 387, nays 2, answered "present" 1, not voting 43, as follows:

[Roll No. 831]

YEAS—387

Ackerman	Cohen	Gowdy
Adams	Cole	Graves (GA)
Aderholt	Conaway	Graves (MO)
Akin	Connolly (VA)	Green, Al
Alexander	Conyers	Green, Gene
Altmire	Cooper	Griffin (AR)
Amodei	Costa	Griffith (VA)
Andrews	Costello	Grimm
Baca	Courtney	Guinta
Bachus	Cravaack	Guthrie
Baldwin	Crawford	Gutierrez
Barletta	Crenshaw	Hahn
Barrow	Critz	Hall
Bartlett	Crowley	Hanabusa
Barton (TX)	Cuellar	Hanna
Bass (CA)	Culberson	Harper
Bass (NH)	Cummings	Hartzler
Becerra	Davis (CA)	Hastings (FL)
Benishak	Davis (KY)	Hastings (WA)
Berg	DeFazio	Hayworth
Berkley	DeGette	Heck
Berman	DeLauro	Hensarling
Biggert	Dent	Herger
Bilbray	DesJarlais	Herrera Beutler
Bilirakis	Deutch	Hinchey
Bishop (NY)	Diaz-Balart	Hinojosa
Bishop (UT)	Doggett	Hirono
Black	Dold	Hochul
Blackburn	Donnelly (IN)	Holden
Blumenauer	Doyle	Holt
Bonner	Dreier	Honda
Bono Mack	Duffy	Hoyer
Boren	Duncan (SC)	Huelskamp
Boswell	Duncan (TN)	Huizenga (MI)
Boustany	Edwards	Hultgren
Brady (PA)	Ellison	Hunter
Brady (TX)	Ellmers	Hurt
Brooks	Emerson	Inslee
Broun (GA)	Eshoo	Israel
Brown (FL)	Farenthold	Jackson (IL)
Buchanan	Farr	Jackson Lee
Bucshon	Fattah	(TX)
Buerkle	Fincher	Jenkins
Burgess	Fitzpatrick	Johnson (GA)
Butterfield	Flake	Johnson (IL)
Calvert	Fleischmann	Johnson (OH)
Camp	Fleming	Johnson, E. B.
Campbell	Flores	Johnson, Sam
Canseco	Forbes	Jones
Cantore	Fortenberry	Jordan
Capito	Fox	Kaptur
Capuano	Frank (MA)	Keating
Carnahan	Franks (AZ)	Kelly
Carson (IN)	Frelinghuysen	Kildee
Cassidy	Fudge	Kind
Castor (FL)	Gallegly	King (IA)
Chabot	Garamendi	King (NY)
Chaffetz	Gardner	Kingston
Chandler	Garrett	Kissell
Chu	Gerlach	Kline
Cicilline	Gibbs	Kucinich
Clarke (MI)	Gibson	Labrador
Clarke (NY)	Gingrey (GA)	Lamborn
Clay	Gohmert	Lance
Cleaver	Gonzalez	Landry
Coble	Goodlatte	Langevin
Coffman (CO)	Gosar	Lankford

Larsen (WA)	Olson	Serrano
Larson (CT)	Oliver	Sessions
Latham	Palazzo	Sewell
Latta	Pallone	Sherman
Lee (CA)	Pascrell	Shimkus
Levin	Pastor (AZ)	Shuler
Lewis (CA)	Paulsen	Shuster
Lewis (GA)	Pearce	Simpson
Lipinski	Pelosi	Sires
LoBiondo	Pence	Slaughter
Loeback	Peters	Smith (NE)
Long	Petri	Smith (NJ)
Lowey	Pingree (ME)	Smith (TX)
Lucas	Pitts	Southerland
Luetkemeyer	Poe (TX)	Speier
Lujan	Polis	Stearns
Lummis	Pompeo	Stivers
Lungren, Daniel	Posey	Stutzman
E.	Price (GA)	Sullivan
Lynch	Price (NC)	Sutton
Mack	Quayle	Terry
Maloney	Quigley	Thompson (CA)
Manzullo	Rahall	Thompson (MS)
Marchant	Rangel	Thompson (PA)
Marino	Rehberg	Thornberry
Markey	Reichert	Tiberi
Matheson	Renacci	Tierney
Matsui	Reyes	Tipton
McCarthy (CA)	Ribble	Tonko
McCarthy (NY)	Rigell	Towns
McCaul	Rivera	Tsongas
McClintock	Roby	Turner (NY)
McCollum	Roe (TN)	Turner (OH)
McCotter	Rogers (AL)	Upton
McDermott	Rogers (KY)	Van Hollen
McGovern	Rogers (MI)	Velázquez
McHenry	Rohrabacher	Visclosky
McIntyre	Rokita	Walberg
McKeon	Rooney	Walden
McMorris	Ros-Lehtinen	Walsh (IL)
Rodgers	Ross (AR)	Walz (MN)
McNerney	Rothman (NJ)	Wasserman
Meehan	Roybal-Allard	Schultz
Meeks	Royce	Waters
Mica	Runyan	Watt
Michaud	Ryan (OH)	Waxman
Miller (FL)	Ryan (WI)	Webster
Miller (MI)	Sánchez, Linda	Welch
Miller (NC)	T.	West
Miller, Gary	Sarbanes	Westmoreland
Miller, George	Scalise	Whitfield
Moore	Schakowsky	Wilson (FL)
Moran	Schiff	Wilson (SC)
Mulvaney	Schilling	Wittman
Murphy (PA)	Schmidt	Wolf
Myrick	Schock	Womack
Nadler	Schrader	Woodall
Napolitano	Schwartz	Woolsey
Neal	Schweikert	Yarmuth
Neugebauer	Scott (SC)	Yoder
Noem	Scott (VA)	Young (AK)
Nugent	Scott, Austin	Young (FL)
Nunes	Scott, David	Young (IN)
Nunnelee	Sensenbrenner	

NAYS—2

Braley (IA) Richmond

ANSWERED "PRESENT"—1

Amash

NOT VOTING—43

Austria	Giffords	Payne
Bachmann	Granger	Perlmutter
Bishop (GA)	Grijalva	Peterson
Burton (IN)	Harris	Platts
Capps	Heinrich	Reed
Cardoza	Higgins	Richardson
Carney	Himes	Roskam
Carter	Issa	Ross (FL)
Clyburn	Kinzinger (IL)	Ruppersberger
Davis (IL)	LaTourette	Rush
Denham	Lofgren, Zoe	Sanchez, Loretta
Dicks	McKinley	Smith (WA)
Dingell	Murphy (CT)	Stark
Engel	Owens	
Filner	Paul	

□ 1128

Messrs. ROTHMAN of New Jersey, TIERNEY, and GEORGE MILLER of California changed their vote from "nay" to "yea."

Mr. AMASH changed his vote from “nay” to “present.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 831, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

Mr. HIMES. Mr. Speaker, on Friday, November 4, 2011, I was unable to be present for rollcall vote 831 on H.R. 3321. Had I been present, I would have voted “yea.”

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to House Resolution 455 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2838.

□ 1129

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1130

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

H.R. 2838 will reauthorize the activities of the Coast Guard through fiscal year 2014 at levels which are consistent with the House-passed budget resolution.

This bill includes critical provisions that will give the Coast Guard, its servicemembers and dependents greater parity with their counterparts in the Department of Defense, something that is critical and important for these patriotic Americans. Ensuring parity among the armed services has been a top priority for the committee for some time, and I am proud to say this bill makes significant steps and progress towards aligning the Coast Guard's authorities with those granted by DOD.

In addition to the parity issue, the bill contains a title intended to reform

and improve Coast Guard administration. The Coast Guard does an outstanding job for our Nation. However, in the current budget environment, it is important for the Coast Guard to review the service's authorities and to find ways to improve operations while reducing costs. I believe this bill will do just that.

The bill also amends shipping laws to improve safety and foster job growth throughout the maritime sector and reauthorizes the activities of the Federal Maritime Commission through 2015.

Included in the bill is the text of H.R. 2840, the Commercial Vessel Discharge Reform Act, which will improve current regulation of ballast water and other discharges incidental to the normal operation of a vessel.

Mr. Chairman, this provision is pretty simple. Currently, the Coast Guard and the EPA are making rules and have authority to enforce ballast water. There are currently 29 States and tribes that have their own rules, and it is a regulatory nightmare to be able to do business in. We need one standard operation that reaches the highest level of technology that is available to us. This also allows for us to improve technology, and if we're talking about jobs, and we certainly are hearing an awful lot about that these days, this is an opportunity for us to be able to ensure that maritime jobs will be able to continue to grow.

The current system is simply impossible, and it threatens our international maritime trade.

This legislation eliminates this ridiculous regulatory nightmare and establishes a single uniform national standard.

The EPA, the Coast Guard, the National Academy of Sciences, the EPA Science Advisory Board, the U.S. Flag Industry, every national maritime labor union, manufacturers, farmers, energy producers, and our largest and most strategic international trading partners all endorse our approach to this legislation. It's a commonsense way to be able to move forward, and it helps us be able to accomplish our goals in the long run.

I would urge all of my colleagues to support the legislation, and I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

The Coast Guard is a multi-mission agency responsible for a broad range of activities including mariner licensing, emergency oil spill response, vessel inspections, and search and rescue operations. These and many other activities of the Coast Guard are indispensable and ensure that our coasts and ocean resources are protected; that our oceans, the Great Lakes, and inland waterways remain safe and efficient; and that our maritime industries continue to be vibrant sources of jobs and

economic opportunity for the American people.

I want to thank Chairman LOBIONDO for his leadership in developing this legislation, H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011, to reauthorize the activities of the Coast Guard for fiscal year 2012 through fiscal year 2014.

Although I have reservations that the authorized funding levels in this bill are not sufficient to meet the many well-documented needs of the Coast Guard, at least this bill provides for roughly level funding for the next 3 years. We have had this discussion in committee for the last several months about the Coast Guard, Mr. Chairman, people wanting the Coast Guard to do more with less. The greatest concern that we have is that as we look at funding for the Coast Guard, we're beginning to ask them to do less with less. And that is going to cause future problems for our Coast Guard.

In general, Mr. Chairman, the legislation includes several noncontroversial provisions, especially title II, which addresses issues of disparity in policy and authority between the Coast Guard and other armed services. I want to commend the chairman for his commitment to address this issue.

There are some provisions in this bill, however, which remain problematic, none more so than the provision that would sequentially decommission the Coast Guard's two heavy icebreakers. The administration has expressed its strong opposition to this provision in its statement of administration policy.

At some point, we need to constructively engage the Coast Guard in developing a sound, balanced path forward that realigns our expectations with a level of performance that we can reasonably expect the Coast Guard to deliver, especially for its icebreakers and its polar operations.

With that, Mr. Chairman, I reserve the balance of my time.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, November 3, 2011.

STATEMENT OF ADMINISTRATION POLICY
H.R. 2838—COAST GUARD AND MARITIME
TRANSPORTATION ACT OF 2011

(Rep. LoBiondo, R-New Jersey, and Rep. Mica, R-Florida)

The Administration strongly opposes House passage of H.R. 2838 because it includes a provision that would require the Coast Guard to decommission the icebreaker USCGC POLAR STAR. The administration has requested, and Congress has appropriated, funds to reactivate the USCGC POLAR STAR by December 2012 and extend that vessel's service life for seven to 10 years. This effort will stabilize the United States' existing polar fleet until long-term icebreaking capability requirements are finalized. By directing the Commandant to decommission the USCGC POLAR STAR within three years, the bill would effectively reduce the vessel's service life to two years and create a

significant gap in the Nation's icebreaking capacity. The Administration supports Title II (Coast Guard and Servicemember Parity), which would promote parity between the Coast Guard and the other branches of the armed forces. The Administration looks forward to working with the Congress to improve H.R. 2838 as the bill moves through the legislative process.

Mr. LOBIONDO. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. I rise in strong support of H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011 and, in particular, title VII of the bill, the Commercial Vessels Discharge Reform Act of 2011.

Ballast water, while a necessity to maintain the stability of large vessels during water-borne navigation, has always been recognized as one of the ways invasive aquatic nuisance species are transported globally and introduced into coastal waters where they did not live before. Numerous invasive species have been introduced in U.S. waters through ballast water discharges. One of the most well-known is the zebra mussel in the Great Lakes, which has caused millions of dollars in damage in infrastructure.

Current efforts to reduce the risk of invasive species being introduced through ballast water discharges are haphazard, contradictory, and ineffective. The management of ballast water currently is governed differently by the Coast Guard, the Environmental Protection Agency, as well as an assortment of international, State, and territorial regulations.

As a result, vessels engaged in interstate and international commerce are required to meet several different standards for the management of ballast water, some of which are not technologically achievable or verifiable. Complying with this patchwork of regulations is burdensome and unacceptable. Commercial shippers are at the heart of our Nation's interstate and foreign commerce.

As we all know, interstate and foreign commerce involving navigation is the heart of the Federal jurisdiction under the commerce clause of the Constitution. If we subject vessels visiting ports in more than one State to different permit requirements in each State that they visit, they will be forced to either violate State laws or cease making port calls in those States with requirements that are inconsistent with the technology that the vessel has installed in response to an earlier enacted regulation from another State.

Vessels involved in interstate and foreign commerce are mobile and cannot be expected to comply with potentially scores of inconsistent State requirements as they navigate from one jurisdiction to the next. These inconsistent State requirements will impose serious economic burdens on interstate

and foreign commerce. There simply is no reason to interfere with interstate and foreign commerce in such ways, particularly in more sensible, uniform, and environmentally protective approaches available under this bill.

Title VII of H.R. 2838 aims to address both the needs for standards to reduce the risk of introducing invasive species in our Nation's waters through discharges of ballast water, and the need for vessels that navigate from one jurisdiction to another to have a uniform set of requirements to comply with.

The bill establishes a commonsense approach for regulating ballast water, which will protect the environment, grow maritime jobs, and promote the flow of maritime commerce.

I urge passage of H.R. 2838.

Mr. LARSEN of Washington. Mr. Chairman, I yield such time as he may consume to the ranking member of the full committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the subcommittee ranking member, the gentleman from Washington, for yielding me the time.

In recognition of the tradition of the Committee on Transportation and Infrastructure to annually move bills to reauthorize the Coast Guard and the indispensable services it provides to the Nation, I am inclined to support this effort if it will improve the condition and readiness of the Coast Guard.

My home State of West Virginia may not be a coastal State; but our many stakeholders who use our inland waterways, such as shippers, tug and barge operators, and recreational boaters, appreciate the services provided by the Coast Guard, our guardians of the sea.

For example, the Coast Guard's National Maritime Center in Martinsburg, West Virginia, handles the processing and approval of all mariner credentials for roughly a quarter million mariners. Additionally, the Coast Guard's Marine Safety Unit Huntington, located in Barboursville, West Virginia, inspects vessels, conducts casualty investigations, and ensures port security along the Ohio River and other navigable waterways.

These and other vital services provided by the Coast Guard directly support our maritime commerce, which is critical to the future economic health of our country. Yet despite widespread acknowledgment of its importance, the Coast Guard has rarely received sufficient resources to accomplish its many complex missions.

I am disappointed that the authorized funding levels in this legislation again fall short of the service's needs.

Just this week, we learned during the Coast Guard and Maritime Transportation Subcommittee's hearing concerning the Deepwater Horizon disaster that the Coast Guard's marine environmental response capabilities have dwindled due to a lack of funding.

□ 1140

We cannot expect the men and women of the Coast Guard to put their lives at risk to save the lives of others if they are forced to operate from inadequate facilities and to utilize equipment that has long since passed its expected lifetime. If we expect our ports and waterways to remain safe and secure and if we want our maritime economy to be vibrant and growing, adequate investment in the Coast Guard is not an option but a requirement.

I also wish to express my concern about the ballast water provisions, a separate title—in fact, a wholly separate bill—stitched into this legislation, but not seamlessly and not without consequence.

Numerous State and local economies have had to deal with the immense costs associated with the invasion of plants and animals that hitch a ride into our country through dumped ballast water. Coastal States are spending millions each year to control invading species, and each year, more and more invaders threaten to become established in our waters.

For these reasons, I support the provisions that call for the adoption of stringent national standards for ballast water treatment technologies. These advances would help to prevent the introduction and spread of these invaders and ensure the efficient flow of critical commodities through waterborne transportation. But, unfortunately, tucked within the appealing treatment technology provisions of this added title lies a poison pill that this House would be foolish to swallow.

All this year, this Congress has been advocating an enhanced role for the States in protecting their economies and environment. The mantra has been: Back off the States. Remove the heavy hand of the Federal Government and allow the States the space to oversee their own programs. But now, tucked into the folds of this bill is a complete about-face. Rather than respecting State powers and allowing them the freedom to, in limited circumstances, set higher standards to protect their own waters and their own residents, this bill imposes a down-from-on-high, one-size-fits-all approach.

I find it ironic that, on an issue on which the States have taken a leading role in the absence of Federal action, this legislation would prohibit States from having any role in protecting their local resources. So I say to my colleagues that we have a choice to support the benefits provided by this bill without also swallowing the bitter anti-States' rights pill.

An amendment offered by my colleague from New York (Mr. BISHOP) would protect the States. The Bishop amendment represents a surgical fix that enables the States to nominate "no discharge zones" to protect important State waters.

Contrary to some claims, the amendment would not allow a State to shut down vital shipping zones or exempt all its waters from ballast discharges. The amendment specifically addresses these concerns, preventing a State from taking such action. It provides for limited exemptions just like those available to the States in section 312 of the Clean Water Act for sanitary discharges—an exemption, I would point out, that has been used only 26 times. The Bishop amendment would restore the historic balance between the States and the Federal Government intended by the Clean Water Act.

If the Members of this body believe that States' rights must be protected from Federal overreach, this bill begs the question: Are you with the States or against the States?

I support the amendment offered by the gentleman from New York (Mr. BISHOP), and I urge its adoption as a critical fix to an otherwise worthy bill. I urge my colleagues to join me in voting to make that critical fix and to pass this legislation.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

I would just like to take a moment and reiterate our thanks to the men and women of the Coast Guard—unsung heroes who are underrecognized and underappreciated, who put their lives on the line every day. They're a critical component of our armed services. They conduct critical missions to interdict illegal drugs. They provide fishery law enforcement as well as the Homeland Security component. We want to make sure that we recognize and appreciate their efforts on an everyday basis.

I would also like to, once again, thank Mr. LARSEN for his cooperation overall on the committee and especially with this legislation.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the ranking member for yielding. I also thank both the ranking member and the chairman for their work on this important bill.

I have some concerns about the bill, but I'm going to focus my remarks on title VII, which deals with commercial vessel discharge reform and deals, more specifically, with ballast water discharge and the concern about non-indigenous invasive species. These non-indigenous species cost taxpayers and businesses hundreds of millions of dollars every year.

In the Great Lakes alone, approximately \$500 million is spent every year in dealing with invasive species that clog municipal water systems and that damage infrastructure, such as electric power plants, levees, and aqueducts. In

California, over \$7 million was spent to eradicate the Mediterranean green seaweed from two small embayments in southern California, and \$12 million had to be spent in San Francisco Bay to control the Atlantic cordgrass. Most of these invasive species arrive in our waters via the ballast water of commercial vehicles.

Unfortunately, in my view—and, I believe, in the view of a great many of my colleagues—the bill before us does not do enough to protect our communities and businesses from the avoidable costs of dealing with invasive species.

This week the State of California sent Members of Congress a letter saying that title VII of the underlying bill “will set a Federal ballast water discharge standard that does not provide a significant improvement over existing management strategies and would eliminate the ability of States to regulate vessel discharges in their own waters.” I would like to enter into the RECORD the letter from the California State Lands Commission to which I am referring.

In my home State of New York we've been working with Michigan and other States to develop standards that are achievable with the technology that is available today but that would still protect sensitive State waters more than would today's underlying bill. Unfortunately, this bill does not incorporate these science-based suggestions nor the jurisdictional concerns of the States.

I also want to enter into the RECORD, Mr. Chairman, a letter from the Environmental Council of the States which urges that the States be able to maintain a role in making determinations with respect to their water quality.

While I think that most parties—and I'm one of them—agree that a uniform national standard is necessary to protect our water resources, one of my largest concerns is that this bill completely erases any role for States to protect waters within their jurisdictions. So, as the gentleman from West Virginia said, I will be offering an amendment later today that will allow States to petition the Federal Government under a set of criteria that protects international and domestic commerce to identify and protect highly sensitive water resources within a State's existing jurisdiction.

My amendment does not add or change any technological requirements in the bill. This is an issue of extreme importance for the industry, understandably so, and for that reason my amendment simply does not affect in any way the technological requirements. It also does not give States carte blanche to prevent ships from releasing ballast water, which is another important issue for the industry. There is ample precedent for the amendment that I am offering and for the policy that my amendment would embody.

In 1996 the then-Republican-controlled Congress amended the Clean Water Act, requiring the Department of Defense to work with the Environmental Protection Agency to regulate ballast water from military vessels through the Uniform National Discharge Standards program. Through this program, the Republican Congress acknowledged a deep respect for the rights of States, including a residual authority for States to establish “no discharge zones,” which is similar to what my amendment would establish.

Another precedent is that section 312 of the Clean Water Act, which is the closest analogy to ballast water discharges from commercial vessels, establishes uniform standards for discharges of marine sanitation devices. Section 312 specifically reserves a role for States to create “no discharge zones” for important State waters, provided that these zones will not adversely impact vessels from operating within the States. In the past, ballast water legislation has included a role for the States, and industry was on board with those provisions.

□ 1150

There's an irony to what we're doing here today, and that is, during this Congress, much of the debate has centered on how States should be allowed to take the lead on managing different programs within their jurisdiction, be they educational programs or environmental protection programs or eliminating regulations and so on; and yet, in this instance, we are saying the exact opposite. We are saying that the Federal Government knows best how to protect local waters, and States are not given any say in protecting their waters.

Just a few months ago, this Congress passed H.R. 2018, the Cooperative Federalism Act of 2011, which eliminates any Federal role in setting baseline water quality standards, giving full discretion for the setting of those standards to the States. Title VII of today's bill says that States should have no say in what happens in their waters whatsoever, the exact opposite of what this Congress passed with pretty broad support several months ago.

We also have heard a great deal from our friends in the Tea Party about the 10th Amendment and how rights need to be reserved to the States under that amendment. Well, I would contend that the ability to protect waters of the State and to set standards for waters of the State would fall within at least the spirit of the 10th Amendment, and I would hope that my colleagues would agree with that.

So I just want to say that I believe my amendment, as the gentleman from West Virginia referred to it, is a surgical attempt to fix what I believe is a significant problem for States.

The gentleman from New Jersey (Mr. LOBIONDO) and I worked very hard to

try to come up with a sweet spot where we could agree. We were unable to get there. It was not for a lack of trying. I am very grateful to the gentleman from New Jersey for his willingness to work with me on this; but later we will be offering this amendment, and I hope my colleagues will support it.

CALIFORNIA STATE
LANDS COMMISSION,

Sacramento, CA, November 2, 2011.

Rep. JOHN MICA,
Chairman, House Committee on Transportation
and Infrastructure, Washington, DC.

Rep. NICK RAHALL,
Ranking Member, House Committee on Transportation
and Infrastructure, Washington, DC.

Rep. DAVID DREIER,
Chairman, House Committee on Rules, Wash-
ington, DC.

Rep. LOUISE SLAUGHTER,
Ranking Member, House Committee on Rules,
Washington, DC.

DEAR REPRESENTATIVES: The staff of the California State Lands Commission (Commission) is writing to express our concern with bill H.R. 2840, the Commercial Vessel Discharges Reform Act of 2011. We have recently learned that this bill may be considered as an amendment to the U.S. Coast Guard Reauthorization bill. Staff has strong concerns that provisions of the H.R. 2840 would cripple California's ongoing efforts to prevent the release of nonindigenous species to state waters, and urge that members consider these concerns before addressing this bill.

In addition to the ecological and human health impacts that nonindigenous species have had, they can also represent a significant and ongoing economic burden once established in a new region. For example, the European zebra mussel attaches to hard surfaces so thickly in the Great Lakes and Lake Mead (AZ), that they clog municipal water systems and electric generating plants, costing over a billion dollars a year to control. In 2008, the mussel arrived in California. Should it spread to areas such as Lake Tahoe or the California Aqueduct, the resultant economic impact could be significant. Between 2000 and 2006, over \$7 million was spent to eradicate the Mediterranean green seaweed from two small embayments in southern California. At the end of 2010, over \$12 million had been spent in San Francisco Bay to control the Atlantic cordgrass. If left uncontrolled, the buildup of cordgrass can have a substantial impact on shoreline land values.

Since 1999, when California passed the Ballast Water for Control of Nonindigenous Species Act (Chapter 849, Statutes of 1999; Public Resources Code §§ 71200, et seq.), it has been and remains a national and world leader in the development of effective science-based management strategies for preventing species introductions through vessel vectors. The Commission's Marine Invasive Species Program (MISP) pursues aggressive strategies to limit the introduction and spread of nonindigenous species (NIS) via vessels, including establishing strict performance standards for the discharge of ballast water in 2007.

The Commission's staff works cooperatively with the U.S. Environmental Protection Agency (EPA), the United States Coast Guard (USCG), and other states in order to advance a strong, enforceable, funded, national effort that pushes technology development and the science of invasive species

management forward, while ensuring that the state's existing, world-leading program be allowed to continue. Additionally, Commission staff has long worked closely with scientific, government, nonprofit and shipping industry representatives through technical advisory groups during the development of its requirements. This is to ensure a well-rounded, diverse array of perspectives are taken into account during the evolution of initiatives to prevent species introductions to the state.

We appreciate the House's attention to the challenge of NIS introductions in U.S. waters as a result of vessel discharges, but as drafted, H.R. 2840 will set a federal ballast water discharge standard that does not provide a significant improvement over existing management strategies and would eliminate the ability of states to regulate vessel discharges in their own waters.

Staff specifically object to the provisions in the bill that:

Would set the International Maritime Organization (IMO) ballast discharge standard as the U.S. federal standard.

There is clear scientific evidence that the IMO ballast water discharge standard is not a significant improvement over ballast water exchange (the current management practice). Studies have shown that some vessels could meet the IMO standards by simply conducting ballast water exchange, and some could meet it without conducting exchange at all. Therefore, adoption of the IMO standard does little to advance the protection of U.S. waters from NIS introductions.

Preempts states from adopting ballast water discharge standards, including standards that are more stringent than those established in H.R. 2840.

A central tenant of the Clean Water Act is that States have the ability to set water quality standards above and beyond those set by the Federal government in order to ensure proper environmental protection of state waters. H.R. 2840, as currently drafted, removes ballast water discharges from Clean Water Act jurisdiction and will cripple state efforts to prevent species introductions from vessel discharges. San Francisco Bay is the most highly invaded estuary in North America, and perhaps the world, and invasive species cost the state millions of dollars each year to control. In addition, recent research shows that California serves as a first entry point "hotspot" of invasion on the west coast, and NIS subsequently spread north to Oregon up to Alaska. Thus, California must retain the ability to implement stringent, protective ballast water discharge standards in order to protect its own waters as well as the waters of the rest of the western North America.

Preempts states from adopting any standards or management practices related to any discharge incidental to the normal operation of commercial vessels.

H.R. 2840 not only preempts states from developing ballast water discharge standards, but also preempts states' ability to address any of the 26 discharges included in the Vessel General Permit. The California State Lands Commission is a world leader in the development of strategies to combat species introductions due to vessel biofouling (i.e. the attachment or association of organisms to the underwater surfaces of vessels). There are currently no federal programs in place to manage this important vector of species introductions. Should H.R. 2840 pass as currently drafted, California would be hobbled in its efforts to prevent biofouling introductions within its waters.

Due to the aforementioned Commission staff concerns, please oppose the legislation in its present form. Thank you for consideration of these comments. If you have any questions, please do not hesitate to contact me at (916) 574-1800.

Sincerely,

CURTIS L. FOSSUM,
Executive Officer.

THE ENVIRONMENTAL COUNCIL
OF THE STATES,

Washington, DC, November 2, 2011.

Hon. FRANK LOBIONDO,
Chairman, Subcommittee on Coast Guard and
Maritime Transportation, Washington, DC.

Hon. RICK LARSEN,
Ranking Member, Subcommittee on Coast Guard
and Maritime Transportation, Washington,
DC.

Hon. BOB GIBBS,
Chairman, Subcommittee on Water Resources
and Environment, Washington, DC.

Hon. TIM BISHOP,
Ranking Member, Subcommittee on Water Re-
sources and Environment, Washington, DC.

DEAR CONGRESSMEN: I am writing on behalf of the members of the Environmental Council of the States, the state and territorial environmental agencies, about H.R. 2840, and an amendment to it offered by Congressman Bishop.

Our understanding is that the bill seeks to address the regulation of ship ballast waters in order to suppress the spread of exotic species, and that it pre-empts any state regulatory approaches.

With respect to the direction of the bill, ECOS could agree that:

(1) national standards can help to achieve a level playing field for compliance;

(2) the states have a diversity of experience and varying desire for federal regulation in this area;

(3) the states have a role in developing additional requirements based on state-specific conditions, and as a backstop to federal standards that are not yet proven.

ECOS has long held that "expansion of environmental authority to the states is to be supported, while preemption of state authority is to be opposed." The bill as drafted preempts state authority not only for ballast discharges, but also for many other types of vessel discharges. ECOS also "affirms its support for the concept of flexibility, i.e., that the function of the federal environmental agency is, working with states, to set goals for environmental accomplishment and that, to the maximum extent possible, the means of achieving those goals should be left to the states; this is particularly important in the development of new programs which will impact both states and U.S. EPA." [See our resolution entitled Environmental Federalism at www.ecos.org.]

We also encourage Congress to ensure that the United States Coast Guard and the United States Environmental Protection Agency have the resources they need to enforce the act, should it become law.

It seems to us that the amendment offered by Congressman Bishop addresses some of our concerns, and that the bill would be improved by its inclusion, although several of our other concerns would remain.

Regards,

R. STEVEN BROWN.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from New York for dialoguing and for articulating his point. We have tried very

hard to reach an accommodation. We are going to continue to try to reach an accommodation, and I guess this is what this process is all about. We have a difference of opinion about the impact of the gentleman from New York's amendment and a couple of these other amendments. We are looking to try to find a way to make sure we have uniform standards, and I pledge we will continue to work to try to do that.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I first would like to inquire how much time is remaining.

The CHAIR. The gentleman from Washington has 14½ minutes remaining.

Mr. LARSEN of Washington. Thank you, Mr. Chairman.

I would like to yield 2 minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. I too am very concerned about the serious threat that the invasive species pose to non-native waters.

As the ranking member of the Natural Resources Water and Power Subcommittee, we have held various hearings on the effects of the invasive quagga mussel, the zebra and quagga mussel in western waterways. I have even traveled to Colorado in order to understand how they are looking at the R&D to be able to see how we can eradicate this invasive species.

It was introduced into the West from the ballast water of vessels coming in from the Great Lakes. This mussel is a dime-sized mussel that clogs water infrastructure. The glue is so potent that the mussel can take it off. It's in the pumps. It's in the intake valves and the pipelines, costing water agencies hundreds of thousands—if not millions—of dollars to clean out to allow for the water flow.

The Metropolitan Water District of southern California spent \$25 million on fighting quagga mussels since 2007. The Bureau of Reclamation is having a major problem with the mussels, as they are causing funds to be spent to scrape them off those major pipelines instead of on projects needing those funds.

I have seen firsthand the damage the quagga has done to the dams and the water supply plants in southern California. This invasive species will continue to have a devastating impact on the water supply of the West, and we must address the fact that discharges of ballast water carrying invasive species can cause irreversible harm to our Nation's waters, as is already the case in some areas.

We must allow our State regulatory agencies the ability to protect against invasive species, and I will continue to oppose the bill if it includes provisions that hinder the States from protecting their water quality. I hope the chairman and the ranking member can come

to some agreement that will help our States.

Mr. LOBIONDO. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. I am honored to represent a district in the St. Louis, Missouri, region near the confluence of the mighty Mississippi and the Missouri Rivers, an area where inland waterway commerce is vital to our economic well-being as well as to recreation, security, and safety.

In a normal year on the inland waterway system, between 500 and 700 million tons of bulk commodities with a current approximate value of nearly \$125 billion are moved an average of roughly 500 miles to produce in excess of 300 billion ton-miles of freight transportation. When given a choice, heavy bulk shippers often choose barge transportation on our waterways. It is estimated that barge shippers and their customers save more than \$7 billion annually by utilizing inland waterways.

As lawmakers, especially during these difficult economic times, we must do everything in our power to facilitate trade and economic activity. That's why this Coast Guard and Maritime Transportation Reauthorization Act is so critical to get it right. But we also see in this bill, as prior speakers have mentioned, the patchwork of ballast water regulations that have hampered our inland waterways trade and imposed unnecessary cost on business.

I applaud the effort to create a national minimum standard to protect our environment while creating certainty and stability for the industry. But I do support Representative BISHOP's amendment that strikes the right balance. It allows States' rights and unique interests to be protected within no-discharge zones.

I hope that eventually we can work out a compromise. I applaud the efforts of both sides in trying to reach that, and I hope that effort will continue. I hope this bill can find broad support that addresses the needs of the goods movement industry while still protecting our environment. I think we can and need to do both.

I look forward to working with my colleagues on both sides of the aisle on this important work and again urge my colleagues to hit the right balance to be sure we are taking care of the men and women that serve us in the Coast Guard, to be sure they can continue to serve us and the entire country.

Mr. LOBIONDO. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. I rise today in support of my amendment to the Coast Guard and Maritime Transportation

Act of 2011 on which we are working together to consider as part of the en bloc amendments. This important and timely amendment calls on the Committee on the Marine Transportation System to coordinate with local businesses to promote an efficient marine transportation system.

As many of us know, the marine transportation system is essential to the American economy. It supports millions of American jobs, facilitates trade, moves people and goods, and provides a safe, secure, cost-effective, and energy-efficient transportation system. It's a win-win-win.

Yet, if there are not adequate maintenance resources in place, our MTS will continue to age, and the result will be a worn and decrepit waterfront, badly neglected locks and dams, and harbors with inadequate drafts to accept foreign, deep-draft tonnage.

Our local businesses are on the front lines of commerce every day, and they know where the savings and efficiencies are that could be improved. We must work with our local businesses who know business best. If government is going to be involved in improving the business environment, it only makes sense that government talks to the businesses that we're trying to help.

In my coastal district of North Carolina, marine transportation and commerce is the lifeblood of the Cape Fear region. In understanding the importance of marine transportation and waterway infrastructure, I sought the input of local business leaders to develop the Seventh Congressional District Coastal Compact to outline key priorities for our area's coastal infrastructure, maritime commerce, and a way in which we can get the public and private sector and government agencies to work together.

So this amendment that I have put forth builds on a proven model used to develop our Coastal Compact and one in which we believe that business leaders across this country would like to have a say and involvement and firsthand knowledge to be involved with our marine transportation system.

□ 1200

This is an example for us in Congress, an example that we must follow to improve not only our marine transportation system, but also to create jobs and to sustain an environment in which American business can flourish. Therefore, I urge my colleagues to support this amendment so we can bridge a better partnership with our local businesses to improve the maritime transportation system and put our Nation back on a path of economic vitality.

Mr. LOBIONDO. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from Florida (Ms. ROSELEHTINEN), whom we affectionately refer to as Dr. Illie.

Ms. ROS-LEHTINEN. I thank my good friend from New Jersey for the time.

I rise in strong support of this Coast Guard reauthorization bill that is being considered on the floor today. I have the unique pleasure of representing over 265 miles of pristine coastline, ranging from Miami Beach all of the way down to Key West. In fact, two of the largest Coast Guard sectors in the United States, Sector Miami, commanded by Captain Christopher Scraba, and Sector Key West commanded by Captain Pat DeQuattro, are located in my congressional district. As such, ensuring that the brave men and women of the Coast Guard have the tools they need to effectively patrol our coast is of utmost concern to me and to all of the residents in my congressional district.

This legislation before us is a fiscally responsible reauthorization of the U.S. Coast Guard and will include practical reforms which will ensure greater efficiency in the replacing of aging assets and improved utilization of all of its resources.

This is particularly important in my district as our two sectors have been working day and night to stop drugs from being smuggled into our country. These drug smugglers are becoming more sophisticated and more brazen in their efforts to bring illicit drugs to our shores. Just last month alone, the U.S. Coast Guard seized and then unloaded over 2,300 pounds of marijuana and nearly 900 pounds of cocaine in Sector Key West. Without providing upgrades to our aging assets, it will become more and more difficult to keep pace with these drug smugglers as their technology attempts to surpass ours.

That is why I rise in strong support of this Coast Guard reauthorization bill, and I thank Dr. FRANK for giving me the time.

Mr. LARSEN of Washington. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding, and I want to thank the chairman and our ranking member for the great work that they have done not only this time but over the years.

As a member of the subcommittee, I have had an opportunity to—and earlier in previous sessions as chairman of the subcommittee—I've had an opportunity to visit many Coast Guard facilities. I am so amazed by what I see when I see so many young people who give their lives, their blood, sweat and tears to save other people and to make sure that our waterways are kept safe, and to make sure that our coasts are guarded. I call them the thin blue line at sea.

I do support this legislation because I think it is very important. There are

some concerns I have, but I do want to commend the chairman. I understand that we have a manager's amendment that adds a modified version of H.R. 2839, the Piracy Suppression Act, as a title to this bill, and I think that is very, very important. The piracy provisions include those that require the Department of Transportation to establish a training program for U.S. mariners on the use of force against pirates and require a report from DOD within 180 days on actions taken to protect foreign-flag vessels from acts of piracy on the high seas. I will definitely support that because I think it is very, very important.

We've seen, and I know the chairman has spent a lot of time on this, what has happened with regard to these pirates. They feel they can just board our ships and hold our folks hostage, and we cannot allow that to happen. I want to applaud the chairman and the ranking member for bringing that about.

I'm going to have an amendment a little bit later on which addresses an issue which is important to me, and that is the ombudsman. I've said many times that we put this in the last authorization because a lot of the folks at the ports and a lot of our mariners were complaining. They were saying that the Coast Guard would come and want to make changes and say their way or the highway. One of the things that we wanted to do so commerce could freely flow, we wanted to have somebody come along and actually sit down and reason so that things could be worked out in a way that would be less onerous to the mariner community.

The CHAIR. The time of the gentleman has expired.

Mr. LARSEN of Washington. I yield the gentleman 1 additional minute.

Mr. CUMMINGS. I'm hoping that amendment does pass because our Republican friends have constantly said that they want to do away with regulations that might impede the flow of commerce, and I think that my amendment is a step in that direction. I know that the Coast Guard may not like it, but I think an ombudsman would bring about a fair balance so that we can achieve the things that we need to achieve.

With that, again I applaud the chairman and the ranking member for bringing this bill forward.

Mr. LOBIONDO. I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

We have no more speakers on the general debate, so I will take a few minutes here to conclude on our side for general debate, and I appreciate the opportunity to close on general debate.

The points that were made earlier, I do want to reemphasize a few points. One is a concern we have about the de-

commissioning process and the decommissioning of the two icebreakers that are in the U.S. Coast Guard fleet. The administration has a statement of administration policy, which you've allowed to be entered into the RECORD. I think a follow-up to that point would be that we certainly would want to hear from the administration sooner rather than later about a plan for what some would call an organic capability of our icebreaker fleet. That is a U.S. Coast Guard-owned and -operated icebreaker fleet, rather than being left with the potential and real possibility of having to lease icebreakers from other countries to do the work that otherwise we would be doing. That continues to be a major concern.

We have heard, as well, concerns about the ballast water title and are expecting amendments and further debate on that as the afternoon progresses.

Certainly we are going to have an en bloc amendment, and we will have time to discuss those. I just want to underscore one of those from Mr. MCINTYRE and the role that the marine transportation system plays, or the MTS as we call it, which consists of waterways and ports and intermodal land-side connections that allow our various modes of transportation to move people and goods to and from and on the water.

The MTS is vitally important to our economy. It's vitally important to waterborne cargo and the associated activities which contribute more than \$649 billion annually to the U.S. gross domestic product, sustaining more than 13 million jobs. Section 401 of this underlying bill would codify the committee on the marine transportation system, a Federal interdepartmental committee chaired by the Secretary of Transportation.

And I think it is just important to underscore further about this MTS, the marine transportation system, and the role that the Coast Guard plays in maintaining that. It can be somewhat invisible to folks if they're not on the water a lot, but the role that the U.S. Coast Guard plays in maintaining that marine transportation system that therefore underlies the economic growth potential that we have from a well-balanced and well-developed marine transportation system is important and is one of the underlying reasons why we even have a Coast Guard authorization bill each year to support the great work of the U.S. Coast Guard.

□ 1210

I would encourage Members to take a hard look at this bill. We've got some amendments coming up that Members will bring up, and we'll have good debate on those. But certainly as far as general debate goes, I'd like to take this time now to yield back the balance of my time and urge people to support the underlying bill.

Mr. LoBIONDO. Mr. Chairman, I would, again, like to thank the gentleman from Washington for his cooperation and remind the Members I think this is, on balance, an excellent bipartisan effort that moves the Coast Guard forward.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chair, I rise today in support of H.R. 2838, the Coast Guard and Marine Transportation Act.

However, while I support the underlying legislation, I have serious concerns that this bipartisan-supported bill is combined with the Commercial Vessel Discharges Act.

The Commercial Vessel Discharges Act sets a single nationwide standard for the treatment of ballast water by commercial vessels. This would prevent states, such as California from enacting more stringent ballast water standards.

California has stronger ballast water standards than what is found in the Commercial Vessel Discharges Act. This legislation will cause more invasive species to infiltrate the waters in California and the Great Lakes. This will also increase costs associated with combating invasive species.

Mr. Chair, the Coast Guard and Marine Transportation Act would have been further improved had the Rules Committee made my three amendments in order. Let me briefly explain what my amendments would have done.

My first amendment would have simply allowed grants provided under the Port Security Grant Program to be used to pay a portion of personnel costs.

The Maritime Transportation Security Act and the SAFE Port Act authorize funds to identify vulnerabilities in port security and in order to ensure compliance with mandated port security plans.

The grant funding is provided to port authorities, facility operators, and state and local government agencies so they can provide security services to our ports.

However, currently Port Security Grant Program funds cannot be used to fund statutorily-mandated security personnel costs.

My amendment simply would have corrected this inconsistency between the Port Security Grant Program and other grant funding programs.

Our American ports should not have to bear the burden of protecting our most vital stream of commerce and source of American jobs on their own.

Instead, ports should be allowed to utilize Port Security Grant Program funds to hire and pay security personnel who are used to staff fusion center, emergency operations, and counterterrorism posts.

Also, in order to prevent waste, fraud, and abuse, my amendment would have placed a cap on the amount of Port Security Grant Program funding that can be used to pay security personnel costs.

Payments would have been limited to 50% of the total amount awarded to grant recipients in any fiscal year.

This is consistent with other grant programs, such as the Urban Area Security Initiative.

Last month, I had a similar amendment adopted by unanimous consent by the Homeland Security Committee during the markup of

the Department of Homeland Security Authorization Act for Fiscal Year 2012.

My amendment would have allowed grant recipients the flexibility to use a portion of their funds to pay for security personnel expenses.

In short, my amendment would have provided a simple, common-sense change to what has become a complex funding issue for our American ports.

My second amendment would simply have allowed grant funds under the Port Security Grant Program to be used to replace defective security equipment.

Currently, the Port Security Grant Program allows grant funds to be used for maintenance of security equipment, but not the replacement of security equipment.

My amendment would have given grant recipients the flexibility in determining whether it is more cost-effective to replace or repair security equipment.

It doesn't make any sense to require grant recipients to fix security equipment when it may be cheaper to replace it with newer, improved technology.

My amendment didn't increase spending, but would have given Port Security Grant Program recipients the flexibility in determining the best use of their funds.

My third amendment would have ensured that when the Marine Transportation System Assessment and Strategy was drafted it included a plan to identify maritime projects of national significance; the steps taken to implement 100 percent container screening at ports, which was recommended by the 9/11 Commission; and develop a plan for fully utilizing the Harbor Maintenance Trust Fund.

The Committee on the Marine Transportation System is tasked with assessing the adequacy of the marine transportation system including ports, waterways, channels, and their intermodal connections.

Part of this Committee's job is to draft the Marine Transportation System Assessment and Strategy one year after this bill's enactment. This assessment will evaluate the condition of the marine transportation system and the challenges the system faces.

My amendment would have asked the committee to take into consideration three things when drafting its assessment.

First, to identify maritime projects of national significance. I believe identifying these corridors are essential to the goods movement process in this country. Too often we fund projects because of political reasons and not because it is right for the country. Under the advisement of the Marine Transportation System National Advisory Council, interested parties, the public, and the Committee should put forth a list of maritime projects of national significance so that the country can make smart investments that increase the flow of goods, the flow of trade, and create jobs.

Second, to report what steps are being taken to keep our nation safe by ensuring that our ports are secure and not a weak point for terrorists to exploit. Millions of containers are shipped into our country every year and the smallest percentage are thoroughly checked for potential threats against the United States. My amendment would have simply asked the committee to report what is being done to secure our ports as recommended by the 9/11 commission.

Finally my amendment asked the committee to make recommendations that would make the delivery of the Harbor Maintenance Trust Fund more efficient to the users who pay into it. Recently in a T&I subcommittee, members of the port committee expressed their displeasure with the lack of return on the Harbor Maintenance Tax. There are too many projects essential to our nation's goods movement infrastructure going under or unfunded by the Harbor Maintenance Trust Fund. I along with the entire witness panel agreed it is time for reform.

Rest assured, I will continue to be an advocate for our ports, including the Port of Long Beach and the Port of Los Angeles. As a Member of both the Transportation and Infrastructure Committee and the Homeland Security Committee, ensuring the safety of our nation's ports is one of my top priorities.

Again, Mr. Chair while I support the Coast Guard and Marine Transportation Act, I do not support prohibiting states, like California from enacting more stringent ballast water protections. I also feel that had my amendments been made in order, the safety of our ports would have been improved.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in support of this bill and urge my colleagues to join me in supporting it.

The 29th District of Texas that I represent encompasses the Port of Houston—the largest foreign tonnage port in the country. It drives economic activity in region, and is home to one of the largest petro-chemical complexes in the world. Because of this, security on the waterway is critical, and the Coast Guard has been exceptional in providing that security.

The Coast Guard enforces the nation's laws in U.S. waters and on the high seas, and protects the lives and property of those at sea. The Coast Guard's missions include maritime search and rescue, illegal drug and migrant interdiction, oil spill prevention and response in the marine environment, marine safety, maintenance of aids to navigation, enforcement of U.S. fisheries, and other marine environmental laws, and maritime defense readiness.

I know this bill is not perfect, but I support it because it provides the Coast Guard with the resources they need to meet the security and environmental demands they are tasked with. The measure authorizes programs of the Coast Guard in FY 2012.

Passage of the bill will continue today's high levels of offshore safety, ensure important projects are not delayed, and will protect the lives and livelihood of those who live and work around American waterways, such as the Houston Ship Channel.

Mr. Chair, I again thank the Committee for their work on this bill and urge my colleagues to join me in supporting it.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise today to support H.R. 2838, the "Coast Guard and Maritime Transportation Act of 2011." This legislation authorizes funding for the Coast Guard through fiscal year 2014 and authorizes service strength of 47,000 active duty personnel.

As a Senior Member on the Committee on Homeland Security and the Border and Maritime Security Subcommittee, I understand the importance of protecting our maritime borders.

In our post 9/11 climate, homeland security continues to be a top priority for our nation.

In 1787, Alexander Hamilton, in *Federalist Paper Number 12* laid the foundation for the modern Coast Guard when he noted that “[a] few armed vessels, judiciously stationed at the entrances of our ports, might at a small expense, be made useful sentinels of our laws.”

I believe protecting our country by air, land, and sea is critical to our national security interests. As Coast Guard is beneficial to our maritime interests, and consequently, our national security it is imperative that we provide the Coast Guard with the funding they need.

In the aftermath of September 11, 2001 the focus of many federal agencies shifted to include an increased emphasis on Homeland Security. Under the Homeland Security Act of 2002, a number of security missions were assigned to the Coast Guard. Without question the first mission of our Coast Guard has been to protect our ports, waterways and to focus on coastal security. They have completed this mission with honor for centuries.

Across the United States there are currently more than 350 major ports of which 23 are located in my home state of Texas.

I am honored to represent the 18th Congressional District which includes the Port of Houston, one of our nation's busiest ports. More than 220 million tons of cargo moved through the Port of Houston in 2010 and it has been ranked as first in foreign waterborne tonnage for the 15th consecutive year.

The port links Houston with over 1,000 ports located in 203 countries, and provides 785,000 jobs throughout the state of Texas. Maritime ports are major centers of trade, commerce, and travel along our nation's coastline. All of these ports are protected by the Coast Guard.

As a Representative from Texas, a border state, I am extremely concerned with curtailing the flow of illegal drugs entering into the United States. The Coast Guard is the lead federal agency for maritime drug interdiction.

Houston has been classified by the Office of National Drug Control Policy (ONDCP) as a High Intensity Drug Trafficking Area, and in a 2009 report, the ONDCP expressed concern that “the sheer volume of maritime traffic and foreign cargo that passes through the port offers another avenue for drug smuggling.”

The Coast Guard is responsible for and has coordinated with other federal, state, and local agencies and countries within the region to disrupt and deter the flow of illegal drugs into Houston and other ports. This coordinated effort has resulted in a decrease in the supply of illicit substances being transported all over the country.

The Coast Guard protects the interests of American citizens and American commerce abroad. Last year, 73.2 million tons of exports left the Port of Houston to be sold to countries around the world. These exports represented \$70.8 billion dollars, and countless American jobs.

The international counter—piracy efforts of the Coast Guard focus on preventing attacks of piracy that threaten American commercial vessels and cargo. The Coast Guard also performs vital counter terrorism measures in ports abroad to ensure the safety of Americans across the globe.

In addition, in Houston the Coast Guard routinely conducts integrated operations with city, county, state and Federal Law Enforcement partners. The joint agency Houston Area Maritime Operations Center is a prime example of the type of coordination efforts directed under a recent Maritime Operations Coordination Plan signed by the U.S. Coast Guard, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE).

The Port of Houston as one of the world's busiest ports is a tremendous responsibility which has been smoothly operated by the Coast Guard. In terms of maritime traffic and cargo, the Port of Houston ranks first in the nation for number of ship arrivals and second in total cargo tonnage. Houston handles over 50 percent of all containerized cargo arriving at Gulf of Mexico ports.

Houston is the Energy capitol of the United States for a reason, more than 50 percent of the gasoline used in the United States is refined in this area. With more than 100 petrochemical waterfront facilities, Houston has the second largest such complex in the world. Major corporations such as Exxon-Mobil, Shell, Saudi ARAMCO, Stolt Nielson, Odfjell USA Inc., Sea River and Kirby Marine have national or international headquarters in Houston.

These operations typically involve the Harris County Sheriff's Office and local city Police Department marine divisions as well as CBP, ICE, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives and other Federal partners. Efforts are underway with The Coast Guard's processes with neighboring sectors to align and streamline their operations across all jurisdictional boundaries. They need funding to continue to serve our country.

The Coast Guard relies on their port partners to act as both their eyes and ears on the water. With an average of 350 daily tow movements in the Houston Ship Channel and more than 100 waterfront facilities with a vigilant security presence, marine industry stakeholders are well positioned to recognize when things are out of the ordinary and serve as a valuable resource by diligently reporting breaches of security and suspicious activity. We also receive reports on fraudulent use of the Transportation Worker Identification Card, and work closely with our local enforcement and legal agencies such as the Harris County District Attorney to ensure these cases are prosecuted.

In recognition of the significance of Houston's shipping activity, the State of Texas formally established the Houston Ship Channel Security District (HSCSD) in 2010.

The HSCSD represents a unique public-private partnership formed to improve security and safety for facilities, employees and communities surrounding the Houston Ship Channel. The Coast Guard played an instrumental role in the formation of the HSCSD, and continues to work closely with the HSCSD to ensure alignment of priorities and unity of effort. As Sector Commander, I am a member of the HSCSD Advisory Council and Sector Port Security specialists attend HSCSD board meetings. The district provides oversight of comprehensive and cost-effective security solu-

tions, leveraging more than \$30 million in Federal Port Security grants along with \$4 million in annual member assessments to install technology and security infrastructure and provide funds for specific security projects, maintenance and operational services.

The Port of Houston accommodates a large number of tankers carrying crude oil, refined products and chemical cargoes. With approximately 9,600 deep draft ship arrivals each year, the Coast Guard maintains a very extensive Port State Control program in the Houston-Galveston area. The Port State Control program ensures the safe carriage of hazardous materials in bulk. Because over 90 percent of cargo bound for the United States is carried by foreign-flagged ships, this national program prevents operation of sub-standard foreign ships in U.S. waters.

The Sector also makes excellent use of its robust Vessel Traffic Service (VTS). The VTS's primary role is facilitating safe vessel transits in the waterways and ports along the Houston Ship Channel. The VTS cameras, Automatic Identification System (AIS) feeds, remote radar observation capability, and radio communications, also provide an additional layer of security. In addition to the VTS resources in the Houston Ship Channel, Sector Houston-Galveston has access to feeds from three AIS receivers mounted on offshore oil platforms, which provide heightened awareness of activities in the maritime domain.

With a homeland security mission of this magnitude, it is essential that the Coast Guard be fully funded. This bill will authorize \$8.49 billion dollars in 2012, \$8.6 billion dollars in 2013, and \$8.7 billion in 2014. It is certainly the duty of this Congress and the Administration to ensure the brave men and women who serve in the Coast Guard have the resources necessary to perform the wide range of duties assigned to them.

This measure contains a private-sector mandate as defined in Unfunded Mandate Reform Act (UMRA). The bill would require operators to locate a standby vessel within 3 nautical miles of offshore oil and gas facilities when certain activities are being performed and within 12 nautical miles of facilities at all other times. The cost of that mandate would depend on several factors. The bill would allow operators to share one standby vessel among multiple facilities and to use standby vessels for other purposes.

For operators that can use those measures, the cost of the mandate would tend to be lower. At the same time, the bill would authorize the Coast Guard to require standby vessels to be located closer than 3 or 12 nautical miles to offshore facilities if necessary to address delays caused by weather or other conditions. Reducing the minimum distance from facilities would increase the number of vessels necessary for compliance and increase the cost of the mandate for some operators. The Congressional Budget Office estimates that the aggregate cost of the mandate would probably exceed the annual threshold established in UMRA for private-sector mandates (\$142 million in 2011, adjusted annually for inflation).

However, I do have certain reservations about some of the provisions in this legislation. At the request of President Obama's Administration, Congress has appropriated funding to reactivate the USGC *Polar Star*, a heavy icebreaking vessel. The ship is to be reactivated by December 2012 for 7 to 10 years of service. The *Polar Star* is deployed to assist researchers throughout the Polar Regions, and is essential to United States icebreaking capabilities. Ice breaking vessels create pathways through which supply ships can travel, facilitating important research. In its current form, the bill decommissions the *Polar Star* within 3 years, creating a gap in the nation's icebreaking abilities.

As a senior Member on the Homeland Security Committee, I have a deep commitment to creating a stronger and more secure America. I have worked with my colleagues, on both sides of the aisle, to pass legislation that ensures that our nation is receiving the security that our citizens deserve. As the potential threats and vulnerabilities along our coast line may always exist. We rely upon Coast Guard and their active involvement with hundreds of partners who are directly involved with or impacted by the maritime industry in the Houston-Galveston area of responsibility, this Sector is committed to deterring incidents before they happen and is well-prepared to respond to them should they occur. The Coast Guard is vital to the protection of our national security.

Both sides of the aisle have a strong respect for the Coast Guard as well as for the men and women who work on manned stations off of our shores. I understand that Representative MICA has agreed to honor the purpose of an amendment offered by Representative OLSON that would have require the Commandant of the Coast Guard in consultation with appropriate representatives of industry to conduct a feasibility study to determine the capability, cost, and benefits of requiring the owner or operator of a manned facility, installation, unit, or vessel to locate a standby vessel nearby. I would have supported this amendment because although a properly designed and equipped standby vessel in the immediate vicinity of manned outer continental shelf facilities may, in some cases, improve safety on the outer continental shelf.

In the event of a major casualty to an offshore installation, the immediate presence of a properly designed and equipped standby vessel, manned by a specially trained crew, might in some cases increase the chances of survival of the installation's crew members. We must not, however, forget the fact that historically the main cause of rig and platform abandonment has been due to severe weather. Unless these standby vessels are designed to withstand those severe conditions, requiring them to remain on scene could place the vessels and their crews in jeopardy. In addition, it is severely risky to board a standby vessel in severe weather conditions. For these reasons I would support a feasibility study to determine the effectiveness of using standby vessels for manned stations.

In addition, I support the amendment offered by Representative THOMPSON that would add a new section to the end of Title II in the bill to open admissions to the U.S. Coast Guard

Academy to eligible candidates nominated by Congress.

Specifically, the amendment would require the U.S. Coast Guard to ensure that, beginning in academic year 2014, half of the incoming class is composed of eligible candidates nominated by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate; Senators; Representatives; and Delegates to the House of Representatives. This will help to ensure that the Coast Guard has an even more diverse pool of candidate from across the United States.

The Coast Guard is proud of that legacy and their role in our national strategy is vital to keep our homeland secure. The safety and security of our nations and its citizens must be our highest priority, despite difficult economic circumstances. We need to make sure the Coast Guard is fully funded, and have the resources they need.

Mr. BLUMENAUER. Mr. Chair, today the House of Representatives debated a bill that combines a Coast Guard reauthorization with unrelated provisions that will hurt our environment, our economy, and maritime workers. This bill will eliminate the ability of states to protect their waters from invasive species and significantly limit the rights of injured maritime workers, the families of workers who die at sea, and workers who are wrongfully denied their earned wages. This bill puts the profits of maritime corporations above the safety of our environment, our economy, and maritime workers.

Invasive species are a major threat to our environment and our economy, costing the U.S. economy over \$120 billion annually. In communities that rely on our lakes, rivers, and oceans, invasive species can decimate local economies, as they take over fisheries and damage water infrastructure. If zebra or quagga mussels were to spread from the Great Lakes to Oregon's rivers, for example, they could wreak havoc on not only our sensitive ecosystems but also cause major problems for hydropower production. These species could clog pipes and dam intakes in the Columbia River, potentially costing the Pacific Northwest \$25.5 million a year to clean up. Ballast water is the primary source of invasive species into our water, as ships from around the world release water from their last port of call into our waters.

This bill will prevent states from introducing common sense controls on ballast water releases in state waters. The bill sets a low national standard, and does not allow states to choose higher protections for sensitive local waters. It also removes one of the protections we already have—a federal permit requirement under the Clean Water Act. The bill will also further undermine the Clean Water Act by restricting public participation, and opens the door to future threats to our water quality.

This bill also harms the rights of maritime workers. The bill caps the amounts workers can recover when their employer wrongfully withholds their wages, and lessens the incentive to enforce wage laws because there is less to recover. Many maritime workers, especially fisherman, are not protected by many workers' compensation laws. Their only recourse is the right to go to a court to force boat owners to pay compensation or face the

loss of their fishing permit. This bill would eliminate this right, and make it easier for boat owners to avoid compensating the families of killed or injured workers. The bill also incentivizes hiring non-U.S. citizens, as it removes the requirement for cruise ships to provide the same treatment for U.S. and non-U.S. citizens in U.S. waters. This makes it cheaper to hire non-U.S. citizens, eliminating American jobs.

This bill is a bad deal for the environment, for the economy, and for U.S. workers. While I support the Coast Guard, I oppose this legislation. I urge the House to vote on a Coast Guard authorization bill without provisions that threaten our environment and our economy.

Mr. MICA. Mr. Chair, attached are exchange of letters between the Committee on Transportation and Infrastructure and the Committees on Judiciary and Homeland Security regarding provisions included in H.R. 2838 for inclusion in the CONGRESSIONAL RECORD.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 27, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and
Infrastructure, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing concerning H.R. 2838, the "Coast Guard and Maritime Transportation Act of 2011," which was reported favorably by your committee on September 8. As a result of your having consulted with us on provisions in H.R. 2838 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to forego action on this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2838 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2838, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

LAMAR SMITH,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, September 27, 2011.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, Ray-
burn House Office Building, Washington,
DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2838, the "Coast Guard and Maritime Transportation Act of 2011." I acknowledge that by forgoing action on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the

Committee on the Judiciary with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 2838 in the Congressional Record during House floor consideration of the bill. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on the Judiciary as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 20, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing concerning H.R. 2839, the "Piracy Suppression Act of 2011," which was reported favorably by your committee on September 8, 2011. As a result of your having consulted with us on provisions in H.R. 2839 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to forego a formal referral on this bill.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2839 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2839, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

LAMAR SMITH,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, October 21, 2011.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2839, the "Piracy Suppression Act of 2011." I acknowledge that by forgoing a formal referral request on this legislation, your Committee is not waiving any jurisdiction over the subject matter contained in this or similar legislation and that your Committee will be appropriately consulted and involved as the bill or similar legislation moves forward.

Further, I would fully support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

I will include our letters on H.R. 2839 in the Congressional Record during House floor consideration of the bill. I appreciate your

cooperation regarding this legislation, and I look forward to working with the Committee on the Judiciary as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 14, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing regarding the jurisdictional interest of the Committee on Homeland Security over provisions in H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011, which the Committee on Transportation and Infrastructure ordered to be reported on September 8, 2011.

I understand the importance of advancing this legislation to the House floor in an expeditious manner. Therefore, the Committee on Homeland Security will not assert its jurisdictional claim over this bill by seeking a sequential referral. This action is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on Homeland Security over the subject matter included in this or similar legislation. I request that you urge the Speaker to appoint members of this Committee to any conference committee for consideration of any provisions that fall within the jurisdiction of the Committee on Homeland Security in the House-Senate conference on this bill or similar legislation.

I also request that this letter and your response be included in the Transportation and Infrastructure Committee report to H.R. 2838 and in the Congressional Record during consideration of this measure on the House floor. Thank you for your consideration of this matter.

Sincerely,

PETER T. KING,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, September 27, 2011.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2838, the "Coast Guard and Maritime Transportation Act of 2011." I acknowledge that by forgoing a sequential referral on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Homeland Security with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 2838 in the Congressional Record during House floor consideration of the bill. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee

on Homeland Security as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

Ms. SLAUGHTER. Mr. Chair, I would like the record to unequivocally show that I strongly support reauthorizing our Nation's Coast Guard but oppose final passage of H.R. 2838 due to the controversial ballast water discharge provisions that were included in the bill.

I represent a district in the Great Lakes region that contains over 60 miles of coastline on Lake Ontario, a body of water that sees its fair share of shipping. New York State is the entry point for commercial shipping into the rest of the Great Lakes from the Saint Lawrence Seaway and I have serious concerns about how and what international commercial shipping vessels discharge into New York waters on their way to the rest of the Great Lakes.

Each minute, 40,000 gallons of ballast water containing thousands of foreign bacteria, viruses, animals and plants, are discharged into U.S. waters. Globally, it is estimated that more than 10,000 marine species each day may be transported across the oceans in the ballast water of cargo ships. Ballast water has been identified as a common mechanism for the transfer of harmful invasive species that threaten the livelihood and recreation of the millions of residents who depend on them annually.

The Coast Guard is in the process of finalizing its rulemaking process for a national Ballast Water Discharge Standard (BWDS) that would act as a floor for regulation on this issue, not a ceiling, and would allow states to impose stricter standards if they determine their waters are at risk. Title VII of H.R. 2838 would preempt this process by setting a weak national standard for the regulation of ballast water discharged into U.S. waters and would prevent states from implementing stronger than national standards when necessary. During consideration of H.R. 2838, I offered an amendment to strike Title VII or H.R. 2838. While, the amendment failed by a vote of 161 to 237, it received strong bipartisan support.

Unfortunately, while I strongly support the Coast Guard, I cannot support legislation that restricts the ability of States to protect against the threat of invasive species. The ballast water provisions in H.R. 2838 restrict these very protections.

Mr. VAN HOLLEN. Mr. Chair, I rise regarding H.R. 2838, the Coast Guard and Maritime Transportation Act.

H.R. 2838 reauthorizes the activities of the U.S. Coast Guard and authorizes funding for the resources necessary to support the men and women who put their lives at risk every day to promote the safety and livelihoods of the people who use our country's waterways. The bill provides these resources in a fiscally responsible manner that advances the mission of the Guard while improving administration and reducing costs.

Our nation's waterways are the recreational and commercial arteries of the country. The safe and reliable movement of goods and people on our lakes, rivers and along our coastlines, helped to build the United States into

the country it is today. Since its creation, the Coast Guard has played a vital role in America's economic and national security. The investments authorized by this bill will help to ensure the continued availability of the critical resources necessary for the Coast Guard to continue serving and protecting the people of the United States.

Despite its benefits, the bill has a major flaw. While the underlying bill enjoys bipartisan support, I share the Administration's concern about the Majority's insistence on attaching controversial "ballast water" language to the measure, whose effect would be to undermine the Clean Water Act and hinder states' efforts to control invasive species. For that reason, I will support the Dingell-Slaughter and Bishop amendments addressing this issue and will oppose final passage if they are not adopted.

Mr. MICA. Mr. Chair, H.R. 2838, the Coast Guard and Maritime Transportation Act 2011, authorizes Coast Guard funding for Fiscal Years 2012, 2013 and 2014. The authorized levels were approved in the Transportation and Infrastructure Committee's Budget Views and Estimates, and reflect the levels set in the House-passed Budget Resolution.

Following up on the Committee's Sitting on Our Assets Report, H.R. 2838 decommissions two aging icebreakers, neither of which currently operates. The bill also restricts the purchases of future National Security Cutters (NSCs) until current NSCs meet long-promised mission performance capabilities.

In addition to authorizing the Coast Guard and making improvements to the service's programs and capabilities, the bill also improves the administration of maritime transportation, including—clarifying the circumstances under which a foreign seaman injured outside the United States can sue in United States courts.

The bill incorporates H.R. 2840, the Commercial Vessel Discharges Reform Act of 2011. H.R. 2840 establishes a uniform national standard for ballast water discharges. This provision is strongly supported by the U.S. and international maritime industry. It protects the environment and makes maritime transportation more efficient.

H.R. 2838 also incorporates an amended version of H.R. 2839, the Piracy Suppression Act of 2011, which authorizes additional actions to suppress piracy. It also improves the tracking of ransom payments to pirates to assure these payments do not fund terrorism.

This bill promotes maritime safety and security and makes maritime commerce more efficient. I urge my colleagues to vote "aye" on H.R. 2838.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated October 28, 2011. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2838

SECTION 1. SHORT TITLE.

(a) *SHORT TITLE.*—This Act may be cited as the "Coast Guard and Maritime Transportation Act of 2011".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

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Sec. 610. Report on impediments to the U.S.-flag registry.

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Sec. 701. Short title.

Sec. 702. Discharges from commercial vessels.

Sec. 703. Discharges incidental to the normal operation of a covered vessel.

Sec. 704. Conforming and technical amendments.

Sec. 705. Regulation of ballast water and incidental discharges from a commercial vessel.

Sec. 706. Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for each of the fiscal years 2012, 2013, and 2014 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) \$6,819,505,000 for fiscal year 2012;

(B) \$6,922,645,000 for fiscal year 2013; and

(C) \$7,018,499,000 for fiscal year 2014;

of which \$24,500,000 is authorized for each of the fiscal years 2012, 2013, and 2014 to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including related equipment thereto—

(A) \$1,503,980,000 for fiscal year 2012;

(B) \$1,505,312,000 for fiscal year 2013; and

(C) \$1,506,549,000 for fiscal year 2014;

to remain available until expended, of which \$20,000,000 for each of the fiscal years 2012, 2013, and 2014 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services—

(A) \$136,778,000 for fiscal year 2012;

(B) \$138,111,000 for fiscal year 2013; and

(C) \$139,311,000 for fiscal year 2014.

(4) For environmental compliance and restoration of Coast Guard vessels, aircraft, and facilities (other than parts and equipment associated with operation and maintenance)—

(A) \$16,699,000 for fiscal year 2012;

(B) \$16,699,000 for fiscal year 2013; and

(C) \$16,700,000 for fiscal year 2014;

to remain available until expended.

(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) \$19,779,000 for fiscal year 2012;

(B) \$19,848,000 for fiscal year 2013; and

(C) \$19,913,000 for fiscal year 2014;

of which \$650,000 for each of the fiscal years 2012, 2013, and 2014 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) *ACTIVE DUTY STRENGTH.*—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for each of the fiscal years 2012 through fiscal year 2014.

(b) *MILITARY TRAINING STUDENT LOADS.*—The Coast Guard is authorized average military training student loads for the each of the fiscal years 2012 through fiscal year 2014 as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

- (3) For professional training in military and civilian institutions, 350 student years.
 (4) For officer acquisition, 1,200 student years.

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

SEC. 201. ACADEMY EMOLUMENTS.

Section 195 of title 14, United States Code, is amended—

- (1) in subsection (c)—
 (A) in the first sentence—
 (i) by striking “person” and inserting “foreign national”; and
 (ii) by striking “pay and allowances,” and inserting “pay, allowances, and emoluments,”; and
 (B) in the second sentence—
 (i) by striking “A person” and inserting “A foreign national”; and
 (ii) by striking “pay and allowances,” and inserting “pay, allowances, and emoluments,”; and
 (2) in subsection (d), by striking “A person” and inserting “A foreign national”.

SEC. 202. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

(a) **POLICY REQUIREMENT.**—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“§200. Policy on sexual harassment and sexual violence

“(a) **REQUIRED POLICY.**—The Commandant shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Coast Guard Academy.

“(b) **MATTERS TO BE SPECIFIED IN POLICY.**—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

“(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

“(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

“(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

“(B) a specification of any other person whom the victim should contact; and

“(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

“(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

“(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

“(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

“(c) **ANNUAL ASSESSMENT.**—

“(1) The Commandant shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

“(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of Academy personnel—

“(A) to measure—

“(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

“(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

“(B) to assess the perceptions of Academy personnel of—

“(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

“(ii) the enforcement of such policies;

“(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

“(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

“(d) **ANNUAL REPORT.**—

“(1) The Commandant shall direct the Superintendent of the Academy to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

“(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

“(B) The policies, procedures, and processes implemented by the Commandant and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

“(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

“(4)(A) The Commandant shall transmit to the Board of Visitors of the Academy each report received by the Commandant under this subsection, together with the Commandant's comments on the report.

“(B) The Commandant shall transmit each such report, together with the Commandant's comments on the report, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”

(b) **CONFORMING REPEAL.**—Section 217 of the Coast Guard Authorization Act of 2010 (14 U.S.C. 93 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(c) **TECHNICAL AND CLERICAL AMENDMENTS.**—The analysis at the beginning of such chapter is amended by adding at the end the following:

“200. Policy on sexual harassment and sexual violence.”

SEC. 203. APPOINTMENTS OF PERMANENT COMMISSIONED OFFICERS.

Section 211 of title 14, United States Code, is amended by adding at the end the following:

“(d) For the purposes of this section, the term ‘original’, with respect to the appointment of a member of the Coast Guard refers to that mem-

ber's most recent appointment in the Coast Guard that is neither a promotion nor a demotion.”

SEC. 204. MINOR CONSTRUCTION.

(a) **IN GENERAL.**—Section 656 of title 14, United States Code, is amended by adding at the end the following:

“(d) **MINOR CONSTRUCTION AND IMPROVEMENT.**—

“(1) Subject to the reporting requirements set forth in paragraph (2), the Secretary may expend not more than \$1,500,000 from amounts available for the operating expenses of the Coast Guard for minor construction and improvement projects at any location.

“(2) No later than 90 days after the end of each fiscal year, the Secretary shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on each project undertaken during the course of the preceding fiscal year, for which the amount expended under paragraph (1) exceeded \$500,000.”

(b) **CLERICAL AMENDMENT.**—

(1) Section 656 of title 14, United States Code, is further amended in the heading by adding at the end the following: “; use of moneys appropriated for operating expenses for minor construction and improvement”.

(2) The analysis at the beginning of chapter 17 of such title is amended in the item relating to section 656 by striking “waters.” and inserting “waters; use of moneys appropriated for operating expenses for minor construction and improvement.”

SEC. 205. TREATMENT OF REPORTS OF AIRCRAFT ACCIDENT INVESTIGATIONS.

(a) **IN GENERAL.**—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

“§678. Treatment of reports of aircraft accident investigations

“(a) **IN GENERAL.**—Whenever the Commandant conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Commandant, the records and report of the investigation shall be treated in accordance with this section.

“(b) **PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.**—

“(1) Subject to paragraph (2), the Commandant, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation.

“(2) The Commandant shall not disclose the information requested in paragraph (1) unless the Commandant determines—

“(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

“(B) that release of such tapes, reports, or other information—

“(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

“(ii) would not compromise national security.

“(3) A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

“(c) **OPINIONS REGARDING CAUSATION OF ACCIDENT.**—Following an aircraft accident referred to in subsection (a)—

“(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion of the investigators as to the cause or causes of the accident; and

“(2) if the evidence surrounding the accident is not sufficient for the investigators to come to

an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

“(d) **USE OF INFORMATION IN CIVIL PROCEEDINGS.**—For purposes of any civil or criminal proceeding arising from an aircraft accident referred to in subsection (a), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such report be considered an admission of liability by the United States or by any person referred to in such report.

“(e) **REGULATIONS.**—The Commandant shall prescribe regulations to carry out this section.

“(f) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘accident investigation’ means any form of investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), other than a safety investigation; and

“(2) the term ‘safety investigation’ means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.”

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of such chapter is amended by adding at the end the following:

“678. Treatment of reports of aircraft accident investigations.”

SEC. 206. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is amended—

(1) in subsection (a)(1), by striking “as shortage category positions;” and inserting “as positions for which there exists a shortage of candidates or there is a critical hiring need;” and

(2) in subsection (b)—

(A) by striking “paragraph” and inserting “section”; and

(B) by striking “2012.” and inserting “2015.”

SEC. 207. COAST GUARD HOUSING REPORT.

In conjunction with the transmittal by the President of the budget of the United States for fiscal year 2013, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of Coast Guard servicemember housing, including—

(1) a statement of the Coast Guard’s housing needs requirements;

(2) an assessment of the condition of the Coast Guard’s current housing inventory, including both leased and owned property;

(3) an assessment of housing available for Coast Guard use from surrounding communities and other government agencies for all duty stations;

(4) a list of housing capacity shortfalls and excess; and

(5) a revised prioritized list of housing maintenance and recapitalization projects.

SEC. 208. ADVANCE PROCUREMENT FUNDING.

(a) **IN GENERAL.**—Subchapter II of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

“§577. Advance procurement funding

“With respect to any Coast Guard vessel for which amounts are appropriated or otherwise made available for vessels for the Coast Guard in any fiscal year, the Commandant, subject to

section 569a, may enter into a contract or place an order, in advance of a contract or order for construction of a vessel, for—

“(1) materials, parts, components, and labor for the vessel;

“(2) the advance construction of parts or components for the vessel;

“(3) protection and storage of materials, parts, or components for the vessel; and

“(4) production planning, design, and other related support services that reduce the overall procurement lead time of the vessel.”

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following:

“577. Advance procurement funding.”

TITLE III—COAST GUARD REFORM

SEC. 301. REPEALS.

(a) **DISTRICT OMBUDSMAN.**—Section 55 of title 14, United States Code, and the item relating to such section in the analysis for chapter 3 of such title, are repealed.

(b) **FAA AIR AIDS TO NAVIGATION.**—Section 82 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(c) **OCEAN STATIONS.**—Section 90 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(d) **DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.**—Section 149(a) of title 14, United States Code, is amended by striking the second and third sentences.

(e) **ADVISORY COMMITTEE.**—Section 193 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

(f) **HISTORY FELLOWSHIPS.**—Section 198 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

(g) **ACQUISITION AWARDS.**—Section 563 of title 14, United States Code, and the item relating to such section in the analysis for chapter 15 of such title, are repealed.

SEC. 302. INTERFERENCE WITH COAST GUARD TRANSMISSIONS.

Section 88 of title 14, United States Code, is amended by adding the following:

“(e) An individual who knowingly and willfully operates a device that interferes with the broadcast or reception of a radio, microwave, or other signal (including a signal from a global positioning system) transmitted, retransmitted, or augmented by the Coast Guard for the purpose of maritime safety is—

“(1) guilty of a class E felony; and

“(2) subject to civil penalty of not more than \$1,000 per day for each violation.”

SEC. 303. NATIONAL SECURITY CUTTERS.

(a) **IN GENERAL.**—Subchapter I of chapter 15 of title 14, United States Code is amended by adding at the end the following new section:

“§569a. National security cutters

“(a) **SIXTH NATIONAL SECURITY CUTTER.**—The Commandant may not begin production of a sixth national security cutter on any date before which the Commandant—

“(1) has acquired a sufficient number of Long Range Interceptor II and Cutter Boat Over the Horizon IV small boats for each of the first three national security cutters and has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to provide such boats upon the date of delivery of each subsequent national security cutter;

“(2) has achieved the goal of 225 days away from homeport for each of the first two national security cutters; and

“(3) has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a program execution plan detailing increased aerial coverage to support national security cutter operations.

“(b) **SEVENTH NATIONAL SECURITY CUTTER.**—The Commandant may not begin production of a seventh national security cutter on any date before which the Commandant has selected an offshore patrol cutter that meets at least the minimum operational requirements set out in the Operational Requirements Document approved by the department in which the Coast Guard is operating on October 20, 2010.”

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following:

“569a. National security cutters.”

SEC. 304. MAJOR ACQUISITIONS REPORT.

(a) **IN GENERAL.**—Subchapter I of chapter 15 of title 14, United States Code, is further amended by adding at the end the following:

“§569b. Major acquisitions report

“(a) **MAJOR ACQUISITION PROGRAMS IMPLEMENTATION REPORT.**—In conjunction with the transmittal by the President of the budget of the United States for fiscal year 2013 and every two fiscal years thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of all major acquisition programs.

“(b) **INFORMATION TO BE INCLUDED.**—The report shall include for each major acquisition program—

“(1) a statement of Coast Guard’s mission needs and performance goals for such program, including a justification for any change to those needs and goals from any report previously submitted under this subsection;

“(2) a justification for how the projected number and capabilities of each planned acquisition program asset meets those mission needs and performance goals;

“(3) an identification of any and all mission hour gaps, accompanied by an explanation on how and when the Coast Guard will close those gaps;

“(4) an identification of any changes to such program, including—

“(A) any changes to the timeline for the acquisition of each new asset and the phase out of legacy assets; and

“(B) any changes to the costs of new assets and legacy assets for that fiscal year, future fiscal years, or the total acquisition cost;

“(5) a justification for how any change to such program fulfills the mission needs and performance goals of the Coast Guard;

“(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

“(7) an identification of how funds in that fiscal year’s budget request will be allocated, including information on the purchase of specific assets;

“(8) a projection of the remaining operational lifespan and lifecycle cost of each legacy asset that also identifies any anticipated resource gaps;

“(9) a detailed explanation of how the costs of the legacy assets are being accounted for within such program;

“(10) an annual performance comparison of new assets to legacy assets; and

“(11) an identification of the scope of the anticipated acquisitions workload for the next fiscal year; the number of officers, members, and

employees of the Coast Guard currently assigned to positions in the acquisition workforce; and a determination on the adequacy of the current acquisition workforce to meet that anticipated workload, including the specific positions that are or will be understaffed, and actions that will be taken to correct such understaffing.

“(c) CUTTERS NOT MAINTAINED IN CLASS.—Each report under subsection (a) shall identify which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class with an explanation detailing the reasons why they have not been maintained in class.

“(d) DEFINITION.—For the purposes of this section, the term ‘major acquisition program’ means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to \$300,000,000.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end of the items relating to such subchapter the following:

“569b. Major acquisitions report.”.

(c) REPEAL.—

(1) Section 408 of the Coast Guard and Maritime Transportation Act of 2006 (120 Stat. 537) is amended by striking subsection (a).

(2) Title 14, United States Code, is amended—

(A) in section 562, by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(B) in section 573(c)(3), by striking subparagraph (B).

SEC. 305. ENVIRONMENTAL COMPLIANCE AND RESTORATION BACKLOG.

(a) IN GENERAL.—Section 693 of title 14, United States Code, is amended to read as follows:

“§693. Annual report to Congress

“The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President’s budget submission for that fiscal year.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 19 of such title is amended by striking the item for such section and inserting the following:

“693. Annual report to Congress.”.

SEC. 306. COAST GUARD AUXILIARIST ENROLLMENT ELIGIBILITY.

Section 823 of title 14, United States Code, is amended by striking “citizens of the United States and its territories and possessions,” and inserting “nationals of the United States (as such term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) and aliens lawfully admitted for permanent residence (as such term is defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20))),”.

SEC. 307. DECOMMISSIONINGS.

(a) POLAR SEA.—Not later than 6 months after the date of enactment of this Act, the Commandant of the Coast Guard shall decommission the USCGC POLAR SEA (WAGB 11).

(b) POLAR STAR.—Not later than 3 years after the date of enactment of this Act, the Commandant of the Coast Guard shall decommission the USCGC POLAR STAR (WAGB 10).

SEC. 308. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating

shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives assessing the need for additional Coast Guard prevention and response capability in the high latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the report—

(1) an assessment of the high latitude operating capabilities of all current Coast Guard assets other than icebreakers, including assets acquired under the Deepwater program;

(2) an assessment of projected needs for Coast Guard operations in the high latitude regions; and

(3) an assessment of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard operations in the high latitude regions, including forward operating bases and existing infrastructure in the furthest north locations that are ice free, or nearly ice free, year round.

SEC. 309. LIMITATION ON EXPENDITURES.

Section 149(d) of title 14, United States Code, is amended by adding at the end the following:

“(3) The amount of funds used under this subsection may not exceed \$100,000 in any fiscal year.”.

SEC. 310. RESTRICTION ON THE USE OF AIRCRAFT.

(a) RESTRICTION.—Except as provided in subsection (b), the Secretary of the department in which the Coast Guard is operating and the Commandant of the Coast Guard may not travel aboard any Coast Guard owned or operated fixed-wing aircraft if the Secretary has not provided the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all of the following:

(1) A cost-constrained Fleet Mix Analysis.

(2) The study of Coast Guard current and planned cutters conducted by the Office of Program Analysis and Evaluation of the Department of Homeland Security at the request of the Office of Management and Budget.

(b) EXCEPTION.—The Secretary and the Commandant may travel aboard a Coast Guard owned and operated fixed-wing aircraft—

(1) to respond to a major disaster or emergency declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(2) to respond to a discharge classified as a spill of national significance under part 300.323 of title 40, Code of Federal Regulations; or

(3) for evacuation purposes including for a medical emergency.

TITLE IV—SHIPPING AND NAVIGATION

SEC. 401. COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Chapter 555 of title 46, United States Code, is amended by adding at the end the following:

“§55502. Committee on the Marine Transportation System

“(a) ESTABLISHMENT.—There is established a Committee on the Marine Transportation System (in this section referred to as the ‘Committee’).

“(b) PURPOSE.—The Committee shall—

“(1) assess the adequacy of the marine transportation system (including ports, waterways, channels, and their intermodal connections);

“(2) develop and implement policies to promote an efficient marine transportation system; and

“(3) coordinate policies among Federal agencies to promote an efficient marine transportation system.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Commerce, the Secretary of Labor, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Chairman of the Federal Maritime Commission, and the head of any other Federal agency that the Committee Chair, with the approval of a majority of the voting members of the Committee, determines can further the purpose and activities of the Committee.

“(2) EX-OFFICIO MEMBERS.—The Committee may also consist of so many nonvoting members as the Committee Chair, with the approval of a majority of the voting members of the Committee, determines is appropriate to further the purpose and activities of the Committee.

“(3) CHAIRMAN.—The Chair of the Committee shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined with the approval of a majority of the voting members of the Committee.

“(d) SUPPORT.—

“(1) COORDINATING BOARD.—Each member of the Committee may select a senior level representative to serve on a coordinating board which shall assist the Committee in carrying out its purpose and activities.

“(2) EXECUTIVE DIRECTOR.—The Secretary of Transportation, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce, shall select an executive director to assist the Committee in carrying out its purpose and activities.

“(e) MARINE TRANSPORTATION SYSTEM ASSESSMENT AND STRATEGY.—Not later than one year after the date of enactment of this Act and every 5 years thereafter, the Committee shall provide a report to Congress which includes—

“(1) steps taken to implement actions recommended in the July 2008 ‘National Strategy for the Marine Transportation System: A Framework for Action’;

“(2) an assessment of the condition of the marine transportation system;

“(3) a discussion of the challenges the system faces in meeting user demand;

“(4) a plan with recommended actions for improving the marine transportation system to meet current and future challenges; and

“(5) steps taken to implement actions recommended in previous reports required under this subsection.

“(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with the Marine Transportation System National Advisory Council, interested parties, and the public.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 55501 the following:

“55502. Committee on the Marine Transportation System.”.

SEC. 402. REPORT ON DETERMINATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the

coastwise trade being performed in foreign shipyards;

(2) enforcement of the Coast Guard's foreign rebuild determination regulations; and

(3) recommendations for improving the transparency in the Coast Guard's foreign rebuild determination process.

SEC. 403. DOCKSIDE EXAMINATIONS.

(a) IN GENERAL.—Section 4502(f) of title 46, United States Code, is amended—

(1) in paragraph (2) by striking “at least once every 2 years” and inserting “at least once every 5 years”;

(2) by striking “and” after the semicolon at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting “; and”; and

(4) by adding at the end the following:

“(3) shall complete the first examination of a dockside vessel under this section no later than October 15, 2015.”.

(b) DATABASE.—Section 4502(g)(4) of title 46, United States Code, is amended by striking “a publicly accessible” and inserting “an”.

SEC. 404. RECOURSE FOR NONCITIZENS.

Section 30104 of title 46, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before the first sentence; and

(2) by adding at the end the following new subsection:

“(b) RESTRICTION ON RECOVERY FOR NON-RESIDENT ALIENS EMPLOYED ON FOREIGN PASSENGER VESSELS.—A claim for damages or expenses relating to personal injury, illness, or death of a seaman who is a citizen of a foreign nation, arising during or from the engagement of the seaman by or for a passenger vessel duly registered under the laws of a foreign nation, may not be brought under the laws of the United States if—

“(1) such seaman was not a permanent resident alien of the United States at the time the claim arose;

“(2) the injury, illness, or death arose outside the territorial waters of the United States; and

“(3) the seaman or the seaman's personal representative has or had a right to seek compensation for the injury, illness, or death in, or under the laws of—

“(A) the nation in which the vessel was registered at the time the claim arose; or

“(B) the nation in which the seaman maintained citizenship or residency at the time the claim arose.”.

SEC. 405. MARITIME LIENS ON FISHING PERMITS.

(a) IN GENERAL.—Subchapter I of chapter 313 of title 46, United States Code, is amended by adding at the end the following:

“§31310. Limitation on maritime liens on fishing permit and permit description

“(a) IN GENERAL.—This chapter—

“(1) does not establish a maritime lien on a permit that—

“(A) authorizes a person or use of a vessel to engage in fishing; and

“(B) is issued under State or Federal law; and

“(2) does not authorize any civil action to enforce a maritime lien on such a permit.

“(b) FISHING PERMIT DESCRIBED.—A fishing permit—

“(1) is governed solely by the State or Federal law under which it was issued; and

“(2) is not included in the whole of a vessel or as an appurtenance or intangible of a vessel for any purpose.

“(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce

such modification, suspension, revocation, or sanction.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 31309 the following:

“31310. Limitation on maritime liens on fishing permit and permit description.”.

SEC. 406. SHORT SEA TRANSPORTATION.

(a) PURPOSE OF PROGRAM AND PROJECTS; RE-AUTHORIZATION; TERMINATION.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “landside congestion.” and inserting “landside congestion and to promote increased use of the navigable waters of the United States for transportation of passengers or freight (or both).”; and

(2) in subsection (c), by inserting “and to promote waterborne transportation between ports within the United States” after “coastal corridors”;

(3) in subsection (d), by striking “that the project may—” and all that follows through the end of the subsection and inserting “that the project uses documented vessels and—

“(1) mitigates landside congestion; or

“(2) promotes waterborne transportation between ports of the United States.”;

(4) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(5) in subsection (f), as so redesignated, by adding at the end the following—

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than \$5,000,000 for each of the fiscal years 2012 through fiscal year 2017 for grants under this subsection.”; and

(6) by adding at the end the following:

“(g) TERMINATION OF AUTHORITY.—Authority granted to the Secretary under this section shall terminate September 30, 2017.”.

(b) SHORT SEA TRANSPORTATION DEFINITION.—Section 55605 of title 46, United States Code, is amended by striking “means the carriage by vessel of cargo—” and inserting “means the carriage of passengers or freight (or both) by a vessel documented under the laws of the United States—”.

SEC. 407. MISSION OF THE MARITIME ADMINISTRATION.

Section 109(a) of title 49, United States Code, is amended—

(1) in the subsection heading by striking “ORGANIZATION” and inserting “ORGANIZATION AND MISSION”; and

(2) by inserting at the end the following: “The mission of the Maritime Administration is to foster, promote, and develop the domestic merchant maritime industry of the United States.”.

SEC. 408. LIMITATION ON LIABILITY FOR NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.

(a) IN GENERAL.—Section 2307 of title 46, United States Code, is amended—

(1) by inserting “(a) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS” before “Any pilot”; and

(2) by adding at the end the following:

“(b) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any person acting in accordance with operational procedures approved by the Coast Guard at such a non-Federal service, shall not be liable for damages caused by or related to information, advice, or communication assistance provided by such entity or person while so operating or acting unless the acts or omissions of such entity or person constitute gross negligence or willful misconduct.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 23 of such title is

amended by striking the item relating to section 2307 and inserting the following:

“2307. Limitation on liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators.”.

TITLE V—FEDERAL MARITIME COMMISSION

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

Section 501 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1049) is amended by striking “Commission—” and all that follows through the period at the end of the section and inserting “Commission for each of the fiscal years 2012 through 2015, \$24,000,000.”.

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL CORRECTIONS.

(a) TITLE 14.—Title 14, United States Code, is amended—

(1) in section 564, by striking subsection (d); and

(2) in section 569(a), by striking “and annually thereafter.”.

(b) STUDY OF BRIDGES.—Section 905 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 3012) is amended to read as follows:

“SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

“The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the construction or alteration of any bridge, drawbridge, or causeway over the navigable waters of the United States with a channel depth of 25 feet or greater that may impede or obstruct future navigation to or from port facilities, for which a permit under the Act of March 23, 1906 (chapter 1130; 33 U.S.C. 491 et seq.), popularly known as the Bridge Act of 1906, was requested on or after January 1, 2006 and on or before August 3, 2011.”.

SEC. 602. REPORT ON COAST GUARD MERCHANT MARINER MEDICAL EVALUATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the Coast Guard National Maritime Center's merchant mariner medical evaluation program and alternatives to the program.

(b) CONTENTS.—The report required under subsection (a) shall include the following:

(1) An overview of the adequacy of the program for making medical certification determinations for issuance of merchant mariners' documents.

(2) An analysis of how a system similar to the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners program, and the Federal Aviation Administration's Designated Aviation Medical Examiners program, could be applied by the Coast Guard to make medical fitness determinations for issuance of merchant mariners' documents.

(3) An explanation of how the amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, that enter into force on January 1, 2012, will require changes to the Coast Guard's merchant mariner medical evaluation program.

SEC. 603. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of Public Law 109–347 (33 U.S.C. 1223 note) on notice of arrival for foreign vessels on the Outer

Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless such vessel arrives from a foreign port or place.

SEC. 604. TECHNICAL CORRECTIONS TO TITLE 14.

Chapter 1 of title 14, United States Code, is amended to read as follows:

“CHAPTER 1—ESTABLISHMENT AND DUTIES

“Sec.

“1. Establishment of Coast Guard.

“2. Primary duties.

“3. Department in which the Coast Guard operates.

“4. Secretary defined.

“§1. Establishment of Coast Guard

“The Coast Guard shall be a military service and a branch of the armed forces of the United States at all times.

“§2. Primary duties

“The Coast Guard shall—

“(1) enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States;

“(2) engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States;

“(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department;

“(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

“(5) pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States;

“(6) engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and

“(7) maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities.

“§3. Department in which the Coast Guard operates

“(a) The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.

“(b) Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy, who may order changes in Coast Guard operations to render them uniform, to the extent such Secretary deems advisable, with Navy operations.

“(c) Whenever the Coast Guard operates as a service in the Navy:

“(1) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

“(2) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

“(3) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of

rank stated by their commissions in those grades;

“(4) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

“(5) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

“§4. Secretary defined

“In this title, the term ‘Secretary’ means the Secretary of the respective department in which the Coast Guard is operating.”.

SEC. 605. DISTANT WATER TUNA FLEET.

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 548) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) LICENSING RESTRICTIONS.—

“(1) IN GENERAL.—Subsection (a)(1) only applies to a foreign citizen that holds a credential that is equivalent to the credential issued by the Coast Guard to a United States citizen for the position, with respect to requirements for experience, training, and other qualifications.

“(2) TREATMENT OF LICENSE.—An equivalent credential under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the credential is in the service of the vessel to which this section applies.”; and

(2) in subsection (d) by striking “on December 31, 2012” and inserting “on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article 12.6 or 12.7 of such treaty, as in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2011”.

SEC. 606. WAIVERS.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) MACY-RENEE (United States official number 1107319)

(3) OCEAN VERITAS (IMO number 7366805).

(4) LUNA (United States official number 280133).

(5) IL MORO DI VENEZIA IV (United States official number 1028654)

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement

issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

SEC. 607. REPORT ON OPTIONS TO IMPROVE INTEGRATION OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPERATIONAL INFORMATION.

Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on options to improve the integration of the Great Lakes icebreaking operational information of the United States Coast Guard and Canadian Coast Guard to improve the safety, economic security, and efficiency of Great Lakes icebreaking activities of both services.

SEC. 608. STANDBY VESSELS.

(a) IN GENERAL.—Subtitle VIII of title 46, United States Code, is amended by adding at the end thereof the following new chapter:

“CHAPTER 807—STANDBY VESSELS

“Sec.

“80701. Standby vessels.

“§80701. Standby vessels

“(a) IN GENERAL.—The owner or operator of a manned facility, installation, unit, or vessel shall locate a standby vessel—

“(1) not more than 3 nautical miles from such manned facility, installation, unit, or vessel while it is performing drilling, plugging, abandoning, or workover operations; and

“(2) not more than 12 nautical miles from such manned facility, installation, unit, or vessel while it is performing operations other than drilling, plugging, abandoning, or workover operations.

“(b) IMPROVED STANDBY VESSEL RESPONSE TIME.—

“(1) IN GENERAL.—A Coast Guard District Commander may reduce the distances prescribed in subsection (a) for the area of command of the District Commander if the District Commander determines the reduction is necessary to address delays in standby vessel response times caused by inclement weather, high seas, or other conditions that prolong standby vessel response time or lessen the time survivors of an accident can remain in the water.

“(2) APPROXIMATION OF NORMAL RESPONSE TIME.—Any reduction under paragraph (1) shall be made to a distance that, in weather conditions necessitating the reduction, ensures that a standby vessel’s response time approximates that of a standby vessel covering the distance prescribed in subsection (a) during normal weather conditions.

“(3) PREVENTION OF HYPOTHERMIA.—Any reduction under paragraph (1) made due to water temperature or other factors that reduce the time survivors of an accident can remain in the water shall be made to a distance at which a standby vessel can be assumed to reach the survivor before the onset of hypothermia.

“(4) NOTICE TO OWNERS AND OPERATORS.—Before exercising the authority in paragraph (1), a District Commander shall provide 72 hours notice to the owners and operators of standby vessels and owners and operators of manned facilities, installations, units, and vessels operating in the District Commander’s area of command.

“(c) **MULTIPLE PLATFORMS AND USES.**—Nothing in this section shall be construed to prohibit—

“(1) use of one standby vessel for more than one manned facility, installation, unit, or vessel; or

“(2) use of a standby vessel for other purposes.”

(b) **CLERICAL AMENDMENT.**—The table of chapters at the beginning of such subtitle is amended by adding at the end the following:

“**807. Standby vessels 80701**”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect one year after the date of enactment of this Act.

(d) **REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating may promulgate regulations to implement the amendments made by this section.

(2) **EXISTING REGULATIONS.**—Until such time as the Secretary promulgates regulations to implement the amendments made by this section, the requirements of subpart E of part 143 of title 33, Code of Federal Regulations, as in effect on the date of enactment of this Act, including the requirements that must be met by a standby vessel, shall apply to standby vessels required under the amendments.

SEC. 609. CAP ON PENALTY WAGES.

(a) **FOREIGN AND INTERCOASTAL VOYAGES.**—Section 10313(g) of title 46, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “all claims in a class action suit by seamen” and inserting “each claim by a seaman”; and

(B) by striking “the seamen” and inserting “the seaman”; and

(2) in paragraph (3), by striking “class action”.

(b) **COASTWISE VOYAGES.**—Section 10504(c) of such title is amended—

(1) in paragraph (2)—

(A) by striking “all claims in a class action suit by seamen” and inserting “each claim by a seaman”; and

(B) by striking “the seamen” and inserting “the seaman”; and

(2) in paragraph (3), by striking “class action”.

SEC. 610. REPORT ON IMPEDIMENTS TO THE U.S. FLAG REGISTRY.

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on factors under the authority of the Coast Guard that impact the ability of vessels documented in the United States to effectively compete in international transportation markets.

(b) **CONTENT.**—The report shall include—

(1) a review of differences in Coast Guard policies and regulations governing the inspection of vessels documented in the United States and the policies and regulations of the International Maritime Organization governing the inspection of vessels not documented in the United States;

(2) a statement on the impact such differences have on operating costs for vessels documented in the United States; and

(3) recommendations on whether to harmonize any differences in the policies and regulations governing inspection of vessels by the Coast Guard and the International Maritime Organization.

(c) **CONSULTATION.**—In preparing the report, the Commandant may consider the views of representatives of the owners or operators of vessels documented in the United States and the orga-

nizations representing the employees employed on such vessels.

SEC. 611. REPORT ON DRUG INTERDICTION IN THE CARIBBEAN BASIN.

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on drug interdiction in the Caribbean basin.

(b) **CONTENT.**—The report shall include—

(1) a statement of the Coast Guard mission requirements for drug interdiction in the Caribbean basin;

(2) the number of maritime surveillance hours and Coast Guard assets used in each of fiscal years 2009 through 2011 to counter the illicit trafficking of drugs and other related threats throughout the Caribbean basin; and

(3) a determination of whether such hours and assets satisfied the Coast Guard mission requirements for drug interdiction in the Caribbean basin.

TITLE VII—COMMERCIAL VESSEL DISCHARGES REFORM

SEC. 701. SHORT TITLE.

This title may be cited as the “Commercial Vessel Discharges Reform Act of 2011”.

SEC. 702. DISCHARGES FROM COMMERCIAL VESSELS.

Title III of the Federal Water Pollution Control Act (33 U.S.C. 1311 et seq.) is amended by adding at the end the following:

“SEC. 321. DISCHARGES FROM COMMERCIAL VESSELS.

“(a) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **AQUATIC NUISANCE SPECIES.**—The term ‘aquatic nuisance species’ means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

“(2) **BALLAST WATER.**—

“(A) **IN GENERAL.**—The term ‘ballast water’ means any water (including any sediment suspended in such water) taken aboard a commercial vessel—

“(i) to control trim, list, draught, stability, or stresses of the vessel; or

“(ii) during the cleaning, maintenance, or other operation of a ballast water treatment system of the vessel.

“(B) **EXCLUSION.**—The term ‘ballast water’ does not include any pollutant that is added to water described in subparagraph (A) that is not directly related to the operation of a properly functioning ballast water treatment technology certified under subsection (e).

“(3) **BALLAST WATER PERFORMANCE STANDARD.**—The term ‘ballast water performance standard’ or ‘performance standard’ means a numerical ballast water performance standard specified under subsection (c) or established under subsection (d).

“(4) **BALLAST WATER TREATMENT SYSTEM.**—The term ‘ballast water treatment system’ means any equipment on board a commercial vessel (including all compartments, piping, spaces, tanks, and multi-use compartments, piping, spaces, and tanks) that is—

“(A) designed for loading, carrying, treating, or discharging ballast water; and

“(B) installed and operated to meet a ballast water performance standard.

“(5) **BALLAST WATER TREATMENT TECHNOLOGY.**—The term ‘ballast water treatment technology’ or ‘treatment technology’ means any mechanical, physical, chemical, or biological process used, either singularly or in com-

bination, to remove, render harmless, or avoid the uptake or discharge of aquatic nuisance species within ballast water.

“(6) **BIOCIDE.**—The term ‘biocide’ means a substance or organism, including a virus or fungus, that is introduced into, or produced by, a ballast water treatment technology as part of the process used to comply with a ballast water performance standard under this section.

“(7) **COMMERCIAL VESSEL.**—The term ‘commercial vessel’ means every description of watercraft, or other artificial contrivance used or capable of being used as a means of transportation on water, that is engaged in commercial service (as defined under section 2101 of title 46, United States Code).

“(8) **CONSTRUCTED.**—The term ‘constructed’ means a state of construction of a commercial vessel at which—

“(A) the keel is laid;

“(B) construction identifiable with the specific vessel begins;

“(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

“(D) the vessel commences a major conversion.

“(9) **DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.**—

“(A) **IN GENERAL.**—The term ‘discharge incidental to the normal operation of a commercial vessel’ means—

“(i) a discharge into navigable waters from a commercial vessel of—

“(I)(aa) graywater (except graywater referred to in section 312(a)(6)), bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater pumping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

“(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a commercial vessel;

“(II) weather deck runoff, deck wash, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, under-water ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

“(III) any effluent from a properly functioning marine engine; or

“(ii) a discharge of a pollutant into navigable waters in connection with the testing, maintenance, and repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the commercial vessel is waterborne.

“(B) **EXCLUSION.**—The term ‘discharge incidental to the normal operation of a commercial vessel’ does not include—

“(i) a discharge into navigable waters from a commercial vessel of—

“(I) ballast water;

“(II) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

“(III) oil or a hazardous substance within the meaning of section 311; or

“(IV) sewage within the meaning of section 312; or

“(ii) an emission of an air pollutant resulting from the operation onboard a commercial vessel of a vessel propulsion system, motor driven equipment, or incinerator.

“(10) **EXISTING COMMERCIAL VESSEL.**—The term ‘existing commercial vessel’ means a commercial vessel constructed prior to January 1, 2012.

“(11) **GEOGRAPHICALLY LIMITED AREA.**—The term ‘geographically limited area’ means an area—

“(A) with a physical limitation that prevents a commercial vessel from operating outside the area, as determined by the Secretary; or

“(B) that is ecologically homogeneous, as determined by the Administrator, in consultation with the Secretary.

“(12) **MAJOR CONVERSION.**—The term ‘major conversion’ means a conversion of a commercial vessel that—

“(A) changes its ballast water capacity by 15 percent or more; or

“(B) prolongs the life of the commercial vessel by 10 years or more, as determined by the Secretary.

“(13) **MANUFACTURER.**—The term ‘manufacturer’ means a person engaged in the manufacturing, assembling, or importation of a ballast water treatment technology.

“(14) **NAVIGABLE WATERS.**—The term ‘navigable waters’ includes the exclusive economic zone, as defined in section 107 of title 46, United States Code.

“(15) **NONINDIGENOUS SPECIES.**—The term ‘nonindigenous species’ means a species or other viable biological material that enters an ecosystem beyond its historic range.

“(16) **OWNER OR OPERATOR.**—The term ‘owner or operator’ means a person owning, operating, or chartering by demise a commercial vessel.

“(17) **SECRETARY.**—The term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating.

“(18) **VESSEL GENERAL PERMIT.**—The term ‘Vessel General Permit’ means the Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels issued by the Administrator under section 402 for ballast water and other discharges incidental to the normal operation of vessels, as in effect on December 19, 2008, for all jurisdictions except Alaska and Hawaii, and February 6, 2009, for Alaska and Hawaii.

“(b) **GENERAL PROVISIONS.**—

“(1) **BALLAST WATER DISCHARGE REQUIREMENTS FOR COMMERCIAL VESSELS.**—An owner or operator may discharge ballast water from a commercial vessel into navigable waters only if—

“(A) the discharge—

“(i) meets the ballast water performance standard;

“(ii) is made pursuant to the safety exemption established by subsection (c)(2);

“(iii) meets the requirements of an alternative method of compliance established for the commercial vessel under subsection (f); or

“(iv) is made pursuant to a determination that the commercial vessel meets the requirements relating to geographically limited areas under subsection (g); and

“(B) the owner or operator discharges the ballast water in accordance with a ballast water management plan approved under subsection (i).

“(2) **APPLICABILITY.**—

“(A) **COVERED VESSELS.**—Paragraph (1) shall apply to the owner or operator of a commercial vessel that is designed, constructed, or adapted to carry ballast water if the commercial vessel is—

“(i) documented under the laws of the United States; or

“(ii) operating in navigable waters on a voyage to or from a point in the United States.

“(B) **EXEMPTED VESSELS.**—Paragraph (1) shall not apply to the owner or operator of—

“(i) a commercial vessel that carries all of its ballast water in sealed tanks that are not subject to discharge;

“(ii) a commercial vessel that continuously takes on and discharges ballast water in a flow-through system;

“(iii) any vessel in the National Defense Reserve Fleet that is scheduled to be disposed of through scrapping or sinking;

“(iv) a commercial vessel that discharges ballast water consisting solely of water—

“(I) taken aboard from a municipal or commercial source; and

“(II) that, at the time the water is taken aboard, meets the applicable regulations or permit requirements for such source under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and section 402 of this Act; or

“(v) a commercial vessel that is 3 years or fewer from the end of its useful life, as determined by the Secretary, on the date on which the regulations issued under paragraph (3) become effective for the vessel pursuant to the implementation schedule issued under paragraph (3)(B).

“(C) **LIMITATION.**—An exemption under subparagraph (B)(v) shall cease to be effective on the date that is 3 years after the date on which the regulations under paragraph (3) become effective for the commercial vessel pursuant to the implementation schedule issued under paragraph (3)(B).

“(3) **ISSUANCE OF REGULATIONS.**—

“(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Administrator, shall issue final regulations to implement the requirements of this section.

“(B) **PROPOSED RULE.**—For the purposes of chapter 5 of title 5, United States Code, the proposed rulemaking published by the Coast Guard on August 28, 2009 (74 Fed. Reg. 44632; relating to standards for living organisms in ships’ ballast water discharged in U.S. waters), shall serve as a proposed rule for the purposes of issuing regulations under this section.

“(4) **COMPLIANCE SCHEDULES.**—

“(A) **INITIAL PERFORMANCE STANDARD COMPLIANCE DEADLINES.**—

“(i) **IN GENERAL.**—An owner or operator shall comply with the performance standard established under subsection (c) on or before the deadline that applies to the commercial vessel of the owner or operator, as specified in clause (ii).

“(ii) **DEADLINES.**—The deadlines for compliance with the performance standard established under subsection (c) are as follows:

“(I) For a commercial vessel constructed on or after January 1, 2012, the date of delivery of the vessel.

“(II) For an existing commercial vessel with a ballast water capacity of less than 1,500 cubic meters, the date of the first drydocking of the vessel after January 1, 2016.

“(III) For an existing commercial vessel with a ballast water capacity of at least 1,500 cubic meters but not more than 5,000 cubic meters, the date of the first drydocking of the vessel after January 1, 2014.

“(IV) For an existing commercial vessel with a ballast water capacity of greater than 5,000 cubic meters, the date of the first drydocking of the vessel after January 1, 2016.

“(iii) **REGULATIONS.**—In issuing regulations under paragraph (3), the Secretary shall include a compliance schedule that sets forth the deadlines specified in clause (ii).

“(B) **REVISED PERFORMANCE STANDARD COMPLIANCE DEADLINES.**—

“(i) **IN GENERAL.**—Upon revision of a performance standard under subsection (d), the Secretary, in consultation with the Administrator, shall issue a compliance schedule that establishes deadlines for an owner or operator to comply with the revised performance standard.

“(ii) **FACTORS.**—In issuing a compliance schedule under this subparagraph, the Secretary—

“(I) shall consider the factors identified in subparagraph (C)(iv); and

“(II) may establish different compliance deadlines based on vessel class, type, or size.

“(iii) **VESSELS CONSTRUCTED AFTER ISSUANCE OF REVISED PERFORMANCE STANDARDS.**—A compliance schedule issued under this subparagraph with respect to a revised performance standard shall require, at a minimum, the owner or operator of a commercial vessel that commences a major conversion or is constructed on or after the date of issuance of the revised performance standard to comply with the revised performance standard.

“(C) **EXTENSION OF COMPLIANCE DEADLINES.**—

“(i) **IN GENERAL.**—The Secretary may extend a compliance deadline established under subparagraph (A) or (B) on the Secretary’s own initiative or in response to a petition submitted by an owner or operator.

“(ii) **PROCESSES FOR GRANTING EXTENSIONS.**—In issuing regulations under paragraph (3), the Secretary shall establish—

“(I) a process for the Secretary, in consultation with the Administrator, to issue an extension of a compliance deadline established under subparagraph (A) or (B) for a commercial vessel (or class, type, or size of vessel); and

“(II) a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline established under subparagraph (A) or (B) with respect to the commercial vessel of the owner or operator.

“(iii) **PERIOD OF EXTENSIONS.**—An extension issued under this subparagraph shall—

“(I) apply for a period of not to exceed 18 months; and

“(II) be renewable for an additional period of not to exceed 18 months.

“(iv) **FACTORS.**—In issuing an extension or reviewing a petition under this subparagraph, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline, the following factors:

“(I) Whether the treatment technology to be installed is available in sufficient quantities to meet the compliance deadline.

“(II) Whether there is sufficient shipyard or other installation facility capacity.

“(III) Whether there is sufficient availability of engineering and design resources.

“(IV) Vessel characteristics, such as engine room size, layout, or a lack of installed piping.

“(V) Electric power generating capacity aboard the vessel.

“(VI) Safety of the vessel and crew.

“(v) **CONSIDERATION OF PETITIONS.**—

“(I) **DETERMINATIONS.**—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this subparagraph.

“(II) **DEADLINE.**—If the Secretary does not approve or deny a petition referred to in subclause (I) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

“(c) **BALLAST WATER PERFORMANCE STANDARD FOR COMMERCIAL VESSELS.**—

“(I) **IN GENERAL.**—To meet the ballast water performance standard, an owner or operator shall—

“(A) conduct ballast water treatment before discharging ballast water from a commercial vessel into navigable waters using a ballast water treatment technology certified for the vessel (or class, type, or size of vessel) under subsection (e); and

“(B) ensure that any ballast water so discharged meets, at a minimum, the numerical ballast water performance standard set forth in the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, as adopted on February 13, 2004, or a revised numerical ballast water performance standard established under subsection (d).

“(2) **SAFETY EXEMPTION.**—Notwithstanding paragraph (1), an owner or operator may discharge ballast water without regard to a ballast water performance standard if—

“(A) the discharge is done solely to ensure the safety of life at sea;

“(B) the discharge is accidental and the result of damage to the commercial vessel or its equipment and—

“(i) all reasonable precautions to prevent or minimize the discharge have been taken; and

“(ii) the owner or operator did not willfully or recklessly cause such damage; or

“(C) the discharge is solely for the purpose of avoiding or minimizing discharge from the vessel of pollution that would otherwise violate an applicable Federal or State law.

“(d) **REVIEW OF PERFORMANCE STANDARD.**—

“(1) **IN GENERAL.**—Not later than January 1, 2016, and every 10 years thereafter, the Administrator, in consultation with the Secretary, shall complete a review to determine whether revising the ballast water performance standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

“(2) **CONSIDERATIONS.**—In conducting the review, the Administrator shall consider—

“(A) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

“(B) improvements in ballast water treatment technology, including—

“(i) the capability of such technology to achieve a revised ballast water performance standard;

“(ii) the effectiveness and reliability of such technology in the shipboard environment;

“(iii) the compatibility of such technology with the design and operation of commercial vessels by class, type, and size;

“(iv) the commercial availability of such technology; and

“(v) the safety of such technology;

“(C) improvements in the capabilities to detect, quantify, and assess the viability of aquatic nuisance species at the concentrations under consideration;

“(D) the impact of ballast water treatment technology on water quality; and

“(E) the costs, cost-effectiveness, and impacts of—

“(i) a revised ballast water performance standard, including the potential impacts on shipping, trade, and other uses of the aquatic environment; and

“(ii) maintaining the existing ballast water performance standard, including the potential impacts on water-related infrastructure, recreation, the propagation of native fish, shellfish, and wildlife, and other uses of navigable waters.

“(3) **REVISION OF PERFORMANCE STANDARD.**—

“(A) **RULEMAKING.**—If, pursuant to a review conducted under paragraph (1), the Administrator, in consultation with the Secretary, determines that revising the ballast water performance standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species, the Administrator shall undertake a rulemaking to revise the performance standard.

“(B) **SPECIAL RULE.**—The Administrator may not issue a revised performance standard pursuant to this paragraph that applies to a commercial vessel constructed prior to the date on which the revised performance standard is issued unless the revised performance standard is at least 2 orders of magnitude more stringent than the performance standard in effect on the date that the review is completed.

“(4) **STATE PETITION FOR REVIEW OF PERFORMANCE STANDARDS.**—

“(A) **IN GENERAL.**—The Governor of a State may submit a petition requesting that the Administrator review a ballast water performance standard if there is significant new information that could reasonably indicate the performance standard could be revised to result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

“(B) **TIMING.**—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of a review under paragraph (1).

“(C) **REQUIRED INFORMATION.**—A petition submitted to the Administrator under subparagraph (A) shall include the scientific and technical information on which the petition is based.

“(D) **REVIEW AND REPORTING.**—Upon receipt of a petition from a Governor under subparagraph (A), the Administrator shall make publicly available a copy of the petition, including the scientific and technical information provided by the Governor under subparagraph (C).

“(E) **REVIEW AND REVISION OF PERFORMANCE STANDARDS.**—

“(i) **IN GENERAL.**—If, after receiving a petition submitted by a Governor under subparagraph (A) for review of a performance standard, the Administrator, in consultation with the Secretary, determines that the petition warrants additional action, the Administrator may—

“(I) in consultation with the Secretary, initiate a review of the performance standard under paragraph (1); and

“(II) in consultation with the Secretary, revise the performance standard through a rulemaking under paragraph (3)(A), subject to the limitation in paragraph (3)(B).

“(ii) **TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.**—The Administrator may treat more than one petition as a single petition for review.

“(e) **TREATMENT TECHNOLOGY CERTIFICATION.**—

“(1) **CERTIFICATION REQUIRED.**—

“(A) **CERTIFICATION PROCESS.**—

“(i) **EVALUATION.**—Upon application of a manufacturer, the Secretary shall evaluate a ballast water treatment technology with respect to—

“(I) whether the treatment technology meets the ballast water performance standard when installed on a commercial vessel (or a class, type, or size of commercial vessel);

“(II) the effect of the treatment technology on commercial vessel safety; and

“(III) any other criteria the Secretary considers appropriate.

“(ii) **CERTIFICATION.**—If, after conducting the evaluation required by clause (i), the Secretary determines the treatment technology meets the criteria established under such clause, the Secretary may certify the treatment technology for use on a commercial vessel (or a class, type, or size of commercial vessel).

“(iii) **SUSPENSION AND REVOCATION OF CERTIFICATION.**—The Secretary shall, by regulation, establish a process to suspend or revoke a certification issued under this subparagraph.

“(B) **CERTIFICATES OF TYPE APPROVAL.**—

“(i) **ISSUANCE OF CERTIFICATES TO MANUFACTURER.**—If the Secretary certifies a ballast water treatment technology under subparagraph (A), the Secretary shall issue to the manufacturer of the treatment technology, in such form and manner as the Secretary determines appropriate, a certificate of type approval for the treatment technology.

“(ii) **CONDITIONS TO BE INCLUDED IN CERTIFICATES.**—A certificate of type approval issued under clause (i) shall include any conditions that are imposed by the Secretary under paragraph (2).

“(iii) **ISSUANCE OF COPIES OF CERTIFICATES TO OWNERS AND OPERATORS.**—A manufacturer that

receives a certificate of type approval under clause (i) for a ballast water treatment technology shall furnish a copy of the certificate to any owner or operator of a commercial vessel on which the treatment technology is installed.

“(iv) **INSPECTIONS.**—An owner or operator who receives a copy of a certificate under clause (iii) for a ballast water treatment technology installed on a commercial vessel shall retain a copy of the certificate onboard the commercial vessel and make the copy of the certificate available for inspection at all times that such owner or operator is utilizing the treatment technology.

“(C) **TREATMENT TECHNOLOGIES THAT USE OR GENERATE BIOCIDES.**—The Secretary may not certify a ballast water treatment technology that—

“(i) uses a biocide or generates a biocide that is a ‘pesticide,’ as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under such Act or the Administrator has approved the use of such biocide in such treatment technology; or

“(ii) uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of this Act.

“(D) **PROHIBITION.**—

“(i) **IN GENERAL.**—Except as provided by clause (ii), an owner or operator may not use a ballast water treatment technology to comply with the requirements of this section unless the Secretary has certified the treatment technology under subparagraph (A).

“(ii) **EXCEPTIONS.**—

“(I) **COAST GUARD SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.**—An owner or operator may use a ballast water treatment technology that has not been certified by the Secretary to comply with the requirements of this section if the technology is being evaluated under the Coast Guard Shipboard Technology Evaluation Program.

“(II) **BALLAST WATER TREATMENT TECHNOLOGIES CERTIFIED BY FOREIGN ENTITIES.**—An owner or operator may use a ballast water treatment technology that has not been certified by the Secretary to comply with the requirements of this section if the technology has been certified by a foreign entity and the certification demonstrates performance and safety of the treatment technology equivalent to the requirements of this subsection, as determined by the Secretary.

“(2) **CERTIFICATION CONDITIONS.**—

“(A) **IMPOSITION OF CONDITIONS.**—In certifying a ballast water treatment technology under this subsection, the Secretary, in consultation with the Administrator, may impose any condition on the subsequent installation, use, or maintenance of the treatment technology onboard a commercial vessel as is necessary for—

“(i) the safety of the vessel, the crew of the vessel, and any passengers aboard the vessel;

“(ii) the protection of the environment; and

“(iii) the effective operation of the treatment technology.

“(B) **FAILURE TO COMPLY.**—The failure of an owner or operator to comply with a condition imposed under subparagraph (A) is a violation of this section.

“(3) **USE OF BALLAST WATER TREATMENT TECHNOLOGIES ONCE INSTALLED.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), an owner or operator who installs a ballast water treatment technology that the Secretary has certified under paragraph (1) may use the treatment technology, notwithstanding any revisions to a ballast water performance standard occurring after the installation so long as the owner or operator—

“(i) maintains the treatment technology in proper working condition; and

“(ii) maintains and uses the treatment technology in accordance with—

“(I) the manufacturer’s specifications; and

“(II) any conditions imposed by the Secretary under paragraph (2).

“(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel after the first to occur of the following:

“(i) The expiration of the service life of the ballast water treatment technology of the vessel, as determined by the Secretary.

“(ii) The expiration of service life of the vessel, as determined by the Secretary.

“(iii) The completion of a major conversion of the vessel.

“(4) TESTING PROTOCOLS.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Secretary, shall issue guidelines specifying land-based and shipboard testing protocols or criteria for—

“(A) certifying the performance of ballast water treatment technologies under this subsection; and

“(B) certifying laboratories to evaluate such treatment technologies.

“(5) PROHIBITION.—Following the date on which the requirements of subsection (b)(1) apply with respect to a commercial vessel pursuant to the implementation schedule issued under subsection (b)(3)(B), no manufacturer of a ballast water treatment technology shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce, or import into the United States for sale or resale, a ballast water treatment technology for the commercial vessel unless the technology has been certified under this subsection.

“(f) ALTERNATIVE METHODS OF COMPLIANCE.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Administrator, shall establish an alternative method of compliance with this section for a commercial vessel having a maximum ballast water capacity of less than 8 cubic meters.

“(2) FACTORS FOR CONSIDERATION.—In establishing an alternative method of compliance under paragraph (1), the Secretary shall consider—

“(A) the effectiveness of the alternative method in reducing the risk of the introduction or establishment of aquatic nuisance species relative to the performance standard; and

“(B) any other factor the Secretary considers appropriate.

“(3) BEST MANAGEMENT PRACTICES.—The Secretary may establish as an alternative method of compliance appropriate ballast water best management practices to minimize the introduction or establishment of aquatic nuisance species.

“(g) GEOGRAPHICALLY LIMITED AREAS.—

“(1) IN GENERAL.—Subsections (c), (e), and (i) shall not apply to a commercial vessel that—

“(A) operates exclusively within a geographically limited area, as determined by the Secretary, in consultation with the Administrator; or

“(B) operates pursuant to a geographic restriction issued for the commercial vessel under section 3309 of title 46, United States Code.

“(2) PETITION FOR DETERMINATION BY THE SECRETARY.—

“(A) SUBMISSION OF PETITIONS.—Following the date of issuance of final regulations under subsection (b), an owner or operator may petition the Secretary for a determination under paragraph (1).

“(B) DETERMINATIONS.—The Secretary shall approve or deny a petition submitted by an owner or operator under subparagraph (A).

“(C) DEADLINE.—If the Secretary does not approve or deny a petition submitted by an owner or operator under subparagraph (A) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

“(3) NOTIFICATION.—The Secretary shall notify the Administrator and the Governor of each State the waters of which could be affected by the discharge of ballast water from a commercial vessel for which a petition has been granted under paragraph (2) of the granting of any such petition.

“(4) BEST MANAGEMENT PRACTICES.—For a commercial vessel for which a petition is granted under paragraph (2), the Secretary shall require the owner or operator to implement appropriate ballast water best management practices to minimize the introduction or establishment of aquatic nuisance species.

“(h) RECEPTION FACILITIES.—

“(1) IN GENERAL.—An owner or operator shall discharge ballast water in compliance with subsection (c) or (f) unless discharging ballast water into—

“(A) an onshore facility for the reception of ballast water that meets standards issued by the Administrator, in consultation with the Secretary; or

“(B) an offshore facility for the reception of ballast water that meets standards issued by the Secretary, in consultation with the Administrator.

“(2) ISSUANCE OF STANDARDS.—Not later than 2 years after the date of enactment of this section—

“(A) the Administrator, in consultation with the Secretary, shall issue the standards referred to in paragraph (1)(A); and

“(B) the Secretary, in consultation with the Administrator, shall issue the standards referred to in paragraph (1)(B).

“(3) SOLE METHOD OF DISCHARGE.—The Secretary, in consultation with the Administrator, and upon petition by an owner or operator, may issue to an owner or operator a certificate stating that a commercial vessel is in compliance with the requirements of subsection (b)(1)(A) if discharging ballast water into a facility meeting the standards issued under this subsection is the sole method by which the owner or operator discharges ballast water from the commercial vessel.

“(4) BALLAST WATER MANAGEMENT PLANS.—An owner or operator discharging ballast water under this subsection shall discharge such water in accordance with a ballast water management plan approved under subsection (i).

“(i) COMMERCIAL VESSEL BALLAST WATER MANAGEMENT PLAN.—

“(1) IN GENERAL.—An owner or operator shall discharge ballast water in accordance with a ballast water management plan that—

“(A) meets requirements prescribed by the Secretary; and

“(B) is approved by the Secretary.

“(2) FOREIGN COMMERCIAL VESSELS.—The Secretary may approve a ballast water management plan for a foreign commercial vessel on the basis of a certificate of compliance issued by the country of registration of the commercial vessel if the requirements of the government of that country for a ballast water management plan are substantially equivalent to regulations issued by the Secretary.

“(3) RECORDKEEPING.—

“(A) IN GENERAL.—Except as provided by subparagraph (B), an owner or operator shall maintain in English and have available for inspection by the Secretary a ballast water record book in which each operation of the commercial vessel involving a ballast water discharge is recorded in accordance with regulations issued by the Secretary.

“(B) ALTERNATIVE MEANS OF RECORD-KEEPING.—The Secretary may provide for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this paragraph.

“(j) REGULATION OF BALLAST WATER DISCHARGES.—Effective on and after the date of enactment of this section—

“(1) the Administrator (or a State in the case of a permit program approved under section 402) shall not require any new permit or permit condition under section 402 for any discharge of ballast water from a commercial vessel into navigable waters; and

“(2) except as provided by subsection (k), a State or political subdivision thereof shall not adopt or enforce any law or regulation of the State or political subdivision with respect to such a discharge.

“(k) STATE AUTHORITY.—

“(1) STATE PROGRAMS.—The Governor of a State desiring to administer its own inspection and enforcement authority for ballast water discharges within its jurisdiction may submit to the Secretary a complete description of the program the Governor proposes to establish and administer under State law. In addition, the Governor shall submit a statement from the State attorney general that the laws of the State provide adequate authority to carry out the described program.

“(2) APPROVAL.—The Secretary, with the concurrence of the Administrator, may approve a program of a State submitted under paragraph (1) providing for the State’s own inspection and enforcement authority for ballast water discharges within its jurisdiction, if the Secretary determines that the State possesses adequate resources to—

“(A) inspect, monitor, and board a commercial vessel at any time, including the taking and testing of ballast water samples, to ensure the commercial vessel’s compliance with this section;

“(B) ensure that any ballast water discharged within the waters subject to the jurisdiction of the State meets the requirements of this section;

“(C) establish adequate procedures for reporting violations of this section;

“(D) investigate and abate violations of this section, including the imposition of civil and criminal penalties consistent with subsection (o); and

“(E) ensure that the Secretary and the Administrator receive notice of each violation of this section in an expeditious manner.

“(3) COMPLIANCE.—Any State program approved under paragraph (2) shall at all times be conducted in accordance with this subsection.

“(4) WITHDRAWAL OF APPROVAL.—Whenever the Secretary, in consultation with the Administrator, determines, after providing notice and the opportunity for a public hearing, that a State is not administering a program in accordance with the terms of the program as approved under paragraph (2), the Secretary shall notify the State, and, if appropriate corrective action is not taken within a period of time not to exceed 90 days, the Secretary, with the concurrence of the Administrator, shall withdraw approval of the program. The Secretary shall not withdraw approval of a program unless the Secretary has first notified the State and made public, in writing, the reasons for the withdrawal.

“(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Administrator or the Secretary to carry out inspections of any commercial vessel under subsection (n).

“(6) STATE LAWS.—Notwithstanding any other provision of this section, a State may enact such laws as are necessary to provide for the implementation of the State ballast water inspection and enforcement program provided under this subsection. The requirements for a ballast water

inspection and enforcement program contained in such State law shall be substantively and procedurally equivalent to those required in this section, and any requirements relating to recordkeeping, reporting, and sampling or analysis contained in such State law shall be substantively and procedurally equivalent to the requirements of this section and its implementing regulations and guidance.

“(l) DISCHARGES INCIDENTAL TO THE NORMAL OPERATIONS OF A COMMERCIAL VESSEL.—

“(1) EVALUATION OF INCIDENTAL DISCHARGES.—

“(A) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Administrator, in consultation with the Secretary, shall complete an evaluation of discharges incidental to the normal operation of a commercial vessel.

“(B) FACTORS.—In carrying out the evaluation, the Administrator shall analyze—

“(i) the characterization of the various types and composition of discharges incidental to the normal operation of a commercial vessel by different classes, types, and sizes of commercial vessels;

“(ii) the volume of such discharges for representative individual commercial vessels and by classes, types, and sizes of commercial vessels in the aggregate;

“(iii) the availability and feasibility of implementing technologies or best management practices for the control of such discharges;

“(iv) the characteristics of the receiving waters of such discharges;

“(v) the nature and extent of potential effects of such discharges on human health, welfare, and the environment;

“(vi) the extent to which such discharges are currently subject to and addressed by regulations under existing Federal laws or binding international obligations of the United States; and

“(vii) any additional factor that the Administrator considers appropriate.

“(2) REGULATION OF INCIDENTAL DISCHARGES.—Effective on and after the date of enactment of this section—

“(A) the Administrator (or a State in the case of a permit program approved under section 402) shall not require any new permit or permit conditions under section 402 for any discharge incidental to the normal operation of a commercial vessel; and

“(B) a State or political subdivision thereof shall not adopt or enforce any law or regulation of the State or political subdivision with respect to such a discharge.

“(m) EFFECT ON VESSEL GENERAL PERMIT.—

“(1) EXPIRATION.—Notwithstanding the expiration date set forth in the Vessel General Permit, the Vessel General Permit shall expire as follows:

“(A) The terms and conditions of section 6 of such permit or any law of a State regulating the discharge of ballast water or any discharge incidental to the normal operation of a commercial vessel, upon the date of enactment of this section.

“(B) For each commercial vessel, the terms and conditions of such permit (except the terms and conditions referred to in subparagraph (A)) applicable to a discharge of ballast water—

“(i) on the date on which—

“(1) a ballast water treatment technology certified under subsection (e) is installed on the commercial vessel;

“(2) an alternative method of compliance established for the commercial vessel under subsection (f) is implemented for the commercial vessel;

“(3) a petition is granted for the commercial vessel under subsection (g); or

“(4) a certificate is issued for the commercial vessel under subsection (h); or

“(ii) in any case not described in clause (i), on December 18, 2013.

“(2) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF COMMERCIAL VESSELS.—Notwithstanding the expiration date set forth in the Vessel General Permit, the terms and conditions of such permit (except the terms and conditions referred to in paragraph (1)(A)) applicable to discharges incidental to the normal operation of a commercial vessel shall remain in effect.

“(n) INSPECTIONS AND ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) COAST GUARD ENFORCEMENT.—The Secretary shall enforce the requirements of this section and may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, and the States.

“(B) ENVIRONMENTAL PROTECTION AGENCY ACTIONS.—Notwithstanding any enforcement decisions of the Secretary under subparagraph (A), the Administrator may use the authorities provided in sections 308, 309, 312, and 504 whenever required to carry out this section.

“(2) COAST GUARD INSPECTIONS.—The Secretary may carry out inspections of any commercial vessel at any time, including the taking of ballast water samples, to ensure compliance with this section. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring of such commercial vessels and shall establish adequate procedures for reporting violations of this section and accumulating evidence regarding such violations.

“(o) COMPLIANCE.—

“(1) DETENTION OF COMMERCIAL VESSEL.—The Secretary, by notice to the owner or operator, may detain the commercial vessel if the Secretary has reasonable cause to believe that the commercial vessel does not comply with a requirement of this section or is being operated in violation of such a requirement.

“(2) SANCTIONS.—

“(A) CIVIL PENALTIES.—

“(i) IN GENERAL.—Any person who violates this section shall be liable for a civil penalty in an amount determined under clause (ii). Each day of a continuing violation constitutes a separate violation. A commercial vessel operated in violation of this section is liable in rem for any civil penalty assessed for that violation.

“(ii) PENALTY AMOUNTS.—The amount of a civil penalty assessed under clause (i) shall be determined as follows:

“(1) For vessels with a ballast water capacity less than 1500 cubic meters, not to exceed \$25,000 for each violation.

“(2) For vessels with a ballast water capacity of 1500 cubic meters but not more than 5,000 cubic meters, not to exceed \$28,750 for each violation.

“(3) For vessels with a ballast water capacity greater than 5,000 cubic meters, not to exceed \$32,500 for each violation.

“(B) CRIMINAL PENALTIES.—Any person who knowingly violates this section shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

“(C) REVOCATION OF CLEARANCE.—Upon request of the Secretary, the Secretary of Homeland Security shall withhold or revoke the clearance of a commercial vessel required by section 60105 of title 46, United States Code, if the owner or operator is in violation of this section.

“(3) ENFORCEMENT ACTIONS.—

“(A) ADMINISTRATIVE ACTIONS.—If the Secretary finds that a person has violated this sec-

tion, the Secretary may assess a civil penalty for the violation. In determining the amount of the civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

“(B) CIVIL ACTIONS.—At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section. Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctions and civil penalties.

“(4) EXCLUSION.—No person shall be found in violation of this section whose commission of prohibited acts is found by the Secretary to have been in the interest of ensuring the safety of life at sea.

“(p) REGULATION UNDER OTHER SECTIONS OF THIS ACT.—This section shall not affect the regulation of discharges from a commercial vessel pursuant to section 311 or 312.”

SEC. 703. DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.

(a) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.—

(1) NO PERMIT REQUIRED.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.—No permit shall be required under this Act by the Administrator (or a State, in the case of a permit program approved under subsection (b)) for a discharge incidental to the normal operation of a covered vessel (as defined in section 312(p)).”

(2) BEST MANAGEMENT PRACTICES FOR COVERED VESSELS.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(p) BEST MANAGEMENT PRACTICES FOR COVERED VESSELS.—

“(1) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) COVERED VESSEL.—The term ‘covered vessel’ means every description of watercraft, or other artificial contrivance used or capable of being used as a means of transportation on water, that is engaged in commercial service (as defined under section 2101 of title 46, United States Code), and—

“(i) is less than 79 feet in length; or

“(ii) is a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of length of the vessel.

“(B) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.—The term ‘discharge incidental to the normal operation of a covered vessel’ means a discharge incidental to the normal operation of a commercial vessel (as defined in section 321), insofar as the commercial vessel is a covered vessel.

“(2) DETERMINATION OF DISCHARGES SUBJECT TO BEST MANAGEMENT PRACTICES.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, shall determine the discharges incidental to the normal operation of a covered vessel for which it is reasonable and practicable to develop best management practices to mitigate the adverse impacts of such discharges on the waters of the United States.

“(ii) PROMULGATION.—The Administrator shall promulgate the determinations under clause (i) in accordance with section 553 of title 5, United States Code.

“(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator shall consider—

“(i) the nature of the discharge;
 “(ii) the environmental effects of the discharge, including characteristics of the receiving waters;

“(iii) the effectiveness of the best management practice in reducing adverse impacts of the discharge on water quality;

“(iv) the practicability of developing and using a best management practice;

“(v) the effect that the use of a best management practice would have on the operation, operational capability, or safety of the vessel;

“(vi) applicable Federal and State law;

“(vii) applicable international standards; and

“(viii) the economic costs of the use of the best management practice.

“(C) **TIMING.**—The Administrator shall—

“(i) make initial determinations under subparagraph (A) not later than 1 year after the date of enactment of this subsection; and

“(ii) every 5 years thereafter—

“(I) review the determinations; and

“(II) if necessary, revise the determinations based on any new information available to the Administrator.

“(3) **REGULATIONS FOR THE USE OF BEST MANAGEMENT PRACTICES.**—

“(A) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall promulgate regulations on the use of best management practices for discharges incidental to the normal operation of a covered vessel that the Administrator determines are reasonable and practicable to develop under paragraph (2).

“(B) **REGULATIONS.**—

“(i) **IN GENERAL.**—The Secretary shall promulgate the regulations under this paragraph as soon as practicable after the Administrator makes determinations pursuant to paragraph (2).

“(ii) **CONSIDERATIONS.**—In promulgating regulations under this paragraph, the Secretary may—

“(I) distinguish among classes, types, and sizes of vessels;

“(II) distinguish between new and existing vessels; and

“(III) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

“(4) **EFFECT OF OTHER LAWS.**—This subsection shall not affect the application of section 311 to a covered vessel.

“(5) **PROHIBITION RELATING TO COVERED VESSELS.**—After the effective date of the regulations promulgated by the Secretary of the department in which the Coast Guard is operating under paragraph (3), the owner or operator of a covered vessel shall neither operate in, nor discharge any discharge incidental to the normal operation of the vessel into navigable waters, if the owner or operator of the vessel is not using any applicable best management practice meeting standards established under this subsection.”.

SEC. 704. CONFORMING AND TECHNICAL AMENDMENTS.

(a) **EFFLUENT LIMITATIONS.**—Section 301(a) of the Federal Water Pollution Control Act (33 U.S.C. 1311(a)) is amended by inserting “312, 321,” after “318.”.

(b) **REVIEW OF ADMINISTRATOR'S ACTIONS.**—The first sentence of section 509(b)(1) of such Act (33 U.S.C. 1369(b)(1)) is amended—

(1) by striking “and (G)” and inserting “(G)”;

(2) by inserting after “section 304(l),” the following: “and (H) in issuing any regulation or otherwise taking final agency action under section 312 or 321.”.

SEC. 705. REGULATION OF BALLAST WATER AND INCIDENTAL DISCHARGES FROM A COMMERCIAL VESSEL.

(a) **IN GENERAL.**—Effective on the date of enactment of this Act, the following discharges

shall not be regulated in any manner other than as specified in section 312 or 321 of the Federal Water Pollution Control Act (as added by this title):

(1) A discharge incidental to the normal operation of a commercial vessel.

(2) A discharge of ballast water from a commercial vessel.

(b) **DEFINITIONS.**—In this section, the terms “ballast water”, “commercial vessel”, and “discharge incidental to the normal operation of a commercial vessel” have the meanings given those terms in section 321(a) of the Federal Water Pollution Control Act (as added by this title).

SEC. 706. NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) **AQUATIC NUISANCE SPECIES IN WATERS OF THE UNITED STATES.**—Effective on the date of issuance of final regulations under section 321(b) of the Federal Water Pollution Control Act (as added by this title), section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is repealed.

(b) **RELATIONSHIP TO OTHER LAWS.**—Effective on the date of enactment of this Act, section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is repealed.

The CHAIR. No amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in House Report 112-267 and amendments en bloc described in section 3 of House Resolution 455.

Each amendment other than amendments en bloc may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Transportation and Infrastructure or his designee to offer amendments en bloc consisting of amendments printed in House Report 112-267 not earlier disposed of.

Amendments en bloc offered pursuant to section 3 shall be considered read, shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

AMENDMENTS EN BLOC OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I have an en bloc amendment at the desk.

The CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendment Nos. 1, 2, 11, 12, 14, 16, 17, and 18 printed in House Report 112-267:

AMENDMENT NO. 1 OFFERED BY MR. LOBIONDO
OF NEW JERSEY

Page 18, line 13, strike “section 569a” and insert “section 569a(a) for the sixth national security cutter and section 569a for the seventh national security cutter”.

Page 40, before line 7, insert the following:

SEC. 409. AUTHORITY TO EXTEND THE DURATION OF MEDICAL CERTIFICATES.

(a) **IN GENERAL.**—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7508. Authority to extend the duration of medical certificates

“(a) **GRANTING OF EXTENSIONS.**—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner's document, or certificate of registry if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for medical certificates or in response to a national emergency or natural disaster.

“(b) **MANNER OF EXTENSION.**—An extension under this section may be granted to individual seamen or a specifically identified group of seamen.”.

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of such chapter is amended by adding at the end the following:

“7508. Authority to extend the duration of medical certificates.”.

Page 56, after line 3, insert the following:

SEC. 612. REPORT ON SURVIVAL CRAFT.

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the carriage of survival craft that ensures no part of an individual is immersed in water.

(b) **CONTENT.**—The report shall include information on—

(1) the number of casualties as the result of immersion in water by vessel type and area of operation reported to the Coast Guard for each of fiscal years 1991 through 2011;

(2) the effect the carriage of such survival craft has on vessel safety, including stability and safe navigation;

(3) the efficacy of alternative safety systems, devices, or measures; and

(4) the cost and cost-effectiveness of requiring the carriage of such survival craft on vessels.

Page 58, line 15, after “technology” insert “to reduce or eliminate aquatic invasive species”.

Page 62, line 2, strike “or” at the end.

Page 62, line 7, strike the period at the end and insert “; or”.

Page 62, after line 7, insert the following:

“(iii) a discharge into navigable waters from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water.

Page 64, line 3, strike “December 19, 2008,” and all that follows through the period at the end of line 5 and insert “February 6, 2009.”.

Page 65, line 12, strike “point” and insert “port or place”.

Page 65, line 22, insert “, if such system does not introduce aquatic nuisance species into navigable waters, as determined by the

Secretary in consultation with the Administrator" before the semicolon at the end.

Page 71, line 11, strike "this subparagraph" and insert "clause (ii)(II)".

Page 86, line 8, strike "guidelines specifying" and insert "requirements for".

Page 87, beginning on line 6, strike "this section for" and all that follows through the period at the end of line 8 and insert the following: "this section for—

"(A) a commercial vessel having a maximum ballast water capacity of less than 8 cubic meters; and

"(B) a commercial vessel that is 3 years or fewer from the end of its useful life, as determined by the Secretary pursuant to subsection (b)(2)(B)(v).

Page 87, line 24, strike "Subsections (c), (e), and (i)" and insert "Subsection (c)".

Page 88, beginning on line 2, strike ", as determined by the Secretary, in consultation with the Administrator".

Page 88, line 7, insert ", or an equivalent restriction, as determined by the Secretary, issued by the country of registration of the commercial vessel" before the period.

Page 107, line 10, insert ", in consultation with the Administrator," before "shall promulgate".

Page 110, after line 18, add the following:

TITLE VIII—PIRACY

SEC. 801. SHORT TITLE.

This title may be cited as the "Piracy Suppression Act of 2011".

SEC. 802. REPORT ON ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED VESSELS FROM PIRACY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, shall provide to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Service and the Committee on Commerce, Science, and Transportation of the Senate a report on actions taken by the Secretary of Defense to protect foreign-flagged vessels from acts of piracy on the high seas. The report shall include—

(1) the total number of incidents for each of the fiscal years 2008 through 2011 in which a member of the armed services or an asset under the control of the Secretary of Defense was used to interdict or defend against an act of piracy directed against any vessel not documented under the laws of the United States; and

(2) the total cost for each of the fiscal years 2008 through 2011 for such incidents.

SEC. 803. TRAINING PROGRAM FOR USE OF FORCE AGAINST PIRACY.

(a) IN GENERAL.—Chapter 517 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 51705. Training program for use of force against piracy

"The Secretary of Transportation shall establish a training program for United States mariners on the use of force against pirates. The program shall include—

"(1) information on waters designated as high-risk waters by the Commandant of the Coast Guard;

"(2) information on current threats and patterns of attack by pirates;

"(3) tactics for defense of a vessel, including instruction on the types, use, and limitations of security equipment;

"(4) standard rules for the use of force for self defense as developed by the Secretary of the department in which the Coast Guard is

operating under section 912(c) of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 46 U.S.C. 8107 note), including instruction on firearm safety for crewmembers of vessels carrying cargo under section 55305 of this title; and

"(5) procedures to follow to improve crewmember survivability if captured and taken hostage by pirates."

(b) DEADLINE.—The Secretary of Transportation shall establish the program required under the amendment made by subsection (a) by no later than 180 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

"51705. Training program for use of force against piracy."

SEC. 804. SECURITY OF GOVERNMENT IMPELLED CARGO.

Section 55305 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(e) SECURITY OF GOVERNMENT IMPELLED CARGO.—

"(1) In order to assure the safety of vessels and crewmembers transporting equipment, materials, or commodities under this section, the Secretary of Transportation shall direct each department or agency (except the Department of Defense) responsible for the carriage of such equipment, materials, or commodities to provide armed personnel aboard vessels of the United States carrying such equipment, materials, or commodities while transiting high-risk waters.

"(2) The Secretary of Transportation shall direct each such department or agency to reimburse, subject to the availability or appropriations, the owners or operators of such vessels for the cost of providing armed personnel.

"(3) For the purposes of this subsection, the term 'high-risk waters' means waters so designated by the Commandant of the Coast Guard in the Port Security Advisory in effect on the date on which the voyage begins."

SEC. 805. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on efforts to track ransom payments paid to pirates operating in the waters off Somalia and improve the prosecution of such pirates. The report shall include—

(1) the status of Working Group 5 of the Contact Group on Piracy Off the Somali Coast, any efforts undertaken by the Working Group, and recommendations for improving the Working Group's effectiveness;

(2) efforts undertaken by the United States Government to implement and enforce Executive Order 13536, including recommendations on how to better implement that order to suppress piracy;

(3) efforts undertaken by the United States Government to track ransom payments made to pirates operating off the coast of Somalia, the effectiveness of those efforts, any operational actions taken based off those efforts, and recommendations on how to improve such tracking;

(4) actions taken by the United States Government to improve the international prosecution of pirates captured off the coast of Somalia; and

(5) an update on the United States Government's efforts to implement the rec-

ommendation contained in General Accountability Office report GAO–10–856, entitled "Maritime Security: Actions Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Countering Piracy off the Horn of Africa", that metrics should be established for measuring the effectiveness of counter piracy efforts.

AMENDMENT NO. 2 OFFERED BY MR. SHULER OF NORTH CAROLINA

Page 18, line 10, insert "(a) IN GENERAL.—" before "With respect to".

Page 18, line 24, strike the closing quotation marks and the final period.

Page 18, after line 24, insert the following:

"(b) USE OF MATERIALS, PARTS, AND COMPONENTS MANUFACTURED IN THE UNITED STATES.—In entering into contracts and placing orders under subsection (a), the Commandant shall give priority to persons that manufacture materials, parts, and components in the United States."

AMENDMENT NO. 11 OFFERED BY MR. MCINTYRE OF NORTH CAROLINA

Page 30, line 18, strike "; and" and insert a semicolon.

Page 30, line 21, strike the period and insert "; and".

Page 30, after line 21, insert the following:

(4) coordinate with local businesses to promote an efficient marine transportation system.

AMENDMENT NO. 12 OFFERED BY MR. CUMMINGS OF MARYLAND

At the end of title IV of the committee print, add the following:

SEC. 409. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

(a) IDENTIFICATION OF ACTIONS.—Section 501(b) of title 46, United States Code, is amended—

(1) by inserting "(1)" before "When the head"; and

(2) by adding at the end the following:

"(2) The Administrator of the Maritime Administration shall—

"(A) in each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

"(B) provide each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

"(C) publish each such determination on the Internet site of the Department of Transportation within 48 hours after it is provided to the Secretary of Transportation.

"(3)(A) The Administrator of the Maritime Administration shall notify the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate—

"(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving the request; and

"(ii) of the issuance of any waiver of compliance of such a law not later than 48 hours after such issuance.

"(B) The Administrator shall include in each notification under subparagraph (A)(ii) an explanation of—

"(i) the reasons the waiver is necessary; and

"(ii) the reasons actions referred to in paragraph (2)(A) are not feasible."

AMENDMENT NO. 14 OFFERED BY MR. MCCAUL OF TEXAS

At the end of title IV of the committee print, add the following:

SEC. 409. CLASSIFICATION SOCIETIES.

Section 3316 of title 46, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(C) by adding at the end the following:

“(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.”;

(2) in subsection (d)(2)—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(C) by adding at the end the following:

“(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.”; and

(3) by adding at the end the following:

“(e) The Secretary shall revoke an existing delegation made to a foreign classification society under subsection (b) or (d) if the Secretary of State determines that the foreign classification society provides comparable services in or for a state sponsor of terrorism.

“(f) In this section, the term ‘state sponsor of terrorism’ means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.”.

AMENDMENT NO. 16 OFFERED BY MR. MURPHY OF CONNECTICUT

Page 56, after line 3, insert the following (and conform the table of contents accordingly):

SEC. 612. CONSIDERATION OF INFORMATION RELATING TO EMPLOYMENT WHEN AWARDED CONTRACTS.

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code, is further amended by adding at the end the following:

“§ 569c. Consideration of information relating to employment when awarded contracts

“(a) JOBS IMPACT STATEMENTS.—The Secretary, in issuing a solicitation for competitive proposals with respect to a Coast Guard contracting opportunity, shall state in the solicitation that the Secretary may consider information (in this section referred to as a ‘jobs impact statement’)—

“(1) that the offeror may include in its offer; and

“(2) that relates to the effect of the contract on employment in the United States if the contract is awarded to the offeror.

“(b) CONTENTS.—The information that may be included in a jobs impact statement may include the following:

“(1) The number of jobs expected to be created in the United States, or the number of jobs to be retained in the United States that otherwise would be lost, if the contract is awarded to the offeror.

“(2) The number of jobs expected to be created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

“(3) A guarantee from the offeror that jobs created or retained in the United States as a result of the contract being awarded to the offeror will not be moved outside the United States after award of the contract.

“(c) USE IN EVALUATION.—The Secretary may consider information in a jobs impact statement in the evaluation of an offer relating to a Coast Guard contracting opportunity and may request further information from the offeror in order to verify the accuracy of any such information submitted.

“(d) ASSESSMENT.—With respect to a contract awarded to an offeror that submitted a jobs impact statement, the Secretary shall track the number of jobs created or retained in the United States as a result of the contract. If the number of jobs estimated to be created or retained in the jobs impact statement significantly exceeds the number of jobs created or retained as a result of the contract, the Secretary may evaluate whether the contractor should be proposed for debarment.

“(e) REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report describing the use by the Secretary of jobs impact statements in evaluating offers relating to Coast Guard contracting opportunities.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end of the items relating to such subchapter the following:

“569c. Consideration of information relating to employment when awarded contracts.”.

AMENDMENT NO. 17 OFFERED BY MS. BROWN OF FLORIDA

At the end of title VI, add the following:

SEC. 612. REQUIREMENT OF CORPS.

The Secretary of the Army, acting through the Chief of the Corps of Engineers, shall continue to study the project related to the Jacksonville Port Authority in Jacksonville, Florida, without applying any additional peer reviews described by section 2034 of the Water Resources Development Act of 2007 (33 U.S.C. 2343).

AMENDMENT NO. 18 OFFERED BY MR. RIBBLE OF WISCONSIN

Page 58, strike lines 18 through 24 and insert the following:

“(7) COMMERCIAL VESSEL.—The term ‘commercial vessel’ means every description of watercraft, or other artificial contrivance used or capable of being used as a means of transportation on water—

“(A) that is engaged in commercial service (as defined under section 2101 of title 46, United States Code); or

“(B) that is owned or operated by the United States, other than a vessel of the Armed Forces (as defined under section 312 of this Act).

The CHAIR. Pursuant to House Resolution 455, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I urge all Members to support the en bloc amendment, and I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of Mr. LOBIONDO's manager's amendment and appreciate

its consideration en bloc with other amendments.

In general, the amendment provides helpful technical and clarifying changes to the underlying committee print which will improve the bill. In particular, the provision that grants the Coast Guard discretionary authority to extend the duration of medal certificates is important because it will help ensure that mariners are not left on the dock simply because of administrative backlogs within the Coast Guard preventing the timely issuance of new certificates.

Also I support the inclusion of the amended version of Chairman LOBIONDO's piracy legislation, H.R. 2039, the Piracy Suppression Act of 2011, and expect that it will help to strengthen our efforts abroad to address the growing threat piracy poses to maritime commerce.

In regards to additional amendments in the en bloc, Mr. SHULER's Amendment No. 2 is an important one and encourages all federal agencies certainly to enter into contracts and buy products produced in the U.S., creating jobs for Americans, and the Coast Guard should be no exception.

With regards to Mr. CUMMINGS' amendment, I am certainly supportive of that. It mirrors H.R. 3202. Waivers granted by the Maritime Administration this past summer to allow foreign-flagged vessels to transport oil from the Strategic Petroleum Reserve to other areas in U.S. territorial waters raised legitimate concerns that the administrative waiver process lacked transparency and accountability. This amendment would establish new notice and justification requirements for waivers of our Coast Guard's laws and would help to ensure that our merchant fleet is not unnecessarily disadvantaged in the future.

With regards to Mr. MURPHY's amendment, the gentleman from Connecticut, I can think of no reason why it would not be appropriate for the Coast Guard, when it is soliciting for competitive proposals, to also seek optional job impact statements from these companies bidding on the contract. This will allow the contract officer to assess not only cost comparisons, but also job creation comparisons when making an award and would serve the interests of both the Federal Government and the offeror. This would appear to me to be a good way at little or not cost to better leverage the job-creating potential of contracts awarded by the Coast Guard. And certainly I want to thank the chairman for including Mr. MURPHY's amendment into the en bloc amendment.

Mr. Chair, certainly there are a few other amendments that folks can speak to at the time that they wish, but we have no objection to the en bloc, and we encourage its support and its passage.

With that, I yield back the balance of my time.

Mr. LOBIONDO. I urge support of the amendment, and I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in support of the McCaul Amendment to the Coast Guard and Maritime Transportation Act.

For over 75 years, the Jones Act allowed only one non-governmental organization, the American Bureau of Shipping (ABS), a not-for-profit marine classification society located in my district in Houston, the authority to review and inspect U.S. flagged vessels on behalf of the U.S. Coast Guard.

In 1996, Congress expanded this authority to allow foreign-based classification societies to perform similar tasks.

Today, five foreign classification societies act as Agents of our government on behalf of the Coast Guard.

Unfortunately, four of these foreign organizations also act as Agents of the Islamic Republic of Iran in the review and inspection of Iranian flagged vessels.

These foreign-based classification societies also continue to have business interest with, and often operate within, other rogue nations and state sponsors of terrorism.

I support the McCaul Amendment, which would close this loophole in our laws and send a clear message to foreign-based classification societies that you must choose to work with the United States or work with state sponsors of terrorism, such as Iran.

I ask my colleagues on both sides of the aisle to support the word and spirit of the Iranian sanctions regime that this Chamber has supported time and again, and vote in favor of this amendment.

The CHAIR. The question is on the amendments en bloc offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendments en bloc were agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CUMMINGS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-267.

Mr. CUMMINGS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, beginning on line 7, strike subsection (a) (and redesignate the succeeding subsections accordingly).

The CHAIR. Pursuant to House Resolution 455, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the work of Chairman LOBIONDO and Chairman MICA and, of course, our ranking member, Mr. LARSEN, and the ranking member, Mr. RAHALL. I appreciate the effort that they put into this Coast Guard reauthorization.

I also appreciate the close working relationship I have with the chairman, Mr. LOBIONDO. During my tenure as chairman of the Coast Guard and Maritime Transportation Subcommittee, he served as my ranking member, and now that he is chair, I appreciate the commitment to diligent oversight that characterizes his leadership of the subcommittee.

I wish we had been able to reach an agreement on the issue at hand, but as that has not been possible, I'm offering this amendment to strike section 301(a) of the bill. Section 301(a) would eliminate provisions included in the Coast Guard authorization of 2010 that I authored to establish an ombudsman in each Coast Guard district. The district ombudsmen are intended to serve as liaisons between the Coast Guard and ports, terminal operators, ship owners, and labor representatives. The ombudsmen will enable these stakeholders to seek further review of disputes regarding the application of the Coast Guard regulations.

Let me be clear that the provisions creating the ombudsman specifically provide that "the district ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of Coast Guard requirements on port business and the flow of commerce."

The provisions further clarify that in providing such assistance, the district ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant hardship as a result of implementing the Coast Guard requirement.

□ 1220

I authored the provisions creating the ombudsman at the request of the port community, which approached me seeking another mechanism to engage with the Coast Guard to ensure that the application of regulations achieves critical safety and security objectives while having the least possible impact on commerce.

Many Members of Congress, and particularly those on the other side of the aisle, profess that limiting the power of government and ensuring that businesses are not burdened by inappropriate regulations are among their top priorities. Given these priorities and given the need to ensure that regulations do not threaten commerce or jobs, I am frankly quite deeply surprised that the majority would seek to eliminate a provision that specifically provides businesses with an avenue through which they can seek changes in regulatory decisions in an effort to improve their businesses.

Let me also be clear that I understand that the Coast Guard has not yet appointed any ombudsman—and I know that the service would probably prefer never to appoint an ombudsman because they would prefer that their reg-

ulatory decisions not be challenged. That said, rather than eliminating the requirement that the Coast Guard appoint an ombudsman, I believe that this authority should be implemented quickly to give businesses the opportunity to improve the application of Coast Guard regulations.

Finally, let me also explain that this provision does not require any new personnel to be hired. The statutory language is clear, and staff have reconfirmed with the Coast Guard that the position of ombudsman could be a collateral duty that a qualified staff member performs in addition to their other duties. This is not my ideal arrangement, but I raise this point so that it is clear that the implementation of this provision does not require the Coast Guard to hire new staff members.

I urge all Members who are concerned about the impact that undue regulatory burdens may have on commerce to join me in supporting this amendment.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. I want to thank the gentleman from Maryland for his kind comments. And it is correct, we've had an outstanding working relationship. We've been able to come together on many issues and share a lot of information that has helped us both come to a better conclusion.

Unfortunately, in even great relationships sometimes there is some disagreement. It's an honest disagreement on how we should proceed. I understand the gentleman's argument, but I believe that the provision is duplicative and costly. The implementation of this language I think will worsen the challenges for the Coast Guard at a time when they're facing very difficult money constraints. We've heard the talk about how they don't have the resources to do what they need to do, and we have to worry about their critical missions being able to be conducted.

The Coast Guard does not support the adoption of this provision; they did not last year. I, once again, want to thank the gentleman from Maryland for working so closely with me, but, unfortunately, I have to oppose this particular amendment.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. LARSEN), the ranking member of the subcommittee.

Mr. LARSEN of Washington. I support Mr. CUMMINGS' amendment striking the provision in the underlying bill that would eliminate the requirement for the Coast Guard to establish ombudsmen in Coast Guard districts around the country.

In committee, Mr. CUMMINGS offered and subsequently withdrew his amendment in the hope that some compromise could be reached. Because the program is little more than a year old, I suggest that it might be premature for Congress to repeal this new program. But I certainly do want to recognize the work that Mr. CUMMINGS and Mr. LOBIONDO did to try to find some accommodation.

But I do encourage people to support this amendment to allow the ombudsman program to continue so that we might be better able to get a fair evaluation of the program in the future.

Mr. CUMMINGS. I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. CUMMINGS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. THOMPSON
OF MISSISSIPPI

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-267.

Mr. THOMPSON of Mississippi. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II, add the following:

SEC. 2. ACADEMY NOMINATIONS.

(a) APPOINTMENT.—Subsection (a) of section 182 of title 14, United States Code, is amended to read as follows:

“(a) NOMINATIONS.—

“(1) Half of each incoming class, beginning with academic year 2014, shall be composed of cadets nominated by:

“(A) The Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

“(B) A Senator.

“(C) A Representative in Congress.

“(D) The Delegate to the House of Representatives from the District of Columbia, the Delegate in Congress from the Virgin Islands, the Resident Commissioner from Puerto Rico, the Delegate in Congress from Guam, the Delegate in Congress from American Samoa, or the Resident Representative from the Commonwealth of the Northern Mariana Islands.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner and the Resident Representative, is entitled to nominate 3 persons each year. Cadets who do not graduate on time shall not count against the allocations pursuant to subparagraphs (A) through (D).

“(2) An individual shall be qualified for nomination, selection, and appointment as a cadet at the Academy only if the individual—

“(A) is a citizen or national of the United States; and

“(B) meets such minimum requirements that the Secretary may establish.

“(3) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.”

(b) TRANSITION.—With respect to the nomination of individuals, pursuant to section 182 of title 14, United States Code, who will matriculate in academic program year 2013, not less than 25 percent of the class shall be from nominations made pursuant to subparagraphs (A) through (D) of subsection (a)(1) of such section 182 (as amended by subsection (a) of this section).

The Secretary is hereby authorized to take any additional action the Secretary believes necessary and proper to provide for the transition to the nomination, selection, and appointment process provided under this section.

The CHAIR. Pursuant to House Resolution 455, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

My amendment would allow Members of Congress to nominate qualified candidates for admission to the U.S. Coast Guard Academy.

Located in New London, Connecticut, the Coast Guard Academy is one of the five prestigious U.S. service academies. The others are the Military Academy in West Point, New York; the Naval Academy in Annapolis, Maryland; the Air Force Academy in Colorado Springs, Colorado; and the Merchant Marine Academy in Kings Point, New York.

These service academies provide 4-year undergraduate educations on a tuition-free basis to help mold talented young people into the Nation's future leaders. Upon graduation, service academy cadets become commissioned officers in active or reserve components of the military, the Merchant Marines, or the U.S. Coast Guard.

Under current law, Members of Congress are authorized to nominate candidates to all U.S. service academies except the U.S. Coast Guard Academy. The Coast Guard Academy uses an admissions process similar to the processes used at traditional civilian colleges and universities.

On an average, the Coast Guard accepts almost 400 applicants each academic year. Of those 400 applicants, a disproportionate number hail from States that border the Atlantic and Pacific Oceans. The rest of the country is largely underrepresented. My amendment seeks to foster greater geographic diversity in the Coast Guard Academy's applicant pool by allowing each Member of Congress to nominate up to three qualified candidates. Simi-

lar language that I offered with the gentleman from Maryland, Representative CUMMINGS, was accepted by voice vote during consideration of the 2012 Coast Guard authorization bill. I want to recognize Representative CUMMINGS as a cosponsor of my amendment and a true partner in this effort.

Under my amendment, for academic year 2013, the Coast Guard would be required to allocate a quarter of the slots in the incoming class to qualified candidates submitted through the congressional nomination process. In subsequent academic years, half of the slots would be filled through the congressional nomination process.

My amendment does not require the Coast Guard to alter or lower its selection criteria. To the contrary, it anticipates that the Coast Guard will utilize its criteria to select the best candidates from the pool of Member-nominated candidates to fill half of the slots in the incoming class, just as it will do in filling the remaining slots in the other half of the class.

Additionally, my amendment does not require the Coast Guard to increase class sizes; that's a decision for the Coast Guard. At its essence, it seeks to ensure that the Coast Guard attracts the best candidates from all over the country by increasing the applicant pool.

Each of us has experienced the disappointment of having a talented young person that we nominated to one of the four other service academies rejected. We all understand that it's a very competitive process and slots are scarce. I, for one, would welcome the opportunity to bring that person to the attention of the Coast Guard Academy and help put him or her on a path to accomplishing much for themselves, their families, and the Nation.

With that, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. I appreciate what the gentleman from Mississippi is attempting to do here; however, I don't think this is workable. Every Member of Congress would, every 4 years, get to nominate someone to the Coast Guard Academy. I send a number of qualified young people in that direction every year. And the Coast Guard strongly opposes this amendment.

I yield such time as he may consume to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in opposition to this amendment.

First of all, I just want to salute the amazing effort by Representative CUMMINGS and Representative THOMPSON over the last 4 or 5 years to really, I think, profoundly change behavior at the Academy's admissions office in terms of forcing them to widen the

scope of their search for qualified students all across America. In the incoming class this year, we have students who hail from 48 States. We have 31 percent female cadets starting this year and 21 percent minority.

□ 1230

As both of the gentlemen who are the proponents of this amendment know, that is a stark contrast to the situation that existed a short time ago. And I think, again, it is partly due to their external pressure, but also the fact that the Coast Guard Academy's leadership took the challenge and has really been, I think, actively recruiting all across the country to achieve, again, what I think is a goal that the gentleman from Mississippi has well spoken, that we can draw from a wider pool rather than just the bi-coastal parts of the United States of America.

What I would just say, why I stand today in opposition is just that the incoming class is also a small class. It's 288 cadets. If you sort of just try and do the math in terms of a body of 435 Members of the House, 100 in the Senate, and even with the 25 percent safeguard that Mr. THOMPSON thoughtfully added to this amendment, I think it really would just be a cumbersome add-on to a process that really, again, is actively engaged.

Admiral Sandra Stotz is the new superintendent at the academy, the first female superintendent of a military academy in American history. And I can just attest to the fact, having met with her on a number of occasions since she just started this past fall, she is focused like a laser beam in terms of making sure that the great work that was started over the last 2 years or so is going to continue.

And Members can be part of that. We can all, again, go out and talk to high schools, put it on our Web sites, have Coast Guard cadets act as interns in our office, do what we can to make sure that this amazing institution that, again, is just producing great leaders for the future of our country, will draw on, again, the great diversity of our Nation, both geographical and socially.

So, again, I support the goal of this amendment. It's just the mechanics that, again, I would just respectfully rise in opposition and, again, pledge that as someone who represents the New London district, will continue to work with the proponents to make sure that the good progress that's been made over the last couple of years or so will continue.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentleman from Mississippi. Thank you for your leadership and thank you for your kind words.

I'm truly amazed by what the Coast Guard is able to accomplish, particularly given the limits of its budget. But I remain the Coast Guard's biggest supporter.

During my tenure as chairman, I also had the opportunity to be the service's most constructive critic. Among the many areas where I pushed the Coast Guard to set and achieve higher goals was the area of diversity. Data presented to the subcommittee showed that minorities comprised approximately 12 percent of the class of 2012 and just 16 percent of the class of 2013.

By comparison, approximately 35 percent of the Naval Academy's class of 2013 is comprised of minorities. And the tremendous gains in diversity achieved by the United States Naval Academy suggested that the Coast Guard Academy's outreach had been too limited. And as a result, many students across the country from a wide variety of communities and backgrounds simply were not made aware either of the education that they could receive for free at the Coast Guard Academy or the unique service opportunities available in the Coast Guard.

I'm very proud to say that the Coast Guard has begun making that effort, and they are now beginning to realize the promise that our Nation's diversity represents. As a result of what I know has been a tremendous effort, 34 percent of the Coast Guard's Academy's class of 2015 is comprised of minority students, nearly triple the percentage of minorities in the class of 2012.

I believe that implementing a nominations process at the Coast Guard Academy, something that I proposed along with Mr. THOMPSON during our consideration of previous Coast Guard authorizations, will help continue and advance the achievements of the Coast Guard.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Chair, I support Mr. THOMPSON's amendment to insert a congressional nomination process for admission to the United States Coast Guard.

This provision, which was included in Coast Guard legislation that passed the House during the 111th Congress, would establish the same process to allow Members of Congress the opportunity to nominate individuals for entrance into the Coast Guard Academy.

I realize that the Coast Guard does not support the Congress imposing a nomination process on the agency, but if it does result in a more diverse workforce within the Coast Guard, we will all be better for it, including the Coast Guard, too.

CONGRESSIONAL NOMINATIONS AT THE COAST GUARD ACADEMY

VOTE "YES" ON THE THOMPSON AMENDMENT TO H.R. 2838

The following list is of States and Territories where no applicants were accepted for the incoming Coast Guard Academy Class of 2015—Arkansas, Delaware, Louisiana, Mississippi, Montana, North Dakota, Oregon,

South Dakota, Vermont, American Samoa, Puerto Rico, U.S. Virgin Islands.

Prepared by the House Committee on Homeland Security, Democratic Staff, November 4, 2011.

The CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. THOMPSON of Mississippi. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. PALAZZO

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-267.

Mr. PALAZZO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 303 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 22, strike lines 10 through 14 and insert the following:

SEC. 303. MAJOR ACQUISITIONS REPORT.

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

"§ 569a. Major acquisitions report

Page 25, strike line 12 and all that follows before line 16 and insert the following:

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following: "569a. Major acquisitions report.".

The CHAIR. Pursuant to House Resolution 455, the gentleman from Mississippi (Mr. PALAZZO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. PALAZZO. Mr. Chairman, I yield myself such time as I may consume.

My amendment would strike section 303 of the bill, which places harmful restrictions on the future contracting and construction of the United States Coast Guard national security cutter.

The national security cutter is a much needed and extremely cost-effective ship for the Coast Guard, and it has actively proven its value through highly successful counterdrug and other missions while replacing an aging Coast Guard fleet. This is a ship the Coast Guard desperately needs and replaces the 378-foot endurance cutters, most of which are 40 to 50 years old.

Just recently, the commandant of the Coast Guard told the press, we can't get rest of those out soon enough. On average, the Coast Guard's legacy high-endurance cutters are able to achieve approximately 140 of their programmed 185 days under way a year.

Maintenance costs continue to escalate, and further delay of the transition to national security cutters will

only exacerbate challenges we are already facing meeting fleet readiness and mission requirements. This ship represents the centerpiece of the Coast Guard fleet.

The first two national security cutters are enabling the Coast Guard to meet a wide range of missions now. During initial deployment, the national security cutters have netted hundreds of millions of dollars in drug busts. In fact, the street value of cocaine seized in the NSC's first two deployments alone exceeds the total cost of building a national security cutter. It is easy to see that this ship is an exceptional investment in our national security.

As it currently stands, H.R. 2838 would prohibit the Coast Guard from moving forward on NSC 6 and NSC 7. The \$77 million pending in FY12 will enable the Coast Guard to contract for long lead time materials and transition to a planned construction contract in fiscal year '13. This is the most cost-effective method of procuring and building any ship, whether it's for the Coast Guard, Navy or the Marine Corps.

As you delay shipbuilding contracts, labor costs and material costs go up as a result of standard inflation. As these costs go up, the costs to the taxpayers go up, called escalation.

Simply put, by continuing steady production of this ship, we are saving the taxpayer money and creating a better product for the Coast Guard. This ship is extremely important to our Nation's industrial base which already faces a serious challenge in a time of tight budgets.

National security cutters are responsible for 1,300 jobs in over 40 States throughout the industrial base. In a time of deep cuts, this means real American jobs. We can't afford for America to lose more in terms of economic and national security. The continued, uninterrupted production could potentially save the taxpayers millions of dollars per ship and approximately 1,300 jobs across America.

One of my greatest concerns remains the purchase of long lead time materials to ensure that we do not delay production in the future. I have spoken with Mr. LoBiondo today, and I believe that we can find a solution to this issue before or during the conference process. With the cooperation of the Coast Guard and my friends on the committee, I feel confident we can continue to deliver the best product to the Coast Guard at the best possible price to the taxpayer.

I am willing to withdraw my amendment.

Mr. LoBiondo. Will the gentleman yield?

Mr. PALAZZO. I yield to the gentleman from New Jersey.

Mr. LoBiondo. I want to thank the gentleman from Mississippi and assure him that we have discussed and we will

continue to work toward a common goal which we both share.

Mr. PALAZZO. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

AMENDMENT NO. 6 OFFERED BY MRS. NAPOLITANO

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-267.

Mrs. NAPOLITANO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 47, line 10, strike "and" at the end.

Page 47, after line 10, insert the following: (2) in subsection (c) by inserting "or Guam" before the period at the end; and

Page 47, line 11, strike "(2)" and insert "(3)".

The CHAIR. Pursuant to House Resolution 455, the gentlewoman from California (Mrs. NAPOLITANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, I yield myself such time as I may consume.

Our bipartisan amendment gives United States-flagged tuna vessels in the western Pacific Ocean the option of using Guam in addition to American Samoa as their annual required port of call in order to meet U.S. maritime regulations.

This amendment would save the U.S. tuna industry millions of dollars and thousands of man-hours that are needlessly wasted being forced by the U.S. maritime regulations to travel 2,600 miles out of their way to make port visits.

The background is that the 2006 Coast Guard Authorization Act allowed U.S.-flagged tuna vessels in the western Pacific to use internationally licensed officers.

□ 1240

The international officer provision was created because maritime officers in the western Pacific are primarily from western Pacific nations. U.S. maritime unions were not opposed to the provision. In order to meet the requirements of that provision, the bill has required tuna vessels to make an annual port call in American Samoa, some 2,000 miles away.

In 2006, the tuna fleet in the region was very small at 12 boats. American Samoa had a market to process the fish for those boats. Since 2006, however, the tuna fleet in the western Pacific has grown to 38 vessels.

Mr. Chairman, approximately 25 of those vessels supply fish to western Pacific processors and then ship the fish

product to California, to Georgia, to Illinois, to Puerto Rico for canning. These canneries provide thousands of U.S. jobs. These 25 vessels are still required to travel over 2,600 miles to American Samoa and waste 7 days at sea. This costs each boat more than half a million to make this unnecessary trip.

The purpose of this amendment is to give these tuna boats the option of stopping in Guam in order to meet the requirement of visiting a U.S. port once a year, while receiving marine inspection by the largest Coast Guard sector station in the region.

And, of course, Guam is very close to the tuna fishing grounds. Guam's Coast Guard infrastructure and personnel are excellently equipped to provide these tuna vessels with proper marine inspection and safety review on a timely basis.

I urge all of my colleagues to support this commonsense amendment which will save our U.S. tuna industry millions of dollars. The U.S. House of Representatives is already on record supporting this provision. The provision was part of the Coast Guard authorization of 2009 that overwhelmingly passed this House.

Mr. Chairman, I reserve the balance of my time.

Mr. LARSEN of Washington. I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. LARSEN of Washington. I yield my time to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I rise respectfully in opposition to the gentleman's proposed amendment.

Mr. Chairman, perhaps unknown to many of my colleagues of the House, for more than 50 years my little district of American Samoa has been the backbone of the U.S. tuna fishing and processing industries, just like Puerto Rico and the U.S. Virgin Islands have been the backbone of the rum industry.

Today, the U.S. tuna processing industry includes three major brands of canned tuna, namely, Bumble Bee, Chicken of the Sea, and StarKist.

Bumble Bee was formerly owned by a Canadian company, then purchased by U.S. investors and is now resold to an investment group from Great Britain.

Chicken of the Sea continues and has always been a subsidiary company of Thai Union, which currently is the world's largest producer of canned tuna.

StarKist was formerly a subsidiary company of Heinz Foods Corporation out of Pittsburgh, Pennsylvania, then was sold to Del Monte out of San Francisco, and it was purchased by the Dongwon Company out of South Korea.

All three of these major tuna processor companies have corporate offices in Pittsburgh and in San Diego. However, their methods of processing and

canning of tuna are quite different, along with the manner in which our U.S. tuna fishing fleet has been operating given the tremendous change now taking place in the entire global tuna industry.

I want to say that I have the utmost respect for my good friend, the gentle lady from California, and out of principle, I just want to respectfully say there are some very unique features of the situation and why I respectfully oppose the amendment.

Eighty percent of the entire economy of my district depends on the tuna industry, and if something happens in terms of the balance between the processors and our fishing fleet, this is where the problems and the complications have come about.

To the extent that the South Pacific Tuna Corporation, which owns about 25 of the 30 or 40 vessels that make up the U.S. tuna fishing fleet, the problem here is that we've got a problem of outsourcing, where two of these companies, Chicken of the Sea and Bumble Bee, do not process the whole fish.

As far as tuna is concerned, 90 percent of the value of the tuna comes in the gutting and the processing. The canning is only about 10 percent. What has happened is that Chicken of the Sea and Bumble Bee have chosen not to buy the whole fish but to simply buy the loins of the fish, as it was cleaned in foreign countries where workers there are paid only 60 cents an hour, as opposed to the only company that currently buys the whole fish, which is StarKist. They buy the whole fish, and it provides jobs for my district.

Because of the global economic recession that we have experienced, and because of the terrible tsunami and earthquake that was subjected to my people 2 years ago, one of the processing companies, Chicken of the Sea, just took off after making billions of dollars worth of canned tuna in my little district, leaving the economy of my territory a disaster.

What has happened is that there is another added feature of this whole problem with the tuna industry. We have what is now pending, the U.S. Regional Tuna Fishing Treaty with 16 other Pacific island countries. Part of the problem that came out of this treaty arrangement was, because the tuna fishing fleet at the time felt that because tuna was a highly migratory fish, they could go anywhere in the world and fish regardless of what the EEZ zones of these countries are. Well, they tried that in Latin America and we had our vessels confiscated. So what happens? Our tuna fishing fleet moved on to the western Pacific; and it was in that one incident that one of our vessels was confiscated by this little island country called the Solomon Islands, and the whole thing went up in the air.

It was necessary that then-Secretary of State George Shultz and Mr.

Negroponte came in and this was how we started having this regional tuna fishing treaty for and on behalf of the benefit of our tuna fishing fleet. And this is how we tried to do to make sure that there is a constant supply of tuna that could be brought in to be processed, the whole fish, by the two processing plants that we have in American Samoa. This is no longer the case.

I respectfully ask my colleagues, vote down this proposed amendment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 2011.

Re Docket No. USCG-2010-1146

DOCKET MANAGEMENT FACILITY (M-30)

U.S. Department of Transportation, West Building Ground Floor, New Jersey Avenue, SE, Washington, DC.

DEAR SIR OR MADAM: I am writing in support of the USCG's Draft Policy Letter (CG-543) on "Safety Requirements and Manning Exemption Eligibility on Distant Water Tuna Fleet Vessels" published in the Federal Register on January 20, 2011.

I am also writing to rebut misinformation put forward by the South Pacific Tuna Corporation (SPTC) in response to USCG-2010-1146.

Legislative Background

In 2005, as a Member of Congress representing the U.S. Territory of American Samoa, I was involved with the enactment of the initial 2006 foreign officer provision. At the time, I was visited by many of the individuals now on the (SPTC) team, as well as Mr. Dave Burney, now deceased, who served as the Executive Director of the U.S. Tuna Foundation.

Due to a shortage of licensed U.S. citizens willing to serve as officers on U.S. tuna vessels, Mr. Burney and many of the individuals now on the SPTC team sought my support for a provision which would allow the U.S.-flag distant water tuna fleet to employ internationally licensed personnel to serve as officers (except for the master). These individuals informed my office that this exemption was necessary to keep American Samoa's economy stable and our canneries operational given that the Territory's private sector economy is more than 80% dependent, directly or indirectly, on the U.S. fishing and processing industries.

I was also informed that this provision was necessary to build up the fishing fleet which had dwindled to about 12 or 14 boats. No boats meant no fish to American Samoa's canneries and no fish meant no canneries.

So, for the benefit of American Samoa, language was inserted in the Senate to accommodate an exemption. However, because Congress intended the provision to help American Samoa's canneries and economy, the provision stipulated that the exemption would only apply to tuna vessels home-ported in American Samoa.

Because of the uniqueness of the provision, Congress also limited the provision to 48 months and set an expiration date of July 10, 2010. Within that 48-month time period, it was my understanding that the U.S. Tuna Foundation and the individuals who are now part of the SPTC team would work to establish a program to train U.S. citizens and Nationals to serve as officers but this promise was not kept.

Also, last year, without consultation, SPTC's lobbyist sought to broaden the exemption to allow tuna vessels home-ported in Guam or CNMI to receive the same crew

exemption as tuna vessels home-ported in American Samoa. Although SPTC failed in its attempt, it called into question SPTC's motive for broadening an exemption since neither CNMI nor Guam have a tuna industry. I believe SPTC's motive is easily explained by a brief overview of the U.S. tuna fishing fleet.

The U.S. Tuna Fishing Fleet

The U.S. tuna fishing fleet is currently made up of about 39 vessels, with one license still available. About 14 of these vessels are 100% U.S. owned. The other 25 tuna boats are newer vessels, built in foreign countries, with 51% U.S. ownership, and 49% foreign-ownership. Most of the foreign-built boats are part of a company known as the South Pacific Tuna Corporation (SPTC).

Mr. Chris Lischewski, CEO and former President of Bumble Bee, is a part-owner of South Pacific Tuna Corporation. Chicken of the Sea and/or its parent company, Thai Union, is also a part-owner of the foreign-built tuna boats.

Whether U.S. or foreign-built, all 39 tuna boats, or the entire U.S. tuna fishing fleet, fishes under the auspices of the South Pacific Tuna Treaty, a treaty between the United States and 16 Pacific Island nations. Under the terms of the Treaty, the U.S. government pays out \$18 million annually to the Pacific Island parties in return for the right of our U.S. tuna boats to fish in the exclusive economic zones (EEZ) of the 16 Pacific Island parties to the Treaty. The U.S. tuna boats also pay the Pacific Island parties about \$3 million or more per year, depending on the amount of tuna they catch.

According to the U.S. Department of State, the landed value of the catch in 2008 was in excess of \$200 million but the value of the tuna as it moves through the processing and distribution chain may be as much as \$400 to \$500 million.

Of the approximate 300,000 metric tons of tuna that is caught, which is referred to as whole fish, about 120,000 metric tons is direct-delivered to American Samoa per year. Direct delivery means the tuna boats actually pull into American Samoa's port and offload their catch. Given Chicken of the Sea's closure, the amount of tonnage direct-delivered to American Samoa is now less but with the presence of a new cannery, Tri-Marine, we expect to be operating again at full capacity.

Contrary to SPTC's claims, American Samoa has the capacity to process up to 280,000 metric tons with room for growth. Nonetheless, for purposes of this statement, I want to point out what happens to the other 180,000 metric tons which American Samoa is not processing right now.

What happens is that the foreign-built tuna boats owned by SPTC, which Chicken of the Sea and/or Thai Union have part ownership in, are transshipping their catch to foreign nations where the tuna is cleaned, or loined, by workers who are paid \$0.75 cents and less per hour.

In other words, 25 members of our very own U.S. tuna fishing fleet sell off their catch to foreign nations and then send the cleaned tuna loin back to Bumble Bee and Chicken of the Sea so that these two tuna canneries can maximize their corporate profits while offshoring American jobs. These 25 members of the U.S. tuna fishing fleet do this despite the fact that they fly the U.S. flag and are subsidized by the American taxpayer to the tune of \$18 million per year to fish in the South Pacific Tuna Treaty Area. And what does the American taxpayer get in return? We get a depleted tuna stock not to mention the safety threat these new boats pose.

In the time it takes to make 3 direct-deliveries, the new SPTC foreign-built tuna boats can make 5 transshipment deliveries by off-loading their catch to a big mother ship meaning that they can return more quickly to the South Pacific Tuna Treaty fishing grounds where they can catch more and more tuna at a more maddening pace, with very little U.S. Coast Guard oversight because of SPTC's unwillingness to pull into American Samoa's port, once a year.

Disregarding U.S. interests was never the Congressional intent of a crew exemption provision.

S. 3607

While SPTC would have the USCG believe that the U.S. House of Representatives supported a permanent exemption, this is not the case. What happened is SPTC had language inserted in H.R. 3619 without the knowledge of Guam, CNMI or American Samoa. But, last year, during conference, the U.S. House of Representatives and Senate agreed with my position and put a halt to SPTC's request to make this provision permanent.

House and Senate also agreed to require the DWTF to undergo a safety inspection in American Samoa once a year in order to accommodate my request for an annual call on the Territory's port.

On the evening before the bill went for a vote, SPTC's representatives visited my office and begged for an as-is two-year extension conditioned on the promise that SPTC would work to do right by American Samoa and honor its original commitments. In good-faith, I agreed to work with SPTC.

Conclusion

Regrettably, I have reviewed SPTC's statement submitted to the USCG and I am disappointed that once more, SPTC, has misrepresented the facts surrounding this manning provision or American Samoa's capabilities.

The original intent of a crew exemption provision was to bolster American Samoa's economy, not increase SPTC profits. This is why the exemption was only granted to vessels operating in and out of American Samoa. No other boats were provided this exemption and I am hopeful that the USCG will hold to Congressional intent and move forward with its Draft Policy Letter.

Sincerely,

ENI F.H. FALEOMAVAEGA,
Member of Congress.

U.S. SENATE,
HART SENATE OFFICE BUILDING,
Washington, DC, April 1, 2011.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN FALEOMAVAEGA: Thank you for your letter regarding the U.S. Coast Guard's draft policy on the "Safety Requirements and Manning Exemption Eligibility on Distant Water Tuna Fleet Vessels." I am in full agreement with you that our intent in passing the original exemption was to support a U.S.-flag fleet that operated in and out of American Samoa. Accordingly, I am pleased the Coast Guard is making an effort to define this requirement in a meaningful way. Please be assured that I will notify the Coast Guard of my support for the proposed policy.

Aloha,

DANIEL K. INOUE,
United States Senator.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 28, 2011.

Hon. DANIEL K. INOUE,
Chairman, Senate Committee on Appropriations,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request your support in increasing funding for the South Pacific Tuna Treaty and for the Treaty to be renegotiated in a way that would distinguish between U.S. tuna boats that direct-deliver their fish to American Samoa, or another U.S. port, and those that do not.

When the Treaty was first negotiated, it was negotiated for purposes of providing U.S. foreign assistance to the Pacific Island Parties while also providing a tangible benefit to the U.S. By the time the Treaty was renewed in 2002 until now, the U.S. provided the Pacific Island Parties about \$18 million annually in exchange for our U.S. tuna boats to fish in the Treaty area. The U.S. tuna boats also paid a collective, not individual, fixed rate of about \$3 million per year, and above that amount depending on the amount of fish caught and the value of it.

We have since learned that according to the Congressional Research Service (CRS) the U.S. tuna boats harvest about \$250 million worth of tuna annually but the value of the tuna as it moves through the processing and distribution chain may be as much as \$500 million or more. Given that the PNA controls about 25-30% of the world's supply of tuna which is primarily in the Treaty Area, I believe that the Pacific Island Parties to the Treaty deserve a more equitable distribution of this wealth. \$18 million plus the small contribution of the U.S. tuna boat owners is not enough.

Regarding U.S. interests, when the Treaty first went into effect, all three major brands of canned tuna in the U.S., including StarKist, Chicken of the Sea and Bumble Bee, purchased their tuna from U.S. tuna boats authorized to fish in the Treaty Area. The fish was then cleaned in the U.S., including American Samoa which was home to the largest cannery in the world because of our close proximity to the fishing grounds.

About a decade ago, Bumble Bee adopted a new model of doing business and began outsourcing American resources and jobs, which is contrary to the principles upon which the Treaty was founded. Chicken of the Sea followed suit. Both Chicken of the Sea and Bumble Bee now have their fish cleaned by low-wage workers in Thailand, Fiji and Papua New Guinea. Then they send their pre-cleaned fish to canneries in California, Georgia and Puerto Rico where they hire skeletal crews to put the fish into cans as a means of taking advantage of U.S. duty-free laws.

The USDA has caught on to this un-American way of doing business and this is why canned tuna processed by Bumble Bee and Chicken of the Sea does not qualify for the Buy America program. To date, StarKist is the only remaining tuna company that qualifies for the Buy America program because it is the only company that still cleans its tuna in the U.S.A., making StarKist the only tuna company that upholds the intent of the Treaty which is in place to also provide tangible benefits to the U.S.

As a result of this transformational shift which has taken place in the U.S. tuna industry during the past decade, foreign nations like Thailand are making billions at the expense of the U.S. taxpayer and Pacific Island Parties. Thailand, which has no fishing fleet of its own, has become the world's

largest producer of canned tuna and controls about 30% of the private-label canned tuna business in the U.S.A. I attribute Thailand's success, in part, to a loophole in the South Pacific Tuna Treaty.

When the Treaty was first negotiated, all U.S. tuna boats off-loaded their fish in U.S. ports. Today, tuna boats that are 51% U.S. owned like those of the South Pacific Tuna Corporation trans-ship the majority of the fish they catch in the Treaty Area to Thailand. Thailand then buys the tuna that comes out of the South Pacific Tuna Treaty Area and puts workers in America out of jobs because Thailand's fish cleaners, which are paid 75 cents and less per hour, directly compete against workers in American Samoa who are paid in accordance with federal minimum wage laws.

While it is true that boats from the South Pacific Tuna Corporation at one time indirectly supplied tuna to Chicken of the Sea/Samoa Packing in American Samoa, this has not been the case since Chicken of the Sea left American Samoa and set up a skeletal crew in Lyons, Georgia. In fact, according to the Congressional Research Service, of the approximately 300,000 metric tons of tuna that is caught by the U.S. tuna fishing fleet in the South Pacific Tuna Treaty Area, more than 180,000 metric tons is transshipped and outsourced to foreign nations, like Thailand, and I believe this un-American practice of outsourcing U.S. and Pacific Island resources must stop.

This is why I am hopeful that the U.S. State Department will make a distinction between tuna boats that directly off-load in American Samoa, and those that do not. For boats like those of the South Pacific Tuna Corporation which outsource, I believe their fishing days should be limited, that they should pay increased fees to fish, and that they should be required to pull into U.S. ports once a year for the privilege of the fishing in the Treaty Area. I also believe U.S. tuna boats that direct-deliver to U.S. ports, including American Samoa, should be given preferential treatment for licenses if the U.S. is not able to secure licenses for the entire fleet.

I would appreciate your support of these changes, and I will do everything I can to also garner support from the U.S. Department of State. As always, I thank you for the good work you are doing and continue to wish you the very best.

Sincerely,

ENI F.H. FALEOMAVAEGA,
Ranking Member, Subcommittee on Asia and the Pacific.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 9, 2011.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives.

DEAR MR. FALEOMAVAEGA: Thank you for your letter of June 28 regarding the 1987 South Pacific Tuna Treaty and for your interest in the ongoing negotiations to amend and extend that arrangement.

We recognize the vital importance of sustainable tuna fisheries to the Pacific and the significant contribution that the U.S. industry supported by the Treaty makes to the U.S. economy, particularly in American Samoa. We also recognize that there have been important changes in the Pacific since the Treaty was last extended. Under these circumstances, changes to the Treaty will be necessary to ensure that it remains an effective and viable agreement that promotes responsible and sustainable tuna fisheries, provides satisfactory economic returns to the

Pacific Island Parties and contributes to the development of the small-island developing States. We are currently working to address these and other issues in the renegotiations, including at our most recent meeting in Samoa in July.

We appreciate your views on the issues of off-loading and the allocation of days or licenses among the U.S. fleet. We are sensitive to the need to negotiate an agreement that does not put the United States at a competitive disadvantage.

As the negotiations proceed, we will continue to keep you apprised of their progress. Please do not hesitate to contact us if we may be of assistance in this or any other manner.

Sincerely,

DAVID S. ADAMS

Assistant Secretary, Legislative Affairs.

Mrs. NAPOLITANO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I've got to say, quite frankly, I appreciate the gentleman from American Samoa and his position. If I represented that island, I would be wanting to defend the monopoly that island has in the western Pacific today.

But the fact is, as a Nation, we've got to look at not only the great economic impact of this monopoly of forcing boats to travel for thousands of miles to get back to one centralized location because of a political decision here in Washington, but we've also got to look at this fact that the lady from California has an amendment that will address not just the economic impact but what about the environmental.

And I would ask my colleagues on both sides of the aisle, consider the fact that we talk about greenhouse gasses and emissions, but, as a law, we're requiring these fishing boats to travel for 6 to 7 days over thousands of miles because of our laws here. If we truly want to say we want to reduce emissions, we should reduce the emissions forced by regulation by supporting the gentlelady's amendment.

Mr. LARSEN of Washington. Mr. Chairman, is there any time left on this side?

The CHAIR. The time of the gentleman from Washington has expired.

Ms. NAPOLITANO. Mr. Chairman, I yield the balance of my time to the gentlewoman from Guam (Ms. BORDALLO).

The CHAIR. The gentlewoman is recognized for 1½ minutes.

Ms. BORDALLO. I rise today in support of the amendment offered by my colleague from California, GRACE NAPOLITANO.

While I am sympathetic to and recognize the concerns of my friend and colleague from American Samoa, I have received significant support from my constituents to include Guam as an eligible port of call for annual safety inspections only to the U.S. distant water tuna fleet. Permitting the fleet to call on Guam in addition to American Samoa will create additional economic opportunities for my constituents.

□ 1250

The fleet can utilize Guam's Coast Guard sector, our port, our ship repair facilities, and can service their helicopters. It is a commonsense approach to enforce the safety inspection requirements for the U.S. flag vessels.

I want it to be very clear, Mr. Chairman, that I would like better assurance from the administration, industry, and stakeholders that this will not harm the tuna industry in American Samoa. That industry is critically important to their economy, and its competitive advantages must not be undermined.

I am committed to working with my friend to ensure that the American Samoa tuna industry remains strong. In fact, I am staunchly opposed to the distant water tuna fleet fishing in Guam's waters. The fleet is, in fact, prohibited from fishing in Guam's economic zone, and if it were to do so, it would threaten the livelihoods of our own local fishermen.

If this amendment passes, I would strongly urge the Coast Guard, the National Marine Fishery Services, and all relevant agencies to aggressively enforce existing regulations and to prevent any illegal opportunist harvest in Guam's waters.

Again, I support this amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FALEOMAVAEGA. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. BISHOP OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-267.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 95, after line 14, insert the following:

“(7) STATE OPERATIONAL REQUIREMENTS.—

“(A) IN GENERAL.—If any State determines that the protection and enhancement of the quality of waters within the State require greater environmental protection than would be achieved through the application of a standard specified under subsection (c) or established under subsection (d), the State may impose operational requirements that are more protective than such standards, except that a State operational requirement imposed under this paragraph may not—

“(i) require the installation of a ballast water treatment technology that differs from that required by the standard specified under subsection (c) or established under subsection (d); or

“(ii) apply until the Administrator and the Secretary determine that the waters of the State require greater environmental protection and such greater environmental protection can be achieved by the State operational requirement.

“(B) FACTORS FOR DETERMINATION.—

“(i) DETERMINATIONS BY ADMINISTRATOR.—In making the determination under subparagraph (A)(ii), the Administrator shall consider—

“(I) whether the receiving waters have been afforded special protection under Federal or State law;

“(II) the benefits to human health, welfare, or the environment of the additional protection for the receiving waters;

“(III) the reduction in risk to human health, welfare, or the environment resulting from the additional protection;

“(IV) the propagule pressure to be addressed by the additional protection;

“(V) applicable Federal and State law;

“(VI) applicable international standards; and

“(VII) the costs and benefits of providing the additional protection.

“(ii) DETERMINATIONS BY SECRETARY.—In making the determination under subparagraph (A)(ii) the Secretary shall consider—

“(I) the effect that the use of the State operational requirement for additional protection would have on the operation, operational capability, and safety of the crew and vessel;

“(II) the potential impacts on shipping, trade, and other uses of the aquatic environment;

“(III) applicable Federal and State law;

“(IV) applicable international standards; and

“(V) the costs and benefits of providing the additional protection.

“(C) DEADLINE.—Upon application of the State, the Administrator and the Secretary shall make the determination within 180 days of the date of the completed application.

“(D) APPROVAL OF STATE OPERATIONAL REQUIREMENTS.—

“(i) IN GENERAL.—If the Administrator and the Secretary determine upon application by a State that the protection and enhancement of the quality of waters within that State require more environmental protection and that such greater protection can be achieved by the operational requirement, the Administrator and the Secretary shall approve the application for the State operational requirement.

“(ii) LIMITATION.—The Administrator and the Secretary may not approve a State operational requirement if the requirement—

“(I) would have an unreasonable impact on the use of traditional shipping lanes; or

“(II) would prohibit the discharge of ballast water in all the waters of the State.

“(iii) REGULATIONS.—Following the approval of a State operational requirement by the Administrator and the Secretary under this paragraph, the Secretary shall by regulation implement the State operational requirement for the waters of the State.

The CHAIR. Pursuant to House Resolution 455, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, my amendment amends title VII of the Coast Guard reauthorization bill to recognize the importance of both

Federal and State efforts to protect the waters of individual States by retaining a limited, surgical role for States to provide additional operational limitations to protect important State resource waters from the introduction of invasive species and other pollutants.

In concept, I agree with Chairman LOBIONDO that we should enact a stringent uniform national standard for ballast water treatment technologies for commercial vessels. It makes sense to set a high standard that is technologically achievable and reduces the likelihood of introducing invasive species into our native waters.

My amendment does not add or change any technological requirements in the bill. Let me say that again. My amendment does not add or change any technological requirements in the bill. This is an issue of extreme importance to industry for understandable reasons. Nor does it give States carte blanche to prevent ships from releasing ballast water. It simply provides for the ability of States to petition the Federal Government, under a set of criteria that protects international and domestic commerce, to identify and protect highly sensitive water resources within a State's existing jurisdiction.

My amendment is not without precedent. In 1996, Congress amended the Clean Water Act to require the Department of Defense to work with the EPA to regulate ballast water from military vessels through the Uniform National Discharge Standards program. In providing for these uniform national standards, the then-Republican-led Congress acknowledged a deep respect for the rights of States, including a residual authority for States to establish "no discharge zones" similar to those that would be allowed under my amendment if it were to pass.

Section 312 of the Clean Water Act, which is probably the closest analogy to the issue of ballast water discharges from commercial vessels, establishes uniform standards for discharges of marine sanitation devices. Section 312 specifically reserves a role for States to create "no discharge zones" for important State waters, provided that those zones will not adversely impact vessels from operating within the States.

The issue really boils down to this:

If you believe that States have a role to play, however limited, in determining if some of their State waters deserve additional protections while maintaining a uniform national standard, then you should vote for the Bishop amendment. If, on the other hand, you believe that States should have absolutely no say whatsoever in protecting particularly sensitive waters within their jurisdictions, then you should oppose the Bishop amendment. Given what we've done thus far in this Congress, I would hope that Members would continue to assert that States have a role.

Earlier this year, we passed H.R. 2018, the Cooperative Federalism Act of 2011. This bill would eliminate any Federal role in setting baseline water quality standards, giving full discretion to the States. The bill that is before us flips that precisely. It would provide no role for the States and give 100 percent of the role to the Federal Government.

I would ask that the House continue to recognize the role of States in setting standards for water quality in waters that they control, so I would urge the adoption of my amendment.

Before I close, I do, though, want to thank Chairman LOBIONDO. We worked very hard over the last several weeks in trying to come to a resolution of this matter. We were unable to get there, but it was not for lack of trying. I thank the chairman and the ranking member for their efforts to bring this matter to a bipartisan resolution. I'm sorry we couldn't get there, but as I say, it was not for lack of trying.

With that, I reserve the balance of my time.

Mr. LOBIONDO. I claim the time in opposition.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. Mr. Chairman, I appreciate what the gentleman from New York is attempting to do. We did give a mighty effort in trying to reach an agreement. It's one of those situations where we just have a different point of view.

It is my opinion that this amendment would make the current situation even worse because it would allow States to completely prohibit the discharge of ballast water, if they chose, regardless of what technology was installed on a vessel. So here is the situation:

You could have a vessel owner install technology worth millions of dollars, technology that would treat ballast water to 1 million times the standard in the bill, and you could still have a State come in and say, We're going to prohibit the vessel from discharging.

It completely undermines the uniform standards that we are attempting to accomplish. The amendment would also allow States to dictate how much ballast water could be discharged, the depth of the water where the discharge is permitted, and even at what hours of the day.

I think—and, again, my opinion is—that this amendment would completely undermine our efforts to put in place a single uniform national ballast water standard and that, if this amendment were to go forward, it would actually gut this portion of it.

So I urge all Members to oppose the amendment, and I reserve the balance of my time.

Mr. BISHOP of New York. May I inquire as to how much time I have left?

The CHAIR. The gentleman has 1 minute remaining.

Mr. BISHOP of New York. Respectfully, I believe that my colleague and friend from New Jersey has mischaracterized pieces of the amendment.

Let me be clear. I quote:

The amendment would not allow States to require the installation of ballast water treatment technology that differs from that required by the standards specified under subsection (c)—in other words, what the underlying bill provides—and they could not impose standards until they had applied to the administrator and the Secretary, and they would have to determine that the waters of the State required greater environmental protection.

So this would be a State request to the EPA.

Finally, the administrator and the Secretary, by the language of this amendment, could not approve a State operational requirement if that requirement, A, would have an unreasonable impact on the use of traditional shipping lanes or, B, would prohibit the discharge of ballast waters in all waters of the State.

This is a very narrowly crafted effort to provide at least some role for the States, subject to the approval of the Federal Government.

With that, I yield back the balance of my time.

Mr. LOBIONDO. I yield 1 minute to the gentleman from Indiana (Mr. BUCSHON).

Mr. BUCSHON. I rise today in opposition to the amendment of the gentleman from New York (Mr. BISHOP) and, subsequently, to that of the gentleman from Michigan (Mr. DINGELL), which also affects the uniform national standard of ballast water discharge.

This legislation creates a national standard that we desperately need. Currently, each State is able to create its own rules and regulations for ballast water discharge. The State of New York recently enacted extreme new ballast water requirements that are 100 times more stringent than international standards. After an extensive study, the Wisconsin Department of Natural Resources determined that the technology does not exist to meet this standard. If allowed to go into effect, these regulations would cost Indiana approximately 8,800 jobs while doing little to protect the Great Lakes from invasive species.

□ 1300

On September 7, Governor Daniels of Indiana joined Wisconsin Governor Walker and Ohio Governor Kasich in submitting a letter to New York Governor Cuomo opposing New York's extreme new ballast requirements.

I urge all my colleagues to save maritimetime jobs not only in Indiana but across the Great Lakes and vote against these two amendments.

SEPTEMBER 7, 2011.

Hon. ANDREW CUOMO,
Governor of New York State, NYS State Office
Building, Albany, NY.

DEAR GOVERNOR CUOMO: We are writing to share our concerns regarding regulations adopted by the New York Department of Environmental Conservation (NYDEC) that could seriously impede maritime commerce in the Great Lakes States to the west of New York.

In late 2008, NYDEC issued rules intended to prevent the introduction of aquatic nuisance species into New York waters via the ballast water of commercial vessels. While we share NYDEC's concern regarding the impact of invasive species on the ecology of the Great Lakes, we note that the International Maritime Organization (IMO) has coordinated a global treaty to require all ships to install environmental technology by 2016 to clean ballast water to a specific water quality standard. The IMO is the maritime arm of the United Nations and it coordinates international shipping policy. Many Great Lakes states have incorporated the IMO ballast water treatment standard into their own rules. Likewise, the U.S. Coast Guard (USCG) has embraced these same requirements for new federal regulations to be issued later this year.

Under New York's regulations, shipowners must install technology on existing vessels by August 1, 2013, to treat ballast water to a level 100 times more stringent than the IMO standard. Any vessels built after January 1, 2013, must include technology to treat ballast water to a level 1,000 times more stringent than the IMO standard. These rules not only apply to ships visiting New York ports, but also extend to ships in passage through New York waters destined for the ports of neighboring states and provinces. The rules apply to ships whether or not they discharge ballast water.

Today, there is no technology approved by the USCG to meet New York's regulatory requirements. In fact, the USCG has yet to establish a ballast water treatment technology approval process. Shipowners will not install ballast water treatment systems unless USCG approved, because they are unable to obtain insurance otherwise.

We also note that in February 2010, the Wisconsin Department of Natural Resources (WDNR) established ballast water treatment regulations similar to the NYDEC; i.e., 100 times the IMO standard. Wisconsin's ballast water discharge general permit required the WDNR to conduct a feasibility determination of this standard, which it completed in December 2010. After considerable analysis, and in consultation with the Ballast Water Collaborative, a group of leading environmental scientists, vendors, naval architects and other experts in the U.S. and Canada, including New York DEC staff, the WDNR concluded that treatment technologies do not exist today to meet the 100 times IMO standard. The WDNR ballast water general permit was subsequently modified to require the IMO standards.

Ohio and Indiana employ the Vessel General Permit (VGP) under the National Pollutant Discharge Elimination System (NPDES)—which has gone through each state's 401 review process and includes conditions that do not exceed IMO standards to regulate ballast waters. Further, USEPA has a Memorandum of Understanding with the US Coast Guard to, when inspecting vessels, ensure they are complying with the VGP.

We know the U.S. Environmental Protection Agency tasked its Science Advisory

Board (SAB) to address the question of whether ballast water treatment technology exists now, or in the foreseeable future, to meet a standard greater than IMO. In the SAB's recently issued final report, it emphatically stated that no such technology exists.

The State of New York is now the only jurisdiction in the Great Lakes that still regulates ballast water treatment technology more stringently than the IMO standard, and New York's standards are technologically impossible to meet. Unless the NYDEC regulations are amended, they will possibly force the closure of the St. Lawrence Seaway, and imperil thousands of maritime-related jobs in the Great Lakes States and Canada. Fortunately, the final USCG ballast water regulations will be published in the next few months. We have always supported a strong, consistent—standard that covers all U.S. waters.

NYDEC regulations are already having an effect on maritime commerce in the Great Lakes as shippers, ports, industry and labor unions look to establish long-term business agreements and plan future investments. Preventing the spread of invasive species continues to be a top priority for all of us, but waterborne shipping is critical to our economies, and we must work together toward controlling invasive species while also protecting the commerce of our nation's waterways. We urge New York to take prompt action and amend its ballast water regulations to align with the IMO and USCG standards.

Sincerely,

Gov. SCOTT WALKER,
Wisconsin.
Gov. MITCH DANIELS,
Indiana.
Gov. JOHN KASICH,
Ohio.

Mr. LOBIONDO. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the chairman for yielding.

I rise with great affection for my friends from New York, both Mr. BISHOP and Ms. SLAUGHTER; but I have to set the table on what this is about.

The Coast Guard has been promulgating a Federal standard in line with the international maritime standard for the discharge of ballast water. And despite what people say—they say a new invasive species comes into the lakes every 28 days. That's true; but they don't come in in the ballast water of ships because industry, governments—both American and Canadian—and the States have worked hard to make sure that that does not occur.

But in the face of that, an organization called the New York Department of Environmental Conservation proposed regulations, as Mr. BUCSHON said, that when fully implemented would be a thousand times more stringent than the IMO standards. And what that effectively means is—and when you talk to these folks they say, Well, that's the great mother of invention. If we put these standards out there, the great mother of invention, they're going to invent something. But sadly for New York, their vendor—the one that they

were counting on for this technology—said they are not even willing to have it be tested by a third party for verification that it works. So this amendment and those proposals would basically shut down waterborne commerce in the United States of America.

Mr. BISHOP of New York. Will the gentleman yield?

Mr. LATOURETTE. I will yield to you in just a second.

But here's the skinny: New York's regulations are more obnoxious because they cover just passage. You don't have to take a drop of ballast water in if you're in New York waters, and you don't have to discharge a drop. Just the mere fact of sailing through New York waters—which you have to do in the Great Lakes—would cause these regulations to come into effect.

Now, I had to go to the extraordinary length of offering an amendment in the Interior appropriations bill that said if New York continues on this crazy course, that they get no money out of the Interior appropriations bill. Now, that wasn't designed to cheat our friends in New York out of funds. That was designed to get their attention. We have their attention. We have to work together to solve this in a bipartisan way. This amendment and the next amendment are not going to do that.

I am happy to yield to my friend.

Mr. BISHOP of New York. I appreciate my friend from Ohio for yielding.

I want to be clear. What the gentleman from Ohio is describing is the current state of affairs. The underlying bill would change the current state of affairs. And the amendment that I'm seeking to the underlying bill would render the New York State standards moot because it would accept the technological standards imposed in the underlying bill. So the New York standards, as ambitious as they are, would go away.

What this would simply say is that New York and other States that are interested—such as California, such as Michigan—could establish certain operational requirements subject to the approval of the EPA that would allow for the protection of certain waters in the State.

The CHAIR. The time of the gentleman has expired.

Mr. LATOURETTE. I really had something pithy to say, but we will continue this later.

I thank the Chair.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BISHOP of New York. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. SLAUGHTER

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-267.

Ms. SLAUGHTER. Mr. Chair, as the designee of the gentleman from Michigan (Mr. DINGELL), I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike title VII of the committee print.

The CHAIR. Pursuant to House Resolution 455, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chair, I yield myself such time as I may consume.

I rise today to offer an amendment with my distinguished colleague from Michigan (Mr. DINGELL), which would remove a controversial measure that has been inserted into the underlying Coast Guard reauthorization. The measure forces States to adopt a weak international ballast water standard as a ceiling for regulatory efforts. In doing so, it preempts the right of States to respond to emerging invasive species and provides no incentive for future innovation in critical ballast water technology.

Each minute 40,000 gallons of ballast water containing thousands and millions of foreign bacteria, viruses, animals, and plants are discharged into U.S. waters. That's 21 billion gallons of ballast water annually. Once introduced, invasive species, such as the Asian carp, are exceedingly difficult to control and are often impossible to eradicate.

Having no natural predators, aquatic invasive species easily feed on native fish and other aquatic wildlife, foul beaches, degrade fisheries, clog water intake pipes and other infrastructure, disrupt the food chain, and contaminate our drinking water. We spend more than \$1 billion a year simply trying to get rid of zebra mussels which to date we have spent \$5 million trying to eradicate and have not even come close.

Ballast water is a serious matter, with far-reaching implications for this Nation. We lose billions of taxpayer dollars every year trying to combat and contain the invasive species brought into our waters by foreign shipping vessels. Many of our Nation's communities and all around the Great Lakes rely on these bodies of water for recreation, drinking, as well as their livelihoods.

The Great Lakes, which face significant challenges from invasive species, contain 20 percent of the freshwater on the planet. And I think those of us on both sides of the aisle who live adjacent to those lakes have always felt an obligation to try to protect that. And

we must also remember that those are international waters, and our Canadian friends also have a say here. Unfortunately, the ballast water provisions in this measure protect the foreign shipping magnates rather than the Great Lakes and the people who live there.

The Dingell-Slaughter amendment strikes title VII from this measure, which will remove the damaging ballast water language. This amendment will allow us to pass the important Coast Guard reauthorization while giving Congress an opportunity to come to a responsible and reasonable agreement with respect to ballast water standards.

I urge my colleagues to support the Dingell-Slaughter amendment, and I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Again, I rise with great affection for both Mr. DINGELL and Ms. SLAUGHTER, who are wonderful colleagues and friends in this House.

But this amendment is the Bishop amendment on steroids. So this amendment, unlike the Bishop amendment, would go back and remove the requirement that's in the bill, and New York would be free to go about its business and shut down waterborne commerce in the Great Lakes.

Now, the sad thing for the State of New York—and I know the people in New York think that they are pretty important and they run the whole place, but they don't. And, sadly, we have five Great Lakes that flow through and touch a number of States, Ohio being included in that. And just a couple of observations.

You know, this isn't a bunch of people that don't like the Great Lakes versus a bunch of environmentalists that want to protect it. The very first piece of legislation I had signed into law by President Clinton—and it's tough to get a bill signed into law by a President of the other party—was the reauthorization of the National Invasive Species Act, coauthored by John Glenn in the United States Senate.

I know invasive species. But I am going to tell you, because of the work of John Glenn and because of the work of a lot of good people, since 1995, I challenge anybody offering this amendment to come up with one invasive species that has gotten into the Great Lakes—and this notion that it's 28 days—yes, they come in on boats; they come in in people's boots; they come in swimming from other places. The biggest threat that we've got is the Asian carp. It's not coming in ballast water. It's swimming up the Mississippi, and

we have got to fight with the President about whether or not we have an electronic barrier that keeps these awful fish out of the Great Lakes.

Now, the longshoremen don't like what New York is doing. Labor is not onboard with what Ms. SLAUGHTER and Mr. DINGELL are attempting to do. A July 2011 evaluation by the United States Environmental Protection Agency—so fresh off the charts—determined that the technology does not exist, does not exist. Even if a ship owner had a gazillion dollars and wanted to buy something off the shelf, it doesn't exist to meet the water quality level stipulated by New York.

□ 1310

For this reason, the maritime industry, together with labor, believes that these regulations are unworkable and if left unchanged will cause economic harm when they come into effect, resulting in complete cessation of commercial maritime commerce in New York waters.

Now, at a time when everybody around the country is screaming about jobs, what are we going to do? All the longshoremen, you don't have to work anymore. The guys that drive the boats, you don't need to work anymore. The folks that unload the boats, no, you don't need to work anymore. Why? Because one State out of the eight States that border the Great Lakes has decided to come up with something not passed by their legislature, passed by this New York environmental council. It's crazy.

We, again, in a good bipartisan way need to work together to fix this problem. Let's find the right way to keep the zebra mussel and the round goby and the sea lamprey and the Asian carp out of the Great Lakes. But to allow New York to go down this path with the passage of this amendment is destructive to jobs in the Great Lakes, and I hope that the amendment is defeated.

Ms. SLAUGHTER. Mr. Chair, I am pleased to yield 2 minutes to the gentleman from Michigan, who cares as much as anybody from New York, the dean of the House and the cosponsor of the amendment, Mr. DINGELL.

Mr. DINGELL. Mr. Chairman, this is a very important question. The Great Lakes are 20 percent of the world's freshwater supply. It is endangered, and the fish and the wildlife and the whole ecosystem are endangered by the constant entry of imported species that come in in the ballast water of ships entering the Great Lakes. What we're talking about here is protecting something of enormous value that has been here since geological times and which has provided enormous opportunity for our people—food and all manner of things, including recreation, transportation, fish and wildlife.

This process of trying to give a few bones to a bunch of importers who are

bringing these things in from the Black Sea and other places in Europe is a shameful thing if permitted. The United States and the Congress have not done the job that we should have done to protect our Great Lakes. And already we have a large number of things, including some nasty diseases such as viral hemorrhagic septicemia, sort of the Ebola virus of fish. This is something we have to protect our Great Lakes against, and other waters of the United States.

If foreign shippers are going to be bringing in dirty ballast water, discharging it into our Great Lakes, if the States want to spend the time protecting the States' water and the interest in the Great Lakes, or other bodies of water which are threatened by these practices, they want to do it, the Congress should very well permit them to do it because failure to do it is going to jeopardize 20 percent of the world's freshwater. And more importantly, a resource which is recreational which relates to fish and wildlife values and which provides us with opportunity for transportation, drinking water, and a whole array of other precious and important things. If we don't adopt this amendment, we'll find we're taking care of a bunch of foreign ship owners instead of our people and the future of the United States.

Support the amendment.

My home state of Michigan is blessed with a vast and marvelous natural resource—our Great Lakes. As a steadfast conservationist, I firmly believe that we owe it to future generations to restore and protect this national treasure. In addition to that, however, we also must consider the economic value of our Lakes.

Ballast water, which is used to stabilize freighters, is taken on board before a voyage begins. It can often contain organisms which become invasive species when released in non-native navigable waters. For the reasons outlined above, ballast water represents a significant threat to our Great Lakes.

The language in this bill would restrict states like Michigan from enacting commonsense laws to protect our shores, local economies, and recreation opportunities. The Dingell-Slaughter amendment would strike that language and allow Great Lakes and other coastal states to make the necessary decisions that are in their individual state's best interest in order to keep these invasive species from destroying our waters, fisheries, shorelines, and economies.

Among the invasive species affecting the Great Lakes are the zebra and quagga mussels. On the beaches of Lake Erie and Lake Michigan, we have seen fish and bird kills numbering in the thousands because zebra and quagga mussels have caused massive botulism outbreaks. Zebra and quagga mussels concentrate nutrients along the bottom of the nearshore area and make the water very clear. The extra food and sunlight promotes the growth of algae that coats the lake bottom in thick mats. As it dies, it becomes infected by botulism. The zebra and quagga mussels eat the dead algae and the botulism, which

has no effect on them, and in doing so create higher and more deadly concentrations of botulism. When fish eat the zebra mussels, they die of botulism poisoning and wash up on the beach. There, birds eat them, and they too die of botulism poisoning.

Power and water treatment plants are also at risk. Zebra and quagga mussels attach themselves to hard surfaces including water intake pipes. Gradually these invasive species build and build until they clog the pipes, risking shutdown of these facilities.

Other invasive species include the Spiny Water Flea and the Fishhook Water Flea which fish can't digest. The viral hemorrhagic septicemia (VHS) disease is like the ebola virus for fish. While it's mortality rate in the Great Lakes is still relatively low, it has caused thousands of fish deaths, further polluting the waters and shorelines.

Invasive species are costing Federal, State, and local governments as well as businesses billions of dollars every year. I ask that you vote for this amendment to give states the tools they need to fight invasive species.

Mr. LOBIONDO. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from New Jersey has 2 minutes remaining. The gentlewoman from New York has 30 seconds remaining.

Mr. LOBIONDO. I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Again, I have nothing but affection for Mr. DINGELL and Ms. SLAUGHTER.

Mr. DINGELL. If the gentleman will yield, let me express my great respect and affection for the gentleman.

Mr. LATOURETTE. I thank the gentleman. It's mutual. And LOUISE likes me too.

But listen, here's the deal: There's not going to be anybody recreating on Great Lakes, fishing, and all the wonderful things we get to do on Lake Erie, Lake Michigan, Lake Superior, and Lake Huron, because nobody's going to be working. And so without jobs, people are not going to have the opportunity to enjoy the splendor of 28 percent of the world's freshwater.

Again, sadly, people in New York have decided they want to come up with a standard that nobody can meet. Now, in 2013 when fully implemented, what does that mean? That means a boat comes down the St. Lawrence Seaway and travels into New York, and if you can't meet their standard, 1,000 times more stringent than the international standard, guess what? You can't sail. The people can't sail on the ship. The people can't put goods on the ship.

Now again, despite my affection for the authors of this amendment, I've talked to the longshoremen. I've talked to the Canadians. I've talked to the people on the St. Lawrence Seaway, and they say that the problem with invasive species today in the Great Lakes isn't ballast water, it's the Asian carp swimming up the Mis-

issippi River, and it's things brought in from other sources. It's not ballast water. It's not ballast water because Republicans and Democrats, since the beginning of my time here, 18 years, have worked together to get this right. This is wrong, and I urge it to be defeated.

I thank the gentleman for yielding to me.

Ms. SLAUGHTER. Mr. Chair, I yield myself the balance of my time.

We have to allow States, as we always have, to have a voice in protecting their ecosystems and economies. As long as we conform to the Federal law, we have always been able in States to enhance them. But if we want to really truly solve this threat of invasive species in our waters, and I personally believe it is quite serious because both in my time in the State legislature and the Federal legislature, that was certainly pointed out to me.

I urge my colleagues to support the Dingell-Slaughter amendment, and I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I strongly, strongly, strongly oppose this amendment. This current regulatory nightmare will shut down our shipping lanes. It is unworkable, and I hope our colleagues understand the consequences if this amendment were to pass. I urge opposition to the amendment.

I yield back the balance of my time.

Mr. LEVIN. Mr. Chair, I strongly support the Dingell/Slaughter amendment and urge its adoption by the House.

This is not primarily a shipping issue, or a sportsman's issue, or an issue for the environmental community. For me, it's a Great Lakes issue. I believe that all sides of this debate support reasonable and achievable ballast water standards that are protective of our nation's aquatic ecosystems against the spread of invasive species. But we can do better than the standards that have been grafted onto this Coast Guard bill.

I represent Lake St. Clair, which is a small but important lake in the Great Lakes system. The lake is heavily used for fishing, boating, and swimming, and it is a source of drinking water for millions. Lake St. Clair is also ground zero for the invasion of zebra mussels in the United States. In the mid-1980s, a ship that had come from a port in Europe dumped its ballast water into Lake St. Clair. From that moment, we have fought a losing battle against the zebra mussels. They have spread throughout the Great Lakes and gone on to invade the Mississippi and Missouri Rivers and beyond. The zebra mussels have literally changed the very ecology of the Great Lakes. Millions of dollars are spent each year trying to control them.

Unfortunately, the zebra mussels are not an isolated incident. Hundreds of non-indigenous aquatic invaders have made their way into the Great Lakes in the ballast water of ships. At long last, it's time for the United States to adopt strong ballast water discharge standards. It is the failure of the federal government and this Congress to do so that has prompted the states to take action.

The proposed ballast water standards in the bill before the House are inadequate and risk further damage to the Great Lakes and other aquatic ecosystems in the United States. I cannot support them. I urge the House to adopt the Dingell/Slaughter amendment.

Ms. MOORE. Mr. Chair, I understand that some are arguing that maintaining the “status quo” in states can set disparate ballast standards is better than moving any legislation establishing a stronger national ballast water standard, which is widely agreed upon as a necessary tool in our fight against waterborne invasive species.

While I share their concerns about the need to address this issue, I cannot support that stance. We need a national ballast water standard and if the House does not take a position in this bill, I am afraid that this issue will once again fall off the Congressional agenda. I feared a yes vote on the Slaughter-Dingell amendment—which would strip out the ballast water section altogether—would take away the last realistic chance for the House to consider this issue. This concern is relevant given that the “Super Committee” is set to dominate the legislative agenda in both Chambers, and after that, the upcoming elections.

The House last passed legislation setting a national ballast water standard in 2007. We can't wait another four years to even begin this discussion. I also recall, at that time, just like now, ballast water legislation was attached to Coast Guard reauthorization legislation.

I hear concerns about the need to protect and improve states' rights to protect their waters and the citizens and industries that depend on them. For this reason, I supported an amendment by Congressman TIM BISHOP that would strengthen the provision of the ballast water section of the bill to allow states' to enact stronger protections, with federal approval, to ensure they meet key standards.

No legislation is perfect. However, we have a legislative process by which we can work to improve and address concerns. I know that a number of my colleagues spoke during the debate about continuing to work together to improve the ballast water provision. I look forward to working with my colleagues and the Senate further on this issue.

I cast my vote on this amendment reluctantly. I am concerned that simply sending the ballast water issue back to Committee, rather than to the Senate, would have likely been a death knell for further action in the 112th Congress. We have waited long enough. The Great Lakes can't wait. Wisconsin can't wait any further.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. SLAUGHTER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. HUIZENGA OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-267.

Mr. HUIZENGA of Michigan. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VII, add the following:
SEC. 707. SPECIAL CONSIDERATION FOR VESSELS OF HISTORICAL SIGNIFICANCE.

(a) IN GENERAL.—Notwithstanding any other provision of this title or the amendments made by this title, a qualified vessel shall operate for the life of the vessel under the terms and conditions of the Vessel General Permit, as in effect on November 1, 2011, without regard to any expiration dates in such permit.

(b) DEFINITIONS.—In this section:

(1) QUALIFIED VESSEL.—A vessel is a qualified vessel for purposes of subsection (a) if the vessel is, as of November 1, 2011—

(A) on, or nominated for inclusion on, the list of National Historic Landmarks; and

(B) subject to part 5.3 of the Vessel General Permit.

(2) VESSEL GENERAL PERMIT.—The term “Vessel General Permit” has the definition given such term in section 321(a) of the Federal Water Pollution Control Act, as added by section 702.

The Acting CHAIR. Pursuant to House Resolution 455, the gentleman from Michigan (Mr. HUIZENGA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HUIZENGA of Michigan. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of my amendment, along with the co-leads, Chairman TOM PETRI from Wisconsin and Congressman DAN BENISHEK of Michigan.

Today we're talking about a particular ship, the *SS Badger* located in Ludington, Michigan. It travels between Ludington and Manitowoc, Wisconsin. This particular ship has been operating on the Great Lakes for over 50 years, most recently coming back into service in 1991, using all private dollars to make that happen.

Its uniqueness is recognized by the designation of the National Register of Historic Places and by both the States of Wisconsin and Michigan. Its propulsion system is recognized as a mechanical engineering landmark by the American Society of Mechanical Engineers.

The *Badger* is currently operating under special rules developed by the EPA in 2008. These rules are set to expire at the end of 2012. Without certainty provided by this amendment, the *Badger* could very easily, frankly, be forced off the Great Lakes at the end of 2012.

□ 1320

With an annual economic impact of roughly \$35 million between two small

port cities both in Wisconsin and Michigan, keeping the *Badger* operational is absolutely vital to our communities. I urge all of my colleagues today to join us in recognizing the historic significance of these Great Lake steamships by supporting the Huizenga-Petri-Benishek amendment.

I reserve the balance of my time.

The Acting CHAIR. Who seeks time in opposition?

The Chair recognizes the gentleman from Michigan.

Mr. HUIZENGA of Michigan. Thank you, Mr. Chair.

At this time I yield to my colleague, Chairman TOM PETRI from Wisconsin.

Mr. PETRI. I thank my colleague for offering the amendment, and I rise in support of it.

Mr. Chair, this amendment recognizes the unique and special character of historic ships and would keep in place the current EPA vessel discharge program for historic ferries.

I am particularly interested in this because the *SS Badger*, which operates on Lake Michigan between Ludington, Michigan, and Manitowoc, Wisconsin, in my Congressional district, is believed to be the last coal fired vessel in regular commercial service.

This 50-year-old ship is an important part of our history, culture and tradition. It is currently on the National Register of Historic Places and has been nominated as a National History Landmark as an important part of our heritage.

The economic impact on Manitowoc, a small city of only 34,000 people, is \$14 million a year, and the *Badger* is responsible for providing about 250 jobs on both sides of the lake. It attracts about 100,000 visitors to our cities each year.

Under this amendment, historic ferries would continue to operate under the parameters of the current general vessel permit. The *Badger* management has spent significant resources over the last few years trying to find a way to convert the vessel to a more modern propulsion system. But it is a difficult, complicated, and costly task.

Even with the passage of this amendment, the owners of the *Badger* will continue working with the Maritime Administration and the Great Lakes Maritime Research Institute on a program to repower steamships—with the *Badger* serving as the model vessel for the study.

Congress and the EPA have recognized the special nature of historic steamships before. Just a couple years ago, we exempted more than 50 older and unique Great Lakes steamships from new air emission rules. (I might add that effort was spearheaded by then-Chairmen Dave Obey and Jim Oberstar.) This amendment follows that model, and I urge my colleagues to support it today.

The discharge from the *Badger* has been repeatedly tested and it is non-toxic and NOT hazardous. It uses high quality, low-sulfur coal. The *Badger* operators have taken many steps over the years to reduce discharges and coal use. Some act as if the *Badger* has been out of compliance for decades—but prior to 2008, “discharges incidental to the normal operation of a vessel” were excluded from getting discharge permits. It was a 2006 court decision that required the new permits.

The *Badger* serves as an extension of Hwy. 10 across Lake Michigan and carries semi-trucks and large oversized vehicles and other vehicles that otherwise would be driving around the Lake and through the congested Chicago area. By one estimate, that saves one million gallons of fuel each year and reduces air emissions.

The environment will not be saved by shutting down the *Badger*, but you will kill jobs, our local economy and a bit of our history.

Mr. HUIZENGA of Michigan. At this time, Mr. Chair, I yield to my fellow Congressman from Michigan, Representative DAN BENISHEK.

Mr. BENISHEK. I thank the gentleman for yielding.

I appreciate my fellow freshman and colleague from Michigan for his leadership on this issue.

Mr. Chairman, this is a simple amendment that addresses a growing problem with our friends at the EPA—their love of bureaucratic red tape. I represent a district with more Great Lakes coastline than any other. Shipping and ferries are a part of the Great Lakes heritage. The USS *Badger* continues this tradition, transporting travelers, cars, trucks, and equipment across Lake Michigan.

Don't be confused. This amendment does not make the *Badger* exempt from EPA regulations. The EPA will continue to regulate discharge limits and other requirements. It simply keeps in place the current regulations that recognize the *Badger* as a unique and historic vessel. Keeping the *Badger* operational means saving 1 million gallons in fuel a year from vehicles driving around the lake. Passing this amendment is simple and common sense. It allows a national historic place to continue to function on the Great Lakes.

I urge passage.

Mr. HUIZENGA of Michigan. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HUIZENGA).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. OLSON

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-267.

Mr. OLSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 608 of the committee print and insert the following:

SEC. 608. STANDBY VESSELS.

(a) STUDY.—The Commandant of the Coast Guard, in consultation with appropriate representatives of industry, shall conduct a feasibility study to determine the capability, costs, and benefits of requiring the owner or operator of a manned facility, installation, unit, or vessel to locate a standby vessel—

(1) not more than 3 nautical miles from such manned facility, installation, unit, or vessel while it is performing drilling, plug-

ging, abandoning, or workover operations; and

(2) not more than 12 nautical miles from such manned facility, installation, unit, or vessel while it is performing operations other than drilling, plugging, abandoning, or workover operations.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to Congress a report on the results of the study conducted under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 455, the gentleman from Texas (Mr. OLSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. OLSON. Mr. Chairman, I yield myself such time as I may consume.

I believe that issuing a mandate of this nature without proper study to determine if it will increase safety would be problematic. No one takes safety more seriously than the companies operating offshore. Since Deepwater Horizon, multiple safeguards have been put in place to ensure worker safety. I simply believe that the Coast Guard should have an opportunity to assess a provision of this nature before we establish an arbitrary mandate that they'll have to comply with.

This amendment does not—does not—prevent us from implementing measures to ensure worker safety. It simply requires a 6-month study first to allow the Coast Guard to analyze the safety benefits so that we can provide the safest environment for our offshore drilling workers.

The Coast Guard may determine that standby vessels should be required. If so, I will work to ensure that happens. I'm just asking that we review this issue thoroughly and prudently before we rush to legislate.

However, at this time, I understand the need to withdraw my amendment and appreciate Chairman MICA's willingness to work with me to address my concerns as we work through the legislative process. I also appreciate the gentleman from Louisiana, whose provision in the bill I sought to improve with my amendment. I am grateful for his commitment to work with me on our differences.

With that, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-267, on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. CUMMINGS of Maryland.

Amendment No. 4 by Mr. THOMPSON of Mississippi.

Amendment No. 6 by Mrs. NAPOLITANO of California.

Amendment No. 7 by Mr. BISHOP of New York.

Amendment No. 8 by Ms. SLAUGHTER of New York.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. CUMMINGS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 227, not voting 32, as follows:

[Roll No. 832]

AYES—174

Ackerman	Fattah	Miller, George
Altmire	Frank (MA)	Moore
Andrews	Fudge	Moran
Baca	Garamendi	Nadler
Baldwin	Gonzalez	Napolitano
Barrow	Green, Al	Neal
Barton (TX)	Green, Gene	Olver
Bass (CA)	Grijalva	Pallone
Becerra	Gutierrez	Pascarell
Berkley	Hahn	Pastor (AZ)
Berman	Hanabusa	Pelosi
Bishop (NY)	Hastings (FL)	Perlmutter
Blumenauer	Himes	Peters
Boren	Hinchey	Pingree (ME)
Boswell	Hinojosa	Polis
Brady (PA)	Hirono	Price (NC)
Braley (IA)	Hochul	Quigley
Brown (FL)	Holden	Rahall
Butterfield	Holt	Rangel
Capuano	Honda	Reyes
Carnahan	Hoyer	Richardson
Carney	Inslee	Richmond
Carson (IN)	Israel	Ross (AR)
Castor (FL)	Jackson (IL)	Rothman (NJ)
Chandler	Jackson Lee	Roybal-Allard
Chu	(TX)	Ryan (OH)
Ciavilline	Johnson (GA)	Sánchez, Linda
Clarke (MI)	Johnson, E. B.	T.
Clarke (NY)	Kaptur	Sarbanes
Clay	Keating	Schakowsky
Cleaver	Kildee	Schiff
Clyburn	Kind	Schrader
Cohen	Kissell	Schwartz
Connolly (VA)	Kucinich	Scott (VA)
Conyers	Langevin	Scott, David
Cooper	Larsen (WA)	Serrano
Costa	Larson (CT)	Sewell
Costello	Lee (CA)	Sherman
Courtney	Levin	Shuler
Critz	Lewis (GA)	Sires
Crowley	Lipinski	Slattery
Cuellar	Loebbeck	Speier
Cummings	Loftgren, Zoe	Stark
Davis (CA)	Lowey	Thompson (CA)
DeFazio	Lujan	Thompson (MS)
DeGette	Lynch	Tierney
DeLauro	Maloney	Tonko
Deutch	Markey	Towns
Dicks	Matsui	Tsongas
Dingell	McCarthy (NY)	Van Hollen
Doggett	McCollum	Visclosky
Donnelly (IN)	McDermott	Walz (MN)
Doyle	McGovern	Wasserman
Edwards	McIntyre	Schultz
Ellison	McNerney	
Engel	Meeks	
Eshoo	Michaud	
Farr	Miller (NC)	
		Waters

Watt
WaxmanWelch
Wilson (FL)Woolsey
Yarmuth

□ 1350

Messrs. FORTENBERRY and SCHILLING changed their vote from “aye” to “no.”

Mr. DONNELLY of Indiana, Ms. ZOE LOFGREN of California, and Mr. GENE GREEN of Texas changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 832, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 4 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 218, not voting 33, as follows:

[Roll No. 833]

AYES—182

Ackerman	Davis (CA)	Jackson Lee
Alexander	DeFazio	(TX)
Altmire	DeGette	Johnson (GA)
Amodei	Deutch	Johnson, E. B.
Andrews	Dicks	Kaptur
Baca	Dingell	Keating
Baldwin	Doggett	Kildee
Barrow	Donnelly (IN)	Kingston
Bartlett	Doyle	Kissell
Barton (TX)	Duncan (TN)	Kucinich
Bass (CA)	Edwards	Langevin
Becerra	Ellison	Larsen (WA)
Berkley	Engel	Lee (CA)
Berman	Eshoo	Levin
Bishop (NY)	Farr	Lewis (GA)
Blumenauer	Fattah	Lipinski
Bonner	Fitzpatrick	Loeback
Boren	Fudge	Lofgren, Zoe
Boswell	Garamendi	Lowey
Brady (PA)	Gibson	Luján
Braley (IA)	Gonzalez	Lummis
Brown (FL)	Goodlatte	Lungren, Daniel
Butterfield	Gowdy	E.
Capuano	Green, Al	Lynch
Carnahan	Green, Gene	Maloney
Carson (IN)	Grijalva	Markey
Castor (FL)	Gutierrez	Matheson
Chandler	Hahn	Matsui
Chu	Hanabusa	McCarthy (NY)
Ciilline	Hastings (FL)	McCollum
Clarke (MI)	Heck	McDermott
Clarke (NY)	Hinchey	McGovern
Clay	Hinojosa	McIntyre
Cleaver	Hirono	McNerney
Clyburn	Hochul	Meeks
Cohen	Holden	Michaud
Connolly (VA)	Holt	Miller (NC)
Conyers	Hoyer	Miller, George
Costello	Insee	Moore
Critz	Israel	Moran
Crowley	Cummings	Mulvaney
Cuellar		Napolitano
		Neal

Oliver
Pallone
Pascarella
Pastor (AZ)
Paulsen
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Renacci
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard

Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Southerland
Speier
Stark

Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—218

Adams	Gingrey (GA)	Noem
Aderholt	Gohmert	Nugent
Akin	Gosar	Nunes
Amash	Granger	Nunnelee
Bachus	Graves (GA)	Olson
Barletta	Graves (MO)	Palazzo
Bass (NH)	Griffin (AR)	Pearce
Benishek	Griffith (VA)	Perlmutter
Berg	Grimm	Petri
Biggert	Guinta	Pitts
Blibray	Guthrie	Platts
Bilirakis	Hall	Poe (TX)
Bishop (UT)	Hanna	Polis
Black	Harper	Pompeo
Blackburn	Harris	Posey
Bono Mack	Hartzler	Price (GA)
Boustany	Hastings (WA)	Quayle
Brady (TX)	Hayworth	Reed
Brooks	Hensarling	Reichert
Broun (GA)	Herger	Ribble
Buchanan	Herrera Beutler	Rigell
Bucshon	Himes	Rivera
Buerkle	Huelskamp	Roby
Burgess	Huizenga (MI)	Roe (TN)
Calvert	Hultgren	Rogers (AL)
Camp	Hunter	Rogers (KY)
Campbell	Hurt	Rogers (MI)
Canseco	Johnson (IL)	Rohrabacher
Cantor	Johnson (OH)	Rokita
Capito	Johnson, Sam	Rooney
Carney	Jordan	Ros-Lehtinen
Carter	Kelly	Roskam
Cassidy	Kind	Royce
Chabot	King (IA)	Runyan
Chaffetz	King (NY)	Ryan (WI)
Coffman (CO)	Kinzinger (IL)	Scalise
Cole	Kline	Schilling
Conaway	Labrador	Schmidt
Cooper	Lamborn	Schock
Costa	Lance	Schweikert
Courtney	Landry	Scott (SC)
Cravaack	Lankford	Scott, Austin
Crawford	Larson (CT)	Sessions
Crenshaw	Latham	Shimkus
Culberson	LaTourette	Shuster
Davis (KY)	Latta	Simpson
DeLauro	Lewis (CA)	Smith (NE)
Denham	LoBiondo	Smith (NJ)
Dent	Long	Smith (TX)
DesJarlais	Lucas	Stearns
Diaz-Balart	Luetkemeyer	Stivers
Dold	Mack	Stutzman
Dreier	Manzullo	Terry
Duffy	Marchant	Thompson (PA)
Duncan (SC)	Marino	Thornberry
Duncan (TN)	McCarthy (CA)	Tiberi
Ellmers	McCaul	Tipton
Emerson	McClintock	Turner (NY)
Farenthold	McCotter	Turner (OH)
Fincher	McHenry	Upton
Flake	McKeon	Walberg
Fleischmann	McKinley	Walden
Fleming	McMorris	Walsh (IL)
Flores	Rodgers	West
Forbes	Meehan	Whitfield
Fortenberry	Mica	Wilson (SC)
Fox	Miller (FL)	Wittman
Frank (MA)	Miller (MI)	Wolf
Frank (AZ)	Miller, Gary	Womack
Frelinghuysen	Murphy (PA)	Woodall
Gardner	Myrick	Yoder
Gerlach	Nadler	Young (AK)
Gibbs	Neugebauer	Young (IN)

NOT VOTING—32

Austria	Heinrich	Ross (FL)
Bachmann	Higgins	Ruppersberger
Bishop (GA)	Issa	Rush
Burton (IN)	Jenkins	Sanchez, Loretta
Capps	Jones	Schock
Cardoza	Murphy (CT)	Smith (WA)
Coble	Owens	Sullivan
Davis (IL)	Paul	Sutton
Filner	Payne	Velázquez
Gallegly	Pence	Young (FL)
Giffords	Peterson	

NOT VOTING—33

Austria	Heinrich	Ross (FL)
Bachmann	Higgins	Ruppersberger
Bishop (GA)	Issa	Rush
Burton (IN)	Jenkins	Sanchez, Loretta
Capps	Jones	Smith (WA)
Cardoza	Murphy (CT)	Sullivan
Coble	Owens	Sutton
Davis (IL)	Paul	Van Hollen
Filner	Payne	Velázquez
Gallegly	Pence	Westmoreland
Giffords	Peterson	Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1354

Mr. ROTHMAN of New Jersey changed his vote from “no” to “aye.”
So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 833, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 6 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 364, noes 37, not voting 32, as follows:

[Roll No. 834]

AYES—364

Adams	Brady (PA)	Cohen
Aderholt	Braley (IA)	Cole
Akin	Broun (GA)	Conaway
Alexander	Brown (FL)	Connolly (VA)
Altmire	Buchanan	Conyers
Amodei	Bucshon	Cooper
Andrews	Buerkle	Costa
Baca	Burgess	Costello
Bachus	Butterfield	Courtney
Baldwin	Calvert	Cravaack
Barletta	Camp	Crawford
Barrow	Campbell	Crenshaw
Bartlett	Canseco	Critz
Barton (TX)	Capito	Cuellar
Bass (CA)	Capuano	Culberson
Bass (NH)	Carnahan	Cummings
Becerra	Carney	Davis (CA)
Benishkek	Carson (IN)	Davis (KY)
Berg	Carter	DeFazio
Berkley	Cassidy	DeGette
Biggert	Castor (FL)	DeLauro
Blibray	Chabot	Denham
Bilirakis	Chaffetz	Dent
Bishop (NY)	Chandler	DesJarlais
Bishop (UT)	Chu	Deutch
Black	Cicilline	Dicks
Blumenauer	Clarke (MI)	Dingell
Bono Mack	Clay	Doggett
Boren	Cleaver	Dold
Boswell	Clyburn	Donnelly (IN)
Boustany	Coffman (CO)	Doyle

Dreier	Duffy	Labrador
Duffy	Duncan (SC)	Lamborn
Duncan (SC)	Duncan (TN)	Lance
Duncan (TN)	Ellison	Landry
Ellison	Ellmers	Langevin
Ellmers	Emerson	Lankford
Emerson	Engel	Larson (CT)
Engel	Eshoo	Latham
Eshoo	Farenthold	LaTourette
Farenthold	Farr	Latta
Farr	Fattah	Lee (CA)
Fattah	Fincher	Levin
Fincher	Fitzpatrick	Lewis (CA)
Fitzpatrick	Flake	Lewis (GA)
Flake	Fleischmann	Lipinski
Fleischmann	Fleming	LoBiondo
Fleming	Flores	Loebuck
Flores	Forbes	Lofgren, Zoe
Forbes	Fortenberry	Lowe
Fortenberry	Fox	Lucas
Fox	Frank (MA)	Luetkemeyer
Frank (MA)	Franks (AZ)	Lujan
Franks (AZ)	Frelinghuysen	Lummis
Frelinghuysen	Garamendi	Lungren, Daniel
Garamendi	Gardner	E.
Gardner	Garrett	Lynch
Garrett	Gerlach	Mack
Gerlach	Gibbs	Maloney
Gibbs	Gibson	Marchant
Gibson	Gingrey (GA)	Marino
Gingrey (GA)	Gohmert	Markey
Gohmert	Gonzalez	Matheson
Gonzalez	Goodlatte	Matsui
Goodlatte	Gosar	McCarthy (CA)
Gosar	Gowdy	McCarthy (NY)
Gowdy	Granger	McCaul
Granger	Graves (GA)	McClintock
Graves (GA)	Graves (MO)	McCollum
Graves (MO)	Green, Al	McCotter
Green, Al	Green, Gene	McDermott
Green, Gene	Griffin (AR)	McGovern
Griffin (AR)	Griffith (VA)	McHenry
Griffith (VA)	Grimm	McIntyre
Grimm	Guinta	McKeon
Guinta	Guthrie	McKinley
Guthrie	Hahn	McMorris
Hahn	Hall	Rodgers
Hall	Hanabusa	McNerney
Hanabusa	Hanna	Meehan
Hanna	Harper	Mica
Harper	Harris	Michaud
Harris	Hartzler	Miller (FL)
Hartzler	Hastings (WA)	Miller (MI)
Hastings (WA)	Hayworth	Miller (NC)
Hayworth	Heck	Miller, Gary
Heck	Hensarling	Miller, George
Hensarling	Herger	Moore
Herger	Herrera Beutler	Moran
Herrera Beutler	Himes	Murphy (PA)
Himes	Hinche	Myrick
Hinche	Hinojosa	Nadler
Hinojosa	Hirono	Napolitano
Hirono	Hochul	Neal
Hochul	Holden	Neugebauer
Holden	Holt	Noem
Holt	Hoyer	Noem
Hoyer	Huelskamp	Nugent
Huelskamp	Huizenga (MI)	Nunes
Huizenga (MI)	Hunter	Nunnelee
Hunter	Hurt	Olver
Hurt	Inslee	Palazzo
Inslee	Israel	Pallone
Israel	Jackson (IL)	Pascrell
Jackson (IL)	Jackson Lee	Pastor (AZ)
Jackson Lee	(TX)	Paulsen
(TX)	Johnson (GA)	Pearce
Johnson (GA)	Johnson (IL)	Pelosi
Johnson (IL)	Johnson (OH)	Perlmutter
Johnson (OH)	Johnson, Sam	Peters
Johnson, Sam	Jordan	Petri
Jordan	Kaptur	Pingree (ME)
Kaptur	Keating	Pitts
Keating	Kelly	Platts
Kelly	Kind	Poe (TX)
Kind	King (IA)	Polis
King (IA)	King (NY)	Pompeo
King (NY)	Kingston	Posey
Kingston	Kinzinger (IL)	Price (GA)
Kinzinger (IL)	Kissell	Price (NC)
Kissell	Kline	Quayle
Kline	Kucinich	Quigley
Kucinich		Rahall
		Reed

Rehberg	Reichert	Rehberg
Reichert	Renacci	Reichert
Renacci	Reyes	Renacci
Reyes	Richardson	Reyes
Richardson	Richmond	Richardson
Richmond	Rigell	Richmond
Rigell	Rivera	Rigell
Rivera	Roby	Rivera
Roby	Roe (TN)	Roby
Roe (TN)	Rogers (KY)	Roe (TN)
Rogers (KY)	Rogers (MI)	Rogers (KY)
Rogers (MI)	Rohrabacher	Rogers (MI)
Rohrabacher	Rokita	Rohrabacher
Rokita	Rooney	Rokita
Rooney	Ross (AR)	Rooney
Ross (AR)	Rothman (NJ)	Ross (AR)
Rothman (NJ)	Roybal-Allard	Rothman (NJ)
Roybal-Allard	Royce	Roybal-Allard
Royce	Runyan	Royce
Runyan	Ryan (OH)	Runyan
Ryan (OH)	Ryan (WI)	Ryan (OH)
Ryan (WI)	Sánchez, Linda	Ryan (WI)
Sánchez, Linda	T.	Sánchez, Linda
T.	Sarbanes	T.
Sarbanes	Scalise	Sarbanes
Scalise	Schakowsky	Scalise
Schakowsky	Schiff	Schakowsky
Schiff	Schilling	Schiff
Schilling	Schock	Schilling
Schock	Schrader	Schock
Schrader	Schwartz	Schrader
Schwartz	Schweikert	Schwartz
Schweikert	Scott (SC)	Schweikert
Scott (SC)	Scott (VA)	Scott (SC)
Scott (VA)	Scott, Austin	Scott (VA)
Scott, Austin	Scott, David	Scott, Austin
Scott, David	Sensenbrenner	Scott, David
Sensenbrenner	Serrano	Sensenbrenner
Serrano	Sessions	Serrano
Sessions	Sewell	Sessions
Sewell	Sherman	Sewell
Sherman	Shimkus	Sherman
Shimkus	Shuler	Shimkus
Shuler	Shuster	Shuler
Shuster	Simpson	Shuster
Simpson	Sires	Simpson
Sires	Slaughter	Sires
Slaughter	Smith (NE)	Slaughter
Smith (NE)	Smith (NJ)	Smith (NE)
Smith (NJ)	Smith (TX)	Smith (NJ)
Smith (TX)	Southerland	Smith (TX)
Southerland	Speier	Southerland
Speier	Stark	Speier
Stark	Stearns	Stark
Stearns	Stutzman	Stearns
Stutzman	Thompson (CA)	Stutzman
Thompson (CA)	Thompson (MS)	Thompson (CA)
Thompson (MS)	Thompson (PA)	Thompson (MS)
Thompson (PA)	Thornberry	Thompson (PA)
Thornberry	Tierney	Thornberry
Tierney	Tipton	Tierney
Tipton	Tonko	Tipton
Tonko	Tsongas	Tonko
Tsongas	Turner (NY)	Tsongas
Turner (NY)	Turner (OH)	Turner (NY)
Turner (OH)	Upton	Turner (OH)
Upton	Van Hollen	Upton
Van Hollen	Visclosky	Van Hollen
Visclosky	Walden	Visclosky
Walden	Walz (MN)	Walden
Walz (MN)	Wasserman	Walz (MN)
Wasserman	Schultz	Wasserman
Schultz	Waters	Schultz
Waters	Watt	Waters
Watt	Waxman	Watt
Waxman	Webster	Waxman
Webster	Welch	Webster
Welch	West	Welch
West	Westmoreland	West
Westmoreland	Whitfield	Westmoreland
Whitfield	Wilson (FL)	Whitfield
Wilson (FL)	Wilson (SC)	Wilson (FL)
Wilson (SC)	Wittman	Wilson (SC)
Wittman	Wolf	Wittman
Wolf	Womack	Wolf
Womack	Woodall	Womack
Woodall	Woolsey	Woodall
Woolsey	Yarmuth	Woolsey
Yarmuth	Yoder	Yarmuth
Yoder	Young (AK)	Yoder
Young (AK)	Young (IN)	Young (AK)
Young (IN)		Young (IN)

NOES—37

Ackerman	Gutierrez	Ribble
Amash	Hastings (FL)	Rogers (AL)
Berman	Honda	Ros-Lehtinen
Blackburn	Hultgren	Roskam
Bonner	Johnson, E. B.	Schmidt
Brady (TX)	Kildee	Stivers
Brooks	Larsen (WA)	Terry
Cantor	Long	Tiberi
Clarke (NY)	Manzullo	Towns
Crowley	Meeks	Walberg
Diaz-Balart	Mulvaney	Walsh (IL)
Edwards	Olson	
Fudge	Rangel	

NOT VOTING—32

Austria	Grijalva	Peterson
Bachmann	Heinrich	Ross (FL)
Bishop (GA)	Higgins	Ruppersberger
Burton (IN)	Issa	Rush
Capps	Jenkins	Sanchez, Loretta
Cardoza	Jones	Smith (WA)
Coble	Murphy (CT)	Sullivan
Davis (IL)	Owens	Sutton
Filner	Paul	Velázquez
Gallegly	Payne	Young (FL)
Giffords	Pence	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 1401

Messrs. HONDA and GUTIERREZ changed their vote from “aye” to “no.”

Mrs. BLACK and Messrs. JOHNSON of Ohio, PALAZZO, and NUNES changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 834, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 7 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 225, not voting 34, as follows:

[Roll No. 835]

AYES—174

Ackerman	Blumenauer	Castor (FL)
Amash	Boswell	Chandler
Andrews	Brady (PA)	Chu
Baca	Braley (IA)	Cicilline
Baldwin	Brown (FL)	Clarke (MI)
Bass (CA)	Butterfield	Clarke (NY)
Becerra	Camp	Clay
Benishkek	Campbell	Cleaver
Berkley	Capuano	Clyburn
Berman	Carnahan	Cohen
Bishop (NY)	Carney	Connolly (VA)
Bishop (UT)	Carson (IN)	Conyers

Courtney	Johnson (GA)	Polis	McKeon	Reichert	Smith (NE)	Butterfield	Holt	Price (NC)
Critz	Johnson, E. B.	Price (NC)	McKinley	Renacci	Smith (NJ)	Camp	Honda	Quigley
Crowley	Keating	Quigley	McMorris	Ribble	Smith (TX)	Capuano	Hoyer	Rangel
Cummings	Kildee	Rahall	Rodgers	Richmond	Southerland	Carnahan	Huizenga (MI)	Reyes
Davis (CA)	Kind	Rangel	Meehan	Rigell	Stearns	Carney	Inslee	Richardson
DeFazio	Kucinich	Reyes	Mica	Rivera	Stivers	Carson (IN)	Israel	Rigell
DeGette	Langevin	Richardson	Michaud	Roby	Stutzman	Castor (FL)	Jackson (IL)	Rogers (MI)
DeLauro	Larsen (WA)	Rogers (MI)	Miller (FL)	Roe (TN)	Thompson (MS)	Chandler	Johnson (GA)	Rothman (NJ)
Deutch	Larson (CT)	Ross (AR)	Miller, Gary	Rogers (AL)	Thompson (PA)	Chu	Johnson, E. B.	Roybal-Allard
Dicks	Lee (CA)	Rothman (NJ)	Mulvaney	Rogers (KY)	Thornberry	Cicilline	Keating	Ryan (OH)
Dingell	Levin	Roybal-Allard	Murphy (PA)	Rohrabacher	Tiberi	Clarke (MI)	Kildee	Sánchez, Linda
Doggett	Lewis (GA)	Ryan (OH)	Myrick	Rokita	Tipton	Clarke (NY)	Kind	T.
Dold	Lipinski	Sánchez, Linda	Neugebauer	Rooney	Turner (NY)	Clay	Langevin	Sarbanes
Doyle	Loebach	T.	Noem	Ros-Lehtinen	Turner (OH)	Cleaver	Larsen (WA)	Schakowsky
Edwards	Loebach	Sarbanes	Nugent	Roskam	Visclosky	Clyburn	Larson (CT)	Schiff
Ellison	Lofgren, Zoe	Schakowsky	Nunes	Royce	Connolly (VA)	Costello	Lee (CA)	Schrader
Engel	Lujan	Schiff	Nunnelee	Runyan	Conyers	Courtney	Levin	Schwartz
Eshoo	Lynch	Schrader	Olson	Ryan (WI)	Costello	Davis (CA)	Lewis (GA)	Scott (VA)
Farr	Maloney	Schwartz	Palazzo	Scalise	Crowley	DeFazio	Lipinski	Scott, David
Fattah	Markey	Scott (VA)	Pearce	Schilling	Davis (CA)	DeGette	Loebach	Serrano
Frank (MA)	Matheson	Scott, David	Petri	Schmidt	DeLauro	DeLauro	Lofgren, Zoe	Sewell
Fudge	Matsui	Serrano	Pitts	Schuck	Dicks	DeLauro	Lujan	Sherman
Garamendi	McCarthy (NY)	Sewell	Platts	Schweikert	Dingell	DeLauro	Maloney	Shuler
Gibson	McCollum	Sherman	Poe (TX)	Scott (SC)	Doggett	DeLauro	Markey	Simpson
Gonzalez	McCotter	Shuler	Pompeo	Scott, Austin	Dold	DeLauro	McCarthy (NY)	Sires
Green, Al	McDermott	Sires	Posey	Sensenbrenner	Doyle	DeLauro	McGovern	Slaughter
Grijalva	McGovern	Slaughter	Posey (GA)	Sessions	Edwards	DeLauro	McIntyre	Speier
Gutierrez	McIntyre	Speier	Quayle	Shimkus	Ellison	DeLauro	McCollum	Stark
Hahn	McNerney	Stark	Reed	Shuster	Engel	DeLauro	McCotter	Thompson (CA)
Hanabusa	Meeks	Thompson (CA)	Rehberg	Simpson	Engel	DeLauro	McDermott	Tierney
Hastings (FL)	Miller (MI)	Tierney			Engel	DeLauro	McGovern	Tonko
Hayworth	Miller (NC)	Tonko			Engel	DeLauro	McIntyre	Towns
Himes	Miller, George	Towns			Engel	DeLauro	McNerney	Tsongas
Hinchee	Moore	Tsongas			Engel	DeLauro	Meeks	Upton
Hinojosa	Moran	Upton			Engel	DeLauro	Miller (MI)	Van Hollen
Hirono	Nadler	Van Hollen			Engel	DeLauro	Miller (NC)	Walberg
Hochul	Napolitano	Walberg			Engel	DeLauro	Moran	Walz (MN)
Holden	Neal	Walz (MN)			Engel	DeLauro	Nadler	Wasserman
Holt	Oliver	Wasserman			Engel	DeLauro	Napolitano	Schultz
Honda	Pallone	Schultz			Engel	DeLauro	Neal	Waters
Hoyer	Pascrell	Waters			Engel	DeLauro	Oliver	Watt
Huizenga (MI)	Pastor (AZ)	Watt			Engel	DeLauro	Pallone	Waxman
Inslee	Paulsen	Waxman			Engel	DeLauro	Pascrell	Welch
Israel	Pelosi	Welch			Engel	DeLauro	Pastor (AZ)	Wilson (FL)
Jackson (IL)	Perlmutter	Wilson (FL)			Engel	DeLauro	Paulsen	Wittman
Jackson Lee	Peters	Woolsey			Engel	DeLauro	Pelosi	Wolf
(TX)	Pingree (ME)	Yarmuth			Engel	DeLauro	Perlmutter	Woolsey
					Engel	DeLauro	Peters	Yarmuth
					Engel	DeLauro	Polis	

NOES—225

Adams	Culberson	Harris
Aderholt	Davis (KY)	Hartzler
Akin	Denham	Hastings (WA)
Alexander	Dent	Heck
Altmire	DesJarlais	Hensarling
Amodei	Diaz-Balart	Herrera Beutler
Bachus	Donnelly (IN)	Huelskamp
Barletta	Dreier	Hultgren
Barrow	Duffy	Hunter
Bartlett	Duncan (SC)	Hurt
Barton (TX)	Duncan (TN)	Johnson (IL)
Bass (NH)	Ellmers	Johnson (OH)
Berg	Emerson	Johnson, Sam
Biggart	Farenthold	Jordan
Bilbray	Fincher	Kaptur
Bilirakis	Fitzpatrick	Kelly
Black	Flake	King (IA)
Blackburn	Fleischmann	King (NY)
Bonner	Fleming	Kingston
Bono Mack	Flores	Kinzing (IL)
Boren	Forbes	Kissell
Boustany	Fortenberry	Kline
Brady (TX)	Fox	Labrador
Brooks	Franks (AZ)	Lamborn
Broun (GA)	Frelinghuysen	Lance
Buchanan	Gardner	Landry
Bucshon	Garrett	Lankford
Buerkle	Gerlach	Latham
Burgess	Gibbs	LaTourette
Calvert	Gingrey (GA)	Latta
Canseco	Gohmert	Lewis (CA)
Cantor	Goodlatte	LoBiondo
Capito	Gosar	Long
Carter	Gowdy	Lucas
Chabot	Granger	Luetkemeyer
Chaffetz	Graves (GA)	Lummis
Coffman (CO)	Graves (MO)	Lungrén, Daniel
Cole	Green, Gene	E.
Conaway	Griffin (AR)	Mack
Cooper	Griffith (VA)	Manzullo
Costa	Grimm	Marchant
Costello	Guinta	Marino
Cravaack	Guthrie	McCarthy (CA)
Crawford	Hall	McCauley
Crenshaw	Hanna	McClintock
Cuellar	Harper	McHenry

NOT VOTING—34

Austria	Heinrich	Ross (FL)
Bachmann	Herger	Ruppersberger
Bishop (GA)	Higgins	Rush
Burton (IN)	Issa	Sanchez, Loretta
Capps	Jenkins	Smith (WA)
Cardoza	Jones	Sullivan
Cassidy	Murphy (CT)	Sutton
Coble	Owens	Terry
Davis (IL)	Paul	Velázquez
Filner	Payne	Young (FL)
Gallagher	Pence	
Giffords	Peterson	

□ 1405

Mr. CHAFFETZ and Ms. KAPTUR changed their vote from “aye” to “no.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 835, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 8 OFFERED BY MS. SLAUGHTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 237, not voting 35, as follows:

[Roll No. 836]

AYES—161

Ackerman	Bass (CA)	Bishop (NY)
Amash	Becerra	Blumenauer
Andrews	Benishiek	Boswell
Baca	Berkley	Brady (PA)
Baldwin	Berman	Braley (IA)

Adams	Cooper	Graves (GA)
Aderholt	Costa	Graves (MO)
Akin	Cravaack	Green, Al
Alexander	Crawford	Green, Gene
Altmire	Crenshaw	Griffin (AR)
Amodei	Critz	Griffith (VA)
Bachus	Cuellar	Grimm
Barletta	Culberson	Guinta
Barrow	Cummings	Guthrie
Bartlett	Davis (KY)	Hall
Barton (TX)	Denham	Hanna
Bass (NH)	Dent	Harper
Biggart	DesJarlais	Harris
Bilbray	Diaz-Balart	Hartzler
Bilirakis	Donnelly (IN)	Hastings (WA)
Bishop (UT)	Dreier	Hayworth
Black	Duffy	Heck
Blackburn	Duncan (SC)	Hensarling
Bonner	Duncan (TN)	Herger
Bono Mack	Ellmers	Herrera Beutler
Boren	Emerson	Hirono
Boustany	Farenthold	Holden
Brady (TX)	Fincher	Huelskamp
Brooks	Fitzpatrick	Hultgren
Broun (GA)	Flake	Hunter
Brown (FL)	Fleischmann	Hurt
Buchanan	Fleming	Johnson (IL)
Bucshon	Flores	Johnson (OH)
Buerkle	Fortenberry	Johnson, Sam
Burgess	Fox	Jordan
Calvert	Franks (AZ)	Kaptur
Campbell	Frelinghuysen	Kelly
Canseco	Gardner	King (IA)
Cantor	Garrett	King (NY)
Capito	Gerlach	Kingston
Carter	Gibbs	Kinzing (IL)
Cassidy	Gibson	Kissell
Chabot	Gingrey (GA)	Kline
Chaffetz	Gohmert	Kucinich
Coffman (CO)	Goodlatte	Labrador
Cohen	Gosar	Lamborn
Cole	Gowdy	Lance
Conaway	Granger	Landry

Lankford	Nugent	Schilling
Latham	Nunes	Schmidt
LaTourette	Nunnelee	Schock
Latta	Olson	Schweikert
Lewis (CA)	Palazzo	Scott (SC)
LoBiondo	Pearce	Scott, Austin
Long	Petri	Sensenbrenner
Lucas	Pingree (ME)	Sessions
Luetkemeyer	Pitts	Shimkus
Lummis	Platts	Smith (NE)
Lungren, Daniel	Poe (TX)	Smith (NJ)
E.	Pompeo	Smith (TX)
Lynch	Posey	Southerland
Mack	Price (GA)	Stearns
Manzullo	Quayle	Stivers
Marchant	Rahall	Stutzman
Marino	Reed	Thompson (MS)
Matheson	Rehberg	Thompson (PA)
McCarthy (CA)	Reichert	Thornberry
McCaul	Renacci	Tiberi
McClintock	Ribble	Tipton
McHenry	Richmond	Turner (NY)
McKeon	Rivera	Turner (OH)
McKinley	Roby	Visclosky
McMorris	Roe (TN)	Walden
Rodgers	Rogers (AL)	Walsh (IL)
Meehan	Rogers (KY)	Webster
Mica	Rohrabacher	West
Michaud	Rokita	Westmoreland
Miller (FL)	Rooney	Whitfield
Miller, Gary	Ros-Lehtinen	Wilson (SC)
Moore	Roskam	Womack
Mulvaney	Ross (AR)	Woodall
Murphy (PA)	Royce	Yoder
Myrick	Runyan	Young (AK)
Neugebauer	Ryan (WI)	Young (IN)
Noem	Scalise	

NOT VOTING—35

Austria	Heinrich	Peterson
Bachmann	Higgins	Ross (FL)
Berg	Issa	Ruppersberger
Bishop (GA)	Jackson Lee	Rush
Burton (IN)	(TX)	Sanchez, Loretta
Capps	Jenkins	Shuster
Cardoza	Jones	Smith (WA)
Coble	Murphy (CT)	Sullivan
Davis (IL)	Owens	Sutton
Filner	Paul	Terry
Gallegly	Payne	Velázquez
Giffords	Pence	Young (FL)

□ 1409

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 836, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HIGGINS. Mr. Chair, I was in my district today to attend to matters concerning the opening of a new federal courthouse in Buffalo. This is one of the largest federal projects completed in western New York in recent years, supporting hundreds of jobs. This striking structure, standing at the center of Buffalo's business district, is symbolic of Buffalo's rising opportunities in connection to our unique architecture and history.

My presence in Buffalo caused me to miss several votes in the House today. As a strong supporter of both maritime commerce and the environmental protection of the Great Lakes, I would like to submit for the RECORD how I would have voted on the Coast Guard and Maritime Transportation Act and other matters.

Had I been present I would have voted:

Nay on rollcall 829.

Nay on rollcall 830.

Yea on rollcall 831.

Yea on rollcall 832.

Yea on rollcall 833.

Yea on rollcall 834.

Yea on rollcall 835.

Yea on rollcall 836.

Mr. LOBIONDO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SMITH of Nebraska) having assumed the chair, Mr. BISHOP of Utah, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 2838.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1410

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE CORRECTIONS IN THE ENROLLMENT OF H.R. 2061

Mr. FARENTHOLD. Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 86

Resolved by the House of Representatives (the Senate concurring). That, in the enrollment of the bill (H.R. 2061) to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike all after the enacting clause and insert the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Civilian Service Recognition Act of 2011'.

"SEC. 2. PRESENTATION OF UNITED STATES FLAG ON BEHALF OF FEDERAL CIVILIAN EMPLOYEES WHO DIE OF INJURIES INCURRED IN CONNECTION WITH THEIR EMPLOYMENT.

"(a) PRESENTATION AUTHORIZED.—Upon receipt of a request under subsection (b), the head of an executive agency may give a flag of the United States for an individual who—

"(1) was an employee of the agency; and

"(2) dies of injuries incurred in connection with such individual's employment with the Federal government, suffered as a result of a criminal act, an act of terrorism, a natural disaster, or other circumstance as determined by the President.

"(b) REQUEST FOR FLAG.—The head of an executive agency may furnish a flag for a deceased employee described in subsection (a) upon the request of—

"(1) the employee's widow or widower, child, sibling, or parent; or

"(2) if no request is received from an individual described in paragraph (1), an individual other than the next of kin as determined by the Director of the Office of Personnel Management.

"(c) CLASSIFIED INFORMATION.—The head of an executive agency may disclose information necessary to show that a deceased individual is an employee described in subsection (a) to the extent that such information is not classified and to the extent that such disclosure does not endanger the national security of the United States.

"(d) EMPLOYEE NOTIFICATION OF FLAG BENEFIT.—The head of an executive agency shall provide appropriate notice to employees of the agency of the flag benefit provided for under this section.

"(e) REGULATIONS.—The Director of the Office of Personnel Management, in coordination with the Secretary of Defense and the Secretary of Homeland Security, may prescribe regulations to implement this section. Any such regulations shall provide for the head of an executive agency to consider the conditions and circumstances surrounding the death of an employee and nature of the service of the employee.

"(f) DEFINITIONS.—In this section:

"(1) EMPLOYEE.—The term 'employee' has the meaning given that term in section 2105 of title 5, United States Code, and includes an officer or employee of the United States Postal Service or of the Postal Regulatory Commission.

"(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given that term in section 105 of title 5, United States Code, and includes the United States Postal Service and the Postal Regulatory Commission."

(2) Amend the title so as to read: "A bill to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS ACT OF 2011

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1487) to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the bill is as follows:

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011”.

SEC. 2. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.

(a) **IN GENERAL.**—During the 7-year period ending on September 30, 2018, the Secretary of Homeland Security, in coordination with the Secretary of State, is authorized to issue Asia-Pacific Economic Cooperation Business Travel Cards (referred to in this section as “ABT Cards”) to any eligible person, including business leaders and United States Government officials who are actively engaged in Asia-Pacific Economic Cooperation business. An individual may not receive an ABT Card under this section unless the individual has been approved and is in good standing in an international trusted traveler program of the Department of Homeland Security.

(b) **INTEGRATION WITH EXISTING TRAVEL PROGRAMS.**—The Secretary of Homeland Security may integrate application procedures for, and issuance, suspension, and revocation of, ABT Cards with other appropriate international trusted traveler programs of the Department of Homeland Security.

(c) **COOPERATION WITH PRIVATE ENTITIES.**—In carrying out this section, the Secretary of Homeland Security may consult with appropriate private sector entities.

(d) **RULEMAKING.**—The Secretary of Homeland Security, in coordination with the Secretary of State, may prescribe such regulations as may be necessary to carry out this section, including regulations regarding conditions of or limitations on eligibility for an ABT Card.

(e) **FEE.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security may—

(A) prescribe and collect a fee for the issuance of ABT Cards; and

(B) adjust such fee to the extent the Secretary determines to be necessary to comply with paragraph (2).

(2) **LIMITATION.**—The Secretary of Homeland Security shall ensure that the total amount of the fees collected under paragraph (1) during any fiscal year is sufficient to offset the direct and indirect costs associated with carrying out this section during such fiscal year, including the costs associated with establishing the program.

(3) **ACCOUNT FOR COLLECTIONS.**—There is established in the Treasury of the United States an “APEC Business Travel Card Account” into which the fees collected under paragraph (1) shall be deposited as offsetting receipts.

(4) **USE OF FUNDS.**—Amounts deposited into the APEC Business Travel Card Account—

(A) shall be credited to the appropriate account of the Department of Homeland Security for expenses incurred in carrying out this section; and

(B) shall remain available until expended.

(f) **TERMINATION OF PROGRAM.**—The Secretary of Homeland Security, in coordination with the Secretary of State, may terminate activities under this section if the Secretary of Homeland Security determines such action to be in the interest of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin (Mr. RYAN) be permitted to revise and extend his remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, NOVEMBER 7, 2011

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday, November 7, 2011; when the House adjourns on that day, it adjourn to meet at 2:30 p.m. on Thursday, November 10, 2011; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, November 14, 2011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF MEMBER TO NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

The SPEAKER pro tempore (Ms. HAYWORTH). The Chair announces the Speaker's appointment, pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107-306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (P.L. 111-259), and the order of the House of January 5, 2011, of the following Member of the House to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community:

Mr. CONAWAY, Texas

TRIBUTE TO JOHN MILTON KRINER II

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, on October 9, 2011, a good friend and long-time scout, John Milton Kriner II, passed away at the age of 53. A life marked with accomplishment and overcoming barriers, John was born in 1958 with Down syndrome. Despite life's challenges, John and his parents, John and Betta, always focused on the possible, not the limitations.

He graduated from State College Area High School, went on to receive

certification from Centre County Vocational and Hiram G. Andrews Technical Schools, and was later employed by the State Area College School District. A member of Troop 339, Boy Scouts of America, John received the Eagle Scout with Gold Palm, Silver Beaver Award, Unit Commissioner, Honorary Camp Director, and Wood Badge Beaver Awards. He attended four BSA national jamborees, serving as a staff member, was a Vigil Honor member of the Monaken Lodge, Order of the Arrow, and an honorary member of Penn State University's Alpha Phi Omega. John was a member of the Grace Lutheran Church, where he served as an usher, greeter, and was a member of Disciples Sunday school class. He was also a State Special Olympic silver, bronze, and gold medal winner in swimming. John Kriner was a true inspiration to all who knew him. Well done, Scouter.

VFW 1—VETERANS ADMINISTRATION 0

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, during the hot days of last summer, the Veterans of Foreign Wars went to battle with the Veterans Administration. The VFW claimed the VA was censoring free speech and preventing the free exercise of religion at the National Cemetery in Houston. The VFW says the chapel at the cemetery was closed. The Bible, the cross, the Star of David were removed, and the chapel became a storage shed. VFW members also said the director of the cemetery censored prayers and prohibited the religious ceremony during burial of veterans.

The VFW sued the VA, and the VA naturally denied the whole thing. Recently, a Federal judge approved and agreed to an order requiring the chapel to be reopened, the Bible, the cross, the Star of David to be returned, and said that the VA must not interfere with free speech or the free exercise of religion at burials.

Madam Speaker, it is ironic that Americans have gone to war, fought for the principles of the Constitution; then when they come home, they face government hostility and the denial of First Amendment rights to the citizens when these veterans are buried in VA cemeteries. Now the veterans have won a battle against a government that wanted to deny them the American freedoms they fought for in lands far, far away.

And that's just the way it is.

CONSCIENCE RIGHTS

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Madam Speaker, the Department of Health and Human Services recently proposed a rule that would require all health plans to cover in full and, consequently, every American to subsidize procedures and drugs that are unrelated to medical necessity, traditionally considered electives, and can be very ethically divisive for many Americans. Why when 75 cents on every public health care dollar is spent on the management of chronic conditions, such as cancer, heart disease, and stroke, is the Health and Human Services Department prioritizing free sterilization, for instance?

This is distinctly unrelated to our Nation's health care priority challenges. I can only conclude that this is ideologically driven and most perniciously affects faith-based institutions who are the backstop of compassionate care for the poorest and most vulnerable in society. Many Republicans and Democrats have expressed very serious concerns about this. No American should be forced to choose between their faith and their job.

REGIONAL HAZE MANAGEMENT

(Mr. BERG asked and was given permission to address the House for 1 minute.)

Mr. BERG. Madam Speaker, with each new overreaching one-size-fits-all mandate, the Obama administration continues to burden the States with unnecessary costs and regulations that are hindering job creation. That's why today I introduced the Regional Haze Federalism Act. This will rein in the Obama administration and prevent a Federal takeover of State haze management.

States like North Dakota continue to act responsibly to create well-researched plans and to implement EPA-mandated policies; yet it's clear that these efforts to play by the rules aren't enough for the Obama administration. The administration's overreach would cost North Dakota over \$700 million. Those costs will directly increase rates to our consumers across the State.

If we are truly committed to creating jobs and lowering energy costs, we need to empower the States and rein in President Obama's overreaching EPA.

HONORING CORPORAL JOSHUA "J.B." KERNS

(Mr. GRIFFITH of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIFFITH of Virginia. Ladies and gentlemen of the House, I rise today, as we approach Veterans Day, to honor Corporal Joshua "J.B." Kerns. Corporal Kerns, from Ararat, Virginia, in Patrick County, served in the United States Marine Corps in the 2nd

Combat Engineer Battalion, 3rd Platoon. And one day in Afghanistan he, unfortunately, was hit with an IED explosion. This brave young man lost both legs and one arm.

One of the volunteers who worked with him as he recovered, Bert Caswell, working with Wounded Warriors, wrote a poem on his behalf, which I will put into the RECORD, but I would like to read just a small piece of it. It's entitled "What I've Learned."

"And yet, you're only 21. But from you, Joshua, so much more I've learned, more than all my years under the sun! And that as long as we have such sons like you, and such families too, then our Nation will stand, yes, that old Red, White and Blue. And in our future, there's even more to learn from you!"

Thank you, Joshua "J.B." Kerns, and all of our soldiers who serve our Nation.

WHAT I'VE LEARNED (By Bert Caswell)

CORPORAL JOSHUA B. KERNS, 2ND COMBAT ENGINEERS BATTALION, THE UNITED STATES MARINES

WHAT I'VE LEARNED

What . . .
What I've learned!
That in this our Country Tis of Thee, there are such most splendid souls as these!
Such Magnificent Men of Might, America's Bravest of all sons so bright like you J.B.!

United States Marines, who all so shine . . .
all in their most Splendid Shades of Green!

As this is what I've learned!
And that a strong young courageous man, with his Brothers In Arms will go off to war . . . To Stand!

All for our Country Tis of Thee, will himself so ignore!

All for The Price of Freedom To So Insure!
And will so heroically walk through the valley of death, with but his own most sacred life so pledged!

And that his Brother In Arms will run straight into death, to get help for him . . . his most sacred gift to bless!

As did SST Rogers . . . who on that day, for you J. B. our world so left!

While, even when so close to death . . . with but only one arm left, I've learned!

That somehow still, you could summon up The Courage, The Strength, and The Iron Will!

To so cheat death, all with what was within your fine heart as etched!

With such power and might, and faith . . . to new heights to so teach us on each new day!

And that against all odds J.B., somehow you rose up to walk again . . . this most brilliant sight!

With but tears in your eyes, as your new life had begun . . . all on this most memorable night!

Is that not what Heaven is so for my son?

As this is What I've Learned!

That arms and legs, yea we all need . . . but we can survive!

But, without a magnificent heart like yours J. B's . . . we will so surely die!

And that, men who are armed with such courage and faith . . . can even make The Angel's cry!

No matter how dark each new day, with hearts of courage full . . . move onward, as do they!

To somehow! Someway! To rise up again, all out on their most heroic ways!

And, all of those magnificent families who so bare such heartache and pain . . .

Watching their loved ones courage, and will to live . . . as on their knees with tears they pray!

Will but in the darkest of all nights and days, will stand by them each hour will they!

For them too, one day Heaven so hold's a place . . . And I've learned that some men, are put upon this earth!

To So Teach Us, All In Their Fine True Worth!

As to my soul J. B., you've taught me what comes first!

And if I ever have a son, I wish he could shine as bright as you JB, this one!

One of Virginia's, most gallant of all sons!

As I cry, as I watch from where your great heart has so come!

Running to recovery, all up to new heights . . . all in what you have so done!

As you make me so weep my son!

Whenever, I so think of . . . those valleys, from which you've come!

As I watch all of those mountains so high, that you've climbed . . . As Thy Will Be Done!

As all of those promises to your fine soul, that you so made and kept my son!

As you Did Not Give Up! Did Not Give In! Did Not Moan, or Beg My Friend!

While, from a death bed, to a wheel chair . . . until those first steps, standing there!

As your precious Mother's tears did run!

As you walked again, as we've all learned so much from you JB . . . That, you are More Than A Man!

And, that you are a Marine's Marine . . . one of The Best Dam Things This Country Has Ever Seen!

Hoo . . . rah Jarhead . . . all in your Most Magnificent Shades of Green!

And yet, you're only twenty one . . . but from you Joshua so much more I've learned!

More, than all of my years under the sun!

And that as long as we have such sons like you, and such so families too!

Then, our Nation Will Stand . . . yes, That old Red, White and Blue!

And in the future, there's even more to learn from you!

□ 1420

THE THREAT OF A NUCLEAR ARMED IRAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. ANDREWS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ANDREWS. Madam Speaker, I appreciate this opportunity, and I would like to thank the members of the House staff that are staying beyond voting hours for our opportunity to speak, and I promise that I will reward your efforts with brevity.

This is the end of another difficult week for a lot of Americans. For too many Americans, it's another week

without a paycheck. For many Americans, this is the week their unemployment benefits will expire and they will have no income next week. For many Americans, this is the last weekend they'll be in their home because the foreclosure is about to be executed upon. And sadly, for many Americans, this might be the last time that he or she closes the doors on their business. This time they close it for good.

Our constituents and neighbors are hurting, hurting desperately, and I think there has been far too little attention paid to those problems here in this institution. I hope that when we return after what is, parenthetically, our 12th recess of the year, we will get to work on the jobs problem for our country and try to put our people back to work.

As vital as that jobs crisis is, we can never put our country in a situation where we are not paying attention to threats to our security here at home and around the world. And I do want to spend a few moments this afternoon talking about what I think is a very significant threat, and that is the threat of Iran developing a nuclear weapon.

It is to the credit of the chairwoman of the international relations committee, the Foreign Affairs Committee, Ms. ROS-LEHTINEN, and the senior Democrat ranking member, Mr. BERMAN, that yesterday Republicans and Democrats on that committee came together to pass what I consider to be very powerful legislation that would work against the propagation of nuclear weapons by Iran. I hope that legislation is something that will be brought to the floor promptly and supported by Members from both sides. I think it is important to understand what more we could do and why it's so important to do it.

This is another productive day throughout our country. People are going to work in our cities and in our small towns and our suburbs. They are going to classes at universities and schools. They are visiting their loved ones in hospitals. It is, thank God, a normal day in America where we can do the things that we want to do. But, you know, a day 10 years ago in September of 2001 started like a normal day, too. September 11, 2001, was a beautiful, blue sky, crystalline day, and it ended as one of the worst days in the history of our country. The pain of that day is felt by people around this country not just in the New York metropolitan region, not just in Washington, D.C., not just in Pennsylvania, but around the country and around the world.

I fear and dread that a similar day could come from a scenario almost too terrible to imagine. Imagine a group of terrorists who are able to assemble a substantial amount of money but not an impossible amount of money—let's

say about \$2 million—and they're able to commandeer the services of scientists who are evil enough or hungry enough that they would lend their skills to the destructive task of making a small nuclear device, what we call a small improvised explosive device, a nuclear IED. And they don't need a missile to deliver this nuclear IED; they need a U-Haul truck. So they assemble the IED and they load it on the back of a U-Haul truck, and they drive it to a place where there's a lot of innocent Americans: The National Mall right outside of this building, a sports arena for an NFL football game, Times Square, or a church or a synagogue or a mosque where people are about to worship. And they detonate the IED. The consequences are huge numbers of deaths in the immediate area of the explosion, a significant number of people sickened and eventually dying from nuclear poisoning, the contamination of the area of the explosion, and a devastating blow to the psyche of the United States of America.

How could this happen? Is this possible?

Well, it's possible only if terrorists get access to what's called fissile material from which you can make a nuclear bomb. Fissile material can only come from three places: You can make it, and it takes a very significant industrial complex to do so; you can steal it, and that's a problem that we're working on trying to prevent; or you can have a government that gives it to you because that government is committed to a terrorist agenda.

My colleagues, understand that the risk of Iranian nuclear proliferation includes firing a missile at U.S. troops or U.S. allies in the Middle East. It most certainly includes that risk, but it's not limited to that risk. I think the greatest risk of Iranian nuclear proliferation is the risk of fissile material being handed off by the Iranian Government to a terrorist organization that then assembles a small nuclear IED and brings havoc and death to innocent people in the United States of America. How do we stop that? How do we prevent that from happening? That was the focus of the effort of the Foreign Affairs Committee yesterday, and I think it should be the focus of our country and civilized countries around the world.

Now, it's important to understand the history of this problem, the context of this problem, the risk of this problem, and what I believe is the solution to this problem. The history is this:

Of all the Nations in the world, only one has conducted a nuclear weapons research program and systematically lied about the fact that it has done so, and that one nation is the Republic of Iran. The source, it's a document from the IAEA, the international agency that monitors nuclear development,

from September 24, 2005, when that organization said that they were uncertain of Iran's motives in failing to make important declarations over an extended period of time and in pursuing a policy of concealment until October of 2003. This is not a political view of an American legislator or an ideological position of a journal. This is the official statement from the international agency that watches nuclear weapons. That's the history. A long history of deceit and concealment.

What's the context? How is Iran behaving in the present state of world affairs? First of all, they are killing United States troops in Iraq. Here's what the State Department's 2010 country terrorism report had to say about Iran:

Despite its pledge to support the stabilization of Iraq, Iranian authorities continue to provide lethal support, including weapons, training, funding, and guidance to Iraqi Shia militant groups that target U.S. and Iraqi forces.

This is a country that is actively engaged in an attempt to kill American soldiers in Iraq as we speak today.

Secondly, their brutality extends to their own people systematically. Let me highlight just one chilling and horrifying example reported by Amnesty International on October 11, 2011. An actress named Marzieh Vafamehr has become the latest individual to face a sentence of flogging—flogging. She was sentenced on or about October 8, 2011, to a year in prison and 90 lashes.

□ 1430

This is not the Middle Ages. I'm not reading from a historic treatise from the year 800. I'm reading from a sentence passed down by an Iranian court less than a month ago. What was her offense? Her offense was she appeared in a film called "My Tehran for Sale" in which she appeared in one scene without the mandatory head covering which women in Iran are required to wear and appears to drink alcohol in another. Her husband denied that she had consumed any alcohol, but the exact charge was levied, and this woman is in prison as we speak and once a month is beaten because she appeared in a movie in a way that was culturally offensive to the regime. This is the regime that is seeking a nuclear weapon.

What else in the context, what else are they up to? Well, let's listen to the statements of the President of Iran. Now he's not the person that really runs the country; the so-called Revolutionary Council does. But he's involved in its government, President Ahmadinejad, and here is what he said:

"Thanks to people's wishes and God's will, the trend for the existence of the Zionist regime is downwards, and this is what God has promised and what all nations want. Just as the Soviet Union was wiped out and today does not exist,

so will the Zionist regime soon be wiped out." This is the regime that is attempting to acquire a nuclear weapon.

And, finally, we were all, I think, stunned by the reports last week that individuals who allegedly had ties to the Iranian Government were indicted in the American court system for allegedly plotting the assassination of the Saudi Arabian ambassador to the United States on U.S. soil. Now, Madam Speaker, I would hasten to point out, as you well know, in our system these are allegations, not facts, and so we cannot say that these things are true. But I can scarcely think of a time in the history of our country where we have indicted foreign nationals or U.S. citizens for an alleged conspiracy to murder a foreign diplomat on our soil. Perhaps these individuals will be found not guilty. Perhaps they will be found guilty. But the fact that there was probable cause to make such an assertion is deeply shocking and disconcerting. This is the regime that is attempting to achieve a nuclear weapon.

Now how close are they? Here's a report from May 24 of 2011. The world's global nuclear inspection agency, the IAEA, frustrated by Iran's refusal to answer questions, revealed for the first time on Tuesday that it, meaning the U.N. agency that watches nuclear weapons, it possesses evidence that Tehran has conducted work on a highly sophisticated nuclear triggering technology that experts said could be used for only one purpose: setting off a nuclear weapon. This is the regime that says it is trying to acquire centrifuges and nuclear power plants to create nuclear power for its people. But the quote that I just read is from the international agency, not from U.S. intelligence, not from our allies, not from those who oppose the Iranian regime, but from the neutral international agency, which, frankly, has criticized the United States on occasion, from the neutral international agency talking about what the Iranians are up to.

Now it's classified information as to how close they are to receiving this, and we are all under an oath not to talk about that classified information, but the public record is replete with information that the Iranians are aggressively pursuing such a weapon.

And here's an academic analysis that talks about how such a weapon could be used by a terrorist group that would be the beneficiary of an Iranian handoff of fissile material. Based upon this professor's analysis, and this is written by the executive director for the Project on Managing the Atom, Jeffrey Lewis from the John F. Kennedy School of Government at Harvard University, the article is called the "Economics of Nuclear Terrorism." Here is what Professor Lewis has to say: A terrorist organization like al Qaeda could plausibly

build and deliver a nuclear weapon for less than \$2 million. Two million dollars. Now, of course, that's \$2 million after you've received the fissile material or bought it. Well, such an organization would now have a willing partner in Tehran that would own and be able to produce such fissile material.

We have an urgent economic crisis in our country. We need to fix it. We have a lot of other problems we need to fix. But this is happening. And we cannot let our attention to our economic crisis take our attention away from our duty to prevent this kind of catastrophe from happening to innocent people in the world.

So what do we do about it? What's the solution? How do we go forward in a way that stops the Iranians from getting this fissile material? To the credit of this Congress, both parties, and President Obama, the United States imposed bilateral sanctions on the Iranians about a year and a half ago. And to the credit of the United Nations Security Council, the United Nations Security Council imposed modest sanctions on the Iranians about a year ago, and there is some evidence that these sanctions are beginning to work.

The United States sanctions, which were led by then-ranking member ROSLEHTINEN and now chairwoman, and by then-Chairman BERMAN, now ranking member, and frankly that relied upon the work of Senator KIRK in the Senate, focused on a gasoline embargo. It's an odd fact, but Iran, which is a country which exports crude oil, imports about 40 percent of its gasoline because its economy is so dysfunctional that it cannot refine its own products. Before the U.S. sanctions were imposed, the price of a gallon of gasoline heavily subsidized in Iran was 38 cents a gallon. Today it's \$1.58 a gallon.

Now what does this mean? It means that an Iranian citizen who used to have to work 1 hour to fill their gas tank once a week now has to work 5 hours to fill their gas tank once a week. This is not a huge sacrifice, but it's making a dent in the economy of Iran.

It is our intention, obviously, not to in any way punish or jeopardize the well-being of the Iranian people. They are our friends, and we want them to be our friends and allies for years to come. But the simple, and I think compelling, logic of these sanctions is we are compelling the Iranian leadership to choose between pursuing their nuclear weapons ambitions but suffering economic consequences or abandoning those nuclear weapons ambitions and having the opportunity to restore their economy to some basic degree of health.

By the way, at a time when crude oil prices were rising, the Iranian economy stagnated. They had a negative growth of 1 percent last year, and they had

stagnant growth the year before that. So at a time when they should have been enjoying robust economic growth because of rising crude oil prices, they were stagnant because of the effectiveness of these sanctions.

Perhaps the best evidence of effectiveness was from President Ahmadinejad himself, who this week stood before their parliament defending a cabinet member of his who is accused of some wrongdoing and said that one of the reasons why they had to engage in the wrongdoing was their economy was in bad shape because "we can't do international banking transactions anymore." Well, there's some good news.

What I'm suggesting here is that the House should move rapidly to embrace and support the legislation that the Foreign Relations Committee marked up yesterday. And I think that legislation will enjoy broad Republican and Democratic support, as it did yesterday. I believe it was approved unanimously by the committee. I would then urge our administration to work with the Congress and sign such legislation and implement it.

Now, listen, Madam Speaker, I fully understand that sanctions alone may not be sufficient. And I'm not here today to argue for that proposition. What I am here today to argue for is the proposition that the sanctions we have imposed thus far have shown some signs of success. I think this is the time to intensify those sanctions, not to weaken them. I think this is a time for us to intensify our unified national resolve on this question. And despite our very profound differences on matters of economics and social policy, which is what a democracy ought to have, there should be no difference between us on the question of standing in a unified fashion in favor of more intense sanctions against Iran. The need is urgent and compelling.

□ 1440

You know, Madam Speaker, if someone had stood in this Chamber in the mid-1990s and said, If we don't focus our intelligence efforts on an obscure group of former mujahedin rebels in Afghanistan called al Qaeda, if we don't do that, the day may come when we will have a domestic Pearl Harbor, when the World Trade Centers will collapse, when thousands of people will perish, when the Pentagon, our own air space, will be attacked by civilians in our country, I think one would have thought that the Member was auditioning for a Tom Clancy film. It would sound very fantastic, very unlikely, and almost like science fiction or a spy thriller.

I wish September 11, 2001, had been fiction—I wish. That we had not had to go to those funerals and comfort those families who suffer today, I wish that were the fact. And there will be some

who will say that the scenario we talked about earlier, about a nuclear IED exploding in Times Square or the National Mall or an NFL football game, is too provocative or too sensational or too scary. I hope they're absolutely right; I hope it's total fiction.

But I think we ought to know better. I think we ought to know better that there is a regime which has demonstrated its deceit, which has manifested its evil toward its own people and to our troops in the Middle East, that has used language that is more than just purple language, that is language that goes beyond the pale about the annihilation of Israel and of all those who would stand with Israel, and that now stands accused—or persons alleged to have been tied to that regime now stand accused in our courts of participating in a conspiracy to assassinate a foreign diplomat on our soil. These are people we should be concerned about.

And as we look at the question of whether such an attack could happen, I think the question is unequivocally: Yes, it can. Our responsibility is to, with equal equivocation, say, no, it won't, no, it won't; that we will use the resources at our disposal—our international alliances, our economic leverage, our diplomatic skill—to try to move the Iranians to the point where they would accept a reasonable deal which says if you want to have nuclear power plants in your country, that's your sovereign right; but you must buy your fuel from outside the country and you must abandon your ability to manufacture and synthesize fuel. That's a reasonable and fair settlement. We should use every tool at our disposal to encourage the Iranian Government to accept such a settlement.

And as any wise President should do, as President Obama has done, as President Bush did before him, as President Clinton did before him, as President Bush did before him, as Presidents Reagan and Carter did before them, any prudent American President must reserve the right to defend our sovereign interests with whatever tools are necessary should the need arise. I pray that the need will never arise. And I think if we act intelligently, forcefully, but urgently, I think that we can avoid that day and avoid a situation like I described earlier.

So, Madam Speaker, thank you for this time this afternoon. I'd like to again thank the staff for its indulgence. I commend the chairwoman of our committee and the ranking member. And I look forward to supporting their legislation, broadening our unified, bipartisan national effort to stand strong against the tyranny and evil of this regime and for the welfare of innocent people throughout the world and throughout our country.

I yield back the balance of my time.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 2

Mr. GOHMERT. Madam Speaker, I request that my name be removed as a sponsor to H.J. Res. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DOMESTIC AND INTERNATIONAL AFFAIRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Madam Speaker, it is a pleasure to be here on the floor to hear my friend from New Jersey's comments, very well thought through. And I feel sure we can find some commonality in our concerns and appreciate the man's heart and mind. Thank you.

One of the things under the debt ceiling act that was passed early August was a requirement for a vote on a balanced budget amendment. There are different versions of a balanced budget amendment. One has most of the things we hold dear, not only a requirement of balancing the budget, but also a cap to spending as a percentage of gross domestic product, and also an increased supermajority in order to pass any tax bills raising taxes.

My concern has been that we had a wave election last November. We got over 80 new conservative freshmen, and we haven't cut spending like we should. I am more and more compelled that we need a cap on spending. All of our Members support that. But the question will be: What version of a balanced budget amendment will come to the floor for a vote?

I really do appreciate the comments of my friend from New Jersey (Mr. ANDREWS). There's been a lot going on in the Middle East. And it's not looking very good for those who love freedom, the right to make their own choices, because you find in some of the documentation of those who have pushed, supported rebellion, the so-called Arab Spring, their definition of freedom is the freedom to live under shari'a law and be completely governed by shari'a law. That's the freedom that their Arab Spring brings.

And it's been interesting, there's an article here from the Washington Examiner by Gregory Kane. The title says, "Obama Becomes 'Silent Cal' on Libya, Shari'a." I'd just like to read this for the RECORD. And I'm inserting "President" into the mention of President Obama:

With each passing day, we're learning more and more about the people President Obama tossed us into bed with in Libya.

Here's a headline from the London Daily Mail, a British newspaper:

"Now the rebels impose Shariah law as Islamic rules become 'basic source' of Libyan legislation."

In the story below the headline, readers learn from the chairman of Libya's National Transition Council that the country's new parliament will have "an Islamist tint," that "any existing laws contradicting the teachings of Islam would be nullified" and that men would be allowed to have as many as four wives.

Again, the question must be put to Barack Hussein "American Values" Obama, president of the United States: exactly how do Shariah law and polygamy reflect American values?

Remember, when President Obama justified American and NATO airstrikes in Libya to support the rebel forces that toppled the regime of Moammar Qadhafi he claimed that preventing bloodshed was an "American value."

But there was bloodshed aplenty, as least on the side of Qadhafi forces. Qadhafi himself was a victim of the bloodshed, and the circumstances of his death that have come to light shed more light on what a sham Obama's claim of acting to preserve American values really is.

In a separate London Daily Mail story about Qadhafi's death, the paper printed the photo of an unidentified rebel who claimed he was the one who killed Qadhafi.

"We grabbed [Qadhafi]," the young man said. "I hit him in the face. Some fighters wanted to take him away and that's when I shot him, twice, in the face and in the chest."

Later, it was revealed that more was done to Qadhafi than this young rebel merely shooting him in the face and chest.

Some reports say that, before he died, Qadhafi was sodomized with either a knife, bayonet or some other sharp object.

So let's recap:

President Obama commits American forces—as part of NATO.

□ 1450

I'll parenthetically add, when he did not have the sense to come before Congress and make the case here, as many of us on both sides of the aisle have been advocating. No matter who the President is, Republican, Democrat, if you can't come to Congress and make the case as to why American lives and American treasure should be put at risk, is it really something we ought to be doing as a country?

Now, resuming with the article:

1. President Obama commits American forces—as part of NATO—to supporting a rebel faction in Libya whose goal is to overthrow Qadhafi. Obama does this while having absolutely no clue about what kind of people make up this rebel faction.

2. The rebel forces prevail, primarily through NATO airstrikes. It was a NATO airstrike that took out a Qadhafi convoy fleeing Sirte that allowed rebel forces to capture the deposed Libyan leader.

3. Qadhafi ends up in the hands of what can only be considered a mob. He is beaten, tortured, possibly sodomized, and fatally shot in what has been oxymoronically described as "mob justice." His body is then put on public display in a meat store.

4. Secretary of State Hillary Clinton flies into Libya and announces, with the smug arrogance we might expect from an official from Obama's administration, "We came, we saw, he [Qadhafi] died."

5. Leaders of Libya's National Transition Council announce that Shariah law will prevail in Libya.

6. President Obama is mum on No. 5.

He—President Obama—hasn't said one word about the blatantly false account of Qadhafi's death that interim Libyan Prime Minister Mahmoud Jibril initially gave reporters.

He hasn't condemned the "mob justice" that led to Qadhafi's death, the beating, the torture, the alleged sodomizing. He hasn't mumbled so much as a syllable about Qadhafi's body being put on display in a meat store.

Obama hasn't said one word about Shariah being the law of the land in the new Libya. The man who was unavoidable for comment when it came to justifying American intervention in Libya has now pulled a complete Harpo Marx Act.

On this issue, Obama—President Obama—has made "Silent" Cal Coolidge look like a motor mouth.

That's an article from Gregory Kane in the Washington Examiner.

Then, interestingly, from the American Thinker, an article by Andrew Bostom, "Liberated Libya: Al Qaeda Flag Aloft Benghazi's Courthouse."

The courthouse in Benghazi, is the iconic seat of the revolt which toppled Qadhafi—Libya's "(im) moral equivalent" to Egypt's Tahrir Square. During the tumultuous months of Libya's brutal civil war, it was here that rebel forces established a provisional government, and propagandistic media center, crowing to foreign journalists about their "heroic" struggle "for freedom."

[Picture of al Qaeda flag]

One can now see both the Libyan rebel flag and the flag of al Qaeda fluttering atop Benghazi's courthouse.

I've got a blowup of that right here.

Just so those who felt so compelled to assist members of al Qaeda, we knew they were members of al Qaeda. We didn't know how many were part of the Libyan rebel forces, but we knew there were members of al Qaeda. We knew that there were people who were rebelling against Qadhafi, that as much as they wanted to kill Qadhafi want to kill Americans. And now we also know NATO forces, as the President kept saying, Oh, no, we're going to leave that to NATO forces. The United States military makes up 65 percent of NATO's military. It's American.

So let's look and recap the good that we've done in supporting those members of al Qaeda who took out Qadhafi, with whom this administration had lawful dealings before they decided to support taking him out and, hiding under NATO's name, took action to see that he was thrown out and, now, killed, brutalized.

So here we are, the al Qaeda flag flying over the courthouse in Benghazi. That's the daylight photo. Over here on this third we have the nighttime photo; and, once again, there is the al Qaeda flag waving proudly over that historic courthouse in Benghazi.

Going back to the article from the American Thinker:

According to one Benghazi resident, Islamists driving brand-new SUVs and wav-

ing the black al Qaeda flag drive the city's streets at night shouting, "Islamiya, Islamiya! No East, nor West," a reference to previous worries that the country would be bifurcated between Qadhafi opponents in the east and the pro Qadhafi elements in the west.

Elhelwa adds these salient details:

Earlier this week, I went to the Benghazi courthouse and confirmed the rumors: an al Qaeda flag was clearly visible; its Arabic script declaring that "there is no God but Allah" and a full moon underneath. When I tried to take pictures, a Salafi-looking guard, wearing a green camouflage outfit, rushed towards me and demanded to know what I was doing. My response was straightforward: I was taking a picture of the flag. He gave me an intimidating look and hissed, "Whomever speaks ill of this flag, we will cut off his tongue"

How about that for an American value?

"I recommend that you don't publish these. You will bring trouble to yourself."

What glorious American values. Our President assured us that, without the support of Congress, without even a debate in Congress, he had to rush headlong into helping these people that turns out are, as we were concerned might be, al Qaeda. We had to help al Qaeda, with whom we had declared war, basically, by the President of the United States after 9/11 because they had declared war on us. And so this President, without coming and having a debate, decides he's going to go help these people before he knew who all exactly we were helping because they reflect American values.

Going back to the article. The author says:

"He followed me inside the courthouse, but luckily my driver Khaled was close by, and interceded on my behalf. According to Khaled, the guard had angrily threatened to harm me. When I again engaged him in conversation, he told me "this flag is the true flag of Islam" . . .

Well, how about those American values that our President used our treasure, put our military members at risk in order to effectuate? Now we've got the al Qaeda flag flying in Libya, in Benghazi, over the historic courthouse that was the headquarters during the assault on Qadhafi.

□ 1500

We found out on 9/11 there were people in the world who were at war with us, and it turns out they had been at war with us at least since Iran, since those days when a naive but well-intentioned President named Carter had declared the Ayatollah Khomeini as a man of peace coming to Iran. The same President who gave away the Panama Canal that so many valued Americans lost their lives digging, creating, defending, was given away. There will be a price to pay for that at some point down the road by this country.

But we're already paying the price and have been since 1979 for the administration at that time while I was in

the Army at Fort Benning watching those things happen, knowing it was a crime for me as a military member to criticize anybody in the chain of command, which was President Carter. We had to bite our tongues as we watched that administration welcome in the Ayatollah Khomeini.

So many lives have been lost. So many people tortured, killed. We've got Christians on the run all over the Middle East, Christians being killed around the Middle East. The last Christian church has now closed in Afghanistan that we sent American treasure and lives, lost so many American lives in order to rout the Taliban. And then we turn the country over to what the people there tell us is a very, very corrupt administration. Having met with leaders of the Northern Alliance with a few other Members of Congress, it's clear we have not done a good thing enforcing a centralized government in a country that cannot sustain it without mass corruption and brutality.

We also know from the recent comments of Karzai himself he's prepared to make peace and be an ally of people sworn to destroy us.

Afghanistan can be salvaged, but we have to be smart in the way that we do that. At the same time, we know that more of the 9/11 hijackers were from Saudi Arabia than from any other country. It certainly appears that there are people in Saudi Arabia who have made massive amounts of money because of our dependence on their oil who have used that money to fund terrorism that has been used against the United States to kill our precious men and women of our military.

We need to become energy independent. We need to get rid of any Department that has had as its avowed goal for 32 years to get off dependence on foreign energy and every year has done a poorer and poorer job of that, although they have made some nice contributions for people at Solyndra and other bankrupt companies. It's time to get rid of the Energy Department.

It's time to get serious about stopping the dependence on foreign energy. We know we've got enough natural gas. We can actually do that now. We have at least 100 years of use of natural gas. And I am fine taking a percentage of the royalties the Federal Government could get off of natural gas produced, oil produced on our own land, our own Federal land, and using it toward alternative energy. But I am not, as most of my friends here, are not in favor of borrowing more money to throw at companies like Solyndra that cannot make it on their own.

Or like the solar company in Nevada, the friends of Leader HARRY REID also getting massive money, 42, 44 cents of every dollar, which we had to borrow to throw at their friends who had gone bankrupt.

It's time we started using some common sense. You don't rush in to help in a rebellion until you know who you're helping, and this administration did not do that because to think that they knew who we were helping is really unthinkable.

That's my hope and prayer that this administration did not understand who it was helping who would one day fly al Qaeda flags over a building where housed the Government in Libya.

And we have sat idly by and watched Iran grow greater and stronger in strength in its move toward creating nuclear weapons, just as my Democratic friend from New Jersey was talking about, Iran getting closer and closer to having nuclear weapons. Plural. Our strong ally in the Middle East, who is becoming surrounded by those who want to take it out, Israel, is at threat for losing its very existence, an existence that was acknowledged and affirmed unanimously in the United Nations before it was taken over by people who sympathize with those who fly the al Qaeda flag.

Back in those days, it was a unanimous decision: How could a country, a Jewish state like Israel, not be created after the worst genocide, Holocaust, in the history of man?

They needed a country of their own, and what better place than in a place where King David ruled 1,400 years before there was a man named Mohammed, 1,400 years before the creation of modern-day Islam.

Well, I'm proud to say that Joel Rosenberg is a friend of mine. I was visiting with him last night. He's got a brand-new book out. Can't wait to read it. Joel Rosenberg has an article in the Washington Times, Friday, October 21, needs to be entered in the RECORD, and I'll do so by reading it.

The headline, the title is "Confronting the threat from Iran."

Joel Rosenberg writes:

The brazen Iranian terrorist plot to assassinate the Saudi ambassador, kill Americans and blow up the Saudi and Israeli embassies in Washington was a wake-up call. The radical regime in Tehran has crossed a red line. Iran has murdered Americans in Iraq, Afghanistan and Lebanon over the years. Now it appears to have ordered terrorist attacks inside our nation's capital. Should this prove true, Iran has engaged in an act of war.

Now the question is: Who will neutralize the threat from Iran before the mullahs finish building nuclear warheads and the ballistic missile systems to deliver them?

"The international community must stop Iran before it's too late," Israeli Prime Minister Benjamin Netanyahu warned in his United Nations speech last month. If Iran is not stopped, we will all face the specter of nuclear terrorism, and the Arab Spring could soon become an Iranian winter. . . . The world around Israel is definitely becoming more dangerous."

"Iran has not abandoned its nuclear program. The opposite is true; it continues full steam ahead," warned Maj. Gen. Eyal Eisenberg, home-front command chief for the Israel Defense Forces, in a September

speech. He warned that the Arab Spring could turn into a "radical Islamic winter" and "this raises the likelihood of an all-out, total war, with the possibility of weapons of mass destruction being used."

The Obama administration is not taking decisive action to neutralize Iran. President Obama's policy of engagement with the mullahs has morphed into a policy of appeasement, and it has failed. Yet the White House has all but taken the use of force off the table. In September 2009, then-Defense Secretary Robert M. Gates said, "The reality is, there is no military option that does anything more than buy time." In April 2010, the New York Times reported that Mr. Gates had "warned in a secret three-page memorandum to top White House officials that the United States does not have an effective long-range policy for dealing with Iran's steady progress toward nuclear capability." Little has changed in the past 18 months. What's more, the administration is pressuring Israel not to launch a pre-emptive strike against Iran despite the growing threat of a second Holocaust.

The American people, however, expect and deserve better. A bipartisan poll conducted in September by Democrat Pat Caddell and Republican John McLaughlin found that 77 percent of Americans think the Obama administration's current policies toward stopping Iran's nuclear program "will fail." About 63 percent of Americans think Iran is the nation posing the greatest threat to us, ahead of China and North Korea. Remarkably, 63 percent of Americans also approve of pre-emptive military action against Iran if economic sanctions do not stop its nuclear program.

□ 1510

And they have not.

It is very clear that these sanctions have not slowed Iran from pursuing nuclear weapons. It appears very clear to those who look very long and who study the issue very long that Iran is counting on developing nuclear weapons before the sanctions totally cripple them, because they know, when they get nuclear weapons, they can then use them to extort the removal of the sanctions. They will not work in time. It's time to face up to that.

Going back to Joel Rosenberg's article:

War, of course, is not the preferred solution. There are a range of options a serious American president could take to neutralize the Iranian threat. But none of them is likely to work unless the president is willing to publicly put the military option on the table and order the Pentagon to accelerate planning for massive airstrikes and special operations.

Will any of the Republican candidates for president step up? Articulating pro-growth economic policies is vital to the 2012 campaign, to be sure, but the GOP candidates must not drink the Kool-Aid that the economy is all that matters to the American people. To the contrary, anyone who is asking for the Republican nomination must articulate a clear, compelling and detailed strategy for neutralizing the threat posed by the apocalyptic, genocidal death cult in Tehran.

At the next debate, each of the Republican candidates for president should be pressed to directly answer the following questions:

1. As president of the United States, what specific actions would you take to stop Iran

from obtaining and deploying nuclear weapons and using terrorism to advance its Islamic Revolution?

2. If you had intelligence that Iran was on the verge of building operational nuclear weapons, would your administration support an Israeli preemptive military strike on Iran's nuclear facilities?

3. Would you as president seriously consider ordering a pre-emptive strike by U.S. military forces to neutralize the Iranian nuclear threat?

Former Massachusetts Gov. Mitt Romney recently delivered a foreign-policy address in South Carolina in which he raised the Iranian threat. "Will Iran be a fully activated nuclear weapons state, threatening its neighbors, dominating the world's oil supply with a stranglehold on the Strait of Hormuz?" Mr. Romney asked. "In the hands of the ayatollahs, a nuclear Iran is nothing less than an existential threat to Israel. Iran's suicidal fanatics could blackmail the world." Mr. Romney noted that he would "begin discussions with Israel to increase the level of our military assistance and coordination" and would "reiterate that Iran obtaining a nuclear weapon is unacceptable." However, he did not specifically discuss how he would stop Iran from getting the bomb and sponsoring terrorist attacks.

Businessman Herman Cain has soared into the top tier of presidential candidates with a bold pro-growth tax-simplification plan, but he has spoken little of foreign policy. He has identified Iran as one of America's most serious national security threats and has been clear about his strong support for Israel. Drawing on his experience as a civilian contractor for the U.S. Navy working on ballistic-missile projects, Mr. Cain rightly has called for enhanced missile defenses to blunt an Iranian nuclear threat "I would make it a priority to upgrade all of our Aegis surface-to-air ballistic-missile defense capabilities of all of our warships, all the way around the world," Mr. Cain told the Values Voter Summit in Washington earlier this month. "Make that a priority, and then say to [Iranian President Mahmoud] Ahmadinejad, 'Make my Day.'" His instincts are right, but missile defenses are insufficient to neutralize the Iranian threat.

Few of the GOP candidates better understand the Iranian threat—and the dangerous end-times theology of the current Iranian leadership, which is preparing for the coming of the Shia messiah known as the "Twelfth Imam"—than former Sen. Rick Santorum of Pennsylvania. Thus far, however, he has not made Iran a major element of his campaign. Former House Speaker Newt Gingrich, Rep. Michele Bachmann and Texas Gov. Rick Perry have barely mentioned the issue, though certainly they understand the dangers.

Only Rep. Ron Paul among the Republican contenders doesn't grasp the seriousness of the twin Iranian threats of terrorism and nuclear weapons. "One can understand why [the mullahs] might want to become nuclear-capable, if only to defend themselves and to be treated more respectfully," Mr. Paul has written. The congressman opposes economic sanctions on Iran. He opposes pre-emptive strikes on Iran. Indeed, Mr. Paul has indicated he does not have a problem with Iran acquiring nuclear weapons because he doesn't think the mullahs in Tehran would actually use such weapons against their enemies. What's more, he has stated that he would not come to Israel's defense if Iran fired nuclear weapons at the Jewish state.

This article by Joel Rosenberg is an excellent article, and it needs to be taken seriously.

Knowing Herman Cain personally, Governor Rick Perry personally, MICHELE BACHMANN personally, Rick Santorum personally, Newt Gingrich personally, I know they're all concerned about it, but because of the way the debates have been structured, this has not been an issue that has been pushed. I know all of those individuals well enough to know their hearts and to know they do not want Iran to have nuclear weapons and that they will do what's necessary to prevent it. The trouble is none of those individuals will become President or even have the chance to become President for 18 months.

It's time that the American people convinced the American President of this, who helped create the situation where al Qaeda—our enemies, our sworn enemies who want to destroy it—can fly their flags over the Libyan courthouse. It was more than the Libyan courthouse. It was the brief capital, the headquarters, for the people that this President chose to help.

A dangerous time.

Now, I have filed House Resolution 271. It has got a slew of cosponsors. They're all Republican, but I would hope that some of my friends on the other side of the aisle would join in with us on this.

Madam Speaker, I would hope that people would encourage their Members of Congress to sign on if they support what's here.

Basically, most of this resolution—it's not terribly long; it's just six pages—and most of that are whereas clauses stating facts.

□ 1520

The text is as follows:

H. RES. 271

Whereas archeological evidence exists confirming Israel's existence as a nation over 3,000 years ago in the area in which it currently exists, despite assertions of its opponents;

Whereas with the dawn of modern Zionism, the national liberation movement of the Jewish people, some 150 years ago, the Jewish people determined to return to their homeland in the Land of Israel from the lands of their dispersion;

Whereas in 1922, the League of Nations mandated that the Jewish people were the legal sovereigns over the Land of Israel and that legal mandate has never been superseded;

Whereas in the aftermath of the Nazi-led Holocaust from 1933 to 1945, in which the Germans and their collaborators murdered 6,000,000 Jewish people in a premeditated act of genocide, the international community recognized that the Jewish state, built by Jewish pioneers must gain its independence from Great Britain;

Whereas the United States was the first nation to recognize Israel's independence in 1948, and the State of Israel has since proven herself to be a faithful ally of the United States in the Middle East;

Whereas the United States and Israel have a special friendship based on shared values, and together share the common goal of peace and security in the Middle East;

Whereas, on October 20, 2009, President Barack Obama rightly noted that the United States-Israel relationship is a "bond that is much more than a strategic alliance";

Whereas the national security of the United States, Israel, and allies in the Middle East face a clear and present danger from the Government of the Islamic Republic of Iran seeking nuclear weapons and the ballistic missile capability to deliver them;

Whereas Israel would face an existential threat from a nuclear weapons-armed Iran;

Whereas President Barack Obama has been firm and clear in declaring United States opposition to a nuclear-armed Iran, stating on November 7, 2008, "Let me state—repeat what I stated during the course of the campaign. Iran's development of a nuclear weapon I believe is unacceptable";

Whereas, on October 26, 2005, at a conference in Tehran called "World Without Zionism", Iranian President Mahmoud Ahmadinejad stated, "God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism";

Whereas the New York Times reported that during his October 26, 2005, speech, President Ahmadinejad called for "this occupying regime [Israel] to be wiped off the map";

Whereas, on April 14, 2006, Iranian President Ahmadinejad said, "Like it or not, the Zionist regime [Israel] is heading toward annihilation";

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, "I must announce that the Zionist regime [Israel], with a 60-year record of genocide, plunder, invasion, and betrayal is about to die and will soon be erased from the geographical scene";

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, "Today, the time for the fall of the satanic power of the United States has come, and the countdown to the annihilation of the emperor of power and wealth has started";

Whereas, on May 20, 2009, Iran successfully tested a surface-to-surface long range missile with an approximate range of 1,200 miles;

Whereas Iran continues its pursuit of nuclear weapons;

Whereas Iran has been caught building three secret nuclear facilities since 2002;

Whereas Iran continues its support of international terrorism, has ordered its proxy Hizbullah to carry out catastrophic acts of international terrorism such as the bombing of the Jewish AMIA Center in Buenos Aires, Argentina, in 1994, and could give a nuclear weapon to a terrorist organization in the future;

Whereas Iran has refused to provide the International Atomic Energy Agency with full transparency and access to its nuclear program;

Whereas United Nations Security Council Resolution 1803 states that according to the International Atomic Energy Agency, "Iran has not established full and sustained suspension of all enrichment related and reprocessing activities and heavy-water-related projects as set out in resolution 1696 (2006), 1737 (2006) and 1747 (2007) nor resumed its co-operation with the IAEA under the Additional Protocol, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council resolution 1696 (2006), 1737 (2006) and 1747 (2007) . . .";

Whereas at July 2009's G-8 Summit in Italy, Iran was given a September 2009 deadline to start negotiations over its nuclear programs and Iran offered a five-page docu-

ment lamenting the "ungodly ways of thinking prevailing in global relations" and included various subjects, but left out any mention of Iran's own nuclear program which was the true issue in question;

Whereas the United States has been fully committed to finding a peaceful resolution to the Iranian nuclear threat, and has made boundless efforts seeking such a resolution and to determine if such a resolution is even possible;

Whereas the United States does not want or seek war with Iran, but it will continue to keep all options open to prevent Iran from obtaining nuclear weapons; and

Whereas Israeli Prime Minister Netanyahu said in January 2011 that a change of course in Iran will not be possible "without a credible military option that is put before them by the international community led by the United States"; Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of the Islamic Republic of Iran for its threats of "annihilating" the United States and the State of Israel, for its continued support of international terrorism, and for its incitement of genocide of the Israeli people;

(2) supports using all means of persuading the Government of Iran to stop building and acquiring nuclear weapons;

(3) reaffirms the United States bond with Israel and pledges to continue to work with the Government of Israel and the people of Israel to ensure that their sovereign nation continues to receive critical economic and military assistance, including missile defense capabilities, needed to address the threat of Iran; and

(4) expresses support for Israel's right to use all means necessary to confront and eliminate nuclear threats posed by Iran, defend Israeli sovereignty, and protect the lives and safety of the Israeli people, including the use of military force if no other peaceful solution can be found within a reasonable time.

That's House Resolution 271. And I certainly hope that more Members of Congress will join us in supporting that position because time is running out.

It is also my hope and prayer that the rumors that have gone around about what this administration has told Israel behind closed doors do not have support. In fact, that's my hope and prayer. Because if this administration were to be telling Israel behind closed doors that if they move to protect themselves against a nuclear attack by Iran without the United States' permission—which would not be given—then Israel, since they do not have all of our stealth capability, do not have the most sophisticated bombs we have, will likely lose many planes and will be in need of replacement planes and parts.

I hope and pray that the rumor that they're telling them, we will not support them with replacement planes, replacement parts if they defend themselves, is not true. But this President, though he's been so vocal about why we needed to go support Libya, why it was in our American values, interest, has not talked a lot about what he's telling Israel behind the scenes.

Israel is in grave danger. We have been a friend because we believe in the

same value of human life, the same value of freedom, of liberty. We owe it to them, our friends, our allies.

□ 1530

If we're not going to have the nerve to take action against a country that is sworn to be at war with us and to destroy us and take us out at all costs, then we should at least not stand in the way of a friend who wants to do so.

I have a few more things I want to cover here. There's an article from National Review online from The Corner by Andrew McCarthy, another brilliant man and, I'm proud to say, a dear friend. The headline: "Did Obama appointee access confidential database in effort to smear Perry as 'Islamophobe'?"

At PJM, terrorism researcher Patrick Poole reports that Mohamed Elihiary, an appointee on President Obama's Homeland Security Advisory Council, is in hot water with the Texas Department of Public Safety (TDPS). The issue is whether Elihiary used his privileged access to a state law-enforcement database to acquire intelligence reports and then tried to shop them to the media, urging that they showed rampant "Islamophobia" at TDPS under Governor Rick Perry.

Poole says no story was published because, according to one press source, there was "nothing remotely resembling Islamophobia" in the leaked reports. The source told Poole, "I think [Elihiary] was hoping we would bite and not give it too much of a look in light of other media outfits jumping on the Islamophobia bandwagon."

The Islamophobia bandwagon was the subject of my column last weekend. Seems there are plenty of Islamists and Leftists climbing aboard.

Elihiary, you'll no doubt be stunned to learn, was also on the Obama DHS's working group on "countering violent extremism." That's the brain-trust that helped devise the new Obama counterterrorism strategy I outlined (here and here) a few weeks back—the one that envisions having law-enforcement pare back their intelligence-gathering activities and take their marching orders from "community partners." I call the new strategy "factophobia."

As noted by Poole and the Investigative Project on Terrorism, Elihiary's history includes an appearance at a conference honoring Ayatollah Khomeini; condemning the Justice Department's successful prosecution of a Hamas-financing conspiracy designed by the Muslim Brotherhood (the Holy Land Foundation case); praise for Brotherhood theorist Sayyid Qutb; and an aggressive email exchange with Rod Dreher in 2006 (when Dreher, at the Dallas Morning News, countered Elihiary's praise for Qutb), in which Elihiary reportedly called Dreher "a Klansman without a hood" [ACM: I think that means "Islamophobe" and warned him: "Treat people as inferiors and you can expect someone to put a banana in your exhaust pipe or something."]

Who better could President Obama possibly choose to help formulate counterterrorism strategy? Actually, once you read the strategy, I think you'll agree that he made a perfect choice.

Then we have another article from National Review Online, again from Andrew McCarthy. Headline, "Napoli-

tano: On Elihiary, I know Nothing. I Know Nothing * * *

He said that Secretary Napolitano "professes not to know anything about the matter"—he's talking about Elihiary—"or about how I got a guy who appears at a conference honoring Ayatollah Khomeini, who praises Muslim Brotherhood theorist Sayyid Qutb, and who condemns the Justice Department's successful prosecution of the Muslim Brotherhood's Hamas financing network (the Holy Land Foundation case), somehow winds up on the Department of Homeland Security advisory council that helped devise the Obama administration's counterterrorism policy."

Actually, it turns out, as Secretary Napolitano testified, that actually she, as the Secretary of Homeland Security, gave this gentleman the secret security clearance which ultimately allowed him to access sensitive documents, at least three of which he downloaded and then tried to market to major media sources.

It is important to note that in the pleading that Khalid Sheikh Mohammed filed—and he is a very smart man. He may be crazy, but he is a very smart man. He did his own interpretation in English, so some of the articles are not quite appropriate, but he sets out a legal document and justifies all of the actions he took in working on 9/11's murder of 3,000 Americans. He takes verses from the Koran and uses them to justify his actions.

At one point in his pleading, which we have access to through our Web site—and this was declassified by the judge in the 9/11 cases involving five planners of 9/11. It was ordered released on the 9th day of March, 2009, and there are also transcripts of his colloquy with the judge in which he confessed to many other acts of terrorism, quite voluntarily, it was obvious.

But in his pleading, Khalid Sheikh Mohammed, on behalf of himself and the four other defendants who were ready to plead guilty, announced they were pleading guilty before this administration; and the Attorney General-to-be, Eric Holder, announced they were going to give these guys a show trial in New York. So they withdraw their guilty pleas so they could get a show trial in New York. Now that's not going to happen, and now it looks like, 4 years after these people agreed to plead guilty, which will be December of next year, they will still not have been tried because of the actions of this administration.

But Khalid Sheikh Mohammed says: We do not possess your military might, not your nuclear weapons; nevertheless, we fight you with the almighty God. So, if our act of jihad and our fighting with you caused fear and terror, then many thanks to God, because it is him that has thrown fear into your hearts, which resulted from your

infidelity, paganism, and your statement that God had a son and your Trinity beliefs.

Then he goes on and he says: God stated in his book, verse 151, Al-Umran, Soon shall we cast terror into the hearts of the unbelievers, for that they joined companies with Allah, for which he has sent no authority; their place will be the fire; and evil is the home of the wrongdoers. That is just one part.

He also says: We ask to be near God. We fight you, destroy you, terrorize. You'll be greatly defeated in Afghanistan and Iraq, and America will fall politically, militarily, economically. Your end is very near, and your fall will be like the fall of the towers on the blessed 9/11 day.

But this gentleman references that one of the reasons that it's okay to kill Americans is because many Americans believe there is a Holy trinity, a Father, Son and Holy Ghost. They believe that God had a son that Christians call the Messiah.

My time is running out, so let me direct you to the Treaty of Paris, 1783, such a historic document. The most powerful country in the world at that time, 1783, was Great Britain. They had the most powerful Navy, the most powerful military; and yet a ragtag bunch of people who believed so firmly in the ideas of freedom and being able to practice most of them—in fact, a third of the signers of the Declaration, they weren't just Christians; they, as Martin Luther King, Jr., were ordained Christian ministers, and they believed in freedom and that God was giving us a chance to govern ourselves.

So after this ragtag bunch defeated the strongest country in the world, Great Britain, and they sat down in 1783 in Paris, and we had there on our behalf John Adams, Benjamin Franklin, and John Jay, three of our brightest minds, they had to set about figuring out: What can we put on paper to have Great Britain sign that will be so important that they would not want to risk violating an oath? What kind of oath could we put on this treaty that Great Britain would be scared to violate?

□ 1540

This treaty will want them to recognize the United States of America. What can we do to make it serious enough that they would not turn around the next month and say we had no right to be independent despite what they signed? There is an original copy of the Treaty of Paris in the State Department. Tours can be taken, I've taken tons of tours around Washington, D.C. Until my pastor and his wife, David and Cindy Dykes, were in town years back, I had not seen that. But I was taken aback, and I've got a copy of—this is a duplicate—of the Treaty of Paris, two pages, well, it's the first and last page here. There are

10 articles, so we've got the first and last pages here.

So how would you start a treaty in such a way that it would scare the strongest country in the world from violating their oath? Well, they figured it out, and they put it on the document. The biggest letters anywhere in the treaty are those in the first two lines, and they began "In the Name of the most Holy and undivided Trinity." Starting the Treaty of Paris with "In the Name of the most Holy and undivided Trinity," they knew would be strong enough to scare Great Britain into not violating the oath that they signed on that document.

Then you tie it in with Khalid Sheikh Mohammed's pleading, the very fact that they would sign such a document recognizing the Holy Trinity, according to Khalid Sheikh Mohammed and his interpretation of the Koran, that's justification for killing and terrorizing people that believe in the Holy undivided Trinity.

There's a war going on, and in Libya, apparently we fought for people who want to destroy us. The al Qaeda flag now flies proudly over this federal building in Benghazi, Libya. Congratulations to this administration for making that happen.

With that, Madam Speaker, I yield back the balance of my time.

JOBS, JOBS, JOBS WILL RESTORE FAITH IN GOVERNMENT

The SPEAKER pro tempore (Ms. BUEKLE). Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. JACKSON) is recognized for 30 minutes.

Mr. JACKSON of Illinois. Madam Speaker, tonight I want to speak on the subject jobs, jobs, jobs. Jobs will restore faith in government. Invest, build and grow.

One does not have to be a Christian to understand or believe what the Bible says about three critical things that are important to living our lives: faith, hope, and love. Today I want to connect the idea of faith to faith in government. Hebrews 11.1 says, "Now faith is the substance of things hoped for, the evidence of things not seen."

What are some of those things that are hoped for and not seen? When we drive a car, we have faith that when our light turns green and we go, the person driving the car in the other direction will obey the light when it turns red and stop. When we stop for a red light, we have faith that the car behind us will also stop and not ram us in the rear. We have faith that the pedestrians will obey the yield sign and not run out in front of our moving car. We have faith that if a driver turns on the right hand turn signal, they will not suddenly turn left in front of us. We have faith that other drivers will not recklessly endanger our lives by driv-

ing drunk. So whether driving to work or to play, it is faith that allows us to drive. And if another person runs a stop light, doesn't brake behind us, doesn't obey the yield sign, suddenly turns in front of us or drives drunk, they have broken the faith. In other words, when you're driving, the only thing that stands between you and death is faith.

If you fly on airplanes, you have faith. You have faith in a pilot that you've never met—that they're well trained, that they know how to take off and land, can handle a storm in the air, can handle an emergency, are physically fit, psychologically stable, and not drunk or on drugs. You have faith in the flight attendants that they've been trained to handle unruly passengers or an emergency situation. You have faith that the maintenance people have properly serviced the plane before it takes off. You have faith that the TSA employees have done their job and have not made an error that will put your life or the life of passengers in danger. You have a reasonable faith in the regulations of the FAA that the fuel, the engines, the body of the plane, and the runways are safe. A critical error anywhere along this line will damage and destroy your faith in air travel.

Train engineers have faith that drivers and pedestrians will not drive or walk around railroad crossing gates and endanger themselves or the train. Bus passengers have faith that the driver is not intoxicated, on drugs, or experiencing emotional problems that can endanger the public or their riders.

Look, Madam Speaker, how faith operates during medical emergencies. When we're at our weakest and suddenly become ill and need to be rushed to the hospital. We have faith that a well-trained ambulance and emergency medical technician will arrive quickly and provide us with care. We have faith that drivers on the road will pull over when they hear the sirens to allow our ambulance driver to get us quickly and safely to the hospital. We have faith in the doctors, the nurses, and the medical staff that they will provide us with the highest quality of care possible regardless of our perceived ability to pay or whether we have medical insurance.

Without the faith that our judicial system has laws that are rationally and morally sound and faith that our judges will conduct themselves in a respectful and fair way toward prosecutors and defendants, we cannot have a justice system that endures.

Earlier last month, I spent the day with the Johnson-Karloff family outside of Momence, Illinois, during their family's harvest season. As we were sitting down for lunch, Mr. Johnson led us in a short prayer to thank God for the successful season's harvest. Through his prayer, I quickly learned how many factors a farmer has to rely on for a good harvest year. When I pray

over my family's dinner, it's always "God is good, God is great, thank you for the food that I'm about to receive for the nourishment of my body, for Christ's sake, Amen." And then my family sits down and eats.

But when I heard from Mr. Johnson's prayer, there must have been a dozen unseen factors on his mind that small family farmers depend on for their way of life. He expressed gratitude for the sun, gratitude for the rain, gratitude for the soil, and gratitude for the harvest. He prayed for protection against things that can destroy his crop and support for his equipment. His prayer was a mighty different prayer from the prayer that I normally pray over my food.

But the Johnsons and other small family farmers also believe in the Federal Government. If something bad does happen in a season, the Federal Government is there to provide crop insurance and disaster insurance to get them through tough times. They rely on the Federal Government to provide research that enhances production and yield and genetic engineering of the crop and seed breeding.

□ 1550

They have faith in their government that their government will be there in their time of need.

It doesn't matter whether you're a Christian, a Muslim, a Jew, a Buddhist, a Hindu, agnostic or atheist. It is impossible to live without faith. Our auto industry almost collapsed; so we can only have so much faith in General Motors and Chrysler and Ford. Our financial system did partially collapse; so we can only have so much faith in our banks, lenders, and investors. We can only have limited faith in the private sector because it has \$2 trillion to \$2.5 trillion sitting on the sideline, money that it refuses to invest in jobs and in the American people. And if Congress passed and the States ratified a balanced budget amendment, it would mean that the Federal Government could never meet the American people's needs or correct gaps among our people that need to be corrected, and we would lose faith in our government.

We need to have faith in the Federal Government—which is supposed to be a government of, by, and for the people—but we can only have such faith if it meets our people's current needs. Without such faith and deliverance by our Federal Government, we cannot survive as a Nation.

What is the greatest need of the American people today that a government of, for, and by the people should respond to? Jobs. The problem with this dysfunctional Congress is that it is not keeping the faith with the American people by providing them with their greatest need—jobs.

Every Member of Congress takes the following oath: "I do solemnly swear or

affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic." When we take that oath but leave 25 million people either unemployed or underemployed, internally we are creating potential domestic enemies.

I think I have demonstrated that all of us have faith. Men cannot live by bread alone, and we couldn't live if we didn't have faith. But to have faith in a government means that a government that is actually of, by, and for the people must be responsive to the people's needs. So when Congress or Members of Congress say—through words or deeds or actions or inaction—that the Federal Government can't help, it destroys the American people's faith in their government.

The greatest material need of the American people today is jobs, jobs, jobs. The greatest need of the American economy today is aggregate demand. The most effective and efficient way to meet the need for jobs and aggregate demand—in the spirit of FDR—is for the Federal Government to directly hire workers to do the work that needs to be done. The result of the Federal Government investing, building and growing the economy and creating full employment will be the restoration of faith in government.

For the last 30 years we've been bombarded with Ronald Reagan's conservative negative government rhetoric: "Government is not the solution to our problem; government is the problem." That's an interesting phrase. How can a government of, by, and for the people be the problem? Logically, it says either we don't have a government of, by, and for the people, or that people are the problem. So the first thing we must do to counter this negative Reagan propaganda is to have the Federal Government do positive things to restore the American people's faith in government and in themselves.

Among the many things that the addition of the 13th, 14th and 15th Amendments to the Constitution did during the First Reconstruction after the American Civil War was to help to restore people's faith in the Federal Government's capacity to solve a problem.

In taking over Herbert Hoover's mess of conservative economics—complacency, limited Federal action and inaction—the first thing that Franklin Delano Roosevelt's New Deal did—by the closing of banks to stop the run on currency and gold; Social Security for the aged; regulation of investment by the SEC; agricultural assistance to needy farmers; the Wagner Act that benefited working men and women; the Civilian Conservation Corps, the CCC; and the Works Progress Administration, the WPA, that put people back to work—was to restore faith in the Federal Government.

Lyndon Johnson's Great Society—whose war on poverty worked and re-

duced poverty, Medicare for the elderly, Medicaid for the poor, Elementary and Secondary Education Act for students, the 1964 Public Accommodations Act and the 1965 Voting Rights Act for African Americans—for most Americans restored faith in the Federal Government.

Today, in order to restore the American people's faith in government, the Federal Government must jump-start the private economy by "priming the pump" and creating jobs. What do we need to do? Madam Speaker, we should move the money: jobs, not cuts; tax the rich; stop the wars; bring home our troops. What does move the money mean? It means we need to create a second economic stimulus, not because the first one failed—it worked, it stopped us from going into the abyss—but because the hole was deeper than we originally thought, we need a second stimulus.

My conservative colleagues in both parties are like the man whose house caught on fire and he tried to put it out with his garden hose and it didn't work. You know what he concluded? He concluded that water does not put out fires. But that was the wrong conclusion. He should have concluded that he needed more water and a bigger hose.

President Obama's original stimulus has given us 20 months of private jobs growth, but we need more to get us back on track. We need the President's American Jobs Act; we need JAN SCHAKOWSKY's Emergency Jobs to Restore the American Dream Act; and we need the plan that I'm putting together, the Invest, Build, Grow and Full Employment Act.

In March of 2009, Congress passed the first economic stimulus, which included \$757 billion intended to save or create 2 million to 2.5 million jobs over 2 years. It succeeded, but it wasn't enough.

In December 2010, Congress passed an \$858 billion bill extending the Bush-era tax cuts, which is expected to create 3 million jobs over the next 2 years. It may, but it's not enough. That's \$1.6 trillion over 4 years that we've invested in create 5 million to 5.5 million jobs and will probably succeed, but it's not enough. We need a plan that fits the size of the problem. We need something more and something more efficient and effective to put 15 million Americans back to work.

Tax cuts are the worst and most inefficient way to create jobs. By congressional standards, \$900 billion is not a lot of money, especially when it's used to jump-start the \$15 trillion gross domestic product that is the American economy. If we can afford \$712 billion to fight a war abroad in Iraq, we can afford \$900 billion to put Americans back to work right here at home. We can move the money from those who can afford to give more to those who need it, and not hurt anyone. That's how we keep the faith.

We need to do what FDR did during the Great Depression—have the Federal Government directly hire workers. "In times of economic crisis, government has a crucial important role to play. People matter and results count. And we don't need to go too far back in our history to find examples," said Michael Hilzik, the Pulitzer prize-winning author and L.A. Times reporter who explored this issue in his latest book, "The New Deal: A Modern History."

For those of my conservative colleagues in both parties who say the government can't and doesn't create jobs, he writes: "The WPA produced 1,000 miles of new and rebuilt airport runways, 651,000 miles of highway, 124,000 bridges, 8,000 parks, 18,000 playgrounds and athletic fields, some 84,000 miles of drainage pipes, 69,000 highway light standards, and 125,000 public buildings built, rebuilt or expanded. Among the latter were 41,300 schools. The transformative power of this effort is inestimable."

FDR, using the Federal Government, directly created jobs because it took jobs to do all of that. FDR invested in and built up an entire region with the Tennessee Valley Authority. The Public Works Administration built the Grand Coulee Dam in the State of Washington and put 8,000 men to work, starting in 1933, using materials from 46 States.

□ 1600

In southern California, the PWA helped repair or replace 536 school buildings damaged or destroyed by the great Long Beach earthquake March 10, 1933.

In Florida, the PWA built the Overseas Highway, 127 miles of causeways and bridges connecting the mainland and Key West, and transformed the island into one of America's premiere tourist attractions.

In New York City, the PWA built the Triborough Bridge that connected three of the City's five boroughs, and it funded the building of LaGuardia Airport.

Hoover Dam, once known as Boulder Dam, is located in the Black Canyon of Colorado River on the border between Arizona and Nevada. It was constructed between 1931 and 1936 during the Great Depression, and in July 1934, it employed over 5,000 workers building the dam.

And in my home city of Chicago, the Lake Shore Drive Bridge was started in 1929, but the Great Depression prevented its completion until the WPA delivered funds in the mid-1930s. When completed in 1937, the bridge was 356 feet long and 100 feet wide, making it the world's longest and widest bascule bridge, a movable or draw bridge, a type of bridge that was developed and perfected in Chicago and used for many of its river crossings.

So we already have an economic model. The CCC, the WPA, the PWA,

and FDR's New Deal. If we just had, Madam Speaker, the political will. The first phase of an overall 6-year \$2.2 trillion proposal, we can take \$600 billion, jump-start this economy by hiring 15 million workers at an average annual salary of \$40,000. Some will make \$20,000, some \$60,000, depending on the job, to invest in America.

This project will rebuild our infrastructure, put Americans back to work, and create aggregate demand, the greatest need of this economy. And the aggregate demand will bring the \$2 trillion to \$2.5 trillion in private money sitting on the sidelines back into the game. The investment of private money will create even more jobs, and all of these workers will be paying taxes.

The number of Americans dependent on the Federal Government for unemployment compensation and food stamps will be reduced, which will help lower the deficit and debt faster than any current proposal.

The American Society of Civil Engineers has proposed a similar 5-year, \$2.2 trillion plan to build and rebuild America's infrastructure for the future.

In 2011, according to the National Association of State Budget Officers, States have a combined debt of almost \$200 billion. The Federal Government should bail them out and give Democratic and Republican governors and State legislatures a clean economic slate.

Our cities and counties are in debt. Set aside another \$100 billion to bail out most, if not all of them, and give Democratic and Republican county presidents and commissioners, mayors, and city councils a clean economic slate: \$700 million in Chicago; \$48 million in the District of Columbia, for example.

So for a mere \$900 billion, which is slightly more than each of the last two stimulus packages, we can bail out all States, most, if not all of the counties and cities, and put 15 million Americans back to work. The only thing that we lack in this Congress is the political will.

So I, again, say we need to restore people's faith. Move the money. Jobs, not cuts. Tax the rich. Stop the wars. And bring our troops home.

Robert Reich, in his latest book, "Aftershock," argues that the central challenge at the heart of America's ongoing economic predicament is, and I quote, "not to rebalance the global economy so that Americans save more and borrow less from the rest of the world, it is to rebalance the American economy so that its benefits are shared more widely within America." In other words, America's jobs and aggregate demand problems cannot be solved with the current maldistribution of income and wealth which is at the heart of our economic problems.

What am I talking about?

According to the most recent non-partisan CBO report, and again, I quote directly, "The top 1 percent of earners more than doubled their share of the Nation's income over the last three decades. In addition, government policy has become less redistributive since the late 1970s, doing less to reduce the concentration of income. The equalizing effect of Federal taxes was smaller in 2007 than in 1979, as the composition of Federal revenues shifted away from progressive income taxes to less-progressive payroll taxes.

"Also, Federal benefit payments are doing less to even out the distribution of income as a growing share of benefits, like Social Security, goes to the older Americans and regardless of their income.

"From 1979 to 2007, the average inflation-adjusted after-tax income grew by 275 percent for the 1 percent of the population with the highest income. For others in the top 20 percent of the population, average real estate tax household income grew by 65 percent.

"By contrast, for the poorest fifth of the population, average real after-tax household income rose only 18 percent. And for the three-fifths of the people in the middle of the income scale, the growth in such household income was just under 40 percent."

In other words, the "class warfare" that Republicans have been reacting to and complaining about is exactly the opposite of what they say it is. It hasn't been class warfare by the poor and the middle class against the rich. The middle class and the poor are not jealous of the rich, and they're especially not jealous of those who are part of the "greedy rich."

The middle class and the poor have not been attacking the real job creators. Yes, they're opposed to giving more tax breaks, as Republicans want to do to the so-called job creators who already have \$2 trillion to \$2.5 trillion sitting idle on the sideline and who've not used that money to create jobs.

But make no mistake about it. There is class warfare going on. The non-partisan CBO just documented that it's been class warfare by the rich against the middle class and the poor. That's what's really happening.

We live, Madam Speaker, in a representative democracy. Democracy is a government of, by, and for the people. A government of, by, and for the people will be responsive and meet the material needs of its people and its people's economy.

We don't really have an economic problem, at least one that we can't solve. Again, we have a political problem with my conservative colleagues in both parties in this Congress.

We have a problem of the American people not demanding that their Federal Government meet their need for jobs and the resulting economic aggregate demand.

The people of Occupy Wall Street, Occupy LaSalle Street, Occupy Oakland, and the other 99 percent movements that are springing up and becoming active around this country and around the world are beginning to demand that democratic governments everywhere address the existing economic inequality and be responsive to their need for meaningful jobs at meaningful wages.

In 2010, the Tea Party movement became politically active and moved Congress in a more conservative direction. If the "Occupy" movements are to bring about real change, they must become politically active in 2012 and beyond. They need to move Congress in a more progressive direction, a direction that fits their needs.

Just like the ultra-conservative Tea Party movement pressured moderate Republicans to stiffen their backs on conservative things Republicans say they believe in, so too the Occupy movements must pressure Democrats to stiffen their backs on the liberal things that Democrats say they believe in.

Madam Speaker, we already know that my conservative colleagues in both parties believe in States' rights and deregulation, which will allow the private economy and market forces to wreak havoc on the economy and most Americans like it did in the first decade of the 21st century.

Madam Speaker, we already know conservatives in both parties believe in trickle down economics that never trickle down but always flood up.

Madam Speaker, we already know the consequences to the economy, workers, and society of laissez faire policies, bank crises that threaten and bring about even great depressions, failed corporations, disastrous home foreclosure crises, high unemployment, and corrupt politics.

Madam Speaker, we already know what conservatives on both sides of the aisle bring us. But will progressive Democrats advocate for bringing the American people anything better?

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So I want to challenge myself and my progressive Democratic colleagues to do more. We say we care about the poor. Well, let's give the poor some bootstraps so they can lift themselves up. We say we care about the working class. Well, let's advocate for a solution that fits the size of the problem and create enough jobs to employ the American people who are unemployed and put all Americans to work—not by 2017, not by 2018, but by the end of the month.

Try missing a bill for 4 or 5 or 6 years. Only Washington could conclude that an unemployed or underemployed person has until 2018 to worry about bringing down unemployment numbers.

We say we want more home ownership. Well, let's propose meaningful solutions to address the housing foreclosure crisis. We say we're for the middle class. Let's advocate for policies that will restore the middle class's previous standard of living. We say we support students. Well, let's help them reduce their college debts. We say we support small businesses. Let's advocate for policies that will help small businesses grow and enable them to hire more workers.

We need to stand with family farmers like the Johnsons in my new congressional district and against agribusiness when they threaten to drive the Johnsons out of business.

So I say, Madam Speaker, in conclusion, let's put America back to work. Enough of the games. Invest in America. Rebuild America. Grow the American economy, end the housing foreclosure crisis and restore the American Dream. Enable college students to go back to school. Retrain our workers. Save our children. Save our family farms. Rebuild our bridges, our ports, our sewers, and our water systems. Build high-speed rail, public transportation, ports, levees, and new airports. Invest in alternative energy sources—wind, solar, biomass, and geothermal.

We can do better. Register and vote for politicians who will better represent the real economic interests of the American people. We can act. We can change things. We can restore faith in government and the private sector for the American people.

We must invest, build, and grow to accomplish full employment.

We must do better, Madam Speaker. We must put the American people to work. And most importantly, we must honor our highest obligation as Members of this institution, and that is to restore the American people's faith in the capacity of their government to bring about change positively in their lives.

I thank the Speaker, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. CANTOR) for today after 11:30 a.m. on account of personal reasons.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

PUBLICATION OF BUDGETARY MATERIAL

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2012 AND THE 5-YEAR PERIOD FY 2012 THROUGH FY 2021

Mr. RYAN of Wisconsin. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal year 2012 and for the 10-year period fiscal year 2012 through fiscal year 2021. This status report is current through October 4, 2012.

The term 'current level' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 34, the concurrent resolution on the budget for fiscal year 2012. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2012 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for action completed by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 34 for fiscal year 2012 and fiscal years 2012 through 2021. "Action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2012 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for fiscal year 2013 of accounts identified for advance appropriations under section 402 of H. Con. Res. 34. This list is needed to enforce section 402 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2012 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 34

(Reflecting action completed as of October 4, 2011—(On-budget amounts, in millions of dollars))

	Fiscal year	
	2012 ¹	2012–2021
Appropriate Level:		
Budget Authority	2,858,545	(¹)
Outlays	2,947,916	(¹)
Revenues	1,891,411	30,296,017
Current Level:		
Budget Authority	2,966,294	(¹)
Outlays	3,025,428	(¹)
Revenues	1,890,917	30,279,647
Current Level over (+) / under		
(–) Appropriate Level:		
Budget Authority	+107,749	(¹)
Outlays	+77,512	(¹)
Revenues	–494	–16,370

¹ = Not applicable because annual appropriations Acts for fiscal years 2013 through 2021 will not be considered until future sessions of Congress.

Notes for 2012: The appropriate level for FY2012 was established in H. Con. Res. 34, which was subsequently deemed to be in force in the House of Representatives pursuant to H. Res. 287. The current level for FY2012 starts with the baseline estimates contained in An Analysis of the President's Budgetary Proposals for Fiscal Year 2012, published by the Congressional Budget Office, and makes adjustments to those levels for enacted legislation.

BUDGET AUTHORITY

Budget authority for FY2012 are above the appropriate levels set by H. Con. Res. 34.

OUTLAYS

Outlays for FY2012 are above the appropriate levels set by H. Con. Res. 34.

REVENUE

Revenue for FY2012 is below the appropriate levels set by H. Con. Res. 34.

Revenue for the period FY2012 through FY2021 is below the appropriate levels set by H. Con. Res. 34.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES REFLECTING ACTION COMPLETED AS OF OCTOBER 4, 2011

(Fiscal years, in millions of dollars)

	2012		2012–2021	
	BA	Outlays	BA	Outlays
House Committee				
Agriculture:				
Allocation	–2,315	–2,228	–177,866	–176,005
Current level	0	0	0	0
Difference	+2,315	+2,228	+177,866	+176,005
Armed Services:				
Allocation	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES REFLECTING ACTION
COMPLETED AS OF OCTOBER 4, 2011—Continued

[Fiscal years, in millions of dollars]

	2012		2012–2021	
	BA	Outlays	BA	Outlays
Current level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	–4,994	–2,522	–149,437	–133,808
Current level	+8,690	+3,492	–8,775	–4,630
Difference	+13,684	+6,014	+140,662	+129,178
Energy and Commerce:				
Allocation	–698	–1,207	–1,365,771	–1,366,350
Current level	0	0	0	0
Difference	+698	+1,207	+1,365,771	+1,366,350
Financial Services:				
Allocation	–5,986	–6,485	–66,359	–67,488
Current level	0	0	0	0
Difference	+5,986	+6,485	+66,359	+67,488
Foreign Affairs:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	–1,900	–1,900	–16,600	–14,100
Current level	0	0	0	0
Difference	+1,900	+1,900	+16,600	+14,100
House Administration:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	–387	–1	–48,087	–47,701
Current level	–3	–3	–13	–13
Difference	+384	–2	+48,074	+47,688
Natural Resources:				
Allocation	–239	–190	–10,735	–10,472
Current level	0	0	0	0
Difference	+239	+190	+10,735	+10,472
Oversight and Government Reform:				
Allocation	–8,102	–8,275	–153,145	–153,302
Current level	0	0	0	0
Difference	+8,102	+8,275	+153,145	+153,302
Science, Space and Technology:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	–17,250	–122	–132,784	–4,396
Current level	–185	0	–1,850	0
Difference	+17,065	+122	+130,934	+4,396
Veterans' Affairs:				
Allocation	0	0	0	0
Current level	–26	–26	–7	–7
Difference	–26	–26	–7	–7
Ways and Means:				
Allocation	–7,903	–7,766	–1,115,884	–1,116,113
Current level	0	0	–19,891	–19,891
Difference	+7,903	+7,766	+1,095,993	+1,096,222

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2012—COMPARISON OF CURRENT STATUS WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS
SUBCOMMITTEE 302(b) SUBALLOCATIONS

	302(b) suballocations as of Oct. 4, 2011 (H. Rept. 112–104)		Current level reflecting action completed as of Oct. 4, 2011		Current level minus suballoca- tions	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,250	21,452	17,253	21,489	3	37
Commerce, Justice, Science	50,237	62,446	50,229	62,240	–8	–206
Defense	648,709	654,698	648,694	654,685	–15	–13
Energy and Water Development	30,639	44,577	30,624	44,522	–15	–55
Financial Services and General Government	19,895	23,523	19,895	23,523	0	0
Homeland Security	40,850	45,122	40,850	45,122	0	0
Interior, Environment	27,473	30,766	27,465	30,439	–8	–327
Labor, Health and Human Services, Education	139,218	154,253	24,658	124,205	–114,560	–30,048
Legislative Branch	4,314	4,397	3,320	3,565	–994	–832
Military Construction and Veterans Affairs	72,535	78,492	72,535	78,483	0	–9
State, Foreign Operations	39,569	46,060	0	28,254	–39,569	–17,806
Transportation, HUD	47,655	118,272	4,400	80,060	–43,255	–38,212
Subtotal (Section 302(b) Allocations)	1,138,344	1,284,058	939,923	1,196,587	–198,421	–87,471
Total (Section 302(a) Allocation)	1,138,344	1,284,058	939,923	1,196,587	–198,421	87,471
Memorandum:						
Emergencies ¹	—	—	—	—	—	—
Global War on Terrorism ²	126,544	64,100	118,927	59,939	–7,617	–4,161

¹Pursuant to H. Con. Res. 34, emergencies are not reflected in 302(b) allocations or current level above.

²Section 301 of H. Con. Res. 34, allows the allocation to the House Committee on Appropriations to be adjusted by amounts designated for the Global War on Terrorism [GWOT]. The 302(b) allocations and current status above reflect any adjustments made to date for this purpose. Outlays displayed on the GWOT row, represent only new outlays resulting from new GWOT-related budget authority.

2013 ADVANCE APPROPRIATIONS PURSUANT to H.CON. RES 34 [Budget authority in millions of dollars]		[Budget authority in millions of dollars]— Continued		[Budget authority in millions of dollars]— Continued	
Section 402 (c) (1) Limits	2,013	Accounts Identified for Advances:		Medical Support and Compli- ance	
Appropriate Level	52,541	Department of Veterans Affairs		n.a.	
		Medical Services		Medical Facilities	
		n.a.		n.a.	

[Budget authority in millions of dollars]—
Continued

Subtotal, enacted advances ¹	0
Section 402 (c) (2) Limits	2013
Appropriate Level	28,852
Accounts Identified for Advances:	
Employment and Training Administration	n.a.
Office of Job Corps	n.a.
Education for the Disadvantaged	n.a.
School Improvement Programs	n.a.
Special Education	n.a.
Career, Technical and Adult Education	n.a.
Payment to Postal Service	n.a.
Tenant-based Rental Assistance	n.a.
Project-based Rental Assistance	n.a.
Subtotal, enacted advances ¹	0

[Budget authority in millions of dollars]—
Continued

Previously enacted advance appropriation ²	2,013
Corporation for Public Broadcasting	445
Total, enacted advances ¹	445
¹ Line items may not add to total due to rounding.	
² Funds were appropriated in Public Law 111-117.	
U.S. CONGRESS,	
CONGRESSIONAL BUDGET OFFICE,	
Washington, DC, November 2, 2011.	
Hon. PAUL RYAN,	
Chairman, Committee on the Budget, House of Representatives Washington, DC.	

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2012 budget and is current through October 4, 2011. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 34, the Concurrent Resolution on the Budget for Fiscal Year 2012, as approved by the House of Representatives.

This is CBO's first current level report for fiscal year 2012.

Sincerely,

DOUGLAS W. ELMENDORF.

FISCAL YEAR 2012 HOUSE CURRENT LEVEL REPORT THROUGH OCTOBER 4, 2011

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted:			
Revenues	n.a.	n.a.	1,891,411
Permanents and other spending legislation	1,842,372	1,771,503	n.a.
Appropriation legislation	0	581,418	n.a.
Offsetting receipts	-708,099	-708,099	n.a.
Total, Previously enacted	1,134,273	1,644,822	1,891,411
Enacted this session:			
Comprehensive 1099 Taxpayer Protection & Repayment of Exchange Subsidy Overpayments Act of 2011 (P.L. 112-9)	0	0	-490
Airport and Airway Extension Act of 2011, Part II (P.L. 112-16)	-185	0	0
Budget Control Act of 2011 (P.L. 112-25)	8,690	3,492	0
Restoring GI Bill Fairness Act of 2011 (P.L. 112-26)	-26	-26	0
America Invents Act (P.L. 112-29)	-3	-3	-4
Total, Enacted this session	8,476	3,463	-494
Continuing Appropriations Act, 2012 (P.L. 112-36) ¹	1,079,432	649,172	0
Entitlements and mandates:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	744,113	727,971	0
Total Current Level ²	2,966,294	3,025,428	1,890,917
Total Budget Resolution	2,858,545	2,947,916	1,891,411
Current Level Over Budget Resolution	107,749	77,512	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	494
Memorandum:			
Revenues, 2012-2021:			
House Current Level	n.a.	n.a.	30,279,647
House Budget Resolution	n.a.	n.a.	30,296,017
Current Level Over Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	16,370

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

¹P.L. 112-36 provides funding for fiscal year 2012 through November 18, 2011.

²For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 818. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on October 31, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 1843. To designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the

"John Pangelinan Gerber Post Office Building".

H.R. 1975. To designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building".

H.R. 2062. To designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office".

H.R. 2149. To designate the facility of the United States Postal Service located at 4354 Pahoa Avenue in Honolulu, Hawaii, as the "Cecil L. Heftel Post Office Building".

H.R. 489. To clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 765. To amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

ADJOURNMENT

MR. JACKSON of Illinois. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, November 7, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3746. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Reactive Blue 69; Confirmation of Effective Date [Docket No.: FDA-2009-C-0543] received October 11, 2011, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3747. A letter from the Under Secretary, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 13-11 informing of an intent to sign the Project Agreement with the Ministry of Defense of the United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Affairs.

3748. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

3749. A letter from the Chief, Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Marbled Murrelet [FWS-R1-ES-2008-0079] (RIN: 1018-AW84) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3750. A letter from the Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Virginia Northern Flying Squirrel in Compliance with a Court Order [Docket No.: FWS-R5-ES-2011-0035] (RIN: 1018-AX80) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3751. A letter from the Acting director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No.: 0912281446-0111-02] (RIN: 0648-XA709) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3752. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Surfclam and Ocean Quahog Fisheries; 2012 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs; and Suspension of Minimum Atlantic Surfclam Size Limit [Docket No.: 101013504-0610-02] (RIN: 0648-XA529) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3753. A letter from the Acting Deputy Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA704) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3754. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30803 Amdt. No. 3444] received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3755. A letter from the Senior Program Analyst, Department of Transportation, trans-

mitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30804 Amdt. No. 3445] received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3756. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Restrictions on Operations Employing Former Flight Standards Service Aviation Safety Inspectors; Correction [Docket No.: FAA-2008-1154; Amendment Nos. 91-325, 119-15, 125-61, 133-14, 137-16, 141-16, 142-8, 145-29, and 147-7] (RIN: 2120-AJ36) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3757. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — WYTWORNIA SPREZETU KOMUNIKACYJNEGO (WSK) "PZLRZESZOW" — SPOLKA AKCYJNA (SA) PZL-10W Turboshift Engines [Docket No.: FAA-2011-0760; Directorate Identifier 2011-NE-10-AD; Amendment 39-16789; AD 2011-18-07] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3758. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines Model IO-720-A1B Reciprocating Engines [Docket No.: FAA-2011-0604; Directorate Identifier 2011-NE-21-AD; Amendment 39-16791; AD 2011-18-09] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3759. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2011-0917; Directorate Identifier 2011-NM-157-AD; Amendment 39-16806; AD 2011-19-01] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3760. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No.: FAA-2010-1310; Directorate Identifier 2010-NM-067-AD; Amendment 39-16786; AD 2011-18-04] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3761. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0471; Directorate Identifier 2010-NM-219-AD; Amendment 39-16800; AD 2011-18-18] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3762. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190 Airplanes [Docket No.: FAA-2011-0216; Directorate Identifier 2010-NM-197-AD; Amendment 39-16796; AD 2011-18-14] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3763. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model MD-90-30 Airplanes [Docket No.: FAA-2011-0218; Directorate Identifier 2010-NM-164-AD; Amendment 39-16719; AD 2011-12-12] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3764. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2010-0957; Directorate Identifier 2010-NM-062-AD; Amendment 39-16718; AD 2011-12-11] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3765. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Keller v. Commissioner, T.C. Memo 2006-131 [AOD-2011-44] received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 915. A bill to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from transnational crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes; with an amendment (Rept. 112-268). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 1447. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes (Rept. 112-269). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 1165. A bill to amend title 49, United States Code, to establish an Ombudsman Office within the Transportation Security Administration for the purpose of enhancing transportation security by providing confidential, informal, and neutral assistance to address work-place related problems of Transportation Security Administration employees, and for other purposes; with an amendment (Rept. 112-270). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 1801. A bill to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces; with an amendment (Rept. 112-271). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on Homeland Security. House Resolution 255. A resolution expressing the sense of the House of Representatives that effective sharing of passenger information from inbound international flight manifests is a crucial component of our national security and that the Department of Homeland Security must maintain the information sharing standards required under the 2007 Passenger Name Record Agreement between the United States and the European Union (Rept. 112-272). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TERRY (for himself, Ms. DEGETTE, Mr. WHITFIELD, Mr. BILBRAY, and Mr. POSEY):

H.R. 3364. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care; to the Committee on Energy and Commerce.

By Mrs. LUMMIS (for herself, Mr. HEINRICH, Mr. BISHOP of Utah, Mr. GOSAR, Mr. PEARCE, Mr. SIMPSON, and Mr. LUJÁN):

H.R. 3365. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes; to the Committee on Natural Resources.

By Mr. SAM JOHNSON of Texas (for himself and Mr. NEAL):

H.R. 3366. A bill to amend the Internal Revenue Code of 1986 to clarify that bonus depreciation is not a cost allocated to a contract under the percentage of completion method for long-term contracts; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 3367. A bill to provide public safety officer disability benefits to officers disabled before the enactment of the Federal public safety officer disability benefits law; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Mr. HOLT, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. PRICE of North Carolina, Ms. CLARKE of New York, Mr. CAPUANO, Ms. LEE of California, Mr. MCDERMOTT, Mr. CARNAHAN, Ms. MOORE, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. HONDA, Mr. MARKEY, Mr. WELCH, Mr. SERRANO, Mr. FARR, Mr. POLIS, and Mr. NADLER):

H.R. 3368. A bill to suspend the authority for the Western Hemisphere Institute for Security Cooperation (the successor institution to the United States Army School of the Americas) in the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mrs. CAPITO:

H.R. 3369. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on the provision of traumatic brain injury care in rural areas; to the Committee on Veterans' Affairs.

By Mr. CRAWFORD:

H.R. 3370. A bill to provide that the United States Postal Service may not close any post office that does not have another post office within 8 miles as measured by public roads with regular year-round access, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CARNAHAN (for himself, Mr. WESTMORELAND, Mr. WELCH, Mr. QIGLEY, Ms. HIRONO, Mr. PERLMUTTER, Ms. MCCOLLUM, Ms. EDWARDS, Mr. POLIS, Mr. GARAMENDI, Ms. DELAURO, Mr. RYAN of Ohio, Mr. HONDA, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Ms. TSONGAS):

H.R. 3371. A bill to produce high-performance Federal buildings through an improved approach to building utilization, design, construction, and operations and maintenance, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH of Illinois:

H.R. 3372. A bill to amend the Agricultural Adjustment Act to deregulate the Federal milk marketing order program, to publish competitive milk price survey data, and for other purposes; to the Committee on Agriculture.

By Mr. HONDA (for himself, Ms. BORDALLO, Mr. BUTTERFIELD, Mr. CARNAHAN, Mr. CICILLINE, Mr. CLEAVER, Mr. CONYERS, Mr. GRIJALVA, Mr. HINCHEY, Mr. MCDERMOTT, Ms. MATSUI, Mr. MEEKS, Mrs. NAPOLITANO, Mr. POLIS, Mr. PRICE of North Carolina, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, and Mr. SIREs):

H.R. 3373. A bill to stimulate collaboration with respect to, and provide for coordination and coherence of, the Nation's science, technology, engineering, and mathematics education initiatives, and for other purposes; to the Committee on Education and the Workforce.

By Mr. REICHERT (for himself and Mr. LEVIN):

H.R. 3374. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles; to the Committee on Ways and Means.

By Mr. KING of Iowa:

H.R. 3375. A bill to direct the President to impose duties on merchandise from the People's Republic of China in an amount equivalent to the estimated annual loss of revenue to holders of United States intellectual property rights as a result of violations of such intellectual property rights in China, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHILLING:

H.R. 3376. A bill to curb wasteful spending by making 50 percent of year-end savings in salaries and expenses available for an additional fiscal year, and to use the remaining 50 percent for the purpose of deficit reduction; to the Committee on Oversight and Government Reform.

By Mr. AMODEI (for himself, Ms. BERKLEY, and Mr. HECK):

H.R. 3377. A bill to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Natural Resources.

By Mr. BENISHEK (for himself, Mr. HUIZENGA of Michigan, Mr. CAMP, Mr. KILDEE, Mr. UPTON, Mr. WALBERG, Mr. ROGERS of Michigan, Mr. CLARKE of Michigan, and Mr. MCCOTTER):

H.R. 3378. A bill to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the "Elizabeth L. Kinnunen Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BERG (for himself and Mr. LANKFORD):

H.R. 3379. A bill to amend the Clean Air Act to provide States increased flexibility in implementing standards through State implementation plans; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 3380. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning safe dietary ingredients in dietary supplements; to the Committee on Energy and Commerce.

By Mr. CASSIDY (for himself, Mr. HONDA, Mr. JOHNSON of Georgia, Mr. DENT, and Mr. BILBRAY):

H.R. 3381. A bill to amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. MEEKS, Ms. DEGETTE, Mr. HOLT, and Mr. FALCOMAVEGA):

H.R. 3382. A bill to prohibit smoking in and around Federal buildings; to the Committee on Transportation and Infrastructure.

By Mr. GONZALEZ (for himself, Ms. NORTON, and Mr. RANGEL):

H.R. 3383. A bill to require railroad carriers to prepare and maintain a plan for notifying local emergency responders before transporting hazardous materials through their jurisdictions; to the Committee on Transportation and Infrastructure.

By Mr. HEINRICH (for himself and Mr. LUJÁN):

H.R. 3384. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the employment of wounded warriors; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself and Mr. PLATTS):

H.R. 3385. A bill to amend title 10, United States Code, to establish a combat badge for helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

By Mr. HOLT (for himself and Mrs. CAPPS):

H.R. 3386. A bill to encourage the use of medical checklists through research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Ms. HAHN, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. FILNER, Mr. GRIMM, Mr. HOLT, Mr. LATOURETTE, and Mr. RUPPERSBERGER):

H.R. 3387. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LANGEVIN (for himself and Mr. COURTNEY):

H.R. 3388. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. MARKEY:

H.R. 3389. A bill to provide for the establishment of Clean Energy Consortia to enhance the Nation's economic, environmental, and energy security by promoting

commercial application of clean energy technology; to the Committee on Science, Space, and Technology.

By Mr. PEARCE (for himself, Mr. HEINRICH, and Mr. LUJÁN):

H.R. 3390. A bill to direct the Secretary of Veterans Affairs to submit to Congress a report on the feasibility and advisability of establishing a polytrauma rehabilitation center or polytrauma network site of the Department of Veterans Affairs in Fort Bayard, New Mexico, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. PINGREE of Maine (for herself, Mr. LEVIN, Mr. KUCINICH, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, and Mr. WELCH):

H.R. 3391. A bill to provide for the establishment of a national mercury monitoring program; to the Committee on Energy and Commerce.

By Mr. QUAYLE (for himself, Mr. COBLE, Mr. ROSS of Florida, Mr. GOWDY, and Mr. GRIFFIN of Arkansas):

H.R. 3392. A bill to amend title 5, United States Code, to provide for periodic review of major rules, and for other purposes; to the Committee on the Judiciary.

By Mr. RIVERA (for himself, Mr. SIRES, Ms. ROS-LEHTINEN, and Mr. DIAZ-BALART):

H.R. 3393. A bill to amend the Oil Pollution Act of 1990 and the Federal Water Pollution Control Act to impose penalties and provide for the recovery of removal costs and damages in connection with certain discharges of oil from foreign offshore units, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. RANGEL, Mr. BACA, Ms. KAPTUR, Mr. MORAN, Mr. TONKO, Mr. HONDA, and Ms. HIRONO):

H.R. 3394. A bill to amend the Internal Revenue Code of 1986 to modify the energy credit for microturbine property; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself and Ms. BALDWIN):

H.R. 3395. A bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH of Illinois:

H.R. 3396. A bill to abolish the Office of Polar Programs of the National Science Foundation, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCLINTOCK (for himself, Mr. LANKFORD, Mr. WALSH of Illinois, Mr. KINGSTON, Mr. KING of Iowa, Mr. GRAVES of Georgia, Mr. STUTZMAN, Mr. WILSON of South Carolina, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. LABRADOR, and Mr. CAMPBELL):

H.J. Res. 84. A joint resolution proposing an amendment to the Constitution of the

United States prohibiting the United States government from increasing its debt except for a specific purpose by law adopted by three-fourths of the membership of each House of Congress; to the Committee on the Judiciary.

By Mr. ISSA:

H. Con. Res. 86. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2061; considered and agreed to.

By Mr. McDERMOTT (for himself, Mr. DICKS, Ms. HERRERA BEUTLER, Mr. INSLEE, Mr. LARSEN of Washington, Mr. REICHERT, and Mr. SMITH of Washington):

H. Res. 458. A resolution congratulating the University of Washington on the occasion of its 150th anniversary and recognizing its contributions to Washington State and the United States; to the Committee on Education and the Workforce.

By Mr. ADERHOLT (for himself, Mr. GRIMM, Mr. FRANKS of Arizona, Mr. CALVERT, Mr. PITTS, Mr. WOLF, and Mr. FORBES):

H. Res. 459. A resolution encouraging any new government convened in Egypt to fully allow for the freedom of religion; to the Committee on Foreign Affairs.

By Ms. WASSERMAN SCHULTZ (for herself and Ms. GRANGER):

H. Res. 460. A resolution expressing support for designation of 2012 as the "Year of the Girl" and celebrating the 100th anniversary of Girl Scouts of the USA; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. TERRY:

H.R. 3364.
Congress has the power to enact this legislation pursuant to the following:
Commerce Clause: Article 1, Section 8, Clause 3

By Mrs. LUMMIS:

H.R. 3365.
Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

By Mr. SAM JOHNSON of Texas:

H.R. 3366.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. TOWNS:

H.R. 3367.
Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 1 of the United States Constitution, known as the "General Welfare Clause." This provision grants Congress the broad power "to pay the Debts and provide for the common defense and general welfare of the United States."¹

¹Please note, pursuant to Article I, section 8, Congress has the power "to make all Laws

which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. McGOVERN:

H.R. 3368.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: . . . to provide for the common Defense and general Welfare of the United States; and Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mrs. CAPITO:

H.R. 3369.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Clause: Article 1, Section 8 Clause 18

By Mr. CRAWFORD:

H.R. 3370.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, which include the power to "establish Post Offices and post Roads. . . ."

Furthermore,

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, which include the power to "make all laws which shall be necessary for carrying into Execution the foregoing Powers. . . ."

By Mr. CARNAHAN:

H.R. 3371.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. WALSH of Illinois:

H.R. 3372.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the United States Constitution: "The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States"

By Mr. HONDA:

H.R. 3373. Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution.

By Mr. REICHERT:

H.R. 3374.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article 1, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. KING of Iowa:

H.R. 3375.

Congress has the power to enact this legislation pursuant to the following:

Congress's Power to regulate Commerce with foreign Nations under Article I, Section 8, Clause 3 of the Constitution.

By Mr. SCHILLING:

H.R. 3376.

Congress has the power to enact this legislation pursuant to the following:

Appropriations

Article I, Section 9, Clause 7

No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. AMODEI:

H.R. 3377.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BENISHEK:

H.R. 3378.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

The Congress shall have Power *** To establish Post Offices and post roads.

By Mr. BERG:

H.R. 3379.

Congress has the power to enact this legislation pursuant to the following:

Article 1 section 8 and amendment X to the United States Constitution.

By Mr. BURTON of Indiana:

H.R. 3380.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the Constitution of the United States.

By Mr. CASSIDY:

H.R. 3381.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mrs. DAVIS of California:

H.R. 3382.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. GONZALEZ:

H.R. 3383.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the Preamble to the Constitution; Clauses 1, 3, & 18 of Section 8 of Article I; and Clause 2 of Article VI.

By Mr. HEINRICH:

H.R. 3384.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. HOLDEN:

H.R. 3385.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 15 which grants Congress the power to make rules for the Government and Regulation of the land and naval Forces.

Article 1, Section 8, Clause 16 which grants Congress the power to provide for organizing, arming, and disciplining, the militia, and for governing such Part of them as may be em-

ployed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.

By Mr. HOLT:

H.R. 3386.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States

By Mr. KING of New York:

H.R. 3387.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. LANGEVIN:

H.R. 3388.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, Clause 1 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

By Mr. MARKEY:

H.R. 3389.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 3.

By Mr. PEARCE:

H.R. 3390.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Ms. PINGREE of Maine:

H.R. 3391.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. QUAYLE:

H.R. 3392.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the Constitution

By Mr. RIVERA:

H.R. 3393.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: Commercial Activity Regulation

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 3394.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SHIMKUS:

H.R. 3395.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution: To regulate Commerce with foreign Nations and among the several States, and with the Indian Tribes.

By Mr. WALSH of Illinois:

H.R. 3396.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution: "The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States . . ."

By Mr. MCCLINTOCK:

H.J. Res. 84.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution provides for amendments to the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. WOODALL, Mr. BILIRAKIS, Ms. HERRERA BEUTLER, and Ms. GRANGER.

H.R. 104: Mr. WALBERG.

H.R. 210: Ms. MATSUI, Ms. BROWN of Florida, Mr. CLEAVER, and Ms. CASTOR of Florida.

H.R. 361: Mrs. MYRICK.

H.R. 374: Mr. BURGESS.

H.R. 436: Mr. ADERHOLT, Mr. ALEXANDER, Mr. AMODEI, Mr. BACHUS, Mr. BARLETTA, Mrs. EMERSON, Mr. GARRETT, Mr. KING of New York, Mr. LATOURETTE, Mr. PEARCE, Mr. WALBERG, Mr. YOUNG of Alaska, Mr. SHUSTER, Mr. SMITH of New Jersey, Mrs. ADAMS, and Mr. PETRI.

H.R. 494: Ms. ZOE LOFGREN of California.

H.R. 721: Ms. HOCHUL.

H.R. 735: Mr. GIBSON, Mr. AMODEI, and Mrs. BACHMANN.

H.R. 744: Mrs. MCCARTHY of New York.

H.R. 749: Mr. MARCHANT and Mr. REED.

H.R. 763: Mr. FLEISCHMANN.

H.R. 860: Mr. MARCHANT.

H.R. 876: Mr. BRALEY of Iowa.

H.R. 878: Mr. DOYLE.

H.R. 893: Mr. RAHALL and Mr. MILLER of North Carolina.

H.R. 931: Mr. ALEXANDER.

H.R. 942: Mr. SMITH of Texas and Mr. PETRI.

H.R. 969: Mr. HARRIS.

H.R. 973: Mr. WOMACK.

H.R. 1044: Mr. PAULSEN.

H.R. 1063: Mr. DEUTCH, Mr. STIVERS, Mr. POSEY, and Mr. FITZPATRICK.

H.R. 1084: Ms. SCHWARTZ.

H.R. 1111: Mr. BROUN of Georgia.

H.R. 1116: Ms. SCHWARTZ and Mr. DEFazio.

H.R. 1130: Mr. MCINTYRE.

H.R. 1138: Mr. PRICE of North Carolina.

H.R. 1148: Ms. HOCHUL and Mr. COHEN.

H.R. 1164: Mr. CALVERT.

H.R. 1175: Mr. MILLER of North Carolina, Mr. RYAN of Ohio, Mr. KIND, Mr. CHANDLER, and Mr. COLE.

H.R. 1221: Mr. ROYCE.

H.R. 1236: Mr. PRICE of North Carolina and Mr. KIND.

H.R. 1340: Mr. NUGENT.

H.R. 1341: Mr. BURGESS.

H.R. 1385: Ms. SCHAKOWSKY.

H.R. 1449: Mr. ALTMIRE and Mr. ROTHMAN of New Jersey.

H.R. 1533: Mr. BROUN of Georgia.

H.R. 1537: Ms. VELÁZQUEZ.

H.R. 1546: Mr. FITZPATRICK.

H.R. 1588: Mr. HURT.

H.R. 1639: Mrs. CAPITO and Mr. FITZPATRICK.

H.R. 1648: Ms. HOCHUL, Mr. PASTOR of Arizona, Mr. SARBANES, Mr. MILLER of North Carolina, and Mr. LUJÁN.

H.R. 1653: Mr. WALZ of Minnesota.

H.R. 1681: Mr. HEINRICH.

H.R. 1704: Mr. HANNA, Mr. JOHNSON of Illinois, Mr. PAYNE, Ms. KAPTUR, and Ms. FUDGE.

- H.R. 1733: Ms. NORTON.
H.R. 1738: Ms. LEE of California and Mr. PRICE of North Carolina.
H.R. 1744: Mr. BILIRAKIS.
H.R. 1746: Ms. PINGREE of Maine.
H.R. 1811: Mr. RUNYAN and Mr. COURTNEY.
H.R. 1815: Mr. WAXMAN, Mr. LARSEN of Washington, Mr. McDERMOTT, Mr. BRALEY of Iowa, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM, Mr. ROTHMAN of New Jersey, Mr. PRICE of North Carolina, Mrs. MCCARTHY of New York, and Ms. HAHN.
H.R. 1876: Mr. McDERMOTT.
H.R. 1905: Mr. AMODEI, Mr. GRAVES of Missouri, and Mr. FRANK of Massachusetts.
H.R. 2016: Mr. ISRAEL.
H.R. 2040: Mr. CRAWFORD, Mr. BILIRAKIS, Mr. RIBBLE, Mr. PENCE, Mr. WOMACK, and Mr. POMPEO.
H.R. 2051: Mrs. SCHMIDT, Mr. GIBBS, Mr. FRANKS of Arizona, Mr. CALVERT, Mr. JONES, Mr. AUSTRIA, and Mr. HECK.
H.R. 2123: Mr. YOUNG of Florida.
H.R. 2131: Mr. ALEXANDER and Ms. HOCHUL.
H.R. 2144: Mr. JACKSON of Illinois.
H.R. 2195: Mr. JOHNSON of Ohio.
H.R. 2214: Mr. BACHUS, Mr. McCOTTER, Mr. BARLETTA, Mr. BENISHEK, Mr. FARENTHOLD, Mr. GOWDY, Mrs. HARTZLER, Ms. ROSS-LEHTINEN, Mr. TURNER of Ohio, Mr. BOREN, Mr. MARINO, Mr. AUSTIN SCOTT of Georgia, Mr. WALBERG, Mr. POSEY, Mr. AMODEI, Mr. DAVIS of Kentucky, Mr. TURNER of New York, Mr. YODER, Mr. FLEISCHMANN, Mr. HERGER, Mr. NUNES, Mr. ROSKAM, Mr. BUCHANAN, and Mr. LUETKEMEYER.
H.R. 2223: Mr. CRITZ.
H.R. 2245: Mr. COSTA, Mr. HEINRICH, and Mrs. CAPITO.
H.R. 2304: Mr. McINTYRE.
H.R. 2341: Ms. CHU.
H.R. 2346: Mr. ACKERMAN.
H.R. 2353: Mr. BRALEY of Iowa and Mr. MEEHAN.
H.R. 2396: Mr. TONKO.
H.R. 2421: Ms. TSONGAS.
H.R. 2446: Mr. LUETKEMEYER, Ms. HAYWORTH, and Mr. DESJARLAIS.
H.R. 2453: Ms. ROYBAL-ALLARD.
H.R. 2478: Mr. LUETKEMEYER.
H.R. 2492: Mr. AMODEI, Mr. GALLEGLY, Mr. PRICE of North Carolina, Mr. CROWLEY, and Mr. HANNA.
H.R. 2501: Mr. MILLER of North Carolina.
H.R. 2530: Ms. DELAURO.
H.R. 2569: Mr. MEEKS, Mr. WATT, Mr. GARDNER, and Mr. DAVIS of Kentucky.
H.R. 2599: Mr. LEVIN, Mr. YOUNG of Florida, Mr. ROONEY, Mr. CLAY, Mr. FITZPATRICK, Ms. ESHOO, Mr. LUJÁN, and Mr. McINTYRE.
H.R. 2661: Mr. PETERSON.
H.R. 2697: Mrs. MYRICK.
H.R. 2735: Mr. SCHOCK and Mr. REED.
H.R. 2815: Mr. CARSON of Indiana.
H.R. 2829: Mr. BARTON of Texas.
H.R. 2853: Mr. TOWNS.
H.R. 2866: Mr. CARNAHAN.
H.R. 2874: Mr. LIPINSKI, Mr. POMPEO, and Mr. FORBES.
H.R. 2880: Mr. SCHIFF.
H.R. 2885: Mr. WALSH of Illinois and Mrs. CAPITO.
H.R. 2910: Mr. FORBES.
H.R. 2913: Mrs. BLACK and Mr. SCHWEIKERT.
H.R. 2925: Mr. BOUSTANY.
H.R. 2945: Mr. SENSENBRENNER.
H.R. 2959: Mr. TIPTON.
H.R. 2960: Mr. LOEBSACK, Mrs. BLACKBURN, Mr. DESJARLAIS, and Mr. KINGSTON.
H.R. 2962: Mr. CARNAHAN.
H.R. 2966: Ms. HAHN.
H.R. 2972: Mr. OWENS.
H.R. 2985: Mr. GARDNER, Mr. FORBES, Mr. DUNCAN of Tennessee, Mrs. ROBY, Mr. FITZPATRICK, and Mr. CALVERT.
H.R. 3003: Mr. LUETKEMEYER.
H.R. 3009: Mr. RIVERA.
H.R. 3010: Mr. CONAWAY.
H.R. 3012: Mr. GOODLATTE and Mr. GUTIERREZ.
H.R. 3015: Mr. CICILLINE.
H.R. 3046: Mr. BRALEY of Iowa, Mr. ALTMIRE, and Mr. MCGOVERN.
H.R. 3059: Mr. AUSTIN SCOTT of Georgia and Mr. FITZPATRICK.
H.R. 3061: Ms. HANABUSA.
H.R. 3091: Mr. BOUSTANY and Mr. SCHOCK.
H.R. 3101: Mr. BURGESS, Mr. NEUGEBAUER, and Mr. FORBES.
H.R. 3108: Mr. CUMMINGS, Mr. TOWNS, Mrs. MALONEY, Mr. KUCINICH, Mr. TIERNEY, Mr. CLAY, Mr. LYNCH, Mr. COOPER, Mr. CONNOLLY of Virginia, Mr. DAVIS of Illinois, and Mr. YARMUTH.
H.R. 3112: Mr. CHABOT.
H.R. 3123: Mr. BOUSTANY and Mr. SCHOCK.
H.R. 3128: Mr. STIVERS.
H.R. 3134: Ms. WOOLSEY, Mr. GRIJALVA, and Ms. ZOE LOFGREN of California.
H.R. 3142: Mr. GRIMM, Mr. BROUN of Georgia, Mr. ROSS of Florida, Mr. PALAZZO, and Mr. SABLAN.
H.R. 3151: Ms. SCHAKOWSKY and Mr. STARK.
H.R. 3154: Mr. SMITH of Washington.
H.R. 3156: Mrs. MILLER of Michigan.
H.R. 3178: Ms. CHU.
H.R. 3181: Mr. GALLEGLY, Mr. LATOURETTE, Mr. SOUTHERLAND, Mr. KELLY, Mr. LANDRY, Mr. GARY G. MILLER of California, Mr. CAMPBELL, Mr. JORDAN, Mr. CARTER, Mr. SCHILLING, Mrs. SCHMIDT, Mr. BARLETTA, Mr. LEWIS of California, Mr. CALVERT, Mr. KING of New York, and Mr. PENCE.
H.R. 3185: Mr. LUETKEMEYER and Mrs. NOEM.
H.R. 3187: Mr. YOUNG of Florida.
H.R. 3199: Mr. HARRIS.
H.R. 3200: Mr. OLVER.
H.R. 3201: Mr. STARK, Mr. CLARKE of Michigan, Mr. REYES, Ms. JACKSON LEE of Texas, Ms. FUDGE, and Mr. FILNER.
H.R. 3210: Mr. MARCHANT, Mr. PAUL, and Mr. DESJARLAIS.
H.R. 3236: Mr. BLUMENAUER, Ms. MCCOLLUM, and Mr. McINTYRE.
H.R. 3243: Mr. COLE and Mr. KING of Iowa.
H.R. 3265: Mr. McINTYRE.
H.R. 3266: Mr. TERRY.
H.R. 3269: Mr. ROGERS of Michigan, Mr. COSTA, Mr. MARINO, Mr. HEINRICH, Mrs. LUMMIS, Mr. DENT, and Mr. DENHAM.
H.R. 3296: Mr. WELCH.
H.R. 3297: Mr. NADLER.
H.R. 3300: Ms. MATSUI, Mr. BOSWELL, Ms. ZOE LOFGREN of California, and Mr. DOYLE.
H.R. 3308: Mr. CHAFFETZ.
H.R. 3313: Mr. SCOTT of Virginia and Mr. STARK.
H.R. 3323: Mr. PAUL.
H.R. 3324: Mr. DEUTCH.
H.R. 3334: Mr. CARNAHAN and Mr. THOMPSON of California.
H.R. 3339: Mr. RYAN of Wisconsin.
H.J. Res. 56: Mr. ROSS of Florida and Mr. AMODEI.
H.J. Res. 80: Mr. ELLISON and Mr. McDERMOTT.
H.J. Res. 83: Mr. ISRAEL and Mr. MCGOVERN.
H. Con. Res. 84: Ms. MCCOLLUM and Ms. ROYBAL-ALLARD.
H. Res. 60: Mr. GINGREY of Georgia.
H. Res. 98: Mrs. HARTZLER.
H. Res. 111: Mr. WOLF and Mr. AUSTIN SCOTT of Georgia.
H. Res. 365: Mr. TOWNS.
H. Res. 376: Mr. BURTON of Indiana and Ms. HIRONO.
H. Res. 429: Mr. JOHNSON of Ohio, Mr. MANZULLO, Mr. ROE of Tennessee, Mr. FLORES, Mr. BRADY of Texas, Mr. CALVERT, Mr. SOUTHERLAND, Mr. ROHRBACHER, and Mr. POMPEO.
H. Res. 433: Mr. GRIMM.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

- H.R. 1380: Mr. MURPHY of Pennsylvania.
H.J. Res. 2: Mr. GOHMERT.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE 125TH ANNIVERSARY OF THE FOUNDING OF AGUDAS ACHIM

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. SCHOCK. Mr. Speaker, I rise today in recognition of the 125th Anniversary of Congregation Agudas Achim in Peoria, Illinois.

Agudas Achim was founded in 1886 by a group of 18 settlers in Peoria as the first Traditional Orthodox Jewish Congregation in that part of the country. In the following decades, Agudas Achim grew to be the largest Traditional Jewish Congregation in Illinois outside of Chicago.

Since its founding, Agudas Achim has had a physical presence in many parts of the City of Peoria, constantly expanding its facilities to meet the needs of its growing congregation. From the South Side to North Peoria, Agudas Achim has put down deep roots in the city.

Throughout its long history, Agudas Achim has weathered many challenges and changing times, but it continues in its mission to serve the Traditional Jewish community in Central Illinois through assembly, study, and prayer. I congratulate the leaders and members of the congregation on this significant anniversary.

CONGRATULATING THE MARIAN HIGH SCHOOL GIRLS' SOCCER TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. DONNELLY of Indiana. Mr. Speaker, today I rise to congratulate the Marian High School girls' soccer team of Mishawaka, Indiana. The Knights competed in the Indiana High School Athletic Association state championship on October 29, 2011 at Kuntz Stadium in Indianapolis, with a tough 1 to 0 loss to first place Providence in a shootout following two overtime periods.

The Knights worked tirelessly this season, garnering an 18–3–1 record with half of their victories captured with more than five goals. Leading scorer, Junior Gabby Veldman, scored thirty-two goals during the season. A testament to the character of the Marian team, Senior Lauren Garatoni received the Mental Attitude Award from the Indiana High School Athletic Association.

The Marian team consisted of twenty-two young women, including: Liz Naquin, Brittany Payne, Denise (D.J.) Veldman, Gabby Lucchese, Lauren Wade, Tracy Scott, Shannon Hendricks, Madeline LaDue, Jen Smith, Josie Cressy, Gabby Veldman, Melissa

Cunningham, Lauren Garatoni, Carson Ludwig, Claire Griffith, Maggie Wanecke, Maggie Hartnagel, Bridget Doyle, Cassie Sloma, Emma Capannari, Makaela Douglas, and Devon Smith.

I also congratulate the dedicated coaching staff of Head Coach Djamel Charvat and Assistant Coaches Erin Shindledecker and Jim Douglas, who helped guide the Knights to the state championship game. The coaches developed a team with depth, talent, a strong defense, a high scoring offense, and most importantly, good sportsmanship.

I offer my congratulations to the members of the girls' soccer team of Marian High School, the coaching staff, the school administration and community for their accomplishments this season including their second place finish in the IHSAA 1–A State Soccer Tournament.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. VISCLOSKY. Mr. Speaker, on November 3, 2011, I was absent from the House and missed rollcall vote 825.

Had I been present for rollcall 825, on passage of H.R. 2930, a measure to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes, I would have voted "no."

RECOGNIZING 185TH ANNIVERSARY OF THE FOUNDING OF SCHUYLKILL TOWNSHIP, CHESTER COUNTY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. GERLACH. Mr. Speaker, I rise today to recognize Schuylkill Township, Chester County on the occasion of the 185th anniversary of its founding.

The first settlers to move into Schuylkill Township were Dutch, Swedish, and Welsh; many of whom were Quakers. They arrived in 1713 with James Anderson being the first European settler with his family to arrive. He had immigrated from the Isle of Skye in Scotland in 1707. His home and farmstead, "Anderson Place," still stands. Son Patrick was the first child born in the township. He was to serve as a captain in the Revolutionary War and later was promoted to Major. The Anderson family is buried in Anderson Cemetery on Valley Park Road. The last Anderson to reside at the farmstead was in 1955. William Moore arrived

and built Moore Hall, which is a National Register home, as well as the Bull Tavern visited by General Washington.

The Friends Quaker Meeting is historic and was active in the abolitionist movement with the Underground Railroad. Corner Stores at the intersection of White Horse and Valley Forge Roads was the first and major commercial center in this area and continues today. Valley Forge Road was the major route between the western forges and the City of Philadelphia and continues as the Valley Forge Historic Corridor through Schuylkill Township.

Once a farm community, Schuylkill Township today seeks to preserve its agricultural landscape. The Open Space Commission is working to preserve open space with the Pickering Preserve and the purchase of Valley Park where meadow lands are being preserved. Preservation efforts are also underway for the Ticket Pavilion of the old Valley Park Trolley Park, which once operated to the delight of its residents.

Mr. Speaker, in light of the 185th anniversary of the founding of Schuylkill Township, I ask that my colleagues join me today in celebrating this momentous occasion and recognizing the Township's rich history and economic and social contributions to the quality of life enjoyed by its outstanding citizens and all of Chester County.

HONORING MR. PHILIP MELVIN UPON THE OCCASION OF HIS RETIREMENT

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise to highlight the career of Mr. Philip Melvin (Phil) for his thirty years of distinguished service to the United States House of Representatives. Phil has served this great institution as a valued employee of House Information Resources (HIR) in the Office of the Chief Administrative Officer (CAO).

Phil began his tenure with the House in 1981 as a Mainframe Computer Operator. Diligently rising through the ranks, Phil was eventually selected to be the Lead Computer Operator. His duties entailed bringing the House's systems online, recognizing and diagnosing hardware and software problems, maintaining quality control of printed output, and training new Operations Staff. Mainframe operations were the heart of the House's emerging Information Technology Infrastructure.

Phil's technical expertise and delivery of mainframe operational services led to his appointment as a Mainframe Systems Programmer, whereby he provided the system tools and computer resources required to host

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the House's mission critical internal applications on the mainframe.

In the early 90's, Phil was selected to support a Distributed Systems Support Project, which required him to support the multiple e-mail systems then in use by the House. Phil was responsible for managing the main system that allowed Members to send/receive mail from several different e-mail systems. In 1995, he became part of the team that successfully merged all of the House's e-mail systems into one enterprise service. He then became the lead in implementing the Enterprise Fax system for the House which allowed Member offices to receive and send their faxes via e-mail. Phil has helped make the House e-mail and Enterprise Fax systems the reliable services the House relies on today. Continuing on the leading edge of technology, Phil's most recent duties were instrumental in the House's successful evolution to server virtualization.

Phil's knowledge, experience, dedication, mentoring and consistent outstanding performance in his daily tasks have set a fine example in providing superior customer service and earned him the respect and admiration of his co-workers.

On behalf of the entire House community, we extend congratulations to Philip Melvin for his many years of dedication, outstanding contributions and service to the United States House of Representatives.

We wish him many wonderful years in fulfilling his retirement dreams.

PERSONAL EXPLANATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. BILIRAKIS. Mr. Speaker, on Thursday, November 3rd, I missed rollcall votes 821 and 822, for unavoidable reasons. Had I been present, I would have voted as follows:

Rollcall vote No. 821: "yea" (Ordering the previous question on H. Res. 453, the rule providing for consideration of both H.R. 2940—Access to Capital for Job Creators Act and H.R. 2930—Entrepreneur Access to Capital Act)

Rollcall vote No. 822: "yea" (Dicks Motion to instruct conferees)

RECOGNIZING MT. PLEASANT MISSIONARY BAPTIST CHURCH'S 150TH ANNIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. BISHOP of Georgia. Mr. Speaker, it is my great honor to extend a heartfelt congratulations to the congregation, administration, and supporters of Mt. Pleasant Missionary Baptist Church of Leesburg, Georgia as this fine institution celebrates 150 years of providing spiritual guidance and dedicated community service to the residents of Lee County, Georgia

and individuals throughout the Albany, Georgia metropolitan area. This tenured religious institution will commemorate its 150th anniversary on Sunday, November 6, 2011 at a service ceremony at 143 Mt. Pleasant Road in Leesburg.

This upcoming anniversary ceremony will enable church members, local dignitaries, community leaders and other individuals throughout Georgia to pay tribute to a house of worship that has positively influenced many lives and served as a sanctuary for those in need of spiritual counseling.

Mt. Pleasant Missionary Baptist Church traces its historical roots back to our nation's dark days of slavery. The Church was founded in 1861 by a band of baptized believers in Christ on property deeded to them by slave owners.

Some of the church's early pastors, including Reverend Dough Johnson, Ben London, Gain Byrd, Tom Johnson and Reverend Gene Murray, worked endlessly to establish Mt. Pleasant as a stable institution that tended to the spiritual needs of its congregation and provided assistance to other churches in need of resources. Early in its existence, Mt. Pleasant graciously allowed members of Old Piney Grove Church to share its facilities and bury their members in Mt. Pleasant's cemetery until construction of Old Piney Grove's building was completed.

Throughout the 19th, 20th and 21st centuries, Mt. Pleasant's edifice has gone through numerous transformations and renovations. In 1890, the first frame building was constructed on the eastern edge of the church's current location on Mt. Pleasant Road in Leesburg, Georgia. This building was built on a wood frame with four windows on each side and two doors at the front.

In the late 1930s, under the leadership of Reverend Wallace Davis, Mt. Pleasant's church building was renovated. After the 1930s renovation, the church building also served as a school house.

During the 1960s and 1970s, Reverend P.S. Sparks oversaw the construction of a new church building that included pews and pulpit furniture. In the early 1980s, under the direction of Reverend W.D. Slaughter, a new dining hall was added to Mt. Pleasant's campus.

Over the years, Mt. Pleasant has remained a steadfast community leader and supporter of several humanitarian initiatives that have assisted those individuals most in need. Mt. Pleasant's Mission Outreach Ministry donates food and clothing to low-income communities throughout the Albany, Georgia metropolitan area. The church is also associated with charity efforts sponsored by the Christian outreach group, Samaritan's Purse.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to Mt. Pleasant Missionary Baptist Church in Leesburg, Georgia for all the many things this institution has done and will continue to do to positively impact the lives of those in Southwest Georgia.

HONORING TEXANS FOR LIFE COALITION PRESIDENT KYLEEN WRIGHT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. MARCHANT. Mr. Speaker, it gives me great pleasure to rise today to honor Texans for Life Coalition President Kyleen Wright for her decades of work to protect life. Kyleen has been a leader and a fixture in the Texas pro-life movement for years, and her dedication to the unborn was critical to the recent passage of the sonogram law in the Texas Legislature. This law expands informed consent to include a visual presentation via sonogram.

Since 1975, Kyleen has been a tireless pro-life advocate. Beginning in her freshman year of high school, Kyleen has spent the last 36 years influencing and instituting policies conducive to strong families. Her work has culminated in significant policy changes in Texas, including the sonogram law and an abstinence education program in 1995. It is also thanks in part to Kyleen's work that the incidence of teen abortions has dropped by half since 1995.

The pro-life cause in Texas has many leaders, but few are as effective in the state capital as Kyleen. Whether it's working with the legislature or talking on the airwaves, Kyleen is leading Texas and America to a brighter and better future. I ask all of my colleagues to join me in recognizing Kyleen Wright for a career of hard work to protect the unborn and their families.

RECOGNIZING NORMAN VUTZ, SCHUYLKILL TOWNSHIP'S 2011 OUTSTANDING CITIZEN OF THE YEAR

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Norman Vutz on the occasion of being honored as Schuylkill Township's 2011 Outstanding Citizen of the Year.

A longtime Township resident, Norman moved to Schuylkill Township in 1978 and served 28 years as a member of its Board of Supervisors. One of Norman's greatest accomplishments was helping to facilitate the Township's transition from utilizing an independent contractor for roads to establishing its own Roads Department. With an excellent and dedicated Roadmaster, the Township is saving money, is better managed, and is providing more efficient service to its residents.

One of his favorite aspects of serving on the Board of Supervisors is working with the talented and dedicated Township staff and helping area citizens. These are the folks that have provided Norman such great satisfaction during his long years of public service.

Mr. Speaker, in light of his exemplary years of service to Schuylkill Township, I ask that my colleagues join me today in recognizing

Norman Vutz on the occasion of his being honored as 2011 Outstanding Citizen of the Year.

INTRODUCTION OF THE STEM EDUCATION INNOVATION ACT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. HONDA. Mr. Speaker, I rise to articulate a vision for American education and a platform for developing a strong competitive workforce. Today I am introducing the STEM Education Innovation Act, which does exactly this by raising the profile of state and federal science, technology, engineering, and mathematics initiatives.

By promoting and highlighting science, technology, engineering, and mathematics education, we will enable America to regain its competitive edge in the global economy. This is essential so that the youth of America can once again be competitive with their international peers and attain satisfying, well-paying jobs. It is essential so that American "Job Creators" will be able to find future employees with the right skill sets to meet their needs right here at home.

My legislation will establish an Office of STEM Education at the Department of Education, through which we will be making a national and international statement that the STEM fields are a national priority. This office can speak with articulation on why we must compete at the highest level on international benchmark tests such as the PISA, NAEP and TIMMS tests.

By providing federal support for State Consortia on STEM Education, my bill helps States exercise their power to create, maintain, and grow their STEM platform. The bill acknowledges existing public-private collaborations and will grow such efforts in the STEM community. These state consortia are already springing up at the grassroots level. Through a federal matching grant, we will be reaffirming our Nation's priorities while allowing States to dictate and control their educational agenda by identifying best practices and implementing state standards.

Finally, my legislation will boost American ingenuity and innovation by promoting the development of transformational technology for the classroom through the Education Innovation Project. Through a small federal dollar investment, small startup companies and the private market will deliver a huge return on educational technological innovation.

Mr. Speaker, it is the aspiration of ALL Americans—rich and poor, rural and urban, public school and private school, Republican and Democrat—to realize the American dream for their children. The STEM Education Innovation Act builds up the platform of local educational communities all throughout the United States to collaborate and consolidate a solid educational platform holding up the pillars of science, technology, engineering and mathematics (STEM). By supporting STEM efforts in American public schools, we are investing in the future of American youth. We are also in-

vesting in American ingenuity, innovation, and infrastructure: ensuring an educated population to carry us forward into the future.

CELEBRATING THE DEDICATION OF THE WEST HILLS COLLEGE LEMOORE GOLDEN EAGLE ARENA

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. COSTA. Mr. Speaker, I rise today to recognize West Hills College Lemoore on the occasion of the Dedication Ceremony of the Golden Eagle Arena, its new, state-of-the-art facility which will provide a venue for the expanding educational and athletic programs. The new 52,000 square-foot arena will provide a home to the Golden Eagles basketball and volleyball teams, while also facilitating class space for enhanced physical education.

Golden Eagle Arena represents the third phase of growth for West Hills College Lemoore. The college has grown substantially since opening its doors in 2002. With the construction of the new arena approved by the Lemoore City Council in 2006, tireless work has been put in to developing a center that can host a variety of athletic and academic events. The state-of-the-art lighting, sound and technological equipment found within this facility provide an ideal venue for a variety of performances. The versatile flooring ensures that the hardwood basketball court will remain in pristine condition and promote longevity for this grand investment. This 2,700 seat stadium will enrich student life and enhance the Golden Eagle spirit. Even though nascent, the Golden Eagle Arena has already been home to various high profile, national, public servant guest speakers.

West Hills College Lemoore has done nothing short of a job well done. After more than eighteen months of construction, the Golden Eagle Arena is complete. The perseverance of the Lemoore campus faculty, administration, students and community support has prevailed with this crown jewel in these tough economic times. In particular, I would like to commend the dedication of President Don Warkentin, Chancellor Frank Gornick, and the Board of Trustees: Mark McKean, Bill Henry, Nina Oxborrow, Steve Cantu, Edna Ivans, Jeff Levinson and Jack Minnite. Without the unwavering commitment of these individuals, projects and facilities like the Golden Eagle Arena would not be possible.

Mr. Speaker, I have been a proud supporter of the West Hills Community College District since my days in the California State Legislature. It is beautiful to see how this rural, community college meets its goal to serve its students with a diverse set of programs and curricula, while providing entertainment and enrichment venues such as the Golden Eagle Arena. I ask my colleagues to join me in commending West Hills College Lemoore and the community of Lemoore who have worked tirelessly to make the Golden Eagle Arena possible.

HONORING ALICE CARDONA

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor an American trailblazer, a proud Puerto Rican and New Yorker whose advocacy for women's rights and minorities distinguished her as a true leader. Alice Cardona hailed from New York's Spanish Harlem or, El Barrio, where she was the first of nine children. From an early age, Alice began contributing to her community by volunteering with the Legion de Maria and providing psychological support to African American and Latino people in need. From this early experience, Alice had instilled in her a strong sense of the social, economic, and educational injustices facing people of color and the importance of remedying them.

Shortly thereafter, Alice worked for United Bronx Parents, where she helped foster parental involvement in the local school system. In 1964, she became involved in the first Head Start program in New York.

By the 1970s, she was working at ASPIRA and counseling young people. Alice's time there inspired her to return to college and complete her degree, empowering her to further assist New York's minority communities. Upon graduation, she continued with ASPIRA and found more ways to become engaged in her community. She played a valuable role with the National Conference of Puerto Rican women and also co-founded HACER/Hispanic Women's Center, an important resource for assisting Latinas to achieve their educational goals.

As a member of Governor Mario Cuomo's Administration, Alice was the assistant director for the New York State Division for Women, where she further advocated for bilingual education and worked to combat HIV/AIDS, breast cancer, and domestic violence.

IN the 1990s, I had the pleasure of working side-by-side with Alice during my tenure as Director of the Department of Puerto Rican Community Affairs in the United States. Together, we led Atrévete, the most successful Hispanic voter drive in American history. I will always look back on her dedication, passion, and tireless work ethic as an inspiration.

Even in retirement, Alice dedicated herself to others by staying active with groups like the Puerto Rican Association for Community Affairs, the National Women's Political Caucus, and the National Association for Bilingual Education. Indeed, throughout her lifetime, she helped found more than 12 organizations dedicated to strengthening and empowering minority communities.

Mr. Speaker, earlier this week, Alice Cardona passed away. She is fondly remembered by many of us as a friend and role model. For all Latinas, her life is a source of pride and for New Yorkers, an inspiration to continue striving for greater social justice and opportunity in our City, state, and country. I ask that all my colleagues join me in paying tribute to Alice Cardona, an activist, passionate defender of women's rights, champion of bilingual education, and advocate for working people everywhere.

THE VISA IMPROVEMENTS TO
STIMULATE INTERNATIONAL
TOURISM TO THE UNITED
STATES OF AMERICA (VISIT
USA) ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Ms. HIRONO. Mr. Speaker, I rise today on behalf of myself and Congressman DAVID DREIER to discuss a bill that we introduced yesterday, the Visa Improvements to Stimulate International Tourism to the United States of America, VISIT USA, Act.

This is the companion bill to S. 1746, which was introduced on a bipartisan basis in the United States Senate by Senator SCHUMER of New York and Senator LEE of Utah.

The VISIT USA Act is a common-sense proposal that is about one thing—creating jobs and boosting our economy.

According to the U.S. International Trade Administration, the travel and tourism industry accounts for more than 25 percent of all U.S. services exports—our nation's largest service export, in fact. In 2010, international travel to the U.S. accounted for \$134 billion in receipts for U.S. businesses and supported 7.4 million American jobs—including 152, 864 in my home state of Hawaii, and 873,000 in Congressman DREIER's home state of California.

This legislation will help to support and grow this important industry by making travel to the U.S. easier and more efficient for foreign travelers. Specifically, the bill contains several provisions aimed at increasing visitors from China, making visa processing more efficient, and giving the State Department necessary flexibility to manage the visa process more effectively.

It will also help to solidify and strengthen our relationship with one of our most important travel partners, Canada, and even includes provisions to help address the housing crisis.

China has the world's largest population—1.3 billion people—yet only 802,000 visitors travelled to the U.S. in 2010. These 802,000 visitors spent approximately \$5 billion in the U.S. during their stays, the seventh most spent in the U.S. by visitors from any country. Clearly, welcoming more visitors from China will benefit our economy and help to create jobs. In order to do this, the bill provides Chinese visitors that meet the appropriate security requirements with the ability to acquire five year, multiple-entry visitor visas.

The bill would also establish a pilot program that would allow the State Department to conduct visa interviews via videoconference. One of the key challenges for residents of these countries—like China, India, and Brazil—is the need to travel great distances to conduct in-person visa interviews. If successful, this pilot program will help to responsibly reduce wait times and effectively meet the demand for visas in countries with large rural populations.

The bill would also authorize the State Department to charge extra fees in order to expedite the processing of certain visas, and allow Customs and Border Protection to provide expedited visas for foreign dignitaries and other priority visitors. This can be especially

important for international meetings, and events such as the Olympics. Finally, the VISIT Act will make changes to visa procedures for nation's that are working closely with the U.S. to combat terrorism.

The VISIT Act also allows the Administration to lower visa application fees during off-peak seasons to help incentivize applications when overall demand is low.

In addition to improving the visa processing system, and incentivizing travelers from untapped markets, the VISIT Act also includes provisions to encourage visitors from the U.S.'s top travel partner—Canada.

In 2010, the U.S. welcomed 20 million visitors from Canada. Those visitors spent over \$20 billion during their stays. The VISIT Act creates a "Canadian Retiree Visa" which allows Canadian citizens over 50 to apply for 240 day visas. These visas would need to be renewed every three years, and visa holders would have to meet all necessary security requirements, and be able to prove that they have accommodations for the duration of their stay.

Overall, the reforms included in this bill are a cost-effective, bipartisan approach to incentivizing job creation and supporting a critical U.S. industry. In fact, to date the Senate legislation has been endorsed by the U.S. Chamber of Commerce, the U.S. Travel Association, the American Hotel & Lodging Association, and the U.S. Olympic Committee.

I'm confident that there will be many other groups—from across the political spectrum—that will support these much needed reforms that Chairman DREIER and I are introducing today.

I look forward to working with all of my colleagues to see this measure passed.

RECOGNIZING THE ACHIEVEMENTS
OF JAMES M. REDMOND OF THE
HOSPITAL AND HEALTHSYSTEM
ASSOCIATION OF PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. GERLACH. Mr. Speaker, on behalf of myself and members of the Pennsylvania delegation (Mr. BRADY, Mr. FATTAH, Mr. KELLY, Mr. ALTMIRE, Mr. THOMPSON, Mr. MEEHAN, Mr. FITZPATRICK, Mr. SHUSTER, Mr. MARINO, Mr. BARLETTA, Mr. CRITZ, Ms. SCHWARTZ, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. MURPHY, Mr. PLATTS), I would like the following statement submitted for the RECORD.

I rise today to recognize the many years of outstanding service by James M. Redmond of the Hospital and Healthsystem Association of Pennsylvania.

Mr. Redmond has worked for The Hospital & Healthsystem Association of Pennsylvania for 36 years, serving the last 20 years as the Senior Vice President for Legislative Services. During his tenure, he has used his extensive knowledge about, and expertise in, the state legislative process to achieve balance and compromise in resolving essential health care policy issues.

Mr. Redmond's successes as an advocate for hospitals and health systems have been

attributable to his hard work, persistence, and steadfast commitment and adherence to integrity and ethics. He has been a key participant in numerous initiatives that strengthened Pennsylvania's hospitals and greatly improved patient care, including the development of Pennsylvania's trauma system.

Mr. Redmond began his career in health care administration at the Milton S. Hershey Medical Center of Pennsylvania State University. He is a graduate of the University of Connecticut, with a degree in pharmacy, and a graduate of the University of Florida with a Master of Business Administration. A Fellow of the American College of Healthcare Executives, Mr. Redmond is also the author of numerous articles and reports on health care policy, and he has served on several state and national advisory groups.

During his distinguished 36 years with the Association, Mr. Redmond has repeatedly proven himself to be one of the Commonwealth's most respected advocates and health care leaders and we, as the Commonwealth's delegation to the U.S. House of Representatives, wish him health and happiness in his retirement.

HONORING MAYOR BENNY
MCGUIRE

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. FINCHER. Mr. Speaker, great leaders govern with integrity, humility and with generosity to their community. In the Tennessee Eighth Congressional District, there is one leader whose efforts have been appreciated by his community and acknowledged by his peers. I rise today to congratulate the honorable Benny McGuire, as he begins his tenure of President over the Association of County Mayors of Tennessee.

A dedicated public servant, Mayor McGuire has not only contributed countless hours to Obion County, but he has set an example for other mayors to follow. Serving as the director of the Antioch Cemetery Association in Hornbeak, he also works as a chair of the Northwest Tennessee Development District and serves as a member on numerous local boards and committees. After only two terms as mayor of Obion County, he was selected by his peers to be named President of the Association of County Mayors of Tennessee, the statewide organization representing 95 county mayors and executives.

I value the great work and dedication that individuals like Mayor McGuire contribute to the West Tennessee area. I ask my colleagues to join me in congratulating Mayor Benny McGuire as he extends his dedication and devotion to the people of Obion County as well as all of Tennessee.

HONORING THE 100TH ANNIVERSARY OF ELKS LODGE #1243, IN CARBONDALE, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of Elks Lodge #1243, in Carbondale, Illinois.

Carbondale Elks Lodge #1243 started with 81 charter members in 1911. The Benevolent and Protective Order of Elks had begun just 43 years earlier in New York City. In these early years, those interested in starting a new lodge would petition an existing lodge for initiation. The list of names for the proposed Carbondale Lodge was sent to Murphysboro, Illinois Lodge #572 on May 10, 1911 and Carbondale Lodge #1243 was formed.

Through the years, Carbondale Elks Lodge #1243 has engaged in a number of programs to foster the Elks mission, "To promote and practice the four cardinal virtues of Charity, Justice, Brotherly Love and Fidelity; to promote the welfare and enhance the happiness of its members; to quicken the spirit of American Patriotism and cultivate good fellowship." Some current activities include organizing fund-raisers to benefit disabled and visually impaired children and holding an annual charity golf tournament.

Carbondale Elks Lodge #1243 has been a shining example of a fraternal organization that strives not only to support its members but to provide resources and volunteer activities to benefit their greater community.

Mr. Speaker, I ask my colleagues to join me in congratulating the officers and members of Carbondale, Illinois Elks Lodge #1243 on their 100th anniversary and to wish them all the best for many years to come.

HONORING THE SERVICE OF SPC ADRIAN GARCIA

HON. FRANCISCO "QUICO" CANSECO

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. CANSECO. Mr. Speaker, I rise today to recognize Army SPC Adrian Garcia of El Paso, TX. SPC Garcia was only three weeks into his first deployment when he was attacked while on a routine patrol in Ramadi, Iraq in March 2007. SPC Garcia was manning the turret of an up-armored HUMMVEE when a Rocket Propelled Grenade attack shattered both of his legs. SPC Garcia's injuries were so severe that both of his legs required amputations above the knee, leaving him in a wheelchair.

On November 11, 2011, Homes for Our Troops will provide Army SPC Adrian Garcia with a brand new home at no cost. SPC Garcia's new home will be specially adapted to accommodate his needs, allowing him to be more productive and independent. The work of Homes for Our Troops and the community of El Paso, Texas, is a great example of the ap-

preciation we should show our brave men and women who have served our nation in uniform.

I extend my personal thanks and sincere appreciation to SPC Garcia for his sacrifice made while protecting our freedom. We owe our veterans a huge amount of gratitude—particularly those who have been injured while serving their Nation. As President Calvin Coolidge said, "The nation which forgets its defenders will be itself forgotten."

RECOGNIZING THE COMMENDABLE SUPPORT EFFORTS OF CLEAR CHANNEL COMMUNICATIONS, INC.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the commendable efforts of Clear Channel Communications Inc. in their support of diversity and small businesses within the radio broadcasting industry. For a long time, public broadcasting, especially in the area of radio, excluded or carried heavy restrictions on the voices coming from minorities and women of this country. These binding practices limited the freedom of expression for minorities and women in broadcasting and provided a frail platform upon which to deliver meaningful public affairs and news within these communities.

Radio broadcasting in past decades has experienced dramatic, positive change with the cultivation of environments which support minorities and women's matriculation from their traditional auxiliary support positions, such as disk jockeys or custodial workers, into more influential roles such as managers, engineers, and program directors. The change also removed barriers which once denied favorable circumstances for members of these populations to gain ownership and syndication. This shift has allowed for a broad array of broadcast opportunities to include more autonomy in the presentation of public affairs discussions, music, and information which more specifically reflects the culture and interest of the minority and female listening audiences.

Technological advancements and a growing social affinity for more digital interface have placed pressure on the radio industry to maintain its standing among other broadcasting mediums. This strain, coupled with the nation's financial tensions, has made staying up to speed with the changing times all the more difficult. However, impressively, the radio world continues to provide phenomenal listening programs to the masses. This tenacity has been seen in no place greater than within the minority and women sectors.

Clear Channel recognizes the impact minority and women broadcasters have had on broadcasting and has taken a laudable position to make investments to ensure their productive futures. Their plan to divest 448 radio stations in 88 markets, which lead to the donation of six stations to the Minority Media and Telecommunications Council, MMTC, shows that Clear Channel has a keen awareness of

the value diversity plays in broadcasting and shows that they have a sound understanding of the needs of small, local radio stations. Clear Channel's efforts to enhance the infrastructure for these individuals and business owners will aid in their abilities to boost their hiring capabilities, expand their listening audiences, increase advertisement revenues and support their communities by delivering excellent content.

Mississippi was one of the states privileged to be a part of this gesture of good faith with the acquisition of WHJA (AM) in Laurel, Mississippi. James Hardman, a minority broadcaster from Tulsa, Oklahoma, with decades of experience, plans to put WHJA back on the air under a local marketing agreement (LMA) with MMTC. Hardman intends to produce high quality and innovative programs focused on the African-American community while encompassing the cultural differences across the State of Mississippi. Economic and political empowerment in the African-American community has been difficult to achieve without access and control of the mass media resources that impact our communities. Clear Channel's dedication to assist with gains in this area creates opportunities for success for African-Americans in Mississippi.

Mister Speaker, I ask you and my fellow colleagues to join me in recognizing the meritorious efforts put forth by Clear Channel Inc. towards ensuring the viability of the minority and women communities within the radio broadcasting industry.

THE GREATEST GENERATION

HON. MICK MULVANEY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. MULVANEY. Mr. Speaker, I rise today to honor the men and women of the Greatest Generation, as well as to welcome those who will soon be making the trip from their homes in South Carolina to our Nation's Capital.

Seventy years ago, their lives were interrupted by providence. By their selfless action, these ordinary men and woman became extraordinary.

They defended their country and their families. They protected the innocent and freed the captive.

They served freely and without reservation, in what was to become the deadliest conflict in human history.

Too often, Americans are reminded that freedom comes with a heavy burden. Thankfully, their generation understood this, and met the challenge bravely.

That is why there are no words that can express our gratitude, no medals or monuments sufficient to symbolize just how much we owe to them.

But the world we live in today, the freedoms we enjoy, the blessings we count, are all because of them.

That is why we continue to honor them.

And to remember.

RECOGNIZING THE ALAMEDA
COUNTY DEPARTMENT OF CHILDREN
AND FAMILY SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. STARK. Mr. Speaker, I rise today to congratulate the Alameda County Social Services Agency, Department of Children and Family Services. Due to their exemplary work to open more good homes to foster children by actively recruiting and working with LGBT families, they have earned the All Children-All Families Seal of Recognition from the Human Rights Campaign Foundation, a leading organization in the advocacy of LGBT civil rights.

Alameda is only the second county in the nation to receive this recognition. By eliminating the barriers that LGBT couples and individuals face when they chose to adopt or foster, Alameda County has helped to fulfill their mission of ensuring that every foster child finds a loving family. One example of how important Alameda County's work has been in this area is Lara and Emkay Bosque. Lara and Emkay have adopted two young children. Thanks to their efforts, two beautiful children are growing up in a permanent and loving family, instead of the foster care system. We need more families like the Bosques and I will be displaying their family photo in my office during November, which is National Adoption Month.

At this time of celebration for Alameda County it is important to remember that they are a shining example of what counties and agencies across the nation can do to decrease the number of children in our foster care system by finding them permanent, stable homes. Currently our foster care system serves over 400,000 children, with over 105,000 waiting to be adopted. LGBT families can play an important role in decreasing the number of children in care. Unfortunately, LGBT individuals and couples face discrimination in 31 states when they attempt to adopt or foster. Congress invests over \$7 billion in our child welfare system annually, yet we are allowing potential adoptive parents and foster families to be excluded to the detriment of children.

We should show our support of those children who are without families by passing HR 1681, the Every Child Deserves a Family Act. I introduced this bill to protect those families looking to foster or adopt children from discrimination on the basis of their sexual orientation, gender identity, or marital status or on the basis of the sexual orientation or gender identity of the child involved.

It is the purpose of our foster care system to find children families who will love and cherish them. There should be no added burden for anyone based solely on their sexual orientation, marital status, or gender identity.

I would again like to acknowledge Alameda County for their commitment to children in search of families and to the families willing and able to adopt a child in need. I hope more counties will follow their inspiring lead.

RECOGNIZING WOODFILL
ELEMENTARY SCHOOL

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to recognize Woodfill Elementary School, a 2011 National Blue Ribbon award winning educational institution in the Fourth Congressional District of Kentucky.

The Blue Ribbon Schools Program honors public and private institutions whose students achieve academic excellence or have made profound advancement in closing the gaps of achievement, especially among disadvantaged and minority students.

To be named a Blue Ribbon School is to join an elite group. Of over one hundred thirty thousand schools in the United States, just over 6,000 have received this honor since its creation by the Department of Labor in 1982.

Today, as we celebrate the accomplishment of this exceptional Kentucky institution, it is my hope that Woodfill Elementary School's leading example of hard work and growth encourage schools across the nation to strive for the same level of excellence.

Mr. Speaker, please join me in commending the students, teachers, and administration of Woodfill Elementary School for their devotion to the success of the youth of the Commonwealth of Kentucky and the United States of America.

HONORING THE SERVICE OF
CORPORAL JOSE "DANIEL" GASCA

HON. FRANCISCO "QUICO" CANSECO

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. CANSECO. Mr. Speaker, I rise today to recognize Marine Corporal Jose "Daniel" Gasca of El Paso, TX. Corporal Gasca was driving an up-armored HUMVEE when it was hit by a control detonated IED in Fallujah, Iraq in September 2008. Corporal Gasca suffered spinal fractures, broken ribs, a ruptured spleen, and leg injuries so severe that both of his legs required amputation. Corporal Gasca, his wife, Angel, and their sons; 3 year old Mathew and newborn Eli, currently live in a non-handicapped home while Daniel continues his treatments and therapies at Walter Reed.

On November 10, 2011, Homes for Our Troops will provide Corporal Gasca with a brand new home at no cost. Corporal Gasca's new home will be specially adapted to accommodate his needs, allowing him to be more productive and independent. The work of Homes for Our Troops and the community of El Paso, Texas, is a great example of the appreciation we should show our brave men and women who have served our nation in uniform.

I extend my personal thanks and sincere appreciation to Corporal Gasca for his sacrifice made while protecting our freedom. We owe our veterans a huge amount of gratitude—particularly those who have been in-

jured while serving their nation. As President Calvin Coolidge said, "The nation which forgets its defenders will be itself forgotten."

IN RECOGNITION OF THE
CENTENNIAL OF NAVAL AVIATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the Centennial of Naval Aviation and its service to the United States of America.

Throughout the last century, the men and women of the United States Navy, Marine Corps and Coast Guard who have heeded freedom's call have become America's front line of defense. Generation after generation of children from the Emerald Coast have watched our country's finest aviators overhead and dreamt of following in their footsteps. I am proud to say that the First Congressional District of Florida holds a special place in its heart for the Blue Angels and all who fly in our nation's defense.

Naval Air Station Pensacola, NAS Pensacola, welcomed its first aviation unit on January 20, 1914, less than three years after the Navy purchased its first planes. On December 7, 1917, Pensacola was designated as the first permanent U.S. Naval Air Station. It was America's sole Naval Air Station until World War I. In the ensuing years, tens of thousands of America's finest Naval Aviators have trained at NAS Pensacola, including Neil Armstrong and Ted Williams. Today, all U.S. Naval Aviators begin their training at the Cradle of Naval Aviation.

From the first Naval Aviator, Lieutenant Theodore Ellyson, to the current class of flight students at NAS Pensacola, thousands of Naval Aviators have protected America's interests around the world and in outer space. Just like their predecessors from previous generations, today's students at NAS Pensacola go through rigorous training to serve on shore and at sea, at home and abroad, to protect the United States and support freedom wherever and whenever they are called. From combat patrols over Iraq and Afghanistan to relief missions in Haiti and around the world, Naval Aviation is a touchstone of America's naval might.

Mr. Speaker, I am privileged to recognize Naval Aviation for its contributions during its first 100 years and to honor it as it takes flight in the next 100 years.

HONORING ROBERT ALAN DUGGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Robert Alan Duggan, and to mourn him upon his passing at the age of 46.

Born in Livonia, Michigan on February 23, 1965 to Patrick and Joan Duggan, Bob was a

classmate and fellow graduate of the class of 1983 from Detroit Catholic Central High School. He went on to attend the Adrian College, earning a Bachelor's Degree in Business/Broadcasting. While attending Adrian College he became a member of this nation's oldest and largest professional business fraternity, Alpha Kappa Psi. Bob joined the Screen Actors Guild in 1997.

A true son of Livonia, Bob Duggan was born at St. Mary's Hospital, and there the incredibly benevolent heart that led him to donate more than 120 pints of blood to the Red Cross in his lifetime stopped beating. Bob was a long time member of St. Aidan Catholic Church, where he had served as an altar boy and faithfully attended every Sunday. He was a realtor who loved the Detroit area, and an avid sports fan.

Regrettably, on November 3, 2011, Robert Duggan passed from this earthly world to his eternal reward. He is survived by his beloved parents, Patrick and Joan, and his brothers Michael, Daniel, James, and Timothy. Bob was a devoted uncle, and will long be remembered by 13 nieces and nephews.

Mr. Speaker, Robert Duggan is remembered as a dedicated son, devoted brother, loving uncle, and a true friend. Bob was a man who deeply treasured his family, friends, community, and his country. Today, as we bid Robert Duggan farewell, I ask my colleagues to join me in mourning his passing and in honoring his devotion to our country and community.

CONGRATULATING THE AIDS CENTER OF NEW YORK CITY FOR 20 EXCELLENT YEARS OF SERVICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. RANGEL. Mr. Speaker, I rise today to congratulate the AIDS Service Center of New York City, for their 20 excellent years of serving Manhattan by helping New Yorkers suffering from HIV/AIDS and providing them the support to rebuild their lives.

What started out as a small organization in 1990, the AIDS Service Center stands today as a pillar in my community's ongoing fight against the deadly disease that disproportionately affects African-Americans and Hispanics in the District. Through the leadership of Director Sharen Duke and the Center's dedicated Board and staff, the AIDS Service Center has provided services to over 1,800 people each year, and engages with 18,000 people through their peer education and community outreach initiatives.

The work done by the AIDS Service Center of New York City is so crucial and needed all throughout our nation. In New York alone, over 100,000 people live with HIV/AIDS, and thousands more are unaware that they are living with this terrible virus. I am forever grateful for the significant impact the Center is making in the lives of people in Manhattan.

I hope all my Colleagues in the House today will join my community and me in once again congratulating the AIDS Service Center of New York City for their 20 years of passionate

service. We must continue to advocate and support for our fellow brothers and sisters living with HIV/AIDS until this epidemic no longer threatens the way of their lives.

INTRODUCTION OF A BILL, THE AMERICAN MICROTURBINE MANUFACTURING AND CLEAN ENERGY DEPLOYMENT ACT OF 2011

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to introduce a bill, the American Microturbine Manufacturing and Clean Energy Deployment Act of 2011.

This bill builds on the great American tradition of innovation and manufacturing. It will help our country create new high-paying jobs, promote investment in the clean energy economy, and reduce air pollution and greenhouse gas emissions.

The bill would accomplish these goals by establishing a 30 percent investment tax credit for microturbines, thereby granting parity with other renewable and fuel cell technologies. Microturbines, which have been supported by research and development funding from the Department of Energy, are small, ultra low emission gas turbines that produce usable efficient thermal energy and clean electrical power. While used most often in commercial buildings, microturbines have a wide range of applications, including renewable power, hybrid electric buses, trucks, and cars.

Over 90 percent of the world's microturbines are manufactured right here in the United States by American workers for American companies. And of the U.S. manufacturers, one is located in Southern California and employs a number of my constituents. Another manufacturing facility is located in New England. American microturbine companies enjoy a robust export market, which means customers across the globe are increasing energy efficiency and reducing pollution and their carbon footprint. But sadly, the domestic market is weak. Why? Because our incentive structure has failed to encourage the adoption of this readily available clean energy solution. This must change, and my bill will help increase deployment in our own country.

Where microturbines are deployed in the United States, there are numerous success stories. In the spirit of bi-partisanship, let me highlight one in my home state. The Ronald Reagan Presidential Library, which many of us have visited, deploys sixteen 65-kilowatt microturbines that provide onsite electricity. In addition, the waste exhaust from the turbines heat the facility's water supply and is then run through an absorption chiller to provide air conditioning to the Air Force One Pavilion. This innovative approach not only enhanced the environment around the library by eliminating the need to construct additional power lines, but it also saves the facility over \$300,000 per year in utility bills.

We have the opportunity to help businesses and families across the nation save energy and preserve the environment. And, by enact-

ing the American Microturbine Manufacturing and Clean Energy Deployment Act, we will create thousands of jobs. According to a recent survey of the microturbine industry, estimates are that the enactment of a 30 percent tax credit could immediately create over 2,000 new jobs. During the first year of the new tax credit, enough new microturbines could be deployed to reduce greenhouse gas emissions by an estimated 170,000 tons of CO₂. These numbers will only increase the years after the tax credit is enacted. While the potential of this energy technology is huge—eventually representing tens of thousands of jobs in the U.S. alone—deployment has been held back by the lack of incentive support.

Mr. Speaker, two of the most overarching public policy goals of the Congress and the country are to create jobs and promote energy efficiency and independence. I strongly believe that microturbine technology is a key component in our efforts to meet these challenges. This is an American-invented technology and an American-dominated industry. We should keep it that way. I urge our colleagues to join me in supporting this clean, innovative American industry.

IN HONOR OF VETERANS DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor America's veterans, who have courageously served our nation. These brave men and women deserve a debt of gratitude for their commitment to protecting the liberties that are the foundation of our country.

As we recognize their selfless dedication and accomplishments, we must be reminded of the challenges many veterans face when returning home from tours in Iraq and Afghanistan. Unfortunately, upon returning to civilian life, many suffer from severe physical and mental wounds. In fact, 20 percent of all suicides in the United States are veterans. Furthermore, 25 percent of those who find themselves homeless are veterans and many of them are also unemployed. These figures are extremely alarming and quite frankly, unacceptable.

Mr. Speaker, as we welcome home the thousands of American troops currently deployed overseas, we must ensure that they receive the benefits they rightly deserve. It is imperative that we provide the very best educational, medical, and employment benefits available to assist with their transition back home.

On this day, I encourage all Americans to honor our nation's veterans. My thoughts and prayers are with those brave men and women and their families. Let us remember those who have fought, those who have returned, and those who have not. We are forever indebted to their courage and dedication as well as their service to this great nation.

RECOGNIZING DR. JIMMY JONES
UPON RECEIVING THE PHILIP O.
LICHTBLAU, M.D. AWARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor Dr. Jimmy Jones on receiving the Philip O. Lichtblau, M.D. Award. Dr. Jones has spent the last 45 years serving his patients, his community, and his country; and I am proud to recognize his lifetime of achievements.

After graduating from the University of Tennessee Medical School in 1956, Dr. Jones began his medical career with the U.S. Naval Hospital in Queens, New York. He continued his active duty service as a flight surgeon in the Navy through 1959. Dr. Jones remained in the Naval Reserve and retired in 1997 with the rank of Captain. After 1960, he worked in Boston, practicing general surgery, thoracic surgery, and ultimately pediatric surgery, which became his life's calling. In 1972, he moved to the Gulf Coast, serving as a pediatric surgeon at Sacred Heart Children's Hospital in Pensacola, Florida. For 35 years, he was the only pediatric surgeon in the Panhandle. Dr. Jones returned to active duty from 1990–1997 as a surgeon in both Pensacola and Okinawa, Japan. Following his naval retirement, he returned to Northwest Florida as Surgeon-in-Chief of the Pensacola Nemours Children's Clinic. In 2005, Dr. Jones became the Assistant Medical Director at the clinic, where he remains today.

Beyond his extensive career accomplishments, Dr. Jones has given his life to serving the children of our community. He works extensively with the Sacred Heart Foundation, the Children's Miracle Network, and founded the local Caduceus Society to create a mechanism for physicians to contribute towards medical education for non-physicians. Countless nurses, pharmacists, and physical therapists have benefited from the Society's support. Dr. Jones volunteers with the Fiesta of Five Flags, the Rotary Club, and the Whibbs Maritime Park Board of Trustees, advising the community on its signature downtown development project.

Dr. Jones' contributions to the pediatrics profession and his community service extend well outside official capacities. For many years, he made monthly trips from Pensacola to Panama City to see patients in The Children's Medical Services (CMS) clinic and in local pediatricians' offices, thereby saving families travel expenses. Today, despite his official retirement, Dr. Jones continues to serve as the Assistant Medical Director at Nemours, arriving daily to help the children of our community heal and live a better life. The Philip O. Lichtblau Award, given annually by The Florida Pediatric Society to a surgeon who has contributed significantly to the CMS program, is a testament to his life of service.

Mr. Speaker, on behalf of the United States Congress, I am privileged to honor Dr. Jimmy Jones on his success. My wife Vicki and I are proud to congratulate Dr. Jones, his wife Deana, and four children Susannah Frazier,

Chuong Vu, Meredith Wolf, and Michael Jones on this truly special occasion.

IN RECOGNITION OF WORLD
STROKE DAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of World Stroke Day, which was observed on October 29, 2011.

Stroke is a global health crisis that kills six million people annually. While some stroke survivors gain full functionality back, 30–50% of survivors require the support of a caregiver or have difficulties returning to work. While these numbers are startling, they do not adequately address the emotional toll which stroke survivors and their families must deal with, let alone the associated financial hardships which accompany a stroke.

While there are numerous risk factors that increase an individual's risk of stroke, it can affect anyone at any age so we all must be prepared. Use the "FAST" method to remember the warning signs:

F (FACE): Ask the person to smile. Does one side of the face droop?

A (ARMS): Ask the person to raise both arms. Does one arm drift downward?

S (SPEECH): Ask the person to repeat a simple phrase. Is their speech slurred or strange?

T (TIME): If you observe any of these signs, call 9–1–1 immediately.

I am proud to pay tribute to the seven million stroke survivors, their families and caregivers and hope that the global community will take part in the effort to reduce the impact of stroke in the future.

TRIBUTE TO JUDGE FERRILL
DAVID MCRAE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to the memory of an outstanding member of our community, former Mobile County Circuit Judge Ferrill David McRae, a longtime resident of Mobile, Alabama, who passed away October 20, 2011, at the age of 77.

Judge McRae was known for his fairness and steadfast dedication to the principles of justice for all. He sat on the bench during historic times and always dedicated himself to upholding the law.

Originally a native of Irvine, Kentucky, but reared in Mobile, Judge McRae graduated from Murphy High School in 1952. He later attended The University of Alabama, earning a B.S. in Accounting in 1959, and a Juris Doctorate from the University's law school in 1961. While at the University, Judge McRae earned part of his tuition money by tutoring football players during the tenure of legendary football coach Paul "Bear" Bryant.

For many, earning two college degrees would dominate their time. However, Judge McRae also found time during his scholarly pursuits to honorably serve his country. He was called to active duty in the United States Army from 1957–59 during which time he achieved the rank of sergeant. He continued to serve as a member of the reserves until 1962.

In 1961, with his studies and military service largely behind him, Judge McRae was admitted to practice law in the Trial and Appellate Courts of the state of Alabama, and was admitted to practice before the U.S. District Court for the Southern District of Alabama, the U.S. Court of Appeals for the 5th Circuit, and the U.S. Supreme Court.

After just four years of practicing law, Judge McRae had distinguished himself in the local bar such that he became a logical choice to be appointed to the Circuit Court bench by then-Governor George C. Wallace. Judge McRae served a total of five years as a Domestic Judge and seven terms as a Circuit Judge in the 13th Judicial Circuit. He returned to the classroom to teach Business Law at the University of South Alabama for many years. As an avid fan of his beloved Crimson Tide, Judge McRae was also a charter member of the Mobile Red Elephant Club.

Judge McRae's four decades on the bench not only advanced our system of justice, but also the quality of Alabama's court system. He will be sorely missed by all who served with him and by those who benefitted from his fairness on the bench.

Mr. Speaker, I would ask the House to join me in extending our deepest condolences to his wife, Brenda, as well as their surviving children, Corinne, Leslie, Ferrill Jr., Liz, Michelle, their grandchildren, their family and many friends. You are all in our thoughts and prayers during this difficult time.

IN HONOR OF WARREN EJIMA,
TOM FUJIMOTO, ASA HANAMOTO,
MAS HASHIMOTO, HIROSHI ITO,
THOMAS SAKAMOTO, MARVIN
IRATSU, AND WILLIAM H. OMOTO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. FARR. Mr. Speaker, I rise today to recognize Warren Ejima, Tom Fujimoto, Asa Hanamoto, Mas Hashimoto, Hiroshi Ito, Thomas Sakamoto, Marvin Iratsu, and William H. Omoto for their courageous service to our Nation during World War II as part of the Military Intelligence Service (MIS).

Established on November 1, 1941, MIS graduated 6,000 service members during World War II to provide critical Japanese language capabilities to the American military. These brave servicemen and women provided translation, interpretation and code breaking services in the essential Pacific Theater, which contributed significantly to our Nation's victory.

Primarily comprised of Nisei, second-generation Japanese-Americans who faced crushing prejudice and discrimination in the United States at the same time many of their family

members were serving their country, this exceptional group has received honors and commendations of the highest level. In 2000, the Military Intelligence Service received the Presidential Unit Citation, the highest possible honor for a military unit, and in 2010 the 6,000 graduates of the MIS were awarded the Congressional Gold Medal, the highest civilian award given in this country. The Gold Medal ceremony conferring this honor was held this week in the U.S. Capitol and was attended by many of these courageous men. At the end of the war, General Charles Willoughby, Chief of Staff for Military Intelligence under General MacArthur, said that "The Nisei shortened the Pacific War by two years and saved possibly a million American lives and saved probably billions of dollars" during the conflict.

Initially run out of an airplane hangar on Crissy Field in San Francisco, the Military Intelligence Service was forced to relocate to Camp Savage in Minnesota in 1942 after President Roosevelt ordered the relocation of Japanese on the West Coast into internment camps. The language school continued to grow rapidly from its base at Camp Savage, and by 1944 had moved again, to Fort Snelling in St. Paul, to accommodate its increasing enrollment. After the war ended the MIS moved to the Presidio in Monterey, California, where it continued to provide essential language services to the Department of Defense.

By the 1970s the Military Intelligence Service's name had been changed to the Defense Language Institute, and all of the Department of Defense language programs were consolidated to the Monterey location. From there the program grew into the Defense Language Institute Foreign Language Center, which celebrates its 70th anniversary on November 5, 2011 with a ball in Monterey.

Mr. Speaker, I am honored to be paying tribute to this outstanding group of Japanese Americans who selflessly served our Nation during World War II. I know I speak for the entire House of Representatives in honoring these heroes.

IN HONOR OF MR. THOMAS A.
WILSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Thomas A. Wilson, a cartoon artist whose character, Ziggy, brought joy to people's lives every day.

Mr. Wilson was born on August 1, 1931, in Grant Town, West Virginia and raised in Uniontown, Pennsylvania. He served in the U.S. Army before graduating from the Art Institute of Pittsburgh in the mid 1950s. Mr. Wilson began a nearly forty-year career with Cleveland's American Greetings in 1955. He spent time writing romantic greeting cards and comedic greeting cards for the public. Throughout his stay with American Greetings he served in several different executive roles for the creative department.

In 1971, Mr. Wilson created the character Ziggy and launched a cartoon series featuring

this average American character. Ziggy started off as part of a cartoon illustration collection that had no words. The Universal Press Syndicate worked with Mr. Wilson to put words into the animation and bring Ziggy to life. He worked with the Universal Press Syndicate until he formed Ziggy and Friends. In 1987, Mr. Wilson gave control of his comic strip, Ziggy and Friends, to his son and fellow cartoonist Tom M. Wilson. Ziggy cartoons continue to be published in more than 500 newspapers throughout the country and enjoyed by millions.

The Cleveland Museum of Art has honored Mr. Tom A. Wilson by exhibiting his artwork. Mr. Wilson has also had his artwork shown in the Society of Illustrations and the Butler Institute of Art.

Mr. Speaker and colleagues, please join me in honoring the life and achievements of Mr. Tom Albert Wilson. I offer my condolences to his wife, Carol; son, Tom; two daughters, Ava and Julianne; and five grandchildren.

TRIBUTE TO JAMES FLEMING
DAVIDSON, JR.

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to James Fleming Davidson, Jr. who passed away peacefully on his 86th birthday. James was a pillar of the community in Riverside, California and he will be deeply missed.

Jim was born on October 26, 1925, the son of James F. Davidson, Sr. and Irene Reid. He attended Magnolia Elementary, Central Middle School, and Poly High School. At 17, he enlisted in the United States Navy and served on a destroyer escort during World War II.

After the war, Jim enrolled at the University of California at Berkeley where he received a Bachelor of Science degree and was a member of the Delta Upsilon Fraternity. Upon graduation he returned to his native Riverside and joined his father in the prominent local Civil Engineering firm of J.F. Davidson Associates. The firm later grew to include five offices and three hundred employees. He also oversaw the expansion of Riverside Blueprint and founded R.B. Graphics and Prefect Impressions, as well as many other successful business ventures including J.F. Davidson Investments. He faithfully went to the office until weeks before his passing.

In addition to his professional accomplishments, James was a citrus grower, avid gardener and sports fan. Jim loved the ocean and spent many happy hours deep sea fishing. He demonstrated his leadership in the community and served as President of the Riverside Rotary Club, Riverside Chamber of Commerce, and the Riverside Community College Foundation. In addition, he was Chair of the Cancer Society Great American Smoke Out and numerous other boards and organizations.

James is survived by his wife of 22 years, Gerri Bredemann Davidson, and her sons; Michael and William Bredemann. Jim's children, grandchildren, and great-grandchildren in-

clude; Charlotte Davidson (Tony Adler) of Los Angeles, her children; Caroline Dehe (Dr. Saahil Mahta) and Jim's first great-granddaughter; Uma Elvetia Mehta, of London, England, and James Dehe (Karen DeSouza) of Bombay, India; Ian James Davidson, Liam Davidson of Riverside; Hannah Davidson of Portland, Oregon, and Sarah Davidson-Amici (Robert Amici), Dario and Caterina Amici of Riverside; his first wife, Gretchen Holstein Davidson, his sister Eileen Shamel, and many nieces and nephews. He is preceded in death by his parents and his sister Charlotte Davidson Nickel.

On Saturday, November 5, 2011, a memorial service celebrating James' extraordinary life will be held at the first Congregational Church in Riverside. James will always be remembered for his incredible work ethic, generosity, and love of family. His dedication to his work, family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to James' family and friends; although James may be gone, the light and goodness he brought to the world remain and will never be forgotten.

HONORING GUY CROWDER

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Ms. HAHN. Mr. Speaker. I rise today to honor the memory of Guy Crowder, who passed away on October 30, 2011 at the age of 72 surrounded by his mother, his wife and his son.

Guy Crowder was a giant in the Los Angeles community—a great photographer, businessman, and mentor to many aspiring black photographers whom he hired at his studio, "Guy's Photography."

Guy's work is not only cherished by a grateful Nation, but by my family in particular. In addition to his greater-known works, Guy captured moments of deep personal significance to me. I will forever treasure the photos of my father, L.A. County Supervisor Kenny Hahn. His photographs chronicled my father's career and I will forever be grateful his beautiful work. Even after his health began failing and he was confined to a wheelchair, he made it a point to come pay his respects at my mother's funeral.

Born Aug. 9, 1939 in Beaumont, Texas, Guy R. Crowder moved with his parents—Guy Rufus Crowder and Ruby (Crowder) Jones—to Los Angeles in 1945. He attended Chorton-Pollard Elementary, Enterprise Junior High and Centennial High schools. He graduated from Harbor College and completed photography courses at Trade-Technical College.

Beginning in the 1960s, Guy was present to record the trials and triumphs of black Angelenos for close to five decades. Taking pictures for the Los Angeles Sentinel, the various Wave newspapers, and Johnson Publications' Jet and Ebony magazines, he was there to capture the glory days of Muhammad Ali and the 1965 riots in Watts. Despite being shunned by the mainstream periodicals of the time, he won virtually every award and honor

available to a photojournalist. Guy Crowder's work will forever be part of the American memory.

I extend my deepest condolences to his loving 93-year-old mother; his wife, Patricia, to whom he was married for 51 years; a son, Reginald, and four grandchildren: Reanna, Renise, Ryan and Reggina.

VOTER SUPPRESSION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Ms. LEE of California. Mr. Speaker, I was unable to share the following remarks for the Special Order organized by Congresswoman MARCIA FUDGE on voter suppression on the night of Tuesday, November 1, 2011:

Let me thank Congresswoman FUDGE for her leadership in protecting our democracy and the bedrock of our country: the right to vote.

We are here tonight to sound the alarm because make no mistake about it: the fundamental right to vote, which is at the heart of our democracy, is under attack.

Republican legislators and governors are proposing partisan laws that require voters to show a government-approved photo ID before voting.

I came to this floor after the stolen Presidential election in Florida and Ohio to protest the results of those two elections that were filled with voter suppression.

It worked for the Republicans before, and so legislators in 42 states in our map of shame have doubled-down on these strategies to make it harder for certain communities to vote.

These proposals would disenfranchise 21 million Americans, over one-in-ten eligible voters in America, who do not have adequate identifications.

It is no coincidence that a disproportionate number of these affected voters come from communities of color, as well as the poor, the elderly, and students.

Fully one in four otherwise qualified African Americans would be unable to vote under these voter-ID laws.

In my home state of California, a Voter ID bill was introduced to suppress voter participation. It would cost \$26 just to get the required documents to qualify for a government issued ID.

This certainly looks like a poll tax to me, which those of us from the South know and remember is a way to prevent African Americans from voting.

These voter ID laws have a partisan agenda, seeking to disenfranchise and deny specific populations of voters before they have the opportunity to elect their representatives in government.

These partisan laws are shameful and a disgrace to our country.

If these Republican lawmakers were truly concerned with fighting voter fraud, they would take on actual, documented problems such as distributing fliers with false information meant to trick voters, improperly purging voters, or tampering with election equipment and forms.

Instead, they are pushing laws designed to change election outcomes by reducing voting, repressing turnout, and regressing us backwards in history.

We will continue to press the Justice Department for a vigilant and aggressive investigation to protect the civil rights and the voting rights of Americans.

We cannot and must not allow our democracy to be undermined.

We must unmask these shameful attempts to disenfranchise voters.

Let's stop these partisan efforts that strike at the core of our democracy.

Let's win this war against voters.

We are better than that!

I thank my colleagues for their calls to protect the right to vote for all citizens across this nation.

CONGRATULATIONS TO THE COLORADO TEACHER OF THE YEAR

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. POLIS. Mr. Speaker, I rise today to congratulate Ms. Kristin Donley, an outstanding educator at Monarch High School. She has pioneered innovative learning for the past 10 years teaching physical science, chemistry and biology. Ms. Donley is an inspiration and an exemplary educator, and I am honored to commend her for being named the 2012 Colorado Teacher of the Year.

Her multifaceted approach to teaching goes beyond the textbooks and the standardized tests to instill curiosity and inspiration in her students; it provides the building blocks for a well-rounded understanding of the sciences. She has provided many opportunities for her students outside the classroom that truly prepare them with the skills and knowledge necessary to compete and succeed. Her partnership with the University of Colorado Boulder allowed her students to spend a week at the CU Mountain Research Station in Nederland, Colorado, where they had the opportunity to do hands-on learning of cutting-edge research that directly led to their own research and the chance to compete competitively in the regional science fair.

She has expanded the number of opportunities for her students to become passionate learners by establishing and coordinating a district science research seminar to have a peer science mentorship program for elementary and middle school students. She works with her students to create interest in learning science and to provide them with the tools for success. Her faith in the public school system and her advocacy for innovative, cutting-edge learning is especially important now, at a time when improving our schools and expanding access to innovative science, technology, engineering and mathematics instruction is critical.

Ms. Donley was born in Boulder and received both her undergraduate and graduate degrees in molecular, cellular and developmental biology at the University of Colorado. She is truly a dedicated community member

and educator, and I am honored to recognize her as the 2012 Colorado Teacher of the Year.

IN HONOR OF EL CENTRO DE SERVICIOS SOCIALES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of El Centro de Servicios Sociales Para la Comunidad Hispana, a non-profit group that serves the Greater Cleveland community.

El Centro is a Hispanic-Latino non-profit advocacy organization whose mission is to enhance the socio-economic status of the greater Lorain County community by providing essential social, educational, cultural and community development services. Children in need are able to keep in contact with El Centro to individually seek solutions to their problems.

With the influx of Hispanic-Latino industrial workers to the Lorain County community during the 1970s, the need for social, cultural and educational needs increased. In 1974, El Centro de Servicios Sociales Para la Comunidad Hispana was formed in order to address these problems by helping monolingual Spanish speakers transition in an English speaking environment. El Centro also works to prevent, treat and rehabilitate community members with mental and physical health ailments. It also had a few clinics to specifically treat community members afflicted with high blood pressure and diabetes.

Although El Centro began as a non-profit that helped only Latino members of the community, recently it has expanded its services to support all members of the community. Recent economic hardships in the State of Ohio have increased the need for community services and El Centro has met that need by serving about 2,000 people.

Mr. Speaker and colleagues, please join me in honoring El Centro de Servicios Sociales Para la Comunidad Hispana.

HONORING THE LIFE AND SERVICE OF SGT. ARI CULLERS

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. COURTNEY. Mr. Speaker, I rise today to honor the life, service and sacrifice of Army Sgt. Ari Cullers who lost his life serving in Afghanistan. Sgt. Cullers died October 30, 2011, in Kandahar Province, Afghanistan, of injuries suffered when an insurgent rocket-propelled grenade exploded near him.

Sgt. Cullers was born in New London, CT and later moved with his family to Waterford, CT, where he attended school, graduating in 2001. Cullers was known throughout the community for his kindness and his ability to make people smile. As my friend, Principal Don Macrino of Waterford High School said, "He was a hard worker at school and he, I think,

actually found himself when he got into the service. I think that was a place where he felt he could really make his mark."

He joined the Army in October 2004, served in Korea and Oklahoma, and arrived at Fort Drum in December 2008, according to the military. Cullers had previously served in Afghanistan from December 2008 to December 2009 and returned there with his unit in March 2011. Cullers, who deployed earlier this year, was a member of the 3rd Brigade Special Troops Battalion, 3rd Brigade Combat Team, 10th Mountain Division, based out of Fort Drum, N.Y. Among his many awards and decorations are the Army Commendation Medal, four Army Achievement Medals, the Meritorious Unit Commendation, three Afghanistan Campaign Medals, the NATO Medal, the Combat Action Badge, and the Driver and Mechanic Badge.

Sadly, Cullers is the third graduate of Waterford High School who was killed in combat in the Middle East in recent years. His passing reminds all of us of the sacrifices that have been made, and continue to be made, by our military overseas—including Ari's brother, Jacob, who also served in Iraq. While our nation has lost another hero, Ari Cullers' family has lost a beloved son and brother. My thoughts and prayers, and those of my family and the entire eastern Connecticut region, are with them now as they mourn. I ask that my colleagues join me in honoring Ari's life and his service to our nation.

**WELCOMING AND HONORING THE
VETERANS OF THE NOVEMBER 3,
2011 QUAD CITIES, IOWA HONOR
FLIGHT**

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. LOEBSACK. Mr. Speaker, today I have the great honor of welcoming to our Nation's capital eighty-nine Iowa veterans of the Greatest Generation. Accompanied by seventy volunteer guardians, these veterans have travelled to Washington, DC to visit the monument that was built in their honor.

For many if not all of these veterans, today will be the first time they have seen the National World War II Memorial. I can think of no greater honor than to be there when they see their memorial for the first time and to personally thank Iowa's—and our Nation's—heroes.

I proudly have in my office a piece of marble from the quarry that supplied the marble which was used to build the World War II Memorial. That piece of marble, just like the memorial that it built, reminds me of the sacrifices of a generation that, when our country was threatened, rose to defend not just our Nation but the freedoms, democracy, and values that we hold so dear. They did so as one people and one country. Their sacrifices and determination in the face of great threats to our way of life are both humbling and inspiring.

The sheer magnitude of what they accomplished, not just in war but in the peace that followed has stood as an inspiration to every generation since. The Greatest Generation did

not seek to be tested both abroad by a war that fundamentally challenged our way of life and at home by the Great Depression and the rebuilding of our economy that followed. But, when called upon to do so, they defended and then rebuilt our Nation. Their patriotism, service, and great sacrifice not only defined their generation—they stand as a testament to the fortitude of our Nation.

I am tremendously proud to welcome the Quad Cities Honor Flight and Iowa's veterans of the Second World War to our Nation's capital today. On behalf of every Iowan I represent, I thank them for their service to our country.

**RECOGNIZING WHIRLPOOL
CORPORATION**

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. UPTON. Mr. Speaker, I rise today in recognition of the Whirlpool Corporation on the tremendous occasion of its 100th anniversary. Headquartered in Benton Harbor, Michigan, Whirlpool is the global leader in the home appliance industry: delivering products of unmatched quality to customers in virtually every corner of the world.

Since its founding in 1911, Whirlpool has continued to build upon its well-earned reputation as a socially and environmentally conscious company by improving the quality of life in countless communities, fostering strong private-public partnerships, and setting the industry standard for energy efficiency and conservation.

Much has changed for the company in the past 100 years, but through it all Whirlpool has remained true to its Midwest, hometown roots. Michigan has faced more than its fair share of challenges through the recent economic downturn, but companies like Whirlpool are helping lead the way for our State's recovery and to restore our Nation's economic competitiveness.

The company is currently undertaking the multimillion-dollar construction of a state-of-the-art headquarters office campus in Benton Harbor. Whirlpool has also played an integral role in the half-billion-dollar Harbor Shores development project, which is revitalizing the St. Joseph-Benton Harbor area.

Thank you to Whirlpool for a century of creating jobs and giving back—here's to the next 100 years.

**IN RECOGNITION OF THE CLEVELAND
JUNIOR TAMBURITZANS**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Cleveland Junior Tamburitians, a group which has been promoting Croatian arts and culture for more than fifty years.

Established in 1959, The Cleveland Junior Tamburitians are a parent sponsored non-

profit group whose members range in age from 5 to 21 years old. The group performs songs and dances to traditional Croatian music in order to celebrate and honor their heritage. The group is currently comprised of more than 100 children who are under the direction of Katarina Lukacevic and Tom Salopek. The Tamburitians have held concerts in Canada, Croatia, and throughout the United States. The group's purpose is to preserve and celebrate the culture of Croatia.

Cleveland's Croatian community is among the most robust in North America. Croatians have played a pivotal role in developing the businesses and industries which helped make Cleveland great. Their presence provided additional diversity to our growing city and members of the Croatian community have made valuable contributions to the area's athletics, arts, and music. In 1949, Cleveland was the first city to bring traditional Croatian song and dance together with the founding of the American-Croatian Singing Association.

Mr. Speaker and colleagues, please join me in recognition of the Cleveland Junior Tamburitians, just one of the many bright spots of Cleveland's Croatian community.

**OUR UNCONSCIONABLE NATIONAL
DEBT**

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,973,228,608,405.04.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,334,802,862,111.24 since then. This debt and its interest payments we are passing to our children and all future Americans.

**CYBERSECURITY AWARENESS
MONTH**

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize October as the eighth annual National Cybersecurity Awareness Month. The National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations developed the "STOP. THINK. CONNECT." national awareness campaign to educate our citizens and help them stay safer online. It is vital that the public is engaged and aware of how to properly utilize security software in order to protect their social security numbers, financial information, health information, and other personal data. We must all work together and take responsibility for securing our own networks and computers to ensure that government systems, personal data and even critical infrastructure remain safe from attack.

Recently, Deputy Secretary of Defense William Lynn noted to *Foreign Affairs* magazine that our Nation is shifting its priorities in cyberspace, recognizing that attacks online can be as threatening as bullets and bombs. Additionally, the importance of cyber to not just our national security, but also our economic competitiveness, cannot be overstated. The vulnerabilities our Nation faces in cyberspace come from potential attacks against critical infrastructure, as described by Lee Hamilton in his post 9/11 report, as well as from damage to our military readiness, as Secretary of Defense Panetta testified earlier this year. But our vulnerabilities also include the intellectual property that is a critical driver of our economy.

Cyber threats to our intellectual property are growing more numerous, sophisticated, and successful. As noted by a recent report from the National Counter Intelligence Executive, vital intellectual property is targeted and stolen in cyberspace every day as these threats become more damaging and extensive. While the cost of a data breach can run well into the millions, even that loss is dwarfed by the long term damage to America's ability to remain the world leader in innovation, especially in our high tech and defense sectors.

All of this should tell us that the status quo is not good enough. We need to redouble our efforts and tap into our creative and innovative spirit to address not just the threats of today, but the challenges of tomorrow as well. This will require better education and action from both industry and government, as we come together to strengthen our public-private partnership. But if we fail to leverage our own abilities and work through these challenges, our personal privacy, national security and economic competitiveness will be irreparably harmed.

I applaud the Department of Homeland Security for sponsoring this month of outreach. As a Co-Founder and Co-Chairman of the House Cybersecurity Caucus, I will continue to fight to deliver the latest tools and training to support both our national security infrastructure and the personal data of all Americans.

VOTER SUPPRESSION IN AMERICA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. CONYERS. Mr. Speaker, I rise today with my fellow colleagues to urge this Congress to protect our access to the ballot, which has come under assault in several states across America.

The strongest sound that exists in a democratic society is the one voiced during our elections. However, I am troubled that over 5 million Americans are at risk of having their votes suppressed by laws that have turned back the clock on significant freedoms and accessibility achieved in many states before the 2010 elections.

Today, I stand in strong opposition to legislative tools that aim to repress the most important right to civic engagement and empowerment, the right to vote.

The impact of recent voter suppression laws is spiraling out of control, as evidenced by recent current events. For example, a 96-year-old Tennessee woman was denied a voter ID under Tennessee's new law because she was unable to locate her marriage certificate—even though she produced everything from a copy of her lease, voter registration card, birth certificate and a rent receipt. After voting for over 70 years in all but two elections, this was the first time her right to vote was suppressed.

Even our Nation's soldiers and war heroes have been disenfranchised by some of these new laws. Recently, an 86-year-old World War II veteran had to pay for a voter photo ID, even though the state law required that the IDs be given free of charge. Another 91-year-old woman was reportedly unable to receive her ID because she was physically unable to stand in long and crowded lines at the DMV with her cane.

Students at the University of Wisconsin-Madison serve as a microcosm of college populations that now face extreme hurdles as their once-accepted student ID cards no longer qualify as acceptable forms of ID in several states. And news of a Florida teacher being unable to register several of her students—an act she customarily does every year as part of her educational curriculum on civic engagement highlights the civil penalties third party registrants face as they merely attempt to assist others become part of the political process.

This suppression is affecting all classes, races, and ages, and we owe it to the general public to join in their public outrage against these attacks, which threaten to move America backwards to a period in our history that was ugly, discriminatory and crippling.

At the core of all fundamental rights is the right to vote. As voting rights experts have noted, the recent stream of laws passed at the state level are a reversal of policies—both federal and state—that were intended to combat voter disenfranchisement and boost voter participation. That is why I sent a letter to the Chairman of the Judiciary Committee this week, asking that hearings be held to ensure that our federal laws in place to protect access to voting are being enforced.

Ensuring that every veteran, senior citizen, student—whether natural born or naturalized—has the right to vote should not be a partisan issue. It should be the very purpose of this Congress since it is a priority to our democracy. I urge every elected official who is a beneficiary of our electoral system, to support the protection of every American citizen's right to have access to voting.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,

Washington, DC, October 31, 2011.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN SMITH: We write to request a hearing to address the wave of recent changes in state voting laws that make it more difficult for Americans to cast a ballot. A recent report released by the Brennan Center for Justice entitled "Voting Law Changes in 2012" has concluded that more than 5 million voters could be impacted by the recently enacted legislation. The provisions that present the most serious concerns include:

Provisions that limit voting by requiring the presentation of photo identification:

Laws that exclude the most common forms of identification (e.g., student IDs and Social Security cards), yet offer no alternate identification procedures for eligible voters.

Changes requiring proof of citizenship as a condition for voter registration:

Limitations or outright elimination of early voting opportunities.

Barriers to first time voters such as the elimination of same day registration and limitations on voter mobilization efforts.

These changes in state voting laws raise serious constitutional concerns under both the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment. For example, requiring citizens to expend significant funds to obtain a photo ID to vote runs afoul of the prohibition on poll taxes set out by *Harper v. Virginia Board of Elections*. The Supreme Court in *Crawford v. Marion Co. Election Board* noted that elderly, persons born out of the state, persons with economic limitations, homeless people, and even people with religious objections to being photographed may be burdened by photo ID laws. We are also concerned that these prohibitions violate the spirit and the letter of the Voting Rights Act of 1965, the Help America Vote Act, and the National Voter Registration Act.

The Brennan Center Report found that these changes in state election regulations will have a particularly significant impact on minority voters. The report concluded that African American and Hispanic voters were more likely to take advantage of early voting opportunities and register to vote through the types of voter registration drives now curtailed or eliminated by the new laws.

Most critically, the Report noted that many of the new voter identification laws do not allow voters to present many forms of identification frequently used by minorities, the elderly, and the young. For example, the new Texas law allows for the use of a concealed carry gun permit to vote, but fails to recognize student IDs, Texas Veterans' Administration identification and even Congressional identification. Further, Texas citizens must also spend \$22 to obtain a birth certificate or up to \$145 to obtain a passport to present the documentation necessary to acquire a form of ID required to cast a ballot.

Numerous examples of the anti-democratic impact of these new laws have already come to our attention. A 96-year-old woman was denied a voter ID under Tennessee's new law even though she has voted in all but two elections over the last 70 years and produced a rent receipt, a copy of her lease, her voter registration card, and her birth certificate. Because her birth certificate had her maiden name, Dorothy Alexander, rather than her married name, officials demanded her marriage certificate which she did not have. Another 91-year-old woman in Tennessee was unable to receive her ID because she was physically unable to stand in the long and crowded lines at the DMV with her cane. Two days ago, we learned of an 80-year-old United States veteran and retired print shop worker who had to pay for a voter photo ID. A young voting age citizen seeking a free ID in Wisconsin was questioned by a Wisconsin DMV employee about how much money he had in his bank account and how much activity his bank account experienced. It has also been reported that in Wisconsin, the state's DMVs have been charging citizens improperly for an ID because employees were instructed not to clarify for citizens that the ID's were free.

Assertions that these broad restrictions are needed to counter pervasive voter fraud do not appear to be supported by the evidence. For example, studies have found that only 24 people were convicted of, or pled guilty to, illegal voting at the federal level between the two Presidential and Congressional elections leading up to the 2008 elections. Moreover, only 19 instances of ineligible voting were determined at the state level.

The right to vote is the foundation of all our other rights. In view of the gravity of this situation, we urge you to schedule hearings soon to address an issue so critical to our democracy. As voting rights experts have noted, the recent stream of laws passed at the state level are a reversal of policies—both federal and state—that were intended to combat voter disenfranchisement and boost voter participation. Ensuring the right to vote should not be a partisan issue; rather it is the very linchpin of our democracy.

Sincerely,

JOHN CONYERS, Jr.,
*Ranking Member,
Committee on the Judiciary.*

JERROLD NADLER,
Ranking Member, Subcommittee on the Constitution.

BRENNAN CENTER FOR JUSTICE, NEW YORK
UNIVERSITY SCHOOL LAW

OVERVIEW: VOTING LAW CHANGES IN 2012

A shift that could change the electoral landscape is underway—the tightening of restrictions on who can vote and how Americans can vote. Going into the 2012 elections, there will be millions of Americans who will find that since 2008, there are new barriers that could prevent them from voting.

SUMMARY

In the first three quarters of 2011, state governments across the country have suddenly enacted an array of new laws and policies making it harder to vote. Some states require voters to show government-issued photo identification, often of a type that as many as one in ten voters do not have. Other states have cut back on early voting, a hugely popular innovation used by millions of Americans. Two states reversed earlier reforms and once again disenfranchised millions who have past criminal convictions but who are now taxpaying members of the community. Still others made it much more difficult for citizens to register to vote, a prerequisite for voting.

These new restrictions fall most heavily on young, minority, and low-income voters, as well as on voters with disabilities. This wave of changes may sharply tilt the political terrain for the 2012 election. Already 19 new laws and two new executive actions are in place. At least 42 bills are still pending, and at least 68 more were introduced but failed. Already, it is clear that:

These new laws could make it significantly harder for more than five million eligible voters to cast ballots in 2012.

The states that have already cut back on voting rights will provide 171 electoral votes in 2012—63 percent of the 270 needed to win the presidency.

Of the 12 likely battleground states, as assessed by an August Los Angeles Times analysis of Gallup polling, five have already cut back on voting rights (and may pass additional restrictive legislation), and two more are currently considering new restrictions.

States have changed their laws so rapidly that no single analysis has assessed the over-

all impact. It is too early to exactly quantify how the changes will impact voter turnout, but we know they will be a hindrance to many voters at a time when the United States continues to turn out less than two thirds of its eligible citizens in presidential elections and less than half in midterm elections.

Read the full report, *Voting Law Changes in 2012*, by the Brennan Center's Wendy R. Weiser and Lawrence Norden.

MORE THAN 5 MILLION VOTERS IMPACTED?

We estimate more than 5 million voters could be affected by the new laws, based on six key numbers.

1. 3.2 million voters affected by new photo ID laws. New photo ID laws for voting will be in effect for the 2012 election in five states (Kansas, South Carolina, Tennessee, Texas, Wisconsin), which have a combined citizen voting age population of just under 29 million. 3.2 million (11 percent) of those potential voters do not have state-issued photo ID. Rhode Island voters are excluded from this count, because Rhode Island's new law's requirements are significantly less onerous than those in the other states.

2. 240,000 additional citizens and potential voters affected by new proof of citizenship laws. New proof of citizenship laws will be in effect in three states (Alabama, Kansas, Tennessee), two of which will also have new photo ID laws. Assuming conservatively that those without proof of citizenship overlap substantially with those without state-issued photo ID, we excluded those two states. The citizen voting age population in the remaining state (Alabama) is 3.43 million; 240,000 (7 percent) of those potential voters do not have documentary proof of citizenship.

3. 202,000 voters registered in 2008 through voter registration drives that have now been made extremely difficult or impossible under new laws. Two states (Florida and Texas) passed laws restricting voter registration drives, causing all or most of those drives to stop. In 2008, 2.13 million voters registered in Florida and, very conservatively, at least 8.24 percent or 176,000 of them did so through drives. At least 501,000 voters registered in Texas, and at least 5.13 percent or 26,000 of them did so via drives.

4. 60,000 voters registered in 2008 through Election Day voter registration where it has now been repealed. Maine abolished Election Day registration. In 2008, 60,000 Maine citizens registered and voted on Election Day.

5. One to two million voters who voted in 2008 on days eliminated under new laws rolling back early voting. The early voting period was cut by half or more in three states (Florida, Georgia and Ohio). In 2008, nearly 8 million Americans voted early in these states. An estimated 1 to 2 million voted on days eliminated by these new laws.

6. At least 100,000 disenfranchised citizens who might have regained voting rights by 2012. Two states (Florida and Iowa) made it substantially more difficult or impossible for people with past felony convictions to get their voting rights restored. Up to one million people in Florida could have benefited from the prior practice based on the rates of restoration in Florida under the prior policy, 100,000 citizens likely would have gotten their rights restored by 2012. Other voting restrictions passed this year that are not included in this estimate.

THE WAVE OF NEW LAWS

Photo ID laws. At least thirty-four states introduced legislation that would require voters to show photo identification in order

to vote. Photo ID bills were signed into law in seven states: Alabama, Kansas, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin. By contrast, before the 2011 legislative session, only two states had ever imposed strict photo ID requirements. The number of states with laws requiring voters to show government-issued photo identification has quadrupled in 2011. To put this into context, 11 percent of American citizens do not possess a government-issued photo ID; that is over 21 million citizens.

Proof of citizenship laws. At least twelve states introduced legislation that would require proof of citizenship, such as a birth certificate, to register or vote. Proof of citizenship laws passed in Alabama, Kansas, and Tennessee. Previously, only two states had passed proof of citizenship laws, and only one had put such a requirement in effect. The number of states with such a requirement has more than doubled.

Making voter registration harder. At least thirteen states introduced bills to end highly popular Election Day and same-day voter registration, limit voter registration mobilization efforts, and reduce other registration opportunities: Maine passed a law eliminating Election Day registration, and Ohio ended its weeklong period of same-day voter registration. Florida, Illinois and Texas passed laws restricting voter registration drives, and Florida and Wisconsin passed laws making it more difficult for people who move to stay registered and vote.

Reducing early and absentee days. At least nine states introduced bills to reduce their early voting periods, and four tried to reduce absentee voting opportunities. Florida, Georgia, Ohio, Tennessee, and West Virginia succeeded in enacting bills reducing early voting.

Making it harder to restore voting rights. Two states—Florida and Iowa—reversed prior executive actions that made it easier for citizens with past felony convictions to restore their voting rights, affecting hundreds of thousands of voters. In effect, both states now permanently disenfranchise most citizens with past felony convictions.

IN HONOR OF MRS. GAI HOA RYAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mrs. Gia Hoa Ryan as she celebrates her 40th anniversary since coming to America from Vietnam in 1971.

Born in Vietnam, Mrs. Ryan worked as a secretary and interpreter for the United States during the Vietnam War. She immigrated to the United States in 1971. Since immigrating, Mrs. Ryan has been an active community leader in the Greater Cleveland area. She is a teacher and lecturer of Asian culture, food, and society. She has been active with the Lorain International Festival, and hosted the 1995 Festival which honored Vietnam and the Vietnamese people. Mrs. Ryan also served as the coordinator for the Asian Community Project at Bridgeway from 1997 to 2003. This Project provided mental health care to hundreds of Asian, Vietnamese, Laotian, and Cambodian families.

Mrs. Ryan has truly been a leader to Cleveland's Asian community. She started the Asian

Women's Support Group in early 1980s. In 1993, she created the Friendship Foundation of American Vietnamese. The organization has provided humanitarian services to the people of Vietnam by furnishing scholarships, building houses and schools, providing medical services, educational materials, food and clothing, and raising funds for the poor. She has also founded the Asian Community Mental Health Services as part of the West Side Community Health Center to provide mental health services for Asian families, senior citizens, and young people. Furthermore, in 2005, Mrs. Ryan established the Sai Gon Plaza. The Plaza serves as a community center in Northern Ohio for Asians, immigrants and various community groups. Mrs. Ryan has sponsored forty members of her family who have come from Vietnam and helped them establish homes and businesses.

Mrs. Ryan has also served on many community boards including the Lorain County Community Alcoholism Board, various boards in the Detroit-Shoreway area, and the Mayor's Community Relations Board of the City of Cleveland. Most importantly she has raised her two children, Lynda Mia Ryan Shea and Thomas Joseph Ryan.

Mr. Speaker and colleagues, please join me in honoring Mrs. Ryan as she celebrates her 40th anniversary since coming to America. Her advocacy work continues to improve countless lives both in Cleveland and Vietnam.

PERSONAL EXPLANATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. BILIRAKIS. Mr. Speaker, on Thursday, November 3rd, I missed rollcall vote 823, for unavoidable reasons. Had I been present, I would have voted as follows:

Rollcall vote No. 823, "no" (Velázquez of New York Part A Amendment No. 4).

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. GUTIERREZ. Mr. Speaker, on November 1, 2011, I was unavoidably absent for votes in the House chamber. Had I been present, I would have voted "yea" on rollcall votes 816 and 817.

75TH ANNIVERSARY OF THE FERNDALE AREA CHAMBER OF COMMERCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. LEVIN. Mr. Speaker, I rise today to congratulate the Ferndale Area Chamber of Commerce in recognition of its 75th anniversary.

Beginning in 1934 as a small, localized Chamber, the Ferndale Area Chamber of Commerce has grown over the last 75 years to become one of the most innovative business organizations in Oakland County with nearly 300 members, ranging from sole proprietorships to the local offices of Fortune 500 companies.

Prior to the incorporation of the City of Ferndale, the first acknowledgement of a "Board of Commerce" was made in the minutes of a Village of Ferndale commission meeting in 1918. Comprised of local businessman, known as the Ferndale Boosters, the group worked to promote programs for the betterment of the business community.

On May 14, 1936 the "Ferndale Board of Commerce" was officially incorporated as a non-profit in the State of Michigan. The organization became the "Ferndale Chamber of Commerce" sometime between 1951 and 1965. In 2009, to reflect the growing geographic diversity of its membership, the Board of Directors of the Ferndale Chamber of Commerce voted to change the name to the "Ferndale Area Chamber of Commerce." This name change became official in 2010 and is more reflective of the Chamber's current membership, which includes 40 percent non-Ferndale businesses, a large number coming from surrounding communities such as the Oak Park and Pleasant Ridge.

As the Chamber notes, many of its goals and ambitions following its creation in 1936 after the Great Depression have been revived as the State of Michigan recovers from its deep recession. As a testament to the Chamber's ability to evolve and strengthen with time, they have partnered with a number of neighboring Chambers to form collaborative relationships that capitalize on the strengths of each Chamber. Today, as in 1936, they are a strong advocate for the betterment of the businesses, communities and residents they serve.

The Chamber's mission over the last 75 years has been simple: to support the interests of businesses and the community through dynamic member-driven partnerships and activities.

I have witnessed firsthand the success the Chamber has with accomplishing this goal. From morning coffee hours and after hour events for member networking, to educational workshops and large, community-wide events such as the Hilton Fall Festival, the Chamber remains a vital part of the community it serves. As we have all worked together to move Oakland County forward, the Chamber has been on the forefront working with multiple partners across the community toward common goals, such as rapid transit along the Woodward Avenue corridor.

Mr. Speaker, I ask my colleagues to join me in recognizing the Ferndale Area Chamber of Commerce in recognition of its 75th anniversary and wishing them many more years of effective service to the Oakland County business community.

IN HONOR OF MR. CHUCK COLLIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of radio D.J. Chuck Collier, a man who entertained Cleveland's country music fans with tunes and colored commentary for decades.

Mr. Collier was born on May 6, 1946 in Greenfield and raised in New Vienna, Ohio. He attended New Kenton High School, where he was his class president. During his time at the University of Cincinnati, he began his career in radio with a job at WSRW in Hillsboro, Ohio in 1963. His graduation brought new opportunities, and he began working at WMWN in Wilmington, WONE in Dayton, WSAI in Cincinnati and WCBS in New York. The dedication it took to handle all of these jobs led to Mr. Collier landing a career at WGAR. For forty years Mr. Collier was WGAR's premiere radio personality for country music, adult contemporary music and AM programming. While WGAR has changed its programming over the years, Chuck kept listeners tuning in throughout the changes.

In 2005, the Ohio Radio-TV Broadcasters inducted Mr. Collier into their Hall of Fame. His fame over the radio brought him the National Association of Broadcasters' Marconi Award as Large Market Radio Personality of the Year in 2007. In 2009, an especially rewarding year for Mr. Collier, he was inducted into the Country Music Radio Hall of Fame.

Mr. Speaker and colleagues please join me in honoring the life and achievements of Mr. Chuck Collier. I offer my condolences to his wife, Joni; daughter, Melanie; son, Jason; and sister, Carolyn Taubenheim.

IN HONOR OF U.S. MARINE LANCE CORPORAL JASON NICHOLAS BARFIELD

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. ROBY. Mr. Speaker, I rise today to recognize a fallen American hero. U.S. Marine Lance Corporal (LCpl.) Jason Nicholas Barfield was killed on October 24, 2011, while conducting combat operations in support of Operation Enduring Freedom. Reports indicate that LCpl. Barfield died as the result of traumatic injuries received when his patrol was struck by an Improvised Explosive Device in Helmand province, Afghanistan. He was only 22 years old.

LCpl. Barfield, from Ashford, Alabama, was assigned to the 3d Combat Engineer Battalion, 3d Marine Division, Twenty Nine Palms, California. He is survived by his parents, Raymond and Kelli Barfield, and seven siblings.

LCpl. Barfield delivered the ultimate sacrifice for our Nation. Undoubtedly, his loss will be most felt by his loved ones and friends. Today, and each day following, my family and I extend our most heartfelt condolences to those close to him.

I recently had an opportunity to speak to LCpl. Barfield's father, Raymond. It was a moving conversation that I will forever remember. Mr. Barfield was gracious in spite of his grief, immensely proud despite his pain. During our conversation, I learned that, LCpl. Barfield recently proposed to his girlfriend, Joyanna Champlin. So, today, I stand here not only to pay tribute to Jason's sacrifice, but also to recognize the memorable people who held prominent positions in this patriot's life. The family and friends of our heroes are indeed heroes themselves.

We are blessed that our nation is protected—day after day, year after year—by courageous American service men and women. Those in uniform standing on the front lines risk everything in order to defend and serve. Their commitment to our country is demonstrated through their selfless sacrifices and unwavering courage. We owe them, and their families, our most eternal gratitude.

We will forever honor LCpl. Barfield for his selfless actions. His legacy will be memorialized in American history so every generation will know of his selfless acts.

America remains a free nation because of the men and women in our Armed Forces who serve and protect us each and every day—just as LCpl. Jason Nicholas Barfield so bravely did. Our thoughts and prayers will continue to go out to his parents and loved ones during this difficult time.

A TRIBUTE TO MICHAEL J. BURKE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize Mr. Michael J. Burke, a former law enforcement officer, instructor and director of training in the State of Iowa, and express my appreciation for his dedication and commitment to the great people of Iowa.

For the past 22 years, Mike has contributed his time to the safety of the citizens and first responders in the state of Iowa since beginning his career as a detective with the Webster County Sheriff's Department in Fort Dodge, Iowa. Mike's law enforcement career had many highlights, most notably being recognized for outstanding service and meritorious acts by the United States Attorney's Office for his efforts behind the investigation and prosecution of a methamphetamine trafficking organization.

Upon leaving law enforcement, Mike initiated and coordinated the criminal justice program at Iowa Central Community College. During his time with ICCC, Mike grew the program to new levels by initiating "hands-on training" for future criminal justice professionals. As coordinator and instructor of the program, Mike was recognized on two separate occasions for being a "Master Presenter" by the National Institute for Staff & Organizational Development.

In 2003, I had the privilege of being involved in the creation of Homeland Security Training Center at Iowa Central Community College of which Mike was appointed Director. Until his

retirement from the training center in August of 2011, over 35,000 responders in Iowa received critical homeland security training through this program including thousands of law enforcement officers training to keep Iowa's streets safer.

Mike has truly made a significant impact on the quality of life for citizens in the State of Iowa with the qualified training he ensured Iowa's responders would receive. His leadership and dedication will be missed, but the blueprint he leaves behind will be a model for the program's continued success far into the future.

I consider it an honor to represent Mike and all of ICCC in the United States Congress. I wish Mike, his wife Cindy and their two children, Megan and Robby, the best of luck as they enter this new chapter of their lives together. I ask my colleagues to join me in congratulating Mike for his stellar career.

IN RECOGNITION OF ELAINE SCHUSTER

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize Elaine Schuster, as she is honored with the Believe in Girls Award from the Big Sister Association of Greater Boston on November 12, 2011.

Elaine was—and is—never afraid to speak her mind, and that trait has proven invaluable to the various causes and constituencies for which she has fought. Through her important work with Big Sisters—one of the oldest and most established youth mentoring programs in the country—Elaine has advised, coached, and helped numerous girls and young women make healthy choices in their lives.

Elaine has been a role model to many, exhibiting these qualities on a daily basis through her good deeds, passion for helping others, and generous nature. Never one for holding back, she has dedicated herself to helping young girls, including her grandchildren, believe there is nothing they cannot do, become or achieve. To reflect on her work for our community is to reflect on a life of selflessness, devotion, drive and, above all, care for her fellow neighbor.

I ask my colleagues to please join me in congratulating Elaine Schuster as she is honored for her generosity, drive and initiative, and I urge others to learn from her leadership and guidance.

NATIONAL UNDERSERVED VETERANS AWARENESS WEEK

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. DENHAM. Mr. Speaker, in Congress we have an obligation to care for our veterans in return for their financial challenges face them long after their conclusion of active service

and while we have service and dedication to our Nation. For many veterans lifelong physical, psychological and made important strides towards improving care for veterans, there is still much to do. The most recent study from the Department of Veterans Affairs estimated that in 2009, approximately 76,000 veterans were homeless on any one particular day and 136,000 veterans were homeless at some point during the year.

The stark reality is that veterans are more likely than their civilian counterparts to suffer from homelessness. In fact male veterans are 1.4 times as likely to be homeless than non-veterans and female veterans are two to four times as likely to be homeless. Col. Darryl C. Hunter, M.D., founder and director of the Sacramento Community Veterans Alliance has stated that "by conservative estimates, up to 30 percent of the homeless population is comprised of those who have worn the uniform of our Nation's military." In addition to homelessness, research has found that troops returning from Iraq and Afghanistan are at an increased risk of developing mental health problems, with over 15 percent already diagnosed with depression, anxiety, or PTSD. Many of these veterans are not aware of the available Department of Veterans Affairs health programs and services that can be a critical component of reintegration into the community.

It is important that we work together to reduce the incidence of homelessness among veterans and repay, in what small measure we can, their service to this great country.

As part of this effort, I along with Representative DANIEL E. LUNGREN of California are proud to cosponsor the resolution supporting the designation of the week of November 6–12 as National Underserved Veterans Awareness Week. The week will have a particular focus on disseminating information on health services available to veterans, as well as the various health benefits provided in private insurance plans.

A model of such outreach to veterans is operated by the Sacramento Community Veterans Alliance. Every year, the Alliance hosts an all-day health fair and free clinic to provide health screenings and eye exams to underserved and homeless veterans at no cost, as well as advising them on their service benefits and connecting them to resources on healthcare, mental health, and homelessness.

HAPPY 150TH BIRTHDAY TO WELD COUNTY, COLORADO

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. POLIS. Mr. Speaker, I am honored today to recognize the 150th birthday of Weld County, Colorado. Weld is the sunny, rolling home to 31 towns filled with Coloradans of all backgrounds and aspirations. In 1821, Major Stephen H. Long made an expedition to the area now known as Weld County and declared the land was not fit for human prosperity. Almost two centuries later it is without question that Major Long did not have the vision or the admiration for this great place as those of Weld County have today.

Located in the north central part of Colorado, Weld County provides an impressive supply of opportunity and industrial support being the State's leader in production of cattle, grain, and sugar beets and the second leader in production of oil and gas. It is ranked as the third leading agricultural area in the United States.

But it is not the natural resources or the environmental make up of Weld County that make it what it is today, on its 150th birthday. It is the people of this county that have taken it from a prairie region first settled by railroad workers, to a vibrant and growing home to thousands of Colorado families. Beyond its industrial value, one of the State's strongest public universities, the University of Northern Colorado in Greeley, is located within Weld County and provides thousands of students the opportunity for higher education and a more fertile future every year.

I congratulate the people of Weld County on 150 years of progress and prosperity and eagerly anticipate what the future holds for this forward-looking Colorado County.

PERSONAL EXPLANATION

HON. LLOYD DOGGETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. DOGGETT. Mr. Speaker, during rollcall vote number 822 on H.R. 2112, I mistakenly recorded my vote as "no" when I should have voted "yes."

IN RECOGNITION OF BIG SISTER ASSOCIATION OF GREATER BOSTON

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. KEATING. Mr. Speaker, I rise today to congratulate the Big Sister Association of Greater Boston on their 60th anniversary. Big Sister is the largest mentoring program in the region that specifically serves women and girls. Volunteers enthusiastically dedicate their time and service to the communities in the Greater Boston area. Their actions are deserving of this body's recognition.

The Big Sister Association was founded in 1951 by three Cambridge residents: The Reverend Harold Taylor, Assistant Rector at Christ Church in Cambridge; Edith Taylor, a Cambridge police officer; and Frances Marley, an administrative assistant and legal consultant for the Society for Prevention of Cruelty to Children. Believing that girls in their commu-

nity could benefit from the guidance and support of an older female friend, they created a one-to-one mentoring program where girls, Little Sisters, were individually matched with caring and committed volunteers, Big Sisters.

They continue to welcome new women and girls to the Big Sister program. In their first year, they matched six girls—in 2009, Big Sister served more than 2,700 girls throughout 69 Massachusetts cities and towns. What keeps them growing is the steadfast belief that by focusing on the healthy development of girls, they are preparing the next generation of mothers, teachers, doctors and business leaders. By continuing to implement new mentoring programs this has led to the creation of a vibrant community where girls know that there is no limit to what they can achieve. Their humble actions and service to the community are commendable.

Mr. Speaker, please join me in leading this body in acknowledging the Big Sister Association of Greater Boston, as they celebrate their 60th anniversary. The Big Sister Association of Greater Boston community is tremendously valued in my district and the Commonwealth of Massachusetts.

HONORING THE LIFE OF TUSKEGEE AIRMAN LT. COL. LUKE JOSEPH WEATHERS JR.

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 2011

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Lt. Col. Luke Joseph Weathers Jr., a Tuskegee Airman in the 332nd Fighter Group. He was born to Luke Joseph Weathers, Sr. and Jessie Rita Hawkins on December 16, 1920 in Grenada, MS. In 1925, he and his mother moved to Memphis, Tennessee to reunite with his father who had moved to Memphis earlier with his brother, William "Bill" Weathers.

Luke Weathers was baptized at St. Anthony of Padua Church in Memphis and later attended St. Anthony Catholic School. Weathers transferred and completed his high school education at Booker T. Washington where he excelled academically and athletically. Upon completion, he was accepted into Xavier University and studied from 1939–1942. He returned to Memphis in 1942 and read an article in a newspaper about an experimental training program for African-American pilots and aviation in Tuskegee, Alabama. After speaking to his parents about the program, Weathers met with Mayor E.H. Crump who made a call to President Roosevelt informing him that he would be sending Luke to the program. On July 27, 1942, Luke Weathers arrived in Tuscaloosa, Alabama and trained for nine months

and one day. On April 29, 1943 he began his active duty as a Fighter Pilot Single Engine in the 302N Fighter Squadron flying P-51 bombers. The 302N Fighter Squadron was later merged into the 332nd Fighter Group, also known as the "Red Tails." Weathers named his plane the "Spirit of Beale Street."

Lt. Col. Weathers departed for Italy January 3, 1944 to begin his tour in WWII, traveling to North Africa, Italy, France, Europe, and Germany. For his courage and service, he earned an Air Medal with 7 clusters, a Distinguished Flying Cross medal and an American Theater Ribbon Victory Medal WWI. Weathers was credited with shooting down two German fighter aircrafts while on a mission to protect U.S. Army Air Corps bombers in Europe. During this tour, the Tuskegee Airmen never lost one of their bombers. Lt. Col. Weathers returned to Memphis on March 13, 1945 and became the first African-American to receive the key to the City of Memphis. He was also honored with a parade down Beale Street and the day was declared "Capitan Luke Weathers Day."

Luke Weathers met LaVerne Nalling while in Memphis. Together, they owned and operated several businesses including the Weathers Jeffery vocational school in Jackson, Tennessee where Weathers was a flight instructor. He was also the Director of Boone-Higgins Trade School for Negro Veterans in Jackson. They also operated a beauty shop, Laundromat/dry cleaners and a carpet cleaning service. In 1959, Weathers founded The National Defense Cadet Corps, NDCC, for the Memphis City School System at Manassas High school. This program created an opportunity for African American males who had a desire for military training but did not have access to a ROTC program. For a brief time afterwards, Weathers moved his family to Anchorage, Alaska where he had accepted a position with the Federal Aviation Administration, FAA. He moved his family back to Memphis and became the first African-American Air Traffic Controller in Memphis. During his tenure with the FAA, he accepted tours of duties in Atlanta, Georgia and Washington, DC.

In 1985, Lt. Col. Weathers retired from the FAA in Washington, DC and the Air Force Reserves. In his retirement he stayed active with Tuskegee Airmen, Inc. and continued to promote African Americans in the military including women. Lt. Col. Luke Joseph Weathers Jr. died on October 15, 2011 at 90 years of age. He is survived by his wife, Jacqueline Moore Weathers; two sons, Luke Joseph Weathers III and Andre M. Weathers; daughters Wanda Weathers Smith, Renee Weathers Powell, and Trina Weathers Boyce; and 12 grandchildren and 10 great-grandchildren. Mister Speaker, I ask my colleagues to join me in honoring the life of Tuskegee Airman, Lt. Col. Luke Joseph Weathers, Jr. His was a life well-lived.

HOUSE OF REPRESENTATIVES—Monday, November 7, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 7, 2011.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain, offered the following prayer:

Lord God Almighty, author of life and Creator of the universe, we come today, seeking Your divine wisdom, peace and protection.

In these complex times, please grant our leaders the knowledge and insights needed to solve the economic and international challenges facing our Nation and world. Anoint our leaders with Your Spirit, and grant them Your favor.

As they labor for liberty, fill them with the peace that passes all understanding. May their bodies, minds and spirits continue to thrive as they make critical decisions about our country's future.

Father, we also pray for Your divine protection. We are not naive in thinking all will always be well; but in tough times, we are assured that You, King of Heaven's armies, will be watching over us and guiding us.

Lord, be with those in harm's way and their families. We pray in the mighty Name that is above all names. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2:30 p.m. on Thursday next.

There was no objection.

Accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Thursday, November 10, 2011, at 2:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3766. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fresh Baby Kiwi From Chile Under a Systems Approach [Docket No.: APHIS-2010-0018] (RIN: 0579-AD37) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3767. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan and Auxiliary Provisions; Correction [Docket No.: APHIS-2009-0031] (RIN: 0579-AD21) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3768. A letter from the Assistant Secretary, Department of Defense, transmitting a report entitled, "Combating Terrorism Activities FY 2012 Budget Estimates"; to the Committee on Armed Services.

3769. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Performance Evaluation of Accreditation Bodies under the Mammography Quality Standards Act of 1992 as amended by the Mammography Quality Standards Reauthorization Acts of 1998 and 2004" covering the year 2011; to the Committee on Energy and Commerce.

3770. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances; Temporary Placement of Three Synthetic Cathinones into Schedule I [Docket No.: DEA-357] received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3771. A letter from the Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 64 of the Commission's Rules Regarding Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities Truth-In-Billing Requirements for Common Carriers received

October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3772. A letter from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Contributions to the Telecommunications Relay Services Fund [CG Docket No.: 11-47] received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3773. A letter from the Deputy General Counsel, Federal Communications Commission, transmitting the Commission's final rule — In the matter Amendment of Parts 0, 1, 73, and 74 of the Commission's Rules received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3774. A letter from the Associate General Counsel, Department of Agriculture, transmitting 3 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3775. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting 6 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3776. A letter from the Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Lake Erie Watersnake (*Nerodia sipedon insularum*) From the Federal List of Endangered and Threatened Wildlife [Docket No.: FWS-R3-ES-2010-0039] (RIN: 1018-AW62) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3777. A letter from the Acting Chief, Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Ozark Hellbender Salamander [Docket No.: FWS-R3-ES-2009-0009] (RIN: 1018-AV94) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3778. A letter from the Chief, Branch of Operations, DMA, FWS, Department of the Interior, transmitting the Department's final rule — Inclusion of the Hellbender, Including the Eastern Hellbender and the Ozark Hellbender, in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) [Docket No.: FWS-R9-IA-2009-0033] (RIN: 1018-AW93) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3779. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery [Docket No.: 100825389-1597-02] (RIN: 0648-BA13) received October 24, 2011, pursuant to 5 U.S.C.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

801(a)(1)(A); to the Committee on Natural Resources.

3780. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Groundfish Fisheries of the EEZ Off Alaska: Pacific Halibut Fisheries; CDQ Program; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Recordkeeping and Reporting [Docket No.: 0906261095-1339-03] (RIN: 0648-AX97) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3781. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumptive Service Connection for Diseases Associated With Service in the Southwest Asia Theater of Operations During the Persian Gulf War: Functional Gastrointestinal Disorders (RIN: 2900-AN83) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3782. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — CBP Audit Procedures; Use of Sampling Methods and Offset-

ting of Overpayments and Over-Declarations (RIN: 1515-AD65) (formerly RIN: 1505-AC00) received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3783. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Recovery of Delinquent Debts—Treasury Offset Program Enhancements [Docket No.: SSA-2010-0010] (RIN: 0960-AH19) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3784. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Amendments to Procedures for Certain Determinations and Decisions [Docket No.: SSA-2007-0092] (RIN: 0960-AG72) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3785. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Ambulatory Surgical Centers Patient Rights Conditions for Coverage [CMS-3217-F] (RIN: 0938-AP93) received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to

the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII:

169. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 18 memorializing the Congress to require the U.S. Army Corps of Engineers to take immediate action to prevent Asian carp from entering Lake Michigan and the Great Lakes Watershed; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 401: Mr. SERRANO and Mr. ISSA.

H.R. 3167: Mr. MEEHAN.

H.R. 3192: Ms. MOORE and Mr. RIBBLE.

H.R. 3286: Mrs. CAPPS, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Mr. BOSWELL, Mr. CARNAHAN, Ms. HIRONO, and Mr. WALZ of Minnesota.

SENATE—Monday, November 7, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, who governs all things in Heaven and Earth, mercifully hear our supplications and give us Your peace.

Lord, give our lawmakers this day the grace and wisdom to measure personal convictions in the light of truth and courage. Empower them to act consistent with enlightened conscience, however costly to personal ambition. Give them such a sense of duty that they may leave nothing they ought to do undone. Infuse them with a sense of gratitude that they may offer thanks to You by striving to do Your will.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 7, 2011.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

Following morning business, the Senate will resume consideration of H.R. 674. At approximately 5:30 p.m., the Senate will vote on the motion to invoke cloture on the motion to proceed to that matter.

VOW TO HIRE HEROES ACT

Mr. REID. Mr. President, every man and woman who puts on the uniform of the U.S. Armed Forces takes a solemn oath to support and defend the Constitution against all enemies. With that oath comes an obligation: to defend the freedoms for which this noble Nation stands and upon which it was founded, without regard to personal price.

For this service, the United States makes a promise to our soldiers, sailors, marines, and airmen in return. That promise isn't about flag waving or yellow ribbons. It lasts long after the parades and holidays are over, through every day and every year of their lives. It is a guarantee that the American dream, for which every servicemember fights—and for which many of their comrades have died—will be waiting for them when they return.

Since September 11, 2001, this country has allowed that promise to lapse. Today, there are 240,000 unemployed veterans. These are veterans in the fight against global terrorism. Among veterans who have served since September 11, unemployment is more than 12 percent—more than 3 percentage points higher than among the general population. Among the youngest veterans—those under age 25—the unemployment rate is 22 percent.

These young men and women volunteered to fight terrorism abroad, but their struggles didn't end when they came home. Despite their service and experience, one-quarter of a million post-9/11 veterans can't find employment in today's dismal economy and rapidly changing workforce.

It is time for this country to make good on its promise. As we pay tribute this week to the millions of American veterans who have faithfully served our flag, Democrats want to introduce legislation to put those men and women back to work. VOW to Hire Heroes is the name of the legislation. This will offer tax credits to companies that hire unemployed veterans or veterans who were discharged in the last 5 years. The legislation will give an additional tax credit to the firms that hire unemployed veterans with service-related disabilities. Disabled veterans will also be eligible for an additional year of vocational rehab and employment benefits under this legislation.

The plan makes transition assistance—including resume-writing workshops and career counseling—mandatory for all servicemembers being discharged. Although our veterans are coming home with greater technical and leadership skills than ever before, those skills don't always translate to a civilian resume. This program will help bridge that gap.

Many Federal agencies, such as the VA and Homeland Security, badly need employees with the unique skills veterans possess. This legislation will also make it possible for servicemembers to apply for those jobs before they leave the military. This will allow soldiers to transition from serving their country in uniform to serving the civilian world without a gap in their employment.

To keep our promise to older veterans, the legislation will expand education and training opportunities at community colleges and technical schools for 100,000 unemployed veterans who served before September 11. Democrats believe we owe it to the men and women who have fought for us to fight for them here at home.

The VOW to Hire Heroes is our fourth attempt to pass commonsense legislation that puts Americans back to work and helps jump-start our economy. Senate Republicans unanimously opposed our last three jobs bills, although those bills had the support of the vast majority of Americans—Republicans, Democrats, and Independents alike. Meanwhile, Republicans have yet to propose a single idea of their own to create jobs. Their obstruction has cost hundreds of thousands of teacher and first responder jobs, it has cost hundreds of thousands of construction jobs, and put reconstruction of our Nation's crumbling roads, bridges, and runways on hold.

Now we will see whether the Senate Republicans are willing to put jobs for veterans at risk as well. I certainly

hope they are not. I hope they will join us this week in supporting the legislation that uses ideas originally proposed by Republicans and Democrats to put this Nation's veterans back to work without adding a penny to the deficit.

I believe every man and woman serving in the Senate today is a patriot. I know each and every one of us supports the members of the U.S. armed services and is grateful to every veteran who has served. This week we have the opportunity to express our gratitude and our patriotism with action.

So far, Republicans have stood firm against even the most reasonable plan to create millions of jobs for the sake of politics. It is only a matter of time before they break and join Democrats in our efforts to create jobs and get the economy back on track.

As Veterans Day fast approaches, I urge my Republican colleagues to abandon partisanship and help us honor our commitment to this country's heroes.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WORKING TOGETHER

Mr. MCCONNELL. Mr. President, for the past 3 years, President Obama and Democratic leaders in Congress have spent most of their time pushing policies that actually undermine the private sector. They may have the best of intentions, but the fact is they made a bad economy worse. Unemployment has now stood at 9 percent for more consecutive months than for any other period since World War II, and there are now more than 1 million fewer jobs in this country than when the President's first stimulus bill was signed into law.

So the American people gave the President a chance to do something about jobs and the economy and he failed. That is why last year the American people put Republicans in charge of the House of Representatives—so they could try a different approach, and that is what they have done. For nearly a year now, House Republicans have been following through on their pledge to put Americans back to work by passing bill after bill aimed at helping businesses create jobs.

The problem is, every time Republicans pass one of these bills over in the House, Democrats in the Senate refuse to take it up. The Democrats who run the Senate are letting all these bills die.

Some people want to know why this is happening. They want to know why the Senate will not take up these bills. The answer is actually pretty simple. President Obama and his political ad-

visers have put out the word they do not want Congress to get anything done around here until after next year's election, so the President can go around on the bus and blame Congress for the country's problems, and Democrats in the Senate are lining up right behind him. They are doing the President's bidding.

But that is not stopping Republicans in the House from doing the work they were elected to do, and it is not going to keep the Republican minority in the Senate from calling on Democrats to act.

To date, House Republicans have passed more than 20 pieces of legislation designed to do two things: make it easier for small businesses to create jobs and bills that would pass on a broad bipartisan basis.

Last week, I highlighted 15 such bills the House had already passed and that Senate Democrats should take up. This week, Senate Republicans will highlight several additional such bills the House passed just last week. We are going to keep on talking about these bills until Senate Democrats realize there is no reason we shouldn't take them up, pass them on a bipartisan basis, and actually do something on jobs around here.

For nearly 3 years, President Obama has demanded we pass massive legislation he knows Republicans have problems with. What we are saying is, let's start with things that have bipartisan support and that we know can pass instead of that other approach.

Since Republicans control the House and Democrats control the Senate, we are not likely to agree on big partisan stuff. But there are a lot of other job-creating measures we actually could agree on. Why don't we focus on them? Let's work together on the things we can all agree on, as we did last month on the trade agreements.

Here is just one example out of many. Last week, the House passed a bill called the Small Company Capital Formation Act, H.R. 1070. It got 421 votes, including 183 Democrats. Only one person in the House voted against the bill.

Here is a jobs bill that is about as popular as Mother's Day. There is no reason not to pass it in the Senate right now. Right now, promising businesses aren't going public because they simply can't afford the high cost of managing the mountain of government paperwork they are required to under current law. So instead of going out there and raising money to grow and hire, they are holding back. They are not expanding and they are not hiring.

We recently heard from the CEO of a pharmaceutical company from Fort Washington, PA, who said companies such as his are at a major disadvantage if they come up with promising new drugs. He has at least one such promising new drug in the pipeline for

chronic kidney disease but can't take it to the next level. If firms such as this want to expand and hire, they need to be able to raise capital from investors so they do not go into debt. But current law keeps them from doing so because of all the regulatory burdens that come along with it. I think we should be removing these barriers to growth for companies such as this one, and 183 Democrats in the House actually agree with me.

President Obama actually supports the idea too. He said so in his speech to a joint session of Congress back in September. So this bill is as bipartisan as it gets. One will not find a bill any more bipartisan than this—passed overwhelmingly in the House and supported by the President of the United States. The only thing standing in the way right now is Senate Democrats. They just will not take yes for an answer.

It is only a matter of time before the American people catch on to the Democrats' refusal to act. Once they do, Republicans will be ready with a long and growing list of bipartisan bills that have already passed the House and that we believe the President of the United States would sign. So let's not delay any longer. Let's stop the games, and let's do the work we were sent to do.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 5 p.m., with Senators permitted to speak therein up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. I ask to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REFORM

Mr. WYDEN. Mr. President, I come to the floor today to talk about creating more good-paying jobs in America and how tax reform can play a key role in job creation if it is done right.

As we all know, no Member of Congress has a piece of machinery on their desk that is a job creation device. We cannot just start something like this, press a button, and then after it whirs around a bunch of times it creates a lot of new jobs. New jobs do not just come shooting out that way. Nobody has a contraption like that in the Senate, and the reality is the President does not have one nor does anybody else in America.

But there are policies that are relevant to how we create more good-paying jobs, and those involve first looking out what has worked in the past and, second, what hard, objective data is relevant to the future. Nobody can know the ideal, sure-fire way to create jobs, but we can document what has worked in the past.

In the case of comprehensive tax reform, what we know is that after the 1986 Tax Reform Act where Democrats and Republicans cleaned out scores of tax preferences to hold down marginal rates and keep progressivity, our country created 6.3 million new jobs in those 2 years after that tax reform was enacted. I am not going to say on the floor of the Senate that each and every one of those jobs was the result of tax reform, but certainly independent authorities point to that tax reform effort as a key factor in creating those jobs. With at least 14 million Americans out of work in our country right now, it would be legislative malpractice for Congress to ignore the facts that document the results of the last tax reform effort in job creation.

When we look at the possibilities should we not pay special attention to what has worked in the past? The reality is, as the Presiding Officer knows, our country has tried just about every other tool in the economic toolbox. We have seen the Recovery Act. We have seen that the Fed is essentially all in with its program of quantitative easing. We have had a whole host of other initiatives in the housing area and in the automobile area and a whole host of other areas. The fact is, the one tool in the economic toolshed that nobody has picked up is fundamental tax reform. It is my view that it is time for the Congress, working with the President, to pick up on a proven model that a host of progressive Democrats and conservative Republicans, led by a conservative Republican President, deployed 25 years ago to spur economic growth and create millions of new jobs, which I think we all understand our people in our economy need desperately.

Given that success, it is no wonder that Democrats and Republicans, as well as economists and think-tanks and bipartisan commissions, are again calling for the Congress to take up the cause of tax reform. We are very hopeful the bipartisan Joint Committee on Deficit Reduction can also bring to-

gether Democrats and Republicans as part of their work to lay out the strategy for moving ahead on tax reform.

There is no shortage of good reasons for Congress to look at this particular approach to job creation. It is bipartisan, it has been proven before, and certainly the basic principles—simplifying the Tax Code, cleaning out the clutter, and holding down rates across the board—make just as much sense today as they did a quarter century ago.

It has been argued that since the last change in our tax law there have been close to 15,000 tax changes—one for almost every working day year in and year out. So what we have on our hands now is a dysfunctional antigrowth mess. That is why I think it is particularly important that we look at moving now rather than waiting until another election or taking a detour to reform only the corporate Tax Code while, for example, leaving small businesses and working families stuck with the same broken Tax Code they have today.

Let me point out to those who say we cannot do tax reform in a divisive climate, a divided Congress and White House, as we move into an election, the fact is fundamental tax reform was passed on the eve of an election a quarter century ago—passed on the eve of an election. I say that because I know one of the fundamental architects of that tax reform, Senator Packwood, whose seat I now hold in the Senate, was not available for the bill signing because he had a community event back home.

The fact is, there is an opportunity now to move ahead with comprehensive tax reform. We have good people who have expertise in tax law on the supercommittee—Chairman BAUCUS, Senator KERRY, Congressman CAMP, Senator PORTMAN—Democrats and Republicans who have been involved in budget and tax issues for years and years with great expertise on these issues.

I want to take just a minute this afternoon to discuss some eye-opening new information on an issue that I know is being debated in the Congress, and my sense is the supercommittee is looking at it as well; that is, the question of splitting tax reform into separate corporate and individual pieces.

Last week, the Joint Committee on Taxation issued an important report that all Members ought to pay close attention to as Congress looks at tax reform as part of either a potential debt deal or other legislation. The reason I want to discuss it this afternoon is we all understand as part of the legislative process just about everything is negotiable, but there is one thing that is not negotiable—that is the accuracy of the numbers.

When the official number cruncher for taxes says they cannot make the numbers add up, Members of the Sen-

ate and the Congress have to pay attention. The new report by the Joint Committee on Taxation says—and, of course, they are the official scorekeeper for tax policy—the Congress essentially has a choice to make. We can either provide all American companies significantly lower tax rates or we can allow multinational companies to continue to avoid paying taxes on their overseas income. But the Joint Committee on Taxation says it is really not possible to do both. There is not enough money in the corporate Tax Code to do both without further increasing the budget deficit.

The Joint Committee was asked to provide its estimate of the lowest corporate rate that could be achieved by eliminating corporate tax expenditures, the various credits, deductions, and exemptions that lower the actual amount of taxes our businesses pay. In response, the joint committee estimated that 28 percent is the lowest possible corporate rate that could be achieved from eliminating corporate tax breaks and still not increase the deficit—in effect, be revenue neutral.

Mr. President, 28 percent is certainly lower than the current top rate, but it is higher than what—certainly many in the business community and the Congress have argued—is needed for U.S. companies to be competitive in the global economy. Most in the business community want to lower the top rate to 25 percent or even lower. The joint committee has determined that 28 percent is the lowest the corporate rate can be reduced to without adding to the deficit.

This new report by the Joint Committee on Taxation ought to be a real wake-up call in Washington, DC. For example, many companies not only argue that Congress can get the corporate rate down to 25 percent or even lower, but they also want to keep many of the tax breaks they now get under the current Tax Code. The joint committee's report makes clear that cannot be done without increasing the Federal deficit. And even the Joint Committee's 28-percent rate estimate was filled with all sorts of caveats, little kinds of "look out, there may be more to the story" kinds of warnings about the difficulty of limiting tax breaks now available to all businesses so they can no longer be claimed by corporations.

If tax breaks are eliminated for corporations but not for other businesses—remember, most businesses, as we know, are sole proprietors or limited partnerships and LLCs and the like—corporations may end up converting their businesses into other types of tax structures. If that happens, the savings from eliminating corporate tax rates would be less so that the corporate rate could end up even higher than 28 percent. That is one example of how it is very hard to repeal

tax breaks just for corporations and not for other businesses.

In making their estimate, the Joint Committee looked at repealing literally scores of corporate tax breaks—everything from research to specific breaks for energy, housing, transportation, education, training, and others. But there is one important tax break that was not considered as part of the Joint Committee's analysis, and that is the ability of U.S. multinationals to avoid paying taxes on their overseas income as long as they keep that money overseas. This is the tax break that is known as deferral. Significantly, the Joint Committee has done a separate analysis of the amount of revenue that could be generated by repealing deferral. If you repeal deferral and impose related limits on foreign credits to prevent gaming, you take that step and the total comes to an eye-popping \$568 billion over 10 years. That comes from an estimate the Joint Committee has done for a bipartisan group of us who have been working on this issue for the last 5 years.

I initially started working on this with our former colleague from New Hampshire, Senator Gregg, and most recently with Senator COATS and Senator BEGICH. The four of us have worked very closely on this over the last few years. If you make the changes we have made in deferral and related foreign credits that you ought to change to prevent gaming, it is possible to slash rates for all of our businesses so you can get down to 24 percent, particularly for the corporate rate, and have additional relief for small businesses. We have some ideas for how you could drive the rate lower than 24 percent. That is something I think could be a real shot in the arm to businesses in Connecticut, Oregon, and across the country. It surely would do something about creating red, white, and blue jobs so we would have more jobs here in the United States so we could put our people back to work in the manufacturing sector and the other parts of our economy that are so important. So that is the choice.

According to the Joint Committee's estimate—these are the official scorekeepers for taxes—there are two alternative ways to lower corporate tax rates. One keeps deferral, this break for doing business overseas, and then the lowest rate, according to the Joint Committee on Taxation, would be 28 percent. The other takes away the tax breaks for shipping jobs overseas, eliminates deferral, and dramatically drives the rate for our businesses down 24 percent.

As I have indicated, our bipartisan coalition has some ideas for getting it even lower. So it is important to point out that the lower 24-percent rate would apply to every U.S. company, whether it has overseas operations or not. U.S. manufacturers and retailers

and other domestic businesses all would benefit from this kind of approach, lower tax rates. All U.S. businesses would have more money to invest in new equipment and hiring workers here in our country—in Connecticut, in Oregon, and all of our States. By contrast, while all businesses would get some help from a 28-percent rate, the biggest winners are those with significant operations overseas, thousands and thousands of miles from our shores. By continuing deferral, those businesses that operate overseas, those companies pay a zero rate on their overseas income. With that rate differential, there would still be a strong incentive for some of those very large businesses to target their investments, to lower tax overseas operations at the expense of investment and job creation here at home. So it should be obvious that the last thing the Congress ought to be doing in this current economic climate is to take actions that will hurt job creation. With so many people out of work, we obviously need to focus on steps to create jobs, not reward those that, in effect, ship the jobs overseas, ship the investments overseas, the investments in the jobs we need so much here at home.

We can do more for all U.S. businesses, workers, and their families through comprehensive tax reform than just by going forward with corporate-only reform. In fact, it is possible to do more for businesses, get a lower rate—I want to emphasize this—for all our businesses in America, significantly lower so they will be more competitive in tough global markets. I am not saying that tax policy is the only consideration in terms of creating jobs. I chair the International Trade Subcommittee of the Senate Finance Committee, and I have long taken as my major objective to do more to grow things here in America, to add value to them here, and to ship them somewhere. There is a whole host of trade and regulatory policies that factor into this. But certainly we ought to agree that at a time when comprehensive tax reform is the one tool in the economic toolshed that has not been used—and there is a chance to take away tax breaks for shipping jobs overseas so we can get more tax relief for Americans here at home—we ought to be picking up on that opportunity.

I hope all my colleagues who are going to be part of this tax reform debate over the next few weeks—and I think it is inevitable because more and more debate is focused on tax reform, whether it ought to be corporate only—look at how you would go about pursuing it in a bipartisan way. I hope those colleagues will take a look at the new report done by the Joint Committee on Taxation. What they have made clear is that there is not enough money in the corporate tax code to get

the lower rate companies want as long as some of these multinationals can continue to keep the money overseas and avoid paying U.S. taxes. Having worked on this issue with colleagues on both sides of the aisle for about the last 5 years, and watching as the economic debate goes forward, with our people hungry for new jobs, I hope colleagues will see, No. 1, there is a real lesson to be learned from what was done in 1986 where progressive Democrats and conservative Republicans came together on the eve of an election—by the way, the 1986 election. I think it is also fair to say that after tax reform, both sides did pretty well. Both sides did pretty well in the Congress and in terms of controlling the White House.

The fact is this is a chance to take a big step to help our people who are hurting now. There are 14 million people out of work. I hope colleagues will look at that new report prepared by the Joint Committee on Taxation and look at the history of how in 2 years a quarter century ago we came together, Democrats and Republicans, and passed fundamental tax reform based on the same kind of principles Senator Gregg, Senator COATS, Senator BEGICH, and I have worked on for the last 5 years, cleaning out special interest breaks, special interest preferences, cleaning out scores of them and using that money to hold down marginal rates and keeping progressivity so we have a sense of fairness. Everybody wins.

Many of our colleagues feel passionately about economic fairness. I certainly do. I know the President of the Senate does as well. Many of our colleagues on the other side of the aisle have focused on economic opportunity. With fundamental tax reform, we can have both and do it in a bipartisan way. It means picking up on the one tool in the economic toolshed that has not been used.

I will be back on the floor of this Senate to talk about this again. It is one of the reasons why I wanted to serve on the Senate Finance Committee, to tackle these fundamental issues of taxes and health care. We have had a very constructive set of hearings on tax reform chaired by Chairman BAUCUS and ranking minority member Senator HATCH. I am very hopeful that at a time when our people are so hungry for new jobs, good jobs, high-paying jobs, that we will pick up on this opportunity to bring Democrats and Republicans together, as we were on this issue a quarter century ago in enacting fundamental tax reform.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRATULATING THE LSU TIGERS

Mr. SHELBY. Mr. President, this past Saturday evening in my home town of Tuscaloosa, AL, there was quite a scoring event—I think most of the people in the Nation watched it—and that was between the No. 1 ranked football team in the Nation, LSU, Louisiana State University, and the University of Alabama. Senator SESSIONS and I were there. We had a bet that Senator SESSIONS and Senator VITTER initiated—and Senator LANDRIEU and I concurred with—on the outcome of the game. All in fun, but you know we all like to win.

This was a tremendous football game: no touchdowns on either side, five field goals, overtime. LSU won. I congratulate them. I congratulate my two Senator colleagues here today. It was hard fought between two great football teams, and today—people have probably seen me on the Senate floor a number of times—I have never worn the purple tie, but I have one on today because I lost the bet. We lost the game. I will not wear it every day, but out of respect for my colleagues from Louisiana: congratulations Senator LANDRIEU, congratulations Senator VITTER, congratulations to the people of Louisiana and to the football team and the coaching staff in Baton Rouge.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague, Senator SHELBY, a University of Alabama graduate and also a University of Alabama law graduate. I am a law graduate myself from the University of Alabama.

It was a fabulous spectacle this weekend. There were 103,000 people in that fabulous new stadium that has been expanded with all the colors and the band and the noise. Truly, I doubt any of us will live to see a game which is any louder than that game was. It was a spectacular event and an unusual, special event that happens in the Southeastern Conference.

So we believe in being winners. Alabama played every single play—and so did LSU, with every single play—committed to winning the football game. At the end of it, after all had been said and done, it was 6-6. I think the two best teams in the Nation clearly proved they were the two best teams in the Nation. But we had to have an overtime.

So to my colleagues, Senator LANDRIEU and Senator VITTER, congratulations. I am not really proud but I am honored and willing to wear the tie of the team that beat the University of Alabama.

We look forward to celebrating with you that fabulous game and to also

having some fresh Alabama gulf coast seafood. Let the whole world know that our gulf coast seafood industry is back strong, better than ever. So congratulations.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I thank our Alabama colleagues. They are very gracious, and they are great sports in terms of this whole past week and this bet. So I am honored to be with them as they wear LSU colors for 1 day. Maybe they can keep those ties for January. Maybe after the BCS championship game they will at least wear it for an SEC victor—knock on wood—and we very much look forward to their delivering, as Senator SESSIONS said, great, delicious, fresh, and perfectly safe gulf coast seafood that all of us are going to enjoy.

So I thank them for being such great sports, and I congratulate their team for being a superteam. That was a heck of a game. It was everything it was cracked up to be. People said it would be a defensive struggle. Yet nobody imagined there would not even be a touchdown: 9-6 in overtime.

I congratulate the Alabama team that played their hearts out and is a great Alabama team.

Of course, I also want to pause and congratulate everybody in the LSU community and the LSU team. That was a hard fought struggle, a hard fought win. A lot of folks came together and made extraordinary plays. Of course, it ended with Drew Alleman's field goal in overtime. But Mo Claiborne and Eric Reid had terrific interceptions, and even the punter, Brad Wing, played a pivotal role in terms of his 73-yard punt that won the field position battle.

So there are a lot of heroes and a lot of good players on the LSU side, and I congratulate the entire LSU community.

With the rest of the State of Louisiana, we look forward—knock on wood—to several more victories leading up to, hopefully, the BCS championship game in New Orleans in the Louisiana Superdome. So, of course, we look forward to that.

Thank you, Mr. President. At this point, I turn to my colleague from Louisiana, Senator LANDRIEU.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I begin by thanking my two colleagues from Alabama for being such great sports. I never thought they would actually wear purple and gold on the Senate floor, but I am proud of them for living up to their end of the bet, for showing up appropriately dressed this afternoon.

I thank my colleague Senator VITTER for initiating this terrific bet. I am looking forward to some great gulf coast Alabama seafood. As the Senator

from Louisiana said—and Senator SESSIONS alluded to—the seafood is not only plentiful, abundant, and affordable, it is also very safe. We are proud to represent the gulf coast and proud of these two extraordinary universities.

As a graduate of LSU, I am particularly proud. But our universities—both the University of Alabama and the University of Louisiana, LSU—are tremendous universities that have an extraordinary reach across all disciplines, and their football teams showed that great spirit on the field.

I want to remind my colleagues that if LSU is victorious this weekend against western Kentucky, the Tigers will advance to 10 and 0. This would be the first time they had done that since their national championship in 1958. So you know how excited our whole State is.

I also want to say the great news from this weekend is, whatever recession there was in Alabama, I think it is over because of the stimulus brought to their State by our crazy LSU fans who started to arrive on Wednesday, I understand. No one can tailgate like we can tailgate. So I think if they check their economic indicators this Monday afternoon, they all will be straight up from the good money and good fun that was had in Alabama.

But, seriously, just in conclusion, Les Miles and our team are just unbelievable, and our LSU team is just terrific. But both teams played their hearts out, and I congratulate the men on the field that night. It was an exciting game to watch, and according to the ratings the LSU-Alabama game drew the second highest rating of any CBS regular season college football broadcast since the network began its tracking.

So, again, I thank my colleagues for being good sports, and we are on the road to the national championship. We may see them again.

I yield the floor.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

WITHHOLDING TAX REPEAL

Mr. BROWN of Massachusetts. Mr. President, I rise in support of H.R. 674. The vote we have tonight is finally an opportunity to pass a truly bipartisan jobs bill, part of the President's jobs package. As I said when we held the first vote to try to repeal the 3-percent withholding tax a couple weeks ago, this vote is a no-brainer. It is pretty

simple. Unfortunately, some Members objected to a small portion of that bill, the offset. That should not be a concern this time. The bill we will be voting on shortly just passed the House with 405 votes, and when is the last time we heard that? The bill we are going to vote on today has a new offset that has been endorsed by the President, so I say let's get it done.

If we pass it, every company that does business with the government can go back to thinking about hiring new workers rather than worrying about losing 3 percent of the value of their contracts right upfront, right in the beginning. If we pass it, State and local governments will not be saddled with another costly and unfunded mandate. As I said before, it is a no-brainer. If we pass it, we will finally repeal a tax that costs the government billions more to implement than it actually raises in revenue.

Let's pass this bill and let's end this stealth tax that is extremely expensive to implement and punishes many for the bad acts of a few.

That being said, as we know, we have Veterans Day fast approaching. I thank all of our men and women who have served and continue to serve. I cannot think of anything more meaningful than to come together in a truly bipartisan, bicameral way to help our jobless veterans. Unemployment and homelessness among our Active-Duty veterans and members of the National Guard and Reserves are a national disgrace and we can do better. We should not leave anyone behind. The Active-Duty soldiers and members of the Guard and Reserves fight side by side for our freedom. They face danger together, they are wounded together, and they should be treated as equals when it comes to helping them find jobs.

Back in January, I introduced the Hire-a-Hero Act with Senator KAY HAGAN. It expands the work opportunity tax credit to help companies put our veterans and members of the Guard and Reserves back to work. The President has proposed a similar action in his jobs bill. It did not include guardsmen and reservists, and that is why I hope when we take up the veterans package that I hear is being discussed, the majority leader will actually allow for that to be included. Our guardsmen and reservists, once again, deserve better.

It is time for our Senate colleagues to rally behind the men and women who have served and continue to serve. They are leaving the service and need this opportunity right now. The unemployment rate for veterans is more than 12 percent. For members of the Guard and Reserves, it is twice the national average, as high as 20 percent in some areas. We need to treat this as a truly bipartisan and hopefully bicameral effort. It is something the American people are yearning for.

They are looking for us to show leadership, to actually work together. If we can't work together with our heroes who have served and given to our country at its time of need, then I am not quite sure what we will be able to work on together.

If we do these two things, repeal the 3-percent withholding and help our veterans in 1 day, potentially 1 week, maybe it will usher in a new era of good will, something I know the Chair and I have worked to establish, as have so many other people in this historic Chamber. One good deed can lead to another good deed and that good deed can lead to another good deed, and so on.

Let's start working together. The American people are demanding it. As I have said before, we are Americans first. I may be a Republican—and I am proud to be Republican—but we are Americans first. I am way more proud to be an American. I hope others in this historic Chamber feel the same way and we can put our party differences aside and do something very important for not only our businesses in this country but also for the ones who have given so much in their service to our great Nation while serving in the military.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FEDERAL EMPLOYEES

ANN MARTIN

Mr. WARNER. Mr. President, I rise today to continue an initiative that was actually started by the Presiding Officer's predecessor, Senator Kaufman, whereby on a fairly regular basis I try to come down and recognize the service of one of our incredible Federal employees. We spend a lot of time in this body talking about policy. We oftentimes spend a lot of time also talking about what government does wrong. There are things government does wrong, but too often we don't acknowledge what government does right, particularly the incredible service many of the folks who work for our Federal Government perform.

Today, I am pleased to honor another great Federal employee, Ms. Ann Martin. Ms. Martin is the Senior Intelligence Research Specialist for the Treasury Department's Financial Crimes Enforcement Network or FinCEN. She worked with Mexican officials to help disrupt the laundering of

billions of dollars derived from illegal U.S. narcotics sales.

At the age of 29—as the Presiding Officer may recall when he was that age—Ms. Martin led a team of financial experts to compile and analyze hundreds of pieces of data. Her research analysis gave unprecedented insight into how Mexican drug cartels finance their operations in both Mexico and the United States. It also provided American and Mexican law enforcement authorities with a number of leads into cross-border money laundering and transnational organized crime groups.

Discussing Ms. Martin's work, James Freis, the Director of FinCEN, explained that “no one had ever put together a picture of this kind of financial movement across our borders.” In other words, nobody put together in an organized way the kinds of activities in which some of these drug cartels were involved.

The exhaustive and comprehensive analysis Ms. Martin conducted supported the Mexican Government's decision in June 2010 to issue new regulations to restrict the amount of U.S. dollars that could be deposited into Mexican banks. As a result, more than 700 suspicious activity reports have been filed from Mexican banks. In other words, we have gotten the leads on 700 potential activities that are now being investigated due to Ms. Martin's work.

While her time working for the Federal Government has been relatively brief, she has already made a major impact. Karen Fleischer, the Deputy Associate Director at FinCEN, had this to say:

I've been in government for 35-plus years and Ann is the kind of person that you want to hold up as an example for others. She is extremely dedicated to the agency's mission.

I hope my colleagues will join me in honoring Ms. Martin, a fellow Virginian, for the excellent work she has done and her commitment to public service.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

3% WITHHOLDING REPEAL AND JOB CREATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 674, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided and controlled between the Senator from Montana and the Senator from Utah.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time under the quorum call be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN.) Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 212, H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care related programs, and for other purposes.

Harry Reid, Christopher A. Coons, Joe Manchin III, Kay R. Hagan, Dianne Feinstein, Benjamin L. Cardin, Al Franken, Mark Begich, Mark R. Warner, Jeff Bingaman, Tom Udall, Amy Klobuchar, Jeanne Shaheen, Barbara A. Mikulski, Kent Conrad, Michael F. Bennet, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to

modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care-related programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), and the Senator from Utah (Mr. LEE), the Senator from Illinois (Mr. KIRK), and the Senator from South Carolina (Mr. DEMINT).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 1, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—94

Akaka	Franken	Moran
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Heller	Portman
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Risch
Boozman	Inouye	Roberts
Boxer	Isakson	Rubio
Brown (MA)	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Burr	Johnson (WI)	Sessions
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Shelby
Carper	Kohl	Snowe
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Coats	Lautenberg	Thune
Coburn	Leahy	Toomey
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Vitter
Coons	Manchin	Warner
Corker	McCain	Webb
Cornyn	McCaskill	Whitehouse
Crapo	McConnell	Wicker
Durbin	Menendez	Wyden
Enzi	Merkley	
Feinstein	Mikulski	

NAYS—1

Rockefeller

NOT VOTING—5

DeMint	Kirk	Pryor
Hatch	Lee	

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

• Mr. PRYOR. Mr. President, due to a prior family obligation, I was unavoidably absent for tonight's vote. I ask the RECORD show that had I been present for vote No. 198, I would have voted yea on the motion to invoke cloture on the motion to proceed to H.R. 674.●

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1815 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. Mr. President, I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MERKLEY. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, on vote No. 197, the confirmation of Scott Wesley Skavdahl to be U.S. District Judge for the District of Wyoming, I was unavoidably absent. Had I been present, I would have supported the nomination and voted yea.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED IN EXECUTIVE ORDER 12170 ON NOVEMBER 14, 1979—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, is to continue in effect beyond November 14, 2011.

Our relations with Iran have not yet returned to normal, and the process of implementing the agreements with Iran, dated January 19, 1981, is still under way. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2011.

BARACK OBAMA.
THE WHITE HOUSE, November 7, 2011.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on November 4, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 818. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bill was signed on November 4, 2011, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2930. An act to amend the securities laws to provide for registration exemptions for certain crowdfunding securities, and for other purposes.

H.R. 2940. An act to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

H.R. 3321. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 86. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2061.

The message further announced that the House has passed the following bill, without amendment:

S. 1487. An act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Ms. KAPTUR of Ohio and Mr. HONDA of California.

The message further announced that pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259), and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. CONWAY of Texas.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 1070. An act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

H.R. 1965. An act to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3321. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2930. An act to amend the securities laws to provide for registration exemptions for certain crowdfunding securities, and for other purposes.

H.R. 2940. An act to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3804. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, and A300 F4-600R Series Airplanes, and Model A300-C4-605R Variant F Airplanes (Collectively Called Model A300-600 Series Air-

planes); Model A310 Series Airplanes; Model A318 Series Airplanes; Model A319 Series Airplanes; Model A320-211, -212, -214, -231, -232, and -233 Airplanes; Model A321 Series Airplanes; Model A330-200 and A330-300 Series Airplanes; and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0388)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3805. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0569)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3806. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0218)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3807. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0381)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3808. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0224)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3809. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; M7 Aerospace LP Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0832)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3810. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328-100 and -300 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-1163)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3811. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0033)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3812. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2-1C, A300 B2-203, A300 B2K-3C, A300 B4-103, A300 B4-203, and A300 B4-2C Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0389)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3813. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2-1C, A300 B2-203, A300 B2K-3C, A300 B4-103, A300 B4-203, and A300 B4-2C Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0389)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3814. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aviointeriors S.p.A. Passenger Seat 12M Series, Installed on but not Limited to ATR Model ATR42 Airplanes and Model ATR72 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-1000)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3815. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Description of VOR Federal Airway V-299; CA" ((RIN2120-AA66)(Docket No. FAA-2011-1015)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3816. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Description of VOR Federal Airway V-299; CA; Technical Amendment" ((RIN2120-AA66)(Docket No. FAA-2011-1015)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3817. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Casper, WY" ((RIN2120-AA66)(Docket No. FAA-2011-0439)) received during adjournment of the Senate in the Office of the President of the Senate on Octo-

ber 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3818. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Casper, WY; Correction" ((RIN2120-AA66)(Docket No. FAA-2011-0439)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3819. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Gordonsville, VA" ((RIN2120-AA66)(Docket No. FAA-2011-0375)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3820. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Bumpass, VA" ((RIN2120-AA66)(Docket No. FAA-2011-0377)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3821. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; New Market, VA" ((RIN2120-AA66)(Docket No. FAA-2011-0380)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3822. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nahunta, GA" ((RIN2120-AA66)(Docket No. FAA-2011-0727)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3823. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Chinle, AZ" ((RIN2120-AA66)(Docket No. FAA-2011-0517)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3824. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lebanon, PA" ((RIN2120-AA66)(Docket No. FAA-2011-0558)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3825. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Establishment of Class E Airspace; Palmyra, PA" ((RIN2120-AA66)(Docket No. FAA-2011-0394)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3826. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Orangeburg, SC" ((RIN2120-AA66)(Docket No. FAA-2011-1325)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3827. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0033)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3828. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-243F Airplanes Equipped with Rolls Royce Trent 700 Series Engines" ((RIN2120-AA64)(Docket No. FAA-2011-0999)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3829. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc. Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes; Equipped with Certain Cockpit Door Installations" ((RIN2120-AA64)(Docket No. FAA-2011-0479)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3830. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-400 and -400F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0041)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3831. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dowty Propellers Type R212/4-30-4/22 and R251/4-30-4/49 Propeller Assemblies" ((RIN2120-AA64)(Docket No. FAA-2011-0735)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3832. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-1199)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3833. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CT7-8, CT7-8A, CT7-8A1, CT7-8E, and CT7-8F5 Turbo-shaft Engines" ((RIN2120-AA64)(Docket No. FAA-2011-0392)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3834. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes; and Model F.28 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0568)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3835. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1118)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3836. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1312)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3837. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dowty Propeller Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F/13 Propeller Assemblies" ((RIN2120-AA64)(Docket No. FAA-2010-1270)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3838. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines" ((RIN2120-AA64)(Docket No. FAA-2010-1055)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3839. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1118)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3840. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) and A310 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0647)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3841. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0221)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3842. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0646)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3843. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1045)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3844. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, and -243 Airplanes, Model A330-300 Series Airplanes, Model A340-200 Series Airplanes, and Model A340-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0387)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3845. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0474)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3846. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0151)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3847. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0910)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3848. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Shelby, MT" ((RIN2120-AA66)(Docket No. FAA-2011-0536)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3849. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Gary, IN" ((RIN2120-AA66)(Docket No. FAA-2011-0427)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3850. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Miles City, MT" ((RIN2120-AA66)(Docket No. FAA-2011-0515)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3851. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Shelby, NC" ((RIN2120-AA66)(Docket No. FAA-2011-0280)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3852. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Wrightstown, NJ" ((RIN2120-

AA66)(Docket No. FAA-2011-0623)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3853. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Burlington, VT" ((RIN2120-AA66)(Docket No. FAA-2011-0243)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3854. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Rutherfordton, NC" ((RIN2120-AA66)(Docket No. FAA-2010-1330)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on the Judiciary:

Report to accompany S. 1151, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information (Rept. No. 112-91).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1810. A bill to authorize improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers near Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 1811. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters; to the Committee on Finance.

By Mr. BEGICH:

S. 1812. A bill to amend the Alaska Natural Gas Pipeline Act of 2004 to promote the availability of affordable, clean-burning natural gas to North American markets, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. VITTER):

S. 1813. A bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND:

S. 1814. A bill to amend title XXVIII of the Public Health Service Act to reauthorize certain provisions relating to public health

preparedness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself and Mr. PRYOR):

S. 1815. A bill to codify and delay the implementation of and compliance dates for a final rule relating to interstate transport of air pollution; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself and Mr. UDALL of New Mexico):

S. 1816. A bill to amend title 23, United States Code, to modify a provision relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 312. A resolution commending Girl Scouts of the USA on the special occasion of its 52nd annual convention and commending the commitment of Girl Scouts of the USA to the mission of fostering the courage, confidence, and character that girls need to become leaders and make the world a better place; considered and agreed to.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. Res. 313. A resolution congratulating the University of Washington on its sesquicentennial and recognizing the contributions of the University of Washington to the State of Washington and the United States; considered and agreed to.

By Mrs. GILLIBRAND:

S. Res. 314. A resolution recognizing the contributions of Project Chernobyl and Project 9/11; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 412

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 720

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 798

At the request of Mr. TESTER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor

of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mr. PRYOR) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 968

At the request of Mr. LEAHY, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 974

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 974, a bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of

S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1444

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1444, a bill to provide for the presentation of a United States flag on behalf of Federal civilian employees who are killed while performing official duties or because of their status as Federal employees.

S. 1447

At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1447, a bill to amend the Safe and Drug-Free Schools and Communities Act to authorize the use of grant funds for dating violence prevention, and for other purposes.

S. 1493

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1493, a bill to provide compensation to relatives of Foreign Service members killed in the line of duty and the relatives of United States citizens who were killed as a result of the bombing of the United States Embassy in Kenya on August 7, 1998, and for other purposes.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Mississippi (Mr. COCHRAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. WARNER), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Ms. STABENOW), the Senator from Florida (Mr. RUBIO) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1692

At the request of Mr. BINGAMAN, the names of the Senator from Utah (Mr. LEE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1707

At the request of Mr. BURR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the con-

ditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1720

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1720, a bill to provide American jobs through economic growth.

S. 1750

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1750, a bill to amend the Older Americans Act of 1965 to establish a Home Care Consumer Bill of Rights, to establish State Home Care Ombudsman Programs, and for other purposes.

S. 1758

At the request of Mrs. MCCASKILL, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1758, a bill to amend the Federal Power Act to prohibit the Federal Energy Regulatory Commission from requiring the removal or modification of existing structures or encroachments in licenses of the Commission.

S. 1804

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1804, a bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 180

At the request of Mr. RUBIO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 180, a resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Assad regime.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1810. A bill to authorize improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers near Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Natomas Basin Flood Protection Improvements Act of 2011.

This legislation will authorize the U.S. Army Corps of Engineers to improve the flood control infrastructure in the Sacramento area, safeguarding many thousands of homes and businesses.

There is a pressing need to improve levees in Sacramento, a city that is perpetually cited as one of our Nation's most at-risk for severe flooding.

But even in this high-risk city, there are priority areas. Natomas, which lies between the American and Sacramento rivers, is the top priority for Sacramento flood control.

More than 100,000 people in the Natomas flood plain are at high or moderate risk of flooding.

The vast majority of these homes would be inundated with over 10 feet of water should a levee break.

In some places, inundation levels would exceed 20 feet.

The risk is clear. Estimates by the Army Corps of Engineers put the risk of levee failure at 1 in 3. Damages from a single flood could top \$7 billion.

Recognizing the need to upgrade the levees in Natomas, the Corps of Engineers completed a Chief's Report in December 2010 that identified \$1.1 billion in essential levee improvements.

According to the report, the principal levee modifications include the widening of 41.9 miles of existing levees; installation of about 34.8 miles of soil bentonite cutoff wall; installation of 8.3 miles of seepage berms, and bridge remediation on State Route 99.

In addition, the report recommends the creation of 75 acres of canal habitat, 200 acres of Marsh habitat, and 60 acres of woodland habitat to ensure the project complies with the Endangered Species Act.

The cost of these improvements will be significant, but the burden will be shared. The Chief's Report recommends that the costs of the improvements be split between the federal government and state and local stakeholders.

The report recommends roughly a 65 percent federal share and a 35 percent state and local share.

The Sacramento Area Flood Control Agency, SAFCA, and the California Department of Water Resources have taken the cost-share agreement to heart and are outpacing the Corps of Engineers. They have begun their work on the project even before the federal work has been authorized.

SAFCA and California have already invested more than \$320 million in the

Natomas Basin project and repaired about 18 miles of the basin's 42 miles of levees. By the end of 2012, this amount will increase to \$370 million.

I want to take a moment to recognize SAFCA and the people of Sacramento for their efforts. They have put their money where their mouth is. This project would not be possible without the significant leadership and resources they have already committed.

County voters twice approved special tax assessments, in 2007 and 2011, to raise local funds needed to improve the levee system. These assessments will provide more than \$80 million of local funds for flood control projects. In addition, local interests have provided an additional \$40 million in advance of federal participation for which credit will be sought, that is a total commitment thus far of \$120 million.

The most recent assessment passed overwhelmingly, 84.5 percent of voters supported the measure.

Sacramento residents and homeowners understand that this levee improvement project is critical to the safety and viability of their community. Even during the worst economic downturns in a generation, voters stood together, passed the measure and sent a definitive message to Congress.

I also want to recognize Representative DORIS MATSUI, author of companion legislation in the House and a champion on this issue. I have had the pleasure of working with my good friend from Sacramento on flood control for nearly a decade, and her commitment and advocacy is unparalleled.

I want to reinforce the importance of this legislation. If Sacramento levees fail, the results will be devastating Sacramento International Airport, which serves 4.4 million passengers per year and is the primary air-cargo hub for the region, will be largely underwater.

Interstate 5, Interstate 80 and State Route 99 will be closed or restricted. These roads serve as freight arteries and facilitate the passage of more than 2,500 trucks per day.

Access to the Port of West Sacramento, the city's primary seaport, will be jeopardized.

Flooding in Sacramento is not a question of if, but when.

Recordbreaking storms hit the region in 1951, 1956, 1964, 1986 and 1997.

During the 1997 storm, levee failures in the nearby cities of Olivehurst, Arboga, Wilton, Manteca and Modesto caused mass evacuations and millions of dollars in damages.

An even more devastating flood occurred in 1861 when the American River Levee failed. California's newly elected Governor, Leland Stanford, was forced to take a row-boat to his inauguration and the state capital was temporarily moved to San Francisco.

In January of this year, the U.S. Geological Survey released a study enti-

tled "ARkStorm" that examined the impacts of an atmospheric river storm event in California. This storm scenario produced rainfall levels seen once every 500 to 1,000 years.

In this model, the Central Valley would experience 300 miles of flooding, 20 or more miles wide. Evacuations could involve 1.5 million residents, with hundreds of landslides damaging roads, highways, and homes.

There is a statistical possibility that the cataclysmic scenario run by the U.S.G.S. will occur in our lifetime. The possibility is small, but it could happen.

So we must be prepared if it does.

The Natomas Basin Flood Protection Improvements Act of 2011 is one small step toward achieving that.

This legislation addresses the needs of one of the highest-risk communities in our Nation.

While this legislation isn't cheap, the cost-share relieves a sizable share of the Federal responsibility.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natomas Basin Flood Protection Improvements Act of 2011".

SEC. 2. PROJECT MODIFICATION, AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.

(a) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3662; 113 Stat. 319; 117 Stat. 1839; 121 Stat. 1947), is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers in the vicinity of Sacramento, California, substantially in accordance with the report of the Chief of Engineers entitled "American River Watershed (Common Features) Project, Natomas Basin, Sacramento and Sutter Counties, California", and dated December 30, 2010, at an estimated total cost of \$1,389,500,000, with an estimated Federal cost of \$921,200,000 and an estimated non-Federal cost of \$468,300,000.

(b) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The non-Federal interest shall receive credit for expenses and in-kind contributions incurred by the non-Federal interest in carrying out a project described in subsection (a) for planning, design, and construction of the project and acquisition of any land, easement, right-of-way, relocation, and dredged material disposal area for the project.

(2) APPLICATION OF CREDIT.—The credit under paragraph (1) shall be applied toward the non-Federal share of—

(A) the project; or

(B) any other project for which the non-Federal interest has entered into a cost-sharing agreement with the Secretary.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection limits the ability of the non-Federal interest to pursue credit or reimbursement for work performed by the non-Federal interest in connection with the project under any other law (including regulations), authority, or procedure, including section 104 of the Water Resources Development Act of 1986 (33 U.S.C. 2214).

By Mr. ALEXANDER (for himself and Mr. PRYOR):

S. 1815. A bill to codify and delay the implementation of and compliance dates for a final rule relating to interstate transport of air pollution; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, later this week the Senate will vote on a resolution to disapprove the Clean Air Act rule designed to limit the blowing of powerplant pollution from one State to another. In my opinion, overturning the rule would throw the matter back to regulators, back to courts, back to lawsuits, and back into a delay.

Senator PRYOR of Arkansas and I are introducing today S. 1815. We have sent it to the desk. It is bipartisan legislation that will provide what we believe is a better approach, and that approach is to enact the clean air rule into law but give utilities 1 additional year in which to comply with it. Our approach would provide certainty and cleaner air at the lowest possible cost to ratepayers.

The motion to overturn the clean air rule will be offered by the junior Senator from Kentucky, Mr. PAUL.

Tennesseans admire much about our Kentucky neighbors. We admire their bluegrass, we admire their basketball, we admire their distinguished Senators. But Tennesseans don't want Kentucky's State income tax, and we don't want Kentucky's dirty air. We also know our neighbors in North Carolina don't want Tennessee's dirty air blowing into North Carolina because they have told us that through lawsuits in the courts, which they have won.

Air pollution blowing from one State into another makes our citizens sick, especially our younger Tennesseans and our older Tennesseans. Air pollution blowing from other States into our State is a jobs issue. Pollution makes our Great Smoky Mountains more like the "Great Smoggy Mountains." We like to see our mountains and we like for the 9 million visitors who come to visit us every year to stay a long time and to spend a lot of money because that supports our schools and it supports our State revenue.

Dirty air blowing into Tennessee from other States makes it harder for us to create jobs in yet another way. I remember 30 years ago when I was Governor of Tennessee and the Nissan corporation came to our State. The very

first thing Nissan did when it came to Tennessee was to go down to the State Air Quality Board and ask for an air quality permit in order to operate its paint plant. Fortunately, the air quality in the Nashville area was clean enough that Nissan could locate there. If Nissan hadn't been able to obtain an air quality permit to operate its paint plant, it would have been in Georgia or some other State. As a result the auto jobs which have come to Tennessee in the tens of thousands over the last 30 years would most likely have went to some other State.

So dirty air blowing from Kentucky into Tennessee or Tennessee into North Carolina or from any State into another State makes it harder for the recipient State's communities to get their quality permits. It makes it harder, for example, for us to say to Volkswagen and its suppliers: We can provide a home to you because our air is clean enough so that you can get our air quality permit.

Mr. President, in 2005, the Bush administration first put into place the predecessor to the Cross-State Air Pollution Rule that we will be voting on later this week. Federal courts found that the Bush rule was flawed in some technical respects and ordered the Environmental Protection Agency to write a new rule, which some now seek to overturn by means of the Congressional Review Act. The Bush clean air rule that was put in place in 2005 has now been there for 6 years. Many utilities have already taken steps to comply with it.

The pollution standards in the new rule we will be voting on are about the same as those established in the 2005 Bush rule. As an example of costs, the Tennessee Valley Authority, the Nation's largest public utility, tells us that complying with the amended rule will cost its ratepayers between \$1 and \$2 a month.

We often hear, and I will have to say that a lot of those comments often come from our side of the aisle, that it is the job of Congress, not the bureaucrats and the courts, to write the clean air rules. The commonsense legislation that Senator PRYOR and I offer today is an opportunity for Congress to do its job in a way that will clean the air at the lowest possible cost to ratepayers.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 312—COMMENDING GIRL SCOUTS OF THE USA ON THE SPECIAL OCCASION OF ITS 52ND ANNUAL CONVENTION AND COMMENDING THE COMMITMENT OF GIRL SCOUTS OF THE USA TO THE MISSION OF FOSTERING THE COURAGE, CONFIDENCE, AND CHARACTER THAT GIRLS NEED TO BECOME LEADERS AND MAKE THE WORLD A BETTER PLACE

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 312

Whereas, on March 12, 1912, founder Juliette Gordon Low organized the first troop of Girl Scouts of the USA (referred to in this preamble as "Girl Scouts");

Whereas, on March 16, 1950, Girl Scouts became the first national organization for girls to be granted a Federal charter by Congress;

Whereas Girl Scouts regularly informs Congress of its progress and program initiatives through annual reports;

Whereas Girl Scouts actively promotes initiatives to help young women discover their full potential by—

- (1) instilling a sound foundation of positive values;
- (2) developing a sense of service;
- (3) facilitating creative decision-making; and
- (4) turning girls into model citizens and leaders of their community, the country, and the world;

Whereas Girl Scouts is holding its 52nd Convention in November 2011 in Houston, Texas;

Whereas the 2011 Girl Scout Leadership Institute, which will run at the 52nd Convention, encourages young women, ages 13 to 18, to explore and build skills in math, science, business, and technology to prepare for future success in the increasingly competitive global marketplace;

Whereas the 2011 Girl Scout Leadership Institute, under the theme of "Leadership and Innovation, the Next 100 Years"—

- (1) seeks to advance leadership opportunities for girls;
- (2) promotes programs that offer advanced curriculum;
- (3) engages over 1,200 young women from across the globe;
- (4) connects young women to industry professionals;
- (5) builds the interest of young women in innovation and technology;
- (6) addresses global issues; and
- (7) teaches life-long leadership abilities and teamwork skills in an interactive environment;

Whereas Girl Scouts has renewed the focus on involving girls in "innovative, hands-on experiences in science, technology, engineering, and math" (referred to in this preamble as "STEM") that "strengthen the natural aptitudes of girls and acquaint them with new career options and tools for future independence";

Whereas Girl Scouts develops girl-centered programs that—

- (1) are attuned to the ever-changing needs of women working in the current global market; and

(2) encourage girls to actively engage in STEM activities, facilitating valuable real-world experiences that are integral to developing the next female leaders of the United States;

Whereas Girl Scouts remains a preeminent organization with 3,200,000 members, dedicated solely to—

- (1) inspiring generations of girls to reach for their goals, challenge stereotypes, and develop to their full potential; and
- (2) advancing opportunities for women to accomplish feats previously thought impossible for the female gender; and

Whereas Girl Scouts has significantly contributed to the advancement of the United States for 100 years by instilling in young women the leadership qualities on which the strength of the United States depends: Now, therefore, be it

Resolved, That the Senate—

(1) commends Girl Scouts of the USA for organizing—

(A) the 2011 National Council Session and the 52nd Convention;

(B) the 2011 Girl Scout Leadership Institute; and

(C) the 2011 "Leadership and Innovation, the Next 100 Years" workshops; and

(2) commends Girl Scouts of the USA for continuing to create learning opportunities and activities for young women to develop strong leadership values and life skills.

SENATE RESOLUTION 313—CONGRATULATING THE UNIVERSITY OF WASHINGTON ON ITS SESQUICENTENNIAL AND RECOGNIZING THE CONTRIBUTIONS OF THE UNIVERSITY OF WASHINGTON TO THE STATE OF WASHINGTON AND THE UNITED STATES

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas the University of Washington was founded on November 4, 1861, making it the oldest public university on the west coast of the United States;

Whereas the University of Washington has since grown into an internationally acclaimed research university, spanning 3 campuses in the greater Puget Sound area and enrolling nearly 50,000 students, including international students from 18 countries;

Whereas the faculty of the University of Washington has been repeatedly recognized for excellence, including through the awarding of 4 Nobel Prizes and 15 "Genius Grants" by the MacArthur Foundation, among other awards;

Whereas research at the University of Washington has played a critical role in supporting the advancement of knowledge and industry in the State of Washington and the rest of the country;

Whereas the University of Washington serves as a cultural hub for the Seattle community through world-class venues such as the Henry Art Gallery and Meany Hall for the Performing Arts;

Whereas the University of Washington is home to the Daniel J. Evans School of Public Affairs, the oldest institution dedicated to public policy at a public institution of higher education;

Whereas, for more than 100 years, the University of Washington's Henry M. Jackson School of International Studies has been at

the forefront of international education and research, with a particular educational emphasis on the relations of the United States to the Asia-Pacific Region;

Whereas the University of Washington Medical School and its associated hospitals have been recognized as some of the finest medical facilities in the world, home to the inventors of the first long-term procedure for kidney dialysis and the world's first multidisciplinary pain care center, as well as helping train physicians throughout the western United States through partnerships with medical schools in Wyoming, Alaska, Montana, and Idaho; and

Whereas November 4, 2011, is the 150th anniversary of the founding of the University of Washington: Now therefore, be it

Resolved, That the Senate—

(1) honors the University of Washington on its sesquicentennial;

(2) recognizes the contributions of the University of Washington to the State of Washington and the United States;

(3) salutes the University of Washington's distinguished legacy of academic excellence, path-breaking research, and partnership with its community; and

(4) extends its congratulations to the students, faculty, staff, and alumni of the University of Washington.

SENATE RESOLUTION 314—RECOGNIZING THE CONTRIBUTIONS OF PROJECT CHERNOBYL AND PROJECT 9/11

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 314

Whereas Project Chernobyl is an important organization in the United States addressing the high risk of thyroid cancer among people living in the United States who are from countries affected by the Chernobyl nuclear accident;

Whereas Project Chernobyl has expanded services to offer thyroid screenings to the general population in regions with a high incidence of thyroid cancer;

Whereas Project Chernobyl is addressing the high medical costs of diagnosis and treatment of thyroid cancer by introducing and implementing innovative, minimally invasive techniques that allow for rapid, low cost treatment;

Whereas Project Chernobyl is initiating and funding research directed toward developing new diagnostic and treatment methodologies for thyroid cancer and other thyroid diseases;

Whereas Project Chernobyl has organized Project 9/11, a dedicated effort to identify and treat thyroid cancer among 9/11 first responders; and

Whereas Project Chernobyl and Project 9/11 are providing an extraordinary service to members of the 9/11 community and first responders who are suffering from thyroid cancer: Now, therefore, be it

Resolved, That the Senate commends Project 9/11 and its work to assist the 9/11 community in early treatment and detection of thyroid cancer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 924. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO,

Mr. ENZI, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 924. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO, Mr. ENZI, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table; as follows:

In title I of Division B, insert after section 117 the following:

Sec. 118. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay compensation for senior executives at the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation in the form of bonuses, during any period of conservatorship for those entities on or after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, November 15, 2011, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Department of Energy's Quadrennial Technology Review (QTR) and two bills pending before the Committee:

S. 1703—Quadrennial Energy Review Act of 2011, and

S. 1807—Energy Research and Development Coordination Act of 2011

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Meagan.Gins@energy.senate.gov.

For further information, please contact Jennifer Nekuda Malik at 202-224-5479, Linda Lance at 202-224-7556, or Meagan Gins at 202-224-0883.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MERKLEY. I ask unanimous consent that notwithstanding rule XXII, at 12 noon, Tuesday, November 8, 2011, the Senate proceed to Executive Session to consider Calendar No. 405, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MERKLEY. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 465, that the nomination be confirmed with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I support the confirmation of the President's nominee to be the first inspector general of the intelligence community, Irvin Charles McCullough III.

The position of Inspector General of the Intelligence Community—or ICIG—was created in the fiscal year 2010 Intelligence Authorization Act, after several years of effort to have the position enacted. The reason to have a Community-wide inspector general is similar to the reason to have a Director of National Intelligence.

The ICIG is intended to review, and conduct oversight on, intelligence activities across the 16 agencies that make up the intelligence community, as well as the Office of the DNI, instead of having every agency—and its IG—operate within its own stovepipe.

In recent years, the intelligence agencies have worked more closely together. This has improved performance and reduced duplication, but it has also made the oversight work of individual agency inspectors general more difficult.

The Intelligence Committee saw there was a need to create an inspector general with authority and oversight of the entire intelligence community, and one who could look at issues that cut across individual agencies.

That view was reinforced by the relative weakness of the inspector general position in the Office of the DNI that was authorized as part of the Intelligence Reform Act of 2004.

Thus, the committee pushed to have created the inspector general of the intelligence community, to be confirmed by the Senate and given the statutory authorities and independence of other Senate-confirmed inspectors general.

Mr. McCullough is well-qualified to be this first ICIG. He has long experience conducting investigations both as an inspector general and a FBI agent. He is an attorney and is well-familiar with the intelligence community.

Mr. McCullough currently serves as the deputy inspector general of the DNI's Office of the Inspector General. From 2003 to 2010, he was an assistant inspector general for the National Security Agency. He served from 2001–2003 as senior counsel for law enforcement and intelligence in the Office of the General Counsel, U.S. Department of the Treasury and was for 10 years in the Federal Bureau of Investigation as attorney, special agent and supervisory special agent.

The Intelligence Committee received Mr. McCullough's nomination in August. After Mr. McCullough answered the committee's questionnaire and pre-hearing questions, we held a public hearing with him on September 22. On October 4, the Intelligence Committee voted out Mr. McCullough's nomination on a rollcall vote of 15 to 0. His nomination was also considered in the Homeland Security and Government Affairs Committee and has moved forward by unanimous consent.

This important post will now be filled, and Mr. McCullough is qualified and prepared to take on the responsibilities and authorities of the position.

I support his confirmation.

The nomination considered and confirmed is as follows:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Irvin Charles McCullough III, of Maryland, to be Inspector General of the Intelligence Community, Office of the Director of National Intelligence.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate resumes legislative session.

COMMENDING THE GIRL SCOUTS OF THE USA

Mr. MERKLEY. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 312, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 312) commending Girl Scouts of the USA on the special occasion of its 52nd annual convention and commending the commitment of Girl Scouts of the USA to the mission of fostering the courage, confidence, and character that girls need to become leaders and make the world a better place.

There being no objection, the Senate proceeded to the resolution.

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed

to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 312

Whereas, on March 12, 1912, founder Juliette Gordon Low organized the first troop of Girl Scouts of the USA (referred to in this preamble as "Girl Scouts");

Whereas, on March 16, 1950, Girl Scouts became the first national organization for girls to be granted a Federal charter by Congress;

Whereas Girl Scouts regularly informs Congress of its progress and program initiatives through annual reports;

Whereas Girl Scouts actively promotes initiatives to help young women discover their full potential by—

(1) instilling a sound foundation of positive values;

(2) developing a sense of service;

(3) facilitating creative decision-making; and

(4) turning girls into model citizens and leaders of their community, the country, and the world;

Whereas Girl Scouts is holding its 52nd Convention in November 2011 in Houston, Texas;

Whereas the 2011 Girl Scout Leadership Institute, which will run at the 52nd Convention, encourages young women, ages 13 to 18, to explore and build skills in math, science, business, and technology to prepare for future success in the increasingly competitive global marketplace;

Whereas the 2011 Girl Scout Leadership Institute, under the theme of "Leadership and Innovation, the Next 100 Years"—

(1) seeks to advance leadership opportunities for girls;

(2) promotes programs that offer advanced curriculum;

(3) engages over 1,200 young women from across the globe;

(4) connects young women to industry professionals;

(5) builds the interest of young women in innovation and technology;

(6) addresses global issues; and

(7) teaches life-long leadership abilities and teamwork skills in an interactive environment;

Whereas Girl Scouts has renewed the focus on involving girls in "innovative, hands-on experiences in science, technology, engineering, and math" (referred to in this preamble as "STEM") that "strengthen the natural aptitudes of girls and acquaint them with new career options and tools for future independence";

Whereas Girl Scouts develops girl-centered programs that—

(1) are attuned to the ever-changing needs of women working in the current global market; and

(2) encourage girls to actively engage in STEM activities, facilitating valuable real-world experiences that are integral to developing the next female leaders of the United States;

Whereas Girl Scouts remains a preeminent organization with 3,200,000 members, dedicated solely to—

(1) inspiring generations of girls to reach for their goals, challenge stereotypes, and develop to their full potential; and

(2) advancing opportunities for women to accomplish feats previously thought impossible for the female gender; and

Whereas Girl Scouts has significantly contributed to the advancement of the United States for 100 years by instilling in young women the leadership qualities on which the strength of the United States depends: Now, therefore, be it

Resolved, That the Senate—

(1) commends Girl Scouts of the USA for organizing—

(A) the 2011 National Council Session and the 52nd Convention;

(B) the 2011 Girl Scout Leadership Institute; and

(C) the 2011 "Leadership and Innovation, the Next 100 Years" workshops; and

(2) commends Girl Scouts of the USA for continuing to create learning opportunities and activities for young women to develop strong leadership values and life skills.

CONGRATULATING THE UNIVERSITY OF WASHINGTON

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 313, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 313) congratulating the University of Washington on its sesquicentennial and recognizing the contributions of the University of Washington to the State of Washington and the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 313

Whereas the University of Washington was founded on November 4, 1861, making it the oldest public university on the west coast of the United States;

Whereas the University of Washington has since grown into an internationally acclaimed research university, spanning 3 campuses in the greater Puget Sound area and enrolling nearly 50,000 students, including international students from 18 countries;

Whereas the faculty of the University of Washington has been repeatedly recognized for excellence, including through the awarding of 4 Nobel Prizes and 15 "Genius Grants" by the MacArthur Foundation, among other awards;

Whereas research at the University of Washington has played a critical role in supporting the advancement of knowledge and industry in the State of Washington and the rest of the country;

Whereas the University of Washington serves as a cultural hub for the Seattle community through world-class venues such as

the Henry Art Gallery and Meany Hall for the Performing Arts;

Whereas the University of Washington is home to the Daniel J. Evans School of Public Affairs, the oldest institution dedicated to public policy at a public institution of higher education;

Whereas, for more than 100 years, the University of Washington's Henry M. Jackson School of International Studies has been at the forefront of international education and research, with a particular educational emphasis on the relations of the United States to the Asia-Pacific Region;

Whereas the University of Washington Medical School and its associated hospitals have been recognized as some of the finest medical facilities in the world, home to the inventors of the first long-term procedure for kidney dialysis and the world's first multidisciplinary pain care center, as well as helping train physicians throughout the western United States through partnerships with medical schools in Wyoming, Alaska, Montana, and Idaho; and

Whereas November 4, 2011, is the 150th anniversary of the founding of the University of Washington: Now therefore, be it

Resolved, That the Senate—

(1) honors the University of Washington on its sesquicentennial;

(2) recognizes the contributions of the University of Washington to the State of Washington and the United States;

(3) salutes the University of Washington's distinguished legacy of academic excellence, path-breaking research, and partnership with its community; and

(4) extends its congratulations to the students, faculty, staff, and alumni of the University of Washington.

MEASURES PLACED ON THE CALENDAR—H.R. 1070 AND H.R. 1965

Mr. MERKLEY. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills for the second time.

A bill (H.R. 1070) to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

A bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

Mr. MERKLEY. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar under rule XIV.

MEASURES READ THE FIRST TIME EN BLOC—H.R. 2930 AND H.R. 2940

Mr. MERKLEY. I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The bills will be read for the first time by title.

The legislative clerk read as follows:

A bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

A bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

Mr. MERKLEY. I ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, there will be a second reading on the next legislative day.

ORDERS FOR TUESDAY, NOVEMBER 8, 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 10 a.m. on Tuesday, November 8, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 674, the 3 Percent Withholding Repeal Act, postcloture; further, that at 12 p.m. the Senate proceed to executive session under the previous order and that when the Senate resumes legislative session following the rollcall vote on confirmation of the Wallach nomination, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings; finally, that all time during adjourn-

ment, morning business, executive session, and recess count postcloture on the motion to proceed to H.R. 674.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Mr. President, there will be a rollcall vote at approximately 12:15 p.m. tomorrow on confirmation of the Wallach nomination. Additionally, we expect to begin consideration of H.R. 674 during tomorrow's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Tuesday, November 8, 2011, at 10 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations under the authority of the order of the Senate of January 7, 2009 and the nominations were placed on the Executive Calendar:

*IRVIN CHARLES MCCULLOUGH III, OF MARYLAND, TO BE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

*DAVID A. MONTOYA, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATION

Executive nomination confirmed by the Senate November 7, 2011:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

IRVIN CHARLES MCCULLOUGH III, OF MARYLAND, TO BE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

EXTENSIONS OF REMARKS

IN CELEBRATION OF THE LIFE
AND THEATRICAL ACHIEVE-
MENTS OF SHAUNEILLE PERRY**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. RANGEL. Mr. Speaker, today I rise with great cultural pride to join Byron Lewis, CEO of Uniworld Group, Woodie King, Jr., Founder and Executive Artistic Director of New Federal Theatre and Voza Rivers, Co-Founder and Executive Producer of New Heritage Theatre to celebrate the life and theatrical achievements of renowned actor, author, director and educator, Shauneille Perry.

On November 13, 2011, at Harlem's landmarked Riverside Church, the Uniworld Group, New Federal Theatre and New Heritage Theatre will join hundreds of actors, playwrights, designers, technicians, and students in the field of Black Theater to say thank you to Shauneille Perry for her historic accomplishments and contributions to American Theater.

Shauneille Perry was born on July 26, 1929, in Chicago to a very prominent African American family. Her father, Graham T. Perry, was one of the first African American Assistant Attorney Generals for the State of Illinois. Her mother, the former Laura Pearl Gant, was one of the first African American court reporters for the City of Chicago. Ms. Perry is also the niece of real estate broker and political activist Carl Augustus Hansberry and Africanist scholar William Leo Hansberry. She is also the first cousin of Carl Hansberry's daughter, Lorraine Hansberry, famous playwright and author of the 1973 Tony Award Best Musical, *A Raisin in the Sun*.

Shauneille attended Howard University, where she was a member of the Howard Players under the direction of Owen Dodson. In 1950, she received a B.A. in drama from Howard. Her studies followed at the Goodman Theatre Art Institute in Chicago, where she received her M.A. in directing. She is also a Fulbright Scholar at the Royal Academy of Dramatic Art in London.

In Chicago of 1957, Perry married Architect Donald Ryder. Several months later, she received national exposure as the second place winner in the 1958 Picturama Contest, an essay competition sponsored by Ebony Magazine. She took advantage of the prize with her husband, which was a \$4,000, three-week tour of Paris. By the end of the decade, the couple relocated to New York City, where it did not take long for her to establish herself as an actor.

In the late 1950s and early 1960s, she acted in various productions on the New York stage including *The Goose*, *Dark of the Moon*, *Talent '60*, *Ondine*, *Clandestine on the Morning Line* and *The Octoroon*. Her work as Lilly Ruth, a pregnant girl in the short-lived off-

Broadway production of *Clandestine on the Morning Line* received particular notice. After her many successes as a performing actor, Shauneille switched her career toward writing, directing, and raising a family.

Following in the footsteps of Vinnette Carroll, the first great African American playwright, stage director, and actor to direct on Broadway with the hit gospel revue, *Don't Bother Me, I Can't Cope*, Shauneille became one of the first African American women to direct on the New York stage. Her notable works on the Broadway and on the national and international tour stage include one of her early efforts, the *Mau Mau Room*, at the Negro Ensemble Company. It was the first major stage production of a play written by J.E. Franklin.

Shauneille Perry staged the productions of *Strivers Row*, *Looking Back*, the music of Micki Grant by Rosalie Pritchett, *Sty of the Blind Pig* by Phillip Hayes Dean for the Negro Ensemble Company, *Moon on a Rainbow Shawl* produced by Voza Rivers at Harlem's Roger Furman's New Heritage Theatre, the award-winning production of Paul Robeson, and the original off-Broadway production of J.E. Franklin's play, *Black Girl* for Woodie King, Jr.'s New Federal Theatre, which became a film directed by another award winning actor and civil rights activist Ossie Davis.

A gifted writer of several plays including *Pearl*, a short story collection and children's musical *Mio*, which she staged as a workshop production at the New Federal Theatre in the fall of 1971. Shauneille's work includes *Sass and Class*, *In Dahomey*, *Music Magic*, *Daddy Goodness with Clifton Davis*, *Last Night, Night Before*, *Things of the Heart*, *Marian Anderson's Story*, and *Sounds of the City*, a 15 minute daily soap opera that aired on the Mutual Black Network in the mid-1970s for Byron Lewis' Uniworld Group, Inc. Shauneille Perry's other gifted works include the KCET teleplay of John Henry Redwood's *Old Settler* starring Phylicia Rashad and Debbie Allen, *Black Beauties for Equity Fights Aids* and the narrative for the 2005 Harlem Exhibition at the Museum of the City of New York.

An innovator and contributor of the Black Arts Movement, Shauneille Perry has been honored with four AUDELCO Awards, two CEBAS, the Lloyd Richards Award of Directing (National Black Theatre Festival), the Black Rose of Achievement (Encore Magazine), the distinguished Howard Player and Alumni Awards, and the Scholar Achievement Award from Lehman College of the City University of New York, where she was a professor of Theatre and Black Studies.

Mr. Speaker, please join me and a grateful nation in celebrating the life and theatrical achievements of Shauneille Perry as a living legend of the American and Black Theater. Her talented works and legacy will forever remain in our ever-changing world. With her accomplishments and contributions, the Black Theatre community has had the opportunity to

help advance the quality and heritage of the American Theatre.

150TH YEAR OF THE UNIVERSITY
OF WASHINGTON**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. REICHERT. Mr. Speaker, I am happy to co-sponsor the resolution commemorating the 150th anniversary of the founding of the University of Washington. On this momentous occasion, I'd like to personally thank UW for its outreach to the community, academic leadership, and overall impact on the Puget Sound region.

Each time I return to my district, Mr. Speaker, I am reminded of the incredible work of the University of Washington and its many contributions to our state and nation. The UW is not only a leader in educating students, but also the entire community; hosting several professional and informal public events on medicine, agriculture, the environment, current events, history, transportation, weather patterns, and much more. The pioneering work done at UW research laboratories in medical research is astounding. The university collaborates with other professional organizations as well as academic institutions; no duplication, just groundbreaking research. The teaching and research at UW have international significance. It is saving lives and changing long-held perceptions. Across cultures and countries, UW's work is significant.

Every year, UW is featured as one of the leading universities in the nation—indeed, in the world. Its schools of medicine, science, forestry, engineering, business, public affairs, and law consistently rank at or near the top of multiple ratings lists. It is an amazing place to learn and grow. The Puget Sound—and the world—is a better place because of UW.

Especially during football season, watching dozens of people, young and old, walking down the street wearing the purple-and-gold is remarkable. The support for every part of the UW from its alumni is a testament to its influence and longevity. The community loves UW and UW loves its community. The professors, students, faculty, alumni, boosters, coaches, and facilities that make the Puget Sound home, also make the Puget Sound unique.

Mr. Speaker, the University of Washington is a unique and historic institution. Its true impact is immeasurable. UW's outreach and academic accomplishments are legendary. Here's to the next 150 years, Mr. Speaker. Go Dawgs!

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN CELEBRATION OF THE OLD
BROADWAY SYNAGOGUE'S 100TH
ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. RANGEL. Mr. Speaker, today I rise to celebrate with the parishioners of my beloved Old Broadway Synagogue as it marks a century of service to the Harlem Jewish community. For 100 years, Old Broadway Synagogue has been one of many important components contributing to make Harlem a stronger, more peaceful and diverse community.

The history of the Old Broadway Synagogue is parallel with that of the American story. It is the story that shows dedication, passion, struggles, which ultimately lead to prosperity. In 1911, when a group of businessmen arrived in America, they came together to establish an institution in order to exercise and enrich their religious beliefs. For thirteen years, early members congregated in a small, available space of bars and café. Even its lack of sufficient location to convene, the group brought together an even closer community. In 1924, the institution had transformed into a Synagogue, which has become a part of Harlem's rich and diverse history. The Old Broadway Synagogue was opened for service as it was situated between Manhattan Street and Lawrence.

The Synagogue's effort to educate the local community is written all over the name given by the early Founders. They chose "Chevra Talmud Torah Anshei Marovi", which means, the "Society for the Study of the Torah for the people of the West". In the last century, the Synagogue has been well-received by the community. Dedicated members have continued to contribute to the construction and renovation of the Synagogue. Today, Old Broadway consists of seventy dedicating members, all who are very devoted to teaching and spreading the spiritual and ethical ideals of the Jewish traditions.

When speak about the long and proud history of this synagogue, one cannot forget many great leaders who have brought this worship place together and forward. Rabbi Jacob Kret had made tremendous contributions in terms of leadership and history of the synagogue. He was a native of Ostrow Mazowiecka, a city located in northern Poland. After the Second World War broke out, Rabbi Kret left to Lithuania but was later captured by Soviet troops. Among many, he was sent to Siberia. In 1950, the Krets family arrived in United States; later he became a spiritual leader of the Synagogue. After the war ended, refugees from Europe arrived in United States. Many were in need of shelters. The Krets family generously accommodated and assisted them during the new transition process. Mr. Speaker, this kind gesture is one of many reasons Old Broadway Synagogue remains so important in my community and my heart. I can truly say that Old Broadway is my Synagogue. The story of this religious institution reflects, so clear, the similar story of the devoted Americans and migrants; that is we always reach out to the people who are in need of help.

Mr. Speaker, I would like to conclude my remarks today by expressing my utmost appreciation for Old Broadway for all it has done for this community. Even if Old Broadway Synagogue were, perhaps, a smaller religious institution, but it is undeniable that the history of this institution is long and rich, where the congregation's action positively impacted Harlem. I would like to once again congratulate Old Broadway on its 100th anniversary.

HONORING ROBERT W. DARTER,
M.D. OF NAPA COUNTY, CALI-
FORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Doctor Robert W. Darter's receiving the Frederick K.M. Plessner Award for serving families in a rural county by the Napa County Medical Society.

Dr. Darter was born and raised in Berkeley. He graduated from UC Berkeley with honors in public health in 1954 and received his medical degree from Northwestern University in 1958. He began working as an Epidemic Intelligence Service Office with the Center for Disease Control in 1959 and continues to be the Chief Epidemiologist at the St. Helena Hospital and Health Center.

In 1970 he and his two partners formed what is now the Napa Valley Family Medical Group, which was one of the first incorporated medical groups in the state of California and who now includes eight family physicians. Dr. Darter also had the vision in 1976 to buy a 16mb IBM to document finances, patient appointments and other aspects of a medical practice.

In 1976 he became President of the Napa County Medical Society and has been active in several organizations throughout the years, such as the Napa County Maternal, Child and Adolescent Health Advisory Board, and the Napa County Health and Disability Prevention Board. He obtained the Lifetime Achievement Award in 2006 from the St. Helena Chamber of Commerce.

He has also given back to his community by being a founding member of the St. Helena Public Library and is working on obtaining a charitable status for the St. Helena Public Library Foundation. Dr. Darter began serving as the side line team physician in 1970 for the St. Helena High School Saints and he continues to follow to the team to away games. Through the Kiwanis Club of St. Helena he has made several trips to El Fuerte, Mexico to bring much needed medical care to the local hospital. Yet, his long time passion has been the Boy Scouts, starting as a Troop One assistant scout master in 1962 through 1982. In 1991 he won the Silver Beaver Award, which is the Boy Scouts highest award given to adult leaders.

Dr. Darter is well known in the Napa Valley for his continued work in the community and is fortunate enough to be surrounded by his loving family and life-long friends. He and his wife Jan have five children, Robert Darter IV,

Michael Darter, James Darter, John Darter and Kimberly Darter.

Mr. Speaker, it is appropriate at this time that we acknowledge Dr. Robert W. Darter for his decades of devoted service to the Napa Valley community on this day.

IN CELEBRATION OF ALL SOULS'
EPISCOPAL CHURCH'S 150TH AN-
NIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. RANGEL. Mr. Speaker, I rise today to express my warm congratulation for All Souls' Episcopal Church for its monumental 150th Anniversary. All Souls' Episcopal Church has lived up to its mission since its early establishment. Today, the Church continues to serve the Harlem community residents with great pride. For the last 150 years, All Souls' have walked through difficult paths, but each time the congregation and the leadership has been able to overcome the struggles.

All Souls' long history began in 1859 when early members gathered in a large room of a Depot on Sixth Avenue. Two years later, due to an unexpected demographic expansion, the leadership saw that it was necessary to relocate to a more suiting location. The construction of a new Church began. The consecration of the 48th Street became the home of the community up until 1906. In between this period, at least until 1902, All Souls' had reached its apogee. Under the leadership of Reverend Dr. Herber Newton, the Church was considered the most "fashionable" out of all churches in town. Reverend Dr. Newton's preaching and charisma were able to draw members from all classes and backgrounds. At this time, the exploding list of membership brought back the reconsideration of relocating the Church. The consecration was moved from 48th Street to 66th Street.

In 1902, Reverend Dr. Newton retired due to advancing age. The congregation was grateful for his leadership and bright visions. In 1906, All Souls' merged with the Church of the Archangel and relocated to the present location on 88 St. Nicholas Avenue. The two Churches stood side by side, sought strength for one another while reaching out to the community with high dedication and enthusiasm.

In the 1920s, the drastic change of demographic of the era was noticeable. Hispanics and African Americans began to move up-town, where at the time this area was heavily consisted of Caucasian population. A great lesson was learned with this new change. While our Nation was sunk into a deep racial violence and movements against the Black communities, All Souls' took the utmost civil action to defeat racism that occurred within the Church's leadership. The disagreement, which led to bitterness took place between the Vestry and Reverend Dodd, displays a valuable lesson for many to learn—one must stand up to speak for his or her principle despite social surrounding pressures. The courageous act of Reverend Dodd and Bishop Manning eventually enabled "all people in the

neighborhood", regardless of race and color, to attend the services.

The livelihood of the Church was revived under the leadership of Reverend Lauder. Under his ministry, All Souls' was able to welcome old and new members. In addition, the Church was able to contribute to the community through programs. Reverend Lauder led the congregation and the community to establish a program, which reached out to assist those who needed shelters. This action strongly reflects the mission of the church from the beginning and sends a genuine message to the community that together there is nothing we cannot do.

All Souls' Episcopal Church has contributed much to the strength and growth of Harlem. In the last few years, All Souls' has provided after school and summer programs, which were made available not only to Church members but to the entire community. This is the kind of message our community needs. Not only that All Souls' preaches the idea of openness and lending hands to those who have less than us, but it actually put the idea to practice and have certainly made an impact on one's life.

Mr. Speaker, colleagues, allow me to take this moment to wish All Souls' Episcopal Church and its congregation a special 150th Anniversary in this extraordinary moment of their history. With one and a half century of chronicle, struggles, and achievements, I can say without hesitation that All Souls' has become an essential element leading to the remarkable transformation of Harlem. The victory in the battle against racism within the Church contributed to the overall victory of the Civil Rights movement about four decades later. I am grateful for this institution's existence and its extensive efforts to reach out to all people regardless of race or color.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 8, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 9

10 a.m.

Environment and Public Works

Business meeting to consider an original bill entitled, "Moving Ahead for Progress in the 21st Century Act".

SD-406

Homeland Security and Governmental Affairs

Business meeting to consider S. 1789, to improve, sustain, and transform the United States Postal Service, H.R. 2061, to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment, S. Res. 296, commemorating the 50th anniversary of the Combined Federal Campaign, and the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of the District of Columbia, Department of Justice, and Danya Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine securing our nation's transportation system, focusing on oversight of Transportation Security Administration's current efforts.

SR-253

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine United States policy in Syria.

SD-419

Judiciary

Privacy, Technology and the Law Subcommittee

To hold hearings to examine health and privacy, focusing on protecting health information in a digital world.

SD-226

NOVEMBER 10

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

10 a.m.

Armed Services

To hold hearings to examine whether the Chief, National Guard Bureau should be a member of the Joint Chiefs of Staff.

SD-G50

Banking, Housing, and Urban Affairs

To hold hearings to examine opportunities and challenges for economic development in Indian country.

SD-538

Finance

To hold hearings to examine unemployment insurance, focusing on the path back to work.

SD-215

Judiciary

Business meeting to consider S. 598, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding

practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, S. 1794, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 347, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 2189, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and the nominations of Susie Morgan, to be United States District Judge for the Eastern District of Louisiana, and Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice.

SH-216

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 1192, to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes, S. 872, to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land, and S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior.

SD-628

2:30 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the role of health care delivery system reform, focusing on improving quality and lowering costs.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security.

SD-342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

NOVEMBER 15

10 a.m.

Energy and Natural Resources

To hold hearings to examine the Department of Energy's Quadrennial Technology Review (QTR), and S. 1703, to

amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and S. 1807, to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs.

SD-366

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, and Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of

Virginia, both to be a Federal Trade Commissioner.

SR-253

NOVEMBER 17

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Secretary of the Interior's Order No. 3315 to consolidate and establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management.

SD-366

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes.

SD-628

NOVEMBER 30

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.

SR-418

DECEMBER 6

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Express Scripts/Medco merger.

SD-226

SENATE—Tuesday, November 8, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign God and ultimate ruler of this Nation, as our lawmakers remember their accountability to You, use them to protect the blessing of liberty. Continue to provide encouragement and support to the members of their staffs, who help provide for the security and well-being of the citizens of this land.

Lord, cover us all with Your protection and providence, and may Your gracious benediction give us peace this day and evermore. Keep our thoughts clear, our words wise, and our hearts pure.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 8, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will

be in a period of morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the final half. Following morning business, we will resume consideration of the motion to proceed to H.R. 674. At noon, the Senate will be in executive session to consider the nomination of Evan Wallach to be U.S. Circuit Judge for the Federal Circuit. At 12:15 p.m., the Senate will vote on confirmation of the Wallach nomination. Following that vote, the Senate will be in recess until 2:15 p.m. to allow for our weekly caucus meetings. We expect to begin consideration of H.R. 674 today. Senators will be notified when additional votes are scheduled.

MEASURES PLACED ON THE CALENDAR—H.R. 2930 AND H.R. 2940

Mr. REID. Madam President, there are two bills at the desk. They are both due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

A bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

Mr. REID. Madam President, I object to any further proceedings with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

VOW TO HIRE HEROES LEGISLATION

Mr. REID. Madam President, yesterday my friend the Republican leader ticked off a list of bills on which he believes Democrats and Republicans can agree. I couldn't help but notice that the VOW to Hire Heroes legislation that would give tax cuts to companies to hire out-of-work and disabled veterans wasn't on that list he ticked off.

The bill I just referred to, the VOW to Hire Heroes legislation, ought to be free of even a whiff of controversy. House Republicans already voted for the major components of that bill—a plan to give older veterans access to job training so they can keep up with the rapidly changing workplace and to help young veterans transition from Active-Duty service to the civilian workplace.

The bill wouldn't add a dime to the deficit, so there should be no objection there. It is paid for with a non-controversial extension of an existing fee on VA-backed mortgages. It is a version of the same bill for which House Republicans already voted. Republicans have voted for tax credits for companies that hire out-of-work and disabled veterans in the past, so that can't be the holdup. We will pass this important legislation as an amendment to a bill sent over from the House to repeal a 3 percent withholding provision from government contractors. Republicans have been chomping at the bit to pass this measure, so the House vehicle for VOW to Hire Heroes is not the source of their radio silence, I am sure.

There are no procedural or philosophical hurdles to passing this bill. But don't take my word for it, Madam President. JEFF MILLER, the Republican chairman of the House Veterans' Affairs Committee, said this about this bipartisan legislation yesterday:

Today, we are putting aside politics and putting America's veterans first. This is how the process should work. The VOW Act, which passed the House with overwhelming bipartisan support, provides the framework for this legislation and gets to the root of many of the employment problems our veterans face.

With nearly a quarter of a million Iraq and Afghanistan veterans unemployed, this legislation can't come a moment too soon. Yet Senate Republicans remain curiously silent on this legislation.

It is inconceivable that my Republican colleagues perceive this legislation to be unnecessary, but it also seemed unthinkable that Republicans would unanimously oppose legislation to create hundreds of thousands of jobs for teachers, firefighters, and construction workers.

Here is what is at stake. The number of unemployed post-9/11 veterans has gone up by 30,000 in the last year alone. Nearly 250,000 men and women who volunteered to fight overseas for the flag and the privileges and freedoms it represents can't find a job here at home. That number will only grow as the two wars draw to a close. One in five young veterans—veterans under age 25—is unemployed. On any given night, at least 75,000 veterans, including 2,500 in Nevada, sleep on the streets. They are homeless. We should all be able to agree that even 1 night is too many for our Nation's heroes to pass without a roof over their head. Young veterans are more than twice as likely as their peers to be homeless and four times as likely to live in poverty. During tough

economic times, when some young people join the military for a way to escape the cycle of poverty, this statistic is shocking and disheartening.

I call on the minority leader and the rest of my Republican colleagues to break their silence. Where do they stand on the VOW to Hire Heroes Act? I ask my Republican colleagues, do you believe we should lend a hand to those who defend our freedom? Of course. Or do you think this Nation's responsibility to its veterans ends the day they take off that uniform?

Andrew Carnegie once said that the older he got, the less mind he paid to what men say. "I just watch what they do," he said. So I remind my Republican friends that the men and women of the U.S. Armed Forces—those who wear the uniform today and those who wore it once—are watching what my Republican colleagues do.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TACKLING THE JOBS CRISIS

Mr. MCCONNELL. Madam President, it has now been 2 months since the President came before Congress and outlined his plan for tackling the jobs crisis—a plan that can best be described as a rehash of the same failed policies of the past few years disguised as a bipartisan overture, a political strategy masquerading as a serious legislative proposal. The President put this plan together knowing the Republicans would oppose it. In other words, it was actually designed to fail, as the White House aides have readily admitted to reporters for weeks. This was not, I repeat, a serious effort to do something about jobs and the economy. It was a serious effort to help the President's reelection campaign by making Republicans in Congress look intransigent.

So what I have been saying for the past few weeks is let's put the political games aside. We will have time for the election next year. The American people want us to do something about jobs right now.

Well, it appears the message may be finally breaking through. I was just listening to my friend the majority leader talking about the measure before us—something we support and look forward to passing. It has been championed by Senator SCOTT BROWN of Massachusetts as something that would help contractors who do business with the government. I was also glad to see that the Veterans bill, which contains many provisions supported by Republicans, will be the first amendment. So maybe we are making some progress. This is just the kind of thing we have been

calling for, just the kind of thing we should be doing a lot more of around here because there is a lot we can agree on when it comes to jobs legislation, and that is where the focus should actually be.

While the President has been out on bus tours, Republicans in the House have been debating and passing bipartisan legislation aimed at making it easier for businesses across the country to grow and to create jobs. Over the past 2 weeks, I have highlighted some of their good work.

Yesterday, I mentioned in particular a bill the House passed just last week called the Small Company Capital Formation Act, H.R. 1070, a bill that received 421 votes, including 183 Democratic votes. Only 1 person of the entire 435-Member House of Representatives voted against the bill—just 1. And President Obama endorsed the idea contained in this bill in his jobs speech a couple of months ago. The question is, Why in the world wouldn't the Democratic majority take it up and pass it right here in the Senate? If Democrats are more interested in passing legislation that helps put Americans back to work than they are in raising taxes, they should at least work with us to pass the bills the President himself has endorsed.

This morning, I want to say again how pleased I am we will be taking up Senator BROWN's 3 percent withholding bill to help ease the burden on government contractors and that we will have a vote on and hopefully debate the Veterans bill. I would like to call on the Democratic majority in the Senate to keep it up by taking up H.R. 1070 or its bipartisan Senate companion bill, S. 1544, sponsored by Senators TOOMEY and TESTER.

Take up this legislation that has already passed the House with the support of almost everybody over there and show the American people that you care more about creating jobs than creating campaign slogans. Let's not make the bills we will be voting on today the exception but the rule around here. Why don't we just keep it up?

Right now, small, growing businesses aren't expanding their businesses through a public offering because they simply can't afford the high cost of the government paperwork they are required to manage. Instead of going out there and raising money to grow and hire, they are holding back. They are not expanding. And if they are not expanding, they are not hiring. This bill would remove some of that burden from smaller businesses and help them gain access to new capital that they can invest in their businesses and their employees.

Yesterday, I mentioned the CEO of a pharmaceutical company in Pennsylvania who says that he has a promising new drug for treating chronic kidney

disease actually in the pipeline but that he can't take it to the next level because of all the regulatory costs his company is too small to afford right now. We should be removing barriers for smaller companies such as his. Nearly 200 House Democrats agree with that, and so does President Obama. As I said yesterday, this bill is about as bipartisan as it gets. The only thing standing in the way of passing it in the Senate is the Democrats who schedule legislation around here, and the only reason they could have for blocking it is that it steps on their campaign strategy.

I think that is a mistake. I think the American people can see Republicans in the House passing all these bipartisan bills aimed at spurring job creation, and they wonder why Senate Democrats won't actually take them up.

This should be easy. They have already done the hard work of finding jobs bills that we know can pass both Chambers and that the President would probably sign. Let's take up the bipartisan companion bill of Senators TOOMEY and TESTER to the House bill—their bill is S. 1544—and let's pass it, and then let's send it to the President for his signature so it can become law.

If you are for creating jobs, you should be for this bill. As the AP put it last month:

Companies use the cash they raise to grow—and that means hiring people . . . and at a time when 14 million Americans are looking for work and the unemployment rate has been stuck near 9 percent for two years, the last thing the economy needs is for one engine of hiring to stall.

A recent report by NASDAQ of companies that went public from 2001 to 2009 found that those companies increased their collective workforce by 70 percent after making the initial public offering—a 70-percent increase in employment after making an initial public offering.

What this bill does is enable more companies to take that leap and start hiring once they have. This is the kind of thing we should be doing more of in the Senate. Let's put the partisan bills aside and let's focus on bipartisan legislation. Instead, why don't we shoot for success.

DETAINING ENEMY COMBATANTS

Last week, the White House announced that Prime Minister Nouri al-Maliki of Iraq will be meeting with the President here on December 12. This meeting comes at an important time, as our own military forces will be drawing down their presence within Iraq, and the future of our bilateral security relationship remains very uncertain. But our withdrawal from Iraq raises another important matter I hope the President will raise with Prime Minister Maliki and which highlights some of the difficulties that will result from the military drawdown there, and

eventually in Afghanistan, as well, both of these drawdowns the President has ordered. What I am referring to is the law of war detention.

In July of this year, Senate Republicans wrote to Secretary of Defense Panetta concerning the custody of Ali Mussa Daqduq, the senior Hezbollah operative currently in our joint custody in Iraq. Daqduq is in joint custody in Iraq between the United States and the Iraqi Government.

In 2005, Daqduq was directed by senior Hezbollah leaders to travel to Iran, where he trained Iraqi extremists in the use of explosively formed penetrators, mortars, and other terrorist tactics. Among other things, Daqduq is suspected of orchestrating a kidnapping in Karbala, Iraq, 4 years ago that resulted in the murder of five U.S. military personnel. It is a safe bet that if Daqduq is transferred to Iraqi control, he will return to the fight against the United States. President Obama should insist in his meeting with Prime Minister Maliki that U.S. forces retain custody of Daqduq and transport him to the detention facility at Guantanamo Bay.

The detention of Daqduq touches on three important issues in the ongoing war on terror. First, with the withdrawal of our military presence from Iraq, the United States will lose the ability to detain enemy combatants such as Daqduq in Iraq. Current plans are for the U.S. military to have completed our transition to the security forces of Afghanistan by the end of 2014, and we should expect that we will lose the ability to detain enemy combatants there as well. Our military commanders in Afghanistan should therefore anticipate losing the ability to detain enemy combatants by that date. As we saw in the capture of Abdul Warsame, the Somali terrorist accused of providing materiel support to al-Qaida in the Arabian Peninsula and Al Shaabab and detained on a U.S. Navy ship at sea, there remains a strong likelihood that our military and intelligence community will need a secure detention facility to house these foreign fighters. The issue is, what are you going to do with them.

Rather than being kept in military custody overseas, Warsame was flown to the United States and placed in the civilian system. But the logical place for long-term or indefinite detention of foreign fighters such as Warsame is not on a ship at sea or in our private prison system but rather, as I have said many times before, at the secure detention facility at Guantanamo.

Second, it is worth noting that the Obama administration has tied its own hands in the matter of indefinite detention of enemy combatants. The administration's plan to buy a prison in Illinois for conversion to a military detention facility makes clear that the President does not oppose law of war

detention. He is fine with bringing foreign fighters into the United States and indefinitely detaining them in military facilities inside our borders, and yet he opposes detaining them indefinitely at the military facility in Guantanamo, where they will benefit from humane treatment but they won't enjoy the legal rights of detainees who are brought here, including the possibility of release into the United States.

Third, the Executive orders signed by the President in January in 2009 were issued with an eye toward fulfilling candidate Obama's campaign promises, rather than after conducting a serious review of sound counterterrorism policy. Now, 3 years after taking office, the President has had enough firsthand experience dealing with terrorism to know that many of the terrorists held at Guantanamo can't be sent back to places such as Yemen, where they are likely to return to the fight. But the President's own Executive orders have denied our military commanders and our intelligence community the certainty they need when they capture, detain, and interrogate terrorist suspects. His early Executive orders, for instance, ended the CIA's detention program and directed the closing of Guantanamo. The order to close Guantanamo makes little sense.

It is not Republicans who are tying the President's hands in prosecuting the war on terror. He did that himself with the shortsighted Executive orders he signed during his first days in office. As our country withdraws from Iraq and transitions further responsibilities to the Afghan security forces in Afghanistan, we will need a place to send foreign fighters such as Warsame and Daqduq. That place is the military detention facility at Guantanamo Bay in Cuba.

In his discussions with Prime Minister Maliki, the President should, of course, discuss the role the U.S. military will play in Iraq after the end of this year and how our two countries can work together to preserve the gains made through the sacrifice of so many brave Americans, and to combat Iranian influence. But in addition to these important matters, the President should also insist that the Prime Minister retain custody of Daqduq and send him to Guantanamo as soon as possible.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators per-

mitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

MILITARY DRAWDOWN IN IRAQ

Mr. DURBIN. Madam President, I listened carefully to the statement made by the minority leader, Senator MCCONNELL, the Republican leader. His last statement was about the military drawdown in Iraq.

There were some of us on the Senate floor who were here 10 years ago when the vote was taken on the invasion of Iraq, and 23 of us voted no—1 Republican and 22 Democrats—because we felt the focus of American military power and energy should be to avenge what happened on 9/11 by focusing our resources on the great men and women in uniform in Afghanistan and al-Qaida and Osama bin Laden. President Bush and his supporters believed otherwise. They called for a war in another country, in Iraq, a country which was not implicated in any way with what happened on 9/11. Twenty-three of us thought that was a mistake.

Well, here we are almost 10 years later. We have spent \$1 trillion in Iraq, we have lost over 4,400 of our brave men and women who served in uniform, and now we have a leadership in Iraq which is suspect. Maliki, the leader, has shown in the past to be close to the Iranians—not our friends and not the friends of Western values. I am unhappy with that outcome. But when you deal with democracy or some form of it, the people of a country choose their leaders. That is the reality.

President Bush, before he left office, negotiated a timetable to bring American troops home from Iraq, and the timetable called for that to happen by the end of this year. What President Obama did when he came into office was to take this planned withdrawal of American troops by President Bush and implement it. There came a question at the end whether all of the troops would leave or some would stay. What President Obama tried to negotiate was a guarantee that if American troops stayed in Iraq, they would not be charged and tried in Iraqi courts; that they would be subject to punishment for wrongdoing but it would be under the premise, as it would in most cases, that it would be done under American military law. Mr. Maliki and the Iraqis said no, and the President said we are not going to leave our men and women in uniform in Iraq subject to a government and courts that may not treat them justly or fairly.

I think the President made the right decision. I think if he had made the other decision and said, Leave them there and let the Iraqi prosecutors do

what they wish, we would have heard speeches on the floor from the other side about what an outrage it is to put American soldiers in harm's way, in jeopardy of an Iraqi military justice system or justice system that may be unfair and unjust. The President said, no, our troops will come home.

Now comes the criticism from the Republican side of the aisle that we are leaving under a timetable established by President George W. Bush, leaving because President Obama could not get a guarantee of fair treatment of American soldiers if they stayed. What else would a President do?

Then the argument is made, well, the problem we have is that we may reach a point where some of the people accused of terrorism now being held in Iraq—we are not certain what is going to happen with them now. That is a good question, and I don't know the answer to it. But Senator MCCONNELL—he is consistent—believes we should not ever consider bringing such a foreign person accused of terrorism into America's judicial and court system. He argues that since this is a war and these are terrorists involved in the war, these people should all be directed to military courts in the United States, military tribunals. We have had that argument on the floor. In fact, we had the debate when we had the vote, when Senator AYOTTE offered it 1 or 2 weeks ago.

The majority sentiment in the Senate reflects a reality, and here is the reality: Since 9/11, 2001, more than 230 terrorists have been successfully prosecuted in the article III criminal courts of America. So even those who are foreign born, such as the most recent one, the Underwear Bomber—do you remember the story? He was on a plane headed to Detroit, tried to detonate a bomb, his clothes caught on fire, they put out the fire and arrested him. He pled guilty a few weeks ago in America's criminal courts. He was prosecuted by the Department of Justice, investigated by the Federal Bureau of Investigation, and pled guilty. He wasn't the first. In fact, since 9/11 more than 300 accused terrorists have been successfully prosecuted in our courts, the same courts Senator MCCONNELL questions whether they could adequately protect America. Three hundred times accused terrorists have gone to jail. How many have been prosecuted in military tribunals in that same period of time? Three. Three. Three hundred to three, if you are keeping score.

What I say is this or any other President should have the power to make the right decision as to where someone should be prosecuted. If it is in our court system, so be it. There is ample evidence that the FBI and our prosecutors are up to that task. If it is in the military tribunal, so be it. Let the President make that decision.

Senator MCCONNELL sees it otherwise, and he believes it is a mistake to go to our criminal courts. I would ask him, if he believes that, to explain the score 300 to 3 over the last 10 years.

One last point. This notion that we cannot safely incarcerate convicted terrorists in American prisons has been proven wrong 300 times since 9/11. These men have been sent to American prisons all around the United States, including Marion, IL, where we house convicted terrorists. I have been to southern Illinois recently, and people are not running screaming in the streets because four or five people convicted of terrorism are sitting in the Marion Federal penitentiary. Our people who work there will take care of those folks, and the folks who live around that community have no fear.

I might add that Senator MCCONNELL is mistaken in referring to the Thomson prison. Let me say a brief word about something that means a lot to me. Ten years ago, my State built a prison in Thomson, IL, and then didn't have enough money to open it. It has been sitting there largely empty for a decade. Now the State of Illinois is prepared to sell it to the Federal Bureau of Prisons. The Federal Bureau of Prisons negotiated a good price—good for the State of Illinois and good for us—and saves us about \$35 million over building a new prison. So we get a pretty good deal as Federal taxpayers and Illinois gets sold a 10-year-old prison it is not using. That is pretty good and creates a lot of local jobs.

This has the support not only of myself but the Republican Senator from Illinois, Mr. MARK KIRK, and Republican Congressmen who represent this area. We all support this issue. The notion that Guantanamo detainees are coming to Thomson is a dead issue. The President proposed it initially. I had no objection to it, but it was clear the political sentiment on Capitol Hill opposed it. I accepted that, I accepted political defeat, if you will, on this issue, and said: So be it. No Guantanamo detainees can ever go to the Thomson prison if that is what it takes to close the deal.

The President agreed to it. Attorney General Eric Holder sent a letter upholding it. Senator KIRK, who felt very strongly about this, acknowledged that this letter made it clear this administration was not going to transfer those prisoners to Thomson. Here it comes back on the Senate floor today.

I can just say to my friend Senator MCCONNELL I hope he will sit down with Senator KIRK who will explain this is no longer an issue. I am not fighting this issue, the President is not fighting it, there will be no Guantanamo detainees at Thomson. Let's do something right for our Bureau of Prisons and right, I hope, for my home State of Illinois.

VETERANS EMPLOYMENT

On a separate issue, we are going to consider a Veterans bill today on veterans unemployment, and we will vote on it soon, in the next day or two. It is a bipartisan bill, and it should be. It is a bill that is based on President Obama's jobs bill, which said in addition to all the other unemployed in America, we should give special help to our returning veterans.

I remember the President's speech at the joint session of Congress. Members on the Republican side did not jump up and applaud very often, but they sure did when the President said we ought to help our veterans: They fought for America; they should not have to come back home and fight for a job. Let's give them a helping hand. Everyone stood up and applauded, as they should have.

This bill provides incentives for people to hire unemployed veterans—we estimate there are about 240,000 of these veterans—and the tax credits and all the other counseling and assistance is paid for in the bill. It appears now that this bill—inspired by President Obama's jobs bill and added to it, I might add, the work of the Senate Veterans' Affairs Committee under Senator PATTY MURRAY—is likely to pass on a bipartisan basis, and it should, in time for Veterans Day.

Let me add another point, if I can. I want to help these 240,000 veterans and all veterans go to work. That is something we have a duty to do, a solemn moral duty to see happen. But don't forget there are 14 million unemployed Americans. President Obama's bill goes beyond veterans and says there are many other people needing a helping hand. Help the veterans first—OK, I am for that; I sign up—but keep on the topic, keep on the subject of putting America back to work.

Unfortunately, now, on three separate occasions we have called up President Obama's jobs bill on the Senate floor, and we could not get one single Republican Senator to vote for it—not one. Their reason is very clear, and they are very explicit about it. President Obama pays for his jobs bill by imposing a surtax on those making over \$1 million a year. In other words, if someone is making more than \$20,000 a week in income in America, they are going to pay a little more—it is about 5 percent—for the money earned over \$1 million. The Republicans have come to the floor and said clearly: No deal. We will not agree to any jobs bill that imposes any new tax burden on the wealthiest people in America.

That is their position. They are very open about that position.

Who disagrees with that? Virtually everyone in this country. An overwhelming majority of Democrats and Independents and a majority of Republicans and tea party members say it is not unfair to ask the wealthiest to pay

a little more in taxes to get the American economy working again and to get people back to work. That is what the President proposes.

As we pass this Veterans bill this week, remember it started in the President's jobs bill. It is now bipartisan, as it should be, and we should not stop here. We need to continue the effort. Last week we tried to put money into rebuilding America, infrastructure across America—roads, highways, airports, mass transit. We could not get a single Republican to support us—not one. A week before that we said: Let's try to focus on teachers, policemen, and firefighters who are losing their jobs. Let's try to make sure they do not lose as many as might happen if we do not act. We could not get a single Republican to support that either.

They will not support any provision in the President's jobs bill that adds one penny in new taxes to a millionaire in America. That is their standard. That is what they are using.

The Veterans bill does not do that, so they said they will go along with it. But it begs the question: If we are serious about dealing with this recession and putting people back to work, let's not stop with the veterans of America. Let's start with the veterans of America, and let's do the right thing by them and the rest of this country. A payroll tax cut for working Americans struggling paycheck to paycheck so they have more money, more money to get by, makes sense. They will spend that money—they will need to—on the necessities of life and the purchase of goods and services that will create more jobs; second, tax credits to hire those unemployed; third, make certain we invest in infrastructure, not only what I mentioned, roads and highways, but school buildings and community colleges. Also, make sure we do our best for the policemen, firefighters, and teachers who are facing layoffs all across America.

Those ought to be priorities. They are the President's priorities. They should be our priorities in the Senate. The President has strong bipartisan support for what he is setting out to do. The sad reality is we have little or no support when it comes to votes in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

(The remarks of Mr. WHITEHOUSE on the introduction of S. 1829 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WHITEHOUSE. I thank the chair and yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NET NEUTRALITY

Mr. WARNER. Madam President, I rise in opposition to S.J. Res. 6. This resolution would basically roll back the FCC's compromise over what we have all been debating: net neutrality. This is a subject area I have more than a passing interest in. It is a subject I had the good fortune to be involved in during the practice of my business for over 20 years before I got involved full time in politics and public service.

I, and I know the Presiding Officer and probably all of us in this body, recognize that the power of telecommunications and the power of the Internet to transform people's lives has been remarkable. Demand for Internet use is growing dramatically. Today, nearly 2 billion people use the Internet. By 2015—and that is a mere 4 years from now—that number is expected to reach 2.7 billion.

That is pretty significant: 2.7 billion people using the Internet out of a total worldwide population of 7 billion folks. We are rapidly hitting the point where nearly half the world will use the Internet in one form or another to communicate, to effect commerce, to socially interact. This is a tool. Making sure this tool, this network, this technology, this transformative field truly remains open, free, and available to all and is not unduly hindered by government regulation is something we all aspire to. Yet even as we see this tremendous growth in the Internet, we see constraints—constraints put on by spectrum resources and access to high-speed broadband. Mobile app providers seem to be multiplying exponentially day by day. There are already over 600,000 applications or "apps" for the iPhone. Android—a more recent entrant into the market—now has over 500,000 "apps."

One of the most incredible things is that the United States lays claim to inventing the Internet which was developed by government research linking a whole series of computer networks back in the late 1980s and into the early 1990s. While the United States has been at the forefront of Internet development, unfortunately due to broadband constraints and spectrum constraints, the United States, which used to be a leader, is no longer in that leadership role. For example, homes in South Korea have greater access to faster, more advanced wireless networks and broadband than we do.

So the question in the resolution we are debating is: How do we make sure we continue to grow access to broadband? How do we make sure the

Internet, with all its wonderful new applications, is available in the most open and technology-neutral way?

The FCC has wrestled with this issue for some time, and the FCC is the appropriate place to be wrestling with this issue. Last December, the FCC came out with an order—an order that reached some level of compromise between a series of very strong competing interests. By no means do I believe the FCC December 2010 order is perfect. But it does represent a dramatic step forward in that a majority of the players, candidly, in the industry have reached some accommodation.

I do not believe this order in itself is a sufficient answer. I do believe we in Congress are going to need, at some point, to come back and review the Telecommunications Act of 1996. While that offered great promise—and I was someone who was still in the private sector at that moment in time, someone who thought we were going to see true interconnection opportunities for truly local competitive access in terms of telephone services—that did not come to pass. As a matter of fact, I have a number of companies that went down the tubes that I invested in that assumed that 1996 Act would open those kinds of activities. It did not come to pass.

But having Congress revisit the 1996 Telecommunications Act is not what is being debated today. What is being debated is whether we go ahead and allow the FCC's compromise proposition to move forward or whether we introduce further politics into this issue when we ought not let politics stand in the way of technology and innovation moving forward.

I know some of my colleagues on the other side of the aisle who feel otherwise. They think the FCC's compromise order puts too much government regulation on innovation. I must respectfully disagree. If we were talking about too much government regulation of innovation, I would be strongly standing with those colleagues saying that is not what we ought to be doing.

What we are doing, as we debate this so-called net neutrality issue, is talking about the rights and responsibilities of network owners and operators to manage the Internet and, quite honestly, to allow them to run successful businesses in a free and open way.

We are also talking about the rights of consumers to have access to lawful content on the Internet without any prejudice. Without having that network provider choose one content provider over another in terms of who gets first dibs, first access to their network.

This issue has been debated on and off not just this year but for a number of years. In many ways, the current history on this issue goes back to 2005, when both the Federal Communications Commission and the Supreme

Court determined separately that broadband services should be reclassified as information services under the 1996 Telecommunications Act instead of as telecommunications services.

For those who do not live within the rather esoteric world of telecom regulations, what does this mean in plain English? Information services have always had a lighter touch of regulation than have telecommunications services.

Think about the original regulation of telecommunications services going back almost to the 1934 act, when we had, in effect, one telecommunications provider. It was Ma Bell. We could pick our phone of any type, as long as it was black, and everybody paid the same access fee. When we had that kind of monopolistic situation telecommunications had to be regulated in a more appropriate way to make sure the consumers were protected.

As we saw the evolution of telecom services and the breakup of Ma Bell and a move to multiple providers, telecom services still have required a slightly heavier hand of regulation than for information services.

Back in 2005, the Supreme Court and the FCC said that because we have this brand new area of broadband—an area that in 2005 we did not fully realize the potential of, frankly, even in 2011, I am not sure we fully realize the potential—we are going to view this as information services and, consequently, have less regulation. That should be viewed as a good sign.

Contrary to what some in this debate say, there has never been a time when the management of the Internet or the telecommunications networks—which make up, in effect, the backbone of our Internet system—has not been regulated. Again, as I mentioned earlier, networks—whether they are passing voice, data, now video or others—all have had some form of regulation going back to the Telecommunications Act of 1934.

The question we are asked here today is: What kind of rules do we want to have as a society to make sure everyone can have free and unfettered access to the Internet and to lawful content in a way that is not biased or prejudiced by the telecommunications provider in the background?

To me, that means Internet service providers have the right to manage the networks as best they can. That means network providers have to have the ability to manage some level of traffic so they can generate enough revenues to continue to build out their networks, particularly so rural communities can have access to these services.

I know the Acting President pro tempore knows of parts of northern New Hampshire where there are still areas that do not have full high-speed broadband Internet access. I know in

my State of Virginia there are parts of Southside and southwest that do not have access to full high-speed broadband connections.

While broadband connectivity does not guarantee economic success, it is a prerequisite for any community in the 21st century if they are even going to get looked at as a possible location for new jobs. So we have to make sure all communities get access to broadband. That means we have to allow the network providers at least enough of a rate of return to give them the incentive to build out their networks.

But it also means that while they have to be able to manage their networks, these Internet service providers, cannot discriminate against content providers' access to networks. It does not mean a network provider ought to be able to say: I like this content more than that type of content, particularly if the network provider happens to own that content and somehow moves it to the front of the line. That goes against the grain of everything that has been about providing telecommunications in this country since the 1934 Act.

If this was a simple matter, the industry, the FCC, and others would not have been wrestling with it as dramatically as they have over the last 5 or 6 years. The fact is, network management is increasingly complicated. So complicated that sometimes it is hard to tell exactly what is going on behind the scenes.

As a former telecommunications executive and somebody who spent 20 years being involved in helping to try to build out at least part of the wireless network in this country—but as somebody who also is at this point falling behind on all the current technological innovations—I would like to comment I was very current circa 1999, which puts me a bit behind in 2011. While behind, I do recognize and understand that network management in 2011 is extraordinarily challenging.

New technologies that allow for prioritization of network traffic, deep packet inspection, and the increasing use of metered services and usage-based pricing—all these factors, combined with an effort to make sure we are technology neutral in how we get this high-speed broadband information—whether it is wired, wireless, satellites or otherwise. This all makes these issues extraordinarily difficult for policymakers to wrestle with.

It was in that vein that the FCC conducted a 2-year process to address concerns about maintaining competitively neutral access to the Internet. So in December of 2010, the FCC adopted an Open Internet Order which is expected to be implemented on November 20th of this year, 2011. As I said at the outset, the order they put forward is not perfect. There are many in the industry who have a partial bone to pick with various technical components. But the

fact is I give Chairman Genachowski great credit for managing to thread the needle in way that while no one is totally happy, no one is totally unhappy. The issue of net neutrality has been dealt with by the order and we can move on to the next step of the debate. That is, we can turn to making sure we actually complete the buildout of broadband networks, particularly to the rural communities around America.

What does the FCC order do? It basically sets three basic rules for how network owners, ISPs, must handle Internet traffic.

First, it offers greater transparency about fixed and mobile network management practices to both consumers and content providers. This is terribly important. Without that transparency, without that knowledge, to see what we are getting as a consumer—or if you are a content provider, making sure your traffic is not being bumped out of line by some large network operator—is terribly important.

Second, it prevents fixed and mobile network providers from blocking traffic generated by competitors to varying degrees. What does this mean? It means if you are a network manager, if you are a network provider—and many network providers are now starting to also own content as well—you have to make sure that competitors are treated fairly. If you are a competitor in terms of being a content provider, you want to be sure the network you may be putting your traffic on that has its own set of content is not allowing its network-owned content to get priority, to get an unfair advantage.

If the networks are going to be open and accessible, neutral networks that we have all come to expect from our telecommunications networks in the past, we have to make sure there is no bias.

The second part of the FCC order tries to make sure these fixed and mobile network providers aren't able to block traffic and give their own content priority.

Third, it prohibits fixed broadband providers from unreasonable, discriminatory practices. Again, this is about content, but it also tries to get at that issue of how do we deal with those folks who have huge amounts of content that can clog the network. We have to make sure that we have open access, but we cannot have people overwhelm the network with their particular content without the ability to price that into the network provider's basic service offerings.

I know many of my colleagues' eyes are starting to glaze. I even see some of the pages' eyes are starting to glaze as we dive into some of the intricacies of telecommunications practices. But at the end of the day, what the FCC did in 2010 will be implemented later this month—unless the Senate rejects it

and throws all the work out the window and says let's go back to square one. I think would actually do great harm to the progress made and provide even greater uncertainty to one of the fastest growing areas of our economy, telecommunications and broadband.

If we reject this S.J. Res. 6, which I hope we will, and allow this compromise that the FCC worked out to move forward, I believe it will allow the kind of broadband growth, the kind of Internet growth we have all come to expect. And it will help create new jobs in this country.

A couple final points. The wireless issues are a particularly challenging policy area still to be addressed. Wireless is a newer technology. The FCC decided in the Order to adopt a lighter hand of regulation rather than the more strict, full telecommunications regulation of the 1996 Act. This is because of the tremendous growth in the nascent area of mobile services. As of December 2010, 26 percent of U.S. households were wireless only, compared to about 8 percent of the households 5 years ago. The point here is a dramatic one. I think about my kids who, as they start to move into their own homes or even into college, don't even have a phone in their apartment at college. They rely entirely on wireless. We have to make sure we can continue to build out these wireless networks in the most robust way possible. I think the FCC basically got it right by not putting any more heavy-handed regulation on wireless.

In closing, the real issue is how do we ensure that consumers and content providers are treated fairly. The Internet was designed as an open medium, where every service and Web site had an opportunity to gain a following and to be successful. This philosophy allows bloggers to compete with mainstream media and entrepreneurs across all sectors to compete globally. Small and medium businesses that rely heavily on Web technologies grow and export two times as much as businesses that don't, according to McKinsey.

Some have argued that neither the Congress nor the FCC should do anything in this area because there isn't a widespread problem currently. It is important to remember that the reason the Internet has been so successful has been the fact that no one has been able to control it—no network provider alone, no content provider alone. I hope that never changes.

I do believe the FCC Order should be allowed to be implemented. It helps set minimum rules of the road that will allow Internet growth, broadband growth, mobile growth, all areas where the United States can regain the lead and continue to create jobs and advance prosperity.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SPECIALIST SARINA BUTCHER

Mr. PRYOR. Mr. President, we are considering some veterans legislation this week. I rise to recognize the men and women who have selflessly served our Nation as part of the Armed Forces.

Veterans Day is approaching. It is one way to remind ourselves of the sacrifices so many have made and continue to make for our country.

We pay tribute to individuals such as SPC Sarina Butcher. For the past 18 months, she served with valor and distinction in Afghanistan as an automated logistical specialist with the Army National Guard. She earned awards, including the National Defense Service Medal, Army Service Ribbon, and the Oklahoma Good Conduct Medal. She dreamed of becoming a nurse, joining the Guard to help her along that path to support her 2-year-old daughter.

Last week, at 19 years old, Specialist Butcher paid the ultimate sacrifice. Specialist Butcher was the first female Oklahoma National Guard soldier to be killed during wartime and the youngest Guard member to die in combat in Iraq and Afghanistan. I spoke to her mother, a resident of El Dorado, AR, and she stressed how her daughter loved serving our Nation. All our prayers are with this family.

CORPORAL DAVID BIXLER

I also wish to recognize CPL David Bixler of Harrison, AR. I recently had the chance to meet David, one of five servicemembers chosen by the USO for bravery and sacrifice. While on foot patrol in Afghanistan, Corporal Bixler stepped on an explosive device while saving the lives of his team members. The explosion resulted in the loss of both his legs. He was awarded the Silver Star for his actions. I was moved by his unwavering strength and courage. I spoke with his young daughter, and it was easy to see the pride she has for her father.

These two heroes, Sarina and David, are part of a long list of Arkansans throughout our State's history who answered the call to serve. Their resolve—that same dedication and love of country that brought down Osama bin Laden—was passed down through generations before them. They join the ranks of 2LT John Alexander of Helena, the second African-American graduate from West Point; BG William Darby of Fort Smith, the first commander of the U.S. Army Rangers; and Captain Maurice Britt of Carlisle, the

first to receive the military's three highest medals for bravery for a single conflict.

Arkansans serving in the military have never wavered when their country called. Whether Active, Guard or Reserves, they have participated in our current efforts abroad and countless previous ones. These efforts continue to this day. For example, the Arkansas National Guard's Agriculture Development Team works with the farmers and herdsman of southern Afghanistan. The 77th Theater Aviation Brigade worked in Iraq with command and control assets in the south. Little Rock Air Force Base continues to support tactical mobility operations around the globe while training our future airlifters.

Today, our country is facing many challenges, from rising unemployment among veterans to ever-tightening budgets. We should not let our current financial difficulties take away the support we owe those who serve. When looking for DOD savings, we must keep in mind that when these individuals joined the service, both sides made a commitment. We must honor these commitments.

When looking for ways to save, we should put our focus on improving processes and capitalize on efficiencies where we can. For example, I recently introduced the Veterans Relief Act, designed to reduce the backlog at the Court of Appeals for Veterans Claims. I will continue to look for similar ways to streamline processes, improve efficiencies, and honor the obligations of those who have served.

Today, I look at veterans and say: Thank you. Thank you for your service, thank you for your sacrifice, and thank you for your dedication to our country. It is impossible for me to articulate the scale of my gratitude, and I will continue to support measures that honor the veterans of yesterday, today, and tomorrow.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE ST. LOUIS CARDINALS

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 315, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 315) commending the St. Louis Cardinals on their hard-fought World Series victory.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MCCASKILL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 315

Whereas, on October 28, 2011, the St. Louis Cardinals won the 2011 World Series with a 6-2 victory over the Texas Rangers in Game 7 of the series at Busch Stadium in St. Louis, Missouri;

Whereas the Cardinals earned a postseason berth by clinching the National League Wild Card on the last day of the regular season;

Whereas the Cardinals defeated the heavily favored Philadelphia Phillies and Milwaukee Brewers to advance to the World Series;

Whereas the Cardinals celebrated an incredible come-from-behind victory in Game 6 of the World Series, which will long be remembered as one of the most dramatic games in the history of the World Series;

Whereas Cardinals All-Star Albert Pujols put on a historic hitting display in Game 3 of the World Series, with 5 hits, 3 home runs, and 6 runs batted in;

Whereas Cardinals star pitcher Chris Carpenter started 3 games in the World Series, allowing only 2 runs in Game 7 after only 3 days of rest and earning the win in the decisive game;

Whereas David Freese, a native of St. Louis, won the World Series Most Valuable Player Award;

Whereas Manager Tony LaRussa won his second World Series title with the Cardinals, his third overall, and remains one of only 2 managers to win World Series titles as the manager of a National League and an American League team;

Whereas the Cardinals won the 11th World Series championship in the 129-year history of the team;

Whereas the Cardinals have won more World Series championships than any other team in the National League;

Whereas the Cardinals once again proved to be an organization of great character, dedication, and heart, a reflection of the city of St. Louis and the State of Missouri; and

Whereas the St. Louis Cardinals are the 2011 World Series champions: Now, therefore, be it

Resolved, That the Senate—

(1) commends the St. Louis Cardinals on their 2011 World Series title and outstanding performance during the 2011 Major League Baseball season;

(2) recognizes the achievement of the players, coaches, management, and support staff, whose dedication and resiliency made victory possible;

(3) congratulates the city of St. Louis, Missouri, and St. Louis Cardinals fans everywhere; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Honorable Francis Slay, Mayor of the city of St. Louis, Missouri;

(B) Mr. William Dewitt, President, St. Louis Cardinals; and

(C) Mr. Tony LaRussa, Manager, St. Louis Cardinals.

Mrs. MCCASKILL. Mr. President, in St. Louis this fall, we had much that was special and different. We had the rally squirrel that ran through one of the playoff games. We had the saying “happy flight,” and “happy flight” became synonymous with a team that was chocking up improbable victories night after night, day after day.

I am going to term this speech a “happy speech.” I have had to give a number of speeches on the floor of the Senate since I have been blessed enough to be given this opportunity to serve my State. Sometimes I come to the floor angry. Sometimes I come to the floor frustrated or upset. Sometimes I come with a passion for a piece of policy that I think is essential in terms of our government operating the way we would want it to operate. Today, I just come happy. I just come happy with the notion that our team provided the kinds of thrills that baseball yearns for in this country—especially at these moments when many families are faced with long days and tough decisions as they try to right the ship as we travel through a very difficult economy.

The 2011 World Series was an unlikely one for our Cardinals. It wasn’t supposed to happen. Bookies made a lot of money off the World Series this year because the Cardinals weren’t supposed to be in it. The Cardinals were 10½ games out with 30 days to go. In fact, the Cardinals secured their wild card berth on the last day of the season at the eleventh hour. As a wild card team, they weren’t supposed to do well. They weren’t supposed to defeat Philadelphia. That just wasn’t going to happen. Philadelphia has one of the top three payrolls in baseball, right? That wasn’t going to happen.

Well, it did. We won against Philadelphia and then took on the mighty Brewers, the winner of our division, and, of course, we won that also. Then it was on to the Texas Rangers, who were supposed to win this year because they had won last year, and we weren’t supposed to be able to compete with the depth and breadth of the Texas lineup. Well, as everyone now knows, that is not how the story ended.

This was a special World Series. It was a unique World Series. It was competitive. It was fun. And I was lucky enough to be at some of the games. In fact, I was at game 3 when Albert Pujols put on a show for the world. He showed everyone why he is the best player in baseball—three towering home runs in one World Series game. All of a sudden his name was being used in the same sentence as Lou Gehrig.

It was a special night to watch the Cardinals pound the Rangers in Arlington, TX, but the Rangers came back the next night to win and the next

night after that. So the Cardinals returned to St. Louis once again with their backs against the wall. Once again, everyone assumed it was over because all the Rangers had to do was win one game. And that is when game 6 occurred. I was fortunate enough to be at game 6, and I am saving my ticket stub for generations to come. People in St. Louis are going to claim they were at game 6, so I am going to save the proof. None of us will ever forget game 6.

At our eleventh hour, trying to win our 11th world championship, in the year 2011, our hometown guy—right from St. Louis, graduated from Lafayette High School—walked to the plate in the 11th inning, after the Cardinals twice, with two outs and two strikes, saved the game by getting a hit—twice; not once but twice—so there we were in the bottom of the 11th with the score tied, and our hometown guy, at the eleventh hour, in the 11th inning, in the year 2011, cracked the bat, and that ball sailed out for a home run, and suddenly we had secured the most improbable and exciting victory in World Series history. Now, maybe that is hyperbole, but, honestly, I don’t think so. Find someone who watched that game who knows baseball, and they will tell you that was among one of the very best World Series games in the history of American baseball. And what a history that is. With that one crack of the bat, Cardinal Nation became Cardinal World, and all of the world stood in amazement as we cheered like crazy for our Cardinals.

What did this team do this year? We had a masterful manager whom we will miss very much. We had David Freese, our hometown guy, who rose to the occasion when we needed him. We had Albert Pujols. We had Carp, who was amazing as a pitcher. We had a bullpen that rose to the occasion when necessary, after they had been maligned through most of the season. We had Yadi, we had Craig, and we had so many of our players who did what had to be done when it had to be done to deliver a World Series championship to a city that loves them more than we love the arch and more than we love our beer.

For years now, young people will hear over and over that old cliché about refusing to quit. You can never give up. And I have to tell you the truth, it is a cliché I have used with my kids when they were moping around and grumbling: Oh my life is horrible. You say to them: You can’t quit. You can’t give up. Well, this team is going to allow parents in St. Louis and beyond for many years to say: See. See what happens when you don’t give up. See what happens when you refuse to quit. You can win a championship if you just refuse to die. And that is exactly what our Cardinals did.

On behalf of Cardinal Nation and thousands of people around this country who were proud of what St. Louis represented—a fall classic with our classic Cardinals bringing home the victory for a city that loves them—God bless them all. And God bless the fans who understand it is okay to cheer for a sac fly, who understand baseball better than most fans around the country. They will now wait anxiously for spring training so we can begin once again our love affair with the St. Louis Cardinals.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF EVAN J. WALLACH TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant editor of the Daily Digest read the nomination of Evan J. Wallach, of New York, to be United States Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. Under the previous order, there is 15 minutes of debate equally divided and controlled between the Senator from Vermont and the Senator from Iowa, or their designees.

The Senator from Maine.

Ms. SNOWE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the majority leader for pressing forward to secure a vote on another of the 25 judicial nominees ready for Senate consideration. I am disappointed that the Senate Republican leadership would only agree to vote on 1 of the 25 judicial nominees ready and waiting for final Senate action. All 25 of the nominees are qualified and have the support of their home state Senators,

Republican and Democratic. Twenty-one of these judicial nominations were unanimously approved by the Judiciary Committee. Senate Democrats are prepared to have votes on all these important nominations. I know of no good reason why the Republican leadership is refusing to proceed on 24 of the 25 nominations stalled before the Senate. At a time when the vacancy rate on Federal courts throughout the country remains near 10 percent, the delay in taking up and confirming these consensus judicial nominees is inexcusable.

I know that Senator REID is especially pleased that the Senate has the opportunity for a final vote on the nomination of Judge Evan Wallach to fill a vacancy on the Federal Circuit. Judge Wallach is an experienced jurist with a distinguished record who has been serving on the U.S. Court of International Trade. He received the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary, unanimously "well qualified."

I am delighted that Judge Wallach's nomination has not been delayed as long as others. This nomination was reported by the Judiciary Committee on October 6. There is no good reason why all judicial nominations are not considered within a month of being reported, especially the consensus nominees reported unanimously by the Judiciary Committee. It is my hope that this timeline can be an example and set the standard for action on other nominations, as well. When the Senate approved the nomination of Judge Zippis of Arizona less than 1 month after it was reported by the committee, we showed that there is no need for additional delay. These needless delays perpetuate vacancies and deny the American people the judges needed in our courts to provide justice.

What is disappointing is that the Senate Republican leadership has yet to agree to votes on the long-pending nominations of Judge Chris Droney of Connecticut to fill a judicial emergency vacancy on the Second Circuit, Morgan Christen to fill one of several judicial emergency vacancies on the Ninth Circuit, or Judge Adalberto Jordan to fill a judicial emergency vacancy on the Eleventh Circuit. The Droney nomination has been stalled for 3½ months despite there being no opposition. The Christen nomination has been pending a month longer than Judge Wallach's and was also reported unanimously. Judge Jordan's nomination is approaching 1 month on the Senate Executive Calendar despite his being a consensus nominee supported by both his Democratic and Republican home State Senators. Also pending is the nomination of Stephanie Thacker to fill a vacancy on the Fourth Circuit. All of these consensus circuit court nominations should be considered and

approved without further delay. In addition, the Senate should give consideration to Caitlin Halligan's nomination. Her nomination to the DC Circuit was approved by the committee in March.

Judge Wallach is only the seventh of President Obama's circuit court nominations the Senate has considered this year, compared to 12 at this point in President Bush's third year. We are not doing nearly as well despite five additional circuit court nominations on the Senate Calendar awaiting a vote. By this point in the third year of President Bush's administration, the Senate had confirmed 29 of his circuit court nominees. By comparison, the Senate has confirmed only 22 of President Obama's circuit court nominees. By this point in the Bush administration, vacancies had been reduced to 42. By comparison, today they stand at 83. By this point in President Bush's first 3 years, the Senate had confirmed 167 of his Federal circuit and district court nominees. So far in the 3 years of the Obama administration, that total is only 115.

During President Bush's first 4 years, the Senate confirmed a total of 205 Federal circuit and district court judges. As of today, we would need another 90 confirmations over the next 12 months to match that total. That means a faster confirmation rate for the next 12 months than in any 12 months of the Obama administration to date. That would require Senate Republicans to abandon their delaying tactics. I hope they will. This is an area where the Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for well over 2 years. We can and must do better for the millions of Americans being made to suffer by these unnecessary Senate delays.

More than half of all Americans—over 162 million—live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 24 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

Senator GRASSLEY and I have worked together to ensure that each of the 25 nominations on the Senate Calendar was fully considered by the Judiciary Committee after a thorough but fair process, including completing our extensive questionnaire and questioning at a hearing. This White House has worked with the home state Senators, Republicans and Democrats, and each of the judicial nominees being delayed

from a Senate vote is supported by both home State Senators. The FBI has conducted a thorough background review of each nominee. The ABA's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. When the nominations are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they can start serving the American people.

No resort to percentages of nominees "processed" or "positive action" by the committee can excuse the lack of real progress by the Senate. In the past, we were able to confirm consensus nominees more promptly, often within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

The American people need functioning Federal courts with judges, not vacancies. Though it is within the Senate's power to take significant steps to address this problem, refusal by Senate Republicans to consent to vote on consensus judicial nominations has kept judicial vacancies high for years. The number of judicial vacancies has been near or above 90 for over 2½ years. A recent report by the nonpartisan Congressional Research Service found that these delays have resulted in the longest period of historically high vacancy rates on Federal district courts in the last 35 years. These needless delays do nothing to help solve this serious problem and are damaging to the Federal courts and the American people who depend on them.

Mr. GRASSLEY. Mr. President, today the Senate will confirm Judge Evan Jonathan Wallach to be a U.S. circuit judge for the Federal Circuit. With this vote, we will have confirmed 54 article III judicial nominees during this Congress, and 18 in just over a month. In only eight sessions of Congress in the past 30 years has the Senate confirmed more judicial nominees.

Our progress extends beyond the Senate floor and into the Judiciary Committee, where 88 percent of President Obama's judicial nominees have had their hearing. That is compared to only 76 percent of President Bush's nominees at a comparable point in his Presidency, in the 108th Congress. To date, 72 percent of the judicial nominations made by President Obama have been confirmed. Overall, we have made real progress on 85 percent of the judicial nominees submitted this Congress.

Furthermore, these nominees have been processed in a very fair manner. Circuit nominees have had a hearing within 66 days after nomination, on av-

erage. President Bush's nominees were forced to wait 247 days. The same can be said of President Obama's district court nominees, who had their hearings, on average, in just 79 days. President Bush's district court nominees waited 120 days, on average, for a hearing.

President Obama's circuit and district nominees have been reported faster than those of President Bush—in fact, almost 35 percent faster. I would hope that my colleagues on the other side of the aisle would acknowledge this cooperation, and they sometimes do. But it is important to remind everyone that our duty as U.S. Senators is not to rubberstamp the President's nominees. We must carefully examine the records and qualifications of each nominee before us to determine if they are fit to serve the public for lifetime positions. I don't believe my constituents would expect any less.

The fact that we are here, confirming the 54th article III judicial nominee, shows we have been performing our due diligence. However, we will continue to hold quality confirmed over quantity confirmed.

I would like to say a few words about Judge Wallach.

Judge Wallach presently serves as a judge of the U.S. Court of International Trade. He was appointed to that court by President Clinton in 1995, following confirmation by the Senate.

I would note that the Federal Circuit, the court to which Judge Wallach is nominated, is the appellate court for the Court of International Trade. In addition to international trade, the court hears cases on patents, trademarks, government contracts, certain money claims against the U.S. Government, veterans' benefits, and public safety officers' benefits claims. Of particular interest to me, this court has exclusive jurisdiction over cases related to Federal personnel matters. That includes exclusive jurisdiction over appeals from the Merit Systems Protection Board, MSPB, which hears whistleblower cases under the Whistleblower Protection Act.

Evan Wallach received a bachelor of arts from the University of Arizona in 1973, his juris doctorate from University of California Boalt Hall School of Law in 1976, and his bachelor of laws from the University of Cambridge in 1981.

Judge Wallach began his legal career as an associate attorney with Lionel Sawyer & Collins where he eventually made partner. Over time, the emphasis of his practice became media law. He also defended libel actions and represented newspapers on day to day issues, including employee grievances, collection actions, and copyright protection.

While he remained with Lionel Sawyer & Collins, he took several leaves of absences. From 1987 to 1988, Judge Wal-

lach worked as a general counsel and public policy adviser to Senator HARRY REID. He also served as a judge advocate for the Nevada Army National Guard from 1989 to 1995. In 1991, Judge Wallach was called up to active duty to serve as an attorney in the Office of the Judge Advocate General of the Army-International Affairs Division during the first gulf war.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Wallach with a unanimous "Well Qualified" rating.

Mr. REID. Mr. President, Judge Evan Wallach has been my friend for a very long time.

I have known him since he was a lawyer in Nevada. He worked at Lionel Sawyer & Collins for almost 2 decades.

He is a good man and a good jurist, and I believe he is a wonderful nominee for the U.S. Court of Appeals for the Federal Circuit.

He is also a scholar. Judge Wallach graduated from the University of Arizona and then got his law degree from UC Berkeley. But one law degree wasn't enough, so he went on to get another degree at the renowned University of Cambridge Law School in England.

Now he passes on that great wealth of knowledge to others. Since 1997, he has served as an adjunct law professor, teaching the law of war and other courses at Brooklyn Law School, New York Law School and several other worthy institutions.

Judge Wallach is also a patriot with a long history of serving his country in our armed forces.

He and his two older brothers volunteered to serve in Vietnam, and Judge Wallach was awarded the Bronze Star.

But his service to his country didn't end there. My friend served in the Nevada Army National Guard from 1989 until 1995 as an attorney-advisor.

During the Gulf War, in 1991, he took a leave of absence from his law practice—where he was a partner—to serve as an active-duty attorney-advisor. He served in the Office of the Judge Advocate General of the Army at the Pentagon.

He has also served as a Circuit Court judge in the 2nd, 3rd and 9th Circuits, and as a District Court judge in Nevada, New York and the District of Columbia. He even heard a patent case in Nevada and he wrote hundreds of opinions as a judge for the U.S. Court of International Trade.

Judge Evan Wallach served his country bravely at war. I know he will serve it well once again as a judge on the U.S. Court of Appeals for the Federal Circuit.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit?

Mr. GRASSLEY. I ask for the yeas and nays.

Is there a sufficient second? There appears to be.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 199 Ex.]

YEAS—99

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Bingaman	Heller	Paul
Blumenthal	Hoeven	Portman
Blunt	Hutchison	Pryor
Boozman	Inhofe	Reed
Boxer	Inouye	Reid
Brown (MA)	Isakson	Risch
Brown (OH)	Johanns	Roberts
Burr	Johnson (SD)	Rockefeller
Cantwell	Johnson (WI)	Rubio
Cardin	Kerry	Sanders
Carper	Kirk	Schumer
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Kyl	Snowe
Coburn	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Lee	Toomey
Coons	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
DeMint	McCain	Webb
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden

NOT VOTING—1

Sessions

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

3% WITHHOLDING REPEAL AND JOB CREATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 674, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. KIRK. Mr. President, I rise to talk about two entirely different subjects; first, on the subject of Iran, the subject of a critical International Atomic Energy Agency report that will be issued likely tomorrow.

Credible press reports on the United Nations document tell us an important thing. Remember, it was the IAEA that urged caution with regard to the weapons of mass destruction program in Iraq. The record shows that the IAEA was largely correct on its determination there. Based on that credibility, we should listen to the IAEA and what they say in this groundbreaking report.

Their report makes six very important conclusions according to credible press reports: No. 1, the Islamic Republic of Iran has used military people to procure dual-use nuclear material; No. 2, they have developed an undeclared nuclear material production line separate from their commitments under the Nuclear Non-Proliferation Treaty; No. 3, they have now acquired outside international information on the development of nuclear weapons; No. 4, they have begun work on an indigenous design for a nuclear weapon; and, No. 5, they are already substantially in excess of the 3-percent enrichment for uranium-235 necessary to run a nuclear reactor as they originally claimed.

The sixth conclusion, though, appears to be the most important. The International Atomic Energy Agency concludes they may have also begun work on a new payload for their Shahab-3 missile. This is a missile that largely comes from North Korea called the No Dong and is able to hit U.S. bases in the Persian Gulf and our allies in Israel. According to the reports on this U.N. document, it says the Shahab-3 payload has the correct mass for a nuclear weapon; it has a generator aboard the warhead that would be necessary to initiate a nuclear detona-

tion; it is designed for an airburst to make that detonation most effective; the weapon has multiple detonators in it—I think this is a key conclusion because a conventional munition only requires one detonator, but a nuclear weapon requires multiple detonators; and this has it—it does not issue any submunitions, all the warhead is contained in one critical mass; and the Iranians have now prepared a 400-meter test shaft likely for a nuclear test shot.

If this is not a smoking gun, I do not know what is. I do not know what the word for “smoking gun” in Farsi is, but clearly the United Nations, not known for speaking clearly on many topics, is now telling us one clear thing: the Islamic Republic of Iran is designing and moving toward building nuclear weapons.

If we look at their record, we will see the Islamic Republic of Iran has transferred nearly every one of its advanced munitions it currently owns to terrorist organizations, including antishipping cruise missiles, which the Iranians transferred to Hezbollah.

We have also known several dangerous—actually, dangerously weird—things going on in the Islamic Republic of Iran, such as sentencing an Iranian actress to 90 lashes for appearing in an Australian film simply on the crime of not having her head covered—luckily, because the International Campaign for Human Rights in Iran called attention to this, apparently that sentence may be in abeyance—or credible reports this weekend that the Islamic Republic of Iran, under President Ahmadinejad, has arrested 70 fashion designers for anti-Islamic activity.

What we know for a fact is that the Islamic Republic of Iran has been a state sponsor of terror, as certified by Presidents Carter, Reagan, Bush, Clinton, Bush 2, and President Obama under Secretary of State Clinton. We know they are the leading paymasters for Hezbollah and Hamas.

What we can see clearly from this report is that this year, or likely the year after, they will have nuclear weapons. I think it is quite likely they would then transfer those nuclear weapons directly to Hezbollah and Hamas. This is something we cannot allow to happen, which is why action in the Senate and in the executive branch should occur on collapsing the Central Bank of Iran. We already have 92 Senators who have agreed, even in these partisan times, to collapse the Central Bank of Iran. Ninety-two Senators have signed on to the Kirk-Schumer letter to call for this action. This action was also just recommended in an overwhelmingly bipartisan fashion in the House Foreign Affairs Committee under the leadership of Congressman BERMAN to recommend this also in the House. I think the administration—that has leaked several times to the New York Times that they have this

under consideration—should move in this direction.

For those countries that substantially purchase oil from the Islamic Republic of Iran, we should work with our Saudi allies to make sure their needs are met so we can go ahead and collapse the Central Bank of Iran and the Iranian currency, especially in the wake of this report.

Remember, this is the government that, according to Attorney General Eric Holder, led a plot to blow up a Georgetown restaurant, possibly involving the death of many Americans, including, they described, Senators, in an effort to kill the Saudi Arabian Ambassador to the United States. This is singularly irresponsible activity and one that now, coupled with this IAEA report on nuclear weapons, should not be tolerated.

PROTECTING PRIVACY RIGHTS

Mr. President, I also rise to speak about another topic; which is that today the Supreme Court has agreed to hear oral arguments on the case of *United States v. Jones*. The case concerns our rights to privacy as American citizens. As an American, I believe our government is the greatest government for the potential of every human being and the dignity of that human being. Under our Constitution, we had the first of any major government in the world to begin to protect that right of privacy, even against the government. It is enshrined in the fourth amendment to the Constitution.

As the Founding Fathers defined it, I think our 18th century fourth amendment privacy rights—which are covered, including our house and our place of business—are well defined and well protected under our law.

The question is this: What about our rights to privacy in the 21st century? What about the mobile device we carry, the tablet computer, the GPS in our car, and the various other computer devices we have? Do we have a reasonable expectation of privacy with regard to this data or can the government access this data and decide they can find out where we have been, whom we have been with, and how long we have been there without a warrant?

Given the fact that the Supreme Court has just taken up oral arguments in this case, I think it is important for the Senate to back the Wyden-Kirk GPS Act. This is an act that basically says we should protect our rights of privacy in the 21st century as well as the 18th, 19th, and 20th centuries, that we should not only be secure in our house and our papers, but we should be secure in our GPS data as well; that if the government seeks to find out where we have been and whom we have been with, at least it needs a warrant—our right as an American citizen protected in that privacy before having access to that information.

I hope we consider this legislation as early as next year because I think we

rise to our greatest potential in the Senate when we update our rights as Americans, to protect them not just in the 20th century but in the 21st century.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IAEA REPORT

Mr. LIEBERMAN. Mr. President, today the International Atomic Energy Agency has issued its latest report on the nuclear weapons development program of the Islamic Republic of Iran.

This latest IAEA report is the clearest warning about a potentially catastrophic threat to the United States since the Hart-Rudman Commission in January of 2001 predicted a major terrorist attack on our homeland, which, of course, occurred about 9 months later.

The IAEA's message today is similarly stark. The extremist terrorist regime that rules Iran is actively working to possess nuclear weapons, and the time to stop them is running out. The Obama administration deserves credit for rallying the international community to put unprecedented diplomatic and economic pressure on the Iranian regime. But the sad fact is nothing the United States and our international partners have done has changed Iran's egregious, threatening, and in many cases murderous behavior, its pursuit of nuclear weapons, its sponsorship of terrorism, its infiltration of neighboring countries, its responsibility for training and equipping terrorists and extremists who have killed literally hundreds of American citizens in Iraq and throughout the Middle East or its repression of its own people.

On the contrary, in all of these areas, notwithstanding the increasing international diplomatic and economic pressure on the regime in Iran, that regime's behavior has only grown more emboldened and more reckless.

I know some have argued that the United States and our international partners can live with a nuclear Iran and that we can contain it. But the recent discovery of an Iranian terrorist plot, which was to be carried out on U.S. soil, killing the Saudi Ambassador here, targeting Members of Congress, and perhaps eventually the Israeli Ambassador and Embassy provide the clearest possible evidence of why we cannot hope to contain a regime as fanatical, expansionist, and brutal as the one that now rules Iran, particularly when it has the fearsome club of nuclear weapons capacity.

If the Iranian regime acquires a nuclear weapons capability, it will be be-

cause the world, including us, allowed that to happen. It is still within our power to stop it. But it will require, in my opinion, more than further incremental pressure—which is to say more of what we have already been doing, which clearly has not changed the behavior of the regime in Tehran.

It is time for the United States and our international partners to undertake what I would call nonincremental measures against the Iranian regime, and among those I would include tough sanctions on its central bank. It is also time for Congress to pass the new and tougher Iran sanctions legislation, which is in the Banking Committee and which over three-fourths of the Senate, in a very strong bipartisan statement, has cosponsored. There is no reason we cannot pass that bill before the end of this calendar year.

Finally, it is time for the United States and our international partners to move beyond the formulation that has grown routine—and I am afraid ultimately hollow—which is that “all options are on the table” when it comes to Iran's nuclear weapons development program and its terrorist actions. It is time for an unequivocal declaration—all the more so in response to the IAEA report today—that we will stop Iran from acquiring nuclear weapons capability, we and our international partners—by peaceful means, if we possibly can, but with military force if we absolutely must.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY PRODUCTION

Mr. VITTER. Mr. President, several weeks ago, on September 28 of this year, I joined three of my Senate colleagues—Senators SHELBY, CORNYN, and HUTCHISON—in requesting from the Obama administration and its Interior Department a detailed plan about what their new 5-year energy lease plan was going to be, as well as their plans for moving forward with scheduled leasing. We finally got some of the answers to that today as the administration released its new 5-year oil and gas lease plan. I guess that is the good news—we finally got our questions answered. There is a lot more bad news, unfortunately, which is what those answers are.

It is deeply disappointing that we are not moving forward in a far more aggressive and positive way in developing our own domestic energy resources. As I said, today Secretary Salazar introduced President Obama's plan for the next 5 years of energy production, specifically on the Outer Continental

Shelf. For those Members in the Senate and for others who are not as familiar with energy production on the Outer Continental Shelf, this is basically the 5-year strategy for us as a nation in terms of oil and gas production domestically—what we are going to do in these next 5 years to produce more of our own energy.

The opportunity was enormous. As you remember, a few years ago, in 2008, there was a bipartisan agreement to lift the decades-long ban on new offshore drilling and to open new areas off the Atlantic coast, off the Pacific Coast, and off the Arctic coast. Those opportunities were enormous. This map illustrates what the opportunities were given that 2008 lifting of the moratorium.

Previously, this had been off limits, this had been off limits—much of this had been off limits. But in 2008, on a bipartisan basis, Congress—even a Democratic Congress—heard the cry of the American people and said we need to develop more domestic energy resources, so we opened all of these possibilities.

Unfortunately, President Obama chose not to take advantage of those opportunities because this map represents his new 5-year plan announced today—the entire Atlantic coast, off limits; the entire Pacific Coast, off limits; much of the Alaska coast, off limits; the western gulf of Mexico, where there has traditionally been significant activity, of course, is still there, but even the eastern gulf has been withdrawn under related Federal law until 2022. That is deeply disappointing.

Put another way, in the previous 5-year lease plan, there were about 30 sale areas that were outlined to have lease sales, 30 specific areas around our Outer Continental Shelf. That was the previous 5-year plan. That plan existed when President Obama took office. One of the first things he did in the energy area, with his Secretary of Interior Ken Salazar was to throw that plan out the window almost immediately. This was well before the BP disaster. It was not in reaction to that disaster or anything else specific; they just threw that 5-year lease plan out the window. In this new 5-year lease plan—their first in the Obama administration, which they are announcing today—instead of 30 different areas, there are about 15. So they moved backward, cutting in half the number of lease sales that were planned in the 5-year plan.

Put another way, instead of having about six lease sales per year, there are only going to be three. As any fourth grader can tell you, doing that simple math, that is moving backward by a lot. That is going from about 30 lease sales to half that number—15. That is going from about six a year to half that number—three.

Our energy needs are not moving backward. Our desire and need for in-

creased energy independence is not moving backward. Yet our effort and our ability to access our own domestic oil and gas on our own Outer Continental Shelf under this Obama plan is doing exactly that—it is moving backward.

Let me put it a different way. The Outer Continental Shelf of the United States is about 1.76 billion acres, almost 2 billion acres. But of all that vast expanse, only 38 million acres are actually leased. That is 2.16 percent of our entire Outer Continental Shelf. This new 5-year plan increases that a tiny amount at the margin. It keeps it under 3 percent. With a vast, energy-rich Outer Continental Shelf, we are still 3 percent or under of what we could access under this new plan.

Again, we are moving backward from the previous 5-year plan that President Obama threw out quickly upon taking office. That is deeply disappointing. If I am disappointed, I know there are some folks who are even more disappointed, including our colleagues in Virginia. Some select production and lease-sale activity off the Virginia coast was planned in the previous 5-year plan. That is out the window. As you can see, nothing can go on off the Atlantic. Also, four geologic basins off southern California and one geologic basin off northern California were in the previous 5-year plan. That is out the window. That is barred. There is nothing that can happen off the Pacific coast. Even in Alaska, the North Aleutian Basin and the Cook Inlet were in the previous 5-year plan. That is zeroed out. That is out the window. That is not in this new 5-year plan.

My basic question on this disappointing announcement is simple: How does excluding all of these areas and how does cutting back the previous 5-year plan to half that amount best meet our national energy needs? It seems to me it is clear it does not. In fact, it eliminates incredible job and revenue opportunities as well as our ability to increase energy independence, to produce more domestic energy, all of which we desperately need to do.

As the National Ocean Industries Association puts it:

A 5-year plan for the Outer Continental Shelf is the most important and defining action an administration takes in providing new oil and gas resources for building economic prosperity in this country.

They are right. It is the single most defining action with regard to Outer Continental Shelf energy production.

So with this action today, what is President Obama saying? What is his Interior Secretary saying? He is saying we are moving backward. He is saying we are going to do about half of what we were going to do in the previous 5-year plan which he canceled immediately upon taking office. That is very disappointing. It is disappointing for our energy picture. It is disappointing

in terms of our need to lessen our reliance on foreign sources. It is also sadly disappointing in terms of the job picture because every lease sale that happens is thousands upon thousands of great American jobs to help build the economy and help to get us back out of this horrible recession.

Finally, it is even deeply disappointing with regard to our challenge of lowering the deficit and debt. You know what. With energy production, the more we do, the more revenue we bring into the Federal Treasury to lower deficit and debt. In fact, after the Federal income tax, this is the single biggest category of Federal revenue into the Federal Treasury—royalties on domestic energy production.

So it is domestic energy, it is great American jobs, and it is lowering the deficit and debt with more revenue. President Obama today has said no to all of that. He has taken an enormous step backward. He has said, compared to the previous 5-year plan, that we are only doing half. He said that we are shutting off the Atlantic coast, we are shutting off the Pacific coast, and much of the coast off Alaska.

Today, I have written Secretary Salazar and expressed these concerns. I have asked the Secretary if they will reconsider this step backward because our country cannot afford it. We cannot afford it in energy terms. We cannot afford it in jobs terms. We cannot afford it in revenue terms when we need more revenue to lower deficit and debt. I will be following up aggressively on that letter, trying to understand the rationale behind this step backward and trying to get the Obama administration to reconsider.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection.

JOBS CREATION

Mr. DURBIN. This last Sunday I was watching an ABC morning news show, and Christiane Amanpour was interviewing the Speaker of the House, JOHN BOEHNER of Ohio. Speaker BOEHNER was asked a number of questions. The one he clearly wanted to focus on is what he called the Republican jobs program. He handed to Ms. Amanpour a laminated card which he said was the Republican jobs program that had passed the House of Representatives and was dying in the Senate. It has

never been called for passage. It struck me as odd because I missed that during the course of this last year that there was a Republican jobs program, and I was a little bit worried because we are looking for every opportunity we can to create jobs.

So I came back and said to my staff, can you get a copy of this laminated card? I want to see what is written on it. They produced the card for me, and I took a look at it. As a result, I would have to say the Republican view on how to create jobs and move the economy forward is considerably different than my own and considerably different than the views of most Americans. What Republicans have proposed doing is eliminating rules and regulations. They believe that is what is holding back the growth of the American economy. One of the areas they particularly focused on is known as the Dodd-Frank bill, the Wall Street reform bill.

Some of us are not suffering from political amnesia. We can recall what happened just a few years ago all across America when at the end of the Bush administration we faced some of the worst choices I have ever heard when we were presented an opportunity by the Chairman of the Federal Reserve, Ben Bernanke, and the Secretary of the Treasury, Mr. Paulson, to literally bail out the Wall Street banks and major institutions to the tune of almost \$800 billion from the mistakes they had made. So we were given an ultimatum: If we didn't do it, we could see a collapse of our American economy and the global economy. Reluctantly, many of us voted for that, believing that we had no choice. What we did was to send billions of dollars to banks on Wall Street that had made serious mistakes, creating credit default swaps and derivatives, creating offices in London that could skirt the American laws and, literally, hanging the American economy out to dry. The net result of that, of course, is that people suffered all across America. Individuals lost their savings and their retirements. Families were facing hardship when they were laid off and faced unemployment. Businesses closed and restructured and downsized. The whole economy suffered because of what was clearly wrongdoing on the part of our financial communities. As a result of that, President Obama said, We need to change the rules and laws in America so there will be adequate oversight so that we never get in this mess again.

The first amendment on the Dodd-Frank bill in the Senate was offered by Senator BOXER of California, which said this is the end of too big to fail. We are never walking down this path again. So we put the financial institutions and corporations of America on notice that we were not going to bail them out in the future, should they make another colossal mistake, at the

expense of workers and families and businesses across America.

Then we went through the entire regulatory law as it related to Wall Street, including the stock exchanges and all of the exchanges across America, and said, What do we need to do to make certain there is transparency, to make certain the banks that were overleveraged and loaning far more than they should are in a position where they are fiscally sound, financially sound, and how do we put cops on the beat on Wall Street through the Securities and Exchange Commission and the Commodities Futures Trading Commission to guard against this ever occurring again? We offered that as Wall Street reform, with the support of President Obama, but with the support of only three Republican Senators: Senators BROWN, SNOWE, and COLLINS. The majority of Republican Senators and Congressmen would not support us in this effort. We passed it anyway. The President signed it. It is now being implemented, moving forward and, I think, long overdue.

It turns out that is one of the first things the Republicans now want to eliminate in their effort to build the American economy. I can tell my colleagues we would be building the American economy on a foundation of sand if we did that. If we ignored the experience we had a few years ago when we were forced into this bailout situation, sending billions to the biggest bankers in America, and having them turn around and declare bonuses for their top officers and employees—if we ignore that reality and that history and say we were going to follow the Republican lead and eliminate this oversight of Wall Street, it would invite another economic disaster. Yet, that is one of the House Republican plans for rebuilding the American economy.

The financial crisis of 2008 wiped out 8 million jobs in America. Twenty-four million Americans today are still suffering—unemployed or underemployed. Millions of families have lost their homes. A report in the Chicago newspapers this morning was stunning and troubling. Almost 50 percent of the homes in our region in Chicago are under water. What it means is families have borrowed more in their mortgages than their home is currently valued. That is a troubling development, but it is a reality. It reflects what happened when the overanxious and overinflated real estate market got out of hand. We don't want that to happen again. If we are going to avoid it, we have to have appropriate oversight and regulation.

Many families have seen their home values plummet, not just in Chicago but nationwide. Their retirement savings have been cut in half over the last 4 years. In Illinois and across America, solid, well-run companies, many in business for decades, have been shaken to the core for the lack of credit and the lack of customers.

So what do our Republican colleagues offer as a solution? What is the Republican jobs plan? Incredibly, they have responded to America's economic crisis not by rethinking their deregulation dogma, but by doubling down. Let me explain.

In addition to repealing Wall Street reform, Republicans are trying to change the most basic protections we have in America for clean air and pure drinking water. Think about this: The Republican majority in the House has voted 168 times this year—168 times—to undercut clean air and clean water laws and to block efforts to limit global warming, protect public health, protect the public lands we have been left by previous generations, and guard against things such as future oil spills. They voted 168 times just this year, and they are not finished.

Our colleagues on the other side of the aisle have attached more than 50 anti-environmental policy riders so far to spending bills for next year. They are unrelenting. I won't go into all of the environmental and public health protections the Republicans are trying to block. Let me focus on two. Republicans have used the Senate's expedited procedures to place bills blocking these two new rules directly on the Senate calendar rather than going through the regular order.

It is their right to do that. They are saying, in effect, we don't have time for the normal rules. We don't have time to hear from scientists or the American people. We need to bury these rules right now.

The first rule they want to delay is the boiler MACT rule. It is an acronym that stands for maximum achievable controlled technology. The boiler MACT rule would reduce the amount of mercury, dioxins, acid gases, and other toxic pollutants that can be emitted by large industrial boilers and solid waste incinerators. Is that the key to building jobs in America, large industrial boilers spewing more toxic chemicals into the air, solid waste incinerators burning without the regulations to protect the people who happen to live downwind? These chemicals can cause cancer, heart, lung, and kidney disease, damage to eyes and skin, impair brain development in children and babies, and learning ability, and they can kill people. That is a fact.

The other new clean air rule in the crosshairs from the Republicans is the so-called cross-State air pollution rule. It would require significant reductions in two toxic chemicals—sulfur dioxide and nitrogen oxide—released by electric powerplants. These chemicals not only cause sickness and death, they can spread hundreds of miles downwind and across State lines.

Many States can't develop new jobs and industries because they have reached their air pollution limits under national clean air standards, not because of what they are doing in their

States, but rather for the wind that is blowing from other States with pollution. It puts them over the limit for emissions that travel from old coal-burning powerplants in other States. That is not right, and it is not fair.

The cross-State air pollution rule would set new limits on sulfur dioxide and nitrogen oxide emissions and establish an emissions cap-and-trade system for 31 Eastern States and the District of Columbia. It is a reasonable, market-based solution to a serious public health threat. The Republicans would abolish it.

Both the boiler MACT rule and the cross-State air pollution rule replace rules that were developed by the EPA as far back as the Bush administration—rules that were stricken by the DC Circuit Court. In both cases, the court ordered the EPA to come up with a new rule. House Republicans have already passed a bill to delay these new air pollution quality standards for at least 15 months, and here in the Senate, they would delay them for up to 5 years. As for the cross-State air pollution rule, Senator RAND PAUL of Kentucky has introduced a resolution of disapproval to kill it altogether so there will be no standard, so if a person happens to live downwind from a polluting powerplant and that person's State is trying to do its best to clean up its act, it is to no avail. The air pollution quality will be so bad in that State because of the neighboring State that people will face serious problems and restrictions in their own development.

The House has taken an even more radical approach. They voted almost entirely along party lines, passing a Republican bill called the TRAIN Act, that would delay indefinitely the cross-State air pollution rule, and another lifesaving rule, the mercury and air toxics standard. The TRAIN Act would also overturn the legal requirement that EPA's public health rules be based on the best advice of scientists, not the demands of politicians or their donors. It is the most serious attack on the Clean Air Act since the law was passed 40 years ago under Republican President Richard M. Nixon.

President Obama has already said he is going to veto any bills that would delay the new clean air rules. Our Republican colleagues know they don't have the votes to override his veto, so once again they are forcing the Senate to debate measures they know have no chance—zero chance—of becoming law.

And that is the Republican jobs plan.

Republicans say Federal agencies should analyze the cost of business of every new regulation, whether it is meant to protect against Wall Street recklessness, offshore oil disasters, lead-based toys, or killer cantaloupes. If a regulation hurts the corporate bottom line, the Republicans argue it shouldn't be passed.

I have a counterproposal for my colleagues on the other side of the aisle. Any politician who proposes deregulating an industry ought to be required to tell the public how much money deregulation would cost, how many jobs might be lost, how many lives may be cut short, how many children and other members of our families may end up in the hospital, and how much of our Nation's natural treasures may be scarred or destroyed. Let's have an honest assessment on both sides of the ledger.

When I travel across my State, much like in the Presiding Officer's State, we have big cities and small towns. I go to schools and talk to kids, and usually they have the common questions—do you have a limousine, how much money do you make—things that kids ask. So I ask questions back to them. One question I have started asking in every school is the following: How many of you know someone who is suffering from asthma? Without fail, more than half the hands will go up. In Mount Sterling, IL, a small farm town down in Brown County in downstate Illinois, half the hands went up. I guarantee that in every classroom in the city of Chicago, more than half of the hands will go up. Asthma has become an epidemic in America and is related to many things, including the quality of the air we breathe. On the South Side of Chicago, it is hard to find a child who doesn't suffer from asthma.

In 2007, the cost of asthma-related hospitalizations in Illinois totaled \$280 million. The average stay costs \$15,000 for an asthma case, and nearly 60 percent of those hospital costs were paid for by taxpayers through Medicaid and Medicare. Air pollution makes asthma worse. If we reduce air pollution we can reduce asthma attacks, asthma-related deaths, and save taxpayers tens of billions of dollars a year just for the cost of treating that single disease. That is something we never hear when the disciples of deregulation start preaching.

Here are some other facts we won't hear about deregulation from the deregulation devotees. The new boiler MACT rule will create jobs, not eliminate them. It would prevent between 2,500 and 6,500 premature deaths each year, and it would save between \$22 billion and \$54 billion a year in health care costs.

The cross-State air pollution rule, which they would also abolish, would also net thousands of new jobs, prevent 400,000 cases of aggravated asthma and 34,000 premature deaths each year, and save \$280 billion in health care costs. In my State alone, the cross-State rule will save 1,500 lives a year and provide enough public health benefits to save our State \$12 billion. Twelve billion dollars in Illinois—that is more than Illinois spent on health, hospitals, and highways combined in the year 2009.

Deregulation is a costly gamble even for businesses that are deregulated.

During the last administration, oil companies were allowed to self-regulate under the Bush administration. How did that work in the Gulf of Mexico with British Petroleum? The gulf oilspill is the worst industrial environmental disaster in U.S. history. Congratulations, self-regulators.

Local businesses suffered \$4 billion to \$12 billion in lost income because of self-regulation by a major oil company. BP alone is likely to spend \$40 billion in claims, fines, and other expenses from this historic, awful spill.

Those who push for deregulation tell us environmental rules are job killers and nothing but a burden on businesses and consumers. They are wrong. Regulations that are well designed are, to borrow a phrase from our Republican friends, job creators. They can spur innovation and create new products, new jobs, even whole new industries. A study published by the Political Economy Research Institute at the University of Massachusetts-Amherst estimates that new air pollution rules for electric powerplants "will provide long-term economic benefits across much of the United States in the form of highly skilled, well-paid jobs through infrastructure investment."

Specifically, researchers found that clean air investments could create 1.5 million new jobs in 2015 right here at home. Let me bring this story closer to home. Recently I made a trip in Illinois to a new coal-fired plant. It is a plant that is amazing. It is called the Prairie State Energy Campus and it is owned by a number of electric cooperatives. It has a \$1 billion investment in the clean use of coal to produce electricity. They took a look at the law, and instead of hiring lawyers to fight it, they hired engineers to comply with it.

The plant is up and running. It is a marvel to behold. Right across from this plant is a coal mine, and the coal that is drawn from that mine goes into this plant and meets all the specifications required today by the EPA. The people who are running this plant are not whining and crying and begging for relief. They rolled up their sleeves and built a plant much cleaner than anything that existed in the United States, and they are proving it can be profitable.

I wish my Republican friends would come to the Prairie State Energy Campus. They should see and know that 4,000 union jobs were created for the construction of this plant, and they expect to have 500 permanent local jobs to boost the Illinois economy by \$785 million a year with our own local coal.

The campus includes two generators that will produce 1,600 megawatts of clean, low-cost energy for more than 2.5 million customers in the Midwest. It is going to go online by the end of this year.

By using the latest technology, the plant's carbon dioxide emissions will

be 15 percent lower than what is typically discharged from U.S. coal-fired powerplants.

In addition, the plant is going to save an estimated 200,000 tons of carbon dioxide each year by using coal from an adjacent mine instead of mining it in some other place and shipping it to the site of the power generation.

One hundred-sixty coal miners are working in the adjacent mine. I went there. It was not my first visit to a coal mine, but it is always an eye-opener to go in and see how they mine coal today. Two weeks ago, Prairie State announced plans to hire even more miners.

In Illinois, incidentally, coal miners make a pretty decent wage, \$65,000 a year. So these are good jobs, right here in America, mining coal to be used in a clean coal plant. It can be done. The Republicans ought to acknowledge it can be done, and new jobs are being created in the process, while we are reducing air pollution.

In a recent survey, two out of three Americans say they support new clean air rules and oppose what the Republicans are trying to do in the name of job creation. Nearly 90 percent of all Americans—nearly 60 percent of Republicans and conservatives, I might add—said Congress should not prevent the EPA from enforcing the new rules. I wish my Republican friends, who are so dead set on eliminating these standards for air and water pollution, would listen to the people across America who want cleaner air and purer drinking water and are willing to see reasonable regulations to reach those goals.

The push to kill the new clean air rules is not coming from the American people. It is part of a huge power grab. The U.S. Chamber of Commerce and Republicans in Congress have launched an unprecedented antiregulation campaign. The Chamber is reportedly spending millions of dollars to push the message that regulations are job killers. Their goal is to roll back existing environmental, health, financial, and other regulatory protections and to block any new protections. They are using the American jobs crisis to try to push through an agenda that will increase our deficit, actually take away jobs in America, and cause thousands of Americans to get sick and some to die.

Just cut taxes on millionaires and billionaires and get rid of government regulation and, they believe, we can get the economy humming again. That is their credo. If that were true, the last administration would have been the most prosperous in our history because that is the message and philosophy and agenda that guided the Bush administration. Instead, in the words of the Wall Street Journal—not exactly a Democratic publication—George Bush's administration produced "the worst jobs record on record."

We have tried this. It does not work. We have seen this movie. We know how it ends. This notion of protecting millionaires from any taxes and repealing any laws related to the regulation of our economy did not work under the Bush administration and should not be tried again.

The reason 2 million Americans are out of work has nothing to do with excessive financial or environmental regulation. If anything, our economy is hurting because we do not have the appropriate regulation in place now to avoid the excesses of the past.

To say we cannot create jobs without allowing dangerous levels of toxic chemicals into our air and water is an absolutely false choice. We have to find an approach that protects the health of American families and balances the needs of business and is based on the reality of science.

For 40 years, Democrats and Republicans used to work together on this agenda. We need to do it again. In the meantime, if our Republican colleagues want to create good middle-class jobs here at home, let's pass the President's American Jobs Act. This will not only create jobs, it will fund infrastructure and road repairs. It will cut payroll taxes for working families, saving the average family about \$1,500 a year, and extend badly needed unemployment benefits for those out of work. It will keep hundreds of thousands of teachers in the classroom and cops and firefighters on the job in our neighborhoods and communities.

That is the way to create good jobs. America does not need dirty water and dirty air to create good-paying jobs. I hope the Republican agenda, even if it is laminated on a card passed out by Speaker JOHN BOEHNER, will realize we can do better in this country by not compromising our public health and the great Nation in which we live.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOOZMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VETERANS SUPPORT

Mr. BOOZMAN. Madam President, I would like to take a moment to honor and thank those who have earned the noble title of "veteran."

The 11th hour of the 11th day of the 11th month marked the end of World War I. Since then, this date has been celebrated first as Armistice Day and now as Veterans Day, but no matter what we call it, it serves the purpose of honoring our Nation's heroes—those who have served in the military, our veterans.

As the son of a World War II veteran who served as a waist gunner on B-17s, I grew up in a family with values rooted in military tradition. My father remained in the military until he retired from the Air Force as a master sergeant after 20 years of service. At an early age, my brother, my sister, and I were taught about the sacrifices our men and women in uniform make. Growing up in this environment gave us an understanding of the unique challenges military families face—an understanding that guides my efforts today.

My mom would continually remind me of my responsibility as a public servant to keep our promises to those who served our Nation in uniform. Up until her recent passing, one of the first questions she would ask whenever I saw her would inevitably be: What have you done for veterans lately?

I was always able to answer that question with a clean conscience while serving in the House and now in the Senate. Despite how divided we can be on other issues, Democrats and Republicans come together—more often than not—to pass policies that will enhance the quality of life for both our veterans and their families.

Today, in the Senate Veterans' Affairs Committee, we are working to secure the benefits our veterans deserve and improve existing benefits to meet the needs of more than 23 million American veterans, including 257,000 who call Arkansas home.

It is most important for all of us to remember the reason we are working to improve veterans' benefits: the men and women of our Armed Forces and their families. Through their selfless sacrifice, we are protected from our enemies. They make the United States a safer place to live. They have heard our Nation's call and met the challenge with their service. It is now up to us to ensure our veterans have access to all the opportunities our great Nation has to offer.

Taking care of our veterans is the responsibility of every American.

It is important that we all continue to serve our veterans and reflect on those who served in conflicts around the globe, as well as those who are serving today in support of the war on terror in Iraq and Afghanistan. Let's also reflect on the sacrifices of those who have given their last full measure of devotion.

In September I came to the Senate floor to honor the lives of five Arkansans who were killed in action this year. Last week, sadly, we lost a sixth member from Arkansas this year, SPC Sarina N. Butcher, who followed in the footsteps of her grandfather and brother and joined the military in April 2010. As a member of the Oklahoma National Guard, she served as an automated logistical specialist, but her ultimate goal was to become a nurse.

At the tender age of 19, this Crossett, AR, native and mother to a beautiful little girl was killed in an IED explosion in Afghanistan on November 1. We are grateful for her service and her sacrifice. We are forever indebted to her and to every American who has worn the uniform and sacrificed their own safety and security for that of the American people.

Every day the men and women of our Armed Forces stand in defense of our Nation and our cherished way of life. They do so regardless of costs, fully aware they may be called to pay the ultimate price for their country.

This week, communities across the country gather to express our undying gratitude for those who have worn our Nation's uniform. Let's always honor the service of those who have served and those on the front lines as we address the important challenges facing the Nation.

To all of our veterans and their families, I say thank you on behalf of a grateful nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

POSTAL SERVICE

Mr. SANDERS. Madam President, there are two issues I would like to touch upon this afternoon which I think are significantly important to the people of our country.

On Sunday, 2 days ago, I held a town meeting in Montpelier, VT, on the issue of saving the Postal Service. Frankly, I was stunned by the number of people who came. As you know, Vermont is not the largest State in the Nation, and yet we had about 350 people crowding into the cafeteria at Montpelier High School to say very clearly that they do not want to see the Postal Service dismembered. They do not want to see policies develop that will create a death spiral for the post offices of America.

We heard a lot of testimony from many people, and the bottom line is that everybody in that room thought it was terribly wrong that in the midst of a recession the post office is talking about cutting 120,000 good-paying jobs in our country. It didn't make sense to anybody in that room.

I find it ironic that at a moment when, appropriately enough—and I strongly support the effort—we are talking about creating jobs for veterans who are coming home from Iraq and Afghanistan, with high unemployment rates, many of the people who work in the post office are, in fact, veterans. On one hand, we are trying to create jobs for veterans; on the other hand, if the Postal Service does what it wants, we may end up losing 120,000 jobs, including many veterans.

I wanted to touch on some of the important issues that I think we have to deal with regarding the Postal Service. I want to just go over a letter that Sen-

ators LEAHY, GILLIBRAND, WYDEN, and myself sent to the chairpeople and ranking members of the Committee on Homeland Security and the subcommittee as well; that is, Senators LIEBERMAN, COLLINS, CARPER, and SCOTT BROWN. These are the points we made in the letter. These are points that will be incorporated into legislation that I will be introducing this week—legislation that I think is commonsense legislation, legislation that will help us create a business model so the Postal Service can be successful, legislation that will save 120,000 jobs.

This is what we wrote in the letter to the Homeland Security Committee. A lot of people don't know this. They say correctly that the Postal Service is having problems because we are in a digital age, and first class mail is going down because people are e-mailing. That is true.

Second, we are in the midst of a recession and many businesses are facing problems. But the most important financial problems facing the post office today are not those issues; they are the issues of accounting approaches that have done great disservice to the Postal Service.

The U.S. Postal Service uniquely has been forced to prefund 75 years' worth of future retiree health benefits in just 10 years. There is no other agency of government that comes close to that onerous requirement, nor do we believe there are any companies in the private sector that have been asked to do that. We are asking the Postal Service to come up with a huge amount of money and put it into a fund in a way that no other agency of government—and we think no other private company—has been forced to do.

This mandate costs the Postal Service between \$5.4 billion and \$5.8 billion per year, and it accounts for 100 percent of the Postal Service's \$20 billion debt. Without that onerous requirement, the USPS would still have significant borrowing authority with the U.S. Treasury to ride out the tough economic times we are seeing in the recession.

Furthermore, it is not only future retiree health benefits they are being asked to come up with and fund, but the USPS needs to recoup the overpayments it has made to the CSRS and FERS, the Federal retirement system. According to studies by the Hay Group and the Segal Company, USPS has overpaid the CSRS by between \$50 billion and \$75 billion. If we look at those two issues, if we can deal with those issues and treat the Postal Service fairly, we will have gone a very long way toward addressing the immediate financial crisis the Postal Service is facing.

Second, what we want to be very careful about as we develop business models for the future is to not start cutting, cutting, cutting, and creating

a Postal Service that will no longer have customer support and lay the groundwork for literally a death spiral and the destruction and demise of the Postal Service in years to come.

I come from a rural State. Post Offices are extremely important to the people of small towns above and beyond getting mail. They become, in a sense, in some ways, the identifying feature of a small town. It is where people come together and talk. It is very important, in my mind, that we not start cutting pell-mell hundreds and hundreds of small post offices in rural America. I think the legislation we will be offering this week addresses that problem in a sensible and reasonable way.

Second of all, the Postal Service can never be competitive if when you drop a letter into a postal box it takes 5 days for that letter to get to its destination. One of the ideas that the Postal Service is talking about is making very significant cuts in what they call processing centers. That is where the mail is gathered and forwarded. If we cut those centers—in my State, we have two that are on the line, Essex Junction and Wright River Junction. If we cut those and other processing centers all over the country, what will happen is that when we drop that letter into a mailbox, it could take up to 5 days for that letter to reach its destination. When we have that poor service, people are simply going to stop using the post office, and that continues the death spiral. People are not going to want to use the service.

Thirdly, and in the same vein, the Postal Service is now talking about cutting Saturday delivery. Again, that means there are a whole lot of folks who get prescription drugs on Saturday, and a whole lot of people who get a magazine or newspapers on Saturday—if we cut that back, people are going to say: No, I don't want to deal with the post office anymore. It is not worth it.

So it seems to me the choice we have is to do what the Postal Service is now talking about; that is, cut and eliminate rural post offices, end Saturday mail delivery, cut and eliminate significant numbers of processing centers, which will slow down the delivery of mail—that is one approach—and lay off, by the way, some 120,000 American workers, including many veterans. That is a very bad idea.

The other approach is to come up with a business model that recognizes that we are in the 21st century; that the post office has to evolve and change and give the post office the freedom to compete in a way that addresses the needs of its customers. I will give an example.

The Presiding Officer comes from a rural State, as I do. A lot of people in our States want to get fishing licenses or hunting licenses. If they walked into

a post office in rural New Hampshire or rural Vermont and said: Hey, can I fill out an application to get a fishing or hunting license, the post office would say they we don't do that, they are not permitted to do that.

If an individual literally wants to walk into a post office—and postmasters tell me this happens every day—and say: I have a letter, and I want it notarized, they may be a notary public, but they are not allowed by law to notarize that.

The issue of the digital revolution is obviously impacting post offices not only in the United States but around the world. Other countries are looking at these challenges in a way that we are not. I will give one more example.

For a lot of reasons—legal and otherwise—there are people who would like to see a document delivered to somebody in writing and not simply in e-mail. There are post offices now in other countries where one can send an e-mail, say, from Vermont to California, it gets printed, and on the same day that document gets delivered to a business or a home. The post office in America is not allowed to do that. So by law our post office is restricted from entering the 21st century.

If somebody walks into a post office now and says they want to print up 10 copies of a document, so where is the copying machine, the postmaster would say they don't have one, that they are not allowed to have a copy machine.

There are a lot of ideas out there that people are talking about as to how the Postal Service can address the needs of customers in the 21st century.

Last, but not least, on this issue, one of the people at the town meeting on Sunday got up and said: I want to say this. In our town, we know our letter carrier very well. Our letter carrier noticed that mail remained in the mail box of an elderly person, and the mailman got on the phone and called the police department because he suspected that something was wrong.

It turns out that something was wrong and that person's life was saved. I expect that happens all over this country. We have hundreds of thousands of letter carriers who know people, interact with people. They do play and can more so play an important role in providing services.

Bottom line, Madam President, I think it is a bad idea in the midst of a recession to slash 120,000 jobs, including jobs of many of our veterans. Second, I do believe if we use our brains and entrepreneurial spirit, we can create a post office that is very relevant and can be profitable in the 21st century.

We will be introducing legislation addressing all of these issues, and I hope very much that my colleagues will co-sponsor that legislation.

TAX FAIRNESS

Madam President, there is another issue I want to talk about, and that is the work of the supercommittee. This country has a recordbreaking deficit. It has a \$14-plus trillion national debt, and I think all of the American people—or virtually all—want to see the supercommittee come up with a proposal which makes sense and which helps us address our deficit crisis. My suggestion to the supercommittee is that they, in fact, can do that by simply doing what the American people want them to do.

I have heard some of the ideas out there, where members of the supercommittee are talking about cutting Social Security, which has not contributed one nickel to our deficit and has a \$2½ trillion surplus, and another idea being that we have to cut Medicare and Medicaid. Well, we have 50 million people without any health insurance. I don't think it is a brilliant idea to throw more and more people off health insurance. So I think those are bad ideas, and every single poll I have seen tells me the American people agree those are dumb ideas.

Meanwhile, I have seen and talked to a whole lot of people who are asking me this question: How is it, when the wealthiest people in this country are becoming much wealthier, when the effective tax rates of the top 2 percent are the lowest in decades, that we are not asking those people who are doing phenomenally well to start paying their fair share of taxes?

This is not just a progressive idea and it is not just a Democratic idea. The polls suggest that all across the political spectrum, the American people are saying: Yes, it is right and appropriate that the wealthiest people in this country start paying their fair share of taxes.

I will just mention an ABC News-Washington Post October 5, 2011, poll reflecting that 75 percent of Independents support raising taxes on millionaires. In that same poll, 57 percent of Republicans support raising taxes on millionaires. In that same poll, 55 percent of tea party supporters—supposedly the extreme rightwing who want to abolish Social Security and Medicare and Medicaid, which turns out not to be the case at all—agree with raising taxes on millionaires. According to a June 2011 Washington Post poll, 72 percent of Americans support raising taxes on incomes over \$250,000.

So I think we know what the American people want. They do not want, in poll after poll, to cut Social Security, Medicare, and Medicaid because they know how vitally important those programs are to the well-being of tens of millions of Americans. For example, according to a February 2011 NBC News-Wall Street Journal poll, 77 percent of Americans are opposed to cutting Social Security to reduce the deficit.

So where are we as a country? We are pretty united. We are in agreement. What the American people are saying is that the rich are getting richer, their effective real tax rates have gone down, and they have to pay more in taxes to help us through deficit reduction and to create jobs.

The American people also understand there are huge corporate loopholes out there, with oil companies making money hand over fist and getting huge tax breaks and Wall Street getting huge tax breaks. We lose \$100 billion a year because large companies and the wealthy put their money into tax havens in the Cayman Islands, in Bermuda, and in Panama. The people of this country know that is wrong.

I hope very much that the supercommittee will do nothing more than listen to the American people. That is all. If they do that, they will do the right thing. They will not suggest that we cut Social Security, Medicare, and Medicaid, but they will suggest that the wealthiest people in this country start paying their fair share of taxes. They will recommend that we do away with these outrageous loopholes large profitable corporations enjoy. If they do that, we will, in fact, come up with an agreement that will help us reduce the deficit, and we will win the support of Democrats, Republicans, and Independents.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WICKER. I ask unanimous consent to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HUMAN RIGHTS IN RUSSIA

Mr. WICKER. Madam President, I have come to the floor on a number of occasions to voice my concern about the deteriorating rule of law and the lack of respect for human rights in Russia, primarily highlighting the cases of Mikhail Khodorkovsky and Platon Lebedev.

The fact that Khodorkovsky and Lebedev remain in jail is deplorable. But I rise to speak about another case, in which a man who opposed the government not only went to jail but died there. I choose my words carefully this afternoon, knowing that they will be disturbing to many and that a number of people within the Russian Government will take great offense. But I want everyone within the sound of my voice to know that I am choosing my words carefully.

Sergei Magnitsky was a lawyer and a partner with an American-owned law firm based in Moscow. He was married, with two children. His clients included the Hermitage Fund, which is the largest foreign portfolio investor in Russia.

Through Sergei Magnitsky's investigative work on behalf of Hermitage, it was discovered that Russian Interior Ministry officers, tax officials, and organized criminals worked together to steal \$230 million in public funds, orchestrating the largest tax rebate fraud in Russian history. As Magnitsky would come to find out, this group had fraudulently reregistered three investment companies of the Hermitage Fund and embezzled from the Russian Treasury all of the profits, taxes, that these companies had paid, and did so under the guise of a tax refund.

In October of 2008, Magnitsky voluntarily gave sworn testimony against officials from the Interior Ministry, against Russian tax departments, and the private criminals who he found had perpetrated the fraud. A month later, Interior Ministry officers came to his Moscow apartment, arrested him in front of his wife and two children, and threw him in pretrial detention.

At the same time, the Russian Federal Security Service claimed there was evidence that Magnitsky had applied for a U.K. visa and that he was considered a flight risk. The Russian courts used this to prolong the term of his detention without a trial to 12 months. I should note that the British Embassy in Moscow has confirmed that Mr. Magnitsky had not applied for a U.K. visa since the year 2002, and so the pretrial detention was based on a fabrication.

Once in custody, Magnitsky was pressured and tortured by officials, hoping he would withdraw his testimony, and asking him to falsely incriminate himself and his client. They placed Mr. Magnitsky in an overcrowded cell with no heat, no window panes, no toilet, and kept lights on all night in order to deprive him of sleep. Each time he refused to withdraw his testimony against the officials, his conditions worsened—as did his health. He lost 40 pounds and developed severe pancreatitis and gallstones.

On July 25, 2009, 1 week before a planned operation by detention center doctors, Mr. Magnitsky was transferred to a maximum security detention center with no medical facilities. He spent the next 4 months of his life without any medical care. All of his requests for medical examination and surgery were denied by the Russian Government officials.

The Interior Ministry officials managing Magnitsky's detention refused family visits as "inconvenient to the investigation." From the time of his arrest, Magnitsky saw his wife only once. He never saw his children again after his arrest.

During his 358 days in detention, Mr. Magnitsky wrote more than 450 petitions requesting medical attention and challenging his cruel treatment, the denial of legal remedies, and protesting his being taken hostage by the very Interior Ministry officials he had testified against. Every petition filed was either ignored or rejected by Russian authorities.

On November 13, 2009, Sergei Magnitsky's condition worsened dramatically. Doctors saw him on November 16, when he was transferred to a Moscow detention center that had medical facilities. Instead of being delivered to the detention center hospital and actually treated immediately, Mr. Magnitsky was placed in an isolation cell, reportedly handcuffed, beaten, and he died in that cell.

On the day following Mr. Magnitsky's death, detention center officials informed his lawyers that he had died from a rupture of his abdominal membrane and toxic shock. That same day, although detention center facilities had said abdominal membrane and toxic shock, the official cause of his death was changed to heart failure. Indeed.

Two requests by his family for an independent autopsy were rejected by Russian authorities. A week after Mr. Magnitsky's death, senior Russian Interior Officials publicly claimed that Magnitsky was not sick at all in detention. Seven months after his death, Interior Ministry officials claimed they were not aware of Magnitsky's complaints and requests for medical assistance. Ten months after his death, the Russian state investigative committee claimed that Magnitsky was not pressured and tortured but died naturally of heart disease. His death, the committee claimed, was "nobody's fault." Nearly 2 years after Magnitsky's death, not a single person has been prosecuted for his false arrest, for his torture, for his murder in custody, or for the \$230 million theft he exposed.

Some may question the facts I have outlined today. Are they in dispute? I would point out that on November 23, 2009, 1 week after Mr. Magnitsky's death, the chair of President Medvedev's Human Rights Council publicly raised Magnitsky's death with President Medvedev. The following day, President Medvedev ordered the General Prosecutor and the Justice Minister of Russia to investigate the death. The investigation was limited and did not result in any criminal prosecutions.

However, on December 28, 2009, the Moscow Public Oversight Commission, an independent watchdog mandated under Russian law to monitor human rights abuses in Moscow prisons and detention centers, issued its conclusions on the Magnitsky case. The report stated that in detention, Magnitsky had been subjected to tor-

turous conditions, physical and psychological pressure, and was denied medical care. Moreover, the members of this courageous Commission concluded that his right to life had been violated by the Russian State—by the Russian State. These conclusions were sent to the Russian General Prosecutor's Office, the Russian State Investigative Committee, the Russian Ministry of Justice, the Presidential Administration, and the Federal Penitentiary Service. None of the government agencies responded to any of the report's conclusions.

Then, on July 5, 2011—this year—the Russian President's Human Rights Council issued its independent expert findings on the Magnitsky case. The report found the following: that Mr. Magnitsky was arrested on trumped-up charges in breach of Russian law and the European Human Rights Convention; that his prosecution was unlawful; that he was systematically denied medical care; that he was beaten in custody, which was a proximate cause of his death; that his medical records were falsified; and that there is an ongoing coverup and resistance by all government bodies to investigate. Thank heaven for the intrepid members of the Russian President's Human Rights Council.

While little has been done inside Russia regarding that case, action has been taken here in the United States. In May 2011, I joined Senator BEN CARDIN in introducing the Sergei Magnitsky Rule of Law Accountability Act. The bill extends the application of visa and economic sanctions to officials in the Magnitsky case and in other cases of gross human rights abuses. The legislation currently has 23 sponsors, and I urge all of my colleagues to consider joining us on this bill. Join us on this bill today.

On September 16, 2011, 15 leading human rights activists and representatives of the Russian civil society issued an open letter urgently calling on this Congress to pass this legislation. The letter states:

Sergei Magnitsky has become a victim of the inhumane Russian justice system. Many Russian citizens are unlawfully deprived of liberty due to the travesties of this system. The impunity of those who have fabricated the case against Magnitsky and have persecuted him opens the door for other officials who enrich themselves with stolen property and target political opponents of the regime. . . .

The letter goes on to say:

The consistent application of international pressure on corrupt members of the ruling establishment would significantly support our civil society and those honest individuals inside the Russian power structures who are trying to revamp and reform the existing government institutions.

The letter concludes:

We urge you—

They urge us, the Members of Congress—

to adopt the "Sergei Magnitsky Rule of Law Accountability Act of 2011" without any delay.

We in the Senate should be standing in support of the principled, fearless Russian citizens who have the courage to expose these corrupt abuses, to expose the brutality and thuggery of their own Russian Government.

I urge President Obama and I urge Secretary Clinton to make human rights and rule of law in Russia a central part of our efforts to reset bilateral relations. Without commitment to these basic principles, our efforts to find common ground on other issues of mutual concern will continue to be undermined.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CROSS-STATE AIR POLLUTION RULE

Ms. AYOTTE. Mr. President, I rise to discuss S.J. Res. 27, a resolution of disapproval of the cross-State air pollution rule. I appreciate my friend, the Senator from Kentucky, for bringing his concerns forward through this resolution. However, this is an issue I have been extensively involved in as New Hampshire's former attorney general, and I believe this resolution is misguided. This issue requires a balanced approach, and when looking at environmental regulations, we must review each on a case-by-case basis. In that vein, I cannot support this resolution.

The cross-State air pollution rule is designed to control emissions of air pollution that cause air quality problems in downwind States—and New Hampshire is a downwind State—and is estimated to reduce powerplant sulfur dioxide emissions by 73 percent and emissions from nitrogen oxides by 54 percent from 2005 levels.

It is important to note that similar pollution standards have been in place for 6 years—first implemented by the Bush administration in 2005—and many utilities have already taken steps to comply with the rule.

The rule encourages the use of the best technology available so downwind States such as New Hampshire will be able to achieve national clean air standards. Without this rule in place, New Hampshire will be unable to achieve national clean air standards due to air pollution that is outside the State's regulatory control and comes from other States.

In New Hampshire, we have a long, bipartisan tradition of working to ad-

vance commonsense, balanced environmental protections. That is the perspective from which I approach this resolution. From my time as the State's attorney general, I understand well that New Hampshire is one of several downwind States in what is infamously known as "America's tailpipe." For far too long, air pollution generated by Midwestern coal-fired powerplants has been allowed to flow into the jetstream unabated and to settle in New England, leading to diminished air quality in my home State of New Hampshire.

As attorney general, I worked to protect Granite State residents and our environment from air pollutants generated by Midwest coal-fired powerplants. The reality is that air pollution does not stop at State borders, and New Hampshire should not be the tailpipe for pollutants from out-of-State powerplants. It is a matter of common sense to ensure that one State's emissions of pollutants do not unduly harm another State's air quality.

I urge my colleagues to oppose the resolution of disapproval.

Ms. SNOWE. Mr. President, I rise to express support for the pending legislation on a critical issue that addresses the burdensome cost of compliance with the Tax Code. H.R. 674 is modeled after bipartisan legislation Senator BROWN and I introduced earlier this year to repeal the 3 percent withholding on government contractors that was enacted in 2005.

I thank Senator BROWN for his steadfast and persistent leadership on this issue as well as Senators AYOTTE, BARRASSO, BLUNT, BURR, CHAMBLISS, INHOFE, JOHANNES, BOOZMAN, and RISCH who are also cosponsors of the legislation.

The 3 percent withholding provision mandates that Federal, State, and local governments withhold 3 percent of their payments to private contractors, including Medicare provider payments, farm payments, defense contracts and certain grants.

According to the National Federation of Independent Business, "the 3 percent withholding provision puts both an administrative burden on all parties involved and a strain on the daily operating cash flow of the businesses entering into these contracts." This provision would deduct 3 percent from those payments and send the cash to the IRS for what can be considered a downpayment on taxes. The following year, absent any outstanding tax liability, the contractors, or doctors in the case of Medicare, would then get the payment rebated to them. This forces legitimate small businesses who pay their taxes in a timely manner to loan the government 3 percent of a total contract.

The American Medical Association supports repealing the 3 percent withholding because it is an additional tax on physicians who already are facing a

29.5 percent cut in Medicare payments on January 1 of next year. According to the AMA Physician Practice Information Survey, 78 percent of office-based physicians in the United States are in practices of nine physicians and under, with the majority of those physicians being in either solo practice or in practices of between two and four physicians. Withholding 3 percent of Medicare payments for services furnished by physician practices will create a difficult cash flow problem for physician practices as small businesses.

This is another example of good intentions having unintended consequences and originated as a result of very legitimate efforts to address the tax gap—the difference between what is owed in taxes and the amount that the IRS is able to collect.

At first glance, it may seem reasonable to withhold a portion of payments to contractors, until they pay taxes on the earnings. However, the problem with this approach is that it assumes that contractors will not pay their taxes and, regrettably, small businesses suffer as a result of this faulty assumption.

Because this mandate withholds 3 percent of payments to contractors, it is a serious problem for small businesses for whom such a withholding from cash-flow would make bidding on contracts cost prohibitive. As such, this mandate threatens to stifle the economy at a time when we cannot afford any unnecessary obstacles in the road to recovery.

Everyone agrees that Americans should pay their taxes in full and none of us supports tax cheats, yet there are already extensive penalties including monetary and even criminal for tax delinquency. The unfortunate fact is that the 3 percent withholding provision will cost far more to implement than will be collected in tax revenue.

As a senior member of the Senate Finance Committee, I remain committed to exploring alternative means to ensure government contractors are indeed paying their taxes in full while working to mitigate the costs of compliance. On November 1, the Senate passed the Agriculture appropriations bill which included a provision prohibiting agencies from awarding contracts to companies with unpaid Federal taxes.

Additionally, that legislation barred any contract over \$5 million from being awarded if a company cannot certify it has paid its taxes in the last 3 years. Unfortunately, the Obama administration has criticized this provision as having "unintended consequences" and that the bill as written would hurt contracting decisions. I believe the legislation should have gone even further and forced all contractors to certify that their taxes are up to date. The bottom line is the Federal Government should not be contracting with those who fail

to meet their tax obligations and it is imperative this administration develop a coordinated process to not only punish fraudulent contractors but ensure tax compliance before contracts are awarded.

That said, our country is in no place to stifle already anemic economic recovery and disappointing job growth numbers that have plagued the Nation for 3 years now. According to data released Friday by Bureau of Labor Statistics, the unemployment rate remains persistently high at 9 percent.

About 45 percent of the unemployed have been out of work for at least 6 months—a level previously unseen in the six decades since World War II. At a time when 14 million Americans are still unemployed, and have been so for the longest period since record keeping began in 1948, our government should be taking every possible step to ease the burden on job creators. We need to offer the American people solutions that help grow jobs, not provisions that prevent it.

Compliance with this law will impose billions of dollars of cost on both the public and private sectors, with a disproportionate impact on small businesses. These compliance costs will far exceed projected tax collections.

For instance, just one Federal agency, the Department of Defense, estimated that it would cost over \$17 billion in the first 5 years to comply, and the revenue estimate in 2005 projected that only \$6.977 billion would be collected over a 10 year window.

Even if that DOD estimate is inflated, as some charge, the Congressional Budget Office projects costs of \$12 billion just to implement this provision at the Federal level. There are similar costs imposed across all of the Nation's State and local governments, making this provision simply an unfunded mandate on State and local governments. This is a case of spending a dollar to collect a dime, which is counterproductive for addressing the Nation's deficits.

As ranking member of the Senate Committee on Small Business, I have heard from many businesses across the country that the 3 percent withholding amount will exceed their profit on a given contract and will prevent them from being able to make payroll, forcing them to borrow from banks just to pay their employees.

This is not the way to encourage jobs and business growth but rather the way to stifle it. This 3 percent withholding provision would increase the tax and regulatory burdens on our businesses—precisely the wrong policy potion for these troubled times.

Given the record deficits and budgetary crisis in this country, it is imperative that the Congress find funds to offset the repeal provision. The President and the House of Representatives both agreed that a proper way to pay

for repeal would be to retract a poorly drafted provision from the new health care law—a provision that would have added people who do not meet the income requirements on to the already-strained Medicaid Program which provides health care to the indigent.

As a strong supporter of Medicaid, I know it is important to keep the program narrowly targeted at those populations most in need, and if doing so in this case allows us to repeal the damaging 3 percent withholding rule, then so much the better.

At a time when the American people are extremely frustrated with the partisan gridlock and Congress' inability to pass meaningful legislation, this bipartisan bill would provide small businesses with much needed certainty and relief.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to H.R. 674 be adopted; that after the motion is adopted, the majority leader be recognized to offer amendment No. 927 on behalf of Senator TESTER and others; that when the Senate resumes consideration of the bill on Wednesday, November 9, Senator MCCAIN or his designee be recognized to offer a second-degree amendment, No. 928; that no other amendments, points of order, or motions be in order to either amendment or the bill prior to the votes other than budget points of order and the applicable motions to waive; that following morning business on Wednesday, November 9, the Senate proceed to the consideration of the motion to proceed to S.J. Res. 6, as provided under the previous order; that upon the use or yielding back of time, the Senate resume consideration of H.R. 674; further, that at 10 a.m. Thursday, November 10, the Senate proceed to the consideration of the motion to proceed to S.J. Res. 27 as provided under the previous order; that at noon, the Senate resume consideration of the motion to proceed to S.J. Res. 6 and there be up to 5 minutes of debate, equally divided between the two leaders or their designees, prior to a vote on the motion to proceed to S.J. Res. 6; that following the vote, the Senate then proceed to vote on the motion to proceed to S.J. Res. 27; that there be 2 minutes equally divided between the votes; that if either or both motions to proceed are agreed to, then further debate and votes on the joint resolutions be deferred until 2:15 p.m. on Tuesday,

November 15, with all other provisions of the previous orders regarding the joint resolutions remaining in effect; that at 2:15 on Thursday, November 10, the Senate resume consideration of H.R. 674; that there be up to 15 minutes of debate on the bill and amendments to run concurrently, with the time equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendments to H.R. 674 in the following order: McCain amendment No. 928 and Reid for Tester amendment No. 927; that the McCain and Reid for Tester amendments be subject to a 60-vote affirmative vote threshold; that upon the disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended; that upon disposition of H.R. 674, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 2354, the Energy and Water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

3% WITHHOLDING REPEAL AND JOB CREATION ACT

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility to certain health-care related programs, and for other purposes.

AMENDMENT NO. 927

(Purpose: To amend the Internal Revenue Code of 1986 to permit a 100 percent levy for payments to Federal vendors relating to property, to require a study on how to reduce the amount of Federal taxes owed but not paid by Federal contractors, and to make certain improvements in the laws relating to the employment and training of veterans)

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. TESTER, for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts, proposes an amendment numbered 927.

(The amendment is printed in today's RECORD under "Text of Amendments.")

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 157, H.R. 2354.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to H.R. 2354, an Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 157, H.R. 2354, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Harry Reid, Amy Klobuchar, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, John F. Kerry, Charles E. Schumer, Al Franken, Tom Udall, Richard Blumenthal, Kirsten E. Gillibrand, Carl Levin, Jeff Merkley, Ron Wyden, Thomas R. Carper, Daniel K. Inouye, Benjamin L. Cardin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MR. LEDFORD STEPHENS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a respectable Kentucky veteran, Mr. Ledford "Led" Stephens. Ledford, who recently celebrated his 90th birthday, still remembers vividly the time he spent serving overseas in Europe during World War II.

Led grew up across the creek from Lower Cal Hill Cemetery in Pine Knot, KY. When he was 18 years old, he enlisted in the U.S. Army. After passing two physicals, Led was allowed to spend 2 weeks at home before he boarded a train at Stearns station to Fort Thomas. There he received his clothes and was then shipped to Fort Wheeler, GA, for basic training. After

completing basic training, Led spent a short time at Camp New Jersey where he received his "impregnated clothes," which were outfits that protected soldiers from gas—this was a clear indicator that he would eventually be shipped overseas.

A short time later, Led remembers boarding a ship in New York that sailed for 14 days and nights before finally reaching Casablanca, North Africa. After arriving, Led and his group were placed with the 3rd Division and sent to assist in the Invasion of Sicily. Led was assigned to the position of 30-caliber machine gunner on his team.

"From there, I went on to the Invasion of Italy. We went in there on a beach and fought our way up," Led recalls. "I met a fellow from Frazer, Kentucky, and we both promised that we would find each other's people back home if anything happened to either of us. It ended up that he was killed . . . I tried to find his people when I came back home, but I never could find them."

The toil of war eventually took a toll on Led as well. During a battle, "a shell went off close to me, and it did something to my ears," Led says. "My face was numb . . . they loaded me into an ambulance and took me to the 106 Hospital in Naples, Italy." After that, Led spent time recovering in a rest camp and was taken out of combat and was assigned to a port battalion where he loaded and unloaded supplies.

After the war, Led received many medals and ribbons, including the Bronze Star for his service. Once he returned home to Kentucky, Led began a career as a coal-truck driver—he is also an ordained minister in his spare time. Around his 70th birthday, Led fell in love with Lois Neal, a girl he had known from his childhood. The two have been married now for over 18 years and reside happily together in their home in Pine Knot, KY.

I would like to ask that my Senate colleagues join me in thanking Mr. Ledford "Led" Stephens for his patriotism and selflessness. I commend Ledford for his service and accomplishments throughout his life—he is a true inspiration to Kentuckians everywhere. The McCreary County Voice in Whitley City, KY, recently published an article highlighting Ledford's honorable life and service. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the McCreary County Voice, Aug. 11, 2011]

MEMORIES OF A SOLDIER

(By Eugenia Jones)

As a youngster, growing up across the creek from Lower Cal Hill Cemetery, Ledford "Led" Stephens never dreamed that he would someday travel to distant lands to serve his country. The American war vet-

eran, who just recently celebrated his 90th birthday, has vivid memories of his time spent in World War II.

He recalls, "When I was 18, I registered for the Army. Next thing I knew, I got a call to go in and get two physicals. I passed the first physical they gave me at Stearns, and then I had to go all the way to Cincinnati for the second one. When I was there in Cincinnati, they told us to say, 'Home' if we wanted to go back home for fourteen days. Me and a buddy wanted to go back home for two weeks. After we got those days at home, I caught a train at the station at Stearns to go back to the Army. There were many people at the station, and they were crying as we headed off for the war. I ended up at Fort Thomas where they issued my clothes. I went on to Fort Wheeler, Georgia, for basic training and then to Camp New Jersey. A buddy of mine from home was there with me. He had his guitar, and one night, he started picking a song about going back home. All at once, he told me that he wanted to go home, but I told him that they would kill us if we took off. They issued us our impregnated clothes there. Those types of clothes protect the soldiers from gas. We just knew that being issued those clothes meant that we were going overseas for sure."

The hunch about going overseas was correct, and Stephens can still remember leaving the U.S. "From New Jersey, I went to New York where we loaded a ship and sailed for fourteen days and nights. We ended up in Casablanca, North Africa. We spent a couple of weeks there and were put in the 3rd Division. Right about that same time, there was a surrender, and I thought we might get to go home. Instead, we ended up in the Invasion of Sicily. I was the first scout in the town of Messina, Sicily, and, from there, I went on to the Invasion of Italy. We went in there on a beach and fought our way up. I met a fellow from Frazer, Kentucky, and we both promised that we would find each other's people back home if anything happened to either of us. It ended up that he was killed. I was a 30-caliber machine gunner, and he was an assistant with another gunner. That is how he was killed. I tried to find his people when I came back home, but I never could find them."

The war eventually took a physical toll on Stephens. He explains, "The Germans came in shelling us. A shell went off close to me, and it did something to my ears. My face was numb. They wanted me to wait to go to the hospital until the 36th Division could relieve us. When I did go to the medics, they were in a long hospital tent. A fellow looked at me and loaded me into an ambulance. They took me to the 106 Hospital in Naples, Italy. After that, I went to a rest camp and some other hospitals. I ended up being taken out of combat and was assigned to a port battalion where I loaded and unloaded supplies."

Stephens did have some fun times while he was overseas. His face lights up with a grin as he tells about the two girls he met while in Europe. "While I was there in Italy, I was sent to a rest camp. I could go to town whenever I wanted. Me and a buddy met two girls in town one day. We went for a ride with them, and I started seeing the girl named Connie quite regularly. I went for a time without seeing her and decided I would go to her house and find her. I went up the stairs and knocked on the door, and an old woman came to the door. She spoke English and said, 'Stephens, come in!' The old woman was Connie's mom. She and Connie were glad to see me. When we shipped out, Connie wanted to go. I went back later to see her,

and, this time, there she was! She was locked in the arms of a sailor! Of course, that was the end of our friendship!"

"I met Esther when I was in France. When I first saw her, she was crocheting, and she spoke English. Her sister's name was Julie, and I told my buddy about Julie. The Germans had taken their parents. One day, me and my buddy went and visited. Julie's boyfriend came while we were there. Julie was dating a boy named Scott from Tennessee. She was seeing Scott and my buddy both at the same time. When I left France, I told Esther that someday I would be back for her. When I got back to the States, I planned to go back overseas, but Mrs. Harmon of the draft board thought I should wait awhile. I had already been overseas for thirty months and ten days. I ended up never going back overseas, and I never saw Esther again."

After returning to the States, Stephens, the recipient of many medals and ribbons, including the Bronze Star, spent his life working as a coal-truck driver and, for a few years, he worked in Indiana. At the age of 62, he began working for the Forest Service where he remained for more than three years. Stephens also was an ordained minister.

In his golden years, when he was about 70, Stephens fell in love with Lois Neal. Lois, who, for many years, owned and operated a grocery store at the top of Davis Hill in Pine Knot, recalls, "When Led started coming to the store, he came regularly!" "Led" adds with a chuckle, "I enjoyed helping her in the store. It sure wasn't the store that I was after. It was Lois! I had my eye on her, and, then, she sent me some roses! We had known each other when we were growing up. Before I went overseas, I remember taking her for a ride in a Model A. I was singing, 'I'm Sitting on Top of the World' when we went for that ride." The two have now been married for 18 years.

When "Led" finishes telling the stories about his days in WW II, it is easy to see that this man who traveled the world serving his country as a young man is now happy to be "sitting on top of the world" with his lovely wife Lois at their home in Pine Knot, Kentucky.

VETERANS DAY

Mr. UDALL of Colorado. Mr. President, I rise to speak on an important holiday we will recognize later this week. Veterans Day is a time we have set aside to pause and remember the veterans who have sacrificed so much for our country. We honor them for their courage and dedication in helping secure our freedom. It is without saying that we are all indebted to these men and women and we celebrate them and their selfless service on behalf of every American.

Last month the celebration of Hispanic Heritage Month came to a close, but as Veterans Day nears, I believe that it is timely and fitting to call attention to the contributions of the American Latinos who have served in every major war of the United States and continue to be an invaluable part of America's military.

Approximately 1.3 million of America's current 22.7 million veterans are of Hispanic origin. In Colorado, each of these veterans deserves our recognition

and continued support. Due to the sacrifice of so many from our state, such as Medal of Honor recipient Joe P. Martinez, who was laid to rest in 1943 in Ault, CO, our country has been made stronger.

Other veterans, such as Albert Gonzales, a Colorado Springs resident who currently serves as the national commander of the American G.I. Forum and was recently appointed by President Obama as a member of the National Selective Service Appeal Board, demonstrate the ongoing commitments of Colorado's veterans. Albert represents another example of the thousands of exemplary Coloradan Hispanic veterans.

In Colorado, paying tribute to the State's Hispanic veterans is a strong part of our effort to support all veterans. In the small southeastern Colorado agricultural town of Avondale, which has come to call itself the "Pueblito of Heroes," it has become an annual tradition to recognize the many veterans who have served from this small community. Just this year, they honored long-time resident Eutimio Sandoval who received a Bronze Star, Korean Service Medal, Japan Service Medal and a 50th anniversary medal for his service.

Many humble men and women who have served in our military are celebrated in communities across Colorado, and I wish to join them to express my appreciation and highlight the contributions of servicemembers of all backgrounds that make up the larger family of veterans who have given so much.

This November 11, I encourage everyone to take the time to thank a veteran and servicemember for his or her involvement in protecting America and the principles for which we stand.

TRIBUTE TO SERGEANT THOMAS R. GDOVIN

Mr. PORTMAN. Mr. President, on this week of Veteran's Day, I rise today to recognize SGT Thomas R. Gdovin, of Cleveland, OH, for the exceptional bravery he displayed in combat on March 8, 1968, in Vietnam while assigned to the U.S. Army's 101st Airborne Division. Earlier today I presented the Silver Star, one of our Nation's highest honors for gallantry in military service, to former SGT Thomas Gdovin here in Washington, DC.

SGT Thomas R. Gdovin enlisted into the U.S. Army on July 5, 1966, and served in the 101st Airborne Division. Today, during a ceremony over 40 years in the making, he received the Silver Star for his bravery during the Vietnam war when he risked his own life to save a wounded soldier during combat. I was honored to have Mr. Dan Phillips, the soldier rescued, attend the ceremony alongside Mr. Gdovin's family and friends in celebration of this well deserved honor.

I am honored to read the Silver Star Citation detailing Sergeant Gdovin's brave actions into the RECORD.

The President of the United States of America, authorized by Act of Congress, 9 July 1918, has awarded the Silver Star to: Sergeant Thomas R. Gdovin, 502d Infantry Regiment, 2d Brigade, 101st Airborne Division (Airmobile) For Gallantry: in action on 8 March 1968, while serving as Squad Leader with 1st Platoon, Company D, 1st Battalion, 502d Infantry Regiment, 2d Brigade, 101st Airborne Division (Airmobile) in support of operations in the Republic of Vietnam. Sergeant Gdovin's squad became the company's lead element during an attack on enemy forces when they received intense automatic weapons and rocket fire. The lead Soldier in the formation was severely wounded and was unable to move in an area open to enemy fire. Sergeant Gdovin placed the squad into defensive positions and suppressed enemy fire. He then left the defensive position and with complete disregard for his own personal safety and advanced across open terrain toward the wounded soldier, exposing himself to intense enemy fire. Sergeant Gdovin then reached the wounded soldier and under continued fire, brought him back to safety of the squad's position, where we was further evacuated. Sergeant Gdovin's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, the 101st Airborne Division (Airmobile) and the United States Army.

This is truly an exceptional story and I was honored to play a small role in recognizing Sergeant Gdovin. This ceremony was an opportunity to say thank you to all veterans. We can never forget that they gave their time, risked their health, and even placed their lives on the line. This not only means honoring their sacrifices, but also honoring our promises and commitments to them as well. Let us ensure that we honor and remember all our veterans, not just this week but throughout the days and years to come. Their commitment to this Nation is a shining example to all of us.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. PETER STANG

• Mr. LEE. Mr. President, I wish to formally congratulate Dr. Peter Stang of the University of Utah for being awarded the National Medal of Science, the highest honor bestowed by the United States upon scientists.

Dr. Stang has been a pioneer in his field, developing methods of creating molecular nano-devices that construct themselves from combinations of chemical building blocks. These devices hold the promise of eventually being used in many revolutionary ways, from enabling artificial photosynthesis to delivering medicine directly to specific individual cells in the human body.

In 1957, Dr. Stang's family fled to the United States from Hungary to escape the violent clashes between Hungarians and the Soviet Union. The greatness of

the American spirit is reflected in the fact that this young immigrant became one of the nation's top scientists and is now being recognized by the leader of the free world.

I thank Dr. Stang for his tremendous efforts to improve our way of life.●

TRANSCONTINENTAL OVERLAND TELEGRAPH LINE

● Mr. LEE. Mr. President, on October 24, the Sons of Utah Pioneers celebrated the 150th anniversary of the final connecting of the Transcontinental Overland Telegraph Line in Salt Lake City, establishing the first coast-to-coast electronic communications system in American history.

Much like the Transcontinental Railroad revolutionized transportation in this country, the Transcontinental Telegraph Line revolutionized communication. Sending messages from Washington, DC to California, which had previously taken weeks, took mere seconds after completion of the line.

President of the Church of Jesus Christ of Latter-day Saints Brigham Young sent the first message to President Abraham Lincoln, which confirmed that Utah was still loyal to the United States and not allied with the Confederacy. The line is credited with helping to ensure that most of the West sided with the Union in the Civil War.

Congratulations to the citizens of Utah for marking the anniversary of an accomplishment that helped to hold this country together.●

ST. GEORGE, UTAH

● Mr. LEE. Mr. President, 150 years ago, 309 families founded the city of St. George in southern Utah. It would become the main city in a region known as "Utah's Dixie" because of the cotton farms that were established in response to the cotton shortage of the Civil War.

To celebrate this important milestone, several hundred people participated in a reenactment of the 100-mile journey of the original settlers, from the city of Parowan to the eventual location of St. George. The trek featured wagons, livestock, and many other aspects of life in the 19th century.

Today, St. George is a city of over 70,000 people, and is the seat of Washington County. Congratulations to Mayor Dan McArthur and the people of St. George for reaching the 150-year milestone.●

TRIBUTE TO EDIE DAHLSTEN

● Mr. ROBERTS. Mr. President, you have heard me speak many times about the importance of agriculture to my home State. It is a critical industry in Kansas and forms the backbone of our economy. Within the field of agri-

culture are many dedicated and talented leaders who serve and have served Kansans with distinction. I have had the privilege to know and work with many of them over the years, but there is one in particular I would like to highlight today. Edie Dahlsten currently serves as the vice president of the Kansas Farm Bureau. For nearly a decade, Edie has served in this role with distinction and this November she will retire at the end of her term.

The Farm Bureau is truly a grassroots organization that begins with a single farmer, who joins together with his neighbors to form an organization that represents their way of life. Edie and Larry Dahlsten have been engaged in every aspect of that organization, beginning with their service on the McPherson County Farm Bureau Board near their home in central Kansas.

Mr. MORAN. Mr. President, for Edie and Larry, farming is more than just a way to make a living it is a way of life. Together they make a great team, and their commitment to the Farm Bureau and the values it represents is widely known. Edie and Larry's leadership and service together began more than 20 years ago when they served on the State Young Farmers and Ranchers Committee. As an Outstanding Young Farm Family, they have represented their fellow producers on numerous committees over the years to advocate on behalf of producers at the local, State, and national level.

Edie's leadership and advocacy began with humble beginnings on the soil of a rural Kansas farm. In 1976, she was selected as a Farm Bureau leader to represent her district on the State Women's Committee. In 1989, she was elected to the Kansas Farm Bureau Board of Directors, and in 2002 she was elected as vice president of the Kansas Farm Bureau. Edie's career has taken her around the world to convey the importance of agriculture and to share her passion for the special way of life so many Kansans love.

Edie Dahlsten embodies many traits we can all admire—a deep love for the great State of Kansas, gratitude for the many hard-working families who daily provide the food, fuel, and fiber Americans rely on, and the respect of her peers across the nation.

I would now like to ask my colleagues to join us in recognizing Edie for her dedication, passion, and many years of service.●

CLOSE UP FOUNDATION

● Mr. VITTER. Mr. President, today I recognize the Close Up Foundation on the occasion of its 40th anniversary.

The Close Up Foundation has had a widespread impact on teachers and students around the nation, and I applaud their efforts to educate and inspire young people and provide teachers with valuable resources to take back to their classrooms.

Since 1971, the Close Up Foundation has been committed to promoting responsible and informed participation in our republic through experiential education programs that provide students with the knowledge and skills to be involved in our democratic process.

Close Up's partnerships with government agencies, the media, private businesses, and our capital's historic sites provide interactive classrooms to reinforce the links between our history and our current policy debates, giving students a better understanding of the concepts and institutions of America's constitutional government.

Again, I am proud to honor the Close Up Foundation and congratulate them for their many contributions towards educating America's youth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2930. An act to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

H.R. 2940. An act to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3855. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Bromeliad Plants in Growing Media From Belgium, Denmark, and the Netherlands" ((RIN0579-AD36)(Docket No. APHIS-2010-0005)) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3856. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved

retirement of Lieutenant General Mitchell H. Stevenson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3857. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Fire-Resistant Fiber for Production of Military Uniforms" ((RIN0750-AH22)(DFARS Case 2011-D021)) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Armed Services.

EC-3858. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Simplified Acquisition Threshold for Humanitarian or Peacekeeping Operations" ((RIN0750-AH29)(DFARS Case 2011-D032)) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Armed Services.

EC-3859. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Representation Relating to Compensation of Former DoD Officials" ((RIN0750-AG99)(DFARS Case 2010-D020)) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Armed Services.

EC-3860. A communication from the Senior Counsel for Regulatory Affairs, Office of Financial Stability, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TARP Conflicts of Interests" (RIN1505-AC05) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3861. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offering of United States Savings Bonds, Series EE; Regulations Governing Definitive United States Savings Bonds, Series EE and HH; Offering of United States Savings Bonds, Series I; Regulations Governing Definitive United States Savings Bonds, Series I; Final Rule" (31 CFR Parts 351, 353, 359, and 360) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3862. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tribal Economic Development Bonds—Request for Public Comment on Volume Cap Allocation Process and Optional Extension of Deadline to Issue Bonds" (Announcement 2011-71) received in the Office of the President of the Senate on November 3, 2011; to the Committee on Finance.

EC-3863. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "O'Donnabhain v. Commissioner, 134 T.C. 34 (2010)" (AOD-2011-47) received in the Office of the President of the Senate on November 3, 2011; to the Committee on Finance.

EC-3864. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extending Religious and Family Member FICA and FUTA Exceptions to Disregarded Entities" ((RIN1545-BJ07)(TD 9554)) received in the Office of the President of the Senate on November 3, 2011; to the Committee on Finance.

EC-3865. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Libya and UNSCR 2009" (RIN1400-AC97) received in the Office of the President of the Senate on November 3, 2011; to the Committee on Foreign Relations.

EC-3866. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Filing, Retention, and Return of Export Licenses and Filing of Export Information" (RIN1400-AC91) received in the Office of the President of the Senate on November 3, 2011; to the Committee on Foreign Relations.

EC-3867. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Priorities, Requirements, and Selection Criteria; Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools" (RIN1855-ZA08) received in the Office of the President of the Senate on November 3, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3868. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Promise Neighborhoods Program" (RIN1855-ZA07) received in the Office of the President of the Senate on November 3, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3869. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Investing in Innovation Fund" (34 CFR Chapter II) received in the Office of the President of the Senate on November 3, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3870. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on November 3, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3871. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Beverages: Bottled Water Quality Standard; Establishing an Allowable Level for di(2-ethylhexyl)phthalate" (Docket No. FDA-1993-N-0259) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3872. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled "U.S. Office of Personnel Management (OPM) Annual Privacy Activity Report to Congress for Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-3873. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3874. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Nebraska Advisory Committee; to the Committee on the Judiciary.

EC-3875. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the California Advisory Committee; to the Committee on the Judiciary.

EC-3876. A communication from the Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a report relative to the Center's financial statements, supplemental schedules of operations, and independent auditor's report for years ended October 3, 2010 and September 27, 2009; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 1487, a bill to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes (Rept. No. 112-92).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 363. A bill to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER:

S. 1817. A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW:

S. 1818. A bill to amend SAFETEA-LU to ensure that projects that assist the establishment of aerotropolis transportation systems are eligible for certain grants, and for

other purposes; to the Committee on Environment and Public Works.

By Mr. KOHL (for himself and Ms. MRKULSKI):

S. 1819. A bill to amend the Older Americans Act of 1965 to improve programs and services; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself and Mr. BLUNT):

S. 1820. A bill to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families; to the Committee on Armed Services.

By Mr. COONS (for himself, Mr. ISAKSON, Mr. BURR, Mr. GRAHAM, Mr. CARPER, Mrs. HAGAN, Mr. ALEXANDER, and Mr. HELLER):

S. 1821. A bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts; to the Committee on the Judiciary.

By Mr. HELLER (for himself, Mr. BOOZMAN, and Mr. BROWN of Massachusetts):

S. 1822. A bill to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya; to the Committee on Armed Services.

By Mr. BLUNT (for himself and Mrs. GILLIBRAND):

S. 1823. A bill to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TOOMEY (for himself, Mr. CARPER, Mr. WARNER, and Mr. JOHANNIS):

S. 1824. A bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida:

S. 1825. A bill to amend title 36, United States Code, to grant a Federal charter to the American Military Retirees Association, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. CARPER, and Mr. CASEY):

S. 1826. A bill to provide for the availability of self-employment assistance to individuals receiving extended compensation or emergency unemployment compensation; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. GRAHAM):

S. 1827. A bill to establish a Trade Enforcement Division in the Office of the United States Trade Representative, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 1828. A bill to increase small business lending, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. WHITEHOUSE (for himself, Mr. LEVIN, Mr. BEGICH, Mr. FRANKEN, Mr. REED, Mr. DURBIN, Mr. SANDERS, and Mr. MERKLEY):

S. 1829. A bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW:

S. 1830. A bill to improve enforcement of intellectual property rights, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MCCASKILL (for herself and Mr. BLUNT):

S. Res. 315. A resolution commending the St. Louis Cardinals on their hard-fought World Series victory; considered and agreed to.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. KERRY):

S. Res. 316. A resolution expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. MCCAIN, and Mr. LIEBERMAN):

S. Res. 317. A resolution expressing the sense of the Senate regarding the liberation of Libya from the dictatorship led by Muammar Qaddafi; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 227

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 933

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 960

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 1106

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1107, a bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1380

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1380, a bill to suspend until January 21, 2013, certain provisions of Federal immigration law, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1440

At the request of Mr. BENNET, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

At the request of Mr. ALEXANDER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1440, *supra*.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Rhode Island (Mr. REED), the Senator from Nebraska (Mr. NELSON), the Senator from Wisconsin (Mr. KOHL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN), the Senator from Maine (Ms. COLLINS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Ohio (Mr. PORTMAN), the Senator from South Dakota (Mr. THUNE), the Senator from Mississippi (Mr. WICKER), the Senator from Texas (Mrs. HUTCHISON), the Senator from Texas (Mr. CORNYN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Wyoming (Mr. ENZI), the Senator from Wisconsin (Mr. JOHNSON), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. BROWN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Indiana (Mr. COATS), the Senator from Tennessee (Mr. CORKER), the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. KYL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

At the request of Mr. REID, his name was added as a cosponsor of S. 1527, *supra*.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1576

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1576, a bill to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S.

1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1720

At the request of Mr. MCCAIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1720, a bill to provide American jobs through economic growth.

S. 1733

At the request of Mr. TESTER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1733, a bill to establish the Commission on the Review of the Overseas Military Facility Structure of the United States.

S. 1756

At the request of Mrs. HAGAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1756, a bill to extend HUBZone designations by 3 years, and for other purposes.

S. 1762

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1762, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities and to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs.

S. 1763

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1763, a bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

S. 1790

At the request of Ms. AYOTTE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1790, a bill to modify the Financial Improvement and Audit Readiness Plan to provide that the full statement of budget resources of the Department of Defense is complete and validated by not later than September 30, 2014.

S. 1808

At the request of Mr. COONS, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 1808, a bill to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

S.J. RES. 27

At the request of Mr. PAUL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S.J. Res. 27, a joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the names of the Senator from Rhode Island (Mr. REED) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 241

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 241, a resolution expressing support for the designation of November 16, 2011, as National Information and Referral Services Day.

S. RES. 274

At the request of Mr. WHITEHOUSE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 274, a resolution expressing the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction program.

S. RES. 302

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. Risch) was added as a cosponsor of S. Res. 302, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Ms. MIKULSKI).

S. 1819. A bill to amend the Older Americans Act of 1965 to improve programs and services; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Services for America’s Seniors Act”.

SEC. 2. STANDARDIZED ASSESSMENT OF NEEDS OF FAMILY CAREGIVERS.

(a) IN GENERAL.—Section 373 (42 U.S.C. 3030s–1) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) in subsection (d), as so redesignated, by striking “subsection (b)” and inserting “subsection (c)”;

(3) in subsection (e), as so redesignated, by striking “subsection (b)” and inserting “subsection (c)”;

(4) by inserting after subsection (a) the following:

“(b) ASSESSMENT PROGRAM OF NEEDS OF FAMILY CAREGIVERS.—

“(1) IN GENERAL.—The Assistant Secretary may make grants to States to establish a program, in accordance with the program requirements described in paragraph (5), to assess the needs of family caregivers for targeted support services described in paragraph (5)(C).

“(2) APPLICATION BY STATES.—Each State seeking a grant under this subsection shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information and assurances as the Assistant Secretary determines appropriate.

“(3) GRANT AMOUNT.—The amount of a grant to a State under this subsection shall be determined according to such methodology as the Assistant Secretary determines appropriate.

“(4) PROGRAM ADMINISTRATION.—A State receiving a grant under this subsection may enter into an agreement with area agencies on aging in the State, or an Aging and Disability Resource Center in the State, to administer the program, using such grant funds.

“(5) PROGRAM REQUIREMENTS.—

“(A) STANDARDIZED ASSESSMENT.—Assessments under a program established under paragraph (1)—

“(i) shall be conducted by social workers, care managers, nurses, or other appropriate professionals; and

“(ii)(I) shall be conducted with a standardized instrument to identify family caregiver needs; and

“(II) in a State in which an area agency on aging or an Aging and Disability Resource Center is using such an instrument on the date of enactment of the Strengthening Services for America’s Seniors Act, may continue to be conducted with that instrument.

“(B) QUESTIONNAIRE.—

“(i) IN GENERAL.—Subject to clause (ii), assessments under a program established as described in paragraph (1) shall include asking the family caregiver relevant questions in order to determine whether the family caregiver would benefit from any targeted support services described in subparagraph (C).

“(ii) COMPLETION ON A VOLUNTARY BASIS.—The answering of questions under clause (i) by a family caregiver shall be on a voluntary basis.

“(iii) ADDRESSING DIVERSE CAREGIVER NEEDS AND PREFERENCES.—The questionnaire

under this subparagraph shall be designed in a manner that accounts for, and aims to ascertain, the varying needs and preferences of family caregivers, based on the range of their capabilities, caregiving experience, and other relevant personal characteristics and circumstances.

“(C) TARGETED SUPPORT SERVICES DESCRIBED.—The following targeted support services are described in this subparagraph:

“(i) Information and assistance (including brochures and online resources for researching a disease or disability or for learning and managing a regular caregiving role, new technologies that can assist family caregivers, and practical assistance for locating services).

“(ii) Individual counseling (including advice and consultation sessions to bolster emotional support for the family caregiver to make well-informed decisions about how to cope with caregiver strain).

“(iii) Support groups, including groups which provide help for family caregivers to—

“(I) locate a support group either locally or online to share experiences and reduce isolation;

“(II) make well-informed caregiving decisions; and

“(III) reduce isolation.

“(iv) Education and training (including workshops and other resources available with information about stress management, self-care to maintain good physical and mental health, understanding and communicating with individuals with dementia, medication management, normal aging processes, change in disease and disability, the role of assistive technologies, and other relevant topics).

“(v) Respite care and emergency back-up services (including short-term in-home care services that gives the family caregiver a break from providing such care).

“(vi) Chore services (such as house cleaning) to assist the individual receiving care.

“(vii) Personal care (including outside help) to assist the individual receiving care.

“(viii) Legal and financial planning and consultation (including advice and counseling regarding long-term care planning, estate planning, powers of attorney, community property laws, tax advice, employment leave advice, advance directives, and end-of-life care).

“(ix) Transportation (including transportation to medical appointments) to assist the individual receiving care.

“(x) Other targeted support services, as determined appropriate by the State agency and approved by the Assistant Secretary.

“(D) REFERRALS.—In the case where a questionnaire completed by a family caregiver under subparagraph (B) indicates that the family caregiver would benefit from 1 or more of the targeted support services described in subparagraph (C), the agency administering the program shall provide referrals to the family caregiver for State, local, and private-sector caregiver programs and other resources that provide such targeted support services to such caregivers.

“(E) TARGETING AND TIMING OF ASSESSMENTS.—Assessments under the program established under paragraph (1) may be conducted—

“(i) when an individual who is being assisted by a family caregiver transitions from one care setting to another;

“(ii) upon referral from a social worker, care manager, nurse, physician, or other appropriate professional; or

“(iii) according to circumstances determined by the State and approved by the Assistant Secretary.

“(F) COORDINATION WITH OTHER ASSESSMENT.—Assessments under the program established under paragraph (1) may be conducted separately or as part of, or in conjunction with, eligibility or other routine assessments of an individual who is being (or is going to be) assisted by a family caregiver.

“(G) FOLLOWUP SERVICES.—As the Assistant Secretary determines appropriate, a State with a program described in paragraph (1) shall conduct followup activities with caregivers who have participated in an assessment to determine the status of the caregiver and whether services were provided.

“(H) REPORTING REQUIREMENT.—Each State with a program described in paragraph (1) shall periodically submit to the Assistant Secretary a report containing information on the number of caregivers assessed under the program, information on the number of referrals made for targeted support services under the program (disaggregated by type of service), demographic information on caregivers assessed under the program, and other information required by the Assistant Secretary.”.

(b) STANDARDIZED ASSESSMENT OF NEEDS OF INFORMAL CAREGIVERS.—Section 202 (42 U.S.C. 3012) is amended—

(1) in subsection (b)(8)—

(A) in subparagraph (D), by striking “and”;

(B) in subparagraph (E), inserting “and” after the semicolon at the end; and

(C) by adding at the end the following:

“(F) which may carry out the informal caregiver assessment program described in subsection (g);”;

(2) by adding at the end the following:

“(g) STANDARDIZED ASSESSMENT OF NEEDS OF INFORMAL CAREGIVERS.—

“(1) IN GENERAL.—Aging and Disability Resource Centers implemented under subsection (b)(8) may carry out an assessment program with respect to informal caregivers and care recipients. Such assessment program shall be modeled on the family caregiver assessment program established under section 373(b).

“(2) DEFINITIONS.—For purposes of an informal caregiver assessment carried out in accordance with paragraph (1), the following definitions shall apply:

“(A) CARE RECIPIENT.—The term ‘care recipient’ means—

“(i) an older individual;

“(ii) an individual with a disability; or

“(iii) an individual with a special need.

“(B) INDIVIDUAL WITH A SPECIAL NEED.—The term ‘individual with a special need’ means an individual who requires care or supervision to—

“(i) meet the individual’s basic needs;

“(ii) prevent physical self-injury or injury to others; or

“(iii) avoid placement in an institutional facility.

“(C) INFORMAL CAREGIVER.—

“(i) IN GENERAL.—Subject to clause (ii), the term ‘informal caregiver’ means an adult family member, or another individual, who is an informal provider of in-home and community care to a care recipient.

“(ii) ALTERNATE DEFINITION.—A State that has a State law with an alternate definition of the term ‘informal caregiver’ for purposes of a program described in paragraph (1) may use that definition (with respect to caregivers for care recipients) for purposes of provisions of this Act that relate to that program, if such alternative definition is broader than the definition in clause (i), and subject to approval by the Assistant Secretary.”.

(c) CONFORMING AMENDMENT.—Section 631(b) (42 U.S.C. 3057k–11(b)) is amended by

striking “subsections (c), (d), and (e)” and inserting “subsections (d), (e), and (f)”.

SEC. 3. ADVISORY COMMITTEE TO ASSESS, COORDINATE, AND IMPROVE LEGAL ASSISTANCE ACTIVITIES.

(a) IN GENERAL.—Title II of the Older Americans Act of 1965 is amended—

(1) in section 215(j) (42 U.S.C. 3020e–1(j)), by striking “section 216” and inserting “section 217”;

(2) by redesignating section 216 (42 U.S.C. 3020f) as section 217; and

(3) by inserting after section 215 (42 U.S.C. 3020e–1) the following:

“SEC. 216. ADVISORY COMMITTEE TO ASSESS, COORDINATE, AND IMPROVE LEGAL ASSISTANCE ACTIVITIES.

“(a) ESTABLISHMENT.—There is established an Advisory Committee to Assess, Coordinate, and Improve Legal Assistance Activities (referred to in this section as the ‘Committee’).

“(b) MEMBERSHIP.—

“(1) COMPOSITION.—The Committee shall be composed of 9 members—

“(A) with expertise with existing State legal assistance development programs carried out under section 731 and providers of State legal assistance under subtitle B of title III and title IV; and

“(B) of whom—

“(i) 6 individuals shall be appointed by the Assistant Secretary—

“(I) 1 of whom shall be a consumer advocate;

“(II) 1 of whom shall be a professional advocate from a State agency or State Legal Services Developer; and

“(III) 4 of whom shall be representatives from collaborating organizations under the National Legal Resource Center of the Administration; and

“(ii) 3 individuals shall be appointed by the Comptroller General of the United States.

“(2) DATE.—The appointments of the members of the Committee shall be made not later than 9 months after the date of enactment of the Strengthening Services for America’s Seniors Act.

“(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

“(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among its members.

“(c) INITIAL MEETING.—The Committee shall hold its first meeting not later than 9 months after the date of enactment of the Strengthening Services for America’s Seniors Act.

“(d) DUTIES OF THE COMMITTEE.—

“(1) DEFINITION.—In this subsection, the term ‘assistance activities’ includes—

“(A) legal assistance made available to older individuals in social or economic need under this Act;

“(B) activities of the National Legal Resource Center carried out under section 420(a);

“(C) State legal assistance developer activities carried out under section 731; and

“(D) any other directly related activity or program as determined appropriate by the Assistant Secretary.

“(2) STUDY.—

“(A) IN GENERAL.—The Committee shall design, implement, and analyze results of a study of—

“(i) the extent to which State leadership is provided through the State legal assistance

developer in States to enhance the coordination and effectiveness of legal assistance activities across the State;

“(ii) the extent to which—

“(I) there is data collection and reporting of information by legal assistance providers in States;

“(II) there is uniform statewide reporting among States; and

“(III) the value and impact of services provided is being captured at the State or local level; and

“(iii) the mechanisms to organize and promote legal assistance development and services to best meet the needs of older individuals with greatest social and economic need.

“(B) CONSIDERATIONS.—In carrying out subparagraph (A)(i), particular attention shall be given to—

“(i) State leadership on targeting limited legal resources to older individuals in greatest social and economic need; and

“(ii) State leadership on establishing priority legal issue areas in accordance with section 307(a)(11)(E).

“(3) RECOMMENDATIONS.—After completion and analysis of study results under paragraph (2), the Committee shall develop recommendations for the establishment of guidelines for—

“(A) enhancing the leadership capacity of the State legal assistance developers to carry out statewide coordinated legal assistance service delivery, with particular focus on enhancing leadership capacity to—

“(i) target limited legal resources to older individuals in greatest social and economic need; and

“(ii) establish priority legal issue areas in accord with priorities set forth in section 307(a)(11)(E);

“(B) developing a uniform national data collection system to be implemented in all States on legal assistance development and services; and

“(C) identifying mechanisms for organizing and promoting legal assistance activities to provide the highest quality, impact, and effectiveness to older individuals with the greatest social and economic need.

“(4) REPORT.—Not later than 1 years after the date of the establishment of the Committee, the Committee shall submit to the President, Congress, and the Assistant Secretary a report that contains a detailed statement of the findings and conclusions of the Committee, together with the recommendations described in paragraph (3).

“(e) DUTIES OF THE ASSISTANT SECRETARY.—Not later than 180 days after receiving the report described in subsection (d)(4), the Assistant Secretary shall issue regulations or guidance, taking into consideration the recommendations described in subsection (d)(3).

“(f) POWERS.—

“(1) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out the provisions of this section. Upon request of the Committee, the head of such department or agency shall furnish such information to the Committee.

“(2) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(g) PERSONNEL AND ADMINISTRATION.—

“(1) TRAVEL EXPENSES.—The members of the Committee shall not receive compensation for the performance of services for the Committee, but shall be allowed travel ex-

penses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Committee.

“(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(3) ADMINISTRATIVE AND SUPPORT SERVICES.—The Assistant Secretary shall provide administrative and support services to the Committee.

“(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

“(h) EXEMPTION FROM TERMINATION REQUIREMENTS.—Section 14 of the Federal Advisory Committee Act shall not apply to the Committee.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 217 of the Older Americans Act of 1965, as redesignated by subsection (a), is amended by adding at the end the following:

“(d) ADVISORY COMMITTEE TO ASSESS, COORDINATE, AND IMPROVE LEGAL ASSISTANCE ACTIVITIES.—There is authorized to be appropriated to carry out section 216, \$300,000 for fiscal year 2012.”

SEC. 4. IMPROVING THE STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.

(a) NATIONAL OMBUDSMAN RESOURCE CENTER.—Section 202(a)(18)(B) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(18)(B)) is amended by striking “make available” and all that follows and inserting “reserve and provide, for the funding of the National Ombudsman Resource Center (which may include enabling the center to collaborate and participate with the Centers for Medicare & Medicaid Services in providing training for State survey agencies with an agreement in effect under section 1864 of the Social Security Act (42 U.S.C. 1395aa) or, in the case of States without such an agency, work with the Administrator for the Centers for Medicare & Medicaid Services to improve the investigative processes used by the center to address complaints by residents of long-term care facilities)—

“(i) for fiscal year 2012, not less than \$2,000,000; and

“(ii) for each subsequent fiscal year, not less than the sum of—

“(I) \$100,000; and

“(II) the amount made available under this subparagraph for the fiscal year preceding the year for which the sum is determined.”

(b) FUNCTIONS OF PROGRAM.—

(1) PRIVATE AND UNIMPEDED ACCESS TO OMBUDSMAN SERVICES.—Section 712(b)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3058g(b)(1)(A)) is amended by striking “access” and inserting “private and unimpeded access”.

(2) OMBUDSMAN DEVELOPMENT OF RESIDENT AND FAMILY COUNCILS.—Section 712(a)(3)(H)(iii) of such Act (42 U.S.C. 3058g(a)(3)(H)(iii)) is amended by striking “provide technical support for” and inserting “actively encourage and assist in”.

(3) LOCAL ENTITY DEVELOPMENT OF RESIDENT AND FAMILY COUNCILS.—Section 712(a)(5)(B)(vi) of such Act (42 U.S.C. 3058g(a)(5)(B)(vi)) is amended by striking “support” and inserting “actively encourage and assist in”.

(c) OMBUDSMAN AUTHORITY WITH RESPECT TO HIPAA.—Section 712(b) of the Older Americans Act of 1965 (42 U.S.C. 3058g(b)) is amended—

(1) in paragraph (1)(B)(i) by striking “the medical and social records of a” and inserting “all records concerning a”; and

(2) by adding at the end the following:

“(3) For purposes of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (including regulations issued under that section) (42 U.S.C. 1320d-2 note), the Ombudsman and a representative of the Office shall be considered a ‘health oversight agency,’ so that release of residents’ individually identifiable health information to the Ombudsman or representative is not precluded in cases in which the requirements of clause (i) or (ii) of paragraph (1)(B) are otherwise met.”.

(d) DISCLOSURE AND CONFIDENTIALITY.—Section 712(d) of the Older Americans Act of 1965 (42 U.S.C. 3058g(d)) is amended—

(1) in paragraph (1), by striking “files” and inserting “information”; and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “IDENTITY OF COMPLAINANT OR RESIDENT” and inserting “PROCEDURES”;

(B) in subparagraph (A)—

(i) by striking “files or records” the first place it appears and inserting “information (including files or records)”;

(ii) by striking “disclose” and all that follows and inserting “disclose such information”;

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “files or records” and inserting “information”;

(ii) in clause (iii), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(C) require that the Ombudsman and each representative of the Office hold in strict confidence all communications with individuals seeking assistance under this Act, and take all reasonable steps to safeguard the confidentiality of information provided to the Ombudsman or a representative of the Office under this title by a complainant or resident.”.

By Mr. BLUNT (for himself and Mrs. GILLIBRAND):

S. 1823. A bill to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BLUNT. Mr. President, I join with my friend from New York to discuss the needs of our National Guard. We are introducing two important pieces of legislation today that I believe will help address those needs.

I have always been a strong supporter of our brave men and women of the Missouri National Guard, who contribute greatly to the safety and security of our country. Those who serve or who have served deserve America's deepest respect and must receive the resources they need when they come home.

Since the events of September 11, 2001, the men and women of the Missouri National Guard have answered the call of our Nation by volunteering to go into harm's way. Many of our soldiers and airmen in the National Guard have been deployed numerous times, working and training side by side with our active duty members. As you can imagine, multiple deployments take a toll on both our guardsmen and women and their families.

The Missouri National Guard is an emergency response force for disasters readiness and relief. They have responded to a wide range of State and national emergencies including flooding, tornadoes and even hurricanes on the Gulf Coast. During the historic floods this summer, the Missouri Guard had more than 600 guardsmen serving 14 counties across Missouri to assist with flood relief. After the devastating tornado in Joplin, MO, the 1-138 Infantry Regiment helped to remove debris and assisted in gathering and provided information for those seeking local, State and Federal resources. Members of 1139 Military Police Battalion helped to aid law enforcement officers with traffic control and security.

As part of their Federal mission, from 2008–2009 our Missouri National Guard deployed more than 1,000 citizen-soldiers to Kosovo, and in 2009 we deployed 2,352 soldiers and 1,670 Airmen to support overseas contingency operations in Iraq and Afghanistan. Currently 1,101 Missouri Guardsmen are deployed. After serving admirably in their tours, our Guardsmen and women return home, yet they do not always receive the resources they need to provide for themselves and their families. The National Guard Outreach Act of 2011, introduced by Senator GILLIBRAND, will help to correct this deficiency.

The active Army health plans only cover service men and women for 6 months after they have returned from their deployments. For many, this time period is spent simply adjusting back to civilian life. Studies show the real stress of combat and separation from one's family takes its toll on our service members and their loved ones for up to two years after they return home. Over the past several years, Congress has extended the coverage for returning National Guard soldiers with money from Overseas Contingency Operations funding, better known around here as supplementals. Since this funding is being normalized, I believe it's important that we continue to provide for the needs of our returning citizen-soldiers.

The National Guard Outreach Act of 2011 would help to provide those returning home with secure health services, marriage and financial counseling, substance abuse treatment and other services necessary to aid in a smooth transition for those returning

home from Iraq and Afghanistan. Undiagnosed illnesses, left untreated, have long-lasting social, emotional and financial impacts long after service members are reintegrated into a community. Many Guardsmen and women today lack health insurance and go without health care as well as behavioral health care. I thank Senator GILLIBRAND for introducing this legislation and for working with me on the bill.

I am also introducing the National Guard Employment Protection Act of 2011 to amend the Uniformed Services Employment and Reemployment Rights Act of 1994, USERRA, to authorize the Secretary of Defense to include Full Time National Guard Duty for possible exemption from the USERRA 5-year limit on service. These exemptions cover service during a time of war or national emergency, support of missions where others have been ordered to duty under an involuntary call-up authority, and for other critical missions or requirements.

Usually, certain types of active duty service are exempted from the five-year reemployment limit under USERRA. However, the needs of today have left our Guardsmen and women performing duties which are not covered under the USERRA, forcing Guard units to return to duty much sooner than usual. This, in turn, keeps service members away for longer periods of time, often beyond the 5-year limit. When National Guardsmen and women are working side by side with their Active Duty counterparts supporting critical active duty missions, they should not be forced to decide between keeping their civilian jobs and supporting critical national security missions.

At no time in America's history has the National Guard played such a critical role in the defense and security of our homeland, both as partners with our active forces and allies on the continuing War on Terror and as a critical component of homeland emergency preparedness and disaster response. We must make sure all of our Nation's heroes can fulfill their missions without worrying about supporting their families when returning home.

As a Nation, we must honor our men and women in uniform, providing them with the resources they need, both in combat and when they return home to their families and civilian lives. This is why I am proud to play a lead role in supporting the National Guard Employment Protection Act of 2011 and the National Guard Outreach Act.

By Mr. WYDEN (for himself, Mr. CARPER, and Mr. CASEY):

S. 1826. A bill to provide for the availability of self-employment assistance to individuals receiving extended compensation or emergency unemployment compensation; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today on behalf of myself, Senator CARPER and Senator CASEY to introduce the Startup Technical Assistance for Reemployment Training and Unemployment Prevention Act of 2011, or the STARTUP Act. This bill would allow unemployed Americans to use the unemployment insurance, UI, system to create jobs for themselves and for others.

In too many cases, the current unemployment assistance programs allow the experience and expertise of America's unemployed workers to sit on the sidelines. The STARTUP Act promotes an alternative approach that gives the unemployed the ability to start their own businesses and get in the game, self-employment assistance, SEA.

In Oregon, we have got this program up and running and think other states should be encouraged to do the same. By failing to take advantage of self-employment assistance, we are missing an opportunity to not only help currently unemployed workers but also to help our economy grow and create more jobs. I know this program works, its record in Oregon is strong and can be found in letters and testimony from individuals who have used the program.

Take, for example, software developers Adam Lowry and Michael Richardson who joined the ranks of the unemployed when the tech startup they worked at went under in 2009. With little capital, they turned to Oregon's self-employment assistance program which allowed them to draw unemployment benefits while they and two friends launched the mobile software development company Urban Airship, which is now one of the best-known technology startups to emerge in Oregon in recent years. Just yesterday, Urban Airship announced \$15.1 million in strategic investment from Salesforce.com and Verizon, among others. Last week an additional acquisition brought the company's total payroll to 51 employees and an additional 22 open positions. At the root of Urban Airship's success are four entrepreneurial-minded individuals and a jump start from self-employment assistance.

Expanding self-employment assistance is a creative way to use the current unemployment insurance structure to create new businesses and additional jobs beyond that of the immediate beneficiary. We often talk about the benefits of small businesses in this country, yet our unemployment insurance programs actually prevent aspiring entrepreneurs from putting their ideas to work. Under the unemployment insurance systems in most states, if you stop looking for a job or you turn down a job, you lose your unemployment benefit even if you are working to start your own business. States with active self-employment assistance programs, like Oregon, allow a small

percent of the unemployed to focus full time on starting their own business while drawing down their unemployment benefits in the form of self-employment assistance. Anyone who has started a new business knows that getting it off the ground is a full time job in and of itself, and allowing would-be UI recipients to focus full-time on their new business vastly increases their likelihood of success. Rather than rely on others to create jobs for them, self-employment assistance allows determined entrepreneurs to create jobs for themselves and others.

The President's proposal in the American Jobs Act is a step in the right direction; it allows states to quickly enter into an agreement with the Department of Labor and allow the long-term unemployed, those on extended unemployment compensation, to draw down their UI benefits in the form of self-employment assistance. However, this does little to encourage states to make self-employment assistance a part of their permanent strategy. We must be more far-sighted. We ought to provide states with a little assistance so that they can start self-employment programs of their own, not just for periods of extended unemployment compensation.

I want to be clear: this is no giveaway. In order to get this benefit, unemployed workers have to meet the same wage and hour requirements as they would to receive UI and they must prove they have a viable business plan. The beneficiaries of self-employment assistance really have something to offer, they have solid work experience and solid ideas; and put into action, that combination can snowball into a successful business with multiple employees.

There are 2.5 million micro businesses in the U.S., representing 88 percent of all businesses. They generate \$2.4 trillion in receipts, account for 17 percent of GDP, and employ more than 13 million people. If one out of every three of these businesses hired just one additional employee, the U.S. economy would achieve full employment. Expanding self-employment assistance helps us get there.

A study by the Department of Labor found that self-employment participants were 19 times more likely than eligible non-participants to be self-employed at some point after being unemployed. Moreover, they were four times more likely to obtain employment of any kind. The average cost to create each of those jobs is \$3,350. According to estimates from Princeton economist and former Federal Reserve Board Vice Chairman Alan Blinder, it takes about \$93,000 worth of garden-variety fiscal stimulus to create an average job. It is not hard to see that job creation through SEA is an incredible bargain.

This program has been creating jobs and businesses in Oregon for nearly

two decades. Earlier this year, Pat Sanderlin, who coordinates Oregon's program, conducted an informal "census" of enrollees since 2004. He found that 77 percent of businesses started by SEA beneficiaries are still up and running. According to Mr. Sanderlin, the companies' combined annual payroll totals \$7,888,210.

Despite widespread support for self-employment and entrepreneurial programs, only a handful of states offer SEA, and those that do take advantage of it typically administer benefits to a small share of the unemployed. Only about 2,400 Oregonians have used the program since its inception in 1995. Though states currently have the option of taking advantage of self-employment assistance, the administrative costs to start a new program often prevent them from doing so. Because Federal law prevents self-employment benefits from being paid out while an individual is in a period of extended unemployment, the long-term unemployed cannot take advantage of the program.

The STARTUP Act encourages states to utilize self-employment assistance by: allowing the long-term unemployed who remain eligible for regular or extended unemployment benefits to draw down those benefits in the form of self-employment assistance; providing technical assistance and model language from the Department of Labor for states that create new self-employment programs; and providing financial assistance to aid states in establishing, implementing, improving and/or administering self-employment programs.

Self-employment benefits can serve as a guaranteed source of startup capital for businesses. And unlike traditional unemployment insurance, workers who successfully exit this program by starting their own business can create more new jobs as business expands. When unemployment is high and workers face extended periods of joblessness, this is exactly the type of program we should embrace.

I encourage my colleagues to support this legislation to expand self-employment assistance programs so that more unemployed workers have an opportunity to create jobs for themselves and for others.

By Mr. KERRY:

S. 1828. A bill to increase small business lending, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, once again, too many of our Nation's small businesses are facing difficulty in gaining access to capital. That is why today I am introducing the Increasing Small Business Lending Act to increase access to capital for our Nation's small businesses to help them sustain and build their businesses, create jobs and expand our economy.

In October 2008, markets froze. Credit lines were cut. A lending gap was created in the market. Even Small Business Administration guaranteed loans, that help reduce risk for lenders, were stalled. Congress stepped up and enacted temporary measures to help fill the gaps in small business lending, saving nearly 90,000 small businesses.

One such business is LazerCraze in North Andover, Massachusetts that received an SBA loan to expand to a second location and purchase state-of-the-art equipment that allowed them to hire an additional 37 full time employees.

SBA, administrator Karen Mills has said that the previous temporary changes to the SBA loan programs were a success, "In short, it worked. We engineered a turnaround in SBA lending even though conventional credit was, and still is to some extent, very tight. Taxpayers got a big bang for the buck. With just over a billion dollars in total subsidy, we supported about \$42 billion in lending. In fact, SBA had its highest-ever weekly loan volume the week before Christmas when we supported nearly 2 billion dollars in lending, 10 billion total last quarter. Here is the headline: overall, that is nearly 90,000 small businesses that are not surviving this recession, but growing and creating jobs.

Unfortunately, the temporary small business loan provisions ran out of funding in January 2011, ahead of the authorization which expired in March 2011. Since then, small business lending has declined, making it more difficult for small businesses to create jobs and for our economy to emerge from our economic downturn.

The legislation I am introducing today is similar to the Small Business Lending Market Stabilization Act, which I introduced in 2008 that was included in both the American Recovery and Reinvestment Act of 2009, P.L. 111-5, and extended in the Small Business Jobs Act, P.L. 111-240. The Increasing Small Business Lending, Act will eliminate for one year the fees for 7(a) and 504 Small Business Administration loans and increase SBA loan guarantee of 90 percent, policies that were started as part of the American Recovery and Reinvestment Act and extended in the Small Business Jobs Act.

According to the SBA, total small business loans outstanding, loans under \$1 million, actually declined during the first half of 2011 after the temporary provisions ended. Loans outstanding to small businesses at the end of the second quarter totaled only \$607 billion, which is the slowest since the economic downturn began in 2008.

We can't afford to have our economic progress reversed by a decline in access to capital for small businesses. Since the increased guarantee and reduced fees have expired, our economic recovery could be impeded if we don't act to

continue the policies that we know work. By extending key provisions to bolster access to capital, small businesses will have the assurance and support they need to put their innovative ideas into practice and get more Americans back to work.

My legislation will complement the existing Small Business Lending Fund that encourages lending to small businesses through smaller community banks. Small businesses are the backbone of our economy and I ask all Senators to support job growth and small businesses by supporting this legislation.

By Mr. WHITEHOUSE (for himself, Mr. LEVIN, Mr. BEGICH, Mr. FRANKEN, Mr. REED, Mr. DURBIN, Mr. SANDERS, and Mr. MERKLEY):

S. 1829. A bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WHITEHOUSE. Mr. President, I was here last week in this Chamber to discuss a variety of areas in which the American people are not getting a straight deal compared to special interests and folks who have a lot of power for themselves and their industries in Washington. In that speech I proposed a number of concrete steps we could take to help restore the balance of power in our Nation between ordinary Americans on the one hand and the giant corporations and special interests that give themselves special deals and privileges that the American people do not share on the other hand.

Today I am here to introduce legislation to take one of those steps; that is, to protect ordinary consumers from runaway interest rates on credit cards from Wall Street banks. This is something that has gone unchecked for far too long. In the last Congress we passed two pieces of banking legislation. We passed the Credit Card Act, which ended some of the worst tricks and traps hidden in credit card contracts, and we passed the Dodd-Frank Act, which restructured our system of financial regulation and created a new agency to protect consumers from hazardous mortgages and credit cards.

Regrettably, one particularly bad practice was not addressed in either of those two pieces of legislation: the runaway credit card interest rates with which families are too often burdened. I will add it is not just families. I went through Olneyville in Providence about 2 weeks ago and spoke to a small business owner who was having tough times. His bank had pulled his line of credit, so he was having to fund his business off his credit card, and they had bumped up his credit card rate to—you guessed it—30 percent.

The Empowering States' Right to Protect Consumers Act, which I am introducing today, would pick up where the Credit Card Act and Dodd-Frank left off by restoring to our 50 sovereign States the power which they have properly had through the vast bulk of the history of this Republic to protect their home State consumers with limits on credit card and other loan interest rates. This is not a new power to States. This is not a new principle or idea. This is the restoration of a historic States right which was just eliminated a few decades ago.

When you and I were growing up, a credit card offer with a 20-percent or 30-percent interest rate might be something to bring to the attention of law enforcement. Such interest rates were illegal under most State laws. Today, in contrast, credit card companies routinely charge rates of 30 percent or more. We may not know, going through our credit card agreement, that is where we are going to end up. They may have a teaser rate up front that is a lower rate. But make one of those mistakes in that 20-page-long contract that is full of tricks and traps, and, pow, there we are at 30 percent.

What happened between our childhood when a 30-percent interest rate was something to bring to the attention of law enforcement, and now, when ordinary families are bedeviled with 30 percent interest rates on their credit cards? Before 1978—which is for the first 202 years of the American Republic—each State had the ability to enforce usury laws, interest rate limits to protect their citizens. Our economy grew and flourished during those two centuries, and lenders profited while complying with the laws in effect where they operated.

Then came 1978 and a seemingly uneventful Supreme Court case. It was little noticed at the time. It was decided in *Marquette National Bank of Minneapolis v. First of Omaha Service Corporation*. The Supreme Court had to decide what State's law to apply when the bank was domiciled in one State but the customer lived in a different State.

The Court looked at the word "located" in the National Bank Act of 1863, and it decided it meant the location of the bank and not the location of the customer. They did not get it right away, but it did not take long before some big banks spotted the opportunity. They could avoid interest rate restrictions by reorganizing as national banks and moving to States that had weak interest rate protections and comparatively weak consumer protections. The proverbial race to the bottom followed as a small handful of States eliminated interest rate caps and degraded consumer protection in order to attract lucrative credit card business and related tax revenue to their States.

That is why the credit card divisions of major banks are based in just a few States and why consumers in other States are often denied protection from outrageous interest rates and fees, even though those outrageous interest rates and fees are against the law of the consumer's home State.

My bill would reinstate the historic longstanding powers of States to set interest rate caps that protect their own citizens.

Let me be clear about what this bill would not do. It would not prescribe or recommend any interest rate caps nor would it impose any other lending limitations. It is pure States rights. It would restore to the States the power they enjoyed for over 200 years from the founding of the Republic: the power to say enough, the power to say that 30 percent or 50 percent or whatever the State deems appropriate should be the limit on interest charged to their people.

The current system is not only unfair to consumers, it is unfair to our local lenders and retailers who continue to be bound by the laws of the State in which they are located. This is a special privilege for big national banks that can move their offices to whatever State will give them the best deal in terms of lousy consumer protection and unlimited interest rates. A small local lender has to play by the rules of fair interest rates. Gigantic credit card companies can avoid having any rules at all. We need to level the playing field to eliminate this unfair and lucrative advantage for Wall Street banks against our local credit unions and other small lenders.

When we pass this bill, States can dust off or reenact their usury statutes—most of which still limit interest rates to 18 percent or less—and once again begin protecting their consumers from excessive interest rates. This is the historic norm in our constitutional Republic. It is the 30-percent and over interest rates that are the recent anomaly that are the historic peculiarity. We should go back to the historic States rights norm, the way the Founding Fathers saw things under the doctrine of federalism and close this modern bureaucratic loophole that allows big Wall Street banks a special deal to gouge our constituents.

As I close, I thank Senators LEVIN, DURBIN, BEGICH, FRANKEN, REED of Rhode Island—most significantly my senior Senator—SANDERS, and MERKLEY for their cosponsorship of this bill. In the past, similar legislation has garnered bipartisan support. It did so as an amendment to Dodd-Frank, and I hope my Republican colleagues will consider giving this bill a close look and join with us. This is purely an issue of restoring the balance of power to the States and to the people of those States as voters—federalism, something I know many Republicans support in other contexts.

I ask all of my colleagues for their consideration and support.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 315—COMMENDING THE ST. LOUIS CARDINALS ON THEIR HARD-FOUGHT WORLD SERIES VICTORY

Mrs. MCCASKILL (for herself and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas, on October 28, 2011, the St. Louis Cardinals won the 2011 World Series with a 6-2 victory over the Texas Rangers in Game 7 of the series at Busch Stadium in St. Louis, Missouri;

Whereas the Cardinals earned a postseason berth by clinching the National League Wild Card on the last day of the regular season;

Whereas the Cardinals defeated the heavily favored Philadelphia Phillies and Milwaukee Brewers to advance to the World Series;

Whereas the Cardinals celebrated an incredible come-from-behind victory in Game 6 of the World Series, which will long be remembered as one of the most dramatic games in the history of the World Series;

Whereas Cardinals All-Star Albert Pujols put on a historic hitting display in Game 3 of the World Series, with 5 hits, 3 home runs, and 6 runs batted in;

Whereas Cardinals star pitcher Chris Carpenter started 3 games in the World Series, allowing only 2 runs in Game 7 after only 3 days of rest and earning the win in the decisive game;

Whereas David Freese, a native of St. Louis, won the World Series Most Valuable Player Award;

Whereas Manager Tony LaRussa won his second World Series title with the Cardinals, his third overall, and remains one of only 2 managers to win World Series titles as the manager of a National League and an American League team;

Whereas the Cardinals won the 11th World Series championship in the 129-year history of the team;

Whereas the Cardinals have won more World Series championships than any other team in the National League;

Whereas the Cardinals once again proved to be an organization of great character, dedication, and heart, a reflection of the city of St. Louis and the State of Missouri; and

Whereas the St. Louis Cardinals are the 2011 World Series champions: Now, therefore, be it

Resolved, That the Senate—

(1) commends the St. Louis Cardinals on their 2011 World Series title and outstanding performance during the 2011 Major League Baseball season;

(2) recognizes the achievement of the players, coaches, management, and support staff, whose dedication and resiliency made victory possible;

(3) congratulates the city of St. Louis, Missouri, and St. Louis Cardinals fans everywhere; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Honorable Francis Slay, Mayor of the city of St. Louis, Missouri;

(B) Mr. William Dewitt, President, St. Louis Cardinals; and

(C) Mr. Tony LaRussa, Manager, St. Louis Cardinals.

SENATE RESOLUTION 316—EXPRESSING THE SENSE OF THE SENATE REGARDING TUNISIA'S PEACEFUL JASMINE REVOLUTION

Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 316

Whereas on January 14, 2011, a peaceful mass protest movement in Tunisia successfully brought to an end the authoritarian rule of President Zine el-Abidine Ben Ali;

Whereas Tunisia's peaceful "Jasmine Revolution" was the first of several movements throughout the Middle East and North Africa and inspired democracy and human rights activists throughout the region and around the world;

Whereas Tunisia, in the wake of Ben Ali's resignation, began a transition to democracy that has been broadly inclusive, consensus-based, and civilian-led;

Whereas on October 23, 2011, Tunisia conducted the first competitive, multi-party democratic election of the Arab Spring, which involved dozens of political parties and hundreds of independent candidates competing for a 217-member National Constituent Assembly;

Whereas more than 50 percent of all eligible voters and nearly 90 percent of registered voters participated in the October 23 election;

Whereas Tunisia's Independent Electoral Commission welcomed and accredited a robust domestic and international election observer presence, including 3 independent delegations from the United States;

Whereas election observers have broadly praised the October 23 election as free, fair, and consistent with international standards;

Whereas roughly 25 percent of the seat in the National Constituent Assembly were won by women;

Whereas the newly-elected National Constituent Assembly is tasked with drafting a new constitution to guide Tunisia's transition towards a representative democracy that reflects the aspirations of the Tunisian people;

Whereas the Jasmine Revolution was largely a reaction to long-accumulated economic grievances, ongoing high unemployment and poor economic conditions sustain the potential to drive future political protestations;

Whereas the United States and Tunisia have enjoyed friendly relations for more than 200 years; and

Whereas the United States was among the first countries to recognize Tunisian independence in 1956:

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of Tunisia for holding, on October 23, 2011, the first competitive, multi-party democratic elections since the outbreak of popular revolutions throughout the Middle East and North Africa in 2011;

(2) commends the Tunisian independent electoral commission for—

(A) successfully conducting a free, fair, transparent, and credible election on October 23, 2011; and

(B) welcoming independent international and domestic election observers and granting them unrestricted access to polling and counting stations;

(3) congratulates all newly-elected members, and the parties with which they are affiliated, of the National Democratic Constituent Assembly;

(4) affirms the national interest of the United States in a successful and irreversible transition to democracy in Tunisia, including—

(A) respect for the rule of law;

(B) independent media;

(C) a vibrant civil society; and

(D) universal rights and freedoms, including equal rights for all citizens, freedom of speech, and human rights;

(5) affirms the national interest of the United States in Tunisia's economic prosperity and development, including through increased foreign direct investment, tourism, entrepreneurship, technical cooperation, and strengthened trade ties;

(6) urges increased United States engagement and cooperation with the Tunisian government and people, including—

(A) Tunisia's democratic institutions;

(B) civil society;

(C) schools and universities;

(D) independent media; and

(E) the private sector; and

(7) reaffirms the unwavering friendship between the people of the United States and the people of Tunisia.

SENATE RESOLUTION 317—EXPRESSING THE SENSE OF THE SENATE REGARDING THE LIBERATION OF LIBYA FROM THE DICTATORSHIP LED BY MUAMMAR QADDAFI

Mr. KERRY (for himself, Mr. MCCAIN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 317

Whereas peaceful demonstrations, which began in Libya on February 17, 2011, and were inspired by similar movements in Tunisia, Egypt, and elsewhere in the Middle East, quickly spread to cities throughout Libya and were met with military force by the government of Muammar Qaddafi, including the use of air power and foreign mercenaries;

Whereas Qaddafi stated that he would show “no mercy” to his opponents in Benghazi, and that his forces would go “door-to-door” to find and kill dissidents;

Whereas in response to Qaddafi's assault on civilians in Libya, a “no-fly zone” in Libya was called for by—

(1) the Gulf Cooperation Council on March 7, 2011;

(2) the Secretary-General of the Organization of the Islamic Conference on March 8, 2011; and

(3) the Arab League on March 12, 2011;

Whereas the United Nations Security Council passed—

(1) Resolution 1970 on February 26, 2011, which mandated international economic sanctions and an arms embargo; and

(2) Resolution 1973 on March 17, 2011, which authorized United Nations member states to take “all necessary measures” to protect civilians in Libya and to implement a “no-fly zone”;

Whereas the United States Armed Forces, in cooperation with coalition partners,

launched Operation Odyssey Dawn in Libya on March 19, 2011, to protect civilians in Libya from immediate danger and enforce an arms embargo and a “no-fly zone”, which was transferred on March 31, 2011 to NATO command, with the mission continuing as Operation Unified Protector;

Whereas the National Transitional Council of Libya—

(1) formally convened in Benghazi on March 5, 2011 for the first time in support of the February 17 Revolution;

(2) formed an executive body on March 23, 2011; and

(3) was recognized by the United States as the “legitimate governing authority for Libya” on July 15, 2011;

Whereas the military offensive of forces loyal to the National Transitional Council against Qaddafi loyalists accelerated in June and July, and the Libyan capital, Tripoli, was declared liberated in August 2011;

Whereas the United Nations Security Council passed Resolution 2009 on September 16, 2011, creating the United Nations Support Mission in Libya (UNSMIL) to support Libyan national efforts to secure the country's political and economic transition;

Whereas on October 23, 2011, the National Transitional Council issued an historic Declaration of Liberation for Libya; and

Whereas on October 27, 2011, the United Nations Security Council unanimously passed Resolution 2016, which ended the mandate established by United Nations Security Council Resolution 1973 for international military intervention to protect Libyan citizens on October 31, 2011;

Whereas on October 28, 2011, NATO announced that Operation Unified Protector would end on October 31, 2011:

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of Libya for their tremendous courage and extraordinary resilience in liberating themselves from the despotic regime of Muammar Qaddafi;

(2) commends the men and women of the United States Armed Forces and their coalition partners who engaged in military operations to protect the people of Libya for their extraordinary bravery and professionalism;

(3) supports the legitimate aspirations of the people of Libya to form a democratic government that respects universal human rights and freedoms, and allows Libyans to build their lives free from fear;

(4) welcomes the October 23, 2011 Libyan Declaration of Liberation by the National Transitional Council;

(5) affirms the national interest of the United States in a successful and irreversible transition to democracy in Libya, including—

(A) respect for the rule of law;

(B) independent media;

(C) a vibrant civil society; and

(D) universal rights and freedoms, including equal rights for all citizens, freedom of speech, and human rights; and

(6) urges the swift establishment of a new interim transitional authority in Libya that is broadly inclusive and representative of the Libyan people and will—

(A) prepare for elections that are free, fair, transparent, credible, and meet international electoral standards, working with relevant international actors, including the United Nations;

(B) restore public security and promote the rule of law;

(C) promote and ensure compliance throughout Libya of international norms of

justice and human rights, particularly with respect to detainees, individuals associated or suspected of association with the Qaddafi regime, internally displaced persons, refugees, third-country nationals, and other vulnerable communities;

(D) begin a process of national reconciliation and accountability for human rights abuses committed by all parties, including any committed by forces fighting against the Qaddafi regime; and

(E) work closely with the Organization for the Prohibition of Chemical Weapons and the International Atomic Energy Agency to eliminate remaining stockpiles of chemical weapon agents and secure existing nuclear materials and facilities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 925. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO, Mr. ENZI, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table.

SA 926. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 674, supra; which was ordered to lie on the table.

SA 927. Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNETT, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) proposed an amendment to the bill H.R. 674, supra.

SA 928. Mr. MCCAIN (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COCHRAN, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. LEE, Mr. LUGAR, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNETT, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 925. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO, Mr. ENZI, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 674,

to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON EXECUTIVE COMPENSATION.

Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay compensation for senior executives at the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation in the form of bonuses, during any period of conservatorship for those entities on or after the date of enactment of this Act.

SA 926. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—REPEAL OF CLASS PROGRAM

SEC. ____ . REPEAL OF CLASS PROGRAM.

(a) REPEAL.—Title XXXII of the Public Health Service Act (42 U.S.C. 30011 et seq.; relating to the CLASS program) is repealed.

(b) CONFORMING CHANGES.—

(1) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119, 846-847) is repealed.

(2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking paragraphs (81) and (82);

(B) in paragraph (80), by inserting “and” at the end; and

(C) by redesignating paragraph (83) as paragraph (81).

(3) Paragraphs (2) and (3) of section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) are amended to read as such paragraphs were in effect on the day before the date of the enactment of section 8002(d) of the Patient Protection and Affordable Care Act (Public Law 111-148). Of the funds appropriated by paragraph (3) of such section 6021(d), as amended by the Patient Protection and Affordable Care Act, the unobligated balance is rescinded.

SA 927. Mr. REID (for Mr. TESTER, for himself, Mrs. MURRAY, Mr. BAUCUS, Mr. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNETT, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN, of Massachusetts) proposed an amendment to the bill H.R. 674, to amend the Internal Revenue

Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; as follows:

Strike title II and insert the following:

TITLE II—VOW TO HIRE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the “VOW to Hire Heroes Act of 2011”.

Subtitle A—Retraining Veterans

SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

(5) begins on or after July 1, 2012.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—

(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title

38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

(2) DETERMINATION OF ELIGIBILITY.—

(A) DETERMINATION BY SECRETARY OF LABOR.—

(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

(B) DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

(f) EMPLOYMENT ASSISTANCE.—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

(g) CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

(h) JOINT AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

(2) APPEALS PROCESS.—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

(i) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of—

(i) eligible veterans who participated; and

(ii) associates degrees or certificates awarded (or other similar evidence of the

completion of the program of education or training earned).

(B) Data related to the employment status of eligible veterans who participated.

(j) FUNDING.—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than \$2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

(l) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Veterans’ Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(2) the Committee on Veterans’ Affairs and the Committee on Education and the Workforce of the House of Representatives.

Subtitle B—Improving the Transition Assistance Program

SEC. 221. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

“(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

“(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the participation requirement of paragraph (1) with respect to—

“(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries’ articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

“(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit’s imminent deployment.”.

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking “may” and inserting “shall”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 222. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor shall, in consultation with the Secretary of

Defense and the Secretary of Veterans Affairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans’ Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

(b) PUBLICATION.—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

(1) made publicly available on an Internet website; and

(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

(c) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member’s participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(d) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall make the individual-

ized assessment provided a member under subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 223. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

“§4113. Transition Assistance Program personnel

“(a) REQUIREMENT TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

“(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

“(1) Counseling.

“(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

“(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

“(4) Other related information and services under such section.

“(5) Such other services as the Secretary considers appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

“4113. Transition Assistance Program personnel.”.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act.

SEC. 224. CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

Section 1144(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “public or private entities; and” and inserting “public entities;”;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5), the following new paragraph (6):

“(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

“(A) private sector culture, resume writing, career networking, and training on job search technologies;

“(B) academic readiness and educational opportunities; or

“(C) other relevant topics; and”.

SEC. 225. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **PARTICIPATION IN APPRENTICESHIP PROGRAMS.**—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.”.

SEC. 226. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program (TAP) and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

SEC. 231. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

SEC. 232. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking “who have been rehabilitated to the point of employability”.

SEC. 233. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) **ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.**—

(1) **IN GENERAL.**—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking “A person” and inserting the following:

“(a) **IN GENERAL.**—A person”; and

(B) by adding at the end the following new paragraph:

“(b) **ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.**—(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

“(A) the person is described by paragraph (1) or (2) of subsection (a); and

“(B) the person—

“(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

“(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

“(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

“(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

“(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person’s rights to regular compensation under a State law when—

“(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person’s base period; or

“(B) such person’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

“(3) In this subsection, the terms ‘compensation’, ‘regular compensation’, ‘benefit year’, ‘State’, ‘State law’, and ‘week’ have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.”.

(2) **DURATION OF ADDITIONAL REHABILITATION PROGRAM.**—Section 3105(b) of such title is amended—

(A) by striking “Except as provided in subsection (c) of this section,” and inserting “(1) Except as provided in paragraph (2) and in subsection (c),”; and

(B) by adding at the end the following new paragraph:

“(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.”.

(b) **EXTENSION OF PERIOD OF ELIGIBILITY.**—Section 3103 of such title is amended—

(1) in subsection (a), by striking “in subsection (b), (c), or (d)” and inserting “in subsection (b), (c), (d), or (e)”; and

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

“(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

“(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.

(d) **COMPTROLLER GENERAL REVIEW.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the training and rehabilitation under chapter 31 of title 38, United States Code; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the review and any recommendations of the Comptroller General for improving such training and rehabilitation.

SEC. 234. COLLABORATIVE VETERANS’ TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) **IN GENERAL.**—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

“§ 4104A. Collaborative veterans’ training, mentoring, and placement program

“(a) **GRANTS.**—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

“(b) **COLLABORATION AND FACILITATION.**—The Secretary shall ensure that the recipients of the grants—

“(1) collaborate with—

“(A) the appropriate disabled veterans’ outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans’ employment representatives (in carrying out the functions described in section 4104); and

“(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

“(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

“(c) **APPLICATION.**—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

“(1) information describing how the organization will—

“(A) collaborate with disabled veterans’ outreach specialists and local veterans’ employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

“(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

“(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

“(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

“(d) **REPORTS.**—(1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

“(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall—

“(A) conduct an assessment of the performance of the grant recipients, disabled veterans’ outreach specialists, and local veterans’ employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

“(i) veterans who applied for training under this section;

“(ii) veterans who entered the training;

“(iii) veterans who completed the training;

“(iv) veterans who were placed in meaningful employment under this section; and

“(v) veterans who remained in such employment as of the date of the assessment; and

“(B) submit to the appropriate committees of Congress a report that includes—

“(i) a description of how the grant recipients used the funds made available under this section;

“(ii) the results of the assessment conducted under subparagraph (A); and

“(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$4,500,000 for the period consisting of fiscal years 2012 and 2013.

“(f) **DEFINITIONS.**—In this section—

“(1) the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Veterans’ Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

“(B) the Committee on Veterans’ Affairs and the Committee on Education and Workforce of the House of Representatives; and

“(2) the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.”.

(b) **CONFORMING AMENDMENT.**—Section 4103A(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting “and facilitate placements” after “intensive services”; and

(2) by adding at the end the following:

“(3) In facilitating placement of a veteran under this program, a disabled veterans’ outreach program specialist shall help to identify job opportunities that are appropriate for the veteran’s employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

“4104A. Collaborative veterans’ training, mentoring, and placement program.”.

SEC. 235. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) **APPOINTMENTS TO COMPETITIVE SERVICE POSITIONS.**—

(1) **IN GENERAL.**—Chapter 21 of title 5, United States Code, is amended by inserting after section 2108 the following:

“§ 2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles

“(a) **VETERAN.**—

“(1) **IN GENERAL.**—Except as provided under paragraph (3), an individual shall be treated as a veteran defined under section 2108(1) for purposes of making an appointment in the competitive service, if the individual—

“(A) meets the definition of a veteran under section 2108(1), except for the requirement that the individual has been discharged or released from active duty in the armed forces under honorable conditions; and

“(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

“(2) **CERTIFICATION.**—A certification referred to under paragraph (1) is a certification that the individual is expected to be discharged or released from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

“(b) **DISABLED VETERAN.**—

“(1) **IN GENERAL.**—Except as provided under paragraph (3), an individual shall be treated as a disabled veteran defined under section 2108(2) for purposes of making an appointment in the competitive service, if the individual—

“(A) meets the definition of a disabled veteran under section 2108(2), except for the requirement that the individual has been separated from active duty in the armed forces under honorable conditions; and

“(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

“(2) **CERTIFICATION.**—A certification referred to under paragraph (1) is a certification that the individual is expected to be separated from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

“(c) **PREFERENCE ELIGIBLE.**—Subsections (a) and (b) shall apply with respect to determining whether an individual is a preference eligible under section 2108(3) for purposes of making an appointment in the competitive service.”.

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(A) **DEFINITIONS.**—Section 2108 of title 5, United States Code, is amended—

(i) in paragraph (1), in the matter following subparagraph (D), by inserting “, except as provided under section 2108a,” before “who has been”; and

(ii) in paragraph (2), by inserting “(except as provided under section 2108a)” before “has been separated”; and

(iii) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or section 2108a(c)” after “paragraph (4) of this section”.

(B) **TABLE OF SECTIONS.**—The table of sections for chapter 21 of title 5, United States Code, is amended by adding after the item relating to section 2108 the following:

“2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.”.

(b) **EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code; and

(B) the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

(2) **RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.**—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) **ELEMENTS OF PROGRAM.**—The head of each agency designated under paragraph (2)(A), in consultation with the Director of

the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) **OTHER OFFICE.**—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 236. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) **IN GENERAL.**—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to members of the Armed Forces on terminal leave work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) **DURATION.**—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) **REPORT.**—Not later than 540 days after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives an interim report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 237. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

(a) **IN GENERAL.**—Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking “may” and inserting “shall”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Assistant Secretary shall” and inserting “Assistant Secretary for Veterans’ Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,”;

(ii) by striking “not less than 10 military” and inserting “not more than five military”; and

(iii) by inserting “for Veterans’ Employment and Training” after “selected by the Assistant Secretary”; and

(B) in paragraph (2), by striking “consult with appropriate Federal, State, and industry officials to” and inserting “enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and”; and

(3) by striking subsections (d) through (h) and inserting the following:

“(d) PERIOD OF PROJECT.—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.”.

(b) STUDY COMPARING COSTS INCURRED BY SECRETARY OF DEFENSE FOR TRAINING FOR MILITARY OCCUPATIONAL SPECIALTIES WITHOUT CREDENTIALING OR LICENSING WITH COSTS INCURRED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF LABOR IN PROVIDING EMPLOYMENT-RELATED ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, complete a study comparing the costs incurred by the Secretary of Defense in training members of the Armed Forces for the military occupational specialties selected by the Assistant Secretary of Labor of Veterans' Employment and Training pursuant to the demonstration project provided for in such section 4114, as amended by subsection (a), with the costs incurred by the Secretary of Veterans Affairs and the Secretary of Labor in providing employment-related assistance to veterans who previously held such military occupational specialties, including—

(A) providing educational assistance under laws administered by the Secretary of Veterans Affairs to veterans to obtain credentialing and licensing for civilian occupations that are similar to such military occupational specialties;

(B) providing assistance to unemployed veterans who, while serving in the Armed Forces, were trained in a military occupational specialty; and

(C) providing vocational training or counseling to veterans described in subparagraph (B).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall submit to Congress a report on the study carried out under paragraph (1).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings of the Assistant Secretary with respect to the study required by paragraph (1).

(ii) A detailed description of the costs compared under the study required by paragraph (1).

SEC. 238. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking “clause (1)” and inserting “paragraph (1)”;

(2) in paragraph (5), by striking “and” at the end;

(3) in paragraph (6), by striking the period and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(7) performance measures for the provision of assistance under this chapter, including—

“(A) the percentage of participants in programs under this chapter who find employ-

ment before the end of the first 90-day period following their completion of the program;

“(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

“(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

“(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

“(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.”.

SEC. 239. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: “Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.”; and

(2) by amending subsection (d) to read as follows:

“(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

“(A) an analysis of the implementation of providing such priority at the local level;

“(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

“(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

“(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.”.

SEC. 240. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such training.

“(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.”.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, as

added by subsection (a), shall apply with respect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 241. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(c) CONSOLIDATION.—Section 4102A of such title is amended by adding at the end the following new subsection:

“(h) CONSOLIDATION OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND VETERANS' EMPLOYMENT REPRESENTATIVES.—The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if—

“(1) the Governor determines, and the Secretary concurs, that such consolidation—

“(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

“(B) does not hinder the provision of services to veterans and employers; and

“(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.”.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

SEC. 251. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting “the terms, conditions, or privileges of employment, including” after “means”.

Subtitle E—Other Matters

SEC. 261. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))” and inserting “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), \$14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and \$24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))”.

(b) RETURNING HEROES TAX CREDITS.—Subparagraph (A) of section 51(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking “or” at the end of clause (i),

(2) by striking the period at the end of clause (ii)(II), and

(3) by adding at the end the following new clauses:

“(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

“(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.”.

(c) SIMPLIFIED CERTIFICATION.—Paragraph (13) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) CREDIT FOR UNEMPLOYED VETERANS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), for purposes of paragraph (3)(A)—

“(I) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (ii)(II) or (iv) of such paragraph (whichever is applicable) if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date, and

“(II) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (iii) of such paragraph if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

“(ii) REGULATORY AUTHORITY.—The Secretary may provide alternative methods for certification of a veteran as a qualified veteran described in clause (ii)(II), (iii), or (iv) of paragraph (3)(A), at the Secretary’s discretion.”.

(d) EXTENSION OF CREDIT.—Subparagraph (B) of section 51(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) after—

“(i) December 31, 2012, in the case of a qualified veteran, and

“(ii) December 31, 2011, in the case of any other individual.”.

(e) CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—Subsection (c) of section 52 of the Internal Revenue Code of 1986 is amended—

(A) by inserting “(1) IN GENERAL.—” before “No credit”, and

(B) by adding at the end the following new paragraph:

“(2) CREDIT MADE AVAILABLE TO QUALIFIED TAX-EXEMPT EMPLOYERS EMPLOYING QUALIFIED VETERANS.—In the case of a qualified tax-exempt employer (as defined in section 3111(e)(3)(A)), the credit otherwise allowed under this section by reason of subsection (d)(3) shall be allowed under section 3111(e) and not under this section.”.

(2) CREDIT ALLOWABLE.—Section 3111 of such Code is amended by adding at the end the following new subsection:

“(e) CREDIT FOR EMPLOYMENT OF QUALIFIED VETERANS.—

“(1) IN GENERAL.—If a qualified tax-exempt employer hires a qualified veteran with respect to whom a credit would be allowable under section 51 if the employer were not a qualified tax-exempt employer, then there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the employer during the applicable period an amount equal to the lesser of—

“(A) the credit which would be so allowable under section 51 with respect to wages paid to such qualified veteran during such period, or

“(B) the amount of the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the employer during such period.

“(2) APPLICABLE PERIOD.—The term ‘applicable period’ means, with respect to any qualified veteran, the 1-year period beginning with the day such qualified veteran begins work for the employer.

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘qualified tax-exempt employer’ means an employer that is an organization described in section 501(c) and exempt from taxation under section 501(a), and

“(B) the term ‘qualified veteran’ has meaning given such term by section 51(d)(3).

“(4) LIMITATION.—This subsection shall apply only with respect to wages paid to a qualified veteran for services in furtherance of the activities related to the purpose or function constituting the basis of the employer’s exemption under section 501.”.

(3) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be

determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to taxpayers of the possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the taxpayers of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under the amendments made by this section to section 51 or section 3111 of the Internal Revenue Code of 1986 to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term “possession of the United States” includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 52(c)(2) of the Internal Revenue Code of 1986 (as added by this section).

(g) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 262. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “May 31, 2015” and inserting “September 30, 2016”.

SEC. 263. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security

Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.”.

SEC. 264. EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.

Section 5317(g) of title 38, United States Code, is amended by striking “September 30, 2011” and inserting “September 30, 2016”.

SEC. 265. MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) IN GENERAL.—Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—
(A) in clause (iii), by striking “November 18, 2011” and inserting “October 1, 2016”; and
(B) in clause (iv), by striking “November 18, 2011” and inserting “October 1, 2016”;

(2) in subparagraph (B)—
(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”;

(B) by striking clauses (ii) and (iii);
(C) by redesignating clause (iv) as clause (ii); and

(D) in clause (ii), as redesignated by subparagraph (C), by striking “October 1, 2013” and inserting “October 1, 2016”;

(3) in subparagraph (C)—
(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2016”; and
(4) in subparagraph (D)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2016”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

- (1) November 18, 2011; or
- (2) the date of the enactment of this Act.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

SEC. 301. ONE HUNDRED PERCENT LEVY FOR PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 302. STUDY AND REPORT ON REDUCING THE AMOUNT OF THE TAX GAP OWED BY FEDERAL CONTRACTORS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury, or the Secretary's delegate, in consultation with the Director of the Office of Management and Budget and the heads of such other Federal agencies as the Secretary determines appropriate, shall conduct a study on ways to reduce the amount of Federal tax owed but not paid by persons submitting bids or proposals for the procurement of property or services by the Federal government.

(2) MATTERS STUDIED.—The study conducted under paragraph (1) shall include the following matters:

(A) An estimate of the amount of delinquent taxes owed by Federal contractors.

(B) The extent to which the requirement that persons submitting bids or proposals certify whether such persons have delinquent tax debts has—

- (i) improved tax compliance; and

(ii) been a factor in Federal agency decisions not to enter into or renew contracts with such contractors.

(C) In cases in which Federal agencies continue to contract with persons who report having delinquent tax debt, the factors taken into consideration in awarding such contracts.

(D) The degree of the success of the Federal lien and levy system in recouping delinquent Federal taxes from Federal contractors.

(E) The number of persons who have been suspended or debarred because of a delinquent tax debt over the past 3 years.

(F) An estimate of the extent to which the subcontractors under Federal contracts have delinquent tax debt.

(G) The Federal agencies which have most frequently awarded contracts to persons notwithstanding any certification by such person that the person has delinquent tax debt.

(H) Recommendations on ways to better identify Federal contractors with delinquent tax debts.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report on the study conducted under subsection (a), together with any legislative recommendations.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

SEC. 401. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) IN GENERAL.—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:

“(iii) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(c) NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury, or the Secretary's delegate, shall annually estimate the impact that the amendments made by subsection (a) have on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury or the Secretary's delegate estimates that such amendments have a negative impact on the income and balances of such trust funds, the Secretary shall transfer, not less frequently than quarterly, from the general fund an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of such amendments.

TITLE V—BUDGETARY EFFECTS

SEC. 501. STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 928. Mr. MCCAIN (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COCHRAN, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. LEE, Mr. LUGAR, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNETT, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Jobs Through Growth Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

DIVISION A—SPENDING REFORM

TITLE I—BALANCED BUDGET

AMENDMENT TO THE CONSTITUTION

Sec. 1101. Balanced Budget Amendment to the Constitution.

TITLE II—ENHANCED RESCISSION AUTHORITY

Sec. 1201. Purposes.

Sec. 1202. Rescissions of funding.

Sec. 1203. Technical and conforming amendments.

Sec. 1204. Amendments to Part A of the Impoundment Control Act.

Sec. 1205. Expiration.

DIVISION B—TAX REFORM

TITLE I—TAX REFORM FOR FAMILIES AND SMALL BUSINESSES

Sec. 2101. Tax Reform for Families and Small Businesses.

TITLE II—TAX REFORM FOR EMPLOYERS
 Sec. 2201. Reduction in corporate income tax rates and reform of business tax.

TITLE III—WITHHOLDING TAX RELIEF ACT OF 2011

- Sec. 2301. Short title.
 Sec. 2302. Repeal of imposition of withholding on certain payments made to vendors by government entities.
 Sec. 2303. Rescission of unspent federal funds to offset loss in revenues.

DIVISION C—REGULATION REFORM

TITLE I—REPEALING THE JOB-KILLING HEALTH CARE LAW ACT

- Sec. 3101. Repeal of the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.
 Sec. 3102. Budgetary effects of this subtitle.

TITLE II—MEDICAL CARE ACCESS PROTECTION ACT OF 2011

- Sec. 3201. Short title.
 Sec. 3202. Findings and purpose.
 Sec. 3203. Definitions.
 Sec. 3204. Encouraging speedy resolution of claims.
 Sec. 3205. Compensating patient injury.
 Sec. 3206. Maximizing patient recovery.
 Sec. 3207. Additional health benefits.
 Sec. 3208. Punitive damages.
 Sec. 3209. Authorization of payment of future damages to claimants in health care lawsuits.
 Sec. 3210. Effect on other laws.
 Sec. 3211. State flexibility and protection of states' rights.
 Sec. 3212. Applicability; effective date.

TITLE III—FINANCIAL TAKEOVER REPEAL

- Sec. 3301. Repeal.

TITLE IV—REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY (REINS ACT)

- Sec. 3401. Short title.
 Sec. 3402. Findings and purpose.
 Sec. 3403. Congressional review of agency rulemaking.

TITLE V—REGULATION MORATORIUM AND JOBS PRESERVATION ACT

- Sec. 3501. Short title.
 Sec. 3502. Definitions.
 Sec. 3503. Significant regulatory actions.
 Sec. 3504. Waivers.
 Sec. 3505. Judicial review.

TITLE VI—FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES ACT OF 2011

- Sec. 3601. Short title.
 Sec. 3602. Findings.
 Sec. 3603. Including indirect economic impact in small entity analyses.
 Sec. 3604. Judicial review to allow small entities to challenge proposed regulations.
 Sec. 3605. Periodic review.
 Sec. 3606. Requiring small business review panels for additional agencies.
 Sec. 3607. Expanding the Regulatory Flexibility Act to agency guidance documents.
 Sec. 3608. Requiring the Internal Revenue Service to consider small entity impact.
 Sec. 3609. Reporting on enforcement actions relating to small entities.
 Sec. 3610. Requiring more detailed small entity analyses.

- Sec. 3611. Ensuring that agencies consider small entity impact during the rulemaking process.

- Sec. 3612. Additional powers of the Office of Advocacy.

- Sec. 3613. Funding and offsets.

- Sec. 3614. Technical and conforming amendments.

TITLE VII—UNFUNDED MANDATES ACCOUNTABILITY ACT

- Sec. 3701. Short title.
 Sec. 3702. Findings.
 Sec. 3703. Regulatory impact analyses for certain rules.

- Sec. 3704. Least burdensome option or explanation required.

- Sec. 3705. Inclusion of application to independent regulatory agencies.

- Sec. 3706. Judicial review.

- Sec. 3707. Effective date.

TITLE VIII—GOVERNMENT LITIGATION SAVINGS ACT

- Sec. 3801. Short title.
 Sec. 3802. Modification of Equal Access to Justice provisions.
 Sec. 3803. GAO study.

TITLE IX—EMPLOYMENT PROTECTION ACT OF 2011

- Sec. 3901. Short title.
 Sec. 3902. Impacts of EPA regulatory activity on employment and economic activity.

TITLE X—FARM DUST REGULATION PREVENTION ACT

- Sec. 3931. Short title.
 Sec. 3932. Nuisance dust.
 Sec. 3933. Temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter.

TITLE XI—NATIONAL LABOR RELATIONS BOARD REFORM

- Sec. 3951. Short title.
 Sec. 3952. Authority of the NLRB.
 Sec. 3953. Retroactivity.

TITLE XII—GOVERNMENT NEUTRALITY IN CONTRACTING ACT

- Sec. 3971. Short title.
 Sec. 3972. Purposes.
 Sec. 3973. Preservation of open competition and Federal Government neutrality.

TITLE XIII—FINANCIAL REGULATORY RESPONSIBILITY ACT

- Sec. 3981. Short title.
 Sec. 3982. Definitions.
 Sec. 3983. Required regulatory analysis.
 Sec. 3984. Rule of construction.
 Sec. 3985. Public availability of data and regulatory analysis.
 Sec. 3986. Five-year regulatory impact analysis.
 Sec. 3987. Retrospective review of existing rules.
 Sec. 3988. Judicial review.
 Sec. 3989. Chief Economists Council.
 Sec. 3990. Conforming amendments.
 Sec. 3991. Other regulatory entities.
 Sec. 3992. Avoidance of duplicative or unnecessary analyses.
 Sec. 3993. Severability.

TITLE XIV—REGULATORY RESPONSIBILITY FOR OUR ECONOMY ACT

- Sec. 3994. Short title.
 Sec. 3995. Definitions.
 Sec. 3996. Agency requirements.
 Sec. 3997. Public participation.
 Sec. 3998. Integration and innovation.
 Sec. 3999. Flexible approaches.
 Sec. 3999A. Science.

- Sec. 3999B. Retrospective analyses of existing rules.

TITLE XV—REDUCING REGULATORY BURDENS ACT

- Sec. 3999C. Short title.
 Sec. 3999D. Use of authorized pesticides.
 Sec. 3999E. Discharges of pesticides.

DIVISION D—DOMESTIC ENERGY JOB PROMOTION

TITLE I—DOMESTIC JOBS, DOMESTIC ENERGY, AND DEFICIT REDUCTION ACT

- Sec. 4101. Short title.
 Subtitle A—Outer Continental Shelf Leasing
 Sec. 4111. Leasing program considered approved.
 Sec. 4112. Lease sales.
 Sec. 4113. Applications for permits to drill.
 Sec. 4114. Lease sales for certain areas.

Subtitle B—Regulatory Streamlining

- Sec. 4131. Commercial leasing program for oil shale resources on public land.
 Sec. 4132. Jurisdiction over covered energy projects.
 Sec. 4133. Environmental impact statements.
 Sec. 4134. Clean air regulation.
 Sec. 4135. Employment effects of actions under Clean Air Act.
 Sec. 4136. Endangered species.
 Sec. 4137. Reissuance of permits and leases.
 Sec. 4138. Central Valley Project.
 Sec. 4139. Beaufort Sea oil drilling project.
 Sec. 4140. Environmental legal fees.

TITLE II—JOBS AND ENERGY PERMITTING ACT

- Sec. 4201. Short title.
 Sec. 4202. Air quality measurement.
 Sec. 4203. Outer Continental Shelf source.
 Sec. 4204. Permits.

TITLE III—AMERICAN ENERGY AND WESTERN JOBS ACT

- Sec. 4301. Short title.
 Sec. 4302. Rescission of certain instruction memoranda.
 Sec. 4303. Amendments to the Mineral Leasing Act.
 Sec. 4304. Annual report on revenues generated from multiple use of public land.
 Sec. 4305. Federal onshore oil and natural gas production goal.
 Sec. 4306. Oil shale.

TITLE IV—MINING JOBS PROTECTION ACT

- Sec. 4401. Short title.
 Sec. 4402. Permits for dredged or fill material.
 Sec. 4403. Review of permits.

TITLE V—ENERGY TAX PREVENTION ACT

- Sec. 4501. Short title.
 Sec. 4502. No regulation of emissions of greenhouse gases.
 Sec. 4503. Preserving one national standard for automobiles.

TITLE VI—REPEAL RESTRICTIONS ON GOVERNMENT USE OF DOMESTIC ALTERNATIVE FUELS

- Sec. 4601. Repeal of unnecessary barrier to domestic fuel production.

TITLE VII—PUBLIC LANDS JOB CREATION ACT

- Sec. 4701. Short title.
 Sec. 4702. Review of certain Federal Register Notices.

DIVISION E—EXPORT PROMOTION

- Sec. 5001. Short title.
 Sec. 5002. Renewal of trade promotion authority.

Sec. 5003. Modification of standard for provisions that may be included in implementing bills.

DIVISION A—SPENDING REFORM

TITLE I—BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

SEC. 1101. BALANCED BUDGET AMENDMENT TO THE CONSTITUTION.

It is the sense of Congress that S.J. Res 10 should be passed and submitted to the states for ratification not later than 90 days after the date of enactment of this Act.

TITLE II—ENHANCED RESCISSION AUTHORITY

SEC. 1201. PURPOSES.

The purpose of this title is to create an optional fast-track procedure the President may use when submitting rescission requests, which would lead to an up-or-down vote by Congress on the President's package of rescissions, without amendment.

SEC. 1202. RESCISSIONS OF FUNDING.

The Impoundment Control Act of 1974 is amended by striking part C and inserting the following:

“PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

“SEC. 1021. APPLICABILITY AND DISCLAIMER.

“The rules, procedures, requirements, and definitions in this part apply only to executive and legislative actions explicitly taken under this part. They do not apply to actions taken under part B or to other executive and legislative actions not taken under this part.

“SEC. 1022. DEFINITIONS.

“In this part:

“(1) The terms ‘appropriations Act’, ‘budget authority’, and ‘new budget authority’ have the same meanings as in section 3 of the Congressional Budget Act of 1974.

“(2) The terms ‘account’, ‘current year’, ‘CBO’, and ‘OMB’ have the same meanings as in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 as in effect on September 30, 2002.

“(3) The term ‘days of session’ shall be calculated by excluding weekends and national holidays. Any day during which a chamber of Congress is not in session shall not be counted as a day of session of that chamber. Any day during which neither chamber is in session shall not be counted as a day of session of Congress.

“(4) The term ‘entitlement law’ means the statutory mandate or requirement of the United States to incur a financial obligation unless that obligation is explicitly conditioned on the appropriation in subsequent legislation of sufficient funds for that purpose, and the Supplemental Nutrition Assistance Program.

“(5) The term ‘funding’ refers to new budget authority and obligation limits except to the extent that the funding is provided for entitlement law.

“(6) The term ‘rescind’ means to eliminate or reduce the amount of enacted funding.

“(7) The terms ‘withhold’ and ‘withholding’ apply to any executive action or inaction that precludes the obligation of funding at a time when it would otherwise have been available to an agency for obligation. The terms do not include administrative or preparatory actions undertaken prior to obligation in the normal course of implementing budget laws.

“SEC. 1023. TIMING AND PACKAGING OF RESCISSION REQUESTS.

“(a) **TIMING.**—If the President proposes that Congress rescind funding under the procedures in this part, OMB shall transmit a message to Congress containing the informa-

tion specified in section 1024, and the message transmitting the proposal shall be sent to Congress not later than 45 calendar days after the date of enactment of the funding.

“(b) **PACKAGING AND TRANSMITTAL OF REQUESTED RESCISSIONS.**—Except as provided in subsection (c), for each piece of legislation that provides funding, the President shall request at most 1 package of rescissions and the rescissions in that package shall apply only to funding contained in that legislation. OMB shall deliver each message requesting a package of rescissions to the Secretary of the Senate if the Senate is not in session and to the Clerk of the House of Representatives if the House is not in session. OMB shall make a copy of the transmittal message publicly available, and shall publish in the Federal Register a notice of the message and information on how it can be obtained.

“(c) **SPECIAL PACKAGING RULES.**—After enactment of—

“(1) a joint resolution making continuing appropriations;

“(2) a supplemental appropriations bill; or

“(3) an omnibus appropriations bill; covering some or all of the activities customarily funded in more than 1 regular appropriations bill, the President may propose as many as 2 packages rescinding funding contained in that legislation, each within the 45-day period specified in subsection (a). OMB shall not include the same rescission in both packages, and, if the President requests the rescission of more than one discrete amount of funding under the jurisdiction of a single subcommittee, OMB shall include each of those discrete amounts in the same package.

“SEC. 1024. REQUESTS TO RESCIND FUNDING.

“For each request to rescind funding under this part, the transmittal message shall—

“(1) specify—

“(A) the dollar amount to be rescinded;

“(B) the agency, bureau, and account from which the rescission shall occur;

“(C) the program, project, or activity within the account (if applicable) from which the rescission shall occur;

“(D) the amount of funding, if any, that would remain for the account, program, project, or activity if the rescission request is enacted; and

“(E) the reasons the President requests the rescission;

“(2) designate each separate rescission request by number; and

“(3) include proposed legislative language to accomplish the requested rescissions which may not include—

“(A) any changes in existing law, other than the rescission of funding; or

“(B) any supplemental appropriations, transfers, or reprogrammings.

“SEC. 1025. GRANTS OF AND LIMITATIONS ON PRESIDENTIAL AUTHORITY.

“(a) **PRESIDENTIAL AUTHORITY TO WITHHOLD FUNDING.**—Notwithstanding any other provision of law and if the President proposes a rescission of funding under this part, OMB may, subject to the time limits provided in subsection (c), temporarily withhold that funding from obligation.

“(b) **EXPEDITED PROCEDURES AVAILABLE ONLY ONCE PER BILL.**—The President may not invoke the procedures of this part, or the authority to withhold funding granted by subsection (a), on more than 1 occasion for any Act providing funding.

“(c) **TIME LIMITS.**—OMB shall make available for obligation any funding withheld under subsection (a) on the earliest of—

“(1) the day on which the President determines that the continued withholding or re-

duction no longer advances the purpose of legislative consideration of the rescission request;

“(2) starting from the day on which OMB transmitted a message to Congress requesting the rescission of funding, 25 calendar days in which the House of Representatives has been in session or 25 calendar days in which the Senate has been in session, whichever occurs second; or

“(3) the last day after which the obligation of the funding in question can no longer be fully accomplished in a prudent manner before its expiration.

“(d) **DEFICIT REDUCTION.**—

“(1) **IN GENERAL.**—Funds that are rescinded under this part shall be dedicated only to reducing the deficit or increasing the surplus.

“(2) **ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.**—Not later than 5 days after the date of enactment of an approval bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

“SEC. 1026. CONGRESSIONAL CONSIDERATION OF RESCISSION REQUESTS.

“(a) **PREPARATION OF LEGISLATION TO CONSIDER A PACKAGE OF EXPEDITED RESCISSION REQUESTS.**—

“(1) **IN GENERAL.**—If the House of Representatives receives a package of expedited rescission requests, the Clerk shall prepare a House bill that only rescinds the amounts requested which shall read as follows:

“‘There are enacted the rescissions numbered [insert number or numbers] as set forth in the Presidential message of [insert date] transmitted under part C of the Impoundment Control Act of 1974 as amended.’

“(2) **EXCLUSION PROCEDURE.**—The Clerk shall include in the bill each numbered rescission request listed in the Presidential package in question, except that the Clerk shall omit a numbered rescission request if the Chairman of the Committee on the Budget of the House, after consulting with the Chairman of the Committee on the Budget of the Senate, CBO, GAO, and the House and Senate committees that have jurisdiction over the funding, determines that the numbered rescission does not refer to funding or includes matter not permitted under a request to rescind funding.

“(b) **INTRODUCTION AND REFERRAL OF LEGISLATION TO ENACT A PACKAGE OF EXPEDITED RESCISSIONS.**—The majority leader or the minority leader of the House or Representatives, or a designee, shall (by request) introduce each bill prepared under subsection (a) not later than 4 days of session of the House after its transmittal, or, if no such bill is introduced within that period, any member of the House may introduce the required bill in the required form on the fifth or sixth day of session of the House after its transmittal. If such an expedited rescission bill is introduced in accordance with the preceding sentence, it shall be referred to the House committee of jurisdiction. A copy of the introduced House bill shall be transmitted to the Secretary of the Senate, who shall provide it to the Senate committee of jurisdiction.

“(c) **HOUSE REPORT AND CONSIDERATION OF LEGISLATION TO ENACT A PACKAGE OF EXPEDITED RESCISSIONS.**—The House committee of jurisdiction shall report without amendment the bill referred to it under subsection (b)

not more than 5 days of session of the House after the referral. The committee may order the bill reported favorably, unfavorably, or without recommendation. If the committee has not reported the bill by the end of the 5-day period, the committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

“(d) HOUSE MOTION TO PROCEED.—

“(1) IN GENERAL.—After a bill to enact an expedited rescission package has been reported or the committee of jurisdiction has been discharged under subsection (c), it shall be in order to move to proceed to consider the bill in the House. A Member who wishes to move to proceed to consideration of the bill shall announce that fact, and the motion to proceed shall be in order only during a time designated by the Speaker within the legislative schedule for the next calendar day of legislative session or the one immediately following it.

“(2) FAILURE TO SET TIME.—If the Speaker does not designate a time under paragraph (1), 3 or more calendar days of legislative session after the bill has been reported or discharged, it shall be in order for any Member to move to proceed to consider the bill.

“(3) PROCEDURE.—A motion to proceed under this subsection shall not be in order after the House has disposed of a prior motion to proceed with respect to that package of expedited rescissions. The previous question shall be considered as ordered on the motion to proceed, without intervening motion. A motion to reconsider the vote by which the motion to proceed has been disposed of shall not be in order.

“(4) REMOVAL FROM CALENDAR.—If 5 calendar days of legislative session have passed since the bill was reported or discharged under this subsection and no Member has made a motion to proceed, the bill shall be removed from the calendar.

“(e) HOUSE CONSIDERATION.—

“(1) CONSIDERED AS READ.—A bill consisting of a package of rescissions under this part shall be considered as read.

“(2) POINTS OF ORDER.—All points of order against the bill are waived, except that a point of order may be made that 1 or more numbered rescissions included in the bill would enact language containing matter not requested by the President or not permitted under this part as part of that package. If the Presiding Officer sustains such a point of order, the numbered rescission or rescissions that would enact such language are deemed to be automatically stripped from the bill and consideration proceeds on the bill as modified.

“(3) PREVIOUS QUESTION.—The previous question shall be considered as ordered on the bill to its passage without intervening motion, except that 4 hours of debate equally divided and controlled by a proponent and an opponent are allowed, as well as 1 motion to further limit debate on the bill.

“(4) MOTION TO RECONSIDER.—A motion to reconsider the vote on passage of the bill shall not be in order.

“(f) SENATE CONSIDERATION.—

“(1) REFERRAL.—If the House of Representatives approves a House bill enacting a package of rescissions, that bill as passed by the House shall be sent to the Senate and referred to the Senate committee of jurisdiction.

“(2) COMMITTEE ACTION.—The committee of jurisdiction shall report without amendment the bill referred to it under this subsection not later than 3 days of session of the Senate after the referral. The committee may order

the bill reported favorably, unfavorably, or without recommendation.

“(3) DISCHARGE.—If the committee has not reported the bill by the end of the 3-day period, the committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

“(4) MOTION TO PROCEED.—On the following day and for 3 subsequent calendar days in which the Senate is in session, it shall be in order for any Senator to move to proceed to consider the bill in the Senate. Upon such a motion being made, it shall be deemed to have been agreed to and the motion to reconsider shall be deemed to have been laid on the table.

“(5) DEBATE.—Debate on the bill in the Senate under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours, equally divided and controlled in the usual form. Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form. A motion to further limit debate on such a bill is not debatable.

“(6) MOTIONS NOT IN ORDER.—A motion to amend such a bill or strike a provision from it is not in order. A motion to recommit such a bill is not in order.

“(g) SENATE POINT OF ORDER.—It shall not be in order under this part for the Senate to consider a bill approved by the House enacting a package of rescissions under this part if any numbered rescission in the bill would enact matter not requested by the President or not permitted under this Act as part of that package. If a point of order under this subsection is sustained, the bill may not be considered under this part.”

SEC. 1203. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the matter for part C of title X and inserting the following:

“PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

“Sec. 1021. Applicability and disclaimer.

“Sec. 1022. Definitions.

“Sec. 1023. Timing and packaging of rescission requests.

“Sec. 1024. Requests to rescind funding.

“Sec. 1025. Grants of and limitations on presidential authority.

“Sec. 1026. Congressional consideration of rescission requests.”

(b) TEMPORARY WITHHOLDING.—Section 1013(c) of the Impoundment Control Act of 1974 is amended by striking “section 1012” and inserting “section 1012 or section 1025”.

(c) RULEMAKING.—

(1) 904(a).—Section 904(a) of the Congressional Budget Act of 1974 is amended by striking “and 1017” and inserting “1017, and 1026”.

(2) 904(d)(1).—Section 904(d)(1) of the Congressional Budget Act of 1974 is amended by striking “1017” and inserting “1017 or 1026”.

SEC. 1204. AMENDMENTS TO PART A OF THE IMPOUNDMENT CONTROL ACT.

(a) IN GENERAL.—Part A of the Impoundment Control Act of 1974 is amended by inserting at the end the following:

“SEC. 1002. SEVERABILITY.

“If the judicial branch of the United States finally determines that 1 or more of the provisions of parts B or C violate the Constitution of the United States, the remaining provisions of those parts shall continue in effect.”

(b) TABLE OF CONTENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting at the end of the matter for part A of title X the following:

“Sec. 1002. Severability.”

SEC. 1205. EXPIRATION.

Part C of the Impoundment Control Act of 1974 (as amended by this Act) shall expire on December 31, 2015.

DIVISION B—TAX REFORM

TITLE I—TAX REFORM FOR FAMILIES AND SMALL BUSINESSES

SEC. 2101. TAX REFORM FOR FAMILIES AND SMALL BUSINESSES.

(a) IN GENERAL.—The Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives shall report legislation that will lower, consolidate, and simplify the individual income tax system, with not more than 3 tax rates, the highest being 25 percent. Such legislation shall be reported not later than 60 days after the date of the enactment of this Act and shall be revenue neutral as scored by the Joint Committee on Taxation using a current policy baseline.

(b) LEGISLATION GOALS.—Such reported legislation shall be required to achieve the following:

(1) REDUCED TAX LIABILITY.—Lower the overall tax burden for the majority of American individual taxpayers.

(2) SIMPLIFICATION.—Close tax loopholes and eliminate frivolous deductions and certain tax credits, at the discretion of each Committee, in order to reduce tax expenditures and simplify the tax code.

(3) CONSOLIDATION.—Provide necessary changes in order to consolidate the individual income tax system consistent with the tax rates specified in subsection (a).

(4) STANDARD DEDUCTION AND PERSONAL EXEMPTIONS.—Revise the amount provided for the standard deduction and personal exemptions in conjunction with the elimination of certain deductions and credits in order to reduce the overall tax liability of the majority of American individual taxpayers.

(c) ADDITIONAL CHANGES.—Such Committees shall include in such legislation any further changes to the individual income tax system in order to ensure tax reductions and simplifications consistent with the goals of this Act.

TITLE II—TAX REFORM FOR EMPLOYERS

SEC. 2201. REDUCTION IN CORPORATE INCOME TAX RATES AND REFORM OF BUSINESS TAX.

(a) IN GENERAL.—The Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives shall report legislation that will lower, consolidate, and simplify the corporate income tax system, with a top tax rate of 25 percent and a consolidation of the system into 2 tax rates. Such legislation shall be reported not later than 60 days after the date of the enactment of this Act and shall be revenue neutral as scored by the Joint Committee on Taxation using a current policy baseline.

(b) LEGISLATION GOALS.—Such reported legislation shall be required to achieve the following:

(1) REDUCED TAX LIABILITY.—Lower the overall tax rates for American corporations and businesses.

(2) SIMPLIFICATION.—Close tax loopholes and eliminate industry specific deductions and certain tax credits, including the elimination of industry specific taxes, at the discretion of each Committee, in order to reduce tax expenditures and simplify the tax code.

(3) **TERRITORIAL TAX SYSTEM.**—Establishment of a territorial tax system, including strong incentives to repatriate overseas capital, in lieu of the current worldwide tax system.

(4) **CONSOLIDATION.**—Provide necessary changes in order to consolidate the corporate income tax system with a total of two tax rates, the top tax rate of 25 percent and a lower tax rate as determined by the Committees as specified in subsection (a).

(c) **ADDITIONAL CHANGES.**—Such Committees shall include in such legislation any further changes to the corporate income tax system in order to ensure tax reductions and simplifications consistent with the goals of this Act.

TITLE III—WITHHOLDING TAX RELIEF ACT OF 2011

SEC. 2301. SHORT TITLE.

This title may be cited as the “Withholding Tax Relief Act of 2011”.

SEC. 2302. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

SEC. 2303. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of all available unobligated funds, \$39,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(b) **IMPLEMENTATION.**—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) **EXCEPTION.**—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

DIVISION C—REGULATION REFORM

TITLE I—REPEALING THE JOB-KILLING HEALTH CARE LAW ACT

SEC. 3101. REPEAL OF THE JOB-KILLING HEALTH CARE LAW AND HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) **JOB-KILLING HEALTH CARE LAW.**—Effective as of the enactment of Public Law 111-148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) **HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.**—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. 3102. BUDGETARY EFFECTS OF THIS SUBTITLE.

The budgetary effects of this title, for the purpose of complying with the Statutory

Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this title, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this title.

TITLE II—MEDICAL CARE ACCESS PROTECTION ACT OF 2011

SEC. 3201. SHORT TITLE.

This title may be cited as the “Medical Care Access Protection Act of 2011” or the “MCAP Act”.

SEC. 3202. FINDINGS AND PURPOSE.

(a) FINDINGS.

(1) **EFFECT ON HEALTH CARE ACCESS AND COSTS.**—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) **EFFECT ON INTERSTATE COMMERCE.**—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) **EFFECT ON FEDERAL SPENDING.**—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) **PURPOSE.**—It is the purpose of this title is to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of “defensive medicine” and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 3203. DEFINITIONS.

In this title:

(1) **ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.**—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) **CLAIMANT.**—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) **COLLATERAL SOURCE BENEFITS.**—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) **COMPENSATORY DAMAGES.**—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) **CONTINGENT FEE.**—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) **ECONOMIC DAMAGES.**—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of

any human disease or impairment, or the assessment of the health of human beings.

(8) **HEALTH CARE INSTITUTION.**—The term “health care institution” means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) **HEALTH CARE LIABILITY ACTION.**—The term “health care liability action” means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(11) **HEALTH CARE LIABILITY CLAIM.**—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider or health care institution, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) **HEALTH CARE PROVIDER.**—

(A) **IN GENERAL.**—The term “health care provider” means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), registered nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(B) **TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.**—For purposes of this Act, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, in-

convenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider or health care institution. Punitive damages are neither economic nor noneconomic damages.

(16) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 3204. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

(a) **IN GENERAL.**—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) **GENERAL EXCEPTION.**—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

(1) fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) **MINORS.**—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) **RULE 11 SANCTIONS.**—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability action to which this Act applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys’ fee. Such sanction shall be sufficient to deter

repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

SEC. 3205. COMPENSATING PATIENT INJURY.

(a) **UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.**—In any health care lawsuit, nothing in this Act shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) **ADDITIONAL NONECONOMIC DAMAGES.**—

(1) **HEALTH CARE PROVIDERS.**—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties other than a health care institution against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) **HEALTH CARE INSTITUTIONS.**—

(A) **SINGLE INSTITUTION.**—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) **MULTIPLE INSTITUTIONS.**—In any health care lawsuit where final judgment is rendered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed \$500,000.

(c) **NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.**—In any health care lawsuit—

(1) an award for future noneconomic damages shall not be discounted to present value;

(2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);

(3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and

(4) if separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations described in subsection (b), the future noneconomic damages shall be reduced first.

(d) **FAIR SHARE RULE.**—In any health care lawsuit, each party shall be liable for that party’s several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party’s percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant’s harm.

SEC. 3206. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—

(1) IN GENERAL.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) CONTINGENCY FEES.—

(A) IN GENERAL.—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) LIMITATION.—The total of all contingent fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

(i) Forty percent of the first \$50,000 recovered by the claimant(s).

(ii) Thirty-three and one-third percent of the next \$50,000 recovered by the claimant(s).

(iii) Twenty-five percent of the next \$500,000 recovered by the claimant(s).

(iv) Fifteen percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) APPLICABILITY.—

(1) IN GENERAL.—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) MINORS.—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) EXPERT WITNESSES.—

(1) REQUIREMENT.—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) PHYSICIAN REVIEW.—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such treatment unless such individual is a physician.

(3) SPECIALTIES AND SUBSPECIALTIES.—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a

showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) LIMITATION.—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

SEC. 3207. ADDITIONAL HEALTH BENEFITS.

(a) IN GENERAL.—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) PRESERVATION OF CURRENT LAW.—Where a payor of collateral source benefits has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) APPLICATION OF PROVISION.—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

SEC. 3208. PUNITIVE DAMAGES.

(a) PUNITIVE DAMAGES PERMITTED.—

(1) IN GENERAL.—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) FILING OF LAWSUIT.—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) SEPARATE PROCEEDING.—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages under this section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the

case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or \$250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(c) LIABILITY OF HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) MEDICAL PRODUCT.—The term "medical product" means a drug or device intended for humans. The terms "drug" and "device" have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

SEC. 3209. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this Act.

SEC. 3210. EFFECT ON OTHER LAWS.

(a) GENERAL VACCINE INJURY.—

(1) IN GENERAL.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this Act shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this Act in conflict with a rule of law of such title XXI shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this Act or otherwise applicable law (as determined under this Act) will apply to such aspect of such action.

(b) SMALLPOX VACCINE INJURY.—

(1) IN GENERAL.—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this Act shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this Act in conflict with a rule of law of such part C shall not apply to such action.

(2) **EXCEPTION.**—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this Act or otherwise applicable law (as determined under this Act) will apply to such aspect of such action.

(c) **OTHER FEDERAL LAW.**—Except as provided in this section, nothing in this Act shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 3211. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) **HEALTH CARE LAWSUITS.**—The provisions governing health care lawsuits set forth in this Act shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this Act. The provisions governing health care lawsuits set forth in this Act supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this Act; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) **PREEMPTION OF CERTAIN STATE LAWS.**—No provision of this Act shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this Act, notwithstanding section 5(a).

(c) **PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.**—

(1) **IN GENERAL.**—Any issue that is not governed by a provision of law established by or under this Act (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections (such as a shorter statute of limitations) for a health care provider or health care institution from liability, loss, or damages than those provided by this Act;

(B) preempt or supercede any State law that permits and provides for the enforcement of any arbitration agreement related to a health care liability claim whether enacted prior to or after the date of enactment of this Act;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

SEC. 3212. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the

date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

TITLE III—FINANCIAL TAKEOVER REPEAL

SEC. 3301. REPEAL.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

TITLE IV—REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY (REINS ACT)

SEC. 3401. SHORT TITLE.

This title may be cited as “REINS Act”.

SEC. 3402. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(2) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(3) By requiring a vote in Congress, this Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(b) **PURPOSE.**—The purpose of this Act is to increase accountability for and transparency in the Federal regulatory process.

SEC. 3403. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

“CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

“§ 801. Congressional review

“(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

“(i) a copy of the rule;

“(ii) a concise general statement relating to the rule;

“(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

“(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

“(v) the proposed effective date of the rule.

“(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

“(i) a complete copy of the cost-benefit analysis of the rule, if any;

“(ii) the agency's actions pursuant to title 5 of the United States Code, sections 603, 604, 605, 607, and 609;

“(iii) the agency's actions pursuant to title 2 of the United States Code, sections 1532, 1533, 1534, and 1535; and

“(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

“(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

“(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

“(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report

was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

“(A) in the case of the Senate, 60 session days, or

“(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

“(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register on—

“(I) in the case of the Senate, the 15th session day, or

“(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

“§ 802. Congressional approval procedure for major rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced on or after the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress approves the rule submitted by the ___ relating to ___.’ (The blank spaces being appropriately filled in).

“(1) In the House, the majority leader of the House of Representatives (or his designee) and the minority leader of the House of Representatives (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 legislative days after Congress receives the report referred to in section 801(a)(1)(A).

“(2) In the Senate, the majority leader of the Senate (or his designee) and the minority leader of the Senate (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 session days after Congress receives the report referred to in section 801(a)(1)(A).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2) For purposes of this section, the term ‘submission date’ means the date on which the Congress receives the report submitted under section 801(a)(1).

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the

resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e)(1) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 legislative days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th legislative day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(2)(A) A motion in the House of Representatives to proceed to the consideration of a resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) Debate in the House of Representatives on a resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. No amendment to, or motion to recommit, the

resolution shall be in order. It shall not be in order to reconsider the vote by which a resolution is agreed to or disagreed to.

“(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

“(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply with respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(1) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(2) the vote on final passage shall be on the joint resolution of the other House.

“(g) The enactment of a resolution of approval does not serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, does not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule.

“(h) This section and section 803 are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

“§ 803. Congressional disapproval procedure for nonmajor rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the ___ relating to ___, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(2) For purposes of this section, the term ‘submission or publication date’ means the later of the date on which—

“(A) the Congress receives the report submitted under section 801(a)(1); or

“(B) the nonmajor rule is published in the Federal Register, if so published.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution)

at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

“(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

“§ 804. Definitions

“For purposes of this chapter—

“(1) the term ‘Federal agency’ means any agency as that term is defined in section 551(1);

“(2) the term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

“(A) an annual effect on the economy of \$100,000,000 or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

“(3) the term ‘nonmajor rule’ means any rule that is not a major rule; and

“(4) the term ‘rule’ has the meaning given such term in section 551, except that such term does not include—

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

“§ 805. Judicial review

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

“§ 806. Exemption for monetary policy

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

“§ 807. Effective date of certain rules

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.”.

TITLE V—REGULATION MORATORIUM AND JOBS PRESERVATION ACT

SEC. 3501. SHORT TITLE.

This title may be cited as the “Regulation Moratorium and Jobs Preservation Act”.

SEC. 3502. DEFINITIONS.

In this title—

(1) the term “agency” has the meaning given under section 3502(1) of title 44, United States Code;

(2) the term “regulatory action” means any substantive action by an agency that

promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking;

(3) the term “significant regulatory action” means any regulatory action that is likely to result in a rule or guidance that may—

(A) have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues; and

(4) the term “small entities” has the meaning given under section 601(6) of title 5, United States Code.

SEC. 3503. SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—No agency may take any significant regulatory action, until the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

(b) DETERMINATION.—The Secretary of Labor shall submit a report to the Director of the Office of Management and Budget whenever the Secretary determines that the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

SEC. 3504. WAIVERS.

(a) NATIONAL SECURITY OR NATIONAL EMERGENCY.—The President may waive the application of section 3 to any significant regulatory action, if the President—

(1) determines that the waiver is necessary on the basis of national security or a national emergency; and

(2) submits notification to Congress of that waiver and the reasons for that waiver.

(b) ADDITIONAL WAIVERS.—

(1) SUBMISSION.—The President may submit a request to Congress for a waiver of the application of section 3 to any significant regulatory action.

(2) CONTENTS.—A submission under this subsection shall include—

(A) an identification of the significant regulatory action; and

(B) the reasons which necessitate a waiver for that significant regulatory action.

(3) CONGRESSIONAL ACTION.—Congress shall give expeditious consideration and take appropriate legislative action with respect to any waiver request submitted under this subsection.

SEC. 3505. JUDICIAL REVIEW.

(a) DEFINITION.—In this section, the term “small business” means any business, including an unincorporated business or a sole proprietorship, that employs not more than 500 employees or that has a net worth of less than \$7,000,000 on the date a civil action arising under this Act is filed.

(b) REVIEW.—Any person that is adversely affected or aggrieved by any significant regulatory action in violation of this Act is entitled to judicial review in accordance with chapter 7 of title 5, United States Code.

(c) JURISDICTION.—Each court having jurisdiction to review any significant regulatory

action for compliance with any other provision of law shall have jurisdiction to review all claims under this Act.

(d) **RELIEF.**—In granting any relief in any civil action under this section, the court shall order the agency to take corrective action consistent with this Act and chapter 7 of title 5, United States Code, including remanding the significant regulatory action to the agency and enjoining the application or enforcement of that significant regulatory action, unless the court finds by a preponderance of the evidence that application or enforcement is required to protect against an imminent and serious threat to the national security from persons or states engaged in hostile or military activities against the United States.

(e) **REASONABLE ATTORNEY FEES FOR SMALL BUSINESSES.**—The court shall award reasonable attorney fees and costs to a substantially prevailing small business in any civil action arising under this Act. A party qualifies as substantially prevailing even without obtaining a final judgment in its favor if the agency changes its position as a result of the civil action.

(f) **LIMITATION ON COMMENCING CIVIL ACTION.**—A person may seek and obtain judicial review during the 1-year period beginning on the date of the challenged agency action or within 90 days after an enforcement action or notice thereof, except that where another provision of law requires that a civil action be commenced before the expiration of that 1-year period, such lesser period shall apply.

TITLE VI—FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES ACT OF 2011

SEC. 3601. SHORT TITLE.

This title may be cited as the “Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011”.

SEC. 3602. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

SEC. 3603. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.”.

SEC. 3604. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “603,” after “601.”;

(2) in paragraph (2), by inserting “603,” after “601.”;

(3) by striking paragraph (3) and inserting the following:

“(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

“(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

“(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.”; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking “, and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.”.

SEC. 3605. PERIODIC REVIEW.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a)(1) Not later than 180 days after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, each agency shall establish a plan for the periodic review of—

“(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

“(B) any small entity compliance guide required to be published by the agency under

section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

“(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

“(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

“(B) continue in effect without change.

“(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

“(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

“(b) Each plan established under subsection (a) shall provide for—

“(1) the review of each rule and small entity compliance guide described in subsection (a)(1) in effect on the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011—

“(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

“(B) every 9 years thereafter; and

“(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011—

“(A) not later than 9 years after the publication of the final rule in the Federal Register; and

“(B) every 9 years thereafter.

“(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the economic impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

“(C) the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

“(A) Congress; and

“(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

“(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

“(1) a brief description of each rule or guide;

“(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

“(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

“(f)(1) Not later than 6 months after each date described in subsection (b)(1), the Inspector General for each agency shall—

“(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

“(B) notify the head of the agency of—

“(i) the results of the determination under subparagraph (A); and

“(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

“(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

“(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

“(i) determine whether the agency has addressed the issues identified in the notice; and

“(ii) notify Congress if the Inspector General determines that the agency has not addressed the issues identified in the notice; and

“(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph (B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

“(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).”.

SEC. 3606. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “a covered agency” the first place it appears and inserting “an agency designated under subsection (d)”;

(B) by striking “a covered agency” each place it appears and inserting “the agency”;

(2) by striking subsection (d), as amended by section 1100G(a) of Public Law 111-203 (124 Stat. 2112), and inserting the following:

“(d)(1)(A) On and after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, the Environmental Protection Agency and the Occupational Safety and Health Administration of the Department of Labor shall be—

“(i) agencies designated under this subsection; and

“(ii) subject to the requirements of subsection (b).

“(B) On and after the designated transfer date established under section 1062 of Public Law 111-203 (12 U.S.C. 5582), the Bureau of Consumer Financial Protection shall be—

“(i) an agency designated under this subsection; and

“(ii) subject to the requirements of subsection (b).

“(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

“(A) 3 agencies for the first year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011;

“(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011; and

“(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011.

“(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.”;

(3) in subsection (e)(1), by striking “the covered agency” and inserting “the agency”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 603.—Section 603(d) of title 5, United States Code, as added by section 1100G(b) of Public Law 111-203 (124 Stat. 2112), is amended—

(A) in paragraph (1), by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”;

(B) in paragraph (2), by striking “A covered agency, as defined in section 609(d)(2),” and inserting “The Bureau of Consumer Financial Protection”.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111-203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the

Bureau of Consumer Financial Protection”;

and

(ii) by striking “the agency” and inserting “the Bureau”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and apply on and after the designated transfer date established under section 1062 of Public Law 111-203 (12 U.S.C. 5582).

SEC. 3607. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.

Section 601(2) of title 5, United States Code, is amended by inserting after “public comment” the following: “and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)”.

SEC. 3608. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking “but only” and all that follows through the period at the end and inserting “but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.”.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section 3 of this Act, is amended—

(1) in paragraph (6), by striking “and” at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

“(7) the term ‘collection of information’ has the meaning given that term in section 3502(3) of title 44;

“(8) the term ‘recordkeeping requirement’ has the meaning given that term in section 3502(13) of title 44; and”.

SEC. 3609. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking “Each agency” and inserting the following:

“(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency”;

(B) by adding at the end the following:

“(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.”;

and

(2) in subsection (c)—

(A) by striking “Agencies shall report” and all that follows through “the scope” and inserting “Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope”;

(B) by striking “and the total amount of penalty reductions and waivers” and inserting “the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)”.

SEC. 3610. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by section 1100G(b) of Public Law 111–203 (124 Stat. 2112), is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is required—

“(A) a reasonable period before publication of the rule by the agency; and

“(B) in any event, not later than 3 months before the date on which the agency publishes the rule.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (2)—

(i) by inserting “detailed” before “statement” each place it appears; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(C) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111–240; 124 Stat. 2251), by inserting “detailed” before “statement”.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.”.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.”.

SEC. 3611. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by adding at the end the following:

“(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

“(A) publishing an initial regulatory flexibility analysis for public comment; or

“(B) re-proposing the rule with an initial regulatory flexibility analysis.

“(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

“(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

“(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

“(C) the number of affected small entities for which that cost will be significant.

“(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

“(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

“(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.”.

SEC. 3612. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.

Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (6) the following:

“(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.”.

SEC. 3613. FUNDING AND OFFSETS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Small Business Administration, for any costs of carrying out this Act and the amendments made by this Act (including the costs of hiring additional employees)—

(1) \$1,000,000 for fiscal year 2012;

(2) \$2,000,000 for fiscal year 2013; and

(3) \$3,000,000 for fiscal year 2014.

(b) REPEALS.—In order to offset the costs of carrying out this Act and the amendments made by this Act and to reduce the Federal deficit, the following provisions of law are repealed, effective on the date of enactment of this Act:

(1) Section 21(n) of the Small Business Act (15 U.S.C. 648).

(2) Section 27 of the Small Business Act (15 U.S.C. 654).

(3) Section 1203(c) of the Energy Security and Efficiency Act of 2007 (15 U.S.C. 657h(c)).

SEC. 3614. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEADING.—Section 605 of title 5, United States Code, is amended in the section heading by striking “**Avoidance**” and all that follows and inserting the following: “**Incorporations by reference and certification**.”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”;

and

(2) by striking the item relating to section 607 inserting the following:

“607. Quantification requirements.”.

TITLE VII—UNFUNDED MANDATES ACCOUNTABILITY ACT

SEC. 3701. SHORT TITLE.

This title may be cited as the “Unfunded Mandates Accountability Act”.

SEC. 3702. FINDINGS.

Congress finds the following:

(1) The public has a right to know the benefits and costs of regulation. Effective regulatory programs provide important benefits to the public, including protecting the environment, worker safety, and human health. Regulations also impose significant costs on individuals, employers, State, local, and tribal governments, diverting resources from other important priorities.

(2) Better regulatory analysis and review should improve the quality of agency decisions, increasing the benefits and reducing unwarranted costs of regulation.

(3) Disclosure and scrutiny of key information underlying agency decisions should

make Government more accountable to the public it serves.

SEC. 3703. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.

(a) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 202. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.”;

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by striking subsection (a) and inserting the following:

“(a) DEFINITION.—In this section, the term ‘cost’ means the cost of compliance and any reasonably foreseeable indirect costs, including revenues lost as a result of an agency rule subject to this section.

“(b) IN GENERAL.—Before promulgating any proposed or final rule that may have an annual effect on the economy of \$100,000,000 or more (adjusted for inflation), or that may result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100,000,000 or more (adjusted for inflation) in any 1 year, each agency shall prepare and publish in the Federal Register an initial and final regulatory impact analysis. The initial regulatory impact analysis shall accompany the agency’s notice of proposed rulemaking and shall be open to public comment. The final regulatory impact analysis shall accompany the final rule.

“(c) CONTENT.—The initial and final regulatory impact analysis under subsection (b) shall include—

“(1)(A) an analysis of the anticipated benefits and costs of the rule, which shall be quantified to the extent feasible;

“(B) an analysis of the benefits and costs of a reasonable number of regulatory alternatives within the range of the agency’s discretion under the statute authorizing the rule, including alternatives that—

“(i) require no action by the Federal Government; and

“(ii) use incentives and market-based means to encourage the desired behavior, provide information upon which choices can be made by the public, or employ other flexible regulatory options that permit the greatest flexibility in achieving the objectives of the statutory provision authorizing the rule; and

“(C) an explanation that the rule meets the requirements of section 205;

“(2) an assessment of the extent to which—

“(A) the costs to State, local and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

“(B) there are available Federal resources to carry out the rule;

“(3) estimates of—

“(A) any disproportionate budgetary effects of the rule upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector; and

“(B) the effect of the rule on job creation or job loss, which shall be quantified to the extent feasible; and

“(4)(A) a description of the extent of the agency’s prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

“(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

“(C) a summary of the agency’s evaluation of those comments and concerns.”;

(4) in subsection (d) (as redesignated by paragraph (2) of this subsection), by striking “subsection (a)” and inserting “subsection (b)”;

(5) in subsection (e) (as redesignated by paragraph (2) of this subsection), by striking “subsection (a)” each place that term appears and inserting “subsection (b)”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Unfunded Mandates Reform Act of 1995 is amended by striking the item relating to section 202 and inserting the following:

“Sec. 202. Regulatory impact analyses for certain rules.”.

SEC. 3704. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.

Section 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1535) is amended by striking section 205 and inserting the following:

“SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.

“Before promulgating any proposed or final rule for which a regulatory impact analysis is required under section 202, the agency shall—

“(1) identify and consider a reasonable number of regulatory alternatives within the range of the agency’s discretion under the statute authorizing the rule, including alternatives required under section 202(b)(1)(B); and

“(2) from the alternatives described under paragraph (1), select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the statute.”.

SEC. 3705. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.

(a) IN GENERAL.—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking “, but does not include independent regulatory agencies”.

(b) EXEMPTION FOR MONETARY POLICY.—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

“SEC. 6. EXEMPTION FOR MONETARY POLICY.

“Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”.

SEC. 3706. JUDICIAL REVIEW.

The Unfunded Mandates Reform Act of 1995 is amended by striking section 401 (2 U.S.C. 1571) and inserting the following:

“SEC. 401. JUDICIAL REVIEW.

“(a) IN GENERAL.—For any rule subject to section 202, a party aggrieved by final agency action is entitled to judicial review of an agency’s analysis under and compliance with sections 202 (b) and (c)(1) and 205. The scope of review shall be governed by chapter 7 of title 5, United States Code.

“(b) JURISDICTION.—Each court having jurisdiction to review a rule subject to section 202 for compliance with section 553 of title 5, United States Code, or under any other provision of law, shall have jurisdiction to review any claims brought under subsection (a) of this section.

“(c) RELIEF AVAILABLE.—In granting relief in an action under this section, the court shall order the agency to take remedial action consistent with chapter 7 of title 5, United States Code, including remand and vacatur of the rule.”.

SEC. 3707. EFFECTIVE DATE.

This title shall take effect 90 days after the date of enactment of this title.

TITLE VIII—GOVERNMENT LITIGATION SAVINGS ACT

SEC. 3801. SHORT TITLE.

This title may be cited as the “Government Litigation Savings Act”.

SEC. 3802. MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

(a) AGENCY PROCEEDINGS.—

(1) ELIGIBILITY PARTIES; ATTORNEY FEES.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (a)(1), by inserting after “prevailing party” the following: “who has a direct and personal monetary interest in the adjudication, including because of personal injury, property damage, or unpaid agency disbursement.”; and

(B) in subsection (b)(1)—

(i) in subparagraph (A)(ii), by striking “\$125 per hour” and all that follows through “a higher fee” and inserting “\$175 per hour”; and

(ii) in subparagraph (B), by striking “; except that” and all that follows through “section 601”.

(2) REDUCTION OR DENIAL OF AWARDS.—Section 504(a)(3) of title 5, United States Code, is amended in the first sentence—

(A) by striking “may reduce the amount to be awarded, or deny an award,” and inserting “shall reduce the amount to be awarded, or deny an award, commensurate with pro bono hours and related fees and expenses, or”;

(B) by striking “unduly and”; and

(C) by striking “controversy,” and inserting “controversy or acted in an obdurate, dilatory, mendacious, or oppressive manner, or in bad faith.”.

(3) LIMITATION ON AWARDS.—Section 504(a) of title 5, United States Code, is amended by adding at the end the following:

“(5) A party may not receive an award of fees and other expenses under this section—

“(A) in excess of \$200,000 in any single adversary adjudication, or

“(B) for more than 3 adversary adjudications initiated in the same calendar year, unless the adjudicative officer of the agency determines that an award exceeding such limits is required to avoid severe and unjust harm to the prevailing party.”.

(4) REPORTING IN AGENCY ADJUDICATIONS.—Section 504 of such title is amended—

(A) in subsection (c)(1), by striking “, United States Code”; and

(B) by striking subsection (e) and inserting the following:

“(e)(1) The Chairman of the Administrative Conference of the United States shall issue an annual, online report to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the nature of and claims involved in each controversy (including the law under which the controversy arose), and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online, and contain a searchable database of the total awards given, and the total number of applications for the award of fees and other expenses that were filed, defended, and heard, and shall include, with respect to each such application, the following:

“(A) The name of the party seeking the award of fees and other expenses.

“(B) The agency to which the application for the award was made.

“(C) The names of the administrative law judges in the adversary adjudication that is the subject of the application.

“(D) The disposition of the application, including any appeal of action taken on the application.

“(E) The amount of each award.

“(F) The hourly rates of expert witnesses stated in the application that was awarded.

“(G) With respect to each award of fees and other expenses, the basis for the finding that the position of the agency concerned was not substantially justified.

“(2)(A) The report under paragraph (1) shall cover payments of fees and other expenses under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is otherwise subject to nondisclosure provisions.

“(B) The disclosure of fees and other expenses required under subparagraph (A) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.”.

(5) **ADJUSTMENT OF ATTORNEY FEES.**—Section 504 of such title is amended by adding at the end the following:

“(g) The Director of the Office of Management and Budget may adjust the maximum hourly fee set forth in subsection (b)(1)(A)(ii) for the fiscal year beginning October 1, 2012, and for each fiscal year thereafter, to reflect changes in the Consumer Price Index, as determined by the Secretary of Labor.”.

(b) **COURT CASES.**—

(1) **ELIGIBILITY PARTIES; ATTORNEY FEES; LIMITATION ON AWARDS.**—Section 2412(d) of title 28, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “in any civil action” and all that follows through “jurisdiction of that action” and inserting “in the civil action”; and

(II) by striking “shall award to a prevailing party other than the United States” and inserting the following: “, in any civil action (other than cases sounding in tort), including proceedings for judicial review of agency action, brought by or against the United States in any court having jurisdiction of that action, shall award to a prevailing party who has a direct and personal monetary interest in the civil action, including because of personal injury, property damage, or unpaid agency disbursement, other than the United States.”; and

(ii) by adding at the end the following:

“(E) An individual or entity may not receive an award of fees and other expenses under this subsection in excess of—

“(i) \$200,000 in any single civil action, or

“(ii) for more than 3 civil actions initiated in the same calendar year, unless the presiding judge determines that an award exceeding such limits is required to avoid severe and unjust harm to the prevailing party.”; and

(B) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “\$125 per hour” and all that follows through “a higher fee” and inserting “\$175 per hour”; and

(ii) in subparagraph (B), by striking “; except that” and all that follows through “section 601”.

(2) **REDUCTION OR DENIAL OF AWARDS.**—Section 2412(d)(1)(C) of title 28, United States Code, is amended—

(A) by striking “, in its discretion, may reduce the amount to be awarded pursuant to this subsection, or deny an award,” and inserting “shall reduce the amount to be awarded under this subsection, or deny an award, commensurate with pro bono hours and related fees and expenses, or”; and

(B) by striking “unduly and”; and

(C) by striking “controversy,” and inserting “controversy or acted in an obdurate,

dilatory, mendacious, or oppressive manner, or in bad faith.”.

(3) **ADJUSTMENT OF ATTORNEY FEES.**—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

“(5) The Director of the Office of Management and Budget may adjust the maximum hourly fee set forth in paragraph (2)(A)(ii) for the fiscal year beginning October 1, 2012, and for each fiscal year thereafter, to reflect changes in the Consumer Price Index, as determined by the Secretary of Labor.”.

(4) **REPORTING.**—Section 2412(d) of title 28, United States Code, is further amended by adding at the end the following:

“(6)(A) The Chairman of the Administrative Conference of the United States shall issue an annual, online report to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the nature of and claims involved in each controversy (including the law under which the controversy arose), and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online and shall contain a searchable database of total awards given and the total number of cases filed, defended, or heard, and shall include with respect to each such case the following:

“(i) The name of the party seeking the award of fees and other expenses in the case.

“(ii) The district court hearing the case.

“(iii) The names of the presiding judges in the case.

“(iv) The agency involved in the case.

“(v) The disposition of the application for fees and other expenses, including any appeal of action taken on the application.

“(vi) The amount of each award.

“(vii) The hourly rates of expert witnesses stated in the application that was awarded.

“(viii) With respect to each award of fees and other expenses, the basis for the finding that the position of the agency concerned was not substantially justified.

“(B)(i) The report under subparagraph (A) shall cover payments of fees and other expenses under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is otherwise subject to nondisclosure provisions.

“(ii) The disclosure of fees and other expenses required under clause (i) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

“(C) The Chairman of the Administrative Conference shall include in the annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

“(i) any amounts paid from section 1304 of title 31 for a judgment in the case;

“(ii) the amount of the award of fees and other expenses; and

“(iii) the statute under which the plaintiff filed suit.

“(D) The Attorney General of the United States shall provide to the Chairman of the Administrative Conference of the United States such information as the Chairman requests to carry out this paragraph.”.

(c) **EFFECTIVE DATE.**—

(1) **MODIFICATIONS TO PROCEDURES.**—The amendments made by—

(A) paragraphs (1), (2), and (3) of subsection (a) shall apply with respect to adversary adjudications commenced on or after the date of the enactment of this Act; and

(B) paragraphs (1) and (2) of subsection (b) shall apply with respect to civil actions commenced on or after such date of enactment.

(2) **REPORTING.**—The amendments made by paragraphs (4) and (5) of subsection (a) and by paragraphs (3) and (4) of subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 3803. GAO STUDY.

Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall commence an audit of the implementation of the Equal Access to Justice Act for the years 1995 through the end of the calendar year in which this Act is enacted. The Comptroller General shall, not later than 1 year after the end of the calendar year in which this Act is enacted, complete such audit and submit to the Congress a report on the results of the audit.

TITLE IX—EMPLOYMENT PROTECTION ACT OF 2011

SEC. 3901. SHORT TITLE.

This title may be cited as the “Employment Protection Act of 2011”.

SEC. 3902. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **DE MINIMIS NEGATIVE IMPACT.**—The term “de minimis negative impact” means—

(A) with respect to employment levels, a loss of more than 100 jobs, subject to the condition that any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used to offset the job loss calculation; and

(B) with respect to economic activity, a decrease in economic activity of more than \$1,000,000 during any calendar year, subject to the condition that any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

(b) **ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.**—

(1) **ANALYSIS.**—Prior to promulgating any regulation or other requirement, issuing any policy statement, guidance document, or endangerment finding, implementing any new or substantially altered program, or denying any permit, the Administrator shall analyze the impact on employment levels and economic activity, disaggregated by State, of the regulation, requirement, policy statement, guidance document, endangerment finding, program, or permit denial.

(2) **ECONOMIC MODELS.**—

(A) **IN GENERAL.**—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) **ANNUAL GAO REPORT.**—Not later than December 31, 2011, and annually thereafter, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the economic models used by the Administrator to carry out this subsection.

(3) **AVAILABILITY OF INFORMATION.**—With respect to any regulation, requirement, policy statement, guidance document, endangerment finding, program, or permit denial, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public

Internet website of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis in the Capitol of the State.

(4) **CLEAN WATER ACT AND OTHER PERMITS.**—Each analysis under paragraph (1) shall include a description of estimated job losses and decreased economic activity due to the denial of a permit, including any permit denied under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(c) **PUBLIC HEARINGS.**—

(1) **IN GENERAL.**—If the Administrator concludes under subsection (b)(1) that a regulation, requirement, policy statement, guidance document, endangerment finding, program, or permit denial will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State not less than—

(A) 30 days before the effective date of the regulation, requirement, policy statement, guidance document, endangerment finding, or program; or

(B) 48 hours before the denial of a permit.

(2) **TIME, LOCATION, AND SELECTION.**—

(A) **IN GENERAL.**—A public hearing required by paragraph (1) shall be held at a convenient time and location for impacted residents.

(B) **LOCATION.**—In selecting a location for a public hearing under subparagraph (A), the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(3) **CITIZEN SUITS.**—

(A) **IN GENERAL.**—If a public hearing is required by paragraph (1) with respect to any State, and the Administrator fails to hold such a public hearing in accordance with paragraphs (1) and (2), any resident of the State may bring an action in any United States district court in the State to compel compliance by the Administrator.

(B) **RELIEF.**—If a resident prevails in an action against the Administrator under subparagraph (A), the United States district court—

(i) shall enjoin the regulation, requirement, policy statement, guidance document, endangerment finding, program, or permit denial that is the subject of the action; and

(ii) may award reasonable attorneys' fees and costs.

(C) **APPEAL.**—On appeal of an injunction issued under subparagraph (B)(i), a United States court of appeals—

(i) shall require the submission of briefs not later than 30 days after the date of filing of the appeal;

(ii) may not stay the injunction prior to hearing oral arguments; and

(iii) shall make a final decision not later than 90 days after the date of filing of the appeal.

(d) **NOTIFICATION.**—If the Administrator concludes under subsection (b)(1) that a regulation, requirement, policy statement, guidance document, endangerment finding, program, or permit denial will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall provide a notice of the de minimis negative impact to the congressional delegation, Governor, and legislature of the affected State not later than—

(1) 45 days before the effective date of the regulation, requirement, policy statement, guidance document, endangerment finding, requirement, or program; or

(2) 7 days before the denial of the permit.

TITLE X—FARM DUST REGULATION PREVENTION ACT

SEC. 3931. SHORT TITLE.

This title may be cited as the "Farm Dust Regulation Prevention Act".

SEC. 3932. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

"(a) **DEFINITION OF NUISANCE DUST.**—In this section, the term 'nuisance dust' means particulate matter—

"(1) generated from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas; or

"(2) consisting primarily of soil, windblown dust, or other natural or biological materials, or some combination of those materials.

"(b) **APPLICABILITY.**—Except as provided in subsection (c), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

"(c) **EXCEPTION.**—Subsection (b) does not apply with respect to any geographical area in which nuisance dust is not regulated under State, tribal, or local law to the extent that the Administrator finds that—

"(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

"(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or such a subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or such a subcategory)."

SEC. 3933. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is 1 year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

TITLE XI—NATIONAL LABOR RELATIONS BOARD REFORM

SEC. 3951. SHORT TITLE.

This title may be cited as the "National Labor Relations Board Reform Act".

SEC. 3952. AUTHORITY OF THE NLRB.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160) is amended by inserting before the period at the end the following: "': *Provided further*, That the Board shall have no power to order an employer (or seek an order against an employer) to restore or reinstate any work, product, production line, or equipment, to rescind any relocation, transfer, subcontracting, outsourcing, or other change regarding the location, entity, or employer who shall be engaged in production or other business operations, or to require any employer to make an initial or additional investment at a particular plant, facility, or location".

SEC. 3953. RETROACTIVITY.

The amendment made by section 3952 shall apply to any complaint for which a final ad-

judication by the National Labor Relations Board has not been made by the date of enactment of this Act.

TITLE XII—GOVERNMENT NEUTRALITY IN CONTRACTING ACT

SEC. 3971. SHORT TITLE.

This title may be cited as the "Government Neutrality in Contracting Act".

SEC. 3972. PURPOSES.

It is the purpose of this title to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

SEC. 3973. PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.

(a) **PROHIBITION.**—

(1) **GENERAL RULE.**—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(A) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(B) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(i) becomes a signatory, or otherwise adheres to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(ii) refuses to become a signatory, or otherwise adheres to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(2) **APPLICATION OF PROHIBITION.**—The provisions of this section shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(3) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such paragraph.

(b) **RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.**—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(1) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a

grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1); or

(2) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in paragraph (1) do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1).

(c) **FAILURE TO COMPLY.**—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient, or party, fails to comply with subsection (a) or (b), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(d) **EXEMPTIONS.**—

(1) **IN GENERAL.**—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of subsections (a) and (b) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(2) **SPECIAL CIRCUMSTANCES.**—For purposes of paragraph (1), a finding of “special circumstances” may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(3) **ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.**—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of subsections (a) or (c) if the agency head finds—

(A) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in subsection (a)(1); and

(B) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(e) **FEDERAL ACQUISITION REGULATORY COUNCIL.**—With respect to Federal contracts to which this section applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this section.

(f) **DEFINITIONS.**—In this section:

(1) **CONSTRUCTION CONTRACT.**—The term “construction contract” means any contract

for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given such term in section 133 of title 41, United States Code, except that such term shall not include the Government Accountability Office.

(3) **LABOR ORGANIZATION.**—The term “labor organization” has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

TITLE XIII—FINANCIAL REGULATORY RESPONSIBILITY ACT

SEC. 3981. SHORT TITLE.

This title may be cited as the “Financial Regulatory Responsibility Act”.

SEC. 3982. DEFINITIONS.

As used in this title—

(1) the term “agency” means the Board of Governors of the Federal Reserve System, the Bureau of Consumer Financial Protection, the Commodity Futures Trading Commission, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, the Financial Stability Oversight Council, the Office of the Comptroller of the Currency, the Office of Financial Research, the National Credit Union Administration, and the Securities and Exchange Commission;

(2) the term “chief economist” means—

(A) with respect to the Board of Governors of the Federal Reserve System, the Director of the Division of Research and Statistics, or an employee of the agency with comparable authority;

(B) with respect to the Bureau of Consumer Financial Protection, the Assistant Director for Research, or an employee of the agency with comparable authority;

(C) with respect to the Commodity Futures Trading Commission, the Chief Economist, or an employee of the agency with comparable authority;

(D) with respect to the Federal Deposit Insurance Corporation, the Director of the Division of Insurance and Research, or an employee of the agency with comparable authority;

(E) with respect to the Federal Housing Finance Agency, the Chief Economist, or an employee of the agency with comparable authority;

(F) with respect to the Financial Stability Oversight Council, the Chief Economist, or an employee of the agency with comparable authority;

(G) with respect to the Office of the Comptroller of the Currency, the Director for Policy Analysis, or an employee of the agency with comparable authority;

(H) with respect to the Office of Financial Research, the Director, or an employee of the agency with comparable authority;

(I) with respect to the National Credit Union Administration, the Chief Economist, or an employee of the agency with comparable authority; and

(J) with respect to the Securities and Exchange Commission, the Director of the Division of Risk, Strategy, and Financial Innovation, or an employee of the agency with comparable authority;

(3) the term “Council” means the Chief Economists Council established under section 9; and

(4) the term “regulation”—

(A) means an agency statement of general applicability and future effect that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, including rules, orders of general applicability, in-

terpretive releases, and other statements of general applicability that the agency intends to have the force and effect of law;

(B) does not include—

(i) a regulation issued in accordance with the formal rulemaking provisions of section 556 or 557 of title 5, United States Code;

(ii) a regulation that is limited to agency organization, management, or personnel matters;

(iii) a regulation promulgated pursuant to statutory authority that expressly prohibits compliance with this provision;

(iv) a regulation that is certified by the agency to be an emergency action, if such certification is published in the Federal Register; or

(v) a regulation that is promulgated by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee under section 10A, 10B, 13, 13A, or 19 of the Federal Reserve Act, or any of subsections (a) through (f) of section 14 of that Act.

SEC. 3983. REQUIRED REGULATORY ANALYSIS.

(a) **REQUIREMENTS FOR NOTICES OF PROPOSED RULEMAKING.**—An agency may not issue a notice of proposed rulemaking unless the agency includes in the notice of proposed rulemaking an analysis that contains, at a minimum, with respect to each regulation that is being proposed—

(1) an identification of the need for the regulation and the regulatory objective, including identification of the nature and significance of the market failure, regulatory failure, or other problem that necessitates the regulation;

(2) an explanation of why the private market or State, local, or tribal authorities cannot adequately address the identified market failure or other problem;

(3) an analysis of the adverse impacts to regulated entities, other market participants, economic activity, or agency effectiveness that are engendered by the regulation and the magnitude of such adverse impacts;

(4) a quantitative and qualitative assessment of all anticipated direct and indirect costs and benefits of the regulation (as compared to a benchmark that assumes the absence of the regulation), including—

(A) compliance costs;

(B) effects on economic activity, net job creation (excluding jobs related to ensuring compliance with the regulation), efficiency, competition, and capital formation;

(C) regulatory administrative costs; and

(D) costs imposed by the regulation on State, local, or tribal governments or other regulatory authorities;

(5) if quantified benefits do not outweigh quantitative costs, a justification for the regulation;

(6) identification and assessment of all available alternatives to the regulation, including modification of an existing regulation or statute, together with—

(A) an explanation of why the regulation meets the objectives of the regulation more effectively than the alternatives, and if the agency is proposing multiple alternatives, an explanation of why a notice of proposed rulemaking, rather than an advanced notice of proposed rulemaking, is appropriate; and

(B) if the regulation is not a pilot program, an explanation of why a pilot program is not appropriate;

(7) if the regulation specifies the behavior or manner of compliance, an explanation of why the agency did not instead specify performance objectives;

(8) an assessment of how the burden imposed by the regulation will be distributed

among market participants, including whether consumers, investors, or small businesses will be disproportionately burdened;

(9) an assessment of the extent to which the regulation is inconsistent, incompatible, or duplicative with the existing regulations of the agency or those of other domestic and international regulatory authorities with overlapping jurisdiction;

(10) a description of any studies, surveys, or other data relied upon in preparing the analysis;

(11) an assessment of the degree to which the key assumptions underlying the analysis are subject to uncertainty; and

(12) an explanation of predicted changes in market structure and infrastructure and in behavior by market participants, including consumers and investors, assuming that they will pursue their economic interests.

(b) REQUIREMENTS FOR NOTICES OF FINAL RULEMAKING.—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, an agency may not issue a notice of final rulemaking with respect to a regulation unless the agency—

(A) has issued a notice of proposed rulemaking for the relevant regulation;

(B) has conducted and includes in the notice of final rulemaking an analysis that contains, at a minimum, the elements required under subsection (a); and

(C) includes in the notice of final rulemaking regulatory impact metrics selected by the chief economist to be used in preparing the report required pursuant to section 6.

(2) **CONSIDERATION OF COMMENTS.**—The agency shall incorporate in the elements described in paragraph (1)(B) the data and analyses provided to the agency by commenters during the comment period, or explain why the data or analyses are not being incorporated.

(3) **COMMENT PERIOD.**—An agency shall not publish a notice of final rulemaking with respect to a regulation, unless the agency—

(A) has allowed at least 90 days from the date of publication in the Federal Register of the notice of proposed rulemaking for the submission of public comments; or

(B) includes in the notice of final rulemaking an explanation of why the agency was not able to provide a 90-day comment period.

(4) PROHIBITED RULES.—

(A) **IN GENERAL.**—An agency may not publish a notice of final rulemaking if the agency, in its analysis under paragraph (1)(B), determines that the quantified costs are greater than the quantified benefits under subsection (a)(5).

(B) **PUBLICATION OF ANALYSIS.**—If the agency is precluded by subparagraph (A) from publishing a notice of final rulemaking, the agency shall publish in the Federal Register and on the public website of the agency its analysis under paragraph (1)(B), and provide the analysis to each House of Congress.

(C) **CONGRESSIONAL WAIVER.**—If the agency is precluded by subparagraph (A) from publishing a notice of final rulemaking, Congress, by joint resolution pursuant to the procedures set forth for joint resolutions in section 802 of title 5, United States Code, may direct the agency to publish a notice of final rulemaking notwithstanding the prohibition contained in subparagraph (A). In applying section 802 of title 5, United States Code, for purposes of this paragraph, section 802(e)(2) shall not apply and the term—

(i) “joint resolution” or “joint resolution described in subsection (a)” means only a joint resolution introduced during the period

beginning on the submission or publication date and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: “That Congress directs, notwithstanding the prohibition contained in (3)(b)(4)(A) of the Financial Regulatory Responsibility Act of 2011, the ___ to publish the notice of final rulemaking for the regulation or regulations that were the subject of the analysis submitted by the ___ to Congress on ___.” (The blank spaces being appropriately filled in.); and

(ii) “submission or publication date” means—

(I) the date on which the analysis under paragraph (1)(B) is submitted to Congress under paragraph (4)(B); or

(II) if the analysis is submitted to Congress less than 60 session days or 60 legislative days before the date on which the Congress adjourns a session of Congress, the date on which the same or succeeding Congress first convenes its next session.

SEC. 3984. RULE OF CONSTRUCTION.

For purposes of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), obtaining, causing to be obtained, or soliciting information for purposes of complying with section 3 with respect to a proposed rulemaking shall not be construed to be a collection of information, provided that the agency has first issued an advanced notice of proposed rulemaking in connection with the regulation, identifies that advanced notice of proposed rulemaking in its solicitation of information, and informs the person from whom the information is obtained or solicited that the provision of information is voluntary.

SEC. 3985. PUBLIC AVAILABILITY OF DATA AND REGULATORY ANALYSIS.

(a) **IN GENERAL.**—At or before the commencement of the public comment period with respect to a regulation, the agency shall make available on its public website sufficient information about the data, methodologies, and assumptions underlying the analyses performed pursuant to section 3 so that the analytical results of the agency are capable of being substantially reproduced, subject to an acceptable degree of imprecision or error.

(b) **CONFIDENTIALITY.**—The agency shall comply with subsection (a) in a manner that preserves the confidentiality of nonpublic information, including confidential trade secrets, confidential commercial or financial information, and confidential information about positions, transactions, or business practices.

SEC. 3986. FIVE-YEAR REGULATORY IMPACT ANALYSIS.

(a) **IN GENERAL.**—Not later than 5 years after the date of publication in the Federal Register of a notice of final rulemaking, the chief economist of the agency shall issue a report that examines the economic impact of the subject regulation, including the direct and indirect costs and benefits of the regulation.

(b) **REGULATORY IMPACT METRICS.**—In preparing the report required by subsection (a), the chief economist shall employ the regulatory impact metrics included in the notice of final rulemaking pursuant to section 3(b)(1)(C).

(c) **REPRODUCIBILITY.**—The report shall include the data, methodologies, and assumptions underlying the evaluation so that the agency’s analytical results are capable of being substantially reproduced, subject to an acceptable degree of imprecision or error.

(d) **CONFIDENTIALITY.**—The agency shall comply with subsection (c) in a manner that

preserves the confidentiality of nonpublic information, including confidential trade secrets, confidential commercial or financial information, and confidential information about positions, transactions, or business practices.

(e) **REPORT.**—The agency shall submit the report required by subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives and post it on the public website of the agency. The Commodity Futures Trading Commission shall also submit its report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

SEC. 3987. RETROSPECTIVE REVIEW OF EXISTING RULES.

(a) **REGULATORY IMPROVEMENT PLAN.**—Not later than 1 year after the date of enactment of this title and every 5 years thereafter, each agency shall develop, submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and post on the public website of the agency a plan, consistent with law and its resources and regulatory priorities, under which the agency will modify, streamline, expand, or repeal existing regulations so as to make the regulatory program of the agency more effective or less burdensome in achieving the regulatory objectives. The Commodity Futures Trading Commission shall also submit its plan to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

(b) **IMPLEMENTATION PROGRESS REPORT.**—Two years after the date of submission of each plan required under subsection (a), each agency shall develop, submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and post on the public website of the agency a report of the steps that it has taken to implement the plan, steps that remain to be taken to implement the plan, and, if any parts of the plan will not be implemented, reasons for not implementing those parts of the plan. The Commodity Futures Trading Commission shall also submit its plan to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

SEC. 3988. JUDICIAL REVIEW.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, during the period beginning on the date on which a notice of final rulemaking for a regulation is published in the Federal Register and ending 1 year later, a person that is adversely affected or aggrieved by the regulation is entitled to bring an action in the United States Court of Appeals for the District of Columbia Circuit for judicial review of agency compliance with the requirements of section 3.

(b) **STAY.**—The court may stay the effective date of the regulation or any provision thereof.

(c) **RELIEF.**—If the court finds that an agency has not complied with the requirements of section 3, the court shall vacate the subject regulation, unless the agency shows by clear and convincing evidence that vacating the regulation would result in irreparable harm. Nothing in this section affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground.

SEC. 3989. CHIEF ECONOMISTS COUNCIL.

(a) **ESTABLISHMENT.**—There is established the Chief Economists Council.

(b) **MEMBERSHIP.**—The Council shall consist of the chief economist of each agency. The members of the Council shall select the first chairperson of the Council. Thereafter the position of Chairperson shall rotate annually among the members of the Council.

(c) **MEETINGS.**—The Council shall meet at the call of the Chairperson, but not less frequently than quarterly.

(d) **REPORT.**—One year after the effective date of this title and annually thereafter, the Council shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Financial Services and the Committee on Agriculture of the House of Representatives a report on—

(1) the benefits and costs of regulations adopted by the agencies during the past 12 months;

(2) the regulatory actions planned by the agencies for the upcoming 12 months;

(3) the cumulative effect of the existing regulations of the agencies on economic activity, innovation, international competitiveness of entities regulated by the agencies, and net job creation (excluding jobs related to ensuring compliance with the regulation);

(4) the training and qualifications of the persons who prepared the cost-benefit analyses of each agency during the past 12 months;

(5) the sufficiency of the resources available to the chief economists during the past 12 months for the conduct of the activities required by this title; and

(6) recommendations for legislative or regulatory action to enhance the efficiency and effectiveness of financial regulation in the United States.

SEC. 3990. CONFORMING AMENDMENTS.

Section 15(a) of the Commodity Exchange Act (7 U.S.C. 19(a)) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking (2) and all that follows through “light of—” and inserting the following:

“(1) **CONSIDERATIONS.**—Before promulgating a regulation under this chapter or issuing an order (except as provided in paragraph (2)), the Commission shall take into consideration—”;

(3) in paragraph (1), as so redesignated—

(A) in subparagraph (B), by striking “futures” and inserting “the relevant”;

(B) in subparagraph (C), by adding “and” at the end;

(C) in subparagraph (D), by striking “and” at the end; and

(D) by striking subparagraph (E); and

(4) by redesignating paragraph (3) as paragraph (2).

SEC. 3991. OTHER REGULATORY ENTITIES.

(a) **SECURITIES AND EXCHANGE COMMISSION.**—Not later than 1 year after the date of enactment of this title, the Securities and Exchange Commission shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report setting forth a plan for subjecting the Public Company Accounting Oversight Board, the Municipal Securities Rulemaking Board, and any national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(a)) to the requirements of this title, other than direct representation on the Council.

(b) **COMMODITY FUTURES TRADING COMMISSION.**—Not later than 1 year after the date of enactment of this title, the Commodity Futures Trading Commission shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a report setting forth a plan for subjecting any futures association registered under section 17 of the Commodity Exchange Act (7 U.S.C. 21) to the requirements of this title, other than direct representation on the Council.

SEC. 3992. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSES.

An agency may perform the analyses required by this title in conjunction with, or as a part of, any other agenda or analysis required by any other provision of law, if such other analysis satisfies the provisions this Act.

SEC. 3993. SEVERABILITY.

If any provision of this title the application of any provision of this title to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this title, shall not be affected thereby.

TITLE XIV—REGULATORY RESPONSIBILITY FOR OUR ECONOMY ACT**SEC. 3994. SHORT TITLE.**

This title may be cited as the “Regulatory Responsibility for Our Economy Act”.

SEC. 3995. DEFINITIONS.

In this title—

(1) the term “agency” means any authority of the United States that is—

(A) an agency as defined under section 3502(1) of title 44, United States Code; and

(B) shall include an independent regulatory agency as defined under section 3502(5) of title 44, United States Code;

(2) the term “regulation”—

(A) means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency; and

(B) shall not include—

(i) regulations issued in accordance with the formal rulemaking provisions of sections 556 and 557 of title 5, United States Code;

(ii) regulations that pertain to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of non-defense articles and services; or

(iii) regulations that are limited to agency organization, management, or personnel matters;

(3) the term “regulatory action” means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; and

(4) the term “significant regulatory action” means any regulatory action that is likely to result in a regulation that may—

(A) have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligation of recipients thereof;

(D) add to the national debt; or

(E) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Act.

SEC. 3996. AGENCY REQUIREMENTS.

(a) **FEDERAL REGULATORY SYSTEM.**—The Federal regulatory system shall—

(1) protect the public health, welfare, safety, and the environment of the United States, especially those promoting economic growth, innovation, competitiveness, and job creation;

(2) be based on the best available science and information;

(3) allow for public participation and an open exchange of ideas;

(4) promote predictability and reduce uncertainty, including adherence to a clearly articulated timeline for the release of regulatory documents at all stages of the regulatory process;

(5) identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends;

(6) take into account benefits and costs, both quantitative and qualitative;

(7) ensure that regulations are accessible, consistent, written in plain language, and easy to understand; and

(8) measure, and seek to improve, the actual results of regulatory requirements.

(b) **REQUIREMENTS.**—Each agency shall—

(1) propose or adopt a regulation only upon a reasoned determination that the benefits of the regulation justify the costs of the regulation to the extent permitted by law;

(2) tailor regulations of the agency to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, the costs of cumulative regulations;

(3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits, including potential economic, environmental, public health and safety, and other advantages, distributive impacts, and equity;

(4) specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities are required to adopt;

(5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public; and

(6) use the best available techniques to quantify anticipated present and future benefits and costs.

SEC. 3997. PUBLIC PARTICIPATION.

(a) **IN GENERAL.**—Regulations shall be—

(1) adopted through a process that involves public participation; and

(2) based, to the extent consistent with law, on the open exchange of information and perspectives among State, local, and tribal officials, experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole.

(b) **OPPORTUNITY TO PARTICIPATE.**—Each agency shall—

(1) provide the public with an opportunity to participate in the regulatory process;

(2) as authorized by law, afford the public a meaningful opportunity to comment

through the Internet on any proposed regulation, with a comment period that shall begin on the date on which the proposed regulation is published in the Federal Register and be not less than 60 days, unless the relevant regulation is designated by the Administrator of the Office of Information and Regulatory Affairs to be an emergency rule;

(3) provide, for both proposed and final rules, timely online access to the rule-making docket on regulations.gov, including relevant scientific and technical findings, in an open format that can be easily searched and downloaded; and

(4) for proposed rules, provide access to include, to the extent permitted by law, an opportunity for public comment on all pertinent parts of the rulemaking docket, including relevant scientific and technical findings.

(c) **SEEKING AFFECTED PARTIES.**—Before issuing a notice of proposed rulemaking, each agency shall, where appropriate, seek the views of those who are likely to be affected, including those who are likely to benefit from and those who are potentially subject to such rulemaking.

(d) **DELAY OF IMPLEMENTATION.**—

(1) **IN GENERAL.**—An agency shall delay implementation of an interim final rule until final disposition of a challenge is entered by a court in the United States, if—

(A) the agency excepted the rule from notice and public procedure under section 553(b)(3) of title 5, United States Code; and

(B) the agency exception of the rule described under paragraph (1) is challenged in a court in the United States.

(2) **LENGTH OF DELAY.**—If implementation of an interim final rule is delayed under paragraph (1), the delay shall continue until a final disposition of the challenge is entered by the court.

SEC. 3998. INTEGRATION AND INNOVATION.

(a) **FINDINGS.**—Congress finds that—

(1) some sectors and industries face a significant number of regulatory requirements, some of which may be redundant, inconsistent, or overlapping; and

(2) greater coordination across agencies should reduce these requirements, thus reducing costs and simplifying and harmonizing rules.

(b) **PROMOTION OF INNOVATION.**—In developing regulatory actions and identifying appropriate approaches, each agency shall—

(1) promote coordination, simplification, and harmonization; and

(2) identify means to achieve regulatory goals that are designed to promote innovation.

SEC. 3999. FLEXIBLE APPROACHES.

(a) **IN GENERAL.**—Each agency shall identify and consider regulatory approaches that reduce burdens, especially economic burdens, and maintain flexibility and freedom of choice for the public.

(b) **CONTENTS.**—The approaches described under subsection (a) shall include warnings, appropriate default rules, disclosure requirements, and the provision of information to the public in a form that is clear and intelligible.

SEC. 3999A. SCIENCE.

Each agency shall ensure the objectivity of any scientific and technological information and processes used to support the regulatory actions of the agency.

SEC. 3999B. RETROSPECTIVE ANALYSES OF EXISTING RULES.

(a) **RETROSPECTIVE ANALYSES.**—

(1) **IN GENERAL.**—To facilitate the periodic review of existing significant regulatory actions, agencies shall consider how best to

promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal such regulations in accordance with what has been learned.

(2) **AGREEMENT.**—Once every 5 years, each agency may enter into an agreement with a qualified private organization to conduct the retrospective analysis described in paragraph (1) of the agency.

(3) **PUBLICATION ONLINE.**—Any retrospective analyses conducted under this subsection, including supporting data, shall be published online.

(b) **AGENCY PLANS.**—

(1) **PLAN.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this title, each agency shall develop and submit to the appropriate congressional committees a preliminary plan for reviewing significant regulatory actions issued by the agency, consistent with law, under which the agency shall review its existing significant regulatory actions once every 5 years to determine whether such regulations should be modified, streamlined, expanded, or repealed so as to make the regulatory program of the agency more effective or less burdensome in achieving the regulatory objectives.

(B) **REPEAL.**—If the plan described in subparagraph (A) includes suggestions for needed repeals a timeline for such repeals shall also be included in the plan.

(2) **REPORT.**—Upon completion of a review under a plan submitted under paragraph (1), each agency shall submit to the appropriate congressional committees a report that—

(A) describes the outcome of the review, including which regulations were modified, streamlined, expanded, or repealed;

(B) describes the reasons for the modifications, streamlining, expansions, or repeals described in subparagraph (A); and

(C) in any case where an agency did not take action, describes the reasons why the agency did not take action to modify, streamline, expand, or repeal any significant regulatory actions.

TITLE XV—REDUCING REGULATORY BURDENS ACT

SEC. 3999C. SHORT TITLE.

This title may be cited as the “Reducing Regulatory Burdens Act”.

SEC. 3999D. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) **USE OF AUTHORIZED PESTICIDES.**—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.”.

SEC. 3999E. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) **DISCHARGES OF PESTICIDES.**—

“(1) **NO PERMIT REQUIREMENT.**—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a

pesticide, resulting from the application of such pesticide.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

DIVISION D—DOMESTIC ENERGY JOB PROMOTION

TITLE I—DOMESTIC JOBS, DOMESTIC ENERGY, AND DEFICIT REDUCTION ACT

SEC. 4101. SHORT TITLE.

This title may be cited as the “Domestic Jobs, Domestic Energy, and Deficit Reduction Act”.

Subtitle A—Outer Continental Shelf Leasing

SEC. 4111. LEASING PROGRAM CONSIDERED APPROVED.

(a) **IN GENERAL.**—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the “Secretary”) under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is considered to have been approved by the Secretary as a final oil and gas leasing program under that section.

(b) **FINAL ENVIRONMENTAL IMPACT STATEMENT.**—The Secretary is considered to have issued a final environmental impact statement for the program described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SEC. 4112. LEASE SALES.

(a) **IN GENERAL.**—Except as otherwise provided in this section, not later than 180 days after the date of enactment of this Act and every 270 days thereafter, the Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a lease sale in each outer Continental Shelf planning area for which the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf.

(b) **SUBSEQUENT DETERMINATIONS AND SALES.**—If the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in a planning area under this section, not later than 2 years after the date of enactment of the determination and every 2 years thereafter, the Secretary shall—

(1) determine whether there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in the planning area; and

(2) if the Secretary determines that there is a commercial interest described in subsection (a), conduct a lease sale in the planning area.

(c) **EXCLUSION FROM 5-YEAR LEASE PROGRAM.**—If a planning area for which there is

a commercial interest described in subsection (a) was not included in a 5-year lease program, the Secretary shall include leasing in the planning area in the subsequent 5-year lease program.

(d) PETITIONS.—If a person petitions the Secretary to conduct a lease sale for an outer Continental Shelf planning area in which the person has a commercial interest, not later than 60 days after the date of receipt of the petition, the Secretary shall conduct a lease sale for the area.

(e) EXCEPTION.—Subsection (a) shall not apply to the North Atlantic Planning Area.

SEC. 4113. APPLICATIONS FOR PERMITS TO DRILL.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

“(k) APPLICATIONS FOR PERMITS TO DRILL.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall approve or disapprove an application for a permit to drill submitted under this Act not later than 20 days after the date the application is submitted to the Secretary.

“(2) DISAPPROVAL.—If the Secretary disapproves an application for a permit to drill submitted under paragraph (1), the Secretary shall—

“(A) provide to the applicant a description of the reasons for the disapproval of the application;

“(B) allow the applicant to resubmit an application during the 10-day period beginning on the date of the receipt of the description by the applicant; and

“(C) approve or disapprove any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.”.

SEC. 4114. LEASE SALES FOR CERTAIN AREAS.

(a) IN GENERAL.—As soon as practicable but not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall hold—

(1) Lease Sale 216 for areas in the Central Gulf of Mexico;

(2) Lease Sale 218 for areas in the Western Gulf of Mexico;

(3) Lease Sale 220 for areas offshore the State of Virginia; and

(4) Lease Sale 222 for areas in the Central Gulf of Mexico.

(b) COMPLIANCE WITH OTHER LAWS.—For purposes of the Lease Sales described in subsection (a), the Environmental Impact Statement for the 2007-2015-Year OCS Plan and the applicable Multi-Sale Environmental Impact Statement shall be considered to satisfy the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) ENERGY PROJECTS IN THE GULF OF MEXICO.—

(1) JURISDICTION.—The United States Court of Appeals for the Fifth Circuit shall have exclusive jurisdiction over challenges to offshore energy projects and permits to drill carried out in the Gulf of Mexico.

(2) FILING DEADLINE.—Any civil action to challenge a project or permit described in paragraph (1) shall be filed not later than 60 days after the date of approval of the project or the issuance of the permit.

Subtitle B—Regulatory Streamlining

SEC. 4131. COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Subsection (e) of the Oil Shale, Tar Sands, and Other Strategic Unconventional Fuels Act of 2005 (42 U.S.C. 15927(e)) is amended—

(1) in the first sentence, by striking “Not later” and inserting the following:

“(1) IN GENERAL.—Not later”;

(2) in the second sentence—

(A) by striking “If the Secretary” and inserting the following:

“(2) LEASE SALES.—

“(A) IN GENERAL.—If the Secretary”; and

(B) by striking “may” and inserting “shall”;

(3) in the last sentence, by striking “Evidence of interest” and inserting the following:

“(B) EVIDENCE OF INTEREST.—Evidence of interest”; and

(4) by adding at the end the following:

“(C) SUBSEQUENT LEASE SALES.—During any period for which the Secretary determines that there is sufficient support and interest in a State in the development of tar sands and oil shale resources, the Secretary shall—

“(i) at least annually, consult with the persons described in paragraph (1) to expedite the commercial leasing program for oil shale resources on public land in the State; and

“(ii) at least once every 270 days, conduct a lease sale in the State under the commercial leasing program regulations.”.

SEC. 4132. JURISDICTION OVER COVERED ENERGY PROJECTS.

(a) DEFINITION OF COVERED ENERGY PROJECT.—In this section, the term “covered energy project” means any action or decision by a Federal official regarding—

(1) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(2) any action under such a lease, except that this section and Act shall not apply to a dispute between the parties to a lease entered into a provision of law authorizing the lease regarding obligations under the lease or the alleged breach of the lease.

(b) EXCLUSIVE JURISDICTION OVER CAUSES AND CLAIMS RELATING TO COVERED ENERGY PROJECTS.—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims under this section or any other Act that arise from any covered energy project.

(c) TIME FOR FILING COMPLAINT.—

(1) IN GENERAL.—Each case or claim described in subsection (b) shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.

(2) PROHIBITION.—Any cause or claim described in subsection (b) that is not filed within the time period described in paragraph (1) shall be barred.

(d) DISTRICT COURT FOR THE DISTRICT OF COLUMBIA DEADLINE.—

(1) IN GENERAL.—Each proceeding that is subject to subsection (b) shall—

(A) be resolved as expeditiously as practicable and in any event not more than 180 days after the cause or claim is filed; and

(B) take precedence over all other pending matters before the district court.

(2) FAILURE TO COMPLY WITH DEADLINE.—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline required under this section, the cause or claim shall be dismissed with prejudice and all rights relating to the cause or claim shall be terminated.

(e) ABILITY TO SEEK APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the district court under this sec-

tion may be reviewed by no other court except the Supreme Court.

(f) DEADLINE FOR APPEAL TO THE SUPREME COURT.—If a writ of certiorari has been granted by the Supreme Court pursuant to subsection (e), the interlocutory or final judgment, decree, or order of the district court shall be resolved as expeditiously as practicable and in any event not more than 180 days after the interlocutory or final judgment, decree, order of the district court is issued.

SEC. 4133. ENVIRONMENTAL IMPACT STATEMENTS.

Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) is amended by adding at the end the following: “SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS.

“(a) COMPLETION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, each review carried out under section 102(2)(C) with respect to any action taken under any provision of law, or for which funds are made available under any provision of law, shall be completed not later than the date that is 270 days after the commencement of the review.

“(2) FAILURE TO COMPLETE REVIEW.—If a review described in paragraph (1) has not been completed for an action subject to section 102(2)(C) by the date specified in paragraph (1)—

“(A) the action shall be considered to have no significant impact described in section 102(2)(C); and

“(B) that classification shall be considered to be a final agency action.

“(3) UNEMPLOYMENT RATE.—If the national unemployment rate is 5 percent or more, the lead agency conducting a review of an action under this section shall use the most expeditious means authorized under this title to conduct the review.

“(b) LEAD AGENCY.—The lead agency for a review of an action under this section shall be the Federal agency to which funds are made available for the action.

“(c) REVIEW.—

“(1) ADMINISTRATIVE APPEALS.—There shall be a single administrative appeal for each review carried out pursuant to section 102(2)(C).

“(2) JUDICIAL REVIEW.—

“(A) IN GENERAL.—On resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.

“(B) ADMINISTRATIVE RECORD.—An appeal to the court described in subparagraph (A) shall be based only on the administrative record.

“(C) PENDENCY OF JUDICIAL REVIEW.—After an agency has made a final decision with respect to a review carried out under this subsection, the decision shall be effective during the course of any subsequent appeal to a court described in subparagraph (A).

“(3) CIVIL ACTION.—Each civil action covered by this section shall be considered to arise under the laws of the United States.”.

SEC. 4134. CLEAN AIR REGULATION.

(a) REGULATION OF GREENHOUSE GASES.—Section 302(g) of the Clean Air Act (42 U.S.C. 7602(g)) is amended—

(1) by striking “(g) The term” and inserting the following:

“(g) AIR POLLUTANT.—

“(1) IN GENERAL.—The term”;

(2) by striking “Such term” and inserting the following:

“(2) INCLUSIONS.—The term ‘air pollutant’; and

(3) by adding at the end the following:

“(3) EXCLUSIONS.—The term ‘air pollutant’ does not include carbon dioxide, methane from agriculture or livestock, or water vapor.”.

(b) EMISSION WAIVERS.—The Administrator of the Environmental Protection Agency shall not grant to any State any waiver of Federal preemption of motor vehicle standards under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)) for preemption under that Act for any regulation of the State to control greenhouse gas emissions from motor vehicles.

SEC. 4135. EMPLOYMENT EFFECTS OF ACTIONS UNDER CLEAN AIR ACT.

Section 321(b) of the Clean Air Act (42 U.S.C. 7621(b)) is amended—

(1) by designating the first through eighth sentences as paragraphs (1) through (8), respectively; and

(2) by adding at the end the following:

“(9) ECONOMIC ANALYSIS.—Not later than 30 days before conducting a public hearing or providing notice of a determination that a hearing is not necessary with respect to a requirement described in paragraph (1), the Administrator shall—

“(A) conduct a full economic analysis of the requirement; and

“(B) make the results of the analysis available to the public.

“(10) ECONOMIC REVIEW BOARD.—

“(A) IN GENERAL.—Not later than 30 days after the date on which the Administrator makes the results of an economic analysis of a requirement available to the public under paragraph (9)(B), the Secretary of Commerce shall establish an economic review board consisting of a representative from each Federal agency with jurisdiction over affected industries to assess—

“(i) the cumulative economic impact of the requirement, including the direct, indirect, quantifiable, and qualitative effects;

“(ii) the cost of compliance with the requirement;

“(iii) the effect of the requirement on the retirement or closure of domestic businesses;

“(iv) the direct and indirect adverse impacts on the economies of local communities that are projected to result from the requirement;

“(v) energy sectors that could be expected to retire units as a result of the requirement;

“(vi) the impact of the requirement on the price of electricity, oil, gas, coal, and renewable resources;

“(vii) the economic harm to consumers resulting from the requirement;

“(viii) the impact of the requirement on the ability of industries and businesses in the United States to compete with industries and businesses in other countries, with respect to competitiveness in both domestic and foreign markets;

“(ix) the regions of the United States that are forecasted to be—

“(I) most affected from the direct and indirect adverse impacts of the requirement from the retirement of impacted units and increased prices for retail electricity, transportation fuels, heating oil, and petrochemicals; and

“(II) least affected from adverse impacts described in subclause (I) due to the creation of new jobs and economic growth that are expected to result directly and indirectly from energy construction projects;

“(x) the adverse impacts of the requirement on electric reliability that are expected to result from the retirement of electric generation;

“(xi) the geographical distribution of the projected adverse electric reliability impacts of the requirement;

“(xii) Federal, State, and local policies that have been or will be implemented to support energy infrastructure in the United States, including policies that promote fuel diversity, affordable and reliable electricity, and energy security; and

“(xiii) other direct and indirect impacts that are expected to result from the cumulative obligation to comply with the requirement.

“(B) REPORT.—Not later than 30 days after the date on which the economic review board completes the assessment of a requirement under subparagraph (A), the economic review board shall submit to Congress, the President, and the Secretary a report that describes the results of the assessment.

“(C) REGULATIONS.—The Administrator shall not promulgate regulations to implement a requirement described in paragraph (1) until at least 60 days after the date of submission of the report on the requirement under subparagraph (B).”.

SEC. 4136. ENDANGERED SPECIES.

(a) EMERGENCIES.—Section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539) is amended by adding at the end the following:

“(k) EMERGENCIES.—On the declaration of an emergency by the Governor of a State, the Secretary shall, for the duration of the emergency, temporarily exempt from the prohibition against taking, and the prohibition against the adverse modification of critical habitat, under this Act any action that is reasonably necessary to avoid or ameliorate the impact of the emergency, including the operation of any water supply or flood control project by a Federal agency.”.

(b) PROHIBITION OF CONSIDERATION OF IMPACT OF GREENHOUSE GAS.—

(1) IN GENERAL.—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is amended by adding at the end the following:

“SEC. 19. PROHIBITION OF CONSIDERATION OF IMPACT OF GREENHOUSE GAS.

“(a) DEFINITION OF GREENHOUSE.—In this section, the term ‘greenhouse gas’ means any of—

“(1) carbon dioxide;

“(2) methane;

“(3) nitrous oxide;

“(4) sulfur hexafluoride;

“(5) a hydrofluorocarbon;

“(6) a perfluorocarbon; or

“(7) any other anthropogenic gas designated by the Secretary for purposes of this section.

“(b) IMPACT OF GREENHOUSE GAS.—The impact of greenhouse gas on any species of fish or wildlife or plant shall not be considered for any purpose in the implementation of this Act.”.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by adding at the end the following:

“Sec. 18. Annual cost analysis by the Fish and Wildlife Service.

“Sec. 19. Prohibition of consideration of impact of greenhouse gas.”.

SEC. 4137. REISSUANCE OF PERMITS AND LEASES.

(a) ENVIRONMENTAL PROTECTION AGENCY.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environment Protection Agency shall approve the specification of the areas described in the notice entitled “Final Determination of the Assistant Administrator for Water Pursuant to Section 404(c) of the

Clean Water Act Concerning the Spruce No. 1 Mine, Logan County, WV” (76 Fed. Reg. 3126; January 19, 2011), with no further review or analysis.

(b) DEPARTMENT OF THE INTERIOR.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall issue or reissue, with no further review or analysis, each lease for the production of oil or gas in the State of Utah was cancelled during any of calendar years 2009 through 2011.

SEC. 4138. CENTRAL VALLEY PROJECT.

The Act of August 27, 1954 (68 Stat. 879, chapter 1012; 16 U.S.C. 695d et seq.) is amended by adding at the end the following:

“SEC. 9. EFFECT OF BIOLOGICAL OPINIONS.

“Notwithstanding any other provision of law, in connection with the Central Valley Project, the Bureau of Reclamation and an agency of the State of California operating a water project in connection with the Project shall not restrict operations of an applicable project pursuant to any biological opinion issued under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), if the restriction would result in a level of allocation of water that is less than the historical maximum level of allocation of water under the project.”.

SEC. 4139. BEAUFORT SEA OIL DRILLING PROJECT.

Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue a permit under the Clean Air Act (42 U.S.C. 7401 et seq.) to Shell Oil Company to permit the Company to drill for oil in the Beaufort Sea, with no further review or analysis.

SEC. 4140. ENVIRONMENTAL LEGAL FEES.

Section 504 of title 5, United States Code, is amended by adding at the end the following:

“(g) ENVIRONMENTAL LEGAL FEES.—Notwithstanding section 1304 of title 31, no award may be made under this section and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any legal fees of an environmental nongovernmental organization related to an action that (with respect to the United States)—

“(1) prevents, terminates, or reduces access to or the production of—

“(A) energy;

“(B) a mineral resource;

“(C) water by agricultural producers;

“(D) a resource by commercial or recreational fishermen; or

“(E) grazing or timber production on Federal land;

“(2) diminishes the private property value of a property owner; or

“(3) eliminates or prevents 1 or more jobs.”.

TITLE II—JOBS AND ENERGY PERMITTING ACT

SEC. 4201. SHORT TITLE.

This title may be cited as the “Jobs and Energy Permitting Act”.

SEC. 4202. AIR QUALITY MEASUREMENT.

Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended in the second sentence by inserting before the period at the end the following: “, except that any air quality impact of any OCS source shall be measured or modeled, as appropriate, and determined solely with respect to the impacts in the corresponding onshore area”.

SEC. 4203. OUTER CONTINENTAL SHELF SOURCE.

Section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended—

(1) in the matter preceding subparagraph (A), by striking “subsections (a) and (b)” and inserting “this subsection and subsections (b) and (d)”;

(2) in subparagraph (C)—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and by indenting the subclauses appropriately;

(B) by striking “The terms” and inserting “(i) IN GENERAL.—The terms”;

(C) by striking the undersigned matter following subclause (III) (as redesignated by subparagraph (A)) and inserting the following:

“(ii) OCS SOURCE ACTIVITY.—An OCS source activity includes platform and drill ship exploration, construction, development, production, processing, and transportation.

“(iii) EMISSIONS.—Emissions from any vessel servicing or associated with an OCS source, including emissions while at the OCS source or en route to or from the OCS source within 25 miles of the OCS source—

“(I) shall be considered direct emissions from the OCS source; but

“(II) shall not be subject to any emission control requirement applicable to the source under subpart 1 of part C of title I.

“(iv) PLATFORM OR DRILL SHIP EXPLORATION.—For platform or drill ship exploration, an OCS source is established at the point in time when drilling commences at a location and ceases to exist when drilling activity ends at that location or is temporarily interrupted because the platform or drill ship relocates for weather or other reasons.”.

SEC. 4204. PERMITS.

Section 328 of the Clean Air Act (42 U.S.C. 7627) is amended by adding at the end the following:

“(d) PERMIT APPLICATION.—In the case of a completed application for a permit under this Act for platform or drill ship exploration for an OCS source—

“(1) final agency action (including any reconsideration of the issuance or denial of the permit) shall be taken not later than 180 days after the date of filing the completed application;

“(2) the Environmental Appeals Board of the Environmental Protection Agency shall have no authority to consider any matter relating to the consideration, issuance, or denial of the permit;

“(3) no administrative stay of the effectiveness of the permit may extend beyond the date that is 180 days after the date of filing the completed application;

“(4) the final agency action shall be considered to be nationally applicable under section 307(b); and

“(5) judicial review of the final agency action shall be available only in accordance with section 307(b) without additional administrative review or adjudication.”.

TITLE III—AMERICAN ENERGY AND WESTERN JOBS ACT

SEC. 4301. SHORT TITLE.

This title may be cited as the “American Energy and Western Jobs Act”.

SEC. 4302. RESCISSION OF CERTAIN INSTRUCTION MEMORANDA.

The following are rescinded and shall have no force or effect:

(1) The Bureau of Land Management Instruction Memorandum entitled “Oil and Gas Leasing Reform—Land Use Planning and Lease Parcel Reviews”, numbered 2010–117, and dated May 17, 2010.

(2) The Bureau of Land Management Instruction Memorandum entitled “Energy Policy Act Section 390 Categorical Exclusion

Policy Revision”, numbered 2010–118, and dated May 17, 2010.

(3) Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010.

SEC. 4303. AMENDMENTS TO THE MINERAL LEASING ACT.

(a) ONSHORE OIL AND GAS LEASE ISSUANCE IMPROVEMENT.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended in the seventh sentence, by striking “Leases shall be issued within 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year” and inserting “The Secretary of the Interior shall automatically issue a lease 60 days after the date of the payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year, unless the Secretary of the Interior is able to issue the lease before that date. The filing of any protest to the sale or issuance of a lease shall not extend the date by which the lease is to be issued”.

(b) JUDICIAL REVIEW.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

“(q) JUDICIAL REVIEW.—Any action seeking judicial review of the adequacy of any program or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing for onshore Federal land shall be barred unless the action is brought in the appropriate district court of the United States by the date that is 60 days after the date on which there is published in the Federal Register the notice of the availability of the environmental impact statement.”.

(c) DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.—The Mineral Leasing Act is amended by inserting after section 37 (30 U.S.C. 193) the following:

“SEC. 38. DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.

“(a) DEFINITIONS.—In this section:

“(1) DEPARTMENT.—The term ‘Department’ means the Department of the Interior.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) DUTY OF SECRETARY.—

“(1) IN GENERAL.—Before the modification and implementation of any onshore oil or natural gas preleasing or leasing and development policy (as in effect as of January 1, 2010) or a policy relating to protecting the wilderness characteristics of public land, the Secretary shall—

“(A) complete an economic impact assessment in accordance with paragraph (2); and

“(B) issue a determination that the proposed policy modification would have the effects described in paragraph (2)(A).

“(2) REQUIREMENTS.—In carrying out an assessment to determine the impact of a proposed policy modification described in paragraph (1), the Secretary shall—

“(A) in consultation with the appropriate officials of each State (including political subdivisions of the State) in which 1 or more parcels of land subject to oil and natural gas leasing are located and any other appropriate individuals or entities, as determined by the Secretary—

“(i)(I) carry out an economic analysis of the impact of the policy modification on oil and natural gas-related employment opportunities and domestic reliance on foreign imports of petroleum resources; and

“(II) certify that the policy modification would not result in a detrimental impact on employment opportunities relating to oil-

and natural gas-related development or contribute to an increase in the domestic use of imported petroleum resources; and

“(ii) carry out a policy assessment to determine the manner by which the policy modification would impact—

“(I) revenues from oil and natural gas receipts to the general fund of the Treasury, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

“(II) revenues to the treasury of each affected State that shares oil and natural gas receipts with the Federal Government, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

“(B) provide notice to the public of, and an opportunity to comment on, the policy modification in a manner consistent with subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).”.

SEC. 4304. ANNUAL REPORT ON REVENUES GENERATED FROM MULTIPLE USE OF PUBLIC LAND.

(a) ANNUAL REPORT.—As part of the annual agency budget, the Secretary of the Interior (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) shall submit an annual report detailing, for each field office, the revenues generated by each use of public land.

(b) INCLUSIONS.—The report shall include—

(1) a line item for each use of public land, including use for—

(A) grazing;

(B) recreation;

(C) timber;

(D) leasable minerals, including a distinct accounting for each of oil, natural gas, coal, and geothermal development;

(E) locatable minerals;

(F) renewable energy sources, including a distinct accounting for each of wind and solar energy;

(G) the sale of land; and

(H) transmission; and

(2) identification of the total acres designated as wilderness, wilderness study areas, and wild lands.

(c) AVAILABILITY.—The Secretary of the Interior and the Secretary of Agriculture shall make the report prepared under this section publicly available on the applicable agency website.

SEC. 4305. FEDERAL ONSHORE OIL AND NATURAL GAS PRODUCTION GOAL.

(a) IN GENERAL.—The Secretary of the Interior shall establish a domestic strategic production goal for the development of oil and natural gas managed by the Federal Government.

(b) REQUIREMENTS.—In establishing the goal under subsection (a), the Secretary shall—

(1) ensure that the United States maintains or increases production of Federal onshore oil and natural gas;

(2) ensure that the 10-year production outlook for Federal onshore oil and natural gas be provided annually;

(3) examine steps to streamline the permitting process to meet the goal;

(4) include the goal in each resource management plan; and

(5) analyze each proposed policy of the Department of the Interior for the potential impact of the policy on achieving the goal before implementation of the policy.

SEC. 4306. OIL SHALE.

(a) **ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall hold a lease sale in which the Secretary of the Interior shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases described in the notice entitled “Potential for Oil Shale Development; Call for Nominations—Oil Shale Research, Development, and Demonstration (R, D, and D) Program” (74 Fed. Reg. 2611).

(b) **APPLICATION OF REGULATIONS.**—The final rule entitled “Oil Shale Management—General” (73 Fed. Reg. 69414), shall apply to all commercial leasing for the management of federally owned oil shale and any associated minerals located on Federal land.

TITLE IV—MINING JOBS PROTECTION ACT**SEC. 4401. SHORT TITLE.**

This title may be cited as the “Mining Jobs Protection Act”.

SEC. 4402. PERMITS FOR DREDGED OR FILL MATERIAL.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

“(c) **AUTHORITY OF ADMINISTRATOR TO DISAPPROVE SPECIFICATIONS.**—

“(1) **IN GENERAL.**—The Administrator, in accordance with this subsection, may prohibit the specification of any defined area as a disposal site, and may deny or restrict the use of any defined area for specification as a disposal site, in any case in which the Administrator determines, after notice and opportunity for public hearings and consultation with the Secretary, that the discharge of those materials into the area will have an unacceptable adverse effect on—

“(A) municipal water supplies;

“(B) shellfish beds and fishery areas (including spawning and breeding areas);

“(C) wildlife; or

“(D) recreational areas.

“(2) **DEADLINE FOR ACTION.**—

“(A) **IN GENERAL.**—The Administrator shall—

“(i) not later than 30 days after the date on which the Administrator receives from the Secretary for review a specification proposed to be issued under subsection (a), provide notice to the Secretary of, and publish in the Federal Register, a description of any potential concerns of the Administrator with respect to the specification, including a list of measures required to fully address those concerns; and

“(ii) if the Administrator intends to disapprove a specification, not later than 60 days after the date on which the Administrator receives a proposed specification under subsection (a) from the Secretary, provide to the Secretary and the applicant, and publish in the Federal Register, a statement of disapproval of the specification pursuant to this subsection, including the reasons for the disapproval.

“(B) **FAILURE TO ACT.**—If the Administrator fails to take any action or meet any deadline described in subparagraph (A) with respect to a proposed specification, the Administrator shall have no further authority under this subsection to disapprove or prohibit issuance of the specification.

“(3) **NO RETROACTIVE DISAPPROVAL.**—

“(A) **IN GENERAL.**—The authority of the Administrator to disapprove or prohibit issuance of a specification under this subsection—

“(i) terminates as of the date that is 60 days after the date on which the Administrator receives the proposed specification from the Secretary for review; and

“(ii) shall not be used with respect to any specification after issuance of the specification by the Secretary under subsection (a).

“(B) **SPECIFICATIONS DISAPPROVED BEFORE DATE OF ENACTMENT.**—In any case in which, before the date of enactment of this subparagraph, the Administrator disapproved a specification under this subsection (as in effect on the day before the date of enactment of the Jobs Through Growth Act) after the specification was issued by the Secretary pursuant to subsection (a)—

“(i) the Secretary may—

“(I) reevaluate and reissue the specification after making appropriate modifications; or

“(II) elect not to reissue the specification; and

“(ii) the Administrator shall have no further authority to disapprove the modified specification or any reissuance of the specification.

“(C) **FINALITY.**—An election by the Secretary under subparagraph (B)(i) shall constitute final agency action.

“(4) **APPLICABILITY.**—Except as provided in paragraph (3), this subsection applies to each specification proposed to be issued under subsection (a) that is pending as of, or requested or filed on or after, the date of enactment of the Jobs Through Growth Act”.

SEC. 4403. REVIEW OF PERMITS.

Section 404(q) of the Federal Water Pollution Control Act (33 U.S.C. 1344(q)) is amended—

(1) in the first sentence, by striking “(q) Not later than” and inserting the following:

“(q) **AGREEMENTS; HIGHER REVIEW OF PERMITS.**—

“(1) **AGREEMENTS.**—

“(A) **IN GENERAL.**—Not later than”;

(2) in the second sentence, by striking “Such agreements” and inserting the following:

“(B) **DEADLINE.**—Agreements described in subparagraph (A)”;

(3) by adding at the end the following:

“(2) **HIGHER REVIEW OF PERMITS.**—

“(A) **IN GENERAL.**—Subject to subparagraph (C), before the Administrator or the head of another Federal agency requests that a permit proposed to be issued under this section receive a higher level of review by the Secretary, the Administrator or other head shall—

“(i) consult with the head of the State agency having jurisdiction over aquatic resources in each State in which activities under the requested permit would be carried out; and

“(ii) obtain official consent from the State agency (or, in the case of multiple States in which activities under the requested permit would be carried out, from each State agency) to designate areas covered or affected by the proposed permit as aquatic resources of national importance.

“(B) **FAILURE TO OBTAIN CONSENT.**—If the Administrator or the head of another Federal agency does not obtain State consent described in subparagraph (A) with respect to a permit proposed to be issued under this section, the Administrator or Federal agency may not proceed in seeking higher review of the permit.

“(C) **LIMITATION ON ELEVATIONS.**—The Administrator or the head of another Federal agency may request that a permit proposed to be issued under this section receive a higher level of review by the Secretary not more than once per permit.

“(D) **EFFECTIVE DATE.**—This paragraph applies to permits for which applications are submitted under this section on or after January 1, 2010.”.

TITLE V—ENERGY TAX PREVENTION ACT**SEC. 4501. SHORT TITLE.**

This title may be cited as the “Energy Tax Prevention Act”.

SEC. 4502. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) **IN GENERAL.**—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

“SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

“(a) **DEFINITION.**—In this section, the term ‘greenhouse gas’ means any of the following:

“(1) Water vapor.

“(2) Carbon dioxide.

“(3) Methane.

“(4) Nitrous oxide.

“(5) Sulfur hexafluoride.

“(6) Hydrofluorocarbons.

“(7) Perfluorocarbons.

“(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

“(b) **LIMITATION ON AGENCY ACTION.**—

“(1) **LIMITATION.**—

“(A) **IN GENERAL.**—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

“(B) **AIR POLLUTANT DEFINITION.**—The definition of the term ‘air pollutant’ in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

“(2) **EXCEPTIONS.**—Paragraph (1) does not prohibit the following:

“(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled ‘Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards’ (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled ‘Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles’ published at 75 Fed. Reg. 74152 (November 30, 2010).

“(B) Implementation and enforcement of section 211(o).

“(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

“(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

“(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101-549 (commonly referred to as the ‘Clean Air Act Amendments of 1990’).

“(3) **INAPPLICABILITY OF PROVISIONS.**—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

“(4) **CERTAIN PRIOR AGENCY ACTIONS.**—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

“(A) ‘Mandatory Reporting of Greenhouse Gases’, published at 74 Fed. Reg. 56260 (October 30, 2009).

“(B) ‘Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act’ published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

“(C) ‘Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs’ published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning ‘EPA’s Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program’ (Dec. 18, 2008).

“(D) ‘Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 31514 (June 3, 2010).

“(E) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call’, published at 75 Fed. Reg. 77698 (December 13, 2010).

“(F) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases’, published at 75 Fed. Reg. 81874 (December 29, 2010).

“(G) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan’, published at 75 Fed. Reg. 82246 (December 30, 2010).

“(H) ‘Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 82254 (December 30, 2010).

“(I) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program’, published at 75 Fed. Reg. 82430 (December 30, 2010).

“(J) ‘Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule’, published at 75 Fed. Reg. 82536 (December 30, 2010).

“(K) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule’, published at 75 Fed. Reg. 82365 (December 30, 2010).

“(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

“(5) STATE ACTION.—

“(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

“(B) EXCEPTION.—

“(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

“(I) is not federally enforceable;

“(II) is not deemed to be a part of Federal law; and

“(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

“(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term ‘provision’ means any provision that—

“(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

“(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

“(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).”

SEC. 4503. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

“(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

“(A) the Administrator may not waive application of subsection (a); and

“(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).”

TITLE VI—REPEAL RESTRICTIONS ON GOVERNMENT USE OF DOMESTIC ALTERNATIVE FUELS

SEC. 4601. REPEAL OF UNNECESSARY BARRIER TO DOMESTIC FUEL PRODUCTION.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

TITLE VII—PUBLIC LANDS JOB CREATION ACT

SEC. 4701. SHORT TITLE.

This title may be cited as the “Public Lands Job Creation Act”.

SEC. 4702. REVIEW OF CERTAIN FEDERAL REGISTER NOTICES.

If, by the date that is 45 days after the date on which a State Bureau of Land Management office has submitted a Federal Register notice to the Washington, DC, office of the Bureau of Land Management for Department of Interior review, the review has not been completed—

(1) the notice shall consider to be approved; and

(2) the State Bureau of Land Management office shall immediately forward the notice to the Federal Register for publication.

DIVISION E—EXPORT PROMOTION

SEC. 5001. SHORT TITLE.

This division may be cited as the “Creating American Jobs through Exports Act of 2011”.

SEC. 5002. RENEWAL OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) is amended—

(1) in subsection (a)(1), by striking subparagraph (A) and inserting the following:

“(A) may enter into trade agreements with foreign countries—

“(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

“(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c); and”;

(2) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

“(C) The President may enter into a trade agreement under this paragraph—

“(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

“(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c).”;

and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “before July 1, 2005” and inserting “on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “after June 30, 2005, and before July 1, 2007” and inserting “on or after June 1, 2013, and before December 31, 2013”; and

(II) in clause (ii), by striking “July 1, 2005” and inserting “June 1, 2013”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “April 1, 2005” and inserting “March 1, 2013”;

(C) in paragraph (3)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking “June 1, 2005” and inserting “May 1, 2013”; and

(ii) in subparagraph (B)—

(I) by striking “June 1, 2005” and inserting “May 1, 2013”; and

(II) by striking “the date of enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”; and

(D) in paragraph (5), by striking “June 30, 2005” each place it appears and inserting “May 31, 2013”.

(b) TREATMENT OF THE TRANS-PACIFIC PARTNERSHIP AGREEMENT AND CERTAIN OTHER AGREEMENTS.—Section 2106 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3806) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the comma at the end and inserting “, or”;

(B) by striking paragraphs (2), (3), and (4) and inserting the following:

“(2) establishes a Trans-Pacific Partnership,”; and

(C) in the flush text at the end, by striking “the date of the enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”; and

(2) in subsection (b)(2), in the matter preceding subparagraph (A), by striking “the enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”.

SEC. 5003. MODIFICATION OF STANDARD FOR PROVISIONS THAT MAY BE INCLUDED IN IMPLEMENTING BILLS.

Section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b)), as amended by section 5002(a), is further amended in paragraph (3)(B) by striking clause (ii) and inserting the following:

“(ii) provisions that are necessary to the implementation and enforcement of such trade agreement.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 8, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 8, 2011, at 10:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 8, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Beyond NCLB: Views on the Elementary and Secondary Education Reauthorization Act" on November 8, 2011, at 10 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 8, 2011, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 8, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the U.S. Department of Justice."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 5, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING AND HONORING THE ZOOS AND AQUARIUMS OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. Res. 132 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 132) recognizing and honoring the zoos and aquariums of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 132) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 132

Whereas the 223 zoos and aquariums accredited by the Association of Zoos and Aquariums support more than 142,000 jobs nationwide, making such zoos and aquariums a valuable part of local and national economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums generate more than \$15,000,000,000 in economic activity in the United States annually;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums attract more than 165,000,000 visitors each year and are a valuable part of regional, State, and local tourist economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have formally trained more than 400,000 teachers, and such zoos and aquariums support science curricula with effective teaching materials and hands-on opportunities and host more than 12,000,000 students annually on school field trips;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums provide a unique opportunity for the public to engage in conservation and education efforts, and more than 60,000 people invest more than 3,000,000 hours per year as volunteers at such zoos and aquariums;

Whereas public investment in accredited zoos and aquariums has dual benefits, including immediate job creation and environmental education for children in the United States;

Whereas accredited zoos and aquariums focus on connecting people and animals, and such zoos and aquariums provide a critical link to helping animals in their native habitats;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have provided more than

\$90,000,000 per year over the past 5 years to support more than 4,000 field conservation and research projects in more than 100 countries; and

Whereas many Federal agencies have recognized accredited zoos and aquariums as critical partners in rescue, rehabilitation, confiscation, and reintroduction efforts for distressed, threatened, and endangered species: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the zoos and aquariums of the United States;

(2) commends the employees and volunteers at each zoo and aquarium for their hard work and dedication;

(3) recommends that people in the United States visit their local accredited zoo and aquarium and take advantage of the educational opportunities that such zoos and aquariums offer; and

(4) urges continued support for accredited zoos and aquariums and the important conservation, education, and recreation programs of such zoos and aquariums.

UNANIMOUS CONSENT AGREEMENT—S. 1280

Mr. REID. Mr. President, I ask unanimous consent that the amendment to the title of S. 1280 be engrossed, set out in the heading of amendment No. 668, be considered to have been proposed and adopted as such.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the amendment to the title of S. 1280, as engrossed by the Senate was set out only in the heading of amendment No. 668, the substitute for the bill, and not in the text of amendment No. 668. It was not properly drafted as an amendment to the title of the bill. Unlike properly drafted title amendments, amendment headings are not printed in the CONGRESSIONAL RECORD, nor are they contained in online computer records. Therefore, this title amendment is first present in the engrossed Senate bill and is not otherwise reproduced as part of the legislative history of the bill. To clarify the Senate's intention to amend this title, the Senate agreed to this unanimous consent request.

ORDERS FOR WEDNESDAY, NOVEMBER 9, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, November 9, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 70 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 40 minutes and the majority controlling the

final 30 minutes; that following morning business, the Senate proceed to the consideration of S.J. Res. 6, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, tomorrow we will debate S.J. Res. 6 regarding net neutrality and continue debate on H.R. 674, the 3% Withholding Repeal and Jobs Act, with the Veterans jobs amendment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:12 p.m., adjourned until Wednesday, November 9, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES INTERNATIONAL TRADE COMMISSION

MEREDITH M. BROADBENT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING JUNE 16, 2017, VICE DEANNA TANNER OKUN, TERM EXPIRED.

DEPARTMENT OF STATE

ANNE CLAIRE RICHARD, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION), VICE ERIC P. SCHWARTZ, RESIGNED.

TARA D. SONENSHINE, OF MARYLAND, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY, VICE JUDITH A. MCHALE.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

JASON P. JEFFREYS, OF MISSISSIPPI

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

CORINNA E. YBARRA ARNOLD, OF TEXAS

FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ANDREA ARCILA, OF TEXAS

ANDREW J. AYLWARD, OF CALIFORNIA

KALA CARRUTHERS AZAR, OF VIRGINIA

BRANISLAVA BELL, OF VIRGINIA

JAMES CHARLES BENNETT, OF WISCONSIN

JOSHUA R. BENZ, OF MARYLAND

TIMOTHY JUDE BERTOCCHI, OF VIRGINIA

ANNIKA R. BETANCOURT, OF CONNECTICUT

WILLIAM LEE BLACK II, OF VIRGINIA

PHILIPPE A. BOHEC, OF THE DISTRICT OF COLUMBIA

MATTHEW ANTHONY BOULLIQUON, OF VIRGINIA

CHARLES B. BOWERS, OF VIRGINIA

MICHEL C. BUEKENS, OF THE DISTRICT OF COLUMBIA

AARON PAUL BURGE, OF FLORIDA

ALLISON SUZANNE BYBEE, OF NEW JERSEY

CINDY H. CHEN, OF ILLINOIS

SHILIANG (THOMAS) CHEN, OF NEW YORK

DAHM CHOI, OF CALIFORNIA

KRISTOFER LEE CLARK, OF FLORIDA

PATRICK FRANCIS COLLINS, OF ILLINOIS

JESSI MARIE COPELAND, OF VIRGINIA

EMILY ANN CRACKNELL, OF VIRGINIA

EDWARD FRANCIS DANOWITZ III, OF GEORGIA

KRISTIE DILASCIO, OF THE DISTRICT OF COLUMBIA

ANDREW JOSEPH DILBERT, OF FLORIDA

REBECCA ANN DOFFING, OF MINNESOTA

ANDREW WEBER DUFF, OF THE DISTRICT OF COLUMBIA

SUSAN L. DUNATHAN, OF NORTH CAROLINA

WREN S. ELHAI, OF VIRGINIA

MICHAEL JARED FELDMAN, OF MARYLAND

JAMES PATRICK FELDMAYER, OF WASHINGTON

BETH RUSHFORD FERNALD, OF NEW HAMPSHIRE

CAITLIN FINLEY, OF OREGON

LIAM E. FITZGERALD, OF VIRGINIA

SACHA FRAITURE, OF MARYLAND

WILLIAM DAVID TUNGETT FROST, OF KENTUCKY

DORY GEDEON, OF VIRGINIA

LAUREN M. GIBSON, OF MARYLAND

NICHOLAS GRAY, OF WISCONSIN

MILES CHRISTIAN HANSEN, OF UTAH

MARK D. HARLAN, OF THE DISTRICT OF COLUMBIA

KIMBERLY REBECCA HARMON, OF SOUTH CAROLINA

JOHN HAZLETT, JR., OF MARYLAND

JEFFREY CLAIR HILLIARD, OF CALIFORNIA

COURTNEY W. HO, OF NEW JERSEY

REID STEVENSON HOWELL, OF OREGON

MAIETA HOWZE, OF THE DISTRICT OF COLUMBIA

JONATHAN HWANG, OF CALIFORNIA

KUMI T. IKEDA, OF CALIFORNIA

AMIRAH TAREK ISMAIL, OF ARIZONA

NILE JOHANNA JOHNSON, OF GEORGIA

JOAN KATO, OF IOWA

RICHARD THOMAS KERR, OF NEW HAMPSHIRE

AAMER ALAM KHAN, OF MASSACHUSETTS

JOSEPH KIM, OF VIRGINIA

JAN JERRY KRASNY, OF FLORIDA

JIN-FONG YASUO LAM, OF FLORIDA

FRANK LAVOIE, OF NEVADA

ROBERT P. LEFMAN, OF VIRGINIA

KELLY LORENZ, OF VIRGINIA

JACLYN LUO, OF GEORGIA

JAMES REID MACDONALD III, OF OREGON

EWAN JOHN MACDOUGALL, OF NEW YORK

ERICA MAGALLON, OF CALIFORNIA

DAN MARK, OF WASHINGTON

TRACY MARTIN, OF NEW YORK

VANESSA DANIELLE COLN MATOS, OF TEXAS

KEVIN E. MCCALL, OF MARYLAND

KRISTINE R. MCELWEE, OF HAWAII

DAVID MCWILLIAMS, OF TEXAS

MATTHEW MICHAEL, OF VIRGINIA

LITAH NICOLE MILLER, OF MISSOURI

JAMES J. MURPHY, OF VIRGINIA

CRISTINA MARIE NARVAEZ, OF MINNESOTA

CARLY SABRIA NASEHI, OF FLORIDA

TOBIN H. NELSON, OF CALIFORNIA

KATHERINE ADJOA NTIAMOAH, OF INDIANA

WILLIAM E. O'BRYAN, OF NEBRASKA

LARRY G. PADGET, JR., OF VIRGINIA

DAVID TODD PANETTI, OF MINNESOTA

MELISSA PAULSEN, OF GEORGIA

NICOLETTE L. PAYNE, OF MICHIGAN

AMY PETERSEN, OF THE DISTRICT OF COLUMBIA

SHANNON ELISABETH PETRY, OF CONNECTICUT

HEDAYAT KHALIL RAFIQZAD, OF VIRGINIA

CHRISTOPHER RAINS, OF CALIFORNIA

KAKOLI RAY, OF NEW JERSEY

JUSTIN REID, OF CALIFORNIA

SALINA RICO, OF CALIFORNIA

KAHINA MILDRAA ROBINSON, OF CALIFORNIA

JOHN RUNKLE, OF WASHINGTON

PHILLIP R. SALEH, OF VIRGINIA

LEILA SALIBA, OF THE DISTRICT OF COLUMBIA

WILLIAM C. SANDS, OF MICHIGAN

MIRIAM S. SCHIVE, OF MARYLAND

THOMAS SAMART SMITH, OF WYOMING

NOOSHIN SOLTANI, OF NEW YORK

PAUL A. ST. PIERRE II, OF VIRGINIA

JAMES V. STANG, OF CALIFORNIA

ELYSE STINES, OF NEW YORK

ELISABETH CARBIN STRATTON, OF THE DISTRICT OF CO-

LUMBIA

KAREN TANG, OF VIRGINIA

ALEXANDRA JOLIE TAYLOR, OF PENNSYLVANIA

SEAN ANDREW THOMPSON, OF WASHINGTON

ELIZABETH B. THRELKELD, OF OKLAHOMA

BRIAN ANDREW TIMM-BROCK, OF PENNSYLVANIA

CAITLIN JANE TUMULTY, OF MASSACHUSETTS

NICHOLAS TYNER, OF MASSACHUSETTS

TIA H. VANNI, OF VIRGINIA

KAHEH VAMEGHI VESSALI, OF CALIFORNIA

ROBERT D. VITATOE, OF GEORGIA

HARLOW C. VOORHEES, OF THE DISTRICT OF COLUMBIA

DANIEL T. WEBBER, OF VIRGINIA

JOHN ALAN WEBER, OF WEST VIRGINIA

EILEEN WEDEL, OF FLORIDA

ERIC MICHAEL WILSON, OF THE DISTRICT OF COLUMBIA

COURTNEY J. WOODS, OF ARKANSAS

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

JOSE G. BAL

FATU M. FORNA

ERICA D. RADDEEN

DEBORAH S. BELSKY

MARIA D. DEARMAN

SETH R. HECKMAN

JONATHAN R. KEVAN

SARAH E. NILES

TO BE SURGEON

TO BE SENIOR ASSISTANT MEDICAL OFFICER

ANGELA D. SHELTON

KIMBERLY A. SMITH

TO BE SENIOR ASSISTANT DENTAL OFFICER

MELISSA L. ALYLWORTH

TARA L. RAGLAND

TO BE ASSISTANT DENTAL OFFICER

DAVID J. MCINTYRE

TO BE NURSE OFFICER

SAMUEL N. CARDARELLA

TO BE ASSISTANT NURSE OFFICER

JEFFREY M. BENZMILLER

TINA M. BRADS-PITT

TIMIKI A. BROWN

YANEKE T. DUFFUS

AMANDA H. FRISON

KAMAH A. HOWARD

VICTORIA E. MALEY

ERIN M. MCMAHON

ABBY L. MOZKEKE-BAKER

JAMES A. NOWELL

RODNEY C. PERKINS

MARY LEE PETERSEN

MAHOGONY J. RAHMING

JESUS B. REYNA

KIMMALA S. ROUNDTREE

RANDAL A. SHERRON

JAMIE A. SMITH

DARLENE A. STEPHENS

TO BE JUNIOR ASSISTANT NURSE OFFICER

MALVIS N. ACHONDUH

ADEDOYIN A. ADEPOJU

SHEENA R. BAILEY

JOHNICE J. BARAJAS

NANCY R. BOGDANOVIC

DUSTIN V. BOWDEN

CARIN S. BUSCH

JAMES L. CARTER

CHRISTOPHER M. DAVIS

KATHRYN E. FAFORD

ALYSSA N. GIVENS

CRYSTAL N. HARRIS

REBECCA A. HAYNES

ASHLEY J. INNIS

LYNN C. JOHNSON

KELLIE LEVEILLE

VALERIE J. MARTIN

JENNIFER N. MORGAN

ALI A. PATINO, JR.

JENNIFER L. RUNNELS

STEPHEN K. RUSSELL

CAITLIN M. WESKAMP

ERICA M. WILLIAMS

ERIC D. WILSON

SARAH R. YOUNGBAUER

TO BE ASSISTANT ENGINEER OFFICER

SHANE C. DECKERT

ABRAHAM MARRERO

MARTA MARTIN-MATOS

TRAVIS R. SPAETH

MICHAEL H. TOLLON

VIKY G. VERNA

TO BE JUNIOR ASSISTANT ENGINEER OFFICER

KELLY R. HOEKSEMA

LYONEL A. JEAN-BAPTISTE, JR.

TO BE ASSISTANT SCIENTIST OFFICER

SARAH E. ANGSTMANN

ROBERT W. BINFORD

ADAM S. COLEMAN

CHRISTOPHER L. COOPER

BLAIR R. DANCY

ALYSON BETH S. EISENHARDT

BRUCE V. FIGUERRED

CAITLIN A. HAMELL

LUIS M. ITURRIAGA

ERIC F. KEBKER

YVETTE LAWRENCE-HOOD

MARK S. LEVI

ERICA L. MEDLOCK

JOHN T. PESCE

CHANDRA SPOLES

ASHLEY KAY S. WINKLEMAN

JULIANA A. ZUCCO

TO BE ASSISTANT VETERINARY OFFICER

MICHAEL CHIU

WENDY B. CUEVAS-ESPELID

TORIA C. DAVIS-FOSTER

SANG H. LEE

TO BE ASSISTANT PHARMACY OFFICER

SAMUEL N. AREH

NEGASSI M. BIRE

MICHAEL O. BOLURO-AJAYI

GRACE P. CHAI

JENNY CHANG

SAMUEL E. CINCOTTA

DELLA C. CUTCHINS

ARIEL R. DAVIS

LAURA E. ENMAN

KATHERINE J. FREELING

TERESA R. GRUND

BRIAN D. HAMBURGER
 MANDEL J. HEARNS
 CHRISTOPHER JANIK
 NINA M. JOHNSON—WHITENACK
 SADHNA KHATRI
 RANA KIM
 JASON D. KINYON
 KELLIE N. LE
 JUNG E. LEE
 ANDREW D. LESTER
 FRANCELISE A. LEVEILLE
 EITHU Z. LWIN
 ZIRNITA J. MALLORY
 NIMMY MATHEWS
 KRISTOPHER E. MOLLER
 HENRY W. NETTLING
 MUTIU O. OKANLAWON
 BIBILOLA F. OMOLAJU
 SOO J. PARK
 AUSTEN L. PATTERSON
 SOPHEAP PIN
 DAVIDE PRESTON
 GREGORY F. REESON
 ANDREW K. SHIFLET
 STEPHEN J. SMITH
 FUNMILAYO SOTOLA
 ANN C. TOBENKIN
 FRANCIS P. VU
 JOSEPH M. WEATHERSPOON
 PHILIP L. WILLIAMS
 PHILLIP A. WILLIAMS

To be junior assistant pharmacy officer

ODUN A. BALOGUN, JR
 ERICA B. FLEURY

SHARLA L. JANSSEN
 KELSEY R. LUCZAK
 SANDRA M. MATHOSLAH
 RACHAEL L. MEAD
 ANTHONY C. SHELTON

To be assistant dietitian

NICOLE S. LAWRENCE
 DANIELLE S. MEYER
 ELLEN LANT T. NGUYEN
 KRISTIE A. PURDY

To be assistant therapist

PETER J. ARROYO, JR
 AMBER N. BECKER
 SHARON X. JIA
 JOHN K. KELLY
 SHAWN M. SHERMER
 CANDICE B. TURNER

To be assistant health services officer

ZARINAH ALI
 JULIANA R. BERLIET
 JILL E. BREITBACH
 JENNIFER A. COCKRILL
 ANDREW J. FELIX
 KELLY A. HAINES
 DONALD R. HOESCHELE III
 DANIEL R. HOLLIMAN
 KEVIN E. HORAHAN, JR
 KIMBERLEY R. JONES
 SHERRY J. MIYASATO
 PAUL MOITOSO
 CRISTINA E. MOSQUERA
 KIRSTEN L. MUTCHLER

GINA C. ORTIZ
 NICHOLAS J. SCIRE
 MICHELLE L. SHEEDY
 RENEE D. SMITH
 NICOLE C. SOLOMAN
 STEPHAN A. VILLAVICENCIO
 DONNA M. WANSOSH
 MICAH S. WOODARD

To be junior assistant health services officer

CAMILLE F. A. AIKEN
 PATRICK A. BLOECHER
 GEOFFREY M. CARSON
 GINA M. DAILEY
 JASON T. GOLLOHER
 KARI M. JONES
 OLAOLUWA A. OLAIGBE
 MISTIN L. RAY
 SARAH SAFARI
 YEE VANG
 KENDRA J. VIEIRA

CONFIRMATION

Executive nomination confirmed by
 the Senate November 8, 2011:

THE JUDICIARY

EVAN JONATHAN WALLACH, OF NEW YORK, TO BE
 UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIR-
 CUIT.

SENATE—Wednesday, November 9, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, increase our faith, hope, and love.

Give our lawmakers more faith to trust You when the skies are dark and to believe that in everything You are working for the good of those who love You. Give them more hope to refuse to despair, to accept disappointments without cynicism, and to experience failure yet try again. Give them also more love to be loyal to You, to persevere, though pressed by many a foe, and to do unto others as they would have others do unto them.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 9, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

SCHEDULE

Mr. DURBIN. Madam President, following leader remarks, the Senate will

be in morning business for 70 minutes, with the Republicans controlling the first 40 minutes and the majority controlling the final 30 minutes. Following morning business, the Senate will consider the motion to proceed to S.J. Res. 6, regarding net neutrality, with up to 4 hours of debate. Upon the use or yielding back of time, the Senate will resume debate on H.R. 674, the 3% Withholding Repeal and Job Creation Act with the veterans jobs amendment.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NET NEUTRALITY REGULATIONS

Mr. McCONNELL. Madam President, later today the Senate will take up S.J. Res. 6, Senator HUTCHISON's resolution of disapproval of the FCC's net neutrality regulations. I would like to start by thanking Senator HUTCHISON for her leadership on this important issue.

While we all understand the importance of an open Internet, I think we can also agree that the growth of the Internet in the last 15 years is an American success story that occurred absent any—any—heavyhanded regulation here in Washington. We should think long and hard before we allow unelected bureaucrats to tinker with it now.

Everywhere I go in Kentucky, I hear from businesses large and small that they are struggling to comply with the mountains of rules and regulations coming out of Washington. At a time when the private sector would like to create jobs and grow the economy, it seems as if too many here in Washington want to create regulations and grow government. So, like many Americans, I was heartened 2 months ago when the President came to the Capitol and laid out a very specific test for judging the merits of Federal regulation. Like most of my colleagues, I applauded when the President told us

that “we should have no more regulation than the health, safety and security of the American people require. Every rule should meet that commonsense test.”

As it turns out, the FCC didn't get the memo. The net neutrality regulations we are debating today clearly fail that commonsense test. They are a solution in search of a problem. It is an overreaching attempt to fix the Internet when the Internet is not broken. According to the FCC's own data, 93 percent of broadband subscribers are happy with their service. If Americans weren't happy with their provider or felt the provider was favoring some form of content over others, they could switch providers. But now the FCC says its regulations are necessary because of what might happen in the future—what might happen in the future—if broadband providers have incentives to favor one type of content over another, despite the fact that after 15 years, there is no evidence of this occurring in any significant way. If Internet providers were so interested in doing this, wouldn't they have done it by now? Instead, the FCC has exceeded its authority to grow the reach of government under the guise of fixing a problem that doesn't even exist.

So why should this matter to anyone? Simply, the growth of the Internet is one of the great success stories of our lifetime. Just 15 years ago, the thought that you could read a book, watch a ball game, and video conference with your kids all on a device the size of a magazine would have been something from science fiction. Today, it is reality. The Internet has transformed society precisely because people have been able to create and innovate largely free from government intrusion.

Businesses are free to invest and grow on the Internet, safe in the knowledge that consumers and technology will determine their fate, not the whims of Washington regulators. This investment in broadband infrastructure is the cornerstone of our high-tech economy, which employs nearly 3.5 million Americans. But the FCC's regulations could jeopardize its future growth by dictating what sort of return businesses can earn on their investment. As my colleague Senator HUTCHISON and I recently noted, “Lower returns mean less investment, which in turn means fewer jobs.” Some estimates suggest we could lose 300,000 jobs as a result of these rules.

Thankfully, it is not too late to act. A bipartisan majority in the House voted to overturn these rules earlier

this year. The Senate should take the opportunity to do the same. In order to protect the growth of the Internet and its ability to create the jobs of the future, I would encourage my colleagues to support the Hutchison resolution.

BIPARTISAN JOBS CREATION

Madam President, I wish to speak now on another issue.

When something good happens here in the Senate, I think it is important that we all acknowledge it. So I would like to start this morning by thanking our friends on the other side for finally agreeing to join us in making some progress on the nearly two dozen bipartisan jobs bills the House has already passed, and I want to urge them to keep at it, to keep pressing ahead with jobs bills both parties will actually support. That way, we will show the American people we are capable of accomplishing something together up here when it comes to jobs.

For months, House Republicans have been executing on a plan to identify ideas which would not only help spur private sector job creation but which would also attract strong bipartisan support. For weeks, I have been urging the Democratic majority in the Senate to take up these bills so they can become law.

This week, Senate Democrats finally agreed to move ahead with two of these bipartisan proposals—a repeal of the 3-percent withholding rule that would ease the burden on government contractors and a veterans bill which not only helps returning service men and women find jobs but which also helps those who hire them. Neither of these bills is going to solve the jobs crisis, but they will help a lot of Americans who deserve it, and they will go a long way in showing the American people there is plenty we can agree on up here.

My suggestion now is that we don't stop there. Let's just keep it up. Let's take up and pass the rest of the bipartisan jobs bills House Republicans have already passed with bipartisan support right across the dome. I have highlighted one of those bills already this week, one that makes it easier for businesses to raise the capital they need to expand and create jobs. This morning, I would like to highlight another—the Shareholder Registration Thresholds Act, H.R. 1965. This is a bill that increases the number of shareholders who are allowed to invest in a community bank before that bank is required to shoulder costly new burdens from the SEC.

For 3 years now we have been talking about the urgent need for growing businesses to have access to capital so they can expand and hire. Yet, because of an outdated law, the smaller community banks that want to make loans to help these growing businesses are subject to burdensome regulations that shouldn't even apply to them. H.R. 1965 will in-

crease the threshold of shareholders that triggers the requirement from 500 to 2,000. A companion bill in the Senate that would do the same thing is co-sponsored on the Republican side by Senator HUTCHISON, among others, and on the Democratic side by Senator PRYOR, among others. And Senator TOOMEY has a bill—S. 1825—to expand this legislation by applying it to businesses other than banks.

Now, we should take up these bills in the Senate and pass them as soon as possible with the same show of bipartisan support the two parties mustered on behalf of H.R. 1965 last week. Just like the bipartisan House-passed jobs bill I highlighted yesterday, H.R. 1965 passed the House last week with nearly unanimous support. The vote was 420 to 2, with 184 Democrats voting in support. Only 2 people out of the entire 435-Member House voted against the bill.

The President's jobs council has endorsed the idea, and top Democrats have been vocal proponents of this legislation proposed by House Republicans.

Here is House minority leader Congressman HOYER on H.R. 1965 just last week:

We need to see lending to small businesses and homeowners, but they're hamstrung in their attempt to raise capital by outdated SEC registration requirements.

I completely agree with STENY HOYER.

Here is Congresswoman SHEILA JACKSON LEE:

Small businesses need access to loans and other lines of credit in order to build their businesses and to create jobs. Before us is a measure that would allow small businesses to get the support they need.

I completely agree with Congresswoman SHEILA JACKSON LEE. Look, it is not every day that Congresswoman JACKSON LEE and I agree on legislation. So I think we should lock this down. Let's pocket another bipartisan accomplishment right here and help the job creators who need it.

This is precisely the kind of approach we should be taking here in the Senate—putting aside these giant partisan bills that Democrats know Republicans won't support and focusing on smaller proposals that can actually garner support from nearly everyone and make it onto the President's for a signature.

These are small steps but they are progress. Let's keep at it.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will be in a period of morning business for 70 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the Republicans controlling the first 40 minutes and the majority controlling the final 30 minutes.

The Senator from Nebraska.

Mr. JOHANNIS. Madam President, I ask unanimous consent to enter into a colloquy with my Republican colleagues, Senator GRASSLEY of Iowa and Senator COBURN of Oklahoma, for up to 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH INSURANCE

Mr. JOHANNIS. Recently, the Des Moines Register reported that an Iowa-based insurance company has decided to exit the health insurance market, abandoning insurance sales directly to individuals and families. So what is the net effect of all of that? Thirty-five thousand policyholders will lose their insurance. It calls to mind the famous promise by the President: If you like your plan, you can keep it.

The story doesn't stop there. It has an even more profound impact on the lives of real people. The impact goes on. One hundred ten employees will lose their jobs. Seventy of those employees are in Nebraska. That calls to mind Speaker PELOSI's broken promise: The law will create 4 million jobs—400,000 jobs almost immediately.

The driving factor for all of this is a Health and Human Services regulation required by the health care law which micromanages how insurance companies can spend their revenues.

Unfortunately, this job loss in Nebraska is not an anomaly. A recent survey of nearly 2,400 independent health insurance agents and brokers from all over came to this conclusion. One month after this HHS regulation took effect, more than 70 percent had experienced a decline in their revenues. And, more shocking, nearly 5 percent had lost their jobs.

The Government Accountability Office reported that most of the insurers they interviewed were reducing individuals' commissions. These are not the big insurance companies that were raided against in the health care debate. These are not the big insurance companies that are being squeezed. The good folks who are being squeezed are the mom-and-pop agencies that we find on Main Street throughout the United States. Yes, these are the folks we go to to support the local football team, the local high school, the local 4-H club, whatever the civic cause may be. And yet, with unemployment hovering around 9 percent, the health care law puts the hammer on these people. I

reached the conclusion long ago that the health care law is bad for job creation and it is bad for keeping your job.

The Des Moines-based insurance company's CEO's job loss, according to him, was:

A fairly predictable consequence of the regulation.

UBS Investment Research called the health care law:

The biggest impediment to hiring . . . which has the added drawback of straining State and Federal budgets.

The National Federation of Independent Businesses said:

Small business owners everywhere are rightfully concerned that the unconstitutional new mandates, countless rules and new taxes in the health care law will devastate their businesses and their ability to create jobs.

What we are seeing with this law is a massive amount of overregulation. According to a recent Wells Fargo-Gallup small business poll, government regulations are the most important problem facing our small business owners. If we just focus again on the health care law, that legislation alone has resulted in 10,000 pages of new Federal regulations and notices—10,000 pages. How could any small business comply?

The employer mandate penalizes employers for growing. It is as simple as that. It forces employers who do not provide acceptable coverage to pay a penalty of \$2,000 per full-time employee. But, you see, the penalty is applied to firms with more than 50 employees. And as a small business owner in the Bellevue, NE, area recently explained to me:

I'm not growing my business over 50 employees. I don't want to deal with your health care law.

Well, as I mentioned, this discussion starts, at least today, with that article in the Des Moines Register.

With me today is the very respected Senator from the State of Iowa, Senator GRASSLEY. I would ask Senator GRASSLEY, what impact does he see arising out of this health care law in his State and, even more broadly, across this country?

Mr. GRASSLEY. I thank Senator JOHANNIS for his leadership in this area. He has spoken on regulations quite regularly on the Senate floor and also in our caucus, and I thank the Senator for his leadership in that area.

No. 1, I would say there is a certain irony between a President who is going around the country now and talking about, We have got to pass legislation to create jobs, at the very same time as the Senator demonstrated in his remarks that there is a health care bill law being instituted that is making people unemployed.

There is also a certain irony in what the President does and the Secretary of HHS does with what Speaker PELOSI said at the time the bill was up: You

know, we have got to pass this bill to see what this bill does. Well, now we are finding out what it does, and people don't like what it does.

You spoke about regulations causing unemployment, and you spoke about 10,000 pages of regulations. That is probably 10,000 pages of regulations out of the 66,000 pages of regulation that we have had this year, and 10,000 of that deals with health care. But think about the other 57,000 pages that deal with other pieces of legislation that are a problem for small businesses—particularly small businesses. I guess it is a problem for all business, but particularly for small business. And so far, a few regulations have been issued adding up to that 10,000 pages.

People can read this 2,700-page bill and understand what is in it, and most of them read it and understood what was in it before Speaker PELOSI said, "We have got to pass it to find out what is in it," and didn't like what was in it. But in this bill, there are 1,693 delegations of authority to write regulations. So if you have 10,000 pages so far based upon the new regulations that have been written, just think what it is going to be like when all of the pages are printed for the 1,693 regulations. So I think we are at the tip of the iceberg so far in this legislation, and the damage that is done to employment and lack of job creation has just started. That is my comment on that.

I have some remarks I wish to make, if it is okay with the Senator; and if he has to go to a committee meeting, I understand.

This is not the first time this situation has happened in Iowa, and it is coming at a time when people need stability. American families are struggling to put food on their table, pay their utility bills as winter arrives, and purchase health insurance as costs are skyrocketing.

In other words, the President has promised: Pass this legislation and it is going to keep health care premiums down, but that is misleading people, and at a time when, as Senator JOHANNIS said, another promise made was: If you like what you have, you are going to be able to keep it.

Well, I don't know exactly the figure—I have got it here coming up. There is a figure of several thousand people in our State who aren't going to be able to keep the health insurance they like and they already have because of this company closing down individual policies.

Unemployment continues to hover around 9 percent and 1 million Americans are underemployed, and here we have a health care bill that is causing more people to be unemployed, as well as not keeping the health insurance they want. With the economic situation our country is facing, Congress must reexamine its actions and realize the errors that were made because of

partisan votes. This bill was an entirely partisan piece of legislation, unlike most social contracts in America that have been passed, such as Social Security, Medicare, and Medicaid, civil rights legislation. Those were bipartisan pieces of legislation because it was felt that when you are making this difference in America, you ought to have a broad consensus that major changes such as this ought to be made. But in this particular case, it was very partisan.

I want to go over to what Senator JOHANNIS said about the Des Moines Register article. The American Enterprise Group, an insurance company participating in individual health insurance markets in Iowa and Nebraska, is leaving the market. This action shows the importance of repealing and replacing the health care overhaul passed by Democrats in Congress and signed by the President last year before the situation deteriorates even further. Just think what it is going to be like when we get the rest of these 1,693 delegations of authority to the bureaucracy to write regulations.

American Enterprise notified 110 employees in Iowa and Nebraska that they will lose their jobs sometime during the next 3 years. American Enterprise is leaving the individual health insurance market as a result of the instability caused by the implementation of this health care reform bill. American Enterprise stated it will no longer sell individual health insurance policies because of the regulatory environment created by the health care reform bill.

This isn't an isolated incident for Iowa, this one company, because the Principal Financial Group left the small group insurance market in 2010, and Principal Financial isn't a small Main Street operation. It is one of the major financial groups in the United States, but still, they could not find it to be competitive to stay in the individual market.

This has cost many Iowans their jobs, while leaving scores of small businesses and their employees to choose from health insurance plans in a health insurance market where there is less and less competition. The regulatory culprit in this incident is a medical loss ratio regulation of this legislation. This regulation requires insurers to pay a certain percentage of premiums in claims.

I know supporters will defend the regulation as "keeping insurers in check." But the real world effect is to force insurers to leave the market, thereby reducing competition and choice available to consumers—not exactly what the President promised, that we are going to have competition, keep price down, and people are going to have choice, they are going to be able to keep what they want if they

have it. But in this case, for these people, that isn't a promise kept. That turns out to be a falsehood.

The small group and individual markets happen to be very vulnerable. That is the problem. Insurers risk and set their premiums accordingly. Insurers are making a rational decision to get out of the market because the risks have become too great. Competition is reduced. Costs rise.

Once upon a time, the President promised Americans that if they liked the insurance program they have, they can keep it. This is more evidence that that promise rings hollow.

This recent planned pullout will leave 35,000 individuals without insurance plans that they have grown accustomed to. Forcing people to choose a different insurance option can lead to higher costs and may limit the health care accessibility these individuals have depended on for years. This is especially detrimental when these individuals have preexisting conditions or acute chronic disease. The President specifically promised that if these people want to keep their health care coverage, they would be able to do it with the passage of that law. This is just one of the many examples of how this overhaul has led to broken promises made by the President when pushing through the passage of this legislation in a partisan way.

These problems will certainly continue as more regulations are written. The Congressional Budget Office expects people in the individual market to see an average of a 10-percent to 13-percent rise in premium costs solely based on the passage of the health care law. Does that increase accessibility or affordability? No, of course it doesn't.

Not only has the health care overhaul caused health insurance companies to leave parts of the health insurance market and health insurance costs to increase, it has also put added burden on employers. Some employers will no longer offer their employees health care coverage. Higher taxes and mandates put on employers by the new health care law have left many employers without resources to maintain current coverage for family members of their employees. The negative impact this legislation is having on large employers and those insured by employers was demonstrated by the National Business Group on Health. In its recent annual survey, overall planned costs for larger employers are expected to rise by 6 percent in 2012. The National Business Group on Health also notes that 7 out of 10 employers will lose their grandfather status, meaning employees will lose their current health care plans and employers will be subject to additional regulations.

According to the same survey, 3 out of 10 employers are unsure if they will continue to insure employees due to the health care overhaul. Other em-

ployers will increase the employee share of the insurance premium, and many employers state they will likely lower the level of health care coverage offered to their employees. Walmart, as an example, will not allow many of its new part-time employees to receive health care insurance through the company. Many of these workers are underemployed. They work hard yet do not always have adequate resources to purchase health care insurance on their own, especially as costs in the insurance markets continue to increase due to the new law.

Additionally, many businesses are simply dropping coverage for their own employees because of the extra costs incurred in the legislation. It is more affordable for some employers to drop coverage for their employees and pay the fine associated with the employer mandate. An employer must provide health insurance for their employees if they have more than 50 employees or 50 full-time equivalents. Employers who are required to insure employees will be fined \$2,000 per employee who seeks health insurance through one of the exchanges created under the health care overhaul, and any employer-sponsored plan must meet the definitions of HHS on what an adequate plan is under the mandate.

This requirement will increase insurance costs for employers and employees when they must upgrade health insurance benefits in order to meet the standards defined by HHS. Forcing employers to provide health insurance when they have a tough time hiring new employees just adds to the burden employers are facing in this struggling economy. Employers will likely pay their increased health insurance costs by reducing employee take-home pay or by increasing the employee share of health insurance premiums. Also, employers will continue struggling in future years as the Federal Government increases year by year the requirements of health insurance benefits needed to avoid a penalty.

Furthermore, employers already faced with economic uncertainty have to deal with the government regulations that continue to change, adding to uncertainty. An HHS rule released last November allows fully insured group plans to switch insurance providers as long as the insurance benefit provided to the beneficiaries remains comparable. However, this is only for group plans that switched after November 15 last year.

HHS wrote this new rule so more group plans can find affordable coverage and shop around for similar coverage at cheaper rates. But if the group insurance plan carrier was changed before November 15, the plan would lose grandfather status and then be subject to a whole bunch of new regulations. Ironically, what created the need for this new rule was another rule the

President's administration and HHS crafted in June last year that stated plans would lose their grandfather status if they switched carriers. This chaotic situation shows what happens when the government is given more authority to regulate the health insurance market.

What we have is a mess. We need to put a halt to the implementation. We need to repeal the law and start over again with commonsense solutions. We need to move away from the regulatory and bureaucratic nightmare that is costing Americans their coverage and too many Americans their jobs.

With 10,000 pages of regulations at this point, just think what it will be like when all 1,693 regulations get written.

I yield the floor.

Mr. JOHANNES. Mr. President, I thank Senator GRASSLEY for this explanation of what this law is doing and the impact it is having. Today, of course, we are starting our discussion with the article from the Des Moines Register which talked about the regulatory impact. But we cannot forget there are other pieces to this law that have just as severe an impact. I would like to spend a minute or two talking about the destructive taxes that are in this legislation.

When we add it all up, the new health care law basically requires new taxes of about \$½ trillion—not to pay down the national debt, not to solve the Nation's debt woes but to create a new entitlement. The Treasury Department's Inspector General for Tax Administration has looked at the impact of the health care law on the Tax Code and said this: "The law is the largest set of tax law changes in 20 years."

That is no small undertaking when we think about all that has happened over the last couple of decades, that we ended up with an impact on the Tax Code that is the largest set of tax law changes in 20 years, according to the Treasury expert who looked at this. There are 42 separate provisions adding to or amending the Internal Revenue Code in the health care law. So much of this law was put together in the last days of this debate, people were scrambling around trying to read it and understand it and get information out to their constituents.

Speaker PELOSI said: We will probably have to pass this law to figure out what is in it. And we are now figuring out what is in it, and it is so much more than a health care law. There are 42 separate provisions that add to or amend the Internal Revenue Code.

The Boston Globe weighed in on this. They pointed out the 2.3-percent excise tax on medical device suppliers, according to the Globe, "will force industry leaders to lay off workers and curb the research and development of new medical tools." There is no question about it. When we add up the tax law

changes, the impact from a regulatory standpoint and the other provisions of this law, this is not going to result in the promised jobs that Speaker PELOSI spoke of. It is a job killer.

If we look at what this law is doing, it will actually shrink the labor force, actually create a disincentive to work or to receive a pay raise. I referenced earlier in my comments a small business owner in the Bellevue, NE, area. I was sitting in a Business Roundtable a little more than a year ago. We were just going around the room, and I was listening to small businesses describe to me some of the challenges they face.

A woman, a small business owner, said to me: MIKE, we have studied this health care law every which way we can. I am right on the edge of having 50 employees. I am told if I go over 50 employees, I am now subject to all of the ramifications of the health care law. After looking at this I have decided I will not grow my business beyond 50 employees. I do not want to deal with this health care law.

Her discussion with me has stuck with me all of these months. Why is it that Washington would actually pass legislation that would discourage her from hiring additional employees to grow her business? It makes no sense whatsoever. Why are we here in Washington creating a disincentive for the small business owner? Why are we costing Americans jobs?

The Congressional Budget Office has looked at this legislation. They have come to the conclusion that the American labor supply will be reduced by 100,000 workers. The CBO quote is this:

The law will encourage some people to work fewer hours or to withdraw from the labor market.

The more we learn about this health care law, the more we come to realize this is flawed policy. It passed and it was signed into law by the President of the United States, but it goes beyond flawed policy. It impacts real people who are trying to make a real living.

My comments today started with a story about 50 Nebraskans who lost their jobs or are about to lose their jobs because of the health care law. I am concerned that it is not going to stop there; that as employers are more and more burdened with the thousands of pages of regulations, they will come to realize their best strategy is to try to figure out how to deal with these new requirements and they will pull back on hiring, which is exactly what we do not want to have happen in this economy.

With that, I conclude my remarks and our colloquy today.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I also ask unanimous consent that the Senator from Illinois and the Senator from Tennessee be allowed to enter into a colloquy with me for the time that we have allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARKETPLACE FAIRNESS ACT

Mr. ENZI. Mr. President, I am going to talk about a problem I have tried to solve for 14 years. Today, I think we have a new solution and “the” solution—The Marketplace Fairness Act. Our solution has to do with sales taxes that are not being collected at the present time. It is a loophole in the tax law.

I used to be a retailer. I never thought it was fair that I had to collect the sales taxes but the people from out of State did not have to collect the same sales tax. I used to be a mayor, and this bill is a jobs bill and an infrastructure bill. A lot of people do not realize that sales taxes help pay for schools, police and firemen. They may not realize it pays for infrastructure, such as streets and sewers. I always tell people it is a little tough to flush the toilet over the Internet.

The Marketplace Fairness Act would allow States—not require States—to be able to have the out-of-State online sellers, providing they sell more than \$500,000 in a year, to collect the State sales tax. I have also been a State legislator, and I can tell you we never intended to pass a law to tax the people on Main Street who buy the yearbooks and participate in community activities to be the ones to collect the tax, and anyone from out of State to not have to do it. This bill cleans up that problem at the same time. Does it make much of a difference? Yes.

We are being asked as a Congress to give money to the States for their teachers, their firemen, and their infrastructure. It is because there is a decreasing amount of revenue going to them through sales taxes that are owed, but are not currently being collected. People may not realize it, but when they buy something online, if the tax is not collected by the seller, they still owe it. This is not a new tax; it is a tax that is already on the books. No legislator ever intended for it to just be for Main Street retailers. If States so choose, sales taxes should be collected by all retailers. In our attempts to fix this problem, we have received a number of support letters for this new bill. I hope everybody will take a look at them. They can view them online. I ask unanimous consent these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
November 9, 2011.

Hon. RICHARD DURBIN,

U.S. Senate,
Washington, DC.

Hon. LAMAR ALEXANDER,

U.S. Senate,
Washington, DC.

Hon. MICHAEL ENZI,

U.S. Senate,
Washington, DC.

Hon. TIM JOHNSON,

U.S. Senate,
Washington, DC.

DEAR SENATORS DURBIN, ENZI, ALEXANDER AND JOHNSON: On behalf of the National Conference of State Legislatures (NCSL) we would like to express our support and appreciation for your introduction of the Marketplace Fairness Act, which will provide those states that comply with the simplification requirements outlined in the legislation, the authority to require remote sellers to collect those states' sales taxes.

At a time when states continue to face severe budget gaps—states closed shortfalls totaling \$72 billion leading into the FY 2012 budget process—it is essential states be allowed to collect the revenue generated by uncollected sales taxes. In 2012, states will collectively lose an estimated \$23.3 billion in uncollected sales taxes from out-of-state sales, with more than \$11.3 billion alone from electronic commerce transactions, according to a study by the University of Tennessee. The amount of uncollected sales taxes will continue to grow, especially with the unprecedented growth of online commerce.

The enactment of the Marketplace Fairness Act is imperative in light of the current deliberations by the Joint Select Committee on Deficit Reduction and resulting sequestration if the “Super Committee” is unsuccessful. Under either scenario, states will likely face hundreds of billions in reductions in many state-federal programs. While the \$23.3 billion in uncollected sales taxes will not match any funding reductions, it will provide states with some fiscal relief. In the words of Senator Roy Blunt, a sponsor of this legislation, it is “fiscal relief for the states that does not cost the federal government a dime.”

The Marketplace Fairness Act is also a win for local main street businesses throughout the country by leveling the playing field between these main street businesses who have to collect sales taxes and out-of-state merchants who currently do not. Allowing some remote sellers to avoid collecting this tax is unfair to the main street merchants that make up the lifeblood of our local communities. The legislation also removes the liability for businesses collecting sales taxes, ensuring that sellers are held harmless for calculations and collections using the information and certified technology provided by the states that have complied with the Act.

There will be some who claim that this is a new tax; nothing could be further from the truth. This legislation will not require any state to levy a sales tax on any product or means of buying a product. It merely corrects a tax avoidance problem that if not closed now, will only get worse and possibly push states to seek new revenue sources to make up for the uncollected sales taxes.

On behalf of our colleagues from across the country, we thank you for introducing this

vital legislation and in doing so, enhancing state sovereignty and fiscal federalism.

Sincerely,

SENATOR STEPHEN MORRIS,
*President, Kansas Senate,
NCSL President.*

SENATOR RICHARD MOORE,
*Massachusetts Senate,
NCSL Immediate Past President.*

STREAMLINED SALES TAX
GOVERNING BOARD, INC.,
November 9, 2011.

Hon. RICHARD DURBIN,
Hon. TIM JOHNSON,
Hon. MIKE ENZI,
Hon. LAMAR ALEXANDER,
*U.S. Senate,
Washington, DC.*

DEAR SENATORS DURBIN, ENZI, JOHNSON AND ALEXANDER: The 24 Streamline states want you to know they support your introduction of the Marketplace Fairness Act.

Online retailers have a competitive price advantage over brick-and-mortar retailers harming the brick-and-mortar retailers. Many main street businesses are little more than showrooms where consumers go to "kick the tires" on products they later buy online harming the local business and the community depending on the sales tax from that sale.

At a time when Main Street retailers face enormous competitive challenges it is appropriate for Congress to end this unfair treatment.

After our ten years of effort to simplify sales tax administration we are encouraged by your effort to get Congress to level the playing field for all retailers.

Sincerely,

SENATOR LUKE KENLEY,
President.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, November 9, 2011.

Hon. RICHARD DURBIN,
*U.S. Senate,
Washington, DC.*
Hon. TIM JOHNSON,
*U.S. Senate,
Washington, DC.*
Hon. MIKE ENZI,
*U.S. Senate,
Washington, DC.*
Hon. LAMAR ALEXANDER,
*U.S. Senate,
Washington, DC.*

DEAR SENATORS DURBIN, JOHNSON, ENZI AND ALEXANDER: On behalf of the National Association of Counties (NACo) and the nation's 3,068 counties, I applaud the introduction of the Marketplace Fairness Act. At a time when counties continue to make the tough decisions and provide services for our mutual constituents with fewer resources, we appreciate your legislative efforts to both assure a simpler system of taxation and help our members recover tax revenues due from purchases made by remote means.

Due to the changing nature of commerce and sales and use tax collection, your legislation responds appropriately by establishing a path to modernize the current system. According to a University of Tennessee study in 2009, e-commerce sales have grown from just over \$900 billion in 1999 to more than \$2 trillion in 2006. That same study estimated revenue loss for state and local government to the tune of \$10.1 billion to \$11.3 billion in sales taxes in 2011 alone. Although NACo has worked with other state and local government representatives to champion for collection of remote sales taxes for over a decade,

there is no time better than now for this legislation to move forward. Local governments are facing declining revenues due in part to rising mortgage foreclosures, and a reduction in assistance from their states and the federal government.

While your legislation is important in moving us towards collection of remote sales tax, it also serves the purpose of creating equity for those businesses within our local communities. The increasing strength of electronic commerce creates exciting new marketplaces, but it has also put traditional retail outlets at an unfair disadvantage because of outdated and inequitable tax and regulatory environments.

NACo strongly supports your legislative efforts to require collection of taxes made on remote sales, and we appreciate that you recognize the longstanding Streamlined Sales Tax Agreement Project (SSTA). We are also pleased that you have excluded issues such as local telecommunications tax reform, which should be addressed separately from collection of remote sales and use taxes.

Thank you again for introducing this important legislation. We look forward to working with you and other supporters of the Act and the SSTA to see the collection of remote sales taxes enacted to federal law.

Sincerely,

LENNY ELIASON,
*Commissioner, Athens County, Ohio,
NACo 2011–2012 President.*

NOVEMBER 9, 2011.

Hon. RICHARD DURBIN,
Hon. MIKE ENZI,
Hon. TIM JOHNSON,
Hon. LAMAR ALEXANDER,
*U.S. Senate,
Washington, DC.*

DEAR SENATORS DURBIN, ENZI, JOHNSON AND ALEXANDER: As leaders of the local government associations listed above, we applaud the introduction of the Marketplace Fairness Act, which will both assure a simpler system of taxation and help our members recover tax revenues that are due from purchases made by remote means.

Your legislation responds appropriately to the changing nature of commerce and sales and use tax collection. While the increasing strength of electronic commerce creates exciting new marketplaces, it has also put traditional retail outlets at an unfair disadvantage because of outdated and inequitable tax and regulatory environments.

Our organizations strongly support your legislative efforts to require collection of taxes made on remote sales, and we are pleased that in doing so that you recognize the longstanding Streamlined Sales Tax Agreement Project (SSTA). We are also pleased that you have excluded issues such as local telecommunications tax reform, which should be addressed separately from collection of remote sales and use taxes.

Although we have championed for collection of remote sales taxes for over a decade, there is no time better than now for this legislation to move forward, as local governments face the fifth straight year of declines in revenue with probable further declines in 2012.

Thank you again for introducing this important legislation. We look forward to working with you and other supporters of the Act and the SSTA to see the collection of remote sales taxes enacted into federal law.

Sincerely,

LARRY E. NAAKE,

*Executive Director,
National Association
of Counties.*

DONALD J. BORUT,
*Executive Director,
National League of
Cities.*

TOM COCHRAN,
*CEO and Executive
Director, United
States Conference of
Mayors.*

JEFFREY L. ESSER,
*Executive Director and
CEO, Government
Finance Officers As-
sociation.*

FEDERATION OF
TAX ADMINISTRATORS,
November 9, 2011.

SENATOR RICHARD J. DURBIN,
*Senate Hart Office Building,
Washington, DC.*

SENATOR MICHAEL B. ENZI,
*Russell Senate Office Building,
Washington, DC.*

SENATOR LAMAR ALEXANDER,
*Dirksen Senate Office Building,
Washington, DC.*

SENATOR TIM JOHNSON,
*Dirksen Senate Office Building,
Washington, DC.*

DEAR SENATORS DURBIN, ENZI, ALEXANDER AND JOHNSON: The Federation of Tax Administrators (FTA) thanks you for introducing the new version of the Main Street Fairness Act for which we are pleased to be able to announce our support. FTA is an association of the tax administration agencies in each of the 50 states, the District of Columbia, and New York City.

The Main Street Fairness Act offers a realistic framework for both large and small states to collect sales taxes that are already due and owing in a simplified administrative system. We regard the ability to collect sales taxes from remote sellers to be a matter of the highest importance. This Act will significantly improve tax compliance for both state and local governments while at the same time creating a level playing field for all businesses. This is because the current system disadvantages in-state "bricks and mortar" stores to the advantage of out-of-state businesses and this Act will help improve business activities in our states and the employment these in-state businesses generate.

We look forward to working with you during the legislative process to enact final legislation into law.

Sincerely,

PATRICK T. CARTER,
President.

NATIONAL RETAIL FEDERATION,
Washington, DC, November 8, 2011.

Hon. MICHAEL B. ENZI,
*Ranking Member, Committee on Health, Edu-
cation, Labor & Pensions, U.S. Senate,
Washington, DC.*

Hon. RICHARD J. DURBIN,
*Assistant Majority Leader, U.S. Senate, Wash-
ington, D.C.*

Hon. LAMAR ALEXANDER,
*Chairman, Republican Conference, U.S. Senate,
Washington, DC.*

Hon. TIM JOHNSON,
*Chairman, Committee on Banking, Housing &
Urban Affairs, U.S. Senate, Washington,
DC.*

DEAR SENATOR ENZI, SENATOR DURBIN, SENATOR ALEXANDER AND SENATOR JOHNSON: On behalf of the National Retail Federation

(NRF), I am writing in support of the Marketplace Fairness Act, which levels the playing field between local and out-of-state merchants with respect to collection of sales taxes.

As the state of retailing evolves and internet sales become a more prominent portion of total retail sales, it is critical that the tax laws not discriminate between similar businesses based on how their products are distributed. The Marketplace Fairness Act will eliminate this discrimination by removing the constitutional limitation on your State's authority to collect sales and use taxes from remote sellers. Over a quarter trillion dollars will go uncollected in the next decade unless this legislation is enacted.

As the world's largest retail trade association and the voice of retail worldwide, NRF's global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the United States and more than 45 countries abroad. In the U.S., NRF represents an industry that includes more than 3.6 million establishments and which directly and indirectly accounts for 42 million jobs—one in four U.S. jobs. The total U.S. GDP impact of retail is \$2.5 trillion annually, and retail is a daily barometer of the health of the nation's economy.

The Marketplace Fairness Act will bring fairness to large and small retailers alike and provide a business climate in which these retailers have a better opportunity to grow and create jobs. Our members look forward to working with you to help this legislation become law.

Sincerely,

DAVID FRENCH,
*Senior Vice President,
Government Relations.*

RETAIL INDUSTRY
LEADERS ASSOCIATION,
Arlington, VA, November 9, 2011.

Hon. MIKE ENZI,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR ENZI: On behalf of the Retail Industry Leaders Associations (RILA), and the millions of Main Street retailers throughout the country, we would like to express our strong support for the Marketplace Fairness Act. This legislation levels the playing field for Main Street brick-and-mortar businesses by closing a loophole that puts them at a competitive disadvantage to the online retail giants. RILA and our membership are grateful for your leadership on this important issue and we are committed to helping make this legislation law this Congress.

By way of background, RILA is the trade association of the world's largest and most innovative retail companies. RILA promotes consumer choice and economic freedom through public policy and industry operational excellence. Its members include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales, millions of American jobs and operate more than 100,000 stores, manufacturing facilities and distribution centers domestically and abroad.

Because of a decades-old loophole that precludes the Internet, online-only companies can achieve as much as a 10-percent price advantage over brick-and-mortar retailers by not collecting state sales taxes. This special treatment has the effect of the government picking winners and losers in the marketplace, and main street businesses simply

cannot compete over the long term with online giants that enjoy a government-sanctioned competitive advantage.

This loophole is costing jobs on Main Street while shortchanging state budgets by an estimated \$23 billion in uncollected state sales taxes annually, a figure that will only increase as Internet commerce continues to grow. Few Americans know that their state requires them to pay the sales tax on purchases made online if the vendor does not collect it at the point of sale, leaving consumers vulnerable to penalties, interest and increased scrutiny from state auditors. If enacted, the Marketplace Fairness Act would remove this burden from your constituents and in the process empower states to address their budget deficits without having to raise taxes—all without any cost to the federal government.

In closing, we strongly support the Marketplace Fairness Act to eliminate this antiquated loophole and view it as critical to preserving Main Street businesses and the jobs they provide. Thank you again for your leadership on this important issue.

Sincerely,

KATHERINE LUGAR,
*Executive Vice President,
Public Affairs.*

INTERNATIONAL COUNCIL
OF SHOPPING CENTERS, INC.,
Washington, DC, November 7, 2011.

DEAR SENATORS ALEXANDER, DURBIN AND ENZI: On behalf of the more than 42,000 members of the International Council of Shopping Centers (ICSC), I would like to thank you for your leadership on the Marketplace Fairness Act. We strongly support this bipartisan legislation that will level the playing field for community-based retailers by offering long-overdue sales tax fairness.

ICSC was founded in 1957 and is the premier global trade association of the shopping center industry. Its members include shopping center owners, developers, managers, marketing specialists, investors, retailers and brokers, as well as academics and public officials.

Under the current system, not all retail sales are treated equally. While brick-and-mortar retailers must remit sales and use taxes, many remote sellers, such as catalog and online vendors, are exempt from such requirements. Our current sales tax policy unfairly impacts local retailers—many of whom have also been hit during the recession—and places an impractical legal burden on taxpayers and consumers, costing state and local governments billions in much-needed revenue.

The Marketplace Fairness Act would eliminate the present system's lopsided manner of taxing community-based retailers, remove the liability currently being pushed onto consumers, and promote community investment. More importantly, it would provide support for local businesses and necessary revenue to states without adding to the federal deficit, establishing new taxes or increasing existing taxes. This bill is a true stimulus for our states and local communities.

It is time for the federal government to allow states to enforce their laws and promote sound policy that will allow community-based and internet retailers to thrive in the 21st Century marketplace.

Thank you again for the dedication and strong leadership that was required to create this important legislation.

Sincerely,

BETSY LAIRD,
*Senior Vice President,
Office of Global Public Policy.*

Mr. ENZI. Some of the groups include: One is from the National Conference of State Legislatures, one from the National Association of Counties, the National League of Cities, the Federation of Tax Administrators, The National Retail Federation, the Retail Industry Leaders Association, the International Council of Shopping Centers, and the Governing Board of the Streamlined Sales and Use Tax Agreement.

I want to read one from Amazon.com because they are one of the world's largest online sellers. In the past, they have opposed previous versions of the bill, but they think we have this one right.

The letter states:

Thank you very much for your legislation on interstate sales tax collection.

Amazon strongly supports enactment of your bill and will work with you, your colleagues in Congress, retailers, and the states to get this bipartisan legislation passed. It's a win-win resolution—and as analysts have noted, Amazon offers customers the best prices with or without sales tax.

If enacted, your bill will allow states to require out of state retailers to collect sales tax at the time of purchase and remit those taxes on behalf of customers, and it will facilitate collection on behalf of third party sellers. Thus, your bill will allow states to obtain additional revenue without new taxes or federal spending and will make it easy for consumers and small retailers to comply with state sales tax laws.

Amazon is grateful for your hard work on the issue, and we look forward to working with you and your colleagues in Congress to pass this legislation.

We have a number of other supporters in addition to the others I just mentioned. We are appreciative of their support and look forward to working with them to get this bill enacted.

The Marketplace Fairness Act is a bipartisan bill. The original cosponsors on it are five Republicans—Senators ALEXANDER, BOOZMAN, BLUNT, CORKER, and me and five Democrats—Senators DURBIN, TIM JOHNSON, REED, WHITEHOUSE, and PRYOR. A key person in this debate has been the Senator from Illinois, Mr. DURBIN, who introduced a previous version of the bill. We encourage our colleagues to take a look at Senator DURBIN's previously introduced bill and the Marketplace Fairness Act to see the differences—I think our bipartisan bill is a very passable bill.

At this point, I would ask Senator DURBIN if he has any comments he would like to share as he has been an integral part of making the bill a strong bipartisan product and realizing the plight the retailers and the state and local governments are in.

Mr. DURBIN. I thank my colleague, Senator ENZI. I want to give fair warning to all who are witnessing the debate that bipartisanship is about to break out on the floor of the Senate, and you can witness it. We have a bipartisan effort led by Senator ENZI,

who has really been dedicating his life in public service, as a former retailer, to being sensitive to the needs of Main Street and small business. For years, he worked with our former colleague, Senator Byron Dorgan of North Dakota, and they did their best to pass this legislation. When Senator Dorgan retired, I approached Senator ENZI and said: I would like to join you in this effort. I am honored to be on the floor with him and our mutual friend, Senator ALEXANDER, in this combined bipartisan effort to deal with an issue I think is essential to fairness in our economy and helping small businesses thrive, which is the key to economic revitalization.

If you ask the small businesses in my home State of Illinois what they want, it is not a big handout from Washington, nor any special attention. Frankly, they ask for a level playing field: Let them compete. What Senator ENZI has said is that many retailers in my State, his, and every State are finding it more difficult to compete because they have to rent a building or buy one. They have to pay the property taxes. They, of course, have to pay utility bills and local taxes that might be generated because of their sales either to the State or local government. In each instance, they are investing back into the community and State in which they live. That is part of the basic understanding we have in this country, that we are in this together and we need to cooperate. The businessman down the street who is selling something in a store is also at the same time supporting the local community to make sure it has traffic lights and make certain it has police protection and utilities and streets and curbs and gutters and everything that goes with it.

But there has been a new phenomena in the American marketplace over the last several decades, and now it is in full throat, and that is the Internet. Internet sales are an amazing entity—we can literally click a mouse and buy a product that will arrive several days later at our home or business place. It also has invited an inequity, an unfairness that we address in this bill.

We are not creating any new taxes in this bill. I say to my friends on both sides of the aisle, that is not our intention, nor does this bill do that. What it does is it provides a mechanism to collect existing taxes that are owed under existing law, period. We do this in a fashion—which Senator ALEXANDER will describe in a moment—that capitalizes on the technology and software available today to make this a process that is not burdensome and does not slow down commerce in any way.

I recently went to Bloomington, IL, and a number of other communities in my State and sat down with local retailers and had them tell their stories—in many cases, depressing sto-

ries—about what they are going through. In one instance, this fellow sells camping gear, outdoor wear, some snorkeling equipment, and ski equipment, and it is not unusual for him and for others who are selling that type of sporting equipment to have local customers come in and look for the product they want, actually get a fitting to make sure they get the right size, and then leave to order it on the Internet so they can escape any sales tax liability. Well, that isn't fair to the local merchant, and it certainly wasn't the intention of Illinois or any other State to impose a sales tax just on those businesses that physically exist in our States.

This bill, the Marketplace Fairness Act, applies this sales tax across the board to sales across the United States, and it is voluntary. States have to decide they want to move into this field and use this opportunity. I think that is the way to approach it. Some 24 States, if I am not mistaken, have already signed up for this streamlined coalition which allows them to make this happen. Other States, by complying with this law and passing a local State law, can do the same. It is their option. We don't impose it or demand it. It is their option, if they choose it, to use existing sales tax and to take the initiative at the State level. As Senator ALEXANDER has reminded me many times, it is a States rights issue, as it should be, and that is what we are focusing on in this legislation.

I think it is an issue of fairness, and I think it goes beyond what we are facing today in terms of the disparity between Democrats and Republicans. We are coming together. We are coming together on behalf of tax fairness, coming together on behalf of States rights, coming together to make certain that small businesses across America have the resources they need to prosper, be profitable, and, we hope, to expand their workforce. We need to create more jobs, and I don't think it is unreasonable to expect that to happen as these local retailers become more competitive and more profitable.

I might also add that the States that decide to opt in to it will have a source of revenue that will be helpful to them in difficult times. Again, it is their decision.

I will not recount all of the groups that have endorsed this; Senator ENZI already has. It is a pretty impressive array. One of the most impressive supporters he has read a letter from is Amazon—to think that one of the largest if not the largest online retailer in America endorses this bill. When I think back on all of the battles that have been fought in all of the States by Amazon when each State tried to address this, I believe it is telling that they have stepped forward and said: Here is a solution that can work. And if the largest online retailer in Amer-

ica—or one of the largest—feels that way, it should encourage many colleagues who don't want to destroy that part of our economy, and I certainly don't either.

This is a positive step in the right direction. I thank Senator TIM JOHNSON, Senator BOOZMAN, Senator JACK REED, Senator BLUNT, Senator WHITEHOUSE, and many others who are going to join Senator ENZI, Senator ALEXANDER, and myself in this effort to pass this bipartisan bill. Let's get this done. Let's work together on a bipartisan basis to solve a problem that has haunted us for over a decade and do it in a fair fashion that does not create any new taxes but gives to the States the right to collect those taxes that are already on the book.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee. The minority has 20 seconds left.

Mr. ALEXANDER. I ask consent to extend the colloquy into Democratic time.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I wish to congratulate Senator ENZI and Senator DURBIN and say how pleased I am to join as a cosponsor of their legislation. Here is what I want to congratulate them for. Senator ENZI said he came to this as a former mayor, as a former shoe shop owner, and as a former legislator. I come as a former Governor.

In our constitutional framework, I have always thought it was our business in Tennessee to decide what services we wanted to provide and what taxes we wanted to levy to pay for them. For example, we have a high sales tax, but we have no income tax. That is different from most States. We have a low overall tax burden. For me, this is, as Senator DURBIN and I have discussed, a matter of States rights.

I think the most important thing I could say today is that they have solved the problem with this legislation. This problem has been there for a long time. It has had the opposition of conservatives worried about taxes. It has had the opposition of Amazon and other online sellers.

Twenty years ago, when technology for businesses to compute and collect taxes was not nearly as innovative as it is today, the Supreme Court said that without congressional approval, states could not require out-of-state businesses to collect sales taxes because this created too much of a burden on interstate commerce. Senator ENZI and Senator DURBIN, with this legislation, in my opinion, have solved the problem, and this is going to happen.

I am not presumptuous enough to predict what the Congress will do and

what the President will sign, but I think I have been around long enough and I have watched Congress enough to say this is going to happen. And if I were Governor, if I were an online retailer, or if I were a catalog retailer, I would make my plans to conduct my business in this way. Why do I say that? Well, for one thing, times have changed.

This morning, I got up and looked up the weather in my hometown. So I went online and put in weather, 37886—that is my ZIP Code—and back came the information. Under the bill Senator DURBIN and Senator ENZI have proposed, the State would create a system for Amazon, let's say as an example, an online seller. All they would have to do, if I buy a \$300 or \$400 television set, is they put my name in, they put in my ZIP code, and the software the State has provided will tell them what the tax is and will even electronically transfer the tax money back to the State. In other words, Amazon will do the same thing the appliance store in Maryville, TN, will do, and that is what we intended to happen.

I mean, when we passed a sales tax in Tennessee—I wasn't around then, but I was around when it has been raised—we didn't intend to exempt some people over others. We didn't intend to subsidize some businesses over others. We made a general decision that when we buy things in Tennessee, all sellers would collect the sales tax. We have a local sales tax and we have a State sales tax, and that is our right to decide.

Some of the opposition in the past has come from conservative groups. It was important, just yesterday, to see the chairman of the American Conservative Union write a very strong article in support of a House version of this same bill. I talked with him yesterday, Mr. Al Cardenas, a businessman from Florida, and he is reviewing our bill.

Ten years ago, William F. Buckley wrote about this problem and said that it was a loophole that needed to be solved and when States decided to subsidize some taxpayers over others and some businesses over others, that was not good conservative philosophy.

So when you have Amazon supporting in a strong letter that Senator ENZI read, and when you have the chairman of the American Conservative Union on the same day announcing his support for the same principles, I think you have solved the problem.

As Amazon just said in their letter, they are in business to compete and they can sell their goods, they claim, cheaper online than they can buy them in Senator ENZI's store in Gillette, WY. Maybe they can, maybe they can't, but at least they will have a level playing field, and both the store in Gillette, WY, and the online seller will do the very same thing. They will collect the sales tax that is already owed from the

purchaser and they will send it directly to the State, which has been the way things have worked for a long time.

This is an issue about preserving the States' right to collect or not to collect their own sales tax. It is about closing a tax loophole. It is about stopping the subsidization of some businesses over others, of some taxpayers over others.

I will conclude my remarks in a moment, but first here is what William F. Buckley said about it:

The mattress maker in Connecticut . . . does not like it if out-of-State businesses are, in practical terms, subsidized; that's what the non-tax amounts to. Local concerns are complaining about traffic in mattresses and books and records and computer equipment which, ordered through the Internet, come in, so to speak, duty free.

Of course, Governors and legislators are up in arms as well. This loophole costs States \$23 billion. Tennessee could use this money to ward off a State income tax which we don't have and we don't want. Wyoming could use the revenue to reduce its property tax. Other States might reduce rising college tuitions, or they might reward outstanding teachers.

This has been a problem for the last 20 years, but Senator ENZI and Senator DURBIN, with their legislation, have solved the problem.

I will stop where I started. This is not a new tax, it is an existing tax. It is not a tax on the Internet; it is on all sales. Senator ENZI and Senator DURBIN, with their legislation, have solved the problem, and I predict that because of the voluntary agreements and the ease of out-of-State vendors doing the same thing Main Street vendors do, that very soon we will eliminate these subsidies and close this loophole. I congratulate them for their years of work in this area. I am happy to join 10 Senators—5 Republicans, 5 Democrats—in cosponsoring this legislation.

Mr. President, I ask unanimous consent to include for the RECORD the article by Al Cardenas, the head of the American Conservative Union; the essay by William F. Buckley; and a letter from Governor Bill Haslam of Tennessee, endorsing the Enzi-Durbin legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From National Review Online, Nov. 8, 2011]

THE CHIEF THREAT TO AMERICAN
COMPETITIVENESS: OUR TAX CODE

(By Al Cardenas)

More than three years after America's financial system hit a crisis point, the state of our economy remains in turmoil. As our nation's leaders grapple with immediate challenges through dueling jobs plans and the Joint Select Committee on Deficit Reduction tries to come to agreement on a trillion and a half in reductions, we must also consider long-term measures to strengthen our economic security. As it stands now, the number one threat to the future of American

competitiveness isn't other countries. It's our tax law.

The United States Tax Code is difficult to understand and even harder to navigate, for families and businesses alike. Title 26 has been patchworked, reformed, and tinkered with for decades, giving us an antiquated mess of laws rife with inequities. Our corporate tax rate is among the highest in the world. We refuse to shift to a Territorial Tax System that would stop punishing our companies for bringing earned overseas income back to the U.S. for reinvestment. Tax rates for small businesses remain high and inconsistent.

A robust free-market system requires a level playing field, where the government doesn't get to pick the winners and losers. We should require the same of our system of taxation. We need a simpler, fairer, flatter tax code that removes loopholes, subsidies, and credits, one that lowers rates across the board and expands the percentage of Americans paying their fair share of taxes.

When it comes to sales tax, it is time to address the area where prejudice is most egregious—our policy towards Internet sales. At issue is the federal government exempting some Internet transactions from sales taxes while requiring the remittance of sales taxes for identical sales made at brick and mortar locations. It is an outdated set of policies in today's super information age, when families every day make decisions to purchase goods and services online or in person. Moreover, it's unfair, punitive to some small businesses and corporations and a boon for others.

This is why the American Conservative Union applauds Rep. Steve Womack for his sponsorship of the Marketplace Equity Act of 2011, one of the first sincere attempts to modernize our tax policy for the 21st century.

As conservatives we know that governmental power can be used to destroy entrepreneurship, innovation and the free market. There is no more glaring example of misguided government power than when taxes or regulations affect two similar businesses completely differently.

Over time, the company that has to comply with a tax or a regulation will lose market share to its competitor who is carved out from this government interference. In these cases the winner is not the company who outcompetes, but the one who gets special privileges from the government.

At its inception, the Internet was everyone's darling, the latest example of American innovation and ingenuity. Internet sales represented a minuscule portion of the total retail market, and the novelty led to tax loopholes and unintended consequences. Now, according to Forrester Research, Internet sales account for nearly 10 percent of all sales of products and services in America, with an annual growth rate of about 9 percent.

If we do not confront this issue, state and local governments dependent on sales taxes will need to look for other sources of revenues as Internet sales continue to expand. Policy which allows for both online and brick and mortar retailers to be susceptible to the same taxes will—and should—allow for commensurate reductions in sales tax rates. For instance, if Internet sales tax revenues will add 10 percent in revenue to a governing body's coffers, then, at a minimum, a corresponding overall reduction in rates should apply.

The current system is also inconsistent with states' rights, and the Congress ought

to carefully consider enacting revenue neutral tax reform policies consistent with the Tenth Amendment.

The free-market system can only operate effectively on a level playing field of free and fair competition. Whether it's the Department of Energy's disastrous Solyndra project, or levying sales taxes, or a multitude of other policy decisions that impact the private sector, the government picking winners and losers is a perversion of the free market system. Lawmakers on Capitol Hill—especially conservatives—ought to at least acknowledge this when deliberating important reforms to the tax code. As we consider wholesale reform, exempting Internet sales can no longer be justified.

The Marketplace Equity Act of 2011 begins this conversation. It's not a perfect bill, but it's a critical beginning to this dialogue and should spark bipartisan support for revenue neutral reforms. Rest assured, we will not be party to or stand for Trojan Horse legislation that claims to strive for equity in the law merely to serve as a cloak for secret tax increases.

We have a great opportunity to drastically lower rates, especially corporate rates, and eliminate esoteric tax preferences to stave off the next massive financial crisis. A flatter, fairer, simpler tax code is the key to ensuring American competitiveness for generations to come. Our leaders in Congress are obligated to thoughtfully consider measures to achieve this.

[From National Review Online, Oct. 19, 2001]

GET THAT INTERNET TAX RIGHT

(By William F. Buckley Jr.)

Congress is up against it: what to do about Internet commerce?

To return to an example given earlier in this space, you have a mother living in Hartford, Connecticut, looking for a new mattress and spotting one on the website of a producer in Massachusetts. The feel of it is right, and so is the price, so the \$500 order is placed. The mattress crossing the border is not taxed, because writing the Constitution in Philadelphia in 1787, it was decided: no tariffs within the 13 states. Interstate commerce would be regulated only by Congress.

Which is all to the good, but Connecticut takes the position that the family living happily in Hartford has to pay its share of the cost of government, which entitles the treasury to a use tax. If the mother in Hartford who sent out for the mattress in Massachusetts were a perfect citizen, she would write a check for \$30 (6 percent) to the State of Connecticut and sleep at complete ease with her conscience. What she does do, is sleep at complete ease with her conscience without sending in the check for \$30. The reason for it is that taxes of that order are pretty well uncollectable. An uncollectable tax is one which would cost more to exact it would yield in profit. There is, in addition, the political question. People wouldn't like it when Big Brother stared into every out-of-state package, inquiring whether there is something in it for city hall.

So that one part of the pressure building on Congress is collectivist: to let states come in with a transfer tax. But a second pressure is from merchants who see themselves affected by untaxed transactions. The mattress maker in Connecticut is willing to compete with the company in Massachusetts, but does not like it if out-of-state businesses are, in practical terms, subsidized; that's what the non-tax amounts to. Local concerns are complaining about traffic in mattresses and books and records and com-

puter equipment which, ordered through the Internet, come in, so to speak, duty free.

Three years ago, Congress voted to continue until 2001 the tax-free character of interstate commerce. This meant not only a prospective loss of tax to the affected states, it meant also something on the order of a benediction on a staggering development in technology. The Internet is the happiest intellectual, journalistic, and educational development in history, and the thought of letting the weeds of prehensile government crawl about it struck some as on the order of enforced shutters on sunlight, or taps on waterfalls.

But, sigh, that was three years ago, which in the Internet business is three millennia ago. The estimated commerce done by the Internet in 1998 was \$9 billion. Last year it was \$26 billion. Which means we have to come to earth, and face homespun economic truths. If the advantage of tax-free Internet commerce marginally closes out local industry, reforms are required.

The mechanics of reforms call on holding not the buyer, but the seller, responsible. It still won't be possible to target the mother in Hartford directly when the mattress arrives, but the exporter of it in Massachusetts can be required to add \$30 to the cost of the mattress, and send the check off to Connecticut Internal Revenue. It is, finally, impossible for Congress to wrestle with the problem without yielding to legitimate demands of the states spending the money on education, police, and fire departments, and deprive them of revenue.

The question has not come up in the current welter of proposals, but we have to watch carefully to prevent the United States Postal Service from getting into the act. The most calamitous exposure of the postal service since the days of mail-train robberies is of course fax and the Internet. These are, for all intents and purposes, absolutely free transactions. One hundred messages can be sent out, or for that matter one thousand, for less than the cost of a first-class postage stamp. A rumor swept about the medium, a year or so back, that a proposal was making way that would charge five cents for every communication sent out on the Internet.

The very idea is heretical, like charging for Communion wafers. To tax the Internet for the benefit of the postal service is unsupportable reasoning. The postal service needs to survive from its own revenues. If there is a shortfall, the government can come up with it, as required, on the same principle as rural free delivery. But to attempt to relieve its problems by contaminating the Internet is something that any congressman who has taken an oath to right reason is bound to oppose.

NOVEMBER 8, 2011.

Senator LAMAR ALEXANDER,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ALEXANDER: I am writing to thank you for your leadership in helping to advance a federal solution to a problem states need Congress to address: the preservation of their own right to enforce their own tax laws and returning fairness to the marketplace.

The Marketplace Fairness Act will bring much needed, and long overdue, relief to the State of Tennessee. Tennessee and other states are currently unable to compel out-of-state businesses to collect sales taxes the same way local businesses do. It is important for states to determine their own tax policy and have the ability to collect the revenues

they are already owed. This is why your legislation is so important.

The Internet has changed the way we do business and provides small businesses the opportunity to grow, but we need our laws to adapt to this new marketplace. Our state relies on sales taxes for the majority of its revenue, and each year we are losing hundreds of millions of dollars that could be used to benefit Tennessee. What cannot happen is for Congress to do nothing, which will prevent states from enforcing their own laws.

Your legislation gives states the flexibility to determine what works best for them, and I am grateful that you are putting states' rights first and closing this online sales-tax loophole. The Marketplace Fairness Act strikes the right balance for Tennessee, and I fully support your efforts.

Warmest regards,

BILL HASLAM,
Governor, State of Tennessee.

Mr. DURBIN. Mr. President, would the Senator from Tennessee yield for a moment?

Mr. ALEXANDER. Oh, yes.

Mr. DURBIN. I wish to go on the record on behalf of myself and, I am sure Senator ENZI, in saying that Senator ALEXANDER doesn't give himself enough credit. He has been an integral part of putting together this bipartisan bill. We wouldn't be here without him. I want to thank him for facilitating the bipartisan effort to put this bill together. I share his feelings. I think we have finally found that sweet spot, and we can pass this bill.

Mr. ALEXANDER. I thank the Senator from Illinois.

Mr. ENZI. Mr. President, we yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to return to morning business.

The PRESIDING OFFICER. The Senate is in morning business.

Mr. REED. Mr. President, let me also commend Senator ENZI and Senator DURBIN and Senator ALEXANDER because I too am a cosponsor of this legislation, and I think it does represent a remarkably thoughtful and bipartisan approach to the problem of providing resources to local States and communities so they can carry out the very challenging issues of local governments. I am not surprised that Senator ALEXANDER is a key element in this product. Both Senator ENZI and Senator DURBIN deserve to be complimented. I thank them for their leadership.

VOW TO HIRE HEROES ACT

Mr. REED. Mr. President, I rise specifically to speak in strong support of the VOW to Hire Heroes Act of 2011. This legislation incorporates key components of the American Jobs Act and other bipartisan proposals designed to help veterans find jobs, including the Hiring Heroes Act, of which I am a proud cosponsor. These are common-sense policies that Congress can and should pass immediately.

We are in the midst of an unemployment crisis that is obvious to every American, and it is a growing problem that is sapping not only our economic strength but indeed our sense of national purpose and our morale. The national unemployment rate has been hovering around 9 percent, and that means 14 million Americans are looking for work in one of the toughest economies since the Great Depression. But what is unfortunate—some might even say shameful—is that almost 1 million of those Americans looking for work are veterans returning home after valiantly serving our country. The unemployment rate for veterans of Afghanistan and Iraq is an indefensible 12.1 percent. It represents a significant blow to young men and women who are returning home after serving their country in very difficult circumstances. In 2010, 36 percent of Afghanistan and Iraq-era veterans were unemployed for longer than 26 weeks. Again, that is a shameful statistic.

This unfortunate trend is mirrored in my home State of Rhode Island. We have a very high unemployment rate—10.5 percent, one of the highest in the Nation. We have been unfortunately in that category for almost 2 years now. But for veterans, the rate is 11.1 percent. They are doing even worse than other nonveterans in the unemployment category. That is one more reason, by the way, that we should extend the unemployment compensation legislation that is so necessary. I have joined Senators DURBIN, WHITEHOUSE, LEVIN, MERKLEY, and GILLIBRAND, and we have proposed to do this with the Emergency Unemployment Compensation Extension Act of 2011. We still have people coming back from Afghanistan; we still have people who are holding on to a job but very well might lose it. They need these benefits, and if we don't pass this legislation, then beginning next January, there is a very real possibility that they will not be able to get these benefits which are so essential.

We have to work together. I think it is a very good example of the work Senator ENZI, Senator ALEXANDER, Senator DURBIN, myself, and others have done with respect to this legislation on sales tax. But we have to work across the aisle, particularly for our American veterans, but also for American workers throughout this country.

Again today we have a component of the American Jobs Act before us. This bill is focused on veterans, but the jobs act overall should be passed. We have argued for it endlessly, because it will put Americans to work, it is fully paid for, and it will be an investment in our infrastructure and in other programs that are long-term needs of this Nation.

This particular legislation before us targeted at veterans would provide incentives for businesses to hire these

veterans, including a tax credit of \$2,400 for hiring a veteran who has been unemployed for more than 4 weeks but less than 6 months, a \$5,600 tax credit for hiring a veteran who has been looking for a job for more than 6 months, and a \$9,600 tax credit for hiring veterans with service-connected disabilities who have been looking for a job more than 6 months. These incentives will help veterans secure employment and they should be passed immediately.

These veterans deserve our help as they transition from their military service to their civilian careers. They have incredible skills of leadership, of diligence, of dedication, of self-discipline that add to their technical skills and make them incredibly important for the growth of our economy, and they have to have the opportunity to use these skills for the benefit of their communities, as they did to defend their country. This legislation provides that critical assistance.

It has other aspects to it. First, it would provide opportunities for military personnel who are leaving active service for transitional assistance to be able to participate in workshops sponsored by the Department of Defense, the Department of Labor, and the Department of Veterans Affairs. The workshops will help them write resumes, receive career counseling, and other things.

Second, it expands education and training opportunities for older unemployed veterans by essentially providing an additional year of Montgomery GI bill benefits for use at community colleges and technical schools. It also allows servicemembers to begin to seek civilian jobs in the Federal Government prior to formally separating from their military service.

Earlier this week I was with the President when we announced these initiatives and more. After that visit to the Rose Garden, I went to Walter Reed National Military Medical Center in Bethesda to visit those young men and women who have served and who are now wounded warriors. Trust me, their spirit is undeterred, as is their commitment to their country. We owe them much more than we can ever repay, and the first payment of that huge debt is passing immediately—this week—this legislation to help our veterans. So as we celebrate Veterans Day with speeches, we will have a real accomplishment to bring to the American people and the veterans who serve and defend us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISAPPROVING THE RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION WITH RESPECT TO REGULATING THE INTERNET AND BROADBAND INDUSTRY PRACTICES—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S.J. Res. 6.

The PRESIDING OFFICER. Under the previous order, there will be 4 hours of debate, equally divided and controlled between the two leaders or their designees.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, today's debate concerns S.J. Res. 6. In a larger context, though, we have been having this debate for 34 months. The theme is, the Obama administration's relentless imposition of new and destructive regulations has not helped us get into a recovery and, in fact, I think is freezing our economy.

We have seen it with the Environmental Protection Agency when it tried to regulate carbon emissions and greenhouse gases using the Clean Air Act, a purpose for which Congress never intended the law to be used. We have seen it with the National Mediation Board when it overturned nearly a century of precedent and issued a new rulemaking to allow unions to be formed more easily but harder to decertify.

We have seen it with the National Labor Relations Board when it took the shocking step of challenging Boeing's decision to create new jobs by building a new factory in South Carolina, simply because South Carolina is a right-to-work State.

Today's issue involves bureaucratic overreach into a symbol of American innovation and creativity, the Internet, because the Federal Communications Commission has now decided to regulate the Internet. Last December, three FCC Commissioners, on a party-line vote, voted to impose rules that restrict how Internet service providers

offer broadband services to consumers. Those rules, known as net neutrality, impose 19th century-style monopoly regulations on the most competitive and important job-creating engine of the 21st century, the Internet.

This marks a stunning reversal from the hands-off approach to the Internet that Federal policymakers have taken for more than a decade. During the last 20 years, the Internet has grown and flourished without burdensome regulations imposed by Washington. Powered by the strength of free market forces, the Internet has been an open platform for innovation, spurring business development and much needed job creation.

The former Democratic FCC Chairman, William Kennard, stated in 1999 “[t]he fertile fields of innovation across the communications sector and around the country are blooming because from the get-go we have taken a deregulatory, competitive approach to our communications structure—especially the Internet.”

The present FCC is reversing that policy that has been successful beyond our expectations. Broadband Internet networks have powered the information and communications industry, which in 2009 accounted for more than 3.5 million high-paying jobs and about \$1 trillion in economic activity.

This industry has been an engine for major economic growth even during these difficult times. Yet the FCC’s rules could severely jeopardize this industry’s vast potential. Net neutrality is intended to limit how Internet service providers develop and operate their broadband networks. The net neutrality order allows the FCC to tell broadband providers what kind of business practices are reasonable and unreasonable. The FCC, however, did not bother to clearly define in its rules what the agency considers to be reasonable.

This point is vital to understand. With such an arbitrary and yet poorly defined standard, companies will be forced to err on the side of caution. Rather than risk possible punishment from the FCC, many companies will simply decide: Maybe we will not invest right now in new technologies. Maybe it is too risky to develop and deploy new services. At the very least, it will delay such investment.

This kind of regulatory uncertainty will be crippling for companies and particularly small providers. We have heard exactly that from a small wireless Internet provider in Wyoming called LARIAT. This is a provider that is serving remote areas and trying to expand to other unserved years.

LARIAT testified before Congress that these FCC regulations are already harming its ability to attract investors, grow its business, hire more workers, and serve new customers. Forcing broadband companies to ask the government for permission before

moving forward is exactly what we should try to avoid when reviving our economy.

This FCC regime will lead to stagnation in Internet innovation in the United States, placing us at a disadvantage against overseas competitors who are not burdened with similar rules. Moreover, Internet providers will end up spending resources on lawyers and lobbyists in order to comply with the FCC’s rules, rather than investing those dollars in innovation.

Small companies will find it even more expensive to navigate Washington, DC. This certainly will not help consumers, particularly in rural areas, and will only increase the costs they have to bear. Before any new regulations are forced on American businesses, it is the government’s responsibility to clearly show, one, there is an actual problem that needs to be addressed. That should be foremost.

With the FCC taking such a large departure from the agency’s previous light-touch approach, one might think the FCC could point to a long list of net neutrality violations and problems that need to be fixed. That is not the case here. In a 134-page regulatory order, the FCC spent only three paragraphs attempting to catalog alleged instances of misconduct.

Within those three short paragraphs, every alleged problem was addressed under the FCC’s existing rule or, if not, it was fixed by the provider under pressure from the public or the competitive marketplace, where it should be fixed. As former FCC Commissioner Meredith Baker noted in her statement dissenting from the FCC’s net neutrality order, the Commission was “unable to identify a single ongoing practice of a single broadband provider that it finds problematic upon which to base this action.” To put it simply, the FCC has issued new rules without even demonstrating that intervention is actually necessary.

Despite protests to the contrary, these net neutrality regulations on broadband providers clearly establish the FCC as the Internet’s gatekeeper, a role for which the government is not suited. Innovation does not work on a government timetable nor does it thrive through a maze of roadblocks.

Ironically, supporters of net neutrality insist that providers are the ones who may become gatekeepers of the Internet. These people say the openness of the Internet is far too important to be left unprotected by the government. This is a false premise. In fact, the Internet has been an open platform for innovation since its inception, and it has not needed any sort of net neutrality rules from bureaucrats at the FCC.

To make matters worse, Congress has never given the FCC the explicit authority to regulate how Internet providers manage their networks. That is

why the new rules represent an unprecedented power grab by the unelected Commissioners at the FCC. In fact, current law states: “It is the policy of the United States . . . to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation.”

That is the law today. The FCC has lost this fight already in the courts. Last year, the DC Circuit Court of Appeals struck down the FCC’s 2008 attempt to impose net neutrality in the Comcast v. FCC case. The court ruled that the FCC was acting beyond the reach of its congressionally provided authority and cautioned that regulations should be imposed only with explicit congressional direction.

This was validation that regulatory agencies cannot make policy without congressional direction. Rather than back down, however, the FCC doubled down. The current FCC order tries an even more expansive interpretation of the law than was used in the Comcast case. FCC Commissioners inexplicably claimed the agency can impose heavy-handed Internet regulation under section 706 of the Telecommunications Act. This was a section of the law that was intended to remove regulatory barriers to broadband investment, not to raise them.

If the FCC’s legal theory is left unchallenged, the FCC will have nearly unbounded authority to regulate almost anything on the Internet. It is Congress’s role, not the FCC’s to determine the proper policy framework for the Internet. Over time, and aided by the current administration, regulators throughout the government have gradually tried to seize increasing control over so many facets of American life. It is time for the Senate to stop this overreach. We write the laws of this country, not unelected bureaucrats. That is why we are here today.

Thanks to Senate majority leader HARRY REID, former Senator Don Nickles, and the late Senator Ted Stevens, one of the tools Congress has to stop rogue agencies is the Congressional Review Act. The Congressional Review Act allows Congress to review a rule before it takes effect and even to nullify that rule if Congress finds it is inappropriate, or if it overreaches, or if Congress itself hasn’t delegated this power to an agency.

As Senators REID, NICKLES, and STEVENS said at the time of this bill’s passage, “Congressional review gives the public the opportunity to call the attention of politically accountable, elected officials to concerns about new agency rules. If these concerns are sufficiently serious, Congress can stop the rule.”

We believe the concern about the FCC’s net neutrality rules is sufficiently serious to warrant the consideration of Senate Joint Resolution 6,

the disapproval resolution Senator MCCONNELL and I introduced to nullify the FCC's net neutrality order under the Congressional Review Act. The House has already passed its version of the resolution, and we need only a majority of Senators to send this bill to the President's desk. Even a net neutrality supporter, Senator OLYMPIA SNOWE, who has authored net neutrality legislation, is a cosponsor and supporter of our resolution today.

While Senator SNOWE and I don't agree on the need for a net neutrality law, we are in complete agreement—and she stated it beautifully—that Congress, not the FCC, should determine what the proper regulatory framework is for the Internet.

If the Senate does not strike down these regulations soon, they will go into effect on November 20, further jeopardizing jobs in this fragile economy. I guess you could say that it will allow more lawyers to be hired, but more innovators? Probably not. That is not the mix we need to assure that our economy will get back on track in this country.

Studies indicate that net neutrality rules could significantly affect our economy. If net neutrality reduces capital investment in broadband infrastructure by even 10 percent, it could cost our country hundreds of thousands of jobs over the next decade.

We must preserve the openness of the Internet as a platform for innovation and economic growth. We must keep the competitive advantage that we have in this country for innovation. The last thing we ought to be doing is putting restrictions on our providers, when many countries that are also advanced in this area are not doing the same thing. So when we go to global competitiveness, we are putting our companies at a disadvantage. Why would we do that?

We must stop the job-killing regulatory interference by our government today in so many areas, and we can start right here, right now, by keeping the Internet free, voting for this resolution of disapproval, and saying to the regulatory bodies in this town: Congress must authorize a delegation of authority for your agency to pass rules, and especially when Congress is in disagreement with those rules.

This is a key policy decision for our body. We need to step up to the responsibility that Congress has. Our Constitution divided the powers between three branches of government. If Congress doesn't stand up for its one-third of the powers of this government and lets unelected bureaucrats run over our prerogatives, we will become a weaker branch, and our government will become weaker for it. We need to have three equal branches of government, and that means each branch must fulfill its responsibilities under the Constitution. Congress must delegate its

authority explicitly for a rule to be made. That is the way the Constitution intended for Congress to fulfill its job as the elected representatives of the people of our country.

The House has passed this resolution. I hope the Senate will tomorrow. I hope the people will speak and say that even if you disagree on the basic issue of net neutrality, it is not the right of the FCC to pass sweeping regulations that will affect the economy of this country without explicit authority from Congress, which it does not have.

Mr. President, I ask my colleagues to come to the floor if they want to speak on this resolution. There is 4 hours, equally divided, and that time is now running. I say to my Republican colleagues that we have quite a list of those who want to speak. They must know that the time will run out in about 3½ hours now. I ask them to contact me if they wish to speak.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The senior Senator from the great State of West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise today to oppose the Senate Joint Resolution 6, which was brought under the Congressional Review Act—about which I wish to talk—to disapprove the FCC's open Internet rules, such as they are.

Americans want the Internet to be free and open to them. They want to go where they want to go, see what they want to see, do what they want to do on the Internet. They don't want to have somebody blocking them or to have gatekeepers. They want it to be a nice, open forum for them. They care about the Internet. Everyone uses it. They want to be able to develop new businesses, and they want to read and watch video. They want to reach out to friends and family and community. And they want to do it online. They want to do all of these things on the Internet—without having to ask permission from their broadband provider. The FCC has promulgated balanced rules that let Americans do all of these things, and keep the Internet open and keep the Internet free.

Let us be clear from the outset. No matter how S.J. Res. 6 is dressed up in language that suggests it will promote openness and freedom, it will not do that. The resolution is misguided. It will add uncertainty, in fact, into the economy, and it will hinder small businesses dependent upon fair broadband access, where otherwise they might be put in a slower lane. They want to be in a fast lane. They want to be able to compete with other parts of the country. This resolution will, in fact, undermine innovation. It will hamper investment in digital commerce. It will imperil the openness and freedom that has been the hallmark of the Internet from the very start.

The FCC's rules were the product of very hard work, consensus, and com-

promise. The agency had extensive input from stakeholders from all quarters. They opened up and said send in your comments. In fact, they had written input from more than 100,000 commenters. About 90 percent of those filing supported the adoption of open Internet rules. On top of this, the rules are based on longstanding and widely accepted open Internet principles, which were first articulated during the second Bush administration.

These rules do three basic things. First, they impose a transparency obligation on providers of broadband Internet service. This means that all broadband providers are required to publicly disclose to consumers accurate information regarding the network management practices.

Second, the rules prohibit fixed broadband providers from blocking lawful content, application, services, and devices. This means consumers and innovators will continue to have the right to send and receive lawful Internet traffic, with mobile broadband service providers subjected to a more limited set of prohibitions. I will speak about that in a moment.

Third, the rules aim to ensure that the Internet remains a level playing field by prohibiting fixed broadband providers from unreasonably discriminating in transmitting lawful network traffic—which they have done.

Finally, the rules are meant to apply with the complementary principle of reasonable network management, which provides broadband providers the flexibility to address congestion or traffic that is harmful to the network. These are principles that I believe everyone can support. I see nothing wrong with them. The word “reasonable” somehow doesn't scare me. Maybe it should, but it doesn't.

I ask my colleagues, what is wrong with transparency? Why would we want to promote Internet blocking or discrimination? Why would we want to have some people on the fast lane and some on the slow lane, depending on whether you paid your Internet provider enough money? What is unreasonable about reasonable network management?

I believe that the FCC's effort, along with ongoing oversight and enforcement, will protect consumers, and I believe it will provide companies with the certainty they need to make investments in our growing digital economy.

While many champions of the open Internet would have preferred a stricter decision—and I am one of them; I myself have real reservations about treating wireless broadband differently from wired broadband—I think the FCC's decision was nevertheless a meaningful step forward. In a moment, I will talk about other people who feel the same.

Supporters of the joint resolution fail to acknowledge that the FCC's open

Internet rules have received overwhelming support from broadband Internet service providers, consumers, and public groups, labor unions, as well as high-tech companies.

AT&T CEO Randall Stephenson stated earlier this year that while he wanted “no regulation,” the FCC’s open Internet order “ended at a place where we have a line of sight and we know and can commit ourselves to investments.”

Time-Warner Cable said at the time of the order’s release that the rules adopted “appear to reflect a workable balance between protecting consumers’ interests and preserving incentives for investment and innovation by broadband Internet service providers.”

Numerous analysts from major investment banks have found that the open Internet order removes what they call regulatory overhang and allows telecom and cable companies to focus on investment.

Google, Facebook, Twitter, eBay, Skype, and other leaders in innovation all urged the FCC to adopt “common-sense baseline rules . . . critical to ensuring that the Internet remains a key engine of economic growth, innovation, and global competitiveness.”

More than 150 organizations wrote Congress to oppose this joint resolution. I hate reading lists, but I am going to do it anyway: the Communications Workers of America, the AFL-CIO, the NAACP, the U.S. Conference of Catholic Bishops, the American Library Association, the American Association of Independent Music, the Leadership Conference on Civil and Human Rights, the League of United Latin American Citizens, the National Organization for Women, and Technet. There are a lot of folks at Technet who have a lot at stake. I have their letters here.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 14, 2011.

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN ROCKEFELLER AND RANKING MEMBER HUTCHISON: We write to urge your support for the FCC’s open Internet rule and rejection of S.J. Res 6, a resolution of disapproval under the Congressional Review Act. Americans have come to depend on reliable open Internet access for their daily life and work. Yet without a light touch FCC rule, households, students and small businesses lack any recourse at all if their Internet Access Provider (IAP) decides to prioritize its own content and affiliated services or block other end user choices.

The FCC’s December 2010 decision was adopted after several lengthy proceedings and unprecedented public input. The result is a very modest rule designed to preserve open non-discriminatory Internet access. In deference to the wishes of IAPs, the FCC completely avoided Title II common carrier regulation. The rule allows flexible network management and does nothing to inhibit broadband network deployment, while it af-

firmatively facilitates innovation and investment in new online services, content, applications and access devices by providing some minimal assurance they will not be blocked arbitrarily.

CRA repeal would actually leave the American public worse off than with no open Internet rule, as it would also rescind FCC authority in this area. Congress has repeatedly entrusted the FCC with a duty to protect the public interest in nationwide communications by wire and radio. No other agency can help your constituents with Internet access trouble if FCC authority is terminated.

Sincerely,

ED BLACK,
President & CEO, CCIA.
REY RAMSEY,
President & CEO, Tech Net.

OPEN INTERNET COALITION,
Washington, DC, November 4, 2011.

Hon. JOHN D. ROCKEFELLER IV,
Chairman, Senate Committee on Commerce,
Science, and Transportation, Washington,
DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member, Senate Committee on Commerce,
Science, and Transportation, Washington,
DC.

DEAR CHAIRMAN ROCKEFELLER AND RANKING MEMBER HUTCHISON: The Open Internet Coalition (“OIC”) respectfully submits this letter to indicate our opposition to a vote under the Congressional Review Act to vacate the Federal Communications Commission’s Open Internet Order, which would preclude any future action in this area by the Commission.

The OIC believes that such a vote would hurt consumers and innovation, and respectfully asks the Senate to reject the CRA measure.

Sincerely,

THE OPEN INTERNET COALITION.

OCTOBER 12, 2011.

Majority Leader HARRY REID,
Minority Leader MITCH MCCONNELL
U.S. Senate,
Washington, DC.
Chairman JAY ROCKEFELLER,
Ranking Member KAY BAILEY HUTCHISON,
U.S. Senate Committee on Commerce, Science
and Transportation, Washington, DC.

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN ROCKEFELLER, AND RANKING MEMBER HUTCHISON: We, as leaders and communicators representing many diverse religious traditions, write to share our strong support for Internet freedom. Specifically, we support the Federal Communication Commission’s Open Internet rules and urge you to oppose S. J. Res 6 which would repeal these rules using the Congressional Review Act. These rules are important for underserved communities as well as the faith community.

The Internet is a critical tool for non-profits and other institutions nationwide. In particular, institutional networks such as health care providers and institutions of higher learning, as well as social service agencies and community organizations use the Internet for communication, organizing, and learning. The Internet is an increasingly important tool that helps needy persons access the education and services they need to improve their lives and the lives of their families. In these difficult economic times, the Internet is an essential tool for those seeking to get back on their feet.

Not only are the open Internet rules important for those the faith community

serves, it is important for the religious community itself. As the National Council of Churches Communications Commission recently stated, Internet communication is “vital” to faith groups to enable them to communicate with members, share religious and spiritual teachings, promote activities on-line, and engage people—particularly younger persons—in their ministries. As the resolution noted, “Faith communities have experienced uneven access to and coverage by mainstream media, and wish to keep open the opportunity to create their own material describing their faith traditions.” Without robust open Internet protections, our essential connection to our members and the general public could be impaired. Communication is an essential element of religious freedom: we fear the day might come when religious individuals and institutions would have no recourse if we were prevented from sharing a forceful message or a call to activism using the Internet.

We are particularly concerned about the way Congress has chosen to address this issue. Members of Congress have already initiated action under the Congressional Review Act to eliminate all open Internet protections. Even for legislators who might not agree with every aspect of the FCC’s new rules, the proposed use of the Review Act is extreme.

After many months of public hearings and reviewing thousands of public comments, the FCC last December sought to strike a balance between the needs of Internet providers and the general public. The agency’s compromise rules were designed to guard against the most severe forms of abuse. The result was a set of regulations that competing parties in the industry and public sector were able to support. A number of the new rules are critical to ensuring that all citizens can gain access to high speed Internet.

Among other things, the new disclosure rules will make it easier for low-income families to choose an Internet provider at a price they can afford.

In addition to new policies, the rules adopted last year reestablished a number of non-controversial common-sense FCC policies, including protecting the right of an Internet user to access any lawful Internet content. If the Review Act is used to void the FCC regulations, not only would it restrict the FCC’s ability to protect Internet users in the future, it would also dismantle even these limited and essential protections put in place during the Bush Administration.

We hope that the House and Senate will reject the use of the Congressional Review Act to overturn these important rules. We hope that Congress will instead work to preserve openness online, and to ensure that all people, particularly people of faith, are able to take full advantage of the power of the Internet.

Sincerely,

Andrea Cano, Chair, United Church of Christ, OC Inc.; Rev. Robert Chase, Founding Director, Intersections International; Barb Powell, United Church of Christ, Publishing, Identity, and Communication; Rev. Dr. Ken Brooker Langston, Director, Disciples Justice Action Network; Reverend Peter B. Panagore, First Radio Parish Church of America; Grady Parsons, Stated Clerk, Office of the General Assembly Presbyterian Church (USA); Dr. Riess Pottersveld, President, Pacific School of Religion; The Rev. Eric C. Shafer, Senior Vice President, Odyssey Networks; Dr. Sayyid M. Syeed, National

Director, Office for Interfaith & Community Alliances, Islamic Society of North America; Jerry Van Marter, Director, Presbyterian News Service, Presbyterian Church, Chair, Communications Commission, National Council of Churches; Linda Walter, Director, The AMS Agency, Seventh-day Adventist Church.

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
Washington, DC, October 12, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. JOHN D. ROCKEFELLER, IV,
Chairman, U.S. Senate,
Washington, DC.
Hon. KAY BAILEY HUTCHINSON,
Ranking Member, U.S. Senate,
Washington, DC

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN ROCKEFELLER, AND RANKING MEMBER HUTCHINSON: on behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, along with the undersigned organizations, we write to urge you to oppose the use of the Congressional Review Act (CRA), S. J. Res. 6, to repeal the Federal Communication Commission's (FCC) Open Internet rules. Though the organizations represented by this letter have taken different views on the Open Internet rules, we are united in the view that congressional plans to overturn these rules using the CRA would cause significant harm, particularly to the constituencies represented by our organizations, and divert attention from other critical media and telecommunications issues that are so vital to our nation's economic and civic life.

The CRA, 5 U.S.C. 801-808, is a blunt instrument. The terms of the Act require complete repeal of the agency action in question in a simple "yes or no" vote. For this reason, use of the CRA would mean that critical long-established protections will be repealed along with newer proposals adopted for the first time in December. Use of the CRA would eliminate the FCC's authority to enforce its reasonable Open Internet principles, including those that prevent private blocking of constitutionally-protected speech.

A free and open Internet is of particular concern to civil rights organizations because the Internet is a critical platform for free speech. It is also a tool for organizing members and for civic engagement; a chance for online education and advancement which is essential to economic development and job creation; a means by which to produce and distribute diverse content; and an opportunity for small entrepreneurs from diverse communities who might not otherwise have a chance to compete in the marketplace.

As you know, the FCC adopted Open Internet rules in December after an extensive and detailed process. As a result, the Commission for the first time adopted a set of enforceable rules that many diverse parties agree will protect against severe abuse, promote free expression on the Internet, and encourage job-creating investment in broadband networks. These rules include a number of non-controversial commonsense policies, such as the right of a consumer to reach any lawful content via the Internet while pre-

serving network providers' ability to manage their networks. The rules adopted in December will help get all Americans online: for example, consumers with low incomes will be better able to select a service at a price they can afford under the Commission's new transparency rules.

We also urge Congress and the Commission to move forward on other critical media and telecommunications policy initiatives. As we explained to the FCC last fall, we believe it is critical for the Commission to renew its focus on expanding broadband adoption among people of color; closing the digital divide; extending universal service support to broadband services; adopting provisions to protect consumer privacy; and implementing the 21st Century Communications & Video Accessibility Act of 2010.

In closing, we strongly urge you to oppose use of the Congressional Review Act to repeal the Federal Communications Commission's Open Internet rules. We also hope that Congress and the Commission will move forward expeditiously to implement the National Broadband Plan to expand deployment and adoption of new technologies and high-speed Internet for all Americans. Should you require further information or have any questions regarding this issue, please contact The Leadership Conference Media/Telecommunications Task Force Co-Chairs, Cheryl Leanza, at 202-904-2168, Christopher Calabrese, at 202-715-0839, or Corrine Yu, Leadership Conference Managing Policy Director, at 202-466-5670.

Sincerely,
American Civil Liberties Union; Common Cause; Communications Workers of America; Disability Rights Education & Defense Fund; NAACP; The Leadership Conference on Civil and Human Rights; National Hispanic Media Coalition; National Organization for Women; United Church of Christ, Office of Communication, Inc.

ASSOCIATION OF RESEARCH LIBRARIES,
October 14, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate.
Hon. JAY ROCKEFELLER,
Chairman, U.S. Senate Committee on Commerce,
Science and Transportation.
Hon. KAY BAILEY HUTCHINSON,
Ranking Member, U.S. Senate Committee on
Commerce, Science and Transportation.

DEAR LEADER REID, LEADER MCCONNELL, CHAIRMAN ROCKEFELLER, AND RANKING MEMBER HUTCHINSON: The American Library Association (ALA), the Association of Research Libraries (ARL), and EDUCAUSE respectfully ask you to oppose S.J. Res. 6 and any other legislation to overturn or undermine the "Net Neutrality" decision adopted by the Federal Communications Commission (FCC) in December 2010.

ALA, ARL and EDUCAUSE believe that preserving an open Internet is essential to our nation's educational achievement, freedom of speech, and economic growth. The Internet has become a cornerstone of the educational, academic, and computer services that libraries and higher education offer to students, teachers, and the general public. Libraries and higher education institutions are prolific generators of Internet content. We rely upon the public availability of open, affordable Internet access for school homework assignments, distance learning classes, e-government services, licensed databases, job-training videos, medical and scientific

research, and many other essential services. It is crucial that the Internet remains a "network neutral" environment so that libraries and higher education institutions have the freedom to create and provide innovative information services that are central to the growth and development of our democratic culture.

The following data points illustrate why open, non-prioritized Internet access is so critically important to the public that we serve:

a. 80% of college students live off-campus. Net neutrality is vitally important so that these students receive the same quality of access to web-based information as on-campus students;

b. 97% of public two-year colleges have on-line distance education programs;

c. 99% of public libraries provide patrons with access to the Internet at no charge; in 65% of communities, public libraries are the only provider of such access.

The attachment to this letter provides several specific examples of critical Internet-based applications that our communities have developed to serve students, teachers, the elderly, the disabled and other members of the public. As these examples demonstrate, libraries and higher education increasingly depend on the open Internet to fulfill our missions to serve the general public. Without an open and neutral Internet, there is great risk that prioritized delivery to end users will be available only to content, application and service providers who pay extra fees, which would be an enormous disadvantage to libraries, education, and other non-profit institutions. In short, Internet Service Providers (ISPs) should allow users the same priority of access to educational content as to entertainment and other commercial offerings.

The FCC's Net Neutrality decision last December was an important step forward. The decision includes a non-discrimination standard for wireline Internet services, and it limits the opportunities for paid prioritization. The FCC's decision also explicitly protects the rights of libraries, schools, and other Internet users. While the FCC's decision falls short in some other areas, particularly with regard to mobile wireless services, the decision appropriately requires ISPs to keep the Internet open to educational and library content.

For these reasons, ALA, ARL and EDUCAUSE believe that the FCC's decision should be upheld and it should not be overturned by Congressional action. While the FCC's decision can certainly be improved, we strongly believe that the FCC should be able to oversee the broadband marketplace and respond to any efforts by ISPs to skew the Internet in favor of any particular party or user. The Internet functions best when it is open to everyone, without interference by the broadband provider. We urge you to uphold the FCC's authority to preserve the openness of the Internet and to oppose any proposal to overturn or undermine the FCC's Net Neutrality decision.

Respectfully Submitted,

LYNNE BRADLEY,
American Library Association (ALA).

GREGORY A. JACKSON,
EDUCAUSE.

PRUDENCE S. ADLER,
Association of Research Libraries (ARL).

AMERICAN ASSOCIATION
OF INDEPENDENT MUSIC,
New York, NY, November 4, 2011.

Hon. JAY ROCKEFELLER,
Chairman, Committee on Commerce, Science &
Transportation, Hart Senate Office Build-
ing, Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member, Committee on Commerce,
Science & Transportation, Russell Senate
Office Building, Washington, DC.

Hon. HARRY REID,
Majority Leader, Hart Senate Office Building,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, Russell Senate Office Build-
ing, Washington, DC.

DEAR SENATORS, The American Association of Independent Music (A2IM) is a non-profit organization representing a broad coalition of independently owned music labels from a sector that comprises more than 30 percent of the music industry's U.S. market, nearly 40 percent of digital sales, and well over 80 percent of all music released by music labels in the U.S. A2IM's label community includes music companies of all sizes throughout United States, from Hawaii to Florida and all across our country, representing musical genres as diverse as our membership.

Unfortunately, economic reward has not always followed critical success due to barriers to entry for independents in both promotion and commerce. A2IM members share the core conviction that the independent music community plays a vital role in the continued advancement of cultural diversity and innovation in music at home and abroad, but we need your help.

Of all the technological developments in recent history, the Internet represents the most potent platform for entrepreneurship and expression our community has witnessed. Despite the many unresolved questions surrounding the protection of intellectual property online, we remain optimistic that open Internet structures are our best means through which to do business, reach listeners and innovate in the digital realm.

Independent labels would not fare well under any regime that allows Internet traffic to be prioritized based on business arrangements between ISPs and the largest corporate entities, as our sector is not capable of competing economically. This is why we have consistently gone on record in favor of clear, enforceable rules of the road for the Internet, whether accessed on personal computers or mobile devices.

We are not convinced that the FCC's recent Order goes far enough to preserve the dynamics that make the Internet such a unique and promising marketplace for creative commerce. We are particularly concerned about the lack of clarity in the mobile space, as well as the possibility of our sector being priced out of the most desirable online delivery mechanisms.

Nonetheless, it seems shortsighted for Congress to seek to eliminate the FCC's ability to oversee this vital space, as it is an essential part of a free market driven by enterprise, ingenuity and competition. We therefore urge the United States Senate to forego any attempt to stymie the FCC's authority to preserve the underlying dynamic of the Internet.

Sincerely,

THE AMERICAN ASSOCIATION
OF INDEPENDENT MUSIC (A2IM).

FUTURE OF MUSIC COALITION,
Washington, DC, November 4, 2011.

Hon. JAY ROCKEFELLER,
Chairman, Committee on Commerce, Science &
Transportation, Hart Senate Office Build-
ing, Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member, Committee on Commerce,
Science & Transportation, Russell Senate
Office Building, Washington, DC.

Hon. HARRY REID,
Majority Leader, Hart Senate Office Building,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, Russell Senate Office Build-
ing, Washington, DC.

DEAR SENATORS, Since its inception, the internet has represented a powerful tool for the exchange of information and ideas. In recent years, it has also contributed greatly to the emergence of novel platforms for the dissemination of creative content. It is as members of the arts community who have come to depend on these structures that we write to you today.

Creators, in particular, depend on open internet structures to engage in a variety of ways, including direct interaction with audiences, fans and patrons, as well as collaboration with other artists. From musicians to filmmakers to writers to independent labels to arts and service organizations, today's creative community depends on the internet to conduct business and contribute to the rich tapestry that is American culture.

Today's creators are taking advantage of technologies fostered by the internet to deliver a diverse array of content to consumers, while creating efficient new ways to "do for ourselves" in terms of infrastructure. The access and innovation inspired by the web helps us meet the challenges of the 21st century as we contribute to local economies and help America compete globally.

It hasn't always been so. Traditionally, the media landscape relied heavily on hierarchical chains of ownership and distribution, controlled by powerful gatekeepers such as large TV and movie studios, commercial radio conglomerates, major labels and so forth.

It would be tremendously disadvantageous to creative entrepreneurship if the internet were to become an environment in which innovation and creativity face tremendous barriers to entry due to business arrangements between a select few industry players.

This is why we support clear, enforceable and transparent rules to ensure that competition and free expression can continue to flourish online. Although many of us feel strongly that the recent FCC Order does not go far enough in its protections (particularly with regard to mobile broadband access), we recognize the importance of having a process in place by which concerns can be addressed and transparency pursued.

We believe that Congress has a role to play in establishing guidelines that preserve a competitive, accessible internet where free expression and entrepreneurship can continue to flourish. We also believe that stripping the FCC's ability to enforce these core principles as proposed in S.J. Res. 6 runs counter to the values shared by members on both sides of the aisle, as well as prior and current FCC leadership. Therefore, we strongly urge against a broad repudiation of the Commission's Order.

Sincerely,

FRACTURED ATLAS.
FUTURE OF MUSIC
COALITION.
NATIONAL ALLIANCE FOR

MEDIA ARTS AND
CULTURE.

OCTOBER 13, 2011.

Hon. HARRY REID,
Senate Majority Leader, Hart Senate Office
Building, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, Russell Senate Office
Building, Washington, DC.

Hon. JOHN D. ROCKEFELLER,
Chairman, Russell Senate Office Building,
Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member, Dirksen Senate Office Build-
ing, Washington, DC.

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN ROCKEFELLER, AND RANKING MEMBER HUTCHISON: The below signed organizations support an Open Internet and oppose S. J. Res 6, legislation that would repeal the Federal Communication Commission's (FCC) Open Internet rules through the Congressional Review Act. Utilizing the Congressional Review Act would not only eliminate the current FCC rules, it would eliminate the FCC's ability to protect innovation, speech, and commerce on broadband platforms on behalf of the American people.

The Internet has been and must remain an open platform. Regardless of political or social values, an Open Internet increases opportunities for all persons and communities, increases diversity of opinions and thought, and ensures that consumers and entrepreneurs alike can engage in and benefit from the opportunities afforded by access to the Internet. An Open Internet is also an engine for economic growth, innovation, and job creation.

The FCC has adopted a framework that the agency believes will preserve the Open Internet. We wholeheartedly support preservation of the FCC's authority to implement such rules. This framework was adopted in a proceeding in which broadband service providers, Internet companies, civil rights groups, labor organizations, and public interest groups all participated.

We urge Congress not to utilize the Congressional Review Act, given the negative consequences of its enactment. Instead, we hope that Congress will work to preserve openness online and to move forward expeditiously in implementation of the National Broadband Plan. Undertaking such initiatives would improve broadband deployment and adoption opportunities for all Americans, including individuals in typically rural and other underserved populations and in communities of color too often denied a meaningful opportunity to participate in the new economy.

For these reasons, we urge you to ensure that all your constituents can continue to benefit from an Open Internet, and we stand ready to work with Congress to preserve an Open Internet.

Respectfully submitted,

Access Humboldt; ACLU; AFL-CIO; Alliance for Community Media; Alliance for Retired Americans; Applied Research Center; Arizona Progress Action; Art is Change; Association of Free Community Papers; Association of Research Libraries; Bold Nebraska; Breakthrough.tv; CCTV Center for Media and Democracy; Center for Democracy and Technology; Center for Media Justice; Center for Rural Strategies; Center for Social Inclusion; Coalition of Labor Union Women; Communications Workers of America; Community Media Workshops.

Consumer Federation of America; Consumers Union; Democracy for America; Durham Community Media; Esperanza Peace

and Justice Center; Evanston Community Media Center; Free Press; Future of Music; Coalition; Global Action Project; Harry Potter Alliance; Highlander Research & Education Project; Houston Interfaith Worker Justice; Institute for Local Self Reliance; International Brotherhood of Electrical Workers; Keystone Progress; Labor Council for Latin American Advancement; LAMP; Latinos for Internet Freedom; Latino Print Network; League of United Latin American Citizens.

Line Break Media; Main Street Project; Media Access Project; Media Mobilizing Project; Mid-Atlantic Community Papers Association; NAACP; National Alliance for Media, Art, and Culture; National Consumers League; National Hispanic Media Coalition; National Latino Farmers and Ranchers Trade Association; National Network for Immigrant and Refugee Rights; Native Public Media; New America Foundation; Ohio Valley Environmental Coalition; One Wisconsin Now; OnShore Networks; Open Access Connections; Open Source Democracy Fund.

Participatory Culture Foundation; Peoples Press Project; Peoples Production House; Philly CAM; Progress Now; Progress Now Nevada; Progress Ohio; Prometheus Radio Project; Public Radio Exchange; Reel Grrls; Southwest Organizing Project; Southwest Workers Union; The Highlander Research & Education Center; The Peoples Channel; The Praxis Project; The Writers Guild of America; West UNITY Journalists of Color; Women In Media & News; Youth Media Project.

Mr. ROCKEFELLER. Mr. President, to be sure, there are those who disagree with the FCC's open Internet rules, and there is an avenue for these complaints. It is called the judicial system. Some are using it. Two companies have filed lawsuit claiming that the FCC went too far. Several public interest groups have filed lawsuits claiming that the FCC did not go far enough. It is their legal right to go to the courts, and when they choose to do that, they can do so.

So let's think for a minute what a world would look like without a free and open Internet.

In a world without a free and open Internet, consumers and entrepreneurs would have no transparency as to how their broadband providers would manage their network—no ability to make informed decisions about their broadband providers.

In a world without a free and open Internet, there would be nothing to prevent their broadband providers from steering them only their preferred Web sites and services, therefore limiting their choices as consumers.

For rural Americans, broadband Internet access has the power to erase distances and allows them to have the same access to shopping, educational matters, and employment opportunities as those living in urban areas. That is a time-honored principle around here—but not if the Web site they seek to access is blocked by their broadband providers. Consumers, entrepreneurs, and small businesses need the certainty they can access lawful Web sites of their choice when they want, period.

In a world without a free and open Internet, there would be nothing to stop broadband providers from blocking access to Web sites that offer products that compete with those of its affiliates. That happens, Mr. President.

In a world without a free and open Internet, companies could pay Internet providers to guarantee their Web sites open more quickly than their competitors.

In a world without a free and open Internet, companies could pay Internet providers to make certain their online sales are processed more quickly than their competitors with lower prices.

Well, that is not the American way. This is particularly disturbing in tough times like these.

In a world without a free and open Internet, there would be nothing to prevent Internet service providers from charging users a premium in order to guarantee operation in the "fast lane." If someone is trying to start a small business, struggling to make ends meet and cannot afford to pay the toll, they run the risk of being left in the "slow lane"—that is not good—with inferior Internet service—that is not right—unable to compete with larger companies. That is very wrong.

What if an innovator or a start-up company has the next big idea? With broadband, the next big idea does not have to come from a suburban garage or from Silicon Valley, it can come from rural America or from anywhere. A free and open Internet is all that is required to give that big idea a global reach.

In a world without a free and open Internet, the ability of the next revolutionary idea to reach others—to make it to the greater marketplace—would be entirely dependent on a handful of entrenched broadband gatekeepers and toll collectors. True.

I am not totally opposed to the Congressional Review Act, but I have to say it is an extraordinarily blunt instrument. It means all of the rules adopted by the FCC must be overturned at once. This would even mean tossing out commonsense provisions about transparency. Do our opponents know this? It would deny the agency the power to protect consumers. Do our opponents know this? What is the sense in all of that? I don't get it.

There is another part: If they just took these rules out—if S. Res. 6 were to pass—they couldn't come back later and just have the FCC put them in. We would have to go through a whole congressional legislative process to reinsert them into the Public Law, which means many of them would never end up there.

I also want to address the argument of supporters of the joint resolution that the FCC's open rules will somehow stifle innovation in the Internet economy. That is just so wrong I don't know what to say.

Over the past 15 years, the open Internet has been the greatest engine for the U.S. economy. It leaves everything in its dust. It has created more than 3 million jobs, as the Senator from Texas indicated. The open Internet rules will help sustain this growth. People want to know what the rules of the road are. They want to know what the world is bringing to them. If they decide they do not like what is coming, they are going to tell you, and they are not going to invest. Very simple.

According to Hamilton Consultants, the open Internet ecosystem has led to the creation of 1.8 million jobs related to applications in e-commerce, as well as 1.2 million jobs related to infrastructure. Moreover, investment and innovation have continued to increase since the adoption of the FCC's open Internet rules—not decrease, as the supporters of this resolution will tell us.

The facts show that investment in broadband networks increased in the first half of 2011. In fact, investment in networks that support broadband was more than 10 percent higher in the first half of 2011 than in the first half of 2010. More of that investment in Internet companies surged in 2011, and this is after they had sort of adjusted or taken into account what they saw coming in the way of the rules. There was \$2.3 billion worth of investment going into 275 companies in the second quarter, and all of them were this Internet type. That is the most investment in Internet companies in a decade.

Plus, shortly after the framework was adopted, America's leading wireless providers announced they were accelerating their deployment of their advanced fourth generation, or 4G networks. It seems the open Internet rules are giving broadband providers and entrepreneurs and investors the certainty they need to invest and to create jobs.

Certainty is the key. They are not going to invest in what they do not know. We see that in so many other areas. They do not know what is going to happen, so they do not invest. People have all this cash, but they do not have certainty. Here they have certainty, they understand that certainty, they understand what is coming, they like it, and they are investing like never before.

The FCC's open Internet rules also protect small businesses. An estimated 20,000 small businesses operate on the Internet. More than 600,000 Americans have part- or full-time businesses on eBay alone. I was not aware of that. The FCC's open Internet rules mean small entrepreneurs will not have to seek permission from broadband providers to reach new markets and consumers with innovative products and services.

This is a very important point. It means small businesses can be located anywhere in this country, including rural America, and through open

broadband have the opportunity for their ideas and products and services to have a global reach. That is the point of all of this.

As we all know, small businesses were responsible for nearly 65 percent of new jobs over the past 15 years. Far from preventing investment, the FCC's open Internet rules will foster small businesses because they trust it. They see it, they see what Moody's is saying about it, they see what the Wall Street investment bankers are saying about it, they see it is encouraging investment, and they like and trust that. So they take risks they might not otherwise take because they trust.

It is not the faceless Federal bureaucrat. It is something that is down on paper and they understand it. They have probably seen it and probably commented on it. Maybe some of them didn't like it as much as they should have; maybe some thought it should have been stronger or some thought it should have been weaker, but such is life in America. So, anyway, I think what they conclude is that what is going on is supporting what they are doing.

Finally, I want to note when it comes to education and privacy and intellectual property, global Internet governance, or network security, the government has long provided—and necessarily so—reasonable rules of the road to make possible consumer protection, fair trade, and open markets. The FCC's open Internet rules are no different. They take, as has been quoted by many, a light-touch approach—I like that phrase—and keep the playing field fair. They keep the Internet open and free for consumers, for businesses, and for everyone in this country who wants access to broadband Internet.

So that is why I support the FCC open Internet rules, and I encourage my colleagues to vote against the joint resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, on our side I have Senator WICKER and Senator SHELBY, who have been here waiting, and I would like to give them 15 minutes from the time on our side. I know there are others here, but these Senators have been waiting for quite a while.

The PRESIDING OFFICER. Is that 15 minutes each or 15 minutes together?

Mrs. HUTCHISON. Up to 5 minutes for Senator WICKER and up to 10 minutes for Senator SHELBY.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, what would be the order after that?

The PRESIDING OFFICER. There is no order after that.

Mr. KERRY. Mr. President, I ask unanimous consent that I be recognized for the time I have—I think it is about 15 minutes—after that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise as a cosponsor and strong supporter of this resolution of disapproval.

Once again, we are witnessing a government regulation we do not need. There is a reason when we talk about today's economy that we talk about the cost of government overreach. Unnecessary regulations put a wet blanket on job creation, and they work against getting our economy back on track. This is a perfect example of the government standing in the way of growth and investment.

The Internet and its associated applications should be allowed to develop without excessive FCC redtape. The Internet owes a great deal of its rapid success to innovators and entrepreneurs who had the freedom to imagine, to explore, and to create. With the FCC acting as a traffic cop, this freedom will be compromised.

The subjective rules of the road, as laid out by the FCC, are a prescription for uncertainty within the industry. By handing over more power to a government agency, net neutrality rules slam the brakes on potential investment and new innovation. The ideas that should make our Internet faster, more secure, and better for consumers fall by the wayside. At the end of the day, the American consumer would suffer. The broadband marketplace would simply offer fewer services, fewer devices, and less content to paying customers.

The FCC order reads that Internet providers "shall not block lawful content, applications, services or non-harmful devices, subject to reasonable network management." It goes on to say that providers "shall not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service."

But the terms "lawful" and "reasonable" are not easily defined. Under the order, what is lawful and what is reasonable would be determined by unelected bureaucrats. The FCC would rule as a de facto police of the open and free Internet. The FCC would be the final arbiter of what broadband service providers can and cannot do. Its judgments—not the market or the consumer—would determine how networks would be managed. The FCC is claiming to have an authority that the American public did not grant it.

The hands of the Internet service providers will be tied when the FCC has this kind of power. Without being able to run their own networks, service providers cannot maximize the online experience for the vast majority of their customers. They are, in essence, prevented from doing what they were established to do.

Equally troubling is that the Commission's order is trying to fix a prob-

lem that does not exist. Today's consumers have greater access to more Internet services than ever before. Where is the problem? Businesses have invested tens of billions of dollars in new broadband infrastructure. Internet entrepreneurs continue to offer new services to broadband users. There is no economic justification for this unprecedented intrusion into the marketplace. Policy should benefit the public, and these FCC rules do not.

In conclusion, we have seen this movie before, with regulation where regulation is not needed. Again, here we have a regulatory recipe that would produce far-reaching and damaging effects. The current landscape has allowed the Internet to grow exponentially. It is a free market of competition, productivity, and growth. The FCC's regulatory intrusion is completely unwarranted.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Alabama.

Mr. SHELBY. Mr. President, I wish to associate myself with the remarks of the Senators from Texas and Mississippi and to say that I think a lot of people probably mean well but are often misguided when they say we are going to regulate this sector of the economy or we are going to regulate that.

The market, as you well know, is the driving force in our economy—not just in the United States but worldwide. It is going to be the market that will decide what we do as far as job creation for our people everywhere, and I believe the Internet is an example of, gosh, let's don't overregulate it. Let it grow, let it do its job, and it will.

I would also like to speak about some commonsense steps that Congress can take right now to help our struggling economy. At a time when job growth is stagnant, Congress needs to lift the regulatory burden that is stifling capital formation. The Senate has before it several bills that would help private businesses raise the capital they need to grow and to create jobs.

This is an issue that should enjoy the support of both Republicans and Democrats in the Senate. Access to capital, as the Presiding Officer well knows, is what allows entrepreneurs to transfer new ideas into living companies. Novel products, new services, and, most importantly, good jobs can be created.

Unfortunately, overregulation has made it progressively harder for small businesses to access capital in this country. I will give some statistics. They are clear.

In the 1990s, an average of 547 initial public offerings took place each year, compared with an average of just 192 per year after 1999. Small initial public offerings now make up only 20 percent of the total. In contrast, they made up 80 percent of the total in the 1990s, when we were creating so many small jobs.

In addition, the number of new businesses being launched each year is falling. In 2010, it was the lowest it has been since the Bureau of Labor Statistics started tracking the number in 1994.

The SEC has been slow to address these problems, even though it has the authority to do so. The Chairman of the SEC has spoken of the need for action, but we have not seen tangible results yet.

One year ago, one SEC Commissioner remarked:

My hope is that, as an agency, the Commission will move beyond talking about small business capital formation and will take concrete steps that actually foster it.

I believe we, the Senate and the American people, can no longer wait for the SEC to do its job. The time has come for Congress to take action. Our economy cannot afford to wait any longer.

The first thing I believe we should do to improve capital formation is to bring up for consideration several bipartisan bills that would implement important regulatory reforms. One bill would modernize the SEC's regulation A, which was initially designed to make it easy for small businesses to access our capital markets. Unfortunately, regulation A is outdated and rarely used.

Another set of bills would raise the thresholds for reporting so small banks and small companies are not subject to burdensome SEC reporting requirements.

These bills would still leave investors protected and ensure that public companies provide meaningful disclosure. Most important, investors would still be protected by the SEC's antifraud rules. These bipartisan bills represent a few steps we can take right now, but they are not comprehensive by any means.

Much more needs to be done to make sure registration requirements are tailored to the size and type of businesses. The existing one-size-fits-all approach means that small companies have to bear the same costs that large companies do when they go public. These inequities need to be addressed; it stifles job creation.

One would think that we could agree in the Senate on removing unnecessary restrictions on capital formation. Yet for the past 3 years, the majority party has dramatically increased government involvement in the economy. They have imposed one costly mandate after another on businesses. They have crowded out the private sector with massive government programs, resulting in persistently high unemployment and stagnant economic growth.

Basically, I think it is time for a new approach. It is time to revitalize the free markets in America. We can begin this effort by taking these small steps to help entrepreneurs find the capital

they need to build their businesses and to create jobs.

I hope my Democratic colleagues will now do more than talk about creating jobs and that we can work on a bipartisan basis on these bills that have bipartisan sponsorship to create jobs and join us here.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, this is one of those times when, on the floor of the Senate, we hear a proposal that people characterize as one thing, but it is, in fact, anything but what they are characterizing it as.

What I just heard the good Senator from Mississippi talking about: We don't want to slam the brakes on development, he said. We don't want to have the SEC intrusion.

So they are trying to say to the American people that they want to liberate the Internet, when, in fact, what they want to do is imprison the Internet within the hands of the most powerful communications entities today to act as the gatekeepers who will control the ability of the Internet to do the very kind of development that brought us here. What they are talking about, their concept, this CRA challenge is that wolf in sheep's clothing. It is that simple. So I think colleagues need to step back and think about how the Internet got to be what it is today when it was developed.

I know the Senator from West Virginia, the chairman of the committee, and I were members of the Commerce Committee back in the 1990s when we wrote the Telecommunications Act of 1996, and we thought we were pretty clever and we wrote a good act. Within 6 months of writing that act, it was obsolete because all our conversation was about telephony at a moment where, because of the Internet, the entire discussion was about to become about data transmission and the movement of information over the Internet. That has never been fully revisited. But the reason we have a Google today, the reason we have had this incredible development of Internet retail business, of all these Web sites, of Facebook, and so many more is because of the open architecture of access to that Internet—which, I would remind everybody in America, was created by government money in government research. It came out of an effort to develop a communications system for our country in the case of nuclear war. So we created, through DARPA, ARPA, research that produced this communications network. Then the private sector saw the opportunity, and a whole bunch of very creative people rushed in and made the Internet what it is today.

Overturning the rules, as the CRA proposes to do, would put the very open architecture that has created this extraordinary agent of communication, of commerce, and family communica-

tion, and all these things it has done for business, it would put it at risk and discourage investment in companies at the edge of the Internet that could be the next Google or the next Amazon. Overturning these rules would actually hurt our competitiveness and economic growth and they would diffuse the creative energy that has driven the Internet to be what it is today. Because if we overturn what they are doing today, we take the reality of the Internet and we put it in the hands of the gatekeepers.

Everything that goes over the Internet today goes either through our telephone at home or television or whatever, through cable, out of our house or the airwaves. But if we are not having an open architecture on the Internet, then the people who control those access points can start discriminating about who gets access at what speed; and if they control who gets access at what speed and begin to charge more for that, you begin to have a profound impact on the ability of any business to develop and a profound impact on the access that consumers have come to anticipate with respect to the Internet.

Think about this. We are talking about neutrality. We are standing here trying to defend neutrality. The other side is coming in here trying to create a new structure where the process will be gamed once again in favor of the most powerful. This is part of the whole debate that is going on in America today, about the 99 percent who feel like everything is gamed against them and the system is geared by the people who have the money and the people who have the power who get what they want. That is what this debate is about.

The network neutrality rules the FCC has promulgated are based on the principles that everybody should support of promoting transparency of broadband service operations, preventing the blocking of legal content and Web sites, and prohibiting discrimination of individuals, applications, and other Web sites. That is what we are for. This CRA is an effort to undo the FCC's ability to protect those principles.

Establishing those principles has actually brought about certainty and predictability to the broadband economy. It ensures that anyone can create a Web site, anyone can deliver an Internet-enabled service with the certainty that is going to be made available to everybody else on the Internet. Innovators now know they are not going to have to go ask a big telephone company: Hey, Verizon, hey AT&T, will you guys please let us have access so we can go do this thing? Oh, well, maybe we will do that, but we are going to charge you in order to do that. They completely destroy the openness that is provided, this ability for anybody in America to sit in their home or

school or somewhere and come up with an idea and innovate. That freedom to innovate, the freedom to innovate is what has made the Internet the platform for economic and social development it is today, and a vote for the CRA is a vote to stifle that.

On the side of those favoring the FCC's action are venture capitalists and the companies that have made the Internet what it is today, civil rights groups, civil liberties advocates, academics, scholars who have studied and testified to the virtues of open networks. Let me quote a few of them.

John Doerr is somebody whom many of us have come to know by virtue of his business acumen and the legendary venture capitalist efforts he was engaged in. He was an early backer of Amazon, an early backer of Google, Electronic Arts, Netscape, and a number of other innovators whose creations have driven the growth of the Internet. Here is what he says:

Maintaining an open Internet is critical to our economy's growth . . . and this effort is a pragmatic balance of innovation, economic growth, and crucial investment in the Internet.

Ray Ramsey, the president and CEO of TechNet, a national bipartisan network of more than 400 technology sector CEOs, said of the vote at the Commission in favor of the network neutrality rules:

The vote by the FCC is a pragmatic recognition of the need for codifying principles for protecting nondiscrimination and openness for the Internet.

Charlie Ergen, the president and CEO of Dish Network, said:

The Commission's order is a solid framework for protecting the open Internet. The new rules give companies, including Dish Network, the framework to invest capital and manpower in Internet-related technologies without fear that our investment will be undermined by carriers' discriminatory practices.

Others supporting the order include the Communications Workers of America, civil rights organizations, consumer advocates. In sum, those who support the rules include those who fund the development of Internet companies, those who use the Internet, and advocates who favor open discourse and debate. I think we in the Senate ought to listen to the people who created it, the people who developed it, the people who are taking it to the next generation, and the people who use it.

The Los Angeles Times editorialized on Sunday in favor of the rules of the FCC, saying:

The agency's net neutrality rules are a reasonable attempt to protect the innovative nature of the Internet and should not be overturned.

Despite all of what I just said, some have made what I have called the "wolf in sheep's clothing" argument, the false argument that network neutrality rules regulate the Internet—that they actually regulate it—and

this is an opportunity to keep it open and impose a condition on innovators.

I don't know how asking innovators to get permission from somebody else to be able to go do what they have already done since the 1990s is going to improve things. The truth is, network neutrality rules govern not the Internet but they govern the behavior of the firms that own and operate the gateways to the Internet. That is what is at stake. When the airwaves that carry the information that connects us to everyone else in the Internet is in the hands of a few and subject to their control, we are in trouble.

The rules we are debating today state that those gateways should not be used to favor some voices over others or some firms over others on the Internet. That is what is at stake. That is what this fight is about. The truth is, if the rules are overturned, every innovator on the Internet will be exposed to the risk that, before they innovate, before they create a new product, they are going to have to go to somebody and say: Mother, may I do this? Then there will be a price attached to it.

Beyond the false argument that network neutrality constitutes regulation of the Internet rather than anti-competitive behavior, opponents to the rule predicted the FCC action was going to have negative economic repercussions. Yet even in an economy that has struggled, that prediction has proven to be wrong.

In the time since the FCC voted on the rule to preserve the open Internet, investment in networks that support wired and wireless broadband grew by more than 10 percent compared to the same period the year before. Venture capital investments in Internet-specific companies surged, with \$2.3 billion going into 275 companies in the second quarter of 2011. It may well be that 2011 is going to be the biggest year for tech IPOs in more than 10 years. That seems to indicate strong investor confidence in the companies that rely on the open Internet already exists, and we should not disrupt that.

Having lost the argument that network neutrality hurts innovation or the economy, they therefore want to create a new argument; that is, the FCC acted outside its legal authority in protecting the free flow of communication on the Internet.

A court, the right place for that decision to be made, is going to make that decision. But, again, the argument actually challenges common sense. It challenges the basic understanding of reasonableness. To argue that the FCC, the agency that Congress created in order to regulate communications by wire and radio, somehow has no jurisdiction in this very space is to argue that communications over the Internet are not, in fact, conducted over a wire or over the airwaves. It is completely lacking in any foundation in common sense and certainly in the law.

The law we created grants the FCC the authority in the Telecommunications Act to "make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary for its functions."

That is the power we gave to them. Under title II, title III, title VI of that act, it encourages the FCC to protect the public interest and encourage just and reasonable rates through competition. That is precisely what net neutrality achieves. It is precisely what we achieve under the rules of the FCC.

Under title VII, the FCC is mandated to take immediate action to remove barriers to infrastructure investment and promote competition in the telecommunications market if advanced telecommunications is not being deployed in a reasonable and timely fashion. That can be determined on a case-by-case basis, and we obviously can continue as we have since the early 1990s to do this. So there is no good reason for this debate to fall along party lines.

I hope it will not be just Democrats who vote to preserve this rule. I hope we will maintain an open Internet technology and support the open Internet order.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I know the Senator from Minnesota has been waiting to speak, and I certainly will yield to him. I would like to be recognized after he speaks to answer some of the concerns that were raised by the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. FRANKEN. Madam President, I appreciate the courtesy of the Senator from Texas. My understanding is that Senator MURKOWSKI from Alaska is on her way down. I am scheduled to sit in the chair at 12, and I don't want to step on the opportunity of the Senator from Alaska to speak.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. FRANKEN. Madam President, I rise today to urge my colleagues to vote against the motion to proceed to the joint resolution of disapproval of Senator HUTCHISON, which would repeal the FCC's net neutrality rules.

As many of you know, I have repeatedly said net neutrality is the free speech issue of our time. I still believe that is the case, and I am here to state why we need to do everything we can to stop this partisan resolution in its tracks.

But before I get into the reasons we should oppose this resolution, I think it is important to step back and remember what the American people expect of us. I do not need to tell anyone in this body that the approval rating of Congress is at an all-time low. Why is

that? I think it has something to do with the fact that we are using our extremely limited, valuable time to debate partisan proposals like this one rather than working together to create jobs, stimulate our economy, and get Americans back to work.

When this resolution of disapproval passed the House back in April, I hoped that would be the end of it. I hoped my colleagues would recognize we should let agencies do their jobs and not employ an arcane procedure to erase a rule the FCC started thinking about in 2004 under Republican chairman Michael Powell, and again in 2005 when a different Republican chairman, this time Kevin Martin, adopted a unanimous policy statement on net neutrality.

When the White House issued a statement indicating the President would veto this resolution of disapproval if it came to his desk, I thought my colleagues would be sensible and would recognize that this was not only unnecessary and foolhardy, but it was also a pointless exercise and would be just a giant waste of everyone's time. Alas, that is not the case and here we are spending valuable time on two resolutions of disapproval when we should be turning to legislation that will get our economy back up and running again.

I hope the votes we take tomorrow will send a strong message that we need to stop these political stunts and work together to create jobs, jobs, and more jobs.

But let's get to the substance of why I am standing here before you today. I am here today to talk about net neutrality. Net neutrality is a simple concept. It is the idea that all content and applications on the Internet should be treated the same, regardless of who owns the content or the Web site. This is not a radical idea. It certainly is not a new one. We may not realize it, but net neutrality is the foundation and core of how the Internet operates every day and how it has always operated.

When scientists and engineers were creating the basic architecture of the Internet, they decided they needed to establish some basic rules of the road for Internet traffic. One of the fundamental design principles of the Internet was that all data should be treated equally, regardless of what was being sent or who was sending it. That is net neutrality. It is the same principle we rely on every day when we use the Internet, and it is the same principle our phone companies must adhere to when they connect our phone calls.

They did not discriminate based on what we say or whom we call, and the founders of the Internet thought the same should be true about data traveling across networks. Everything and everyone should be treated the same.

This principle of nondiscrimination is baked into the DNA of the Internet. This is not radical or new. This is

about having a platform that is free and open to all, regardless of whether one is a big corporation or a single individual and regardless of whether one pays a lot of money to speed up how fast their content gets to their customers. Net neutrality is what we all experience today when we log on to our computers, and it is what we have always experienced since the very beginning of the Internet.

I think it is important to focus on that point for a minute because our opponents are telling us something quite different—and they are wrong. Net neutrality is not about a government takeover of the Internet, and it is not about changing anything. Net neutrality and the rules the FCC passed are about keeping the Internet the way it is today and the way it has always been.

We take for granted that we can access Google's search engine as easily as we can access Yahoo or Bing or that Netflix videos download as easily as the videos our friends uploaded onto YouTube last night. We expect that e-mails arrive at their destinations at the same speed regardless of who is sending them, and we take for granted that the Web site for our local pizzeria loads as fast as the Web site for Dominos or Pizza Hut. That is one of the reasons I care so very much about this issue.

This is not just about freedom of speech, it is also about protecting small businesses and entrepreneurs of all sizes. In my mind, net neutrality is and always has been about protecting the next Bill Gates and the next Mark Zuckerberg. Facebook and Microsoft do not need our help today, but the 20-year-old whiz kid working in his parents' garage to develop the app or software or Web site to revolutionize our lives does need net neutrality, and so does the small bookstore or local hardware store that wants their Web site to load just as fast as Amazon or Home Depot.

I have been on the floor of the Senate talking about the beginnings of YouTube because it is such a powerful example of why we need to protect net neutrality. When YouTube started, it was headquartered in a tiny space over a pizzeria and a Japanese restaurant in San Francisco, CA. At the time, Google had a competing product, Google Video, that was widely seen as inferior.

If Google had been able to pay AT&T or Verizon or Time Warner large amounts of money to block YouTube or to make Google Video's Web site faster than YouTube's site, guess what would have happened. YouTube would have failed. But, instead, thanks to net neutrality, YouTube became the gold standard for video on the Internet. YouTube was able to sell its business to Google for \$1.6 billion just 2 years after its start. I love that story because it is a testament to the power of the Internet to turn people with great

ideas into overnight successes, and it happened because we had net neutrality.

The story of the Internet is a story about the triumph of the little guy over the big, slow-moving corporation. The past 20 years are littered with tales of entrepreneurs starting with next to nothing and revolutionizing the world as we know it. From YouTube's humble beginnings over a pizzeria to Facebook's infamous start in a dorm room in Cambridge, the Web-based products we use every day are a great result of a great idea and the drive to make that great idea a reality.

Here is what we will not hear from our opponents: Facebook and YouTube and countless other Web-based products might not have existed today if it were not for net neutrality. Without net neutrality, Myspace or Friendster—remember them—could have partnered with Comcast to gain priority access or to block Facebook altogether. Blockbuster could have paid AT&T to slow down or completely block streaming of Netflix videos. Barnes & Noble could have paid Verizon to block access to amazon.com. Imagine a world where the corporation with the biggest checkbook can control what we see and how fast we access content on the Internet.

Fortunately, that is not the world we live in today and thanks to the FCC that is not the world we are headed for. The FCC's rules will ensure that no matter how much money or power they have, a young kid working in her parents' basement in Duluth can outinnovate the biggest corporation simply because she has the best idea. This is exactly why top Silicon Valley venture capital and angel investment companies support these rules. These companies are the ones funding the next Mark Zuckerberg, Larry Page or Sergey Brin so he can get his product off the ground. They are the ones funneling millions and millions of dollars to entrepreneurs, which is why I think we should listen to them. The CEOs of eBay, Netflix, Amazon, Facebook, and YouTube have joined in a letter supporting the FCC's rules. They say: "Common sense baseline rules are critical to ensuring that the Internet remains a key engine of economic growth, innovation and global competitiveness."

I think we should listen to them and companies such as Microsoft, Yahoo, Google, IBM, and Qualcomm. These companies also support the FCC's rules because they recognize they could not have grown to be the tremendously successful companies they are today without a free and open Internet, and that is what we are asking for. That is all we are asking for.

When our opponents get up and tell us these rules will stifle innovation and halt growth, I want everyone to think about what they are saying. I want us

to ask ourselves: Why would so many of the leading technology companies over the last two decades support what the FCC is doing if they think it will hurt innovation? It doesn't make any sense because it isn't true. Net neutrality and the FCC rules will protect the innovators and entrepreneurs who have made the Internet what it is today and what it will be tomorrow.

Don't take my word for it. Listen to the experts from Bank of America, Goldman Sachs, Citibank, Wells Fargo, Merrill Lynch, and Raymond James. These companies have all stated they do not believe the FCC's current rules will hurt investment. Citibank said the FCC's rules were "balanced," and Goldman Sachs said they were "a light touch" and created "a framework with a lot of wiggle room."

What is even more telling is that investment in networks that support wired and wireless Internet has jumped since the announcement of the FCC's rules. In fact, investment is more than 10 percent higher in the first half of 2011 than in the same period last year. Venture capital firms poured \$2.3 billion into Internet-specific companies in the second quarter of 2011. I think these numbers speak for themselves. They tell a story of surging investor confidence following the FCC's vote on these rules and not the doomsday portrayal we will hear from our opponents.

Protecting innovation in this country is particularly important given the state of the telecom industry today. I don't need to tell you that telecom corporations have grown larger and fewer. We know, in part, because we have seen our cable, Internet, and telephone bills rising and rising. What else have we seen? Customer service that has gone straight out the window. When we are angry we wasted another day waiting for a Comcast repairman to come and install a cable Internet line in our house or we have been put on hold by Verizon for the fifth time in a single call and we finally decide to switch companies, we may realize we don't have another choice.

Seventy percent of households in this country have one or two choices for basic broadband Internet service. The majority, 60 percent, of the households only have one choice for high-speed broadband.

This is appalling for many reasons. It affects prices, quality of service, and choices for customers, but it is ultimately why we need net neutrality. We need to make sure companies play by the rules. As control of the Internet has shifted into the hands of a smaller and smaller number of corporations, we need to make sure those companies are able to dictate the speed of traffic based on how much a content provider can pay or prioritize their own content over other companies' content.

Of course, as I said before, there is nothing wrong with maximizing share-

holder profit since that is what corporations are obligated to do. Minnesota is home to many great corporations, including 3M, General Mills, and Medtronic. These companies create thousands of jobs and produce fantastic products. Other corporations should not be able to prevent others from competing. Competition is what net neutrality is all about. It is about ensuring that the next breakthrough product has the opportunity to reach consumers through a free and open and equal Internet.

In addition to protecting innovation and small businesses in this country, net neutrality is also about speech. The Internet is not just where we go to shop for local products and services; the Internet is where we go to find political campaign information and read local news stories. The Internet is what helped fuel the Arab Spring, in large part because it has become the soapbox of the 21st century. Organizers and advocates are no longer stapling posters to bulletin boards to get their message out there. They are now posting their message on Twitter and Facebook. The Internet is not just responsible for an upheaval in how campaigns and advocacy occur; it is also responsible for an upheaval in the print media world because the Internet is also the printing press and library of the 21st century.

This is why it is so important we make sure the corporations providing Internet service play by the rules and are not able to profit by speeding up or slowing down our access to certain news Web sites or other places we go to access information. We would not want the Libyan Government to shut down access to Facebook in the middle of protests in that country for the same reasons we do not want a corporation controlling what information and Web sites we are able to access in order to benefit their bottom line.

You know I have been a proponent of net neutrality for a long time. You have heard me over and over on how net neutrality is about keeping the Internet the way it is. But the truth is, the FCC rules, while a step in the right direction, are very conservative. I wish the FCC had done more, but the FCC wanted to reach a consensus, and they made a concerted effort to address many concerns of telecommunication companies, large and small, when they drafted these rules. For my opponents to now claim the FCC ignored public opinion or failed to consider the impact these rules would have on businesses is not true.

First, I think we could all stand a bit of history on the bipartisan nature of this rule. Net neutrality is something that two Republican chairmen of the FCC, Michael Powell and Kevin Martin, championed in 2004 and 2005. Chairman Powell first articulated a set of net neutrality principles and Chairman Martin, 1 year later, achieved unani-

mous Commission endorsement of the FCC's open Internet policy statement.

In 2006, 11 House Republicans voted in favor of net neutrality on the floor. The Gun Owners of America, the Christian Coalition, and the Catholic Bishops joined with the ACLU, moveon.org and leading civil rights groups to advocate for the same principles for openness and freedom on the Internet.

This debate started 7 years ago, and only after reviewing more than 100,000 public comments and holding 6 public workshops did the Commission finally issue a rule. To claim this was premature, rushed or not carefully considered is just plain wrong. I also think it is completely inaccurate for my opponents to claim the Commission never analyzed the costs and benefits to this rule.

In fact, there is an entire section of the rule entitled "The Benefits of Protecting the Internet's Openness Exceed the Costs." I urge my colleagues to read this section of the Commission's order. It covers four pages. It contains over 25 lengthy, detailed, analytical footnotes. It is clear the Commission considered the costs and benefits of acting, and they concluded that "there is no evidence that prior open Internet obligations have discouraged investment," and that "open Internet rules will increase incentives to invest in broadband infrastructure."

I recognize that a couple companies are challenging the FCC's rules in court, and they have every right to do so. But this resolution of disapproval amounts to little more than political gamesmanship from fringe organizations. I think it is important to know that not a single large telecommunication company supports this resolution of disapproval. They are not wasting their time with an arcane process, and we should not either. That is not to say Congress cannot and should not have a discussion about the merits of net neutrality. We can and we should.

Frankly, I have been disappointed by the quantity of misinformation that has been such a large portion of this debate in the past.

The rhetoric I heard during the House debate last April was disappointing. It is not the type of debate Americans deserve. I encourage a frank and in-depth discussion on net neutrality. I hope one day soon we will consider making a statutory change to the FCC's authority that will clarify that we want the FCC to make sure the Internet stays open and free. That will put the issue to rest for good. It is, frankly, the process we should be relying on. By forcing an up-or-down vote through the Congressional Review Act, we are short-circuiting the normal legislative process and ignoring the FCC's tremendous work on this issue.

This resolution of disapproval is a procedural stunt that wastes limited

time which should be used to address the real problems Americans face every day. At the end of the day, the problems of Americans are why we are here. I love hearing from Minnesotans, and I got a great e-mail the other day. The letter was from a group of five self-proclaimed "highly-credentialed computer geeks," including a professor, a startup founder, an ex "Google-er" and a "non-ex-IBMer." In their e-mail they wrote:

The free market will drive innovation in the Internet, but careful regulation is needed to preserve the freedom of the markets from coalitions of companies that will seek to reduce competition.

They noted:

History promises that the leading companies will work together to create a monopoly that they can control so they can make more money and . . . disrupt innovation.

I am glad they and thousands of Minnesotans have taken the time to write and call to tell me how much preserving net neutrality means to them. These highly credentialed computer geeks are right: The free market will drive Internet innovation as long as that market is truly free and open—free from corporate control and open to all content providers equally.

These constituents and millions of Americans don't want Congress engaged in political sparring matches designed to appease a few vocal critics. Americans, entrepreneurs, and small businesses want a world where the future Twitters, eBays, and Amazons of the world can grow and thrive, without interference from big mega conglomerates.

If passed, this resolution will hurt consumers, stifle innovation, and create uncertainty in one of America's most innovative and productive sectors. We are at a pivotal moment, and I hope my colleagues will recognize this and join me in voting down this resolution of disapproval.

I thank the Senator from Texas for allowing me to speak during this time, and I thank the Presiding Officer for holding the chair while I have been speaking.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield up to 15 minutes to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, there is a lot of discussion, of course, about jobs in this country—where they are, and what we can do to help incent them. I had the opportunity while I was in my State last week to host three different townhalls that focused on the state of our Nation's economy and what is happening with jobs and job creation. As I asked Alaskans for their input, what I heard consistently from community to community was: We can allow for job creation that is

meaningful. We can allow for opportunities here in our State and across the country. But the first thing you can do is to get the government out of the way. That was probably my biggest takeaway out of the townhalls with Alaskans: Get the government out of our way so we can move forward as small business owners and operators, as those who are looking to advance jobs in resource development. Move the government back, and we can make some things happen.

I think one of the key ways we can create real jobs is by moving the Federal Government out of the way of the private sector. Yet this administration is doing exactly the opposite. Our economy struggles to grow and many Americans, of course, are out of work, but what we are seeing out of the White House is this effort that essentially buries job creators under a mountain of paperwork and regulations. Businesses waste hours and productivity on checking the right boxes and making sure they have filled out the right form in the right way, rather than creating new opportunities for employees. Far too often, our small businesses are being judged by how well they keep their safety records rather than the actual safety records themselves: Did you check the right box? Did you fill out the right form? If you didn't, we are going to fine and penalize you. But is the focus on making sure they have a strong and sound safety record?

Many of the regulations—and, unfortunately far too many coming from the EPA—unnecessarily raise the cost of energy and other vital goods and services. I, as the ranking member on the Energy Committee, have spent a lot of time and a lot of focus on what we are doing in this country to help reduce our energy costs. Unfortunately, far too often we are seeing increased costs to our families and to our businesses because of the regulations that come at them. While we all support responsible environmental regulation—I want EPA to do its job—we also want to protect other vital national interests such as affordable and reliable energy and a strong economy.

Remember too that unreliable or unduly expensive energy has broad negative impacts on all aspects—public health—all aspects of our day. When I hear from Alaska's business owners, they say two things. I told my colleagues what the first one was, which is get government out of the way, and let us get to work. Business owners across the country agree—there was a Gallup poll last month—small business owners indicated that complying with government regulations is the most important problem they face today. The No. 1 issue on the minds of small business owners is the fact that complying with government regulations is burying them. What we hear from businesses is that they need the regulatory

agencies to follow the rule of law and strike a proper balance between the many important national interests our laws protect.

When it comes to regulation, in my opinion, this administration has gone further—they have pushed past that rule of law in striking that proper balance. What we are seeing is a level of overreach, which I think is unprecedented, by the agencies reaching out and expanding their jurisdiction, if you will, and setting policy as opposed to implementing the laws that have been passed.

The resolutions of disapproval we will have before us for a vote tomorrow—Senator PAUL's resolution on the cross-State air pollution and Senator HUTCHISON's resolution of disapproval as it relates to the Internet—are both incredibly important for the issues they raise but even more so speaking to what we are seeing right now with agency overreach. As the Chair may recall, last year I led an effort on this floor to push back against the EPA in an area where the EPA was, for all intents and purposes, setting policy when it came to greenhouse gas emissions in this country. I strongly and firmly believe the role of the agencies is to implement the laws we have passed, not to set policy. So I share the concerns Senator HUTCHISON and Senator PAUL have raised with the two rules that are at issue today. They are utilizing a tool under the Congressional Review Act which allows us as a Congress to step in when Federal agencies go overboard with trying to make businesses comply with costly regulations, in effect, that overreach.

Let's first discuss very briefly Senator PAUL's resolution of disapproval regarding the Environmental Protection Agency's cross-State air pollution rule. I have seen it referred to as the acronym CSAPR or "zapper," but because neither one of those sounds like anything we can relate to, I will refer to it as the cross-State pollution rule. This rule should not go forward at this time for a number of reasons, not the least of which is its potential impact on electric reliability. Independent grid operators and the independent professionals whom we count on to assess electric reliability have expressed concerns about subjecting generators of electricity to the rule, especially on the current timetable they are dealing with. The EPA simply needs to take another look at those impacts and what this rule will do to electricity costs.

There have been a number of independent studies that have pointed to the impact of EPA's rules generally, including the cross-State pollution rule and what that impact would be on existing electric generation capacity. The predictions differ on magnitude but project the retirement of as much as 8 percent of the Nation's installed

electric generating capacity. Again, I will grant you, there is a range of difference here, but potentially as much as 8 percent of our country's installed generating capacity could be brought offline. That is significant. I have asked for a reliability analysis. We have gone back and forth in terms of getting that assessment. There will be a technical conference at the end of the month that hopefully will lead to a better understanding, but the long and the short of it is right now, we know that we don't know exactly how much could be impacted by this rule and others.

More specifically, the rules generally and the cross-State pollution rule alone could lead to more intense regional impact. Texas, for example, wasn't even included in the proposed rule but, as a consequence of the final rule, could see some very significant powerplant retirements and hence potentially significant adverse impact on reliability. The Midwest, according to the grid operator there, could also see retirements of electric capacity with attendant challenges for keeping the lights on.

In addition to the reliability impact, there is also going to be a cost impact. The cross-State pollution rule is the first of a number of pending rules to go final and the EPA has made some major changes between that proposed rule and the final rule. The agency has even proposed significant technical adjustments as recently as last month, even though the rule is slated to go final by the beginning of this next year.

Putting aside the merits of the corrections—and I understand they don't go far enough—the EPA should be sent back to the drawing board to learn more, understand more about the potential reliability impact, and then should amend the substantive requirements of the cross-State pollution rule so that those required to comply can comply. If EPA had looked carefully at that time-reliability issue in the first place, there probably wouldn't be reason for the delay, but they acted in haste, and haste makes waste.

I wish to speak quickly to Senator HUTCHISON's resolution of disapproval regarding the FCC net neutrality rule. The rule put into place by the FCC in 2010 circumvents Congress. It assumes an authority that this body never consented to. We cannot allow the executive branch to go down this road. We just should not allow it. No provision of any statute explicitly gives the FCC the authority to impose these sweeping rules on the Internet. In fact, section 230 of the Communications Act makes it the policy of the United States "to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation." The Internet, we

would all agree—I heard the comments of the Senator from Minnesota—has been a huge boon for small businesses and jobs throughout our country. We recognize that. We want to ensure it continues in that way.

To quote FCC Commissioner McDowell from a Wall Street Journal op-ed:

Net-neutrality sounds nice, but the web is working fine now. The new rules will inhibit investment, deter innovation and create a billable-hours bonanza for lawyers.

So unless the administration is trying to create jobs for lawyers, I don't find any justification to expand the government's reach to regulate the Internet as the FCC proposes. Once again, what we are seeing is an agency stepping in to regulate in an area where the laws simply did not contemplate.

For all of these reasons, and because the Federal Government needs to stop overburdening our country with costly regulations at a time when we can least afford it, I support the resolution of disapproval from Senator HUTCHISON as well as the resolution of disapproval from Senator PAUL.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Oregon.

Mr. WYDEN. Mr. President, soon the Senate will vote on the Hutchison resolution that, as the Presiding Officer said very eloquently, would overturn the decision of the Federal Communications Commission on what has come to be known as net neutrality. The bottom line for me is straightforward. A vote for the Hutchison resolution will enable a handful of special interests to occupy the Internet. These elites will then have the power to crowd out the voices for change and the ideas of the future. The Internet would become a glidepath for a relatively small number of people to gain enormously rather than an opportunity for all Americans to prosper.

I think some of the ideas that have been offered up with respect to the Hutchison resolution just defy the facts. For example, we had some discussion about section 230 of the Communications Decency Act. I wrote that section. It was a key development, in my view, in the growth of the Internet because it gave us a chance to deal with smut and some of the junk families have been so upset with without squelching the potential for the net. It enabled content sharers to grow, ever since we struck that thoughtful approach, rather than just go to a censorship regime. I have heard that somehow net neutrality would undo that particular provision. Nothing could be further from the truth. Net neutrality is exactly about what I sought to do in section 230 of the Communications Decency Act, which was to make sure that all voices could flourish—not just the voices of a few but all voices could flourish.

If anybody wants to talk a bit more about section 230 in the Communications Decency Act, I am happy to have that discussion, but as the author of that provision, it is something I and a lot of other people who have worked in this field have felt was essential to the growth of the Internet, and we share that view just as we believe that, as the Presiding Officer does, net neutrality is critical to the growth of the Internet in the years ahead because the fundamental principles that underlie both section 230 and net neutrality are the same.

The debate about the Federal Communication Commission's decision goes right to the heart of what the Internet is all about. It has always been a platform where all the actors are equal, where everybody has that opportunity, as the Presiding Officer suggested, at the American dream. It is a place where, whether it is one dissenting voice screaming out for democratic change or one brilliant idea that forever changes the way that people and society organize, everyone has that opportunity.

I chair the Senate Finance Subcommittee on International Trade. I think just one example of what we have seen is the Internet is going to be the shipping lane of the 21st century. This is the way societies are going to organize. This is the way people are going to come together. This is the way business is going to be conducted. Basically, net neutrality protects everybody's access to that shipping lane. It is not just going to be a place for the old-world business model. You bet the old-world business models are threatened by net neutrality. I understand that. I understand they are threatened by it. They have always been able to count on big, powerful, and well-connected interests and organizations to help them to dominate industry, and the Internet overturned that kind of thinking because it is the equalizer, it is the democratizer.

It just seems to me that when we open our morning newspaper day after day and see that the hope of the country is in innovation, in startups, in new ideas—it is not just in Silicon Valley, it is all over the country and all over the world—the last thing we want to do here in our country is adopt rules that would retard that development. And my view is that the power of the Internet—the network—is best utilized when content can move freely through it, and that is whether it is free from taxes, from liability, and certainly free from the kind of discrimination that would be allowed if the net neutrality rules were overturned.

Again, I touched on section 230 of the Communications Decency Act and why that was so important to the growth of the net and why I think net neutrality is consistent with that. It is the same with respect to some other legislation in which I have been heavily involved.

I had the privilege of being one of the coauthors of the Internet Tax Freedom bill. What that was all about was trying to protect the Internet from discrimination—not all taxes altogether but discrimination. That, too, is a fundamental principle of the net neutrality rules, is trying to make sure the net is not going to be singled out by a handful of special interests who could, in effect, devise what amounts to their own lanes on the Internet and force everybody else to pay for it.

So despite what may even be the interests of some of these powerful interest groups—and I know they are all saying now that they have no intent to discriminate against content over their networks. History shows that they have every time when shareholders come and say: Look, you have to take this step to generate a profit. I think the Internet is too important to leave those kinds of decisions vulnerable to what is inevitably going to be the cry from shareholders and others to maximize profits.

One last point, if I might. I see other colleagues waiting to speak. I think the Internet and the economy in this country that is driven by the Internet represent perhaps our greatest comparative advantage. I touched on the Internet being the shipping lane of the 21st century. You know, what I want us to do is enhance the American way, enhance American values, and use the Internet to promote those values, facilitate speech, and expand the marketplace.

The reality is that the American brand is something very special, very special all over the world. The fact is, we have small businesses, and we heard from them in hearings. I know the distinguished chairman of the Commerce Committee is here, Senator ROCKEFELLER, and others. Hardly a day goes by that I don't wish I was back being a member of the Senate Commerce Committee because it is such an important committee, it does such important work. We saw in some of those first hearings on the Internet—we started looking at taxes and regulation and liability and the Communications Decency Act—we saw how small businesses that really could operate only in a relatively small area for years and years suddenly, after they paid their Internet access charges, could go wherever they want, when they want, how they want, and they were equal to the most powerful groups and voices in the country. That is their opportunity. That is their chance to get their brand all over the world.

We ought to make sure we take no action that is going to make it harder for small entrepreneurs to exchange their goods and services far beyond their communities. We ought to be making judgments that allow them to get into every nook and cranny of the world with the American brand.

I hope my colleagues will reject this resolution. I believe the Internet has thrived precisely because of the principles of net neutrality. It has contributed to the American economy and to job creation because consumers ultimately get to see and get what they want as quickly as they want it.

It is going to be an important vote. I heard the Presiding Officer say that this was something of an issue for geeks, and from time to time, people have said I am one of those. But I will tell the Presiding Officer, I think ultimately the net is not about geeks, it is about democracy. This is the great democratizer. This is the trampoline that provides opportunities to people without power and clout.

I want to say to colleagues, particularly those who have mentioned section 230 of the Communications Decency Act, as the author of that particular provision—and Senator ROCKEFELLER remembers this huge outcry about smut. We were all concerned about smut at that time. And we said: There is a choice. We can either do, with respect to this debate, what makes sense for the future, and that is empower families and parents to get these filters so the Internet can grow and we can fight smut in a practical way, or we can do a lot of damage and come up with some sort of censorship regime.

As colleagues remember, essentially both approaches were included in the bill, and the approach that mandated censorship was struck down. Freedom won. The principles of net neutrality won in that first big battle fighting smut 15 years ago. If we were to undo the decisions of the Federal Communications Commission and move back to the days when you could talk about discriminating, you know, against the Internet, I think it would be a step against all the progress we have made in the last 15 years with respect to oversight and regulation and taxes.

This is an important vote, colleagues. When you read the morning newspaper and you see that it is the entrepreneurs and the startups and the innovators who are providing the path forward in a very difficult economy, I think you will see that the policies we have laid out for the last 15 years, whether it is the Communications Decency Act, whether it is other legislation—Chairman ROCKEFELLER remembers when we wrote the digital signatures law in the Commerce Committee—these votes, these laws have all become law because they essentially were built on the very same principles of net neutrality, and that is freedom for all and a democratic Internet to provide opportunity to all Americans and not just the elites, not just a handful of special interests.

I commend Chairman ROCKEFELLER and Senator FRANKEN for their good work.

I often agree with Senator HUTCHISON. This is not one of those opportunities.

I hope my colleagues, when we have this vote on the extraordinarily important resolution involving net neutrality, will vote against the Hutchison resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 79 minutes 14 seconds.

Mrs. HUTCHISON. I yield up to 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today to support Senator HUTCHISON and to talk about this role that is being played now by the Federal Communications Commission in terms of regulating the Internet for the very first time.

I oppose having these bureaucrats regulating the Internet. I support the resolution of disapproval that is now on the Senate floor.

In the 2008 Presidential campaign, then-Candidate Obama made it very clear that he was for empowering Washington's bureaucracy through more redtape. The President was not looking to make Washington more efficient, in my mind, or more effective, but to make Washington bigger, to centralize power in Washington. One of his campaign promises was a new regulation called net neutrality. It appears to me that the President then appointed one of his school friends and basketball buddies to be Chairman of the FCC, possibly with this in mind.

So here we are in 2011, and it seems to me that Congress is now being asked to make a decision. I want Congress—I am asking Congress and my colleagues to reverse the course of the bureaucracy.

The administration did not even deem this rule to be what they call significant.

A significant rule is one that has an impact on the economy of at least \$100 million. I believe this is a significant rule. I support Senator HUTCHISON in her resolution because it will keep the Internet free and open.

Republicans and Democrats agree. Earlier this year, the House of Representatives passed a similar resolution and it had bipartisan support.

Net neutrality is very real. The time to act is now. We will be voting in the next day or so, and the reason we need to act now is that the rules of having more bureaucratic government control go into effect in just a few weeks—November 20, 2011.

It does seem Congress is being disregarded. Congress has never delegated authority to the FCC to regulate in the past.

The Communications Act of 1996 had a goal, which was to “promote competition and reduce regulations.” In 1996, Bill Clinton was President. This is what it said—the Communications Act of 1996: The goal, to “promote competition and reduce regulation.”

Instead, we have unelected, unaccountable bureaucrats, who are ignoring Congress and voting for regulation of the Internet.

Let’s look at the overall economy. Right now, we have 14 million Americans who are out of work. The number again this month is 9 percent unemployment in this country. The administration is now making it a priority—a priority—to regulate another sector of our economy over jobs.

The FCC has opened the door for Washington bureaucrats to take over one-sixth of our economy. They ought to be focusing on creating jobs, making it easier and cheaper for the private sector to create jobs. But between health care, banking, and now technology, this administration is taking over our economy sector by sector and making it more expensive and harder for the private sector to create jobs.

The FCC’s actions threaten innovation and investment in America. Regulations are the biggest burden being faced by small businesses in this country today. If you don’t believe me, just ask them. The polling of small business owners has said it is regulations coming out of Washington that are their biggest burden today.

Technology pioneer and Apple co-founder Steve Jobs warned President Obama about Washington redtape. There is a new biography out about him by Walter Isaacson. He said this:

[Jobs] described [to Obama] how easy it was to build a factory in China, and said that it was almost impossible to do these days in America, largely because of regulations and unnecessary costs.

This rule we are looking at transfers the future of the Internet out of the hands of the American people, and it makes government the gatekeeper of Internet services.

Former FCC Commissioner Meredith Baker said this:

The rules will give government, for the first time, a substantive role in how the Internet will be operated and managed.

This means the future of Internet technology—whether on a smartphone, iPad or computer—will be in the hands of Washington bureaucrats.

Engineers and entrepreneurs will not be able to give us the Internet we want, at a price we want.

Former FCC Commissioner Baker also said:

By replacing market forces and technological solutions with bureaucratic oversight, we may see an Internet future not quite as bright as we need, with less investment, less innovation and more congestion.

No American wants that, but that is what this government is giving to the

American people. To me, this means recent Internet service innovations such as 3G and 4G wireless speeds and new fiber networks now become riskier investments.

Less investment means every American’s ability to access the Internet he or she wants may be affected. Less investment means fewer jobs.

Four months ago, President Obama realized he had a regulation problem with independent agencies such as the FCC. He issued an executive order asking independent agencies to review burdensome redtape. Instead of reviewing redtape, they have rolled out even more of it. The Presidential review has fallen woefully short.

The President asked independent agencies to produce a plan to reduce regulations within 120 days. Well, 120 days was yesterday. So the 120 days have come and gone, and what we have received once again from this President is more rhetoric and little by way of results.

If there was ever an example of an independent agency rule that needs to be put against the President’s rhetoric, it is this net neutrality rule.

Net neutrality picks winners and losers. It threatens smaller and rural providers.

Brett Glass of LARIAT, a wireless Internet service provider in Wyoming, warned the FCC about the effects on smaller providers. He said the redtape will hurt his “ability to deploy new service to currently underserved and unserved areas.”

He warns that many broadband providers are small businesses that are serving rural communities. Mr. Glass wrote:

The imposition of regulations that would drive up costs or hamper innovation would further deter future outside investment in our company and others like it.

So here we are. Americans have made it very clear that they oppose Washington worsening the Web. Over 60 percent of voters oppose Washington putting its hands on the Internet.

This regulation we are debating is a classic example of Washington trying to fix something that is not broken.

Ninety-three percent of Americans are satisfied with their broadband service. Ninety-one percent of Americans are satisfied with their broadband speed. The Internet is working remarkably well.

There is a fundamental disconnect with those in Washington who seek a more powerful bureaucracy and those at home in the 50 States of our Union who are seeking a stronger economy.

The warnings are real in Wyoming, my State, and all across this country. Congress must step in where the bureaucrats in Washington have overstepped. Senator HUTCHISON’s resolution of disapproval should be supported on both sides of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. RUBIO. Mr. President, I rise in support of this resolution to disapprove the FCC’s open Internet order.

The FCC wants to regulate the Internet. Why? There must be some sort of market failure that needs correcting or some Internet issue that needs fixing or out-of-control provider that needs regulating, right?

That is not the case at all. We are talking about one of the most successful sectors of our economy—one that has flourished with limited government regulation and continued to create jobs in the midst of a very deep recession and economic downturn.

Since the Internet was privatized in the midnineties, it has prospered. The industry’s growth and impact on our economy, as well as its development of new, life-changing technologies and applications, is staggering.

Twenty years ago, the Internet as we know it did not exist. Today over 2 billion people use it.

Ten years ago, Facebook, Twitter, YouTube, and Skype did not even exist, and hundreds of millions of people are now users.

Five years ago, mobile applications didn’t exist. At the end of last year, there were over half a million apps, applications, and well over 10 billion will be downloaded this year. Hopefully, they will soon be downloading mine. We came up with one yesterday for our office.

Two years ago, the iPad didn’t exist. Now, over 25 million have been sold.

All these advancements expanded broadband access and encouraged private investment.

In 2003, only 15 percent of Americans had access to broadband and now over 95 percent do. This growth will only continue.

In its annual report on the Internet, Cisco projected that the Internet will quadruple over the next 4 years, and the 1-year growth, from 2014 to 2015, will be equal to all the Internet traffic in the world last year.

Clearly, the Internet industry is growing and innovating at lightening speed. Why has the industry been able to do this? It is because the environment for innovation and job creation has been ripe, with government regulation not getting in their way.

Imagine that, the government has stayed out, has taken the “light touch” approach, and the industry has prospered as a result.

The broadband expansion we have seen, the innovation that has occurred with computers and tablets and explosion of smartphones and mobile devices and the increased job creation have all occurred without the FCC’s open Internet order.

So why does the government want to start regulating now? Is it because the Internet endangers public health or environment? Clearly not. Yet the proponents of Internet regulation claim

the freedom and growth of the Internet are in jeopardy. Quite frankly, in my opinion, that is ridiculous.

To suggest that some type of regulation is needed flies in the face of the growth of the Internet economy. This is one of the problems facing our economy and plaguing our country. We are regulating where regulation is not needed. We are regulating based on speculation and in search of a problem.

This is not how we encourage innovation. This is not how we create certainty in the marketplace, and this is definitely not how to encourage job creation.

Over the past few weeks, all we have talked about is jobs and rightfully so because, throughout America, the No. 1 issue facing Americans is jobs—or the lack thereof.

Yet here we are debating whether to overturn a regulation on one of the few growth areas of our economy, one of the few sectors that has created and is creating good, high-paying jobs.

This should be common sense. It is no wonder people watching think that in this place, Washington, DC, the Federal political process is out of touch and dysfunctional.

As the FCC drafted the open Internet order, the Commission heard from broadband providers, including small businesses, about the problems the order would create and the negative impact it would have on consumers.

One small Internet service provider stated that the imposition of network management rules will hinder its ability to obtain investment capital and deploy new services in unserved areas.

The regulations would also increase costs and hamper innovation, which would only further discourage outside investment in the company.

In other words, the Internet regulation we are talking about today would lead to lower quality of service and would raise operating costs, which would result in higher prices on consumers.

So we can clearly see the impacts of Internet regulation—less investment, less innovation, higher prices for consumers, lower quality services, increased business costs and, ultimately, fewer jobs.

Companies will spend more money on compliance, basically complying with regulations, instead of investing in innovation and driving down prices. More money will be spent on lawyers, not on engineers.

Let me be clear. The Internet will still exist if Washington bureaucrats get their way. But the order's impact will be profound, and it is going to disrupt what has become one of America's proudest entrepreneurial and industrial achievements in our history.

I have heard proponents say this regulation will preserve the open Internet as it exists today. But it is my humble opinion this is shortsighted.

Personally, I don't want to continue using the Internet of today. I want the Internet of tomorrow. I want the devices and applications I use today to soon be obsolete and out of date because the industry has continued to churn out something newer, something better and faster.

I want technologies to continue to develop and industries to continue to emerge. We are now using fewer devices for more telecommunications services, and it is not hard to imagine a day when we will use one device for all of them.

The industries are headed in that direction. When we throw the government in the middle of it, the pace will slow, uncertainty will enter the marketplace, and future innovations may just go unrealized.

One of the beautiful aspects of the Internet industry is that we don't know what is around the corner in terms of new technologies and innovations. If a few years ago we had told someone we would Google them, they probably would have been offended. But today that actually means something.

Going forward, we have no idea what the future holds, what the new innovations or ideas or technologies will be. We know technologies we cannot even imagine today will very soon be part of our everyday lives. The question is whether we are going to encourage that and particularly whether we are going to encourage that to happen here or whether we are going to discourage that from happening.

Regulating the Internet—and this specific measure we are trying to knock down today, if it passes—will discourage that development.

The FCC and Federal Government cannot keep pace with the Internet and technology industries, and the government should not attempt to catch up through regulation or legislation. That is important. We are asking this government—this bureaucratic structure, which struggles to keep pace with issues we have been facing for the last 20 years—to somehow keep pace with the issues and technology and innovations that arrive in the Internet world. Not only do I think it is asking too much, I think it is impossible. Therefore, the government should not be looking at ways to preserve the status quo. Our government should be involved in looking at ways to promote the future of these industries, and this Internet regulation does not promote the future.

I have frequently spoken on this floor about the new American century, about whether our country will continue to be a leader in this new century. I believe with all my heart—I do, even with all the bad news and the noise we hear every time we turn on the television—there is no reason this 21st century should not be every bit as much the American century as the last

century. One of the reasons I believe that is because of the advances our entrepreneurs and innovators are making in this field of the Internet.

If there is any sector of our economy that will ensure that the next century is the American century, it is the Internet and the technology sector. That is an industry where we are the leader, and it is the one where we must continue to lead. To do that, we must encourage innovation, incentivize investment, provide certainty in the marketplace, and promote the competitive environment this dynamic industry needs.

That will require passage of this resolution of disapproval. So I urge my colleagues to vote yes on the resolution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There is 60 minutes remaining.

Mrs. HUTCHISON. Sixty?

The PRESIDING OFFICER. Sixty minutes, yes.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I have been looking for a time when the floor was open to refute some of the comments and concerns raised earlier on the Senate floor. I want to start by taking on a comment that was made by the Senator from Minnesota, Mr. FRANKEN, who said YouTube started above a pizzeria in 2005 and sold for \$1.6 billion 2 years later to Google, and that wouldn't have been possible without net neutrality.

Well, Mr. President, I must point out that we didn't have net neutrality in 2005. We haven't had Federal regulation of the Internet in this country such as we have seen during this last year put forward by this administration. In fact, YouTube and Google were both created in a marketplace without net neutrality regulations. Other online successes—Facebook, Hulu, Twitter, and new devices such as the Apple iPhone and Amazon Kindle—all happened without net neutrality regulations. These are innovations that have changed communication patterns not only in our country but around the world as well. So we have had these innovations without the heavy hand of government.

It is very interesting to hear the debate on the Senate floor because we seem to hear that net neutrality is something that will keep the Internet open. The opposite is true. It is beginning to put the clamps on the successes that we have had by having an open Internet. All these companies they are talking about needing net neutrality to come forward and blossom and grow are the companies that have done exactly that without net neutrality regulations.

What we should do is assure that we don't put a blanket over the Internet and start saying to everybody who has a new idea or a new product or a new service provider: You better go to the FCC before you go forward with that or you could be in jeopardy. You could be penalized. You could be thought to have an "unreasonable" product on the Internet because we don't know yet what is reasonable. We just know you have to be reasonable because we have a new regulation now that says you must be reasonable, without any definition of what this FCC—which had no authority to go into this area—is going to determine is a "reasonable" product that would not interfere with anything else.

Mr. President, we haven't had net neutrality before. All the successes I hear talked about in this debate have happened without the heavy or the light hand of government stopping the originality and innovation that has marked the success of our country.

Earlier, Mr. KERRY, the Senator from Massachusetts, said the Internet made the 1996 Telecommunications Act obsolete 6 months after it was enacted. But if the 1996 act did not sufficiently address the Internet, thus making it obsolete, how can that same law be the genesis and basis of the FCC's assertion it has the power to regulate the Internet? We have to have one or the other, and it is our assertion the FCC did not get specific authority to regulate the Internet that is required for Congress to give it in order to make rules in this area. So Senator KERRY can't have it both ways. He can't say the Telecommunications Act was obsolete but it is also the basis of these new restrictive regulations.

Senator KERRY sent a "Dear Colleague" letter to everyone in the Senate asking them to vote against this resolution. What I think Senator KERRY was saying in that letter is that net neutrality is not a regulation of the Internet because it is just a regulation of the onramp. In other words, we are not trying to support the FCC regulating the whole Internet; they are just doing the gateway, they are just doing the onramp.

Well, that was the position the FCC took when they made this regulation. But we can't argue that net neutrality is not regulation of the Internet because the Internet service providers are the only onramps to the Internet. It is a misleading statement to say that just regulating the onramp isn't regulating the Internet. The Internet is the entire global network of millions of computer networks. It uses the Internet protocol standard to interconnect with each other. Internet backbone providers and last-mile Internet service providers serve as the foundation of the Internet. So they are the foundation.

Web sites and services such as e-mail and voice-over IP, or VOIP, allow users

to communicate on top of the foundation. The Internet is the whole online ecosystem put together. We can't have the edge without the core and vice versa. The onramp is as much a part of the information superhighway as are the cars traveling on it.

FCC Commissioner Robert McDowell put it well in his dissent from the open Internet order that we are discussing today. He said:

To say that today's rules don't regulate the Internet is like saying regulating highway on ramps, off ramps, and pavement don't equate to regulating the highways themselves.

Mr. President, if we are going to say the FCC can regulate the onramp—and that is the first heavy hand of government that is going to start controlling and making decisions about what is reasonable and what is not—that means businesses are going to have to go to the FCC and say: Mother may I. If they have an innovative product, that is going to cost the consumer more because they will have had to go and hire lawyers to go to the FCC to get prior approval or it will delay the product getting out to consumers, possibly letting a European service provider that doesn't have these kinds of barriers get ahead of us.

Internet technology is the basis of hundreds of thousands of jobs and products in our country. We are in a crisis right now. We all know we have 9 percent unemployment and that our economy is even dead in the water. So we have to do something to jump-start the economy. The last thing we want to do is put a blanket on it to make it harder for it to come back. I don't think anybody in this country with any common sense is going to say we have a thriving economy right now. So it does defy common sense to say we are going to allow regulations Congress has not approved and that Congress has not authorized the regulator to make, knowing it will have the effect of either freezing or delaying the innovation that has been the hallmark of the success of the Internet and technology in our country.

There are several organizations that have banded together to ask that people vote for the resolution today. I ask unanimous consent to have printed in the RECORD a letter from, among others, Americans for Tax Reform, Taxpayers Protection Alliance, Hispanic Leadership Fund, and Americans for Prosperity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 8, 2011.

Re Rating Senate Joint Resolution 6, Net Neutrality.

U.S. SENATE.

DEAR SENATOR: We write to inform you that each of our organizations, together representing millions of Americans, will consider rating a vote in favor of Senate Joint

Resolution 6 to overturn the Federal Communications Commission's (FCC) Net Neutrality Internet regulations in our respective congressional ratings.

The FCC enacted these Net Neutrality rules despite a complete lack of Congressional authorization and after being told by a court that they lack jurisdiction. The FCC nevertheless insists on government regulation of how data travels across the Internet without any showing of consumer harm or other justification.

The FCC's order also runs contrary to the broad and bipartisan conversation in Washington about how best to grow the economy and spur job creation. President Obama and Members in Congress on both sides of the aisle have called to rein in overbearing regulations that harm economic growth.

The FCC's Net Neutrality rule is a prime case of unnecessary rules emanating from unelected bureaucrats that will cause economic harm and cost hundreds of thousands of American jobs, as numerous studies have pointed out. But regardless of whether you support Net Neutrality rules, the process by which they were created cannot be allowed to stand.

Under the U.S. Constitution, it is your role in the U.S. Senate to craft laws—not the role of federal agencies that are bypassing Congress. Senate Joint Resolution 6, sponsored by Sen. Kay Bailey Hutchison, is a simple, commonsense measure that uses the Congressional Review Act to reject these rules, placing legislating authority back in the hands of Congress where it belongs.

We urge you to vote for Senate Joint Resolution 6 and may be rating your vote in our annual Congressional scorecards. A vote against this measure is a vote to abdicate your responsibility and to instead rubber-stamp the job-killing and unwarranted regulatory actions of an unelected and unaccountable federal agency.

Sincerely,

GROVER NORQUIST,
*President, Americans
for Tax Reform
(WILL RATE).*

PHIL KERPER,
*Vice President for Policy,
Americans for Prosperity
(WILL RATE).*

DAVID WILLIAMS,
*President, Taxpayers
Protection Alliance
(WILL RATE).*

THOMAS SCHATZ,
*President, Council for
Citizens Against
Government Waste.*

MARIO H. LOPEZ,
*President, Hispanic
Leadership Fund.*

Mrs. HUTCHISON. Mr. President, in part, the letter says:

The FCC enacted these Net Neutrality rules despite a complete lack of Congressional authorization and after being told by a court that they lack jurisdiction.

Remember, this court, in the Comcast case, basically said to the FCC: You and all the other regulatory agencies that are independent must have specific authority from Congress to regulate in this area.

They found in the Comcast case they did not have such jurisdiction. Once again, citing from the letter in support of passing S.J. Res. 6—which is signed

by Grover Norquist, Phil Kerpen, David Williams, Thomas Schatz, and Mario Lopez—it says:

The FCC's order also runs contrary to the broad and bipartisan conversation in Washington about how best to grow the economy and spur job creation. President Obama and Members in Congress on both sides of the aisle have called to rein in overbearing regulations that harm economic growth.

Here we have yet another regulation on top of the EPA and the NLRB and the NMB coming forward to put a damper on our economy.

Mr. President, I would like to read from an opinion piece written by Phil Kerpen, who is with the Americans for Prosperity, and I thought this was relevant to the debate.

Network neutrality sounds nice. Originally, it was the idea that all of the traffic . . . that travel over the networks that comprise the Internet should be treated exactly the same way. But engineers cried foul, because the routers that make the Internet work are highly sophisticated with millions of lines of code that necessarily prioritize different types of traffic. Streaming video can't tolerate delays of a few seconds whereas an e-mail could.

So network neutrality morphed into something even more dangerous, empowering the FCC bureaucrats to play traffic cops, micro-managing networks, and deciding which traffic can or can't be prioritized. The result would be a precipitous decline in private investment because the companies that spent billions of dollars building networks could no longer be certain how the FCC bureaucrats would allow those networks to be used.

I am reading from this letter, and I will continue. The letter says:

A recent study from New York University found that hundreds of thousands of jobs would be lost. The tech sector—the brightest spot in our economy—would be burdened by Federal regulations the way the rest of the economy has been.

So these are excerpts from Mr. Kerpen's opinion piece that say it is now crunch time to stop the FCC's Internet takeover.

I think these outside groups that are weighing in are showing that just regular consumers—I heard the list of groups that are supporting this rule that has come out. But the citizens who are for free markets and tax reform and for letting our businesses grow and thrive through the American innovation—I like some of the things they have said that I think are very important in this debate.

I urge my colleagues to look at whether we are exercising our responsibility as Members of Congress when we would vote against stopping a Federal agency that has not had a delegation of authority from Congress to regulate in this area. The House of Representatives has already voted in favor of this resolution. We need to send it to the President and say to the President: Congress did not delegate our authority.

It is overstepping its bounds, and furthermore it is going to put a damper on the most thriving part of our economy

today, and that is the tech sector. It is where we are, hands down, ahead in the world because we have kept the free markets. Why would we give that up to unelected Federal agencies that have not been asked by Congress to regulate in this area? And if we did, we should be required—because it is our constitutional responsibility to do so—to say exactly what we would ask a policy to be in a new regulation. We have not done that, and we should not allow the Federal agencies, which are appointed but not elected, to take over this area that is so important for our economy.

If we have any guts at all in this Senate, we should stand up for our one-third of the balance of power in the Federal Government and assert ourselves to keep control over runaway Federal agencies that do not answer to anyone.

Mr. HELLER. Mr. President, the Senate will soon vote to overturn the open internet order, widely known as net neutrality. This measure that was passed days before the start of the 112th session of Congress by the Federal Communications Commission is a rule that many believe the FCC had no legal right to make and will harm job creation in the technology sector of our economy.

Plain and simple, this measure will cost the Nation good-paying jobs. That is why I do not support net neutrality and will vote in favor of the resolution of disapproval to overturn it.

Since privatizing the Internet in 1994, the FCC and Congresses led by both Democrats and Republicans have handled the Internet with a light regulatory touch by classifying it as an information service. This classification originated from a Democrat-led FCC, and the U.S. Supreme Court supported efforts to classify the Internet as an information service when it upheld the FCC's Cable Modem Order on June 27, 2005.

The FCC's policy has been that subjecting providers of enhanced services, even those offered via transmission wires, to title II common carrier regulation was unwise given the fast moving, competitive market to which they were offered. In other words, the FCC, led by Democrats and Republicans, has been consistent in the belief that regulating the Internet the same way we regulate land telephone lines even if those lines are used to connect to the Internet was counterproductive to good public policy given the speed of innovation and the competition present. Even the U.S. Supreme Court supported this position.

So Congress has never passed a law that gives the FCC the power to regulate the Internet, the FCC has gone to great lengths to avoid regulating the Internet, and the U.S. Supreme Court has supported previous FCC administration policy toward zero regulation of the Internet. Yet here we are voting

to overturn a Federal Communications Commission order to regulate the Internet.

Make no mistake, as FCC Commissioner Robert McDowell said, "To say the net neutrality rules don't regulate the Internet is like saying that regulating on-ramps, off-ramps, and its pavement doesn't equate to regulating the highways themselves."

But why does this matter? Why don't we just say: You know what, these unelected bureaucrats at the FCC know so much more than Congress and the Supreme Court. Let these rules go through.

Because they will cost us jobs. U.S. broadband has seen an investment of hundreds of billions of dollars in infrastructure expansion and upgrades over the last 10 years and that has led to hundreds of thousands of jobs in this industry.

This year alone, broadband providers are estimated to invest over \$60 billion in their networks. That is more money than the Federal Government has spent on highways in previous years.

I am well aware that the FCC insists the rules will not have a significant impact on the industry, but they did little to prove this. Minus a market or cost-benefit analysis, there is no way of knowing what exactly the impact of this regulation will be.

That is why I asked the FCC to conduct a market benefit analysis to prove the exact impact on jobs and the economy. The FCC stated the analysis was in the Internet order, but I still have not been able to find what they are referring to. I suspect the analysis was not ever actually done. If it was completed, the FCC would have seen that the costs of net neutrality would be significant and justifying the rules would not have been possible.

The fact is, net neutrality regulation is costly. As explained by the Federal Trade Commission in 2007 when they said in part:

Policy makers should proceed with caution in evaluating calls for network neutrality regulation. . . . No regulation, however well-intentioned, is cost free, and it may be particularly difficult to avoid unintended consequences here.

Policy makers should be very wary of network neutrality regulation . . . simply because we do not know what the net effects of potential conduct by broadband providers will be on consumers, including among other things, the prices that consumers may pay for Internet access, the quality of Internet access and other services that will be offered, and the choices of content and applications that may be available to consumers in the marketplace.

The FTC clearly stated that Congress must proceed with caution because we cannot fully quantify what the reaction by broadband providers would be if they were not able to manage their networks.

Again, let me state, some reports have said that over the next 5 years, there will be hundreds of billions of

dollars invested in broadband infrastructure which will result in half a million jobs.

If broadband wire line and wireless service providers rolled back their investment by just 10 percent because of this regulation, the benefits of regulation would never outweigh the costs of job loss.

I assure you, these companies will roll back their investments if this rule is allowed to move forward, which will in turn eliminate jobs.

Because of the unpredictable nature of the Internet and evolving consumer demands, broadband providers must have the ability to change their business models to ensure maximum utilization of their network. These net neutrality rules impose restrictions on how a broadband provider can offer Internet service, which means broadband providers can't adapt to an evolving Internet. If a broadband provider does not have the ability to manage their own network to ensure maximum profits, the incentive to invest diminishes. If you minimize investment, you lose jobs. Estimates have put the number of jobs lost because of this regulation at 500,000 over the next 10 years. In my home State of Nevada, the unemployment level is at 13.2 percent, the highest in the Nation. Any regulation that increases unemployment both nationally and in my State is unacceptable.

Finally, some people believe we need this regulation to ensure competition in the industry. I believe this is as ridiculous as saying that this measure will not cost jobs.

Fixed and mobile broadband Internet access is growing rapidly. In 2003, only 15 percent of Americans had access to broadband. In 2010, 95 percent of Americans do. Competition, investment, innovation, and job creation are all growing because of the light touch policymakers and the FCC have put on the Internet.

We are in this wonderful era of innovation and investment where people can use an I-pad to read their e-mail in the Sierra Nevadas because the government did not regulate the Internet. Now our friends on the other side of the aisle and the FCC are saying: Yes, but in order to continue this amazing innovation, we must regulate.

Competition is robust in this industry, and when weighed against the loss of hundreds of thousands of jobs, the need for this regulation is simply not there. Net neutrality should not be enacted. It makes no sense for Nevada and will cause unnecessary job loss nationwide.

I urge my colleagues to vote for this measure and disapprove of the FCC's net neutrality order.

Mr. TOOMEY. Mr. President, I rise today to speak in favor of the resolution of disapproval offered by the Senator from Texas. I commend her for

leading this effort, and I was pleased to be an original cosponsor of the resolution.

Like many of my colleagues, I was dismayed last December when the Federal Communications Commission chose to impose heavyhanded and burdensome new regulations on the Internet. There was no market failure or consumer harm requiring FCC action, and the FCC Chairman's determination to deliver on a misguided Presidential campaign promise is very disappointing. It is especially troubling in light of the unanimous DC Circuit Court of Appeals ruling in *Comcast v. FCC*, authored by a Clinton appointee and former Carter administration aide, stating that the Commission lacked the statutory authority under the Communications Act to regulate the Internet in this manner. Unfortunately, this decision, coupled with concerns expressed by Members of Congress, was completely ignored by an outcome-driven majority at the FCC. I doubt the Commission's lawyers will receive a warm welcome from the DC Circuit when they return to defend a policy the court struck down just last year.

Shortly after the Federal appellate court ruled in the Comcast case, recognizing that net neutrality rules adopted under the Commission's title I authority would have difficulty surviving a court challenge, Chairman Genachowski shockingly announced that he would reclassify broadband as a title II telecommunications service and apply a 19th-century regulatory framework to an innovative 21st-century technology. This decision ignored the successful history of treating broadband as a lightly regulated title I information service, which has been the policy of the FCC and Congress going back to the Clinton administration.

Keeping regulators' hands off of the Internet has historically been supported by FCC Commissioners and Members of Congress on both sides of the aisle. For example, on March 20, 1998, a bipartisan group of Senators sent a letter to the FCC stating: *[[W]e wish to make it clear that nothing in the 1996 Act or its legislative history suggests that Congress intended to alter the current classification of Internet and other information services or to expand traditional telephone regulation to new and advanced services.]* They continued: *[[W]ere the FCC to reverse its prior conclusions and suddenly subject some or all information service providers to telephone regulation, it seriously would chill the growth and development of advanced services to detriment of our economic and educational well-being.]*

I couldn't agree more.

Then Democratic FCC Chairman William Kennard shared their view, stating: *[Classifying Internet access as*

telecommunication services could have significant consequences for the global development of the Internet. We recognized the unique qualities of the Internet, and do not presume that legacy regulatory frameworks are appropriately applied to it.]

Had traditional telephone common carrier regulations been applied to the Internet more than a decade ago, it is unlikely we would have the broadband services and speeds of today. The appropriate market incentives led to billions of dollars of private sector investment in broadband, created millions of jobs, and now high-speed Internet access is available to 95 percent of the population, and that number continues to grow. It is amazing what can happen when the Federal Government's regulatory policy for a particular industry is hands off.

Fortunately, after a bipartisan majority of Congress wrote to the Commission objecting to the FCC Chairman's proposed radical shift in policy, the FCC did not officially reclassify broadband as a title II telecommunications service. However, as we saw last December, the Democratic majority at the Commission did not abandon their results-oriented effort to regulate the Internet. Instead, in defiance of the Federal court decision in Comcast, the Commission chose to effectively place title II common carrier obligations on broadband service providers using their title I ancillary authority. The policy embraced by past Republican and Democratic FCC Chairman and Senators on both sides of the aisle has been relegated to the waste bin under the current regime at the FCC.

In order to justify placing these new regulations on the Internet, the FCC for the first time found that broadband was not being deployed to all Americans in a "reasonable and timely" manner. This is an absurd claim that quickly falls apart when you look at the facts. According to the FCC's own broadband plan, 95 percent of Americans have access to broadband. In the early 2000s, that number was less than 20 percent. In addition, terrestrial wireless and satellite broadband services continue to improve in terms of speed and availability. We are rapidly approaching the point where wireless Internet service becomes a true substitute for wireline service. This rapid rate of deployment and technological advances occurred absent the heavyhanded regulation we will be voting to repeal today.

For my colleagues who may be unaware, I would like to point out that the FCC determined that the broadband marketplace was competitive and should remain unregulated in 2002, 2005, 2006, and 2007. Proponents of regulating broadband services have failed to demonstrate what has changed to warrant Federal intervention. Most consumers have a choice of

multiple broadband providers, and the suite of services and applications available on home computers, mobile smartphones and tablets, and Internet-connected televisions continues to grow. Even through tough economic times, broadband providers continue to invest and create jobs. I also find it perplexing that despite the FCC acknowledging that it may require \$350 billion in new investment to achieve the goals of the National Broadband Plan, the agency nevertheless willfully adopts rules that will have a chilling effect on future investment.

The Commission also makes the novel argument that section 706 of the 1996 Communications Act, which directs the FCC to “remove barriers to infrastructure investment,” authorizes the adoption of new Internet regulations. The open Internet order flies directly in the face of the plain language of section 706. When the Commission imposed new rules on broadband service providers, they built new barriers to infrastructure investment.

Support for Internet regulation seems to rely on baseless theoretical claims that consumers may be harmed by “Internet gatekeepers” at some point in the future. Despite the fact that the FCC Chairman has said he will use fact-based analysis when reviewing proposed rules, the facts indicate that consumers are not being harmed and broadband service providers are not blocking access to content. A fact-based analysis leads one to conclude that the market is healthy and competitive. I have significantly more faith in a competitive market rather than Federal bureaucrats shielding consumers from harmful business practices. In addition, current consumer protection laws, such as section 5 of the Federal Trade Commission Act, will effectively address real consumer harms were they to actually ever occur in the broadband space.

Lastly, it should be noted that while there have been attempts by some in Congress to impose similar regulations on the Internet, these attempts have all been unsuccessful. Unelected bureaucrats have now usurped Congress's authority and have taken it upon themselves to change the law. Opponents and supporters of net neutrality in the Senate should take offense to that, and I urge my colleagues to support the resolution of disapproval.

Mr. MCCAIN. Mr. President, I am pleased to support the resolution before us that would express congressional disapproval of the Federal Communications Commission's move to regulate the Internet. The historically open architecture and free flow of the Internet should not be subject to onerous federal regulation.

As a member and former chairman of the Commerce, Science and Transportation Committee, I have fought to prevent the FCC from unilaterally im-

plementing network neutrality regulations for many years. Last Congress, I introduced the Internet Freedom Act of 2009, which would have prevented the Commission from regulating the network management practices of internet service providers. And this congress, I am a proud cosponsor of S.J. Res. 6.

Skeptical consumers and American entrepreneurs should rightly view these new rules exactly for what they are—another government power grab over a private service provided by a private company in a competitive marketplace. Sadly, and to the detriment of consumers and our national economy, the FCC is the latest in a growing list of Federal agencies under the Obama administration that have chosen government intervention and influence over the free market. In a little less than 3 years, this administration has moved to control and exert more government influence over the auto industry, the energy sector, doctor-patient relationships, and now, through the FCC, it wishes to control high-tech industries by regulating its very core: the Internet.

According to a report recently released by the House Government Oversight and Reform Committee, the Obama administration has imposed 75 new major regulations costing more than \$380 billion over 10 years. Moreover, the report continues by pointing out that there are 219 more “economically significant regulations” in the works which will cost businesses \$100 million or more each year for a minimum cost of \$21 billion over 10 years. These new regulations and added costs come in spite of Presidential Executive orders to reduce burdensome regulatory redtape.

The government's politically motivated decision to regulate the Internet, like so many others, will stifle innovation, in turn further slowing our economic turnaround and depressing an already anemic job market. The technology industry is one of our Nation's bright spots and one of the fastest growing job markets. There is little dispute that innovation and job growth in this sector of our economy is a key component to America's future prosperity. Unfortunately, this is not the FCC's first attempt to regulate the Internet. For years, my colleagues and I have introduced legislation and written to the FCC asking the Commission to halt attempts to regulate the Internet unless given clear authority to do so by Congress. The message in our correspondence to the FCC has been crystal clear: Members of Congress do not believe the Commission has the current legal authority to regulate network management practices; therefore, the Commission should not act without express legislative authority. But, like other out-of-control Federal agencies, the FCC has chosen to not listen and continues to act defiantly without legislative authority.

Might I remind the bureaucrats at the FCC that as a government agency, the FCC is not elected by the people only the House, Senate, and the President are duly elected. And, as our Constitution makes clear, the authority to legislate is solely vested in the elected representatives of the American people, not five politically appointed FCC Commissioners. As such, the resolution before us today not only seeks to undo bad policy, it also seeks to restore the constitutional integrity of the Congress. If we fail to pass this resolution of disapproval, our institutional credibility will be further eroded.

Proponents of more Federal regulatory influence over the Internet argue that these rules are needed to enhance regulatory certainty. I would argue that the only uncertainty in the marketplace has been generated by the development of these unauthorized regulations. Further, if there were systemic problems in the Internet marketplace, then why provide arbitrary exemptions to coffee shops, bookstores, and airlines? Why not make these regulations universally applicable? The fact is there is no systemic problem that warrants a regulatory overreach of this magnitude. After over a decade of practice, the facts are devoid of any global misconduct. These regulations will do more to entice companies to lobby-up, get a lawyer, and seek a regulatory competitive advantage than benefit consumers or our economy.

As the Chairman of the Federal Communications Commission has recognized, Americans have benefited enormously from the Internet's “fundamental architecture of openness.” The light touch regulatory approach toward the Internet that was advanced by previous administrations—both Democratic and Republican alike—has brought Americans Twittering, social networking, low-cost long distance calling, texting, telemedicine, and over 500,000 apps for the iPhone. It also brought us YouTube, HBO GO, Kindle, the BlackBerry, and the Palm. The Internet has changed our lives and our economy—forever.

By imposing onerous regulations and discouraging innovation, broadband providers will have less incentive to invest. This disincentive will result in the movement of less capital into the market, which in turn will directly result in fewer jobs created. We should reject this regulatory power grab and demand the Federal Government get out of the way and out of the business of picking winners and losers in our economy. It is for these reasons that I strongly support the resolution before us to keep the Internet free from government control and regulation.

Mr. President, I yield the floor, and I reserve the remainder of our time.

Mr. ROCKEFELLER. Mr. President, I would like to respond to some things, but I understand we only have 42 minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. ROCKEFELLER. And both Senator CANTWELL and Senator MARK UDALL want to speak. I don't want to take their time, so at this point I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 44 minutes.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOOZMAN. Mr. President, I rise in support of S.J. Res. 6, which seeks to put an end to the FCC's misguided net neutrality rules. The FCC's rules regulating the Internet are yet another in a series of unnecessary and economically harmful regulations from President Obama's administration. These rules will stifle innovation, investment, and ultimately jobs, and they are a continuation of this administration's obsession with picking winners and losers in almost every marketplace.

We live in a world where we no longer have to wait for the morning edition of the paper to read the latest news. We don't have to wait for a delivery from the postman to get a message from a loved one. We do not have to get in our car and head to the store to watch a movie or to shop for clothes, books, and groceries. We have the ability to do these from the comfort of our homes, thanks to the Internet. It is clear the Internet has changed the way we live. This helps promote and encourage economic growth, facilitates innovation, and reshapes the way we do business, all the while creating millions of jobs. This was able to happen because of the government's hands-off policy.

The Federal Communications Commission admits the "Internet has thrived because of its freedom and openness." Then why is this agency taking steps to limit the openness and freedom of the Internet?

Last December, the FCC voted to impose net neutrality rules to regulate the Internet. This is nothing more than the government interfering and threatening small providers and forcing networks to operate services in ways determined by unelected bureaucrats.

What is worse is the FCC is working to fix a problem it acknowledges does not exist. The agency is relying on speculation of future harm. This attack on the Internet is irresponsible and is irresponsible governing. While our economy struggles, the Internet remains a beacon of light that continues to grow, but this rule risks stifling innovation and investment in jobs.

A study by a telecom economist with the Brattle Group found that the net neutrality rules could lead to a job loss of 340,000 in the broadband industry within the next 10 years. This is not the type of policy we need to adopt, especially as our country stares at 9 percent unemployment. That is why I am supporting S.J. Res. 6, which will put a stop to the FCC's misguided net neutrality rules.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise today in opposition to the joint resolution of disapproval that will reject the open Internet or the net neutrality rule that was put forward this year by the Federal Communications Commission.

I am a strong supporter of the principle of network neutrality that the open Internet rule seeks to protect, and I believe we should oppose this effort to reverse the FCC order. The rule this resolution seeks to eliminate—the open Internet rule—was adopted by the FCC in December of 2010, and it will go into effect on November 20 of this year.

Simply put, this rule creates commonsense obligations and requirements for broadband Internet service providers, such as telephone and cable networks, in order to keep the Internet free and open. I know the open Internet rule will provide the certainty needed to foster job-creating investments and innovations while protecting broadband Internet consumers. Why is this important? Well, net neutrality is a way of saying the Internet ought to be free and open. It is a fundamental concept that is underpinned with some marvelous new technology that we call the Internet. This open Internet rule will make sure we hew to the concept that the Internet ought to be free and open.

We watched and are still watching as democratic uprisings topple totalitarian regimes all over the Middle East. Social networks such as Twitter and technologies such as text messaging are largely thought to facilitate the so-called Arab spring. None of that would have been possible without an open and free Internet.

I have to ask, what kind of message will we be sending to the remaining dictators—but probably even more important, those people who quest and thirst for freedom—if the citizens of the United States, through their Senate, vote to limit Americans free ac-

cess to the Internet? We have to set an example for the rest of the world. The Internet must remain free and open.

The open Internet rule will achieve this by ensuring that four key Internet policies are maintained. Let me list them for my colleagues.

No. 1, it will prevent broadband Internet providers from blocking lawful Internet content or services.

No. 2, it will require transparency about broadband network management policies.

No. 3, there will be a level playing field for consumers on the Internet.

No. 4—this is important in these tough economic times we face—it will provide predictability for both broadband providers and Internet innovators.

As I have said, what is so important about this debate is that in these economic times, net neutrality is also about jobs and economic development. As I travel in my State of Colorado—and I know the Presiding Officer travels his State of New Mexico—the refrain I hear from businesses and business leaders is that they need predictability in order to invest in their companies and create good-paying American jobs.

Thousands of entrepreneurs who have built small Internet businesses can only be successful if they can reach their customers. However, if we don't preserve this net neutrality rule and content blocking is prevented, there will not be any guarantees that the next great online innovation or pioneering application will even be able to access the Internet. For example, the next Google or Amazon or Twitter will only be able to grow and be successful if they can reach their customers without worrying about interference from broadband providers that might want to preference another more established competitor.

So what we are talking about is the FCC is promulgating a commonsense rule that will provide predictability for both the broadband providers and the Internet innovators. The certainty of knowing the rules broadband providers have to follow will give the confidence needed for investors to help the next Groupon breakthrough or many of the other numerous applications we are all familiar with online.

Innovation and job creation is what will finally lift our economy out of the slump from which we have been desperately trying to recover. We need net neutrality to ensure that innovation thrives and that the next great product, service, or way of doing business is not inhibited by market manipulations or restrictive online policies.

I came to the floor to urge my colleagues to vote against this resolution. It only serves to distract us from the hard work we have to do to foster job growth and get our economy back on track. Let's agree to cement fair and

reasonable rules of the road, as the FCC rule seeks to achieve, in order to provide certainty in a climate of innovation for the next generation of job creators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, we don't use the Congressional Review Act often. In fact, I think we have only used it once successfully. But the regulators are working at a breakneck pace, and I think the overreach we see in this rule and some others that are coming out right now really requires the Congress to pay attention, requires us to revisit the reason the Congress gave itself the ability to look at rules and regulations and see if they make sense.

Simply put, on this regulation, the Federal Communications Commission lacked the legal standing to produce the order we are debating today. The net neutrality order the FCC enacted is not based on the facts or on the law. In fact, I have yet to hear credible defense of why we would want to have this massive regulatory burden. In fact, we have talked about net neutrality for several years now, and the definition continues to change because the free marketplace has driven the innovation beyond every debate we have had. The marketplace where people invest and grow the Internet and access to that Internet has meant that as soon as a debate would be engaged on this issue of so-called net neutrality, it no longer mattered. I think that is what we see here as well. But it will begin to matter if we begin to manage the Internet in a way that slows down investment, that slows down innovation.

Three years ago, the FCC attempted to reach far beyond any legislative mandate they had to regulate the Internet through a rule. Last year, a Federal court struck down that rule, saying the Commission had no authority to do so. Now we find ourselves debating a measure which in a roundabout way attempts to accomplish the same end with a result that might be disguised in some other way. The Commission is using a provision of the Communications Act, which was enacted to allow the FCC to "remove barriers to infrastructure investment." Why would we want to do that? Why would we want to remove barriers to infrastructure investment? Why would we have passed that law? Because we want to encourage infrastructure investment by removing barriers. The basis the FCC is using was actually deregulatory, not regulatory. They are basing this on a law that said they could do something 180 degrees different from what this rule would do.

Repeated government economic analysis has reached the same conclusion: There is no concentration; there are no abuses of market power in the

broadband space. And even if there were, we have a lot of laws to deal with that. We have antitrust laws. We have consumer protection laws. There are plenty of ways to approach that if it happens, but nobody thinks it is happening.

The Commission, like many other Federal agencies, has often been put in a position where one industry competitor is being asked for a regulation that somehow would benefit them in their competition with somebody else. This order would greatly increase the frequency of those requests.

This order puts the FCC in a position of constantly having to monitor new innovations on the Internet.

One of the FCC Commissioners who didn't agree with this order clearly laid out the dissent when he said this. This is a quote from Commissioner McDowell:

Using these new rules as a weapon, politically favored companies will be able to pressure three political appointees to regulate their rivals to gain competitive advantages. Litigation will subplant innovation. Instead of investing in tomorrow's technologies, precious capital will be diverted to pay lawyers' fees. The era of Internet regulatory arbitrage has dawned, and to say that today's rules don't regulate the Internet is like saying that regulating highway on-ramps, off-ramps, and its pavement doesn't equate to regulating the highways themselves.

In releasing the net neutrality order, the FCC charted itself on a collision course with the legislative branch as well as with the Federal judiciary, which has already struck down a similar attempt to regulate this sector by the FCC. They stated unequivocally in that attempt that the FCC lacked the standing to do so.

This is a solution that is really searching for a problem. Let me guarantee that whatever anybody thinks the problem is right now, that will not be the problem 6 months from now unless we figure out how to slow down innovation in this area and suddenly we are dealing in a static environment instead of a dynamic environment.

Even if there were a legal basis for this legislation, we still cannot get away from the fact that it is a massive and unnecessary overreach into the private sector, which has thrived while our overall economy has slowed and stalled.

In 2003, only 15 percent of Americans had access to broadband. According to the Commission's own National Broadband Plan, last year 95 percent of Americans had access to broadband. Between 2003 to 2010, 15 percent to 95 percent—it sounds to me as if that access is doing what you want it to do and occurring how you want it to occur. Fixed and mobile broadband Internet access, expanded and improved upon by the private sector, is the fastest growing technology in history. In only 7 years, 95 percent of Americans got to where 15 percent were 7 years earlier.

Competition in this field is robust. Technology advances, network build-out, and infrastructure improvements are happening quickly, to the tune of billions of dollars of investment and innovation and an ever-expanding array of applications for consumers. More competition is on the way as providers make use of increased amounts of spectrum coming online and lay new networks of fiber to connect Americans in rural areas in the country.

The telecommunications sector contributes more than \$60 billion annually to our economy. Net neutrality would slow that down.

With the order that was set forth, the Commission will begin to speculate on what might happen as opposed to what clearly is happening.

First, the kind of anticompetitive action the Commission seeks to remedy is already illegal.

Second, the competition in this space is far too fierce. Their rule is far too repressive. Most Americans already have two options for wired broadband access at work or at home, and the number of wireless competitors available is exponentially higher.

No government has ever succeeded in mandating investment and innovation, and until this order nothing has held back Internet investment and innovation in this country, and that is why it has done so well.

Broadband buildout is a thriving success story on which virtually all Americans now count. We now even take it for granted. It is incumbent upon us to look at this rule to understand the negative impact it will have on a thriving way to communicate, to do business, and to talk to each other, and to reject this rule and let this system continue to develop with the same innovation, the same intensity, and the same incredible success it has had in the past 7 years.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 19½ minutes remaining.

Mrs. HUTCHISON. I Thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I yield up to 5 minutes of our time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Texas for the time. This is a critical subject she is dealing

with right now, but the thing in common is the problem we are having right now with regulation. I think we are going to be talking about that this afternoon.

I only wanted to get one thing in, and that is about something the Chair is fully aware of because he was there all morning. Something very significant happened this morning. In our Environment and Public Works Committee we passed out a highway reauthorization bill. We have not done this since 2005, and this morning we did. This is one where we sat down—one of the few times that Democrats, Republicans, liberals, conservatives, can get in a room and hammer out their differences and get things done. I wish the committee would be successful in doing that as we were this morning in getting a highway bill. So we are going to have a highway bill at the current spending level which, if my colleagues remember back in 2005, it was \$286.4 billion, and that was for a 5-year bill. That spending level right now would be, to sustain that, somewhere between \$40 billion and \$42 billion a year for 2 years. This is a 2-year bill, and the 2-year bill cannot pass until we locate an additional \$12 billion to make this happen. I think a lot of us don't want to take what would constitute a 34-percent cut in funding for our roads and highways and bridges throughout America and be able to sustain that. This is a life-and-death type of issue.

I wanted to say how proud I am of the staff and of every Democrat and every Republican on the Environment and Public Works Committee who made this happen this morning. So while we have much more we are concerned about, I think it shouldn't go unnoticed at this time that we have now started that ball rolling and that is good news.

One last thing I wish to say about overregulation. When we talk about the jobs bill—and we always are talking about revenue and jobs and all of this—we seem to forget that the overregulation is costing us a lot. I can remember fighting the cap-and-trade bills ever since back during the Kyoto convention, and impressing upon people that the bills being offered would cost between \$300 billion and \$400 billion a year. That is every year, not just the first year. Right now, since they have not been able to pass that here, they are trying to do that with regulations through the Environmental Protection Agency. Congressman FRED UPTON over in the House and I had legislation that would take away the jurisdiction of the EPA to get this done. I think this is going to be offered as an amendment this afternoon. I think it is very critical that we pass that.

I thank the Senator from Texas for giving me this time.

I yield the floor.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. I Ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I yield up to 7 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I thank the Chair. I thank Senator HUTCHISON for her efforts here in stopping another regulatory nightmare. I am beginning to think the FCC stands for Fabricating a Crisis Commission because they are trying to create a new regulation for a problem that does not exist. The overriding problem here is, as the government intervenes increasingly into the Internet and the investment in the Internet, that investment is going to dry up as uncertainty is increased.

I have seen in my State where private investors have put together the money with companies to put down broadband in rural areas only to find that there are some companies operating with a government grant or some government money to compete with them.

Under President Obama, the FCC has become an activist bureaucracy that is inventing a crisis here in order to take control of the Internet.

The Internet is one thing in our country that is working vibrantly. It is a showcase of free enterprise. It does not need to be regulated. For years liberals have warned us that, if the government does not take action, the Internet will not be competitive or accessible. The opposite has happened. More people are using the Internet and have access to cutting-edge technology and devices than ever.

This is yet another misguided big-government solution in search of a problem. Last year, the courts ruled in the Comcast decision that the FCC does not have the authority to mandate how private companies can enter into business agreements and limit the ways they provide Internet services. The FCC did not learn its lesson and instead is at it again with its Open Internet Order, which is vague, baseless, and built on an even weaker legal foundation than their activities in Comcast. Congress did not authorize such actions and the courts have ruled against them. The FCC should not try to get around it by redefining clear legislative language passed by Congress.

There has been no demonstrable harm to which the FCC needs to respond. They cannot give us a case where competition is not growing, where the expansion of broadband is not growing. In fact, new technologies are exceeding the pace that the FCC can even keep up with.

We do not need to come in and slow down the growth. If the FCC wants to take action, it should prove there is legitimate harm in the marketplace. The Department of Justice and the Federal Trade Commission have a number of laws and regulations to enforce in the name of protecting consumers who use the Internet and competition among companies involved in the market. If those laws are lacking, the FCC should show how and ask Congress to provide it with statutory authority.

The FCC has not done so. They have not shown us that harm has taken place and that they need to take control, essentially, of the Internet. Congress has yet again been cut out of the picture, and many of my colleagues in the majority seem comfortable with abandoning their role. The FCC's bad logic needs to be recognized. They admit these new rules were not imposed due to any previous or existing wrongdoing. That is important for us to recognize.

If a regulatory agency is issuing an order that intervenes into the private sector, there needs to be some substantial harm being addressed. The FCC claims the government must regulate the Internet in order to protect consumers from future harms that could occur. That is not the point of the regulatory structure.

I heard all of these arguments back in 2006 when the Senate was debating how to update our telecommunications laws. If the regulation advocates had won in 2006, today we would have the Internet of 2006. I do not want the Internet of 2006 in 2011, and I do not want the Internet of 2011 in 2016. I want it to grow and improve and evolve just as it is doing now. The government cannot possibly manage the development of the Internet, which the FCC is trying to do.

The Internet does not need a government stimulus. It is a free market industry that is working. Right now, the technology sector has a 3.3-percent unemployment rate, far below the national average. Over the years, communications companies have invested hundreds of billions of dollars in broadband technology and development, and no deficit-expanding stimulus was required!

If the government really wants to allow the Internet and related businesses to prosper and thrive, it should stay out of it. The Internet is not broken, but our government is. The private telecommunications sector knows how to create jobs; our government does not. The things that work best in our society—businesses, charities, volunteer organizations—are the things that government does not control. Consumers should be in control, not unelected activist bureaucrats intent on taking over the most successful parts of our economy.

I encourage my colleagues to support this resolution to undo the FCC's

power grab. Three unelected bureaucrats should not be permitted to simply give themselves the power to regulate the Internet's infrastructure in the face of clear statutory language directing them to do just the opposite.

The FCC should not be permitted to circumvent Congress and essentially enact laws that will impact vital services we all depend on. To keep the Internet economy thriving, this decision must be reversed. I commend Senator HUTCHISON for bringing this up and using the powers of Congress to take back control of our legislative responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 18 minutes under his control.

Mr. ROCKEFELLER. I would yield it to the distinguished Senator from Washington.

Ms. CANTWELL. I thank the chairman of the Commerce Committee for his leadership on this important issue. I am glad to be on the Senate floor to set the record straight because we are here to talk about Internet freedom and about making sure the Internet does not have undue costs and expenses for consumers.

If you liked TARP and you liked the bailout of the big banks, well, guess what. Then you should vote for this resolution because this resolution is about whether you are going to let the communications companies that want to make the Internet more expensive by various technologies have their way.

If you believe the FCC should establish some rules to protect the freedom of the Internet, then you should oppose the Hutchison resolution. I prefer legislation that I have introduced, and some of my colleagues support, called the Freedom of the Internet Act, that goes further than what the Federal Communications Commission has done to implement true net neutrality. I would prefer that, and maybe in the future my colleagues will be working on such legislation.

But as it is today, the Federal Communications Commission has taken a half step, if you will, by proposing some rules that will set in place some protections for consumers to make sure they are protected on important aspects of keeping Internet costs down. The problem with the FCC rules is they only apply in some cases to fixed broadband and not to mobile broadband.

So if you think about it this way, the Internet is moving to a mobile broadband platform; that is, our handheld devices, whether they are a BlackBerry or phone or what have you. So many more Americans are accessing the Internet that way. So the FCC has

come up with rules on transparency and no blocking; that is, to make sure no content is blocked or slowed down for any undue cost or reason, and a nondiscrimination rule.

Unfortunately, those two last points, no blocking and unreasonable discrimination, do not apply to the mobile side. So we have work to do to make sure the youth of America who are consuming so much content online through their mobile devices are not going to be artificially charged more or slowed down in their access all because the telecommunications industry wants to have its way with the Internet.

My colleagues have been out here talking about innovation. I can tell you, the Internet has had a ton of innovation and a ton of content creation, all because there has been an even playing field and net neutrality. The fact now is that the telecommunications companies are debating an important issue, and the lines get blurred between telecommunications and the Internet, and it is clear we do not have all of the rules in place to make sure consumer interests are protected.

But today we have one thing: the FCC rules that are trying to slow down telecommunication companies from artificially either blocking or making content on the Internet more expensive. Again, when we go to the mobile phone model and we are being charged for time and data transfer, the fact that the data transfer and time take longer means we are going to have more expensive phone bills. That is why I said it was TARP-like, because the "cha-ching" we are going to hear from the phone companies on the money they are going to make from this is unbelievable.

So thank God the FCC took a half step and said: Whoa. Slow down. We are not going to let you do that. That is why people like Vint Cerf and Tim Berners-Lee, the architects and inventors pushing the Internet, have said what a bad idea it is to not make sure that net neutrality is the law of the land.

I notice my colleague who just spoke said, well, there have not been any problems. There have not been any issues. I read the online publications. Larry Lessig, someone I trust, was recounting in one of his interviews exactly what happened. Comcast went in and basically blocked large data files of peer-to-peer transfer, what is called bit torrent traffic.

First, Comcast said: No, no. We do not do that. We did not block that. We do not do it. But when it was basically found out that they did, they said: Oh, no, we did not block it. We just slowed it down. They sent little messages, as Mr. Lessig says in his article, to the Internet traffic to confuse the recipient and basically disrupt their traffic. OK? So that is what is happening.

These providers think if they can control the pipe, now they can also control the flow. It is also, as Mr. Lessig said later in this article, as if the entire electricity grid, our refrigerators and our toasters and our dryers, all of a sudden would start charging different rates on different things because the electricity company would decide it had the ability to charge different rates. Would we put up with that? No, we would not put up with that.

So why would we put up with allowing telcos to run at will on the Internet charging consumers anything they want based on the fact that they think they have the control of the switch?

I am so proud the chairman, Senator ROCKEFELLER, has led this fight for the freedom of the Internet to drive down costs, to keep innovation, and to protect net neutrality. The FCC rules do not go far enough. We cannot continue to have this half step and not clearly, on the mobile side, give consumers the protection they need.

But for today, if you want to vote with Internet consumers and Internet users on driving down the costs of the Internet, then vote against this resolution and keep the minimal FCC rules in place until we can get stronger legislation passed. Make no mistake about it, the other side is talking about, well, they do not want to regulate the Internet. That is true. They do not want to regulate telcos that want to take advantage of the fact that they own the pipe and can charge a lot more.

I am glad the FCC at least took this measure. We should make sure it stands until we can even get stronger Internet freedom protection.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Senator for her remarks and actually fully agree with them in that mobile is kind of left alone, and it should not be because it is everything that is happening in the future. But it is a step, and it was a wonderful speech.

It occurs to me that I do not think we have anybody left to speak on this side. I am not sure about Senator HUTCHISON, but it may be a good time to yield back our time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mrs. HUTCHISON. Mr. President, I would like to just wrap up, and then I will yield back the rest of our time and we can close this debate because our vote is going to come tomorrow.

I just want to summarize what we have heard today. I just heard the distinguished Senator from Washington State say that without net neutrality

we would have more expense to consumers. I really do view this in a different way because I view the potential delay, the regulatory processes, the hurdles that are going to have to be overcome for any kind of preclearance to put a new product on the Internet, gatekeeping for innovation—that is what, in my opinion, is going to increase the cost and cause delays if not freeze many of the innovations that have occurred in our open Internet system.

We now have, because of the FCC's ruling, the requirement for reasonable standards for access to the Internet. There is no definition of "reasonable." I heard the Senator from Minnesota say we need net neutrality in order for Google, YouTube, Facebook, and Twitter to be able to grow and prosper. Those entities have grown and prospered—without net neutrality regulations. They have grown and prospered because we have had free and open access to the Internet. We and our competitors and our businesses that compete overseas have had open and free access. That has been the beauty of the success of the Internet.

Now we see government coming in and saying: You have to be reasonable in what you offer. So if there is a major dump of millions of pages onto the Internet and it is going to slow down, for instance, a hospital network offering rural health care on an emergency basis or some kind of video-streaming that is going out, we have to be able to let the providers have the judgment and let the marketplace work. If there is a problem it was not pointed out by the FCC when they decided to intervene in the Internet among 134 pages of regulations with just 3 paragraphs about possible problems, all of which concluded with the rules that are in place today.

This is clearly a problem that isn't there, which is being manufactured in order to put another government regulation on the books. When the Senator from Massachusetts said this order doesn't regulate the Internet, just the gateways or the on-ramps, that doesn't hold water because if we regulate the on-ramp, we are regulating the Internet. We are causing companies that are providing broadband to not have control of their networks but instead will now have to go before the FCC to justify a new product or service that will give emergency access or quicker access for users who need to have that kind of access.

I hope the Senate will say the FCC has extended beyond any authority Congress has given them, and I hope we will stand for our prerogative in Congress to make the laws and only have regulations come out when we delegate specifically to an agency to put out rules in a particular area, which has not happened in this case.

I urge my colleagues to support this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, before I yield all time back on our side, I have listened to the entirety of this debate. It seems to me it has been fairly clear that on one side the government regulates and messes things up, and on the other side things are going swimmingly.

I can't help but pay attention to all those people out at TechNet, the AT&T people, Moody's, Hamilton's, and all these people who take a very dour view of government intervention and a very sensitive view as to whether that intervention is in any way going to stop investment. The answer is usually it does. That is why I feel very happy that this was referred to by a number of major players in this field as a very "light touch" of regulation, which gave them a sense of where they were going to be, how far down they could look toward their future and therefore allow them to invest the money they wanted to invest.

That is not to say they would not have done it anyway. But there is nothing like encouraging capital investment in something as important as the Internet. I think the net neutrality legislation does that very well. I hope when we vote on it tomorrow, it will not pass.

Having said that, I yield back all time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

3% WITHHOLDING REPEAL AND JOB CREATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 674, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

Pending:

Reid (for Tester) amendment No. 927, to amend the Internal Revenue Code of 1986 to permit a 100-percent levy for payments to Federal vendors relating to property, to require a study on how to reduce the amount of Federal taxes owed but not paid by Federal contractors, and to make certain im-

provements in the laws relating to the employment and training of veterans.

AMENDMENT NO. 928 TO AMENDMENT NO. 927

(Purpose: To provide American jobs through economic growth)

Mr. MCCAIN. Mr. President, I call up my amendment numbered 928.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 928 to Amendment No. 927.

(The amendment is printed in the RECORD of Tuesday, November 8, 2011, under "Text of Amendments.")

Mr. MCCAIN. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleague, the Senator from Kentucky, Mr. PAUL, and the Senator from Ohio, Mr. PORTMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I feel it is very important that we spend some time on this issue. I think all Americans realize we are in almost unprecedented difficult economic times, and that despite efforts that have been made over the now nearly 3 years, our economy has not grown and it has not provided the kind of job growth and opportunity many of us had anticipated.

When we look at previous recessions—and this is a near depression by some calculations—the recovery has been amazingly and agonizingly slow as compared to recoveries from other recessionary periods.

In the view of this Senator, the remedies have, in many respects, made the problem worse rather than better. If we look at some objective criteria, I argue that the situation in America today is worse than it was on January 2009, when this administration came to office. We have had the stimulus package, the Health Care Reform Act, increases in spending in numerous areas, and the Dodd-Frank bill, which was going to fix the regulatory system in this country to prevent any financial institution in America from ever again being too big to fail—in other words, no financial institution would ever need taxpayer dollars to the degree that America's economy would be impacted adversely in case that institution failed.

Well, here we are. Here we are, nearly 3 years later, and unemployment is at 9 percent, even though after the stimulus package was passed all the predictions were that maximum unemployment would be 8 percent and headed down. The recovery has been anemic. In my home State of Arizona, still nearly half the homes are under water. In other words, they are worth less than the mortgage payments the homeowners are required to make.

Working together with my colleague from Kentucky, Senator PAUL, and Senator PORTMAN of Ohio, we have put

together a series of proposals and ideas that have been generated both within this body and outside of this body, and we believe—we believe with the utmost sincerity—there should be areas in this proposal that we and our colleagues on the other side of the aisle could come to agreement on. We wish to see this entire package. We think it is important in its entirety. There is no doubt in our minds that when you look at the 9-percent approval rating Members of Congress have with the American people, they certainly want to see us do something constructive as well.

I guess I would ask my colleague from Kentucky how he thinks we should have put this package together, what we should have included, and what haven't we included. What is the situation in his home State as far as a need for this kind of legislation?

Before going to my friend from Kentucky, let me add that I talk to large and small businesspeople all over this country, and they all tell me the same thing. They all tell me the same thing. They have no certainty as to what the future holds for them, which then causes them not to invest or to create jobs. Overseas, they are sitting on \$1 trillion. Here in the United States they are sitting on a \$1½ trillion and not investing because they do not know when the next regulatory act is going to come down. They do not know when the next regulation is going to be issued. They do not know when the next tax increase is going to occur.

I saw on television the other day that the owner and founder of Home Depot, Kenneth Langone—and he also wrote a piece for the Wall Street Journal—said he couldn't start Home Depot today. He couldn't start it today because of the environment that exists. Intended or not—and I know my colleagues on the other side of the aisle have the most honorable of intentions—the result of all this regulation has been a climate which has restrained investment, which has then restrained and killed job creation and caused this economy to be mired in the doldrums. Obviously, that has had a terrible impact on every-day Americans.

Before my colleague comments, I first want to thank the Senator from Kentucky for the key role he has played in putting this package together, and I hope this is the beginning of our fight for passage of this legislation.

Mr. PAUL. I hope this is the beginning of a conversation with the other side and with the President. I told the President personally that I want to help with the problems we have in our country. We have 14 million people out of work, with 2 million additional people out of work since this administration began. So we are serious about our Republican jobs plan, and there can be some areas of some common interest.

There currently is a supercommittee talking about some of these tax reform

ideas. Our side is putting forth a message, we are putting forth a plan, and we are willing to work with the other side. The problem is, it is my understanding the other side has walked away from the table. The other side is unwilling to talk or to engage with us. I have asked the President personally to come to Capitol Hill and talk to us. I have talked with the members of the supercommittee and have indicated we are willing to work with them.

We have some good ideas to create jobs, and some of these ideas the other side has already agreed to. Lowering the corporate income tax. There are Members of the other party who understand we need to be competitive with the rest of the world. So lowering the overall rates, simplifying the code, and getting rid of some of these loopholes. These are things the President talks about as he campaigns. But if he were serious, he would come and talk to us. Instead, what I have heard at his campaign stops is Republicans are too stupid to understand his plan so he is going to break it up. Well, that may get laughs at his campaign rallies, but it isn't getting anything done.

I think the American people need to know our jobs plan will create jobs, and we are willing to talk with the President and with the other side. I think we are willing to get things done, and I think we have important things in the bill that will do that.

Mr. MCCAIN. Maybe my friend from Kentucky and I can talk about many of the various provisions in this legislation. There are a lot of provisions that were based on input from outside and inside this body. Some of this, by the way, closely mirrors legislation which has already passed the House of Representatives as well.

We lead off with a requirement for a balanced budget amendment to the Constitution. I was here many years ago when the balanced budget amendment failed by one vote. When you ask the American people if government, and the Congress, shouldn't live under the same constraints they have, they are in total support of that.

I have seen polls—and I wonder if my friend from Kentucky has—that show 80 to 90 percent of the American people support a balanced budget amendment to the Constitution when informed what it is. At the very least we ought to put that up for a vote in this body.

Mr. PAUL. Yes. Routinely, decade after decade, polls show anywhere from 75 or 80 percent or more support a balanced budget amendment. We need it, because we have shown ourselves to be fiscally irresponsible. Through the years, we have had Gramm-Rudman-Hollings and we have had all different types of restraints, but we disobey our own rules. We say, oh, it is an emergency. But then suddenly all the routine spending we do becomes emergencies, and the debt gets bigger and bigger.

Those in the debt commission say the most predictable crisis in our history is the coming debt crisis in this country. They are seeing it in Europe. We need to be serious in our country and fix these problems before we get to a crisis situation. That is what our Republican jobs plan does. It addresses it—a balanced budget amendment, tax reform, and a regulatory moratorium. We can't keep heaping on new regulations that put us at a competitive disadvantage with the rest of the world.

Mr. MCCAIN. I want to go back a second to the point the Senator from Kentucky made. Congress cannot bind future Congresses. I was here at the time of Gramm-Rudman-Hollings, and Gramm-Rudman-Hollings was one of the most strict budgetary requirements ever passed by this body. It required automatic spending cuts in the event that budgets were exceeded and excess spending was, obviously, taking place. But one Congress cannot bind future Congresses. So over time—over a very short period of time—the restraints imposed on spending by Gramm-Rudman-Hollings went into the mist and we went back to business as usual.

I will be very candid with my colleague. There are people who have legitimate concerns about a balanced budget amendment and what it would take to get there and the Draconian measures that may be entailed. But I ask, what is the alternative? What is the alternative? Mortgaging our children and our grandchildren's future? I believe currently that stands at a \$44,000 debt for every man, woman and child in America. So why don't we in this body have a debate over a balanced budget amendment to the Constitution and find out exactly where people are?

At the same time, we have learned over the years that Congresses cannot bind future Congresses, and so that is the problem with enacting automatic spending cuts, or whatever spending cuts or other measures we achieve here. We cannot bind future Congresses, appropriately. So the only way to address this issue is by amending the Constitution of the United States, which I know the Senator from Kentucky and I do not view as a measure taken lightly. I have been opposed to most changes in the Constitution. I think our Founding Fathers got it pretty well right. But this is an issue that I think has to be addressed.

Mr. PAUL. Those who say balancing the budget would be extreme, I think what is extreme is a \$1.5 trillion deficit. We are en route now, at the rate we are spending money, to a decade within which the budget will be consumed by entitlements and interest. There will be nothing left for national defense or for anything else if we keep on the same spending pattern. So we do have to do something.

What we have shown so far is that fiscal restraint has been an utter failure up here. After Gramm-Rudman-Hollings we had pay as you go. That was broken 700 times in the first 5 years we were supposedly paying as you go by simply saying it is an emergency. Every routine expenditure became an emergency and so we went around it. So that is a good context for the Republican jobs plan—that everything will be in the context of balancing our budget.

But then there are other important matters, such as tax reform. Historically, the one thing government can do to create jobs or to lessen unemployment is to lower the upper rate. Kennedy did it in the 1960s and unemployment was cut in half. Reagan lowered the top rate from 70 to 50 and unemployment was cut in half. Reagan lowered it again from 50 to 28 and unemployment was cut in half. And interestingly, as you cut the top rate, you didn't cut revenue. Revenue stayed at 18 percent of GDP through all the lowering of the top rate.

What lowering the top rate does is it unleashes economic growth. The other side has this vision they are going to hire people in government and somehow fix unemployment. You can hire hundreds of thousands of people and you don't put a dent in it. To cure unemployment, or lessen unemployment, you need to have millions of people hired, and that can only be done in the private sector. I think that is the difference in the vision between our side and their side. Our vision is unleashing the private sector, and theirs is to hire a few more people to dig ditches and fill them in. It is a different vision.

Mr. MCCAIN. Isn't it a fact that Americans are not only very unhappy because of the economic condition we find ourselves in but also because they perceive an inequity and an inequality in our economy today? In other words, they see financial institutions on Wall Street making record profits and paying record bonuses. They see large corporations that pay no income taxes—none—zero. They see that and then see themselves paying their taxes, the least of which may be withholding taxes or sales taxes or whatever taxes they are still paying. It seems to me that tax reform would address these inequities.

I note that Senator PORTMAN from Ohio is here, and he knows this better than anybody, having been, in his previous incarnation, the head of the Office of Management and Budget. Over the years, we have carved out loophole after loophole and have provided some with a better or special deal. It is a damning indictment of the Congress and the administration that we let it happen, but it is what it is. So we now have major corporations—I would cite General Electric as an example—that paid no taxes last year. An average cit-

izen—who doesn't have a lobbyist here in Washington and who can't get a carveout or a special loophole for their small business—is paying these taxes.

So how do we resolve that inequity? It seems to me that is accomplished through tax reform. Give people a simplified Tax Code. The Senator from Ohio has some much better ideas about this: three tax brackets, eliminate all but charitable deductions—even put a ceiling on that—and home mortgage deductions, and then the American people would at least believe they are being treated fairly. Today, they do not believe they are being treated fairly. And I am talking about middle-income Americans.

I think statistics confirm that most Americans believe there is a large disparity between the wealthiest and the less well off in America. I would ask my colleague from Ohio to comment, since he knows more about that than I do.

Mr. PORTMAN. The Senator from Arizona is absolutely right, and I appreciate his passion on this issue. He has the whole Senate focused on the idea of repatriating profits from overseas back to America to invest in jobs and growth, and he has now focused us on the need to reform the Tax Code on the individual side and on the corporate side.

On the individual side, as he talked about, we have an incredibly complex Tax Code—thousands and thousands of pages. By lowering the rates and broadening the base—getting rid of some of this underbrush—we will create economic growth. It is a necessary shot in the arm right now with over 9 percent unemployment.

On the corporate side, right now we have a corporate rate that is the second highest in the world among all developed countries. The highest is Japan, and they want to lower theirs. This means jobs are going overseas instead of staying here. By lowering the rate, getting them down to the average of these other countries, we will bring more investment back to this country.

Mr. MCCAIN. What is the response to the suggestion of bringing the corporate tax rate down to 25 percent, let's say, because we say corporations are taxed too much in America, yet at the same time we also find corporations paying no taxes?

Mr. PORTMAN. By bringing the rate down to 25 percent on a revenue-neutral basis, what we do is get rid of a lot of the preferences, the exclusions, the credits, the tax deductions that enable companies right now to pay little or no taxes. We think everybody should be paying taxes. We think everybody should be subject to a fair tax system. We also think we shouldn't have to spend billions a year in complying with a Tax Code that is so complex. So instead of hiring more tax lawyers, we want people to get out there and hire

more Americans to do the work—productive work—to get our economy moving.

Tax reform is a way to give this economy a shot in the arm right now. It is one of many structural reforms that is in this legislation that the Senator from Kentucky and the Senator from Arizona have put together with me. It is very consistent with this idea that America's best days are ahead of her, if we restructure some of these basic parts of our economy: Tax reform, necessary; lowering health care costs, absolutely critical; allowing us to explore for energy on our shores and create jobs and economic opportunity; being sure we are reducing the regulations that are strangling small businesses. These are all structural reforms we can and should do. By the way, there is bipartisan support for every single one of those elements.

So I commend the Senator from Arizona for raising these issues, for his passion for them, and the Senator from Kentucky. I hope the Senate will give us the opportunity to vote on this, and it should be a bipartisan vote because so many of these issues are issues that transcend partisanship, and in each case there are Democrats and Republicans who understand the need to move our economy forward by making these structural changes.

Mr. MCCAIN. For just a minute, I would like to discuss with the Senator from Kentucky and the Senator from Ohio that enhanced rescission or what used to be known as line item veto.

The Senator from Ohio once had the misfortune—his reward will be in Heaven, not here on Earth—of being the head of the Office of Management and Budget and saw these appropriations bills come over, and many of them were that thick. Going through line by line, we find these special interests, special deals we call porkbarrel projects which have no justification, which were never debated, which were never discussed, which were never brought to the light of day except maybe occasionally, but certainly it contributed enormously to our debt and deficit.

So he had the option of going to the President of the United States and saying: Veto the whole bill and send it back and it may be overridden or accept these pork-laden, big, thick appropriations bills.

Isn't that a dilemma we should not force the President of the United States to have, that kind of Hobson's choice?

Mr. PORTMAN. Absolutely. That is one of the elements of this jobs bill. It was particularly tough on defense bills because we have our national defense at stake and we have our soldiers and marines and sailors out there, and the bill comes to the President of the United States, and is he going to sign it? If he doesn't sign it, there is a risk

there will be at least a gap in funding; if not, as you say, be overturned. So there is a lot of pressure to sign it.

What happened, the President signed these pieces of legislation with the earmarks in them, and we have more spending than we should and spending is not going to the priorities. It is not going to the national priorities.

So this legislation is simple. It says, back in the late 1990s, 1996, Clinton signed a line-item veto bill. Constitutionally, it was questionable, and sure enough the Supreme Court overturned it. Now we have come back with another way to do this so-called enhanced rescission, but it is basically a legislative line-item veto where Congress would have the right to be able to review what the President rescinded. If they didn't act within a short period of time, it would be rescinded. The Congress could act to overturn the President.

We believe it is constitutional, meets all the obligations that were set out in that Supreme Court case that overturned the first line-item veto and yet puts the pressure on the Congress not to put this porkbarrel spending in, and if they do, we would have the light of day shone on it and Congress would have to individually take up these line items, these porkbarrel projects.

We think this is a constructive way forward that is constitutional, that meets all the concerns that have been raised, and would help to get the spending down and to prioritize spending at a time when we have record deficits and debt.

Mr. MCCAIN. I would say to the Senator from Kentucky, the President probably would veto some items we wouldn't like vetoed because there are some differences in philosophy between ourselves and the President of the United States. But I am willing to take not only that risk but that penalty associated with trying to get elimination of the porkbarrel spending.

We have made some progress, I will admit, in the elimination of some of the "earmarks," but we have a long, long way to go. Frankly, it is a disease I have watched recede a bit over time and then it pops back up. Again, it is something like the balanced budget amendment—it needs to have a permanent fix.

Mr. PAUL. The line-item veto, interestingly, that the Senator proposed and got to the floor in the form of a bill separate from this has cosponsors from both parties. It does have bipartisan support. Many on the other side of the aisle see some of the waste. There is no reason why we couldn't begin to work together on some of this.

But, once again, I get back to if the President is going to go on the road and call us too stupid to understand and his jobs plan has to be broken up, that is not a good way to get to a consensus. The President needs to come to

Capitol Hill and needs to talk with the other side and work on these ideas.

Do we need a line-item veto and do we need a balanced budget amendment? Do we need to do something different or just do the same? The problem with just doing the same is we haven't had a budget in 2 or 3 years around here. The appropriations bills are supposed to agree with the budget, but they can't because there is no budget. There is a rumor that the appropriations bill will go to the conference committee between the two Houses and they will actually airdrop in whole other appropriations bills.

Do we need more scrutiny? Do we need a balanced budget amendment? Do we need a line-item veto? Absolutely. Because what we are doing around here is not working and is adding up to trillions of dollars of annual deficits.

Mr. MCCAIN. If the scenario takes place as the Senator from Kentucky just pointed out, that all of a sudden everything is decided by members of the Appropriations Committee, then it does deprive the other members of this body of their input into the entire process and takes the authority and responsibility from 100 and puts it in the hands of a few. That seems, to me, a disservice to the people of Arizona whom I represent.

Mr. PAUL. I think the overriding message—and I appreciate the comments from the Senator from Ohio—is that we have a jobs plan and we have our ideas. There is overlap in our ideas with some of the ideas from the other side.

The message is, we are willing to talk to the other side. We are willing to say these are some proposals, and let's try to find areas of agreement.

We think it is more important than a campaign right now. We think it is more important, the joblessness and the economy, that we try to do something about it. We are willing to come to the table. We are willing to bring our ideas, we are willing to have a debate with the other side, and we want to get solutions. We are not doing this just to be partisan. We want to figure out a way to make our economy better.

Mr. PORTMAN. Absolutely. Let me give an example of where we could come together on something simple, and again it is something the Senator from Arizona and the Senator from Kentucky have included in their legislation.

Everybody knows the Federal regulators are putting more and more pressure on small businesses all around the country. We hear it every time we go home. I can't think of a time I have been home at a plant tour where somebody hasn't raised with me a Federal regulation that is causing them difficulty because it is increasing the cost of hiring somebody.

At a time of over 9 percent unemployment, we have to do everything we

can to get this economy moving, and one is to lessen that regulatory burden and make sure it is smart.

So one of the pieces of the legislation we are promoting is to say to the Federal agencies: Go through a cost-benefit analysis, including looking at what the impact is going to be on jobs. Who could be against that? That needs to be done not just in the so-called executive branch agencies but also in the independent agencies which are not subject to these current cost-benefit rules. It is more cost-benefit rules looking at jobs but also making sure everybody has to comply with it.

Then, when they come up with an idea for a regulation, make sure it is consistent with the policy of the elected representatives because too often we will see the regulators go off on their own and come up with ideas that they think might be good for the economy. That is one reason we have—according to some statistics now—as much of a cost on the economy from regulations as from taxes.

Finally, it says when you come up with something, it has to be the least burdensome alternative. If the EPA had done this, for instance, in some of the legislation that the Senator is concerned about, the Senator from Kentucky, they would not be able to come up with huge new costs on business because they would have to come up with a cost-effective way to meet the policies set out by the Congress. They don't have to do that now. Who could be against that?

So these are specific items that are within this bigger project of getting America back on track, increasing our jobs, dealing with the fact that America's competitiveness is at risk that are commonsense, bipartisan ideas everyone should be able to agree with.

I again encourage the Senate to allow us to have a vote. Let's encourage a full debate on both sides of the aisle. Let's have a bipartisan vote on it. Let's show people whom, after all, we are elected to represent that we can come together as Republicans and Democrats and deal with the real problems facing our economy.

Mr. MCCAIN. I see the Senator from Washington is here, and I don't want to encroach on her time.

I would just like to say we are going to spend a lot more time today on this issue and this proposal. The American people want change in Washington. They want us to address the concerns and problems they face, and we believe we have a great blueprint for moving forward in that direction. As my friends from Ohio and Kentucky have said, we are eager to sit down with our colleagues on the other side of the aisle and discuss at least some of these which we think we can come to agreement on. Maybe our approval rating, if we did so, could climb back up into double digits.

I yield the floor.

AMENDMENT NO. 927

Mrs. MURRAY. Mr. President, I have come to the floor this afternoon to discuss the VOW to Hire Heroes Act, which is an amendment to help put our Nation's veterans back to work that we will be voting on tomorrow, on the eve of Veterans Day.

The real meaning of Veterans Day is to remind ourselves to take care of service-connected veterans and their families. That is what this amendment does.

We all realize, of course, this Chamber has had its share of disagreements and discord lately, and it is no secret that we are sharply divided on any number of economic and political issues that are facing average Americans right now. But this is one issue we should never be divided on.

I have served on the Senate Veterans' Affairs Committee for over 16 years, and I can tell you that veterans have never been a partisan issue. We have all made a promise to those who signed up to serve, and we all need to keep it. That is why I have been so pleased to work to help put this amendment together in a comprehensive and bipartisan manner.

This amendment brings all ideas to the table, Democratic and Republican, Senate and House, those from the President and from Members of Congress, and it uses all those ideas to address one of the most daunting and immediate problems facing our Nation's veterans—finding work.

On this Veterans Day, after almost 10 years of war, nearly 1 million American veterans will be unemployed. It is a crisis that faces nearly 13 million other Americans. But for our veterans, many of the barriers to employment are unique.

That is because those who have worn our Nation's uniform, and particularly for those young veterans who spent the last decade being shuttled back and forth to war zones half a world away, the road home isn't always smooth. The redtape is often long, and the transition from the battlefield to the workplace is never easy.

Too often today our veterans are being left behind by their peers who didn't make the same sacrifices for their Nation at a critical time in their lives. Too often they don't realize the skills they possess and their value in the workplace is real. Too often our veterans are not finding open doors to new opportunities in their communities.

But as those who know the character and experience of our veterans understand well, that shouldn't be the case. Our veterans have the leadership ability, discipline, and technical skills to not only find work but to excel in the economy of the 21st century. That is why, 2 years ago, I began an effort to find out why, despite all the talent and

drive I know our veterans possess, this problem persists.

To get to the crux of this problem, I knew I had to hear firsthand from those veterans who were struggling to find work. So I crisscrossed my home State of Washington and communities large and small, at worker retraining programs, in VA facilities, and in veterans halls. I sat down with veterans themselves to talk about the roadblocks they face. What I heard was heartbreaking and frustrating.

I heard from veterans who said they no longer write that they are a veteran on their resume because of the stigma they believe employers attach to the invisible wounds of war.

I heard from medics who return home from treating battlefield wounds and can't get a certification to be an EMT or even to drive an ambulance. I spoke with veterans who said many employers had trouble understanding the vernacular they used to describe their experiences in an interview or on their resume. I talked to veterans who told me the military spent incalculable time getting them the skills to do their job in the field but very little time teaching them how to transition the skills they have learned into the workplace when they come home. The problems were sometimes complicated and sometimes simple. Most importantly, though, they were preventable. But the more I relayed the concerns of our States' unemployed veterans to Federal Government officials for answers, the more I realized there were none. It became clear that for too long we have invested billions of dollars in training our young men and women with the skills to protect our Nation only to ignore them once they leave the military. For too long at the end of their career we patted our veterans on the back for their service and then pushed them out into the job market—alone.

That is why in May of this year, as chairman of the Senate Veterans' Affairs Committee, I introduced a bipartisan veterans employment bill to ease the transition from the battlefield to the working world. It is a bill that will allow our men and women in uniform to capitalize on their service while also making sure the American people capitalize on the investment we have made in them.

For the first time it requires broad job skills training for every service-member as they leave the military as part of the military's Transition Assistance Program. It allows service-members to begin the Federal employment process prior to separation in order to facilitate a truly seamless transition from the military to jobs in our government, and it requires the Department of Labor to take a hard look at what military skills and training should be translatable into the civilian sector in order to make it simpler for our veterans to get the licenses and certifications they need.

All of these are substantial steps to put our veterans to work. Today they are being combined with the other great ideas in this comprehensive amendment that is now before the Senate, including an idea championed by my House counterpart, Chairman MILLER, that will ease the employment struggle of our older veterans by providing them with additional education benefits so they can train for today's high-demand jobs, and an idea that has been championed by President Obama, Senator BAUCUS, and many others that provides a tax credit for employers who hire veterans.

With this amendment we are taking a huge step forward in rethinking the way we treat our men and women in uniform after they leave the military. For many of us, particularly those who grew up with the Vietnam war, we are also taking steps to avoid the mistakes of the past, mistakes that I believe we stand perilously close to repeating.

Every day we read about skyrocketing suicide statistics, substantial abuse problems, and even rising homelessness among the post-9/11 generation of veterans. While there are lots of factors that contribute to those challenges, failure to give our veterans the self-confidence, the financial security, and dignity that a job provides often plays a very crucial role.

On this Veterans Day we need to redouble our efforts to avoid the mistakes that have cost our veterans dearly and have weighed on the collective conscience of this Nation. We can do that agreeing to this amendment, but also by looking back to a time when we stepped up to meet the promises we made to our veterans.

I mentioned on the Senate floor many times that my father was a veteran of World War II. But what I do not always talk about is the fact that when he came home from war, he came home to opportunity—first at college and then to a job, a job that gave him pride, a job that helped him and my mother raise seven children who have gone on to support families of their own. This is the legacy of opportunity we have to live up to for our Nation's veterans. The responsibility we have on our shoulders does not end on the battlefield. It does not end after the parades on Friday. In fact, it does not end.

I urge my colleagues to put aside our differences, to come together and meet the challenges of putting our Nation's veterans to work.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. I ask to be recognized for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 928

Mr. JOHNSON of Wisconsin. Mr. President, I rise to speak in support of the McCain amendment, which is Jobs Through Growth Act. I do not think there is any question that the No. 1 solution to the deep financial hole in which we find ourselves in this country today is in economic growth. The fact is, we do find ourselves in a very deep financial hole. Within a day or two, or certainly within the next week, we will surpass the \$15 trillion landmark in this country. That would be a problem, \$15 trillion worth of debt, if our economy was \$100 trillion large, but it is not. It is about \$15 trillion large. So our debt-to-equity ratio has now reached 100 percent, which is a very dangerous metric.

In order to understand how that affects our economy I ask people to understand or think about how their own personal economy is affected if they are in debt, too deep into personal debt. The fact is, when you are in debt over your head you simply cannot increase your consumption because any extra money you have, just beyond the basics, is spent servicing that debt.

The exact same dynamic happens with our Nation. We find ourselves in way too much debt. Unfortunately, there is no end in sight. The last 3 years we added \$4 trillion to our Nation's debt, and the prospect for this year is that we will add another \$1 trillion. During President Obama's term we will have added \$5 trillion to our Nation's debt. This scares consumers, and it scares business investors as well. We all recognize when the government gets into this much debt and spends so much money that it does not have, eventually it will have to take from all of us—either in the form of inflation or in the form of taxes.

We are simply not coming to grips with the problem. I like to put things into historical perspective as we talk about supposedly cutting our budgets. Ten years ago, in 2001, our Nation spent \$1.9 trillion. This year we spent \$3.6 trillion. We doubled spending in just 10 years. The debate in which we are engaged right now is whether, according to President Obama's budget, 10 years in the future we will spend \$5.7 trillion or, as the House budget calls for, \$4.7 trillion.

Let's take a look at 10-year spending. In the last 10 years we spent \$28 trillion. Again, the debate is whether in the next 10 years we spend \$46 trillion, as President Obama budgeted, or whether we would spend only \$40 trillion.

I don't care how we look at it, \$40 or \$46 trillion is not a cut in comparison to \$28 trillion. Unfortunately, the supercommittee that is charged with finding \$1.2 trillion worth of savings is at an impasse, and it is at an impasse because it looks like my colleagues on the other side of the aisle have walked

out. I am afraid they simply do not want a deal because President Obama is already in reelection mode, and he does not want a result so he can run against a do-nothing Congress.

I am one Senator who came here willing to work with anybody willing to acknowledge the problem and who is willing to work with me, work with our side to seriously address the problem. That is exactly what the six Members, the Republicans on that committee, were trying to do.

We all recognize the No. 1 solution to our debt and deficit crisis is economic growth. What is holding back growth? It really is the high level of uncertainty, the lack of confidence. I say to a great extent that lack of confidence and high level of uncertainty was caused by President Obama's agenda. There is no doubt about it. He came into office in tough economic circumstances, but his policies have made the situation far worse. They have moved us 180 degrees in the wrong direction.

I mentioned the \$15 trillion worth of debt. President Obama's budget would have added \$12 trillion, but that understates the problem because we underestimate the cost of health care. That will add trillions of dollars as more employers drop coverage and people go on the exchanges at highly subsidized rates. The fact we are not achieving the projected growth rates in those budgets will add trillions. If we only average 2.5 percent growth, that will add \$3 trillion to our debt and deficit over the next 10 years.

What do global investors, what do American investors take a look at when they look at the U.S. economy? If we are going to be investing in business, if we are going to grow our economy. If we look around the world and say where are there economies growing, it is not the United States. It is China, it is India, it is in places like Brazil. Strike 1.

Take a look at the tax environment and look at the United States, with one of the highest tax rates in the world, at 35 percent, and strike 2.

Then we look at the regulatory environment and we are going to realize, according to President Obama's own Small Business Administration, that the cost of complying with Federal regulations is \$1.75 trillion. Think about that. Put that in perspective. That is a number that is larger than all but eight economies in the world. It is 12 percent the size of our economy. That is what we burden our job creators with each and every single year. Strike 3.

We need a growth agenda. We need to recognize that America needs to be an attractive place for business expansion and job creation. The Jobs Through Growth Act recognizes that and it utilizes pieces of legislation that are already available to actually address the problem. We need a credible plan to restrain the growth in government.

As I pointed out earlier, that is all we are doing. We are not cutting government, we are just restraining the growth in government. We absolutely need dramatic, significant tax reform. Our marginal tax rates are too high, our Tax Code is 70,000 pages long and costs \$200 billion to \$300 billion to comply with. We need to utilize our God-given natural resources in this country. We need an energy utilization policy that will create hundreds of thousands if not millions of jobs over the next decade or two.

We need free trade. It must be fair, but we need to recognize as these billions of people around the world seek to improve their lives and develop their economies, it actually offers us a phenomenal market opportunity. We cannot be afraid of that. We need to embrace it. We need to understand that we do not have a choice whether we are going to compete in this world. We must compete, and we are certainly capable. We have the finest, most productive workers in the world.

Finally, we absolutely need regulatory reform. Part of the Jobs Through Growth Act is a bill I introduced a couple of months ago called the Regulation Moratorium and Jobs Preservation Act of 2011. It is a pretty simple bill. It basically says until our economy gets back on its feet again we will stop issuing new rules and new regulations that harm economic growth until the unemployment rate drops below the level it was when President Obama took office, which would be 7.8 percent. It is a reasonable proposal, one I hope can gain bipartisan support.

I have to believe every Member of Congress, like me, is visited daily by businesses in their district and in their State. They are coming to Washington and calling us on the phone and describing the harm that President Obama's regulatory agencies are inflicting on their ability to create jobs.

I urge all of my colleague to support the very sensible legislation, the Jobs Through Growth Act.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 927

Mr. MENENDEZ. Mr. President, this Friday we will celebrate Veterans Day, and this year we will also be celebrating Military Families Month. It is time to recommit ourselves to helping every military family, as the First Lady and Dr. Biden are doing with a

program called Joining Forces to address the unique needs of those who serve and the needs of their families.

We as a Congress and as a nation need to do exactly that. We need to reach across the aisle. We need to put aside our differences and join forces. We need to help businesses help veterans and their spouses build careers. We need to make sure schools are doing all they can to help military children. We need to promote community involvement by asking all of us to do what we can to help military families in our local communities. But there is more we can and should do to honor our heroes.

Honoring our heroes means providing jobs and job training and every job opportunity possible to unemployed veterans in my State of New Jersey, where we have over 450,000 veterans, 12 percent of them unemployed. That is why I am proud to be a cosponsor of the VOW to Hire Heroes Act.

Every year, 160,000 Active-Duty servicemembers and 110,000 National Guardsmen and reservists come home. When they transition to civilian life and are looking for options to get back to work at home, they need to know that someone will be there to help them, that businesses will help them to start new careers or continue where they left off. We should be giving businesses a tax credit for hiring a returning veteran and giving them more of a tax credit if they hire a wounded veteran.

I would like to see American businesses pledge to hire 100,000 veterans or their spouses by the end of next year. I don't think that is asking too much. I hope my colleagues don't think that is too much either. I don't think it is too much to ask Congress—both parties, without the politics, in a bipartisan effort—to honor our veterans by passing a veterans jobs bill the President can sign into law.

As we approach Veterans Day, as our last troops come home from Iraq, as our military presence around the world enters a post-Iraq era, we need to commit ourselves as a nation to helping every one of our men and women in uniform, particularly in these hard economic times. This year, with the unemployment rate for veterans at almost 12 percent nationally, as it is in New Jersey, with nearly 1 million unemployed veterans nationwide, I would hope we can find bipartisan support for something we should all be able to agree on; that is, jobs for veterans. That is the VOW to Hire Veterans Act. Veterans cannot and should not have to wait for the help they deserve. No delays, no filibusters, no politics—just a bill for the President to sign and help for our Nation's veterans now. To me, that is about fairness and it is about keeping our promise to our veterans.

I think we can always do better for our veterans and their families, and

every veteran deserves better. Our duty to them is not just remembering their service. It is not just saying "thank you" once or twice a year on Veterans Day or Memorial Day—and we certainly should march in a Veterans Day parade or go to a Memorial Day observance. We should do those things. This is also about delivering on the promise of a grateful nation every day. It means providing the health care and services veterans need when they come home and helping them transition back into the workforce.

Our brave men and women did not wait to sign up to serve their country, and they should not have to wait to get the benefits they earned defending it. They should not have to come home only to stand on the unemployment line after putting themselves on the line serving their Nation. That is why I am proud to have cosponsored a good, solid, bipartisan jobs package to help our military men and women transition from their work defending our Nation's freedoms to civilian work rebuilding our Nation's economy. It would ensure that disabled veterans who have exhausted their unemployment benefits get the training and rehabilitation they need, the counseling they need, the vocational rehabilitation and employment benefits they need, and job assistance tailored to a 21st-century job market.

It establishes a competitive grant program for nonprofits that provide mentoring and training programs for veterans. It allows employers to be paid for providing on-the-job training to veterans.

It would provide returning heroes and wounded warriors work opportunity tax credits for businesses that hire veterans and more for businesses that hire disabled veterans. The credit for unemployed veterans expired at the end of 2010. This provision is essentially a work opportunity tax credit for hiring vets, a credit up to \$2,400 for short-term unemployed and up to \$5,600 for long-term unemployed and an increased credit of up to \$9,600 for hiring unemployed wounded veterans.

I fully support and believe in this bill. We made a promise to veterans, and it is a promise we must keep. So while I believe reducing the deficit is a critical issue, we cannot and should not balance the budget on the backs of those who have served. Veterans are not bankrupting America, they are protecting it. It is not veterans programs, health care, or services that should be cut.

I said it before, and I will say it again: A grateful nation not only honors its heroes once a year on Veterans Day or Memorial Day, but it better be able to look every veteran in the eye when he or she comes home from service and say: We meant what we said, and we will keep our promise.

We must be prepared to deliver on that promise. I certainly am. I come to

this Chamber on behalf of every New Jerseyman to say to every man and woman who has served in uniform and to the more than 450,000 veterans in my home State of New Jersey that we will keep working for fairness for every veteran and their family. There will always be political obstacles in our way, but we will fight the good fight to keep our promise to you, as you have served us. Be assured that you have the respect and thanks of a grateful nation for the sacrifices you and your families have made. To me, that thanks is ultimately demonstrated not by what we say but by how we act.

May God bless our troops, and may this opportunity be an example of our willingness to come together on behalf of those who wear the uniform and serve the Nation and have the gratitude of a grateful country.

I yield the floor.

Mr. MCCAIN. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator's second-degree amendment is the pending question.

Mr. MCCAIN. That is the pending business before the Senate?

The PRESIDING OFFICER. It is the pending question.

Mr. MCCAIN. Is there any unanimous consent on speakers?

The PRESIDING OFFICER. There is not.

Mr. MCCAIN. Mr. President, I will continue to discuss the pending amendment before the Senate, and I would yield such time, without yielding the floor, as the Senator from Tennessee may use.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

RESIDENTIAL MORTGAGE MARKET

Mr. CORKER. Mr. President, I rise to speak about a bill we introduced called the Residential Mortgage Market Privatization and Standardization Act. I wish to speak briefly on this bill that deals with the pressing issue that I know the Senator from Arizona probably as much as anybody in the Senate has spoken about and has championed for many years.

The current dynamic permit conservatorship is not sustainable with Fannie and Freddie and the GSEs as they are today. There has been discussion about various things happening with these organizations. The FHFA, which actually regulates Freddie Mac and Fannie Mae, is begging Congress for direction but, in their words, is only getting mixed signals. Today, we introduced a bill to give a very clear direction as to what ought to happen to these major GSEs.

Together, they sit atop \$5 trillion in obligations, plus hundreds of thousands of our REO properties—in other words, properties they have taken back and are now overseeing throughout America. With a \$5 trillion book, any mistake they make is very expensive, and

obviously the taxpayers of this country know full well that billions of dollars continue to flow in these organizations to keep them afloat. Yet these organizations today are lameduck organizations with no clear guidance on their future. They really have no idea what the future holds. The organizations themselves basically are treading water.

Over the most recent decade, Fannie and Freddie became corporate welfare schemes for mortgage banks. There is no question that what was happening was the governance balance sheet was helping fund corporate welfare programs or basically mortgage brokers could sell off to Fannie and Freddie mortgages they had put in place and have them guaranteed.

As they raced to the bottom to lower guarantee fees so they could take a bigger market share for the biggest mortgage originators, they actually helped fuel the housing bubble that has led us to where we are today. There is no question about it.

So many people talk about Fannie and Freddie and say that without them, we would not have affordability in housing. Well, at the end of the day, Fannie and Freddie don't make housing more affordable. What they do is simply make interest rates too low. What that actually does is push up home prices. That is the exact equation that occurs in this process. Housing affordability is determined by your monthly mortgage payment. Fannie and Freddie make interest rates cheap, but the price of housing ends up being more expensive as a result of that. So, in effect, the taxpayer is suddenly on the hook for losses when these housing prices are pushed up, and the fact is we end up having a bubble like we have had.

The market can and will take over the functions of mortgage credit risk if we make the transition in an intelligent way, and that is what this bill does. Our plan phases out Fannie and Freddie over 10 years, but it does so in a way that allows for feedback from the markets. Gradually reducing the guarantee share of new mortgage-backed securities allows us to see the market's price credit risk. We also add transparency to the market by making the valuable data at the GSEs publicly available.

One of the things that has happened in both Fannie and Freddie through the years is that they have developed, obviously, more expertise than any entities in the country because they, in essence, have been almost monopolies in this process. So what we would like to do is make that data publicly available to folks who will be doing this on the private side.

Uniform documents managing the servicing process will give investors and homeowners alike certainty in how they will be treated by their service.

This is part of the plumbing of a system that needs to be addressed, and our plan does that.

In other words, this plan not only phases down Fannie and Freddie over a 10-year period through a process that gives market signals so we can understand what is happening in the marketplace as it is occurring, but it also creates a mechanism for private investors to come back into the market. Ten years from now, under our plan, we will have a housing finance system based more on market fundamentals free of taxpayer risk and more able to price credit appropriately.

The idea that the private market cannot price credit risk is a total red herring. The biggest risk in a 30-year fixed rate mortgage is the prepayment risk. This is called convexity in bond market parlance. The private market has already figured this out. We have homeowners throughout our country who constantly prepay mortgages and the market has figured out a way to price this. So private lenders can and will price credit risk. We have just been very accustomed to the government selling this too cheaply, but the market can easily price this. All we need to do is put those mechanisms in place that allow the private sector to be able to do that.

It is time to move beyond Fannie and Freddie. We cannot pretend this problem away. Our plan is thoughtful, and it will earn back private capital over time.

We have offered a piece of legislation that we think is something that can receive bipartisan support. It allows Fannie and Freddie to be phased out over time. It allows us to see market signals as they are occurring. It allows—and the Presiding Officer and I know because we have worked on this and looked at these things in the Banking Committee itself—it allows us to actually put in place those mechanisms that will allow the private sector to come in and backfill as the guarantee continues to diminish over time.

I am offering this bill hopefully to be a marker. If people want to change it and talk with us about things that they think might enhance this bill, we are open to that. But we believe at this time, a year and a half after Dodd-Frank passed, it is time for us to actually begin looking at a real way to phase down Fannie's and Freddie's involvement in the marketplace. I hope Republicans and Democrats will join with us and try to make this bill better if they wish to do that, but certainly move us in a direction of doing something that is thoughtful and will move us along toward a private market in residential finance.

Thank you very much. I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

MR. MCCAIN. Mr. President, I thank my colleague from Tennessee. As Sen-

ator CORKER knows, we had an amendment on the Dodd-Frank bill to do away with Fannie and Freddie over a 5-year period. I think it is obvious that the Senator from Tennessee has done a lot of homework and in-depth examination of this issue. But I think the Senator from Tennessee would agree that what went on with Fannie and Freddie is one of the worst crimes inflicted on the American people all during the 1990s and well into 2000 and which was a major contributor to the housing collapse, which then triggered the financial collapse which we still haven't recovered from. I wonder if the Senator from Tennessee wishes to elaborate.

MR. CORKER. Well, I don't think there is any question. I know the Senator from Arizona has been a reformer all of his life. What we find in this body is we end up having a corporate welfare system built around many of the things we do here. As much as I hate to say it, both sides of the aisle through time empowered this organization to be what it is. We have built an industry in our country around ensuring that the status quo stays in place. It is unfortunate. As the Senator from Arizona knows, as well or better than anybody in this body, the taxpayers are bearing the brunt of this. To me, it is way past time for us to deal with this.

I know many people say, Well, in the height of the housing crisis, this is not the time. But the fact is, the way this bill is crafted—and it sounds as though the amendment of the Senator from Arizona, which I remember supporting strongly—generally would have phased out Fannie Mae and Freddie Mac over a period of time. I think we have gone to tremendous extremes to phase this out in a way that makes sense and allows the private sector to come back. If we think about the type of finance that takes place in this country around all types of complexities, there is no reason, as long as we create the proper structure for the TBA market for the private market to function, there is no reason that the private sector cannot do this on its own.

It is amazing, when we think about what has happened with low interest rates. Most homeowners in our country look at the payment they are going to make. When you have artificially low rates, what happens? The price of housing actually goes up, so we end up in a situation where we have this bubble and prices drop tremendously, and then what happens? The taxpayer ends up bearing the brunt of it.

I could not agree more with the Senator from Arizona, who has always taken on tough issues, and maybe I am responding longer than he wants me to. This is one of those issues where I know that many people back home—candidly, there is a whole industry that is built around this, and I know a lot of times people don't want to take on something, don't want to change

something like that because they know it is tough back home. I am glad the Senator from Arizona has championed this issue the way he has. As he mentioned, we have done a lot of work on it also. I think this is a sensible bill that will allow our country to get back where it needs to be. I know the Americans the Senator from Arizona so well represents and cares so deeply about these transgressions on our citizens—I know they will support this if we will allow this type of legislation to come to the floor and be voted on.

Mr. MCCAIN. I think the Senator from Tennessee—and I want to get back to the jobs bill—but I think the Senator from Tennessee would agree, as long as Fannie and Freddie are in existence and have the opportunity to behave in a manner that they did in the past, we risk another housing bubble followed by a housing collapse. That is why I think the Senator's proposal is something that deserves our attention and that of the country, so we don't have a repetition of the pain that the people in Tennessee and Arizona are experiencing today.

Nearly half the homes in my home State of Arizona are under water. They are worth less than their mortgage payments. As long as that is the case, it is going to be very difficult to see a way for a strong economic recovery to take place. I think phasing Fannie and Freddie out is probably one of the key elements in bringing about not only beneficial change—and a number of other things have to happen too—but to prevent the kind of catastrophe that was visited on us in 2008.

Mr. CORKER. It is interesting, when we have a bubble that is taking place, a lot of times the private sector becomes very concerned that a bubble is developing and they begin to slow down the process. They begin to see that, wait a minute, there is a lot of risk here, it is getting pretty frothy. The housing prices in Arizona and California and other places are getting awfully high. Maybe we should be cutting back. But as long as there is a government entity on the other side of that that is going to take all the risk and they can dump it off to them—all it is is a machine, and the more they do, the more money they make. That is what is missing in this current formula. There is no gauge there to slow the process when the bubble is becoming overheated. That is one of the huge contributing factors that I know the Senator has talked about a great deal to what we saw.

Candidly, the reason the Senator is offering this jobs bill today is because we have been through such a financial crisis and it has brought our country to its knees. On top of that, we have had a tremendous amount of regulation that has enhanced the slowdown even more. But the fact is, I would say to the Senator from Arizona, he might

not be offering this piece of legislation that he has done such a great job leading on today had it not been for this bubble that was created. He might not even be here today. We might be talking about a totally different subject on the Senate floor.

I thank the Senator for his leadership and for his time, and I yield the floor.

Mr. MCCAIN. I thank the Senator from Tennessee, and he also has been one who is more than willing to take on the tough challenges and issues we face, with a commitment to a bipartisanship that I think we all need. I thank the Senator from Tennessee.

(Mrs. HAGAN assumed the chair.)

Mr. MCCAIN. Madam President, I wish to inform my colleagues that I have a lot to say about this jobs bill. There is no unanimous consent agreement. I believe this is of transcendent importance. I see the Senator from Minnesota here. I apologize ahead of time, but we only have until tomorrow morning to address this issue. This is a compelling issue for this Nation. I intend to talk for a fairly extended period of time.

For the benefit of my colleagues, this amendment is identical to the Jobs Through Growth Act which was introduced on October 17. I am pleased about joining most of my Republican colleagues—and I wish to highlight the hard work done by my colleagues Senators PAUL and PORTMAN in putting this legislation together. In fact, I wish to thank all of the Senators, and some of them bipartisan, who put this jobs bill together. It requires a lot of discussion. There are issues of transcendent importance.

I don't have to tell any American how difficult our economic times are, how slow the recovery has been, if at all, the risk of further recession, and it is time we did something different. I would point out to my colleagues that for 2 years the other party had control of this body and had control of the House of Representatives—for 2 years, until the 2010 election. During that period of time, we passed a stimulus bill, we passed health care reform, we passed other big spending bills, all on the promise that the American economy would recover. It didn't. In fact, by any measurement, things are far worse than they were in January of 2009.

As the President has a jobs bill and the majority leader has put forth legislation as part of that jobs bill, we Republicans have a jobs bill. I know my friends on the other side of the Capitol also agree wholeheartedly with the majority of what we are proposing today. The difference between our plan and theirs is that we want to create jobs through growth and they want to create jobs through government spending, through spending and borrowing and taxing. That doesn't work. What they

have proposed amounts to nothing more than another stimulus bill, and we saw that movie before. It added to our debt and our deficit, and we lost jobs.

Today, my colleagues and I are putting forth a plan to create jobs through sound policies. Economic growth is a fundamental part of long-term, sustainable job creation, and that is what our plan offers the American people.

I wish to quote from an article in Forbes magazine by Peter Ferrara entitled "The GOP Jobs Plan Vs. Obama's."

Senate Republicans have taken the lead in proposing a jobs plan alternative to President Obama's in the form of the Jobs Through Growth Act, led by Senators John McCain, Rand Paul of Kentucky, and Rob Portman of Ohio. Republicans are remarkably unified behind these economic and jobs growth ideas, with House Republicans having already long supported or even passed several components of that plan.

The 28 components of their program add up to exciting prospects for finally sparking the long overdue economic recovery, based on proven economic logic, and proven experience concerning what works in the real world. Most important are the proposals for both corporate and individual tax reform, closing loopholes in return for reducing the rates.

Lower marginal tax rates are the key to providing the necessary incentives for economic growth and prosperity. The marginal tax rate is the rate on the next dollar to be earned from any investment, enterprise, or productive activity. That is the key because it determines how much the producer is allowed to keep out of the next unit of what he or she produces.

At a 50-percent marginal tax rate, the producer can keep only half of any increased production. If that rate is reduced to 25 percent, the portion the producer can keep grows by 50 percent, from one half to three fourths. That powerfully increases the incentives for more productive activity, such as savings, investment, starting new businesses, expanding businesses, creating jobs, entrepreneurship, and work.

The Republican Jobs Plan involves closing the special interest loopholes that enable Obama corporate cronies such as General Electric to get away with paying no taxes on \$14 billion in corporate profits, in return for reducing rates to internationally competitive levels. The U.S. suffers virtually the highest corporate tax rate in the industrialized world, nearly 40 percent, with a 35 percent federal rate, and another nearly 5 percent in state corporate rates on average.

Even Communist China enjoys a 25% corporate rate. In the supposedly mostly socialist European Union, the corporate rate on average is even lower than that. In formerly socialist Canada, the federal corporate rate is 16.5%, going down to 15% next year.

The GOP Plan would reduce the federal 35% rate to 25%, which is the minimum reduction to restore international competitiveness for American companies. Note that closing loopholes may well raise the average corporate rate, on which Democrats and liberals have focused, but it is the marginal tax rate that drives the economy. . . .

The GOP Jobs Plan also includes reducing the top personal, individual income tax rate to 25% as well, in return for closing loopholes. The Ryan budget already passed by

the House would apply that rate to family incomes over \$100,000, with a 10% rate applying to incomes below. Those rate reductions would powerfully boost incentives as well, as proven by the dramatic response to the Reagan tax rate reductions in the 1980s. . . .

Another component of the plan would eliminate the double taxation of U.S. corporate profits earned abroad by the U.S. "worldwide" corporate tax code, which adds U.S. taxes on top of the taxes on foreign profits by the host country. The GOP plan calls for adopting the "territorial" tax code of most of our international competitors, which allows profits to be taxed in the country where they are earned, and not again when they are brought home. That would unlock for reinvestment in the U.S. the \$1.4 trillion in American corporate profits earned overseas that remain parked there to avoid U.S. double taxation.

The GOP Jobs Plan also recognizes the enormous problem of excessive, runaway regulation, which increases the cost of production, and so further discourages it. Reducing such costs would consequently increase production, economic growth, and jobs.

Step one in the plan to reduce such regulatory burdens is to repeal Obamacare, with its employer mandate adding to the cost of each job by requiring employers to buy more expensive, politically driven health insurance coverage for every employee. That repeal would also reduce future taxes and spending by trillions as well.

Further critical relief would result from the GOP Jobs Plan plank to repeal Dodd-Frank, which is threatening to squelch credit for businesses and consumers essential to jobs and recovery. The GOP proposal cites research showing that higher costs for financial services resulting from Dodd-Frank would cost the economy nearly 5 million jobs by 2015.

Another critical area of overregulation is energy. The Republican program would require the Interior Department to move forward in order to free up leasing and development of drilling on public lands onshore. It also eliminates EPA foot dragging on air permits necessary for offshore drilling, and removes EPA authority for unnecessary and burdensome greenhouse gas regulation altogether. This deregulation would ensure a steady supply of low cost energy, essential to booming economic growth.

Also in the proposal is the REINS (Regulations from the Executive In Need of Scrutiny) Act, which would require Congressional approval of all major federal regulations imposing more than \$100 million a year in costs. This will reestablish the original Congressional check on Executive power, and democratic accountability for regulatory burdens, so politicians can no longer hide behind faceless bureaucrats to evade public scrutiny for regulatory drains on our freedom and prosperity. This would provide an important solution to excessive regulatory burdens and costs across the board.

The Tea Party will favor the plan's plank for a Balanced Budget Amendment to the Constitution, which would include necessary tax and spending limitations in the Constitution. Also included is a statutory line item veto, giving the President more power to cut spending. Reduced government spending, deficits and debt will reduce the government drain on resources in the private economy needed to create jobs and growth.

Finally, the plan even includes a provision for free trade, giving the President renewed fast track authority to negotiate further trade agreements eliminating foreign trade

barriers and opening new markets for American goods. For nearly 3 years, President Obama failed to even send to Congress free trade agreements President Bush had negotiated with South Korea, Colombia and Panama. But that didn't stop him from political rhetoric blaming Congress for failing to pass them, though Congress did approve them within weeks of Obama finally submitting them. That abusive rhetorical style veers into dishonorable.

The GOP program is an exciting, comprehensive strategy for creating another generation-long economic boom. It includes all the components of Reaganomics under Congressional control—lower tax rates, deregulation, and restrained spending. Besides the economic logic of each of these components discussed above, the experience with Reaganomics proves the plan will work within a year or so of adoption to get the economy booming again.

After Reaganomics was adopted in 1981, the economy took off on a 25-year economic boom in late 1982, what Art Laffer and Steve Moore have rightly called the greatest period of wealth creation in the history of the planet. Twenty million new jobs were created in the first 7 years alone, even while an historic inflation was tamed. American economic growth during the 80s was the equivalent of adding the third largest economy in the world, West Germany, to the American economy.

By contrast, Obama's Jobs Plan is recycled, brain dead, Keynesian economics already tried and failed throughout the Obama Administration, and all around the world for decades before wherever it has been tried. It is about half the size of Obama's nearly one trillion dollar 2009 so-called stimulus plan, but contains otherwise the same policies. That 2009 stimulus didn't stimulate anything except runaway government spending, deficits and debt.

Part of the jobs plan is devoted to increased government spending on supposed infrastructure, which only recalls the laughable "shovel ready" jobs of Obama's 2009 stimulus (even Obama has joked about it). Another part is increased spending to bail out spendthrift Democrat states, which Obama calls hiring more teachers, firemen and cops (a state and local government function, not a federal function).

But economic growth is not based on increased government spending, a fallacy which Wall Street Journal senior economics writer Steve Moore has rightly labeled "tooth fairy" economics. That is because the money for such spending needs to come from somewhere, and so drains the private sector to the extent of such increased government spending, leaving no net effect in any event.

What drives economic growth and prosperity is incentives for increased production, as Reaganomics proved. Obama's assault on such incentives is why trillions are sitting on corporate and bank balance sheets, and America is suffering a capital strike and capital flight. The Occupy Wall Street protestors in threatening property and profits are just further undermining incentives and contributing to that capital strike and capital flight, which only contributes further to extended and increased unemployment.

The other half of the jobs plan includes temporary payroll tax cuts, which are a continuation and expansion of temporary payroll tax cuts Obama convinced the December, 2010 lame duck Congress to adopt for this year. But such temporary tax reductions do not stimulate economic growth and jobs either, as permanent cuts and incentives are

necessary for permanent jobs. That was just proved by the failure of this year's temporary payroll tax cut to promote the long overdue recovery.

But even worse than the 2009 stimulus is that this current half stimulus echo is accompanied by Obama's proposal for \$1.5 trillion in permanent tax increases. That now includes Obama's support for a 5% millionaire's surtax. Those permanent increases only further reduce incentives for production, and only contribute further to economic downturn and stagnation under any economic theory.

Those tax increases, moreover, would come on top of all the tax increases Obama has already enacted under current law for 2013, which major media institutions as well as most of the public are unaware. In that year, the Obamacare tax increases go into effect, and the Bush tax cuts expire, which Obama has refused to renew for the nation's job creators, investors, and more significant small businesses. Under those tax increases, the top tax rates for every major federal tax, except the corporate income tax, already virtually the highest in the industrialized world, with no relief in sight. . . .

In sharp contrast to Reaganomics, such Keynesian Obamanomics has already failed miserably to generate a timely recovery consistent with the history of the American economy. Before this last recession, since the Great Depression, recessions in America have lasted an average of 10 months, with the longest previously lasting 16 months. But here we are 46 months after the last recession started, and still no real economic recovery, with unemployment still [at] 9%, the longest period of unemployment that high since the Great Depression.

Moreover, it cannot be said this is because the recession was so bad, as the experience in America has been the deeper the recession the stronger the recovery. Based on these historical precedents, we should be nearing the end of the second year of a booming economy right now. In this crisis, for Obama to now just advocate more of the same, with only new, warmed over rhetoric, is a complete abdication of leadership. Moreover, at this point, outdated economists still peddling hoary Keynesian fallacies should be subject to civil liability for fraud.

As I explain in my new publication just out this week from Encounter Books, "Obama and the Crash of 2013," more likely than recovery is a renewed double dip recession in 2013, with all the tax rate increases, regulatory burdens building to a crescendo, rising interest rates by then, etc. resulting from Obamanomics. Congressional Republicans should just tell Obama thanks, but no thanks, on his Jobs Plan, and pass their own plan proven to work. Then they can insist he explain to the public why he stands in the way.

It is a very interesting article there in Forbes, and it is a fairly long one, but I think it puts in adequately the argument for adoption of this legislation, but it also points out one of the results.

I would point out, in Investors Business Daily, an editorial entitled "Better in Rwanda." It says:

The U.S. has slipped again in world rankings that assess the ease of starting a new business. If we're to bring down our stubbornly high unemployment rate, this trend has to be reversed.

According to the World Bank's "Doing Business 2012" report, America is 13th among

183 countries ranked in the "Starting a Business" category. In the 2011 report, the U.S. ranked 11th. The year before, it was No. 8.

In 2009, the U.S. was ranked No. 6. It was fourth in 2008 and third in 2007.

These are not Republican documents. This is not a Republican assessment. This is the assessment according to the World Bank: that doing business in the United States of America has gone from the third best country to do business in, in 2007, to 13th in 2012.

This is ample and adequate proof that we have borrowed too much, we have taxed too much, we have issued so many regulations that we have people such as Mr. Langone, the founder of Home Depot—who I will quote from in a minute—who says that today he could not start Home Depot all over again, one of the great success stories, by the way, in recent years.

In the 2012 ranking, the U.S. trailed such job creators as Macedonia, Georgia, Rwanda, Belarus, Saudi Arabia, Armenia and Puerto Rico, which are ranked No. 6 through No. 12.

Big companies aren't usually founded as multinational corporations. Most begin as small businesses. And it's small businesses—which employ more than half of the domestic nongovernment workforce—that generate the bulk of new employment opportunities.

From this article:

Our own research shows that small businesses create more than 80% of the new jobs in this country. This isn't some fantasy we've cooked up. It's been confirmed in the New York Times by reporter Steve Lohr, who wrote in September that it's an "irrefutable conclusion that small businesses are this country's jobs creators. Two-thirds of net new jobs are created by companies with fewer than 500 employees," Lohr wrote, "which is the government's definition of a small business."

But job creation is more than a function of size. Lohr cites a National Bureau of Economic Research report that says the age of a business is the biggest factor. "Start-ups," says John C. Haltiwanger, a coauthor of the study and an economist at the University of Maryland, "are where the job creation really actually occurs."

Yet it's the small and new businesses that are being choked by government policy. The capital gains tax rate on investments held more than a year, Lohr wrote, directly impacts angel investors' role in providing seed capital for startups. This is a rate that the administration wants to hike from 15% to 20% on households earning more than \$250,000 a year.

That's just a single instance of poor public policy. There are many more in the 160,000 pages of federal regulations and in the web of state and local rules that squeeze small businesses and start-ups so tightly that they simply cannot hire. Until this burden is lifted, America's jobs problem is not going to get any better.

Quite an indictment that the United States of America, the beacon of liberty and hope and freedom, an example to all the world, has gone from the third best place to do business, to start a business in the world, now to No. 13 in just 5 short years.

So what is the result? I would point out to my colleagues that a person such as Mr. Langone, whom I have

watched on television on several occasions, certainly an outspoken individual to say the least, says he could not start his business again under the present environment.

I quote from a Wall Street Journal article, October 15, 2010, entitled, "Stop Bashing Business, Mr. President," by Ken Langone.

The subtitle is, "If we tried to start The Home Depot today, it's a stone cold certainty that it would never have gotten off the ground."

I quote from his article.

If we tried to start Home Depot today, under the kind of onerous regulatory controls that you have advocated—

Mr. Langone is writing to the President in this—

If we tried to start Home Depot today, under the kind of onerous regulatory controls that you have advocated, it's a stone cold certainty that our business would never get off the ground, much less thrive.

It is quite an indictment. He goes on to say:

Rules against providing stock options would have prevented us from incentivizing worthy employees in the start-up phase—never mind the incredibly high cost of regulatory compliance overall and mandatory health insurance. Still worse are the ever-rapacious trial lawyers.

He goes on to say:

I stand behind no one in my enthusiasm and dedication to improving our society and especially our health care. It is worth adding that it makes little sense to send Treasury checks to high net-worth people in the form of Social Security. That includes you, me and scores of members of Congress. Why not cut through that red tape, apply a basic means test to that program to make sure that money actually reduces federal national spending and isn't simply shifted elsewhere.

So it is a very interesting article. He says:

A little more than 30 years ago, Bernie Marcus, Arthur Blank, Pat Farrah and I got together and founded The Home Depot. Our dream was to create a new kind of home-improvement center catering to do-it-yourselfers. The concept was to have a wide assortment, a high level of service, and the lowest pricing possible. We opened the front door in 1979, also a time of severe economic slowdown. Yet today, Home Depot is staffed by more than 325,000 dedicated, well-trained and highly motivated people offering outstanding service and knowledge to millions of consumers.

Then he goes on to say:

If we tried to start Home Depot today, under the kind of onerous regulatory controls that you have advocated, it's a stone cold certainty that our business would never get off the ground, much less thrive.

A man by the name of Jim McNerney is the CEO of Boeing Company. He writes: "What Business Wants From Washington." Again, I quote from October 31, 2011. Mr. McNerney says:

America works best when American business and government complement one another: Business plays the vital role in economic expansion and job creation, while government oversees the environment in which businesses can innovate and compete. This

approach fueled prosperity for generations and produced the world's largest and most powerful economy. We seem far adrift of that ideal today. The regulatory climate is a perfect example. A tsunami of new rules and regulations from an alphabet soup of federal agencies is paralyzing investment and increasing by tens of billions of dollars the compliance costs for small and large businesses.

No one wants to discard truly meaningful public safety or environmental regulations. But what we face is a jobs crisis and regulators charged with protecting the interests of the people are making worse the problem that is hurting them most. Regulatory relief in the energy sector alone could create up to two million new jobs and we won't have to borrow a penny to pay for it.

He goes on to talk about the supercommittee. He says the White House and Congress should build on that momentum and "enact comprehensive pro-growth tax reform that benefits everyone; proceed with regulatory reform; and reform and restructure existing entitlement programs."

If Washington can once again find the ability to mix democracy and effective governing, American business will once again unleash America's economic potential.

So Mr. McNerney, in his article, reflects the views of everybody I talk to, small businesses and large. They want tax relief. They want regulatory relief. In fact, what they want more than anything else is some kind of certainty about the economic future and the playing field in which they will have to compete. Will there be increasing regulatory burden? Will there be a raise in taxes, as is facing us in 2013? Can we have a tax code they can understand and comprehend that is fair to one and all? Can they unleash their savings accounts and the money they have kept in reserve and invest and hire with some confidence that there will be a return on that investment, that they will succeed for themselves and their children?

That is what this jobs bill is all about. That is what we are trying to get done. This is an attempt to look at the problems America faces today, which, by the way, do spill over onto our national security problems, as the former Chairman of the Joint Chiefs of staff pointed out.

So it affects all of America. It hurts us in so many ways. Yet we sit here, and apparently the select committee, the supercommittee as it is called, is at some kind of gridlock. We sit here today with one amendment here, one amendment here, back and forth, and then run right out to the media and attack each other for being uncooperative and why are we not more congenial and why are we not willing to compromise.

Well, I will plead guilty for perhaps not being willing to compromise on some issues because some issues are a matter of principle. We do not compromise principle, I have found out. But we do come forth with proposals

and try to find those on which we can agree. I do not know why we do not agree on a balanced budget amendment to the Constitution. Every State, every mayor, every city councilman, every county supervisor, every one of them is faced with the first problem of a balanced budget.

Why should we exempt ourselves? Why can't we together work out the details concerning a balanced budget amendment to the Constitution? The overwhelming majority of Americans would heave a sigh of relief if we ever did that because then they would know we would be more careful stewards of their tax dollars. It seems to me we could move forward with that.

Enhanced rescission authority. I believe the President of the United States should have enhanced rescission authority, what we used to know of as the old line-item veto, taking those lines in appropriations bills he objects to and vetoing them—and I will not go through the complications of how it is done—but have them taken out, with certain restrictions as to how many times he could do it. Then, like every Governor—not every Governor but most Governors in America have—to line item out, without having to veto the entire appropriations bill, sometimes maybe even causing damage to our ability to govern.

I am well aware if we voted for an enhanced rescission by the Congress of the United States, signed by the President, the President would probably line-item veto some programs that I would object to him doing so. I am willing—more than willing—to take that pain as opposed to today where we continue to have appropriations bills which in many cases people have not read or truly understand.

Tax reform. Every place I go people talk to me about the need for tax reform. I have yet to meet an American who understands completely the Tax Code. I have yet to meet an American who believes our Tax Code is fair. I have yet to meet an American who says: If you would just give me three tax brackets, a very small number of deductions, and then I could fill out my tax return on a post card or in the case of some of the countries—the Baltic countries that used to be under the Soviet Union—on my computer. Then you would see greater compliance, you would see less of a need for the IRS, and you would see Americans more than willing to pay their fair share if they believed the system was fair.

It is not fair when major corporations and individuals pay no taxes because they have bright lawyers, and they take advantage of all of the loopholes and deductions they have been able to get put into the Tax Code over the years with the help of very powerful lobbyists in this town.

Repatriation and territorial reform. The Presiding Officer, the Senator

from North Carolina, and I have proposed a pretty simple proposal; that is, the \$1.4 trillion that is now sitting overseas because they will not bring it back because of the tax situation; that we could bring that money home, and we could provide a permanent incentive with that for repatriating these foreign earnings.

I say to my friend from North Carolina, I have been kind of astonished at some of the resistance to this where people say it would not do any good. Help me out. It would not do any good to bring \$1.4 trillion back to the United States of America? Do we really believe that would just go in peoples' wallets and purses? Of course not.

The Senator from North Carolina and I have talked to too many people, corporation executives, who have said: Yes, I will not only create jobs and invest that money, but I will give you a plan. I will give a plan that we will implement with that money—that IBM or Boeing or other major corporations that have this money parked overseas.

They are enthusiastic about it. Yet, unbelievably, there are people who argue that it would have no effect whatsoever on our economy. It is hard to understand.

Now we obviously get into ObamaCare. I noticed that the latest polling showed, I believe, that some 54 percent of the American people want the health care law repealed. Thirty-some percent still support it. The fact is that over time, as Americans learn more and more about the health care law we passed, they have become more and more opposed to it. They are angry because the whole purpose of the health care act was to provide all Americans with health care that is affordable but also to bend the curve of the inflation of health care in America because we all know the present inflation of health care is unsustainable. It is unsustainable. Yet what has been the result since the passage? Inflation of health care continues to go up; the cost of health care, whether it be to the men and women serving or average citizens, continues to go up, and it has to stop. We need to look at that and look at medical malpractice reform. In Texas today, they passed medical malpractice reform, and it seems to work, and most people are happy with it.

The Dodd-Frank bill—it still is stunning to me that we passed this regulatory reform bill; they called it a financial takeover that the Dodd-Frank bill is commonly known as—the whole purpose of it was that we would have legislation that would ensure that never again would any institution be too big to fail because the taxpayers never again should have to bail out any financial institution. Is there anybody who believes that these huge institutions on Wall Street haven't grown bigger, that they are not bigger to fail than they used to be? The fact is that

they are. What did we get? We got a whole bunch of regulations and different bureaucracies, some of them less accountable than others, and obviously a damper on some of the financial activities.

We need to make sure no financial institution is too big to fail. We need to assure the American people that never again will they suffer the way they have during this period of time because of the malfeasance of others. Unfortunately, the Dodd-Frank bill did not achieve that goal.

We need to have a moratorium on regulations. Senator JOHNSON of Wisconsin has a bill that prohibits any Federal agency from issuing new regulations until the unemployment rate is equal to or less than 7.7 percent. Senators SNOWE and COBURN have introduced legislation that is part of this Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act, which strengthens and streamlines the regulatory act by requiring regulators to include "indirect economic impacts" in small business analyses, requiring periodic review and sunset of existing rules, and expanding business review panels as a requirement for all Federal agencies instead of just the Environmental Protection Agency and the Occupational Safety and Health Administration.

I notice my colleague, Dr. BARRASSO, from Wyoming on the floor, who knows more about programs in the health care reform act. I will try to be polite and refer to it today as the health care reform act.

I ask unanimous consent to engage in a colloquy with the Senator from Wyoming.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. MCCAIN. Does Senator BARRASSO believe or could he tell us, perhaps, the effects on the cost of health care since passage of this legislation and perhaps what we need to do to really fix health care in America, which we all agree needs to be fixed?

MR. BARRASSO. I agree with my colleague from Arizona. I thank him for his leadership and congratulate him for the piece of legislation that is currently on the floor. I am here to speak in support of it because I want to get small businesses hiring again and get people back to work.

We need to find ways to make it easier and cheaper for the private sector to create jobs. This health care law my colleague has asked me about is one thing the President promised, saying: If you pass it, health insurance for families will go down—he said about \$2,500 per family per year. Instead, we have seen—in response to the Senator—health insurance rates go up. Across the board, people agree they have gone higher and faster than if the law had never been signed.

I think it was interesting and telling yesterday that the voters of Ohio went

to the polls and voted overwhelmingly—almost 2 to 1—to say they don't want to be forced to participate in the President's so-called health care law. What people in Ohio and people in my State and in all of the States around the country are asking for—and this is my goal—is to provide people with the care they want from the doctor they want—the care they need from the doctor they want at a cost they can afford.

There are things we need to do, but to put these additional expenses and mandates on the small businesses of this country, the job creators, just makes it harder and more expensive for those small businesses to hire more people. At a time in this Nation when we have 14 million Americans out of work, over 9 percent unemployment, we need to take positive steps to help them get back to work. I view this health care law and the expenses as a heavy, wet blanket on small businesses that are trying to hire people. We know of small businesses around the country that know that the penalties are significant when they hire that 50th employee. We have businesses that could grow, but they are not going to hire that extra person because of the significant expenses to the business. They need some certainty. They are getting so much uncertainty out of Washington with rules, regulations, redtape, the expense of the health care law, and the threats that keep coming of increased taxes. Small businesses and businesses are just not hiring.

That is why I am here to commend and compliment my colleague from Arizona for bringing forth to the American people a positive proposal to put people back to work.

Mr. MCCAIN. I ask the Senator this on two other issues. One issue was not included in the health care reform act, which is the issue of medical malpractice, which the Senator, Dr. BARRASSO, has had a lot of personal experience with. The other is this—which I think is symptomatic of really the way we cobbled this whole thing together, which is that we have now found a provision in the bill that cannot be and will not be enforced, the so-called CLASS Act.

Mr. BARRASSO. Both of those are areas where there can be significant savings.

Folks have said that if they do this sort of legislative approach to remove this lawsuit abuse, the savings to the Federal budget would be about \$50 billion over the budgeting timeframe—\$50 billion. Any physician, nurse, practitioner, or physician assistant would say the savings would even be greater because of the additional tests and so-called defensive medicine that is practiced in an effort to protect hospitals, physicians, health care providers from the possibility of a lawsuit. They do a lot of extra diagnostic studies—x rays, CAT scans, MRIs, and blood tests—to

try to not miss something, which is very unlikely, but they want to protect themselves from a suit. I think the savings would be even greater, but even the government accountants say it would save \$50 billion.

The other is the so-called CLASS Act—something one of my Democratic colleagues said was comparable to a Ponzi scheme that even Bernie Madoff would be proud of. It was an accounting gimmick, a bookkeeping trick used during debate and passage of the so-called health care law. It was aimed at trying to bring money in in the first 5 years of an accounting scheme where they would then not have to pay for any services and to start paying for services about the sixth year, and then the expenses would go up and up. What they have now realized and what we realized on this side of the aisle initially, right away, and pointed out on the floor before the vote, is that this could not work long term.

In an effort to try to use this scheme to say the health care law would pay for itself, they forced this through, crammed it through, as they did with the rest of the health care law. Now we find out that even the administration says this cannot work, it is not going to work. OK, just repeal that part of the law. Oh, they sure don't want to do that because that would admit it was a scheme from the beginning.

Mr. MCCAIN. Would it not also disturb the predictions as far as the fiscal impact of the CLASS Act as well?

Mr. BARRASSO. It would. It would undermine the argument of the President, who says this is going to pay for itself, when, in fact, it is not.

It is interesting, if you ask people watching at home or when you go to townhall meetings, do you think under this health care law your health care will be better or worse, they will say worse. Very few think it will be improved under this law the President forced through. And then if you ask the same group of people, a cross-section of people in our States, if they think the cost of their care will go down, as the President promised, or go up, they all say it is going to go up. So they are going to have to pay more, get less, and be unhappy with it, which is why I think yesterday in Ohio two-thirds of the voters who turned out—and the margin was over a 1 million voters difference between those for and against. They overwhelmingly voted to say: We don't want to have to live under the Obama health care law; we want to be able to opt out of that, which is all small businesses want to do. They don't want to have to deal with these expensive bandaids. Let's work together and within our States and work with other small businesses, but we don't want to live under these very expensive Washington mandates, which makes it that much harder for us to hire people.

Mr. MCCAIN. Can we return just for a minute to medical malpractice reform because many people, when you talk about that, believe there has to be appropriate compensation when malpractice occurs. We all know malpractice occurs, so we don't want the innocent victims of medical malpractice—however it occurs in the health care scenario—to not be able to get just compensation in the case of malpractice on the part of the caregiver.

Mr. BARRASSO. That is exactly right. I agree. Studies have shown that in the system we live under today, less than one-third of the money actually goes to people who are deserving and ought to be receiving that money, and the other two-thirds goes to the system—lawyers, courts, and expert witnesses. So very little of the money paid in premiums actually gets to the injured party.

There are ways to do a better job of that with significant savings in the process—making sure people are appropriately compensated if an injury occurs but at the same time getting savings out of a system which is overwrought with money going to the wrong place and which also results in so many unnecessary tests being done in efforts of doctors and nurses and hospitals to protect themselves.

Mr. MCCAIN. I thank the Senator. I appreciate his unique expertise in the health care issues that are still transcendent in this country. I thank him for his enormous contributions.

I want to continue with some of this legislation.

The Unfunded Mandates Accountability Act, which was originally an act of Senator PORTMAN's, requires agencies specifically to address the potential effect of new regulations on job creation and to consider market-based and nongovernmental alternatives to regulation, broadens the scope of the Unfunded Mandates Reform Act to include rules issued by independent agencies and rules that impose direct or indirect economic costs of \$100 million or more, requires agencies to adopt the least burdensome regulatory options and achieves the goal of the statute authorizing the rule and creates a meaningful right to judicial review of an agency's compliance with the law. If there is anything that has grown out of control, in the view of this Member, it is government regulations. First, we had a trickle, but now it is a flood, of government regulations, which then impose additional costs, which then take money away from job creation and, in particular, small business people. This is where accountability of the unfunded mandates is, at the very least, called for.

Senator BARRASSO may want to discuss this next provision. The Government Litigation Savings Act reforms

the Equal Access to Justice Act by disallowing the reimbursement of attorneys' fees and costs to well-funded special interest groups that repeatedly sue the Federal Government. The bill retains Federal reimbursements for individuals, small businesses, veterans, and others who must fight in court against wrongful government action by eliminating taxpayer-funded reimbursement of attorneys' fees for wealthy special interest groups. The legislation helps eliminate repeated procedural lawsuits that delay permitting exploration and land management.

If the Senator would like to comment.

Mr. BARRASSO. Madam President, I would like to comment. Section 8 of this Jobs Through Growth Act is the Government Litigation Savings Act. This was something introduced in the House by CYNTHIA LUMMIS, a Member of Congress from Wyoming, and myself in the Senate. This legislation will return the Equal Access to Justice Act—or what I refer to as EAJA—back to its original purpose.

The small business entity or individual citizen should not have their individual liberties overrun by Washington. EAJA was meant to provide people with limited financial resources—veterans, Social Security claimants, small business owners—the ability to defend themselves against harmful government actions. That is how it was intended to be used. It allows individuals to sue the Federal Government, to recover part of their attorneys' fees and the costs.

This was a well-intended law, but it has been exploited—exploited by large environmental groups with large legal departments—and it is being used now as a profit center for these large organizations through litigation against our government, and they are all getting paid to do it. The total amount that has been paid is unknown, and the reason it is unknown is that since 1995 something called the Paperwork Reduction Act defunded all the reporting requirements.

There is an attorney in Wyoming, Karen Budd-Falen, who has conducted research to see how much money a lot of these environmental groups have made. She found 14 different environmental groups have brought over 1,200—14 groups have brought over 1,200—Federal cases in 19 States and the District of Columbia. They have collected over \$37 million in taxpayer dollars through this Equal Access to Justice Act and similar laws, and this doesn't even include settlements and fees that were sealed from public view. This is what we can find in public documents.

Lowell Baier, who is the president emeritus of the Boone and Crockett Club, tracked through the IRS 990 forms and found that of the most litigious so-called nonprofit groups, they

average over \$9 million a year of taxpayer money, which of course hinders economic growth, limits creation of jobs by individuals and by small businesses and by energy producers, farmers, and ranchers.

So I am very happy to see my colleague included our efforts in this overall jobs package because I think these are the sorts of things we are trying to overcome and that make it harder and more expensive for the private sector to create jobs. I want to find ways to make it easier and cheaper for the private sector to create jobs.

If I could, we have been talking about the private sector. The majority leader has said: Oh, the problem isn't the private sector. He said it was the public sector—the government. Government is doing just fine. It is the private sector that has lost over 1½ million jobs from February of 2009 to September of 2011.

Mr. MCCAIN. I thank my friend.

Included in this package is the Employment Protection Act, introduced by Senator TOOMEY. It requires the EPA to analyze the impact on unemployment levels and economic activity before issuing any regulation, policy statement, guidance document, endangerment finding or denying any permit. Each analysis is required to include a description of estimated job losses and decreased economic activity due to the denial of a permit, including any permit denied under the Federal Water Pollution Control Act.

Senator JOHANNIS has contributed the Farm Dust Regulation Prevention Act, which prevents the EPA from regulating dust in rural America while still maintaining protections to public health under the Clean Air Act.

The National Labor Relations Board reform was introduced by Senator GRAHAM of South Carolina. From backdoor card check, to threatened jobs in South Carolina, the out-of-control National Labor Relations Board is paying back union officials at the expense of worker rights and jobs. To create more jobs, legislation prohibiting the NLRB from stopping new plants and legislation to prevent coercive, quick-snap union elections should be passed.

I am sure my colleagues are very well aware of the unprecedented and incredible action by the NLRB that basically prohibited a major aircraft manufacturing company from locating in the State of South Carolina, where it is a right-to-work State—an unbelievable overreach by a Federal bureaucracy—which still staggers the imagination, but it also shows that elections have consequences.

There is also the Government Neutrality and Contracting Act. It repeals the President's order requiring government-funded construction projects to only use union labor. This would reduce costs of Federal jobs projects by as much as 18 percent. That was Senator VITTER's contribution.

Senator SHELBY has introduced the Financial Regulatory Responsibility Act, which requires financial regulators to conduct consistent economic analysis on every new rule they propose, provide clear justification for the rules, and determine the economic impacts of proposed rulemakings, including their effects on job growth and net job creation.

With so many of these pieces of legislation I am talking about, a lot of Americans might say: Don't we do that already? Unfortunately, we don't.

Senator ROBERTS has the Regulatory Responsibility for our Economy Act, which codifies and strengthens President Obama's January 18 Executive order that directs agencies within to review, modify, streamline, expand or repeal those significant regulatory actions that are duplicative, unnecessary, overly burdensome or would have significant economic impacts on Americans.

Congressman GIBBS, over on the House side, has the Reducing Regulatory Burdens Act, which eliminates a new duplicate EPA regulation that will cost millions of dollars to implement without providing additional environmental protection.

On domestic job energy promotion we have, from Senator VITTER, the Domestic Jobs, Domestic Energy, and Deficit Reduction Act that would require the Department of the Interior to move forward with offshore energy exploration and create a timeframe for environmental and judicial review.

Senator MURKOWSKI has included the Jobs and Energy Permitting Act, which eliminates the confusion and uncertainty surrounding the EPA's decisionmaking process for air permits, which is delaying energy exploration in the Alaska and outercontinental shelf. It will create over 50,000 jobs and produce 1 million barrels of oil a day.

There is no one in this body who knows as much about these issues as the distinguished Senator from Alaska.

Senator BARRASSO again has brought forward the American Energy and Western Jobs Act. The bill streamlines the preleasing, leasing, and developmental process for drilling on public land and requires the administration to create goals for American oil and gas production.

The Mining Jobs Protection Act by Senators MCCONNELL, INHOFE, and PAUL requires the EPA to use or lose their 404 permitting review authority. Under this bill, the EPA will have 60 days to voice concerns about a permit application or the permit moves forward. Any concerns voiced by the EPA would need to be published in the Federal Register within 30 days.

Senator INHOFE has contributed the Energy Tax Prevention Act, which prohibits the EPA from using the Clean Air Act to regulate greenhouse gases.

The Repeal Restrictions on Government Use of Domestic Alternative

Fuels Act would repeal section 526 of the Energy Independence and Security Act of 2007, which prohibits Federal agencies from contracting for alternative fuels such as coal-to-liquid fuel.

The Public Lands Job Creation Act of Senator HELLER eliminates the burdensome and unnecessary delay in approval of projects on Federal lands by allowing the permitting process to move forward unless the Department of the Interior objects within 45 days. This will streamline the permitting process for domestic energy and mineral production on BLM lands without compromising environmental analysis.

Senator MCCONNELL has introduced the renew trade promotion authority, which would provide the President with fast-track authority to negotiate trade agreements that will eliminate foreign trade barriers and open new markets for American goods.

We all know trade promotion authority is vital to the eventual enactment of free-trade agreements. I am incredibly depressed that we would not have renewed this trade promotion authority along with the passage of the long overdue free-trade agreements we just passed through this body.

The President and my colleagues on the other side of the aisle have become fond of saying Republicans have no plan for creating jobs and putting America back on a path to fiscal prosperity. Nothing could be further from the truth. As I have just laid out in the plan before us today, we have compiled many job-creating measures offered by our colleagues in the Senate.

Furthermore, since January, our colleagues in the House of Representatives have passed at least 22 job-creating bills. Guess how many of the bills that were passed by the House of Representatives have gotten consideration in the Senate. Five.

Similar to our plan, our colleagues in the House have focused a great deal of attention on empowering small businesses and reducing government barriers to job creation. Here are just a few of the commonsense, job-creating measures passed by the House, none of which have been considered by the Senate: review of Federal regulations, reducing regulatory burdens, the Energy Tax Prevention Act, the Clean Water Cooperative Federalism Act, Consumer Financial Protection and Soundness Improvement Act, Protecting Jobs From Government Interference Act, Transparency and Regulatory Analysis of Impacts on the Nation Act, Cement Sector Regulatory Relief Act, and the EPA Regulatory Relief Act.

So the next time we hear the President of the United States say Republicans are blocking or have failed to take up or failed to bring forward a proposal, we have proposals, and we have measures that have been passed by the House. The proposals in this jobs plan bill deserve the consideration of this body.

We need to prove to the American people that we will do everything we can to eliminate the waste of their hard-earned dollars. Enacting an enhanced rescission authority to give the President statutory line-item veto authority to reduce wasteful spending is an issue we have been looking at for years.

Why do we need to grant the President enhanced rescission line-item veto authority? According to a database created by Taxpayers Against Earmarks, washingtonwatch.com, and Taxpayers for Common Sense, for fiscal year 2011, Members requested over 39,000 earmarks totaling over \$130 billion. Just last December, we were forced to consider, at the very last minute, an Omnibus appropriations bill that was 1,924 pages long and contained the funding for all 12 of the annual appropriations bills for a grand total of \$1.1 trillion. In the short time I had to review that massive piece of legislation before it was brought to the floor, I identified approximately 6,488 earmarks, totaling nearly \$8.3 billion.

We need an enhanced rescission act.

Thankfully, the massive omnibus was not enacted. But these earmarks, and the process by which they make their way into spending bills, are evidence that the system is badly broken and in need of reforms.

I have more to say, and I have taken too much time in the eyes of many of my colleagues, perhaps, and I want to apologize to any of my colleagues who had planned to speak on the floor and have been preempted by my long remarks. But I feel that we have an obligation to the American people to address the issues that are of greatest concern and the greatest amount of pain to them today, and that is jobs and the economy—jobs and the economy.

I care a lot about our national security challenges and I care a lot about what is going in the world. But when I go home and a woman stands up at a townhall meeting with her two children and says, I don't have a job and I am being kicked out of my home next week; when we have people who are being thrown out of their houses, and over half of the homes in my home State of Arizona are under water—in other words, worth less than the mortgage payments they are required to make—when we have chronic unemployment that in some cases, such as down in Yuma, AZ, is well into double digits, then we have to get going on getting some jobs and the economy back on the right track.

I want to repeat—and I don't mean to be confrontational with my colleagues, but we tried for 2 years, when the other side had the majority in the House and the Senate and they had passed major pieces of legislation that were advertised to get our economy back on track—they didn't—can't we try some-

thing different? Can't we try the kinds of things that have brought us out of other recessions? Can't we ask our colleagues in the Senate to create a simplified tax system that the Heritage Foundation says, by lowering the corporate rate to 25 percent, the number of jobs in the United States would grow on an average of 581,000 annually from 2011 to 2020? Can't we look at this regulatory system, which has put such a damper on small businesses and large? Can't we give American people a break from the flood of new regulations that continues to come down and is a major factor in this environment of uncertainty amongst businesses small and large?

The approval rating of the American people of Congress is now, the latest poll I saw, 9 percent. That is something that I joke about, but it is also something that grieves me a great deal because I believe the overwhelming majority of the Members of Congress are here and are dedicated to serving their constituents in the most honorable fashion and in the best possible way they can, according to their values and their principles.

But it is a fact that the American people are very angry and they are very upset. One of the major reasons is, of course, they have not seen progress in the economy. And that is very understandable. We are now seeing these Occupy Wall Street people. The tea partiers will probably be rejuvenated. We are seeing expressions of anger and frustration all over the country, and it is unfortunate. But I believe that a couple of things are going to happen unless we act in a more efficient fashion that addresses the concerns of the American people, and that is I believe you will see the rise of a third party in this country, and I think also you will see greater and greater manifestations of opposition to business as usual here in Washington.

As I said at the beginning of my remarks, I am more than eager to sit down with my colleagues on the other side of the aisle and come together particularly on some of the issues that clearly we have stated on both sides we are in favor of.

Again, my apologies to my colleagues whose time I may have preempted on the floor. But I think this issue of jobs, which we will be voting on tomorrow, is one that deserved more than passing attention.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Connecticut.

Mr. BLUMENTHAL. I thank the Senator from Arizona for his remarks, and certainly for me, at least, he owes no apology for having spoken his mind. I always welcome the opportunity to listen, and I have done so, and am honored to follow him.

AMENDMENT NO. 927

Today I speak as we approach Veterans Day, and I believe this Veterans Day may be particularly significant for our Nation in part because we have the opportunity in this Chamber to honor some very special veterans, the Montford Point marines, who graced us with their presence yesterday as we celebrated the 236th birthday of the U.S. Marine Corps. They were present then. They were present in 1942, when they stepped forward to serve and fight for this Nation. They are African Americans who fought and served for this Nation at a time when they anticipated no recognition and certainly no honor, and we have the opportunity between now and Veterans Day to approve a measure that would grant them the Congressional Gold Medal, which they richly deserve and they have earned through their service. They are the epitome of the Marines—they happen to be marines—and of the service men and women whom we honor on this Veterans Day. They happen to be men of the “greatest generation,” the World War II generation. They are among the greatest of that generation.

I had the great honor to be with them yesterday, in fact to be the honored guest in the Russell Building when the commandant and I had the privilege to honor them. Their presence yesterday reminds us of our continuing obligation to all veterans and of the need to make the well-being of our veterans a priority, as I have sought to do.

Indeed, my first bill, entitled Honoring All Veterans, has as its objective to leave no veteran behind. It offers a comprehensive set of measures to assure that we keep faith with every veteran, every veteran who needs a job, every veteran who needs better health care or counseling or training or education. These commitments we have made as a nation to all of our veterans and now we have the opportunity to keep those promises and keep faith with them, as we have a solemn obligation to do every day, every year, not just Veterans Day.

I want to thank Senator HARKIN of Iowa for cosponsoring the legislation I have offered, and also to thank Senator TESTER, Chairman MURRAY of the Veterans Committee, and Ranking Member BURR of that committee for their work to address these challenges recognized by the Honoring All Veterans Act and this comprehensive measure, VOW to Hire Heroes amendment. Truly, we should vow to hire our heroes, and we should do so not just in words but in deed, not just in rhetoric but in action, and I am proud to be a cosponsor of the important tax credit provision in the Tester veterans jobs amendment for businesses that hire veterans.

Helping veterans is a challenge that will require the engagement of everyone in the community, from Congress to veterans service organizations and

business leaders across the board, across the country, across the State of Connecticut.

At a recent veterans hiring forum I hosted in Connecticut, I heard firsthand the challenges in veterans recruitment, and what innovative companies such as United Reynolds were doing to hire skilled and talented veterans in this symposium in that setting. They provided an example of what we can and should do.

I see my cosponsorship of this amendment as honoring a commitment to push for legislation to provide incentives to firms to hire unemployed veterans, and to make it easier for companies to connect with veterans so they can fill some of the jobs that are now available. There are jobs available, and we should give our veterans the skills they need, skills they may have acquired in part during their service that need to be honed and expanded, and we have that opportunity. I want to thank all of those Senators for championing this measure.

My own legislation, Honoring All Veterans Act, allows a veteran to take the Transition Assistance Program, known as TAP, an interagency workshop coordinated by the Departments of Defense, Labor, and Veterans Affairs for up to 1 year after separation at any military facility. The bill before us makes participation in the program mandatory. Low participation rates in this program are especially concerning, as junior members tend to be those most in need of the services provided by TAP, and the benefits available through the VA for many skills such as simple skills, writing resumes or interviewing have never been needed or learned before. Not having such skills, not knowing how to interview or write a resume puts them at a severe disadvantage when they are attempting to enter and succeed in the workplace after they exchange their military uniform for civilian clothes.

Section 222 of the VOW to Hire Heroes Act authorizes an assessment of the equivalence between skills developed in military occupational specialties and qualifications required for civilian employment with the private sector.

I like to say that when you call out the National Guard, you call out the best in America. When you call out the Connecticut National Guard, you call out truly the very best in America. The military recruits the most talented men and women in America to serve, and then invests heavily in those skills and their professional development. Yet when they enter the civilian world, very often those skills are simply unrecognized by laws requiring separate training or licensure, and we ought to do more to recognize the expertise and experience the military gives to these brave men and women. That is why I authored a similar provision in the

Honoring All Veterans Act to ensure that civilian employers and educational institutions recognize a veteran's military training.

The Iraq and Afghanistan Veterans of America reported—and I am quoting—61 percent of employers do not believe they have a complete understanding of the qualifications ex-servicemembers offer. And, recently separated servicemembers with college degrees earn on average almost \$10,000 less than their nonveteran counterparts.

I applaud my colleagues for including section 222 in the VOW to Hire Heroes Act. It is a vital step toward helping employers find the employees they need and toward closing the income gap that exists now.

The legislation before us also expands education and training opportunities for older veterans by providing 100,000 unemployed veterans of past eras and wars with up to 1 year of additional GI benefits to go toward education and training programs at community colleges and technical schools. I am proud of the bipartisan compromise to extend this period for 1 year. I hoped it would be even further broadened and extended, but this measure is a great first start toward providing skills for job opportunities that now exist and can be filled by men and women coming out of our military to civilian life.

Let me say, to come back to the Montford Point marines, I want to thank Senator PAT ROBERTS who was with me yesterday at the 236th birthday celebration, and most especially I thank the Senator from North Carolina, KAY HAGAN, who is with us today, for her leadership on this issue. Truly, we can make this Veterans Day special for all of us in this Nation if we approve this Congressional Gold Medal to men who stepped forward to serve and fight when this Nation failed to appreciate their service and valor. Now we have the opportunity to make good on our commitments to them as veterans—to all of our veterans—in this measure. I am proud to join colleagues on both sides of the aisle in nearing now the number that is necessary to approve that measure, and I hope we can reach that kind of bipartisan consensus on that legislation, but also on the broader VOW to Hire Heroes Act, that can lead us back to the kind of bipartisan approach on so many issues that we need to emulate in this body.

I thank my colleagues for supporting this measure, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I stand today, just 2 days away from Veterans Day, to urge my colleagues to support our courageous service men and women, our veterans and their families, by voting for the VOW to Hire Heroes Act of 2011. This legislation would have a tremendous impact on every

part of our country, but it would be especially significant in my home State of North Carolina, the most military-friendly State in the Nation.

In North Carolina we are blessed to be home to so many of our country's heroes. I don't think most people understand that nationwide military servicemembers account for only 1 percent of our country's population. But in North Carolina, more than one-third of our population is either in the military, is a veteran, or has an immediate family member who is in the military or is a veteran. Over 700,000 veterans call North Carolina home.

I know that makes our State stronger. I know because, like so many North Carolinians, I too come from a strong military family that instilled in me a sense of responsibility to my community and to my country. My husband, my father, my brother are all Navy veterans. My father-in-law was a two-star general in the Marine Corps, and my two nephews have both served in Iraq and Afghanistan.

I know because I have traveled my State's eight military bases from Fort Bragg to Cherry Point to Camp Lejeune to bases in Iraq, Afghanistan, and Kuwait. I have seen up close the incredible demands placed on our military and the remarkable bravery and patriotism they exhibit each and every day.

I know because whether I am meeting a general, a young private, a wounded warrior, or a 90-year-old veteran traveling on one of the Flights of Honor that bring our World War II veterans to DC to see their monuments, there are certain qualities that I always recognize in those who serve in the Armed Forces. These are selflessness, personal integrity, and an unmatched work ethic and unwavering courage.

I take it personally as a Senator from North Carolina, as well as a proud daughter, wife, and sister of a veteran when our military members and their families are hurting. I take it personally when this country of ours does not live up to the promises we make to our service men and women. Right now our military families are unquestionably hurting. Right now we have lapsed in our commitment to our heroes.

As has been said many times on this floor, the unemployment rate among Iraq and Afghanistan war veterans is an unconscionably high 12.1 percent. That is more than 3 percentage points higher than the national average unemployment. That is about a quarter of a million men and women, all of whom have put their lives on the line to protect our country, who are now struggling just to earn a paycheck—240,000 heroes with irreplaceable skill sets and experience who cannot find a job.

We cannot forget that every unemployed veteran has a family, a family who has likely spent untold sleepless

nights worrying if their loved one is safe. Now, after years of selfless service, these families are forced to worry if they can pay their monthly bills, if they can even afford to keep their homes.

According to HUD's 2010 Annual Homeless Assessment Report, more than 1,000 North Carolina veterans are homeless and spend every night without a roof over their head. That is simply 1,000 too many. This is not a fate that we can accept for our veterans. This is not the country we strive to be. We need to support our veterans when they make the transition from the military to the civilian workforce. We need to provide them with the training and resources they need to transfer those skills to the private sector. We need to encourage our business owners to employ some of our country's most highly trained, highly ambitious, and highly motivated individuals.

The VOW to Hire Heroes Act does just that. It provides a tax credit of up to \$5,600 for hiring veterans. For our wounded warriors it includes a tax credit of up to \$9,600—for hiring veterans with service-connected disabilities. It requires our service men and women transitioning to the civilian workforce to participate in the Transition Assistance Program, which provides services such as resume writing workshops and career counseling to help these individuals land the jobs that are available. It expands education and training opportunities at our community colleges and technical schools for 100,000 unemployed veterans who served prior to September 11.

I am pleased to say that some provisions of this legislation are very similar to a bipartisan bill that Senator SCOTT BROWN and I introduced earlier this year. The priorities this legislation focuses on are not Democratic priorities. They are not Republican priorities. Supporting our veterans is and has always been an American priority. We owe it to them, but we also owe it to our future.

I hope many saw the August cover story in Time magazine that described our veterans returning from Iraq and Afghanistan as "the next greatest generation." If you have not read it, I highly encourage you to do so. The author, Joe Klein, whom I met on a military transport plane in Afghanistan, spent the past 5 years visiting with Iraq and Afghanistan veterans across the country, including two best friends he met from North Carolina. These friends, Dale Beatty and John Gallina, whom I met last year in Charlotte, joined the North Carolina National Guard together, deployed to Iraq together, and nearly died together when their humvee was blown up by an anti-tank mine. Dale lost both his legs and John suffered a traumatic brain injury.

When a local homebuilders association offered to build Dale a home, Dale

and John were both inspired to assist other handicapped veterans. Today their nonprofit Purple Heart Homes, headquartered in Statesville, NC, helps build and adapt homes for service-disabled veterans.

Dale and John represent, as ADM Mike Mullen said, "part of a generation who is flat out wired to contribute, flat out wired to serve." As GEN David Petraeus told Time magazine, our veterans "have had to show incredible flexibility, never knowing whether they're going to be greeted with a handshake or hand grenade. They've been exposed to experiences that are totally unique. . . . I believe they are our next great generation of leaders."

There are many more Dale Beattys and John Gallinas out there, but we cannot leave our next great generation of leaders standing in an unemployment line. We must come together and fight for our veterans and their families just as hard as they have fought for our freedoms. We must pass the VOW to Hire Heroes Act.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. Mr. President, I rise today to express my strong support for the VOW to Hire Heroes Act. Very simply, it is a bill that will help our returning heroes get good jobs as they transition back into civilian life.

The bill is supported by Democrats and Republicans alike. I look forward to the passage of this bill tomorrow—perfect timing as our country prepares to honor the bravery, sacrifice, and commitment of our American veterans.

Since I first walked into this Chamber nearly 3 years ago, it has been a great privilege to serve on the Committee on Veterans' Affairs. I am also proudly serving on the Armed Services Committee. From these positions I have worked on behalf of the 74,000 veterans who call Alaska home and the more than 28,000 Active-Duty and Reserve component men and women serving our great country.

My State of Alaska, for all its unique geography and demographics, has the distinction of being the home of the largest proportion of veterans per capita of any other State in our country.

Alaska has a proud history of defending our country. This poster shows our troops preparing for battle on Alaska's soil during World War II. Although many Americans are still not aware, there was fierce fighting in the Aleutians as the Japanese launched a diversionary attack in preparation for the Battle of Midway. One of my most rewarding moments so far as a Member

of this body was making sure that two dozen brave members of the Alaska Territory Guard, all distinguished Alaskan Native Elders, finally got the recognition they earned for their courageous service to this Nation more than a half century ago. We can see by this poster, a few of them here long before Alaska was a State and our country was engaged in World War II, these Alaskan heroes answered their Nation's call on America's most remote frontlines.

In 2009, the Senate approved an amendment to the National Defense Authorization Act that I sponsored with my colleague, Senator MURKOWSKI, that President Obama signed into law. Twenty-five surviving territorial Guardsmen finally received their retirement pay and recognition they earned so many years ago. I have done my level best to support our troops in other ways, including expanding services and programs for homeless veterans, including more support for women veterans and expanding telehealth services for our rural veterans.

Supporting the post-GI bill. This provides tuition assistance for veterans and takes into consideration living expenses so students can better focus on their education. It allows for servicemembers to pass this entitlement to their immediate families.

Every time I meet a veteran, I thank him or her for their service to our country. I know they appreciate that. All Americans should go out of their way to thank our veterans, not just on Veterans Day but every day. But thank you only goes so far. It doesn't pay the mortgage or buy groceries. Our veterans really need good jobs. The statistics are shameful. More than one in four veterans under the age of 24 is without a job. A quarter million post-9/11 veterans are unemployed.

As you can see by this chart, that is a 12-percent unemployment rate, and it simply is unacceptable. The VOW to Hire Heroes Act will create new direct Federal hiring authority so jobs will be waiting for our veterans the day they leave the military. It will provide tax credits for employers who hire veterans and wounded veterans who have been looking for work. It will improve the transition process as servicemembers leave the battlefield and enter the workforce. This legislation also expands training opportunities at community colleges and technical schools for 100,000 unemployed veterans who served before September 11. It expands additional Montgomery GI benefits for older veterans for up to 1 year.

Let me take a few moments to talk about an additional challenge faced by veterans in my home State. Many of Alaska's returning warriors come home to the most remote areas of America. Alaska boasts unsurpassed beauty. It can also be a challenging and dangerous place to live.

Right now, as I speak on this floor, the northwest coast of Alaska is being struck by winds approaching 100 miles per hour and storm surges of 8 feet or more. With waves up to 30 feet, coastal erosion and flooding is truly and certainly going to happen. If this were happening today on the east coast of America, this storm would have some name to it, and we would not be hearing or reading about anything else but that storm. To give you a concept of how far reaching this storm is, imagine a storm reaching from Mexico, along the west coast, up to Washington State. That is the size of the storm that is occurring right now.

So if you think veterans in other parts of the United States face challenges in employment, job training, access to health care, and there is no doubt they do, you should see some of our circumstances in Alaska.

Here are two stories about real Alaskans. The first story is about a disabled Army veteran living in Kipnuk, a small Yupik Eskimo village on the far western coast of Alaska. This vet suffered a spinal cord injury in 2006 that requires yearly evaluation. He must travel to a VA hospital in Seattle to receive his care. That is a trip of thousands of miles and thousands of dollars.

Additionally, for more routine illnesses, such as the flu, he is forced to travel to Anchorage, to a VA clinic there, still a jet flight away from his home, and, again, close to \$1,000.

There is the retired Air Force veteran who needed to have hardware removed from his wrist and shoulder following a failed surgery. The VA sent him to the hospital in Seattle despite the fact that several hospitals in Anchorage—closer and less costly to get to—could have performed the procedure.

There are many stories similar to this that I hear every single day when I travel my State. It doesn't matter where I go; one veteran or veteran's family member will tell me a very similar story. That is why we continue to push for a piece of legislation that I have introduced, the Alaska Hero's Card. It is so simple when you look at what we are trying to do.

If health care services are available closer to home, then any Alaskan veteran would simply present the card at the federally qualified health clinic and get the services. It limits their time traveling away from their families, it lowers the costs of the VA, and it gives services where they need them and can get them. It is truly a win-win. More importantly, it allows, as I said, veterans to be with their families.

Mr. President, you have been an incredible advocate on health care issues. When you try to do health care rehabilitation and services and take someone from a rural community and take them to a large community, the odds are the rehabilitation will go slower or

the service will not be as effective. We have to do what we can to ensure that they have the service closer to their homes and their families and at a lower cost.

As we approach Veterans Day, I would like to recognize the Arctic warriors serving our country. The members of the 4th Stryker Brigade Combat Team from Fort Wainwright, AK, have been serving with distinction in Afghanistan since May of this year. The 4th Airborne Brigade Combat Team will deploy to Afghanistan at the end of this month for a total of more than 9,000 Alaskan-based troops on the ground there.

In addition, there are 550 airmen and soldiers still in Iraq today but will be coming home by the end of the year. Our Alaska National Guard units and members are in both countries, Iraq and Afghanistan.

To our Arctic warriors, thank you. Thank you for your service and sacrifice to our country, and thank you to the families who are supporting our Arctic warriors as they serve this great country. So to honor them and all the brave men and women who have served and are currently serving, let's come together on the floor of this Chamber. Let's put our differences aside. Let's pass the VOW to Hire Heroes Act and help put America's veterans back to work.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Jersey.

MR. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

AIR QUALITY

MR. LAUTENBERG. Mr. President, with all of the important issues we constantly face in life, none compares to our concern for the health of our children. But the health of our children depends not only on us but what others might be doing—such as poisoning our air with secondhand smoke or deliberately fouling the air our kids breathe.

Few would stand by while a smoker puffs away where your child is inhaling. That is why we worked so hard to prohibit smoking on airplanes—to keep someone else's smoke out of our children's lungs. Yet when emissions from a powerplant in one State threaten people in a neighboring State, too often nothing is done about it. Make no mistake, pollution doesn't recognize State boundaries. Communities across our country are being forced to bear the consequence of another community's polluters, and this is happening in my State of New Jersey, where people are suffering because dirty air is blowing into our communities from out-of-State smokestacks.

Look at this horrible picture. Anything more threatening would be hard

to imagine. The toxins coming out of smokestacks like these don't disappear. They typically wind up polluting playgrounds and school yards in New Jersey, and other eastern States. In fact, a single powerplant in eastern Pennsylvania is responsible for more sulfur pollution in New Jersey than all our State powerplants combined.

This year the Environmental Protection Agency took a major step toward protecting children from out-of-State emissions when it adopted the cross-State air pollution rule. This common-sense safeguard requires polluters to reduce the levels of dangerous soot and smog that they release into the air. The rule sends a clear message to powerplants in upwind States that they can no longer dump their dirty air on States that lie downwind.

Unfortunately, one of our Republican colleagues has proposed a resolution to block the EPA's efforts. This misguided message would put polluters' profits before the health of our families and children, and the consequences would be devastating.

Air pollution can cause asthma attacks, heart attacks, strokes, and cancer. Long-term exposure can also damage the immune, neurological, and reproductive systems. Nationally, almost 1 in 10 children now suffer from asthma. That is according to the Centers for Disease Control and Prevention. In some parts of New Jersey, one out of every four residents has asthma. We should be working to make skies cleaner for these children—not dirtier.

Some on the other side say we cannot afford to worry about the health of our children and our communities right now. They claim the new rule will kill jobs. This is not about killing jobs, it is about saving lives, and we should not allow ourselves to be misled. According to EPA, the new rule will prevent 34,000 premature deaths and 15,000 heart attacks from taking place.

The new standard would also prevent as many as 400,000 asthma attacks, improving life for children such as my own grandson who suffers from asthma. My daughter makes sure she finds an emergency clinic before my grandson plays ball or indulges in a sport because if he starts to wheeze, he has problems.

My sister, who was on the board of education in a city in New York State, was at a board of education meeting when she began to start to wheeze. In her car she kept a small device, a little respirator, and she ran for the parking lot. She didn't make it. She collapsed in the parking lot and died 3 days later.

For those who insist we cannot have both clean air and a strong economy, I say we cannot have a strong economy without clean air. Simply put, if you cannot breathe, you cannot work.

The fact is, many powerplants, factories, and other companies are ready to work with the EPA to reduce their

impact on the environment. Take the example of Public Service Electric and Gas, which is New Jersey's largest utility. PSEG has already invested resources to reduce soot, smog, and mercury pollution by more than 90 percent. In the process the company has created over 1,600 construction jobs. That is why PSEG supports the EPA rule.

Ralph Izzo, the president of the company, said:

Our experience shows that it is possible to clean the air, create jobs, and power the economy at the same time.

The bottom line is, this rule will protect the health of our economy, our workers, and our children. I urge my colleagues to reject this dangerous amendment and protect every American's right to breathe clean air.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, earlier today in the Environment and Public Works Committee—the Presiding Officer was at that meeting—something unusual happened. We had a major bill that will extend the Highway Surface Transportation Act for 2 years, passed by a unanimous vote, all the Democrats and Republicans joining together in order to move forward a bill that will help create jobs. I hope we will find the same spirit of cooperation on the legislation that is now before us. It helps create jobs for our community and, with the Tester amendment, we have a win-win situation.

This, first and foremost, is about creating jobs. The Tester amendment allows us to create more jobs that will help American families, help our economy, and even help our budget deficit, because when more Americans are working, more are paying taxes, and less government services are needed.

All agree we need to help our returning veterans, those who have served so well in Iraq and Afghanistan, defending the principles of our country and defending our basic freedom. On Friday, we will celebrate Veterans Day, and I know all of us will be speaking about how much we appreciate the service of our veterans. We need to show our appreciation not only by words but also by deeds. Yes, we fight to make sure our veterans have the health services they need, and we want to make sure all of our military have the support they need. We want to make sure our military families are properly taken care of. But one thing we can do with this legislation is help veterans get jobs when they return home.

The unemployment rate among our returning veterans is higher than the unemployment rates in our general community. We need to help our veterans find employment. That is one way we can show our appreciation for the men and women who have served our Nation.

The bill before us, with the Tester amendment, will give incentives to em-

ployers to hire returning warriors from Iraq and Afghanistan. It will expand the education and training services so they have the skills necessary for civilian employment. It will help us deal with a chronic problem we have of returning veterans, under the age of 24, where the unemployment rate is 21 percent. This bill, with the Tester amendment, will allow us to do something to help our returning veterans and help our economy.

But the underlying bill also goes further. It helps small businesses. Small businesses are the growth engine of America. That is where job creation takes place. That is where innovation takes place. We currently have a requirement that has not yet gone into effect that would require small businesses that have contracts with the government over \$10,000 to withhold 3 percent of those funds in order to make sure taxes are paid. We need to repeal that provision, and this bill will repeal that provision. We should go after those who are delinquent in taxes, and we have a provision to make sure we do that, but for small business to tie up that type of capital affects their ability to compete. It affects their ability to expand job opportunity. Repealing that provision is important to help small business help our economy.

It also would eliminate an administrative burden for a lot of our local governments. It also will make it more competitive for small businesses. The 3-percent withholding would affect actually the cost of production. All that means a stronger economy and more jobs.

This bill is a win-win bill. It helps our veterans. With the Tester amendment, it helps small businesses by repealing a provision that is extremely burdensome. It is fully paid for so it does not add anything at all to the deficit, and it will help us grow our economy. By passing this bill, not only will we help our veterans, we will help our small businesses and we will help our economy.

I urge our colleagues to show the same type of cooperation we did on the surface transportation bill today in our committee. Let's use that same spirit of cooperation to get this bill moving, with the Tester amendment. Let us pass it and send it back to the House and, hopefully, we can get it to the President shortly for signature and help our veterans and help our economy.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

THE GLOBAL ECONOMY

Mr. BENNET. Mr. President, I am going to replace the Presiding Officer in the chair in a few moments, but before that, I wished to come to the floor and talk about our economy and some work this Congress needs to be engaged in if we are going to get things moving on the right track again.

Today, the stock market plunged 400 points because of concerns that are going on in Europe, especially with Italy. It is a debt crisis that has been on the front page of every newspaper around the globe for weeks and in some cases months.

I am reminded of the discussion we had over the summer that consumed the Congress for an entire summer, about the lifting of the debt ceiling. Article after article after article said that if the Congress couldn't figure out how to work this out in a bipartisan way and make a material difference in the trajectory of our deficit and our debt that, for the first time, our credit rating would be downgraded. For the first time in the history of the United States of America, the full faith and credit of the United States would be called into question.

That was on the front page of every newspaper for weeks. In the end, we stumbled across that finish line, and in the end our debt was downgraded. I would argue we are about to face the same thing again and have the chance again to do the right thing—to act in a bipartisan way, to create a thoughtful approach to our debt and our deficit that allows us to continue to invest in our economy.

Families in Colorado, much as the families in Rhode Island, are struggling in an economy that is the worst since the Great Depression. We are coming out of it now, but there are significant structural issues in that economy. I have shown this chart before. There are four simple lines. The blue one is the productivity index, which shows our economy has actually gotten substantially more productive since the early 1990s, substantially more productive during this recession for a variety of reasons. One reason is that our companies have had to learn to compete with the rest of the world in a way they have not before, so they became more efficient. The benefits technology has brought has driven up this curve. Unfortunately for our workers but understandably for our businesses, they have had to figure out how to get through this recession with fewer people so they can get through to the other side.

The second curve is our gross domestic product, the size of our domestic economy, and it is not where it was before the recession, but it is headed back there.

The other two lines are the unemployment level, which this chart says is 14 million people, but I think the number is closer to 25 million, when we consider who has stopped looking for work and when we consider who is underemployed in this economy. Then this line is a tragedy for our families, which is falling median family income.

This chart—it is a little hard to read—is a pretty good depiction of what is happening. This red line represents the bottom 90 percent of in-

come earners in this country. Think about that. We are talking about the bottom 90 percent. That is everyone, except for 10 percent. It shows the share of the income in the United States that they are earning. It starts out here in the 1920s and goes to today, where the bottom 90 percent are earning roughly 47 percent of the income. The last time that was true, by the way, was 1928, the year before the Great Depression and the market crash. The top .1 percent earns 10 percent of the economy—.1, not 1 percent—.1. The last time that was true was 1928. All through the productive times in the 20th century, the 1950s and the 1960s and the 1970s, there wasn't that kind of imbalance in our economy. This group earned roughly—90 percent earned roughly 70 percent of the economy and everybody else earned a fair share of the economy, and the economy grew and we were able to build for the future.

Those are structural issues in the economy we can help with, we can work together to fix, but what we have to do right now is avert predictable crises that are within our control so we don't make matters worse.

Sometimes when I travel, people don't know why we need to worry about what is going on in Europe. This afternoon I wanted to bring a chart that shows the soaring debt of all these European economies and the United States. We are the blue line here. This is Greece up here. Everybody is in tough shape. Everybody has made promises they can't keep. Everybody has levered up in a way that isn't sustainable. But what is also true is that we are all interrelated. If something bad happens in Europe, something very bad is going to happen here, just as when the capital markets fell apart at the beginning of the last recession.

This chart shows how dependent our economy is on exports to Europe. Between one-fifth and one-sixth of the total value of our exports goes to Europe. If the European banks fail, if the governments can't pay back their debt and the economy comes to a screeching halt in Europe, they are not going to buy our exports. Those are American jobs we need to worry about. Those are American jobs we need to defend and protect and we need to understand this relationship.

Look at the exposure of our U.S. banks to Europe. This red part is the euro area. It is 29 percent of the total international exposure of our banks, with 23 percent to the U.K. More than half of the foreign exposure of our banks is European debt.

We were unable to come to a rational conclusion on the debt ceiling. So the Congress punted this decision to a supercommittee and asked them to please help us make the decision. My own hope is that the supercommittee takes a page out of the bipartisan pro-

posals that were reached—the one that was led by Bowles and Simpson, the one by Rivlin and Domenici. I think the details are less important, frankly, than the size, but that takes \$4 trillion out over the next 10 years, a balance of cuts to revenue of roughly 3 to 1, that sends a message to the world that the United States is serious about dealing with its fiscal matters. If we don't do that in advance of this European crisis that is on the front page of every newspaper in the country, I can assure my colleagues that the choices we have in front of us will be even tougher than they would have otherwise been.

Sometimes I get the feeling that people around here actually don't think the American people are watching this screaming match, are watching the disagreements, are watching the political games, but they are. They know exactly what is going on here, and they understand the seriousness of these issues because they are living through that economy I spoke of earlier. That is what they are worrying about. They are making less today than they were 10 years ago. They are making the same amount they were making 20 years ago. They can't afford to send their kid to college. They can't afford their health care, and they would like us to help straighten that out, but at a minimum they would like us to prevent matters from getting worse. They would like to see us work together.

Some people here think Congress has always been unpopular, that it is just as an institution an unpopular place. Not so. Look at this. Here is Congress's approval rating today: 9 percent. That is a pretty catastrophic fall-off in the last 10 years, and I would argue it has an awful lot to do with our inability to address problems the way people in their local communities are doing. There is not a mayor in Colorado who would threaten the credit rating of their community for politics—not one. Not a Republican mayor, not a Democratic mayor, not a tea party mayor, not one would imagine doing it for a second because people in our communities would know that all that would do would be to drive up our interest rates, make us spend more money on interest and less on infrastructure, more on interest and less on education, more on interest and less on the health and welfare of our citizens.

We know that at the local level, but somehow here we get to color outside the lines. We are now at 9 percent, which is almost at the margin of error for zero. We did some research to find out what else is at 9 percent. We could not find virtually anything in public polls taken all across this country. My goodness, the Internal Revenue Service has a 40-percent approval rating compared the our 9 percent. BP had a 16-percent approval rating at the height of the oilspill, and we are at 9 percent. There is an actress who is at 15 percent. More people support the United

States becoming communist—I do not, for the record—at 11 percent than approve of the job we are doing. I guess we can take some comfort that Fidel Castro is at 5 percent.

Look, we are suffering—and when I say “we,” I mean families across this country—through the worst recession since the Great Depression. We can see on the front page of every single newspaper what the stakes are here if we do not act in a comprehensive way on our debt and our deficit. We know that both parties have different approaches to the challenges we face. But at the end of the day, these challenges are the challenges of the American people, not the challenges of a bunch of politicians in Washington who are worrying about the next election.

My hope is the supercommittee shows leadership here, that it gives the opportunity for every Member of this body to express their leadership here, and that all of us are able to go home to red parts of our State and blue parts of our State and say to the people: We saw the problem coming, and we led the world. We materially addressed the problem we faced. We acted in a bipartisan way. We came up with a plan that said: Do you know what. We are all in this together for the benefit of our kids and our grandkids, for the people who are suffering through this economy.

There is \$2.3 trillion of cash sitting on companies’ balance sheets in the United States of America tonight that is not being invested because no one knows what interest rate environment they are going to be in because they do not know what Washington is going to do. We shattered confidence in this economy this summer. We should not do it again.

This is a popular number, this 9 percent, these days, you may have noticed, on the Presidential campaign trail. It is not a popular number for the American people: 9-percent approval. Let’s do something right here, and let’s drive these numbers back up, and let’s restore confidence in the American people.

With that, Mr. President, I thank you for your patience and yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from South Dakota. Mr. THUNE. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NET NEUTRALITY ORDER

Mr. THUNE. Mr. President, I rise today in support of S.J. Res. 6, a resolution of disapproval of the FCC’s net neutrality order.

Over the last 2 years, the Federal Communications Commission put forward a variety of what are considered net neutrality policies. On September 23 of this year, the FCC published a final rule in the Federal Register which is set to go into effect on November 20

to impose harmful net neutrality regulations on our Nation’s telecommunications companies.

The digital world in which we now live has changed dramatically the way we retrieve information, communicate with one another, and engage in commerce. Technological advances, even in the last few years, have pushed our economy forward. These advancements in technology and their adoption often depend heavily on access to broadband technologies.

While the telecommunications industry has flourished, boosted our economy, and made critical investments in broadband deployment across the country, this administration believes that imposing additional regulations is a step in the right direction.

In places across the country, such as my home State of South Dakota, there is still work to be done when it comes to unfettered and affordable access to high speed broadband. With the FCC voting recently to reform the Universal Service Fund to shift to a focus on broadband deployment, it seems to me that simultaneously moving forward with net neutrality regulations will have a chilling effect on this now thriving industry.

We learned last week from the Department of Labor that the unemployment rate still hovers around 9 percent. The American people want to see Federal policies that encourage innovation and spur job growth, not yet another regulatory overreach by an overzealous agency. Unfortunately, the FCC net neutrality policy will give considerable authority to unelected bureaucrats to decide what a company’s network management should look like.

The Federal courts have ruled that the FCC lacks the authority under the Telecommunications Act of 1996 to move forward with net neutrality regulations. Still, the Democratic appointees of the FCC have persisted, without regard to the courts, to settle the political debt owed by the Obama administration to special interest groups in favor of regulating the Internet. The FCC and this administration must be brought into line and abide by the separation of powers. The FCC must only execute the responsibilities given to it by Congress and not overreach its regulatory authority.

Freedom of the Internet belongs in the marketplace, not in the hands of Federal regulators. The FCC has moved forward to fix a problem that does not exist. This is a solution in search of a problem. Industry-imposed standards and transparency have the capability to increase competition, while more unnecessary government regulations will almost certainly have the opposite effect.

Under a light regulatory structure, the Internet has become vital to commerce and our Nation’s economy over the past 15 years. The Internet has

helped digitally shrink the distance that otherwise would inhibit the free flow of ideas, information, and business transactions from one part of the world to another. The Internet’s adaptability and decentralized characteristics are central to that success.

This Federal regulatory action represents unnecessary government overreach and has the potential to seriously damage an increasingly important sector of our economy. I do not believe the Federal Government can successfully regulate network access and development without negative effects on the consumer or the industry.

Allowing this unnecessary regulation to move forward has the potential to stifle broadband deployment and competition, which could ultimately lead to fewer choices for consumers, higher prices, and discourage innovation.

I believe the net neutrality regulations, if allowed to move forward, will have negative effects on this industry and our economy, and I would encourage my colleagues, tomorrow, to support this resolution of disapproval.

The economy does not need this. Our job creators do not need this. And the millions of Americans who are benefiting from the information revolution that has been brought about by the Internet do not need this either.

This is an opportunity for us to send a little bit of a message to industry that we understand, we get what they are saying about overregulation, we get that these piles of regulations continue to drive up the cost of doing business in this country.

My colleague, the Presiding Officer, noted in his remarks the need for economic certainty—businesses need to know what the rules are going to be. It seems to me, at least, that creating a whole set of new rules and piling new regulations on this very important medium—on a way in which we have grown commerce in this country, opened markets across the world, created opportunities for consumers in this country to become more productive with their lives—is an absolute wrong approach at this particular point in time, particularly with the unemployment rate being what it is.

We want to make it less expensive, less costly, easier for our job creators to create jobs in this country, not put up unnecessary barriers and more obstacles and drive up the cost and make it more difficult for people in this country to create jobs.

Businesses are looking for economic certainty. They are looking to Washington, DC for policies that will lessen the impediments and the number of obstacles to job creation in this country.

ACCESS TO CAPITAL FOR JOB CREATORS ACT

Mr. President, I also want to mention in that vein that earlier today I introduced a piece of legislation called the Access to Capital for Job Creators Act. This bill will make it easier for small

businesses to better access capital in order to expand and create jobs.

If you think about the things the job creators around the country want and need in order for them to get that capital off the sidelines, to get out of cash and to get invested again and get that money back into our economy and back into creating jobs, they want to see a government that lives within its means. They want to see a government that does not spend money it does not have.

We have to be serious about cutting spending here at the Federal level and getting back to more of a historic norm when it comes to the cost of our government as a percentage of our entire economy. Historically, for the past 40 years, that has run in the 20- to 21-percent range. That is what we spend on the Federal Government as a percentage of our entire GDP. Now it is up in the 24- to 25-percent range. That means the Federal Government, as a percentage of our entire economy, is growing relative to our private economy. We want to see the private economy grow and expand and the Federal economy get smaller.

Our job creators also want to see our Tax Code reformed in a way that is simple, clear, and fair, and that provides the right types of incentives for them to create jobs and does not drive investment overseas and create jobs there as opposed to creating those jobs right here at home.

If we can get tax reform that lowers rates on individuals and businesses and broadens the tax base in this country, I think you will see an explosion of economic growth, which is ultimately the best solution we could possibly have to all the fiscal, economic challenges our country faces.

Our job creators want smart, commonsense regulations, not more and more regulation for regulation's sake, which I think is what we see a lot today. We have seen bill after bill that has passed the House of Representatives that is designed to sort of roll back the overregulation, the regulatory overreach we have seen from this administration. Many of those bills have come over here to the Senate, where they have died, unfortunately.

But we need to be looking at these things in a way that will again lower the impediments, lower the barriers, lower the hurdles to job creation in this country. That is why I think smart, commonsense regulation is the way to go, and to get away from the regulatory overreach we are seeing all too much of today.

We need affordable energy policies, opening access to the vast resources we have in this country. We need to open markets around the world and look at ways we can make our small businesses create more opportunities for them to export their products to other places around the world.

But the legislation I have introduced today addresses yet another issue which I think small businesses have talked about; that is, access to capital. We need to better address the need for capital in order to create jobs and expand our economy.

Last week, the House of Representatives passed this very bill. It was introduced by Representative KEVIN MCCARTHY. On a near unanimous vote in the House of Representatives of 413 to 11 they passed this legislation and sent it this direction. This bill would allow small businesses to better attract capital from accredited investors nationwide under rule 506 of Regulation D of the Securities Act of 1933 by removing the general solicitation provision.

That sounds like a lot of Washington speak, and it is. But the very simple translation of that is this will make it easier for small businesses to access the much needed capital they need to expand and grow their businesses.

This provision is a roadblock in its current form for small businesses that are looking to obtain needed capital because it requires investors to have a preexisting relationship with an issuer or intermediary before the potential investor can be notified that unregistered securities are available for sale.

So if a small business is looking for investors, unless they have a preexisting relationship with that investor, there is no way for them to get the message out that they are looking for capital to those with whom they do not have that kind of relationship already in place.

The provision as it currently exists severely hampers the ability of small businesses to obtain needed capital from investors, and as a result, many businesses are limited to only the universe of investors with which they clearly have these preexisting relationships.

This legislation would remove that solicitation prohibition and allow businesses to attract capital from accredited investors nationwide.

With unemployment at 9 percent, we need to pass legislation that will enable our job creators to expand and to create jobs.

As I said, this bill passed with overwhelming bipartisan support in the House of Representatives. I would hope we can do the same in the Senate and address this very fundamental need among our businesses, our small businesses, to get access to much needed capital to expand their businesses; that, along with using a commonsense approach to regulation, an approach that gets away from this massive 61,000 pages of new regulations that we have seen issued since this administration took office, to tax reform that is simple, that is clear, that is fair, that provides incentives to keep jobs here at home as opposed to shipping them overseas, affordable energy policies, re-

ducing government spending, improving export opportunities for our small businesses. Those are the types of policies our job creators have said they need.

We are going to have an opportunity to vote on the rollback of this net neutrality regulation and some other regulations tomorrow that are making it more difficult, more costly for our small businesses to create jobs. I hope we will see strong bipartisan support both with the disapproval resolution that we are going to be voting on net neutrality, as well as the one on cross-State air permitting. Those are both things that I think will do a lot to make it less expensive for small businesses in this country to create jobs.

I hope as well that we will look at other opportunities in the form of the legislation introduced by Senator MCCAIN, Senator PORTMAN, and others, that has a whole series of the things I mentioned, all of which will create jobs and grow our economy, make this country more prosperous and stronger, and put us on a more sound and economic and fiscal footing as we head into the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am here this evening to express my unwavering support for the men and women who have answered the call of duty in our military services, our Guard and Reserve, and for their family members whose love and steady support for them have carried our servicemembers through challenging times and difficult missions.

In honor of Veterans Day, coming up the day after tomorrow, and Military Family Month, which we observe all month long this November, we need to reflect on the enormous contributions military families have made on behalf of all of us.

Since September 11, the spouses, children and parents of our service men and women have been faced with huge demands. They have endured repeated deployments, and spent many holidays and birthdays and anniversaries apart from each other. We should do everything we can in our communities to help military families cope with the difficulties and stresses of these multiple deployments.

I commend First Lady Michelle Obama and Dr. Jill Biden for their commitment to our troops' families and for their work on initiatives to address the unique challenges military families face in this environment. I especially appreciate the First Lady's recent visit to Rhode Island. It provided a warm and welcome boost to military family members in my State, which has the second highest per capita National Guard deployment rate of all the States, as well as a significant active-duty presence at Naval Station Newport.

With so many men and women leaving home to serve on multiple deployments, the strain on the family can be particularly difficult. Last month I had the privilege of meeting two extraordinary Rhode Island students, Kathleen Callahan, who goes by Katie, and Kaitlyn Hawley, who presented a powerful and compelling message to school superintendents and educators from across Rhode Island who came together to learn about how they can better respond to the needs of military families.

These two impressive young ladies shared their personal stories and described the challenges their families faced while their parents were deployed. The event was part of a collaborative initiative to help military-connected children thrive in school through deployments. I was proud to share in this joint effort with the Rhode Island National Guard, with Governor Chaffee, with our Commissioner of Education, the Commanding Officer of Naval Station Newport, our Military Child Education Coalition, and my senior Senator, JACK REED.

Katie is the daughter of a National Guard member. She described how her father's deployment affected the roles in her family. Like most children of deployed servicemembers, Katie assumed additional responsibilities in caring for her younger sibling and helping her mother, whom she referred to as a superwoman. Together, they shouldered the burden of her father's absence and kept the family intact and sound.

Katie described the feeling of—to use her words—silent suffering that can occur when military families feel isolated in civilian communities that may not completely understand what it is like when a loved one is deployed.

Kaitlyn is the daughter of an active-duty member. She talked about her experience living in eight different States and attending seven different schools. Kaitlyn is a highly motivated student and she explained how she threw herself into her schoolwork during her father's deployment. However, she cautioned that for other students, the opposite can also occur. Some students may have a lot of difficulty focusing on their schoolwork when a parent is deployed half a world away. As Kaitlyn so well put it, there is no one-size-fits-all approach to coping with the stress of deployment.

I am proud of Katie and Kaitlyn for their courage, their resilience, and their powerful articulation of a message that I hope everyone hears. We owe our military families an enduring debt of gratitude for everything they have done. We should do everything we can to ensure that no family feels isolated or left out or endures the silent suffering Katie described. I hope every American, as we approach Veterans Day, will actively support our military families, and do what we can to make

our communities more welcoming and supportive in accommodating their needs.

As Veterans Day approaches, let's celebrate our military families and recognize their extraordinary contributions. Let us thank not only our service men and women but also the spouses, children, and other family members who have shared in the sacrifice of military service. We should also remember the families of our civilian and intelligence servicemembers deployed in danger and away from their families around the world.

In concluding, I wish to also express my strong support for the bipartisan legislation the Senate is considering to boost employment opportunities for veterans. Unemployment has been disproportionately high among veterans and we must act now. The last thing our returning service men and women need is to have to face an unemployment line. I urge my colleagues to swiftly pass this much needed legislation, which I am very proud to cosponsor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to speak in support of the VOW to Hire Heroes Act 2011, which has been offered as an amendment by my friend from Montana, Senator JON TESTER. This Friday is Veterans Day. On this day every year, Americans join together to honor the men and women in uniform who have served and sacrificed for our country. Think of the work we do for our veterans. Some of it is very small. Small to us, but not small to them. We have people call our office all the time when their benefits are messed up, when redtape gets in the way. I will never forget one last year where one of the Patriot guards, who stands on the side and holds the flag during funerals for our servicemembers, came to me in tears and said her son had been badly hurt serving our country. In fact, he had lost his leg. When he came back, he was at Walter Reed. He was fitted with a prosthetic leg, and then he came home. When he was trying to get his benefits, he was told he could not get his benefits for losing his leg—this is a true story—because the records had been lost that showed that he lost his leg.

He had no leg. We worked on it. And within a week we got his benefits. Those stories are told all across the country. There is redtape. We must all help them. But it just goes to show, when you see those stories what our young soldiers are doing every single day.

This also means fighting for legislation that fulfills American's promise that we will care for our soldiers when they return. When our soldiers signed up to fight for our country, there was no waiting line. And when they come

home to the United States of America and they need a job or they need a home or they need medical care or they need an education, there should not be a waiting line. Yet, sadly, when you look at the past decades, too often there is. When I came into the Senate, as my friend from Rhode Island came in in 2006, we all remember the horror stories with our veterans' health care. We remember what had happened at our medical hospitals. We remember the stories of soldiers getting lost in the cracks. That is why we worked so hard to make sure they got the health care they deserve.

We provided for historic funding increases to ensure top-quality health care for American servicemembers and military retirees. We also passed a post-9/11 GI bill to expand educational benefits for veterans who have served in the past decade. But there is more work to be done to support our veterans.

Consider two shocking facts. The unemployment rate for Minnesota veterans who have served since 9/11 is nearly 23 percent, the third highest in the Nation. Yet our unemployment rate is one of the lower ones in the Nation. Our unemployment rate is two points better than the national average. Yet it is almost double the national average for veterans of the Iraq and Afghanistan wars and more than three times our State's overall unemployment rate.

Second fact. An estimated 700 Minnesota veterans are homeless on any given night. During the course of the year, an estimated 4,000 Minnesota veterans will experience an episode of homelessness or a crisis that could lead to homelessness. This is not right. That is why I am calling on my colleagues today to vote to support the VOW to Hire Heroes Act. This important bill goes a long way in providing our returning veterans the leg up they need in transitioning into the workforce.

I will list just a few important provisions of this bill. It encourages companies to hire unemployed veterans by offering them tax credits to do so. The bill provides employers a tax credit of up to \$5,600 for hiring veterans who have been looking for a job for more than 6 months, as well as a \$2,400 credit for veterans who are unemployed for more than 4 weeks. The bill also provides employers a tax credit of up to \$9,600 for hiring veterans with service-connected disabilities who have been looking for a job for more than 6 months.

Second, the VOW Act increases training for returning veterans so that by the time they step out of their uniforms they have the skills and the tools they need to get out there and market themselves to find a job. The

bill does this by making it a requirement for returning troops to participate in the Transition Assistance Program, a job-training boot camp coordinated by the Departments of Defense, Labor, and Veterans Affairs, that teaches veterans how to get those jobs, write those resumes, apply their military skills to civilian jobs.

Third, the VOW Act expands education benefits for older veterans, people who are not eligible for the post-9/11 GI bill.

The bill provides 100,000 unemployed veterans of past eras and wars with up to 1 year of additional Montgomery GI benefits to go toward education or training programs at community colleges or technical schools.

Fourth, the VOW Act ensures that disabled veterans receive up to 1 year of additional vocational rehabilitation and employment benefits.

Last, the VOW Act allows servicemembers to begin the Federal employment process prior to separation, to help them transition seamlessly into jobs at the VA, the Department of Homeland Security, or the many other Federal agencies that could use their skills and dedication.

The fact is our returning veterans have battle-tested skills that are valuable to employers in all kinds of fields. Helping our veterans turn the skills they learned in the military into good-paying jobs not only honors our promise to support those who have sacrificed for our Nation, it also helps strengthen our Nation.

One of my top priorities in the Senate has been to cut through the redtape and streamline credentialing for servicemembers who have achieved certain skill sets through their military training. I am offering an amendment to the VOW Act that will streamline credentialing for returning military paramedics. I learned about this one time when I was driving around our State and I met a number of those who served in Iraq and Afghanistan. They served as paramedics on the front lines, and they learned incredible skills and how to save lives. Those skills weren't all transferable into becoming paramedics once they returned to the United States. At the same time, we have an incredible shortage of paramedics in our rural areas.

So I am going to introduce this as an amendment that would fix this problem by encouraging States to give paramedics credit for the military medical training they have received. Not only does it help veterans, but it relieves the shortage of emergency medical personnel in rural areas.

With commonsense solutions like these and those contained in the VOW Act, I believe we can help returning veterans transition into the workforce, not only fulfilling our commitment to them but also helping to lift our economy. Having traveled to the western

part of our State in the last few weeks, I cannot tell you the number of job openings right now for welders and tool and die. I have been at companies that literally have dozens of openings—not only starting jobs but for engineers. They want military personnel and they need to connect with them and we need to encourage our employers to hire veterans when they come back.

Our State has always been a State that understands the debt we owe to the men and women who have served and sacrificed for us. We literally wrap our arms around them. I want to end with a story from last Veterans Day.

After doing our statewide event, I headed up to Wadena, MN, which is an area that was torn apart by a tornado, literally ripped up. Their high school was destroyed. The high school bleachers were three blocks from where they had been. On Veterans Day, they held the annual event, but they could no longer have it at the high school, which was destroyed. They could no longer have it at some of the other places they used to, so they were all in an elementary school the entire time—all the high school kids and all the veterans sitting on old bleachers in that elementary school. I spoke there.

What I will never forget is the elementary school kids singing a song that I had never heard before, but I had heard the melody. I remember the Ken Burns movie on World War II. These are the lyrics:

All we've been given by those who come before,

The dream of a nation where freedom would endure,

The work and prayers of centuries have brought us to this day,

What shall be our legacy? What will our children say?

Let them say of me I was one who believed
In sharing the blessings that I received.

Let me know in my heart when my days are through

America, America, I gave my best to you.

That is what those elementary school kids sang after the whole school had been torn apart—with veterans at their side: "America, America, I gave my best to you."

I think that is what we have to remember as we approach this vote on this VOW Act. This vote, to me, is so simple—that we simply give a tax credit so more employers will hire those who have sacrificed for our country, those who gave their best for our country. That is what this vote is about.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

CROSS-STATE AIR POLLUTION RULE

Mr. WHITEHOUSE. Mr. President, it was fairly recently that this summer I came to the Senate floor to commend the Environmental Protection Agency for finalizing what we called the cross-State air pollution rule, which limits the out-of-State pollution that one State can dump into the wind currents that drop on other States.

To my State, Rhode Island, this is particularly important. Nearly a decade after the EPA began working to address this problem of interstate air pollution, we finally had a path forward that is sensible and protective of public health. That was then, this is now.

Today, Senator PAUL of Kentucky proposes to halt this progress, to undo that rule through a Congressional Review Act resolution. That resolution would, one, void the cross-State air pollution rule and, two, bar EPA permanently from ever writing a "substantially similar" rule. This means that EPA could never use the Clean Air Act to create a cost-effective pollution trading program to address upwind pollution.

Mr. President, this hits home in my State of Rhode Island. Rhode Island has the sixth highest rate of asthma in the country. More than 11 percent of the people in my State suffer from this chronic disease, and many of them are children.

In 2009 there were 1,750 hospital discharges in Rhode Island for asthma cases. Those hospital stays cost about \$8 million in direct medical costs, not to mention the costs of the medication or missed days of work and school.

On a clear summer day in Rhode Island, driving along the sparkling Narragansett Bay, commuting into work, you will often hear the warning on drive-time radio:

Today is a bad air day in Rhode Island. Infants, seniors, people with breathing difficulties should stay indoors today.

On those days, people in those categories are forced to stay at home, missing work, school, and other important activities. Others even in good health are urged to avoid strenuous activities on these bad air days. These are real costs—costs paid in lives and reduced quality of life, in medical bills, public services strained responding to health risks, and in missed days of work and school—all from pollution in our air.

We don't know everything about the causes and cures of asthma, but we do know one thing: air pollution triggers asthma attacks. We know air pollution is a preventable problem.

Rhode Island has worked hard and made great strides to reduce air pollution. We passed laws to prohibit cars and buses from idling their engines and to retrofit all State schoolbuses with diesel pollution controls. We require heavy-duty vehicles used in federally funded construction projects to install diesel pollution controls, adhere to the anti-idling law, and use only low-sulfur diesel. Our transit agency voluntarily retrofitted half of its bus fleet with diesel pollution control equipment.

But Rhode Island cannot solve its air pollution problem on its own. In fact, Doug McVay, who is acting as chief of Rhode Island's Office of Air Resources, told me all of Rhode Island's major

sources of air pollution—not just powerplants but any source that holds a major title 5 permit—emit less than 3,000 tons a year of nitrogen oxide, also called NO_x, and sulfur dioxide, also called SO₂.

Let me repeat that. All major sources in Rhode Island taken together emit annually less than 3,000 tons of these two pollutants. Polluters that will be subject to the cross-State air pollution rule in other States have single units that emit more than that. Some of the larger coal-fired boilers may emit 10,000 to 12,000 tons of these pollutants every year, nearly four times the pollution emitted by all Rhode Island major sources combined.

In Rhode Island, we are willing to pull our weight in achieving air pollution reductions. Indeed, we have done more than pull our own weight; we are pulling above our weight. But we need all States to be pulling their weight, too, to make the air safe to breathe in America from coast to coast.

This year at my request the GAO completed a report about tall smokestacks at coal powerplants. The report found that in 1970, the year the Clean Air Act was enacted, there were two what they call tall stacks—smokestacks over 500 feet in the United States—two.

By 1985 there were more than 180 tall stacks. As of 2010, 284 tall smokestacks were operating at 172 coal powerplants, representing 64 percent of the coal-generating capacity in our country. The industry literally smokestacked its way into compliance with the Clean Air Act.

What do I mean by that? In the early days of the Clean Air Act, some States allowed sources of pollution to build tall smokestacks instead of installing pollution controls. The concept back then was that pollution sent high enough into the atmosphere would be sent far away from the source and would not contribute to air pollution problems—at least in that State. Well, it turns out this air pollution causes problems downwind in other States.

As the GAO report put it, tall stacks generally disburse pollutants over greater distances than shorter stacks and provide pollutants greater time to react in the atmosphere to form ozone and particulate matter.

For this antiquated practice, Rhode Island pays the price. Smokestacking, instead of scrubbing, is what is behind a lot of the ozone in Rhode Island that gives rise to those bad air days. The GAO found that more than half of the boilers attached to tall stacks at coal powerplants do not have a scrubber to control sulfur dioxide emissions—more than half, no scrubber, just a tall smokestack to pump it out to the downwind States. Nearly two-thirds of boilers connected to tall stacks do not have postcombustion controls for nitrogen oxide.

So how does it get to Rhode Island? As GAO concluded, in the Mid-Atlantic U.S. the wind generally blows from west to east. Ozone can travel hundreds of miles with the help of high-speed winds known as the low-level jet. This phenomenon particularly occurs at night due to the ground cooling quicker than the upper atmosphere, which can allow the low-level jet to form and transport ozone and particulate matter with its high winds.

This wind map shows that condition. These are all the midwestern powerplants, and this is the wind that carries them down here to, among other States, Rhode Island.

Five States on this map—Ohio, Pennsylvania, West Virginia, Illinois, and North Carolina—have been identified by EPA as contributing significantly to Rhode Island pollution.

This electricity that comes from uncontrolled powerplants tied to these tall smokestacks might seem cheaper to consumers than a well-controlled powerplant, a powerplant that is scrubbed instead of smokestacking its pollution, but that is really not so. There are costs. The costs just got shifted. The lungs of children and seniors in Rhode Island and other downwind States pay for that cheap electricity, and, truth be told, the lungs of children and seniors in many of the upwind States are paying as well. The States upwind of Rhode Island are downwind of someone else. Ohio and Pennsylvania are upwind of Rhode Island, but they are downwind of other States. That is why EPA's regulatory impact analysis determined that instate and upwind pollution reductions from this rule will save approximately 3,209 lives in Ohio and 2,911 lives in Pennsylvania every year by 2014 and prevent hundreds of heart attacks, emergency room visits, and hospitalizations in those States. This rule opposed by Senator PAUL will even save an estimated 1,705 lives in his home State of Kentucky every year by 2014.

It is not just lives saved. EPA estimates that by 2014, the benefits from this rule will range between \$110 billion and \$280 billion. At the same time, EPA estimates that the rule will cost utilities \$4.1 billion to comply in 2012 and another \$.8 billion through 2014—a grand total of \$4.9 billion against \$110 billion to \$280 billion in quantifiable benefits.

At the lower end of the range, this rule generates a 22-to-1 ratio of benefits over costs. For every \$1 in cost to the polluters who are creating this pollution, to clean it up, there is \$22 in benefit to the rest of the country. That is a pretty good investment, and that is at the low end.

At the high end, if it is \$280 billion, we are talking about a 56-to-1 ratio of benefits over costs. We have people from polluting States who, to save a

buck for their polluters who are running it up smokestacks instead of scrubbing their pollution, to save the buck in putting the scrubber and quit smokestacking their pollution and dumping it on Rhode Island and other States, are willing to blow \$56 in benefits to Americans across the country, even in their States. It doesn't make any sense.

The cross-State air rule is good for public health. It is fair. There is no other way Rhode Island can affect these States. We have done everything we can to clean our air. We could stop everything, and we would still be a nonattainment clean air quality State because of what gets bombed in on us from other States. If we don't have EPA defending us, we have no defense at all from States that choose to export their pollution rather than clean it up. And it is very cost effective, better than 51 by the highest estimates. So that is why I will be voting against Senator PAUL's resolution to void this rule. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise this evening to join my colleague from Rhode Island and those who have come to the floor throughout the day today, to join them in strong opposition to the efforts by Senator PAUL to nullify the Environmental Protection Agency's cross-State air pollution rule.

As we have heard on the floor, his resolution would strip the EPA of its authority to protect our air from certain kinds of air pollution emitted by powerplants. That rule was put in place specifically to protect downwind States, such as New Hampshire and those of us in the Northeast and on the east coast, from air pollution that originates from outside our borders. I am particularly concerned by the attempts to stop these protections because in New Hampshire we have been fighting for them for over a decade, and they are long overdue.

Clean air is a bipartisan matter for us in New Hampshire. As my friend and colleague Senator AYOTTE noted on the floor last night:

In New Hampshire, we have a long, bipartisan tradition of working to advance commonsense, balanced environmental protections.

I couldn't agree with her more. She and I know that even if we eliminated all local sources of air pollution from within New Hampshire's borders, we would still have counties in the State with unacceptably high levels of pollution. That is because of the overwhelming pollution that comes into New Hampshire and the Northeast on air currents from the Midwest.

In the Northeast, we are considered the tailpipe for the rest of the country. That is why, in 1997, when I was Governor, New Hampshire joined with

seven other Northeast States to demand that the EPA begin cracking down on this transported air pollution. When New Hampshire joined that effort in 1997, this is what I said about it:

When you climb Mount Washington in New Hampshire and see smog that is blown in from the Midwest, it's clearly time for a national crackdown on air pollution . . . it's time to address the major sources of a pollution that is fouling our air and affecting the health of our people. We've done our part in New Hampshire to cut down on emissions, and it's time for the EPA to get tough on major polluters upwind.

I have here a picture of the White Mountains, which is where Mount Washington is. That is the highest point in New Hampshire and, actually, in the whole Northeast. What this picture shows very clearly is the impact of this air pollution that is coming in from upwind.

We can see these are the White Mountains. On a clear day, you can see a beautiful blue sky, green trees, beautiful landscape. On a hazy day, this is the impact of that smog. It looks as if somebody took a gray paintbrush and painted over the White Mountains in New Hampshire.

It is really unbelievable to me that we are here, 14 years after this action was brought in 1997, still debating transported air pollution. The time for debate is over. The air quality improvements from this rule will benefit over 289,000 children who are at risk for asthma in New Hampshire. New Hampshire has one of the highest rates of childhood asthma in the country. In my State alone, air pollution is estimated to cost businesses more than 17,000 lost days of work annually due to health problems. Yet we are still hearing the same old arguments that forcing polluters to clean up will hurt the economy, will hurt our businesses. No. In fact, we have lots of research that shows that is not true.

Talking points about job-killing regulations ignore the fact that a recent economic analysis by the Political Economy Research Institute found that the EPA's cross-State air pollution rule and the proposed mercury rule will create 290,000 jobs per year over the next 5 years in important sectors of our economy such as construction, craft labor, and industrial manufacturing. Companies such as ThermoFischer Scientific, which has a plant in Newington, NH, is a leading manufacturer of environmental monitoring equipment and a great example that good policy creates jobs right here in the United States.

By reducing air pollution, these protections are estimated to provide about \$640 million in benefits to the New Hampshire economy alone. Nationwide, the health and environmental benefits are estimated at \$120 billion to \$280 billion each year. That is because when air pollution comes across our State borders, it is our New Hampshire com-

panies that are forced to make up the difference. Without these rules, we have an unfair system where the burden of keeping our air clean falls disproportionately on downwind States such as New Hampshire.

Higher air pollution costs our businesses through the loss of worker productivity and greater medical expenses, and it also affects our critical tourism industry in New Hampshire which depends on the clean air of the White Mountains and the health of our beautiful lakes and forests and streams. In New Hampshire, this tourism industry and the outdoor recreation economy, much like in Colorado where the Presiding Officer is from, supports 53,000 jobs, generates \$260 million per year in sales taxes, and accounts for 8 percent of our State's gross domestic product. Transported air pollution has a direct impact on this industry, as we can see so clearly in this photograph, and on the quality of life of New Hampshire's 1.3 million citizens. It is time for the EPA to move forward with their cross-State air pollution rules.

I urge all of my colleagues in the Senate to reject this resolution by Senator PAUL and to protect the health and welfare of all of the citizens in this country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, I want to take just a few minutes to talk about Veterans Day and important work already going on in Colorado to support our returning servicemembers and their families.

This Friday, Veterans Day holds special significance. America's part in the war in Iraq is coming to a close this year, and we have started drawing down combat troops in Afghanistan. In Colorado, that is going to mean about 400 Fort Carson soldiers will come home from Iraq in December alone.

Many of the bravest 1 percent of Americans who shoulder 100 percent of the responsibility of keeping our country safe will be coming home all across the country. As these servicemembers return to their families and many transition to civilian life, we need to make sure we are ready to make good on the promises we have made.

I asked leaders from the Colorado veterans community to make recommendations for how to make Colorado the best State for veterans and military families to live and work. After months of thoughtful conversation, they produced a comprehensive

report called "Better Serving Those Who Have Served" that offers solutions on how to address the challenges facing America's veterans. A key part of this report is a new proposal to create a National Veterans Foundation, modeled after work being done in Colorado Springs that enabled public and private agencies to better collaborate to support veterans and military families. This week, I will introduce a bill to bring that Colorado-based innovation to the rest of the country. The bill would create a congressionally chartered National Veterans Foundation to support communities attempting to work on a blueprint model like Colorado Springs. The foundation would help fill gaps in services to veterans by helping communities align and leverage their resources.

I have also joined Senator TESTER and the Presiding Officer and cosponsored the VOW to Hire Heroes Act. The VOW to Hire Heroes Act does much to help veterans find good-paying jobs, including providing significant tax incentives to businesses that hire veterans. The Senate will likely be voting on this important legislation tomorrow, and I urge colleagues to support its passage.

Before I sit down, I wanted to mention that 2 weeks, maybe 3 weeks ago, I was down in Colorado Springs visiting Fort Carson, and I went to see an elementary school on the post. As a former school superintendent, I have spent a lot of time over the years in schools and tend to want to be there when the children are there so that you can actually get a sense of whether there is any learning going on. This meeting was different because it was a meeting after school, after the children had gone home. Ninety percent of them live on the post. Their entire lives have been defined by these two wars in Iraq and Afghanistan. Their entire lives have been defined by the deployment of one parent—in some cases two parents—who have served two or three or four tours of duty on behalf of this country in Iraq and Afghanistan.

Thousands of our troops are going to be coming home over the next year. I think we need to be asking ourselves whether we really are ready to honor the commitments and promises we have made.

As others have said tonight, when we are coming out of what is the worst economic calamity we have faced since the Great Depression, we need to make sure we are doing absolutely everything we can for these veterans but also for the people who are the moms and dads, the children at elementary schools just like the one I visited, all across the country.

The children in this school, according to the teachers with whom I met, have faced extraordinary challenges at home as a result of all this. It is another example of the work we should be doing

together here in a bipartisan way as we ask people to serve their country in these foreign wars.

I continue to hope at some point there is going to be a breakthrough here and we are going to get past the partisan cartoon we have confronted for the entire time I have been in the Senate and get back to the work of the American people and get back to the work that will support the children in that elementary school at Fort Carson. I want to say on this floor and for this record how grateful I am to their teachers for teaching but also for giving their Senator an insight into the lives of the young people they are serving.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CHRIS WYMAN

Mr. KERRY. Mr. President, today I would like to celebrate the remarkable commitment demonstrated over nearly 18 years in Senate service by one of my most loyal and longest serving aides, Chris Wyman, who retired October 31.

Chris Wyman eschews the limelight of politics and the media. But I know him as a close friend and a humble, self-effacing, earnest public servant, who “walked point” for me in Massachusetts on every issue and every case affecting military personnel, veterans, and their families.

For Chris, the work was always personal. He understands the demands on the military and their families better than most, having enlisted and served on Active Duty in the Navy before he came to work for me shortly after I began my second term representing Massachusetts.

The work that Chris began on my staff starting in 1993 was difficult, particularly for someone who found such common cause with anyone who had worn the uniform of the Army, Navy, Air Force, Marine Corps, or Coast Guard. Their cause became Chris’s concern day in and day out. The issues changed with time, from veterans’ benefits and Agent Orange, to PTSD and traumatic brain injuries, but what al-

ways remained was Chris’s special determination to help those who had served their country and ensure that they were always treated with dignity and respect by the government that had sent them into harm’s way.

In all those years, Chris was my eyes and ears on the ground in Massachusetts 7 days a week—the person who listened to veterans and their families about the many challenges affecting their lives. His compassion and his presence helped me to take concerns heard in conversations and transform them into legislation to tackle human problems on a more national scale.

Among the efforts I worked on in the Senate, you can see the imprint of Chris’s visits to veterans across Massachusetts, including the Helping Heroes Keep Their Home Act, which provides protection for servicemembers and military families against foreclosure and increased interest rates; a measure that made service life insurance available to reservists called to Active-Duty and National Guard members; the Corey Shea Act, which allows eligible parents of a fallen servicemember to be buried with their child in any of the 131 cemeteries run by the VA’s National Cemetery Administration, if that child has no living spouse or children; a \$20 million supplemental appropriation in 2007 for VA centers; seven Vet Centers in Massachusetts benefited from the measure; and millions of dollars more in Federal grants from the Department of Veterans Affairs for homeless vets shelters located throughout Massachusetts.

For Chris, each of those legislative efforts began with a human face: veterans who were living on the streets in a country that at times had forgotten their sacrifices when they came home, grieving mothers and fathers who had lost children on the battlefield, veterans struggling during an economic collapse that threatened them and their families with foreclosure, and particularly families who had lost sons and daughters to PTSD and the hidden wounds of war and who had dedicated themselves, with Chris’s help, to transforming their mourning into mission to help others.

It is no understatement that Chris had one of the toughest and most demanding job in my Boston office, certainly the most intense. He met so many at their most vulnerable and others still who were overcome by the deepest and most indescribable grief—and even anger. But it was Chris Wyman who remembered always that if Americans were sent somewhere in the world dodging bullets and bombs to protect our freedom, then there should be no limit to the government’s commitment to do its part back home to support them and their families.

For Chris, each day was measured not in minutes or hours but in phone calls—as many as 50 calls a day. Some

were routine—soldiers or veterans needing absentee ballots, forms, or help applying for benefits. For Chris, those cases were the easiest the ones in which a highly placed phone call or a well-timed letter could be the lubricant to make the State and Federal bureaucracy run more smoothly. But some of those calls were far from routine. Take just one that resulted in a special moment just about this time last year in Newton, MA, when Chris’s intervention helped right a wrong inadvertently committed years before by the Federal Government. Thanks to Chris’s hard work, I was able to present a Congressional Gold Medal to the family of 2LT James Calhoun, a member of the famed Tuskegee Airmen, who was killed in World War II. The Tuskegee Airmen had been awarded the medal collectively in 2007, but Lieutenant Calhoun’s daughter, Jean Calhoun Royster, was excluded from that ceremony. When Jean reached out to Chris and to my office, we intervened to help secure the medal in honor of her father. It was touching to see the pride Jean felt for her father when she held his medal in her very own hands, but more than that, it was inspiring to know that behind the scenes it was Chris’s diligence that helped to make it happen.

I also remember another special day Chris helped make possible—the day I pinned a Purple Heart on 22-year-old Sean Bannon of Winthrop, who was wounded in both legs in Iraq and spent 6 weeks recovering at Walter Reed. We held the ceremony at Fenway Park on Patriots Day in 2008. And the Red Sox surprised Sean by allowing him to throw out the first pitch, with No. 38, Curt Schilling, standing in as Sean’s catcher. He wasn’t on the field let alone on the mound that day, but Chris Wyman was the MVP of our team that day the unsung hero of a proper welcome home for a real military hero, Sean Bannon. That was a joyful day for the Bannon family and for all of us, but for Chris it was just one of the many ways he made a contribution. It was every day that Chris received calls from wives, husbands, and children worried about loved ones on Active Duty somewhere in the world or from veterans enduring life-threatening health conditions. They, too, needed real action, not just a promise to get back to them later. And whenever he got one of those calls, Chris would spring into action and stay at it until he got the answers and results that these brave Americans and their families deserved.

Among these solemn duties were some that Chris rarely spoke about but which are seared into him forever. Again and again, he made personal visits to the homes of Gold Star families. He would simply show up to visit, to comfort, and to help out after families received the phone call that every military parent dreads the most. Chris

formed deep friendships with many of the families, friendships that will last a lifetime. While many quote Abraham Lincoln's words, Chris lived them—through his actions, not his words, he held sacred Lincoln's pledge at Gettysburg that our country will care for "him who has borne the battle, and his widow and his orphan." And so Chris did—at wakes, at funerals, in military hospitals and veterans homes, in all these difficult circumstances and the difficult days and months and years that followed, Chris Wyman kept the faith.

Chris did this for all veterans—in their spirit and many times in their memory. But he also joined a special fraternity the tight knit "Band of Brothers" who served with me during Swiftboat duty in Vietnam. He came to them in the 1990s and never lost touch with any of them, extending to them, as he did for so many Massachusetts veterans, total dedication and commitment through hospital visits, weddings, and funerals. It was no surprise, then, that several years ago they made him an honorary member of their "brotherhood," presenting him with a blue crew member shirt, exactly the same as the ones they wore so proudly whenever they were together.

It seems fitting that Chris is retiring so close to Veterans Day—a day to honor America's veterans for their patriotism, their love of country, and their willingness to serve and to sacrifice because for these past nearly 18 years, for Chris Wyman, every day was Veterans Day. He is a shining example of service to those who have served.

Mr. President, both Chris and I are proud to be Navy men, and in the Navy, we have a special term—"Bravo Zulu" which means "Well Done." So, as one old sailor to another, with a thank you for many years of loyalty and friendship, to Chris Wyman I say "Bravo Zulu" for a job well done.

PATIENT PROTECTION AND AFFORDABLE CARE ACT

Mr. COBURN. Mr. President, I believe Congress should reexamine the federally mandated medical loss ratios in the Patient Protection and Affordable Care Act. Today I will outline four reasons I believe consumers will face increased costs, decreased choice, and reduced competition.

The Patient Protection and Affordable Care Act, PPACA, included a provision that requires all health plans to adhere to a medical loss ratio, MLR, established in law. The MLR refers to the percentage of premium revenues for health insurance plans spent on medical claims. Thus, if a plan received \$100 of premiums and spent \$85 on medical claims its MLR would be 85 percent.

Beginning no later than January 1, 2011, PPACA requires a health insur-

ance issuer to provide an annual rebate to each enrollee if the ratio of the amount of premium revenue expended by the issuer on clinical claims and health quality costs, after accounting for several factors such as certain taxes and reinsurance, is less than 85 percent in the large group market and 80 percent in the small group and individual markets.

Supporters of PPACA tend to herald the newly created, higher MLR requirement as providing "better value" for policyholders compared to a lower MLR. To the untrained ear, perhaps higher MLRs sound better since they force health insurance plans are required to spend a larger percentage of each dollar on medical claims.

Jamie Robinson, a professor in the School of Public Health at the University of California at Berkeley, noted that numerous organizations "have assailed low medical loss ratios as indicators of reduction in the quality of care provided to enrollees and sponsored legislation mandating minimum ratios." However, he rightly concludes that while "this is politically the most volatile and analytically the least valid use of the statistic."

In fact, a close examination of the data suggests there are several reasons to be concerned with the one-size-fits-all federally mandated MLRs in PPACA. Here are four key reasons why PPACA's MLRs will likely negatively impact American consumers and patients.

First, insurance markets across the country threaten to destabilize. During the health reform debate, opponents of the Federal takeover of health care warned that the federally mandated MLR could endanger the high-quality health coverage many Americans enjoy because it could lead to market destabilization in some States. Under PPACA, States are permitted to adjust the percentage for the individual market only if the Secretary of Health and Human Services grants them a waiver because the Secretary determines that the health insurance market would otherwise be destabilized. Unsurprisingly, a total of 15 States have applied for a waiver from the MLR. This means that nearly one in three States has found that the MLR could destabilize their market and threaten consumers' coverage.

A review of the data shows why States are concerned. According to a study published in *The American Journal of Managed Care*, the specific impact of the new medical loss rules on the individual health insurance market "has the potential to significantly affect the functioning of the individual market for health insurance." Using data from the National Association of Insurance Commissioners, the study's authors "provided state-level estimates of the size and structure of the U.S. individual market from 2002 to

2009" and then "estimated the number of insurers expected to have MLRs below the legislated minimum and their corresponding enrollment." They found that in 2009, "29 percent of insurer-state observations in the individual market would have [had] MLRs below the 80 percent minimum, corresponding to 32 percent of total enrollment. Nine states would have at least one-half of their health insurers below the threshold."

The study explained the impact in "member years," which requires some explanation. Most health insurance policies typically have a 12-month duration, but individuals can enroll or disenroll on a monthly basis. As a result, much of the accounting and actuarial calculations that a health insurance plan makes are in member month or year terms. A member year is 12 member months and could be one individual or multiple persons. For example, if an individual is enrolled for 12 months, that is one member year, or if two people are enrolled for just 6 months each, that is one member year. The study found that "if insurers below the MLR threshold exit the market, major coverage disruption could occur for those in poor health," and they "estimated the range to be between 104,624 and 158,736 member-years." This empirical analysis highlights the huge disruption American consumers may face. As health insurers consolidate, stop offering some insurance products, or exit the market place altogether, Americans who like the high-quality private health plan they have will lose it. This effect would undermine the President's promise to Americans that if they like the health care plan they have, they could keep it.

There is a second concern: Instead of consumers receiving "better value," consumers face increased costs. Despite often-repeated arguments that federally mandated MLRs will result in "better value" for consumers, there is little substance to back up this claim. The assumption behind this claim is that spending more cents of a health care dollar directly on care is inherently better. But this may not necessarily be the case. University of California, Berkeley, professor Jamie Robinson has studied the issue of MLRs closely, and he noted in *Health Affairs* that the connection between the MLR and good value is not as clear as some would claim. "The medical loss ratio never was and never will be an indicator of clinical quality," he said. In fact, Professor Robinson explained that "neither premiums nor expenditures by themselves indicate quality of care. More direct measures of quality are available, including patient satisfaction surveys, preventive services use, and severity-adjusted clinical outcomes. Although each of these is limited in scope, they at least shed light on quality of care. The medical loss ratio does not."

While the MLR cannot guarantee better value for consumers, it can lead to higher premium costs. As the Congressional Research Services explained, the MLR provision in PPACA requires health insurance plans “to pay rebates to their members if a certain percentage of their premiums are not spent on medical costs. This provision may provide an incentive for health insurance companies to reduce their compensation to and/or utilization of producers as they seek to reduce their administrative costs in relation to their medical costs.”

In this scenario, unintended consequences are important to consider. For example, an insurer may increase premiums in another product to make up for lost revenues in one where a rebate is issued. Also insurers may be incentivized to scale back utilization management techniques as a result of the MLR requirement. Accordingly the underlying medical trend which drives premium costs would increase for everyone in the risk pool, therefore leading to higher premiums for all consumers who have a health plan with that company.

Costs for consumers may also increase because of increased fraud in the system. Because insurance plans are economically discouraged from activities not directly connected to medical care, there is a perverse incentive to reduce efforts to police fraud such as conducting utilization reviews and data analysis to root out individuals who defraud the system. This is such a significant problem that it was highlighted in congressional testimony before a House subcommittee earlier this year. “Given the role that health plan fraud prevention and detection programs have played in establishing effective models for public programs, improved data for law enforcement, and successful prevention efforts, we believe the MLR regulation’s treatment of such programs should be reevaluated,” said the witness. According to the testifying witness, the specific concern is “the MLR regulation only provides a credit for fraud ‘recoveries’—i.e., funds that were paid out to providers and then recovered under pay and chase’ initiatives.” This effectively discourages preventative measures:

The MLR regulation’s treatment of fraud prevention expenses works at cross purposes with new government efforts to emulate successful private sector programs, and it is at odds with the broad recognition by leaders in the private and public sectors that there is a direct link between fraud prevention activities and improved health care quality and outcomes.

Ironically, this myopic focus on MLRs obscures the best tool to evaluate the value of a health insurance product: consumer choice. As Professor Robinson explained:

The best indicator of current and expected future value in a market economy is the willingness of the consumer to purchase and

retain the product. In health care, this translates into measures of growth in enrollment and revenues, adjusted for disenrollments and changes in prices. Plans that are growing are offering something for which purchasers are willing to vote with their dollars and consumers are willing to vote with their feet.

Let me turn to my third concern. Consumers face fewer choices, less competition in the marketplace. As noted previously, the MLR threatens to destabilize several markets by pushing some health insurance plans to stop offering some insurance products, or exit the market place altogether. The Congressional Research Service explained this more in detail in a memo to Congress. CRS said the MLR “requirements of PPACA will place downward pressures on administrative expenses, including the use of insurance producers. Thus, there will be an incentive for insurance companies to cut back on the use of producers or reduce their commissions in order to rein in their administrative expenses. Some observers, including associations of producers, have suggested that the regulatory and market changes resulting from PPACA could put producers out of business.”

The very allowance in PPACA for waivers from the MLR provision is a tacit admission the one-size-fits-all MLR approach mandated under PPACA is neither in the best interest of consumer choice nor competition among health plans in many insurance markets across the country. President Obama once publicly pushed for a government-run health plan under the auspices of more “choice and competition.” Unfortunately, the controversial health care law he signed is set to reduce choice and competition for millions of American consumers.

Mr. President, finally, the new mlr mandates further the government takeover of health care. Much ink has been spilled about the claim that PPACA represents a government takeover of health care. In my view, there is no disputing this claim. Even before the passage of PPACA, the nonpartisan Congressional Research Service issued a report showing that 60 percent of health care spending in the United States is controlled by State, local, and Federal governments. Now, after passage of the controversial health care law, the Federal Government will effectively regulate health insurance markets and dictate what types of health coverage Americans can buy—even penalizing employers and consumers who do not offer or purchase coverage. The law also massively expands the Medicaid Program—a program that began as a Federal-State partnership but that has evolved into a gimmick-ridden program threatening State budgets and too often promising patients coverage while denying them access to care. The law also includes hundreds of new powers for the Sec-

retary of Health and Human Services and creates dozens of new programs that will further interfere in the practice of medicine. Yes, the law is a government takeover of health care.

Interestingly, the nonpartisan Congressional Budget Office warned that if the MLRs in PPACA were only slightly higher, PPACA would result in a complete government takeover of all health insurance. In a December 2009 analysis, CBO warned that if the MLRS were 5 percentage points higher, all private insurance would become “an essentially governmental program.” In fact, this CBO analysis—publicized before the health care bills became law—may be one key reason the Democrats refrained from pushing for a 90-percent MLR. CBO warned that if a 90-percent MLR were adopted, “taken together with the significant increase in the Federal government’s role in the insurance market under the PPACA, such a substantial loss in flexibility would lead CBO to conclude that the affected segments of the health insurance market should be considered part of the federal budget.” If the bills’ authors had, in fact, included a 90-percent MLR, they would have faced critics waving a CBO analysis affirming the government takeover of the health insurance industry was complete. However, even with this determination, CBO appeared to admit that determining at what point a high MLR triggers a complete government takeover of the insurance industry was not entirely cut and dry. CBO said, “Setting a precise minimum MLR that would trigger such a determination under the PPACA is difficult, because MLRs fall along a continuum.”

Mr. President, in the end though, CBO settled on 90 percent as the tipping point, though, as they noted, any “further expansion of the Federal Government’s role in the health insurance market would make such insurance an essentially governmental program, so that all payments related to health insurance policies should be recorded as cash flows in the federal budget.” In other words, this was just about as close as the Democrats could get without even CBO admitting it was a complete government takeover of the health insurance markets.

TRIBUTE TO STEVE ARMS

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to Steve Arms, a technology inventor, innovator, and successful entrepreneur from Vermont.

Steve founded and developed a high tech firm, MicroStrain, which creates sophisticated micro sensors that were originally designed for arthroscopic implantation on human knee ligaments. Their sensors have since evolved and are now used by NASA, on

car engines, for advanced manufacturing, on civil structures, and by the U.S. military.

When Philadelphia's Liberty Bell needed to be moved in 2003, the National Park Service used MicroStrain to detect whether the 250-year-old bell's famous crack was worsening, even by a hundredth of a hair's width. Fortunately, and thanks to MicroStrain's sensors, the Liberty Bell was moved without damage.

A product of Vermont's public education system and flagship state university, Steve grew a one-man business based out of his Burlington apartment into a more than \$12 million a year company. Based in Williston, VT, and now employing 55 people, MicroStrain's constant innovation and product improvement has earned the company numerous top awards in the industry.

I am proud to see to see Vermonters working on cutting-edge technology that will benefit both Vermont's and the country's economy. I thank Steve and all of the employees at MicroStrain for their hard work.

I ask unanimous consent that a copy of the recent Burlington Free Press article entitled *Vt. Tech innovator: Be in the moment*, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Nov. 2, 2011]

VT. TECH INNOVATOR: BE IN THE MOMENT
(By Molly Walsh)

WILLISTON.—Back in high school, Steve Arms thought he might want to be a journalist. He'd grown up reading non-stop and often sneaked books and a flashlight under the covers when he was supposed to be asleep.

He changed direction shortly before graduating from Burlington High School in 1977. During his junior and senior years, a math teacher and a physics teacher ignited a fuse that prompted Arms to become an engineer, inventor and successful tech entrepreneur who runs a Vermont company with 55 employees and gross sales of \$12.8 million in 2010.

"I have a dream job. I can't believe I get paid to do this," Arms said during an interview at MicroStrain, the sensor company he founded and leads in Williston.

The company designs and sells tiny, highly sophisticated sensors used in U.S. military drones, NASA rocket tests, tracking devices and a range of industrial and medical products. Arms founded the company when he was a Ph.D. candidate at the University of Vermont, where he studied engineering and biomechanics. His first product was a mini-sensor used in arthroscopic knee surgeries that he began selling after writing the federal grant to help fund the development himself.

In the early days at his company, Arms typed up the invoices, answered the phone and hustled sales in addition to designing products. He slowly grew the company and says a careful, conservative approach to expansion—no outside investors and a pay-as-you go approach as much as possible—allowed the business to thrive and continue developing cutting-edge products as requested

by various customers. Because there were no outside money people demanding quick growth, Arms and his staff had the time to try, fail and retry new product design—in other words, innovate.

Now much of the work is solving problems for clients and continuously pushing for new designs—and that's what science education should teach as well, Arms said. Schools that help young people use science and math to find solutions—whether it's flood prevention or saving the rain forest—are on the right track. "Kids are amazingly creative and they really want to make the world a better place," Arms said.

It can take MicroStrain up to a year to find certain employees and the company regularly recruits out of state. But many employees are Vermonters or returning Vermonters. And Arms has had great success with summer internship programs for college students, many of whom are studying electrical engineering at local colleges and out-of-state schools such as Clarkson, Stanford and MIT. Some interns spend three summers at the company before they graduate. MicroStrain regularly hires from the intern pool because the interns are up to speed on the work and because they've basically succeeded during an extended job interview.

As a student, Arms responded to teachers who were well organized, animated and happy to let a curious student run with questions. His foray into bioengineering happened largely because his UVM work study job put him in a department full of doctors and medical researchers. He loved talking to them and soon was writing grants as part of his job—a skill that came in handy when it was time for Arms to found MicroStrain.

His advice for students is similar to what he gives his three children, including a son at Reed College and twin daughters at Champlain Valley Union High School. Arms was never a grind who obsessed over getting A's in everything and he left some homework undone. He worked, but not obsessively. One thing he did learn was to follow his interests and be efficient—by paying attention in class, for example. "Be in the moment. . . . Make the most of your time when you are there."

Schools could help inspire a love of science by making it real, he added. Simple props—chalk and a two-by-four, a bicycle wheel—are great ways to teach calculus, physics and other STEM topics. Computers are can be useful tools but they do not guarantee engagement in class, he said.

Bringing speakers from STEM employers is another way to reach students, as is career mentoring. Arms still remembers the conversation he had with Sir John Charnley, who pioneered modern hip replacement, after Charnley visited UVM to give a lecture in which he detailed the series of failures he experienced before his big medical breakthrough.

"For me, that was just all I needed," Arms said. The talk left him with the sense of: "I'm not giving up either."

ADDITIONAL STATEMENTS

FLATHEAD VALLEY COMMUNITY COLLEGE SCHOLARS PROGRAM

• **Mr. BAUCUS.** Mr. President, today I wish to recognize the work of a group of students enrolled in the Scholars Program at Flathead Valley Community College in Kalispell, MT.

As a member of the Joint Select Committee on Deficit Reduction charged with coming up with a plan to tackle the deficit, I asked my bosses—the people of the great State of Montana—to send me their ideas on how to reduce the deficit.

Montana was built upon hard work, sacrifice, and values born on the frontier that remind us: we are all in this together. It is the same spirit that the Joint Select Committee must tap into in order to succeed.

So far, I have received over 1,200 letters, calls, and e-mails from Montanans with thoughts on deficit reduction and ideas that implicate all aspects of the Federal budget.

Montanans sent their suggestions on programs to trim or eliminate, where we could find additional sources of revenue, and where Congress should tread carefully, to not lose sight of those investments critical to the future of Montana and the entire United States.

The challenge facing the Joint Select Committee also poses an important opportunity for us to learn as a nation and as students of history.

That is why I invited Montana's colleges and universities to involve students in the discussions. Flathead Valley Community College took on this challenge with vigor.

FVCC decided to incorporate this project into its Scholars Program, an honors program for the college's top students. The students spent almost a month on the project.

As we have done in the Joint Select Committee, students started by reviewing reports issued by the Congressional Budget Office and the various bipartisan deficit-reduction plans. The students then met over a 2-week period to discuss their own ideas and debate the merits of each proposal. They all agreed that the group would come up with one plan to put forth to my office and to Congress.

Now, before I talk about what the students have produced, it is important to say a word about Flathead Valley Community College and the community it serves. Kalispell, MT, is located in the upper northwestern corner of the State of Montana. Glacier National Park sits to the east, and the tip of Flathead Lake is to the south.

There are few places in the world privileged to such natural beauty. But this area has not been immune to the tough economic climate. Far from it.

The Flathead area, once dominated by the wood products industry, has witnessed the closure of some of its largest employers.

While Montana's overall unemployment rate has remained below the national average, Flathead County is well above it, right now at almost 10 percent. Surrounding Lincoln, Sanders, and Lake Counties currently sit at 13, 13.3, and 10 percent unemployment rates, respectively.

Flathead Valley Community College has come to be viewed as the model for 2-year education, both in Montana and nationally.

And like many 2-year colleges across the country, FVCC has experienced a significant increase in enrollment as a result of the economic downturn. Both young and old are returning to school to enhance their skills.

Over the past 2 years, FVCC's enrollment increased by 43 percent. Last year, FVCC added 239 sections of classes and hired 89 new adjunct faculty members to meet increased demand.

This past spring, FVCC graduated the largest class in its history, with 388 students receiving 438 degrees. One-fourth of those students were eligible for assistance through trade adjustment assistance or the Workforce Investment Act.

I raise this because it is important to note that these students participating in this project are living this economic recession. I asked them to discuss and come up with deficit-reduction ideas. But they have done so with a keen eye on how these ideas could affect their community and the long-term impact on good-paying jobs.

After all the discussions, debates, and, undoubtedly, some disagreements, the students came together and submitted a full summary of their proposal to reduce the deficit. The ideas are wide-ranging and span virtually all aspects of the Federal budget.

For example, the students recognized that health care costs in this country pose a threat to the fiscal stability of the Nation. The students identified a series of ideas that could help in reducing health care costs, including incentivizing healthier lifestyles. The group also agreed that Congress should consider ideas for revenue. They highlighted areas such as corporate tax loopholes to find new sources of revenue. The students said Congress should look at reducing fraud and abuse in current programs.

While the students devoted most of their time to finding ways to reduce the deficit, they also highlighted the importance of investment. The group agreed investment in education and scientific research is an important role for the Federal Government to play. As their report states, "many of the fiscal problems facing the country could be ameliorated by improving citizens' chances for a quality education." I could not agree more.

My hat goes off to the students and faculty for joining this important conversation for our families and for our country. It is clear from this report that they took this challenge seriously and understand the balance needed to address the deficit.

I would like to recognize the great work of those involved, including President Jane Karas, Ph.D., Scholars Program Director Ivan Lorentzen; Out-

reach Coordinator for Career Pathways Jeremy Fritz; and Executive Director for Institutional Research Brad Eldredge, Ph.D. And, most importantly, I would like to commend the students who took on this project: Ursula DeStefano, Tracy Lost-Bear, Lisa Steelye, and Heather Frayle.

It is my goal to make sure these students and their peers nationwide will be able to find good-paying jobs when they graduate. I am doing everything I can to address both our jobs deficit and our fiscal deficit so that we can leave our Nation in better shape than we found it for these students and their children.

I thank Flathead Valley Community College, the instructors, and students for their thoughtful ideas. I hope the experience inspired them to stay involved. They took this project seriously and worked hard to find agreement. We in Congress must do the same. The future for these students and this country is at stake.●

REMEMBERING GILBERT "GIL" CATES

● Mrs. FEINSTEIN. Mr. President, today, I honor the extraordinary life of Gilbert "Gil" Cates, a director, producer, mentor, and friend to not only California and New York, but the entire Nation.

Born Gilbert Lewis Katz on June 6, 1934, in New York City to Russian Jewish immigrants Nathan and Nina Katz, Gil soared to the top of the entertainment field with a focus in both film and theater.

Following his education at DeWitt Clinton High School in the Bronx, Gil enrolled at Syracuse University, where he majored in theater.

In 1961, Gil made his producing and directing debut on the television game show "Camouflage."

He accomplished countless artistic achievements during his long career as a producer and director, and in 1990 he produced the "62nd Annual Academy Award," where he made his biggest mark on the industry he cherished so much.

Over the next 18 years, Gil served either as the producer or executive producer of 14 Academy Award shows. With broadcasts hosted by Billy Crystal, Whoopi Goldberg, Steve Martin, and Chris Rock, Gil is credited with restoring the telecast as the entertainment industry's most important and widely watched event.

Gil also earned a reputation as an inclusive and creative leader. As a film producer, his credits include "Oh, God! Book II," "After the Fall," and "I Never Sang for My Father." He directed segments of "The Twilight Zone," "Hobson's Choice," "The Promise," and "Summer Wishes, Winter Dreams." As both producer and director, his body of work includes "Col-

lected Stories," "Confessions: Two Faces of Evil," "Absolute Strangers," "Rings Around the World," and "World's Fair Spectacular."

Gil made his Broadway debut as the stage manager for "Shinbone Alley" in 1957. He made his producing debut on Broadway in 1967 with "You Know I Can't Hear You When the Water's Running," and five years later made his directorial debut in 1972 with "Voices," an original play with music. In total, he was involved with nine Broadway shows. The most recent, "Time Stands Still," closed on January 30, 2011.

Beyond his film, television, and theater work, Gil served the entertainment industry in many leadership capacities. He was a two-term president of the Directors Guild of America, DGA, from 1983 to 1987. From 1990 to 1998, he served as founding dean of the UCLA School of Theater, Film and Television, and then as a mentor and professor. He was also the founding and producing director of the renowned Geffen Playhouse in Westwood, CA. During his diverse career he served in various roles on the Board of Governors of the Academy of Motion Picture Arts and Sciences.

Gil received many honors from the entertainment industry throughout his extensive career, including an Emmy Award for producing the "63rd Annual Academy Awards" in 1991. Gil was also Emmy-nominated for directing two television movies, "Consenting Adult" in 1985 and "Do You Know the Muffin Man?" in 1989.

As a result of his service to the DGA, he received the Directors Guild President Award, the DGA's Robert B. Aldrich Award for Service, and an Honorary Life Membership. He also received the Jimmy Dolittle Award for Outstanding Contribution to Los Angeles Theater, the Ovation Award for best play "Collected Stories," and finally, a star on Hollywood's Walk of Fame.

The showman who was known for his undeniable charisma and witty ways, as well as his contributions to the entertainment industry, was above all an extraordinary person who was in a class all his own.

Please join me in expressing the sympathies of this body to Gil Cates' family, including his wife, Dr. Judith Reichman; his sister, Florence Adler; his children, David, Jonathan, Gil Junior, Melissa, and Anat and Ronit Reichman; and six grandchildren.

Gilbert Cates was larger-than-life and his legacy of remarkable talent, leadership, humor, and dedication to art will no doubt live on within the entertainment industry.●

RECOGNIZING ISAMAX SNACKS

● Ms. SNOWE. Mr. President, earlier this year members of the Maine Legislature proposed a bill to name the whoopie pie the official State dessert

of Maine, later settling on naming it the "State treat of Maine." The whoopie pie, a baked good normally consisting of two chocolate cakes with creamy frosting in between, has been a New England tradition for nearly a century. Anyone who has tasted a whoopie pie knows exactly how special and delectable one really is. With Maine's official "treat" in mind, today I recognize and commend Isamax Snacks, a small business in Maine that has perfected the art of homemade whoopie pies.

Amy Bouchard always loved baking, and in 1994, she started a small business making whoopie pies, out of her home kitchen in the small town of Gardiner. Amy's whoopie pies were famous among her friends as "wicked," and therefore she thought it was only proper to name them "Wicked Whoopies." As any Mainer knows, "wicked" is a synonym for "great" and is commonly used to refer to any extraordinary item, which Amy's desserts most certainly are.

Originally, Isamax was started as a way to supplement her husband's income to assist in raising their two young children, Isabella and Maxx, from which the name of her company is derived. But as more people discovered her Wicked Whoopies, Amy's business grew rapidly and the small kitchen could no longer keep up with the demand. In 1996, Amy moved to a commercial bakery and purchased two distribution trucks. These investments tripled her business size and distribution territory. Amy now also has two stores in Farmingdale and Freeport, where she sells her mouth-watering treats.

Today, Amy's small company sells 24 different varieties of whoopie pies, including many seasonal favorites like pumpkin and peppermint, and produces nearly one million Wicked Whoopies each year! Amy also recently added the decadent and innovative "Whoop-de-Doo" to her line up; a smaller version of a classic Wicked Whoopie dipped in chocolate. Her business has received countless reviews and awards for its products, and has been featured on several nationally televised shows, such as "The Oprah Winfrey Show" in 2003, "Good Morning America" in 2005, and Food Network's "Unwrapped" in 2007. Wicked Whoopies have also been promoted in the New York Times, the Associated Press, and are even available for purchase on the Home Shopping Network's Web site for the 2011 holiday season. Additionally, the city of Gardiner Board of Trade awarded Isamax Snacks with its President's Award in 2004 and Interface Tech News awarded Wicked Whoopies "Maine's Best of the Web" in the e-commerce category in 2005.

Over the last 15 years, Isamax Snacks has established itself as one of the country's premier and most heralded

whoopie pie and dessert companies. This national notoriety is richly deserved as Amy Bouchard's small dream to help her family blossomed into a vibrant small business. I am proud to congratulate Amy and everyone at Isamax Snacks on their outstanding work, and wish them continued success.●

SIX-MONTH PERIODIC REPORT RELATIVE TO THE NATIONAL EMERGENCY THAT WAS DE- CLARED IN EXECUTIVE ORDER 12938 WITH RESPECT TO THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938, as amended, is to continue in effect for 1 year beyond November 14, 2011.

BARACK OBAMA.

THE WHITE HOUSE, November 9, 2011.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3877. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XA753) received in the Office of the President of the Senate on October 20, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3878. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Accountability Measures and Reduced Season for the South Atlantic Recreational Sector of Golden Tilefish for the 2011 Fishing Year" (RIN0648-XA701) received in the Office of the President of the Senate on October 20, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3879. A communication from the Acting Director, Office of Sustainable Fisheries, De-

partment of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub ACL (Annual Catch Limit) Harvested for Management Area 1B" (RIN0648-XA413) received in the Office of the President of the Senate on October 20, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3880. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: Alignment of Regulations with Current Practices" (RIN0691-AA78) received in the Office of the President of the Senate on October 20, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3881. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments; Amendment No. 496" (RIN2120-AA63) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3882. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Function and Reliability Flight Testing for Turbine-Powered Airplanes Weighing 6,000 Pounds or Less" ((RIN2120-AAJ56) (Docket No. FAA-2010-0218)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3883. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Allakaket, AK" ((RIN2120-AA66) (Docket No. FAA-2011-0756)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3884. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Northway, AK" ((RIN2120-AA66) (Docket No. FAA-2011-0758)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3885. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (64); Amdt. No. 3446" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3886. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (44); Amdt. No. 3447" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3887. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Establishment of Air Traffic Service Routes; Northeast United States" ((RIN2120-AA66) (Docket No. FAA-2011-0376)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3888. A communication from the Senior Regulations Specialist, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Federal Drug Testing Custody and Control Form; Technical Amendment" (RIN2105-AE13) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3889. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Mail or Telephone Order Merchandise Rule" (RIN3084-AB07) received during recess of the Senate in the Office of the President of the Senate on October 26, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3890. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Structure and Practices of the Video Relay Service Program, Memorandum Opinion and Order and Order, CG Docket No. 10-51" (FCC 11-155) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3891. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons on the Entity List; Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States" (RIN0694-AE97) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3892. A communication from the Secretary of Transportation, transmitting, the Department's fiscal year 2011 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986; to the Committee on Commerce, Science, and Transportation.

EC-3893. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the accomplishments made under the Airport Improvement Program for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC-3894. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Panama City, Florida" (MB Docket No. 11-140) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3895. A communication from the Deputy Chief, Consumer and Governmental Af-

fairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Anglers for Christ Ministries, Inc.; New Beginning Ministries; Petitioners Identified in Appendix A; Interpretation of Economically Burdensome Standard; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility, Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking" (FCC 11-159) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3896. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "73.1201 Station Identification (vacates rule change and eliminates effective date note 2); 73.3526 Local Public Inspection File of Commercial Stations (vacates rule change and eliminates effective date note 2); 73.3527 Local Public Inspection File of Noncommercial Educational Stations (vacates rule change and eliminates effective date note)" (FCC 11-162) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3897. A communication from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, a report of relative to the conclusion of the U.S. Government Accountability Office (GAO) that the Office of Science and Technology Policy violated the Antideficiency Act by engaging in diplomatic activities purportedly prohibited by section 1340(a) of the Department of Defense and Full-Year Continuing Appropriations Act, 2011; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 453. A bill to improve the safety of motorcoaches, and for other purposes (Rept. No. 112-93).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*John Francis McCabe, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Peter Arno Krauthamer, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Danya Ariel Dayson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Nancy Maria Ware, of the District of Columbia, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia for a term of six years.

*Michael A. Hughes, of the District of Columbia, to be United States Marshal for the

Superior Court of the District of Columbia for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE:

S. 1831. A bill to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. BOOZMAN, Mr. REED, Mr. BLUNT, Mr. WHITEHOUSE, Mr. CORKER, and Mr. PRYOR):

S. 1832. A bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; to the Committee on Finance.

By Mr. MANCHIN (for himself, Mr. COATS, Mr. NELSON of Nebraska, and Mr. CORKER):

S. 1833. A bill to provide additional time for compliance with, and coordinating of, the compliance schedules for certain rules of the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. CORKER:

S. 1834. A bill to restore and repair the United States mortgage markets by making them transparent, bringing in private capital, winding down the Government-sponsored enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HAGAN (for herself, Mr. CORKER, Mr. SCHUMER, and Mr. CRAPO):

S. 1835. A bill to establish standards for covered bond programs and a covered bond regulatory oversight program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself and Mr. NELSON of Florida):

S. 1836. A bill to amend the Oil Pollution Act of 1990 to clarify that the Act applies to certain incidents that occur in water beyond the exclusive economic zone of the United States; to the Committee on Environment and Public Works.

By Mr. LEE (for himself, Mr. CRAPO, Mr. DEMINT, Mr. PAUL, Mr. RISCH, and Mr. BLUNT):

S. 1837. A bill to amend the Internal Revenue Code of 1986 to modify and permanently extend the incentives to reinvest foreign earnings in the United States; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. BOOZMAN, and Mr. PRYOR):

S. 1838. A bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 318. A resolution to authorize the printing of a revised edition of the Senate Rules and Manual; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. CASEY, and Mr. MCCAIN):

S. Res. 319. A resolution honoring the life and legacy of Joe Frazier; considered and agreed to.

ADDITIONAL COSPONSORS

S. 273

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 273, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 362

At the request of Mr. WHITEHOUSE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Kansas (Mr. MORAN) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 730

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 730, a bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

S. 779

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 779, a bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

S. 877

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 877, a bill to prevent taxpayer-funded elective abortions by applying the longstanding policy of the Hyde amendment to the new health care law.

S. 896

At the request of Mr. BINGAMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 896, a bill to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. 998

At the request of Mr. AKAKA, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1161

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1161, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund

Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. LEE) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. KIRK), the Senator from Delaware (Mr. CARPER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1527, supra.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1733

At the request of Mr. TESTER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1733, a bill to establish the Commission on the Review of the Overseas Military Facility Structure of the United States.

S. 1756

At the request of Mrs. HAGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1756, a bill to extend HUBZone designations by 3 years, and for other purposes.

S. 1808

At the request of Mr. COONS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1808, a bill to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

S. 1829

At the request of Mr. WHITEHOUSE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1829, a bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 241

At the request of Mr. MENENDEZ, the name of the Senator from Nebraska (Mr. JOHANN) was added as a cosponsor of S. Res. 241, a resolution expressing support for the designation of November 16, 2011, as National Information and Referral Services Day.

AMENDMENT NO. 927

At the request of Mr. HELLER, his name was added as a cosponsor of amendment No. 927 proposed to H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

At the request of Mrs. MURRAY, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 927 proposed to H.R. 674, *supra*.

At the request of Mr. TESTER, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 927 proposed to H.R. 674, *supra*.

AMENDMENT NO. 928

At the request of Mr. MCCAIN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 928 proposed to H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. BOOZMAN, Mr. REED, Mr. BLUNT, Mr. WHITEHOUSE, Mr. CORKER, and Mr. PRYOR):

S. 1832. A bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; to the Committee on Finance.

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marketplace Fairness Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that States should have the ability to enforce their existing sales and use tax laws and to treat similar sales transactions equally, without regard to the manner in which the sale is transacted, and the right to collect - or decide not to collect - taxes that are already owed under State law.

SEC. 3. AUTHORIZATION TO REQUIRE COLLECTION OF SALES AND USE TAXES.

(a) STREAMLINED SALES AND USE TAX AGREEMENT.—Each Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for a small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that Member State pursuant to the provisions of the Streamlined Sales and Use Tax Agreement. Such authority shall commence beginning no earlier than the first day of the calendar quarter that is at least 90 days after the date of the enactment of this Act.

(b) ALTERNATIVE.—

(1) IN GENERAL.—A State that is not a Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for the small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that State, but only if the State adopts and implements minimum simplification requirements. Such authority shall commence beginning no earlier than the first day of the calendar quarter that is at least 6 months after the date that the State enacts legislation to implement each of the following minimum simplification requirements:

(A) Provide—

(i) a single State-level agency to administer all sales and use tax laws, including the collection and administration of all State and applicable locality sales and use taxes for all sales sourced to the State made by remote sellers,

(ii) a single audit for all State and local taxing jurisdictions within that State, and

(iii) a single sales and use tax return to be used by remote sellers and single and consolidated providers and to be filed with the State-level agency.

(B) Provide a uniform sales and use tax base among the State and the local taxing jurisdictions within the State.

(C) Require remote sellers and single and consolidated providers to collect sales and use taxes pursuant to the applicable destination rate, which is the sum of the applicable State rate and any applicable rate for the local jurisdiction into which the sale is made.

(D) Provide—

(i) adequate software and services to remote sellers and single and consolidated providers that identifies the applicable destination rate, including the State and local sales tax rate (if any), to be applied on sales sourced to the State, and

(ii) certification procedures for both single providers and consolidated providers to make software and services available to remote sellers, and hold such providers harmless for any errors or omissions as a result of relying on information provided by the State.

(E) Hold remote sellers using a single or consolidated provider harmless for any errors and omissions by that provider.

(F) Relieve remote sellers from liability to the State or locality for collection of the incorrect amount of sales or use tax, including any penalties or interest, if collection of the improper amount is the result of relying on information provided by the State.

(G) Provide remote sellers and single and consolidated providers with 30 days notice of a rate change by any locality in the State.

(2) TREATMENT OF LOCAL RATE CHANGES.—For purposes of this subsection, local rate changes may only be effective on the first day of a calendar quarter. Failure to provide notice under paragraph (1)(G) shall require the State and locality to hold the remote seller or single or consolidated provider harmless for collecting tax at the immediately preceding effective rate during the 30-day period. Each State must provide updated rate information as part of the software and services required by paragraph (1)(D).

(c) SMALL SELLER EXCEPTION.—A State shall be authorized to require a remote seller, or a single or consolidated provider acting on behalf of a remote seller, to collect sales or use tax under this Act if the remote seller has gross annual receipts in total remote sales in the United States in the preceding calendar year exceeding \$500,000. For purposes of determining whether the threshold in this subsection is met, the sales of all persons related within the meaning of subsections (b) and (c) of section 267 or section 707(b)(1) of the Internal Revenue Code of 1986 shall be aggregated.

SEC. 4. TERMINATION OF AUTHORITY.

The authority granted by this Act shall terminate on the date that the highest court of competent jurisdiction makes a final determination that the State no longer meets the requirements of this Act, and the determination of such court is no longer subject to appeal.

SEC. 5. LIMITATIONS.

(a) IN GENERAL.—Nothing in this Act shall be construed as—

(1) subjecting a seller or any other person to franchise, income, occupation, or any other type of taxes, other than sales and use taxes,

(2) affecting the application of such taxes, or

(3) enlarging or reducing State authority to impose such taxes.

(b) NO EFFECT ON NEXUS.—No obligation imposed by virtue of the authority granted by this Act shall be considered in determining whether a seller or any other person has a nexus with any State for any tax purpose other than sales and use taxes.

(c) LICENSING AND REGULATORY REQUIREMENTS.—Other than the limitation set forth in subsection (a), and section 3, nothing in this Act shall be construed as permitting or prohibiting a State from—

(1) licensing or regulating any person,

(2) requiring any person to qualify to transact intrastate business,

(3) subjecting any person to State taxes not related to the sale of goods or services, or

(4) exercising authority over matters of interstate commerce.

(d) NO NEW TAXES.—Nothing in this Act shall be construed as encouraging a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of the enactment of this Act.

(e) INTRASTATE SALES.—The provisions of this Act shall only apply to remote sales and shall not apply to intrastate sales or intrastate sourcing rules. States granted authority under section 3(a) shall comply with the intrastate provisions of the Streamlined Sales and Use Tax Agreement.

SEC. 6. DEFINITIONS AND SPECIAL RULES.

In this Act:

(1) CONSOLIDATED PROVIDER.—The term “consolidated provider” means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers on an aggregated basis.

(2) LOCALITY; LOCAL.—The terms “locality” and “local” refer to any political subdivision of a State.

(3) MEMBER STATE.—The term “Member State”—

(A) means a Member State as that term is used under the Streamlined Sales and Use Tax Agreement as in effect on the date of the enactment of this Act, and

(B) does not include any associate member under the Streamlined Sales and Use Tax Agreement.

(4) PERSON.—The term “person” means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or other legal entity, and a State or local government.

(5) REMOTE SALE.—The term “remote sale” means a sale of goods or services attributed to a State with respect to which a seller does not have adequate physical presence to establish nexus under *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992).

(6) REMOTE SELLER.—The term “remote seller” means a person that makes remote sales.

(7) SINGLE PROVIDER.—The term “single provider” means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers.

(8) SOURCED.—For purposes of a State granted authority under section 3(b), the location to which a remote sale is sourced refers to the location where the item sold is received by the purchaser, based on the location indicated by instructions for delivery that the purchaser furnishes to the seller. When no delivery location is specified, the remote sale is sourced to the customer’s address that is either known to the seller or, if not known, obtained by the seller during the consummation of the transaction, including the address of the customer’s payment instrument if no other address is available. If an address is unknown and a billing address cannot be obtained, the remote sale is sourced to the address of the seller from which the remote sale was made. A State granted authority under section 3(a) shall comply with the sourcing provisions of the Streamlined Sales and Use Tax Agreement.

(9) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(10) STREAMLINED SALES AND USE TAX AGREEMENT.—The term “Streamlined Sales

and Use Tax Agreement” means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

SEC. 7. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provisions of such to any person or circumstance shall not be affected thereby.

By Mrs. HAGAN (for herself, Mr. CORKER, Mr. SCHUMER, and Mr. CRAPO):

S. 1835. A bill to establish standards for covered bond programs and a covered bond regulatory oversight program; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Covered Bond Act”.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ANCILLARY ASSET.—The term “ancillary asset” means—

(A) any interest rate or currency swap associated with 1 or more eligible assets, substitute assets, or other assets in a cover pool;

(B) any credit enhancement or liquidity arrangement associated with 1 or more eligible assets, substitute assets, or other assets in a cover pool;

(C) any guarantee, letter-of-credit right, or other secondary obligation that supports any payment or performance of 1 or more eligible assets, substitute assets, or other assets in a cover pool; and

(D) any proceeds of, or other property incident to, 1 or more eligible assets, substitute assets, or other assets in a cover pool.

(2) CORPORATION.—The term “Corporation” means the Federal Deposit Insurance Corporation.

(3) COVER POOL.—The term “cover pool” means a dynamic pool of assets that is comprised of—

(A) in the case of any eligible issuer described in subparagraph (A), (B), (C), (D), or (E) of paragraph (9)—

(i) 1 or more eligible assets from a single eligible asset class; and

(ii) 1 or more substitute assets or ancillary assets; and

(B) in the case of any eligible issuer described in paragraph (9)(F)—

(i) the covered bonds issued by each sponsoring eligible issuer; and

(ii) 1 or more substitute assets or ancillary assets.

(4) COVERED BOND.—The term “covered bond” means any recourse debt obligation of an eligible issuer that—

(A) has an original term to maturity of not less than 1 year;

(B) is secured by a perfected security interest in or other perfected lien on a cover pool

that is owned directly or indirectly by the issuer of the obligation;

(C) is issued under a covered bond program that has been approved by the applicable covered bond regulator;

(D) is identified in a register of covered bonds that is maintained by the Secretary; and

(E) is not a deposit (as defined in section 3(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(1))).

(5) COVERED BOND PROGRAM.—The term “covered bond program” means any program of an eligible issuer under which, on the security of a single cover pool, 1 or more series of covered bonds may be issued.

(6) COVERED BOND REGULATOR.—The term “covered bond regulator” means—

(A) for any eligible issuer that is subject to the jurisdiction of an appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), the appropriate Federal banking agency;

(B) for any eligible issuer that is described in paragraph (9)(F), that is not subject to the jurisdiction of an appropriate Federal banking agency, and that is sponsored by only 1 eligible issuer, the covered bond regulator for the sponsor;

(C) for any eligible issuer that is described in paragraph (9)(F), that is not subject to the jurisdiction of an appropriate Federal banking agency, and that is sponsored by more than 1 eligible issuer, the covered bond regulator for the sponsor whose covered bonds constitute the largest share of the cover pool of the issuer; and

(D) for any other eligible issuer that is not subject to the jurisdiction of an appropriate Federal banking agency, the Board of Governors of the Federal Reserve System.

(7) ELIGIBLE ASSET.—The term “eligible asset” means—

(A) in the case of the residential mortgage asset class—

(i) any first-lien mortgage loan that is secured by 1-to-4 family residential property;

(ii) any mortgage loan that is insured under the National Housing Act (12 U.S.C. 1701 et seq.); and

(iii) any loan that is guaranteed, insured, or made under chapter 37 of title 38, United States Code;

(B) in the case of the commercial mortgage asset class, any commercial mortgage loan (including any multifamily mortgage loan);

(C) in the case of the public sector asset class—

(i) any security issued by a State, municipality, or other governmental authority;

(ii) any loan made to a State, municipality, or other governmental authority; and

(iii) any loan, security, or other obligation that is insured or guaranteed, in full or substantially in full, by the full faith and credit of the United States Government (whether or not such loan, security, or other obligation is also part of another eligible asset class);

(D) in the case of the auto asset class, any auto loan or lease;

(E) in the case of the student loan asset class, any student loan (whether guaranteed or nonguaranteed);

(F) in the case of the credit or charge card asset class, any extension of credit to a person under an open-end credit plan;

(G) in the case of the small business asset class, any loan that is made or guaranteed under a program of the Small Business Administration; and

(H) in the case of any other eligible asset class, any asset designated by the Secretary,

by rule and in consultation with the covered bond regulators, as an eligible asset for purposes of such class.

(8) **ELIGIBLE ASSET CLASS.**—The term “eligible asset class” means—

- (A) a residential mortgage asset class;
- (B) a commercial mortgage asset class;
- (C) a public sector asset class;
- (D) an auto asset class;
- (E) a student loan asset class;
- (F) a credit or charge card asset class;
- (G) a small business asset class; and
- (H) any other eligible asset class designated by the Secretary, by rule and in consultation with the covered bond regulators.

(9) **ELIGIBLE ISSUER.**—The term “eligible issuer” means—

- (A) any insured depository institution and any subsidiary of such institution;
- (B) any bank holding company, any savings and loan holding company, and any subsidiary of any of such companies;
- (C) any broker or dealer that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) and is a member of the Securities Investor Protection Corporation, and any subsidiary of such broker or dealer;
- (D) any insurer that is supervised by a State insurance regulator, and any subsidiary of such insurer;
- (E) any nonbank financial company (as defined in section 102(a)(4) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5311(a)(4))) that is supervised by the Board of Governors of the Federal Reserve System under section 113 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5323), including any intermediate holding company supervised as a nonbank financial company, and any subsidiary of such a nonbank financial company; and
- (F) any issuer that is sponsored by 1 or more eligible issuers for the sole purpose of issuing covered bonds on a pooled basis.

(10) **OVERSIGHT PROGRAM.**—The term “oversight program” means the covered bond regulatory oversight program established under section 3(a).

(11) **SECRETARY.**—The term “Secretary” means the Secretary of the Department of the Treasury.

(12) **SUBSTITUTE ASSET.**—The term “substitute asset” means—

- (A) cash;
- (B) any direct obligation of the United States Government, and any security or other obligation whose full principal and interest are insured or guaranteed by the full faith and credit of the United States Government;
- (C) any direct obligation of a United States Government corporation or Government-sponsored enterprise of the highest credit quality, and any other security or other obligation of the highest credit quality whose full principal and interest are insured or guaranteed by such corporation or enterprise, except that the outstanding principal amount of these obligations in any cover pool may not exceed an amount equal to 20 percent of the outstanding principal amount of all assets in the cover pool without the approval of the applicable covered bond regulator;
- (D) any other substitute asset designated by the Secretary, by rule and in consultation with the covered bond regulators; and
- (E) any deposit account or securities account into which only an asset described in subparagraph (A), (B), (C), or (D) may be deposited or credited.

SEC. 3. REGULATORY OVERSIGHT OF COVERED BOND PROGRAMS ESTABLISHED.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, by rule and in consultation with the covered bond regulators, establish a covered bond regulatory oversight program that provides for—

(A) covered bond programs to be evaluated according to reasonable and objective standards in order to be approved under paragraph (2), including any additional eligibility standards for eligible assets and any other criteria determined appropriate by the Secretary to further the purposes of this Act;

(B) covered bond programs to be maintained in a manner that is consistent with this Act and safe and sound asset-liability management and other financial practices; and

(C) any estate created under section 4 to be administered in a manner that is consistent with maximizing the value and the proceeds of the related cover pool in a resolution under this Act.

(2) **APPROVAL OF EACH COVERED BOND PROGRAM.**—

(A) **IN GENERAL.**—A covered bond shall be subject to this Act only if the covered bond is issued by an eligible issuer under a covered bond program that is approved by the applicable covered bond regulator.

(B) **APPROVAL PROCESS.**—Each covered bond regulator shall apply the standards established by the Secretary under the oversight program to evaluate a covered bond program that has been submitted by an eligible issuer for approval. Each covered bond regulator also shall take into account relevant supervisory factors, including safety and soundness considerations, in evaluating a covered bond program that has been submitted for approval. Each covered bond regulator, promptly after approving a covered bond program, shall provide the Secretary with the name of the covered bond program, the name of the eligible issuer, and all other information reasonably requested by the Secretary in order to update the registry under paragraph (3)(A). Each eligible issuer, promptly after issuing a covered bond under an approved covered bond program, shall provide the Secretary with all information reasonably requested by the Secretary in order to update the registry under paragraph (3)(B).

(C) **EXISTING COVERED BOND PROGRAMS.**—A covered bond regulator may approve a covered bond program that is in existence on the date of the enactment of this Act. Upon such approval, each covered bond under the covered bond program shall be subject to this Act, regardless of when the covered bond was issued.

(D) **MULTIPLE COVERED BOND PROGRAMS PERMITTED.**—An eligible issuer may have more than 1 covered bond program.

(E) **CEASE AND DESIST AUTHORITY.**—The applicable covered bond regulator may direct an eligible issuer to cease issuing covered bonds under an approved covered bond program if the covered bond program is not maintained in a manner that is consistent with this Act and the oversight program and if, after notice that is reasonable under the circumstances, the issuer does not remedy all deficiencies identified by the applicable covered bond regulator.

(F) **CAP ON THE AMOUNT OF OUTSTANDING COVERED BONDS.**—

(1) **IN GENERAL.**—With respect to each eligible issuer that submits a covered bond program for approval, the applicable covered bond regulator shall set, consistent with

safety and soundness considerations and the financial condition of the eligible issuer, the maximum amount, as a percentage of the eligible issuer's total assets, of outstanding covered bonds that the eligible issuer may issue.

(ii) **REVIEW OF CAP.**—The applicable covered bond regulator may, not more frequently than quarterly, review the percentage set under clause (i) and, if safety and soundness considerations or the financial condition of the eligible issuer has changed, increase or decrease such percentage. Any decrease made pursuant to this clause shall have no effect on existing covered bonds issued by the eligible issuer.

(3) **REGISTRY.**—Under the oversight program, the Secretary shall maintain a registry that is published on a Web site available to the public and that, for each covered bond program approved by a covered bond regulator, contains—

(A) the name of the covered bond program, the name of the eligible issuer, and all other information that the Secretary considers necessary to adequately identify the covered bond program and the eligible issuer; and

(B) all information that the Secretary considers necessary to adequately identify all outstanding covered bonds issued under the covered bond program (including the reports described in paragraphs (3) and (4) of subsection (b)).

(4) **FEES.**—Each covered bond regulator may levy, on the issuers of covered bonds under the primary supervision of such covered bond regulator, reasonably apportioned fees that such covered bond regulator considers necessary, in the aggregate, to defray the costs of such covered bond regulator carrying out the provisions of this Act. Such funds shall not be construed to be Government funds or appropriated monies and shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or any other provision of law.

(b) **MINIMUM OVER-COLLATERALIZATION REQUIREMENTS.**—

(1) **REQUIREMENTS ESTABLISHED.**—The Secretary, by rule and in consultation with the covered bond regulators, shall establish minimum over-collateralization requirements for covered bonds backed by each of the eligible asset classes. The minimum over-collateralization requirements shall be designed to ensure that sufficient eligible assets and substitute assets are maintained in the cover pool to satisfy all principal and interest payments on the covered bonds when due through maturity and shall be based on the credit, collection, and interest rate risks (excluding the liquidity risks) associated with the eligible asset class.

(2) **ASSET COVERAGE TEST.**—The eligible assets and the substitute assets in any cover pool shall be required, in the aggregate, to meet at all times the applicable minimum over-collateralization requirements.

(3) **MONTHLY REPORTING.**—On a monthly basis, each issuer of covered bonds shall submit a report on whether the cover pool that secures the covered bonds meets the applicable minimum over-collateralization requirements to—

- (A) the Secretary;
- (B) the applicable covered bond regulator;
- (C) the applicable indenture trustee;
- (D) the applicable covered bondholders; and
- (E) the applicable independent asset monitor.

(4) **INDEPENDENT ASSET MONITOR.**—

(A) **APPOINTMENT.**—Each issuer of covered bonds shall appoint the indenture trustee for

the covered bonds, or another unaffiliated entity, as an independent asset monitor for the applicable cover pool.

(B) DUTIES.—An independent asset monitor appointed under subparagraph (A) shall, on an annual or other more frequent periodic basis determined by the Secretary under the oversight program—

(i) verify whether the cover pool meets the applicable minimum over-collateralization requirements; and

(ii) report to the Secretary, the applicable covered bond regulator, the applicable indenture trustee, and the applicable covered bondholders on whether the cover pool meets the applicable minimum over-collateralization requirements.

(C) REMOVAL AND REPLACEMENT.—The independent asset monitor appointed under subparagraph (A) may be removed and replaced—

(i) by a covered bond regulator in any case in which such action is in the best interest of the covered bond investors; and

(ii) by covered bond holders who own a majority of the outstanding principal amount of the covered bonds secured by the applicable cover pool, at any time.

(5) NO LOSS OF STATUS.—Covered bonds shall remain subject to this Act regardless of whether the applicable cover pool ceases to meet the applicable minimum over-collateralization requirements.

(6) FAILURE TO MEET REQUIREMENTS.—

(A) IN GENERAL.—If a cover pool fails to meet the applicable minimum over-collateralization requirements, and if the failure is not cured within the time specified in the related transaction documents, the failure shall be an uncured default for purposes of section 4(a).

(B) NOTICE REQUIRED.—An issuer of covered bonds shall promptly give the Secretary and the applicable covered bond regulator written notice if the cover pool securing the covered bonds fails to meet the applicable minimum over-collateralization requirements, if the failure is cured within the time specified in the related transaction documents, or if the failure is not so cured.

(C) REQUIREMENTS FOR ELIGIBLE ASSETS.—

(1) REQUIREMENTS.—

(A) LOANS.—A loan shall not qualify as an eligible asset for so long as the loan is delinquent for more than 60 consecutive days.

(B) SECURITIES.—A security shall not qualify as an eligible asset for so long as the security does not meet any credit-quality requirement under this Act.

(C) ORIGINATION.—An asset shall not qualify as an eligible asset if the asset was not originated in compliance with any rule or supervisory guidance of a Federal agency applicable to the asset at the time of origination.

(D) NO DOUBLE PLEDGE.—An asset shall not qualify as an eligible asset for so long as the asset is subject to a prior perfected security interest or other prior perfected lien that has been granted in an unrelated transaction. Nothing in this Act shall affect such a prior perfected security interest or other prior perfected lien, and the rights of such lien holders.

(2) FAILURE TO MEET REQUIREMENTS.—Subject to paragraph (1)(D), if an asset in a cover pool does not satisfy any applicable requirement described in paragraph (1) or any other applicable standard or criterion described in this Act, the oversight program, or the related transaction documents, the asset shall not qualify as an eligible asset for purposes of the asset coverage test described in subsection (b)(2). A disqualified asset shall re-

main in the cover pool unless and until removed by the issuer in compliance with the provisions of this Act, the oversight program, and the related transaction documents. No disqualified asset may be removed from the cover pool after an estate has been created for the related covered bond program under section 4(b)(1) or 4(c)(2), except in connection with the management of the cover pool under section 4(d)(1)(E).

(d) OTHER REQUIREMENTS.—

(1) BOOKS AND RECORDS OF ISSUER.—Each issuer of covered bonds shall clearly mark its books and records to identify the assets that comprise the cover pool securing the covered bonds.

(2) SCHEDULE OF ELIGIBLE ASSETS AND SUBSTITUTE ASSETS.—Each issuer of covered bonds shall deliver to the applicable indenture trustee and the applicable independent asset monitor, on at least a monthly basis, a schedule that identifies all eligible assets and substitute assets in the cover pool securing the covered bonds.

(3) SINGLE ELIGIBLE ASSET CLASS.—No cover pool described in section 2(3)(A) may include eligible assets from more than 1 eligible asset class. No cover pool described in section 2(3)(B) may include covered bonds backed by more than 1 eligible asset class.

SEC. 4. RESOLUTION UPON DEFAULT OR INSOLVENCY.

(a) UNCURED DEFAULT DEFINED.—For purposes of this section, the term “uncured default” means a default on a covered bond that has not been cured within the time, if any, specified in the related transaction documents.

(b) DEFAULT ON COVERED BONDS PRIOR TO CONSERVATORSHIP, RECEIVERSHIP, LIQUIDATION, OR BANKRUPTCY.—

(1) CREATION OF SEPARATE ESTATE.—If an uncured default occurs on a covered bond before the issuer of the covered bond enters conservatorship, receivership, liquidation, or bankruptcy, an estate shall be immediately and automatically created by operation of law and shall exist and be administered separate and apart from the issuer or any subsequent conservatorship, receivership, liquidating agency, or estate in bankruptcy for the issuer or any other assets of the issuer. A separate estate shall be created for each affected covered bond program.

(2) ASSETS AND LIABILITIES OF ESTATE.—Any estate created under paragraph (1) shall be comprised of the cover pool (including over-collateralization in the cover pool) that secures the covered bond. The cover pool shall be immediately and automatically released to and held by the estate free and clear of any right, title, interest, or claim of the issuer or any conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer or any other assets of the issuer. The estate shall be fully liable on the covered bond and all other covered bonds and related obligations of the issuer (including obligations under related derivative transactions) that are secured by a perfected security interest in or other perfected lien on the cover pool when the estate is created. The estate shall not be liable on any obligation of the issuer that is not secured by a perfected security interest in or other perfected lien on the cover pool when the estate is created. No conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer may charge or assess the estate for any claim of the conservator, receiver, liquidating agent, or trustee in bankruptcy or the conservatorship, receivership, liquidating agency, or estate in bankruptcy and may not obtain or perfect a security interest in or

other lien on the cover pool to secure such a claim.

(3) RETENTION OF CLAIMS.—Any holder of a covered bond or related obligation for which an estate has become liable under paragraph (2) shall retain a claim against the issuer for any deficiency with respect to the covered bond or related obligation. If the issuer enters conservatorship, receivership, liquidation, or bankruptcy, any contingent claim for such a deficiency shall be allowed as a provable claim in the conservatorship, receivership, liquidating agency, or bankruptcy case. The contingent claim shall be estimated by the conservator, receiver, liquidating agent, or bankruptcy court for purposes of allowing the claim as a provable claim if awaiting the fixing of the contingent claim would unduly delay the resolution of the conservatorship, receivership, liquidating agency, or bankruptcy case.

(4) RESIDUAL INTEREST.—

(A) ISSUANCE OF RESIDUAL INTEREST.—Upon the creation of an estate under paragraph (1), a residual interest in the estate shall be immediately and automatically issued by operation of law to the issuer.

(B) NATURE OF RESIDUAL INTEREST.—The residual interest under subparagraph (A) shall—

(i) be an exempted security as described in section 5;

(ii) represent the right to any surplus from the cover pool after the covered bonds and all other liabilities of the estate have been fully and irrevocably paid; and

(iii) be evidenced by a certificate executed by the trustee of the estate.

(5) OBLIGATIONS OF ISSUER.—

(A) IN GENERAL.—After the creation of an estate under paragraph (1), the issuer shall—

(i) transfer to or at the direction of the trustee for the estate all property of the estate that is in the possession or under the control of the issuer, including all tangible or electronic books, records, files, and other documents or materials relating to the assets and liabilities of the estate; and

(ii) at the election of the trustee or a servicer or administrator for the estate, continue servicing the applicable cover pool for 120 days after the creation of the estate in return for a fair-market-value fee, as determined by the trustee in consultation with the applicable covered bond regulator, that shall be payable from the estate as an administrative expense.

(B) OBLIGATIONS ABSOLUTE.—Neither the issuer, whether acting as debtor in possession or in any other capacity, nor any conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer or any other assets of the issuer may disaffirm, repudiate, or reject the obligation to turn over property or to continue servicing the cover pool as provided in subparagraph (A).

(c) DEFAULT ON COVERED BONDS UPON CONSERVATORSHIP, RECEIVERSHIP, LIQUIDATION, OR BANKRUPTCY.—

(1) CORPORATION CONSERVATORSHIP OR RECEIVERSHIP.—

(A) IN GENERAL.—If the Corporation is appointed as conservator or receiver for an issuer of covered bonds before an uncured default results in the creation of an estate under subsection (b), the Corporation as conservator or receiver shall have an exclusive right, during the 1-year period beginning on the date of the appointment, to transfer any cover pool owned by the issuer in its entirety, together with all covered bonds and related obligations that are secured by a perfected security interest in or other perfected lien on the cover pool, to another eligible

issuer that meets all conditions and requirements specified in the related transaction documents. The Corporation as conservator or receiver may not remove any asset from the cover pool, except to the extent otherwise agreed by a transferee that has assumed the covered bond program pursuant to subparagraph (C).

(B) OBLIGATIONS DURING 1-YEAR PERIOD.—During the 1-year period described in subparagraph (A), the Corporation as conservator or receiver shall fully and timely satisfy all monetary and nonmonetary obligations of the issuer under all covered bonds and the related transaction documents and shall fully and timely cure all defaults by the issuer (other than its conservatorship or receivership) under the applicable covered bond program, in each case, until the earlier of—

(i) the transfer of the applicable covered bond program to another eligible issuer as provided in subparagraph (A); or

(ii) the delivery to the Secretary, the applicable covered bond regulator, the applicable indenture trustee, and the applicable covered bondholders of a written notice from the Corporation as conservator or receiver electing to cease further performance under the applicable covered bond program.

(C) ASSUMPTION BY TRANSFEREE.—If the Corporation as conservator or receiver transfers a covered bond program to another eligible issuer within the 1-year period as provided in subparagraph (A), the transferee shall take ownership of the applicable cover pool and shall become fully liable on all covered bonds and related obligations of the issuer that are secured by a perfected security interest in or other perfected lien on the cover pool.

(2) OTHER CIRCUMSTANCES.—An estate shall be immediately and automatically created by operation of law and shall exist and be administered separate and apart from an issuer of covered bonds and any conservatorship, receivership, liquidating agency, or estate in bankruptcy for the issuer or any other assets of the issuer, if—

(A) a conservator, receiver, liquidating agent, or trustee in bankruptcy, other than the Corporation, is appointed for the issuer before an uncured default results in the creation of an estate under subsection (b); or

(B) in the case of the appointment of the Corporation as conservator or receiver as described in paragraph (1)(A), the Corporation as conservator or receiver—

(i) does not complete the transfer of the applicable covered bond program to another eligible issuer within the 1-year period as provided in paragraph (1)(A);

(ii) delivers to the Secretary, the applicable covered bond regulator, the applicable indenture trustee, and the applicable covered bondholders a written notice electing to cease further performance under the applicable covered bond program; or

(iii) fails to fully and timely satisfy all monetary and nonmonetary obligations of the issuer under the covered bonds and the related transaction documents or to fully and timely cure all defaults by the issuer (other than its conservatorship or receivership) under the applicable covered bond program.

A separate estate shall be created for each affected covered bond program.

(3) ASSETS AND LIABILITIES OF ESTATE.—Any estate created under paragraph (2) shall be comprised of the cover pool (including over-collateralization in the cover pool) that secures the covered bonds. The cover pool shall be immediately and automatically re-

leased to and held by the estate free and clear of any right, title, interest, or claim of the issuer or any conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer or any other assets of the issuer. The estate shall be fully liable on the covered bonds and all other covered bonds and related obligations of the issuer (including obligations under related derivative transactions) that are secured by a perfected security interest in or other perfected lien on the cover pool when the estate is created. The estate shall not be liable on any obligation of the issuer that is not secured by a perfected security interest in or other perfected lien on the cover pool when the estate is created. No conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer may charge or assess the estate for any claim of the conservator, receiver, liquidating agent, or trustee in bankruptcy or the conservatorship, receivership, liquidating agency, or estate in bankruptcy and may not obtain or perfect a security interest in or other lien on the cover pool to secure such a claim.

(4) CONTINGENT CLAIM.—Any contingent claim against an issuer for a deficiency with respect to a covered bond or related obligation for which an estate has become liable under paragraph (3) shall be allowed as a provable claim in the conservatorship, receivership, liquidating agency, or bankruptcy case for the issuer. The contingent claim shall be estimated by the conservator, receiver, liquidating agent, or bankruptcy court for purposes of allowing the claim as a provable claim if awaiting the fixing of the contingent claim would unduly delay the resolution of the conservatorship, receivership, liquidating agency, or bankruptcy case.

(5) RESIDUAL INTEREST.—

(A) ISSUANCE OF RESIDUAL INTEREST.—Upon the creation of an estate under paragraph (2), and regardless of whether any contingent claim described in paragraph (4) becomes fixed or is estimated, a residual interest in the estate shall be immediately and automatically issued by operation of law to the conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer.

(B) NATURE OF RESIDUAL INTEREST.—The residual interest under subparagraph (A) shall—

(i) be an exempted security as described in section 5;

(ii) represent the right to any surplus from the cover pool after the covered bonds and all other liabilities of the estate have been fully and irrevocably paid; and

(iii) be evidenced by a certificate executed by the trustee of the estate.

(6) OBLIGATIONS OF ISSUER.—

(A) IN GENERAL.—After the creation of an estate under paragraph (2), the issuer and its conservator, receiver, liquidating agent, or trustee in bankruptcy shall—

(i) transfer to or at the direction of the trustee for the estate all property of the estate that is in the possession or under the control of the issuer or its conservator, receiver, liquidating agent, or trustee in bankruptcy, including all tangible or electronic books, records, files, and other documents or materials relating to the assets and liabilities of the estate; and

(ii) at the election of the trustee or a servicer or administrator for the estate, continue servicing the applicable cover pool for 120 days after the creation of the estate in return for a fair-market-value fee, as determined by the trustee in consultation with the applicable covered bond regulator, that shall be payable from the estate as an administrative expense.

(B) OBLIGATIONS ABSOLUTE.—Neither the issuer, whether acting as debtor in possession or in any other capacity, nor any conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer or any other assets of the issuer may disaffirm, repudiate, or reject the obligation to turn over property or to continue servicing the cover pool as provided in subparagraph (A).

(d) ADMINISTRATION AND RESOLUTION OF ESTATES.—

(1) TRUSTEE, SERVICER, AND ADMINISTRATOR.—

(A) IN GENERAL.—Upon the creation of any estate under subsection (b)(1) or (c)(2), the applicable covered bond regulator shall—

(i) appoint the trustee for the estate;

(ii) appoint 1 or more servicers or administrators for the cover pool held by the estate; and

(iii) give the Secretary, the applicable indenture trustee, the applicable covered bondholders, and the owner of the residual interest written notice of the creation of the estate.

(B) TERMS AND CONDITIONS OF APPOINTMENT.—All terms and conditions of any appointment under paragraph (1), including the terms and conditions relating to compensation, shall conform to the requirements of this Act and the oversight program and otherwise shall be determined by the applicable covered bond regulator.

(C) QUALIFICATION.—The applicable covered bond regulator may require the trustee or any servicer or administrator for an estate to post in favor of the United States, for the benefit of the estate, a bond that is conditioned on the faithful performance of the duties of the trustee or the servicer or administrator. The covered bond regulator shall determine the amount of any bond required under this subparagraph and the sufficiency of the surety on the bond. A proceeding on a bond required under this subparagraph may not be commenced after two years after the date on which the trustee or the servicer or administrator was discharged.

(D) POWERS AND DUTIES OF TRUSTEE.—The trustee for an estate is the representative of the estate and, subject to the provisions of this Act, has capacity to sue and be sued. The trustee shall—

(i) administer the estate in compliance with this Act, the oversight program, and the related transaction documents;

(ii) be accountable for all property of the estate that is received by the trustee;

(iii) make a final report and file a final account of the administration of the estate with the applicable covered bond regulator; and

(iv) after the estate has been fully administered, close the estate.

(E) POWERS AND DUTIES OF SERVICER OR ADMINISTRATOR.—Any servicer or administrator for an estate—

(i) shall—

(I) collect, realize on (by liquidation or other means), and otherwise manage the cover pool held by the estate in compliance with this Act, the oversight program, and the related transaction documents and in a manner consistent with maximizing the value and the proceeds of the cover pool;

(II) deposit or invest all proceeds and funds received in compliance with this Act, the oversight program, and the related transaction documents and in a manner consistent with maximizing the net return to the estate, taking into account the safety of the deposit or investment; and

(III) apply, or direct the trustee for the estate to apply, all proceeds and funds received

and the net return on any deposit or investment to make distributions in compliance with paragraphs (3) and (4);

(ii) may borrow funds or otherwise obtain credit, for the benefit of the estate, in compliance with paragraph (2) on a secured or unsecured basis and on a priority, *pari passu*, or subordinated basis;

(iii) shall, at the times and in the manner required by the applicable covered bond regulator, submit to the covered bond regulator, the Secretary, the applicable indenture trustee, the applicable covered bondholders, the owner of the residual interest, and any other person designated by the covered bond regulator, reports that describe the activities of the servicer or administrator on behalf of the estate, the performance of the cover pool held by the estate, and distributions made by the estate; and

(iv) shall assist the trustee in preparing the final report and the final account of the administration of the estate.

(F) SUPERVISION OF TRUSTEE, SERVICER, AND ADMINISTRATOR.—The applicable covered bond regulator shall supervise the trustee and any servicer or administrator for an estate. The covered bond regulator shall require that all reports submitted under subparagraph (E)(iii) do not contain any untrue statement of a material fact and do not omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading.

(G) REMOVAL AND REPLACEMENT OF TRUSTEE, SERVICER, AND ADMINISTRATOR.—If the covered bond regulator determines that it is in the best interests of an estate, the covered bond regulator may remove or replace the trustee or any servicer or administrator for the estate. The removal of the trustee or any servicer or administrator does not abate any pending action or proceeding involving the estate, and any successor or other trustee, servicer, or administrator shall be substituted as a party in the action or proceeding.

(H) PROFESSIONALS.—The trustee or any servicer or administrator for an estate may employ 1 or more attorneys, accountants, appraisers, auctioneers, or other professional persons to represent or assist the trustee or the servicer or administrator in carrying out its duties. The employment of any professional person and all terms and conditions of employment, including the terms and conditions relating to compensation, shall conform to the requirements of this Act and the oversight program and otherwise shall be subject to the approval of the applicable covered bond regulator.

(I) APPROVED FEES AND EXPENSES.—Unless otherwise provided in the applicable terms and conditions of appointment or employment, all approved fees and expenses of the trustee, any servicer or administrator, or any professional person employed by the trustee or any servicer or administrator shall be payable from the estate as administrative expenses.

(J) ACTIONS BY OR ON BEHALF OF ESTATE.—The trustee or any servicer or administrator for an estate may commence or continue judicial, administrative, or other actions, in the name of the estate or in its own name on behalf of the estate, for the purpose of collecting, realizing on, or otherwise managing the cover pool held by the estate or exercising its other powers or duties on behalf of the estate.

(K) ACTIONS AGAINST ESTATE.—No court may issue an attachment or execution on any property of an estate. Except at the re-

quest of the applicable covered bond regulator or as otherwise provided in this subparagraph or subparagraph (J), no court may take any action to restrain or affect the resolution of an estate under this Act. No person (including the applicable indenture trustee and any applicable covered bondholder) may commence or continue any judicial, administrative, or other action against the estate, the trustee, or any servicer or administrator or take any other act to affect the estate, the trustee, or any servicer or administrator that is not expressly permitted by this Act, the oversight program, and the related transaction documents, except for a judicial or administrative action to compel the release of funds that—

(i) are available to the estate;

(ii) are permitted to be distributed under this Act and the oversight program; and

(iii) are permitted and required to be distributed under the related transaction documents and any contracts executed by or on behalf of the estate.

(L) SOVEREIGN IMMUNITY.—Except in connection with a guarantee provided under paragraph (4) or any other contract executed by the applicable covered bond regulator under this section 4, the Secretary and the covered bond regulator shall be entitled to sovereign immunity in carrying out the provisions of this Act.

(2) BORROWINGS AND CREDIT.—

(A) IN GENERAL.—Any servicer or administrator for an estate created under subsection (b)(1) or (c)(2) may borrow funds or otherwise obtain credit, on behalf of and for the benefit of the estate, from any person in compliance with this paragraph (2) solely for the purpose of providing liquidity in the case of timing mismatches among the assets and the liabilities of the estate. Except with respect to an underwriter, section 5 of the Securities Act of 1933, the Trust Indenture Act of 1939, and any State or local law requiring registration for an offer or sale of a security or registration or licensing of an issuer of, underwriter of, or broker or dealer in a security does not apply to the offer or sale under this paragraph (2) of a security that is not an equity security.

(B) CONDITIONS.—A servicer or administrator may borrow funds or otherwise obtain credit under subparagraph (A)—

(i) on terms affording the lender only claims or liens that are fully subordinated to the claims and interests of the applicable indenture trustee and the applicable covered bondholders and all other claims against and interests in the estate, except for the residual interest, if the servicer or administrator certifies to the applicable covered bond regulator that, in the business judgment of the servicer or administrator, the borrowing or credit is in the best interests of the estate and is expected to maximize the value and the proceeds of the cover pool held by the estate; or

(ii) on terms affording the lender claims or liens that have priority over or are *pari passu* with the claims or interests of the applicable indenture trustee or the applicable covered bondholders or other claims against or interests in the estate, if—

(I) the servicer or administrator certifies to the applicable covered bond regulator that, in the business judgment of the servicer or administrator, the borrowing or credit is in the best interests of the estate and is expected to maximize the value and the proceeds of the cover pool held by the estate; and

(II) the applicable covered bond regulator authorizes the borrowing or credit.

(C) LIMITED LIABILITY.—A servicer or administrator shall not be liable for any error in business judgment when borrowing funds or otherwise obtaining credit under this paragraph (2) unless the servicer or administrator acted in bad faith or in willful disregard of its duties.

(D) STUDY ON BORROWINGS AND CREDIT.—The Comptroller General of the United States shall conduct a study on whether the Federal reserve banks should be authorized to lend funds or otherwise extend credit to an estate under this paragraph (2) and, if so, what conditions and limits should be established to mitigate any risk that the United States Government could absorb credit losses on the cover pool held by the estate. The Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study not later than 6 months after the date of enactment of this Act.

(3) DISTRIBUTIONS BY ESTATE.—All payments or other distributions by an estate shall be made at the times, in the amounts, and in the manner set forth in the covered bonds, the related transaction documents, and any contracts executed by or on behalf of the estate in compliance with this Act and the oversight program. To the extent that the relative priority of the liabilities of the estate are not specified in or otherwise ascertainable from their terms, distributions shall be made on each distribution date under the covered bonds, the related transaction documents, or any contracts executed by or on behalf of the estate—

(A) first, to pay accrued and unpaid superpriority claims under paragraph (2)(B)(ii);

(B) second, to pay accrued and unpaid administrative expense claims under paragraph (1)(I), paragraph (2)(B)(ii), section 4(b)(5)(A), or section 4(c)(6)(A);

(C) third, to pay—

(i) accrued and unpaid claims under the covered bonds and the related transaction documents according to their terms; and

(ii) accrued and unpaid *pari passu* claims under paragraph (2)(B)(ii); and

(D) fourth, to pay accrued and unpaid subordinated claims under paragraph (2)(B)(i).

(4) DISTRIBUTIONS ON RESIDUAL INTEREST.—After all other claims against and interests in an estate have been fully and irrevocably paid or defeased, the trustee shall or shall cause a servicer or administrator to distribute the remainder of the estate to or at the direction of the owner of the residual interest. No interim distribution on the residual interest may be made before that time, unless the applicable covered bond regulator—

(A) approves the distribution after determining that all other claims against and interests in the estate will be fully, timely, and irrevocably paid according to their terms; and

(B) provides an indemnity, for the benefit of the estate, assuring that all other claims against and interests in the estate will be fully, timely, and irrevocably paid according to their terms.

(5) CLOSING OF ESTATE.—After an estate has been fully administered, the trustee shall close the estate and, except as otherwise directed by the applicable covered bond regulator, shall destroy all records of the estate.

(6) NO LOSS TO TAXPAYERS.—Taxpayers shall bear no losses from the resolution of an estate under this Act. To the extent that the Secretary and the Corporation jointly determine that the Deposit Insurance Fund incurred actual losses that are higher because

the covered bond program of an insured depository institution was subject to resolution under this Act rather than as part of the receivership of the institution under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), the Corporation may exercise the powers available under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) to recover an amount equal to those losses after consulting with the Secretary.

SEC. 5. SECURITIES LAW PROVISIONS.

(a) SECURITIES LAWS TREATMENT OF COVERED BONDS.—

(1) TREATMENT OF CERTAIN BANKS AND OTHER ENTITIES.—

(A) SECURITIES LAWS COVERAGE.—A covered bond described in subparagraph (C) is and shall be treated as a security issued or guaranteed by a bank under section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(3)), and section 304(a)(4)(A) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)(A)), as applicable.

(B) SECURITIES EXCHANGE ACT OF 1934 EXEMPTION.—No covered bond described in subparagraph (C) shall be treated as an asset-backed security, as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or a structured finance product, as that term is defined in section 939F of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 78o-9).

(C) APPLICABILITY.—A covered bond described in this subparagraph is a covered bond that is—

(i) issued or guaranteed by a bank; or
(ii) issued by an eligible issuer described in section 2(9)(F) and sponsored solely by 1 or more banks for the sole purpose of issuing covered bonds.

(D) REGULATIONS.—Each covered bond regulator for 1 or more banks shall adopt, as part of the securities regulations of the covered bond regulator, a separate scheme of registration, disclosure, and reporting obligations and exemptions for offers or sales of covered bonds described in subparagraph (C), which regulations shall—

(i) provide for uniform and consistent standards for such covered bond issuers, with respect to any such covered bonds, to the extent possible; and

(ii) be consistent with existing regulations governing offers or sales of nonconvertible debt.

(2) TREATMENT OF CERTAIN ASSOCIATIONS AND COOPERATIVE BANKS.—

(A) SECURITIES LAWS COVERAGE.—A covered bond described in subparagraph (C) is and shall be treated as a security issued by an entity under section 3(a)(5)(A) of the Securities Act of 1933 (15 U.S.C. 77c(a)(5)(A)), section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(3)), and section 304(a)(4)(A) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)(A)), as applicable.

(B) SECURITIES EXCHANGE ACT OF 1934 EXEMPTION.—No covered bond described in subparagraph (C) shall be treated as an asset-backed security, as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or a structured finance product, as that term is defined in section 939F of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 78o-9).

(C) APPLICABILITY.—A covered bond described in this subparagraph is a covered bond that is—

(i) issued by an entity described in section 3(a)(5)(A) of the Securities Act of 1933 (15 U.S.C. 77c(a)(5)(A)); or

(ii) issued by an eligible issuer described in section 2(9)(F) and sponsored solely by 1 or

more such entities for the sole purpose of issuing covered bonds.

(D) REGULATIONS.—Each covered bond regulator for 1 or more entities described in section 3(a)(5)(A) of the Securities Act of 1933 (15 U.S.C. 77c(a)(5)(A)) shall adopt, as part of the securities regulations of the covered bond regulator, a separate scheme of registration, disclosure, and reporting obligations and exemptions for offers or sales of covered bonds described in subparagraph (C), which regulations shall—

(i) provide for uniform and consistent standards for such covered bond issuers, with respect to any such covered bonds, to the extent possible; and

(ii) shall be consistent with regulations governing offers or sales of nonconvertible debt.

(3) CONSTRUCTION.—No provision of this Act, including paragraph (1) or (2), may be construed or applied in a manner that impairs or limits any other exemption that is available under applicable securities laws.

(b) EXEMPTIONS FOR ESTATES.—Any estate that is or may be created under section 4(b)(1) or 4(c)(2) shall be exempt from all State and Federal securities laws, except that such estate—

(1) shall be subject to all anti-fraud provisions of such securities laws;

(2) shall be subject to the reporting requirements established by the applicable covered bond regulator under section 4(d)(1)(E)(iii); and

(3) shall succeed to any requirement of the issuer to file such periodic information, documents, and reports in respect of the covered bonds, as specified in section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)) or rules established by an appropriate Federal banking agency.

(c) EXEMPTIONS FOR RESIDUAL INTERESTS.—Any residual interest in an estate that is or may be created under section 4(b)(1) or 4(c)(2) shall be exempt from all State and Federal securities laws.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) DOMESTIC SECURITIES.—Section 106(a)(1) of the Secondary Mortgage Market Enhancement Act of 1984 (15 U.S.C. 77r-1(a)(1)) is amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) in subparagraph (D), by adding “or” at the end; and

(3) by inserting after subparagraph (D) the following:

“(E) covered bonds (as defined in section 2 of the United States Covered Bond Act of 2011).”

(b) NO CONFLICT.—The provisions of this Act shall apply, notwithstanding any provision of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), title 11, United States Code, title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381 et seq.), or any other provision of Federal law with respect to conservatorship, receivership, liquidation, or bankruptcy. No provision of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), title 11, United States Code, title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381 et seq.), or any other provision of Federal law with respect to conservatorship, receivership, liquidation, or bankruptcy may be construed or applied in a manner that defeats or interferes with the purpose or operation of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The covered bond regulators shall, annually—

(1) submit a joint report to the Congress describing the current state of the covered bond market in the United States; and

(2) testify on the current state of the covered bond market in the United States before the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

By Mr. BAUCUS (for himself, Mr. BOOZMAN, and Mr. PRYOR):

S. 1838. A bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM ON SERVICE DOG TRAINING.

(a) PILOT PROGRAM REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a pilot program to assess the feasibility and advisability of using service dog training activities as components of integrated post-deployment mental health and post-traumatic stress disorder rehabilitation programs at Department of Veterans Affairs medical centers—

(1) to positively affect veterans with post-deployment mental health conditions or post-traumatic stress disorder symptoms; and

(2) to produce specially trained service dogs for veterans.

(b) DURATION.—The Secretary shall carry out the pilot program during the three-year period beginning on the date of the commencement of the pilot program.

(c) LOCATION.—

(1) IN GENERAL.—The pilot program shall be carried out at one Department of Veterans Affairs medical center selected by the Secretary for such purpose other than in the Department of Veterans Affairs Palo Alto health care system in Palo Alto, California. In selecting medical centers for the pilot program, the Secretary shall—

(A) ensure that the medical center selected—

(i) has an established mental health rehabilitation program that includes a clinical focus on rehabilitation treatment of post-deployment mental health disorder and post-traumatic stress disorder; and

(ii) has a demonstrated capability and capacity to incorporate service dog training activities into the rehabilitation program; and

(B) shall review and consider using recommendations published by experienced service dog trainers regulations in the art and science of basic third-party dog training and owner-training dogs with regard to space, equipment, and methodologies.

(2) PARTICIPATION OF RURAL VETERANS.—In selecting a medical center for the pilot program required under subsection (a), the Secretary shall give special consideration to Department of Veterans Affairs medical centers that are located in States that the Secretary considers rural or highly rural.

(d) DESIGN OF PILOT PROGRAM.—In carrying out the pilot program, the Secretary shall—

(1) administer the program through the Department of Veterans Affairs Patient Care Services Office as a collaborative effort between the Rehabilitation Office and the Office of Mental Health Services;

(2) ensure that the national pilot program lead of the Patient Care Services Office has sufficient administrative experience to oversee the pilot program site;

(3) ensure that dogs selected are healthy and age- and temperament-appropriate for use in the pilot program;

(4) consider dogs residing in animal shelters or foster homes for participation in the program if such dogs meet the service dog candidate selection under this subsection;

(5) ensure that each dog selected for the pilot program—

(A) is taught all basic commands and behaviors;

(B) undergoes public access training; and

(C) receives training specifically tailored to address the mental health conditions or disabilities of the veteran with whom the dog is paired;

(6) provide professional support for all training under the pilot program; and

(7) provide or refer participants to business courses for managing a service dog training business.

(e) **VETERAN PARTICIPATION.**—Veterans diagnosed with post-traumatic stress disorder or another post-deployment mental health condition may volunteer to participate in the pilot program.

(f) **HIRING PREFERENCE.**—In hiring service dog training instructors for the pilot program, the Secretary shall give a preference to veterans who have a post-traumatic stress disorder or other mental health condition.

(g) **COLLECTION OF DATA.**—

(1) **IN GENERAL.**—The Secretary shall collect data on the pilot program to determine the effectiveness of the pilot program in positively affecting veterans with post-traumatic stress disorder or other post-deployment mental health condition symptoms and the feasibility and advisability of expanding the pilot program to additional Department of Veterans Affairs medical centers.

(2) **MANNER OF COLLECTION.**—Data described in paragraph (1) shall be collected and analyzed using a scientific peer-reviewed system, valid and reliable results-based research methodologies, and instruments.

(h) **REPORTS.**—

(1) **ANNUAL REPORTS.**—

(A) **IN GENERAL.**—Not later than one year after the date of the commencement of the pilot program and annually thereafter for the duration of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

(B) **ELEMENTS.**—Each such report required by subparagraph (A) shall include the following:

(i) The number of veterans participating in the pilot program.

(ii) A description of the services carried out by the Secretary under the pilot program.

(iii) The effects that participating in the pilot program has on veterans with post-traumatic stress disorder and post-deployment adjustment symptoms.

(2) **FINAL REPORT.**—At the conclusion of the pilot program, the Secretary shall submit to Congress a final report that includes recommendations with respect to the feasibility and advisability of extending or expanding the pilot program.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 318—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 318

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 112th Congress;

(2) the manual shall be printed as a Senate document; and

(3) in addition to the usual number of copies, 1,500 copies of the manual shall be bound, of which—

(A) 500 paperbound copies shall be for the use of the Senate; and

(B) 1,000 copies shall be bound (550 paperbound; 250 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

SENATE RESOLUTION 319—HONORING THE LIFE AND LEGACY OF JOE FRAZIER

Mr. GRAHAM (for himself, Mr. CASEY, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 319

Whereas boxing legend “Smokin’” Joe Frazier lost a battle with liver cancer on November 7, 2011;

Whereas, with the passing of Joe Frazier, the State of South Carolina and the United States lost 1 of the greatest heavyweight boxing champions of the modern era;

Whereas Joe Frazier was born on January 12, 1944, to a farmer in Beaufort, South Carolina;

Whereas, in Beaufort, South Carolina, Joe Frazier discovered the passion for boxing that would ultimately lead him to greatness;

Whereas Joe Frazier left his childhood home and began to work in a meat packing company based in Philadelphia, Pennsylvania;

Whereas Joe Frazier trained in a Philadelphia Police Athletic League gymnasium to prepare for his first amateur fights;

Whereas, in 1964, Joe Frazier became the only United States athlete to win an Olympic gold medal for boxing during the Summer Olympic Games in Japan, despite breaking a thumb and fighting with a broken hand;

Whereas, upon becoming a professional boxer in 1965, Joe Frazier was known for having a powerful left hook, which led Frazier to defeat his first 11 opponents;

Whereas Joe Frazier defeated Jimmy Ellis, the World Boxing Association heavyweight champion, in 1970 and held the heavyweight title until 1973;

Whereas, on March 8, 1971 in Madison Square Garden, Joe Frazier became the first boxer to defeat Muhammad Ali, throwing a devastating left hook in the 15th round that ultimately led to a victory by decision;

Whereas, in 1971, Joe Frazier became the first African-American man since the Civil War to address the South Carolina State Legislature in Columbia, South Carolina;

Whereas, in 1975, arch-rivals Joe Frazier and Muhammad Ali met in the “Thrilla in Manila” for the third and final fight between the two men, and a battered, bruised, and nearly blind Frazier lost by technical knockout when his trainer pulled him from the fight in the 14th round;

Whereas, after retiring from boxing, Joe Frazier mentored youth boxers in Philadelphia and encouraged the boxers to lead productive lives and avoid violence;

Whereas Joe Frazier personified the fighting spirit of the city of Philadelphia;

Whereas Joe Frazier was inducted into the International Boxing Hall of Fame in 1990;

Whereas Joe Frazier finished his boxing career with 32 wins, of which 27 were knockouts, 4 losses, and 1 draw; and

Whereas “Smokin’” Joe Frazier epitomized 1 of the greatest eras in boxing, rising from humble origins on a South Carolina farm to become the heavyweight boxing world champion, and inspiring a generation of Americans: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Joe Frazier;

(2) honors the life and accomplishments of Joe Frazier, an American champion and a world renowned boxing legend; and

(3) offers the deepest condolences of the Senate to the family of Joe Frazier.

AMENDMENTS SUBMITTED AND PROPOSED

SA 929. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 929. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ VETERANS FRANCHISE FEE CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 45S. VETERANS FRANCHISE FEE CREDIT.

“(a) VETERANS FRANCHISE FEE CREDIT.—

“(1) IN GENERAL.—For purposes of section 38, the veterans franchise fee credit determined under this section for the taxable year is an amount equal to 25 percent of the qualified franchise fees paid or incurred by a veteran during the taxable year.

“(2) LIMITATION.—The amount allowed as a credit under paragraph (1) with respect to the purchase of any franchise shall not exceed \$100,000.

“(b) REDUCTION WHERE FRANCHISE NOT 100 PERCENT VETERAN-OWNED.—In the case of any franchise in which veterans do not own 100 percent of the stock or of the capital or profits interests of the franchise, the credit under subsection (a) shall be the credit amount determined under such subsection, multiplied by the same ratio as—

“(1) the stock or capital or profits interests of the franchise held by veterans, bears

“(2) to the total stock or capital or profits interests of the franchise.

For purposes of this subsection, the spouse of a veteran shall be treated as a veteran.

“(c) QUALIFIED FRANCHISE FEE.—For purposes of this section, the term ‘qualified franchise fee’ means any one-time fee required by the franchisor when entering into a franchise agreement with a veteran as the franchisee.

“(d) OTHER DEFINITIONS.—For purposes of this section, the terms ‘franchise’, ‘franchisee’, ‘franchisor’, and ‘franchise fee’ have the meanings given such terms in part 436 of title 16, Code of Federal Regulations (as in effect on January 1, 2009).

“(e) VETERAN.—The term ‘veteran’ has the meaning given such term by section 101 of title 38, United States Code.

“(f) ELECTION.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.”.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following new paragraph:

“(37) the veterans franchise fee credit determined under section 45S(a).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45S. Veterans franchise fee credit.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2010.

(e) PUBLICATION OF INFORMATION BY DEPARTMENT OF VETERANS AFFAIRS AND SMALL BUSINESS ADMINISTRATION.—The Administrator of the Small Business Administration and the Secretary of Veterans Affairs shall publicize in mailings and brochures sent to veterans service organizations and veteran advocacy groups information regarding discounted franchise fees under section 45S of the Internal Revenue Code of 1986 and other information about the program established under amendments made by this Act.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, November 15, 2011, at 2:30 p.m. in SD-430 to conduct a hearing entitled “Medical Devices: Protecting Patients and Promoting Innovation.”

For further information regarding this hearing, please contact the committee staff on (202) 224-7675.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 9, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Securing Our Nation’s Transportation System: Oversight of Transportation Security Administration’s Current Efforts.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC
WORKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 9, 2011, at 10 a.m. in room SD-406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 9, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH
AND CENTRAL ASIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 9, 2011, at 2:30 p.m., to hold a Near Eastern and South and Central Asian Affairs subcommittee hearing entitled, “U.S. Policy in Syria.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRIVACY, TECHNOLOGY, AND
THE LAW

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Privacy, Technology,

and the Law, be authorized to meet during the session of the Senate on November 9, 2011, at 2:30 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled, “Your Health and Your Privacy: Protecting Health Information in a Digital World.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that David Goldman, a detailee from the Federal Communications Commission to the Commerce Committee, be given floor privileges during the debate on Senate Joint Resolution 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that an intern from Senator MERKLEY’s office, Jeff Whitmore, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

**GRANTING THE CONGRESSIONAL
GOLD MEDAL**

Mr. BENNET. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2447 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2447) to grant the congressional gold medal to the Montford Point Marines.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNET. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2447) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING PRINTING OF A REVISED SENATE RULES AND MANUAL

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 318, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 318) to authorize a printing of a revised edition of the Senate Rules and Manual.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I further ask that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 318) was agreed to, as follows:

S. RES. 318

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 112th Congress;

(2) the manual shall be printed as a Senate document; and

(3) in addition to the usual number of copies, 1,500 copies of the manual shall be bound, of which—

(A) 500 paperbound copies shall be for the use of the Senate; and

(B) 1,000 copies shall be bound (550 paperbound; 250 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

HONORING THE LIFE AND LEGACY OF JOE FRAZIER

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 319, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 319) honoring the life and legacy of Joe Frazier.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 319) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 319

Whereas boxing legend “Smokin’” Joe Frazier lost a battle with liver cancer on November 7, 2011;

Whereas, with the passing of Joe Frazier, the State of South Carolina and the United States lost 1 of the greatest heavyweight boxing champions of the modern era;

Whereas Joe Frazier was born on January 12, 1944, to a farmer in Beaufort, South Carolina;

Whereas, in Beaufort, South Carolina, Joe Frazier discovered the passion for boxing that would ultimately lead him to greatness;

Whereas Joe Frazier left his childhood home and began to work in a meat packing company based in Philadelphia, Pennsylvania;

Whereas Joe Frazier trained in a Philadelphia Police Athletic League gymnasium to prepare for his first amateur fights;

Whereas, in 1964, Joe Frazier became the only United States athlete to win an Olympic gold medal for boxing during the Summer Olympic Games in Japan, despite breaking a thumb and fighting with a broken hand;

Whereas, upon becoming a professional boxer in 1965, Joe Frazier was known for having a powerful left hook, which led Frazier to defeat his first 11 opponents;

Whereas Joe Frazier defeated Jimmy Ellis, the World Boxing Association heavyweight champion, in 1970 and held the heavyweight title until 1973;

Whereas, on March 8, 1971 in Madison Square Garden, Joe Frazier became the first boxer to defeat Muhammad Ali, throwing a devastating left hook in the 15th round that ultimately led to a victory by decision;

Whereas, in 1971, Joe Frazier became the first African-American man since the Civil War to address the South Carolina State Legislature in Columbia, South Carolina;

Whereas, in 1975, arch-rivals Joe Frazier and Muhammad Ali met in the “Thrilla in Manila” for the third and final fight between the two men, and a battered, bruised, and nearly blind Frazier lost by technical knockout when his trainer pulled him from the fight in the 14th round;

Whereas, after retiring from boxing, Joe Frazier mentored youth boxers in Philadelphia and encouraged the boxers to lead productive lives and avoid violence;

Whereas Joe Frazier personified the fighting spirit of the city of Philadelphia;

Whereas Joe Frazier was inducted into the International Boxing Hall of Fame in 1990;

Whereas Joe Frazier finished his boxing career with 32 wins, of which 27 were knockouts, 4 losses, and 1 draw; and

Whereas “Smokin’” Joe Frazier epitomized 1 of the greatest eras in boxing, rising from humble origins on a South Carolina farm to become the heavyweight boxing world champion, and inspiring a generation of Americans: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Joe Frazier;

(2) honors the life and accomplishments of Joe Frazier, an American champion and a world renowned boxing legend; and

(3) offers the deepest condolences of the Senate to the family of Joe Frazier.

ORDERS FOR THURSDAY, NOVEMBER 10, 2011

Mr. BENNET. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, November 10, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; and that following morning business, the Senate proceed to the consideration of the motion to proceed to S.J. Res. 27, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNET. Mr. President, there will be two rollcall votes around noon tomorrow on motions to proceed to the joint resolutions of disapproval regarding net neutrality and cross-border air pollution.

There will be an additional four rollcall votes around 2:30 p.m. in relation to H.R. 674, the 3 Percent Withholding Repeal and Jobs Act, with the veterans jobs amendment, and the motion to proceed to H.R. 2354, the Energy and Water appropriations bill. Senators should be aware we may get consent to begin the second series of votes earlier.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Thursday, November 10, 2011, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 10, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 15

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Federal Housing Finance Agency.

SD-538

Budget

To hold hearings to examine the economic effects of fiscal policy choices.

SD-608

Energy and Natural Resources

To hold hearings to examine the Department of Energy's Quadrennial Technology Review (QTR), and S. 1703, to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and S. 1807, to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs.

SD-366

10:30 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Belarus, focusing on the ongoing crackdown and forces for change, including the extent and impact of the crackdown on the lives of its victims and on the larger society, and what more can be done by the United States and European partners to promote democratic change in Belarus.

210, Cannon Building

2:15 p.m.

Foreign Relations

Business meeting to consider S. Res. 227, calling for the protection of the Mekong River Basin and increased United States support for delaying the

construction of mainstream dams along the Mekong River, S. Res. 316, expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution, S. Res. 317, expressing the sense of the Senate regarding the liberation of Libya from the dictatorship led by Muammar Qaddafi, and the nominations of Michael Anthony McFaul, of California, to be Ambassador to the Russian Federation, Roberta S. Jacobson, of Maryland, to be Assistant Secretary for Western Hemisphere Affairs, Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador, and Elizabeth M. Cousens, of Washington, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, all of the Department of State, and routine lists in the Foreign Service.

S-116, Capitol

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, and Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of Virginia, both to be a Federal Trade Commissioner.

SR-253

Judiciary

Crime and Terrorism Subcommittee

To hold hearings to examine the "Fix Gun Checks Act", focusing on better state and Federal compliance, and smarter enforcement.

SD-226

Health, Education, Labor, and Pensions

To hold hearings to examine medical devices, focusing on protecting patients and promoting innovation.

SD-430

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

3 p.m.

Banking, Housing, and Urban Affairs

Financial Institutions and Consumer Protection Subcommittee

To hold hearings to examine financial security issues facing older Americans.

SD-538

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security.

SD-342

NOVEMBER 16

9 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine contractors.

SD-342

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine a progress report on management and structural reforms at the Securities and Exchange Commission (SEC).

SD-538

10:30 a.m.

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the need for continued innovation in forecasting and prediction.

SR-253

2 p.m.

Joint Economic Committee

To hold hearings to examine manufacturing in the United States of America, focusing on paving the road to job creation.

SH-216

2:30 p.m.

Budget

To hold hearings to examine improving regulatory performance, focusing on lessons from the United Kingdom.

SD-608

Judiciary

To hold hearings to examine certain nominations.

SD-226

NOVEMBER 17

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Secretary of the Interior's Order No. 3315 to consolidate and establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management.

SD-366

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

NOVEMBER 30

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.

SR-418

DECEMBER 6

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Express Scripts/Medco merger.

SD-226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—Thursday, November 10, 2011

The House met at 2:30 p.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 10, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain, offered the following prayer:

Father God, as we look forward to Veterans' Day, we are humbled to realize that so many of our Nation's men and women have served in our Armed Forces in peace and war. We are humbled as well to realize that peace comes at a high cost.

We pray for all veterans serving on Capitol Hill and their family members. We also pray for those who have suffered wounds and disabilities as a result of their military service.

But, most of all, Lord God, we honor those who have given the last full measure of devotion on behalf of our great Nation and their loved ones.

God bless all servants of liberty, and God bless America.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 10, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 10, 2011 at 11:23 a.m.:

That the Senate passed without amendment H.R. 2447.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on November 9, 2011, at 12:54 p.m., and said to contain a message from the President whereby he transmits a notice concerning the national emergency with respect to weapons of mass destruction.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-71)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a

notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938, as amended, is to continue in effect for 1 year beyond November 14, 2011.

BARACK OBAMA.
THE WHITE HOUSE, November 9, 2011.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 7, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on November 7, 2011, at 3:50 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with Iran first declared in Executive Order 12170 of November 14, 1979.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-72)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice

stating that the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, is to continue in effect beyond November 14, 2011.

Our relations with Iran have not yet returned to normal, and the process of implementing the agreements with Iran, dated January 19, 1981, is still under way. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2011.

BARACK OBAMA.

THE WHITE HOUSE, November 7, 2011.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore Mr. HARRIS:

H.R. 2447. An act to grant the congressional gold medal to the Montford Point Marines.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1487. To authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday next.

There was no objection.

Accordingly (at 2 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, November 14, 2011, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3786. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Admiral Gary Roughead, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

3787. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF [Release No.: IA-3308; File No.: S7-05-11] (RIN: 3235-AK92) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3788. A letter from the Assistant Attorney General, Department of Justice, transmitting a report entitled "Office of Juvenile

Justice and Delinquency Prevention (OJJDP) Annual Report 2009", pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

3789. A letter from the Section Chief — Division of Individual Exemptions, Department of Labor, transmitting the Department's final rule — Prohibited Transaction Exemption Procedures; Employee Benefit Plans (RIN: 1210-AB49) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3790. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2010 Performance Report to Congress for the Food and Drug Administration's Office of Combination Products required by the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

3791. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

3792. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

3793. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's 2011 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

3794. A letter from the Director, Office of Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2011 through September 30, 2011, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 112—70); to the Committee on House Administration and ordered to be printed.

3795. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Supreme Court will open the October 2011 Term on Monday, October 3, 2011 at 10:00 a.m. and will continue until all matters before the Court ready for argument have been disposed of or decided; to the Committee on the Judiciary.

3796. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Department's final rule — Surety Bond Guarantee Program; Timber Sales (RIN: 3245-AG14) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3797. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning Jan-

uary 1, 2012 [CMS-8045-N] (RIN: 0938-AQ16) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3798. A letter from the Inspector General, Department of Health and Human Services, transmitting the final report entitled "Higher Rebates for Brand-Name Drugs Result in Lower Costs for Medicaid Compared to Medicare Part D" (OEI-03-10-00320); jointly to the Committees on Energy and Commerce and Ways and Means.

3799. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Final Waivers in Connection With the Shared Savings Program [CMS-1439-IFC] (RIN: 0938-AR30) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3800. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; End-Stage Renal Disease Prospective Payment System and Quality Incentive Program; Ambulance Fee Schedule; Durable Medical Equipment; and Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies [CMS-1577-F] (RIN: 0938-AQ27) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3801. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Medicare Shared Savings Program; Accountable Care Organizations [CMS-1345-F] (RIN: 0938-AQ22) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3802. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2012 [CMS-1353-F] (RIN: 0938-AQ30) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3803. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment; Ambulatory Surgical Center Payment; Hospital Value-Based Purchasing Program; Physician Self-Referral; and Patient Notification Requirements in Provider Agreements [CMS-1525-FC] (RIN: 0938-AQ26) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3804. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Payment Policies Under the Physician Fee Schedule, Five-Year Review of Work Relative Value Units, Clinical Laboratory Fee Schedule: Signature on Requisition, and Other Revisions to Part B for CY 2012 [CMS-1524-FC and CMS-1436-F] (RIN: 0938-AQ25 and 0938-AQ00) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3805. A letter from the Assistant Attorney General, Department of Justice, transmitting third quarterly report of FY 2011 on the

Uniformed Services Employment and Reemployment Rights Act; jointly to the Committees on the Judiciary and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2839. A bill to suppress the threat of piracy on the high seas, and for other purposes (Rept. 112-273, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 1299. A bill to achieve operational control of and improve security at the international land borders of the United States, and for other purposes; with an amendment (Rept. 112-274). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 704. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program (Rept. 112-275). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 3094. A bill to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act; with an amendment (Rept. 112-276). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 822. A bill to amend title 18, United States Code, to provide a national standard in accordance with which non-residents of a State may carry concealed firearms in the State; with an amendment (Rept. 112-277). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 10. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; with an amendment (Rept. 112-278, Pt. 1). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 588. A bill to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge (Rept. 112-279). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1408. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; with an amendment (Rept. 112-280). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Armed Services discharged from further consideration. H.R. 2839 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clauses 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1981. A bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses; with an amendment, (Rept. 112-281, Pt. 1); referred to the Committee on Energy and Commerce for a period ending not later than December 9, 2011.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 10. Referral to the Committee on Rules extended for a period ending not later than November 22, 2011.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington (for himself and Mr. SIMPSON):

H.R. 3397. A bill to modify the Forest Service Recreation Residence Program by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself, Mr. BLUMENAUER, Mr. DEFazio, Mr. DICKS, Ms. ESHOO, Mr. GARAMENDI, Ms. LEE of California, Ms. MATSUI, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mr. MORAN, Mrs. NAPOLITANO, Mr. SCHRAEDER, Ms. SPEIER, Mr. STARK, and Ms. WOOLSEY):

H.R. 3398. A bill to authorize the restoration of the Klamath Basin and the settlement of the hydroelectric licensing of the Klamath Hydroelectric Project in accordance with the Klamath Basin Restoration Agreement and the Klamath Hydroelectric Settlement Agreement in the public interest and the interest of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM (for himself and Mr. CARNEY):

H.R. 3399. A bill to amend titles XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT (for himself, Mr. JORDAN, Mr. SCALISE, Mr. MULVANEY, Mr. HUELSEKAMP, Mr. LABRADOR, Mr. WALSH of Illinois, Mr. DUNCAN of South Carolina, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. PENCE, Mrs. HARTZLER, Mrs. LUMMIS, Mr. POE of Texas, and Mr. GOWDY):

H.R. 3400. A bill to spur economic growth and create jobs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, the Judiciary,

ary, Oversight and Government Reform, Natural Resources, Small Business, Transportation and Infrastructure, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACK:

H.R. 3401. A bill to apply counterinsurgency tactics under a coordinated and targeted strategy to combat the terrorist insurgency in Mexico waged by transnational criminal organizations, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Homeland Security, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ (for herself, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, Mr. ACKERMAN, Ms. MOORE, Mr. DEFazio, Mr. TOWNS, Mr. HOLT, Mr. BISHOP of New York, Mrs. CHRISTENSEN, Ms. WASSERMAN SCHULTZ, Mr. AL GREEN of Texas, Mr. COURTNEY, Mr. DOYLE, Mr. WELCH, Mr. MICHAUD, Ms. LEE of California, Mr. FATTAH, Mr. HIGGINS, Ms. SCHAKOWSKY, Mr. NADLER, Mr. MEEKS, Mr. FITZPATRICK, Ms. WILSON of Florida, Mr. ALTMIRE, Mr. GARAMENDI, Mr. PRICE of North Carolina, and Mr. CLAY):

H.R. 3402. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employing returning heroes and wounded warriors; to the Committee on Ways and Means.

By Mr. WALSH of Illinois:

H.R. 3403. A bill to repeal the proposed rule of the Agricultural Marketing Service relating to the establishment of a Christmas tree promotion, research, and information program and the assessment of fees to fund such program; to the Committee on Agriculture.

By Mr. SCALISE (for himself, Mr. ROHRBACHER, Mr. MCCAUL, and Mr. HULTGREN):

H.J. Res. 85. A joint resolution disapproving the rule of the Agricultural Marketing Service of the Department of Agriculture with respect to the establishment of a Christmas tree promotion, research, and information program; to the Committee on Agriculture.

By Mr. BILIRAKIS:

H. Con. Res. 87. Concurrent resolution expressing the sense of Congress that an appropriate site at the former Navy Dive School at the Washington Navy Yard should be provided for a memorial to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world; to the Committee on Armed Services, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself, Mr. GALLEGLY, Mr. BARLETTA, Mr. GOMMERT, and Mr. JONES):

H. Res. 461. A resolution to support the goals and ideals of the National Day of Remembrance of Victims of Illegal Aliens; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HASTINGS of Washington:

H.R. 3397.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2

By Mr. THOMPSON of California:

H.R. 3398.

Congress has the power to enact this legislation pursuant to the following:

This bill is constitutionally authorized by clause 3 of section 8 of article I, which gives Congress the power to regulate Commerce among States and with the Indian Tribes. Authorization also lies in the "general welfare" language found in clause 1 of section 8 of article I, commonly referred to as the Spending Clause.

By Mr. ROSKAM:

H.R. 3399.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 states The Congress shall have Power To provide . . . for the . . . general Welfare of the United States.

By Mr. GARRETT:

H.R. 3400.

Congress has the power to enact this legislation pursuant to the following:

Title I of this legislation will reduce the tax burden of American families and businesses. Congress is granted this power by Article I, Section 8, Clause 1 of the Constitution. The Spending Clause states that Congress "shall have the Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the debts and provide for the general Welfare of the United States . . ."

Title II and Title III of this legislation will reduce the federal regulatory burden that has hampered the ability to create jobs and produce energy in the United States. Congress is granted this power by Article I, Section 8, Clause 3 of the Constitution. The

Commerce Clause states that Congress "shall have power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

This legislation, by the authority granted in the aforementioned clauses in the United States Constitution, would foster economic growth and job creation by alleviating the stifling tax and regulatory burdens currently imposed by the federal government on individuals, families, and business, and thus take a significant step toward restoring the proper balance of power between the federal government and private citizens that the Founding Fathers envisioned.

By Mr. MACK:

H.R. 3401.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Ms. SCHWARTZ:

H.R. 3402.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. WALSH of Illinois:

H.R. 3403.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution. "The Congress shall have power to lay and collect taxes, duties, imposts and excises . . ."

By Mr. SCALISE:

H.J. Res. 85.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, clause 2

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. GARY G. MILLER of California.

H.R. 721: Mr. DOYLE and Ms. LEE of California.

H.R. 729: Ms. SLAUGHTER.

H.R. 880: Mr. COFFMAN of Colorado and Mr. GUTHRIE.

H.R. 1063: Mr. LUETKEMEYER.

H.R. 1093: Mr. YODER.

H.R. 1173: Mr. GIBBS, Mr. STIVERS, and Ms. HAYWORTH.

H.R. 1195: Ms. SLAUGHTER.

H.R. 1221: Mr. GERLACH.

H.R. 1370: Mr. GIBBS.

H.R. 1505: Mr. PEARCE.

H.R. 1614: Mr. BISHOP of Utah and Mr. MICHAUD.

H.R. 1639: Ms. BERKLEY.

H.R. 1681: Mr. ISRAEL.

H.R. 1744: Mr. POSEY.

H.R. 1811: Mr. MURPHY of Pennsylvania and Mr. FILNER.

H.R. 1830: Mr. WALBERG.

H.R. 1985: Ms. LEE of California.

H.R. 2051: Mr. TURNER of Ohio, Mr. REICHERT, and Mr. REHBERG.

H.R. 2182: Mr. BURTON of Indiana, Mr. BUTTERFIELD, and Mr. GUTHRIE.

H.R. 2319: Mr. SAM JOHNSON of Texas.

H.R. 2417: Mr. PETERS and Mr. CLARKE of Michigan.

H.R. 2502: Mr. PLATTS and Ms. SCHAKOWSKY.

H.R. 2539: Mrs. MCCARTHY of New York.

H.R. 2568: Mr. RIVERA.

H.R. 2695: Mr. FRANK of Massachusetts.

H.R. 2815: Mr. LUJÁN.

H.R. 2874: Mr. AUSTRIA, Mrs. BLACKBURN, Mr. AUSTIN SCOTT of Georgia, Mr. GOWDY, and Mr. BOUSTANY.

H.R. 2945: Mr. COFFMAN of Colorado and Mr. GARY G. MILLER of California.

H.R. 3059: Mr. RIBBLE, Mr. GINGREY of Georgia, Mr. CRENSHAW, Mr. ROE of Tennessee, and Mr. HIMES.

H.R. 3158: Mr. HUIZENGA of Michigan, Mr. JONES, and Mr. BOREN.

H.R. 3265: Mr. TIPTON.

H.R. 3320: Mr. SABLAN.

H.R. 3333: Ms. ESHOO.

H.R. 3372: Mrs. BIGGER.

H.J. Res. 83: Mr. SCHIFF and Mr. SARBANES.

H. Res. 99: Mr. MCDERMOTT.

H. Res. 137: Ms. FUDGE and Mr. HANNA.

H. Res. 282: Ms. HIRONO, Mr. MCDERMOTT, and Mr. BLUMENAUER.

SENATE—Thursday, November 10, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, You have commended the light to shine out of darkness. Accept our gratitude for Your bountiful mercies.

As our Nation prepares to celebrate another Veterans Day, we praise You for the heroism of those who died to keep America free and for Your loving providence that continues to sustain this land we love. Lord, thank You for the legacy of service and sacrifice perpetuated by our military members and their families, and we ask You to continue to protect those in harm's way. As we honor the memories of those who gave the last full measure of devotion, infuse us with a greater determination to protect and preserve the liberties upon which our Republic was founded.

Use our Senators today as instruments of Your peace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, November 10, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 10 a.m. At 10 a.m., the Senate will begin consideration of the motion to proceed to S.J. Res. 27, with 2 hours of debate.

Around noon, there will be two roll-call votes on the motions to proceed to the joint resolutions of disapproval regarding net neutrality and cross-border air pollution.

An additional series of votes in relation to H.R. 674, the 3% Withholding Repeal and Job Creation Act with the veterans jobs amendment, and a cloture vote on the motion to proceed to H.R. 2354, the Energy and Water appropriations bill, will occur later in the afternoon. These votes are currently scheduled for 2:30 p.m. today, but we expect to get a unanimous consent agreement to begin those as early as 1:45 p.m. today.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time under the previous order for resumption of consideration of H.R. 674 be modified for the Senate to resume consideration of the bill at 1:30 p.m., with all other provisions of the previous order remaining in effect; further, that all after the first vote be 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. With this agreement, the Senate will resume consideration of the bill at 1:30 p.m., with up to 15 minutes of debate prior to the votes. There will be a series of up to four rollcall votes beginning around 1:45 p.m.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

JOBS CREATION

Mr. MCCONNELL. Mr. President, I would like to start today on a positive note. Later this very day, the two parties will come together to do something we haven't been doing enough of around here: we will pass a jobs bill on a bipartisan basis, and then we will send it back to the House, where we hope it will pass shortly. In other words, we are going to legislate. I know that might sound a little like a groundbreaking idea to some of my

colleagues on the other side who would rather spend all of their time putting together legislation aimed at sending a political message, but hopefully today's votes will help change that.

As I have been saying for weeks now, we have two choices: We can either acknowledge the fact that we live in a two-party system and work together on legislation both parties can embrace or we can spend our time, as Democrats have for the past 2 months, putting together legislation that is designed to fail.

House Republicans have chosen the former approach. Since taking over the majority earlier this year, they have searched for common ground when it comes to jobs legislation, and they have found it, passing more than 20 bills aimed at spurring the economy and creating jobs that have attracted strong bipartisan support.

Meanwhile, the Democratic majority here in the Senate has opted for the latter approach. Taking their cues from the political team down at the White House, Senate Democrats have spent most of their time trying to make Republicans look bad instead of looking for ways to work with us on meaningful jobs legislation.

But today they have taken a break from all that, and I am pleased to say the two parties will pass two important pieces of jobs legislation: Senator BROWN's 3 percent withholding bill, which eases the burden on government contractors, freeing up more money they can use to expand and to hire, and a veterans bill sponsored by Senator MURRAY that not only helps returning veterans but the businesses that hire them.

On their own, these bills won't solve our jobs crisis—far from it. No single piece of legislation can. But this attempt at bipartisanship that has been used to get them over the finish line represents our best shot at making progress on jobs and the economy as long as Republicans have the majority in one half of Congress and Democrats have the majority in the other. We can still improve on the process, of course, through greater consultation within the committee of jurisdiction, but it is a good start nonetheless. This is how divided government works—through genuine cooperation and a search for common ground. It is what Republicans on the joint committee have been doing these past several weeks, and it is what House Republicans have been doing for the past year on legislation of the kind we will actually pass today.

This isn't to say we shouldn't have open, full-throated debates that showcase our differences. The two parties clearly have different points of view when it comes to restoring the economy and creating jobs. That is why we will also have a vote today for the McCain-Paul-Portman bill, which aims at unleashing the private sector instead of shackling it with more government, as our Democratic friends propose. The McCain-Paul-Portman bill is a clear alternative to the President's failed model of endless stimulus. Members should have a chance to express their support for it, and I am glad we will, even as we vote on things on which we can all agree.

So my message is this: Let's keep it up. Let's build on today's success and move on to some of the other jobs bills that have already passed the House on a very broad bipartisan basis. I have highlighted two of them already. Today, I will highlight two more: the Access to Capital for Job Creators Act, H.R. 2940, and the Entrepreneur Access to Capital Act, H.R. 2930—two bills that make it easier for small businesses to raise money in innovative ways from small donors, generally over the Internet, often through social media. Here is a way to enable the little guy to raise money for his or her business and let small investors get into the game too. We all know access to capital is one of the key ingredients to economic growth. Here is a way to make it easier for folks to get that capital that also creates new avenues for the little guy to invest. Senators THUNE and SCOTT BROWN have companion bills here in the Senate. We should take them up and we should pass them.

You don't hear a lot about Republicans and Democrats agreeing on legislation these days, but here is some on which we do actually agree. So I would say let's take them up, pass them, and send them to the President for his signature. The Obama administration has already said it supports these ideas, and 169 Democrats in the House voted for one of these bills last week, with 175 voting for the other. Republicans support both overwhelmingly as well. So let's do it. Let's build on the momentum we have today, after passing the 3-percent withholding and the Veterans bill. Let's show the American people we have discovered and embraced a formula for success around here.

VETERANS DAY 2011

Mr. MCCONNELL. Mr. President, tomorrow is a very important day—Veterans Day—a day we set aside to honor the service and sacrifice of the heroic men and women who have served in the U.S. Armed Forces. America remains a beacon of freedom throughout the world today because of the commit-

ments and sacrifices they have made. Over the years, many brave Americans donned their country's uniform to ensure we would remain safe and free here at home.

My own State of Kentucky has a proud and honorable military history and today is home to both Fort Knox and Fort Campbell, which together house thousands of soldiers. The Commonwealth is also home to scores of brave National Guard members and reservists. The efforts of our soldiers, sailors, airmen, and marines from Kentucky and all 50 States continue today, as our fighting forces courageously defend freedom from dangerous enemies all around the world.

I have been honored to meet with the families of Bluegrass State servicemembers who have been lost in war. I would like to share with my colleagues a little of what they have told me about how proud they are of their loved ones' service.

One soldier's son said:

Nobody wants to see their father die . . . but to have it be while doing something of this significance, we're proud of him.

Another soldier's widow told me:

There are no great words in a time of deep tragedy. But surely there are great men in the midst of great tragedy.

And I will never forget what a preacher said of his lost congregant:

[He] didn't want to die, he didn't intend to die. But he was willing to lay down his life. That's what a hero is.

On Veterans Day, we pay tribute to everyone who ever bore arms in service of this Nation. We can express our thanks and our gratitude to those who are still with us. And we must honor in our memories those who did not return home.

We pay tribute to the families of our servicemembers, too, because they have made a sacrifice as well by loaning America their sons, daughters, husbands, and wives.

And we pay tribute to the indomitable American spirit that is essential to the survival of liberty. It is thanks to America's veterans and their exceptional service that we have upheld this spirit.

Lastly, I would like to offer best wishes for a happy birthday to our marines deployed across the globe, especially to our Kentucky marines who have been such a source of pride to the Commonwealth.

RECOGNIZING EASTERN KENTUCKY UNIVERSITY

Mr. MCCONNELL. On a related matter, Mr. President, I would like to recognize Eastern Kentucky University, located in Richmond, KY, for all the school has done on behalf of Kentucky's Veterans. EKV has been named one of the top two universities in the Nation for veterans for the second consecutive year. The recognition was

given to EKV by the Military Times EDGE magazine for the university's commitment to helping military veterans advance their education.

EKU has made a concerted effort over the past several years to make the institution more hospitable to America's brave veterans. These initiatives include dropping admission fees for undergraduate veterans, granting in-state tuition to all out-of-State veterans, giving priority registration to veterans, designating housing specifically for student-veterans, and creating a helpful withdrawal and readmission process for veterans.

EKU's commitment to better education for our Nation's heroes has, by all accounts, been a huge success.

In addition to receiving national recognition from the veterans community, the university has seen its veteran population grow by some 40 percent in the last year.

So today, on the eve of Veterans Day, I wish to honor Eastern Kentucky University for its dedication to better serving our country's brave veterans, and to congratulate the university and President Doug Whitlock on this well-deserved recognition.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Wyoming is recognized.

CROSS-BORDER AIR POLLUTION

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the Environmental Protection Agency, the EPA, and their implementing a cap-and-trade program for what is called cross-State air pollution. I oppose this new regulation and I support the resolution of disapproval that we will be voting on later today.

Led by the EPA, Washington bureaucrats are tying up America with red-tape. They are tying up our Nation and they are tying up the American people. This year alone, the EPA has issued over 400 final rules. These are rules that do have the effect of law. Well, that is over two rules per day so far this year for each day the *Federal Register* has been open for business in 2011.

Imagine any business in the United States, in our home communities—

businesses having to comply with two new EPA rules each day you are open for business. And, of course, if you don't comply, then you face thousands of dollars in fines. This is business as usual for the EPA. Thousands of rules are filling the Federal Register, 70,000 pages this year alone. The costs of rules issued this year are estimated to eclipse the \$100 billion mark. It is time to stop Washington bureaucrats. They are issuing excessive rules without considering their impact on our economy.

The problem is that this administration does not believe there is a regulations problem. They think more regulations actually create jobs rather than harm jobs. Fortunately, a previous Congress passed, and President Clinton signed into law, what is called the Congressional Review Act. This law gives us our best tool to dismantle bad regulations, and we should use it when appropriate.

Majority Leader REID, one of the authors of this Congressional Review Act, described the process as a reasonable, sensible approach to regulatory reform. I believe the Senate should use it here today. The Senate should take back some responsibility, instead of letting unelected, unaccountable bureaucrats continue to harm our economy.

I am standing here today to support Senator RAND PAUL's resolution to nullify the EPA's cross-State air pollution rule. The EPA's cross-State air pollution rule was finalized approximately 3 months ago. It is already costing Americans jobs. Over the summer, officials at a Texas utility threw up their hands and said they can't comply. They said it was too costly, too burdensome, and 500 jobs in Texas were lost as a result. The EPA's own estimates say another 2,500 jobs will be lost because of this very regulation. Private sector analysis puts the job and cost numbers much higher.

The cross-State air pollution rule puts limits on electricity generation for over half the country. It forces Washington's heavy hand on over 1,000 coal, gas, and oil-fired facilities across 28 States. Originally designed for States in the East, the EPA now continues to expand the rule to capture more and more States in the West. The newest version of the rule imposes new requirements for Kansas, Oklahoma, Nebraska, Texas, Iowa, Missouri, and Wisconsin. The compliance costs are very high. By the EPA's own estimate, the rule will cost over \$2.4 billion.

The EPA also notes that part of these costs will be passed on to U.S. households in the form of higher electricity rates. The cross-State air pollution rule demonstrates how bureaucrats simply do not understand how job creators work and operate their businesses all across this country.

The implementation timeline the EPA has proposed is nearly impossible to follow. The rule was finalized on Au-

gust 8, which leaves less than 6 months for companies and States to act and meet the new mandates by January of 2012. The Office of Management and Budget even warned that there would be consequences of such a drastic change in such a short amount of time.

In conclusion, this resolution of disapproval will tell the bureaucrats to do their job but do it following the rules of the road. We all want clean air, and we want it done in a responsible way. This EPA is rushing through rules, causing a train wreck in our economy, our jobs, and our competitiveness as a nation will suffer as a result. Senator PAUL's resolution will save at least 3,000 American jobs and also prevent a rise in electricity costs for American families. By adopting this resolution today, we will help our job creators, and help them be more competitive in the global marketplace. It is common sense to rein in the EPA.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I have great respect for my colleague who just spoke but disagree with him, and I urge my colleagues to take a careful look at the Rand Paul resolution of disapproval when it comes to this issue of air pollution. I would commend the remarks of our colleague Senator KELLY AYOTTE of New Hampshire who spoke this Tuesday on the floor of the Senate, urging the same opposition to RAND PAUL's resolution. She said she could not support that resolution. I quote from Senator AYOTTE's floor statement:

The cross-State air pollution rule is designed to control emissions of air pollution that cause air quality problems in downwind States, and New Hampshire is a downwind State.

She went on to argue that this rule, which was first implemented 6 years ago—this is not a new idea coming through this administration; it has been here for years—is simple justice. Why in the world should the people downwind of a polluting State have their lifestyle and opportunity to expand businesses affected? Shouldn't we have reasonable standards that, if the air pollution you put in the air is going to cross over the border—which it naturally will—and affect the air quality in a neighboring State, you have a responsibility? Well, of course you do. But, unfortunately, the position Senator PAUL is taking is that we shouldn't have any standards, we shouldn't have any rules.

I would also suggest that there are utility companies—one that visited my offices yesterday—that agree with my position. They want to have a good rule when it comes to this cross-State air pollution.

John Rowe is the executive of a company named Exelon. Exelon, Common-

wealth Edison, has been around for a number of years. They have acquired plants in many different locations. He was here on the Hill yesterday as a utility executive lobbying against RAND PAUL's resolution of disapproval. If you believe the earlier statements made by my colleague and friend Senator BARRASSO, you would assume the power industry is opposed to the EPA in this position. Not true. Many forward-looking utility executives have made decisions to lessen air pollution. If the Paul resolution is enacted, all of their investment will have been for nothing other than their own self-satisfaction. They have tried to live up to a standard in the law which Senator PAUL now wants to eliminate. That is a mistake. And it is a mistake because it rewards bad conduct.

When we come up with new standards to make America healthier and safer, it is interesting, the reaction. Some corporate leaders, when they hear of a new standard that might make the air cleaner or water purer, say, That is it, we have heard from the government, we have got to go out and hire a lawyer and a lobbyist to fight it. Others say, That is it, we believe the standard is reasonable, we are going to hire the engineers to make it work.

The second approach is one we should reward. The first approach will be rewarded if Senator PAUL has his way and eliminates this air pollution standard.

Yesterday, Lisa Jackson, the Administrator of the Environmental Protection Agency, came in my office and I talked to her. I said that many times we speak about air pollution in the most general and theoretical terms. To me, it is a very personal thing. I invited her and every one of my colleagues, including my colleagues from Wyoming and Idaho and other States, to step forward the next time they visit a classroom in a school and ask a simple question to the students assembled there, a question I ask every time I visit a school. I ask the students: How many of you know someone who is suffering from asthma? Without fail, half of the students or more will raise their hand.

It is a mistake for us to ignore this epidemic of pulmonary disease which is literally claiming lives every single day in our country. It is a mistake for us to ignore the fact that this public health hazard of air pollution makes asthma sufferers suffer even more.

Two weeks ago, I was at the University of Illinois Children's Hospital and met with some of the parents of asthmatic children. It is a heartbreaking situation. I cannot imagine what it is like to be sitting there on the bedside of your daughter or son when they say, I can't breathe. That is the reality of asthma in its worst situation.

Maybe that is not the worst situation. I can recall visiting emergency

rooms at children's hospitals in Chicago and having emergency room physicians say, I have had teenagers walk in here and say, I have asthma, I can't breathe, and I sat there and watched them die. There was nothing I could do about it. That is the reality of asthma and pulmonary disease. That is the reality of pollution. And if Senator PAUL and his followers have their way, we will reduce the standards for clean air in America, we will endanger more people with asthma and pulmonary conditions, and we will pay a heavy price—not just in the human suffering and death but in the health care costs associated with it.

Why is it, when the Republicans are asked to come up with a way to create jobs in America, their first stop is to eliminate the EPA? Why is it that the House of Representatives, Republican-dominated House, boasts that they have a jobs bill, and you look and find they on 168 separate occasions this year tried to take away the authority of the Environmental Protection Agency to protect the air and the water that we drink? Is that the path to economic prosperity in America? The filthy skies we see in some cities around the United States and the smog that is attendant to it? And of course, if you go overseas to China, you can cut the air with a knife 24/7. That is the reality of an unregulated business environment. It is a reality we can change. We can change it with thoughtful regulation, we can change it by dedicating ourselves to public health and safety, and we can change it by supporting those rules which are consistent with improving public health.

I want to salute Senator AYOTTE for her statement on the floor. Senator ALEXANDER of Tennessee joined her. We believe there will be a handful of stalwart Republicans who will step forward with us today to defeat the Paul amendment. They believe, as we do, this is not a partisan issue. It does our country no good to declare war on the Environmental Protection Agency and to leave ourselves vulnerable to all the death and disease that will follow if we don't do something meaningful to deal with air pollution. I think we can, and I think we should, and I hope we can do it on a bipartisan basis.

When I listen to the suggestions about creating jobs, I think many on the other side overlook the obvious. When we are looking for more energy efficiency and cleaner energy, we are pushing the envelope on technology. We are asking for innovation, entrepreneurship, and new employment to reach it. It is an exciting opportunity for us across this country.

Two weeks ago I visited a new coal-fired plant in southern Illinois near my home area where I was born. It is across the road from a coal mine, and they have put on that plant \$1 billion worth of scrubbers and cleaning devices

to reduce air pollution dramatically from where it otherwise would have been in a coal-fired plant. They made the investment because it was the right thing to do, and it is a standard that is moving us forward as a country so we can say to the American people we can produce the energy we need for our economy to create jobs and grow, but do it in a sensible fashion.

If the Republican leadership in the House has its way, the Environmental Protection Agency will all but disappear. Maybe that is their way to expand the economy, but it is not mine. I would rather be creating jobs for energy efficiency and new energy technology right here in the United States, so that we end up with cleaner air and purer water. I would rather do that than watch the RAND PAUL approach pass, and find ourselves creating jobs, sadly, on the backs of those who are suffering from asthma. I don't doubt, if there are more asthmatics, there will be need for more medical professionals, more emergency rooms, more nebulizers, more medical treatment. Those aren't the kinds of jobs we should pointedly try to create. We need those folks, but we shouldn't make their tasks any harder or more difficult by increasing the number of children and young people in America who are suffering from asthma that is the direct consequence of watering down the air pollution laws in a way that Senator PAUL will try to do later today on the floor of the Senate.

Let's have respect for the people who live in this country and the health of their children. Let's vote down this Rand Paul resolution.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The Republican leader is recognized.

DISAPPROVING A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO THE MITIGATION BY STATES OF CROSS-BORDER AIR POLLUTION UNDER THE CLEAN AIR ACT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S.J. Res. 27.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The bill clerk read as follows:

Motion to proceed to the consideration of the joint resolution (S.J. Res. 27) disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided and controlled between the two leaders or their designees.

Who yields time? The Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, I rise today in support of clean air, clean water, electricity, and jobs. I think we can have a clean environment and jobs, but not if we let this administration continue to pass job-killing regulations. These new regulations will cost over \$2 billion, and over the course of a decade or more may well exceed \$100 billion. We add these new regulations to over \$2 trillion worth of regulations already on the books. The President is adding \$10 billion worth of regulations every month, and we wonder—we have 14 million people out of work, 2 million new people out of work since this President took office. Yet we continue to add regulation upon regulation.

So far this year President Obama has added \$80 billion worth of new regulations. If this President is serious about job creation, he needs to cease and desist from adding new job-killing regulations. The vote today has nothing to do with repealing the Clean Air Act. I am sure we will hear hysterics on the other side. We will hear from environmental extremists. But this has nothing to do with repealing the Clean Air Act. We have rules in place to control emissions from our utility plants. We are not arguing against that. In fact, we are arguing for continuing the same rules that have been in place for some time.

Over the decades our environment has become cleaner and cleaner. Emissions have gone down with each successive decade. We are simply asking that the clean air regulations already on the books stay in place and that we do not make the regulations so onerous that we put utility plants out of business so we have an inability to supply electricity to this country.

Over 50 percent of our electricity comes from coal-fired plants. If we shut down the coal-fired plants or if we bankrupt them—as the President explicitly said in his campaign, that would be the desire of his policies—if that should occur, be prepared for brownouts in our big cities, be prepared for days when there will not be electricity, but also be prepared for rising unemployment as these job-killing regulations put a stranglehold on the economy.

The question is, Can we have clean air and jobs? Absolutely. But to have clean air and jobs we must have balance. We are at the point of becoming

so overzealous and of overreaching to such a great extent that we are killing jobs. We are killing industry. We are going backwards in time.

Before we add new regulations we must ask, Are the current regulations working? The answer is an unequivocal yes. Emissions from utility plants have been declining for decades. In fact, while coal-based power has nearly doubled in the last several decades, emissions have been reduced by 60 percent.

I need to repeat that because if we listen to the hysterics, we would think otherwise. We would think the Statue of Liberty will shortly be underwater and the polar bears are all drowning and that we are dying from pollution. It is absolutely and utterly untrue. All of the statistics—and these are statistics from the EPA—all of the statistics from government, from the EPA, show declining pollution. Everything about this argument shows that the environment has been improving for decades. In fact, John Stossel has done a program on this, and he asked fifth graders: Do you think the environment is cleaner now or 30 years ago? All of our schoolchildren have been brainwashed by these environmental hysterics who say, oh, it is a lot worse now. It is actually much better now.

Here are some statistics. We are talking about regulating two emissions that come from utility plants. The first is sulfur dioxide. We can see in the midst of the range, the average has been going down every decade. We have reduced sulfur dioxide just in the last 6 years by 45 percent under the current regulations.

If we look at the nitrous oxides, which are also regulated under this series of regulations, we can also see they have been in decline. The existing rules are working. Nitrous oxides, which can create ozone, are down 45 percent in the last 5 years. The existing rules are working. All we are arguing for is that we not become overzealous, that we not overreach, that the regulators and the regulations not become job-killing regulations. That is where we are headed.

This administration has proposed a series of radical changes to our environmental law. These are regulations that are being written by unelected bureaucrats in which we in Congress are not having a say. What I am asking for today is that Congress vote approval or disapproval of these radical, extremist regulations, these job-killing regulations that are coming down the pike.

If we look at jobs and look at what will happen to jobs, we will see that these regulations—simply this regulation alone—could cost as much as 50,000 jobs. Indirectly, the people who work for them who would be losing their jobs. As much as 250,000 indirect jobs could be lost.

We do need to ask the important question: Are the existing regulations

working or do we need to make the regulations more strict? This is a balancing act. On the one hand we have our environment, which we all care about. No matter what the other side will say, Republicans do believe in clean air and clean water. But we also believe in jobs. It is a balancing act in our country and in all of our communities to try to have both jobs and a clean environment. But we have to look at the facts. We cannot become hysterical and say the other side is for pollution. That is the kind of stuff we are hearing.

We are all for clean air, we are all for clean water, and we are all—or we should all be for jobs. My concern is that the President has allowed radicals to take over the administration. He has allowed environmental extremists to take over policy. As a consequence, we are losing jobs.

It is important to note that people think they will plug their electric cars into the wall and that has nothing to do with coal. Fifty percent of our electricity comes from coal. Does that mean it is perfect? No. But we have to look at the emissions from coal-fired utilities. The emissions have been declining decade after decade.

While coal-fired power has nearly doubled in the last several decades—we are having to produce more electricity from coal in the last several decades—emissions have declined 60 percent. We are doing a good job with the current rules. Let's not kill off industry. Let's not kill off jobs. Let's not put our citizens at risk during the height of the summer and the height of a heat wave of not having electricity or during the height of cold waves in the winter of not having electricity to heat their homes.

The alarmists, such as Al Gore and others, would have us believe everything is worse and the world is on the edge of some sort of cataclysm. If we allow them to control our debate, if we do not talk reasonably and rationally about the facts, if we do not look at the statistics of what has been occurring to control emissions, we are not going to get anywhere. I am asking we base our discussion on rational facts and not on emissions.

To give an idea of where some of these extremists are coming from, there is one of them who is a prominent extremist in this debate. She has called for a planetary law, whatever that is. She wants a planetary law of one child per family because she is worried about the carbon footprint of the worst polluters in the whole world.

But who do we think the worst polluters in the world are? Humans, for breathing. She says we have far too many breathers on the planet and the way we reduce breathers on the planet is we will have one child per family mandated worldwide. We know how China does that.

I don't think we can let the debate get out of control. Today's debate is about overreach. I would like to give an example. Think about what cities looked like in 1900. We have a picture of Pittsburgh, where I was born, in 1905, and then a picture of Pittsburgh today. You may not be able to see the picture from the distance, but we can get an idea.

Throughout Pittsburgh it was smog and pollution. It was heavy. They say at noon on a day in Pittsburgh you could go out and your white shirt would become black. They say at noon in Pittsburgh the street lanterns were on because you could not see through the smog and the smoke.

Here is Pittsburgh today. We are not arguing for no rules. The rules we have in place have been working. What we are arguing is not to let the rules become so overzealous, so onerous, that we kill jobs and we kill industry.

We want a clean environment and jobs. We have to have a balanced approach, and we cannot let hysteria and environmental extremism take over our country. The West led the industrial revolution. Life expectancy has doubled since the discovery of electricity. Childhood infectious mortality has become one-hundredth of what it was before electricity. For all the advances of civilization, there are advantages and there are disadvantages. As we have advanced from an industrial society, there have been problems, but we have been ironing out those problems for 100 years now. We are doing a good job at that, and we should not allow the regulations to become so onerous that we begin to lose jobs.

One of the other things people argue about and one of the big health concerns they have with pollution is with regard to asthma. The interesting thing is, if we look at all the statistics on all the emissions from our powerplants, all these declining lines are emissions. Emissions have been going down decade upon decade. The incidence of asthma has been rising. If we were looking at this chart, we would say maybe emissions declining is inversely proportional to asthma. The other argument could be maybe they are not related at all, but they definitely are not proportional. We are not seeing rising incidents of asthma because we are having increased pollution. We have decreased pollution and rising incidents of asthma. Either they are inversely proportional or not related at all.

This is an important point because what comes out of the hysteria of the environmental extremists is—we will hear people stand and say half a million people are going to die if this goes through. The Vice President recently said Republicans, because they didn't vote for his jobs plan, were for murder and rape. The ridiculousness of these statistics that are trotted out as truth

should be spurned. We should think about things calmly and rationally and decide: Can we have clean air and jobs? When we hear these statistics, let's be very careful not to get carried away.

Joel Schwartz has written about asthma and the environment and pollution and he notes that: As air pollution declines, the asthma prevalence continues to rise. One possible conclusion is that air pollution is not a cause of asthma or not even related. Every pollutant we measure has been dropping for decades pretty much everywhere while asthma prevalence has been rising pretty much everywhere.

The other side will say, but the American Lung Association says pollution is making asthma worse. You know what. The EPA actually gave the American Lung Association \$5 million, so I think their objectivity has been somewhat tainted.

If we look at asthma incidence and we say: Where is asthma the worst, interestingly, asthma is worse in the countries that have the lowest incidence of pollution and asthma is actually lowest in the countries that have the highest evidence of pollution.

As we look through these statistics, we need to be concerned about the costs of these new regulations. We need to be concerned about having balance between job creation and job-killing regulations. I am afraid what happened is we have opened the White House and this administration to environmental extremists, the kind of people who say: The polar bears are drowning. The whole thing on the polar bears drowning was based on the sighting of two polar bears on an iceberg and they all of a sudden maintain this. Once we start counting the polar bears, apparently they are not in decline.

So the statistics and hysteria over whether within 50 years the Statue of Liberty will be underwater, this is the kind of hysteria we don't want to drive policy. It is the kind of hysteria that when our brother-in-law is out of work and when 2 million new people are out of work since this administration came into power, we need to be concerned about regulatory overreach.

Another issue we are concerned about is what will happen with these new regulations with electricity rates. We have a map that shows across the United States what will happen. When we think about our electricity rates going up and the expense to this, think about who gets hit worse, the working class and senior citizens on fixed incomes. They are the ones who will suffer from rising electricity rates. It is the person who depends only on their Social Security check and has no other means of supporting themselves and is trying to pay for their electricity.

In some regions, electricity could go up almost 20 percent with this series of regulations this administration is proposing. This is throughout the country.

It is more in some areas than others, but it will go up dramatically, and that is the danger of allowing these new regulations—what will happen to electric rates and will poor people in the winter or heat of the summer be able to afford their electricity? The cost of these regulations is real. The cost of these regulations will be passed on to the consumer and there are significant dangers of there being periods of times in large cities where there is not enough electricity to go around and the electrical grid is overwhelmed.

As we go forward and as we begin to hear some of the hysteria that will occur from the other side, be aware that what we are arguing for is not the elimination of regulations. We are arguing for continuing the existing regulations, with the two emissions we are talking about have declined significantly over decades. Sulfur dioxide has declined over 70 percent over the last three decades. Nitrous oxide has declined over 50 percent over the last several decades. So the question is, if we are doing an adequate job, if we are doing a good job, if emissions are going down, why would we want to impose new rules that will cause loss of jobs and will cause an increase in rate of electrical costs?

If one is cynical, one of the reasons might be because the President wants to reward some of his campaign contributors; for example, Solyndra. The owners of Solyndra, which makes solar panels—or did. They have now gone bankrupt after they ate up \$500 million worth of our money. Perhaps this is more of a political argument that he doesn't like certain industry but he likes other industry. So he is willing to spend our money, \$500 million worth, on one company.

Solyndra went bankrupt recently, and \$500 million is still a considerable amount of money. I will put that in perspective. In Kentucky, we get over about \$420 million to pave our roads annually out of the gas tax that we pay. There are 35 States that get about the same amount, somewhere under \$500 million. Yet the President saw fit—because he has been consumed with this environmental extremism—to give \$500 million. That is more than 35 States get for their highway funds. He saw fit to take that money and give it to one political contributor because he has decided he wants more expensive electricity. He wants electricity that comes and is produced by people who have been his campaign contributors.

As we look at adding these new regulations, these need to be put in context. We need to look at and seriously think about whether we want our country to be taken over by environmental extremists, whether we want or care about can we have a clean environment and jobs. I think we can have both. I think we can have clean air, clean water, and jobs, but it will require a

balanced approach. My fear is, if these regulations go forward, the balance will become imbalanced, that there will be job-killing regulations that cause electrical rates to go up and cause us to have significantly more economic problems than we are already in.

At this time, I call on my colleagues to consider supporting this resolution, which will be a disapproval of these new and onerous regulations, and I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, would the Chair let me know when I have used 5 minutes, and then I am going to yield to Senator REED for up to 8 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mrs. BOXER. Mr. President, I wish to be clear about this. If the Paul resolution passes—which I don't think it will, it is so extreme—people in 38 States, 248 million people, will be adversely impacted with filthy, dirty air.

In the Senator's own State of Kentucky, the prediction is, based on science, that between 530 people and 1,400 people will succumb to premature death. So we are not talking about some political argument. We are talking about the very life and death of the people we represent. I wish to thank Senators DURBIN, WHITEHOUSE, LAUTENBERG, SHAHEEN, and AYOTTE for already speaking out on the floor against the Paul resolution.

I hope we will have a big vote because we are dealing with the health of the people, with the health of the children, with the ability of people to work—because if we cannot breathe, we cannot work—and we are dealing with jobs, many jobs, over 1 million jobs that are created as a result of clean technology.

Senator PAUL insulted the people of America. There was a poll just taken last month where 67 percent of voters support the cross-state air pollution rule. That is 85 percent of Democrats, 68 percent of Independents, and 48 percent of Republicans. Are they extremists? No. They are mainstream. Are the groups who support this rule extremists?

I think the Senator owes an apology to the American Lung Association for making it sound as if they are for air pollution rules because they are getting some kind of payoff. It is an outrage, a complete outrage. Does he think the National Association of County Health Officials is extremist? He said the American Lung Association. He already attacked them. How about the American Nurses Association, does he think they are extremists? Does he think President Richard Nixon was an extremist when he signed the Clean Air Act and he said: "Clean

air, clean water, open spaces—these should once again be the birthright of every American.” Does he think Richard Nixon was an extremist?

Let’s talk about what he wants to do. He wants to repeal a very important rule that is going to clean up the air, that is going to reduce toxic poison soot and smog-forming air pollution that impacts air quality for over 240 million people.

Let me say this. I know all 100 of us in this Chamber would condemn it if somebody took all their garbage and put it on the lawn of the next-door neighbor. That is what this cross-air pollution rule is about. It is about States that don’t crack down on pollution. They have smokestacks that blow the pollution into other States and they say: Isn’t it wonderful? We don’t have any problem here; it is your problem.

When I made this analogy, Senator CARPER corrected me. He said: The Senator is right. It is a good analogy as far as it goes, but garbage is not usually poison. I will amend my analogy to say this: If we knew that someone had garbage that included poison and they took that garbage that included poison and put it on someone else’s front lawn, that would be a terrible thing to do, and it would be the moral responsibility of that party to clean it up and not do it again. That is what this rule is about.

I wish to talk about specifics rather than be vague. This rule that Senator PAUL seeks to cancel and repeal prevents up to 34,000 cases of premature death, 19,000 emergency room and hospital visits, 400,000 cases of aggravated asthma attacks, and 1.8 million lost work and schooldays. It is estimated to provide up to \$280 billion in annual benefits by 2014.

So all this flailing around of arms and calling people extremists simply cannot erase the fact that what Senator PAUL is doing is extreme and is hurtful to our people.

How many people feel good when they look at a child such as this who is desperately seeking air? Here is the exhaler, this plant, and here is her inhaler. Exhale from these dirty plants and inhale clean air.

It reminds me of a story I just read in the New York Times that talks about China.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mrs. BOXER. I ask unanimous consent for 1 minute, and then I will yield 8 minutes to Senator REED.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. In China, the leaders there are arrogant and they are elitists and they surround themselves with air purifiers in their offices, in their homes, in the great hall of the people where they work, which is opulent, but

the rest of the people in China have to breathe filthy, dirty air. In a recent trip there, our group did not see the sun for 7 days.

“Chinese leaders are largely insulated from Beijing’s famously foul air.” That is the story in the Times. “The privileges of China’s elites include purified air.” Well, I don’t think anybody ought to be able to insulate themselves from the quality of the air. We have to clean up the air for everybody, not just an elite few. So I think Senator PAUL’s resolution under the CRA should be soundly defeated.

At this time, I yield 8 minutes to Senator JACK REED.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I appreciate very much the Senator yielding, but I think the custom is that we are going back and forth, if the Senator from California would like to finish her statement.

Mrs. BOXER. Mr. President, I wish to address that, if I could for a moment, for the benefit of Senator COATS. I was going to speak for a much longer block, but I didn’t. I yielded the time to Senator REED, and I retain the time I have. So I only did it because he was trapped in a hearing. But it is up to the Senators, however they want to proceed.

Mr. REED. I think if the Senator from California wishes to finish her statement and then recognize Senator COATS, that would be appropriate. That is the procedure. I think it is appropriate to alternate back and forth.

Mrs. BOXER. I am happy to do that. I will retain my time and yield to the Senator from Indiana.

Mr. COATS. I thank the Senator from California. I agree with the Senator from Rhode Island. If the Senator from California wants to finish her time, I am happy to—

Mrs. BOXER. I am retaining my time.

Mr. COATS. My understanding is that we are going back and forth, and I think we should stay with that order. So I appreciate the support of the Senator from Rhode Island for that agreed-upon procedure.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I rise in support of Senator PAUL’s resolution. The word “extreme” has gotten thrown around here an awful lot. I just walked on the floor.

What is being sought here is not extreme. Under the Clean Air Act, there have been extraordinary gains in terms of air pollution controls, and there have been hundreds of billions of dollars spent over the last couple of decades to provide some much needed and much appreciated clean air all across the country. Are we 100 percent there yet? No. Are we a long way toward getting there? Yes. The issue before us

today is, can we allow sufficient time for utilities that are spending these hundreds of millions, if not billions, of dollars to continue the process of retrofitting their plants and providing energy to consumers and businesses at a reasonable rate.

In the Midwest where a lot of these plants exist—although this covers 27 States—we make big stuff. We make cars and we make trains and we make automobiles and heavy machinery. It takes electricity to do that. Our economy is not based on maple syrup or wine from Napa Valley, it is based on major, huge industries producing what America needs to move people around and to create the kind of economy all of us have enjoyed. It also provides a lot of jobs. We have spent literally hundreds of billions of dollars in complying with Clean Air Act regulations, and we have come a long way.

There is nothing extreme to talk about here on either side, I believe, because the record speaks for itself. The question is, Do these utilities that produce this energy needed to run this economy have time to finish what they have started? Senator PAUL has basically said: Look, this EPA rule basically says companies have until January 1, and that is it.

I have a plant down on the Ohio River that is spending hundreds of millions of dollars in retrofit, but they can’t meet this deadline. They are now in a position of having to decide whether to throw this money away and to waste everything they have already put in when they are halfway through the process or close the plant down completely.

Six plants will close down in Indiana, it is projected, with an increase in utility rates not just to consumers but to our manufacturers at the level of 20 to 25 to 30 percent. At a time when our economy is struggling, is this something we want to add, particularly for an industry that is committed to going forward but just needs a little bit more time?

That is the purpose of this resolution before us, and I am hoping we will take a reasonable view of the gains we have achieved over the decades we have been at work, the clean air we have achieved, the commitment to the final goal of the Clean Air Act but doing it in a reasonable timeframe in a cost-effective way that doesn’t throw our economy into a further level of distress in terms of the number of jobs we need and the amount of money that has to be spent to achieve that.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong opposition to the proposal by Senator PAUL to preempt the implementation of the cross-state air pollution rule.

We recognize throughout this country our extraordinary employment

challenges—in Rhode Island particularly but in every State. These are challenging times. But our focus should not be on undermining protections for the public health, rather our focus should be on job creation, as the President has suggested through his jobs act. That is what we should be doing.

This is one of a series of proposals—and I have seen many of them as the chairman of the Appropriations Subcommittee on the Interior—to essentially eviscerate the ability of the EPA to protect the health of the country and its people.

What has struck me during these debates is that we are, in a way, victims of our success. I am old enough to remember when the Cuyahoga River in Cleveland was on fire because there was no control, effectively, of what was being dumped into rivers and streams throughout this country, and when clean air was something that was a sought-after goal, not a reality, in so many parts of the country.

We can look at the experience of the State of California, Senator BOXER's State. In 1976, there were regular health advisories because of the poor air. But a combination of EPA regulations and California regulations has seen the average of these health alert days in which the frail and elderly couldn't go outside, young children were advised not to play outside, and it was very difficult to put up with the smog and the congestion, fall from an average of 173 days a year—half the year—in the 1970s to about 6 days per year in the late 2000s. That wasn't an accident; that was because of effective implementation of the Clean Air Act, which, as Senator BOXER pointed out, was spearheaded by President Nixon in the 1970s. This attempt by Senator PAUL is one of many attempts to reverse that progress on the assumption that things will stay the same. No, they will get much worse, actually.

This rule has been carefully evaluated. It has been through several different procedures and rulemaking processes. It has been estimated effectively and carefully that between 13,000 and 34,000 lives would be saved that would otherwise be affected and shortened because of smog and soot pollution. This rule would help avoid 15,000 heart attacks, 400,000 more asthma attacks, 19,000 hospital emergency room visits, all of that tremendous health cost. And indeed the estimated yearly costs to industry of about \$2 billion to \$3 billion pales in comparison to the estimates of the benefits of between \$120 billion to \$280 billion if this rule goes into effect.

The essence of this rule effectively, though, as Senator BOXER also suggests, makes us all better neighbors. We have a 10-percent unemployment rate in Rhode Island, and we do not specialize in wine or maple syrup. We used to be a manufacturing center.

Manufacturing requires electricity. We have very high electricity costs. Why? Because our State has to compensate for the pollution coming from these other States. This is a tax. The present situation, without this rule, is a tax on small business, and particularly manufacturing, in Rhode Island. We want a rule that requires the polluters to pay the full cost of their pollution, so if it is emanating from the Midwest and being transported to Rhode Island, those people creating it should be paying for it. That is the way the market should work. We are paying for it. We are effectively subsidizing lower electricity rates in parts of this country that are taking jobs from Rhode Island. It is not only unfair, it is bad policy.

In Rhode Island specifically, only 5 percent of ozone pollution is from local or instate sources—5 percent. Ninety-five percent comes from outside of our borders, particularly the Midwest. It is transported. That is at the heart of this rule—to give us a chance not only to protect ourselves and to control our own pollution but to not be subject to the additional cost as this pollution moves across the country.

We are in a situation where we are essentially being imposed upon dramatically, and this rule will try to strike the proper balance. It will try to incentivize those producers of pollution to prevent the pollution. It will let us be more competitive. It will allow us to go ahead and essentially have a much more level playing field when it comes to what we are all talking about: creating jobs.

It is awfully tough to go up to Rhode Island and look at businesses that are making progress and being told that one of the key costs is electricity and one of the key factors driving up those costs is all of the pollution control that we have to put in place, not because of what we are generating, but because 95 percent of our pollution is coming from other States.

This rule makes sense in every dimension, and I think to undercut this rule would do a great injustice to the health of the American public and the economic potential of States throughout this country.

Let me say something else too. I think we often see this erroneously as a one-sided cost: Oh, these polluters, these utilities are going to have to put all of these controls on. Well, guess what, they are hiring skilled American workers to put in place products that I hope are produced in America. All that contributes to our economy.

So for many different reasons, I urge my colleagues to oppose this resolution. The rule is efficient. It is effective. It will actually help our economy. It will certainly help the quality of life for Americans in those States that are suffering from the pollution of other States, and that are essentially paying for the pollution of States throughout

the country. If the winds were blowing another way, I daresay many of my colleagues would be standing up and arguing exactly the opposite.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am pleased to support Senator PAUL's work to avail himself of and make use of the Congressional Review Act which establishes a process for Congress to review and nullify unwarranted Federal regulations.

The Congressional Review Act process is rarely used—only successfully on one other occasion since it was created in 1996—but it is a legitimate process, and it is of increasing importance today. This is an opportunity for Members of Congress, who are concerned that regulations are taking over the country, to try to see some of those unwarranted regulations pulled back. It is an opportunity for people to prove they mean what they say when they say that.

The Heritage Foundation published a chart identifying the "Obama Regulation Tsunami." Heritage identified 144 new regulations that were pending in 2011—this year. All of those were expected to cost more than \$100 million—all of them. In 2006, there were 69 such regulations pending. The average number of rules over \$100 million pending during 2001 through 2006 was about 72. Now, during this administration, the average number is not 72; it is about 130. That is an 80-percent increase in the number of pending regulations with costs over \$100 million. So this is a tsunami of costly regulations falling on our economy.

Senator PAUL's resolution seeks to nullify just one of the EPA rules aimed at reducing the use of affordable coal-fired powerplants in 27 specific States, including my State of Alabama.

The rule will increase power bills for people and businesses. There is a range of other new EPA rules that will raise the price of electricity in addition to that rule. This increases the cost of doing business, and it makes our businesses less competitive and results in job losses.

Higher energy costs make American businesses less competitive and less able to create jobs and more likely to invest in other countries than in this country. In an EPW hearing—the Environment and Public Works Committee—last month, we heard testimony that over 180,000 jobs will be lost each year—each year, 180,000 jobs—from 2012 through 2020 as a result of just 4 EPA rules that impact the electric utility sector—just the electric utility sector. One of those four rules is the Cross-State Air Pollution Rule that Senator PAUL's resolution addresses. This is net jobs lost. The evaluation takes into account alleged job gains from the four rules.

Together, the four rules would result in \$21 billion in annual compliance costs and raise residential energy prices by 12 percent in Alabama and even more in other States. A 12-percent increase in residential energy costs is significant. These are working people. If your bill is \$150 a month, it is now going to be \$168 a month. If it is a \$200 bill, it is going to be \$224 a month. That is real money and for gaining not one thing that adds to the productivity of a business or a residence. It is a really significant cost.

Do not think it does not fall on people. We have gotten our mind set in Washington that we can impose a rule and it has costs on businesses but it does not cost us. But in truth, it is the equivalent of a tax. For example, if the government wanted to clean up the air, we could tax the American people, use that money to go to all the powerplants, add extra costly techniques to it, and clean up the air that way. That would be a tax. We would have to defend that to the American people. We would have to justify that this cost we have extracted from them through increased taxes was worth the benefit. But we can wash our hands of it, the way we do business today. We simply pass a law that mandates that these businesses do that, and we pretend it does not impose costs. But the experts say these rules will result in a 12-percent increase in utility rates in Alabama alone. Those are my people—working-class people, middle-class people, poor people who have to have electricity.

An analysis of all the new EPA rules impacting the electric utility sector is even more astounding. Southern Company, which operates in the Southeast, estimates that the capital costs of complying with the full range of proposed EPA rules for coal-fired electric generation would be between \$12 billion and \$15 billion. Costs for Alabama Power, which provides electric power for much of our State, are estimated to be between \$5 billion and \$7 billion. Alabama's general fund budget, not counting education, is \$2 billion. This adds to one power company \$5 billion to \$7 billion in costs. The President and Senate Democrats like to talk about raising taxes on the rich, but their regulations are, in effect, a huge tax increase on everyone, poor and rich alike, in the form of higher energy prices and fewer job opportunities. With unemployment at 9 percent, we need to ask ourselves, Can we afford this kind of increase now?

Nucor Steel pointed out in recent testimony that a 1 cent per kilowatt hour increase in the electricity they buy to make steel would add \$120 million in costs to their company. That was the testimony they gave a few weeks ago at an EPW hearing.

But let's talk for a moment about the specific rule Senator PAUL's resolu-

tion would nullify. The Cross-State Air Pollution Rule mandates that 27 States reduce their sulfur dioxide emissions by 20 percent by 2012 and nitrogen oxide, NO_x, emissions by 50 percent by 2014. Remember, we already brought down emissions of NO_x and sulfur dioxide significantly. Our air is cleaner in virtually every city in America than it was just a few years ago and much cleaner than it was 20 or 30 years ago. We can be thankful that Congress mandated that. And there certainly were objections raised at that time. It did impose costs, as said, but it also has helped clean our air. That is a fact. But I would just say this to you: The lower hanging fruit has already been achieved. America's electric utility industry is operating more efficiently and more effectively today than ever. But a 50-percent reduction in nitrogen oxide emissions by 2014? An additional 20-percent reduction of sulfur dioxide by next year? Utilities will be forced to either install expensive technologies such as scrubbers or shut down their units.

This rule, in combination with other new EPA rules, will be the nail in the coffin for a lot of coal-fired powerplants. They will just close. It will also close coal mines where we produce American energy—not imported energy, American energy. In Texas, one of the State's largest power producers, Luminant, has said the rule would result in 500 job losses due to the closing of units at one of its coal-fired plants and the closing of three nearby coal mines.

There are serious concerns about the new Cross-State Air Pollution Rule. Over 70 parties have challenged it in Federal court, including Alabama's attorney general, Luther Strange, a fine attorney general who works hard every day for the people of Alabama. So have his colleagues in Kansas, Texas, Nebraska, Florida, Oklahoma, South Carolina, Virginia, Georgia, Louisiana, Indiana, Ohio, Wisconsin, and Michigan. Many labor unions are opposing the rule. They know it will hurt jobs.

Before concluding, let me say this: EPA is too often using scare tactics and statistics to push its regulatory agenda. I think that is dangerous. One reason we have seen such a surge in EPA regulations is because in 1 year they got a 35-percent increase in their budget—more than virtually any other agency in Washington.

EPA claims their Cross-State Air Pollution Rule, for example, is necessary to prevent up to 34,000 premature deaths per year—34,000. EPA is actually claiming that without this rule, 34,000 people would die each year. But EPA's basis for this assertion is fundamentally flawed.

First, EPA assumes in its baseline that existing rules are not in place to protect public health. That is absolutely not true. The Bush administra-

tion issued the Clean Air Interstate Rule that requires reductions in the same emissions targeted by this new rule. I am told sulfur dioxide emissions are already down more than 40 percent over the last decade. The same is true for NO_x emissions. This new Cross-State Rule would add even more layers of requirements on top of existing protections and rules, but EPA does not acknowledge that when they do their analysis of the casualties they find. That is the first way they overstate the benefits.

Second, EPA assumes in its baseline that 320,000 deaths per year in the United States are attributed to particulate matter pollution from sources like powerplants. That would be more than 10 percent of all deaths in the United States in a year. Are we to believe that 10 percent of all U.S. deaths are attributable to pollution from powerplants? We have taken extensive testimony in the EPW Committee on this topic, and it is clear that EPA is playing fast and loose, and they are manipulating data, it seems to me pretty clearly. EPA is overstating the benefits of their rules.

Third, EPA does not seem concerned about establishing any direct cause-and-effect relationship; they just rely on statistical relationships. A simple statistical correlation alone does not support a causal connection. For instance, a statistical correlation between ice cream sales and heatstroke does not mean there is a causal connection between them. On hot days, more ice cream is consumed. More people have heatstrokes on hot days. That does not mean there is a cause-and-effect relationship between the two.

So let me conclude by saying this: This administration is overregulating our economy. It is raising the price of energy. These costs and regulations are costing us jobs.

They are using scare tactics to justify their rules with dubious statistics. I know my colleagues will say these statistics are accurate, but I do not believe that these statistics that are coming out of EPA, our government environment and protection agency—the agency we depend on for honesty and integrity—can be defended as accurate. They are exaggerated, and it will be shown sooner or later that is a fact.

I know we want to have cleaner air. We are on a path to having cleaner air. We have been reducing NO_x and SO_x and particulates for years. We can continue to do that. But to talk about a 50-percent reduction in NO_x by 2014 and a 20-percent reduction in SO_x by next year—these are huge changes. After the low-hanging fruit has already been achieved, I do not believe that is justified, and I do not believe it should be pressed down on the brow of an economy that is struggling mightily to get off the mat and begin to grow again.

I yield the floor.

Mr. ALEXANDER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mrs. BOXER. Mr. President, if my colleague would withhold for just 50 seconds.

Mr. ALEXANDER. Sure.

Mrs. BOXER. I thank the Senator.

I would like to make a quick point before my colleague, Senator SESSIONS, leaves the floor.

I want to first of all thank the Senator very much for working with us in the EPW Committee. As I said to the Senator privately, in our committee, when it comes to infrastructure, we are all very closely tied, and we support each other. When it comes to the environment, we see things differently.

I want to say to my friend who is very wise in many ways, I do not know why he would question—he has a total right to question the EPA's assertion—that if we pass the Rand Paul repeal, it would result in 34,000 premature deaths. I want to point out he is not a cardiovascular specialist or a lung specialist. Neither am I. But I think it is important to rely on those who are, such as the American Association of Cardiovascular Pulmonary Rehab, the American Association of Respiratory Care, the College of Preventive Medicine, the Lung Association, the Nurses Association, and I will not go on because I only have 1 minute. But I will list these. I would hope we would look to these groups because I do not know of anyone in this body who is a specialist in cardiovascular or lung conditions. And these groups oppose the Paul resolution because they think people will get ill and they will die prematurely.

I yield 8 minutes to Senator ALEXANDER.

Mr. SESSIONS. Mr. President, will the Senator yield for 30 seconds?

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Alabama.

Mr. SESSIONS. Senator BOXER has done a great job of moving the legislation in committee. I have enjoyed her leadership in committee and the collegial way she has conducted the committee.

I will say to Senator BOXER that the 320,000 number is not correct. EPA should not be using it. We will challenge that. I intend to look at that more, and if they are wrong, I will expect them to acknowledge they are wrong. I believe they are wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I believe I have 8 minutes. I would ask the Chair to let me know when I have 1 minute remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. The Senator from Kentucky wants to overturn a clean air rule which would limit the amount of soot and ozone, the pollution that causes smog, from blowing from Kentucky and other states into Tennessee or that blows from Tennessee into North Carolina. This is no solution to a serious problem.

I want to give the four reasons why I am going to vote no, and why I believe Senator PRYOR of Arkansas and I have a better solution, which is to put the rule into law and give the utilities enough time to comply with it.

Reason No. 1, auto jobs. The first thing Nissan did when it came to Tennessee 30 years ago was to go down to the Air Quality Board and get an air quality permit so it could operate its paint plant. Fortunately, our air was clean enough to allow that to happen. Nissan came, and so did tens of thousands of jobs. If it had not gotten the permit, the jobs would not be there.

Volkswagen has come to Tennessee. We want to make sure its suppliers can get an air quality permit so they do not have to go to other States. So the first reason we need to stop air from blowing into Tennessee from other States is auto jobs.

Second, the Sevier County Chamber of Commerce, right next to the Great Smoky Mountains—that is where Dolly Parton grew up—I walk in to see them, and they say their No. 1 goal is clean air. That is because 9 million tourists come to see the Great Smoky Mountains, not the Great Smoggy Mountains. This is not a group or a hotbed of liberal regulators. These are the most Republican counties in Tennessee. Where I come from, which is the next county over, we have not elected a Democrat to Congress since Abraham Lincoln was President, but we like to breathe clean air. Our tourists do as well.

Tourist jobs are the second reason I am going to vote against the Paul amendment and why I support the Alexander-Pryor amendment.

Three, the American Lung Association tells us that dirty air blowing into Tennessee makes us unhealthier. It causes some of us to die, especially children and our older citizens. No. 4, this is no solution. It has no chance of succeeding. It will not pass the Senate. The President will veto it if it does. And what will it do? It will throw it back to bureaucrats and lawyers and bureaucracy and uncertainty and delay. That is not a solution. So the only reason for it is as a political message. What kind of message is it, that we favor dirty air blowing from Kentucky into Tennessee or Tennessee into North Carolina? That we favor not doing our job, but turning it back to bureaucrats, lawyers, uncertainty and delay? That is not a solution.

If we want a message amendment, there are many better choices. The

Obama administration, particularly the EPA, is a happy hunting ground of unreasonable regulations. There is the boiler MACT rule, which must have been created on another planet. There is the cement MACT rule, which would increase the amount of pollution in the air. There is the ozone rule, which the President himself had to withdraw. There is the power plants coolant rule, which seems to have no benefits. There is even talk of a farm dust rule, which Senator JOHANNIS is talking about. So why aren't we talking about those rules instead of a proposal to make it easier for dirty air to blow into our State, make us unhealthier, drive away tourists, and cost us auto jobs? The Senator from Kentucky says it will cost. His sources say 2 percent. The Tennessee Valley Authority, the largest public utility in the country, says it is \$1 to \$2 a month—\$1 to \$2 a month. That is a reasonable cost for what we are getting.

TVA has said they are closing 18 coal-fired units, but will continue to operate 38 coal-fired units. They are putting pollution control equipment on all of them. That means we are healthier, that means more jobs, that means more tourists. The Senator from Kentucky says emissions are declining. That is true, except in Kentucky they are not declining. Soot went up by 20,000 tons in Kentucky, according to the EPA, between 2009 and 2010. Some of that might blow into Tennessee, drive away jobs, drive away tourists, and make us unhealthy.

The Bush administration had a similar rule to this in 2005. That rule required nearly identical reductions in these two pollutants. Utilities have known since that time—for 6 years—these reduction were coming. Most utilities, like TVA, have complied with it or are beginning to comply with it. If we overturn the rule, it is no solution at all. I am ready for Congress to step up and accept its responsibility and do its job.

Someone said to me: Is that part of your new independence? No. I have had bipartisan clean air legislation in this Congress every year since I have been here, because I think it is our job, not the bureaucrats' job. I was elected to work on jobs and health, not pass the buck to the bureaucrats and lawyers. So I invite my colleagues to join Senator PRYOR and me. Let's put the rule into law. Let's give utilities enough time to comply. They do not have to comply on January 1, 2012. They have to comply 15 months after that in March 2013. We would extend it that time another year giving them two years to comply.

We are going to have a President elected next year. Whoever it is, his or her EPA will write new rules for communities across the country about how clean their air needs to be. If we make it harder for them to do their job, by

allowing dirty air to blow into Nashville and Chattanooga and Memphis and Knoxville from other States, then when Volkswagen suppliers come to the State office to get their clean air permit, they will not get it, and those jobs will go somewhere else.

There is a lot I admire about our neighbors in Kentucky, including their two distinguished Senators. But I do not want their dirty air blowing into Tennessee. And I know North Carolina does not want our dirty air blowing into North Carolina, because they have been suing us for several years about it.

The American people are tired of messaging. I want to see the Great Smoky Mountains, not the Great Smoggy Mountains. I want tourists to come to Tennessee, admire the mountains, and leave their money. I want the Volkswagen suppliers to be able to locate their plants in Tennessee. I want all Tennesseans to be able to grow up healthy and not have to worry about dirty air blowing in from other parts of the country.

The Alexander-Pryor amendment would limit that dirty air. It would help our communities. It would make us healthier. It will create jobs. Let's do our job. I ask my colleagues to vote no on the Paul amendment and become a cosponsor of the Alexander-Pryor amendment to clean up the air and do it in a way that helps utilities provide electricity at the lowest possible cost to the ratepayer.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senator MENENDEZ go for 5 minutes and Senator BLUNT for 10 minutes following that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to support the cross-State air pollution rule that protects downwind eastern States such as New Jersey from upwind power pollution plants' dirty air, and I rise in defense of the lives and the breathable air of the people of New Jersey, all 9 million plus.

Last week I asked the Governor of my State to join this fight. After all, this rule is supported by the New Jersey Chamber of Commerce and our largest utility, because it is good for business. They know it is only fair to level the playing field for New Jersey businesses, since we have already substantially cleaned up our electric generation facilities. We are meeting our obligations.

The rule is supported by just about everyone in the public health community because it will save an estimated 1,200 lives per year in New Jersey beginning in 2014. Nationally, it will save

up to 34,000 lives, prevent 400,000 asthma attacks, and avoid 1.8 million lost sick days per year starting in 2014.

The economic benefits of this rule are estimated to reach anywhere from \$120 billion to \$280 billion each year. We are all focused like a laser beam on the economy, as we should be, on jobs and their creation, as we should be, on reducing deficits and looking at the bottom line. But this rule does not create or force a choice between trying to grow this economy, creating jobs, and reducing deficits. It is a good rule for the economy. It is a good rule for the health and well-being of Americans, particularly those downwind from the toxic emissions of powerplants.

Let's be clear. Corporate coal powerplants enjoy an enormous subsidy that we are trying to repeal with this rule. Those polluters can prematurely end 34,000 lives per year and not have to pay anything for that loss, not have to pay anything for the health care costs of all of those who are afflicted at the end of the day by this dirty air. But yet that cost is borne by all of us at the end of the day. To put 34,000 lives in perspective, that is almost as many American lives as are claimed by breast cancer every year. So I ask my colleagues to join with me and others in voting against the Paul resolution. It is a vote for saving 34,000 lives per year. There are few times in this Chamber where you can actually cast a vote that will save a life. This is one of those moments.

Vote for over \$120 billion in economic benefits. Vote for cleaner air. Let us bequeath to future generations of Americans not air in our Nation that is dirty but air that is cleaner. Vote for keeping our children healthy. You know, the number of asthma attacks growing in this country is enormous. Certainly in my home State, respiratory ailments are on the rise. The last thing we need to do is to nullify the ability to create cleaner air at the end of the day. It is time for us to all see this as an opportunity to ultimately make a difference. It is a time for us all to see this disapproval resolution for what it is, a path for polluting industries that make us sick without paying for the cost it creates. To me, that is the ultimate corporate welfare. Let us join together in defeating this short-sighted resolution.

With that, I yield back the remainder of my time to the Senator from California, and I yield the floor.

Mr. LEAHY. Mr. President, there was a time when strong bipartisan majorities in Congress sided with the interests and views of the American people about curbing pollution to safeguard the public's right to a clean and healthy environment. Citizens placed their trust in the government to act on their behalf, to set science-based health standards to protect the air we breathe. On both sides of the aisle,

there was an understanding that a healthy environment was critical to our families, our livelihoods, our economy, and our Nation. To improve the Nation's air quality, Congress almost unanimously passed the Clean Air Act in 1970, under President Richard Nixon. Congress then passed the 1990 Clean Air Act Amendments, again with overwhelming majorities in both Chambers, under President George H.W. Bush.

As part of the 1990 Amendments, Congress specifically required the Environmental Protection Agency, EPA, to address emissions that interfere with another State's ability to protect public health through air quality requirements. Yet today we still lack the appropriate pollution limits necessary to protect each and every American from drifting smog and soot pollutants, and to protect States from bearing the health and economic costs of distant polluters who are far beyond their purview. With the cross-State air pollution rule, the EPA is doing exactly what we in Congress asked them to do. This is also exactly what the courts told them to do, and exactly what they should do to protect the American public from the hundreds of thousands of tons of pollutants emitted each year from coal-fired powerplants.

These pollutants all too often reach unsafe levels, resulting in air quality alerts and dangerous health consequences—all the more so for young children, the elderly, and those who already have respiratory problems. My own wife Marcelle is a nurse, and she knows from experience how harmful air pollution can be in contributing to asthma, bronchitis, heart attacks, and even death.

This cross-State rule will protect the American people from dangerous air pollution pumped into our air by the largest polluters. These are sensible, workable limits that would tangibly improve Americans' lives. These are improvements that would foster a better economy by annually preventing up to 34,000 premature deaths, 15,000 heart attacks, 19,000 emergency room visits, 400,000 aggravated asthma cases and 1.8 million sick days.

By 2014, in Vermont alone, the health benefits will add up to \$360 million each year from these improvements. These changes are literally a matter of life and death for many Americans. For example, studies show that in our state, curbing smog and soot pollution will allow 44 Vermonters to celebrate another birthday and live to see the next generation of children and grandchildren thrive. In States like Kentucky, Tennessee, Michigan, Ohio, and Pennsylvania, the cross-State rule will save as many as 1,400 to 3,200 lives each year. That is a lot of parents, children, grandparents, aunts, and uncles.

However, S.J. Res. 27 would void the life-saving, health-promoting cross-State air pollution rule and prohibit

any future attempt by the EPA to limit unsafe levels of air pollutants that drift across state boundaries—making it one of the all-time most harmful and egregious attacks on the Clean Air Act and on the health of the people we represent. If passed, this resolution would force the EPA to ignore dangerous, drifting emissions forever, compelling Americans to accept shorter lives, to accept the risk of heart attacks and strokes, to suffer with asthma and other serious illnesses, and to accept the degraded quality of the Nation's parks, waterways, and forests. Those are not things that I am willing to accept and no Member of the Senate should support.

Powerful special interests and their allies who want to overturn the cross-State rule are asking Americans to suffer to save the economy, but their economic arguments fall flat in the face of the evidence. The truth is, nothing will sink the economy more than degrading our environment and poisoning our workforce. Pollution regulations help to lower health care costs, maintain worker productivity, and support local economies through recreational industries. The cross-State rule will have national benefits of up to \$280 billion annually. This dwarfs the annual compliance costs of about \$800 million in 2014, which helps explain why most Americans believe that health-based pollution standards are essential in safeguarding our families and our economy.

For decades, evidence has shown that pollution limits fuel spending and create jobs in producing, installing and monitoring control technology and emissions. In fact, utilities have already spent \$1.6 billion installing pollution controls to meet current air quality requirements and anticipated requirements under the cross-State rule. Furthermore, powerplants have already achieved more than two-thirds of the pollution reductions necessary to comply with the cross-State standards that go into full effect in 2014. Studies already show that the EPA's proposed air toxics rule and cross-State rule combined will create almost 1.5 million jobs over the next 5 years.

Undoing this rule now will nullify, or potentially even reverse, these important pollution reductions. It will also harm the many businesses that have made investments in clean air technologies, while perversely rewarding those plants that refused to make the sensible, long-term investments required by a rule that is nearly a decade in the making.

Vermont has no coal-fired powerplants, but we do have people suffering with asthma and other respiratory illnesses, and we do have an economy that depends on the health of our environment. In Vermont, we have made, and continue to make, decisions to invest in clean fuels and technologies.

We do this because we value good health and family, friends, and the outdoors. We do this to preserve the quality of life a healthy environment provides us. We do this so that future generations have access to clean air and all the benefits that come with healthy, vibrant communities. But without the cross-State rule, we are powerless to fully protect our Green Mountain State.

Reckless decisions regarding public health policy, especially in such a broad manner as this resolution, should not be fast-tracked through the Congressional Review Act process. This resolution goes much too far, putting people permanently at risk by rolling back decades of progress to make the air we breathe safer for each and every American, especially for our children and seniors. The Clean Air Act has a proven record of improving public health, the environment, and our economy. The cross-State air pollution rule is in keeping with that impressive record: These standards are conservatively estimated to produce net benefits exceeding \$100 billion a year. With today's spiraling health care costs, this is a cost-effective way to help control harmful pollution, save lives and foster a healthy environment and economy for future generations. I oppose S.J. Res. 27 and encourage my colleagues to do the same.

Mr. KERRY. Mr. President, I strongly oppose Senator PAUL's resolution of disapproval of the Environmental Protection Agency's, EPA, cross-State air pollution rule because I believe that it is an extreme measure that is anti-clean air and water, anti-jobs and business, anti-public health, and could potentially prevent EPA from protecting the public from cross-state pollution indefinitely.

EPA finalized the cross-State air pollution rule on July 2011, establishing a cost effective program to reduce sulfur dioxide and nitrogen oxide emissions from coal-fired powerplants that negatively affect citizens in downwind States. The rule updates a 1997 Clean Air Act standard and replaces a 2008 standard that was struck down by the D.C. Circuit Court of Appeals.

Because this rule replaces the vacated rule from the D.C. Circuit Court of Appeals, if this resolution succeeds, by law EPA will not be able to issue a "substantially similar" rule, which means that supporting this resolution could prohibit EPA indefinitely from promulgating any rule to control cross state air pollution. This would be an enormous step backwards.

Contrary to what those who support this Resolution would like you to believe, the cross-State air pollution rule is a very reasonable regulation. By 2014, EPA estimates this Rule will yield up to \$280 billion in annual health and environmental benefits, far outweighing the \$800 million in annual

projected costs. EPA worked closely with industry and specifically designed this rule to give powerplants maximum flexibility and keep compliance costs low. Not implementing this rule would mean that local businesses in many Eastern States would have to turn to more expensive, less cost efficient controls to meet air pollution standards.

Also contrary to what those who support this resolution are saying, the cross-State rule would mean more certainty, not less, for business. Powerplants have known this rule was coming for years, and getting rid of it would create serious uncertainty by throwing the issue back to the courts and reopening it to lawsuits. This could mean years of continued uncertainty for companies who won't know what standards they will be held to. The cross-State rule gives power plants the certainty they need.

The cross-State air pollution rule also creates jobs. The University of Massachusetts's Political Economy Research Institute estimates that this rule and EPA's other recent clean air rule—the Air Toxics MACT—together will create nearly 300,000 jobs a year on average over the next 5 years. In fact, thanks to environmental regulations under the Clean Air Act, since 1970, we have created millions of jobs in pollution control and environmental technologies industries, and the United States exports tens of billions of dollars of pollution control technologies annually. Using a term often thrown around these days, Senator PAUL's resolution would be "job killing."

Most importantly, nullifying this rule will have significant and immediate negative public health effects, especially for our children, seniors, and other vulnerable populations. In Massachusetts alone, the cross-State rule it is expected to avoid up to 390 deaths each year and result in up to \$3.2 billion of annual health and environmental benefits. Nationally, by 2014, each year it will prevent up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 hospital and emergency room visits, 1.8 million days of missed work or school, 400,000 cases of aggravated asthma, and the list goes on.

These are not just statistics; these are real children who have to sit on the sidelines during a soccer game or are up wheezing late at night and making emergency trips to the hospital; laborers who can't finish a shift because of respiratory problems; senior citizens whose quality of life is dramatically diminished because they must be attached to a respirator 24 hours a day; and so many more. I recently heard the story of 6-year-old Mia Murphy in Massachusetts whose mother, Rachael Murphy, lives in fear of her daughter's next asthma attack. Only 6 years old, Mia can have coughing fits that last for hours. It is terrifying for both Mia and her mother when Mia can't

breathe. Mia needs to take daily medication to control her asthma, but when she has a flare up, only a 5-day course of high dosage steroids can relieve her symptoms. While these steroid courses help, they also cause Mia to have nightmares and emotional outbursts. For Mia, a normal cold can cause a flareup for weeks. As Mia's mother says, "Children rely on us to keep them safe." All children have a right to clean air. With other citizens in Massachusetts, Rachael has bravely spoken out to support efforts like the cross-State rule to improve the air quality in Massachusetts to help keep her children healthy. Without this rule, Massachusetts and other Northeast and Mid-Atlantic States will not be able to control air pollution in the region at a level that protects the public health of our citizens.

Forty years of the Clean Air Act have proven that environmental protection and economic growth go hand in hand. The American people support the Clean Air Act because they know it has improved our Nation's air quality and protected public health. S.J. Res. 27 would undermine this progress at the expense of America's most vulnerable populations. We cannot in good conscious let it pass.

Mr. LEVIN. Mr. President, I will oppose the motion to proceed to Senator RAND PAUL's resolution that would disapprove of the cross-State air pollution rule promulgated by the Environmental Protection Agency.

EPA's cross-State air pollution rule, also known as "CSAPR," requires reductions of sulfur dioxide and nitrogen oxides that contribute to smog and fine particle pollution in downwind areas. To minimize costs, EPA allows trading of air pollution permits and also provides flexibility to States for implementing the rule.

The State of Michigan, in particular west Michigan, has air quality problems due to pollution from areas such as Chicago, Milwaukee, and Gary. Poor air quality not only causes a variety of health problems, such as asthma, bronchitis and other respiratory ailments, but also has a detrimental impact on economic development and job creation. It simply makes no sense for a region to be penalized with pollution and requirements that could limit economic growth when the source of pollution comes from outside of that region. For that reason, I support the goal of the EPA rule.

I am pleased that EPA's cross-State air pollution rule is expected to help some Michigan counties meet the national air quality standards for smog and fine particulate matter. However, I am concerned that the rule does not appear to adequately address a number of air pollution problems in west Michigan caused by out of State sources. In 2014, Allegan County is projected to not be able to meet the na-

tional air quality standard for smog, even though Allegan County is not the source of the pollution. In fact, a 2009 EPA study concluded that smog levels in Allegan County and other areas in west Michigan are primarily due to transport of smog and smog-forming emissions from other major urban areas outside of Michigan. It is unfair for Allegan County—or any other county—to be penalized due to pollution sources outside of their control. This rule fails to remedy the kind of unfair situation Allegan County finds itself in.

The Rand Paul disapproval resolution would not only overturn the EPA regulation but any substantially similar rule. The rule can be improved, e.g., establishing better linkages between the source of pollution and downwind poor air quality, and adjusting the upwind emission requirements accordingly, but enactment of this resolution would prevent that from occurring.

For these reasons, I will oppose the resolution.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BLUNT. I rise in support of this resolution, a resolution that would allow the Congress to say this is a rule we should not go forward with, the EPA cross-border air pollution resolution of disapproval or the so-called transport rule, which places mandates on powerplants in certain States in order to spare neighboring States from emissions.

The compliance date for this rule is around the corner. It is January 1, 2012. It is an extraordinary time to comply with a rule that the EPA just issued in July. Six months to look at so much of the electric transmission capacity of the country does not make sense to me, and I think will not make sense to utility bill payers once they get their utility bills.

The Clean Air Act says that States are usually left to decide how best to meet new EPA rules, including decisions about compliance time.

By mandating this arbitrary deadline, the EPA will only put more pressure on job creators who are struggling to make ends meet as it is.

Another upcoming mandate from the EPA is the so-called utility MACT rule, a rule that deals with mercury. The combination of this transport rule and utility MACT rule will be devastating for our economy.

In fact, the combined effect of these two rules will cost Americans 1.4 million jobs by 2020, according to a NERA Economic Consulting study—1.4 million jobs. Where will those jobs go? They will go to some country that cares a lot less about what comes out of the smokestack than we do. The problem gets worse, not better.

These two rules will cause electricity rates to skyrocket over 20 percent in some regions of the country, according

to the same study. We all remember the President's comments to the San Francisco Chronicle in 2008, where he said that under his policies electricity rates would necessarily skyrocket. The plan appears to be working. But is that the right plan for a country with 9 percent unemployment? Is that the right plan for a country where the No. 1 priority in the private sector is job creation? I don't think so.

Congress roundly and soundly rejected the House-passed—at least the Senate rejected it, and this Congress would reject the House-passed cap-and-trade idea that came from the administration. Now the EPA is trying to circumvent the will of the legislature by imposing cap-and-trade results with things such as the transport rule and the utility MACT rule. Unfortunately, these burdensome regulations will have the impact the President predicted; they will raise utility bills.

Higher electricity rates mean a higher cost of doing business. There is no doubt the higher costs will be passed down to families across America. There is no doubt the higher costs will cost jobs.

If we stand by and allow the EPA to impose these job-destroying regulations, job creators, families, seniors, and small business owners will be hit by a costly tax hike that comes in the utility bill. We should not allow this to happen.

I intend to vote for this proposal that would say this is not going to be a rule that becomes law, and I urge my colleagues to do the same.

REMEMBERING MEL HANCOCK

Mr. President, I wish to talk about a champion for a better and smaller government and an opponent of all job-killing regulations, and, in addition, a good friend and adviser of mine, someone whom many of us served with in the House, Mel Hancock, who was my predecessor in the House, where he served four terms because that was his pledge—that was the most he would serve.

He was much more than a politician. Mel Hancock was truly the "citizen legislator," the individual who got into government only to make government better. Mel learned the ins and outs of the political system and developed a philosophy about taxes and government long before he came to Congress and, frankly, long before that philosophy became the philosophy that is so prevalent today.

Living in rural Stone County, MO, Mel Hancock had a profound influence from his father, John Hancock, and John Hancock spoke about his concerns about a growing and intrusive Federal Government. "The power to tax is the power to destroy," Mel remembered hearing his father say.

Mel didn't hold public office until 1989. He sold farm equipment while in college and spent 10 years in the insurance business, where he became well

known to many small business owners. In 1969, he started his own business called Federal Protection, Inc.

In 1977, when proposition 13 passed in California, he became the person who drove that issue in our State. One year later, in 1978, Mel and his wife Sug joined a small group around their kitchen table and formed a group that began to fight the idea of an overregulating, overtaxing government.

In 1980, in our State, voters passed what was called the Hancock amendment. That was one of the first State tax limitation amendments in the United States. Mel Hancock developed this amendment using a formula that limits total State revenue and expenses in Missouri to a percentage of personal income of residents in the State. It also required new local taxes, licenses or fees to be approved by voters in political subdivisions.

His public service didn't stop there. He ran for Congress when our local Congressman retired. He announced his candidacy and won in a crowded primary. As part of that campaign, Mel declared his intention to serve only a brief amount of time. In fact, he went on to be an advocate for term limits for the Missouri State legislature as well.

During his first three terms in the Congress, he served in the minority. But a sea change in 1994 took him to the majority, but it didn't change his pledge to be there only four terms. He got exactly what he wanted in the new Congress—a seat on the Ways and Means Committee. He walked away from that 2 years later, keeping his pledge to Missourians.

As a lifelong Republican, Mel built a reputation that reminded many of another Missourian, as his campaign theme became "Give 'em Mel."

Through his work in Washington and Missouri, he was decidedly ahead of his time. He rolled up his sleeves and went to work, taking the initiative to protect citizens and taxpayers from unrestricted taxes and the power of government, and he always remembered where he came from.

Mel was, first and foremost, devoted to his family, his wife Sug, whom he always called the boss, and his greatest pride was his children—Lee, Lu Ann, and Kim—and later grandchildren. He went right to work here. Mel became part of Washington. He often said that every day in America we decide between more government and less freedom or more freedom and less government. Mel Hancock could be counted on to always be on the side of more freedom.

I didn't go to his memorial service today because I decided the best way to recognize his legacy was to be here and vote against these two rules that he certainly would oppose if he was still in the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. How much time remains on the Republican side and on this side?

The PRESIDING OFFICER. There is 9 minutes 50 seconds on the Republican side, 28 minutes 15 seconds on the Democratic side.

Mrs. BOXER. Thank you. I will use some time on our side until we have another speaker, which will probably about be 5 minutes. I know Senator REID will want to have the floor.

Mr. President, this is a very important vote that is coming up. I wish to put into perspective what we are talking about. In 1997—by my calculation, that is 14 years ago—several States went to the EPA and said their people were suffering because certain States were producing horrible pollution—toxic, dirty pollution—and it was floating right over to their States and then their States had to face the impact of that pollution, which was causing asthma attacks, heart attacks, cardiovascular problems, all sorts of problems and that their State, the recipient of the dirty air, was then expected to clean it up.

I liken that to this: If you had toxic garbage in your house and went and dumped it on your neighbor's front lawn and said now it is your problem. That is not what we believe in America. We believe in responsibility.

But the Paul amendment would say, no, we cannot ask those States that are producing pollution that is floating to other States and harming their people to do anything about it. That is what this rule is about. It is the cross-State air pollution rule. The pollution goes across one State into another. I believe 38 States would be adversely impacted if the Paul resolution were to pass.

Let's look at this. I am not just being rhetorical. The scientists have looked at this. They said that if the Paul amendment were to pass and we repeal this cross-State air pollution rule and States could feel very fine about dumping their pollution in another State, there would be 34,000 cases of premature death, there would be 19,000 emergency room and hospital visits, 400,000 cases of aggravated asthma attacks, and 1.8 million lost work and schooldays, and we would lose up to \$280 billion in annual benefits by 2014.

So anyone who stands in this Chamber and tells us that by voting for the Paul resolution we are helping people, don't fall for it. It is wrong. If anyone comes to this floor and says: Oh, this is about jobs, it is wrong—because if we cannot breathe, we cannot work. Lost days at work are an economic burden. If we turn the clock back, all this great clean-tech economy we have, which is exported to the rest of the world—and it is huge; it employs more than 1 million people—we hurt those jobs. So the Paul resolution, which would cancel out a very important protective air pollution rule that helps our people—

that resolution is one of the worst things to come before this Senate.

Let me tell you who backs me on this: The American Association of Cardiovascular and Pulmonary Rehab, the American Association of Respiratory Care, the American College of Preventive Medicine, the American Lung Association, the American Nurses Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the National Association of Medical Direction of Respiratory Care, the National Association of County and City Health Officials, the National Home Oxygen Patients Association—which sees people gasping for air.

Have you ever seen a child gasp for air? It is something you don't forget. I will show a photo of a beautiful child who is forced to wear one of these inhalers too often because she cannot breathe. We hear lots of things: Oh, we need more time for this. How about the polluters knew about this since 1997? How about since 2005, when they learned the Bush administration rule was too weak—how about that?

I see Senator CARPER. Since we are going back and forth, this would be a good time for Senator LEE to speak. How much time is Senator LEE going to need?

Mr. LEE. About 5 minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent for 5 minutes for Senator LEE, followed by 8 minutes for Senator CARPER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The junior Senator from Utah is recognized.

Mr. LEE. Mr. President, I stand in support of this resolution. I do so for the following reason. Article I, section 1 of the Constitution makes abundantly clear that the legislative power of the United States shall be vested in Congress, which shall consist of a Senate and House of Representatives.

Legislative power is the power to make rules carrying the force of generally applicable law—in this instance, generally applicable Federal law. It was with wise reason that our Founding Fathers entrusted this power to those people entrusted by the citizens of the respective States for a limited time to make law because they understood that those who have the power to make law have the power to infringe on the individual liberties of the American people, such that whenever they exceed those powers, they can be held accountable to those they represent and on whose behalf they will be legislating.

Every single time we act, we have an effect on the American people. We need to be held accountable at regular intervals for those decisions—every 6 years in the case of Senators, every 2 years in the case of Members of the House of Representatives.

Occasionally, Congress has chosen to delegate that power. For instance, Congress might say we hereby enact the Clean Air Act and give power to the EPA to implement rules and enforce those rules, to make sure we have clean air. To the extent that we do that, particularly where the EPA or some other agency acts in a way that might have a very significant impact on our economy, I think we are selling the American people short of their birthright, which is the guarantee that laws will not be made on their behalf, particularly significant ones such as the one we are addressing today, without those who voted for them being held accountable.

There are great people at the EPA, as there are in every branch and office of our Federal Government. But it is only those people in Congress who are constitutionally authorized to make generally applicable Federal law. It is only these people who stand at regular intervals for reelection, accountable to their people. This is what the Congressional Review Act does. This is why this approach, this resolution under the Congressional Review Act, is so important.

I have heard some of my colleagues suggest this somehow represents an attempt to circumvent the normal legislative process. What I am saying is, this is the normal legislative process. When we are looking at a rule that by the EPA's own estimates could cost as many 3,000 energy sector jobs and could cost the American people \$2.4 billion in compliance costs annually, we need to look seriously at the fact that we need to hold ourselves accountable.

If this rule is a good idea, if in fact this is necessary to protect the American people, if in fact the benefits of this outweigh the costs, then we should be confident. We should be comfortable discussing it, debating it, and passing it into law. That is what we are doing.

I am supporting this resolution because I support the legislative process envisioned and mandated by the Constitution, and I urge each of my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Delaware.

Mr. CARPER. Mr. President, I am compelled to rise in opposition to this resolution which would block the EPA's "good neighbor" clean air rule from being implemented.

Before I talk about the real-world impacts that would result if we block this new clean air rule, I would like to go back in time 21 years ago when this body debated the last major update to the Clean Air Act.

That day, we weren't debating how to weaken or delay our clean air laws, we were considering bipartisan legislation that would improve our clean air laws and make them stronger. Eighty-nine Senators approved the Clean Air Act

amendments of 1990, a Republican President, George Herbert Walker Bush, signed them into law, and we are all the better for it.

I believe we can protect our environment and grow our economy at the same time. It doesn't have to be one or the other. The Clean Air Act amendments of 1990 are great examples of just that. For every dollar we have spent installing new pollution controls and cleaning up our air, we have seen a \$30 return in reduced health care costs, better workplace productivity, and saved lives. In other words, for four decades fewer people have gotten sick and missed work because of the Clean Air Act.

Just last year, it is estimated that 160,000 lives were saved from the Clean Air Act protections in place today. Here is some more good news. Our economy didn't take a slide because of these protections either. Quite the opposite. Since former President Bush signed the bipartisan Clean Air Act amendments of 1990 into law, electricity rates have stayed constant, and our economy has grown by 60 percent.

Despite the successes, more needs to be done. We know more today than we did 20 or 30 years ago about how pollution impairs our health. We know even more about how pollution travels from one State to another. We know more about how to curb that pollution in ways that make sense and are cost effective.

My State of Delaware has made great strides in cleaning up its own air pollution—investing millions in clean air technology. Unfortunately, air pollution knows no State boundaries and easily drifts from State to State. Delaware, like many east coast States, sits at the end of what I call America's tailpipe. That means most of the pollution in Delaware isn't caused by sources in my State. It is caused mainly by sources in Ohio, Indiana, or other States in the Midwest. In fact, 90 percent of Delaware's air pollution comes from beyond our borders.

As Governor of Delaware, I could have shut down our entire State economy, and we would still have been out of attainment of public health standards. This is pollution we need our neighbors to clean up. Unfortunately, that hasn't always happened.

Sadly, many of our upwind neighbors have not invested heavily enough in new clean air technologies. Some States have even built taller smokestacks so the pollution would fall on neighboring States, keeping their air clean and making our air dirty. At the end of the day, downwind States can spend millions of dollars to clean up their act, but unless we require upwind States to make serious reductions, States like mine would not get much healthier and people will continue to get sick and die.

For all Delawareans and all the others who are living at the end of that

tailpipe, I say enough is enough. The EPA and the courts agree. This is why the EPA has implemented this cross-State air pollution rule. This rule follows the intent and the direction of the Clean Air Act amendments of 1990. It ensures that all of us do our fair share to reduce air pollution.

That is the way it ought to be. Like my colleagues, I try to live my life by the Golden Rule, to treat other people the way I want to be treated. That is why this rule is fair. My State and neighboring States shouldn't have to suffer because other States aren't required to clean up their act at our expense.

Furthermore, even if we ignore the fairness and equity arguments for the cross-State air pollution rule, it is still a no-brainer because the cost-to-benefit ratio of these new protections is overwhelming. This rule will save up to 34,000 lives every year. That is roughly the number of people who fit into Fenway Park for a Red Sox game. All these great benefits will be negated if this resolution passes.

To my friends who are thinking about voting for this resolution, let me ask you this: What if the prevailing winds in this country blew instead of west to east, from east to west? What if those of us who live along the east coast, from Virginia to Maine, chose to operate older, dirty coal-fired electric plants? What if we built tall smokestacks that sent the harmful emissions coming from our plants upward into the air to be carried away by the winds from our regions only to end up in the air and breathed by people living in areas to our west? What if by operating these older, dirtier powerplants we lowered the cost of electricity along the east coast while raising it for our neighbors in the Midwest? What if by operating these older, dirtier powerplants we decreased the health care costs associated with dirty air for Americans living along the east coast while increasing health care costs for Americans living in the Midwest?

I will tell you what they would say. They would say it is unfair. They would say we shouldn't be able to get away with polluting their communities year after year. They would say somebody should right this wrong. They would say: Haven't you heard about the Golden Rule; that we should treat all others the way we want to be treated? They would say enough is enough.

Here are the facts. The technology exists to end this scourge of pollution. Utilities all around the country have already installed it. In doing so, they have put tens of thousands of people to work, including hundreds in my own State of Delaware. The utilities have the money. We have a trained workforce that wants to go to work. We just need to act.

A clean environment and a strong economy can go hand in hand. We don't

have to choose between one or the other. Join me in defeating this proposal. Give your neighbors who live in our part of the country—give their kids and their grandparents—air to breathe that would not send them home from school or work or off to the emergency room and into a hospital or worse yet, take their lives.

Please join me and vote no against this motion to proceed to this resolution.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The junior Senator from Texas.

Mr. CORNYN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, Texas has some of the most highly industrialized and populated areas in the Nation, and air quality in these and other areas of the State is improving. We are actually taking very positive steps toward reduction of pollutants. For example, ozone has been reduced by 27 percent across our State since 2000, and nitrogen oxide, a precursor to ozone formation, has been reduced by 58 percent over roughly the same period of time.

But I rise in support of this resolution because it represents regulatory overreach and an abuse of power. This rule, when it takes effect January 1, will significantly harm grid reliability, destroy jobs, and raise electricity prices for consumers living on a fixed income and for businesses we are depending upon to create jobs in our country.

The reason this rule is an abuse of power as regards to the State of Texas is that we were not included in the rule when the Environmental Protection Agency first proposed it. Suddenly, miraculously, we were included in the final rule. Having less than a year ago concluded that Texas emissions have no significant downwind effects, the EPA has reversed course and included us in this rule without the opportunity to challenge the claim.

Without fair notice, the EPA has mandated that Texas slash its SO₂ emissions by half and greatly reduce NO_x emissions in less than 5 months—an unprecedented and impossible timetable with which to comply. The standard timeframe for permitting and constructing and installing new emissions controls is several years. But as a result of this abuse of power by the Environmental Protection Agency, and without due process and fair notice and the opportunity to be heard, this rule is being imposed on my State.

Already, one power producer has announced that 500 jobs will be lost. The integrity of our State grid is at risk. Our grid operator has said as a result of the unprecedented heat wave and the historic drought Texas has been experi-

encing, if we had had these rules in place last summer we would have experienced rolling outages during August, when people were relying on their air conditioners to deal with triple-digit temperatures. This would have meant rolling blackouts, businesses forced to cut back, hardships—even to the threat of safety—for many of our senior citizens.

I visited some of those seniors in Houston, TX, recently, and, of course, many of them are on a fixed income. They can't afford to pay more for their electricity bills. They are struggling to pay their bills right now, and they sure don't want to have to experience the potential hardship or public safety hazard of having a brownout or a blackout or outage should they need their heat during the winter or their air-conditioning during the summer.

The EPA has said: Well, we got it approximately right, but we are going to make some revisions. But revisions are not enough. The EPA recently corrected errors from modeling assumptions and corresponding emissions budgets for several of the States under the rule, but other mistakes remain.

Haste makes waste, Mr. President. We know that is true. Why can't the EPA do it the right way? Give us some time, notice, and opportunity to be heard so we can get this done right.

The EPA overestimates base generation capacity for our grid by 20,000 megawatts. This includes 100 percent of the installed wind generation in Texas—as though wind power is always available. Our electric grid derates wind generation to 8.7 percent due to its unpredictability and reliability as a generation source. Put, simply, the wind does not blow 24 hours a day, 365 days a year. This estimate also includes powerplants that are currently retired and mothballed.

So the EPA got it wrong. But when we say: Please, give us a chance to show you the facts and to show you the science that would help make our air more clean but not kill jobs and create hardship for our senior citizens and those on fixed incomes, their answer is, tough luck, tough luck.

Our only recourse, Mr. President, is to support a resolution such as this one because we cannot get fundamental fairness from this agency of the Federal Government when it comes to my State. So I support the resolution.

Mr. President, I yield the floor, and I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Republicans have 1½ minutes, and the Democratic side has 16 minutes 10 seconds.

Mrs. BOXER. Mr. President, we have heard the same theme over and over from our Republican friends: We need

time, give us time. The EPA is rushing this.

Well, how much time do they need to fix a problem that is forcing children to put on these inhalers? How much time do they need to enforce a rule that is keeping people from dying prematurely; that is keeping them from getting heart attacks?

Here is the deal. In 1997, several States went to the EPA and said: Something is really wrong. We have kids like this gasping for air, and the air pollution isn't coming from our State. It is coming from the States to the west of us.

Now, I want to make it clear that my State of California doesn't have a dog in this fight. We are not involved in this. We don't pollute. We don't have a lot of coal-powered plants. And we are in the far west. Frankly, having that ocean along our State helps us. We have plenty of air pollution, but we are not getting it from another State to our west. So I stand here speaking, frankly, as a Senator who cares about clean air, who cares about the public health, and who also sees this as a moral issue.

I have said this every way I can say it. It is immoral to take poison and put it on someone else's front yard. It is immoral to walk away from your responsibility, particularly if you have a truck to put it in and take it away.

Well, we have the technology to make cleaner utilities, to make cleaner power. And as my friend TOM CARPER so eloquently stated, clean tech creates jobs.

We have the technology. We have the ability to create jobs cleaning up the environment. We have an ability to make sure fewer children, such as this beautiful child, don't have to resort to inhalers if we clean up our powerplants, and we have the ability to do that. The other side is crying, We need time. That is all we need, we need time. Well, I think 14 years is enough time.

Then in 2005, the courts said again how important it was to do this. So they knew about this in 1997, they knew about it in 2005, and now they are crying bitter tears and they want to continue to dump poison in States next door. This is just the tip of the iceberg of the Republican Party's desire to repeal important health and safety regulations. The American people do not agree with it.

Let me show you a poll that was taken last month in terms of where people stand. This cross-State air pollution rule is very popular with the people of this country because they see very clearly. I think when we were kids our moms always said, clean up your room. You know, you owe it to the rest of the family, clean up your room. Polluters have to clean up their room. Polluters can't pollute at will and, as Senator CARPER said, build these big

smokestacks and blow that pollution over to, in this case, 38 other States and hurt the people in those States. That is not the American way. What Senator PAUL is doing is the height of irresponsibility.

I want to put back the picture of that child again.

How is it responsible to allow the pollution to go on and on and on when you have the technology developed to stop it, and when it is moving out of your State and going to another State and harming children?

Mr. DURBIN. Would the Senator from California yield for a question?

Mrs. BOXER. I would be happy to yield.

Mr. DURBIN. First, I wish to thank the Senator for her leadership on this issue, and I wish to direct a question through the Chair.

I noticed earlier that Senator PAUL, who is asking for us to basically eliminate the standard of protection when it comes to air pollution that crosses State boundaries, if I am not mistaken, his resolution would eliminate the standard.

Mrs. BOXER. It would.

Mr. DURBIN. There would be none. And if I am not mistaken as well, he has said on the floor this has no direct impact on asthma and pulmonary disease, even producing a chart to that effect.

I wish to ask the Senator from California—because I visited an emergency room hospital, one of the children's hospitals in Chicago, and the emergency room physician said to me, Do you know what the No. 1 reason is that children show up in emergency rooms? And I said, Fall off their bicycles? Trauma? No. Asthma. Asthma.

She said, Senator, I will have young people come into this emergency room who are fighting for breath, saying, I am asthmatic and I can't breathe, and I watch as they die in front of me. That is the reality of asthma. This isn't just an inconvenience; it is life threatening.

I wish to ask the Senator from California on what basis could any Senator say there is no connection between air pollution, soot, and the particles in the air, and pulmonary disease and asthma?

Mr. PAUL. Senator, I would be happy to answer that question.

Mr. DURBIN. I directed the question to the Senator from California. I don't know what the timeframe is, but I am happy to have her response.

Mrs. BOXER. I will respond on my time; the Senator can respond on his.

Let me tell you something. As far as I know, we do not have one person in this Senate who is a physician with a degree in lung specialty, thoracic specialty, cardiovascular specialty; therefore, we need to look to those people.

You are right. When you go to the hospital and talk to physicians, they will tell you about children dying in

their arms. I have seen that testimony, I have heard it in front of our committee. The fact is, this rule will prevent 400,000 cases of aggravated asthma attacks and 1.8 million lost work and school days. This is factual.

I want to say that hearing people come on this floor questioning whether there is an association between soot in the air and asthma attacks, frankly, is to me unimaginable. And we have all of the health organizations that disagree with Senator PAUL on that.

Mr. DURBIN. I wish to ask another question through the Chair of the Senator from California.

Two weeks ago, I went to the University of Illinois Children's Hospital. A woman came there who had been suffering from asthma her entire life and talked to me about how there were days when the air was so bad, she couldn't go outside, children there with their parents and doctors telling me exactly the same thing. Yet those who are trying to repeal this air safety rule—Senator PAUL and those who support him—are arguing these doctors and patients are wrong. So I wish to ask the Senator, because she was alluding to it here, what kind of medical support do you have for your position that Senator PAUL's amendment, if it passes, will endanger the lives of those who are currently suffering from asthma, pulmonary disease, and maybe cardiovascular disease? And tell me what medical groups have come forward on one side or the other, please.

Mrs. BOXER. Absolutely. I don't know of any medical groups that support the Paul resolution. But I do have in my hand a letter signed by many groups, which I wish to quote from.

I ask unanimous consent to have printed in the RECORD this important letter Senator DURBIN is speaking of.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 4, 2011.

DEAR SENATOR: Our organizations write to express our strong opposition to S.J. Res. 27, a resolution by Senator Rand Paul that employs the Congressional Review Act to reverse the Environmental Protection Agency's (EPA) final Cross-State Air Pollution Rule (CSAPR). If enacted, S.J. Res. 27 would vacate CSAPR and the lifesaving protections it provides to the public and bar EPA from reissuing any substantially similar clean air protections without express Congressional authorization.

CSAPR requires power plants to substantially reduce emissions of sulfur dioxide and nitrogen oxides that contribute to life-threatening particulate matter and ozone air pollution in downwind states. Ozone and particulate matter are associated with numerous adverse health effects, including lung disease, irreversible reductions in lung function, asthma attacks, aggravation of other respiratory and cardiovascular diseases, and premature death. EPA estimates that CSAPR will prevent up to 34,000 premature deaths, 400,000 asthma attacks, 15,000 heart attacks, and 19,000 hospital visits each year starting in 2014.

The rule covers emission sources in 28 states. It was developed after an earlier rule, known as the Clean Air Interstate Rule was deemed illegal and an insufficient response to the health threats posed by cross-state pollution. CSAPR provides much-needed public health benefits by reducing upwind air pollution that significantly contributes to ozone or particle pollution in downwind areas. Blocking CSAPR, S.J. Res. 27 would force people living in downwind states to continue to suffer from high levels of unhealthy pollution from out-of-state power plants.

A vast majority of the public opposes Congressional interference with EPA's implementation of the Clean Air Act. According to a nationwide, bipartisan study conducted for the American Lung Association, seventy-two percent of voters oppose Congressional action blocking EPA from updating clean air standards. Sixty-six percent of voters think the EPA should set pollution standards, not Members of Congress.

We urge you to vote "No" on S.J. Res. 27 and similar attacks on CSAPR. The public health benefits of CSAPR are long overdue. We hope your constituents can count on you to protect their health in the face of efforts to block, delay and weaken these lifesaving protections.

Sincerely,

American Association of Cardiovascular and Pulmonary Rehabilitation, American Association of Respiratory Care, American College of Preventive Medicine, American Lung Association, American Nurses Association, American Public Health Association, American Thoracic Society, Asthma and Allergy Foundation of America, National Association for Medical Direction of Respiratory Care, National Association of County and City Health Officials, National Home Oxygen Patients Association Trust for America's Health.

Mrs. BOXER. Blocking the cross-air pollution rule, cross-State pollution rule would force people living in downwind States to continue to suffer from high levels of unhealthy pollution from out-of-State powerplants. They say they express their strong opposition. They say ozone and particulate matter are associated with numerous adverse health effects, including lung disease, irreversible reductions in lung function—irreversible.

So it is not as though you have a bad day and you are gasping for air, and suddenly the next day it comes back. Irreversible reduction in lung function. Asthma attacks. And, by the way, we are told there will be 400,000 cases of aggravated asthma attacks if we go back on this rule. Aggravation of other respiratory and cardiovascular diseases. And, I would say to the Senator, they add premature death. Here they are saying 34,000 cases of premature death. I will give you a few of the names of the people who signed this.

I am so glad the Senator came down here. He has been such a great leader on these issues and, I want to say for the record, led me and so many others, the majority of the House, in saying no more smoking on airplanes. And, boy, we remembered how it was in those days, and I know the Senator's personal experience with lack of lung

function and his own dad. So the Senator coming over here today is very appreciated. I will give you the names of some of these organizations.

Mr. DURBIN. I am glad the Senator entered it in the RECORD. If the Senator will yield for one more question.

Mrs. BOXER. I will.

Mr. DURBIN. It seems to me that the Republican argument from Senator PAUL comes along two lines. First, air pollution doesn't hurt, so don't be worried if there is more of it. And what we have is medical evidence and testimony from the experts he is wrong. I don't know if he presented any doctors—I would love to know—who support that position, that air pollution doesn't cause problems. We know it does. It stands to reason it does. Medical and human experience tells us.

The second argument that he is making, if you can get past the first, is this is how we are going to create jobs in America. On 168 separate occasions, the Republican-led House of Representatives has sought to repeal those environmental protections of our air and the safety of the water we drink, and they have bragged about it, saying when we get rid of all of these standards on air and water pollution, more Americans will go to work.

I wish to ask the Senator from California to respond, because the way I see it, if the Paul resolution passes, sadly, the people who will go to work are those who work in emergency rooms, those who work to make nebulizers for those suffering from asthma, and people who make oxygen tanks. I am sorry to say this but that is the reality. If you ignore the health consequences, the jobs created will be to treat those who are going to be afflicted by pulmonary disease because of this eradication of a standard.

I wish to ask the Senator from California, talk to me about job creation and pollution.

Mrs. BOXER. Absolutely. Well, first of all, I want people to know that since the Clean Air Act passed and there were all these predictions of a horrible recession, there has been a huge number of jobs created and it is all documented on one of these charts here. I can tell you, our GDP rose more than any other industrialized nation in the world as we cleaned up the air.

The Senator and I were on a trip to China. We did not see the Sun for days and days and days. I don't know if you missed this or caught this story in the New York Times. The Chinese elites in the government—many of whom we met with there to try to push our agenda, which is trade with China and all the other things we want and making sure their currency is floating—this is what we learned:

Chinese leaders are largely insulated from Beijing's famously foul air.

In the Great Hall there they have all these fabulous clean air devices. In

their homes they are protected, in their cars they are protected. But guess what. The people are suffering and struggling. They don't even get to see the Sun shine there. If I could say, I don't want to see elitism here. Every single person in our country deserves to have a chance to breathe clean air.

To get specifically to the point, to talk about the economy—because I think that is critical—Senator PAUL's resolution is bad for this economy. It is bad for jobs. It is bad for our families. That is why it is opposed by every health professional.

Let me say this. We are talking about 400,000 cases of aggravated asthma attacks if this resolution passes. We are talking about 34,000 cases of premature death.

I want to make a point here. If you are the head of household and you die prematurely because of filthy, polluted, poisonous air that is floating in from another State, you can't work and your family is in deep trouble. I will tell you this, the annual benefits by 2014—annual, of this rule—are estimated to be \$280 billion a year. So if anyone stands up here and says we are fighting for jobs, we are fighting for the people, we are fighting for the economy by rolling back clean air rules, don't believe it for a minute. If you don't want to listen to me or Senator DURBIN, listen to the people I know you respect, from the American Association of Cardiovascular Rehabilitation, the American College of Preventive Medicine, the American Lung Association, the American Nurses Association. Those nurses have held those babies.

How much time remains on our side?

The PRESIDING OFFICER. The Senator has 5 seconds.

Mrs. BOXER. I hope we vote down this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The junior Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, I rise in support of clean air, clean water, electricity, and jobs.

Interestingly, the other side hasn't read the EPA v. North Carolina opinion that says the regulations were not overturned. We are arguing for keeping in the current regulations. We are just arguing that we not be overzealous and that we not add \$2 billion in new regulations on top of the current regulations.

We have \$2 trillion worth of regulations heaped on our economy, 14 million people out of work—2 million new people out of work since this President came into power. We cannot allow this administration to continue with its job-killing regulations.

We can have a clean environment and we can have jobs. We are arguing for the existing regulations. We are arguing against placing additional burdens.

We are arguing for the existing regulations. They don't seem to get it, so they make up all these numbers. All of their numbers are completely fictitious because they don't account for the current regulations that would still be in place if we don't increase these regulations.

This is about whether we can have a balanced approach in our society, whether we can have a clean environment and have jobs. What I am arguing for here is some reasonableness.

The PRESIDING OFFICER. The time of the Senator has expired.

DISAPPROVING THE RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION WITH RESPECT TO REGULATING THE INTERNET AND BROADBAND INDUSTRY PRACTICES—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 6, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of the joint resolution (S.J. Res. 6) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

The PRESIDING OFFICER (Mrs. HAGAN). Under the previous order, there will be 5 minutes of debate equally divided between the two leaders or their designees.

Who yields time? If no one yields time, time will be charged equally to both sides.

Mr. LEAHY. Madam President, a bedrock principle of the Internet is that consumers should be able to access the lawful Internet content of their choice without service providers discriminating based on the source of the content. This has allowed the online marketplace to evolve into the vibrant and competitive system that we are all accustomed to today. Last December, the Federal Communications Commission took action to promulgate "network neutrality" rules, which are set to go into effect later this month. These are rules that will create transparency and foster competition. I oppose the resolution being considered by the Senate today that disapproves of the Commission's actions in this area.

Many Americans have either no choice or a limited choice of broadband service providers. This is particularly true in rural areas like Vermont. This lack of competition in the market raises the threat of providers discriminating against certain lawful Web sites and Internet content. Net neutrality rules are crucial in ensuring that the Internet remains the ultimate free marketplace of ideas, where better products or services succeed on their

own merits and not based on special financial relationships with providers.

Congress and the executive branch must take steps to ensure that competition on the Internet is vibrant. This has taken on new importance as the Internet has become increasingly central to our lives. The online marketplace is going to be a key driver of the 21st century economy, and implementing net neutrality rules now, while it is still growing, will ensure that the online marketplace will continue to be dynamic well into the future.

The Judiciary Committee held hearings on this issue several years ago, and it is an issue in which I have been interested. I was an original cosponsor of the Internet Freedom Preservation Act in both the 109th and 110th Congresses. That bill would have gone even further to preserve an open Internet than the actions taken by the FCC last year. I will remain a strong supporter of strong and responsible net neutrality regulations in the Senate, and I oppose the resolution being considered today.

Ms. AYOTTE. Madam President, I rise today in support of S.J. Res. 6, the FCC Internet and broadband resolution of disapproval. There are so many reasons to support this resolution and oppose the FCC's rulemaking on net neutrality.

I could focus on regulatory overreach, the lack of cost-benefit analysis to justify this rulemaking, consistent court rulings showing the lack of FCC legal authority to implement net neutrality or even the aggressive nature of this administration to regulate at all costs.

However, today I would like to talk about the most important reason to support this Resolution in opposition of net neutrality—jobs.

Last year, the telecommunications industry invested over \$65 billion in our domestic economy. These billions of dollars go toward infrastructure, network expansion, and continual upgrades, all of which will drive job creation in a growth sector. For every billion dollars invested, there is a direct correlation to 3,400 created jobs.

What is at stake in this debate is nothing more than the government trying to take over the Internet in a misguided attempt to regulate a dynamic industry into a static platform. This approach will stifle innovation.

If companies are devoting \$65 billion a year to building out their networks, but do not have the ability to control and manage their investments, then they are going to stop investing tens of billions of dollars into their product. It really is that simple. No company is going to continue to invest at such a fast rate if they will be forced to cede partial control over to government regulators.

In a down-economy, telecommunications has been one of the few bright

spots. Why? Because of a light-touch, hands-off regulatory approach. Now the FCC is pursuing a political agenda by attempting to undermine the industry. The FCC has not won in the courts or through the legislative process in Congress, so it has resorted to expanding the regulatory process.

According to a 2010 study entitled "The Economic Impact of Broadband Investment," 434,000 jobs have been created in the broadband industry in the past decade, and in the next 5 years, we can expect over 500,000 additional jobs to be created.

To help protect these jobs, we must stop this government over-reach. IT investment accounts for 47 percent of all U.S. nonstructural investment and as I mentioned, the job creation from this is a bright spot in our economy. We must continue the hands-off approach that results in job creation and allows our companies—big, small and everything in between—to do what they do best: innovate, invest in the future, and create jobs.

We need to support policies that encourage investment in tomorrow's technologies, not hamper innovation. According to the FCC's own National Broadband Plan, in 2003 only 15 percent of Americans had access to broadband. Today that number is 96 percent, and we cannot stop until we have 100 percent market-saturation. Parts of northern New Hampshire are included in this remaining 4 percent, so to get the rest of my state, and our great country, access to broadband, we must have policies that encourage private-sector investment and growth.

We have heard it said many times, but it is worth repeating: net neutrality is a solution in search of a problem that does not exist. There is no market failure and no justifiable reason to impose such onerous regulations. Quite the contrary—competition is at an all-time high in the telecommunications and broadband industry. Since the Internet was privatized in 1994, there has been a steady movement away from government control and roadblocks.

As FCC Commissioner Robert McDowell pointed out in his December 2010 dissent to the FCC's rulemaking on net neutrality, there are fewer than a handful of cases of alleged misconduct by an Internet service provider, and each of those cases was resolved by the courts in favor of the consumer. So as you can see, the consumer is well-protected by the existing system and does not need the heavy-hand of the government inserting itself with more regulations.

The White House this week issued a veto threat for this resolution. However, in doing so it made our point for us. The White House says it would be "ill-advised to threaten the very foundation of innovation in the Internet economy" but then says we need to

keep the Internet "free and open." Well I have news for the White House—the Internet is free and open. I sent a letter, along with 10 of my Senate Commerce Committee Republicans to FCC Chairman Julius Genachowski a couple of months ago asking him to provide a market justification and cost/benefit analysis for imposing net neutrality regulations. In his response, he could not cite any examples of market failure to justify such a rash rulemaking. Why? Because no rationale exists. There is no market failure.

I fear that if net neutrality were to become law, we would be taking an irreversible step backwards at a time when our economy needs it least.

I urge my colleagues to support this resolution and say no to government attempting to take over the Internet.

Mr. LEVIN. Madam President, I will oppose the motion to proceed to S.J. Res. 6 a joint resolution of disapproval of the FCC rule regarding net neutrality.

This resolution of disapproval would overturn the FCC's rule that would codify and supplement existing Internet openness principles while maintaining the ability of Internet service providers to engage in reasonable network management. The rules would prohibit Internet access providers from preventing its users from sending or receiving lawful content over the Internet; prohibit Internet access providers from preventing users from connecting lawful devices to the network; and would require Internet access providers to treat lawful content, applications, and services in a nondiscriminatory manner. It also included additional provisions that will create an Open Internet Advisory Committee to assess and report to the FCC on developments in mobile broadband.

The Internet has become an indispensable tool that has spurred innovation, provided virtually unlimited access to information and commerce, and increased communication through Web sites, e-mail, and blogs. It has become difficult to imagine life without the Internet, a system both open and unrestricted.

The Internet plays a critical role in our society because it provides an equal platform for all users, allowing for the free exchange of ideas and information. It is important that the Internet remain free and open and not risk becoming a system with limited access for some of the smaller Web sites and their users.

Mrs. HUTCHISON. Madam President, over the past 20 years, the Internet has grown and flourished without burdensome regulations from Washington. With the strength of free market forces behind it, the Internet has been an open platform for innovation. It has spurred business development, much needed job creation, millions of jobs in fact. If we are going to keep an open

and free Internet and keep the jobs it spawns, we should reject the FCC regulation on net neutrality.

The FCC reversed its successful hands-off approach last December by passing net neutrality rules where the FCC has essentially granted itself power over all forms of communication, including the Internet. Congress did not explicitly delegate this authority to the FCC, and it is our responsibility to hold on to the power that only we authorize regulations where they are needed. Unelected agencies do not get to decide on their own that something needs to be done that Congress has not, in its congressional and constitutional responsibility, decided is necessary.

These regulations on broadband providers establish the FCC as the Internet's gatekeeper—a role for which government is not really suited when innovation could be stifled. Instead of spending their resources on new job-creating investments, on new products, on new services, Internet providers are going to have to spend money on lawyers and lobbyists to comply with and go through the processes the FCC will require. Congress has never given the FCC this authority.

Regulators and bureaucrats all across the government are overstepping their bounds in many areas—the NMB, the NLRB, the EPA—and it is time for Congress to push back, and we can do it today. Regulators should not regulate without the explicit authority of Congress. The court said so in the Comcast case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Madam President, the success of the Internet should not be tampered with. We need to pass S.J. Res. 6 that is before us today.

Madam President, have the yeas and nays been called for?

The PRESIDING OFFICER. They have not.

Mrs. HUTCHISON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Madam President, what about our second vote on the other Congressional Review Act?

The PRESIDING OFFICER. That will take consent, to order the yeas and nays.

Mrs. HUTCHISON. I ask for the yeas and nays on that as well.

The PRESIDING OFFICER. Is there objection to ordering the yeas and nays? Without objection, it is so ordered.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—46

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Heller	Risch
Brown (MA)	Hoeven	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Johnson (WI)	Thune
Collins	Kirk	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	Wicker
Crapo	Lugar	
DeMint	McConnell	

NAYS—52

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Johnson (SD)	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Blumenthal	Kohl	Sanders
Boxer	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NOT VOTING—2

Inouye McCain

The motion was rejected.

DISAPPROVING A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO THE MITIGATION BY STATES OF CROSS-BORDER AIR POLLUTION UNDER THE CLEAN AIR ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 27.

There will be 2 minutes of debate equally divided in the usual form.

The Senator from Kentucky.

Mr. PAUL. Madam President, I rise in support of clean air, clean water, electricity, and jobs. We need to, if we are going to maintain our economy, discontinue and not overreach with job-killing regulations. We are asking for the continuation of the existing regulations. This action would allow for the continuation of the existing

regulations. If we look at EPA v. North Carolina, it says remand without vacating the order.

The other side claims we are for no regulations. We are asking for the continuation of the existing regulations on pollution. The rules are working, but if we keep increasing the burden, we are going to cause increased joblessness.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I hope colleagues will take a moment to look at this picture, because this is what we are talking about: exhaling toxic air, and little kids and members of our families who have to use this kind of inhaler. Exhale pollutants, inhale with an inhaler. This is a poster done by the American Lung Association. Every respected public health group opposes the Paul resolution.

If your neighbor dumped toxic garbage on your front lawn, that would harm your family. You would do two things. No. 1, you would say clean it up and, No. 2, you would say never do it again. That is all the rule does that Senator PAUL is trying to eviscerate here.

Vote no for jobs, for clean air, for our families. Sixty-seven percent of the American people, including 68 percent of Independents, oppose the Paul resolution. Please vote no.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kentucky.

Mr. PAUL. There are emotions and there are facts. The facts are that emissions have been declining for six decades. The current rules are working. If you vote for increased regulations, you are voting to kill jobs.

The PRESIDING OFFICER. The Senator's time has expired.

The yeas and nays are ordered on the motion to proceed to S.J. Res. 27.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—41

Barrasso	Cochran	Grassley
Blunt	Corker	Hatch
Boozman	Cornyn	Heller
Burr	Crapo	Hoeven
Chambliss	DeMint	Hutchison
Coats	Enzi	Inhofe
Coburn	Graham	Isakson

Johanns
Johnson (WI)
Kyl
Lee
Lugar
Manchin
McConnell

Moran
Murkowski
Nelson (NE)
Paul
Portman
Risch
Roberts

Rubio
Shelby
Thune
Toomey
Vitter
Wicker

NAYS—56

Akaka
Alexander
Ayotte
Baucus
Begich
Bennet
Bingaman
Blumenthal
Boxer
Brown (MA)
Brown (OH)
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Coons
Durbin

Feinstein
Franken
Gillibrand
Hagan
Harkin
Johnson (SD)
Kerry
Kirk
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCaskill
Menendez
Merkley
Mikulski

Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Snowe
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Inouye

McCain

Sessions

The motion was rejected.

Mrs. BOXER. Madam President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, first of all, I want to say a big thank-you to colleagues for voting to defeat the Paul joint resolution, which was a real attack on the health of our families.

SIGNING AUTHORITY

Mrs. BOXER. Madam President, I ask unanimous consent that from Thursday, November 10, through Monday, November 14, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 1:30 p.m. with the time equally divided between the two leaders or their designees, and with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

VETERANS TAX CREDIT

Mr. DEMINT. Madam President, I want to speak for a few minutes about the proposed veterans tax credit. I know what I am about to discuss will not make me very popular. I will probably be accused of not supporting veterans by the politicians pandering for their votes, but I am not going to be intimidated into voting for something

that may make sense politically but is inherently unfair, and it is not going to work. The measure the Senate is now considering at President Obama's urging is to offer tax credits to employers who hire unemployed veterans. It might sound like good politics, but it is not good policy.

We have learned over the past few years since President Obama took office that employers hire based on their long-term plans, not short-term stimulus. It costs an employer about \$63,000 a year to create an average private sector job. A new tax credit for a couple thousand dollars is simply not enough to increase employment. We have to recognize the fact that businesses are not going to hire until the government gets out of their way and creates a stable environment where businesses can thrive.

Let's be clear: I want veterans to have work opportunities. Once a man or woman has completed his or her service to our country, I hope they are welcomed into the job market. But veterans are not hired simply because they are veterans. By and large, they demonstrate admirable qualities that are invaluable in the workforce, such as selflessness, hard work, and dedication to improving oneself. Many other Americans who are suffering in this same bad economy—such as single moms, young graduates, and minorities—also demonstrate these same commendable character traits. The best way to get our veterans back to work is by doing what will help the economy and get all Americans back to work. Sadly, this tax credit does not do that.

The government has tried offering credits to hire particular categories of people many times before. A Government Accountability Office report studied the targeted jobs tax credit that was passed back in 1978. The credit was intended to encourage companies to favor the disadvantaged in hiring, but a followup study found that it was not "effective or economical" in helping the targeted group. The program was eventually allowed to expire.

Unfortunately, that tax credit was quickly replaced with the welfare-to-work and work opportunity tax credits in 1996. The Urban Institute-Brookings Tax Policy Center studied these credits, which were intended to help the needy, low-income veterans, inner-city youth, and ex-felons. But it found that the credits had "not had a meaningful effect on employment rates among the disadvantaged."

President Obama signed another law, the Hiring Incentives to Restore Employment Act, in March of 2010 to give companies a tax credit to hire unemployed workers. There is no evidence this encouraged employers to hire, as unemployment has remained stubbornly high since President Obama came into office, especially over the

last year while this credit was available.

Despite the overwhelming evidence that these tax credits do not stimulate hiring for targeted groups, the Obama administration continues to push Congress to pass another tax credit, this time exclusively for veterans. By using a politically sensitive group the day before Veterans Day, the Democrats are hoping they can trick Republicans into further complicating the Tax Code, when we should be doing everything possible to simplify it.

If we want to help veterans and all Americans, we need to get serious about fixing our economy. There are almost 14 million unemployed Americans and another 10 million underemployed and discouraged workers who need work. We need a simpler tax code that businesses can navigate, not a more complicated one, riddled with incentives for employers to hire one particular group over another. The endless morass of tax credits and loopholes is exactly what is wrong with our Tax Code. We should also repeal ObamaCare and Dodd-Frank, which are proven job killers. We will have a chance to vote on that later today. We need to open more domestic energy resources.

The answers are right in front of our faces. But, instead, we are pandering to different political groups with programs that have proven to be ineffective. We are giving more false promises to Americans in order to benefit political ends.

All Americans deserve the same opportunity to get hired. I cannot support this tax credit because I do not believe the government should privilege one American over another when it comes to work. I am deeply thankful for the courageous and selfless service of our veterans. They have performed for our country a service, and we will always be indebted to them. Above all, I am thankful for their sacrifices to protect freedom and equal opportunity in America. But we do not pay them back for their service and sacrifice with false promises of government programs that have been proven not to work.

Let's be honest with our veterans and with all Americans and do what we need to do to fix this economy.

Thank you, Madam President. I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Madam President, I rise today, on the eve of Veterans Day, to speak on behalf of those who have fought for our country only to return

home to find that their fight must continue, this time their fight for a job, for employment. I rise today to offer my support on the floor for the VOW to Hire Heroes Act, which I believe is now before this body.

I am a cosponsor of this bill, because as a nation we must do more to appreciate, to support the service of our returning heroes, and to help them to fully recover from their service abroad by returning to meaningful employment in the civilian sector.

We have not had as many servicemembers coming home from military service abroad in a long time. Unfortunately, so many of them come home to a bitterly slow recovery from the great recession. The employment rate among all veterans from service in Iraq or Afghanistan is now 30 percent higher than the national unemployment rate. It is at roughly 12.1 percent. That means nearly a quarter million veterans who are unemployed.

This bill is about equipping them, equipping them effectively to return home to full employment. We have a tremendous asset in the highly trained, highly skilled, highly motivated veterans we have deployed overseas in the service of freedom and who are now returning home seeking service in employment with America's businesses.

We are talking about men and women who are real leaders, tested leaders who have learned something useful about managing people through some of the most difficult situations imaginable, folks in whom we invest hundreds of millions of dollars every year, year in and year out, in training them and equipping them—billions of dollars in equipping them to the highest service levels when we send them overseas. We should invest comparably in making sure that that training, that equipment, is relevant as they return home.

This summer I hosted a roundtable in Delaware on veterans jobs. Nineteen participants came from a wide range of sectors: from the military, from labor, from businesses, from all sorts of different civilian support organizations that work with our returning veterans. As we had a long and productive conversation, the message was loud and clear: We can and should incentivize private businesses to hire veterans. We can help connect the private sector—these businesses across America—with veterans whom they want to hire. And we can and should do a better job of helping returning veterans transition to civilian service.

In Delaware and across the country, we have had some great programs in the past: Helmets to Hard Hats, for example, one with which I became familiar in my previous service in county government, that connected folks in the building trades who wanted to welcome into their ranks veterans returning from recent service, with those who have served our country honorably

overseas and are now home fighting for jobs.

There is also the Employer Support of the Guard and Reserve, or ESGR, with which I regularly communicated as county executive and continue to offer my support as Senator, that helps make sure those who serve overseas in the Guard and Reserve know that their employers understand and respect their legal obligations and their moral obligations to provide employment opportunities comparable to those they had before they deployed.

We also had participating in this important conversation this summer Delaware companies that have made a public pledge to hiring veterans, Summit Aviation in Middletown, JPMorgan Chase, with a very large presence in Delaware, which has made a very real and sustained commitment to hiring returning veterans.

We have a jobs crisis in America. Today, Delaware's veterans unemployment rate is 8 percent. While that is good compared to the national average, 8 percent should not be a good number. In my view, this Congress could have no higher priority than helping Americans get back to work and in that priority helping America's veterans get back to work.

The bill we are on today is the fourth major jobs bill full of ideas, many of which originally came from the other side of the aisle for job creation that we have introduced and considered—the American Jobs Act, a bill that would put public safety workers and teachers back to work and sustain their public service role; a bill that would invest in the infrastructure bank and public dollars for infrastructure all over this country—and all of these bills have been blocked—not defeated but blocked, prevented through filibuster from even coming to the floor. If ever there were a jobs bill that has earned bipartisan support, it is the one this body will vote on later today. Today, we have an opportunity to make it easier for our veterans to find jobs, and I am encouraged by very real signs that this bill may pass, so that all of us can go home tomorrow to our States, participate in Veterans Day ceremonies, having voted for a bill designed to help so many of America's service men and women ease their path back to full employment in the civilian economy. I believe we owe them nothing less.

This bill offers tax credits to businesses in the private sector that would hire veterans. It guarantees servicemembers access to training designed to facilitate their transition to civilian life, and allows them full use of the skills they have gained in service to our Nation, and it cuts through some of the bureaucratic redtape that has made it difficult for veterans to get access to Federal resources.

I am proud to be a cosponsor of this bill, just as I was proud to cosponsor

with Senator MURRAY of Washington the hiring heroes act this spring. We owe it to America to work more aggressively together, across the aisle, in confronting this ongoing jobs crisis. I urge my colleagues to vote in favor of the VOW to Hire Heroes Act today.

OBTAINING PERMANENT RESIDENCY

Madam President, I also wish to take another few minutes to discuss a bill that I hope will pass the Senate later today on a similar topic. It is a small bill addressing a complicated issue, but it will make a big difference in the lives of many of our servicemembers.

When an American marries a foreign national, an immigrant, and that immigrant decides he or she wants to become an American citizen, they begin a process of obtaining permanent residency, of applying for and seeking a green card. Before the 2-year mark in that process, the couple must fill out a form together and appear for an in-person interview. You have a 90-day window to file that paperwork and another 90 days to appear for this in-person interview together. Here is the problem. What if you are in the military and deployed abroad. What if the American in this couple is in a war zone and cannot make it back to the United States in that limited, tightly defined 90-day window for an in-person interview. You might miss your opportunity for you and your spouse to have the interview and secure his or her green card in this United States.

Our soldiers, in my view, have enough to worry about without adding this to the list. The bill we will offer later today is a simple fix. My colleague, Senator GRAHAM of South Carolina, and I have introduced a bill that Congresswoman ZOEY LOFGREN introduced in the House earlier this year. It would give our servicemembers the flexibility to wait until after their deployments have concluded in order to conduct these in-person interviews. That measure passed the House of Representatives 426 to 0. It is my hope it will also pass this Senate unanimously tonight.

We are blessed in this Nation to be served by volunteers, by men and women who go to the other side of the world to serve us in the interest of freedom. The two bills I have spoken of here on the floor today are things that we can and should do together across the aisle to advance their interests in having the enjoyment of liberty for which they sacrificed so much.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks from the Senator from West Virginia, Mr. MANCHIN, and the Senator from Indiana, Mr. COATS, that I be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

EPA DEADLINE EXTENSION

Mr. MANCHIN. Mr. President, I rise today to speak about a very real problem, making sure that we do everything we can to protect jobs, safeguard our environment, and make sure utility companies can provide reliable and affordable electricity from our domestic resources. There are two EPA rules that are at the heart of this issue. One is the utility MACT rule, which would require a decrease in mercury emissions at powerplants, and the cross-State air pollution rule, which would require powerplants to lower emissions of pollutants that may reduce air quality in neighboring States.

Some utilities have already complied with these rules. Many have not. You can put the blame for the past sins on anybody and everybody, and we seem to do it well here from time to time. This is not what we are here for today.

My good colleague and my friend from Indiana will be speaking after me. This is truly a bipartisan effort trying to bring reasonability and common sense to this subject. But we have proven here in this body time and again that you truly cannot fix it if you blame people for it. What we intend to do with our legislation is truly fix the problem.

Let me be clear. I believe both of these rules aim to accomplish important objectives. But as they are written, they are nearly impossible to realize. If we do not extend the deadline for utilities to responsibly comply, we are going to lose the jobs and the reliability of the electricity we depend upon, and that hike of rates to consumers will be unimaginable. So we need to find a balance with our economy and the environment. That is why I am proud to stand today with my friend Senator COATS, a Republican from Indiana, to offer a commonsense solution to this problem, and to move forward with responsible, reasonable legislation that would get plants in compliance.

We are offering a bill today which is called the Fair Compliance Act of 2011, which has broad support from labor and industry and across the aisle. It is rare for so many groups with different points of view to come together behind a bill, but let me give you a list of some of our supporters: the Building and Construction Trades, the International Brotherhood of Boilermakers, International Brotherhood of Electrical Workers, United Mine Workers of America, AES, American Electric Power, Enerfab, the Electric Reliability Coordinating Council, to name a few.

I believe this bill provides a reasonable, responsible extension of the deadlines, while also protecting our most important priority, our environment

and our responsibility to the environment, the reliability of our electric grid, the consumers who have to buy energy and can only afford to pay a reasonable price, using our own domestic resources so that we depend less on foreign energy and, most importantly, the thousands of jobs that are on the line.

I yield the floor for my friend from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank my colleague from West Virginia, Senator MANCHIN, for joining with me to produce a bipartisan, commonsense solution that is supported by both industry and labor, a piece of legislation that will ensure that the provision established through the Clean Air Act relative to the emissions of sulfur dioxide, nitrous oxide, mercury, and other emissions will not be reduced and eliminated.

We do nothing to stop the progress that has been made over many years in regard to cleaning up our air. We should be proud as Americans that we have taken the steps necessary to produce a cleaner environment, to eliminate toxic pollutants in the air. Over \$100 billion has been spent by industry to retrofit their energy-producing plants with equipment that reduces and eliminates these pollutants. So we are not here today to advocate in favor of pumping more toxins into the air. We are here today to say we need a reasonable provision in place that would allow these industries to continue to spend the billions of dollars they are spending and do it in a timely manner so that we can reach the goal established through the Clean Air Act and other regulations.

But I think this current regulation we had a vote on—the Paul resolution—less than an hour ago, which came close to passing, now sets the stage for this particular provision, which the Senator from West Virginia, JOE MANCHIN, and I have cosponsored.

The Fair Compliance Act simply says that we want to continue to meet those standards, but we need to do it in a time-sensitive way so that industry can comply with the necessary procedures to arrange the plans, hire the contractors, and install the equipment. The timeline proposed by the EPA is simply unattainable, unreasonable, and punitive. It costs jobs and money. Furthermore, it negatively impacts these necessary energy-producing facilities in the United States that are critical to our economy and employment. What we need now is an extension of 2 years on one of the provisions and 3 years on the other so that companies can address these rules together.

For those who have indicated on the floor in previous debate that we are undermining and undercutting regulations from going forward to reduce con-

taminants in the air, that is absolutely incorrect. We are ensuring that these will take place in a reasonable way that won't cost us jobs and further harm our economy.

Just to repeat something and to ask my colleague from West Virginia, my understanding is that this has significant labor and industry support. My colleague has outlined a number of industries and a number of labor unions that have supported this.

I know there is some concern that the utilities have avoided these rules in the past—that has been alleged—although they have spent over \$100 billion in compliance. And some say this is just another delaying tactic. I ask my colleague, what would he say to people who object to this legislation on those grounds?

Mr. MANCHIN. Mr. President, let me say to the Senator that that question has been out there, and the naysayers are saying we should not delay it longer or extend it any more. This has gone through a real storied past, if you will. It had been repealed by previous administrations, it had gone through a court system and was overturned, and we are back where we are.

They are going to say: Well, some of them have complied and some haven't. There is ample time.

We can sit here—and we have talked and we have watched, in the last year, the blame game. That doesn't work. We haven't fixed a thing in this body this year by blaming the other side or blaming a previous administration or some other partisan group. We have a chance, with what the Senator and I have teamed up on, to fix this.

The only thing I would say, which the Senator eloquently laid out, is that a 2-year extension on one to comply, not just to extend and forgive—we are not asking to reduce in any way possible or to amend the Clean Air Act. We want it in force, and we want to do it with the energy we have used for the last century—it is domestic, and it is a fossil fuel. We have cleaned up the air in West Virginia by putting scrubbers and SCRs on boilers to the tune of 89 percent within the last two decades. We can do a lot more.

What we are allowing now is to bring plants into compliance without shocking the system. The shock is this: The cost, if I may quote this—even by EPA's own estimate, they peg the cost—if this rule is not extended so that we can comply, it will cost \$2.4 billion. Who do you think will pay that? It will be your consumers, your constituents, and, most importantly, people who cannot afford it. It is putting a burden on, it is challenging jobs that rely on reliable, dependable, and affordable energy so that they can compete globally. It is knocking us out of the market to compete. Why would we shoot ourselves in the foot economically?

We can work within the Clean Air Act and comply with it, and it doesn't make any of these rules less stringent. We are not saying relax it. We are just saying: Let us comply. Don't blame what happened in the past. Let's fix what is before us right now.

That is what I would say to my good friend.

If I may, I will ask my good friend a question. What has he heard from the utilities in Indiana about the EPA's current timeline? What have they told the Senator?

Mr. COATS. I thank my friend for asking me that question, and I thank him so much for his answer to the previous question. I have visited those utilities. Let me mention one.

Tanners Creek is down along the Ohio River. It is a facility that will have to retire many units under this proposal, at the cost of more than 60 jobs. These types of closures may result in increased energy costs for consumers and the loss of electricity that will flow into the grid, potentially causing blackouts or interruptions in electric supply.

They are good citizens. They have plans to deal with their plants, to comply with these regulations. But they need more time to do it. They have also said: If we have to do this immediately, with all the plants all across the country, there is a shortage of equipment and contractors that are able to manufacture this type of equipment necessary and install it. That will drive up costs.

As the Senator from West Virginia has said, all of this is borne on the backs of the taxpayers, those who receive utility bills, whether for residences or companies that receive bills that are producing in the Midwest. The Senator's State and my State—we make big stuff, such as cars, locomotives, airplanes, major airplane parts, and big machines—things at the industrial heart of America. So it takes a lot of energy to produce the kinds of products that are made in our States.

To have a sudden spike in utility costs at a time when our economy is struggling is the worst thing we could do in this economy. While this amendment is not designed to specifically address that issue, it certainly helps us as we work our way through the downturn in the economy that has kept people out of work and kept our economy from growing as it should.

This is just another blow to the manufacturing industry in the Midwest, particularly in terms of hiring and in terms of being competitive and making a product. So the industries have come forward and said: We will comply, and we have complied—\$100 billion-plus in compliance, which is a record to date. It will be continued as we go forward. We are simply asking for a sensible timeframe in which to do this.

In conclusion—and then I will turn it back to my friend—to my colleagues, I simply say that the allegation that this undermines what we are trying to do relative to providing clean air for American citizens to breathe is exaggerated and not true. Our bill requires compliance with the Clean Air Act, and it does not take away any regulation relative to these emissions that are poured into the air out of our utilities.

It is a bipartisan bill. This is not something that divides us on a partisan basis. It has industry support and labor support. It ensures full compliance with the Clean Air Act and reduction levels through regulations. It ensures that we won't have energy disruptions and blackouts and grid problems. It keeps jobs, and it spreads out the costs so that utility payers aren't hit with the shock of an increase in their bills. And the time to do it is set in a way that it will be accomplished within a more reasonable period of time. It synchronizes the two rules on reductions of emissions, the sulfur and nitrous oxide, as well as mercury and other toxins, so utilities can make the necessary changes at the same time.

We urge our colleagues to look at the details of the bill and study this. I see no reason why those who are concerned just about the environment and those who might be concerned just about the production capacity can't come together in a compromise and achieve the ends they both want to meet.

With that, I yield the floor and turn it back to my colleague. I thank him for his work in this process. We have been working together to do this in a way that both sides can support.

Mr. MANCHIN. I thank my good friend, the Senator from Indiana, Mr. COATS, for his diligence in working on this issue. In the greatest Nation on Earth, not to have an energy policy is wrong. It is also wrong to be so insecure—or less secure, if you will—by depending on foreign oil as we have. We know the results we are faced with now.

We are saying: Let us comply and make sure we are working in harmony with the environment and the economy. We can make that happen within a reasonable amount of time. That is all we have asked for. We are not asking to make the rules less stringent or to forget about them and throw caution to the wind. We know jobs and the economy are at stake. We know that, basically, the security of the Nation is at stake. But until we find a fuel of the future, we need to use what we have right here in America. Coal has supplied energy for a hundred years and will do so until we find a fuel that will replace it that is dependable, reliable, and affordable. So what we are asking for is something that is reasonable, and we are not blaming anything.

AMENDMENT NO. 927, AS MODIFIED

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Reid for

Tester amendment No. 927 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 927), as modified, is as follows:

Strike title II and insert the following:

TITLE II—VOW TO HIRE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the “VOW to Hire Heroes Act of 2011”.

Subtitle A—Retraining Veterans

SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

(5) begins on or after July 1, 2012.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—

(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

(2) DETERMINATION OF ELIGIBILITY.—

(A) DETERMINATION BY SECRETARY OF LABOR.—

(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

(B) DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

(f) EMPLOYMENT ASSISTANCE.—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

(g) CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

(h) JOINT AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

(2) APPEALS PROCESS.—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

(i) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of—

(i) eligible veterans who participated; and
(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

(B) Data related to the employment status of eligible veterans who participated.

(j) FUNDING.—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than \$2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

(l) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

Subtitle B—Improving the Transition Assistance Program

SEC. 221. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

“(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

“(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the participation requirement of paragraph (1) with respect to—

“(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries' articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

“(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit's imminent deployment.”

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking “may” and inserting “shall”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 222. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor shall, in consultation with the Secretary of Defense and the Secretary of Veterans Af-

fairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

(b) PUBLICATION.—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

(1) made publicly available on an Internet website; and

(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

(c) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member's participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(d) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall make the individualized assessment provided a member under

subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) **USE IN ASSISTANCE.**—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

(e) **EFFECTIVE DATE.**—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 223. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) **TRANSITION ASSISTANCE PROGRAM CONTRACTING.**—

(1) **IN GENERAL.**—Section 4113 of title 38, United States Code, is amended to read as follows:

“§ 4113. Transition Assistance Program personnel

“(a) **REQUIREMENT TO CONTRACT.**—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

“(b) **FUNCTIONS.**—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

“(1) Counseling.

“(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

“(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

“(4) Other related information and services under such section.

“(5) Such other services as the Secretary considers appropriate.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

“4113. Transition Assistance Program personnel.”.

(b) **DEADLINE FOR IMPLEMENTATION.**—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act.

SEC. 224. CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

Section 1144(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “public or private entities; and” and inserting “public entities;”;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5), the following new paragraph (6):

“(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

“(A) private sector culture, resume writing, career networking, and training on job search technologies;

“(B) academic readiness and educational opportunities; or

“(C) other relevant topics; and”.

SEC. 225. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **PARTICIPATION IN APPRENTICESHIP PROGRAMS.**—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.”.

SEC. 226. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program (TAP) and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

SEC. 231. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

SEC. 232. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking “who have been rehabilitated to the point of employability”.

SEC. 233. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) **ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.**—

(1) **IN GENERAL.**—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking “A person” and inserting the following:

“(a) **IN GENERAL.**—A person”; and

(B) by adding at the end the following new paragraph:

“(b) **ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.**—(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

“(A) the person is described by paragraph (1) or (2) of subsection (a); and

“(B) the person—

“(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

“(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

“(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

“(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

“(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person’s rights to regular compensation under a State law when—

“(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person’s base period; or

“(B) such person’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

“(3) In this subsection, the terms ‘compensation’, ‘regular compensation’, ‘benefit year’, ‘State’, ‘State law’, and ‘week’ have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.”.

(2) **DURATION OF ADDITIONAL REHABILITATION PROGRAM.**—Section 3105(b) of such title is amended—

(A) by striking “Except as provided in subsection (c) of this section,” and inserting “(1) Except as provided in paragraph (2) and in subsection (c).”; and

(B) by adding at the end the following new paragraph:

“(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.”.

(b) **EXTENSION OF PERIOD OF ELIGIBILITY.**—Section 3103 of such title is amended—

(1) in subsection (a), by striking “in subsection (b), (c), or (d)” and inserting “in subsection (b), (c), (d), or (e)”; and

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

“(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

“(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.

(d) **COMPTROLLER GENERAL REVIEW.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the training and rehabilitation under chapter 31 of title 38, United States Code; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the review and any recommendations of the Comptroller General for improving such training and rehabilitation.

SEC. 234. COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

“§ 4104A. Collaborative veterans' training, mentoring, and placement program

“(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

“(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

“(1) collaborate with—

“(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

“(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

“(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

“(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

“(1) information describing how the organization will—

“(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

“(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

“(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

“(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

“(d) REPORTS.—(1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

“(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall—

“(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

“(i) veterans who applied for training under this section;

“(ii) veterans who entered the training;

“(iii) veterans who completed the training;

“(iv) veterans who were placed in meaningful employment under this section; and

“(v) veterans who remained in such employment as of the date of the assessment; and

“(B) submit to the appropriate committees of Congress a report that includes—

“(i) a description of how the grant recipients used the funds made available under this section;

“(ii) the results of the assessment conducted under subparagraph (A); and

“(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$4,500,000 for the period consisting of fiscal years 2012 and 2013.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

“(B) the Committee on Veterans' Affairs and the Committee on Education and Workforce of the House of Representatives; and

“(2) the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.”

(b) CONFORMING AMENDMENT.—Section 4103A(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting “and facilitate placements” after “intensive services”; and

(2) by adding at the end the following:

“(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.”

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

“4104A. Collaborative veterans' training, mentoring, and placement program.”

SEC. 235. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENTS TO COMPETITIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 21 of title 5, United States Code, is amended by inserting after section 2108 the following:

“§ 2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles

“(a) VETERAN.—

“(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a veteran defined under section 2108(1) for purposes of making an appointment in the competitive service, if the individual—

“(A) meets the definition of a veteran under section 2108(1), except for the requirement that the individual has been discharged or released from active duty in the armed forces under honorable conditions; and

“(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

“(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be discharged or released from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

“(b) DISABLED VETERAN.—

“(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a disabled veteran defined under section 2108(2) for purposes of making an appointment in the competitive service, if the individual—

“(A) meets the definition of a disabled veteran under section 2108(2), except for the requirement that the individual has been separated from active duty in the armed forces under honorable conditions; and

“(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

“(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be separated from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

“(c) PREFERENCE ELIGIBLE.—Subsections (a) and (b) shall apply with respect to determining whether an individual is a preference eligible under section 2108(3) for purposes of making an appointment in the competitive service.”

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2108 of title 5, United States Code, is amended—

(i) in paragraph (1), in the matter following subparagraph (D), by inserting “, except as provided under section 2108a,” before “who has been”; and

(ii) in paragraph (2), by inserting “(except as provided under section 2108a)” before “has been separated”; and

(iii) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or section 2108a(c)” after “paragraph (4) of this section”.

(B) TABLE OF SECTIONS.—The table of sections for chapter 21 of title 5, United States Code, is amended by adding after the item relating to section 2108 the following:

“2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.”

(b) EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code; and

(B) the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of

the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 236. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to members of the Armed Forces on terminal leave work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) REPORT.—Not later than 540 days after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives an interim report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 237. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

(a) IN GENERAL.—Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking “may” and inserting “shall”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Assistant Secretary shall” and inserting “Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training;”;

(ii) by striking “not less than 10 military” and inserting “not more than five military”; and

(iii) by inserting “for Veterans' Employment and Training” after “selected by the Assistant Secretary”; and

(B) in paragraph (2), by striking “consult with appropriate Federal, State, and industry officials to” and inserting “enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and”; and

(3) by striking subsections (d) through (h) and inserting the following:

“(d) PERIOD OF PROJECT.—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.”.

(b) STUDY COMPARING COSTS INCURRED BY SECRETARY OF DEFENSE FOR TRAINING FOR MILITARY OCCUPATIONAL SPECIALTIES WITHOUT CREDENTIALING OR LICENSING WITH COSTS INCURRED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF LABOR IN PROVIDING EMPLOYMENT-RELATED ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, complete a study comparing the costs incurred by the Secretary of Defense in training members of the Armed Forces for the military occupational specialties selected by the Assistant Secretary of Labor of Veterans' Employment and Training pursuant to the demonstration project provided for in such section 4114, as amended by subsection (a), with the costs incurred by the Secretary of Veterans Affairs and the Secretary of Labor in providing employment-related assistance to veterans who previously held such military occupational specialties, including—

(A) providing educational assistance under laws administered by the Secretary of Veterans Affairs to veterans to obtain credentialing and licensing for civilian occupations that are similar to such military occupational specialties;

(B) providing assistance to unemployed veterans who, while serving in the Armed Forces, were trained in a military occupational specialty; and

(C) providing vocational training or counseling to veterans described in subparagraph (B).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall submit to Congress a report on the study carried out under paragraph (1).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings of the Assistant Secretary with respect to the study required by paragraph (1).

(ii) A detailed description of the costs compared under the study required by paragraph (1).

SEC. 238. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking “clause (1)” and inserting “paragraph (1)”;

(2) in paragraph (5), by striking “and” at the end;

(3) in paragraph (6), by striking the period and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(7) performance measures for the provision of assistance under this chapter, including—

“(A) the percentage of participants in programs under this chapter who find employ-

ment before the end of the first 90-day period following their completion of the program;

“(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

“(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

“(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

“(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.”.

SEC. 239. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: “Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.”; and

(2) by amending subsection (d) to read as follows:

“(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

“(A) an analysis of the implementation of providing such priority at the local level;

“(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

“(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

“(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.”.

SEC. 240. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such training.

“(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.”.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, as

added by subsection (a), shall apply with respect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 241. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) **DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.**—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) **ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.**—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(b) **LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.**—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) **ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.**—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(c) **CONSOLIDATION.**—Section 4102A of such title is amended by adding at the end the following new subsection:

“(h) **CONSOLIDATION OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND VETERANS' EMPLOYMENT REPRESENTATIVES.**—The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if—

“(1) the Governor determines, and the Secretary concurs, that such consolidation—

“(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

“(B) does not hinder the provision of services to veterans and employers; and

“(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.”.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

SEC. 251. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting “the terms, conditions, or privileges of employment, including” after “means”.

Subtitle E—Other Matters

SEC. 261. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) **IN GENERAL.**—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))” and inserting “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), \$14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))”.

(b) **RETURNING HEROES TAX CREDITS.**—Subparagraph (A) of section 51(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking “or” at the end of clause (i),

(2) by striking the period at the end of clause (ii)(II), and

(3) by adding at the end the following new clauses:

“(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

“(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.”.

(c) **SIMPLIFIED CERTIFICATION.**—Paragraph (13) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) **CREDIT FOR UNEMPLOYED VETERANS.**—

“(i) **IN GENERAL.**—Notwithstanding subparagraph (A), for purposes of paragraph (3)(A)—

“(I) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (ii)(II) or (iv) of such paragraph (whichever is applicable) if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date, and

“(II) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (iii) of such paragraph if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

“(ii) **REGULATORY AUTHORITY.**—The Secretary may provide alternative methods for certification of a veteran as a qualified veteran described in clause (ii)(II), (iii), or (iv) of paragraph (3)(A), at the Secretary's discretion.”.

(d) **EXTENSION OF CREDIT.**—Subparagraph (B) of section 51(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) after—

“(i) December 31, 2012, in the case of a qualified veteran, and

“(ii) December 31, 2011, in the case of any other individual.”.

(e) **CREDIT MADE AVAILABLE TO TAX-EXEMPT ORGANIZATIONS IN CERTAIN CIRCUMSTANCES.**—

(1) **IN GENERAL.**—Subsection (c) of section 52 of the Internal Revenue Code of 1986 is amended—

(A) by inserting “(1) **IN GENERAL.**—” before “No credit”, and

(B) by adding at the end the following new paragraph:

“(2) **CREDIT MADE AVAILABLE TO QUALIFIED TAX-EXEMPT ORGANIZATIONS EMPLOYING QUALIFIED VETERANS.**—For credit against payroll taxes for employment of qualified veterans by qualified tax-exempt organizations, see section 3111(e).”.

(2) **CREDIT ALLOWABLE.**—Section 3111 of such Code is amended by adding at the end the following new subsection:

“(e) **CREDIT FOR EMPLOYMENT OF QUALIFIED VETERANS.**—

“(1) **IN GENERAL.**—If a qualified tax-exempt organization hires a qualified veteran with respect to whom a credit would be allowable under section 38 by reason of section 51 if the organization were not a qualified tax-exempt organization, then there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during the applicable period an amount equal to the credit determined under section 51 (after application of the modifications under paragraph (3)) with respect to wages paid to such qualified veteran during such period.

“(2) **OVERALL LIMITATION.**—The aggregate amount allowed as a credit under this subsection for all qualified veterans for any period with respect to which tax is imposed under subsection (a) shall not exceed the amount of the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during such period.

“(3) **MODIFICATIONS.**—For purposes of paragraph (1), section 51 shall be applied—

“(A) by substituting ‘26 percent’ for ‘40 percent’ in subsection (a) thereof,

“(B) by substituting ‘16.25 percent’ for ‘25 percent’ in subsection (i)(3)(A) thereof, and

“(C) by only taking into account wages paid to a qualified veteran for services in furtherance of the activities related to the purpose or function constituting the basis of the organization's exemption under section 501.

“(4) **APPLICABLE PERIOD.**—The term ‘applicable period’ means, with respect to any qualified veteran, the 1-year period beginning with the day such qualified veteran begins work for the organization.

“(5) **DEFINITIONS.**—For purposes of this subsection—

“(A) the term ‘qualified tax-exempt organization’ means an employer that is an organization described in section 501(c) and exempt from taxation under section 501(a), and

“(B) the term ‘qualified veteran’ has meaning given such term by section 51(d)(3).”.

(3) **TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.**—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent

possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary of the Treasury as being equal to the loss to that possession that would have occurred by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit in effect after the amendments made by this section.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—The credit allowed against United States income taxes for any taxable year under the amendments made by this section to section 51 of the Internal Revenue Code of 1986 to any person with respect to any qualified veteran shall be reduced by the amount of any credit (or other tax benefit described in paragraph (1)(B)) allowed to such person against income taxes imposed by the possession of the United States by reason of this subsection with respect to such qualified veteran for such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term “possession of the United States” includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 262. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “May 31, 2015” and inserting “September 30, 2016”.

SEC. 263. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.”.

SEC. 264. EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.

Section 5317(g) of title 38, United States Code, is amended by striking “September 30, 2011” and inserting “September 30, 2016”.

SEC. 265. MODIFICATION OF LOAN GUARANTEE FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) IN GENERAL.—Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (iv), by striking “November 18, 2011” and inserting “October 1, 2016”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”;

(B) by striking clauses (ii) and (iii);

(C) by redesignating clause (iv) as clause (ii); and

(D) in clause (ii), as redesignated by subparagraph (C), by striking “October 1, 2013” and inserting “October 1, 2016”;

(3) in subparagraph (C)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2016”;

(4) in subparagraph (D)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2016”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) November 18, 2011; or

(2) the date of the enactment of this Act.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

SEC. 301. ONE HUNDRED PERCENT LEVY FOR PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 302. STUDY AND REPORT ON REDUCING THE AMOUNT OF THE TAX GAP OWED BY FEDERAL CONTRACTORS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury, or the Secretary's delegate, in consultation with the Director of the Office of Management and Budget and the heads of such other Federal agencies as the Secretary determines appropriate, shall conduct a study on ways to reduce the amount of Federal tax owed but not paid by persons submitting bids or proposals for the procurement of property or services by the Federal government.

(2) MATTERS STUDIED.—The study conducted under paragraph (1) shall include the following matters:

(A) An estimate of the amount of delinquent taxes owed by Federal contractors.

(B) The extent to which the requirement that persons submitting bids or proposals certify whether such persons have delinquent tax debts has—

(i) improved tax compliance; and

(ii) been a factor in Federal agency decisions not to enter into or renew contracts with such contractors.

(C) In cases in which Federal agencies continue to contract with persons who report having delinquent tax debt, the factors taken into consideration in awarding such contracts.

(D) The degree of the success of the Federal lien and levy system in recouping delinquent Federal taxes from Federal contractors.

(E) The number of persons who have been suspended or debarred because of a delinquent tax debt over the past 3 years.

(F) An estimate of the extent to which the subcontractors under Federal contracts have delinquent tax debt.

(G) The Federal agencies which have most frequently awarded contracts to persons notwithstanding any certification by such person that the person has delinquent tax debt.

(H) Recommendations on ways to better identify Federal contractors with delinquent tax debts.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report on the study conducted under subsection (a), together with any legislative recommendations.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

SEC. 401. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) IN GENERAL.—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:

“(iii) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(c) NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury, or the Secretary's delegate, shall annually estimate the impact that the amendments made by subsection (a) have on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury or the Secretary's delegate estimates that such

amendments have a negative impact on the income and balances of such trust funds, the Secretary shall transfer, not less frequently than quarterly, from the general fund an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of such amendments.

TITLE V—BUDGETARY EFFECTS

SEC. 501. STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

OVERREGULATION

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding that I have as much as 5 minutes.

Mr. President, I appreciate very much what has been described. Perhaps people can look at this in terms of the overregulation we are doing in this country, the fact that there is a direct relationship between the amount of revenue that comes into the government and the amount of regulations.

I have always used this—in fact, it is still permissible to use it. According to OMB, for each 1 percent addition to the GDP, it creates an additional \$50 billion of revenue. There are other ways of doing it other than tax increases.

To turn it around, look at what this administration has done. They have regulations such as the greenhouse gas regulation, which would be between a \$300 billion and \$400 billion loss each year. The ozone—which they postponed, but nevertheless they proposed it—would be \$676 billion in lost GDP. You can do your math on that. For each 1 percent—and 1 percent is \$140 billion—for each 1 percent, it would be about a \$50 billion loss in revenue. Boiler MACT is a \$1 billion loss in GDP. Utility MACT, which is what they have been talking about, across State lines, is \$140 billion in compliance costs. Cement MACT—all of these are huge losers in terms of revenue that can be generated.

So I would only like to say—and I wish I had time to get into more detail on this—that shortly we will be voting on McCain amendment No. 928. It has a lot of great features in it, but one that has been almost overlooked is the feature that would take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases. This was the Upton-Inhofe bill. My bill, actually, was tested here, and we had a majority of people who were in support of it. It passed overwhelmingly in the House of Representatives.

So part of this amendment addresses what would have been done by the Waxman-Markey bill, which would cost us, not just once but every year, be-

tween \$300 billion and \$400 billion. The big question was, since the President could not get this body to pass a bill on cap and trade, he decided he would do it through regulation. But doing it through regulation would still cost between \$300 billion and \$400 billion a year. So what they had to do was to come up with an endangerment finding.

That endangerment finding was based on flawed science. In fact, we have a recent response to a request by the IG of the EPA who said, in fact, that was true—that the science on which this was based was faulty science. So after we realized that—and everyone else realized it—we went back to these people who were on record opposing the legislation regulating greenhouse gases and tried to get a bill passed that would take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases. So that is what this was all about.

We were not able to get that, but that provision is in amendment No. 928 by Senator MCCAIN and others. I hope people will realize, in addition to those things being talked about, and the new jobs that would come with the passage of that amendment, there is also this provision which would be a huge boost to our economy and would eliminate an unnecessary tax increase of between \$300 billion and \$400 billion a year.

With that, I yield the floor.

3% WITHHOLDING REPEAL AND JOB CREATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 674, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

Pending:

Reid (for Tester) amendment No. 927, as modified, to amend the Internal Revenue Code of 1986 to permit a 100-percent levy for payments to Federal vendors relating to property, to require a study on how to reduce the amount of Federal taxes owed but not paid by Federal contractors, and to make certain improvements in the laws relating to the employment and training of veterans.

McCain amendment No. 928 (to amendment No. 927), to provide American jobs through economic growth.

The PRESIDING OFFICER. There will be 15 minutes of debate equally divided.

The Senator from Montana.

AMENDMENT NO. 927

Mr. TESTER. Mr. President, the economy has hit us all hard. Montanans who have done everything right are losing their jobs, and some are even

losing their homes. To get the economy back on track we need to employ some common sense. We need to put politics aside, and we need to work together on behalf of the struggling families across this country.

In particular, we need to do the right thing on behalf of our men and women who have served our Nation in uniform. The unemployment rate for younger veterans who have served since September 11, 2001, continues to remain well above average. It is unacceptably high and is getting worse. It is a national disgrace. Our service men and women deserve better.

These men and women left the comforts of home and put their lives on hold to fight for us in some of the harshest conditions imaginable. Far too many have paid the ultimate sacrifice, while thousands continue to struggle with the wounds of war—those seen and those unseen. They face daily challenges many of us can never fully comprehend, and they have endured sacrifices we can never fully repay. Many of them served multiple tours. Even the Montana National Guard's largest unit was sent to Iraq twice in the last 8 years. That is a long time—especially for a Reserve component—to be away from home. But they carried out their assignments as the best-trained, most professional military in the world. And for that we are proud and we are grateful.

When I visited Iraq and Afghanistan earlier this year, I was protected by some of the most well-trained, professional, and downright inspirational men and women our country has ever produced. I recall in one instance standing at a command operating base looking out over a valley in Afghanistan where, months earlier, the Taliban had run roughshod. I thought about how difficult the conditions were for the young men and women who were there wearing the uniform of our country, standing shoulder to shoulder with members of the Afghan Army.

In the hours we were there, I did not hear one complaint, only commitment and pride in their work from our troops. I will never forget that. If we fail to do right by them, what does that say about us?

Simply put, we have a responsibility to provide for all veterans and their families. It is something I have never taken lightly, and it is something that continues to motivate me every single day. It means providing them with the best services and care, and it means giving them every opportunity to succeed and empowering them with the tools they need to find good-paying jobs.

The legislation before us today does exactly that. It would provide important tax credits to encourage more employers to hire veterans who are out of work. It would provide additional education and job training for veterans to

gain additional skills to be more successful in an increasingly competitive job market. It would take important steps to help ease the transition between military service and the civilian workforce.

Let me give an example of how this bill would directly affect one of my constituents. A chap by the name of Nathan Wiens grew up in Glasgow, MT, a small town in the northeastern corner of the State. He attended Montana State University on an ROTC scholarship, earned a degree in civil engineering, and was deployed to Iraq as a captain in the Army. During his years in the Army, Nathan used his engineering degree. But when he came home, his military experience did not count toward his professional engineering certification. Now Nathan has to spend a couple of years building up the civilian equivalent of the military experience he already has just to be able to qualify to become a certified professional engineer. This bill will help fix it so that military experience counts.

This bill says if someone spends 6 years in the Army driving a truck, they ought to be able to get their commercial driver's license a whole lot faster than someone who does not have that experience.

It would require the Department of Labor, in conjunction with the VA and the Department of Defense, to take a hard look at what military skills and training should be translatable to the civilian sector. It would make it easier to get these licenses and certifications that our veterans need.

This bill will give employers valuable information about the skill sets our veterans have gained while they have served in the military. These are the kinds of commonsense ideas we should be taking a look at. It is the responsible thing to do for America's veterans.

It would not surprise anyone this proposal has ideas from both Democrats and Republicans because this is an issue that shouldn't be partisan. Every Member of the Senate should be committed to helping veterans find jobs.

Montana has more veterans per capita than any other State in the Union, except Alaska. We have 103,000 veterans in Montana. As I travel across the State and visit with them and their families, the topic of veterans employment remains at the forefront of their minds. It is important to them. It is important to their friends and loved ones. It is important to our communities. It should be important to each and every one of us.

We deal with a lot of contentious issues here, but this should not be one of them. Let's work together to do the right thing and get this bill passed because it is the least we can do for those to whom we owe so much.

With that, Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Without objection, the Senator may ask for the yeas and nays on his amendment.

Mr. TESTER. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I first want to thank Senator TESTER for his comments.

Mr. President, if we pass these two measures today, if we repeal the 3-percent withholding and take steps to help our veterans find work, the American people will win, and for 1 day at least partisanship will lose.

Veterans Day is tomorrow. So let's renew our commitment to the men and women who have answered the call of duty and who have fought for us and for our freedom and continue to do so.

Our returning heroes face a jobs crisis. We all know it. We hear about it. It is as relevant in Massachusetts as it is in Montana and every other State in this great country. We are here to make a difference today, and that is what this bill will do. This bill will give a much needed boost to the employment of veterans.

I earlier filed a hire a hero act, and I am glad it has been incorporated with the President's proposals and is moving forward today. The 3-percent withholding provision is also something I have been working on for many months as well. So I am glad these two bills are coming to fruition. It will give, as I said, a much needed boost to our unemployed heroes, and it will improve our veterans transitioning from military to civilian life.

I hope Congress will seize on this momentum and work in a bipartisan manner to pass more jobs legislation. Contrary to what we read and hear from the media, there are things we can all agree on, and these are two good examples.

So I say again, if we can do these two things—repeal the 3-percent withholding and help our veterans—maybe it will usher in an era of good will, with one good deed leading to another good deed, and so on, and so on. So let's end this stealth tax and do something meaningful for our veterans. Let's start working together. Above all, let's put Americans first because we are all Americans first.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. PAUL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PAUL. Mr. President, I rise in support of the Republican jobs plan. I think it is very important that the American people know there are different visions about how we would create jobs in this country, whether the jobs should be created by the private sector or the jobs should be created by borrowing money from China, taxing us more, and then redistributing that money into government-created jobs.

There are different visions in this country about how we create jobs. The one thing we know is, we need millions of jobs—not tens of thousands of jobs but millions of jobs.

What I ask the President to do is to come in from the campaign trail and talk to us. I think he needs to be here, not raising money, not out fundraising for his campaign, not bashing Republicans on the campaign trail. He needs to be in Washington. He needs to be engaged with the committee, the supercommittee. He needs to be engaged with Republican counterparts.

I have told the President, personally, I will work with him. I will come from the Republican side of the aisle, and we can figure out areas in which we agree. There are many aspects of the Republican jobs plan that some Democrats have said they might support: Reducing the corporate income tax, lowering the rates, and eliminating loopholes.

The thing is, on the campaign trail, we are told Republicans are unwilling to eliminate loopholes for millionaires who don't pay taxes. The truth is, we are very willing. This has been offered in the supercommittee. It has been offered by our side. It is offered in the Republican jobs plan. We are willing to eliminate loopholes that make the Tax Code unfair, that allow either millionaires or corporations to pay no taxes. But we want to do it in the context of tax reform.

There are a couple things historically that government has done that has created jobs. In the 1960s, President Kennedy reduced the top rate from 90 to 70. Unemployment was cut in half. In the 1980s, Reagan lowered the top rate from 70 to 50. Unemployment was cut in half. Reagan again lowered the top rate from 50 to 28, and unemployment was cut in half.

Interestingly, through all these rate cuts of the top taxpayers, as we cut the rates, tax revenue didn't go down. Tax revenue has stayed about 18 percent of GDP no matter what the rates are. But what lowering the top rates does is it spawns economic activity.

So I ask the President to come in from the campaign trail, to come in

from his Canadian bus tour, and talk to us on the Hill—talk to us about ways we could create jobs again. We need millions of jobs. Fourteen million Americans are out of work. Two million Americans have lost their jobs since this President came into the White House.

They say the definition of “insanity” is doing the same thing over and over and expecting a different result. We need conversation on Capitol Hill between Republicans and Democrats, but we also need leadership from the White House. Continuing to bash us on the campaign trail is getting us nowhere as a country.

A couple things I have heard from the President as he has campaigned around the country: One, he said Republicans are too stupid to understand his plan, so he is going to break up his jobs plan and give it to us in pieces because we can't understand the whole thing.

In diplomacy, they sometimes talk about the stick and the carrot. I am sure feeling the stick from the President, but I am not seeing a carrot. What we need to have is conversation where we can bridge these differences and find some common ground.

We have a corporate income tax higher than anybody in the world. We keep heaping new regulations onto our businesses. We need to lower our corporate income tax. How can they compete? We worry about jobs going overseas?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PAUL. I urge support of the Republican jobs plan.

Mr. LEVIN. Mr. President, the legislation before the Senate is the latest effort by Senate Democrats to pass portions of the President's American Jobs Act that will boost the economy and put Americans back to work. The underlying legislation will repeal a 3 percent withholding on contractors that was designed to encourage contractors to pay their taxes; and the amendment offered by my colleague from Montana, Senator TESTER, will help veterans by providing hiring incentives to employers who hire our heroes and expanding education and training opportunities for older veterans.

The 3 percent withholding on contractors was enacted in 2005 and, because of implementation problems, has never been put into effect. I have heard from businesses in Michigan, universities in Michigan, mayors and countless others that this withholding provision is unworkable. Because Congress and the President recognize this problem, Congress has continued to delay its effective date.

The repeal of the 3 percent withholding requirement should be paid for by finding other ways to promote tax fairness and improving tax compliance. I have offered several of these pro-

posals before. Unfortunately, rather than paying for this bill with measures to promote tax compliance and fairness, it is paid for by revising the way the modified adjusted gross income is calculated in determining eligibility for health care programs. According to the Joint Tax Committee and the Congressional Budget Office, this means that somewhere between 500,000 and a million people receiving early retiree, disability, and other social security benefits will no longer be eligible for Medicaid. If changes in income eligibility for Medicaid need to be considered, then any savings from those changes should be reinvested back into Medicaid to strengthen our health care system. I believe it is unwise to take savings from health care programs to pay for the repeal of the 3 percent withholding requirement. This legislation does do some important things to help America's veterans who continue to face big challenges even after leaving the battlefield. Veterans comprise almost 10 percent of the U.S. population. While overall employment of veterans has been at or below the national average, those veterans who have served in the past decade have seen their unemployment rate rise to above the national average. Male veterans aged 18–24 had an unemployment rate of almost 22 percent in 2010. Almost 12 percent of all homeless adults are veterans. It is a national embarrassment that we are failing to serve those who have served us.

This bill will provide business tax credits for the hiring of veterans, including those with disabilities. The tax credit is scaled to increase depending on how long that veteran has been unemployed. The bill also helps unemployed veterans pay for school and provides Vocational Rehabilitation and Employment Benefits for disabled veterans. And finally, the bill allows active servicemembers to begin pursuing federal employment opportunities prior to separation from the military, easing their transition from the military to jobs at the VA, Homeland Security or other federal agencies that would benefit from the experience a veteran offers.

Because it will help to hire veterans, who have sacrificed so much to help our country, and repeals the 3 percent withholding requirement, I will vote for the bill although the health care eligibility changes are the wrong way to pay for.

AMENDMENT NO. 928

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. LEE (when his name was called). “Present.”

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. McCAIN) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—40

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Toomey
Corker	Johnson (WI)	Vitter
Cornyn	Kirk	Wicker
Crapo	Kyl	
DeMint	Lugar	

NAYS—56

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Snowe
Cardin	Levin	Stabenow
Carper	Lieberman	Tester
Casey	Manchin	Udall (CO)
Collins	McCaskill	Udall (NM)
Conrad	Menendez	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	

ANSWERED “PRESENT”—1

Lee

NOT VOTING—3

Inouye	McCain	Sessions
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The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 56. One Senator responded “present.”

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 927, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided. The Senator from Montana.

Mr. TESTER. Mr. President, we are now going to take up amendment No. 927, which is the VOW To Hire Heroes Act. This is a veterans employment act, broad based, bipartisan. It has Republican ideas and it has Democratic ideas in it. It is paid for. It is the right thing to do because we all know that veterans right now returning from Iraq and Afghanistan have a much higher unemployment rate than the rest of our population. Because of that high unemployment rate it is necessary we get this amendment agreed to and attached to this bill.

I ask concurrence with amendment No. 927.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in support of my friend, the Senator from Montana, and commend him for his leadership on this issue. I look forward to supporting him in his efforts to support our veterans.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Ms. SNOWE (when her name was called). "Present."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—94

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Kirk	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coats	Landrieu	Thune
Coburn	Lautenberg	Toomey
Cochran	Leahy	Udall (CO)
Collins	Lee	Udall (NM)
Conrad	Levin	Vitter
Coons	Lieberman	Warner
Corker	Lugar	Webb
Cornyn	Manchin	Whitehouse
Crapo	McCaskill	Wicker
Durbin	McConnell	Wyden
Enzi	Menendez	
Feinstein	Merkley	

NAYS—1

DeMint

ANSWERED "PRESENT"—1

Snowe

NOT VOTING—4

Inouye
McCain
Sessions

The amendment (No. 927), as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I just want to remind everyone this is on the 3-percent withholding. I know I have been working on this and others have been working on this for some time. This is part of the President's jobs bill. Who said we can't get together and do something? By working together, we are going to do something the American people want: get rid of the stealth tax that is basically hurting job creation in my State and in other States throughout the country.

I wish to thank the leadership on both sides for working through this. I encourage everyone to vote for it. I hope we can have a nice signing ceremony when it is done to show there is truly bipartisan work because one good deed equals another good deed and so on and so forth.

Remember, we are Americans first. We need to start doing the things the American people want us to do.

I thank the Chair.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Ms. SNOWE (when her name was called). "Present."

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—95

Akaka	Crapo	Levin
Alexander	DeMint	Lieberman
Ayotte	Durbin	Lugar
Barrasso	Enzi	Manchin
Baucus	Feinstein	McCaskill
Begich	Franken	McConnell
Bennet	Gillibrand	Menendez
Bingaman	Graham	Merkley
Blumenthal	Grassley	Mikulski
Blunt	Harkin	Moran
Boozman	Hatch	Murkowski
Boxer	Heller	Murray
Brown (MA)	Hoeven	Nelson (NE)
Brown (OH)	Hutchison	Nelson (FL)
Burr	Inhofe	Paul
Cantwell	Isakson	Portman
Cardin	Johanns	Pryor
Carper	Johnson (WI)	Reed
Casey	Johnson (SD)	Reid
Chambliss	Kerry	Risch
Coats	Kirk	Roberts
Coburn	Klobuchar	Rockefeller
Cochran	Kohl	Rubio
Collins	Kyl	Sanders
Conrad	Landrieu	Schumer
Coons	Lautenberg	Shaheen
Corker	Leahy	Shelby
Cornyn	Lee	Stabenow

Tester	Udall (NM)	Whitehouse
Thune	Vitter	Wicker
Toomey	Warner	Wyden
Udall (CO)	Webb	

ANSWERED "PRESENT"—1

Snowe

NOT VOTING—4

Hagan
Inouye
McCain
Sessions

The bill (H.R. 674), as amended, was passed, as follows:

H.R. 674

Resolved, That the bill from the House of Representatives (H.R. 674) entitled "An Act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.", do pass with the following amendment:

Strike title II and insert the following:

TITLE II—VOW TO HIRE HEROES

Sec. 201. Short title.

Subtitle A—Retraining Veterans

Sec. 211. Veterans retraining assistance program.

Subtitle B—Improving the Transition Assistance Program

Sec. 221. Mandatory participation of members of the Armed Forces in the Transition Assistance Program of Department of Defense.

Sec. 222. Individualized assessment for members of the Armed Forces under transition assistance on equivalence between skills developed in military occupational specialties and qualifications required for civilian employment with the private sector.

Sec. 223. Transition Assistance Program contracting.

Sec. 224. Contracts with private entities to assist in carrying out Transition Assistance Program of Department of Defense.

Sec. 225. Improved access to apprenticeship programs for members of the Armed Forces who are being separated from active duty or retired.

Sec. 226. Comptroller General review.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

Sec. 231. Two-year extension of authority of Secretary of Veterans Affairs to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses.

Sec. 232. Expansion of authority of Secretary of Veterans Affairs to pay employers for providing on-job training to veterans who have not been rehabilitated to point of employability.

Sec. 233. Training and rehabilitation for veterans with service-connected disabilities who have exhausted rights to unemployment benefits under State law.

Sec. 234. Collaborative veterans' training, mentoring, and placement program.

Sec. 235. Appointment of honorably discharged members and other employment assistance.

Sec. 236. Department of Defense pilot program on work experience for members of the Armed Forces on terminal leave.

Sec. 237. Enhancement of demonstration program on credentialing and licensing of veterans.

Sec. 238. Inclusion of performance measures in annual report on veteran job counseling, training, and placement programs of the Department of Labor.

Sec. 239. Clarification of priority of service for veterans in Department of Labor job training programs.

Sec. 240. Evaluation of individuals receiving training at the National Veterans' Employment and Training Services Institute.

Sec. 241. Requirements for full-time disabled veterans' outreach program specialists and local veterans' employment representatives.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

Sec. 251. Clarification of benefits of employment covered under USERRA.

Subtitle E—Other Matters

Sec. 261. Returning heroes and wounded warriors work opportunity tax credits.

Sec. 262. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 263. Reimbursement rate for ambulance services.

Sec. 264. Extension of authority for Secretary of Veterans Affairs to obtain information from Secretary of Treasury and Commissioner of Social Security for income verification purposes.

Sec. 265. Modification of loan guaranty fee for certain subsequent loans.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

Sec. 301. One hundred percent levy for payments to Federal vendors relating to property.

Sec. 302. Study and report on reducing the amount of the tax gap owed by Federal contractors.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

Sec. 401. Modification of calculation of modified adjusted gross income for determining certain healthcare program eligibility.

TITLE V—BUDGETARY EFFECTS

Sec. 501. Statutory Pay-As-You-Go Act of 2010.

TITLE II—VOW TO HIRE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the "VOW to Hire Heroes Act of 2011".

Subtitle A—Retraining Veterans

SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who par-

ticipates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

(5) begins on or after July 1, 2012.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—

(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

(2) DETERMINATION OF ELIGIBILITY.—

(A) DETERMINATION BY SECRETARY OF LABOR.—

(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

(B) DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine

under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

(f) EMPLOYMENT ASSISTANCE.—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

(g) CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

(h) JOINT AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

(2) APPEALS PROCESS.—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

(i) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of—

(i) eligible veterans who participated; and

(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

(B) Data related to the employment status of eligible veterans who participated.

(j) FUNDING.—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than \$2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

(l) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

Subtitle B—Improving the Transition Assistance Program

SEC. 221. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

"(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

"(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the

participation requirement of paragraph (1) with respect to—

“(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries’ articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

“(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit’s imminent deployment.”.

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking “may” and inserting “shall”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 222. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans’ Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

(b) PUBLICATION.—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

(1) made publicly available on an Internet website; and

(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

(c) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member’s participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(d) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall make the individualized assessment provided a member under subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 223. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

“§4113. Transition Assistance Program personnel

“(a) REQUIREMENT TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

“(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

“(1) Counseling.

“(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

“(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

“(4) Other related information and services under such section.

“(5) Such other services as the Secretary considers appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38,

United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

“4113. Transition Assistance Program personnel.”.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act.

SEC. 224. CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

Section 1144(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “public or private entities; and” and inserting “public entities;”;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5), the following new paragraph (6):

“(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

“(A) private sector culture, resume writing, career networking, and training on job search technologies;

“(B) academic readiness and educational opportunities; or

“(C) other relevant topics; and”.

SEC. 225. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.”.

SEC. 226. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program (TAP) and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

SEC. 231. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

SEC. 232. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking “who have been rehabilitated to the point of employability”.

SEC. 233. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.—

(1) IN GENERAL.—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking “A person” and inserting the following:

“(a) IN GENERAL.—A person”; and

(B) by adding at the end the following new paragraph:

“(b) ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.—(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

“(A) the person is described by paragraph (1) or (2) of subsection (a); and

“(B) the person—

“(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

“(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

“(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

“(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

“(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

“(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

“(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

“(3) In this subsection, the terms ‘compensation’, ‘regular compensation’, ‘benefit year’, ‘State’, ‘State law’, and ‘week’ have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.”.

(2) DURATION OF ADDITIONAL REHABILITATION PROGRAM.—Section 3105(b) of such title is amended—

(A) by striking “Except as provided in subsection (c) of this section,” and inserting “(1) Except as provided in paragraph (2) and in subsection (c),”; and

(B) by adding at the end the following new paragraph:

“(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.”.

(b) EXTENSION OF PERIOD OF ELIGIBILITY.—Section 3103 of such title is amended—

(1) in subsection (a), by striking “in subsection (b), (c), or (d)” and inserting “in subsection (b), (c), (d), or (e)”; and

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

“(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

“(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.

(d) COMPTROLLER GENERAL REVIEW.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the training and rehabilitation under chapter 31 of title 38, United States Code; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the review and any recommendations of the Comptroller General for improving such training and rehabilitation.

SEC. 234. COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

“§4104A. Collaborative veterans' training, mentoring, and placement program

“(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

“(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

“(1) collaborate with—

“(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

“(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

“(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

“(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

“(1) information describing how the organization will—

“(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

“(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

“(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in pre-

paring a resume and developing job interviewing skills; and

“(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

“(d) REPORTS.—(1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

“(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall—

“(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

“(i) veterans who applied for training under this section;

“(ii) veterans who entered the training;

“(iii) veterans who completed the training;

“(iv) veterans who were placed in meaningful employment under this section; and

“(v) veterans who remained in such employment as of the date of the assessment; and

“(B) submit to the appropriate committees of Congress a report that includes—

“(i) a description of how the grant recipients used the funds made available under this section;

“(ii) the results of the assessment conducted under subparagraph (A); and

“(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$4,500,000 for the period consisting of fiscal years 2012 and 2013.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

“(B) the Committee on Veterans' Affairs and the Committee on Education and Workforce of the House of Representatives; and

“(2) the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.”.

(b) CONFORMING AMENDMENT.—Section 4103A(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting “and facilitate placements” after “intensive services”; and

(2) by adding at the end the following:

“(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

“4104A. Collaborative veterans' training, mentoring, and placement program.”.

SEC. 235. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENTS TO COMPETITIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 21 of title 5, United States Code, is amended by inserting after section 2108 the following:

“§2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles

“(a) VETERAN.—

“(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a veteran defined under section 2108(1) for purposes of making an appointment in the competitive service, if the individual—

“(A) meets the definition of a veteran under section 2108(1), except for the requirement that the individual has been discharged or released from active duty in the armed forces under honorable conditions; and

“(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

“(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be discharged or released from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

“(b) DISABLED VETERAN.—

“(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a disabled veteran defined under section 2108(2) for purposes of making an appointment in the competitive service, if the individual—

“(A) meets the definition of a disabled veteran under section 2108(2), except for the requirement that the individual has been separated from active duty in the armed forces under honorable conditions; and

“(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

“(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be separated from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

“(c) PREFERENCE ELIGIBLE.—Subsections (a) and (b) shall apply with respect to determining whether an individual is a preference eligible under section 2108(3) for purposes of making an appointment in the competitive service.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2108 of title 5, United States Code, is amended—

(i) in paragraph (1), in the matter following subparagraph (D), by inserting “, except as provided under section 2108a,” before “who has been”;

(ii) in paragraph (2), by inserting “(except as provided under section 2108a)” before “has been separated”;

(iii) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or section 2108a(c)” after “paragraph (4) of this section”.

(B) TABLE OF SECTIONS.—The table of sections for chapter 21 of title 5, United States Code, is amended by adding after the item relating to section 2108 the following:

“2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.”.

(b) EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code; and

(B) the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance to

members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 236. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to members of the Armed Forces on terminal leave work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) REPORT.—Not later than 540 days after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives an interim report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 237. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

(a) IN GENERAL.—Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking “may” and inserting “shall”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Assistant Secretary shall” and inserting “Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training;”

(ii) by striking “not less than 10 military” and inserting “not more than five military”; and

(iii) by inserting “for Veterans' Employment and Training” after “selected by the Assistant Secretary”; and

(B) in paragraph (2), by striking “consult with appropriate Federal, State, and industry

officials to” and inserting “enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and”; and

(3) by striking subsections (d) through (h) and inserting the following:

“(d) PERIOD OF PROJECT.—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.”.

(b) STUDY COMPARING COSTS INCURRED BY SECRETARY OF DEFENSE FOR TRAINING FOR MILITARY OCCUPATIONAL SPECIALTIES WITHOUT CREDENTIALING OR LICENSING WITH COSTS INCURRED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF LABOR IN PROVIDING EMPLOYMENT-RELATED ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, complete a study comparing the costs incurred by the Secretary of Defense in training members of the Armed Forces for the military occupational specialties selected by the Assistant Secretary of Labor of Veterans' Employment and Training pursuant to the demonstration project provided for in such section 4114, as amended by subsection (a), with the costs incurred by the Secretary of Veterans Affairs and the Secretary of Labor in providing employment-related assistance to veterans who previously held such military occupational specialties, including—

(A) providing educational assistance under laws administered by the Secretary of Veterans Affairs to veterans to obtain credentialing and licensing for civilian occupations that are similar to such military occupational specialties;

(B) providing assistance to unemployed veterans who, while serving in the Armed Forces, were trained in a military occupational specialty; and

(C) providing vocational training or counseling to veterans described in subparagraph (B).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall submit to Congress a report on the study carried out under paragraph (1).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings of the Assistant Secretary with respect to the study required by paragraph (1).

(ii) A detailed description of the costs compared under the study required by paragraph (1).

SEC. 238. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking “clause (1)” and inserting “paragraph (1)”;

(2) in paragraph (5), by striking “and” at the end;

(3) in paragraph (6), by striking the period and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(7) performance measures for the provision of assistance under this chapter, including—

“(A) the percentage of participants in programs under this chapter who find employment before the end of the first 90-day period following their completion of the program;

“(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

“(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

“(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

“(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.”.

SEC. 239. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: “Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.”; and

(2) by amending subsection (d) to read as follows:

“(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

“(A) an analysis of the implementation of providing such priority at the local level;

“(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

“(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

“(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.”.

SEC. 240. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such training.

“(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.”.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, as added by subsection (a), shall apply with respect to training provided by the National Veterans' Employment and Training Services Insti-

tute that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 241. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(c) CONSOLIDATION.—Section 4102A of such title is amended by adding at the end the following new subsection:

“(h) CONSOLIDATION OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND VETERANS' EMPLOYMENT REPRESENTATIVES.—The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if—

“(1) the Governor determines, and the Secretary concurs, that such consolidation—

“(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

“(B) does not hinder the provision of services to veterans and employers; and

“(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.”.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

SEC. 251. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting “the terms, conditions, or privileges of employment, including” after “means”.

Subtitle E—Other Matters

SEC. 261. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))” and inserting “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), \$14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and \$24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))”.

(b) RETURNING HEROES TAX CREDITS.—Subparagraph (A) of section 51(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking “or” at the end of clause (i),

(2) by striking the period at the end of clause (ii)(II), and

(3) by adding at the end the following new clauses:

“(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

“(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.”.

(c) SIMPLIFIED CERTIFICATION.—Paragraph (13) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) CREDIT FOR UNEMPLOYED VETERANS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), for purposes of paragraph (3)(A)—

“(I) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (ii)(I) or (iv) of such paragraph (whichever is applicable) if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date, and

“(II) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (iii) of such paragraph if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

“(ii) REGULATORY AUTHORITY.—The Secretary may provide alternative methods for certification of a veteran as a qualified veteran described in clause (ii)(II), (iii), or (iv) of paragraph (3)(A), at the Secretary's discretion.”.

(d) EXTENSION OF CREDIT.—Subparagraph (B) of section 51(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) after—

“(i) December 31, 2012, in the case of a qualified veteran, and

“(ii) December 31, 2011, in the case of any other individual.”.

(e) CREDIT MADE AVAILABLE TO TAX-EXEMPT ORGANIZATIONS IN CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—Subsection (c) of section 52 of the Internal Revenue Code of 1986 is amended—

(A) by inserting “(1) IN GENERAL.—” before “No credit”, and

(B) by adding at the end the following new paragraph:

“(2) CREDIT MADE AVAILABLE TO QUALIFIED TAX-EXEMPT ORGANIZATIONS EMPLOYING QUALIFIED VETERANS.—For credit against payroll taxes for employment of qualified veterans by qualified tax-exempt organizations, see section 3111(e).”.

(2) **CREDIT ALLOWABLE.**—Section 3111 of such Code is amended by adding at the end the following new subsection:

“(e) **CREDIT FOR EMPLOYMENT OF QUALIFIED VETERANS.**—

“(1) **IN GENERAL.**—If a qualified tax-exempt organization hires a qualified veteran with respect to whom a credit would be allowable under section 38 by reason of section 51 if the organization were not a qualified tax-exempt organization, then there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during the applicable period an amount equal to the credit determined under section 51 (after application of the modifications under paragraph (3)) with respect to wages paid to such qualified veteran during such period.

“(2) **OVERALL LIMITATION.**—The aggregate amount allowed as a credit under this subsection for all qualified veterans for any period with respect to which tax is imposed under subsection (a) shall not exceed the amount of the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during such period.

“(3) **MODIFICATIONS.**—For purposes of paragraph (1), section 51 shall be applied—

“(A) by substituting ‘26 percent’ for ‘40 percent’ in subsection (a) thereof,

“(B) by substituting ‘16.25 percent’ for ‘25 percent’ in subsection (i)(3)(A) thereof, and

“(C) by only taking into account wages paid to a qualified veteran for services in furtherance of the activities related to the purpose or function constituting the basis of the organization’s exemption under section 501.

“(4) **APPLICABLE PERIOD.**—The term ‘applicable period’ means, with respect to any qualified veteran, the 1-year period beginning with the day such qualified veteran begins work for the organization.

“(5) **DEFINITIONS.**—For purposes of this subsection—

“(A) the term ‘qualified tax-exempt organization’ means an employer that is an organization described in section 501(c) and exempt from taxation under section 501(a), and

“(B) the term ‘qualified veteran’ has meaning given such term by section 51(d)(3).”

(3) **TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.**—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) **TREATMENT OF POSSESSIONS.**—

(1) **PAYMENTS TO POSSESSIONS.**—

(A) **MIRROR CODE POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) **OTHER POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary of the Treasury as being equal to the loss to that possession that would have occurred by reason of the amendments made by this section

if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit in effect after the amendments made by this section.

(2) **COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.**—The credit allowed against United States income taxes for any taxable year under the amendments made by this section to section 51 of the Internal Revenue Code of 1986 to any person with respect to any qualified veteran shall be reduced by the amount of any credit (or other tax benefit described in paragraph (1)(B)) allowed to such person against income taxes imposed by the possession of the United States by reason of this subsection with respect to such qualified veteran for such taxable year.

(3) **DEFINITIONS AND SPECIAL RULES.**—

(A) **POSSESSION OF THE UNITED STATES.**—For purposes of this subsection, the term “possession of the United States” includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) **MIRROR CODE TAX SYSTEM.**—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) **TREATMENT OF PAYMENTS.**—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 262. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “May 31, 2015” and inserting “September 30, 2016”.

SEC. 263. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.”

SEC. 264. EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.

Section 5317(g) of title 38, United States Code, is amended by striking “September 30, 2011” and inserting “September 30, 2016”.

SEC. 265. MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) **IN GENERAL.**—Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (iv), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(2) in subparagraph (B)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) by striking clauses (ii) and (iii);

(C) by redesignating clause (iv) as clause (ii); and

(D) in clause (ii), as redesignated by subparagraph (C), by striking “October 1, 2013” and inserting “October 1, 2016”; and

(3) in subparagraph (C)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(4) in subparagraph (D)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2016”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the later of—

(1) November 18, 2011; or

(2) the date of the enactment of this Act.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

SEC. 301. ONE HUNDRED PERCENT LEVY FOR PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) **IN GENERAL.**—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 302. STUDY AND REPORT ON REDUCING THE AMOUNT OF THE TAX GAP OWED BY FEDERAL CONTRACTORS.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Treasury, or the Secretary’s delegate, in consultation with the Director of the Office of Management and Budget and the heads of such other Federal agencies as the Secretary determines appropriate, shall conduct a study on ways to reduce the amount of Federal tax owed but not paid by persons submitting bids or proposals for the procurement of property or services by the Federal government.

(2) **MATTERS STUDIED.**—The study conducted under paragraph (1) shall include the following matters:

(A) An estimate of the amount of delinquent taxes owed by Federal contractors.

(B) The extent to which the requirement that persons submitting bids or proposals certify whether such persons have delinquent tax debts has—

(i) improved tax compliance; and

(ii) been a factor in Federal agency decisions not to enter into or renew contracts with such contractors.

(C) In cases in which Federal agencies continue to contract with persons who report having delinquent tax debt, the factors taken into consideration in awarding such contracts.

(D) The degree of the success of the Federal lien and levy system in recouping delinquent Federal taxes from Federal contractors.

(E) The number of persons who have been suspended or debarred because of a delinquent tax debt over the past 3 years.

(F) An estimate of the extent to which the subcontractors under Federal contracts have delinquent tax debt.

(G) The Federal agencies which have most frequently awarded contracts to persons notwithstanding any certification by such person that the person has delinquent tax debt.

(H) *Recommendations on ways to better identify Federal contractors with delinquent tax debts.*

(b) *REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report on the study conducted under subsection (a), together with any legislative recommendations.*

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

SEC. 401. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) *IN GENERAL.—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:*

“(iii) an amount equal to the portion of the taxpayer’s social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.”.

(b) *EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.*

(c) *NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.—*

(1) *ESTIMATE OF SECRETARY.—The Secretary of the Treasury, or the Secretary’s delegate, shall annually estimate the impact that the amendments made by subsection (a) have on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).*

(2) *TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury or the Secretary’s delegate estimates that such amendments have a negative impact on the income and balances of such trust funds, the Secretary shall transfer, not less frequently than quarterly, from the general fund an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of such amendments.*

TITLE V—BUDGETARY EFFECTS

SEC. 501. STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Ms. SNOWE. Mr. President, I would like to express my support for provisions contained within the amendment offered by Senator TESTER, as they will make critical strides in addressing the reality that far too many of our Nation’s veterans are finding it difficult—if not impossible—to find work in the civilian job market after they leave military service. Senator TESTER’s amendment is illustrative of how our Nation’s government should work, as it contains ideas from both bodies of Congress, both Republicans and Democrats, and the executive branch.

Over the past year, I have been particularly pleased to support many of the concepts contained within this amendment in other forms. I joined Senator PATTY MURRAY, chair of the Veterans’ Affairs Committee, in June by cosponsoring the Hiring Heroes Act, which is the source of a great number of the sections of this amendment. I am also gratified to see that this amendment contains the President’s September proposal to offer tax credits to businesses that hire unemployed and disabled veterans. As I said then, providing tax incentives for these hires is an excellent means of fostering job creation—in this case, it has the added benefit of helping to address veteran unemployment rates.

Earlier this week, Secretary of Defense Leon Panetta held a roundtable on veteran unemployment in which he noted that today’s newest veterans—the men and women who have risked their health and their very lives by serving in places like Iraq, Afghanistan, and other parts of the world—are “the next greatest generation” which have “dedicated themselves to serving this country.”

On this point, Secretary Panetta could not be more correct. As a senior member of the Senate Select Committee on Intelligence, I have had no higher privilege than witnessing firsthand our exceptional servicemen and women on the frontlines in Afghanistan and Iraq. Their steadfast courage, leadership, and dedication ensures that our armed forces are second to none and the finest on the planet.

Yet despite their extraordinary commitment to this Nation, unparalleled technical and practical skills, and remarkable capabilities demonstrated under the most difficult conditions possible, too many of our Nation’s veterans remain unemployed today.

Indeed, according to the Bureau of Labor Statistics’ October 2011 report, post-9/11 veterans have had a particularly challenging time finding employment, with more than 12 percent of them currently unemployed. Not only is this number far too high, but it greatly exceeds the nation’s unemployment level for nonveterans. Our youngest veterans—those between ages 18 and 24—are experiencing even greater difficulty finding jobs, with unemployment rates exceeding 20 percent.

For our veterans—and our Nation—such statistics are nothing less than a travesty. And that is why I so strongly support the efforts of this Chamber to lend a well-deserved helping hand to our veterans in their efforts to find employment. Indeed, when it comes to securing a job, is there any question that we all should be fighting for those who have so nobly fought for America?

The amendment before the Senate today is a crucial effort to do so. Some of its provisions will ensure that our servicemembers receive assistance in

preparing for their transition to life as a civilian, looking for a job, and identifying good career options. Other provisions will establish a pioneering effort to identify equivalencies between the skills our servicemen and women develop in the military and the qualifications required for civilian employment. Still other sections will extend the opportunity for servicemembers and veterans to receive supplemental rehabilitation and vocational benefits, providing them additional time to prepare for the job market.

Efforts such as these are imperative in order to allow our veterans to prepare to be competitive in today’s job market. Other items in this amendment, such as tax credits of up to \$9,600 for each unemployed or disabled veteran hired by a business, offer further help by encouraging companies to give our veterans the chance they deserve to work.

As Secretary Panetta said at the recent roundtable, “the best thing we could do to honor those that have served is to make sure that when they come back, they have some opportunity to be able to become a part of our society and not just wind up on the unemployment rolls.” Striving to increase those opportunities is the absolute least we should do.

In that light, I strongly believe we should take all reasonable steps possible to provide our servicemembers and veterans with the training they need to make the transition into the civilian workforce. We should also do all we can to encourage companies to hire veterans returning from Iraq, Afghanistan and elsewhere around the world.

For these reasons, I am very pleased to see the Senate considering the Tester amendment today. At the same time, it is my practice to vote “present” on legislation which contains the potential or appearance of association with the private business activity of my spouse. As such, and in consultation with the Senate Select Committee on Ethics, I voted “present” in this particular instance, despite my overwhelming support for the vast majority of this amendment.

Mr. President, over the past year, I have been pleased to support many of the concepts contained in H.R. 674, as amended and passed by the Senate today. This June, I joined Senator PATTY MURRAY, chair of the Veterans’ Affairs Committee, by cosponsoring the Hiring Heroes Act, which is the source of a great number of provisions in this bill intended to address the high unemployment rate of our Nation’s veterans. This bill also now contains the President’s proposal to offer tax credits to businesses that hire unemployed and disabled veterans—I have supported this proposal since the President announced it in September, and I continue to believe that providing tax

incentives to businesses for hiring veterans is an excellent means of fostering job creation while helping to address veteran unemployment rates.

And of course, I could not be more pleased to have helped to author the repeal of the 3 percent withholding provision that is at the heart of H.R. 674. This provision will greatly aid small businesses that are hard-hit by current law requirements that withhold a portion of payments to contractors until they pay taxes on the earnings. By repealing this mandate, which threatens to overburden business owners and taxpayers alike, and stifle the economy at a time when we cannot afford any unnecessary obstacles in the road to recovery, H.R. 674 will help businesses, their owners, and their employees all over our Nation.

For these reasons, I was gratified to see the Senate pass H.R. 674 today. However, it is my practice to vote "present" on legislation which contains the potential or appearance of association with the private business activity of my spouse. As such, and in consultation with the Senate Select Committee on Ethics, I voted "present" in this particular instance, despite my overwhelming support for the vast majority of this bill.

VOTE EXPLANATION

• Mrs. HAGAN. Mr. President, I was unavoidably detained for rollcall vote No. 204, passage of H.R. 674 as amended. This legislation repeals the imposition of 3 percent withholding on certain payments made to vendors by government agencies. It also includes an amendment I supported to provide our veterans with greater job opportunities in today's difficult economy.

Had I been present for rollcall vote No. 204, I would have voted yea on final passage. •

The PRESIDING OFFICER. The majority leader.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012—MOTION TO PROCEED

Mr. REID. Mr. President, the next vote will be on cloture on the motion to proceed to the energy and water appropriations bill. That will be the last vote of the day. There will be no votes on Friday or Monday. There will be debate on this measure on which in a few minutes we hope to invoke cloture on the motion to proceed. Debate will begin Monday afternoon. Senators FEINSTEIN and ALEXANDER are the managers of that bill. We will start that on Monday. There will be a vote Tuesday morning on a judge. So have a good break, and we feel pretty good about the work we have gotten done this week.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 157, H.R. 2354, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Harry Reid, Amy Klobuchar, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, John F. Kerry, Charles E. Schumer, Al Franken, Tom Udall, Richard Blumenthal, Kirsten E. Gillibrand, Carl Levin, Jeff Merkley, Ron Wyden, Thomas R. Carper, Daniel K. Inouye, Benjamin L. Cardin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2354, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Florida (Mr. NELSON) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 81, nays 14, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—81

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Bingaman	Hatch	Reed
Blumenthal	Hoeven	Reid
Blunt	Isakson	Roberts
Boozman	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (MA)	Kirk	Schumer
Brown (OH)	Klobuchar	Shaheen
Burr	Kohl	Shelby
Cantwell	Kyl	Snowe
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Thune
Chambliss	Levin	Toomey
Coats	Lieberman	Udall (CO)
Cochran	Lugar	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Webb
Coons	McConnell	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	Wyden

NAYS—14

Coburn	Heller	Paul
Corker	Inhofe	Risch
Cornyn	Johanns	Rubio
Crapo	Johnson (WI)	Vitter
DeMint	Lee	

NOT VOTING—5

Hutchison	McCain	Sessions
Inouye	Nelson (FL)	

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that after my remarks of no more than 12 minutes, that Senator COBURN be recognized for up to 15 minutes, and then Senator HARKIN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

OHIO'S ELECTION RESULTS

Mr. BROWN of Ohio. Madam President, on Tuesday, Ohio, my State, made history. Overwhelmingly, Ohio voters made a simple choice between what is right and what is wrong. They answered the question at the heart of any election: Whose side are you on?

Tuesday, Ohioans showed they stood with teachers and firefighters, with police officers and nurses and librarians, and other public workers and the middle class. They showed they want leaders focused on creating jobs rather than taking potshots at people who teach, who plow our roads, who guard our prisons, who teach our children, and who safeguard our public health. They showed they are ready to rebuild what was once a national consensus: that our Nation's strength is rooted in the strength of our middle class.

There used to be a consensus among educators and elected officials, community leaders, and business leaders that our economy is designed to build a strong middle class, to help people become part of that middle class. We used to see that consensus on Medicare and Pell grants, on civil rights and women's rights, on tax and economic policy, and we used to have that consensus on collective bargaining rights.

Rights earned at the bargaining table provide a path to the middle class for millions of workers who belong to unions and millions of workers who do not belong to unions. Collective bargaining is the tool we have had in this country for three-quarters of a century for labor and management relations in a democracy. Collective bargaining has helped minimize strikes and work stoppages because it allows a process where people sit down at a table, talk to one another, disagree, come to agreement, come to a consensus, a process to resolve disputes.

In Ohio, balanced budgets and collective bargaining have coexisted for nearly three decades. Collective bargaining not only strengthens middle-

class jobs, it protects public health, and it protects community safety. During the passage of the legislation called S. 5 earlier this year, which was rammed through the legislature by the Republican Governor and the Republican majority in the House and Senate, even though a number of Republicans dissented on it, I had a roundtable in a church right on Capitol Square in Columbus.

A young teacher said to me from the Columbus suburbs: You know, when I sit at the bargaining table and bargain on behalf of my teachers, I do not just bargain for better wages and higher and better pensions and health care. She said: I also bargain for class size because I know my colleagues can teach better and students can learn better if class sizes are smaller.

Then a police officer said: When I bargain, I not only bargain for better wages, of course, and better benefits for my members, the Fraternal Order of Police, I also bargain for safety vests because it matters to me that the men and women who wear the badge work in the safest possible conditions.

But somewhere along the way we lost this consensus that we once had in this country. From what we have seen at statehouses across the country, you would think teachers and nurses, you would think sanitation workers and firefighters, you would think police officers and librarians caused the fiscal crisis and the budget deficit.

We hear Governors around the country, we hear Washington pundits talk about the privileged class of public sector workers. Now who is playing class warfare, when, in fact, they go after public workers to the point that I have heard young teachers tell me—and I have heard parents who have kids in college at Bowling Green or Akron U or University of Toledo or Xavier say: You know, my daughter or my son were going to be teachers. But I am not sure they want to be with the attacks that the Governor and conservative politicians have made against teachers.

So who are these privileged elite who have been attacked by conservative politicians? They are the people who clear snow off our streets. They are the people who run into burning buildings to save people and property. They are the people who teach our children. So let's be clear. It was recklessness on Wall Street that caused the financial crisis, not teachers, not librarians, not mental health counselors, not sanitation workers, not cafeteria workers at Mansfield Senior High. It is a crisis made worse by our Nation's economic tilt away from manufacturing.

Thirty years ago, more than 25 percent of the GDP in our country was in manufacturing. Only about 10 percent was financial services. That has almost flipped now. Financial services is about one-quarter of our GDP, and manufacturing is only 10 or 11 percent. You

know what it has done in your home State of Missouri, Madam President, what this means for middle-class workers. We have moved far too much into financial services because of government policy and far too much away from manufacturing.

States face budget crises because people do not have jobs—do not have these good-paying jobs and cannot pay taxes, so the revenue does not come. Yet instead of a balanced approach to State fiscal problems, we have had an ideologically motivated approach to destroy collective bargaining.

In the elections last year in my State, 1 year ago this week, there was a sweep, as there was in some other States, of Republicans all saying: Put us in office and we will fix this problem with all of the lost jobs. They won, in large part, because of lost jobs. That is what elections are about. Yet almost from the beginning, the Governor and the radicals in the legislature in my State did not do a lot about jobs. What they did a lot of was attacking collective bargaining rights. They attacked women's rights. They attacked voting rights.

That is not what we should be doing. We should be working together in job creation. They seem, in many ways, more interested in payback than in progress. That is not shared sacrifice. As the middle class didn't happen on its own, it will not unravel on its own either.

Tuesday, Ohioans took an important step in protecting the very rights of collective bargaining that people of all stripes in our country have enjoyed for 75, 80, 85 years. It is an important step in protecting the very collective bargaining right that created our middle class.

Our mission is to continue to build a strong middle class and help people become part of the middle class. It is about creating jobs and fairness. For too long there has been class warfare in this country, waged from the top, aimed at the middle class. When the wealthiest people in this country continue to do better and better, and the wide swath of people in the middle—70 to 90 percent—have barely had a pay increase in 10 years, you know that is what happened. They love to say that our side commits class warfare. What has happened is they have committed the class warfare, we are just pointing it out. The class warfare they have committed has been class warfare waged from the top and aimed at the middle class.

That is a big reason we have seen this decline in the middle class. Tuesday, this week, Ohio pushed back, and we will continue to do so because this Nation is exceptional, because of our continued struggle to form a more perfect union, where opportunity grows and expands for all. It is not restricted to a privileged few. We do so because

we are a nation and my State is a State that speaks more loudly and fights harder and stands up for the dignity and the honor of fair play.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that following Senator HARKIN, the Senator from Georgia, Mr. ISAKSON, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE AND YOU

Mr. COBURN. Mr. President, myself and Senator BARRASSO are two of the three doctors in the Senate. Both of us have practiced for over 25 years. We have put out several reports. Every year, Medicare recipients receive a message from Medicare, called "Medicare and You." What we thought we would do is come to the floor and tell our colleagues, as well as the American people, that we also put out a "Medicare and You" report. There is a lot that wasn't in the "Medicare and You" report this year.

I ask unanimous consent to have a colloquy between myself and the Senator from Wyoming, Dr. BARRASSO, as to what we are reporting in our Medicare and You statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. This booklet, which will be available on coburn.senate.gov and barrasso.senate.gov to every Medicare patient out there, explains what has actually happened to Medicare in the last year and a half. It explains that \$530 billion has been cut out of Medicare. It explains the physician reimbursement cuts were not addressed when we addressed health care and, consequently, a 27-percent cut is coming if Congress doesn't change that.

It explains that Medicare Advantage—both the options and the number of people eligible for that—has been taken away by the Affordable Care Act. It explains that the CLASS Act was put in to save money, but it won't, and it has now been abandoned by the administration. The fact is there is an independent payment advisory board, whose sole purpose is to cut payments for Medicare procedures and supplies and drugs to save money—even when that will instigate the loss of available drugs.

Finally, it creates a \$10 billion trust fund for an innovation center that is a smokescreen for a rationing board very similar to the IPAB.

I want Dr. BARRASSO to go over the Medicare cuts now, if he will.

Mr. BARRASSO. Mr. President, I congratulate and thank Dr. COBURN for his significant leadership in this area. Medicare patients all across the country are getting a thick book—150 pages or so. In Wyoming, it is about 150 pages, and it is called "Medicare and You, 2012."

Under Dr. COBURN's leadership, we have prepared a report, also called "Medicare and You, 2012," but it is, as I do week after week, a second opinion about the big book people are getting at home. The cover is quite distinct from the book that goes to other Medicare patients around the country, because this starts by saying "Your Medicare Program was cut \$530 billion by President Obama's controversial health care law and used for a brand new program for someone else."

That is the fundamental problem here. When we talk about Medicare, we think of our parents and others, and I think of so many of my patients on Medicare. We need to strengthen Medicare. What this administration did by taking \$530 billion from the health care law has not strengthened Medicare; it devastated Medicare and our seniors on Medicare to the point where the Medicare Actuary said the funding will be exhausted by 2016—5 years from now. We go through that in this report.

My concern is that my patients and Dr. COBURN's patients will see their health care impacted by a denial of care, by care being refused because of the limitations within the law and the significant impact on physicians, hospitals, nursing homes, hospices, and home health agencies, which are a lifeblood for seniors, all as a result of what we have seen passed and signed into law by this President.

It is interesting, because we recently heard from the Senator from Ohio, who talked about the vote in Ohio on Tuesday. What was not brought up is that there was another ballot initiative specifically related to the Obama health care law. Those same people he was praising so much also voted by 2 to 1—a margin of over a million voters—that they did not want the Obama health care mandate to apply to them. This is no surprise, and the popularity of this health care plan has continued to fall ever since it was signed into law.

I ask my colleague, Dr. COBURN, about some of the issues that will impact not just the patients through the payment mechanism but their ability to see a doctor under this Medicare change.

Mr. COBURN. The other thing Medicare recipients should recognize is that under the laws as previously set, the reimbursement for your physician in January is scheduled to decline 27 percent. When I talk to seniors in the State of Oklahoma, one of the No. 1 problems that somebody turning 65 has is now finding that physician who will care for them under the Medicare payment guidelines. What was never spoken of was the fact that there was no fix in the health care bill for the very real need to attract more physicians into caring for seniors.

As we have seen, Congress may or may not fix that—it is \$300 billion to fix that. That is the cost of it. Whether

we fix it or not, the fact is we are playing with the access of Medicare patients to care. Denied access is denied care.

If you live in a community much like mine where no new doctors have been coming in because there is a shortage of primary care doctors, and those who do come in will not take the lower reimbursement for Medicare because they cannot afford to, it may mean that you have to drive 70 miles to get that care. That is not access, and it is not health care. It means you don't have available health care because the government runs the program so poorly.

Let me finish up, since we don't want to go over our time. The other thing I want to talk about for a minute is this innovation center. In the health care law, we set aside a \$10 billion slush fund for innovation in payment and procedures for Medicare patients. We are going to be spending \$10 billion to figure out how to pay for it more cheaply and limit the combinations, or increase the combinations of combining these things so that the reimbursements are less.

First of all, I don't understand why it is going to take \$10 billion, but it is a slush fund. No. 2 is that if you don't like the results of that, there is nothing we can do about it except reverse the Affordable Care Act, Obamacare. No. 2, you can't sue. You have no injunctive relief. You have no opportunity to express your desire in a court of law or through an administrative procedure to challenge their elimination of paying for certain procedures that may in fact save the country money but may in fact also hurt the very patients who are on Medicare.

We have this fund that we cannot find out anything about; no rules have been put out on it, and we cannot find the details of it. Yet, we know what the purpose of the fund is. It is like the IPAB fund. It is designed to ration the care that seniors need to control the cost of Medicare.

What do we know about Medicare? One dollar of every three dollars spent on Medicare doesn't help anybody get well and doesn't keep anybody from getting sick. The reason it doesn't work is because of the government's mandate—we have all these stories about shortages of drugs. The reason there are shortages of drugs in our country is because Medicare has mandated prices 90 percent of the time so low that we only have one supplier. Some of them either have a technical problem or have decided to stop making a drug that is critical to our seniors because we have a price control bureaucracy.

There are large problems with the Medicare law. They need to be recognized and addressed. They need to be fixed, and the last thing we ought to do is spend \$10 billion figuring out how

not to get somebody treatment, or lessen the availability of treatment through the innovation council.

I yield the rest of my time to the Senator from Wyoming.

Mr. BARRASSO. We have talked about this. There is a program that his patients and mine have enjoyed, called Medicare Advantage, and there is an advantage for patients signing up for that program. About one in four Americans on Medicare signs up for Medicare Advantage. The advantages of this program are that it coordinates care, works with preventive care. Yet, the President has targeted that for elimination. By 2017, half of the people on this program, who say they like and have it, will no longer be eligible to participate in it because of this health care law. We explain that to the American people in our second opinion on "Medicare and You."

Finally, Dr. COBURN talked about the IPAB, the Independent Payment Board. It is a rationing board to me, a board designed to deny and refuse care. These are unelected bureaucrats. They don't need to have a medical background or don't necessarily need to see patients. It is specifically related to cutting the amount of money that is paid for patients to have procedures, to see physicians, and to get the care they need, which is why there is great concern throughout this country and why the President's health care law becomes more unpopular every day.

Mr. COBURN. If the Senator will yield for a moment, one of the reasons our cancer cure rates are a third better than England is because we don't have an IPAB and they do. The No. 1 reason survival rates from cancer in England are lower is because treatments are denied by their IPAB for the best treatments, which will save more people's lives at the best price. That is something that should not be discounted.

I yield the floor.

Mr. BARRASSO. This health care law continues to be bad for patients, for providers, for the doctors who take care of them, and it is bad for the taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EDUCATION

Mr. HARKIN. Madam President, I would like to take this opportunity to talk about a bipartisan bill that was recently passed out of the Health, Education, Labor and Pensions Committee, the HELP Committee, which I chair and of which Senator MIKE ENZI of Wyoming is the ranking member. This bipartisan bill reauthorizes the Elementary and Secondary Education Act of 1965 and would replace its current iteration, which everyone knows by the title of "No Child Left Behind." I want to start with a few words about the Federal role in education in this country since ESEA is a key part of that role.

While it is certainly true education is primarily a State and local function, the Federal Government does play an important role, and a well-educated citizenry is clearly in the national interest. A central Federal role is to ensure all Americans, regardless of race, gender, national origin, religion, or disability, have the same equal opportunity to a good education as any other American citizen.

Likewise, the Constitution expressly states that our National Government was formed specifically to “promote the general welfare, and secure the blessings of liberty.” The general welfare, I submit, is greatly in danger when the populace is not adequately educated, and education is critical to liberty. As Frederick Douglass so eloquently noted, education “means emancipation. It means light and liberty.”

It is no surprise that the Northwest Ordinance of 1787 expressly stated that “schools and the means of education shall be forever encouraged.” That law encouraged new territories to establish schools.

The Federal Government also encouraged States to establish public colleges and universities through the Morrill Act of 1862, which started the whole land grant college movement.

Moving into the 20th century, the Servicemen’s Readjustment Act, known as the GI bill, provided grants to World War II veterans to pursue a college education.

In 1954, the Supreme Court struck down laws endorsing racial segregation in public schools.

In 1958, Congress authorized the National Defense Education Act, the first Federal loan program to students for higher education. That was one I borrowed money from when I went to Iowa State University.

That was followed by the Higher Education Act of 1965 and the Federal Pell grants enacted in 1972.

The Elementary and Secondary Education Act was passed in 1965 and provided aid to States and school districts to improve education for children from low-income families.

In 1975, Congress passed the Education for All Handicapped Children Act, which later became the Individuals with Disabilities Education Act, which was to assist States and districts in educating children with disabilities.

In 1994, Congress passed the Goals 2000: Educate America Act and the Improving America’s Schools Act.

In 2001, Congress passed the No Child Left Behind Act, which went even further in terms of what was required of schools to receive Federal funds.

I go through all this so you can see that the Federal role in education spans over 200 years, and its primary objective has always been to increase educational opportunity and to enhance educational attainment. This

context is important to any discussion about the reauthorization of the Elementary and Secondary Education Act.

The original goal of ESEA was to provide resources to the schools with the most disadvantaged students. This funding was needed because many States and districts use education funding formulas that provide fewer resources to high-poverty schools. Again, when anyone wants to talk about this, I say go back and read Jonathan Kozol’s book entitled “Savage Inequalities,” written in the mid-1980s, in which he pointed out the gross inequality in our schools in America depending upon your ZIP Code—depending upon where you lived. We knew from that time that educating poor students actually requires more resources, not fewer, and title I was our attempt to create a better, more equitable education system. Title I of ESEA has never fully realized that goal, but it has served as a significant source of funding to our most impoverished schools, leading to more educational opportunity for low-income students over the last 40 years.

In the early 1990s, a national consensus emerged around the idea that for the United States to remain competitive in the world economy, our education system needed significant improvements. Foremost among these was the movement for a “standards-based reform.” That was the idea that statewide academic standards and assessments aligned with those standards were a key lever for ensuring that all students received a good education. To that end, the 1994 reauthorization of ESEA required that States have one educational accountability system for all students, including racial and ethnic minorities, students with disabilities, and English-language learners. Along with Goals 2000, it required that States put in place standards and assessments so that we would actually know how students were doing.

During the next reauthorization—that was the No Child Left Behind Act in 2001—lawmakers felt compelled to be more prescriptive with States to ensure they improved their low-performing schools and focused on closing pernicious student achievement gaps. Therefore, NCLB, as it is known, defined “adequate yearly progress” for schools and districts. It required districts to implement public school choice, supplemental educational services in schools, and it set aside 20 percent of their title I funds for these activities. It also included a list of rigorous interventions for schools in corrective action and an additional category of “restructuring” for the most chronically low-performing schools with even more severe consequences attached.

What was the result of this more heavyhanded and prescriptive version of ESEA? Well, “The Proficiency Illu-

sion,” a 2007 report by the Fordham Institute, found that State definitions of student proficiency varied erratically, and comparisons across the States were not valid.

A new term was coined in education. It was called the hockey stick. In reaction to the 2014 proficiency deadline that schools were to meet, what happened is that States backloaded the student gains needed to reach this goal. So it kind of came in the shape of a hockey stick lying on its side. So it was at a low level, and then all of a sudden, in the last 2 or 3 years, all of these proficiency standards would have to be met. That is why so many more schools are now failing to make adequate yearly progress across the country as we approach 2014. The slope gets steeper, and it gets tougher for them to make that yearly progress.

Another thing happened. Districts responded to the new restructuring category by choosing the least prescriptive—and some would say the weakest—option. In effect, districts could do as much or as little as they wanted in these severely underperforming schools.

Lastly, the No Child Left Behind law drove a critical transparency and focus on the performance of student subgroups—which was good, but its prescriptiveness also led to a culture of compliance and not innovation. So they would comply, but nothing would be done to change the system.

Given this history, we must now ask what the next reauthorization of ESEA should look like. Should the Federal Government come down harder on States and districts, be more prescriptive, more punitive?

I strongly believe that we must maintain a robust Federal role. In looking at the most recent national assessment of educational progress—also called NAEP—scores, we see that more than 50 percent of the students who are eligible for free or reduced lunch—read that as “poor kids,” OK?—scored “below basic” on the fourth grade reading assessment, as compared to only 17 percent of students who were not eligible for free or reduced-price lunches. Fifty percent of the poor kids read “below basic,” compared to only 17 percent of kids who were not poor. On the eighth grade mathematics assessment, almost half—49 percent—of African-American students scored “below basic.” Got that? On eighth grade math, 49 percent of African-American students scored “below basic,” as compared to only 16 percent of White students.

Madam President, we believe in equal opportunity in this country, but you cannot have equality of opportunity when you have inequality of education. Our economy, our ethics, and our commitment to equal opportunity all demand that the Federal Government continue to have a strong role in ensuring an educated citizenry. But just as

the Federal role has evolved from Federal land grants to student Pell grants, we must be willing to shift to new approaches when the old ones aren't working.

I do not believe No Child Left Behind is the pinnacle of Federal education laws. I believe we can and must do better. Our bipartisan bill follows a different course, one of a more strategic partnership—partnership—with States and districts within Federal guidelines or Federal parameters.

In making this move, it is important to note that States have stepped up to the standards and accountability plate in recent years.

In 2009, the Common Core State Standards Initiative was launched, a State-led effort to develop high-quality standards that are common across State lines. Thus far, 46 States and the District of Columbia have adopted the English language arts standards, and 45 States have adopted the math standards.

In 2011, the Council of Chief State School Officers released its accountability principles for next-generation accountability systems, now endorsed by 45 States. These principles include setting performance goals for all schools and districts aligned to college- and career-ready standards; measuring student outcomes based on status and growth; differentiating between schools and districts and providing supports and interventions; and targeting the lowest performing schools for significant interventions. States committed through these principles to doing deeper diagnostic reviews as appropriate—looking at more than just student test scores and high school graduation rates—to better link accountability determinations to meaningful supports and interventions.

This is all being done by the States. So these commitments by the States have led me to believe we may be entering an era in which the Federal Government can work in partnership with States to improve our Nation's schools, while continuing to provide a backstop to avoid returning to old ways of discrimination and exclusions. I think that is what the bipartisan bill passed by the HELP Committee last month does.

This bill, in many ways, resembles the ESEA blueprint released by Secretary Duncan almost 2 years ago. Our bill gets rid of AYP—the annual yearly progress—but it sets Federal parameters for State-designed accountability systems, which they are already doing. They are doing that on their own. These systems must cover all students, including students with disabilities and English-language learners; they must continue to measure and report on the performance of all schools; they must expect continuous improvement for all schools and subgroups of students; and they must provide for interventions in

low-performing schools or schools with low-achieving student subgroups.

State accountability plans are also subject to peer review and approval by the Secretary of Education—an important safeguard on the quality and integrity of these systems. In short, we do not want to have a race-to-the-bottom type of system where States race to the bottom to see who has to do the least to meet these quality improvements.

The HELP Committee's bill also sets the high bar of having students graduate from high school college- and career-ready. It also tightens the Federal focus on turning around persistently low-achieving schools—the bottom 5 percent—and our Nation's dropout factories—those high schools that graduate less than 60 percent of their students—less than 60 percent of their students.

We focus on those schools with significant student achievement gaps. What I mean by that is sometimes you might have very good schools by all appearances—all the test scores are great, they graduate a lot of students—but there are subgroups there—usually students of color, English-language learners, students with disabilities—who aren't receiving the proper type of education. But because the rest of the school looks so good, they are sort of not seen. They are sort of invisible. These are the achievement-gap schools which we have focused on and which, I might add, States have already said they are going to focus on too.

Our bill takes the significant step of closing the comparability loophole so that funds provided through title I ESEA will finally serve as additional dollars—not replacement but additional dollars—for our neediest students. And title I schools will get their fair share of Federal resources.

It also provides districts with more flexibility in how States and districts spend their Federal funds while ensuring that the resources designated to serve our most disadvantaged students get to those students. The bill incentivizes the development of rigorous and fair teacher and principal evaluation systems. We don't mandate it, but we do incentivize teacher and principal evaluation systems, and it provides these critical school staff with the support they need to continually improve teaching and learning.

The bill also leverages opportunities for more children to access high-quality early learning programs and adds new protections for some of our most vulnerable children—homeless kids and students in foster care—so they can be better served by schools.

Our bill strategically consolidates programs and focuses grant funds on a smaller number of programs to allow for greater flexibility. It invests in effective programs to train and support principals and teachers for high-need

schools. It fosters innovation through new programs such as Race to the Top, Investing in Innovation, and Promise Neighborhoods.

So as I have said many times over the past few years, I believe this is a good bill. I am proud of our efforts. The bill is the result of many months of bipartisan negotiation and, as such it is a carefully crafted compromise. It does not contain everything I want, nor does it contain everything Senator ENZI wanted. I said the other day: This is not my bill and this is not Senator ENZI's bill, but it is our bill—and I don't mean just the two of us, but I mean our committee bill. It is, as currently written, a bill that moves us forward beyond the punitive nature of No Child Left Behind.

Last, I want to make clear that as this process moves forward, I believe it is crucial that we maintain the integrity and balance of this bipartisan compromise. We owe it to our kids and our Nation to produce a strong bill that will actually move the needle in improving our educational system. That will be the barometer that will guide me as this process moves forward.

To that end, I would note that, historically, education policy has been done in a bipartisan fashion, and I believe the House must also maintain that approach. Without a bipartisan bill coming out of the House, I believe it would be difficult to find a path forward that will draw the support we need from both sides of the aisle to be able to send a final bill to the President that he can sign. Here in the Senate we have demonstrated it is possible to reach bipartisan consensus on ESEA. We all need to work together in a bipartisan way to replace No Child Left Behind with this new and better law.

With the reauthorization of ESEA, we are on the brink of change, and change many times is difficult. But we must work together to move from a culture of minimal compliance with Federal requirements to one of shared innovation, shared responsibility, and success for students. I look forward to working toward this new partnership and to the next chapter of an effective Federal role in promoting educational excellence and equity.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Georgia.

VETERANS DAY

MR. ISAKSON. Madam President, tomorrow I will join with what I hope will be every American in paying tribute to our veterans who have served us over 200 years to protect the liberty, the freedom, and the peace that all of us enjoy—our veterans from the Revolutionary War, veterans who created this great Republic, to our veterans who serve today in Afghanistan and the war on terror.

In the history of our country, every generation has been called at a time of trouble, and in America's good fortune every generation has responded. There are significant dates in the history of our country that remind us of the great military victories that we have had and the great sacrifices our soldiers have made: December 7, 1941, the terrible attack on Pearl Harbor; June 6, 1944, when Americans bravely stormed Omaha Beach and began the invasion of Europe which ran out Nazi Germany. We all remember, with horror and with terror, 9/11/2001 when New York, Washington, and all of America and all peace-loving people were attacked by al-Qaida, and just a few days later, September 20, when we began and initiated our effort to go after al-Qaida wherever it was, and now recognizing, a little over 10 years later, terrorists have been disrupted, bin Laden has been killed, and America and the world are a safer place.

In the financial and economic history of our country, there have also been significant dates which we should remember and significant responses which we also should recognize: the tragedy of October 1929 when the market crashed and the Great Depression began, the difficulty of Black Friday in 1987 when the markets had a terrible crash. Those were all memorable times, and we hated to see our financial and economic stability upset.

Well, there is another critical day coming in America's history, and it is coming 13 days from today on November 23, 2011, when the select committee we in this Senate and the Members of the House created to address our troubles economically in this country, which are rooted in our spending, rooted in our tax system, and rooted in our entitlement system—the select committee is to come back with at least \$1.2 trillion in cuts, revenue increases, or reform of entitlements over a 10-year period of time, to be matched with the \$900 billion that we cut in August to, hopefully, get us on some type of a track that will be a sustainable recovery in getting our balance back in line. But there is fear that a deal will not be reached, and that is a failure that is not an option, in my judgment.

Yesterday, there was an offer put on the table that involved revenues, involved the reform of entitlements, and involved spending cuts put on the table to begin the discussion to find common ground to have \$1.2 trillion or more in cuts. Unfortunately, as I understand it, the conversation ended, and they are not back at the table yet, and there are 13 days left to go.

As just one Member of the Senate, but as the father of three and grandfather to nine, someone who has lived in this country almost 67 years, I implore my colleagues on the select committee, and all of us in the Senate, to be supportive of their effort to get back

to the table, to put all issues back on the table, and understand that failure is not an option.

Today in Greece, in Italy, in Spain, and in the European Union there is great fear. There is a search for leadership in those that can control their debt, control their entitlements, and control their spending.

America, as it led on D-day on June 6, 1944, as it led in the battle against al-Qaida and terrorists, must lead economically at this time more than ever. It is time for us to put forward a plan that gives us a chance to recover our economy over time, lower our debt and our deficit over time, and reduce our spending over time. It is not an instant, 1-day cure that we seek, but it is an amortization of our liabilities to get our leverage down and our hopes and our prosperity up.

So as one Member of the Senate, I implore our members of the select committee to come back to the table, to put every issue on the table, to forthrightly discuss them, and understand that November 23, 2011, is going to be a historic day in this country—historic because we found a solution and began a process or historic because we as Americans for the first time looked the other way.

As one Member of the Senate, I don't want to look the other way. I want to look my constituents square in the eye and say that I was willing to look at spending; I was willing to look at entitlement reform; I was willing to look at revenues.

I am willing to find a path forward so America can remain in the future what it always has been; that is, a beacon of economic security in a troubled world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS DAY

Mr. CARDIN. Madam President, tomorrow, Veterans Day, our Nation will pay our respect and honor to the men and women who have served in our military.

I know we say this frequently, but every day we should honor the men and women who have served our Nation in uniform. Every day we should have in our thoughts and prayers those who are currently in harm's way defending America's freedom. We want to make sure we do everything we can to make sure they have the support of this Nation to complete their mission safely and return to their families safely.

So I take this time to express the appreciation of this Senator, on behalf of the people of Maryland, to the men and women who have served our Nation, who are our veterans, their families, and those who are currently serving our Nation in the military service. They have defended this Nation and the freedoms we enjoy today from our traditional threats from hostile countries to our current threats that come from extremists and terrorists. Our men and women in our Armed Forces have served our Nation very proudly.

We need to show our appreciation by words and deeds, and I know I speak for the Members of this body that we need to make sure we provide the very best in health care to those who are returning from Iraq and Afghanistan and to those who have served our Nation. I have visited and seen firsthand our soldiers who have returned and how they are being treated, and I tell you we need to keep up this commitment.

I compliment my friend, Congressman RUPPERSBERGER, my colleague from Maryland, who started a program known as Miles for Heroes, where soldiers who were returning home would come into BWI Airport and Baltimore, but for them to get to their homes they had to purchase their own tickets in order to see their families. In many cases, our soldiers who returned home for treatment, their families could not afford to travel to visit them in the medical facility.

Congressman RUPPERSBERGER introduced a proposal where they could use frequent flier miles and donate that so our soldiers and their families could get airline tickets to see each other. It has been extremely successful. We celebrated an anniversary of that not too long ago at the BWI Airport.

I mention that because I have filed S. 1776 to extend this program to hotel miles so families can not only have the transportation costs to visit their wounded warriors but also have a place to stay. I think that makes abundant sense, and I hope we will be able to act on that. To me, this is what we should be doing on Veterans Day, not only again showing our words but also showing our deeds.

When I was at Baltimore Washington International Airport, I had a chance to visit the returning soldiers, literally just coming home from Afghanistan and Iraq. It was an incredible experience to see their faces as they reunited with their families, having served this Nation in combat. But there was also concern on some of their faces because they do not know whether they are going to have a job to return to once they return to the work place. We took some steps to help them today in that regard by the passage of a bill that will provide incentives for employers to provide employment for our veterans returning home from Afghanistan and Iraq. That is exactly what we should be

doing, showing our support for our veterans.

I wished to take this time to pay respect and to honor those who serve in our military. Tomorrow, on November 11, at 11 o'clock in the morning, I will be at Cheltenham at the veterans cemetery for a commemoration where we will pay honor to all the men and women who have served our Nation, and I will then express, on behalf of the people of Maryland and the people of this Nation, our gratitude for preserving our way of life and being a beacon of hope for freedom-loving people around the world.

CROSS-BORDER AIR POLLUTION

Madam President, earlier today we rejected the resolution by Senator PAUL that would have undone the cross-state air pollution standards. I voted against that resolution. I wish to compliment my colleagues for the strong bipartisan vote that rejected the resolution that would have prevented this regulation from going into effect. I wish to share with my colleagues some of my reasons.

This is a matter of a sense of fairness. Let me talk for a moment about Maryland. Maryland has done all it can to protect the health of its citizens with some of the most stringent clean air standards in the Nation. We have done that. We have enacted those standards. We have implemented those standards. But here is the problem: 50 percent of the smog that comes into Maryland that affects the health of Marylanders comes in from other States. Maryland can do everything it can to prevent the air pollution in our State, but it is coming in from other States, affecting the health of our citizens.

We have 140,000 Maryland children who suffer from asthma. Dirty air makes it difficult for these children to have a productive day in school. We have workers who cannot work on bad air days. It is critically important that we move forward with sensible cross-State air pollution standards. That is exactly what the Obama administration brought forward. Thanks to the vote in the Senate, those regulations will be able to go forward.

I wish to dispel another myth. Some say we cannot have clean air and job growth. We cannot have a clean environment. We have to choose between jobs and the environment. I tell you, we need to have a clean environment in order to get the type of job growth we want. I can give the number of people who lose days from work as a result of poor air quality and the effect it has on their health. I can talk about the productivity in the workplace as a result of illness that is generated because of dirty air. All that has absolutely been documented by our scientists. They can demonstrate that. But let me talk a little bit about concrete jobs in the Maryland example.

In 2007, the Maryland legislature implemented the toughest powerplant emission laws on the east coast of the United States. They used 2002 as a baseline and they reduced SO_x emissions by 80 percent by this year. They reduce NO_x emissions by 75 percent by next year. It will reduce mercury emissions by 90 percent by 2013. These are the major air pollutants we are aimed at reducing. Maryland has done that.

What impact has that had on our economy? Two thousand skilled construction worker jobs were created as a result of the investment that was made in clean air. We now have Brandon Shores, one of the cleanest coal-burning powerplants in the country. That is the legacy Maryland has given us. We have created jobs and have done what we can for clean air to help our children and help our community.

As I said earlier, there is very little more that Maryland can do. We have to rely now on the help of other States. It is for that reason that we have seen utilities that are supporting us. Constellation Energy, Exelon, PG&E have supported reasonable standards for air quality, and they recognize it is the right thing to do to have these standards apply to all States because pollution knows no State border.

I was encouraged by the vote we had on this issue. It was a vote for healthy air for our children, for jobs for our construction industry, and a stronger economy for America's future.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Illinois.

Mr. KIRK. Madam President, I wish to follow the remarks of my colleague in a colloquy, briefly, saying I agree with him which is why I voted to support restrictions on cross-State air pollution. Certainly coming from Maryland, I understand that one State can pollute another, especially given the prevailing westerly winds. But even in the State of Illinois we estimate that the rule will reduce pollution in Chicagoland by 7 to 13 percent and in high-ozone time, the highest pollution, 24 percent.

We have also seen quite a number of our powerplants already reengineer their plants to control pollution, expecting this regulation which, by the way, comes from the Bush administration, the initial legislation, and pursuant to a Federal court order.

I commend my colleague and say there is bipartisan agreement that we control cross-State pollution. This rule, by the data that was provided by the Congressional Research Service, has a significant amount of benefit in reducing particulate matter that would be in the State of Illinois and especially Eastern States.

Mr. CARDIN. If my colleague will yield, we had a strong bipartisan vote on the floor on this issue. He is exactly right. All States in this country will

benefit from it. Illinois is a State that also receives pollution from other States. Pollution does not know a State line. We cannot stop the air from traveling. I think my colleague is exactly right. This was not just the east coast. It happens to be at the tailpipe, as we say it, of the pollution in America, but the Midwest is very much impacted and this regulation will help the health of the people of the Midwest and throughout the country.

I thank my colleague for his comments.

HONORING OUR VETERANS

Mr. KIRK. I actually rose to speak on several other topics which I will do in turn. First, I wish to say tomorrow we are going to honor generations of veterans who wore the uniform of the United States. As a Member of the House, I worked to help save my congressional district's veterans hospital in north Chicago, IL, after Washington bureaucrats recommended its closure by the Department of Defense, by the Department of Veterans Affairs.

We actually arranged to bring the Department of Defense and the VA together in a naval hospital and a VA hospital, to combine them in what became the Captain James A. Lovell Federal Health Care Center, building on synergy and seamless care for Active Duty and veterans alike. It became the first combined VA-Navy hospital in the Nation. It is a world-class facility that delivers medical care to about 4,000 Active Duty at Great Lakes and about 42,000 recruits and a equivalent number of veterans in the region.

I like to think about the waiting room of this hospital in which grizzled veterans from—one I remember meeting from the battle of Savo Island, 1942, World War II right next to the rawest new recruits to the Navy, in the same waiting room about to receive care from the same nurses and doctors at this now combined Navy-VA hospital.

In the Senate, I became the new ranking member of the Military Construction and VA Affairs Appropriations Subcommittee. Now we are going to see if we can expand this model of care, not just to one part of northern Illinois but to the country. We should go to the next level, not just integrating one set of hospitals but for the whole country.

Here, the greatest potential is in medical records. It should be the policy of this Congress, the Appropriations Committee and our subcommittee, that we create in the end one military VA health record so there is a seamless continuum of care for the men and women who have joined to protect our country from the first day they sign up as a recruit until their sunset years as a veteran.

I shared a draft of this speech with the chairman of our subcommittee, Chairman JOHNSON, and also Chairman CULBERSON of the House subcommittee,

and the administration, to hopefully drive consensus in the House and Senate forward on this issue. I think we all now agree there should be more Defense Department and VA collaboration on health care but especially focused on health records.

With Chairman JOHNSON, we held a March hearing on the progress of moving forward to a military veteran—what is called—fully integrated electronic health record or IEHR. The system will provide servicemembers with a single medical record from their enlistment through their final days as a veteran. I wish to applaud Secretary Shinseki, Secretary Gates, and Secretary Panetta, his successor, for pushing the very separate Department of Defense and VA bureaucracies into a single common record system. The integrated health record developed jointly by VA and DOD is a very large and necessary IT project. It will encompass quite a lot of effort to be caring for around 15 million servicemembers, veterans, and eligible families each year.

For more than 20 years, these two executive departments built entirely separate health care systems, but the taxpayer did pay for both. A 20-year marine leaving Active-Duty health care would then, potentially, today, have three separate health care records—a military one, a veterans record, and a civilian care record through TRICARE. This meant that information on medical treatment or service-connected disabilities could easily be split between these records. VA doctors or VA benefits personnel would not have the complete information in assessing care for this American in uniform or just out of uniform.

The new system will hopefully eliminate paper records, missing files, and replace them all with a common record, complete with Active-Duty medical history that the VA medical care providers can access in all hospitals and clinics throughout the country.

A project of this magnitude, 6 years of work, several hundred million dollars in expense, is not without risk. It is our responsibility to make sure both departments, DOD and VA, make the right cost-effective decisions to defend the hard-working taxpayer. In past years, normal practice inside Washington would be to give a project such as this to a massive government contractor that would hijack it into an unwieldy and proprietary system which rapidly became outdated, with technology that was only licensed to that contractor. In the Congress we cannot let that happen with this project. In times of physical austerity it is critical that the government work carefully with Chairman JOHNSON in the Senate and Chairman CULBERSON in the House to look beyond their own walls to cooperate and innovate and deliver more efficient and effective services.

It is imperative that VA and DOD ensure that it gets this right and not replicate problems associated with past developments of so many large IT systems. One of the most positive developments is the joint VA-DOD approach that will embrace best commercial practices by leveraging technology already used in the private sector through commercial off-the-shelf systems, and especially open-source coding so that the electronic health record can be billed at the lowest cost. This will ensure that the new system will benefit from innovative and new solutions being used by major medical systems and health care providers across the country.

An open source—that is an open computer-code approach—will, most importantly, prevent us, the government, from being locked into one single vendor. Instead the approach will allow not only innovation but will require a private firm to integrate their technology into the joint VA-DOD system. It will also encourage real competition as every vendor bidding on a new contract will have full, public access to the product completed by the previous vendor. This approach should ensure that the taxpayer is defended, that their dollars are well spent, and that servicemembers and veterans are well served by the system that we then develop.

I commend the VA and DOD on their willingness to break down the walls between their respective departments and work together on this project, especially on the eve of Veterans Day. If successful, this approach could serve as a model for cooperation between other government agencies serving similar communities, making the government smarter and leveraging private sector innovation and developing cost-saving technologies—like open source coding, like commercial off-the-shelf requirements—which is exactly the mindset we need to embrace in the cost-conscious environment we are in today.

In closing, I want to, once again, thank Secretary of Veterans Affairs Shinseki, our previous Secretary of Defense Gates, and our current Secretary of Defense Panetta for their vision in bringing this tough problem together. I will tell each one of these Cabinet Departments that Chairman CULBERSON and I are looking forward, in about 2½ months' time, to meeting with their teams to assess the project and progress on developing a fully integrated, complete joint DOD and then VA health record to care for that American from the time they enlist until their final days as a veteran.

HIRING VETERANS

On November 11, 1919, exactly 1 year after the end of World War I, President Wilson designated Armistice Day to honor those who served during the great war. In 1954, Congress changed the name of the holiday to honor the

service of all men and women in uniform that we now know as Veterans Day. For the last 22 years, it has been the honor of my life to serve in the U.S. Navy Reserve. I have seen firsthand the sacrifice of men and women who wore the uniform and, quite frankly, provided the freedoms that we enjoy as Americans.

This week we remember those who sacrificed everything in the defense of our Nation, and I am proud to support legislation that provides a new employment opportunity for those veterans. The VOW to Hire Heroes Act of 2011 is bipartisan legislation that the Senate has just passed to give our veterans the opportunity to learn new skills and re-enter the workforce. Too often employers overlook the experience of our professional veterans. These men and women are typically highly effective, organized leaders who have been part of a team in a difficult environment. They have undertaken responsibilities few could imagine under extreme conditions—especially at young ages.

Across Afghanistan and Iraq, veterans are saving lives and using state-of-the-art medical equipment in austere conditions. When they return, these skills they have obtained do not necessarily quickly translate into civilian certifications that first responders need to qualify for a job. As a result, governments subsidize expensive training for veterans who are already, in many cases, substantially overqualified. The bill just passed in the Senate requires the Department of Defense, Veterans Affairs, and Labor to identify equivalencies between military service and private sector competencies. This change will translate military experience and certifications into civilian qualifications opening new career opportunities for veterans.

The legislation also reforms and improves the Department of Defense Transition Assistance Program to assist retiring servicemembers with resume development, educational options, and tools for separating from the military. The legislation will identify potential positions and industries in the private sector for our new veterans.

For unemployed veterans the legislation establishes a retraining educational benefit allowing veterans to go back to school for high-demand skill development and to obtain a technical certificate or degree that prepares them to reenter the workforce. This bill also engages the private sector and expands the tax credit for hiring our returning heroes.

The legislation is particularly important to my home State where we have over 700,000 veterans. Across Illinois they enthusiastically take on new challenges and become teachers and corporate executives or public servants.

In 1901, a Knox County native and Illinois veteran, Charles Walgreen, built

the foundation of one of our Nation's largest pharmacy chains. Chicago native George Halas served twice in the Navy and then spent 63 years at the helm of the Chicago Bears and helped found the NFL. Countless other citizens of our State served in the military but then made invaluable contributions to our Nation and its economy.

Despite what most Americans see on TV, Chairman MURRAY in the Senate and Chairman MILLER in the House demonstrated that Republicans and Democrats across the Senate and House can work together, and this legislation just passed as a result of that bipartisan cooperation.

Today our Nation's veterans are facing different adversities and are overcoming new challenges both in the field and when they come home. We owe these men and women everything, and this measure—a bipartisan measure—is one of the ways we can say thank you.

EUROPE'S DEBT CRISIS

I also want to take a moment to speak briefly on the subject of the European debt situation. I am concerned that we are now eyewitnesses to history, but few in the Senate are even watching major events that could hurt the incomes of Americans at home.

Margaret Thatcher once said: Socialists eventually run out of other people's money. We witnessed the end of communism in 1991 when Russia ran out of money. In 2011 we may be witnessing the end of European socialism as many of their economies go bankrupt. Events in Europe offer an immediate warning to our own banking system and is a long-term lesson to our society.

I thank my friend David Malpass for his work in helping to develop my view on these issues. In our view, Europe's approach to the run on Greek debt and then Italian debt and possibly this afternoon French debt shows that Europe's leaders are not addressing the problems squarely that they face. The current approach they have is unsustainable.

Yesterday we witnessed the interest rate Italy must pay to borrow funds rising to over 7 percent from the 6.4 percent on Tuesday and the 5 percent they had to pay at the beginning of the month.

Germany's Finance Minister suggested that Italy consider drawing on EFSF funds, implying that Germany doesn't recognize the true magnitude of the systemic problem they face, still focused on Plan A when Plan A no longer is viable. As Malpass commented, this compares a popgun versus the charging financial rhinoceros that is needed.

German Chancellor Angela Merkel talked about a new European Union and new EU treaty structures. The United States should support increased financial restraints—tougher ones than

the Maastricht Treaty provided. It is hard to see how Europe could undertake an entirely new treaty and then ratify it in the middle of this crisis. After all, the EFSF was hard enough.

Merkel's party also discussed ways to allow countries to exit the euro. This would be an immediate and severe threat to the current outlook, but her party is now no longer in the ascendancy. It is losing strength to coalition parties that are more committed to the euro.

On Tuesday, French President Nicolas Sarkozy raised the possibility of what he called a two-speed Europe in a speech in Strasbourg, meaning that the eurozone countries would have different rules than non-euro EU members. These issues would all be fine to discuss if we were not immediately in a current financial crisis. There are many steps the United States should encourage to prevent this situation from jumping across the Atlantic. Unfortunately, none of them appear to be underway.

First, Italy should undertake major growth-oriented structural reforms in their labor market, but there appears to be little chance of that.

Next, Europe could temporarily back away from the Basel III mark-to-market and the bank capitalization levels they require, removing for now the threat their banks face: that they will be taken over or forced to excessively dilute their equity at the market bottom. Recall that the United States provided critical relief in this regard by reinstructing the FASB in March of 2009 to do this launching the equity market surge.

European Nations could also begin guaranteeing new liabilities at their banks. Remember, also, the United States took this step in October of 2008 through a fee-based FDIC guarantee of new bank issuance. The ECB could also purchase Italian bonds in the size needed in the secondary market with the goal of lowering the current yield. Remember, the Fed bought American mortgage-backed securities in December of 2008 instantly helping recover and resuscitate that market.

Unfortunately, right now none of these positive developments seem likely. The news tonight from Europe is fairly dismal, and I recall the collapse of German credit in July of 1931. It was that collapse that turned the recession of 1929 into the Great Depression.

Our Congress right now is rightly focused on the need to cut our own spending, but, unfortunately, the news that I have seen is the crisis abroad could become the No. 1 economic story in the United States as early as next month.

Americans should watch this situation very closely. We should encourage Europe to take the actions I outlined above, and most importantly, we should make sure the supercommittee

does its job and that we kick our own spending habit before we face the same future.

IRAN'S NUCLEAR PROGRAM

Lastly, I want to touch on a subject that I think most concerns me for the future of the country, especially next year.

When the history of the Iranian nuclear program is written, November 2011 is likely to be marked as the turning point toward conflict regarding Iran's nuclear weapons program. Recall that Iran has signed the Nuclear Nonproliferation Treaty, and her government claims they are taking no action in violation of that treaty. Recall also in 1979 Iran embraced supporting terror as government policy. Iran was then certified as a state sponsor of terror by Presidents Carter, Reagan, Bush, Clinton, Bush, and Obama. Recall also that Iran now has become the top financier for two major terror groups in the Middle East, Hamas and Hezbollah.

Iran has transferred nearly every type of weapon in its inventory—including cruise missiles—to Hezbollah. Recall also that Iran has started the massive refining of uranium, far above the 3 percent necessary to fuel a reactor—upwards of 20 percent—moving to the 98 percent needed to run an atomic weapon.

This week, the IAEA released a landmark report. It said the Iranians were accelerating their uranium enrichment. It said they had received design information through military personnel on nuclear weapons. But, most importantly, it showed how step by step the Iranians were working on a nuclear warhead for their long-range SHAHAB-3 missile to include the density and weight of a nuclear weapon as well as the inclusion of an electric generator inside that weapon—unnecessary for a conventional munition but absolutely required for a nuclear munition—that there were no submunitions, that the entire package was to go off at once, and that the critical design information behind that all pointed to a nuclear warhead. Our response should be, in my view, nonmilitary but the strongest nonmilitary means necessary.

For many years as a House Member I worked on what I thought was the critical sanction, which was to take advantage of the key vulnerability of Iran; that the mullahs had so mishandled their economy since 1979 that this oil-producing nation totally depended on foreign gasoline for their energy supplies. Our idea was to cut off Iran's supply of foreign gasoline and then to ensure that their signature under the nuclear nonproliferation treaty was genuine, real, and verifiable. After working many years on this legislation, eventually the House of Representatives voted, with over 400 positive votes, for this legislation to help cut off Iran's gasoline supply. In fact,

the bill was unanimous in the Senate, and last year President Obama signed this bill into law.

But the record now shows, according to Reuters this morning, that gasoline deliveries, despite the Obama sanctions, now have gone up 21 percent to Iran. Despite the comprehensive sanctions the United States has leveled against Iran, the International Monetary Fund reports that the Iranian economy grew faster than the U.S. economy last year. So, many of us, looking at the sorry record of sanctions enforcement, have gathered together on the idea of one last sanction that we think could avoid a conflict, that we think would deliver the decisive diplomatic weight to solve this problem, and that is to sanction the Central Bank of Iran itself. We would say any entity which does business with the Central Bank of Iran cannot do business with the United States, and we would force every financial and business interest in the world to choose between the \$300 billion Iranian economy and the \$14 trillion American economy.

We know the Central Bank of Iran is the central paymaster of Hezbollah and Hamas, two organizations Secretary of State Clinton has highlighted as sponsors of terror. We know the Central Bank of Iran is the central paymaster for the Iranian Revolutionary Guards Corps and especially their subunit, the Quds force, which Attorney General Holder highlighted, which tried to launch a plot through a Mexican drug cartel to blow up a Washington, DC restaurant. They talked about killing dozens of Americans—they even talked about killing Senators—in an effort to kill the Saudi Arabian Ambassador to the United States. We know the Central Bank of Iran also is the likely paymaster of the nuclear program of Iran itself.

This summer, something unique happened in the life of the Senate. In these partisan times, with so many differences expressed between Republicans and Democrats, 92 Senators joined in the Kirk-Schumer letter saying that we should sanction the Central Bank of Iran, that we should cripple the Iranian currency. For God's sake, at least we can have Iranian economic growth as slower than U.S. economic growth for 2012. It was a unique moment of bipartisan consensus, and the Obama administration even leaked to the New York Times that this action was under consideration. All indications are now that the Obama administration will take no major action against Iran, despite a United Nations report and despite a plot revealed by the Attorney General himself.

Recall that the IAEA was the organization that downplayed Bush administration accusations against Iraq and its weapons of mass destruction program, and that following the fall of

Saddam Hussein we consistently found that what the IAEA said about Iraq was exactly correct. So when the IAEA reports that the Iranians are working toward a nuclear weapon and a warhead aboard their SHAHAB-3 missile; when we learn that the Iranians are supporting terror through Hezbollah and Hamas with a plot to kill Americans at a Washington, DC restaurant; when we learn that Iranians have registered the names of every Baha'i family, all 330,000 in their country, that they have removed all Baha'is from universities, that they have kicked all Baha'i children and prohibited all Baha'i businesses from doing business with their government, we are worried that this is a government—probably the only member of the United Nations—where the head of state regularly talks about wiping another member of the United Nations off the planet, it seems as though we should take action.

I recall a famous quote from President Kennedy long before he was elected President when he wrote an essay called "Why America Slept" in which he talked about all the signs of a coming catastrophe in Europe and no action by the U.S. Government.

This week is the turning point for Iran. If the United States takes no action, then we set the Middle East on a course for conflict likely involving our allies in Israel, potentially also Saudi Arabia. The simple course of history right now I think would be improved if we leveled this sanction in a bipartisan fashion, giving our diplomats decisive weight to stop this program and, therefore, avoiding conflict. By taking the easy way out—by leveling no action against Iran—we actually are empowering those who would go to conflict more quickly.

I am dumfounded as to the reason we are doing this. Senators on this floor told me they suspected there was so much insecurity about the current price of oil that the administration will do everything possible not to have conflict or stress in the Middle East in order to ensure its reelection and keep prices low. But I would argue that nuclear weapons in the hands of the Iranians will automatically raise energy prices in the United States. I would argue that with the record of the Iranians transferring cruise missiles to Hezbollah, there is no doubt in my mind that the Iranians, once they build a sufficient stockpile of nuclear weapons, will transfer some of those to Hezbollah.

We also see hostile intent by the Iranians not just at the Israelis but at the Saudi Arabians, and that the path to further instability and danger is in not taking action rather than taking action.

This, on a Friday night in November, is the turning point on the Iran crisis. Many bureaucrats inside the adminis-

tration would prefer we not know this is the turning point. They would prefer we not realize the Iranian program is receiving decisive weight, and that according to experts the Iranians will have nuclear weapons either next year or, by their latest estimate, the year after. They would prefer we not realize that according to my scenario, they would build a sufficient stockpile so that we envision a possible future where by 2014 or 2015 the Iranians will have a sufficient number to begin transferring weapons to Hezbollah. And we certainly know that the moment the Iranians detonate a weapon, we will witness the launch of nuclear programs in Saudi Arabia and likely in Egypt.

The bottom line is this: Without decisive action on economic sanctions, we condemn the Middle East to a conflict that eventually may involve weapons of mass destruction. With action similar to action called for by those who saw history correctly in the 1930s, we could help protect the coming generation from such a conflict. A world in which the Iranians have nuclear weapons is one that we grant to our kids in a far more dangerous environment than the 21st century, rather than the one we should grant to them.

The Senate, hopefully, will vote on an amendment next week that I hope to offer to level this sanction on Iran. If opposed by the Obama administration, then I think we are condemning this region to an awful conflict, and I think we should protect the next generation from such a future by taking good, solid, decisive, nonmilitary sanctions action now.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY

Ms. MIKULSKI. Madam President, I rise today to address one of the most important issues facing the supercommittee; that is, where does Social Security fit into their plans?

I know the supercommittee is doing a great job. They are working in a steady way to see how we can be a more frugal government, but while we are trying to be frugal, how we also meet our responsibilities for the national defense and also how we maintain our social contract.

To me, one of the most essential programs in the social contract; that is, the contract between the U.S. Government and its people, is Social Security. For more than 75 years, under every President, we have worked in a bipartisan way to ensure the security and

the solvency and the safety of Social Security. Every President has agreed that Social Security should be undeniable, available to everybody, reliable, that it is there when you need it, and inflation proof—inflation proof.

I was in the House when we were teetering on a collapse of Social Security. Ronald Reagan was in the White House. Tip O'Neill was the Speaker of the House. Bob Dole and Bob Byrd were in the Senate. We went to work and made sure Social Security was solvent for all of 30 or 40 years.

Under Bill Clinton, we also took positive forward steps. Under President Bush he wanted to privatize it. That is the way he saw entailing its future solvency. We fought that. But we still had money in the trust fund.

Now where are we? Well, there are those who say we have got to reduce the debt. Hey, I know we have to reduce the debt. I say to the Presiding Officer, we have had extensive conversations. The Presiding Officer has some very meaty ideas worthy of consideration. But let's make it clear, Social Security should not be on the table. When they say all options are on the table, let's put all options on the table for those programs that created the debt, that created the deficit. Social Security did not create our debt. Why it is part of the supercommittee conversation, debate, and even hit list, I do not know.

That casts no aspersions against any member of the committee. I am talking about somehow or other editorial boards that know everything about everything all the time have said you have to do something about Social Security. We know we have to reform Social Security to modernize it for a 21st century economy and a 21st century demography. We get that. But it does not belong in the supercommittee up against the wall with impossible deadlines, up against the wall with impossible mandates.

So while they are looking at revenue, discretionary spending, military spending, Social Security does not belong there. The reform of Social Security belongs in another environment. So that is position No. 1.

Position No. 2 is, what are we doing on Social Security? Well, I am concerned we are about to shred this social contract, and we are going to do it by doing something called the "chained CPI." Isn't that a terrible word: "chained CPI"? Wow. I am afraid we are going to chain seniors to poverty.

Let me tell you what a chained CPI is. When you read all of the books we get, policy books, chained CPI would cut Social Security by \$112 billion over 10 years. They do it by changing the way the cost of living is calculated. It is based on kind of this "theory." It is based on a "theory of human behavior," one of those "social engineering schemes." What it says is this: It as-

sumes that a consumer will substitute lower cost items when the cost of what they normally purchase goes up.

Well, that means, again, "in theory," if the price of apples goes up, you are going to buy an orange. It sounds good. But for the debate on Social Security, it is inappropriate because the market basket approaches by senior citizens, validated by every economic and marketing group, say their largest expenditure is health care, and the reason they do it on health care is because they need it to keep alive. This is not trading a latte for Dunkin' Donuts. This is not going from arugula to big lettuce. This is life. This is life on the line when we are about to cut the seniors' bottom line. We have to get real and talk about what is the way seniors live, what is it they need to do to stay alive, and what is their purchasing power.

So this is not BARB MIKULSKI. The Social Security people themselves say there is something called the market basket for elderly, CPI-E. It means they spend their money on health care, on food, and on energy, and in many cases housing. They cannot reduce those costs. Those are fixed costs for which they have no choice and no negotiating power. Our citizens, our senior citizens, cannot negotiate on their heat, they cannot negotiate much on their prescription drugs. Oh, they might go from a brandname to a generic. But if their cost of living is being squeezed down, they will not be able to do it. You cannot substitute your medication, your insulin, and substitute it for apricot juice.

If the cost of prescription drugs goes up, so does medication. I am concerned that this chained CPI—human behavior, untested, untried social engineering scheme—is going to become the basis by which we calculate the cost of living.

Let me go to some facts. By the way, this is not Senator BARB MIKULSKI talking, this is the Social Security Actuary, the Actuary actually giving accurate facts. Let's go to the A word. The Actuary actually giving accurate facts. First of all, they say this is a technical fix and does not mean a whole lot to seniors. Actually, the chained CPI will fundamentally restructure Social Security. If we do it, we will be complicit and complacent in creating a structurally induced poverty for old people.

What do we mean? Well, if you look at this chart—and this comes from the Actuary—if you go to the chained CPI and the purchasing power they talk of, first of all, it will go into immediate effect. Then it actually cuts—it is not like—you know how the seniors were upset they did not get a cost of living 2 years in a row? They will actually get a reduced benefit. And under the way this will be calculated, hypothetically if you are now getting \$15,132 in Social Security, if you are getting it when

you are 65 now, 10 years from now your benefit will be reduced. Not only will you not get your cost of living, but your benefit will be reduced to \$14,572.

If you continue to live, and you are 85, it will be reduced to \$14,148. It compounds itself. So God forbid you even make it another 30 years. Because under what the chained CPI would do is you would essentially lose over close to \$1,600 in benefits. I cannot believe this. I cannot believe we are even talking about it. Because if we are talking about going with the true market basket, what you should do is actually have this increase. I will not go through all of the numbers, but they are significant and they are severe.

There is another thing going around here on the floor: Oh, Senator MIKULSKI, why are you so upset? It will hurt future beneficiaries. Well, I am upset because no matter what time it affects a beneficiary, it affects a beneficiary. But what everyone fails to grasp is this will be an immediate—underline the word immediate—cut, according to the Social Security's Chief Actuary. If we pass this this year, this chained CPI begins December of 2012. So 1 year from this December, it would go into effect. That means if you are 65 years old, your benefit will be reduced that year. By the time 10 years later, your benefit will have been reduced five times as much. And if you make it to 85, your benefit will actually be reduced by 10 times as much.

This is, to me, a horrific idea. The current CPI-W, which is what we call the cost of living, was used in 1972. It was the only measure we had at the time. It was viewed as an advanced thing for an inflation-proof benefit. Now when we look at it, what we know is that we know the purchasing power—not the purchasing power, what is the market basket that seniors use. Chained CPI might be fine in other areas or other categories. I am not going to debate this here today.

But what I do want to do this time, this place, I want to sound the alert. I am going to ring the bell. I am going to be at my battle station saying to every member of our caucus, and every member of the people on the other side of the aisle, please, read up on this. Know what we are doing. If you are going to vote, I do not want to hear buyer's remorse a year from now. I do not want to hear buyer's remorse 2 years from now. I do not want to hear from the seniors in my home State of Maryland say: Where were you, BARBARA? Did you say anything? Did you do anything? So I am saying here today, get out our policy books and for God's sake read them. Read them. And do not read what this think tank or that editorial board says, read the Social Security Actuary. Because I am telling you, we are about to do something that is irrevocable.

I believe in old-fashioned values, and one of the great ones is honor thy father and thy mother. It is not just a great commandment to live by, it is sure a great public policy to govern by. The American people every day particularly who work hard now and live by the rules, go by the rules, pay into Social Security over a lifetime, we said to them: If you do that, your Social Security will be a guaranteed benefit. It will be a lifetime benefit. It will be reliable and undeniable. And it will be inflation proof.

FDR signed the bill that created that contract. Every President regardless of the party has kept that promise. And it is up to this Congress not to shred the social contract with the seniors of the United States of America.

I want to yield the floor to someone from the Finance Committee who has done so much work on this, such great work, such due diligence, and has a grasp of both the policy and the impact that it has on people.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank my colleague, the senior Senator from Maryland, for her leadership on this issue for protecting seniors and protecting women. It seems to me every time we have a battle that is about undercutting the benefits to women in America, BARBARA MIKULSKI is on the Senate floor or in the halls and in various meeting rooms making sure that America knows what these proposals are.

I could not have been more proud of her when she led all the women Senators on the Democratic side of the aisle to push back on the Bush Administration's proposal to privatize Social Security. At that point in time, she most succinctly told Americans that women, more than any other in that age group, would suffer because they live longer, they depend on Social Security, and if Social Security was privatized, women would feel the brunt of it.

So I am proud to be out here this afternoon with her to talk about this proposal that has been—we cannot tell, because we do not know. We are not on the supercommittee. But it seems to be floating around in various forms, various organizations may be talking about it, the notion that we would change Social Security.

I know at home in my State of Washington, people seem to be confused when we are talking about our budgets. And we are obviously having to make tough budget decisions, as are people around dining room tables, around city halls, around our State capitols and here in Congress are having discussions about how to have a budget to live within our means.

But when you talk to them about the primary way—and one proposal that

surfaced in the last budget negotiations in July was to automatically take \$300 billion of cuts right off the top as the major proposal out of a concept called chained CPI. When you think about that, the first shot of budget cuts would be on the backs of seniors, it is almost as if someone thought seniors cooked up exotic financial instruments and foisted them on the U.S. economy and somehow they should pay the price. We know that is not the case.

So why are people targeting these seniors now? And we are not sure if they are. We have just heard various rumors that perhaps this notion of chained CPI, a change in Social Security benefits as my colleague just outlined, would be a proposal.

I am here to say, I am not for having the seniors in America share the brunt of sacrifice with a proposal such as this that would clearly be on the backs of seniors. It is not something they can afford. I know some of my colleagues may have endorsed a chained CPI, a change in the consumer price index to calculate inflation. But that is a cut that would increase over time. And literally, the longer you live, the more you are penalized. It is such a disproportionate impact to women who do live longer than men and count on those benefits for their living.

In my State, changes to the cost-of-living adjustment would hurt more than 1 million Washingtonians. Social Security has kept about 30 percent of Washington residents who are 65 and older out of poverty. That is what it has done for them. And what is more, 25 percent of seniors in my State live on Social Security alone. So there is a population that is depending on Social Security, and they are living on it alone, or it is making up—another 21 percent of them—it makes up 90 percent of their income.

I think this demonstrates that we cannot support these kinds of cuts, especially at the magnitude this proposal is talking about. The Social Security Office of the Actuary has reported that chained CPI would reduce the COLA by about .3 percent a year. So let's look at that example. A single woman, 65 years old in Washington State, would get a monthly benefit of about \$1,100 a month or \$13,300 annually.

By age 80, if chained CPI would pass, that would result in a \$56 per month or \$672 annual cut in that benefit. So that is less food, that is less medicine, that is less vital care for these seniors. If that individual actually lived to 90 years old, it would be an \$87 a month cut and a \$1,044 cut annually. If you think about the costs these seniors endure—and I for one have proposed changing the market basket of goods that the CPI is based on, because if you think about it, we have a market basket of goods for their CPI that are what the overall economy looks at.

But seniors have a much more expensive market basket of goods. They have to buy more medicine. They have other additional out-of-pocket health care expenses. And so their costs are going up at a higher rate. But this proposal, if you think about it, the average monthly cost of food for a single elderly individual is about \$231 per month. That is what the average is, about \$53 a week. That is based on data from the Elder Economic Security Standard Index. So an individual at 80 basically means they would have 1 week less groceries under chained CPI.

That is what it means. They would have 1 week left of groceries every month.

In my State, when you think about the average out-of-pocket health care expenses seniors have for care, that average out-of-pocket expense rises by \$1,400 for an individual. If you think about it alone, the increase in health care out-of-pocket expenses basically wipes out where many seniors are for any kinds of remaining income. Certainly, if we put this kind of cut on top of that, it would make it clear that seniors would be getting less from Social Security. We recently, for the first time since 2009, gave seniors an increase to their cost-of-living adjustment. Now what are we going to do—go backward and take it away? For 75 years, Americans have been paying into Social Security with the promise that they would receive these benefits in their retirement years. Now is not a time to break that promise.

I think my colleague has clearly come to the floor with a message to our other colleagues who aren't here this afternoon, to say take a look at the details of this proposal. This is not a simple proposal about in the future someone is going to get less than they might under some other plan; this is about a cut in the benefit formula today that would impact seniors if implemented.

So I am here with my colleague to say our economic situation has not been caused by seniors coming to Capitol Hill and proposing that we have opaque derivative markets. It wasn't caused by seniors coming and saying: Let's go ahead and have the banks get rid of Glass-Steagall so the banks can do whatever they want. Seniors didn't come here and foist this economic situation on us. Yet, where are the other proposals to help fix that? Yet, the No. 1 proposal we saw circulating in July was, right off the bat, \$300 billion coming off the backs of seniors. That same proposal is still circulating in the Halls of Congress. My colleague and I are here this afternoon to say that it is not the proposal we should be considering.

So I hope our other colleagues will stand up to protect seniors, particularly women, who are living longer, and make sure they have these important Social Security benefits.

I thank the Chair and yield the floor.
Ms. MIKULSKI. Would the Senator yield for a question?

Ms. CANTWELL. Yes.

Ms. MIKULSKI. First of all, I compliment the Senator for the really wonderful teaching she just did on this issue. She is a member of the Finance Committee, and with all they are doing in Social Security, hasn't there been a hearing in the Finance Committee on the chained CPI, and have experts and senior advocacy groups shared their views with the Congress?

Ms. CANTWELL. Mr. President, I can say to the Senator from Maryland that in my time period there, I don't remember any hearing or briefing on chained CPI that was the focus of the hearing. I don't know if in the last 15 or 20 years somebody hasn't suggested or had a hearing on it.

Ms. MIKULSKI. How many years has the Senator been on the committee?

Ms. CANTWELL. Two years.

Ms. MIKULSKI. In those 2 years, this has not come up.

I have another question about the Finance Committee, which also has jurisdiction over health care. Is it the Senator's understanding that both in the supercommittee and other reforms, Congress's intent is to raise premiums and copayments and a variety of other things on seniors? Is that one of those things out there in the ether?

Ms. CANTWELL. I can tell the Senator from Maryland that there are lots of ideas that people are suggesting. I don't know the details of the supercommittee or to say the Finance Committee is backing up the supercommittee on those ideas. I know we have to live within our budget, and we have to make some tough decisions.

There are many positives in the health care law that are about allowing seniors to stay in their homes and receive care as opposed to going into nursing homes, which is very positive and helps reduce significantly the cost of health care. There are things in there that will help us get more transparency on drug prices. Many of us would like to have direct negotiations on drug prices and drive the costs down even further for seniors. And obviously there are reforms that will help us get more efficient in the delivery system. Those are things you can accentuate by moving more quickly.

I know the Presiding Officer, coming from Minnesota, with the Mayo Clinic, certainly understands about outcome-based health care, preventive medicine, and those things seniors would like to see in reform that actually deliver better care and drive down costs. Those are the proposals that I think we should be discussing, that are positive for seniors, will help seniors, and will deliver the kind of care that is more efficient and cost-effective. But asking them to take it right on the chin with something like this proposal, as my

colleague outlined as well, is something we are not willing to do.

I thank the Chair and the Senator from Maryland for her tireless leadership on behalf of women in America and making sure they can make do in this tough economy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JERRY MCENTEE

Mr. REID. Mr. President, in 1965, Dr. Martin Luther King, Jr., called the organized labor movement, "the principal force that transformed misery and despair into hope and progress."

And for three decades, Jerry McEntee has been a leader in the quest for that progress.

As president of the American Federation of State, County and Municipal Employees since 1981, Jerry McEntee has been a driving force in the fight for a better life for American workers.

He has dedicated his union's resources to the struggle for greater economic and social justice for every man and woman in this Nation—regardless of age, race, gender, religion, sexual orientation or disability.

And he has literally given American workers a voice.

AFSCME has played a role in every struggle to protect collective bargaining rights, equal pay, good benefits, secure retirement, public services and worker opportunity for the last 75 years. And for more than 50 of those years, Jerry has been part of the fight.

At the helm of AFSCME, Jerry advocated for every piece of progressive legislation passed in the last three decades. The organization and dedication of Jerry and his 1.6 million brothers and sisters has been invaluable, whether we were raising the minimum wage or passing the Affordable Care Act.

And Democrats and our progressive allies are grateful for his leadership and support over the years.

As Jerry McEntee announces that he will retire next year from AFSCME's presidency, I am reminded that our work isn't over. Assaults on collective bargaining rights in Wisconsin and Ohio proved that.

The journey from misery and despair to hope and progress that Dr. King spoke of—a journey that Jerry McEntee has led for more than 30 years—is never truly over.

I look forward to working side by side with AFSCME, our friends in labor and all our progressive allies as we continue the work of my friend, Jerry McEntee.

The labor movement is better because of Jerry. America is a better place because of Jerry.

I congratulate Jerry on a career well spent in the pursuit of progress.

KENTUCKY ARMY NATIONAL GUARD

Mr. McCONNELL. Mr. President, I rise today to honor the Kentucky Army National Guard for surpassing its recruiting goal for the eighth consecutive year, a feat which appears to be without precedent in the U.S.

This recent achievement is indicative of the Kentucky Army National Guard's strong presence and dedicated service to the Commonwealth and to the Nation. Over 14,000 Kentucky Army and Air National Guard troops have bravely served our country in overseas deployments since September 11, 2011.

Kentucky's National Guard has also been there to assist Kentuckians when disaster has struck. In the last four years alone, the Commonwealth's Guard has been mobilized nine times following disaster declarations in the State. The Guard has protected and served Kentuckians during and after a wide range of disasters that have wreaked havoc on the state, from floods and tornadoes to the 2009 ice storm. Kentucky's citizens owe a great debt of gratitude to the men and women of the Kentucky National Guard.

Today, on the eve of Veterans Day, I wish to honor the Kentucky Army National Guard for its dedication to better serving Kentucky, and Adjutant General Edward W. Tonini on the organization's continued achievements.

TRIBUTE TO DORIS AND MACKIE REAMS

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a couple who truly exemplify the spirit of Kentucky. Mackie and Doris Reams have been happily married for 57 years and have lived an exciting and romantic life together in London, KY.

When Mackie, now 80, first saw Doris, he was about 20 and was working as a tobacco cutter in a field near her house; she was only 16 at the time. "I saw her a few times and I just got brave enough to ask her to go out," he recalled. "I couldn't resist those pretty blond curls . . . That's how it started. We went together for about three years before we got married." Mackie and

Doris were married on October 3, 1953, by preacher Layton Vandaventer and have been inseparable ever since.

The couple lived in Mackie's parents' house on Old Salem Road for several years after they wed and worked on the family farm. Each day they milked 8 cows by hand and tended to 6,000 broiler chickens. "We fed and took care of them for nine weeks," recalls Doris, now 76. "Then Purina Company came and we loaded them on a truck that took them to a processing plant in Mt. Sterling."

In 1955, Mackie began a brief stint of service in the U.S. Army—his service ended in 1957. Afterwards, he began a career at Caron Spinning where he worked for 27 years. Doris was also employed at the Caron Spinning factory for almost 13 years until it finally closed down. Mackie's final job before he retired was as a door greeter at Walmart. "My legs and knees got to bothering me, standing there all the time," Mackie said. "So, I just quit. We just go and do whatever we want to do," he says in reference to their daily routine.

Each day the couple walks at Kmart every morning and visits the Laurel County Older Person Activity Center. "We play cards and play cornhole in the exercise room," Doris said. "We have lunch. OPAC has a lot of things to do. They took us to the state fair this year," she explained. In what spare time they do have, Doris and Mackie also attend Calvary Baptist Church on Sunday mornings and Wednesday evenings.

"We have been very healthy and happy all our life together," Mackie and Doris are lucky enough to say. "We thank God for that."

Doris and Mackie Reams are an outstanding pair of Kentuckians who are truly blessed for the wonderful lifetime they have shared together. They are hard-working, caring citizens whose lifetime of success and happiness serves as an inspiration to the people of our great Commonwealth.

The Laurel County-area publication the Sentinel Echo recently published an article highlighting this couple's achievements over the years. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, Winter 2011]

TOGETHER, WHEREVER WE GO

(By Carol Mills)

Former Walmart greeter Mackie Reams met his wife Doris 60 years ago, and they have been happily married for 57 years. He is 80 and she is 76.

Their secret to staying in love for so long is they do everything together.

"We just went together wherever we were going, and we still do," Doris said.

Mackie said he lets her do all the shopping, but he goes with her. Sometimes he sits and waits on her to finish shopping, but he is always near.

"If we went somewhere, we took our kids with us and everybody went. That's just the way we lived."

Doris moved to Bill George Road from Knox County with her parents at a young age.

"I've lived around this territory ever since I was 10 years old," she said. "My dad owned all this country back in here where all the houses are. We just farmed. We raised tobacco and corn. After we got married, I worked for Caron Spinning. I worked there for 13 years until they closed out."

Mackie farmed at his parents' place on Old Salem Road. After he married Doris, the couple stayed with his parents for a couple of years. On his farm, they milked eight cows by hand twice a day for two years and sold the milk to Southern Belle Dairy Company.

The Reams also raised broiler chickens. "The broiler house held 6,000 chickens," Doris recalled. "We fed and took care of them for nine weeks. Then Purina Company came, and we loaded them on a truck that took them to a processing plant in Mt. Sterling. Then we would have to clean the house and get ready for another bunch of baby chickens and start all over again."

Mackie spent two years in the U.S. Army—1955 to 1957. He then worked at Caron Spinning for 27 years and for 13 years as a door greeter at Walmart.

"I quit about three years ago," Mackie said. "My legs and knees got to bothering me, standing there all the time. So, I just quit. We just go and do whatever we want to do."

The couple walks at Kmart every morning and attend Calvary Baptist Church every Sunday morning and evening and on Wednesday.

The couple also visits Laurel County Older Person Activity Center almost every day.

"We play cards and play cornhole in the exercise room," Doris said. "We have lunch. OPAC has a lot of things to do."

Mackie said OPAC took them to Frankfort to see the Capitol.

"They took us to the state fair this year," Doris said.

They used to travel a lot.

"We've been to a lot of the states," Doris said. "We usually went with friends. We went all the way to California, driving around on two weeks of vacation. We just drove and stopped whenever we got ready."

"Niagara Falls, all up in New York and all up in that territory," Mackie added. "All over Kentucky and the United States just about."

In the '70s and '80s, Mackie and Doris were active in sports. He played baseball while Doris watched and rooted for him. They also went bowling three or four nights a week at Levi Lanes.

"We won lots of trophies," Doris said. "I also used to quilt a lot during the winter months and made crocheted afghans, but I can't anymore because of my arthritis in my hands."

Mackie first noticed Doris at her home near where he was cutting tobacco in a field. Her home was just a couple of houses down from where she now lives on Bill George Road. He was 20 years old, and she was 16.

"I saw her a few times and I just got brave enough to ask her to go out," he recalled. "I couldn't resist those pretty blond curls. That's how it started. We got to going to church together. We went together for about three years before we got married."

Mackie said he drove his father's pickup to do his courting.

"I got to drive it," he said. "I'd go get her and we'd go to church. We'd ride around and

maybe go up to town on Saturday and walk up and down the streets. I never did go to the Reda (theater) with her because her family was kind of strict. They didn't want her going places like that at that time."

"My parents were old fashioned," Doris laughed. "I guess they finally decided we were going to get married anyway and agreed. They didn't like it too well, but they went ahead with it. My dad went with us to the wedding, but my mom didn't because she thought she would cry or something. We got married in the preacher's house on Oct. 3, 1953. His name was Layton Vandaventer. He's deceased now."

Doris and Mackie have been in good health for most of their lives.

"We have been very healthy and happy all our life together," they said. "We thank God for that."

The couple has two children, Eddie Reams and Phyllis Purvis, four grandchildren and three great-grandchildren.

CRIME VICTIMS' RIGHTS ACT

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Attorney General Holder.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, November 3, 2011.

Hon. JON KYL,
U.S. Senate, Washington, DC.

DEAR SENATOR KYL: This responds to your letters to Attorney General Holder dated June 6, 2011, and November 2, 2011, regarding the Department of Justice's implementation and enforcement of the Crime Victims' Rights Act (CVRA), enacted as section 102 of the Justice for All Act of 2004. Pub. L. No. 108-405, 118 Stat. 2260, 2261-64 (codified at 18 U.S.C. § 3771 (2006 & Supp. III 2009)). We apologize for our delay in responding to your June 6 letter. Your November 2 letter raises additional questions, to which we will reply as soon as possible.

The Department appreciates your leadership in the area of protecting crime victims' rights, and we share your commitment to ensuring that crime victims receive the rights and services to which they are entitled under federal law. In the six years since passage of the CVRA, Department personnel have made their best efforts in thousands of federal and District of Columbia cases to assert, support, and defend crime victims' rights, often over the objections of defendants, and occasionally in the face of a skeptical judiciary.

Every day, federal prosecutors and victim-witness professionals consult with victims, inform them of their rights, including the right to be represented by an attorney, accompany them to court, and assist them with preparing victim impact statements and seeking and recovering restitution. The number of identified victims registered in our automated system in order to receive notices and other services has grown significantly, totaling 2.2 million in Fiscal Year 2010. In that year, the Department sent out 8 million notifications of public court proceedings to victims to ensure that persons harmed by the charged conduct were informed about those proceedings. In contrast, the year before the CVRA passed, 2.7 million such notices were sent.

In addition, U.S. Attorneys' Offices are increasingly using asset forfeiture laws to help

victims by applying forfeited assets to satisfy restitution orders. These efforts have resulted in measurable improvements for victims; the amount of forfeited proceeds returned to victims has jumped from \$13.7 million in FY 2004 to \$250 million in the first 8 months of FY 2011.

In 2009, the Government Accountability Office (GAO) conducted an extensive evaluation of the Department's CVRA implementation efforts. GAO considered the views of victims, victim-witness professionals, federal investigators, prosecutors, defense attorneys, and judges during the audit. The GAO concluded that the Department and the federal judiciary "have made various efforts to implement the CVRA," and "have taken actions to address four factors that have affected CVRA implementation, including the characteristics of certain cases, the increased workload of some USAO staff, the scheduling of court proceedings, and diverging interests between the prosecution and victims." See *Crime Victims' Rights Act: Increasing Victim Awareness and Clarifying Applicability to the District of Columbia Will Improve Implementation of the Act: Hearing Before the H. Comm. on the Judiciary, 110th Cong. at 8* (2009) (statement of Eileen R. Larence, Director, Homeland Security and Justice, Government Accountability Office). The GAO ultimately offered only minor recommendations for improvements, all of which have been significantly addressed.

Your June 6 letter posed three questions regarding victims' rights. First, you asked about the fair treatment of crime victims prior to charging, specifically during precharge plea and non-prosecution negotiations. In 2010, the Attorney General directed the Deputy Attorney General to convene a working group to help evaluate, coordinate, and improve the services the Department provides to crime victims and witnesses. The working group undertook a revision of the Department's basic operational policy manual, the Attorney General Guidelines for Victim and Witness Assistance (AG Guidelines). As you noted in your November 2 letter, the revised 2011 AG Guidelines (available at www.justice.gov/olp/pdf/ag_guidelines2011.pdf) took effect on October 1, 2011. As part of the revision process, the working group sought input from all Departmental components that interact with victims of crime and, with respect to certain difficult legal issues, sought guidance from the Office of Legal Counsel (OLC). Regarding when the rights accorded by the CVRA apply, OLC determined the statute is best read as providing that rights apply beginning when criminal proceedings are initiated. Even so, the new AG Guidelines go further and provide that Department prosecutors should make reasonable efforts to notify identified victims of, and consider victims' views about, prospective plea negotiations, even prior to the filing of a charging instrument with the court. Art. V.0.2, AG Guidelines (2011 ed.).

Additionally, the revised AG Guidelines strengthen and clarify the Department's policies by encouraging Department personnel to go beyond minimum statutory requirements to assist crime victims at all points in the criminal justice process. Even for those who do not qualify under statutory victim definitions, the revised AG Guidelines authorize the provision of services and information, and support participation by victims in court proceedings. See Art. 11.A and Art. III.E, AG Guidelines (2011 ed.).

Moreover, in addition to carrying out our responsibilities under the CVRA, the Depart-

ment is taking other steps to fulfill its mandate to provide services to crime victims from the opening of a criminal investigation. Pursuant to the Victims' Rights and Restitution Act of 1990 (VRRRA), the Department identifies victims and provides to them service referrals, reasonable protection, notice concerning the status of the investigation, and information about the criminal justice process prior to the filing of any charges. The Department's investigative agencies provide such services to thousands of victims every year, whether or not the investigation results in a federal prosecution. The Federal Bureau of Investigation (FBI) alone reports it provided more than 190,000 services to victims during the past fiscal year, including case status updates, assistance with compensation applications and referrals, and counseling referrals. From sexual assaults in Indian Country to child pornography and human trafficking to mass violence and overseas terrorism, FBI victim specialists provide much-needed immediate and ongoing support and information to victims. The FBI addresses victim safety issues when needed, providing on-scene response and crisis intervention services in thousands of investigations. With regard to sexual assault victims, FBI personnel arrange for and often accompany victims to forensic sexual assault medical examinations and provide assistance with HIV/STD testing. In sum, the Department's assistance to victims during the investigatory stage exemplifies a commitment to crime victims above and beyond the statutory mandates.

Second, you asked about the Department's litigation position regarding the standard of review for mandamus cases filed pursuant to the CVRA. The CVRA constitutes a significant, large-scale change in the operation of the federal criminal justice system. For that reason, and because the rights of crime victims must be balanced against recognized rights of criminal defendants, it was inevitable that CVRA implementation would be accompanied by litigation concerning its provisions. The Department has been actively engaged in that litigation, frequently on the side of the victims, seeking to enforce their rights in court. The litigating decisions we make in those cases are reached only after careful consideration of both the language and the purpose of the CVRA, and of our responsibility to foster a fair criminal justice system that respects the rights of all involved, including victims and defendants. Even when we conclude that victim status is inappropriate, or that a certain claimed right should not be accorded to the person seeking it, we often try to find other ways to accommodate that person's legitimate interests in the outcome of the criminal case at hand.

Concerning the mandamus standard of review, the Department's legal analysis is set forth in the brief that you cite in your letter. In *re Antrobus*, No. 08-4002 (10th Cir. Feb. 12, 2008). As you note, the CVRA requires that the Department use its "best efforts" to afford crime victims their CVRA rights. 18 U.S.C. §3771(c)(1) ("Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in [18 U.S.C. §3771(a)]."). The Department makes its best efforts on a daily basis to ensure victims are notified of and accorded such rights. Indeed, the new AG Guidelines specifically instruct Department

personnel to consider a victim's right to fairness when developing and presenting the government's arguments. Art. V.J.3, AG Guidelines (2011 ed.).

Finally, you asked whether the Department has asserted victims' rights on an appeal, even when the appeal is taken by the defendant appealing his or her conviction. See 18 U.S.C. §3771(d)(4) ("In any appeal in a criminal case, the Government may assert as error the district court's denial of any crime victim's right in the proceeding to which the appeal relates.") We do not maintain statistics on the use of this provision and, therefore, cannot answer this question definitively. We note, however, that the potential utility of this provision is limited, with the exception of a narrow category of cases; an appellate court typically would not be able to grant any relief to correct a CVRA error asserted in response to a defendant's appeal, other than issuing an advisory opinion. We will continue to keep this provision in mind as we evaluate cases in the future and, as we have done in the past, we will continue to defend convictions on appeal in the face of defense challenges to victims' assertions of rights.

Thank you for your interest in the Department's efforts to accord the victims of federal crimes their rights under federal law. We welcome the opportunity to work with you and your staff to ensure that crime victims receive the rights and services they deserve. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this, or any other matter.

Sincerely,

RONALD WEICH,
Assistant Attorney General.

VETERANS DAY 2011

Ms. MURKOWSKI. Mr. President, I rise today to recognize and thank our Nation's veterans. They have helped define our country with their service, their commitment, their sacrifice, and their legacy.

On November 11, 1918, the hostilities of World War I ceased. The commemoration of this day was originally known as "Armistice Day" and was declared a Federal holiday. During a House debate on the topic, one Representative suggested that Armistice Day would "not be devoted to the exaltation of glories achieved in war but, rather to an emphasis upon those blessings which are associated with the peacetime activities of mankind." By 1954 it was official that November 11 was the day to honor American veterans of all wars, and the day would officially be known as "Veterans Day."

As we reflect on the service of heroes who have served our country in conflicts past including World War I, World War II, the Korean war, the Vietnam war, the Persian Gulf war and others, we must pause also to honor the dedication of the men and women who are putting their lives on the line today to protect our freedom. This includes not only those serving in Southwest Asia but also those in Kosovo, those standing watch of the Korean demilitarized zone, and those serving and

sacrificing in countless other countries and regions around the world.

For veterans of the Iraq and Afghanistan wars, we need to highlight the increasing problems they are having as they return home from service, from obtaining appropriate health care to finding jobs. In Alaska, I hear concerns about how the Federal Government's efforts to reduce the national debt may impact our servicemembers and veterans. I understand those concerns and believe we must honor our commitments to these men and women.

In my home State of Alaska, we have the distinct pleasure and honor of having the largest per capita percentage of veterans of any State in the Union with 77,000 veterans who call Alaska home. In just a few months, Alaska-based soldiers will represent approximately 10 percent of America's Afghanistan presence. In Alaska, veterans are our neighbors, our coworkers, and our friends. I think it is fair to say that Alaskans understand and appreciate the sacrifice thousands of young men and women in uniform today are making, as well as the sacrifice all of our veterans have made. It is all of them who we honor today.

Today as we honor those who have served, we also mourn. We mourn those veterans who made the ultimate sacrifice in the defense of freedom. Alaska has lost many members of our military community in the Afghanistan and Iraq wars. I extend my heartfelt sympathy to the families of all our fallen servicemembers.

Finally, I would like to recognize one last group: the families and loved ones of America's veterans. These are the folks who have had to see their loved ones sent away to war zones and who worried about their well being every second, of every minute, of every day until the they returned. These are the people who singlehandedly manage households. These are the people who deal firsthand with the invisible scars and injuries of war, such as PTSD, when their loved one comes home. The family members of our veterans are heroes who bravely serve our Nation and rightfully deserve our recognition.

So on this Veterans Day, I am honored to have the opportunity to stand among my colleagues to honor the veterans who made the ultimate sacrifice, those who made it home, those who are still serving across the world, and the families and loved ones of America's veterans. While words cannot express the gratitude we have for our veterans, with a unified voice we want to say thank you.

Mr. THUNE. Mr. President, in honor of Veterans Day and the men and women of the Armed Forces and their families I ask unanimous consent that this poem penned by Albert Caswell be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THIS VETERAN'S DAY

(By Albert Caswell)

This. . . .
 This Veteran's Day. . . .
 As you kneel down and pray. . . .
 Pray a prayer, for all those heroes who can
 not so be here this day. . . .
 Who now so far across the shores, so walk
 into that valley of death for us as do
 they. . . .
 All with families who live so close, whose
 love ones but mean the most . . . we
 pray. . . .
 Who live in worry and so fear, who live in
 tears. . . .
 And the ones who but gave That Last Full
 Measure, America's Greatest of All
 Treasures here!
 Who are now so separated on this earth, for-
 evermore because of their fine worth so
 portrayed. . . .
 Until, up in Heaven once more they will to-
 gether be as their tears begin to burst
 will they. . . .
 And pray for all those families, who with
 such faith do now so believe!
 Who are now so left upon this earth, now so
 left all alone to so grieve. . . .
 And when you look upon your child. . . .
 And you so see, all of their most wonderful
 smiles. . . .
 And everything seems so right, as you hold
 them tight so all the while. . . .
 Remember all of them and all of these!
 The Armed Forces and their families, do so
 please!
 One and all, all Patriots of Peace!
 And remember all of those children, who now
 so live in tears. . . .
 This Veterans Day, hold them so close all in
 your quiet prayers. . . .
 For this is but a most sacred day. . . .
 For all those who fight, and have so fought
 for us throughout the years and days!
 And now so too, the ones who now so
 who. . . . but lie in such soft cold quiet
 graves. . . .
 Who have so taught us all, so how to so be-
 have!
 Who but lived and died, and so bled and cried
 . . . all in time, for all of us who so
 gave!
 For they are America's very Heart, and
 Soul. . . .
 All because them, all of our Freedoms we
 now so hold!
 So make sure of this, that all of your chil-
 dren are so told!
 Take the time, to tell them all about. . . .
 all of their most splendid hearts of
 gold!
 And all of those families whose loved ones,
 they can no longer so hold. . . .
 Who are so separated by time and distance
 and so death. . . . to our world to so
 bless!
 Forget not, all of these most brilliant hearts
 of splendid gold. . . .
 Who without arms and legs, who now so live
 on today whose fine hearts so crest!
 Without eyes upon their faces, and broken in
 all places, whose courageous hearts us
 so bless!
 Who too on this day so grieve, all for their
 Brother and Sisters in Arms who too so
 believed!
 The ones who awake in the middle of the
 night, with dreams of dreadful
 fright. . . .
 Reliving all of those moments, of all of those
 lost lives. . . .
 The ones who so died in their arms, as they
 so cried. . . .

As now it's for them too, we all all so
 cry. . . .
 And when they play Taps, remember all of
 those most splendid of lost lives. . . .
 As you wipe away those tears from all your
 eyes. . . .
 And when you look into That Old Red, White
 and Blue. . . .
 Old Glory Our Flag. . . . and you see all of
 their faces, all in her most magnificent
 hue. . . .
 Take time to salute America's Very
 Best. . . . on This Veteran's Day im-
 bued!
 For all of those, who have so lived and
 died. . . . for what was right and true!
 And for all those, who now so lie in such soft
 cold quiet graves. . . .
 For them feel the sun in your face, and hug
 your children tight at night. . . .
 And as with them all you play. . . . Cherish,
 your Freedom On This Veteran's Day!
 And take a moment, for all of them and their
 most magnificent families to so
 pray. . . .
 And thank The Army, Navy, Air Force,
 Coast Guard, and The United States
 Marines. . . .
 Who for all of us, The Great Price of Free-
 dom They So Pay!
 Remember Them, and be thankful as you
 kneel down to pray!
 On This Veteran's Day.

EUROPEAN COURT DECISION

Mr. CARDIN. Mr. President, I had the opportunity to visit Slovakia in 2009. It was a great opportunity for me to meet with representatives of a country that is a close ally of the United States. Slovakia and the United States share strong ties thanks to the heritage of many Americans whose parents, grand-
 parents or great grandparents came from Slovakia. We are also bound by our common devotion to democracy and human rights. It is an important friendship.

My visit to Bratislava gave me a chance to strengthen those ties. It also provided me with an opportunity to share with my Slovak friends concerns I have about the practice of targeting Romani women for sterilization without informed consent—a practice that was documented and condemned by the Charter 77 human rights movement more than 30 years ago. Unfortunately, sterilizations without consent continued to be performed in State-run hospitals in the Czech and Slovak Republics—reportedly even in this century.

This week there has been an important development on that front. On Tuesday, the European Court on Human Rights found that the sterilization without informed consent of a Romani woman had violated article 3 of the European Convention on Human Rights, the prohibition on inhuman or degrading treatment, and article 8, the right to family life.

This is an incredibly important victory for a woman who was wrongfully sterilized at the time of the birth of her second child and who has since struggled for 11 years to vindicate this claim. I commend her for her bravery

and tenaciousness in the face of numerous obstacles. At the same time, I am aware that the damages awarded by the court can never fully compensate for what was taken from her.

I regret that it has taken so long to achieve this single victory. Thus far, the Slovak Government has refused to acknowledge this past practice of targeting Romani women for sterilization. In the last decade, in the face of growing documentation of this abuse and increasing calls for the Slovak Government to acknowledge this grave human rights violation, Slovak authorities have, in turns, made threats against victims, denied the past abuse, and some voices even continue to call for making sterilization freely available to "socially excluded communities"—a term that is almost synonymously used to describe Roma.

There are other countries where sterilization without consent also occurred in the last century, including Norway, Switzerland, Sweden and 33 States in the United States. But Slovakia has been singularly resistant to acknowledging that these abuses not only happened, but are indefensible by modern standards.

While I welcome this week's decision by the European court, it does not put an end to this issue. There are two other sterilization cases pending in Slovakia's domestic courts, and five other cases pending against Slovakia before the European court. I urge the Slovak Government not to force victims through the painful process of litigating each case—a process that has immeasurable costs for all sides—and to establish a less burdensome process for victims to have their claims recognized. It is long overdue for Slovak authorities to acknowledge that Romani women were targeted for sterilization without informed consent.

U.S. MARINE CORPS

Mr. ROBERTS. Mr. President, I rise today in honor of the U.S. Marine Corps as it celebrates 236 years of sacrifice and service to this great Nation. In the spirit of a true marine, ooo-rah and happy birthday. This week, it is fitting that our great and deliberate body, the Senate, passed a bill to honor and revere the Montford Point marines, the first African Americans to serve in our Corps. Last night, the Senate passed legislation to award the Montford Point marines the Congressional Gold Medal. I can think of no better way to honor these gentleman, most of whom are now in their nineties, for being a part of our Nation's history during a difficult time, both abroad and at home.

In 1942, the U.S. Marine Corps opened its doors for African Americans to play a role in combat. Unfortunately, these men were not trained where marines before them had done so. Instead, from

1942 to 1949, the Corps trained Black marines at Montford Point Camp in North Carolina.

Like true marines, even with segregated training, these men fought shoulder to shoulder next to every marine in World War II. Their actions were significant during our campaign in the Pacific. Their service to the Corps is now a significant thread in its history. The Marine Corps extols the virtues of courage, intelligence, integrity, and leadership. I am proud that the spirit of the Corps resonated in every one of these marines, even in a time of great inequality. In theater, a marine is a marine. We are brothers, regardless of color or creed. The duty every marine pledges to mission and man is equal. It is what makes our Corps the great fighting force that continues today.

I applaud our Commandant, General Amos. Without his commitment to this initiative honoring the Montford Point marines, we may not have passed the bill so easily. I am very proud of my Corps, humbled by all the men and women who continue to join our Armed Forces, and to the Senate for finally recognizing these incredible veterans in the appropriate way.

I am as proud of the Marine Corps today as ever. The Corps has dutifully accomplished exactly what the President and this Nation have asked of them over the past decade. Marines have turned the tide in Iraq and continue to wage ahead in Afghanistan. Marines continue to steer the course of how to succeed in land campaigns and remain always faithful, both to mission and fellow marine.

Today, we celebrate the Marine Corps. Tomorrow, we celebrate all our warfighters, those men and women in uniform who have committed their time, and put their lives in harm's way, for the defense of the United States. Thank you to all those who have served. God bless all those currently deployed around the world. Semper Paratus.

TRIBUTE TO MAJOR GENERAL RAYMOND CARPENTER

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to MG Raymond Carpenter, the acting director of the Army National Guard, for his ongoing, selfless dedication and service to our country.

After enlisting in the South Dakota National Guard in 1967, Major General Carpenter joined the Navy and deployed to South Vietnam. After returning to the Guard as a Vietnam veteran, General Carpenter became a commissioned officer in 1974 and has since commanded at all levels. His efforts have transformed the Army National Guard from a strategic reserve into an operational reserve force, and the Army National Guard is now at its

highest level of readiness in its 375 year history.

In our most recent conflicts, and through these tough economic times, General Carpenter has been credited for driving cost efficiencies that have saved millions of taxpayer dollars. General Carpenter led the Army National Guard through the drawdown in Iraq and oversaw a critical component of the U.S. strategy in Afghanistan, the implementation and expansion of the Guard's Agribusiness Development Teams.

General Carpenter's service to our Nation has come with considerable personal sacrifice from himself and his family. Rather than fill the role of the adjutant general of the South Dakota Guard and return home to live with his family, General Carpenter answered the call of duty, accepted the job of the director of the Army National Guard at the National Guard Bureau, and uncomplainingly shouldered a three star workload for his two star pay. General Carpenter put his and his family's life on hold for over 2 years and lived at the mercy of the nomination process, never knowing when he might be replaced by a full director of the Army Guard. I call on my colleagues in the Senate to join me in honoring MG Raymond Carpenter, and I hope his successor will be confirmed in the near future.

I know that the entire Senate joins me in expressing my appreciation for General Carpenter's service to our grateful Nation.

REMEMBERING DOROTHY RODHAM

Mrs. BOXER. Mr. President, today I rise in memory of Dorothy Howell Rodham, a truly extraordinary woman who died last week at the age of 92.

Many Americans knew Dorothy Rodham through her daughter, Secretary of State Hillary Rodham Clinton, who credits her mother with giving her the strength, self-confidence, perseverance, and faith she needed to thrive in politics and diplomacy.

Millions of Americans had the opportunity to get to know Dorothy on the campaign trail for her son-in-law, William Jefferson Clinton, and her daughter Hillary. They saw a bright, sincere, and highly intelligent woman who was so proud of her family and would do anything for them.

Some of us had known that Dorothy weathered a difficult childhood, but it was only with her passing that many Americans learned just how harrowing it was. Abandoned by her parents at age 8, she took her 3-year-old sister on a cross-country train trip to live with their unwelcoming grandparents in California. By her early teens, she had to leave their home and begin working as a nanny.

Dorothy worked as a secretary in Chicago before marrying Hugh Rodham

and raising their three children: Hillary, Hugh, and Tony. Throughout her life, Mrs. Rodham worked hard to ensure that her children and grandchildren had the opportunities she had been denied.

Dorothy and I shared a great joy—our grandson Zachary. I saw first-hand what a wonderful influence she was for Zach, always there for him in every way. She was that way for all her grandchildren, including her first remarkable grandchild—Chelsea.

When Hillary Rodham Clinton was asked who inspired her to succeed in public life, she credited the women's movement and Dorothy Rodham, "who never got a chance to go to college, who had a very difficult childhood, but who gave me a belief that I could do whatever I set my mind to."

Dorothy Rodham was an extraordinary woman—strong, compassionate and loving. She will be sorely missed by her loved ones, by her friends, and by the American people.

TRIBUTE TO LANCE CORPORAL LARRY GENE BAILEY II

Mr. KIRK. Mr. President, I rise today in honor of one of Illinois' most heroic sons, LCpl Larry Gene Bailey II of Zion. Lance Corporal Bailey joined the Marines in October 2007, and like his father, a Vietnam Veteran, he too wanted to serve his country. His parents and his country are very proud of his service and sacrifice.

On June 23, 2011 in Helmand province, Lance Corporal Bailey ran to a rooftop to provide cover for his unit under heavy fire. An improvised explosive device took both of his legs and one of his arms. This young man's will to live and recover are an inspiration to us all.

With the support of his parents Mary and Larry, he has made great strides in his recovery. This Veterans Day, our nation owes a great debt of gratitude to families like the Baileys, whose service to our nation continues to preserve our American way of life.

I ask unanimous consent to have printed in the RECORD a poem penned in honor of Lance Corporal Bailey by Albert Caswell.

MAKE MY FATHER PROUD

IN HONOR OF AN AMERICAN HERO LANCE CORPORAL LARRY GENE BAILEY II, LIMA CO. 3/4 BATTALION 7TH MARINES DIVISION THE UNITED STATES MARINE CORPS

A son is born . . .
Out of a love so very warm . . .
His dad, an American hero . . . who for our
Nation so wore the uniform . . .
As day after day, a love built up . . . that
which time could not so take away, or
so harm!
Until, like father like son . . . He too, would
serve his country tis of thee one!
As a United States Marine, all in those most
magnificent shades of green!
For in his heart, he so wanted to be . . . just
like his Dad . . . his father he!
His Dad, in the Navy, so served in Vietnam
aboard a submarine . . .

But, his fine son Larry . . . Hooo . . . rah!
Became a United States Marine!
And they have better uniforms Dad, all in
his most heroic shades of green!
And oh what a striking figure he'd so
cast . . .
As this quiet hero, stood tall . . . and so did
all that they so asked!
As into the face of hell, as Lance Corporal
Bailey II . . . so stood fast!
So strong, with combat ribbons on his chest!
As he so wanted, to make his Father proud!
When, on that fateful day . . .
As a IED, almost took his fine life away . . .
As this mountain of a man, so lost his arm
and both of his legs . . .
So close to death, as when this quiet hero's
courage would so crest!
As his new battle began on that day, but To
Be The Best!
As this quiet hero, so courageously so wiped
all of those tears away!
And his Father with tears in his eyes, and
mother too upon their knees for his son
so prayed!
As this hero from Zion, his Father's son . . .
got up that day!
And ran all with his heart of courage full,
and so made his way!
A way of hope and courage, to so show us all!
what faith in hearts can so nourish!
For he is his Father's son, and Mother's
child . . .
as over the years so much from them he had
so learned!
But, now the tides have changed . . . as now
its his Father, who so calls out his
name!
As he so wants to be, just like his son . . .
you see!
As now, he is the one who so makes his Fa-
ther proud . . .
and like his son wants to be!
As to our nation, and our hearts . . . his
Strength In Honor so speaks!
As one of The Illini's, most courageous of all
sons!
This American Hero, his Father's Son!
For some people are put on this earth, to so
Teach us all in their great worth!
To so make us all so very proud!
To show us all, where faith and honor so
lives now!
And how a Father's and Mother's love, can so
raise a splendid child so how!
That's right Marine, you make us all so
proud!
As we watch you and your fine heart and
soul, so rebuild so now . . .
As to one and all, your most magnificent
heart speaks so loud!
Because, Marine's don't cry or pout!
Because, Marines they get things done . . .
as they move up and out!
And if ever I have a son Larry,
I wish he could make me half as proud, as
you've made your parents my son!
Because this Marine from Zion, even makes
his fellow Marines cheer Hoo rah . . .
so now!
So keep you heard up my son,
Because your Father is so Proud of you for
all that you've done!
And so too is our Lord, who'll one day up in
Heaven with you he will run!
Moments, upon this earth . . . are all we
have! To make a difference with it all!
To change the world! To go off with hearts of
courage full, as so unfurled!
As it's you Larry, who so makes us all so
proud . . .
Above us all, Lance Corporal Bailey . . . you
stand so tall!

TRIBUTE TO GERARD AND LILO LEEDS

Mr. HARKIN. Mr. President, I rise today to honor my friends Gerry and Lilo Leeds for their passionate commitment to improving the Nation's education system and helping all students reach their maximum potential.

Gerard and Lilo Leeds arrived in the United States after fleeing Germany in 1939 with virtually no money. But armed with their education, they eventually became successful entrepreneurs. In time, they built and then sold a sizable media corporation and have devoted their lives to ensuring that all students have access to an excellent education.

Initially, the Leeds founded the non-partisan Institute for Student Achievement an organization that works in low-income middle and high schools to improve student achievement for at-risk youth. They were major supporters of the Campaign for Fiscal Equity, a coalition of concerned parents and education advocates working to reform New York State's school finance system. The Leeds also established the nonpartisan Caroline and Sigmund Schott Foundation an organization that works on early childhood education and care, gender equity, and education financing issues.

However, Gerry and Lilo Leeds did not stop there. After seeing the Institute for Student Achievement boost graduation rates in low-performing schools up as high as 90 percent, they founded the nonpartisan Alliance for Excellent Education in 2001 to singularly focus on advancing public policy to decrease dropout rates and prepare all students to succeed at the postsecondary level. The Alliance for Excellent Education has advocated on behalf of secondary school youth now for over 10 years thanks to the leadership and support of the Leeds family.

Mr. and Mrs. Leeds have worked to improve the education of students from every background, location, and age. Lilo Leeds has made education for students in less affluent communities, universal early education, and the advancement of women the focus of her work. She is also the co-founder of the Great Neck/Manhasset Community Child Care partnership. Gerry Leeds is the co-founder of the National Academy for Excellent Teacher, NAFET at Teachers College, Columbia University. Together, they are recipients of humanitarian awards from the Urban League, NAACP, New York State United Teachers Association, and the American Jewish Committee. They were listed by Newsday in the top 100 people who have shaped the century, an amazing feat especially considering the obstacles they both had to overcome.

This couple has provided countless opportunities for children to succeed. I believe they have been so committed to this cause in part because they see

themselves in children who have to overcome tremendous obstacles to thrive. Fundamentally, the Leeds feel a responsibility to act to improve the world around them; and their actions have made a difference for the Nation's students.

Mr. President, I would like to thank Gerry and Lilo for their contributions and dedication to young people all across this country.

OPEN BURN PITS REGISTRY ACT

Mr. UDALL of New Mexico. Mr. President, President Obama recently announced that our long war and military involvement in Iraq would be coming to a close.

For nearly a decade, our armed forces served honorably in Iraq and got the job done. While I opposed the Iraq war from the beginning, my commitment to our troops and our veterans has been resolute. We must always remain mindful of the sacrifice and the obligations we hold to every veteran.

It is because of those obligations that I rise today to speak about the hidden wounds facing the veterans of the Iraq and Afghan wars. These wounds were not caused by insurgents or terrorists, but by exposure to environmental pollution caused by our own open air burn pits.

Open air burn pits were widely used at forward operating bases, where disposing of trash and other debris was a major challenge, and the solution that was chosen had serious medical and environmental risks. Pits of waste were set on fire and they would turn the sky black. At this and other bases, disposing of trash and other debris was a major challenge, a challenge which was solved using a method fraught with medical and environmental risks.

Over 10 acres of land at Joint Base Balad in Iraq were used for burning toxic debris. This is a base, that at the height of its operations, hosted approximately 25,000 military, civilian and coalition personnel. Among the toxic soup released into the atmosphere from Balad were particulates from plastics and Styrofoam, metal, chemicals from paints and solvents, petroleum and lubricants, jet fuel and unexploded ordnance, medical and other dangerous waste—all in the air and being inhaled into the lungs of service members.

Air samples at Joint Base Balad turned up some nasty stuff: Particulate matter—chemicals that form from the incomplete burning of coal, oil and gas, garbage, or other organic substances; volatile organic compounds such as acetone and benzene. Benzene is known to cause leukemia and dioxins which are associated with Agent Orange.

Our veterans have slowly begun to raise the alarm as they learn why, after returning home, they are short of breath, or experiencing headaches or

other symptoms, and in some cases developing cancer. Many other independent organizations have also urged action on this issue, including the American Lung Association which has stated:

Emissions from burning waste contain fine particulate matter, sulfur oxides, carbon monoxide, volatile organic compounds and various irritant gases such as nitrogen oxides that can scar the lungs.

The organizations have called on the VA and Defense Department to begin to monitor our troops and veterans who have been exposed.

Last week I added my voice to that call. The Open Burn Pits Registry Act of 2011 will give the VA the tools to help our veterans who are suffering as a result of their exposure. Establishing an open burn pit registry for those who may have been exposed is just a preliminary step. A public information campaign, to help bring veterans forward, will also be required. Once veterans are identified in the registry, they will be able to receive information about significant developments associated with their exposure. Furthermore, the identification of affected veterans could help improve the VA's ability to treat and understand the causes of these veterans' ailments.

As was noted this week, the Institute of Medicine released a report which concluded that while there was not conclusive evidence of a link between burn pits and medical ailments, that there was insufficient evidence to rule out a link as well. An online summary of the report stated a recommendation that:

a study be conducted that would evaluate the health status of service members from their time of deployment to Joint Base Balad over many years to determine their incidence of chronic diseases, including cancers, that tend to not show up for decades.

This registry will help our medical and scientific experts better analyze who was exposed and who is suffering. In New Mexico, veterans have begun to come forward about their medical conditions. Some, like MSG Jessey Baca, a member of the New Mexico Air National Guard who was stationed in Balad, Iraq, are facing serious ailments such as cancer and chronic bronchiolitis. It is stories like Master Sergeant Baca's which have motivated me to take action on this issue and I urge my colleagues to hear the stories of veterans like him in all 50 States.

The Open Burn Pits Registry Act has bipartisan and bicameral support. In the House, Representative AKIN, a Republican, is sponsoring this important piece of legislation with a strong bipartisan group. On the Senate side I would like to thank my colleagues who are also addressing this important issue facing our veterans. Senator CORKER and I, who is the Republican lead, have been joined by Senators MCCASKILL,

BINGAMAN, SCHUMER, ALEXANDER, and BILL NELSON, who have all signed on to lead this charge as original cosponsors. In addition, Senator WYDEN has also indicated that he will join as a cosponsor. I thank them for being champions for our veterans suffering from these hidden wounds, and I would urge my colleagues to support this bill.

ADDITIONAL STATEMENTS

MUSIC IN JOPLIN, MISSOURI

• Mrs. BOXER. Mr. President, today I want to spotlight a generous act that will help a school and a community recover from a terrible natural disaster.

Joplin, MO, was devastated this past May by the worst tornado to strike the United States in 60 years. This horrific storm cut a 6-mile swath through Joplin, killing 162 people and destroying more than 8,000 buildings, including thousands of homes and many of the city's schools.

The people of Joplin have worked heroically to rebuild their community. At the end of August, students returned to school. Thanks to donations from people across America and around the world, every student received a backpack with school supplies and a new laptop computer.

Barry Manilow saw one need that had not been met: Among the countless losses in the tornado were all the musical instruments used by students in the band at Joplin High School and other city schools.

Last month, Barry arrived in Joplin with three truckloads of instruments, worth about \$300,000. He presented the donation personally on the football field at Joplin High. Barry noted that his own high school music program in Brooklyn, NY, had nurtured his talent and opened the way for his amazing musical career.

Barry Manilow's gift to Joplin was tremendous but not unique for him. Through his nonprofit Manilow Music Project, Barry has helped public schools across the country to survive despite drastic cuts to school funding for the arts. He not only writes the songs; he also writes checks that enable school music programs to keep bringing the gift of music to our students, schools, and communities.

I salute Barry Manilow today and am deeply moved by his act of kindness. It brings me great pride to call him not only a Californian, but also a friend.●

REMEMBERING PAT TAKASUGI

• Mr. CRAPO. Mr. President, today I wish to honor the life of Idaho State Representative Pat Takasugi. I join his family and friends in mourning the passing of this great Idahoan.

Pat's efforts and input on behalf of Idaho agriculture were indispensable.

He had the experience and association through his role as the director of the Idaho State Department of Agriculture and a number of agricultural organizations and the on-the-ground knowledge of an innovative farmer that were instrumental in improving agricultural policy. His advocacy for Idaho agriculture advanced its position in domestic and foreign markets, and he leaves behind a legacy of skilled support.

We are all better for having known Pat Takasugi. His intelligence, humility and dedication were exemplary. He added the right amount of humor to every situation and approached challenges with optimism. He really liked people, and he took his time to give everyone his full attention. That quality along with his sincerity contributed to the vast number of friends and acquaintances who respect and adore him.

Pat led a life of service to our State and Nation. After graduating from the College of Idaho and obtaining post graduate credits from the University of Idaho and Boise State University, Pat joined the U.S. Army through which he served 5 years in Active service and another 5 years in Reserve service. During his military service, Pat was promoted to the rank of captain and qualified for Airborne wings, the Ranger tab and Special Forces green beret. After returning to Wilder, he grew a farm of 32 acres into a more than 1,500-acre farm and was a partner in Snake River Produce. He also served for 10 years as the director of the Idaho State Department of Agriculture before he was elected in 2008 to represent Idaho's District 10 in the State legislature.

His list of accomplishments and associations with a number of Idaho and national organizations, including his service as past president of the National Association of State Departments of Agriculture, is extensive. He advocated for good jobs, a healthy rural economy, business development, lower taxes, less regulation, parental involvement in education, protection of private property and water rights and a lean and accountable government. His principles included belief that "promoting strong families and renewing an individual sense of responsibility are key to reversing the erosion of our nation's foundation." He worked considerably to advance these and other objectives on behalf of Idahoans.

I extend my condolences and prayers to Pat's family, friends and loved ones, including his wife Suzanne his three children and his parents Michio and Ayako. Pat was a great friend to many, and he was very proud of his family. He was a talented farmer and public servant. Pat Takasugi's contribution to our State will not be forgotten.●

REMEMBERING CORPORAL VOLLIE PITTS

● Mr. MORAN. Mr. President, I wish to recognize and pay tribute to CPL Vollie Pitts of Hutchinson, KS. Corporal Pitts proudly served our country in World War I and has been revered as a hero by his family, friends, and those who served alongside him. Today it is my privilege to share the story of this unsung hero and honor him for his service and sacrifice on behalf of our country.

Corporal Pitts was born on February 14, 1897, and raised on his family's farm in Salina, KS. Like so many Kansans of his generation, Corporal Pitts put his country's needs before his own, leaving his parents and three siblings behind to volunteer as a member of the Kansas National Guard. At the young age of 19, he was first called into duty when his regiment was mobilized to the Mexican border in 1916. Their mission was to protect Americans from Mexican outlaws who were operating along the U.S. border. Following the successful completion of their mission, his regiment joined with another and became the 137th Kansas Infantry Regiment.

Corporal Pitts was again called into duty in 1917 to serve his country in World War I. In the spring of 1918, Corporal Pitts and his regiment made their way to the frontlines for one of the most significant battles of the First World War—the Battle of the Argonne Forest. It was during this battle when Corporal Pitts courageously rushed a German gun emplacement, single-handedly capturing the gun and part of its crew. His heroic actions that day saved countless lives, including the men of his own unit. Even after he was wounded and gassed, Corporal Pitts continued to fight until he was forced to seek help at a field hospital, where doctors determined his fighting days had come to an end.

Upon his arrival back in the United States, Corporal Pitts received an honorable discharge from the service and returned home to Kansas. On September 2, 1920, he began a new chapter in his life and married Gladys Reichardt. The young couple made their home in Hutchinson, Kansas and raised two daughters, Koloma and Patricia. Several decades later in 1954, Corporal Pitts passed away in Denver, CO, surrounded by his family.

Corporal Pitts exemplified many traits we can all admire: courage, dedication, and selflessness. His heroic actions during World War I will forever remain a testimony to his love for this country and his fellow Americans. America is proud and honored to call Corporal Pitts one of our own, and we shall never forget his courage and sacrifice, which made America a stronger and freer nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:46 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. HARRIS) has signed the following enrolled bills:

S. 1487. An act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

H.R. 2447. An act to grant the congressional gold medal to the Montford Point Marines.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. REID).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3898. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methacrylic Polymer; Tolerance Exemption" (FRL No. 8891-1) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3899. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerances" (FRL No. 8890-1) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3900. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flutriafol; Pesticide Tolerances" (FRL No. 9325-6) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3901. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methacrylic acid-methyl methacrylate-polyethylene glycol monomethyl ether methacrylate graft copolymer; Tolerance Exemption" (FRL No. 8891-4) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3902. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Abamectin (avermectin); Pesticide Tolerances" (FRL No. 8890-2) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3903. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amides, C5-C9, N-[3-(dimethylamino)propyl] and amides, C6-C12, N-[3-(dimethylamino)propyl]; Exemption from the Requirement of a Tolerance" (FRL No. 8890-8) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3904. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to Existing Validated End-User Authorizations in the People's Republic of China: National Semiconductor Corporation and Semiconductor Manufacturing International Corporation" (RIN0694-AF32) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3905. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC-3906. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-3907. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Branded Prescription Drug Fee; Guidance for the 2012 Fee Year" (Notice 2011-92) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC-3908. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Single Statement Filing Procedure" (Rev. Proc. 2011-55) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC-3909. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Limitations

Adjusted as Provided in Section 415(d), etc." (Notice 2011-90) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC-3910. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Graduated Retained Interests" (RIN1545-BH94) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC-3911. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appleton v. Commissioner, 133 T.C. 461" (AOD-2011-47) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC-3912. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9485-4) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Environment and Public Works.

EC-3913. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act; Technical Amendment; Community Right-to-Know Toxic Chemical Release Reporting" (FRL No. 9488-4) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Environment and Public Works.

EC-3914. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Trademark Technical and Conforming Amendments" (RIN0651-AC39) received in the Office of the President of the Senate on November 7, 2011; to the Committee on the Judiciary.

EC-3915. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Bureau of Prisons' compliance with the privatization requirements of the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on the Judiciary.

EC-3916. A communication from the Assistant General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Standards of Conduct" ((RIN3209-AA15)(Notice 2011-16)) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 598. A bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Giovanni K. Tuck, to be Brigadier General.

Air Force nomination of Maj. Gen. Robin Rand, to be Lieutenant General.

Air Force nomination of Brig. Gen. Everett H. Thomas, to be Major General.

Air Force nomination of Maj. Gen. Ronnie D. Hawkins, Jr., to be Lieutenant General.

Air Force nomination of Col. Judy M. Griego, to be Brigadier General.

Air Force nomination of Maj. Gen. John W. Hesterman III, to be Lieutenant General.

Army nomination of Col. David C. Coburn, to be Brigadier General.

Army nomination of Maj. Gen. Joseph E. Martz, to be Lieutenant General.

Army nominations beginning with Brigadier General Ralph O. Baker and ending with Brigadier General Mark W. Yenter, which nominations were received by the Senate and appeared in the Congressional Record on July 26, 2011. (minus 1 nominee: Brigadier General Edward M. Reeder, Jr.)

Army nomination of Maj. Gen. Peter M. Vangjel, to be Lieutenant General.

Army nomination of Brig. Gen. Gill P. Beck, to be Major General.

Army nomination of Gen. Lloyd J. Austin III, to be General.

Army nomination of Brig. Gen. Janet L. Cobb, to be Major General.

Army nomination of Lt. Gen. William B. Caldwell IV, to be Lieutenant General.

Army nomination of Maj. Gen. William E. Ingram, Jr., to be Lieutenant General.

Army nomination of Brig. Gen. Raymond A. Thomas III, to be Major General.

Army nomination of Col. John L. Poppe, to be Brigadier General.

Navy nomination of Rear Adm. Matthew L. Nathan, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Earl L. Gay, to be Rear Admiral.

Navy nomination of Rear Adm. Timothy M. Giardina, to be Vice Admiral.

Navy nomination of Rear Adm. William D. French, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Michael W. Aamold and ending with Jeffrey T. Zurick, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Air Force nominations beginning with Jesse Acevedo and ending with Jesse B. Zydallis, which nominations were received by the Senate and appeared in the Congressional Record on July 20, 2011.

Air Force nominations beginning with David S. Choi and ending with Muhannad Kassawat, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2011.

Air Force nominations beginning with Kristine M. Autorino and ending with Jason

S. Wrachford, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Air Force nominations beginning with Michael J. Apol and ending with Dawn M. K. Zoldi, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Army nomination of Kari L. Crawford, to be Captain.

Army nomination of Kent T. Critchlow, to be Colonel.

Army nominations beginning with Carleton W. Birch and ending with Jerry M. Wobbery, which nominations were received by the Senate and appeared in the Congressional Record on October 5, 2011.

Army nominations beginning with Scott D. Stewart and ending with Susumu Uchiyama, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Army nominations beginning with Ralph M. Crum and ending with James E. Lowery, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Army nomination of Amanda E. Harrington, to be Major.

Army nomination of Ramon M. Angelucci, to be Major.

Army nomination of Charles S. Moore, to be Major.

Army nomination of Steven Gandia, to be Major.

Army nominations beginning with Adam R. Lieberman and ending with Kenneth J. Zenker, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Army nominations beginning with Bronson B. White and ending with Michael K. Doney, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Army nominations beginning with Gary R. Allen and ending with Oran L. Roberts, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2011.

Army nominations beginning with Patrick A. Barnett and ending with Jeffrey P. Van, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2011.

Army nomination of Russel E. Perry, to be Colonel.

Army nominations beginning with Sherry L. Graham and ending with Noreen A. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with Jonathan H. Jaffin and ending with Charles E. McQueen, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with John P. Gerber and ending with Gregory A. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with Lloynetta H. Artis and ending with Edward E. Yackel, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with Mark R. Baggett and ending with James E. Tuten, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with Susan K. Arnold and ending with Randolph

Swansiger, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nomination of Serafina Sauia, to be Major.

Army nominations beginning with Terry L. Clark and ending with Darron T. Smith, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Army nominations beginning with David Butler and ending with Timothy W. Smith, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Army nominations beginning with Randall D. Isom and ending with Michael A. Mitchell, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Army nominations beginning with Joseph C. Barker and ending with James W. Ring, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Navy nomination of Paul E. Ware, to be Lieutenant Commander.

Navy nomination of Stephen A. Tankersley, to be Lieutenant Commander.

Navy nomination of William B. Carter, to be Captain.

Navy nomination of Judith A. Ciesla, to be Commander.

Navy nominations beginning with Ben D. Ramaley and ending with Bernhard Zunkeler, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Navy nomination of David S. Fuchs, Jr., to be Lieutenant Commander.

Navy nominations beginning with Daniel J. Traub and ending with William N. Solomon, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2011.

Navy nomination of Matthew J. Powers, to be Lieutenant Commander.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Charles DeWitt McConnell, of Ohio, to be an Assistant Secretary of Energy (Fossil Energy).

*David T. Danielson, of California, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

*LaDoris Guess Harris, of Georgia, to be Director of the Office of Minority Economic Impact, Department of Energy.

*Gregory Howard Woods, of New York, to be General Counsel of the Department of Energy.

By Mr. LEAHY for the Committee on the Judiciary.

Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice.

Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 1839. A bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of Ohio (for himself and Ms. COLLINS):

S. 1840. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health with respect to translational research and related activities concerning Down syndrome, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN of Ohio (for himself and Ms. COLLINS):

S. 1841. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to translational research and related activities concerning Down syndrome, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER:

S. 1842. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. PAUL, Mr. RISCH, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, and Mr. VITTER):

S. 1843. A bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER (for himself, Mr. HATCH, Mr. LEE, Mr. THUNE, Mr. HOEVEN, Mr. ENZI, Mr. CRAPO, Mr. BARRASSO, Mr. RISCH, and Ms. MURKOWSKI):

S. 1844. A bill to ensure that Federal Register notices submitted to the Bureau of Land Management are reviewed in a timely manner; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. BINGAMAN, and Ms. COLLINS):

S. 1845. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Finance.

By Mr. BENNET:

S. 1846. A bill to amend title 38, United States Code, to establish the National Veterans Support Foundation to carry out activities to support and supplement the mission of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUBIO (for himself, Mr. BLUNT, and Mr. NELSON of Florida):

S. 1847. A bill to amend title 38, United States Code, to reinstate criminal penalties

for persons charging veterans unauthorized fees, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUBIO (for himself, Mr. INHOFE, and Mr. CRAPO):

S. 1848. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Relations.

By Mr. FRANKEN (for himself and Mr. BOOZMAN):

S. 1849. A bill to require a five-year strategic plan for the Office of Rural Health of the Veterans Health Administration of the Department of Veterans Affairs for improving access to, and the quality of, health care services for veterans in rural areas; to the Committee on Veterans' Affairs.

By Mr. HARKIN (for himself, Mr. CASEY, Mr. TESTER, Mr. BROWN of Ohio, Mr. LEAHY, Mr. FRANKEN, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, and Mrs. BOXER):

S. 1850. A bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1851. A bill to authorize the restoration of the Klamath Basin and the settlement of the hydroelectric licensing of the Klamath Hydroelectric Project in accordance with the Klamath Basin Restoration Agreement and the Klamath Hydroelectric Settlement Agreement in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1852. A bill to amend title 38, United States Code, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS (for himself, Mrs. GILLIBRAND, Mr. LEAHY, and Mr. WYDEN):

S. 1853. A bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself, Mr. HARKIN, Mr. ENZI, Mr. CASEY, Ms. MIKULSKI, Mr. ALEXANDER, and Mr. ROBERTS):

S. 1854. A bill to enhance medical surge capacity; to the Committee on Finance.

By Mr. BURR (for himself, Mr. HARKIN, Mr. ENZI, Mr. CASEY, Ms. MIKULSKI, Mr. ALEXANDER, Mr. LIEBERMAN, Ms. COLLINS, Mrs. HAGAN, and Mr. ROBERTS):

S. 1855. A bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself, Mr. SESSIONS, and Mr. VITTER):

S. 1856. A bill to prohibit Federal funding for lawsuits seeking to invalidate specific

State laws that support the enforcement of Federal immigration laws; to the Committee on the Judiciary.

By Mr. LEE:

S. 1857. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1858. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 1859. A bill to provide that section 3330a, 3330b, and 3330c of title 5, United States Code, relating to administrative and judicial redress and remedies for preference eligibles, shall apply with respect to the Federal Aviation Administration and the Transportation Security Administration; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs. HAGAN, Ms. AYOTTE, Ms. CANTWELL, Mr. ENZI, Mr. CARDIN, Mr. RISCH, Mr. PRYOR, Mrs. SHAHEEN, Mr. LIEBERMAN, Mr. CARPER, Mr. UDALL of New Mexico, Mr. MERKLEY, Mrs. BOXER, Mr. WYDEN, Mr. TESTER, Mr. BEGICH, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. WEBB, Ms. STABENOW, Mr. BOOZMAN, Mr. BARRASSO, Mr. LUGAR, Mr. ALEXANDER, Ms. COLLINS, Mr. KIRK, Ms. MURKOWSKI, Mr. ROBERTS, and Mr. HOEVEN):

S. Res. 320. A resolution designating November 26, 2011, as "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses; considered and agreed to.

By Mr. AKAKA (for himself, Mr. INOUE, Mr. LEVIN, and Mr. BROWN of Massachusetts):

S. Res. 321. A resolution commemorating the 50th anniversary of the Federal Executive Boards; considered and agreed to.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 581

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 581, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Lou-

isiana (Ms. LANDRIEU) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 883

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 883, a bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

S. 922

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 922, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal—State military coordination in domestic emergency response, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the names of the Senator from Delaware (Mr. COONS) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1196

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 1196, a bill to expand the use of E-Verify, to hold employers accountable, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1350

At the request of Mr. COONS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1541

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1585

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1585, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1741

At the request of Mr. FRANKEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1741, a bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for community wind projects having generation capacity of not more than 20 megawatts, and for other purposes.

S. 1762

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 1762, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities and to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs.

S. 1769

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

S. 1776

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1776, a bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations.

S. 1791

At the request of Mr. BROWN of Massachusetts, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1791, a bill to amend the securities laws to provide for registration exemptions for certain crowd-funded securities, and for other purposes.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1804

At the request of Mr. REED, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1804, a bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1833

At the request of Mr. MANCHIN, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1833, a bill to provide additional time for compliance with, and coordinating of, the compliance schedules for certain rules of the Environmental Protection Agency.

S. 1836

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1836, a bill to amend the Oil Pollution

Act of 1990 to clarify that the Act applies to certain incidents that occur in water beyond the exclusive economic zone of the United States.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 241

At the request of Mr. MENENDEZ, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 241, a resolution expressing support for the designation of November 16, 2011, as National Information and Referral Services Day.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

AMENDMENT NO. 927

At the request of Mr. TESTER, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 927 proposed to H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 1839. A bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life, and for other purposes; to the Committee on Armed Services.

Mr. WYDEN. Mr. President, never in our Nation's history has the American military relied more on National Guard and Reserve servicemembers than it has in the last 10 years.

More than 800,000 members of the National Guard and Reserves have been called to active duty service since 9/11, many of them serving two, three, and four tours of duty in Iraq and Afghanistan.

Our military does an exceptional job of preparing these guardsmen and reservists for combat, but we do far too

little to prepare them for transition back to civilian life.

Our guardsmen need a transition from the trauma of combat to the serenity of home in Oregon and throughout our Nation. But instead our guardsmen and reservists are sent back to their community with little or no time to readjust. In a matter of a few days these guardsmen go from holding a gun in the chaos of a combat zone to holding their children in the serenity of their own home. That has to be a difficult transition.

Unlike most active-duty troops who receive a soft landing through a number of carefully monitored reintegration programs and other support services provided on an active-duty base, returning guardsmen lack the support system of a large base.

While active-duty soldiers come home to military bases and the jobs and support systems that they provide, returning Guard members are in many instances left to face the increasingly stark reality of transitioning to civilian life on their own.

The amount of personal and professional requirements placed on guardsmen and reservists pre- and post-deployment are mind boggling. What they need more than anything is time to wind down and tend to their lives.

Even under the best of circumstances, the road back from war is difficult and extremely stressful. Men and women who have served in harm's way experience higher rates of divorce and suicide.

Many battle the debilitating effects and stigma associated with Post Traumatic Stress Disorder. In the current struggling economy, nearly half of the guard members and reservists have no job to return to. Some find that the jobs and careers they put on hold to serve their country simply no longer exist.

To compound an unacceptable unemployment problem, Guard members and reservists are immediately taken off the military payroll once they get home.

Imagine that reality for a second. You left your home, your family and your job to serve your country in harm's way for 10 months, only to be welcomed back with no job and no source of income to pay for your home or support your family.

If they do have a job waiting for them, to keep a steady income, Guardsmen must jump right back into the high stress of relearning their civilian job without a chance to decompress or readjust from the stress of combat.

That is what my bill would help fix. The National Guard and Reserve Soft Landing Reintegration Act would allow returning guardsmen and reservists to take up to 45 days to decompress, reintegrate, and get their lives in order, while still being paid.

I started this program because I think that citizen-soldiers are one of

the strengths of this nation. They and their families should be acknowledged for the level of sacrifices that they are making.

Addressing the post deployment-related needs of returning guardsmen is not only the moral thing to do; it is also strategically wise for our nation.

This is part of the promise our nation made to take care of our troops. They did their best of us. We should do our best for them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard and Reserve Soft Landing Reintegration Act".

SEC. 2. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

"(a) IN GENERAL.—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member's demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

"(b) COVERED MEMBERS.—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

"(1) A contingency operation.

"(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

"(c) PAY AND ALLOWANCES.—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

"(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

"(2) the basic allowance for subsistence payable under section 402 of title 37; and

"(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

"(d) EARLY RELEASE FROM ACTIVE DUTY.—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the mem-

ber shall be released from active duty not later than the end of such 45-day period.

"(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O-5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

"(e) TREATMENT OF ACTIVE DUTY UNDER POLICY ON LIMITATION OF PERIOD OF MOBILIZATION.—The active duty of a member under this section shall not be included in the period of mobilization of units or individuals under section 12302 of this title under any policy of the Department of Defense limiting the period of mobilization of units or individuals to a specified period, including the policy to limit such period of mobilization to 12 months as described in the memorandum of the Under Secretary of Defense for Personnel and Readiness entitled 'Revised Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks—Section 1,' effective January 19, 2007.

"(f) REINTEGRATION COUNSELING AND SERVICES.—(1) The Secretary of the military department concerned may provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

"(2) The counseling and services provided members under this subsection may include the following:

"(A) Physical and mental health evaluations.

"(B) Employment counseling and assistance.

"(C) Marriage and family counseling and assistance.

"(D) Financial management counseling.

"(E) Education counseling.

"(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

"(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

"(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

"(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note)."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

"12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions."

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLIS, Mr. COBURN, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. PAUL, Mr. RISCH, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, and Mr. VITTER):

S. 1843. A bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units; to the Committee on Health, Education, Labor, and Pensions.

Mr. ISAKSON. Mr. President, today, I highlight yet another assault on private-sector employers by this administration and its appointees. Rather than empowering businesses to help bring us out of this economic downturn, the White House continues to tilt the scales in favor of its allies—the labor unions. Nowhere is this more evident than the recent actions of the National Labor Relations Board, NLRB.

For the past 77 years, the NLRB has recognized a bargaining unit as all the employees of the employer, a facility, a department, or a craft. A bargaining unit had to be a sufficient size to warrant separate group identification for the purposes of collective bargaining. This standard was developed through years of careful consideration and congressional guidance.

On August 26, 2011, the NLRB decided to recklessly disregard this longstanding precedent. In its “Specialty Healthcare and Rehabilitation Center of Mobile” decision, the NLRB decided that unions can now handpick a small group of employees doing the same job in the same location for organization purposes. For instance, cashiers at a grocery store could form one small union separate from the baggers, produce stockers, or deli butchers. Unions have found it much easier to organize three employees rather than 30. Employers, especially retail chains, fear that this could create several dozen unions all within the same store location—making it easier for unions to gain access to employees and nearly impossible to manage such fragmentation of the workforce.

Let me be clear: I do not oppose efforts by employees to unionize if they choose to do so. I do, however, oppose the government interfering in the principles of a democratic workplace and tipping the scales in favor of one party over the other.

I am proud to stand up today, along with 28 of my Republican colleagues, to introduce the Representation Fairness Restoration Act. This bill will reinstate the traditional standard for determining which employees will con-

stitute appropriate bargaining units. The NLRB’s actions are yet another clear example of how President Obama’s appointees at this “independent” agency are clearly playing favorites at the expense of the American worker and our economy. We need to send a message to the administration that the NLRB’s decisions are only adding to the pressure and uncertainty facing businesses today. This runaway agency must be reined in and I stand by private-sector employers by helping restore fairness to the workplace.

By Mr. WYDEN (for himself, Mr. BINGAMAN, and Ms. COLLINS):

S. 1845. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am being joined by my colleagues Senator BINGAMAN and Senator COLLINS on the introduction of the Storage Technology for Renewable and Green Energy Act of 2011 or the STORAGE 2011 Act. The purpose of the bill is to promote the deployment of energy storage technologies to make the electric grid operate more efficiently and help manage intermittent renewable energy generation from wind, solar, and other sources that vary with the time of day and the weather.

Traditionally, peak demand has been met by building more generation and transmission facilities, many of which sit idle much of the time. The Electric Power Research Institute’s White Paper on storage technology observed that 25 percent of the equipment and capacity of the U.S. electric distribution system and 10 percent of the generation and transmission system is needed less than 400 hours a year. Peak generation is also often met with the least efficient, most costly power plants. Energy storage systems offer an alternative to simply building more generation and transmission to meet peak demand because they allow the current system to meet peak demands by storing less expensive off-peak power, from the most cost-efficient plants, for use during peak demand.

The growth of renewable energy from wind and solar and other intermittent renewable sources, like wave and tidal energy, raises yet another challenge for the electric grid that storage can help address. These renewable sources deliver power at times of the day or night when they might not be needed or fluctuate with the weather. Energy storage technology allows these intermittent sources to store power as it is generated and allow it to be dispatched when it is most needed and in a predictable, steady stream of electricity no longer at the vagaries of weather conditions. And equally important, it allows this intermittent gen-

eration to more closely match demand. Instead of trying to find a place to sell power at 3:00 am in the morning when demand is down, wind farms for example would be able to sell their power at 3:00 pm in the afternoon when demand is up.

The STORAGE 2011 Act offers investment tax credits for three categories of energy storage facilities that temporarily store energy for delivery or use at a later time. The bill is technology neutral and does not pick storage technology “winners” and “losers” either in terms of the storage technology that is used or in terms of the source of the energy that is stored. The electricity can come from a wind farm or it can come from a coal or nuclear plant. Pumped hydro, compressed air, batteries, flywheels, and thermal storage are all eligible technologies as are smart-grid enabled plug-in electric vehicles.

First, the STORAGE 2011 Act provides a 20 percent investment tax credit of up to \$40 million per project for storage systems connected to the electric grid and distribution system. A total of \$1.5 billion in these investment credits are available for these grid connected systems. Developers would have to apply to the Treasury Department and DOE for the credits, similar to the process used for the green energy manufacturing credits the “48C” program. This is a 20 percent credit so that means the actual cost of the project that would be eligible for the full credit would be \$200 million.

The Act also provides a 30 percent investment tax credit of up to \$1 million per project to businesses for on-site storage, such as an ice-storage facility in an office building, where ice is made at night using low-cost, off-peak power and then used to help air-condition the building during the day while reducing peak demand. This is a 30 percent credit so the cost of the actual projects that would get the full credit amount would be around \$3.3 million.

The Act also provides for 30 percent tax credit for homeowners for on-site storage projects to store off-peak electricity from solar panels or from the grid for later use during peak hours.

As the EPRI white paper noted “(d)espite the large anticipated need for energy storage solutions within the electric enterprise, very few grid-integrated storage installations are in actual operation in the United States today.” The purpose of the STORAGE 2011 Act is help jump start the deployment of these storage solutions so that renewable energy technologies can increase their economic value to the electric grid while reducing their power integration costs as well as to improve the overall efficiency of the electrical system.

I urge my colleagues to take a closer look at what storage technologies can do to help reduce the cost of electricity

and improve the performance of the electric grid and renewable energy technologies. If they do, I am confident my colleagues will join Senators BINGAMAN and COLLINS in supporting this bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Storage Technology for Renewable and Green Energy Act of 2011" or the "STORAGE 2011 Act".

SEC. 2. ENERGY INVESTMENT CREDIT FOR ENERGY STORAGE PROPERTY CONNECTED TO THE GRID.

(a) UP TO 20 PERCENT CREDIT ALLOWED.—Subparagraph (A) of section 48(a)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of subclause (IV) of clause (i),

(2) by striking "clause (i)" in clause (ii) and inserting "clause (i) or (i)",

(3) by redesignating clause (ii) as clause (iii), and

(4) by inserting after clause (i) the following new clause:

"(ii) as provided in subsection (c)(5)(D), up to 20 percent in the case of qualified energy storage property, and".

(b) QUALIFIED ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) QUALIFIED ENERGY STORAGE PROPERTY.—

"(A) IN GENERAL.—The term 'qualified energy storage property' means property—

"(i) which is directly connected to the electrical grid, and

"(ii) which is designed to receive electrical energy, to store such energy, and—

"(I) to convert such energy to electricity and deliver such electricity for sale, or

"(II) to use such energy to provide improved reliability or economic benefits to the grid.

Such term may include hydroelectric pumped storage and compressed air energy storage, regenerative fuel cells, batteries, superconducting magnetic energy storage, flywheels, thermal energy storage systems, and hydrogen storage, or combination thereof, or any other technologies as the Secretary, in consultation with the Secretary of Energy, shall determine.

"(B) MINIMUM CAPACITY.—The term 'qualified energy storage property' shall not include any property unless such property in aggregate has the ability to sustain a power rating of at least 1 megawatt for a minimum of 1 hour.

"(C) ELECTRICAL GRID.—The term 'electrical grid' means the system of generators, transmission lines, and distribution facilities which—

"(i) are under the jurisdiction of the Federal Energy Regulatory Commission or State public utility commissions, or

"(ii) are owned by—

"(I) the Federal government,

"(II) a State or any political subdivision of a State,

"(III) an electric cooperative that is eligible for financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), or

"(IV) any agency, authority, or instrumentality of any one or more of the entities described in subclause (I) or (II), or any corporation which is wholly owned, directly or indirectly, by any one or more of such entities.

"(D) ALLOCATION OF CREDITS.—

"(i) IN GENERAL.—In the case of qualified energy storage property placed in service during the taxable year, the credit otherwise determined under subsection (a) for such year with respect to such property shall not exceed the amount allocated to such project under clause (ii).

"(ii) NATIONAL LIMITATION AND ALLOCATION.—There is a qualified energy storage property investment credit limitation of \$1,500,000,000. Such limitation shall be allocated by the Secretary among qualified energy storage property projects selected by the Secretary, in consultation with the Secretary of Energy, for taxable years beginning after the date of the enactment of the STORAGE 2011 Act, except that not more than \$40,000,000 shall be allocated to any project for all such taxable years.

"(iii) SELECTION CRITERIA.—In making allocations under clause (ii), the Secretary, in consultation with the Secretary of Energy, shall select only those projects which have a reasonable expectation of commercial viability, select projects representing a variety of technologies, applications, and project sizes, and give priority to projects which—

"(I) provide the greatest increase in reliability or the greatest economic benefit,

"(II) enable the greatest improvement in integration of renewable resources into the grid, or

"(III) enable the greatest increase in efficiency in operation of the grid.

"(iv) DEADLINES.—

"(I) IN GENERAL.—If a project which receives an allocation under clause (ii) is not placed in service within 2 years after the date of such allocation, such allocation shall be invalid.

"(II) SPECIAL RULE FOR HYDROELECTRIC PUMPED STORAGE.—Notwithstanding subclause (I), in the case of a hydroelectric pumped storage project, if such project has not received such permits or licenses as are determined necessary by the Secretary, in consultation with the Secretary of Energy, within 3 years after the date of such allocation, begun construction within 5 years after the date of such allocation, and been placed in service within 8 years after the date of such allocation, such allocation shall be invalid.

"(III) SPECIAL RULE FOR COMPRESSED AIR ENERGY STORAGE.—Notwithstanding subclause (I), in the case of a compressed air energy storage project, if such project has not begun construction within 3 years after the date of the allocation and been placed in service within 5 years after the date of such allocation, such allocation shall be invalid.

"(IV) EXCEPTIONS.—The Secretary may extend the 2-year period in subclause (I) or the periods described in subclauses (II) and (III) on a project-by-project basis if the Secretary, in consultation with the Secretary of Energy, determines that there has been a good faith effort to begin construction or to place the project in service, whichever is applicable, and that any delay is caused by factors not in the taxpayer's control.

"(E) REVIEW AND REDISTRIBUTION.—

"(i) REVIEW.—Not later than 4 years after the date of the enactment of the STORAGE

2011 Act, the Secretary shall review the credits allocated under subparagraph (D) as of the date of such review.

"(ii) REDISTRIBUTION.—Upon the review described in clause (i), the Secretary may reallocate credits allocated under subparagraph (D) if the Secretary determines that—

"(I) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

"(II) any allocation made under subparagraph (D)(ii) has been revoked pursuant to subparagraph (D)(iv) because the project subject to such allocation has been delayed.

"(F) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making an allocation under subparagraph (D)(ii), publicly disclose the identity of the applicant, the location of the project, and the amount of the credit with respect to such applicant.

"(G) TERMINATION.—No credit shall be allocated under subparagraph (D) for any period ending after December 31, 2020."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 3. ENERGY STORAGE PROPERTY CONNECTED TO THE GRID ELIGIBLE FOR NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54C(d) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a facility which is—

"(A)(i) a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date), or

"(ii) a qualified energy storage property (as defined in section 48(c)(5)), and

"(B) owned by a public power provider, a governmental body, or a cooperative electric company."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 4. ENERGY INVESTMENT CREDIT FOR ON-SITE ENERGY STORAGE.

(a) CREDIT ALLOWED.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(1) by striking "and" at the end of subclause (III),

(2) by inserting "and" at the end of subclause (IV), and

(3) by adding at the end the following new subclause:

"(V) qualified onsite energy storage property,".

(b) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

"(6) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—

"(A) IN GENERAL.—The term 'qualified onsite energy storage property' means property which—

"(i) provides supplemental energy to reduce peak energy requirements primarily on the same site where the property is located, or

"(ii) is designed and used primarily to receive and store, firm, or shape variable renewable or off-peak energy and to deliver

such energy primarily for onsite consumption.

Such term may include thermal energy storage systems and property used to charge plug-in and hybrid electric vehicles if such property or vehicles are equipped with smart grid equipment or services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.

“(B) MINIMUM CAPACITY.—The term ‘qualified onsite energy storage property’ shall not include any property unless such property in aggregate—

“(i) has the ability to store the energy equivalent of at least 20 kilowatt hours of energy, and

“(ii) has the ability to have an output of the energy equivalent of 4 kilowatts of electricity for a period of 5 hours.

“(C) LIMITATION.—In the case of qualified onsite energy storage property placed in service during the taxable year, the credit otherwise determined under subsection (a) for such year with respect to such property shall not exceed \$1,000,000.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 5. CREDIT FOR RESIDENTIAL ENERGY STORAGE EQUIPMENT.

(a) CREDIT ALLOWED.—Subsection (a) of section 25D of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting “, and”, and

(3) by adding at the end the following new paragraph:

“(6) 30 percent of the qualified residential energy storage equipment expenditures made by the taxpayer during such taxable year, and”.

(b) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT EXPENDITURES.—Section 25D(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:—

“(6) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT EXPENDITURES.—For purposes of this section, the term ‘qualified residential energy storage equipment expenditure’ means an expenditure for property—

“(A) which is installed in or on a dwelling unit located in the United States and owned and used by the taxpayer as the taxpayer’s principal residence (within the meaning of section 121), or on property owned by the taxpayer on which such a dwelling unit is located,

“(B) which—

“(i) provides supplemental energy to reduce peak energy requirements primarily on the same site where the property is located, or

“(ii) is designed and used primarily to receive and store, firm, or shape variable renewable or off-peak energy and to deliver such energy primarily for onsite consumption, and

“(C) which—

“(i) has the ability to store the energy equivalent of at least 2 kilowatt hours of energy, and

“(ii) has the ability to have an output of the energy equivalent of 500 watts of electricity for a period of 4 hours.

Such term may include thermal energy storage systems and property used to charge plug-in and hybrid electric vehicles if such property or vehicles are equipped with smart grid equipment or services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. RUBIO (for himself, Mr. INHOFE, and Mr. CRAPO):

S. 1848. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Relations.

Mr. RUBIO. Mr. President, I rise to speak about legislation I introduced today to encourage comprehensive and long-lasting reforms at the United Nations. I want to thank my colleague Senator JAMES INHOFE from Oklahoma for joining me on this effort. I also commend the Chair of the House Foreign Affairs’ Committee—and fellow Floridian Congresswoman ILEANA ROS-LEHTINEN for leading on this effort in the House of Representatives.

The United Nations was created in 1945 with the specific mandate of maintaining the hard-fought peace that followed the end of World War II. Just as it was then, today our nation’s security and prosperity is influenced by conflicts and events taking place in various near and far-flung places. The United States cannot and should not attempt to address these conflicts on its own. More than six decades later, we still need a U.N. with resolve, a U.N. that acts with effectiveness and purpose. Sadly, the U.N.’s persistent ethics and accountability problems are limiting its role. Until the organization addresses these important issues, the stature of the organization will continue to suffer in the eyes of the world.

Examples of this troubling situation abound, from the ongoing efforts to circumvent direct negotiations to end the Israeli-Arab conflict, to the discredited Human Rights Council led by the world’s most notorious tyrants and human rights violators, to the proliferation of mandates that have clouded the organization’s mission and effectiveness.

My hope with this legislation is to provide an incentive for the United Nations and the President, to modernize that international body along a spirit of transparency, respect for basic human freedoms, and effective non-proliferation. This legislation would also attempt to address the anti-Semitic attitudes that have become so prevalent in certain corners of the U.N. and seriously diminish the credibility of the entire U.N. system.

At the core of these reforms is an effort to instill a sense of transparency

and competition at the U.N. by its adoption of a budgetary model that relies mostly on voluntary contributions. This legislation would also strengthen the international standing of human rights by reforming the U.N. Human Rights Council in a way that it would deny membership to nations under U.N. sanctions, designated by our Department of State as States Sponsors of Terrorism, or failing to take measures to combat and end the despicable practice of human trafficking. Other provisions seek meaningful reforms at the U.N. Relief and Work Agency that provides assistance to Palestinian refugees of the 1948 Arab-Israeli conflict.

This legislation is needed because the structure and bureaucratic culture of the organization often makes it impossible or, at best, downright difficult to achieve meaningful reforms. It follows on the steps of previously successful Congressional initiatives on this matter. Every previously successful American effort for reform at the U.N. has been accompanied with the threat of withholding our valuable contributions. I wish this wasn’t the case, but this is the record, so it is part of our legislation.

In closing, the United Nations has served as the primary multilateral forum to address peace and security issues throughout the world, and I look forward to working with my Senate colleagues in achieving meaningful transparency and accountability reforms at that international body.

By Mr. HARKIN (for himself, Mr. CASEY, Mr. TESTER, Mr. BROWN of Ohio, Mr. LEAHY, Mr. FRANKEN, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, and Mrs. BOXER):

S. 1850. A bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, among the most hopeful occurrences in rural America is when someone is able to get started in farming or ranching and go on to build a successful operation. Typically, the beginning farmer or rancher is continuing an established family farm or ranch, although increasingly he or she is taking on the challenge of starting and growing an entirely new operation.

Because farming and ranching families are so vital to rural communities and our Nation as a whole, there has been a great deal of concern for decades as America’s agricultural producers have grown older and retired, as farm numbers fell, and as men and women who had a great desire to become the next generation of farmers and ranchers were unable to find the opportunities and resources to do so.

Across America, we are fortunate to have many families and individuals

who possess the ability, motivation, and dedication to start or continue a farm or ranch and build a rewarding life in agriculture. Our Nation needs more beginning farmers and ranchers across all types of operations—including commercial-scale crop and animal agriculture systems, organic agriculture, growing for local food systems and farmers markets, and even farming in urban and suburban areas. We need more beginning farmers and ranchers to secure critical supplies of food, fuel, and fiber for the future. We need them as stewards to care for and conserve our soil, water, and other natural resources. We need more new farming and ranching families as contributing members of healthy and vibrant local communities.

Aspiring and beginning farmers and ranchers confront tremendous challenges, yet there are some hopeful signs. According to the Census of Agriculture, the number of farms in the United States increased four percent between 2002 and 2007. The new farms tended to be smaller, have lower sales, and rely more on off-farm income sources. New farmers are also more diverse, with significant increases between 2002 and 2007 in the number of farm operators who are women, Hispanic, American Indian, African-American, and Asian-American.

We know from experience that carefully designed programs can very effectively help beginning farmers and ranchers apply their talents and efforts, assemble the necessary resources, capitalize upon opportunities, and succeed. I am proud that in the two farm bills, in 2002 and 2008, that we enacted while I was chairman of the Agriculture, Nutrition, and Forestry Committee, we adopted a number of initiatives to strengthen and improve programs at the Department of Agriculture that assist beginning farmers and ranchers.

The legislation I am introducing today, joined by a number of my colleagues, is crafted to extend, improve, and strengthen beginning farmer and rancher programs and initiatives that we adopted in the most recent two farm bills and in earlier farm bills and other legislation. The Beginning Farmer and Rancher Opportunity Act of 2011 will build upon the successful record of the earlier legislation and its implementation by the U.S. Department of Agriculture in cooperation with a variety of public and private institutions and organizations.

Let me emphasize that the beginning farmer and rancher initiatives in the legislation we are introducing today, and the programs now being carried out by USDA, are not designed or intended to guarantee the success of any beginning farmer or rancher or to give anyone something for nothing. All they do is to offer a helping hand, a better opportunity, to women and men who

make the effort and apply themselves, who are willing to learn and to do the necessary work to achieve their goals and succeed in farming and ranching.

A key feature of the Beginning Farmer and Rancher Opportunity Act of 2011 is to extend and strengthen the beginning farmer and rancher development program, which we enacted in 2008. In this program, USDA provides competitively-awarded grants to qualified organizations that deliver training and education for beginning farmers and ranchers. This new legislation makes it a new priority for USDA to issue grants to support agricultural rehabilitation and vocational training for military veterans and to deliver training and education to help veterans who are beginning farmers and ranchers. The bill also would extend and increase mandatory funding for this development program to \$25 million in each of fiscal years 2013 through 2017.

This legislation also strengthens in several ways the assistance USDA provides to enable beginning farmers and ranchers to assemble the financial resources they need to start and build a successful operation. It creates a microloan program in which young beginning farmers and ranchers who qualify could borrow up to \$35,000 for operating expenses at reduced interest rates and with simplified paperwork. Also included in this bill is mandatory funding at \$5 million a year to carry out the individual development accounts pilot program that was enacted in the 2008 farm bill. Grants under this pilot program would support at least 15 State individual development account initiatives to help beginning farmers and ranchers build savings that can then be invested in their agricultural operations. Several other provisions of the bill update and improve the existing USDA programs to help beginning farmers and ranchers obtain loans for operating expenses, land purchases, and applying conservation practices.

To encourage and assist beginning farmers and ranchers in maintaining and adopting sound conservation practices in their operations, the bill extends and strengthens several initiatives enacted in previous farm bills. For example, the legislation expands the options and financial incentives for maintaining conservation on land that comes out of the Conservation Reserve Program, CRP, contracts and is leased or sold to beginning farmers or ranchers. Other provisions increase the share of funds and enrollment dedicated to beginning farmers and ranchers in the Conservation Stewardship Program, CSP, and Environmental Quality Incentives Program, EQIP, strengthen help to beginning farmers and ranchers through the Farm and Ranch Land Protection Program, promote their use of whole-farm conservation planning, and boost help to them through conservation loans and cost-share payments.

Other features of the bill are designed to strengthen revenue insurance available to beginning farmers and ranchers through USDA's Risk Management Agency, including increased funding to help beginning and socially disadvantaged farmers and ranchers better understand and utilize insurance programs and risk management systems. In order to help beginning farmers and ranchers build markets and increase income through adding value to their commodities, the bill enhances opportunities for beginning farmers and ranchers to receive USDA value-added producer grants and provides new, increased mandatory funding for such grants. To strengthen USDA's attention to helping beginning farmers and ranchers, the legislation creates coordinators in key USDA agency offices in each State. It also creates a special USDA veterans agricultural liaison position to focus upon helping veterans understand and benefit from USDA programs, especially those for beginning farmers and ranchers.

In conclusion, I am proud of the initiatives we have previously enacted to help beginning farmers and ranchers create and pursue opportunities and realize their goals and dreams. By building on the success of the existing programs, this legislation will lend more help to beginning farmers and ranchers and in doing so strengthen American agriculture, our rural communities, and our nation as a whole. I am grateful to the cosponsors of this bill and urge all of my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Beginning Farmer and Rancher Opportunity Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONSERVATION

Subtitle A—Conservation Reserve Program

Sec. 101. Extension of conservation reserve program.

Sec. 102. Contracts.

Subtitle B—Farmland Protection Program

Sec. 111. Farmland protection program.

Subtitle C—Environmental Quality Incentives Program

Sec. 121. Establishment and administration of environmental quality incentives program.

Sec. 122. Conservation innovation grants and payments.

Subtitle D—Funding and Administration

Sec. 131. Funding of conservation programs under Food Security Act of 1985.

Sec. 132. Assistance to certain farmers or ranchers for conservation access.

Sec. 133. Comprehensive conservation planning.

TITLE II—CREDIT

Subtitle A—Farm Ownership Loans

Sec. 201. Direct farm ownership experience requirement.

Sec. 202. Conservation loan and loan guarantee program.

Sec. 203. Loan terms for down payment loan program.

Sec. 204. Definition of qualified beginning farmer or rancher.

Subtitle B—Operating Loans

Sec. 211. Young beginning farmer or rancher microloans.

Subtitle C—Administrative Provisions

Sec. 221. Beginning farmer and rancher individual development accounts pilot program.

Sec. 222. Transition to private commercial or other sources of credit.

Sec. 223. Loan authorization levels.

Sec. 224. Direct loans for beginning farmers and ranchers.

Sec. 225. Borrower training.

TITLE III—RURAL DEVELOPMENT

Sec. 301. Value-added producer grants.

Sec. 302. Use of loans and grants for entrepreneurial farm enterprises.

TITLE IV—RESEARCH, EDUCATION, AND EXTENSION

Sec. 401. Beginning farmer and rancher development program.

Sec. 402. Agriculture and Food Research Initiative.

TITLE V—CROP INSURANCE

Sec. 501. Sense of Congress on beginning farmer and rancher access to crop and revenue insurance.

Sec. 502. Risk management partnership programs.

TITLE VI—MISCELLANEOUS

Sec. 601. Small and beginning farmer and rancher coordinators.

Sec. 602. Military Veterans Agricultural Liaison.

Sec. 603. Budgetary effects.

Sec. 604. Effective date.

TITLE I—CONSERVATION

Subtitle A—Conservation Reserve Program

SEC. 101. EXTENSION OF CONSERVATION RESERVE PROGRAM.

(a) IN GENERAL.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking “2012” and inserting “2017”.

(b) LAND ELIGIBLE FOR ENROLLMENT IN CONSERVATION RESERVE.—Section 1231(b)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(b)(1)(B)) is amended by striking “Food, Conservation, and Energy Act of 2008” and inserting “Beginning Farmer and Rancher Opportunity Act of 2011”.

(c) MAXIMUM ENROLLMENT OF ACREAGE IN CONSERVATION RESERVE.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “2010, 2011, and 2012” and inserting “2010 through 2017”.

(d) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231B of the Food Security Act of 1985 (16 U.S.C. 3831b) is amended—

(1) in subsection (a)(1), by striking “2012” and inserting “2017”; and

(2) in subsection (b)(1)(C), by striking “2002 through 2007” and inserting “2008 through 2012”.

SEC. 102. CONTRACTS.

Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended—

(1) in subsection (c)(1)(B), by striking clause (iii) and inserting the following:

“(iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher who is or will be actively engaged in farming or ranching with respect to the land transferred under this subsection for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods that meet or exceed the resource management system quality criteria for erosion, soil quality, water quality, and fish and wildlife; or”;

(2) in subsection (f)(1)—

(A) in the matter preceding subparagraph (A), by striking “or socially disadvantaged farmer or rancher” and inserting “socially disadvantaged farmer or rancher, or limited resource farmer or rancher who is or will be actively engaged in farming or ranching with respect to the land transferred under this subsection”;

(B) by striking subparagraphs (C), (D), and (E) and inserting the following:

“(C) require the covered farmer or rancher to develop and implement a comprehensive conservation plan that addresses all resource concerns and meets such sustainability criteria as the Secretary may establish;

“(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation stewardship program or the environmental quality incentives program at any time beginning on the date that is 1 year before the date of termination of the contract, including technical and financial assistance in the development of a comprehensive conservation plan;

“(E) if the land transferred under this subsection remains in grass cover, provide to the covered farmer or rancher an opportunity to enroll in a long-term or permanent easement under the grassland reserve program or farmland protection program at any time beginning on the date that is 1 year before the date of termination of the contract; and

“(F) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, except that, in the case of a retired or retiring owner or operator who is a family member (as defined in section 1001) of the covered farmer or rancher, the additional payments shall be made only if title to the land is sold or transferred to the covered farmer or rancher on termination of the contract.”.

Subtitle B—Farmland Protection Program

SEC. 111. FARMLAND PROTECTION PROGRAM.

Section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) is amended—

(1) in subsection (b), by inserting “to promote farm viability for future generations” before the period at the end; and

(2) in subsection (g)(4)—

(A) in subparagraph (B), by striking “and” at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

“(C) provide a funding priority, to the maximum extent practicable, for—

“(i) eligible land for which there exists a farm or ranch succession plan or similar plan established to create opportunities for beginning farmers and ranchers and encourage farm viability for future generations;

“(ii) easements that exercise an option to purchase at a price that is equal to the agricultural use value;

“(iii) qualified beginning farmers or ranchers with contracts to purchase the land to be protected;

“(iv) land owned by a nongovernmental organization that will be sold to a qualified beginning farmer or rancher;

“(v) contemporaneous farm transfers of eligible land to qualified beginning farmers and ranchers that may not occur without the financial assistance of the program; and

“(vi) other similar mechanisms to maintain the affordability of farm and ranch land for successive generations of farmers and ranchers; and”.

Subtitle C—Environmental Quality

Incentives Program

SEC. 121. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(1) in subsection (a), by striking “2012” and inserting “2017”;

(2) in subsection (d)(4)(B), by striking “30 percent” and inserting “50 percent”; and

(3) in subsection (f), by striking “2012” and inserting “2017”.

SEC. 122. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(E) provide environmental and resource conservation benefits through increased participation by beginning farmers and ranchers and socially disadvantaged farmers and ranchers.”; and

(2) in subsection (b)(2), by striking “2012” and inserting “2017”.

Subtitle D—Funding and Administration

SEC. 131. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) IN GENERAL.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1) by striking “2012” and inserting “2017”.

(b) CONSERVATION RESERVE PROGRAM.—Section 1241(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(1)) is amended by striking “2012” each place it appears and inserting “2017”.

(c) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Section 1241(a)(6)(E) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking “fiscal year 2012” and inserting “each of fiscal years 2012 through 2017”.

SEC. 132. ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.

Section 1241(g) of the Food Security Act of 1985 (16 U.S.C. 3841(g)) is amended—

(1) in paragraph (1)—

(A) by striking “2012” and inserting “2017”; and

(B) by striking “5 percent” each place it appears and inserting “10 percent”;

(2) in paragraph (2), by inserting “(but not earlier than 120 days after the date that

funding for the fiscal year is allocated to the States)" after "Secretary";

(3) in paragraph (3), by inserting "(but not earlier than 120 days after the date that acres for the fiscal year are allocated to the States)" after "Secretary"; and

(4) by adding at the end the following:

"(4) PARTICIPATION BY BEGINNING AND SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—Nothing in this subsection prohibits beginning or socially disadvantaged farmers or ranchers from participating in programs and receiving funding available under this title that is not reserved under paragraph (1).

"(5) TECHNICAL ASSISTANCE.—Within the funds reserved under paragraph (1), the Secretary shall allocate to the Natural Resources Conservation Service funding for technical assistance at a rate that is not more than 10 percent higher than the rate that would otherwise apply to allow the Service to provide additional technical assistance to beginning farmers or ranchers and socially disadvantaged farmers or ranchers to establish conservation plans."

SEC. 133. COMPREHENSIVE CONSERVATION PLANNING.

Section 1244(a) of the Food Security Act of 1985 (16 U.S.C. 3844(a)) is amended by adding at the end the following:

"(3) COMPREHENSIVE CONSERVATION PLANNING.—In carrying out this subsection, the Secretary shall provide technical and financial assistance using resources available under the environmental quality incentives program, conservation stewardship program, or such other programs as the Secretary may determine to covered persons who request the assistance to develop a comprehensive conservation plan for the farming or ranching operation of the covered person."

TITLE II—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 201. DIRECT FARM OWNERSHIP EXPERIENCE REQUIREMENT.

Section 302(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(b)) is amended by striking "3 years" and inserting "2 years".

SEC. 202. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended—

(1) in subsection (c)(2)—

(A) by striking "shall meet" and inserting "shall—

"(A) meet";

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) be the owner or operator of not larger than a family farm.";

(2) in subsection (e)—

(A) by striking "The portion" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the portion"; and

(B) by adding at the end the following:

"(2) BEGINNING AND SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—In the case of beginning farmers or ranchers and socially disadvantaged farmers or ranchers, the portion of the loan the Secretary may guarantee under this section shall be 95 percent of the principal amount of the loan."; and

(3) by striking subsection (h) and inserting the following:

"(h) FUNDING.—

"(1) IN GENERAL.—The Secretary may make or guarantee loans under this section for not

more than \$250,000,000 for each of fiscal years 2013 through 2017, of which, for each fiscal year, not more than ½ shall be used for direct loans and not more than ½ shall be used for guaranteed loans.

"(2) QUALIFIED BEGINNING FARMERS AND RANCHERS.—

"(A) DIRECT LOANS.—Of the amount made available for direct loans for a fiscal year under paragraph (1), the Secretary shall reserve for qualified beginning farmers and ranchers until April 1 of the fiscal year not less than 50 percent of the amount.

"(B) GUARANTEED LOANS.—Of the amount made available for guaranteed loans for a fiscal year under paragraph (1), the Secretary shall reserve for qualified beginning farmers and ranchers until April 1 of the fiscal year not less than 50 percent of the amount."

SEC. 203. LOAN TERMS FOR DOWN PAYMENT LOAN PROGRAM.

Section 310E(b)(1)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935(b)(1)(C)) is amended by striking "\$500,000" and inserting "\$667,000".

SEC. 204. DEFINITION OF QUALIFIED BEGINNING FARMER OR RANCHER.

Section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F)) is amended by striking "median" and inserting "average".

Subtitle B—Operating Loans

SEC. 211. YOUNG BEGINNING FARMER OR RANCHER MICROLOANS.

Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended by adding at the end the following:

"(d) YOUNG BEGINNING FARMER OR RANCHER MICROLOANS.—

"(1) IN GENERAL.—The Secretary may make microloans under this subtitle to beginning farmers or ranchers who are not less than 19 and not more than 35 years of age to enable the beginning farmers or ranchers to obtain flexible capital to finance operations.

"(2) LIABILITY.—In the case of a microloan under this subsection, the Secretary may accept the personal liability of a cosigner of the promissory note in addition to the personal liability of the borrower.

"(3) PRINCIPAL BALANCE.—The principal balance for a microloan made under this subsection shall not exceed \$35,000.

"(4) TERM.—Loan repayment under this subsection shall be required in not less than 1 and not more than 7 years.

"(5) INTEREST RATE.—The interest rate on a loan made under this subsection shall not exceed the maximum interest rate that may be charged low income, limited resource borrowers under section 316(a)(2).

"(6) BORROWER TRAINING.—

"(A) IN GENERAL.—Subject to subparagraph (B), to be eligible for a microloan under this subsection, the borrower shall have successfully completed, or will complete within 1 year, borrower training described in section 359.

"(B) WAIVERS.—In carrying out subparagraph (A), the Secretary shall not grant a waiver described in section 359(f) except in the case of a borrower who successfully completed, or will complete within 1 year, an equivalent training program, including programs established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f), as determined by the Secretary."

Subtitle C—Administrative Provisions

SEC. 221. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is

amended by striking subsection (h) and inserting the following:

"(h) FUNDING.—On October 1, 2012, and on each October 1 thereafter through October 1, 2016, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$5,000,000, to remain available until expended."

SEC. 222. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

(a) CONDITIONS FOR DIRECT LOANS.—Section 311(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting "; and";

(B) in subparagraph (B), by striking "; or" at the end and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) TERM LIMITS.—Subject to paragraph (4), if a farmer or rancher has received a direct operating loan pursuant to this section in each of 9 consecutive years, the farmer or rancher may not receive a direct operating loan from the Secretary under this section for the next year.

"(4) WAIVERS FOR FARM AND RANCH OPERATIONS ON TRIBAL LAND.—The Secretary shall waive the limitation under paragraph (3) for a direct loan made under this subtitle to a farmer or rancher whose farm or ranch land is subject to the jurisdiction of an Indian tribe and whose loan is secured by 1 or more security instruments that are subject to the jurisdiction of an Indian tribe if the Secretary determines that commercial credit is not generally available for the farm or ranch operations."

(b) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.—Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.—If a borrower has received a guaranteed loan under this subtitle in each of 15 consecutive years, the borrower may not receive a loan guaranteed by the Secretary for the next year."

SEC. 223. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "\$4,226,000,000 for each of fiscal years 2008 through 2012" and inserting "\$5,000,000,000 for each of fiscal years 2013 through 2017";

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "\$1,200,000,000" and inserting "\$2,000,000,000";

(B) in clause (i), by striking "\$350,000,000" and inserting "\$750,000,000"; and

(C) in clause (ii), by striking "\$850,000,000" and inserting "\$1,250,000,000"; and

(3) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking "\$3,026,000,000" and inserting "\$3,000,000,000";

(B) in clause (i), by striking "\$1,000,000,000" and inserting "\$1,500,000,000"; and

(C) in clause (ii), by striking "\$2,026,000,000" and inserting "\$1,500,000,000".

SEC. 224. DIRECT LOANS FOR BEGINNING FARMERS AND RANCHERS.

Section 346(b)(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)(A)) is amended—

(1) in clause (i), by adding at the end the following:

“(III) PRIORITY.—In order to maximize the number of borrowers served under this clause, the Secretary—

“(aa) shall give priority to borrowers who apply under the down payment loan program under section 310E or joint financing arrangements under section 307(a)(3)(D); and

“(bb) may offer other financing options only if the Secretary determines that down payment or other participation loan options are not a viable approach for a particular borrower.”; and

(2) in clause (ii)(III), by striking “each of fiscal years 2008 through 212” and inserting “fiscal year 2008 and each fiscal year thereafter”.

SEC. 225. BORROWER TRAINING.

Section 359 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006a) is amended by adding at the end the following:

“(g) COORDINATION.—The Secretary shall coordinate the borrower training program under this section with the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) to ensure, to the maximum extent practicable, that financial management training programs funded under the beginning farmer and rancher development program are designed in such a way that the financial management training programs will—

“(1) meet borrower training requirements under this section; and

“(2) qualify as beginning farmer and rancher development program projects covered by contracts under subsection (b).”.

TITLE III—RURAL DEVELOPMENT

SEC. 301. VALUE-ADDED PRODUCER GRANTS.

Section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(b)) is amended—

(1) by striking paragraph (6) and inserting the following:

“(6) PRIORITY.—

“(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall give priority to projects that—

“(i) contribute to increasing opportunities for operators of small- and medium-sized farms and ranches that are structured as a family farm; or

“(ii) have applicants at least ¼ of whom are beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

“(B) RANKING.—In evaluating and ranking proposals under this subsection, the Secretary shall provide very substantial weight to the priorities described in subparagraph (A).”; and

(2) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking “October 1, 2008” and inserting “October 1, 2012, and each October 1 thereafter through October 1, 2016”; and

(ii) by striking “\$15,000,000” and inserting “\$30,000,000”;

(B) in subparagraph (B), by striking “2012” and inserting “2017”; and

(C) in subparagraph (C)—

(i) in clause (i), by striking “benefit” and inserting “have applicants at least ¼ of whom are”; and

(ii) in clause (iii), by striking “June 30 of the fiscal year” and inserting “the close of the annual proposal review process”.

SEC. 302. USE OF LOANS AND GRANTS FOR ENTREPRENEURIAL FARM ENTERPRISES.

Subtitle D of the Consolidated Farm and Rural Development Act is amended by in-

serting after section 365 (7 U.S.C. 2008) the following:

“SEC. 366. USE OF LOANS AND GRANTS FOR ENTREPRENEURIAL FARM ENTERPRISES.

“(a) IN GENERAL.—The Secretary shall approve grants and loans under any rural development program established under this title to support farm and farm-related business enterprises that—

“(1) create new entrepreneurial employment opportunities for beginning farmers and ranchers;

“(2) have the effect of—

“(A) creating new small- and medium-size family farms;

“(B) enhancing local and regional food systems;

“(C) increasing value-added production and new markets;

“(D) preserving farmland and rural heritage; and

“(E) developing strong rural economies; and

“(3) are consistent with the purposes of the program.

“(b) LIMITATION.—Loans or grants made under this section shall not be available for annual agricultural production purposes.”.

TITLE IV—RESEARCH, EDUCATION, AND EXTENSION

SEC. 401. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (Q), by striking “and” after the semicolon at the end;

(ii) by redesignating subparagraph (R) as subparagraph (S); and

(iii) by inserting after subparagraph (Q) the following:

“(R) agricultural rehabilitation and vocational training for veterans; and”; and

(B) in paragraph (4)—

(i) by striking “To be eligible” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible”; and

(ii) by adding at the end the following:

“(B) EXCEPTIONS.—The Secretary may waive or modify the matching requirement in subparagraph (A) if the Secretary determines a waiver or modification is necessary to effectively reach an underserved area or population.”;

(C) in paragraph (8)—

(i) in subparagraph (B), by striking “and” after the semicolon at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) military veteran beginning farmers and ranchers.”; and

(D) by adding at the end the following:

“(11) INDIRECT COSTS.—To help facilitate participation in the program under this subsection by nongovernmental and community-based nonprofit organizations, the Secretary shall provide for an optional 10 percent indirect cost option in lieu of a higher negotiated rate.”; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “section—” and all that follows through the period at the end and inserting “\$25,000,000 for each of fiscal years 2013 through 2017.”; and

(B) in paragraph (2), by striking “2008 through 2012” and inserting “2013 through 2017”.

SEC. 402. AGRICULTURE AND FOOD RESEARCH INITIATIVE.

Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) is amended—

(1) in paragraph (2)(F)—

(A) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively; and

(B) by inserting after clause (ii) the following:

“(iii) new farming opportunities, including young, beginning, socially disadvantaged, and immigrant issues and farm transition, farm transfer, farm entry, and beginning farmer profitability issues.”;

(2) in paragraph (7), in the matter preceding subparagraph (A), by inserting “projects (including integrated projects)” after “education”; and

(3) in paragraph (11)(A)—

(A) in the matter preceding clause (i), by striking “2008 through 2012” and inserting “2013 through 2017”; and

(B) in clause (i), by striking “pursuant to” and inserting “under”.

TITLE V—CROP INSURANCE

SEC. 501. SENSE OF CONGRESS ON BEGINNING FARMER AND RANCHER ACCESS TO CROP AND REVENUE INSURANCE.

It is the sense of Congress that the Secretary of Agriculture should, to the maximum extent practicable, remove barriers and ensure effective access to crop and revenue insurance by beginning farmers and ranchers on terms that are fair and assist in the goal of increasing the number of new farming and ranching opportunities.

SEC. 502. RISK MANAGEMENT PARTNERSHIP PROGRAMS.

Section 522 of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “priority given to risk” and inserting “priority given to—

“(A) risk”;

(ii) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(B) underserved producers, including beginning farmers and ranchers and socially disadvantaged farmers and ranchers.”;

(B) in paragraph (2)—

(i) by striking “options for producers” and inserting “options for—

“(A) producers”;

(ii) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(B) underserved producers, including beginning farmers and ranchers and socially disadvantaged farmers and ranchers.”; and

(C) by adding at the end the following:

“(4) REQUIREMENTS.—In carrying out the programs established under paragraphs (2) and (3), the Secretary shall place special emphasis on risk management techniques, tools, and programs that are specifically targeted at—

“(A) beginning farmers or ranchers;

“(B) legal immigrant farmers or ranchers that are attempting to become established agricultural producers in the United States;

“(C) socially disadvantaged farmers or ranchers;

“(D) farmers or ranchers that—

“(i) are preparing to retire; and

“(ii) are using transition strategies to help new farmers or ranchers get started; and

“(E) new or established farmers or ranchers that are converting production and marketing systems to pursue new markets.”; and

(2) in subsection (e)(2)(A), by striking “\$12,500,000 for fiscal year 2008” and inserting “\$15,000,000 for fiscal year 2013”.

TITLE VI—MISCELLANEOUS

SEC. 601. SMALL AND BEGINNING FARMER AND RANCHER COORDINATORS.

Section 226B of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934) is amended—

(1) in subsection (c)(4), by inserting before the semicolon at the end the following: “, including review of rulemakings to provide an assessment and make recommendations regarding the impact of rules on small farms and ranches, beginning and socially disadvantaged farmers and ranchers, and related matters relevant to the structure of agriculture”;

(2) in subsection (e)(2)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following:

“(D) STATE SMALL AND BEGINNING FARMER AND RANCHER COORDINATOR.—

“(i) IN GENERAL.—The Small Farms and Beginning Farmers and Ranchers Group shall designate a State small and beginning farmer and rancher coordinator from among the State office employees of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business-Cooperative Service, and the Rural Utilities Service.

“(ii) TRAINING.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the development of a training plan so that each State coordinator shall receive sufficient training to have a general working knowledge of the programs and services available from each agency of the Department to assist small and beginning farmers and ranchers.

“(iii) DUTIES.—The coordinator shall—

“(I) coordinate technical assistance at the State level to help small and beginning farmers and ranchers gain access to programs of the Department;

“(II) develop and submit a State plan for approval by the Small Farms and Beginning Farmers and Ranchers Group to provide coordination to ensure adequate services to small and beginning farmers and ranchers at all county and area offices throughout the State;

“(III) oversee implementation of the approved State plan; and

“(IV) work with outreach coordinators in the State offices of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business-Cooperative Service, and the Rural Utilities Service to ensure appropriate information about technical assistance is available at outreach events and activities.”; and

(3) in subsection (f), by striking paragraph (3); and

(4) by adding at the end the following:

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2013 through 2017.”.

SEC. 602. MILITARY VETERANS AGRICULTURAL LIAISON.

(a) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 218 (7 U.S.C. 6918) the following:

“SEC. 219. MILITARY VETERANS AGRICULTURAL LIAISON.

“(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Military Veterans Agricultural Liaison.

“(b) DUTIES.—The Military Veterans Agricultural Liaison shall—

“(1) provide information to returning veterans about, and connect returning veterans with, beginning farmer training and agricultural vocational and rehabilitation programs appropriate to the needs and interests of returning veterans, including assisting veterans in using Federal veterans educational benefits for purposes relating to beginning a farming or ranching career;

“(2) provide information to veterans concerning the availability of and eligibility requirements for participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

“(3) serving as a resource for assisting veteran farmers and ranchers, and potential farmers and ranchers, in applying for participation in agricultural programs; and

“(4) advocating on behalf of veterans in interactions with employees of the Department.”.

(b) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (6), by striking “or” after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(8) the authority of the Secretary to establish in the Department the position of Military Veterans Agricultural Liaison in accordance with section 219.”.

SEC. 603. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 604. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2012.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1851. A bill to authorize the restoration of the Klamath Basin and the settlement of the hydroelectric licensing of the Klamath Hydroelectric Project in accordance with the Klamath Basin Restoration Agreement and the Klamath hydroelectric Settlement Agreement in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, I rise today to address the long history of water disputes in the Klamath Basin and commend the work of the community in coming together to begin a new, collaborative era of water management in the region.

When I was first elected to the U.S. Senate, one of my first trips across Oregon included a visit to the Klamath Basin to gather information about the history of the water wars in the region and meet with the stakeholders who were working on a solution.

On my way down to the Basin I was extremely skeptical that traditional ri-

vals could reach agreement on a written management plan. Only a few years earlier, the region was embroiled in protests and civil disobedience over sizeable fish kills and limited supplies of water for irrigation. The generational battles over water had deepened divides, often making it hard for parties to be in a room together, let alone work together.

When I arrived in Klamath Falls, therefore, I was deeply surprised to find farmers, ranchers, fishermen, Tribal leaders and conservationists working together on a comprehensive and collaborative plan that would end the ongoing water wars of the region, improve the local economy and create a stronger environment for the future. They told me they were tired of the unproductive battles of the past and of the massive amounts they were spending on lawyers rather than solutions. They thought they had some chance of finding a better path forward. This was impressive. I thought then that if they managed to get the Klamath Restoration Agreements completed and signed by all the parties, I would certainly assist them with the necessary federal legislation.

That legislation is now the Klamath Basin Economic Restoration Act of 2011, which I am introducing today. This bill implements both the Klamath Basin Restoration Agreement and Klamath Hydroelectric Settlement Agreement and moves the region forward. These agreements would provide a more stable supply of irrigation water to farmers and ranchers and would improve in-river water flows for endangered fish and the fishermen who depend on them. The agreements would enhance the national wildlife refuges that are one of the most important migratory bird habitats in the country. In addition, the agreement would, by removing four dams, turn the Klamath into a free-flowing river once again, opening miles of habitat to spawning salmon. The agreement also restores a sector of the Klamath Tribe forest and resolves a challenging fish passage issue for Pacific Power.

This agreement would create a lot of jobs. A recent analysis estimates that the agreement would create 4,000 jobs in construction and agriculture. It also estimates that with the restoration of critical salmon and steelhead habitat the commercial harvest of Chinook salmon would increase by 80 percent.

The KBRA and KHSa agreements are the result of several years of intense negotiation and compromise. They are inherently complicated. No party obtained all they desired and not everyone is satisfied that these agreements contain the best possible outcomes.

But what is absolutely clear is that it is an extraordinary accomplishment for the Klamath stakeholders to set aside their historic differences and work out this plan. They say in the

West that, “Whiskey, that’s for drinking. Water, that’s for fighting.” But continuous fighting sometimes reaches the point where little is accomplished. The Klamath stakeholders are painting a different vision, in which the interests of all can be served.

The agreement is full of the bipartisan, solution-oriented spirit that can take the region forward. It is a spirit that we could use a lot more of in Washington, DC, and across the nation. I am proud to partner with the Klamath community on the future of the region.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Klamath Basin Economic Restoration Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RESTORATION AGREEMENT

Sec. 101. Approval and execution of Restoration Agreement.
Sec. 102. Agreements and non-Federal funds.
Sec. 103. Rights protected.
Sec. 104. Funding.
Sec. 105. Klamath Reclamation Project.
Sec. 106. Tribal commitments and actions.
Sec. 107. Judicial review.
Sec. 108. Miscellaneous.

TITLE II—HYDROELECTRIC SETTLEMENT

Sec. 201. Approval and execution of Hydroelectric Settlement.
Sec. 202. Secretarial determination.
Sec. 203. Facilities transfer and removal.
Sec. 204. Transfer of Keno Development.
Sec. 205. Liability protection.
Sec. 206. Licenses.
Sec. 207. Miscellaneous.

SEC. 2. DEFINITIONS.

In this Act:

(1) **COMMISSION.**—The term “Commission” means the Federal Energy Regulatory Commission.

(2) **DAM REMOVAL ENTITY.**—The term “Dam Removal Entity” means the entity designated by the Secretary pursuant to section 202(c).

(3) **DEPARTMENT.**—The term “Department” means the Department of the Interior.

(4) **DEFINITE PLAN.**—The term “definite plan” has the meaning given the term in section 1.4 of the Hydroelectric Settlement.

(5) **DETAILED PLAN.**—The term “detailed plan” has the meaning given the term in section 1.4 of the Hydroelectric Settlement.

(6) **FACILITY.**—The term “facility” means any of the following hydropower developments (including appurtenant works) licensed to PacifiCorp under the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 2082:

(A) Iron Gate Development.
(B) Copco 1 Development.
(C) Copco 2 Development.
(D) J.C. Boyle Development.

(7) **FACILITIES REMOVAL.**—The term “facilities removal” means—

(A) physical removal of all or part of each facility to achieve, at a minimum, a free-flowing condition and volitional fish passage;

(B) site remediation and restoration, including restoration of previously inundated land;

(C) measures to avoid or minimize adverse downstream impacts; and

(D) all associated permitting for the actions described in this paragraph.

(8) **FEDERALLY RECOGNIZED TRIBE.**—The term “federally recognized tribe” means an Indian tribe listed as federally recognized in—

(A) the Bureau of Indian Affairs publication entitled “Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs” (74 Fed. Reg. 40218 (Aug. 11, 2009)); or

(B) any list published in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(9) **HYDROELECTRIC SETTLEMENT.**—

(A) **IN GENERAL.**—The term “Hydroelectric Settlement” means the agreement entitled “Klamath Hydroelectric Settlement Agreement,” dated February 18, 2010, between—

(i) the Department;
(ii) the Department of Commerce;
(iii) the State of California;
(iv) the State of Oregon;
(v) PacifiCorp; and
(vi) other parties.

(B) **INCLUSIONS.**—The term “Hydroelectric Settlement” includes any amendments to the Agreement described in subparagraph (A)—

(i) approved by the parties before the date of enactment of this Act; or
(ii) approved pursuant to section 201(b)(2).

(10) **KENO DEVELOPMENT.**—The term “Keno Development” means the Keno regulating facility within the jurisdictional project boundary of FERC Project No. 2082.

(11) **KLAMATH BASIN.**—

(A) **IN GENERAL.**—The term “Klamath Basin” means the land tributary to the Klamath River in the States.

(B) **INCLUSIONS.**—The term “Klamath Basin” includes the Lost River and Tule Lake Basins.

(12) **KLAMATH PROJECT WATER USERS.**—The term “Klamath Project Water Users” means—

(A) the Tulelake Irrigation District;
(B) the Klamath Irrigation District;
(C) the Klamath Drainage District;
(D) the Klamath Basin Improvement District;
(E) the Ady District Improvement Company;

(F) the Enterprise Irrigation District;
(G) the Malin Irrigation District;

(H) the Midland District Improvement District;

(I) the Pioneer District Improvement Company;

(J) the Shasta View Irrigation District;

(K) the Sunnyside Irrigation District;

(L) Don Johnston & Son;

(M) Bradley S. Luscombe;

(N) Randy Walthall;

(O) the Inter-County Title Company;

(P) the Reames Golf and Country Club;

(Q) the Winema Hunting Lodge, Inc.;

(R) Van Brimmer Ditch Company;

(S) Plevna District Improvement Company; and

(T) Collins Products, LLC.

(13) **NET REVENUES.**—

(A) **IN GENERAL.**—The term “net revenues” has the meaning given the term “net lease

revenues” in Article 1(e) of Contract No. 14-06-200-5954 between Tulelake Irrigation District and the United States.

(B) **INCLUSIONS.**—The term “net revenues” includes revenues from the leasing of land in—

(i) the Tule Lake National Wildlife Refuge lying within the boundaries of the Tulelake Irrigation District; and

(ii) the Lower Klamath National Wildlife Refuge lying within the boundaries of the Klamath Drainage District.

(14) **NON-FEDERAL PARTIES.**—The term “non-Federal Parties” means each of the signatories to the Restoration Agreement other than the Secretaries.

(15) **OREGON KLAMATH BASIN ADJUDICATION.**—The term “Oregon Klamath Basin adjudication” means the proceeding to determine water rights pursuant to chapter 539 of Oregon Revised Statutes entitled “In the matter of the determination of the relative rights of the waters of the Klamath River, a tributary of the Pacific Ocean.”

(16) **PACIFICORP.**—The term “PacifiCorp” means the owner and licensee of the Klamath Hydroelectric Project, FERC Project No. 2082.

(17) **PARTY.**—The term “Party” means each of the signatories to the Restoration Agreement, including the Secretaries.

(18) **PARTY TRIBES.**—The term “Party Tribes” means—

(A) the Yurok Tribe;
(B) the Karuk Tribe; and
(C) the Klamath Tribes.

(19) **RESTORATION AGREEMENT.**—

(A) **RESTORATION AGREEMENT.**—The term “Restoration Agreement” means the Agreement entitled “Klamath Basin Restoration Agreement for the Sustainability of Public and Trust Resources and Affected Communities” dated February 18, 2010, which shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) **INCLUSIONS.**—The term “Restoration Agreement” includes any amendments to the Agreement described in subparagraph (A)—

(i) approved by the parties before the date of enactment of this Act; or
(ii) approved pursuant to section 101(b)(2).

(20) **SECRETARIAL DETERMINATION.**—The term “Secretarial determination” means a determination of the Secretary made under section 202(a).

(21) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary of the Interior or designee;
(B) the Secretary of Commerce or designee; and
(C) the Secretary of Agriculture or designee.

(22) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(23) **STATES.**—The term “States” means—

(A) the State of Oregon; and

(B) the State of California.

TITLE I—RESTORATION AGREEMENT

SEC. 101. APPROVAL AND EXECUTION OF RESTORATION AGREEMENT.

(a) **IN GENERAL.**—The United States approves the Restoration Agreement except to the extent the Restoration Agreement conflicts with this title.

(b) **SIGNING AND IMPLEMENTATION OF THE RESTORATION AGREEMENT.**—The Secretaries shall—

(1) sign and implement the Restoration Agreement;

(2) implement any amendment to the Restoration Agreement approved by the Parties after the date of enactment of this title, unless 1 or more of the Secretaries determines,

not later than 90 days after the date on which the non-Federal Parties agree to the amendment, that the amendment is inconsistent with this title or other provisions of law; and

(3) to the extent consistent with the Restoration Agreement, this title, and other provisions of law, perform all actions necessary to carry out each responsibility of the Secretary concerned under the Restoration Agreement.

(c) **EFFECT OF SIGNING OF RESTORATION AGREEMENT.**—Signature by the Secretaries of the Restoration Agreement does not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) **COMPLIANCE WITH EXISTING LAW.**—In implementing the Restoration Agreement, the Secretaries shall comply with—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(3) all other applicable Federal environmental laws (including regulations).

SEC. 102. AGREEMENTS AND NON-FEDERAL FUNDS.

(a) **AGREEMENTS.**—The Secretaries may enter into such agreements and take such other measures (including entering into contracts and financial assistance agreements) as the Secretaries consider necessary to carry out this title.

(b) **ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.**—

(1) **IN GENERAL.**—Notwithstanding title 31, United States Code, the Secretaries may accept and expend, without further appropriation, non-Federal funds (including donations or in-kind services, or both) and accept by donation or otherwise real or personal property or any interest in the property, for the purposes of implementing the Restoration Agreement.

(2) **USE.**—The funds may be expended, and the property used, under paragraph (1) only for the purposes for which the funds and property were provided, without further appropriation or authority.

SEC. 103. RIGHTS PROTECTED.

Notwithstanding any other provision of law, this Act and implementation of the Restoration Agreement shall not restrict or alter the eligibility of any Party or Indian tribe for or receipt of funds, or be considered an offset against any obligations or funds in existence on the date of enactment of this Act, under any Federal or State law.

SEC. 104. FUNDING.

(a) **ESTABLISHMENT OF ACCOUNTS.**—There are established in the Treasury for the deposit of appropriations and other funds (including non-Federal donated funds) the following noninterest-bearing accounts:

(1) The On-Project Plan and Power for Water Management Fund.

(2) The Water Use Retirement and Off-Project Reliance Fund.

(3) The Klamath Drought Fund.

(b) **MANAGEMENT.**—The accounts established by subsection (a) shall be managed in accordance with this title and section 14.3 of the Restoration Agreement.

(c) **BUDGET REQUESTS.**—When submitting annual budget requests to Congress, the President may include funding described in Appendix C-2 of the Restoration Agreement with such adjustment as the President considers appropriate to maintain timely implementation of the Restoration Agreement.

(d) **NONREIMBURSABLE.**—Except as provided in section 108(d), funds appropriated and expended for the implementation of the Res-

toration Agreement shall be nonreimbursable and nonreturnable to the United States.

(e) **FUNDS AVAILABLE UNTIL EXPENDED.**—All funds made available for the implementation of the Restoration Agreement shall remain available until expended.

SEC. 105. KLAMATH RECLAMATION PROJECT.

(a) **KLAMATH RECLAMATION PROJECT PURPOSES.**—The purposes of the Klamath Reclamation Project shall be irrigation, reclamation, flood control, municipal, industrial, power (as necessary to implement the Restoration Agreement), National Wildlife Refuge, and fish and wildlife.

(b) **EFFECT OF FISH AND WILDLIFE PURPOSES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the fish and wildlife and National Wildlife Refuge purposes of the Klamath Reclamation Project shall not adversely affect the irrigation purpose of the Klamath Reclamation Project.

(2) **WATER ALLOCATIONS AND DELIVERY.**—The provisions regarding water allocations and delivery to the National Wildlife Refuges in section 15.1.2 of the Restoration Agreement (including any additional water made available under sections 15.1.2.E.ii and 18.3.2.B.v of the Restoration Agreement) shall not be considered to have an adverse effect on the irrigation purpose of the Klamath Reclamation Project.

(c) **WATER RIGHTS ADJUDICATION.**—Notwithstanding subsections (a) and (b), for purposes of the determination of water rights in Oregon Klamath Basin Adjudication, until Appendix E-1 to the Restoration Agreement has been filed in the Oregon Klamath Basin Adjudication, the 1 or more purposes of the Klamath Reclamation Project shall continue as in existence prior to the date of enactment of this Act.

(d) **DISPOSITION OF NET REVENUES FROM LEASING OF TULE LAKE AND LOWER KLAMATH NATIONAL WILDLIFE REFUGE LAND.**—Notwithstanding any other provision of law, net revenues from the leasing of refuge land within the Tule Lake National Wildlife Refuge and the Lower Klamath National Wildlife Refuge under section 4 of Public Law 88-567 (16 U.S.C. 695n) shall be provided, without further appropriation, as follows:

(1) 10 percent of net revenues from land within the Tule Lake National Wildlife Refuge that are within the boundaries of Tulelake Irrigation District shall be provided to the Tulelake Irrigation District in accordance with article 4 of Contract No. 14-06-200-5954 and section 2(a) of the Act of August 1, 1956 (70 Stat. 799, chapter 828).

(2) Such amounts as are necessary shall be used to make payment to counties in lieu of taxes in accordance with section 3 of Public Law 88-567 (16 U.S.C. 695m).

(3) 20 percent of net revenues shall be provided directly to the United States Fish and Wildlife Service for wildlife management purposes on the Tule Lake National Wildlife Refuge and Lower Klamath National Wildlife Refuge.

(4) 10 percent of net revenues from land within Lower Klamath National Wildlife Refuge that are within the boundaries of the Klamath Drainage District shall be provided directly to Klamath Drainage District for operation and maintenance responsibility for the Federal Reclamation water delivery and drainage facilities within the boundaries of both Klamath Drainage District and Lower Klamath National Wildlife Refuge exclusive of the Klamath Straits Drain, subject to the assumption by the Klamath Drainage District of the operation and maintenance duties of the Bureau of Reclamation for Klam-

ath Drainage District (Area K) lease land exclusive of Klamath Straits Drain.

(5) The remainder of net revenues shall be provided directly to the Bureau of Reclamation for—

(A) operation and maintenance costs of Link River and Keno Dams incurred by the United States; and

(B) to the extent that the revenues received under this paragraph for any year exceed the costs described in subparagraph (A), future capital costs of the Klamath Reclamation Project.

SEC. 106. TRIBAL COMMITMENTS AND ACTIONS.

(a) **ACTIONS BY THE KLAMATH TRIBES.**—In return for the resolution of the contests of the Klamath Project Water Users related to the water rights claims of the Klamath Tribes and of the United States acting in a capacity as trustee for the Klamath Tribes and members of the Klamath Tribes in the Oregon Klamath Basin Adjudication and for other benefits covered by the Restoration Agreement and this Act, the Klamath Tribes (on behalf of the Klamath Tribes and members of the Klamath Tribes) are authorized to make the commitments in the Restoration Agreement, including the assurances contained in section 15 of the Restoration Agreement, and such commitments are confirmed as effective and binding in accordance with the terms of the commitments without further action by the Klamath Tribes.

(b) **ACTIONS BY THE KARUK TRIBE AND THE YUOK TRIBE.**—In return for the commitments of the Klamath Project Water Users related to water rights of the Karuk Tribe and the Yurok Tribe as described in the Restoration Agreement and for other benefits covered by the Restoration Agreement and this Act, the Karuk Tribe and the Yurok Tribe (on behalf of those Tribes and members of those Tribes) are authorized to make the commitments provided in the Restoration Agreement, including the assurances contained in section 15 of the Restoration Agreement, and such commitments are confirmed as effective and binding in accordance with the terms of the commitments without further action by the Yurok Tribe or the Karuk Tribe.

(c) **RELEASE OF CLAIMS AGAINST THE UNITED STATES.**—

(1) **IN GENERAL.**—Without affecting rights secured by treaty, Executive order, or other law, the Party Tribes (on behalf of the Party Tribes and members of the Party Tribes) may relinquish and release certain claims against the United States, Federal agencies, or Federal employees, described in sections 15.3.5.A, 15.3.6.B.i and 15.3.7.B.i of the Restoration Agreement.

(2) **CONDITIONS.**—The relinquishments and releases shall not be in force or effect until the terms described in sections 15.3.5.C, 15.3.6.B.iii, 15.3.7.B.iii, and 33.2.1 of the Restoration Agreement have been fulfilled.

(d) **RETENTION OF RIGHTS OF THE PARTY TRIBES.**—Notwithstanding the commitments and releases described in subsections (a) through (c), the Party Tribes and the members of the Party Tribes shall retain all claims described in sections 15.3.5.B, 15.3.6.B.ii and 15.3.7.B.ii of the Restoration Agreement.

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the period of limitation and time-based equitable defense relating to a claim described in subsection (c) shall be tolled during the period—

(A) beginning on the date of enactment of this Act; and

(B) ending on the earlier of—

(i) the date the Secretary publishes the notice described in sections 15.3.5.C, 15.3.6.B.iii and 15.3.7.B.iii of the Restoration Agreement; or

(i) December 1, 2030.

(2) EFFECT OF TOLLING.—Nothing in this subsection—

(A) revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act; or

(B) precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(f) ACTIONS OF THE UNITED STATES ACTING IN CAPACITY AS TRUSTEE.—In return for the commitments of the Klamath Project Water Users relating to the water rights and water rights claims of federally recognized tribes of the Klamath Basin and of the United States as trustee for such tribes and other benefits covered by the Restoration Agreement and this Act, the United States, as trustee on behalf of the federally recognized tribes of the Klamath Basin and allottees of reservations of federally recognized tribes of the Klamath Basin in California, is authorized to make the commitments provided in the Restoration Agreement, including the assurances contained in section 15 of the Restoration Agreement, and such commitments are confirmed as effective and binding in accordance with the terms of the commitments, without further action by the United States.

(g) FURTHER AGREEMENTS.—The United States and the Klamath Tribes may enter into agreements consistent with section 16.2 of the Restoration Agreement.

(h) EFFECT OF SECTION.—Nothing in this section—

(1) affects the ability of the United States to take actions—

(A) authorized by law to be taken in the sovereign capacity of the United States, including any laws relating to health, safety, or the environment, including—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iv) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(v) regulations implementing the Acts described in this subparagraph;

(B) as trustee for the benefit of federally recognized tribes other than the federally recognized tribes of the Klamath Basin;

(C) as trustee for the federally recognized tribes of the Klamath Basin and the members of the tribes that are consistent with the Restoration Agreement and this title;

(D) as trustee for the Party Tribes to enforce the Restoration Agreement and this title through such legal and equitable remedies as may be available in the appropriate Federal or State court or administrative proceeding, including the Oregon Klamath Basin Adjudication;

(E) as trustee for the federally recognized tribes of the Klamath Basin to acquire water rights after the effective date of the Restoration Agreement (as defined in section 1.5.1 of the Restoration Agreement);

(F) as trustee for the federally recognized tribes of the Klamath Basin to use and protect water rights, including water rights acquired after the effective date of the Restoration Agreement (as defined in section 1.5.1 of the Restoration Agreement), subject to the Restoration Agreement; or

(G) as trustee for the federally recognized tribes of the Klamath Basin to claim water rights or continue to advocate for existing claims for water rights in appropriate Federal and State courts or administrative proceedings with jurisdiction over the claims, subject to the Restoration Agreement;

(2) affects the treaty fishing, hunting, trapping, pasturing, or gathering rights of any Indian tribe except to the extent expressly provided in this title or the Restoration Agreement; or

(3) affects any rights, remedies, privileges, immunities, and powers, and claims not specifically relinquished and released under, or limited by, this title or the Restoration Agreement.

(i) PUBLICATION OF NOTICE; EFFECT OF PUBLICATION.—

(1) PUBLICATION.—The Secretary shall publish the notice required by section 15.3.4.A or section 15.3.4.C of the Restoration Agreement in accordance with the Restoration Agreement.

(2) EFFECT.—On publication of the notice described in paragraph (1), the Party Tribes, the United States as trustee for the federally recognized tribes of the Klamath Basin, and other Parties shall have the rights and obligations provided in the Restoration Agreement.

(j) FISHERIES PROGRAMS.—Consistent with section 102(a), the Secretaries shall give priority to qualified Party Tribes in awarding grants, contracts, or other agreements, consistent with section 102, for purposes of implementing the fisheries programs described in part III of the Restoration Agreement.

(k) TRIBES OUTSIDE KLAMATH BASIN UNAFFECTED.—Nothing in this Act or the Restoration Agreement affects the rights of any Indian tribe outside the Klamath Basin.

(l) NONPARTY TRIBES OF THE KLAMATH BASIN UNAFFECTED.—Nothing in this Act or the Restoration Agreement amends, alters, or limits the authority of the federally recognized tribes of the Klamath Basin, other than the Party Tribes, to exercise any water rights the tribes hold or may be determined to hold.

SEC. 107. JUDICIAL REVIEW.

Judicial review of a decision of the Secretary concerning rights or obligations under sections 15.3.5.C, 15.3.6.B.iii, 15.3.7.B.iii, 15.3.8.B, and 15.3.9 of the Restoration Agreement shall be in accordance with the standard and scope of review under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

SEC. 108. MISCELLANEOUS.

(a) WATER RIGHTS.—

(1) IN GENERAL.—Except as specifically provided in this title and the Restoration Agreement, nothing in this title or the Restoration Agreement shall create or determine water rights or affect water rights or water right claims in existence on the date of enactment of this Act.

(2) NO STANDARD FOR QUANTIFICATION.—Nothing in this title or the Restoration Agreement establishes any standard for the quantification of Federal reserved water rights or any Indian water claims of any Indian tribe in any judicial or administrative proceeding.

(b) LIMITATIONS.—

(1) IN GENERAL.—Nothing in this title—

(A) confers on any person or entity who is not a party to the Restoration Agreement a private right of action or claim for relief to interpret or enforce this title or the Restoration Agreement; or

(B) expands the jurisdiction of State courts to review Federal agency actions or determine Federal rights.

(2) EFFECT.—This subsection does not alter or curtail any right of action or claim for relief under other applicable law.

(c) RELATIONSHIP TO CERTAIN OTHER FEDERAL LAW.—

(1) IN GENERAL.—Nothing in this title amends, supersedes, modifies, or otherwise affects—

(A) Public Law 88-567 (16 U.S.C. 695k et seq.);

(B) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) CONSISTENCY.—The Restoration Agreement shall be considered consistent with subsections (a) through (c) of section 208 of the Act of July 10, 1952 (66 Stat. 560, chapter 651; 43 U.S.C. 666).

(d) TERMINATION OF RESTORATION AGREEMENT.—If the Restoration Agreement terminates—

(1) any appropriated Federal funds provided to a Party by the Secretaries that are unexpended at the time of the termination of the Restoration Agreement shall be returned to the Treasury; and

(2) any appropriated Federal funds provided to a Party by the Secretaries shall be treated as an offset against any claim for damages by the Party arising under the Restoration Agreement.

(e) WILLING SELLERS.—Any acquisition of interests in land and water pursuant to this title or the Restoration Agreement shall be from willing sellers.

TITLE II—HYDROELECTRIC SETTLEMENT

SEC. 201. APPROVAL AND EXECUTION OF HYDROELECTRIC SETTLEMENT.

(a) IN GENERAL.—The United States approves the Hydroelectric Settlement, except to the extent the Hydroelectric Settlement conflicts with this title.

(b) IMPLEMENTATION.—The Secretary, the Secretary of Commerce, and the Commission, or designees, shall implement, in consultation with other applicable Federal agencies—

(1) the Hydroelectric Settlement; and

(2) any amendment to the Hydroelectric Settlement, unless 1 or more of the Secretaries determines, not later than 90 days after the date the non-Federal Parties agree to the amendment, that the amendment is inconsistent with this title.

SEC. 202. SECRETARIAL DETERMINATION.

(a) IN GENERAL.—The Secretary shall determine, consistent with section 3 of the Hydroelectric Settlement, whether to proceed with facilities removal and may determine to proceed with facilities removal if, as determined by the Secretary, facilities removal—

(1) will advance restoration of the salmonid fisheries of the Klamath Basin; and

(2) is in the public interest, taking into account potential impacts on affected local communities and federally recognized Indian tribes among other factors.

(b) BASIS FOR SECRETARIAL DETERMINATION.—To support the Secretarial determination, the Secretary, in cooperation with the Secretary of Commerce and other entities, shall—

(1) use existing information;

(2) conduct any necessary further appropriate studies;

(3) prepare an environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(4) take such other actions as the Secretary determines to be appropriate.

(c) DESIGNATION OF DAM REMOVAL ENTITY.—

(1) IN GENERAL.—If the Secretarial determination provides for proceeding with facilities removal, the Secretarial determination shall include the designation of a Dam Removal Entity.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Dam Removal Entity designated by the Secretary shall be the Department if the Secretary determines, in the judgment of the Secretary, that—

(i) the Department has the capabilities and responsibilities for facilities removal described in section 7 of the Hydroelectric Settlement; and

(ii) it is appropriate for the Department to be the Dam Removal Entity.

(B) NON-FEDERAL DAM REMOVAL ENTITY.—As determined by the Secretary consistent with section 3.3.4.E of the Hydroelectric Settlement, the Secretary may designate a non-Federal Dam Removal Entity if—

(i) the Secretary finds, based on the judgment of the Secretary, that the Dam Removal Entity-designate is qualified and has the capabilities and responsibilities for facilities removal described in section 7 of the Hydroelectric Settlement;

(ii) the States have concurred in the finding described in clause (i); and

(iii) the Dam Removal Entity-designate has committed, if so designated, to perform facilities removal within the State Cost Cap described in section 4.1.3 of the Hydroelectric Settlement.

(d) CONDITIONS FOR SECRETARIAL DETERMINATION.—The Secretary may not make or publish the Secretarial determination, unless the conditions specified in section 3.3.4 of the Hydroelectric Settlement have been satisfied.

(e) NOTICE.—The Secretary shall—

(1) publish notification of the Secretarial determination in the Federal Register; and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on implementation of the Hydroelectric Settlement.

(f) JUDICIAL REVIEW OF SECRETARIAL DETERMINATION.—

(1) IN GENERAL.—For purposes of judicial review, the Secretarial determination shall constitute a final agency action with respect to whether or not to proceed with facilities removal.

(2) PETITION FOR REVIEW.—

(A) FILING.—

(i) IN GENERAL.—Judicial review of the Secretarial determination and related actions to comply with environmental laws (including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the National Historic Preservation Act (16 U.S.C. 470 et seq.)) may be obtained by an aggrieved person or entity only as provided in this subsection.

(ii) JURISDICTION.—A petition for review under this paragraph may be filed only in the United States Court of Appeals for the District of Columbia Circuit or in the Ninth Circuit Court of Appeals.

(iii) LIMITATION.—Neither a district court of the United States nor a State court shall have jurisdiction to review the Secretarial determination or related actions to comply

with environmental laws described in clause (1).

(B) DEADLINE.—

(i) IN GENERAL.—Except as provided in clause (ii), any petition for review under this subsection shall be filed within 60 days after the date of publication of the Secretarial determination in the Federal Register.

(ii) SUBSEQUENT GROUNDS.—If a petition is based solely on grounds arising after the date that is 60 days after the date of publication of the Secretarial determination in the Federal Register, the petition for review under this subsection shall be filed not later than 60 days after the grounds arise.

(3) IMPLEMENTATION.—Any action of the Secretary with respect to which review could have been obtained under this paragraph shall not be subject to judicial review in any action relating to the implementation of the Secretarial determination or in proceedings for enforcement of the Hydroelectric Settlement.

(4) APPLICABLE STANDARD AND SCOPE.—Judicial review of the Secretarial determination shall be in accordance with the standard and scope of review under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(5) NON-TOLLING.—The filing of a petition for reconsideration by the Secretary of an action subject to review under this subsection shall not—

(A) affect the finality of the action for purposes of judicial review;

(B) extend the time within which a petition for judicial review under this subsection may be filed; or

(C) postpone the effectiveness of the action.

SEC. 203. FACILITIES TRANSFER AND REMOVAL.

(a) FACILITIES REMOVAL PROCESS.—

(1) APPLICATION.—This subsection shall apply if—

(A) the Secretarial determination provides for proceeding with facilities removal;

(B) the States concur in the Secretarial determination in accordance with section 3.3.5 of the Hydroelectric Settlement;

(C) the availability of non-Federal funds for the purposes of facilities removal is consistent with the Hydroelectric Settlement; and

(D) the Hydroelectric Settlement has not terminated in accordance with section 8.11 of the Hydroelectric Settlement.

(2) NON-FEDERAL FUNDS.—

(A) IN GENERAL.—Notwithstanding title 31, United States Code, if the Department is designated as the Dam Removal Entity, the Secretary may accept, expend without further appropriation, and manage non-Federal funds for the purpose of facilities removal in accordance with sections 4 and 7 of the Hydroelectric Settlement.

(B) REFUND.—The Secretary is authorized to administer and refund any funds described in subparagraph (A) received from the State of California in accordance with the requirements established by the State.

(3) AGREEMENTS.—The Dam Removal Entity may enter into agreements and contracts as necessary to assist in the implementation of the Hydroelectric Settlement.

(4) FACILITIES REMOVAL.—

(A) IN GENERAL.—The Dam Removal Entity shall, consistent with the Hydroelectric Settlement—

(i) develop a definite plan for facilities removal, including a schedule for facilities removal;

(ii) obtain all permits, authorizations, entitlements, certifications, and other approv-

als necessary to implement facilities removal, including a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(iii) implement facilities removal.

(B) STATE AND LOCAL LAWS.—Facilities removal shall be subject to applicable requirements of State and local laws respecting permits and other authorizations, to the extent the requirements are not in conflict with Federal law, including the Secretarial determination and the detailed plan (including the schedule) for facilities removal authorized under this Act.

(C) LIMITATIONS.—Subparagraph (B) shall not affect—

(i) the authorities of the States regarding concurrence with the Secretarial determination in accordance with State law; or

(ii) the authority of a State public utility commission regarding funding of facilities removal.

(D) ACCEPTANCE OF TITLE TO FACILITIES.—The Dam Removal Entity is authorized to accept from PacifiCorp all rights, titles, permits, and other interests in the facilities and associated land, for facilities removal and for disposition of facility land (as provided in section 7.6.4 of the Hydroelectric Settlement) upon the Dam Removal Entity providing notice that the Dam Removal Entity is ready to commence facilities removal in accordance with section 7.4.1 of the Hydroelectric Settlement.

(E) CONTINUED POWER GENERATION.—

(i) IN GENERAL.—In accordance with an agreement negotiated under clause (ii), on transfer of title pursuant to subparagraph (D) and until the Dam Removal Entity instructs PacifiCorp to cease the generation of power, PacifiCorp may, consistent with State law—

(I) continue generating and retaining title to any power generated by the facilities in accordance with section 7 of the Hydroelectric Settlement; and

(II) continue to transmit and use the power for the benefit of the customers of PacifiCorp under the jurisdiction of applicable State public utility commissions and the Commission.

(ii) AGREEMENT WITH DAM REMOVAL ENTITY.—Before transfer of title pursuant to subparagraph (D), the Dam Removal Entity shall enter into an agreement with PacifiCorp that provides for continued generation of power in accordance with clause (i).

(b) JURISDICTION.—The United States district courts shall have original jurisdiction over all claims regarding the consistency of State and local laws regarding permits and other authorizations, and of State and local actions pursuant to those laws, with the Secretarial determination and the detailed plan (including the schedule) for facilities removal authorized under this title.

(c) NO PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—Nothing in this title confers on any person or entity not a party to the Hydroelectric Settlement a private right of action or claim for relief to interpret or enforce this title or the Hydroelectric Settlement.

(2) OTHER LAW.—This subsection does not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 204. TRANSFER OF KENO DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall accept the transfer of title in the Keno Development to the United States in accordance with section 7.5 of the Hydroelectric Settlement.

(b) EFFECT OF TRANSFER.—On the transfer and without further action by Congress—

(1) the Keno Development shall—

(A) become part of the Klamath Reclamation Project; and

(B) be operated and maintained in accordance with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) and this Act; and

(2) Commission jurisdiction over the Keno Development shall terminate.

SEC. 205. LIABILITY PROTECTION.

(a) PACIFICORP.—Notwithstanding any other Federal, State, local, or other law (including common law), PacificCorp shall not be liable for any harm to persons, property, or the environment, or damages resulting from either facilities removal or facility operation, arising from, relating to, or triggered by actions associated with facilities removal, including but not limited to any damage caused by the release of any material or substance, including but not limited to hazardous substances.

(b) FUNDING.—Notwithstanding any other Federal, State, local, or other law, no person or entity contributing funds for facilities removal pursuant to the Hydroelectric Settlement shall be held liable, solely by virtue of that funding, for any harm to persons, property, or the environment, or damages arising from either facilities removal or facility operation, arising from, relating to, or triggered by actions associated with facilities removal, including any damage caused by the release of any material or substance, including hazardous substances.

(c) PREEMPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding section 10(c) of the Federal Power Act (16 U.S.C. 803(c)), protection from liability under this section preempts the laws of any State to the extent the laws are inconsistent with this title.

(2) OTHER PROVISIONS OF LAW.—This title does not limit any otherwise available immunity, privilege, or defense under any other provision of law.

(d) APPLICATION.—Liability protection under this section shall apply to any particular facility beginning on the date of transfer of title to that facility from PacificCorp to the Dam Removal Entity.

SEC. 206. LICENSES.

(a) ANNUAL LICENSES.—

(1) IN GENERAL.—The Commission shall issue annual licenses authorizing PacificCorp to continue to operate the facilities until PacificCorp transfers title to all of the facilities.

(2) TERMINATION.—The annual licenses shall terminate with respect to a facility on transfer of title for such facility from PacificCorp to the Dam Removal Entity.

(3) STAGED REMOVAL.—

(A) IN GENERAL.—On transfer of title of any facility by PacificCorp to the Dam Removal Entity, annual license conditions shall no longer be in effect with respect to such facility.

(B) NONTRANSFER OF TITLE.—Annual license conditions shall remain in effect with respect to any facility for which PacificCorp has not transferred title to the Dam Removal Entity to the extent compliance with the annual license conditions are not prevented by the removal of any other facility.

(b) JURISDICTION.—The jurisdiction of the Commission under part I of the Federal Power Act (16 U.S.C. 791a et seq.) shall terminate with respect to a facility on the transfer of title for the facility from PacificCorp to the Dam Removal Entity.

(c) RELICENSING.—

(1) IN GENERAL.—The Commission shall—

(A) stay the proceeding of the Commission on the pending license application of PacificCorp for Project No. 2082 as long as the Hydroelectric Settlement remains in effect; and

(B) resume the proceeding and proceed to take final action on the new license application only if the Hydroelectric Settlement terminates pursuant to section 8.11 of the Hydroelectric Settlement.

(2) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), if the Hydroelectric Settlement is terminated, the Secretarial determination under section 202(a) and findings of fact contained in the Secretarial determination shall not be admissible or otherwise relied on in the proceedings of the Commission on the new license application.

(B) LIMITATIONS.—If the Hydroelectric Settlement is terminated, the Commission, in proceedings on the new license application, shall not be bound by the record, findings, or determination of the Secretary under this section.

(d) EAST SIDE AND WEST SIDE DEVELOPMENTS.—On filing by PacificCorp of an application for surrender of the East Side and West Side Developments in Project No. 2082, the Commission shall issue an order approving partial surrender of the license for Project No. 2082, including any reasonable and appropriate conditions, as provided in section 6.4.1 of the Hydroelectric Settlement.

(e) FALL CREEK.—Notwithstanding subsection (b), not later than 60 days after the date of the transfer of the Iron Gate Facility to the Dam Removal Entity, the Commission shall resume timely consideration of the pending licensing application for the Fall Creek development pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), regardless of whether PacificCorp retains ownership of Fall Creek or transfers ownership to a new licensee.

(f) IRON GATE HATCHERY.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801), the PacificCorp Hatchery Facilities within the State of California shall be transferred to the State of California at the time of transfer to the dam removal entity of the Iron Gate Hydro Development or such other time agreed by the Parties to the Hydroelectric Settlement.

(g) TRANSFERS OF FACILITIES.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801), the transfer of PacificCorp facilities to a non-Federal dam removal entity consistent with the Hydroelectric Settlement and this title is authorized.

SEC. 207. MISCELLANEOUS.

(a) WATER RIGHTS.—Except as specifically provided in this title and the Hydroelectric Settlement, nothing in this title or the Hydroelectric Settlement shall create or determine water rights or affect water rights or water right claims in existence on the date of enactment of this Act.

(b) TRIBAL RIGHTS.—Nothing in this title affect the rights of any Indian tribe secured by treaty, Executive order, or other law of the United States.

(c) RELATIONSHIP TO OTHER FEDERAL LAWS.—Nothing in this title amends, supersedes, modifies or otherwise affects—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except to the extent section 203 of this Act requires a permit under section 404 of that Act (33 U.S.C. 1344)

notwithstanding section 404(r) of that Act (33 U.S.C. 1344(r)).

By Mr. BURR (for himself, Mr. HARKIN, Mr. ENZI, Mr. CASEY, Ms. MIKULSKI, Mr. ALEXANDER, Mr. LIEBERMAN, Ms. COLLINS, Mrs. HAGAN, and Mr. ROBERTS):

S. 1855. A bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I rise today to highlight the introduction of important bipartisan legislation to reauthorize the Pandemic and All-Hazards Preparedness Act of 2006 and the BioShield Special Reserve Fund. I am pleased to be joined by my colleagues, Senators HARKIN, ENZI, and CASEY. I thank them for their efforts and leadership on this important legislation. It is clear that my colleagues share my dedication to strengthening and enhancing our Nation's ability to be prepared for and respond to all hazards that may confront us.

As we introduce legislation to strengthen and improve our Nation's medical and public health preparedness and response programs, it is appropriate to reflect on the progress we have made to date, the seriousness of the threats facing our Nation, and the work that remains to be done if we are going to be prepared to respond to the full range of threats, whether naturally occurring, like an influenza pandemic, or a deliberate bioterrorism attack.

During the 109th Congress, I chaired the Subcommittee on Bioterrorism and Public Health Preparedness. Building on the lessons learned from Hurricane Katrina and September 11, Congress took a hard look at how we could better prepare and respond to public health and medical emergencies. The Subcommittee held multiple public hearings, roundtables, and meetings, and Congress received significant input from public health officials, medical experts, emergency managers, biotechnology companies, and stakeholders from across our nation. These actions culminated with the passage of the Pandemic and All-Hazards Preparedness Act of 2006.

Through the Pandemic and All-Hazards Preparedness Act, Congress empowered the Department of Health and Human Services with the tools it needs to protect the American people more effectively and efficiently in response to a public health emergency. This law established the Office of the Assistant Secretary for Preparedness and Response, or ASPR, to unify the Department's preparedness and response programs and mission and answer the critical question of "who is in charge?" when it comes to medical and public health preparedness and response. Since its inception, ASPR has carried

out significant preparedness and response planning and coordinated response efforts with federal, State, and local public health partners.

The Pandemic and All-Hazards Preparedness Act of 2006 also established the Biomedical Advanced Research and Development Authority, or BARDA, to speed up the development of countermeasures—such as vaccines or treatments—to protect Americans against a potential chemical, biological, radiological, or nuclear terrorist attack, or other public health emergency, such as a pandemic influenza. PAHPA also gave BARDA the ability to make milestone based payments through the BioShield Special Reserve Fund—a \$5.6 billion medical countermeasure procurement fund established by Congress in 2004 to provide assurances of the federal government's commitment to purchasing medical countermeasures if companies embarked on years long development of these life-saving products. Even without full funding, BARDA has been able to identify promising countermeasures and support the critical advanced research and development necessary for making these products available to the American people. Thanks to BARDA and the investment we have made over the last few years, our nation was much better positioned to quickly respond to the H1N1 pandemic influenza two years ago.

I am very proud to have authored this important bipartisan law five years ago and I am proud to have again joined with Senators HARKIN, ENZI, and CASEY in a bipartisan manner to tackle the serious challenges that remain in ensuring our nation is prepared to respond to all-hazards. In recent weeks, Congress has been reminded of the urgency of our work in this area. Last month, the WMD Center published a comprehensive Bio-response Report Card evaluating our nation's preparedness against potential bioterror attacks. This report noted that while we have made progress, the U.S. Government received "Ds" and "Fs" in certain areas associated with responding to large-scale biological attacks that terrorists like Al-Qaida or others may seek to perpetuate against us. This report and recent analysis by the Government Accountability Office calling for improvements to our nation's medical countermeasure programs are a serious wake-up call that cannot go unaddressed. The American people expect the President and Congress to do all we can to prevent an attack, and in the event of an attack, be prepared to respond in order to save lives. When it comes to protecting the American people, failing grades are unacceptable.

Our work on this important legislation has been guided by sound principles. First and foremost any improve-

ments to existing programs and authorities must be targeted and strategic and based on the lessons we have learned over the past five years, including the H1N1 pandemic and disasters at home and abroad. We must ensure the continuity of critical medical and public health preparedness authorities and programs, including the BioShield Special Reserve Fund. Given the significant fiscal challenges facing our nation, we must also ensure that we are maximizing the taxpayer resources supporting this critical preparedness mission, as well as ensuring appropriate transparency and accountability for these resources and programs. Finally, we must ensure a robust medical countermeasure enterprise, from the research bench to the points where patients receive care, including by ensuring that the U.S. Food and Drug Administration's regulatory tools and pathways reflect modern-day threats.

The Pandemic and All-Hazards Preparedness Act Reauthorization of 2011 would strengthen and enhance our nation's medical and public health preparedness and response programs and go a long way in addressing many of the short-comings and concerns raised by GAO and the WMD Center, as well as other stakeholders. Our legislation provides the ASPR with enhanced policy oversight and coordination of medical and public health preparedness and response programs to further unify our response in the event of a public health emergency. Our legislation also ensures an appropriate emphasis on chemical, radiological, biological, and nuclear threats as part of an all-hazards approach to our National Health Security Strategy. Our legislation ensures that an emphasis on strategic initiatives to advance medical countermeasures and community resiliency are incorporated into the National Preparedness Goals, as well as the importance of considering the unique needs and considerations for individuals at-risk in the event of a public health emergency.

Our legislation would reauthorize the National Disaster Medical System, the volunteer Medical Reserve Corps, the Emergency System for Advance Registration of Volunteer Health Professionals, the Public Health Emergency Preparedness and Hospital Preparedness Cooperative Agreement Programs, and the Strategic National Stockpile. Targeted flexibility under our bill will help our State and local partners optimize community resiliency at the local level. By reauthorizing the BioShield Special Reserve Fund, our bill sends the clear signal that the U.S. Government remains committed to purchasing medical countermeasures.

The critical role that FDA plays in our medical countermeasure enterprise

has become clear over the past five years and our legislation strengthens this enterprise by making targeted improvements to FDA's role in this important endeavor. For example, our bill allows the Secretary to make medical countermeasures under review by the FDA available in limited circumstances based on either a declared emergency or an identified threat, and requires the material threat posed by the agent of agents for which a product under review is intended is considered when reviewing medical countermeasures for approval, clearance, or licensure. We will stretch taxpayer dollars even further by allowing FDA to extend the shelf life of products stockpiled in the Strategic National Stockpile. Our legislation also charges FDA with promoting medical countermeasure expertise and developing regulatory science tools to advance the review, approval, clearance, and licensure of these products. By enhancing the scientific exchange between FDA and medical countermeasure stakeholders, FDA will not only be identifying problems, but an active partner in solving them to ensure our nation has the medical countermeasures necessary to protect the American people. Medical and public health preparedness and response programs, including the availability of medical countermeasures, are a matter of national security and our bill will ensure the appropriate, senior-level national security focus on these issues.

In addition to reauthorizing PAHPA, I am pleased to also introduce the Medical Surge Capacity Act, critical legislation that I hope we can include in the final version of PAHPA reauthorization. I thank Senators HARKIN, ENZI, and CASEY for working with me on this important bipartisan legislation that makes strategic improvements to current law to enable the Secretary of Health and Human Services to target and issue waivers under Section 1135 of the Social Security Act in as timely a manner as possible based on the circumstances of an emergency. This legislation authorizes HHS to implement waivers as soon as either a public health or national emergency is declared, and enables the Secretary to institute 1135 waivers in "host areas" outside of a declared disaster area, but into which patients are being evacuated to receive care.

I look forward to continuing to work with my colleagues in Congress and the administration to do the important work of reauthorizing PAHPA and BioShield in order to ensure our nation is as prepared as possible in the event of the unthinkable, whether natural, or man-made.

Mr. HARKIN. Mr. President, today it gives me great pleasure to introduce the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011—also known as the PAHPA Reauthorization of 2011—with a bipartisan group of Senators that includes Senators BURR, CASEY, ENZI, MIKULSKI, ALEXANDER, HAGAN, COLLINS, LIEBERMAN, and ROBERTS. This reauthorization builds on a record of bipartisan cooperation to strengthen our ability to respond to and prepare for medical and public health emergencies over the past decade.

Based on lessons learned since the original PAHPA legislation was signed into law in 2006, this reauthorization continues to support the progress made by the Federal Government and its State and local partners to protect its citizens during public health and medical emergencies. It also proposes a number of targeted changes that will improve our ability to address a variety of threats to the public health of our Nation.

Such threats are diverse in origin and include exposure to chemical, biological, radiological, or nuclear agents. Sometimes these threats occur naturally—the 2009 H1N1 pandemic influenza, for example—or they can be the result of malicious intent—such as the deliberate release of anthrax in 2001. A recent and very challenging example is the radiation leak that occurred at the nuclear plant damaged by Japan's massive earthquake.

It is not just known threats that place the health and well-being of Americans at risk; there are just as many emerging or unknown threats against which protection is critical. Because the impact of these threats could be catastrophic, it is imperative that we continue to strengthen our Nation's ability to adequately prepare for a public health emergency.

Building our Nation's response capacity requires close collaboration among Federal, State and local governments; hospitals and health care providers; businesses; schools; indeed, all Americans. I have long taken the Federal Government's role in being prepared for a public health emergency public health preparedness as it is called very seriously.

We have made tremendous progress in preparedness during the last decade, but this reauthorization provides additional flexibility to State and local governments to more efficiently use Federal resources in preparing for public health emergencies. For example, this bill reauthorizes the Public Health Emergency Preparedness Cooperative Grant Program, which provides critical resources to State and local public health agencies, and streamlines requirements making it easier for them to meet program requirements and target resources.

Our ability to be prepared for a public health emergency also depends on

the advanced development and procurement of medical countermeasures. These are the vaccines, therapies, and diagnostics needed to prevent or respond to a bioterrorism event or other public health emergency. In an effort to ensure that we have the appropriate medical countermeasures, we need to continue to support innovative research into promising new products and ensure that products are readily available during a time of emergency. We also need to address the scientific challenges of identifying safe and effective medical countermeasures when human trials are not available or ethical.

This bill addresses a number of these concerns and provides greater certainty for biotech companies that operate in this space and continues to build on partnerships between the private sector and the Federal Government to ensure that we have the appropriate medical countermeasures to prepare for or respond to a public health emergency.

Underlying all of our preparedness activities is the issue of how we ensure that our most vulnerable citizens will be protected should disaster strike. We know that many populations—including individuals with disabilities, seniors, and children—may have unique needs that we have the responsibility to address during a public health emergency. In the past, when faced with catastrophic events, we have too often seen such needs go unmet. Now we must use lessons learned to ensure more efficient, effective, and equitable responses in the future.

Something that I am especially proud of is that the PAHPA Reauthorization of 2011 requires that these individuals are an integrated part of our preparedness efforts. This means that we continue to address the unique needs of at-risk populations—such as providing information in a way that is understandable to all Americans, including those with cognitive limitations—and plan for these unique needs when it comes to drafting preparedness plans and conducting preparedness drills and exercises. This bill truly focuses on addressing the need of our most vulnerable citizens by considering them as critical part of our overall preparedness planning—not as an afterthought.

This bill represents a true bipartisan effort and had the support of a number of important stakeholders. For example, we have already received the endorsements of the Alliance for Biosecurity, American Academy of Pediatrics, and the American Dental Association. In the coming days and weeks, we expect many more endorsements. Because the bill is so critical to our ability to prepare for and respond to public health and medical emergencies, I urge my colleagues to support this bill.

By Mr. AKAKA:

S. 1859. A bill to provide that section 3330a, 3330b, and 3330c of title 5, United States Code, relating to administrative and judicial redress and remedies for preference eligibles, shall apply with respect to the Federal Aviation Administration and the Transportation Security Administration; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation that will provide certain of our Nation's veterans with the ability to enforce their statutorily protected veterans' preference rights in the Federal Government.

The Veterans' Preference Act, which became law in 1944, was intended to provide a preference in hiring in the Executive Branch to returning servicemembers who acquired valuable skills during their service in the Second World War. Before signing this legislation into law, President Franklin D. Roosevelt referred to the great responsibility our Nation owes its veterans:

I believe that the Federal Government, functioning in its capacity as an employer, should take the lead in assuring those who are in the armed forces, that when they return, special consideration will be given to them in their efforts to obtain employment. It is absolutely impossible to take millions of our young men out of their normal pursuits for the purpose of fighting to preserve the Nation, and then expect them to resume their normal activities without having any special consideration shown them.

By 1998, it had become clear that providing veterans with a preference in hiring was an effective way to attract and retain qualified veterans in government service. However, it was apparent that veterans needed a mechanism to enforce their veterans' preference rights where an agency was not applying the law as Congress intended. Recognizing this need, Congress enacted the Veterans Employment Opportunities Act, which created a mechanism for preference eligible veterans to appeal violations of their veterans' preference rights to the Department of Labor, the Merit Systems Protection Board, and Federal court. The Veterans Employment Opportunities Act also extended veterans' preference rights to reductions in force in the Federal Government.

It has come to my attention that, unfortunately, not all of our veterans have the ability to enforce their rights under the Veterans Employment Opportunities Act. Last year, in a case called *Morse v. Merit Systems Protection Board*, the United States Court of Appeals for the Federal Circuit ruled that preference eligible applicants and employees at the Federal Aviation Administration and the Transportation Security Administration are not covered by the Veterans Employment Opportunities Act, and thus do not have the same appeal rights as most other applicants and employees in the Federal Government. The court's ruling is

puzzling because applicants and employees at both of these Federal agencies have veterans' preference rights under current Federal law, but it may reflect a drafting error in the Veterans Employment Opportunities Act. At a time when thousands of our servicemembers are returning home and seeking employment in the Federal Government, we must correct this unacceptable result.

Recently, our country observed the 10th anniversary of the tragic attacks of September 11, 2001. Since that horrific day, more than 5 million Americans have served in our military, with more than 2 million Americans serving in warzones. As these servicemembers return home, we must be mindful of our sacred commitment to assist those who serve our country and later seek employment in the Federal Government. Specifically, we must ensure that all of our federal agencies are honoring the sacrifice made by servicemembers and their families by complying with veterans' preference laws.

Accordingly, I am introducing legislation to correct the problem recently brought to light by the Morse decision by providing preference-eligible applicants and employees at the Federal Aviation Administration and the Transportation Security Administration with rights under the Veterans Employment Opportunities Act. I look forward to working with my colleagues to pass this important legislation, and more fully honoring the commitment of our Nation's veterans.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATIVE AND JUDICIAL REDRESS AND REMEDIES FOR PREFERENCE ELIGIBLES.

Section 3330a of title 5, United States Code, is amended by adding at the end the following:

“(f) For purposes of this section and sections 3330b and 3330c, the Federal Aviation Administration and the Transportation Security Administration are agencies. This section and sections 3330b and 3330c shall apply to any individual who is a preference eligible with respect to the Federal Aviation Administration and the Transportation Security Administration.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 320—DESIGNATING NOVEMBER 26, 2011, AS “SMALL BUSINESS SATURDAY” AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs. HAGAN, Ms. AYOTTE, Ms. CANTWELL, Mr. ENZI, Mr. CARDIN, Mr. RISCH, Mr. PRYOR, Mrs. SHAHEEN, Mr. LIEBERMAN, Mr. CARPER, Mr. UDALL of New Mexico, Mr. MERKLEY, Mrs. BOXER, Mr. WYDEN, Mr. TESTER, Mr. BEGICH, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. WEBB, Ms. STABENOW, Mr. BOOZMAN, Mr. BARRASSO, Mr. LUGAR, Mr. ALEXANDER, Ms. COLLINS, Mr. KIRK, Ms. MURKOWSKI, Mr. ROBERTS, and Mr. HOEVEN) submitted the following resolution; which was considered and agreed to:

S. RES. 320

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as “employer firms”) in the United States;

Whereas small businesses employ ½ of the employees in the private sector in the United States;

Whereas small businesses pay 44 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses are responsible for more than 50 percent of the private, non-farm product of the gross domestic product;

Whereas small businesses generated 65 percent of net new jobs during the last 17 years;

Whereas small businesses generate 60 to 80 percent of all new jobs annually;

Whereas small businesses focus on 2 key strategies: deepening relationships with customers and creating value for customers;

Whereas, for every \$100 spent with locally owned, independent stores, \$68 returns to the community through local taxes, payroll, and other expenditures;

Whereas 92 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue;

Whereas 91 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed;

Whereas 99 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a “buy local” movement: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 26, 2011, as “Small Business Saturday”; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the im-

pact of locally owned small businesses on the economy of the United States.

SENATE RESOLUTION 321—COMMEMORATING THE 50TH ANNIVERSARY OF THE FEDERAL EXECUTIVE BOARDS

Mr. AKAKA (for himself, Mr. INOUE, Mr. LEVIN, and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 321

Whereas the Federal Executive Boards were established through a presidential directive signed by President John F. Kennedy in 1961;

Whereas, the Federal Executive Boards increase effectiveness and economy of Federal agencies through coordination of local approaches to national programs and shared management needs;

Whereas, the Federal Executive Boards serve over 780,000 Federal civilian employees in 28 locations across the Nation;

Whereas, the Federal Executive Boards provide a forum for the exchange of information between Washington, D.C. and agencies in the field about programs, management methods, and administrative issues;

Whereas, the Federal Executive Boards improve the continuity of Government operations by facilitating planning and coordination among local Federal agencies;

Whereas, the Federal Executive Boards increase the efficiency of Federal spending through cost-avoidance on coordinated training and alternative dispute resolution programs;

Whereas, the Federal Executive Boards serve as the Federal point of contact for intergovernmental collaboration and community outreach in their locales;

Whereas commemorating the 50th anniversary of the Federal Executive Boards will recognize members and staff of Federal Executive Boards for their unyielding dedication and commitment to public service, as well as the Federal agencies whose support over the years has helped Federal Executive Boards provide Federal employees with low-cost training, emergency preparedness plans, and performance recognition through inter-agency awards events: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 50th anniversary of the Federal Executive Boards;

(2) commends the Federal Executive Boards for their unyielding dedication to the Federal community;

(3) encourages Federal leaders to continue support of, and participation in, activities of the Federal Executive Boards; and

(4) urges the people of the United States to observe the 50th anniversary of Federal Executive Boards with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 930. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr.

BENNET, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table.

SA 931. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 932. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 933. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 934. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 935. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 936. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 937. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 938. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 939. Mr. BARRASSO (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 940. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. THUNE, Mr. BLUNT, and Mr. HELLER)) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 941. Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 942. Ms. CANTWELL (for Mr. WICKER) proposed an amendment to the bill S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

SA 943. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 944. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 930. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ GRANTS FOR EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING FOR VETERANS.

Section 330J(c)(8) of the Public Health Service Act (42 U.S.C. 254c-15(c)(8)) is amended by inserting before the period the following: “, including, as provided by the Secretary, may use funds to provide to military veterans required coursework and training that take into account, and are not duplicative of, previous medical coursework and training received when such veterans were active members of the Armed Forces, to enable such veterans to satisfy emergency medical services personnel certification requirements, as determined by the appropriate State regulatory entity”.

SA 931. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Internal Revenue Service to implement, enforce, or otherwise administer the medical device tax under section 4191 of the Internal Revenue Code of 1986.

SA 932. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Internal Revenue Service to implement, enforce, or otherwise administer the Federal employer mandate under sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (Public Law 111-148) (and the amend-

ments made by such sections and subsections).

SA 933. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Internal Revenue Service to implement, enforce, or otherwise administer the Federal employer mandate under sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (Public Law 111-148) (and the amendments made by such sections and subsections) without first receiving certification from the Bureau of Labor Statistics, in consultation with the Office of Management and Budget and the Chief Actuary of the Centers for Medicare and Medicaid Services, that this mandate will not lead to a decrease in private sector employment or wages.

SA 934. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 479, strike line 17 and all that follows through line 15 on page 480, and insert the following:

PROHIBITION

SEC. ____ None of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to any foreign nongovernmental organization that promotes or performs abortion, except in cases of rape or incest or when the life of the mother would be endangered if the fetus were carried to term.

SA 935. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. ____ None of the funds appropriated or otherwise made available under this Act may be used on or after the date of enactment of this Act for performance-based compensation for senior executives at the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation (referred to collectively in this section as the “agencies”) during any period of conservatorship for the agencies, unless such compensation is based solely on—

(1) the achievement of a reduction in the exposure of the taxpayer to mortgage credit loss; and

(2) the reduction of mortgage credit exposure of the agencies.

SA 936. Mr. CORKER submitted an amendment intended to be proposed by

him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

None of the funds appropriated or otherwise made available under this Act may be used to implement or otherwise carry out any provision of section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) with respect to an issuer of securities having total market capitalization for the relevant reporting period of less than \$500,000,000, or an issuer of securities having total market capitalization for the relevant reporting period of greater than \$500,000,000 but less than \$1,000,000,000 that has opted out of complying with section 404(b) by consent of its shareholders by majority vote.

SA 937. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 494, between lines 3 and 4, insert the following:

SEC. 8004. (a) REPEAL OF CLASS PROGRAM.—Title XXXII of the Public Health Service Act (42 U.S.C. 3001 et seq.; relating to the CLASS program) is repealed.

(b) CONFORMING CHANGES.—

(1) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119, 846-847) is repealed.

(2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking paragraphs (81) and (82);

(B) in paragraph (80), by inserting “and” at the end; and

(C) by redesignating paragraph (83) as paragraph (81).

(3) Paragraphs (2) and (3) of section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) are amended to read as such paragraphs were in effect on the day before the date of the enactment of section 8002(d) of the Patient Protection and Affordable Care Act (Public Law 111-148). Of the funds appropriated by paragraph (3) of section 6021(d), as amended by the Patient Protection and Affordable Care Act, the unobligated balance is rescinded.

SA 938. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 481, after line 21, insert the following:

SEC. 7088. None of the amounts appropriated or otherwise made available by this division shall be obligated or expended to negotiate a United Nations Arms Trade Treaty that in any way restricts the rights of United States citizens under the second amendment to the Constitution of the United States, or that otherwise regulates domestic manufacture, assembly, possession, use, transfer, or purchase of firearms, ammunition, or related items, including small arms, light weapons, or related materials.

SA 939. Mr. BARRASSO (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 18 and 19, insert the following:

SEC. 1. None of the funds made available by this or any other Act making funds available for energy and water development may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce a change or supplement to the rule entitled “Final Rule for Regulatory Programs of the Corps of Engineers” (51 Fed. Reg. 41206 (November 13, 1986)) (as in effect on the date of enactment of this Act), or to the guidance documents entitled “Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of ‘Waters of the United States’” (68 Fed. Reg. 1991 (January 15, 2003)), and “Clean Water Act Jurisdiction Following the U.S. Supreme Court’s Decision in ‘Rapanos v. United States & Carabell v. United States’” (December 2, 2008) (as in effect on that date of enactment), relating to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SA 940. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. THUNE, Mr. BLUNT, and Mr. HELLER)) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title I of Division B, insert after section 117 the following:

Sec. 118. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay compensation for senior executives at the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation in the form of bonuses, during any period of conservatorship for those entities on or after the date of enactment of this Act.

SA 941. Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 746. (a) AMENDMENTS TO THE AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) DEFINITION OF AIRCRAFT.—As used in this section, the term ‘aircraft’ includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.”.

(b) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting “, or attempts or conspires to commit,” after “commits”.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

SA 942. Ms. CANTWELL (for Mr. WICKER) proposed an amendment to the bill S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes; as follows:

Beginning on page 4, strike line 6, after “able”, through line 11 and insert the following: “to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.”.

SA 943. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

SEC. . Notwithstanding any other provision of this Act, the amount of offsetting collections authorized for salaries and expenses for the Federal Communications Commission shall not exceed \$319,004,000.

SA 944. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE NO BUDGET, NO PAY ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “No Budget, No Pay Act”.

SEC. 02. DEFINITION.

In this title, the term “Member of Congress”—

- (1) has the meaning given under section 2106 of title 5, United States Code; and
- (2) does not include the Vice President.

SEC. 03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year.

SEC. 04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, November 17, 2011, at 10 a.m. in SD-430 to conduct a hearing entitled "The Americans with Disabilities Act and Accessible Transportation: Challenges and Opportunities."

For further information regarding this hearing, please contact Andrew Imperato of the committee staff on (202) 228-3453.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m., to conduct a hearing entitled "Opportunities and Challenges for Economic Development in Indian Country."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 10, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Unemployment Insurance: The Path Back to Work."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled "Improving Quality, Lowering Costs: The Role of Health Care Delivery System Reform" on November 10, 2011, at 1:30 p.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 10, 2011, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 10, 2011, at 10:00 a.m., in SH-216 of the Hart Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 10, 2011 at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Caroline Tess, a State Department detailee in my office, be granted the privilege of the floor for the remainder of this Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, and 492, and all nominations on the Secretary's desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be Brigadier General

Col. Giovanni K. Tuck

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Robin Rand

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brig. Gen. Everett H. Thomas

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Ronnie D. Hawkins, Jr.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be Brigadier General

Col. Judy M. Griego

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. John W. Hesterman, III

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Brigadier General

Col. David C. Coburn

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Joseph E. Martz

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brigadier General Ralph O. Baker
 Brigadier General Allen W. Batschelet
 Brigadier General Heidi V. Brown
 Brigadier General John A. Davis
 Brigadier General Patrick J. Donahue, II
 Brigadier General Robert S. Ferrell
 Brigadier General Stephen G. Fogarty
 Brigadier General Charles W. Hooper
 Brigadier General Paul J. LaCamera
 Brigadier General Sean B. MacFarland
 Brigadier General Kevin W. Mangum
 Brigadier General Roger F. Mathews
 Brigadier General Austin S. Miller
 Brigadier General Camille M. Nichols
 Brigadier General John R. O'Connor
 Brigadier General Gustave F. Perna
 Brigadier General Warren E. Phipps, Jr.
 Brigadier General Gregg C. Potter
 Brigadier General Nancy Lee S. Price
 Brigadier General Jefforey A. Smith
 Brigadier General Jeffrey J. Snow
 Brigadier General Kenneth E. Tovo
 Brigadier General Stephen J. Townsend
 Brigadier General Thomas S. Vandal
 Brigadier General Mark W. Yenter

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Peter M. Vangjel

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be Major General

Brig. Gen. Gill P. Beck

The following named officer for appointment as the Vice Chief of Staff of the Army and appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be General

Gen. Lloyd J. Austin, III

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be Major General

Brig. Gen. Janet L. Cobb

The following named officer for reappointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be Lieutenant General

Lt. Gen. William B. Caldwell, IV

The following named officer for appointment as the Director, Army National Guard and for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 10506 and 601:

To be Lieutenant General

Maj. Gen. William E. Ingram, Jr.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brig. Gen. Raymond A. Thomas, III

The following named officer for appointment to the grade indicated in the Army's Veterinary Corps under title 10, U.S.C., sections 3064 and 3084:

To be Brigadier General

Col. John L. Poppe

IN THE NAVY

The following named officer for appointment as Chief of the Bureau of Medicine and Surgery and Surgeon General and for appointment to the grade indicated under title 10, U.S.C., sections 601 and 5137:

To be Vice Admiral

Rear Adm. Matthew L. Nathan

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral

Rear Adm. (lh) Earl L. Gay

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Vice Admiral

Rear Adm. Timothy M. Giardina.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Vice Admiral

Rear Admiral William D. French

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN520 AIR FORCE nominations (2642) beginning MICHAEL W. AAMOLD, and ending

JEFFREY T. ZURICK, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2011.

PN792 AIR FORCE nominations (1121) beginning JESSE ACEVEDO, and ending JESSE B. ZYDALLIS, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2011.

PN1057 AIR FORCE nominations (2) beginning DAVID S. CHOI, and ending MUHANNAD KASSAWAT, which nominations were received by the Senate and appeared in the Congressional Record of October 18, 2011.

PN1092 AIR FORCE nominations (27) beginning KRISTINE M. AUTORINO, and ending JASON S. WRACHFORD, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1095 AIR FORCE nominations (15) beginning MICHAEL J. APOL, and ending DAWN M. K. ZOLDI, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

IN THE ARMY

PN995 ARMY nomination of Kari L. Crawford, which was received by the Senate and appeared in the Congressional Record of September 26, 2011.

PN1014 ARMY nomination of Kent T. Critchlow, which was received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1015 ARMY nominations (18) beginning CARLETON W. BIRCH, and ending JERRY M. WOODBERRY, which nominations were received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1027 ARMY nominations (2) beginning SCOTT D. STEWART, and ending SUSUMU UCHIYAMA, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1028 ARMY nominations (3) beginning RALPH M. CRUM, and ending JAMES E. LOWERY, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1029 ARMY nomination of Amanda E. Harrington, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1030 ARMY nomination of Ramon M. Angelucci, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1031 ARMY nomination of Charles S. Moore, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1032 ARMY nomination of Steven Gandia, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1033 ARMY nominations (2) beginning ADAM R. LIEBERMAN, and ending KENNETH J. ZENKER, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1034 ARMY nominations (2) beginning BRONSON B. WHITE, and ending MICHAEL K. DONEY, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1043 ARMY nominations (5) beginning GARY R. ALLEN, and ending ORAN L. ROBERTS, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1044 ARMY nominations (17) beginning PATRICK A. BARNETT, and ending JEFFREY P. VAN, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1058 ARMY nomination of Russel E. Perry, which was received by the Senate and appeared in the Congressional Record of October 18, 2011.

PN1075 ARMY nominations (3) beginning SHERRY L. GRAHAM, and ending NOREEN A. MURPHY, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1076 ARMY nominations (3) beginning JONATHAN H. JAFFIN, and ending CHARLES E. MCQUEEN, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1077 ARMY nominations (5) beginning JOHN P. GERBER, and ending GREGORY A. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1078 ARMY nominations (22) beginning LLOYNETTA H. ARTIS, and ending EDWARD E. YACKEL, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1079 ARMY nominations (31) beginning MARK R. BAGGETT, and ending JAMES E. TUTEN, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1080 ARMY nominations (25) beginning SUSAN K. ARNOLD, and ending RANDOLPH SWANSIGER, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1098 ARMY nomination of Serafina Saula, which was received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1099 ARMY nominations (2) beginning TERRY L. CLARK, and ending DARRON T. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1100 ARMY nominations (3) beginning DAVID BUTLER, and ending TIMOTHY W. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1101 ARMY nominations (3) beginning RANDALL D. ISOM, and ending MICHAEL A. MITCHELL, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1102 ARMY nominations (5) beginning JOSEPH C. BARKER, and ending JAMES W. RING, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

IN THE NAVY

PN996 NAVY nomination of Paul E. Ware, which was received by the Senate and appeared in the Congressional Record of September 26, 2011.

PN997 NAVY nomination of Stephen A. Tankersley, which was received by the Senate and appeared in the Congressional Record of September 26, 2011.

PN1016 NAVY nomination of William B. Carter, which was received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1017 NAVY nomination of Judith A. Ciesla, which was received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1035 NAVY nominations (2) beginning Ben D. Ramaley, and ending Bernhard Zunkeler, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1045 NAVY nomination of David S. Fuchs, Jr., which was received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1046 NAVY nominations (3) beginning DANIEL J. TRAUB, and ending WILLIAM N. SOLOMON, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1103 NAVY nomination of Matthew J. Powers, which was received by the Senate and appeared in the Congressional Record of November 1, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. CANTWELL. Mr. President, I ask unanimous consent that on Tuesday, November 15, 2011, at 11 a.m., the Senate proceed to executive session to consider the following nominations: Calendar No. 354 and Calendar No. 355; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING CONVEYANCE OF NOAA PROPERTY TO CITY OF PASCAGOULA, MISSISSIPPI

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 226, S. 363.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 363) to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Wicker amendment at the desk be agreed to; the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 942) was agreed to, as follows:

Beginning on page 4, strike line 6, after "able", through line 11 and insert the fol-

lowing: "to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration."

The bill (S. 363), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of Commerce determines that it is in the best interest of the National Oceanic and Atmospheric Administration and the Federal Government to do so, the Secretary may convey to the City of Pascagoula, Mississippi, by standard quitclaim deed, real property consisting of parcels, or portions of parcels, under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere, including land and improvements thereon, within a tract roughly bounded by—

- (1) Delmas Avenue to the south;
- (2) Pascagoula River to the west;
- (3) Pol Street to the north; and
- (4) real property owned by the City of Pascagoula to the east.

(b) CONSIDERATION.—

(1) IN GENERAL.—For a conveyance under subsection (a), the Secretary shall require that the United States receive consideration of not less than the fair market value of the property or rights conveyed.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) property (either real or personal), including tracts of real property and buildings, owned by the City of Pascagoula, that are located in such city south of Delmas Avenue, as well as a contiguous portion of the street known as Delmas Avenue adjacent to real property under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere;

(B) cash or cash equivalents; and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit, including construction, repair, remodeling, or other physical improvements;

(ii) maintenance of property;

(iii) provision of office, storage, or other useable space; or

(iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based on a highest- and best-use appraisal of the properties conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Any amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The Secretary may require such additional terms and conditions with the exchange of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

(2) EASEMENTS OR RIGHTS OF WAY.—The Secretary may grant or convey to the City of Pascagoula a right of way or easement if the Secretary determines such grant or conveyance is in the best interest of the Administration and the Federal Government.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Ms. CANTWELL. I ask unanimous consent that the Judiciary Committee be discharged from the further consideration of H.R. 398, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 398) to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

Ms. CANTWELL. I ask unanimous consent that the bill be read a third time and the Senate now proceed to a vote on the passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on third reading and passage of the bill.

The bill (H.R. 398) was read the third time and passed.

Ms. CANTWELL. Mr. President, I ask unanimous consent the motion to reconsider be laid on the table, with no intervening action or debate, and any statements related to the bill be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS SATURDAY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 320 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 320) designating November 26, 2011, as "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 320

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as "employer firms") in the United States;

Whereas small businesses employ 1/2 of the employees in the private sector in the United States;

Whereas small businesses pay 44 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses are responsible for more than 50 percent of the private, non-farm product of the gross domestic product;

Whereas small businesses generated 65 percent of net new jobs during the last 17 years;

Whereas small businesses generate 60 to 80 percent of all new jobs annually;

Whereas small businesses focus on 2 key strategies: deepening relationships with customers and creating value for customers;

Whereas, for every \$100 spent with locally owned, independent stores, \$68 returns to the community through local taxes, payroll, and other expenditures;

Whereas 92 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue;

Whereas 91 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed;

Whereas 99 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a "buy local" movement: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 26, 2011, as "Small Business Saturday"; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

COMMEMORATING THE 50TH ANNIVERSARY OF THE FEDERAL EXECUTIVE BOARDS

Ms. CANTWELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 321, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 321) commemorating the 50th anniversary of the Federal Executive Boards.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, today I rise in support of a resolution commemorating the 50th anniversary of the Federal Executive Boards.

Federal Executive Boards were established on November 10, 1961, by Presi-

dent John F. Kennedy through a presidential directive to strengthen the coordination of government activities outside of Washington, DC. Today, there are 28 Federal Executive Boards across the country, where more than 80 percent of all Federal employees work.

Federal Executive Boards have improved the efficiency of Federal government activities and leveraged resources. According to the Federal Executive Board Annual Report, in Fiscal Year 2010, Federal Executive Boards saved the Federal government an estimated total of nearly \$33 million. Federal Executive Boards coordinated Alternative Dispute Resolution services by providing mediators to agencies at low or no cost, which saved the Federal government more than \$25.2 million. Furthermore, Federal Executive Boards provided training to more than 28,000 employees and saved the Federal government \$7.7 million in training costs by providing instructors and conference space to deliver group training sessions, which reduced travel and lodging expenditures.

As we commemorate this anniversary, it is fitting to recognize the contributions of Federal Executive Boards on our communities nationwide. Federal Executive Boards supported and raised more than \$78 million in Fiscal Year 2010 for the Combined Federal Campaign, the largest workplace charity campaign, supporting 20,000 non-profit, charitable organizations that provide health and human service benefits in the United States and around the world. Last year, Federal Executive Boards supported the government-wide initiative Feds Feed Families food drive and collected over 65,000 pounds of food. Additionally, Federal Executive Boards volunteer in their communities to mentor students and contribute to holiday toy, blood, and clothing drives.

Federal Executive Boards have also played an important role in emergency support. During the collapse of the I-35W Bridge in Minneapolis in August 2007 and the massive flooding in the southeastern area of the state just two weeks later, the Minnesota Federal Executive Board passed critical information from local and state sources to more than 100 Federal agencies to provide status updates of recovery operations and potential workforce impacts. Following the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma, the Oklahoma Federal Executive Board brought together officials to discuss how Federal Executive Boards can best support first responders during an emergency.

During Hurricane Katrina, the Executive Director of the New Orleans Federal Executive Board coordinated with the Office of Personnel Management and the Federal Emergency Management Agency to obtain and disseminate guidance, as well as communicate

issues of concern from Federal agencies in the area. In addition, Federal Executive Boards initiated several activities to prepare Federal employees for a pandemic. For instance, a number of Federal Executive Boards held pandemic influenza tabletop exercises, which included nonprofit organizations, the private sector, and other levels of government.

Federal Executive Boards are vital to confronting today's challenges and helping agencies meet their workforce needs and missions. They are uniquely positioned to bring together the Federal family. Again, I want to say mahalo, thank you, to the Federal Executive Boards for their valuable work and congratulate them on their success on this 50th anniversary.

Ms. CANTWELL. Mr. President, I ask further that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 321) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 321

Whereas the Federal Executive Boards were established through a presidential directive signed by President John F. Kennedy in 1961;

Whereas, the Federal Executive Boards increase effectiveness and economy of Federal agencies through coordination of local approaches to national programs and shared management needs;

Whereas, the Federal Executive Boards serve over 780,000 Federal civilian employees in 28 locations across the Nation;

Whereas, the Federal Executive Boards provide a forum for the exchange of information between Washington, D.C. and agencies in the field about programs, management methods, and administrative issues;

Whereas, the Federal Executive Boards improve the continuity of Government operations by facilitating planning and coordination among local Federal agencies;

Whereas, the Federal Executive Boards increase the efficiency of Federal spending through cost-avoidance on coordinated training and alternative dispute resolution programs;

Whereas, the Federal Executive Boards serve as the Federal point of contact for intergovernmental collaboration and community outreach in their locales;

Whereas commemorating the 50th anniversary of the Federal Executive Boards will recognize members and staff of Federal Executive Boards for their unyielding dedication and commitment to public service, as well as the Federal agencies whose support over the years has helped Federal Executive Boards provide Federal employees with low-cost training, emergency preparedness plans, and performance recognition through inter-agency awards events: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 50th anniversary of the Federal Executive Boards;

(2) commends the Federal Executive Boards for their unyielding dedication to the Federal community;

(3) encourages Federal leaders to continue support of, and participation in, activities of the Federal Executive Boards; and

(4) urges the people of the United States to observe the 50th anniversary of Federal Executive Boards with appropriate ceremonies and activities.

ORDERS FOR MONDAY, NOVEMBER 14, 2011

Ms. CANTWELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, November 14, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and that at 3 p.m. the Senate proceed to the consideration of H.R. 2354, the Energy and Water appropriations bill, for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. CANTWELL. There will be no rollcall votes on Monday. Senators should expect two votes at noon on Tuesday. Those votes will be the confirmation of the Gleason and Rogers nominations.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 14, 2011, at 2 P.M.

Ms. CANTWELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 5:33 p.m., adjourned until Monday, November 14, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

RICHARD GARY TARANTO, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE PAUL R. MICHEL, RETIRED.

GONZALO P. CUIEL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE THOMAS J. WHELAN, RETIRED.

JOHN Z. LEE, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE DAVID H. COAR, RETIRED.

GEORGE LEVI RUSSELL, III, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE PETER J. MESSITTE, RETIRED.

JOHN J. THARP, JR., OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE BLANCHE M. MANNING, RETIRED.

DEPARTMENT OF DEFENSE

WILLIAM B. POLLARD, III, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW. (NEW POSITION)

SCOTT L. SILLIMAN, OF NORTH CAROLINA, TO BE A JUDGE OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW. (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate November 10, 2011:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GIOVANNI K. TUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBIN RAND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. EVERETT H. THOMAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONNIE D. HAWKINS, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JUDY M. GRIEGO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. HESTERMAN III

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID C. COBURN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH E. MARTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL RALPH O. BAKER
BRIGADIER GENERAL ALLEN W. BATSCHELET
BRIGADIER GENERAL HEIDI V. BROWN
BRIGADIER GENERAL JOHN A. DAVIS
BRIGADIER GENERAL PATRICK J. DONAHUE II
BRIGADIER GENERAL ROBERT S. FERRELL
BRIGADIER GENERAL STEPHEN G. FOGARTY
BRIGADIER GENERAL CHARLES W. HOOPER
BRIGADIER GENERAL PAUL J. LACAMERA
BRIGADIER GENERAL SEAN B. MACFARLAND
BRIGADIER GENERAL KEVIN W. MANGUM
BRIGADIER GENERAL ROGER F. MATTHEWS
BRIGADIER GENERAL AUSTIN S. MILLER
BRIGADIER GENERAL CAMILLE M. NICHOLS
BRIGADIER GENERAL JOHN R. O'CONNOR
BRIGADIER GENERAL GUSTAVE F. PERNA
BRIGADIER GENERAL WARREN E. PHIPPS, JR.
BRIGADIER GENERAL GREGG C. POTTER
BRIGADIER GENERAL NANCY LEE S. PRICE
BRIGADIER GENERAL JEFFREY A. SMITH
BRIGADIER GENERAL JEFFREY J. SNOW
BRIGADIER GENERAL KENNETH E. TOVO
BRIGADIER GENERAL STEPHEN J. TOWNSEND
BRIGADIER GENERAL THOMAS S. VANDAL
BRIGADIER GENERAL MARK W. YENTNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PETER M. YANGJEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GILL P. BECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE ARMY AND APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JANET L. COBB

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM B. CALDWELL IV

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. WILLIAM E. INGRAM, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. RAYMOND A. THOMAS III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE ARMY'S VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3084:

To be brigadier general

COL. JOHN L. POPPE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. MATTHEW L. NATHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) EARL L. GAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY M. GIARDINA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM D. FRENCH

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL W. AAMOLD AND ENDING WITH JEFFREY T. ZURICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JESSE ACEVEDO AND ENDING WITH JESSE B. ZYDALLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID S. CHOI AND ENDING WITH MUHANNAD KASSAWAT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 18, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH KRISTINE M. AUTORINO AND ENDING WITH JASON S. WRACHFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL J. APOL AND ENDING WITH DAWN M. K. ZOLDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

IN THE ARMY

ARMY NOMINATION OF KARI L. CRAWFORD, TO BE CAPTAIN.

ARMY NOMINATION OF KENT T. CRITCHLOW, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH CARLETON W. BIRCH AND ENDING WITH JERRY M. WOODBERY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 5, 2011.

ARMY NOMINATIONS BEGINNING WITH SCOTT D. STEWART AND ENDING WITH SUSUMU UCHIYAMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

ARMY NOMINATIONS BEGINNING WITH RALPH M. CRUM AND ENDING WITH JAMES E. LOWERY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

ARMY NOMINATION OF AMANDA E. HARRINGTON, TO BE MAJOR.

ARMY NOMINATION OF RAMON M. ANGELUCCI, TO BE MAJOR.

ARMY NOMINATION OF CHARLES S. MOORE, TO BE MAJOR.

ARMY NOMINATION OF STEVEN GANDIA, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ADAM R. LIEBERMAN AND ENDING WITH KENNETH J. ZENKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

ARMY NOMINATIONS BEGINNING WITH BRONSON B. WHITE AND ENDING WITH MICHAEL K. DONEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

ARMY NOMINATIONS BEGINNING WITH GARY R. ALLEN AND ENDING WITH ORAN L. ROBERTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2011.

ARMY NOMINATIONS BEGINNING WITH PATRICK A. BARNETT AND ENDING WITH JEFFREY P. VAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2011.

ARMY NOMINATION OF RUSSEL E. PERRY, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH SHERRY L. GRAHAM AND ENDING WITH NOREEN A. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH JONATHAN H. JAFFIN AND ENDING WITH CHARLES E. MCQUEEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH JOHN P. GERBER AND ENDING WITH GREGORY A. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH LLOYNETTA H. ARTIS AND ENDING WITH EDWARD E. YACKEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH MARK R. BAGGETT AND ENDING WITH JAMES E. TUTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH SUSAN K. ARNOLD AND ENDING WITH RANDOLPH SWANSIGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATION OF SERAFINA SAUIA, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH TERRY L. CLARK AND ENDING WITH DARRON T. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

ARMY NOMINATIONS BEGINNING WITH DAVID BUTLER AND ENDING WITH TIMOTHY W. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

ARMY NOMINATIONS BEGINNING WITH RANDALL D. ISOM AND ENDING WITH MICHAEL A. MITCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

ARMY NOMINATIONS BEGINNING WITH JOSEPH C. BARKER AND ENDING WITH JAMES W. RING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

IN THE NAVY

NAVY NOMINATION OF PAUL E. WARE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF STEPHEN A. TANKERSLEY, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF WILLIAM B. CARTER, TO BE CAPTAIN.

NAVY NOMINATION OF JUDITH A. CIESLA, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH BEN D. RAMALEY AND ENDING WITH BERNHARD ZUNKELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

NAVY NOMINATION OF DAVID S. FUCHS, JR., TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH DANIEL J. TRAUB AND ENDING WITH WILLIAM N. SOLOMON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2011.

NAVY NOMINATION OF MATTHEW J. POWERS, TO BE LIEUTENANT COMMANDER.

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 10, 2011 withdrawing from further Senate consideration the following nomination:

EDWARD CARROLL DUMONT, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE PAUL R. MICHEL, RETIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2011.

EXTENSIONS OF REMARKS

CONGRATULATING CARL BOYETT

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Mr. DENHAM. Mr. Speaker, I rise today to recognize and congratulate Carl Boyett, who was honored as Citizen of the Year by American Legion Post 74 during a Veterans Day ceremony in Modesto, California on November 11, 2011.

This special event is a celebration to honor local citizens and our Nation's veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good, and the residents of the local area can join hands in this common purpose of gratitude and remembrance.

A resident of Modesto, Carl Boyett won an appointment to the United States Coast Guard Academy in 1963, and obtained the unique experience of marching with the honors company at the late President John F. Kennedy's funeral service.

Mr. Boyett joined the United States Army in 1967, where he displayed the utmost bravery during his 12 months of duty in Vietnam. He served valiantly during the Tet Offensive, and he returned to civilian life in 1970 after advancing to the rank of E-5.

Earning a Master of Business Administration degree from Pepperdine University, Carl Boyett has provided masterful leadership and results-oriented vision as Chief Executive Officer of Boyett Petroleum since 1970 and as President of the Society of Independent Gasoline Marketers of America in Washington, D.C.

Renowned for his generosity of spirit and genuine capacity to share his time and talents with other, Carl Boyett has participated in numerous enterprises with evidence of lasting contributions to the community. He's board chairman for the Gallo Center for the Arts and is a trustee for the California State University Stanislaus Foundation. He's also been a past president of the Stanislaus County Credit Union Bureau Foundation, the Modesto Symphony Orchestra, the Stanislaus Presidents Club, the Credit Bureau of Stanislaus County, Modesto Sunrise Rotary and Modesto Jaycees.

Mr. Speaker, please join me in praising Carl Boyett for the significant contributions he has made to the people of the local community and for his honorable and faithful service to the United States of America and the State of California.

COMMENDING REPEAL OF ANTI-PUBLIC SECTOR EMPLOYEES LEGISLATION BY OHIO VOTERS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to applaud the voters of Ohio for standing up for working people in their state and across the country. On Tuesday, November 8, Ohio voters overwhelmingly rejected another Republican attempt to infringe on the rights of working people and sent a strong signal to the House Republican leadership to get serious about addressing the jobs crisis in America.

In a landslide victory for the rights of working people, Ohio voters overwhelmingly repealed S.B. 5, a measure passed by the Republican-controlled state legislature in March. S.B. 5 would have severely limited the ability of public employees to collectively bargain by, among other things, revoking their ability of to strike. Tuesday's vote is but the latest rejection of Republican efforts to protect the top one percent at the expense of the bottom 99 percent.

Ohio voters spoke loudly on behalf of everyday Americans across the country and strong opposition to Republican efforts to balance the budget on the backs of working people. Firefighters, police officers, teachers and other public employees did not cause the financial meltdown or the recession. They do, however, serve and enrich our communities every day by educating our kids, protecting our homes, our businesses and our people. Republican attempts to limit the collective bargaining rights of public employees—including their right to strike—represent how out of touch their agenda is with the American people.

Over the past year, the House Republican leadership has repeatedly attempted to roll back the hard won gains of working people. I have consistently opposed these efforts and will continue to do so. Working people, including public sector employees, are the backbone of society. They deserve a decent wage, access to quality healthcare and the peace of mind that they will have a stable pension benefit as they head into retirement.

In contrast, the American people are embracing President Obama's American Jobs Act, which is supported by wide margins. The American Jobs Act provides relief to state governments facing budgetary shortfalls. The President's plan, which I strongly support, would prevent layoffs and encourage hiring of teachers, firefighters, and police officers by investing \$35 billion into state and local governments. That is why it is imperative that house Republican leadership bring the President's jobs bill to the floor for a vote.

Mr. Speaker, the American people are tired of being unfairly punished for an economic re-

cession caused by he irresponsible and reckless conduct of some of those on Wall Street. I call upon the House Republican leadership to abandon efforts to protect Wall Street at all costs by punishing Main Street at every turn. It is time for the House leadership to compromise with Democrats and President Obama and adopt policies that will put people back to work and help our economy grow.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT—NICHOLAS KIRIAZES

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Nicholas Kiriazes for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Nicholas has proven his true and complete understanding of their meanings, and thereby he is truly deserving of this honor not only because of his dedication to the Boy Scouts of America, but also due to his commitment to the United States Marine Corps.

I offer my congratulations on a job well done and best wishes for the future.

RECOGNIZING BERNARD EPSTEIN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize and honor a constituent, Bernard Epstein, for a lifetime dedicated to serving his community and his country.

Bernie's service began when he attended Columbia University on a Navy Reserve Officers Training Corps scholarship; adding military training to his demanding workload as a Chemistry major. Each summer during his time at Columbia, Bernie participated in a summer cruise with the Navy as a midshipman, learning valuable military and leadership skills in preparation for active duty service.

Upon his graduation with a Bachelor of Sciences degree in Chemistry, Bernie was commissioned as a lieutenant in the United States Navy. He saw action in the Korean War with the Navy's 7th Fleet, whose units served in every major operation of that conflict.

After being honorably discharged from the Navy, Bernie continued his education at Columbia, eventually earning a Master's Degree

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in Engineering. Equipped with advanced skills and military experience, Bernie returned to service in the Defense Department as a civilian, developing ballistic missile programs with a special focus on inertial navigation. The early defense research and development programs Bernie participated in were the genesis of America's Space Program, and laid the foundation for manned space flight and countless scientific breakthroughs.

In 1996, after a long career with the Department of Defense, Bernie and his wife Naomi retired to East Hampton, where they have become deeply involved with the Jewish Center of the Hamptons. For over a decade, Bernie has volunteered as the Baal Koreh, or Master of Reading, the officiant who reads the Torah from scroll in the synagogue on the Sabbath.

Mr. Speaker, I honor Bernie Epstein for his invaluable and continuing contributions to our community. It is my great hope that he will serve as an inspiration for other through his good works and devotion to his country.

RECOGNIZING THE 150TH ANNIVERSARY OF THE KELLEY HOUSE MUSEUM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to commemorate the 150th anniversary of the Kelley House on the Mendocino Coast in Northern California. Located in the picturesque village of Mendocino, the Kelley House was originally a private home. Since 1972 the Kelley House has been a museum and quality research facility which collects, protects, preserves, and shares the rich history of the coastal community through its museum and quality research facility.

William Henry Kelley first came to Mendocino in 1852 to work for the California Lumber Manufacturing Company. After working his way up in rank, he returned to his birthplace of Prince Edward Island, Canada, married Eliza Lee Owen, and returned to Mendocino with his new bride in 1855. William built the Kelley House in 1861 on an acre of beautifully landscaped, ocean view property in downtown Mendocino. The gardens include a pond and two resident geese. William had the pond built and stocked so that the neighborhood children could fish.

Through its staffed research office, the museum has preserved over three thousand entries of maps, documents, books, photographs, oral histories, and artifacts representing more than 150 years of history along the Mendocino Coast.

Through the combined efforts of a dedicated board of directors and staff, volunteers, local sponsors and generous donations from community members, the Kelley House Museum continues to serve its community with annual events and accessible historic information.

Mr. Speaker and colleagues, it is my honor and pleasure to recognize the 150th anniversary of the Kelley House, a fixture of downtown Mendocino, for its invaluable service and historic importance to the community.

COMMENDING THE SERVICE OF MAJOR GENERAL H. LLOYD WILKERSON, USMC RET. TO THE UNITED STATES OF AMERICA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor Major General H. Lloyd Wilkerson, USMC ret. for a life dedicated to serving his country and helping others in Western North Carolina.

H. Lloyd Wilkerson was born in Troy, Tennessee, on October 31, 1919. After graduating from Erskine College in 1941 with degrees in mathematics and english, he was an inspector for Retail Credit Company in Columbia and Charleston, South Carolina.

At the outbreak of World War II, Wilkerson enlisted in the U.S. Marine Corps. He quickly advanced through the ranks, serving as Platoon Sergeant and then Second Lieutenant. He served in combat in World War II, Korea, and Vietnam. He became Chief of Staff of the Marine Corps Base in Camp Lejeune, North Carolina. In 1972, he was promoted to Brigadier General and became Commanding General of that Base. Subsequently, as a Major General, he served as Deputy Chief of Staff for Research, Development and Studies at the Headquarters of the U.S. Marine Corps in Washington, Commanding General of the Third Marine Division, and Commanding General of the III Marine Amphibious Force in the Far East. His final assignment, prior to his retirement on May 31, 1978, was as Director of Personnel Management Division/Assistant Deputy Chief of Staff for Manpower at Headquarters of the U.S. Marine Corps in Washington, D.C.

Since his retirement, Major General Wilkerson has been involved in countless volunteer and appointed positions in his church, alma mater, and community. He served as President of the North Carolina Scottish Rite Masonic Foundation, Inc. which annually provided more than \$200,000 to support clinics for childhood language disorders at East Carolina University, Appalachian State University, and the Scottish Rite Temple at Charlotte.

Wilkerson has gone above and beyond to serve our country through military service and countless volunteer programs. It is an honor to represent selfless, hardworking soldiers like Major General Wilkerson whose devotion to our country is a great source of pride to me and to Western North Carolina. I ask my colleagues to join me today in recognizing Major General H. Lloyd Wilkerson.

COMMENDING DEFEAT OF INITIATIVE 26 BY MISSISSIPPI VOTERS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Ms. RICHARDSON. Mr. Speaker, I rise to thank the voters of Mississippi who went to the polls on Tuesday, November 7, and deci-

sively rejected Initiative 26, the so-called "Personhood Amendment" to the state's constitution. By a margin of 41 to 58 percent, the voters of Mississippi turned back a thinly-veiled attempt to deprive women of their constitutionally protected freedom to make their own reproductive health decisions.

No matter what your position is in the pro-choice/pro-life debate, the reach of Initiative 26 was so broad and its provisions so extreme that thousands of the most sincere, thoughtful, and committed pro-life activists could not in good conscience support the measure.

Initiative 26, which was the brainchild of the anti-choice group Personhood USA, sought to redefine the legal definition of a "person" to include "every human being from the moment of fertilization, cloning or the functional equivalent thereof." If the measure had passed and gone into effect, it would have outlawed abortion in all circumstances, even when the life of the mother was in imminent danger. And it would have put an end to stem-cell research, banned several of the most common forms of birth control, and restricted fertility treatments such as in-vitro fertilization.

Since the Supreme Court issued its decision in *Roe v. Wade* in 1973, anti-choice activists have been relentless in their efforts to overturn that decision or find new ways to impede women from exercising their right to choose. "Personhood" initiatives are merely the latest scheme designed to turn back the clock on women's reproductive health rights. Proponents sought to road test their "personhood amendment" strategy in the very conservative and pro-life state of Mississippi before taking it national.

Mr. Speaker, Initiative 26 was worded so broadly that even its backers freely admitted that it would ban some of the most common methods of birth control like IUDs and the birth-control and "morning after" pill. But the reach of Initiative 26 goes further than shutting down clinics, much further. This personhood initiative takes it too far by effectively criminalizing abortion without exceptions for rape, incest or health and life of the mother.

Mr. Speaker, what was especially pernicious about Initiative 26 is that it would have outlawed the generally accepted medical practices used by health care professionals in situations where the life or health of the mother is imperiled. Saving a woman's life should be the first priority. If Initiative 26 were to become law, however, saving the life or preserving the health of the mother, by aborting the pregnancy if necessary, would be regarded as a criminal act.

It should be noted also, Mr. Speaker, that Initiative 26 is so far reaching that it would discourage the practice of in vitro fertilization, if not ban it altogether. Through the years, in vitro fertilization has enabled millions of childless couples to experience the miracle of become loving parents to wanted children. It makes no sense for persons who profess a preference for life and family values to champion a measure like Initiative 26 which would outlaw in vitro fertilization.

Symbolic "personhood" amendments cause unnecessary political rancor and division. They are distractions we can ill afford. We should instead be focusing our efforts on the real problem facing our nation and that is creating jobs and revitalizing our economy.

Mr. Speaker, I am proud to stand in opposition to dangerous and diversionary personhood initiatives like Initiative 26. I congratulate the citizens of Mississippi for resoundingly rejecting Initiative 26.

RECOGNIZING THE LIFE AND CONTRIBUTIONS OF BRIGADIER GENERAL CURTIS J. IRWIN

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Ms. BUERKLE. Mr. Speaker, I rise today to honor the life of Brigadier General Curtis J. Irwin, who, at the age of 88, passed away peacefully at his home in North Syracuse, New York on Wednesday, October 5th, 2011.

Brigadier General Irwin was born in Syracuse on November 4th, 1922, to the late Joseph A. and Violet M. Irwin. He was preceded in death by his wife, Natalie J. Irwin "Noble Nanny" and his sister, Marilyn J. Irwin Boison.

A combat veteran of WWII, he served as commander of the 174th Fighter Wing, (formally the 174th Fighter Group) New York Air National Guard at Hancock Field from January 1st, 1958 until March 13th, 1977. He retired from the New York Air National Guard on August 31st, 1978.

General Irwin's flying career spanned more than 35 years, beginning when he was still attending North Syracuse High School. Working weekends at the old Amboy Airport, he received compensation for his labor in flight instruction.

He began his military service in August of 1942 and entered pilot training the following March. After winning his wings and commissioning as a Second Lieutenant in the Army Air Corps in May of 1944, he served in the Pacific Theatre of Operations as a fighter pilot flying the P-47 Thunderbolt.

Campaigns in which he participated include the China Offensive, Western Pacific, and the Air Offensive of Japan and the Ryukyus Islands. He was decorated with the Air Medal, the Oak Leaf Cluster, and four battle stars for his wartime service.

Following World War II, General Irwin was an original member and assisted in the organization of the Air National Guard in Syracuse. While commander of the 174th Fighter Wing, General Irwin saw the unit undergo many aircraft conversions and unit changes. It was the first unit to operate jet aircraft in New York State and in 1951, was selected as one of the two units in the country to test a secret program of runway alert to augment the Air Force. The results were so successful that this program is to this day a vital part of the United States' air defense.

In 1960, the 174th was recognized by the National Guard Bureau as the most combat-ready F-86 unit in the country. During the Berlin Crisis in 1961, the 174th was activated and within 30 days, all personnel, planes, and equipment were deployed to Phalsbourg Air Base in France. This was the largest movement of jet fighter aircraft in Europe since World War II. General Irwin led his unit's planes and crews across the northern Atlantic

route via Labrador, Greenland, Iceland, Scotland, and on to the mainland of Europe. Despite many dramatic moments, all arrived safely on the continent. The unit was again called up during the Pueblo Crisis and was deployed to Cannon Air Force Base in New Mexico.

In addition to his military service, General Irwin was instrumental in linking the 174th Fighter Wing with the local community. He organized a program of community education for planning and zoning actions compatible with aviation growth.

Honors bestowed upon General Irwin are many. General Irwin was awarded the Governor's Trophy in 1960, 1973, and 1976. In addition, he received the first Department of Defense Award for Domestic Action in 1971. Thompson Road through Hancock Air Base now bears his name and is called the "General Curtis Irwin Parkway". In our local community, General Irwin was named to the North Syracuse School District Wall of Distinction in 1990.

Surviving General Irwin are his children, Laurinda "Laurie" A. Irwin of Cottage Grove, Minnesota; Sheila M. (Lester) Austin of Lafayette, New York; Lisette "Lisa" Damon of North Syracuse; several nieces and nephews; his longtime companion Betty Tryon of Liverpool; and his 174th Fighter Wing Family.

On behalf of the people of the 25th District of New York and a grateful Nation, I thank General Irwin for his service.

TRIBUTE TO MS. ANNA MARIA CHÁVEZ

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Mr. GONZALEZ. Mr. Speaker, I rise today to recognize Anna Maria Chávez and to congratulate her on her appointment as the 19th Chief Executive of Girl Scouts of the USA. Ms. Chávez officially assumes her new role at the Girl Scouts National Council Session/52nd Convention being held this week in Houston, Texas.

I am particularly proud that Ms. Chávez joins GSUSA following an incredibly successful term as Chief Executive of Girl Scouts of Southwest Texas in my home district in San Antonio, Texas. During her tenure, Ms. Chávez oversaw a 20 percent increase in membership in just two years. Quickly recognized for her leadership, Ms. Chávez received the inaugural ATHENA Organizational Leadership Award in 2010 and was inducted into the San Antonio Women's Hall of Fame in March 2011.

As the chair of the Congressional Hispanic Caucus, I also take great pride in the fact that Ms. Chávez is the first Latina woman to be named the head of Girl Scouts. Her story began in the small town of Eloy, Arizona, where she was raised in a Mexican-American family.

Ms. Chávez holds a law degree from the University of Arizona College of Law and a bachelor's degree in American history from Yale University. Bar admissions include the

U.S. District Court for the District of Arizona, Arizona Supreme Court, and U.S. Supreme Court. Her professional accomplishments are many. Prior to coming to Girl Scouts, she served as deputy chief of staff for urban relations and community development for former Arizona Governor and current U.S. Secretary of Homeland Security, Janet Napolitano. Prior to being appointed as deputy chief of staff, Ms. Chávez served as then Governor Napolitano's director of intergovernmental affairs from 2003 to 2007. She also served as in-house counsel and assistant director for the Division of Aging & Community Services (DACS) at the Arizona Department of Economic Security. Ms. Chávez entered state government after serving as senior policy advisor to U.S. Secretary of Transportation Rodney E. Slater. Previously, she had been chief of staff to the deputy administrator at the U.S. Small Business Administration (SBA) in Washington, D.C. Ms. Chávez also served as chief of staff for SBA's Office of Government Contracting and Minority Enterprise Development.

As she takes the helm at Girl Scouts of the USA, Ms. Chávez will shepherd a dramatic period of change for the organization. This week, Girl Scouts will kick off its 100th Anniversary celebration, designating 2012 as the Year of the Girl. In the coming years, Girl Scouts has plans to promote its award winning Girl Scout Leadership Program, including the exciting new badge book, The Girl's Guide to Girl Scouting. Girl Scouts is also preparing to launch an ambitious new fundraising effort tied to these activities, and to elevate public awareness about girls' unique needs.

As relevant today as it was when it was founded 100 years ago, this organization delivers the best leadership experience for a new generation of girls whose lives—and the opportunities they face—are ever changing. I am confident that Anna Maria Chávez will continue this strong legacy of leadership and service, and look forward to working with her for many years to come.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT—STEPHEN MICHAEL TIMMES

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Stephen Michael Timmes for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Stephen has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

CONGRATULATING THORSEN'S
PLUMBING & AIR CONDITIONING
ON THEIR 100TH ANNIVERSARY

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Mr. DENHAM. Mr. Speaker, I rise today to recognize and congratulate Thorsen's Plumbing & Air Conditioning Inc. on their 100th Anniversary. This dedicated business continues to bring economic vitality to the region.

On November 11, 1911, Andy Thorsen Sr. started his plumbing business as a one man shop in a shed attached to his first home on 567 High Street in Turlock, California. November 17, 1911, he obtained a city license in the name of "Thorsen's Plumbing" and began working out of his house at 567 High Street. Andy would ride his bicycle to jobs, carrying 200 pound bundles of 20 foot pipe on his shoulder. In 1916, Andy relocated to 214 Lander Avenue with the sign "Andy Thorsen, The Plumber". Andy was the first business person in Turlock to use a horseless carriage for his business, a Model T Ford with special tires for the rough and muddy roads.

In the early days, his work mainly consisted of simple plumbing with water storage tanks and wind driven pumps. Between 1918–1927, business continued to grow as the demand for modern indoor plumbing increased. In 1933, Andy Thorsen the Plumber moved to 134 Lander Avenue to a larger facility.

As post war construction boomed across the nation, Thorsen's grew with the continued increase in new homes and business construction. Eventually, Andy expanded his business to include plumbing, heating, sheet metal, storage tanks, pumps, motors, windmills, hardware and paint.

During the 1950's, air conditioning became popular in the central valley providing comfort and quality to homes. Thorsen's responded by expanding their services to include central air conditioning and heating.

Thorsen's saw its greatest expansion during the 1960's and 1970's. Andy Thorsen's two sons, Rodney and Andy Jr., were both involved as partners in the business until 1965 when Rodney took over as president became sole owner of "Thorsen's Plumbing & Air Conditioning Inc." The name change reflected the growing importance of air conditioning.

In 1977, Rodney Thorsen completed the purchase of 20 acres of land and built a 19,500 sq. ft. building on North Walnut, employing 80–100 people and expanded to include commercial, residential and service for plumbing and HVAC throughout the Merced and Stanislaus counties. Rodney managed the company for the next 20 years and in 1984, his youngest son Norman graduated from college and returned to Turlock to take over the reins of the company. In 1988, Norman was involved in a serious automobile accident which forced Rodney to take over managing the company again.

Over the next 14 years, Norman was able to help Rodney manage the company on a limited basis. Through the skill and devotion of

key long-term employees in the office and the field, Thorsen's Inc. was able to remain competitive.

In 2002, Craig Pitau was asked to join Thorsen's as the General Manager and was given the opportunity to purchase ownership in the company. Craig worked with Norman managing Thorsen's until Norman's untimely passing in 2004. In 2005, Rodney also passed away. Today, the company is owned by Carl Thorsen, Don Thorsen, Judy Thorsen Enchelmayer and Craig Pitau.

Mr. Speaker, please join me in praising Thorsen's Plumbing & Air Conditioning Inc. for their 100 years of operation.

COMMEMORATING NATIONAL
FAMILY CAREGIVERS MONTH

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 10, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to honor the 65 million Americans who spend on average 20 hours per week selflessly caring for family members or friends who, through age, disability, or illness, have lost the ability to care for themselves.

For most of us, the act of caring for those in need is a basic aspect of what it means to be human. Compassion, either through charitable giving or community service, is inseparable from American ideals of human rights for every member of our society. Whenever we treat those around us as we want to be treated, we contribute to a culture of responsibility and respect for life that leads us to do great things in the name of humanity.

Last week, President Barack Obama proclaimed November 2011 as National Family Caregivers Month. Anyone who spends time caring for a loved one in need is considered a family caregiver. Let us use this occasion to honor these everyday heroes and raise awareness of the profound contributions they make to society.

Family caregivers save taxpayers hundreds of billions of dollars each year through their efforts.

According to studies compiled by the National Family Caregivers Association, the value of the unpaid services provided each year is estimated to be \$375 billion, which is almost twice as much as the \$158 billion spent in 2009 on homecare and nursing home services combined.

In my home state of California alone there were 3,419,481 family caregivers in 2004 providing over \$36 billion worth of care. Though they are mostly untrained, family caregivers now provide about 80% of all long-term care in the United States.

Imagine if taxpayers had to foot the full bill. Now, more than ever, family caregivers are essential to providing the best services and deserve the support of government and the medical community.

As you know, Mr. Speaker, the US Census projects a massive growth in the number of Americans 65 and older as the baby-boomer

generation ages. Populations in this age bracket will double in 23 states by 2030.

As medical progress means longer lives, families struggle to provide long-term family care than they did in past decades. Families are smaller and more spread out, and many family caregivers must juggle work and raising children in addition to their caregiving responsibilities. Family caregivers may need to operate complex medical equipment or practice delicate procedures without any formal training.

The "graying of America" will have a tremendous impact on families providing care for their older members.

Many public health officials are concerned that we may not be ready to assume the roles of family caregivers. Studies suggest that many Americans have not spent much time thinking about or preparing for long-term care. People who have no experience as a family caregiver may have extreme difficulty in approaching such a responsibility.

Mr. Speaker, the fact is that most of us will find ourselves in a similar situation, either giving or requiring long term care at various points in our lives.

Family caregivers often put themselves second as they balance competing commitments to their jobs, families, and communities. Tragically, more than 1 in 10 family caregivers report that their physical health has deteriorated as a result of extreme stress.

Family caregivers experiencing extreme stress have been shown to age prematurely. This level of stress can take as much as 10 years off a family caregiver's life.

Mr. Speaker, 40 to 70 percent of family caregivers have clinically significant symptoms of depression with approximately a quarter to half of these caregivers meet the diagnostic criteria for major depression.

We must also remember that many disabled veterans are supported by family caregivers. Having given so much for their country, I believe that they and their family members should not have to struggle to live out a full, dignified life.

Therefore, we should do everything possible to support family caregivers and lighten their burdens.

It begins with encouraging people to take adequate steps to prepare for their future care. This means setting aside funds to cover unforeseen medical expenses, signing a living will, and making preparations with family and friends. Health professionals must be sensitive to the needs of family caregivers and enlist them in formulating a patient's long-term care plan.

We also need to make sure that family caregivers have access to information and resources that can help them meet their responsibilities with minimal strain and unnecessary cost.

Finally, we must ensure that the concerns of family caregivers are reflected in all major healthcare legislation.

We are all family caregivers, Mr. Speaker. I urge my colleagues to work together to support human dignity and the American family.

SENATE—Monday, November 14, 2011

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Holy God, the source of our strength, we need You this day and always. Continue to sustain our lawmakers, fulfilling Your promise to supply their needs.

Lord, we confess that we don't have all the answers, for our judgment is sometimes inadequate for the challenges we face. We need You, therefore, to guide our Senators to know what is right and do it, to discern Your best for America and to act promptly.

Lord, we know You are willing to help those who confess their dependence on You, leading them toward workable solutions and creative compromise.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will be in a period of morning business until 3

p.m. today. During that period of time, Senators will be allowed to speak therein for up to 10 minutes each. Following morning business, the Senate will adopt the motion to proceed to the consideration of H.R. 2354. There will be no rollcall votes today. The next rollcall votes will be Tuesday morning in relation to two U.S. district judges.

SPIRIT OF COOPERATION

Mr. REID. Mr. President, last week something wonderful and unusual happened here in the Senate: We passed a worthy piece of legislation with a nearly unanimous vote. On the eve of Veterans Day, we honored this Nation's service men and women by passing bipartisan legislation to spur hiring of this country's nearly 900,000 out-of-work veterans. Two hundred fifty thousand of these unemployed veterans became members of the Armed Services because of the global fight on terror basically in the last 10 years. I trust our action last week meant as much, or more, than our words of thanks and praise for these dedicated men and women who serve us so well. But the Senate has much more work to do this work period, this week and into next week, if necessary. I hope that same spirit of cooperation will hold during this next few days. The Senate has much more work to be done, as I have indicated, because we have work that is essential to the functioning of our government.

As we continue to focus on the efforts to create jobs and get our economy moving again, we must also pass appropriations bills, which is part of our yearly responsibility. This week, we will consider an appropriations package that includes Energy and Water, Financial Services, and State and Foreign Operations. We need cooperation to move this important piece of legislation. The legislative tree will not be filled, but we need to agree on the way forward. We need to have some responsible way to move forward on these amendments. We are not going to have another situation such as we had a few weeks ago, where we worked until early in the morning—not that the long hours hurt, but we had hundreds of amendments and we had no way of moving through those without having a lot of votes, some of which were totally unnecessary.

We have the continuing resolution we must do before the end of this work period. Although I know there will be some strident debate over amendments to both the appropriations bill and the Defense authorization bill we have to

do, we have to work together if we are going to move forward on the Nation's business.

Last month, the Senate passed a bipartisan minibus that included Agriculture, Commerce-State-Justice, Transportation, and Housing and Urban Development. Those appropriations bills were essential, and we were able to complete that. That experience proved that, with cooperation, the Senate can work through the normal appropriations process, but it does take cooperation.

The Senate will consider the conference report on that minibus this week. That conference report will include another short-term continuing resolution that will take us through December 16, which will give Congress the time it needs to complete important work—passing appropriations bills.

This week we will also confirm a number of judges who are crucial to help ease the backlog in our Nation's jam-packed courts. We have the supercommittee which is functioning. All 12 members are trying to come up with some reasonable way forward to do something about the debt.

So we have the supercommittee, we have the Defense authorization bill, we have the appropriations bill, we have a conference report, and we have the deadline that is facing us. We have to get all this work done by this weekend. If not, then we get it done before Thanksgiving, which is a week from Thursday. So as you can see, the Senate has a substantial amount of work to complete in the 10 days before Thanksgiving. I want to be clear that we are going to work up until the last moment before the holiday, if that is what it takes, to get these important tasks done. With cooperation, we can get it all done this week. But we have a lot to do, and I understand that, but I do hope we can work together to complete this country's necessary work.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10

minutes each, with the time equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I failed to note that Senators FEINSTEIN and ALEXANDER, the managers of this appropriations bill we have, are going to be here on the floor this afternoon to give their opening statements. So if Senators have amendments, they should talk to the two managers of the bill. I think that works much better than firing up amendments and hoping some of them stick.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2354, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$125,000,000, to remain available until expended.

CONSTRUCTION, GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,610,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Lock and Dam 27, Mississippi River, Illinois; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$250,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,360,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act

of 1965 (16 U.S.C. 4601-6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by the Corps at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$193,000,000, to remain available until September 30, 2013.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$27,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$185,000,000, to remain available until September 30, 2013, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until September 30, 2013.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project, or activity;*
- (2) eliminates a program, project, or activity;*

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) GENERAL INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: Provided, That for a base level less than \$100,000, the reprogramming limit is \$25,000: Provided further, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION, GENERAL.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: Provided, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: Provided further, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount a limit of \$5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: Provided further, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than \$50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99-662), as amended, is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to the "Construction" account up to \$100,000,000 of the funds provided for reinforcing or replacing flood walls under the "Flood Control and Coastal Emergencies" heading in Public Law 109-234 (120 Stat. 455) and Public Law 110-252 (122 Stat. 2350) and up to \$75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the "Flood Control and Coastal Emergencies" heading in Public Law 110-28 (121 Stat. 153) to be used with funds provided for the West Bank and Vicinity project under the "Construction" heading in Public Law 110-252 (122 Stat. 2349) and Public Law 110-329 (122 Stat. 3589), consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 107. The Secretary of the Army may authorize a member of the Armed Forces under the Secretary's jurisdiction and employees of the Department of the Army to serve without compensation as director, officer, or otherwise in the management of the organization established to support and maintain the participation of the United States in the permanent international commission of the congresses of navigation, or any successor entity.

SEC. 108. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. This real property to be acquired consists of 18.5 acres more or less, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire. The real property is generally bounded to the east by state route 10-Lyme Road, to the north by the vacant property of the Trustees of the Dartmouth College, to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College,

and to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary of the Army.

(b) REVOLVING FUND.—The Secretary is authorized to use the Revolving Fund (33 U.S.C. 576) through the Plant Replacement and Improvement Program to acquire the real property and associated real property interests in subsection (a). The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefiting appropriations.

(c) RIGHT OF FIRST REFUSAL.—The Secretary may provide the Seller of any real property and associated property interests identified in subsection (a)—

(1) a right of first refusal to acquire such property, or any portion thereof, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(2) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(3) the purchase of any property by the Seller exercising either right of first refusal authorized in this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Sellers successors or assigns.

(d) DISPOSAL.—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 109. The Secretary of the Army may transfer, and the Fish and Wildlife Service may accept and expend, up to \$3,800,000 of funds provided in this title under the heading "Operation and Maintenance", to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engineers missions and no restrictions shall be placed on the use or maintenance of any dredge in the Federal Fleet.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain the Federal dredging fleet to technologically modern and efficient standards.

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers is directed to utilize funds from the revolving fund to expeditiously undertake necessary health and safety improvements, including lead and asbestos abatement, to the dredge "McFarland": Provided, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 113. With respect to the property covered by the deed described in Auditor's instrument No. 2006-014428 of Benton County, Washington, approximately 1.5 acres, the following deed restrictions are hereby extinguished and of no further force and effect:

(1) The reversionary interest and use restrictions related to port and industrial purposes;

(2) The right for the District Engineer to review all pre-construction plans and/or specifications pertaining to construction and/or maintenance of any structure intended for human habitation, other building structure, parking lots, or roads, if the elevation of the property is above the standard project flood elevation; and

(3) The right of the District Engineer to object to, and thereby prevent, in his/her discretion, such activity.

SEC. 114. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Harbors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin; beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a Consolidated Infrastructure Research Equipment Facility, an Environmental Processes and Risk Lab, a Hydraulic Research Facility, an Engineer Research and Development Center headquarters building, a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road, and infrastructure improvements to the Engineer Research and Development Center's installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 116. Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114 Stat. 2609) is amended by striking subsection (b) and inserting the following:

“(b) DISPOSITION OF ACQUIRED LAND.—The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest.”.

SEC. 117. The New London Disposal Site and the Cornfield Shoals Disposal Site in Long Island Sound selected by the Department of the Army as alternative dredged material disposal sites under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, shall remain open until completion of a Supplemental Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site in eastern Long Island Sound under section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

SEC. 118. (a) That portion of the project for navigation, Newport Harbor, Rhode Island adopted by the Rivers and Harbors Acts of March 2, 1907 (34 Stat. 1075); June 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845); and, modified by the Consolidated Appropriations Act, 2000, Public Law 106–113, appendix E, title II, section 221 (113 Stat. 1501A–298); consisting of a 13-foot anchorage, an 18-foot anchorage, a 21-foot channel, and 18-foot channels described by the following shall no longer be authorized after the date of enactment of this Act: the 21-Foot Entrance Channel, beginning at a point (1) with coordinates 374986.03, 150611.01; thence running south 46 degrees 54 minutes 30.7 seconds east 900.01 feet to a point (2) with coordinates 375643.27, 149996.16; thence running south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point (3) with coordinates 375977.47, 147643.00; thence running south 4 degrees 28 minutes 20.4 seconds west 738.56 feet to a point (4) with coordinates 375919.88, 146906.60; thence running south 6 degrees 2 minutes 42.4 seconds east 1,144.00 feet to a point (5) with coordinates 376040.35, 145768.96; thence running south 34 degrees 5 minutes 51.7 seconds west 707.11 feet to a point (6) with coordinates 375643.94, 145183.41; thence running south 73 degrees 11 minutes 42.9 seconds west 1,300.00 feet to the end point (7) with coordinates 374399.46, 144807.57; Returning

at a point with coordinates (8) with coordinates 374500.64, 144472.51; thence running north 73 degrees 11 minutes 42.9 seconds east 1,582.85 feet to a point (9) with coordinates 376015.90, 144930.13; thence running north 34 degrees 5 minutes 51.7 seconds east 615.54 feet to a point (10) with coordinates 376360.97, 145439.85; thence running north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet to a point (11) with coordinates 376275.96, 147674.45; thence running north 8 degrees 4 minutes 55.6 seconds west 2,652.83 feet to a point (12) with coordinates 375902.99, 150300.93; thence running north 46 degrees 54 minutes 30.7 seconds west 881.47 feet to an end point (13) with coordinates 375259.29, 150903.12; and the 18-Foot South Goat Island Channel beginning at a point (14) with coordinates 375509.09, 149444.83; thence running south 25 degrees 44 minutes 0.5 second east 430.71 feet to a point (15) with coordinates 375696.10, 149056.84; thence running south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet to a point (16) with coordinates 375969.61, 147540.41; thence running south 4 degrees 29 minutes 11.3 seconds west 1,662.92 feet to a point (17) with coordinates 375839.53, 145882.59; thence running south 34 degrees 5 minutes 51.7 seconds west 547.37 feet to a point (18) with coordinates 375532.67, 145429.32; thence running south 86 degrees 47 minutes 37.7 seconds west 600.01 feet to an end point (19) with coordinates 374933.60, 145395.76; and the 18-Foot Entrance Channel beginning at a point (20) with coordinates 374567.14, 144252.33; thence running north 73 degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point (21) with coordinates 376385.26, 144801.42; thence running north 2 degrees 10 minutes 41.5 seconds west 638.89 feet to an end point (10) with coordinates 376360.97, 145439.85; and the 18-Foot South Anchorage beginning at a point (22) with coordinates 376286.81, 147389.37; thence running north 78 degrees 56 minutes 15.6 seconds east 404.86 feet to a point (23) with coordinates 376684.14, 147467.05; thence running north 78 degrees 56 minutes 15.6 seconds east 1,444.33 feet to a point (24) with coordinates 378101.63, 147744.18; thence running south 5 degrees 18 minutes 43.8 seconds west 1,228.20 feet to a point (25) with coordinates 377987.92, 146521.26; thence running south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to a point (26) with coordinates 378026.56, 145944.71; thence running south 44 degrees 32 minutes 14.7 seconds west 2,314.09 feet to a point (27) with coordinates 376403.52, 144295.24 thence running south 60 degrees 5 minutes 58.2 seconds west 255.02 feet to an end point (28) with coordinates 376182.45, 144168.12; and the 13-Foot Anchorage beginning at a point (29) with coordinates 376363.39, 143666.99; thence running north 63 degrees 34 minutes 19.3 seconds east 1,962.37 feet to a point (30) with coordinates 378120.68, 144540.38; thence running north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet to an end point (26) with coordinates 378026.56, 145944.71; and the 18-Foot East Channel beginning at a point (23) with coordinates 376684.14, 147467.05; thence running north 2 degrees 10 minutes 43.3 seconds west 262.95 feet to a point (31) with coordinates 376674.14, 147729.81; thence running north 9 degrees 42 minutes 20.3 seconds west 301.35 feet to a point (32) with coordinates 376623.34, 148026.85; thence running south 80 degrees 17 minutes 42.4 seconds west 313.6 feet to a point (33) with coordinates 376314.23, 147973.99; thence running north 7 degrees 47 minutes 21.9 seconds west 776.24 feet to an end point (34) with coordinates 376209.02, 148743.06; and the 18-Foot North Anchorage beginning at a point (35) with coordinates 376123.98, 148744.69; thence running south 88 degrees 54 minutes 16.2 seconds east 377.90 feet to a point (36) with coordinates 376501.82, 148737.47; thence running north 9 degrees 42 minutes 19.0 seconds west 500.01 feet to a point

(37) with coordinates 376417.52, 149230.32; thence running north 6 degrees 9 minutes 53.2 seconds west 1,300.01 feet to an end point (38) with coordinates 376277.92, 150522.81.

(b) The area described by the following shall be redesignated as an eighteen-foot channel and turning basin: Beginning at a point (1) with coordinates N144759.41, E374413.16; thence running north 73 degrees 11 minutes 42.9 seconds east 1,252.88 feet to a point (2) with coordinates N145121.63, E375612.53; thence running north 26 degrees 29 minutes 48.1 seconds east 778.89 feet to a point (3) with coordinates N145818.71, E375960.04; thence running north 0 degrees 3 minutes 38.1 seconds west 1,200.24 feet to a point (4) with coordinates N147018.94, E375958.77; thence running north 2 degrees 22 minutes 45.2 seconds east 854.35 feet to a point (5) with coordinates N147872.56, E375994.23; thence running north 7 degrees 47 minutes 21.9 seconds west 753.83 feet to a point (6) with coordinates N148619.44, E375892.06; thence running north 88 degrees 46 minutes 16.7 seconds east 281.85 feet to a point (7) with coordinates N148625.48, E376173.85; thence running south 7 degrees 47 minutes 21.9 seconds east 716.4 feet to a point (8) with coordinates N147915.69, E376270.94; thence running north 80 degrees 17 minutes 42.3 seconds east 315.3 feet to a point (9) with coordinates N147968.85, E.76581.73; thence running south 9 degrees 42 minutes 20.3 seconds east 248.07 feet to a point (10) with coordinates N147724.33, E376623.55; thence running south 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point (11) with coordinates N147406.47, E376635.64; thence running north 78 degrees 56 minutes 15.6 seconds east 571.11 feet to a point (12) with coordinates N147516.06, E377196.15; thence running south 88 degrees 57 minutes 2.3 seconds east 755.09 feet to a point (13) with coordinates N147502.23, E377951.11; thence running south 1 degree 2 minutes 57.7 seconds west 100.00 feet to a point (14) with coordinates N147402.25, E377949.28; thence running north 88 degrees 57 minutes 2.3 seconds west 744.48 feet to a point (15) with coordinates N147415.88, E377204.92; thence running south 78 degrees 56 minutes 15.6 seconds west 931.17 feet to a point (16) with coordinates N147237.21, E376291.06; thence running south 39 degrees 26 minutes 18.7 seconds west 208.34 feet to a point (17) with coordinates N147076.31, E376158.71; thence running south 0 degrees 3 minutes 38.1 seconds east 1,528.26 feet to a point (18) with coordinates N145548.05, E376160.32; thence running south 26 degrees 29 minutes 48.1 seconds west 686.83 feet to a point (19) with coordinates N144933.37, E375853.90; thence running south 73 degrees 11 minutes 42.9 seconds west 1,429.51 feet to end at a point (20) with coordinates N144520.08, E374485.44.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$28,991,000, to remain available until expended, of which \$2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, and of which \$1,550,000 for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior. For fiscal year 2012, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

WATER AND RELATED RESOURCES (INCLUDING TRANSFERS OF FUNDS)

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

For management, development, and restoration of water and related natural resources and

for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$885,670,000, to remain available until expended, of which \$10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$39,651,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2013, \$60,000,000, to be derived from the Reclamation

Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joa-

quin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 529(b)(3) of Public Law 106-541, as amended by section 115 of Public Law 109-103, is further amended by striking “\$20,000,000” and inserting “\$30,000,000” in lieu thereof.

SEC. 204. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended—

(1) in subsection (a), in the first sentence, by striking “2011” and inserting “2016”; and

(2) in subsection (b), by striking “\$25,000,000 for fiscal years 1997 through 2011” and inserting “\$3,000,000 for each of fiscal years 2012 through 2016”.

SEC. 205. (a) PERMITTED USES.—Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in the matter preceding paragraph (1), by striking “In any case in which there are willing sellers” and inserting “For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants”;

(2) in paragraph (2), by striking “in the Walker River” and all that follows through “119 Stat. 2268”; and

(3) in paragraph (3), by striking “in the Walker River Basin”.

(b) WALKER BASIN RESTORATION PROGRAM.—Section 208(b) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85; 123 Stat. 2858) is amended—

(1) in paragraph (1)(B)(iv), by striking “exercise water rights” and inserting “manage land, water appurtenant to the land, and related interests”; and

(2) in paragraph (2)(A), by striking “The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation” and inserting “Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided”.

SEC. 206. The Federal policy for addressing California's water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the co-equal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. The Secretary of the Interior, the Secretary of Commerce, the Army Corps of Engineers and the Environmental Protection Agency Administrator shall jointly coordinate the efforts of the relevant agencies and work with the State of California and other stakeholders to complete and issue the Bay Delta Conservation Plan Final Environmental Impact Statement no later than February 15, 2013. Nothing herein modifies existing requirements of Federal law.

SEC. 207. The Secretary of the Interior may participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation

may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: Provided, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project: Provided further, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user's then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: Provided further, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary's existing authority to use groundwater banking to meet existing fish and wildlife obligations.

SEC. 208. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.

SEC. 209. Section 10009(c)(2) of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1356) is amended by striking "October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation." and inserting "October 1, 2014, all funds in the Fund shall be available for expenditure on an annual basis in an amount not to exceed \$40,000,000 without further appropriation." in lieu thereof.

TITLE III DEPARTMENT OF ENERGY ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,795,641,000, to remain available until expended: Provided, That \$165,000,000 shall be available until September 30, 2013 for program direction: Provided further, That of the amount appropriated, the Secretary may use not more than \$170,000,000 for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.): Provided further, That within 12 months of the date of enactment, the Secretary shall initiate separate rulemakings to establish efficiency standards for televisions and set top television boxes.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$141,010,000, to remain available until expended: Provided, That \$27,010,000 shall be available until September 30, 2013 for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, \$583,834,000, to remain available until expended: Provided, That \$86,279,000 shall be available until September 30, 2013 for program direction: Provided further, That, notwithstanding any other provision of law, the Department shall develop a strategy within 3 months of the publication of the final report of the Blue Ribbon Commission on America's Nuclear Future to manage spent nuclear fuel and other nuclear waste at consolidated storage facilities and permanent repositories that can be implemented as expeditiously as possible.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT (INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defensible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$445,471,000, to remain available until expended: Provided, That

\$151,729,000 shall be available until September 30, 2013 for program direction: Provided further, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: Provided further, That of prior-year balances, \$187,000,000 are hereby rescinded: Provided further, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111-5 or designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$14,909,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$192,704,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241, 6247), the Secretary of Energy shall sell \$500,000,000 in petroleum products from the Reserve not later than March 1, 2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury: Provided, That paragraphs (a)(1) and (2) of section 160 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6240(a)(1) and (2)) are hereby repealed: Provided further, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

NORTHEAST HOME HEATING OIL RESERVE (INCLUDING RESCISSION)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$10,119,000, to remain available until expended: Provided, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6250a) are hereby rescinded.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$105,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$219,121,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other

activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$429,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 49 passenger motor vehicles for replacement only, including one ambulance and one bus, \$4,842,665,000, to remain available until expended: Provided, That \$180,786,000 shall be available until September 30, 2013 for program direction.

ADVANCED RESEARCH PROJECTS AGENCY— ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110-69), as amended, \$250,000,000, to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005, \$200,000,000 is appropriated to remain available until expended: Provided, That the amounts in this section are in addition to those provided in any other Act: Provided further, That, notwithstanding section 1703(a)(2) of the Energy Policy Act of 2005, funds appropriated for the cost of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: Provided further, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, \$38,000,000 is appropriated, to remain available until expended: Provided further, That \$38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than \$0: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: Provided further, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: Provided further, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees for nuclear power or fossil energy facilities: Provided further, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the

project or to obtain goods or services from the project: Provided further, That the previous provision shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitment to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii) deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: Provided further, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$6,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$237,623,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total \$111,883,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$125,740,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$41,774,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or

any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; \$7,190,000,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION (INCLUDING RESCISSION)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,404,300,000, to remain available until expended: Provided, That of the unobligated balances available under this heading, \$21,000,000 are hereby rescinded.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,100,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$404,000,000, to remain available until September 30, 2013.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulances and one fire truck for replacement only, \$5,002,308,000, to remain available until expended: Provided, That \$321,628,000 shall be available until September 30, 2013 for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, \$819,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATION BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition,

for official reception and representation expenses in an amount not to exceed \$7,000. During fiscal year 2012, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN
POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$8,428,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$8,428,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$100,162,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN
POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$45,010,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$33,118,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$11,892,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION
AND MAINTENANCE, WESTERN AREA POWER
ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$285,900,000, to remain available until expended, of which \$278,856,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$189,932,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$95,968,000, of which \$88,924,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, not more than \$3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to \$306,541,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND
MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$4,169,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$3,949,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$220,000: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provi-

sions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$304,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed \$304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$0: Provided further, That not later than 180 days after the date of enactment of this Act, the Commission shall issue such regulations as are necessary to clarify that a State may establish rates for the wholesale sale of electric energy in interstate commerce pursuant to the Public Utility Regulatory Policies Act of 1978 such that those rates shall not unduly discriminate against the qualifying cogeneration facility or qualifying small power production facility selling the electric energy or exceed the costs to produce and deliver the electric energy, as determined for the specific technology at issue.

GENERAL PROVISIONS—DEPARTMENT OF
ENERGY

SEC. 301. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to:

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 304. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is submitted

and at least the four succeeding fiscal years. A future-years energy program shall be included in the fiscal year 2014 budget submission to Congress and every fiscal year thereafter.

(b) **ELEMENTS.**—Each future-years energy program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Secretary of Energy during the 5-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the administration's policies and out year budget projections and reviewed by DOE's senior leadership to ensure that the future-years energy program is consistent and congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements for each DOE national laboratory during the 5-fiscal year period.

(c) **CONSISTENCY IN BUDGETING.**—

(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

SEC. 305. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **SPECIFIC APPROPRIATION OR CONTRIBUTION.**—

“(1) **IN GENERAL.**—No guarantee shall be made unless—

“(A) an appropriation for the cost of the guarantee has been made;

“(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

“(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.”.

SEC. 306. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than \$10,000,000 are considered for purposes of section 4703 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107–314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 307. In section 839b(h)(10)(B) of title 16, United States Code, strike “\$1,000,000” and insert “\$5,000,000.”

(RESCISSION)

SEC. 308. None of the funds in this Act or any other Act shall be used to deposit funds in ex-

cess of \$25,000,000 from any Federal royalties, rents, and bonuses derived from Federal onshore and off-shore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

(RESCISSION)

SEC. 309. Of the amounts appropriated in this title, \$73,700,000 are hereby rescinded, to reflect savings from the contractor pay freeze instituted by the Department. The Department shall allocate the rescission among the appropriations made in this title.

SEC. 310. Recipients of grants awarded by the Department in excess of \$1,000,000 shall certify that they will, by the end of the fiscal year, upgrade the efficiency of their facilities by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

SEC. 311. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321–335), as amended, that the sale or transfer of uranium will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form for the purpose of accelerating cleanup at a Federal site, the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided;

(2) an estimate by the Secretary of the gross market value of the uranium on the expected date of the transfer, sale, barter, distribution, or other provision of the uranium;

(3) the expected date of transfer, sale, barter, distribution, or other provision of the uranium;

(4) the recipient of the uranium; and

(5) the value of the services the Secretary expects to receive in exchange for the uranium, including any reductions to the gross value of the uranium by the recipient.

(c) Not later than June 30, 2012, the Secretary shall submit to the House and Senate Committees on Appropriations a revised excess uranium inventory management plan for fiscal years 2013 through 2018.

(d) Not later than December 31, 2011 the Secretary shall submit to the House and Senate Committees on Appropriations a report evaluating the economic feasibility of re-enriching depleted uranium located at Federal sites.

SEC. 312. (a) The Secretary of Energy may allow a third party, on a fee-for-service basis, to operate and maintain a metering station of the Strategic Petroleum Reserve that is underutilized (as defined in section 102–75.50 of title 41, Code of Federal Regulations (or successor regulations)) and related equipment.

(b) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission,

including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$58,024,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, \$29,130,000, to remain available until September 30, 2013: Provided, That within 90 days of enactment of this Act the Defense Nuclear Facilities Safety Board shall enter into an agreement for fiscal year 2012 and hereafter with the Office of the Inspector General of either the Nuclear Regulatory Commission or the Department of Energy for inspector general services.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$9,925,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$9,077,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,027,240,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$899,726,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than \$127,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$10,860,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,774,000 in fiscal year 2012 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than \$1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD
SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR
ALASKA NATURAL GAS TRANSPORTATION
PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$1,000,000.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$1,275,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$213,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 401. (a) DEFINITIONS.—In this section:

(1) CHAIRPERSON.—The term “Chairperson” means the Chairperson of the Commission.

(2) COMMISSION.—The term “Commission” means the Nuclear Regulatory Commission.

(3) SPENT FUEL POOL.—The term “spent fuel pool” means an underwater storage and cooling facility for spent (or depleted) fuel assemblies that have been removed from a reactor.

(b) As soon as practicable after the date of enactment of this Act, the Chairperson shall order licensees to, in accordance with the recommendations of the 90-day task force of the Commission, enhance spent fuel pools by:

(1) providing sufficient safety-related instrumentation that is able to withstand design-basis natural phenomena to monitor key spent fuel pool parameters (such as water level, temperature, and area radiation levels) from a control room;

(2) providing safety-related, alternating-current electrical power for the spent fuel pool makeup system;

(3) providing onsite emergency electrical power for spent fuel pools and instrumentation for cases in which there exists irradiated fuel in a spent fuel pool, regardless of the operational mode of the relevant reactor; and

(4) installing a seismically qualified means to spray water into spent fuel pools, including an easily accessible connection to supply the water (such as using a portable pump or pumper truck) at grade outside a relevant structure.

SEC. 402. Consistent with the findings of its 90 Day Task Force, the Nuclear Regulatory Commission shall order licensees to reevaluate the seismic, tsunami, flooding and other hazards at their sites as expeditiously as possible, and thereafter, at least once every 10 years, and the Commission shall require licensees to demonstrate to the Commission that the design basis of structures, systems, and components for each operating reactor meet current NRC requirements and guidance with regard to these threats. The Commission shall require licensees to update the design basis of structures, systems, and components for each operating reactor, if necessary.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or in-

directly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

TITLE VI

ADDITIONAL FUNDING FOR DISASTER
RELIEF

DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$890,177,300, to remain available until expended for repair of damages to Federal projects: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide, \$88,003,700, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, \$66,387,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2012”.

Mrs. FEINSTEIN. Mr. President, I am very pleased to rise in support of the fiscal year 2012 energy and water development appropriations bill with my ranking member, the distinguished Senator ALEXANDER, with whom I have had the great pleasure of working. I want to say this up front: It has been a pleasure to work with this particular ranking member. He is respected, he is credible, he is direct, and he is reasonable, which I have learned is an endangered species around here. So I very much appreciate that.

This Energy and Water bill has an allocation of \$31.625 billion, which is \$57 million or .1 percent below last year's enacted levels and nearly \$3 billion or 9.4 percent below the President's request. The \$31.625 billion is split between security and nonsecurity funding, consistent with the Budget Control Act of 2011. The Budget Control Act established caps on discretionary spending over 10 years, with separate caps for security and nonsecurity spending. Now, this becomes relevant, as I will explain.

The security allocation for energy and water is \$11.05 billion. The \$11.05 billion funds only four programs under the National Nuclear Security Administration, called NNSA: nuclear weapons, nonproliferation, naval reactors, and the Office of the Administrator.

I would like to point out right up front that funding for the NNSA makes up a growing portion of this bill. Last year the NNSA made up 30 percent of the total allocation. This year it has increased to 35 percent. In addition, because of the Budget Control Act, a firewall is created between security and nonsecurity funding so we cannot transfer funding back and forth. No funding from the NNSA can be used to fund energy and water projects, and no funds from energy and water can be used to fund the National Nuclear Security Administration.

While funding increases for the National Nuclear Security Administration to help advance national security priorities, it comes at the expense of water and energy projects in the rest of our bill. Our nonsecurity allocation, which funds the Corps of Engineers, the Bureau of Reclamation under the Department of the Interior, and the Department of Energy, is \$20.575 billion. While our security allocation grew by \$528 million or 5 percent, the nonsecurity allocation is \$584 million or 2.8 percent less than for fiscal year 2011 and \$3.5 billion or 17 percent less than for fiscal year 2010. So we can see the crunch that is put on one part of the budget and the other part of our appropriations bill has actually expanded.

As I mentioned, the security allocation is \$11.05 billion, which is an increase of \$528 million or 5 percent over

fiscal year 2011. This is an increase of \$1.163 billion or close to 12 percent for the security portion of this appropriations bill over fiscal year 2010.

To clarify, NNSA is responsible for three primary national security missions: first, maintaining the safety, security, and reliability of the Nation's nuclear weapons stockpile; second, responsibility for reducing the threat of nuclear terrorism through nonproliferation programs; and third, it designs and builds nuclear reactors for safe and effective nuclear propulsion for aircraft carriers and submarines in the U.S. Navy.

Taking into account competing funding priorities for national security activities, I think this bill strikes as good a balance as it can between funding for nuclear weapons modernization and reducing the threat of nuclear proliferation. The Nuclear Weapons Program under the bill would see an increase of \$294 million or 4.2 percent above fiscal year 2011. With \$7.2 billion, the NNSA, which is the agency of concern, will be able to meet the highest priorities of the Nuclear Posture Review and modernization activities discussed during negotiations of the New START Treaty.

These are three primary activities:

First, funds will continue for life extension programs for the W76 submarine-launched warhead, the B61 bomb, and the W78 intercontinental ballistic missile warhead.

Second, funds allow for completing design work for two aging nuclear facilities that may need to be replaced to meet modern safety standards—one for handling plutonium at Los Alamos National Lab and the other for uranium at the Y-12 facility in Tennessee.

Third, funds will maintain the science, technology, and engineering base to continue assessing the safety, security, and reliability of the nuclear weapons stockpile.

The nonproliferation program would see an increase of \$109 million or 4.7 percent above fiscal year 2011. NNSA would stay on track to meet its goals to secure and remove the most vulnerable nuclear materials from around the world by the end of 2013. These are materials that could be used by terrorists to build nuclear devices. The United States has already removed 3,086 kilograms of highly enriched uranium—120 nuclear weapons' worth of material—from dozens of countries.

NNSA would also be able to continue deploying portal monitors at seaports and border crossings to detect nuclear smuggling and help countries increase security at nuclear facilities. The United States has installed radiation detection equipment at more than 399 sites across the world.

Finally, the security allocation will be used to fund the naval reactors program that provides propulsion for the country's submarines and aircraft car-

riers. An increase of \$141 million or 14.6 percent above fiscal year 2011 is directed to help design a nuclear reactor that will last 40 years for ballistic missile submarines, the most survivable leg of our nuclear deterrent.

Turning to nonsecurity funding, as I mentioned earlier, our allocation is \$20.575 billion—\$584 million or 2.8 percent less than fiscal year 2011. With this significant decrease in funding, the bill focuses its limited nonsecurity funding on the highest priorities: critical water infrastructure projects and accelerating energy technology.

Let me speak for a moment about water infrastructure. The Corps of Engineers would receive \$4.864 billion. That is an increase of \$7 million or one-tenth of 1 percent, above fiscal year 2011 and \$291 million or 5.9 percent above the President's request. Here is why. I strongly believe the Corps of Engineers is responsible for such a wide array of projects—building, maintaining, repairing locks, levees, dams, dredging for waterway navigation. Devastating floods and hurricanes in the last few months that have damaged many communities across the United States are a stark reminder of why Corps of Engineers infrastructure projects remain such a high congressional priority.

With a ban on congressionally directed projects—or, as they are not so fondly called, earmarks—Congress cannot direct needed funding to projects that may have been overlooked by the administration or to address emerging needs after the President's budget submission. The President's fiscal year 2012 budget request did not include more than 100 studies and projects for navigation, flood control, and environmental restoration that the administration included in the fiscal year 2011 work plan. Without funding in 2012, these studies and projects will likely be suspended.

I think that is important to keep in mind. While our bill does not fund any new projects, our bill provides \$291 million above the President's request to support these ongoing studies and projects for the Corps that were either unfunded or underfunded in the President's budget request.

The bill also provides the Department of the Interior \$1.067 billion, which is \$27 million or 2½ percent less than fiscal year 2011 but still \$16 million or 1.4 percent more than the President's request. Funding for the Department of Interior includes the Bureau of Reclamation, which is responsible for oversight and operation of water projects related to irrigation, water supply, and hydroelectric power generation in the 17 Western States.

Finally, the bill provides \$1.045 billion in disaster relief funding—and I wish to speak about that—this is on top of our base allocation—to repair damaged Corps of Engineers owned, op-

erated, or fixed infrastructure from flooding on the Mississippi and Missouri Rivers and other natural disasters.

This level of funding covers damages the Corps identified when the committee reported this bill. As I mentioned during committee markup, we know this amount is insufficient based on the number and severity of natural disasters that have occurred this year. The Corps has updated their disaster needs. We will be working throughout the floor process to ensure that increased funding to address disaster recovery needs is provided. I think both the ranking member and I, our subcommittee, and the Appropriations Committee as a whole understand that responding to these disaster needs is of the highest priority.

Regarding clean energy, the bill provides stable funding to support science, technology, and engineering programs to advance clean energy technologies. It provides the Office of Science \$4.84 billion, the same as in 2011. The Office of Science conducts basic research in physics, chemistry, and biology to improve our understanding of energy and matter. New discoveries will advance energy technologies. Our bill focuses the limited resources of the Office of Science toward the highest priorities, which include material support, developing the next generation of biofuels, and maintaining the leadership of the United States in high-performance computing.

Our bill continues to fund three hubs, which are research centers made up of scientists and engineers from the national labs, universities, and private industry to address a specific energy challenge. The three hubs focus on developing fuels that can be produced directly from sunlight, improving energy efficiency of existing buildings, and using modeling and simulation tools to improve the operation of nuclear reactors.

Our bill also funds a new hub, the fourth hub, to improve batteries for electric vehicles and for storage of wind, solar, and other intermittent power sources—something which the ranking member was very much interested in and which I was very pleased to agree to.

In addition to the Office of Science, the bill also provides \$250 million for ARPA-E, an increase of \$70 million, or 39 percent. ARPA-E funds new and innovative energy technologies that would significantly reduce our dependence on foreign oil and reduce carbon emissions.

ARPA-E's goal is to demonstrate the feasibility of new technology and then find a private company to commercialize the technology. As a sign of early success in attracting private investment, last year ARPA-E awarded a startup company \$750,000 to demonstrate its new innovative technology

related to energy storage. An early demonstration of this startup's new technology has already attracted \$12 million in private investment to help commercialize it. I think that is good news.

While the government continues to invest in innovative energy technologies, nuclear energy continues to provide 20 percent of the Nation's electricity, but it is 70 percent of its carbon-free electricity. This, to me, is a stunning figure, that it is 20 percent of all power but 70 percent of carbon-free power.

Currently, nuclear energy will continue to be an important source of energy for us in the future. However, I deeply believe that before we expand nuclear power in the United States, we must address our spent fuel situation in order to limit the government's liability from its failure to take this waste.

Today, high-level nuclear spent fuels are stored at 74 locations most directly adjacent to an active reactor. The fuel remains in either spent fuel pools or dry casks meant to be temporary but, in reality, has been stored permanently. There is simply no place to put it.

Today, to date, the U.S. Government has paid out \$1 billion to the nuclear industry because of its failure to take custody of this fuel as required by law. Few people know this. This liability will grow to \$15.4 billion by 2020 and another \$500 million for each year of delay after 2020.

My distinguished ranking member, we simply have to get cracking and find either regional repositories or a central waste repository where nuclear waste can be stored essentially forever. The United States is responsible for 65,000 tons of spent fuel at these 74 sites. This is enough material to cover one football field 20-feet deep. And our liability continues to grow. According to the blue ribbon commission, if no nuclear reactors are built and the existing fleet of 104 reactors operate until the end of their licenses, the total inventory of spent fuel by 2050 would be 150,000 metric tons.

That is 2½ times as much as we have now. The current absence of a spent fuel policy and repository to store spent nuclear fuel is unacceptable and unsustainable. For these reasons, this bill takes the first step in requiring the Department of Energy to create a strategy for spent fuel storage, including options for consolidating and storing spent fuel at one or more regional sites.

With regard to funding for the nuclear energy program, the bill provides \$584 million, which is a reduction of \$142 million, or 24 percent, available funding that will focus more on safety and the back end of the nuclear fuel cycle. For example, the bill provides \$52 million—that is an increase of \$12

million from 2011—to accelerate development of new cladding materials for nuclear fuel that reduce the likelihood of meltdowns and hydrogen explosions, which were observed at Fukushima.

I believe as more becomes available about what actually happened at Fukushima and the aftereffects of Fukushima, cladding material is going to become much more significant.

In closing, I again thank my colleague and ranking member, Senator ALEXANDER, for working with me in a cooperative and constructive manner to draft this bill. I believe we have developed a well-balanced and responsible bill that addresses the water, infrastructure, energy, and national security needs of this Nation.

I hope every Senator can support the bill, and I hope we can conclude floor action in a timely manner.

I yield the floor to my distinguished ranking member.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Senator from California. She is a delight to work with. Without disparaging any other Member of the Senate, it is nice to work with former mayors or county executives or even Governors because we are accustomed to making decisions and talking directly and coming to a result. That is what we are able to do. Even when we disagree—which we sometimes do—Senator FEINSTEIN and I are able to keep working on these issues and still try to come to a result. So it is a real privilege to work with Senator FEINSTEIN. I thank her for her courtesy and diligence.

Last week we spent an hour and a half on a very small part of this budget—actually, not even part of the budget but a related matter—making sure we understood all sides of the issues. I don't think in the whole hour and a half there was ever a Republican or Democratic comment. We were trying to find out the right thing to do for our country, which I think is the goal of each of us.

There is no need to repeat what the chairman said and said very accurately. I will summarize and comment on a few of the points. I will highlight the areas of agreement, which are, for the most part, a couple of areas where we have different points of view which we are still working on. She emphasized—and I thought it was important to emphasize—that except for disaster spending, this Energy and Water bill is slightly below the spending levels of last year. When we add in disaster funding, which I will talk about in a minute, it is above that level.

There is no mandatory spending in the bill. Sometimes our bills get complicated by what we call automatic or mandatory spending. If it is included within an appropriations bill. Some of us wonder why, since we cannot do

anything to change it in the appropriations process, but it is there. There is not any of that here. As the Senator emphasized, our bill is divided into two major parts—the security part or the defense part, and the nonsecurity part or the nondefense part. The security part is up; we are spending more. The reason for that is, in the first place, we asked the leaders of the committee to reallocate some money toward our subcommittee so we could try to, as much as we could, live up to our commitment to fund nuclear weapons modernization, an important issue that came up when the Senate ratified the new START treaty.

In other words, the new START treaty was about limiting the number of nuclear weapons here and in Russia, making sure we could inspect what the Russians are doing and, at the same time, we wanted to make sure what we have left works. This is about making sure what we have works. We made a commitment to try to go to certain levels. We are moving in that direction. We have not gotten there yet, but that is one reason, perhaps the main reason, we spend more on the security part.

On the nonsecurity part, as the Senator said, except for disaster spending, it is down. We are spending 3 percent less than we did before. I want to say a word about disaster funding. In the Budget Control Act, in August, a subject of great debate around here—one of the things done was to create a formula over the last 10 years that determines how much money we may be able to spend on disasters. The thought was that disaster spending, like other emergency spending, was getting out of control, and we need to think about it. Obviously, whenever there is a flood, hurricane, or other terrible disaster, we rush to help. But that is real money too, and it has to come from somewhere. This formula that was created says that during this fiscal year—the one about a month and a half old—that we may spend about \$11.3 billion based on spending over the last 10 years. After that, we will have to reduce spending somewhere if we are going to spend more on disasters.

With respect to disaster relief, our bill is part of that. It is in the Corps of Engineers. We moved quickly in our subcommittee and in the Appropriations Committee to deal with the epic flooding the Senator described on the Mississippi and Missouri Rivers this past year, which, in some cases, exceeded the flood heights of the massive 1927 and 1933 floods.

To give an idea of how unusual these floods were, at our meeting of the Environment and Public Works Committee 3 weeks ago, 14 Senators in both parties came to the committee to say to the authorizing committee—the EPW Committee—we needed to do more to deal with the floods—14 Senators. I have never seen that many

Senators testify before a committee before on behalf of any subject. That is how much we are concerned about it, and that is how much people in the areas affected are concerned about it.

In the Appropriations Committee, we had a discussion about how much of that disaster funding to fund. We recommended \$1.04 billion. There was an amendment by the Senator from Missouri that said it needs to be more because we know it will be more than that. We said, in a bipartisan way—I remember the chairman and ranking member said we don't have the estimates definite yet from the Corps of Engineers or from FEMA, so we are only going to fund those areas that are declared to be Presidential disasters, No. 1, and where we have definite estimates, No. 2. When we have more definite estimates of additional damage, we will recommend the funding.

We defeated the amendment offered by the Senator from Missouri with the promise that as real damage estimates come in, they will be met. Well, the Senator and I will be offering an amendment to address this increase. I want my colleagues to be aware of this because, particularly on our side of the aisle, we have had a good deal of discussion about funding for disasters.

In the amendment we will be offering, part of the money fits within the formula we agreed to in the Budget Control Act. About \$550 million will not, and we will have to find some other place in the budget to reduce spending in order to properly fund this disaster spending. I doubt if there is any Senator who would not want to fund that because this is spending to be prepared for the next disaster. This will be money for preparedness, sandbags. I can guarantee, if the Missouri and Mississippi Rivers flood next year, and sandbags are not available because we could not find the money somewhere else, there will be 28 Senators at the next meeting of the EPW Committee, not just 14.

So this is an urgent request. We are suggesting a way to reduce spending. So with the disaster funding, the only thing that drives our total recommendations above last year's spending, we are, No. 1, staying within the cap created by the Budget Control Committee; and, No. 2, for the amount of money for the sandbags and other preparedness, we are going to recommend a way to reduce spending somewhere else in order to be prepared for the next flood.

With respect to the security allocation, Senator FEINSTEIN mentioned that one part of our budget has to do with national security and another has to do with nonsecurity. Most people, when they think of energy, don't think of the national security parts. It is among the most important national defense requirements we have. As she said, it includes modernizing all of our

nuclear weapons to make sure they work. It includes trying to make sure they don't spread around the world. That stands up at the top—those two items—of our national defense posture.

There was a letter that came from Members of the House of Representatives that seemed to be critical of the Senate for using "defense money given to water-related projects." I want to clear that up. There must have been some confusion on the other side of the Capitol because under the rules of the Budget Control Committee, we cannot use defense money for water projects, period. That is against the rules. Not only did we not do it, we could not do it if we wanted to. In fact, we came up with \$100 million more for nuclear weapons modernization than the House did.

So perhaps the House letter was sent to the wrong address. It should have been sent on that side of the Capitol and not sent to the Senate. We understand very well we should not be using defense money for water projects or water project money for defense money. We have not done that. We are not allowed to do that. We cannot cut weapons to fund water projects.

Now, as I said earlier, as Senator FEINSTEIN and I and Senators COCHRAN and INOUE all said, we would support the President's request for appropriate funding for nuclear weapons modernization, which is why Senator FEINSTEIN and I asked our ranking member and chairman to allocate more money to the security side of our budget, and they did that.

As a result of that, security spending for weapons activities is up 5 percent—\$100 million more than the House was able to provide for Energy and Water appropriations.

It is the single largest percentage increase compared to all appropriations subcommittees with security spending in the budget. But it is still \$400 million less than the President's full request and \$400 million less than I would like to see spent on nuclear weapons modernization. I am concerned about that.

I am committed to continue to work with the full committee, the House, and the administration to come as close as we possibly can to the President's number on nuclear weapons modernization. I want to make it clear that we have bent over backward to make it a top priority—or the top priority to begin with—and have had good cooperation from the senior members of our committee.

Senator FEINSTEIN has worked hard to put this bill together in a fair and accommodating manner. She mentioned the Office of Science and talked about clean energy. Recently, I was at one of our National Laboratories, Sandia in New Mexico. The Director of Science there reminded me that almost every major physical and biological in-

vention of any importance in the United States since World War II has been funded by government-sponsored research—almost all through our 17 or 18 National Laboratories or our 50 or 60 top research universities. These are our real secret weapons for job growth. It was out of the laboratories and out of this kind of government research that came the Internet, the Human Genome Project, nuclear power itself—whether it is nuclear weapons or the 104 civilian reactors or the 104 reactors that run our Navy ships—and stealth technology came of this. It is hard to think of any major invention or discovery in physical or biological sciences that didn't have some government-sponsored research. So when we talk about spending the same amount of money this year that we did last year for the Office of Science, we are talking about a major effort of any jobs bill that the Senate could possibly pass.

If we are talking about jobs growth, this is a very big, important part of it. Low taxes is a part of it, fewer regulations, the right national labor relations policies are a part, but any progrowth plan for the United States has to include government-sponsored research. No other country in the world has anything like our 18 laboratories or our 50 or 60 top research universities. If we want a high standard of living—you know, we still produce about 25 percent of all the money in the world—we would do well to invest every spare dollar we have there, as long as it is wisely spent. So as long as we are cutting over here, I am all for that. I don't want to see a situation where we have runaway entitlement spending and as a result of that we squeeze the inventions that give us the job growth we need.

I made a speech at the Oak Ridge National Laboratory in 2008 where I suggested we have a new Manhattan project for clean energy independence, focusing on electric cars and trucks, carbon capture, solar power, nuclear waste, advanced biofuels, green building fusion. I am a big supporter of research as an appropriate role for the Federal Government, and we will talk more, as we have time over the next 2 days, I hope, about the wisdom of the proper priorities in spending. I would say yes to more for research and no to more for subsidies.

The New York Times had a big article on Saturday where it talked about rich subsidies powering solar and wind projects, and these are for companies that can pay us back. These are extravagant subsidies, which I think are completely unnecessary, particularly at a budget time such as this. If we have any extra dollars, let's put them into the secret weapons at the research universities and the national laboratories and tackle the big challenges, such as the 500-mile battery for cars or finding a solar panel that is so cheap it is \$1 per kilowatt installed.

I agree with Senator FEINSTEIN that Dr. Chu is on the right track with his energy remarks. I was suggesting in my remarks that we pick these grand challenges, such as used nuclear fuel, as one—what to do with it, where do we dispose of the waste. Dr. Chu is doing that, with batteries, with solar, with others, and I think it is a good way to concentrate the focus of the Federal Government and the Energy Department to solve the problems of rising gasoline prices, electricity prices, and do it in a way that helps clean the air.

During our debate, I hope we have a chance to talk about more for research and less for permanent subsidies in the energy area, and I hope we have a way to talk about restraining entitlement spending so we can have sufficient funds to fund our secret weapons that have produced almost every major biological and physical discovery since World War II. We have broad support for that here. We passed the America COMPETES Act in 2007 which set a path for funding for sciences. We had 35 Democrats and 35 Republicans as cosponsors of that bill. It was introduced by the Democratic leader and the Republican leader, and when we changed parties after an election, it was introduced by the Republican leader and the Democratic leader. So we have bipartisan support for that. We need to make sure it is part of the debate.

The Corps of Engineers, the Senator talked about. Those are critical ideas. Those are the areas she and I agree on. I will spend a moment, if I may, on some areas where we have some more work to do before we have an agreement. One is in the area of nuclear power. Here is what I agree with her about nuclear power. One is that it is a remarkable statistic that 20 percent of our electricity is produced by one of our greatest inventions—nuclear power—and that it is 70 percent of our electricity without carbon but also without nitrogen or sulfur or mercury pollution.

We had a big debate here in the Senate last week about clean air. Well, if all of our power were nuclear power, as almost all of it is in France, we wouldn't have a clean air debate because our powerplants wouldn't be producing any mercury or producing any nitrogen or sulfur oxides as well as carbon. So nuclear is a remarkable advantage for the United States and one which we should continue to take advantage of.

I am disappointed we do not fund in this bill the first steps of a several-year program to jump-start the small nuclear reactor program. This is not just our idea. France, Russia, Brazil, and other countries around the world are working on this. There are 60 countries that want to introduce nuclear energy onto their grid for the first time. We have the phenomenon like South Korea building a nuclear powerplant for the

United Arab Emirates. So if we don't do it, that doesn't mean no one will do it; it just means we will be at the back of the line with an invention we invented and that today produces 20 percent of our electricity and 70 percent of our clean electricity.

Now, the "it" we are talking about are these smaller reactors. We already produce a lot of small reactors for the more than 100 Navy vessels, but they are of a little different kind. But small reactors that might be 100 to 300 megawatts would be cheaper, they would be made in the United States, and they could be put together like LEGO blocks would. They could be hauled back and forth from wherever they were produced to different places. They might be especially useful on a military base or around a national laboratory, where you don't need 1,200 new megawatts of electricity. And they might be better for an investor-owned utility to buy, because they would only have to spend one-fourth or one-fifth or one-sixth as much money. The big reactors we now build are \$5 billion, \$6 billion, \$7 billion, \$8 billion or more. Quite a big number. So the President and Dr. Chu have recommended we move ahead with the small reactor program. The House of Representatives agrees, I agree, and we are trying to work a way out here where we can join that parade—in fact, lead the parade.

I think the way to do it is to take seriously Senator FEINSTEIN's concern about used nuclear fuel. She is exactly right, we have blindfolds on our eyes if we think it is responsible for us to move ahead producing so much nuclear power—even if it is just a football field 20 feet deep—without a permanent place to put the spent fuel. It is safe to keep it there, in my opinion. And not just mine. The Nuclear Regulatory Commission and Secretary Chu, the President's Nobel prize-winning Energy Secretary, say it is safe for 100 years. But what that says to me is that it is safe while we figure out the right way to dispose of it. I am convinced our scientists can figure out an even better way of disposing of it than France does, for example, which reprocesses nuclear fuel and then stores it there. I suspect we will be able, in the next 10 or 15 years, to figure out a way to recycle, reuse nuclear fuel, and reduce the waste by 95 percent. But we will still need a permanent place to store it.

What I am committed to do, working with Senator FEINSTEIN—and I am delighted she has this intense level of interest—and Senators BINGAMAN and MURKOWSKI, the ranking members of the Energy Committee, is trying to create an inexorable process toward a result on finding a proper place to store used nuclear fuel. I hope we can do that within a year. That doesn't mean we will have all the decisions made, but it means we could have, I believe, a process established that will produce a result.

I am hoping at the same time we can move ahead with small nuclear reactors, because by 2020, the idea is we would only have two or three. And between now and then, the Nuclear Regulatory Commission would need this help in creating the proper license and approving the design and working through all the things one has to do. It is going to have to do that anyway, because someone will bring one over from Korea or France or Russia or Brazil and they will apply for a license in the United States and we will be using their reactors instead of ours.

Another area of disagreement is there are some provisions in the bill, which I won't go into at great length, but I don't think they belong in an appropriations bill, with all respect. They are based on several recommendations of the 90-day commission created by the Nuclear Regulatory Commission. Since our bill was reported, the NRC has taken several steps to prioritize their recommendations.

Of the five representations that are in language in our bill, the Commission only considered one to be of that urgent a priority. It is going to do the rest of them in the regular order of things. I think we should let our experts do their job. Perhaps this calls attention to the importance of it, but I would rather let the Nuclear Regulatory Commission do its job and us to concentrate our efforts on finding a place to put used nuclear fuel.

One other area I suspect within the next few days we will have a discussion about is the subsidy cost for renewable energy projects, but I think I will delay that until we have an opportunity to discuss it on the floor, and to have some discussions about the loan guarantee program, which hasn't worked as intended. The loan guarantee program was supposed to help put a priority on certain forms of energy and loan monies to companies that could pay it back, not to companies that couldn't pay it back. Apparently, that has been an issue.

There is also a provision in the bill about requiring grantees of the Department of Energy to change lightbulbs in their factories if they do not meet the standards for the new lightbulbs. This will be costly, it is inconsistent with current law, and I hope we can remove it as the bill moves forward.

In a bill this large and this important, I think Chairman FEINSTEIN and other members of the subcommittee and the full committee have come up with a good result, a result about which there is a consensus between us, with very few areas of disagreement, a result that is below last year's spending level, except for disaster spending, and a result that gives a special emphasis to nuclear weapons modernization that we are committed to and that the President asked for and that does better than the House number but still

doesn't reach, I will acknowledge, where I had hoped we could go.

It has been a great privilege to work with Chairman FEINSTEIN. I like the idea that we have an appropriations bill on the floor. This is the basic work of government. We ought to do this before we do anything else. If we can't have an appropriations bill to fund the basic work of government, people might say, can you do anything at all? So we have done our part, we have the bill here, and I thank the majority leader for bringing it up. I hope our colleagues will give us the chance to move forward the bill this week, to bring their amendments to the floor, debate on them, have a final vote, and pass it into law and do something we can be proud of.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to thank the Senator. Once again, it has been a great pleasure to work with him. I do think we have a lot of this bill in common, but we do have some points of difference, and I want to say a little bit about my point of difference.

I very much want to leave a world for my grandchildren where there is not danger from nuclear weapons or nuclear fuels, and today I don't believe I can say we have achieved that. The ranking member was correct, the head of the NRC did testify in his view the hot rods were safe for 100 years in those spent fuel pools. Well, you know, there were problems with spent fuel pools at Fukushima. I think, as life goes on, we are going to see more of that.

We know cladding has to be improved. We know that, perhaps, the design basis of a new nuclear reactor has to meet events which are not necessarily predicted. Who would have thought a 47-foot tsunami would hit Fukushima? But it happened.

I am in California. We are in the ring of fire. Sure enough, there have been earthquakes in the southern tip of South America, in Asia, in Christchurch, New Zealand, going right around. These have been very large earthquakes, approaching 9, and the concern is, what happens next. So I think safety is a very real problem, and I think as we appropriate monies we should be concerned with safety.

Spent fuel pools were designed to harbor hot rods for a relatively short period of time. The rods can be moved 5 to 7 years out, and then they are generally moved into passive storage and the dry casks. The dry casks, it was thought, would be transported to repositories—either permanent repositories or repositories on a regional basis—under the supervision of the Federal Government.

I always felt that affecting that was an extraordinary challenge for us and

particularly when I learned we were being fined an egregious amount of money because we can't do that every year. So my view is, we have to get cracking and move that on, and the five things we have in the bill I think all take us to a much safer place with respect to nuclear activities.

With respect to the small modular nuclear reactors, what they are is essentially less than 300 megawatts modular small actors. I understand there are still problems with the cladding. But what was asked for was \$192 million, not alone but a proposal to essentially subsidize up to 50 percent of the licensing costs of financial and technically viable corporations. These aren't small corporations; they are big corporations, and the Department would have to pick two winners for the subsidy. That would leave at least five American companies out. This is a restricted bid. It doesn't include everybody. It includes only one kind of reactor—light water reactor. Who knows. Maybe others of the five are as viable.

So firms not receiving assistance would be substantially disadvantaged. The likely winners include these companies: Babcock and Wilcox, I have nothing against them, 2010 revenues exceeding \$2.6 billion—can't they afford their own licensing certification fees?—and Westinghouse, owned by the Japanese conglomerate Toshiba, which has \$64 billion in assets and more than 200,000 employees.

In other sectors, we don't invest Federal dollars to help profitable private companies obtain safety licenses. We don't help Ford comply with crash test regulations, nor do we pay for Boeing to obtain FAA certification. So before we commit these moneys, we should seriously evaluate whether any company would change its decision about pursuing a license because of this.

So I am kind of at a different point in looking at subsidies. I think most subsidies by the Federal Government should just go, wherever they are—oil, gas, nuclear, ag, you name it—at a time when we should not be subsidizing private industry.

There is also a fundamental contradiction in the nuclear industry's argument for funding small modular reactor licensing. On one hand, the industry argues that the market will be enormous, and we can't afford to fall behind international competitors. On the other hand, these same industry experts argue they will not develop and license a product unless government pays them to apply for an NRC license. They argue that the United States must provide each firm with more than \$200 million to motivate them to pursue this business.

The bottom line, the small modular reactor cannot be both a massive economic opportunity, with the potential to change the way we power our economy, and an opportunity that industry

will not pursue unless the government pays them to do that.

So I have real questions about funding this item. We will have more to say about it as this goes on. I know it is popular. If there were a spent fuel policy, if we knew we were going to go for regional repositories, that there was some limit to the storage of fuel at a site—74 sites now, and with advanced modular reactors this is more because many people think the only way this can be cost competitive is you have to group these two together. So in a given site, you would have five or six small reactors, but you would have the same spent fuel problem. It seems to me we need a place to put spent fuel. I am not opposed to nuclear if we can properly take care of its waste.

I wanted to respond when my distinguished ranking member raised this. We have had one meeting with the chairman of the Energy Committee, the ranking member of the Energy Committee, Senator ALEXANDER, and myself to discuss how to proceed toward a nuclear storage policy. I think we need to continue this. We are going to ask the Secretary in to talk with us in December, and Senator ALEXANDER has been great in doing this—put forward a little agenda of how to proceed toward this so I know he is, in fact, in good faith suggesting it, and I do. He has always been a straight shooter.

But it is just very hard for me to go ahead and say, OK, we are going to promote a whole new class of nuclear reactors when we don't have a place to dispose of hot spent fuels that will be hot and dangerous for literally hundreds of years. If we can move fast, I am all for it.

I know the Senator wants to respond, and I welcome the debate.

Mr. ALEXANDER. I thank the Senator. I am not going to respond at great length because I want to eventually find us in agreement about this, but I appreciate it. Your points are very important and very good points.

On safety and nuclear power, I think it is always important to start off by pointing out that a nuclear reactor is a big, complex operation and obviously there is some risk to it. But nuclear power has the best safety record of any form of energy production in the United States. There has never been a death in connection with any 1 of our 104 civilian reactors. There hasn't been one with the more than 100 Navy reactors where we have sailors actually living on top of reactors. We have all heard about Three Mile Island, which is the most important nuclear accident we have had in the United States, but no one was even hurt in Three Mile Island.

I see the Senator from Pennsylvania is presiding today. When I say that to people around the country, they say: What do you mean no one was hurt at Three Mile Island? No one was hurt.

There have been tests on families who lived around there, and no one was even hurt either from any kind of explosion or from radioactivity at a later time.

So we always have to look for better ways to be safe, but we have that safe record. We do have the Chairman of the NRC saying this used fuel is stored safely for 100 years, and we have our scientists telling us in 10 or 15 years we can find a way to recycle. Within that time, we ought to find a place to put it. We have a place to put it if we could go ahead with Yucca Mountain, but that has been stopped for a variety of reasons, some of them political. Let us say they are all principled. But for whatever reason, it is stuck.

The other thing I would say is, there is a certain urgency about this. As the Senator said, 20 percent of our electricity is nuclear power, 70 percent of our clean energy. What if we didn't have that 20 percent? We don't have to look far to see. In Japan they have shut down temporarily enough of their reactors as a result of Fukushima to be without 20 percent of their electricity. What have they been doing? Their car manufacturers have been working on the weekends. That is 5 million workers in Japan. Temperatures are turned to 82 during the summer heat; 22,000 people have been brought into the hospitals from heat stroke. The Emperor and Empress are wandering around the Imperial Palace with candlesticks and flashlights.

We don't want the United States of America like that. This is an important part of our ability to create jobs and to have lots of low-cost electricity. We use 25 percent of all the energy in the world in the United States.

As far as subsidies go, after we get through finding a place to put used nuclear fuel, maybe this is the second area on which the Senator from California and I can work which would be to do something about energy subsidies. Estimates are the Federal Government probably spends about \$20 billion a year on energy subsidies of one kind or another.

The Energy Information Administration did a study 3 years ago on where that money goes, and this is where it goes: Subsidies for wind dwarf everything else. It is not Big Oil, it is big wind, \$18.82 per megawatt hour subsidy for wind turbines; \$3.67 for solar; \$1.36 for landfill gas; 67 cents per megawatt hour for hydroelectric; 18 cents for biomass; 12 cents for coal; and almost 0 for nuclear.

It is often cited the insurance program the nuclear powerplants have as a subsidy. It is a Federal law that never has cost the taxpayer a penny. It simply requires all the nuclear operators to put in, I believe, \$11 billion or \$12 billion per reactor in case there is an incident. They all share in the result, which might be a pretty good way

to do with oil producers that are drilling in the gulf, make them all worry about each other's plant and not just their own. So I believe nuclear power is safe.

As far as subsidies go, I would like to move some of those subsidies into the energy research column and maybe into the reduce the debt column.

I ask unanimous consent to have printed in the RECORD a copy of the New York Times article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 11, 2011]

A GOLD RUSH OF SUBSIDIES IN CLEAN ENERGY SEARCH

(By Eric Lipton and Clifford Krauss)

WASHINGTON.—Halfway between Los Angeles and San Francisco, on a former cattle ranch and gypsum mine, NRG Energy is building an engineering marvel: a compound of nearly a million solar panels that will produce enough electricity to power about 100,000 homes.

The project is also a marvel in another, less obvious way: Taxpayers and ratepayers are providing subsidies worth almost as much as the entire \$1.6 billion cost of the project. Similar subsidy packages have been given to 15 other solar- and wind-power electric plants since 2009.

The government support—which includes loan guarantees, cash grants and contracts that require electric customers to pay higher rates—largely eliminated the risk to the private investors and almost guaranteed them large profits for years to come. The beneficiaries include financial firms like Goldman Sachs and Morgan Stanley, conglomerates like General Electric, utilities like Exelon and NRG—even Google.

A great deal of attention has been focused on Solyndra, a start-up that received \$528 million in federal loans to develop cutting-edge solar technology before it went bankrupt, but nearly 90 percent of the \$16 billion in clean-energy loans guaranteed by the federal government since 2009 went to subsidize these lower-risk power plants, which in many cases were backed by big companies with vast resources.

When the Obama administration and Congress expanded the clean-energy incentives in 2009, a gold-rush mentality took over.

As NRG's chief executive, David W. Crane, put it to Wall Street analysts early this year, the government's largess was a once-in-a-generation opportunity, and "we intend to do as much of this business as we can get our hands on." NRG, along with partners, ultimately secured \$5.2 billion in federal loan guarantees plus hundreds of millions in other subsidies for four large solar projects.

"I have never seen anything that I have had to do in my 20 years in the power industry that involved less risk than these projects," he said in a recent interview. "It is just filling the desert with panels."

From 2007 to 2010, federal subsidies jumped to \$14.7 billion from \$5.1 billion, according to a recent study.

Most of the surge came from the economic stimulus bill, which was passed in 2009 and financed an Energy Department loan guarantee program and a separate Treasury Department grant program that were promoted as important in creating green jobs.

States like California sweetened the pot by offering their own tax breaks and by approving long-term power-purchase contracts

that, while promoting clean energy, will also require ratepayers to pay billions of dollars more for electricity for as long as two decades. The federal loan guarantee program expired on Sept. 30. The Treasury grant program is scheduled to expire at the end of December, although the energy industry is lobbying Congress to extend it. But other subsidies will remain.

The windfall for the industry over the last three years raises questions of whether the Obama administration and state governments went too far in their support of solar and wind power projects, some of which would have been built anyway, according to the companies involved.

Obama administration officials argue that the incentives, which began on a large scale late in the Bush administration but were expanded by the stimulus legislation, make economic and environmental sense. Beyond the short-term increase in construction hiring, they say, the cleaner air and lower carbon emissions will benefit the country for decades.

"Subsidies and government support have been part of many key industries in U.S. history—railroads, oil, gas and coal, aviation," said Damien LaVera, an Energy Department spokesman.

A CASE STUDY

NRG's California Valley Solar Ranch project is a case study in the banquet of government subsidies available to the owners of a renewable-energy plant.

The first subsidy is for construction. The plant is expected to cost \$1.6 billion to build, with key components made by SunPower at factories in California and Asia. In late September, the Energy Department agreed to guarantee a \$1.2 billion construction loan, with the Treasury Department lending the money at an exceptionally low interest rate of about 3.5 percent, compared with the 7 percent that executives said they would otherwise have had to pay.

That support alone is worth about \$205 million to NRG over the life of the loan, according to an analysis performed for The New York Times by Booz & Company, a strategic consulting firm that regularly performs such studies for private investors.

When construction is complete, NRG is eligible to receive a \$430 million check from the Treasury Department—part of a change made in 2009 that allows clean-energy projects to receive 30 percent of their cost as a cash grant upfront instead of taking other tax breaks gradually over several years.

Californians are also making a big contribution. Under a state law passed to encourage the construction of more solar projects, NRG will not have to pay property taxes to San Luis Obispo County on its solar panels, saving it an estimated \$14 million a year.

Assisted by another state law, which mandates that California utilities buy 33 percent of their power from clean-energy sources by 2020, the project's developers struck lucrative contracts with the local utility, Pacific Gas & Electric, to buy the plant's power for 25 years.

P.G. & E., and ultimately its electric customers, will pay NRG \$150 to \$180 a megawatt-hour, according to a person familiar with the project, who asked not to be identified because the price information was confidential. At the time the contract was awarded, that was about 50 percent more than the expected market cost of electricity in California from a newly built gas-powered plant, state officials said.

While neither state regulators nor the companies will divulge all the details, the

extra cost to ratepayers amounts to a \$462 million subsidy, according to Booz, which calculated the present value of the higher rates over the life of the contracts.

Additional depreciation tax breaks for renewable energy plants could save the company an additional \$110 million, according to Christopher Dann, the Booz analyst who examined the project.

The total value of all those subsidies in today's dollars is about \$1.4 billion, leading to an expected rate of return of 25 percent for the project's equity investors, according to Booz.

Mr. Crane of NRG disputed the Booz estimate, saying that the company's return on equity was "in the midteens."

NRG, which initially is investing about \$400 million of its own money in the project, expects to get all of its equity back in two to five years, according to a statement it made in August to Wall Street analysts.

By 2015, NRG expects to be earning at least \$300 million a year in profits from all of its solar projects combined, making these investments some of the more lucrative pieces in its sprawling portfolio, which includes dozens of power plants fueled by coal, natural gas and oil.

NRG is not the only company gobbling up subsidies. At least 10 of the 16 solar or wind electricity generation projects that secured Energy Department loan guarantees intend to also take the Treasury Department grant, and all but two of the projects have long-term agreements to sell almost all of their power, according to a survey of the companies by The Times.

These projects, in almost all cases, benefit from legislation that has been passed in about 30 states that pushes local utility companies to buy a significant share of their power from renewable sources, like solar or wind power. These mandates often have resulted in contracts with above-market rates for the project developers, and a guarantee of a steady revenue stream.

"It is like building a hotel, where you know in advance you are going to have 100 percent room occupancy for 25 years," said Kevin Smith, chief executive of SolarReserve. His Nevada solar project has secured a 25-year power-purchase agreement with the state's largest utility and a \$737 million Energy Department loan guarantee and is on track to receive a \$200 million Treasury grant.

Because the purchase mandates can drive up electricity rates significantly, some states, including New Jersey and Colorado, are considering softening the requirements on utilities.

Brookfield Asset Management, a giant Canadian investment firm, will receive so many subsidies for a New Hampshire wind farm that they are worth 46 percent to 80 percent of the \$229 million price of the project, when measured in today's dollars, according to analyses for The Times performed by Booz and two other two industry financial experts. (The wide range reflects a disagreement between the experts on the future price of electricity in New Hampshire.)

Richard Legault, the chief executive of Brookfield Renewable Power, the division that oversees the Granite Reliable project in New Hampshire, declined to discuss his profit expectations in detail, but said the project might not have happened without government assistance.

"When everything has come together, it is a good investment for Brookfield, it is no doubt," Mr. Legault said. "We are quite happy with it." (Brookfield is also the owner

of the small park in Manhattan that is home to the Occupy Wall Street protesters.)

Even companies whose business has little to do with energy or finance, like the Internet giant Google, benefit from the public subsidies. Google has invested in several renewable energy projects, including a giant solar plant in the California desert and a wind farm in Oregon, in part to get federal tax breaks that it can use to offset its profits from Web advertising.

Industry executives and other supporters of the subsidies say that the public money was vital to the projects, in part because financing for renewable energy projects dried up during the recession. They also note that more traditional energy sectors, like oil and natural gas, get heavy subsidies of their own. For example, in the 2010 fiscal year, the oil and gas producers got federal tax breaks of \$2.7 billion, according to an analysis by the Energy Information Administration.

"These programs just level the playing field for what oil and gas and nuclear industries have enjoyed for the last 50 years," said Rhone Resch, president of Solar Energy Industries Association. "Do you have to provide more policy support and funding initially? Absolutely. But the result is more energy security, clean energy and domestic jobs."

Michael E. Webber, associate director of the Center for International Energy and Environmental Policy at the University of Texas, Austin, said renewable energy subsidies were a worthy investment. "It is a form of corporate welfare that is consistent with other social goals like job creation, clean air and boosting a domestic source of energy," he said.

OVERFLOWING BREAKS

Obama administration officials said the subsidies were intended to help renewable-energy plants that were jumbo-sized or used innovative technology, both potential obstacles to getting private financing. But even proponents of the subsidies say the administration may have gone overboard.

Concerns that the government was being too generous reached all the way to President Obama. In an October 2010 memo prepared for the president, Lawrence H. Summers, then his top economic adviser; Carol M. Browner, then his adviser on energy matters; and Ronald A. Klain, then the vice president's chief of staff, expressed discomfort with the "double dipping" that was starting to take place. They said investors had little "skin in the game."

Officials involved in reviewing the loan applications said that Treasury Department officials pressed the Energy Department to respond to these concerns.

Officials at both agencies declined to discuss the anticipated financial returns of the clean-energy projects the federal government has agreed to guarantee, saying the information was confidential.

But Energy Department officials said they had carefully evaluated every project to try to calculate how much money the developers and investors stood to make. "They were rejected, if they looked too rich or too risky," Mr. LaVera, the Energy Department spokesman said.

In at least one instance—NRG's Agua Caliente solar project in Yuma County, Ariz.—the Energy Department demanded that the company agree not to apply for a Treasury grant it was legally entitled to receive. The government was concerned the extra subsidy would result in excessive profit, NRG executives confirmed.

In other cases, the agency required that companies use most of the Treasury grants

that they would get when construction was complete to pay down part of the government-guaranteed construction loans instead of cashing out the equity investors.

"The private sector really has more skin in the game than the public realizes," said Andy Katell, a spokesman for GE Energy Financial Services, which like Goldman Sachs, Morgan Stanley and other financial firms has large investments in several of these projects.

But there is no doubt that the deals are lucrative for the companies involved.

G.E., for example, lobbied Congress in 2009 to help expand the subsidy programs, and it now profits from every aspect of the boom in renewable-power plant construction.

It is also an investor in one solar and one wind project that have secured about \$2 billion in federal loan guarantees and expects to collect nearly \$1 billion in Treasury grants. The company has also won hundreds of millions of dollars in contracts to sell its turbines to wind plants built with public subsidies.

Mr. Katell said G.E. and other companies were simply "playing ball" under the rules set by Congress and the Obama administration to promote the industry. "It is good for the country, and good for our company," he said.

Satya Kumar, an analyst at Credit Suisse who specializes in renewable energy companies, said there was no question the country would see real benefits from the surge in renewable energy projects.

"But the industry could have done a lot more solar for a lot less price, in terms of subsidy," he said.

Mr. ALEXANDER. I was reading in the New York Times on Saturday: Rich subsidies powering solar and wind projects; big rise in company aid; companies are virtually assured of profits. This is the New York Times. This isn't the conservative Washington, DC, Journal saying this. It is a very thorough article that talks about something I have been concerned about for a long time. It said:

Taxpayers and ratepayers are providing subsidies worth almost as much as the entire \$1.6 billion cost of a solar plant halfway between Los Angeles and San Francisco on a former cattle ranch.

It quotes the head of NRG, a very substantial company, saying:

I have never seen anything that I have had to do in my 20 years in the power industry that involved less risk than these projects. It is just filling the desert with panels.

From 2007 to 2010, Federal subsidies jumped to \$14.7 billion from \$5.1 billion, according to a recent study.

It goes on and on.

My own research shows, the Joint Tax Committee said that over the next 10 years taxpayer funding for wind—which our energy secretary testified is a mature technology—will cost the taxpayers \$26 billion over the next 10 years. Wouldn't that money be better spent on energy research for clean energy, for finding ways to deal with used nuclear fuel, for getting a 500-mile battery, for getting an installed dollar kilowatt or reducing the debt at a time when we are borrowing 40 cents of every \$1 we spend?

So I am absolutely committed to working with Senator FEINSTEIN on

finding a way to deal with the problem of used nuclear fuel. We urgently need to do that. We are fortunate it is safe where it is while we do that, and I hope we can find a way to agree that over the next few years we can move ahead so we at least get started on small modular reactors.

I am also willing to work with the chairman or anyone else, any other Senator who is willing to take a good, hard look at energy substitutes of all kinds and say, OK, let's take look at our own positions on that, especially in light of the budget deficit, and let's take that money and put some of it into energy research so we can get up to where we need to be and use the rest of it to reduce the debt.

So this is a good discussion and one I look forward to continuing, and I am delighted to have a chance to continue it with someone I respect as much as the Senator from California.

Mrs. FEINSTEIN. If I may, I wish to thank the distinguished ranking member. I believe that completes the opening statements on the bill.

I notice the distinguished Senator is on the floor. So if it is agreeable with Senator ALEXANDER, we can yield at this time to him.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Indiana.

Mr. COATS. Mr. President, I didn't come to interrupt opening statements. I guess they are completed. I do have a point that is directly related to this particular appropriations bill which I would like to discuss, and I am going to offer to put forward an amendment as a consequence of this.

I am glad the chairwoman and the ranking member are here so I can put this on the RECORD, and they are familiar with what I am going to do.

This is a matter that is important both to my State of Indiana and, I believe, the Federal Government's involvement in subsidizing or loan guarantees or other support for various energy development projects.

All of us, I think, are concerned over the situation with Solyndra, where a \$535 million loan guarantee from the Department of Energy to construct a solar panel manufacturing facility has now gone bust, and the taxpayer is on the hook for over \$½ billion of loan guarantee and money that is lost to the taxpayer. That money likely will never be repaid. However, my concern goes beyond Solyndra. I didn't come here to talk about Solyndra. But there is a similar situation that may be occurring and I want to raise this issue because it goes, again, to decisions that are being made by the Department's energy renewal offices relative to loans to private entities and loan guarantees to private entities.

This particular situation involves the Advanced Technology Vehicles Manufacturing, or ATVM, Loan Program. Some of those loans are going to what

may turn out to be viable improvements in our ability to lighten vehicles, to increase mileage, to provide for alternative sources of fuel. I think that is still up in the air and still to be determined. But this particular program I want to talk about involves a program that I am not sure fits within the proper category. Earlier this year the Department issued a nearly three-quarters—\$730 million—conditional loan commitment to Severstal North America under the ATVM program. Let me read from the Department's press release.

The funding will support the modernization of [Severstal's] existing facilities in Dearborn, MI, in addition to the design, manufacture and construction of new facilities to produce the next generation of automotive advanced high-strength steel. The Severstal project has the potential to significantly increase the supply of this advanced high strength steel in North America as demand continues to grow for fuel efficient vehicles.

Continuing the release:

An increased supply for this breakthrough technology steel will help U.S. automotive manufacturers meet the pending and future design, weight and safety requirements of advanced technology vehicles. Severstal estimates the project will generate over 2,500 construction jobs and over 260 permanent manufacturing jobs.

That is the end of the Department's press release.

The Department of Energy makes it sound as though this loan to Severstal will promote a completely new breakthrough technology. The problem is, this simply is not true. In fact, six companies already manufacture the advanced high-strength steel that Severstal is seeking to receive a loan to help produce. Three of those companies have production facilities in my home State of Indiana: Arcelor Mittal, Steel Dynamics, and U.S. Steel.

Evidence shows that the market for this type of steel is strong and robust in the United States, with multiple producers already manufacturing these high-technology products. In fact, I am told that this high-strength steel has been manufactured in the United States since the 1980s, and the current capacity for this steel actually surpasses current demand. All of this information should be available to the Energy Department for their consideration as to whether they should go forward with this loan, but the Department spokesperson is quoted as saying that advanced high-strength steel is "in short supply."

This begs the question as to whether the administration has seriously conducted any type of market analysis before deciding to award this loan. Did the Department research what advanced high-strength steel products are already in the marketplace and whether a taxpayer loan was even needed? Based on the Department's public comments it seems unlikely that the ad-

ministration made any estimates of current and future capacity in the United States for the production of this steel or talked to any steel producers outside of Severstal.

I think a legitimate question is: What is the impact of this loan? Should it be finalized? Subsidizing Severstal to produce a product already being manufactured would undercut competitors because Severstal, of course, will have lower costs due to the nearly \$¾ billion loan guarantee.

There is also no job creation here that fits the description of what the Department indicated would be the case with new jobs. Given the state of supply and demand, any new jobs created at Severstal would come at a cost to other producers, creating, at best, a net zero job gain. That means job losses in Indiana and Pennsylvania where the high-strength steel already is manufactured.

Moreover, the Department claims that "over 2,500 construction jobs" would be created by the issuance of the loan. That claim is dubious at best, since most of the plant construction is already manufactured. Moreover, the Department claims that Severstal's own documents claim that two of the three required lines will be finished by December 2011. Only an annealing line valued at one-third of the amount of the loan is awaiting final approval, and the Department's own Web site states, "Loans will not be available on a retroactive basis."

Here we have a situation where the Department's own release and justification of the loan states a number of construction jobs to be put in place when the construction is virtually finished. Second, when most of the completion includes, with one exception, what only amounts to one-third of the loan that is being asked for, it makes you wonder why the loan is two-thirds greater than that.

We have to ask the question, is it proper to give a company nearly \$¾ billion for facilities that have already been built and for production of a product that is already manufactured and in excess supply in the United States—particularly for two States that are impacted by this, the State of Indiana and the State of Pennsylvania? Here we are back in a situation where the Federal Government is picking winners and losers in a fully functioning and growing product market.

Based on these concerns, I sent a letter to the Department of Energy Secretary Chu in August, seeking answers to a number of these questions I have been raising. Unfortunately the Department sent back a very nonresponsive reply that did not address any of my concerns.

As a result, I believe it is necessary to call on the inspector general of the Department of Energy to investigate the Severstal loan and report back to

Congress his findings. American taxpayers deserve to know what is happening with our tax dollars and the hardworking employees of other steel companies manufacturing the same steel deserve to know why the Department of Energy is attempting to undercut their job security by subsidizing a competitor.

Today I am introducing an amendment to the Energy and Water Appropriations bill that would direct the Energy Department's inspector general to submit a report to Congress on the conditional loan agreement currently in place to Severstal. Such a report by the inspector general can help clarify why or why not this conditional loan to Severstal should be granted. The Department needs to be more transparent and forthcoming with how it is using taxpayers' dollars. We need to learn lessons from the disaster that is Solyndra and the cost to the taxpayer. The last thing the Department of Energy, this administration, or this Congress needs to do is to authorize a nearly \$¾ billion loan for a product that is already being manufactured by domestic steel suppliers and is not needed. We need that determination. That is why I am offering this amendment.

Mr. President, if time permits, I wish also to step aside from the current topic to briefly discuss another matter. I do not want to exceed the time limitation that might be in place. It appears I can go forward with that without a problem.

Mr. President, I also want to discuss the subject of a vote last week by UNESCO, the United Nations Education and Scientific Cultural Organization, to grant membership to the Palestinian Authority even though it is not a recognized country. UNESCO should not have the authority to do so, but through a vote in the United Nations it did just that. The United States has been an on-and-off supporter of UNESCO. There has been a lot of controversy with UNESCO over its lack of effectiveness and the cost to the taxpayer. It has resulted in questions as to whether we should continue funding that organization. We currently support that.

This action that has been taken to admit the Palestinian Authority as a member state is, I submit, completely misguided and deeply damaging. UNESCO's decision has further dimmed prospects for a negotiated peace in the Middle East. My fear is that this step—which the Palestinians mistakenly regard as a success—will encourage them to press for membership in other U.N. bodies as well. Doing so will harm Israel, harm the Palestinians' own interests, harm the U.N. agencies involved, and harm our own national interests. As a consequence of this, the United States is obligated under law to terminate all funding for UNESCO and any other U.N. body that admits the

Palestinian Authority. Public law 101-246, which passed in 1990, states that: "no funds authorized to be appropriated by this Act or any other Act shall be available for the United Nations or any specialized agency thereof which accords the Palestinian Liberation Organization [the PLO] the same standing as member states."

That is the law. That is what has been enacted through votes in this body and signed by Presidents of the United States. In 1994, Congress passed Public Law 103-236, which prohibits "voluntary or assessed contribution to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood," which the PLO does not have. The Senate, on a vote codifying these laws—or reaffirming them, I should say—passed this legislation 92 to 8, indicating that this clearly should be a noncontroversial and nonpartisan issue, clearly, a 92-to-8 vote.

The reason I am speaking here today is despite our legal obligation to suspend funding as a result of UNESCO's latest action, there has been some speculation that it may be possible to find alternative ways to financially support U.N. agencies such as UNESCO that have taken this step of admitting the Palestinians as a member. That would be a total mistake. I want to reiterate the fact that it would be a violation of the law.

Therefore, I come to the floor today to introduce a bill that serves as an emphatic restatement of that law, making its consequences more certain.

Furthermore, I am introducing this language as an amendment to the current appropriations bill, that will clarify that no taxpayer dollars can be used to fund UNESCO. We must slam the door on any speculation of any kind of backdoor financial support for the United Nations agencies that grant membership to Palestine. This bill is exactly that. There is no reason why this purposeful reinstatement of existing law should not have bipartisan support. The threat to prospects for negotiated, just, and lasting peace that is posed by this recent Palestinian tactic is more tangible now than in the past. Our determination to discourage such a dangerous tactic should be stronger than ever.

I ask that my colleagues join in support of this legislation that makes it clear to UNESCO, the United Nations, Israel, the Palestinian Authority, and clear to the rest of the world that the United States will not tolerate attempts to admit the Palestinian Authority and undercut negotiated peace efforts in the Middle East.

I am hoping we will have a vote on this to once again reaffirm our determined commitment to live by the laws we have passed and to not allow an

agency of the United Nations or any part of the United Nations be used to grant statesmanship and nationhood to an entity that has not qualified for that. I hope this reaffirmation will also put to rest any speculation or any attempts to circumvent the laws that exist on the books.

I yield the floor.

Mrs. FEINSTEIN. I note the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUSINESS-METHOD PATENTS

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter concerning section 18 of the America Invents Act, sent to me and others by the chairman of the House Judiciary Committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC September 8, 2011.

Hon. JON KYL
*U.S. Senate,
Washington, D.C.*
Hon. CHARLES E. SCHUMER,
*U.S. Senate,
Washington, D.C.*
Hon. PATRICK LEAHY,
*U.S. Senate,
Washington, D.C.*
Hon. CHUCK GRASSLEY,
*U.S. Senate,
Washington, D.C.*

DEAR SENATORS KYL, SCHUMER, LEAHY AND GRASSLEY: I am writing to discuss further the importance of the transitional program for business method patents as included in H.R. 1249, the Leahy-Smith America Invents Act. As you know, this provision enables the U.S. Patent and Trademark Office ("USPTO") to correct egregious errors that were made in the granting of a wide range of business method patents.

Business methods were generally not patentable in the United States before the late 1990s, and generally are not patentable elsewhere in the world. The Federal Circuit, however, created this new class of patents in its 1998 State Street decision. In its 2010 decision in *Bilski v. Kappos*, the U.S. Supreme Court clamped down on the patenting of business methods and other patents of poor quality. It is likely that many or most of the business method patents that were issued after State Street are now invalid under *Bilski*.

There really is no sense in allowing expensive litigation over patents that are no

longer valid in light of the Supreme Court's clarification of the law. The new transitional program included in the House bill creates an inexpensive and speedy alternative to litigation—allowing parties to resolve these disputes more efficiently rather than spending millions of dollars in litigation costs. In the process, the proceeding will also prevent nuisance litigation settlements.

Moreover, the new administrative proceeding allows business method patents to be reviewed by the experts at the USPTO under the correct (Bilski) standard. To use this proceeding, a challenger must make an upfront showing to the USPTO of evidence that the business method patent is more likely than not invalid. This is a high standard. Only the worst patents, which probably never should have been issued, will be eligible for review in this proceeding.

This program provides the Patent Office with a fast, precise vehicle to review low-quality business method patents, which the Supreme Court has acknowledged are often abstract and overly broad.

Specifically, the bill's provision applies to patents that describe a series of steps used to conduct every-day business applications in the financial products and retail services sectors. These are patents that can be and have been asserted against all types of businesses—from community banks and credit unions to retailers and businesses of all sizes and from all industries.

The provision is, indeed, limited to patents that are non-technological in nature (i.e., business methods) and that involve a process or related apparatus used in the practice, administration, or management of a financial product or service. The program's exception for "technological inventions" precludes review of patents for inventions based on application of the natural sciences or related engineering or inventions in computer operations. And by requiring that the covered patents be applicable to a financial product or service, the proceeding in the House bill ensures that the patents eligible for review will generally include only those that have some business or commercial orientation.

Nothing in the bill, however, limits use of the proceeding to one industry; rather, it applies to non-technological patents that can apply to financial products or services. Any business that sells or purchases goods or services "practices" or "administers" a financial service by conducting such transactions. Most business-method patents are fairly plastic in nature and could apply to a whole host of business activities. See 157 Cong. Rec. 1363, 1365 (daily ed. March 8, 2011) (statement of Sen. Schumer) ("To meet this requirement, the patent need not recite a specific financial product or service. Rather the patent claims must only be broad enough to cover a financial product or service."). To be sure, the fact that a patent has been asserted against a financial institution with respect to products or processes that are unique to such institutions will be a fairly clear indicator that the patent applies to a "financial product or service," and should provide guidance to the USPTO in administering the program. See 157 Cong. Rec. 1368, 1379 (daily ed. March 8, 2011) (statement of Sen. Kyl).

The transitional program can be used to review patents for "a method or a corresponding apparatus." The distinction between a "process" and a "machine" (two of the terms used in section 101 of the patent code to define what is patentable) is not a firm one, and many inventions can be characterized either way. A "corresponding appa-

ratus" for a business method would include, for example, a computer that was programmed to carry out the business process. Wary of the stigma that attaches to business-method patents, many applicants try to obscure the nature of these patents by characterizing a computer that has been programmed to execute the process as the invention, and thus asserting that the process is really a "machine" or a "system."

The program's definition of "covered business-method patent" includes a "corresponding apparatus" in order to prevent such obvious evasions. Any other approach would elevate claim-drafting form over invention substance. Finally, any "apparatus" that is subject to review under the program would need to be used to implement or effect a business method. Legitimate inventions in technological fields will not be subject to review under this program.

The transitional program also extends to parties charged with infringement. This was done specifically to prevent downstream customers or users from being dragged into frivolous litigation over suspect or improperly granted patents. H.R. 1249 also extends the time frame for the transitional program. This change is important to prevent patent trolls from waiting out the program. This issue of folks "lying in wait" may actually be a significant argument for extending or making permanent this program in the future. Similarly, the program's definition was expanded in H.R. 1249 so that it is not limited to class 705 patents. This change is key to the program's success, because many business method patents are assigned to classes other than 705, and it makes no sense to exclude them because of the quirks of USPTO's classification regime.

This program is not tied to one industry or sector of the economy—it affects everyone. The provision as developed in the Senate and later perfected in the House will ensure that the vast majority of non-technological business method patents will be eligible for review under this program. As the USPTO had a presumption to grant many of these erroneous patents, they should now have a presumption to allow most non-technological business method patents that have a commercial nexus into this new program for review. This program was designed to be construed as broadly as possible and as USPTO develops regulations to administer the program that must remain the goal.

The strength of our patent system relies on not simply the mechanical granting of a patent, but the granting of strong patents, ones that are truly novel and non-obvious inventions, that are true innovations and not the product of legal gamesmanship. This provision is an integral component of H.R. 1249 and will not only help correct past mistakes but ensure a stronger U.S. patent system going forward.

Sincerely,

LAMAR SMITH,
Chairman, Committee on the Judiciary,
House of Representatives.

ADDITIONAL STATEMENTS

TRIBUTE TO MARGE THOMAS

• Mr. CARDIN. Mr. President, today I honor Marge Thomas, who is retiring as the president and chief executive officer of Goodwill Industries of the Chesapeake. Ms. Thomas began her career with Goodwill in Milwaukee in

1974 and rose to become the first woman executive in the enterprise to win a national Goodwill Industries leadership award, to go along with Outstanding Management and Distinguished Career Awards.

Ms. Thomas took over Goodwill Industries of the Chesapeake in 1994 and transformed the agency into one of Baltimore's largest nonprofit organizations during her nearly 18-year tenure. When she joined Goodwill Chesapeake in 1994, the agency served 453 people, operated 17 stores, and had total revenues of \$8 million. Today, it serves more than 17,000 people, and the organization has expanded to include nine training sites and 26 retail stores, and it has government contracts throughout the greater Baltimore region and the Eastern Shore. Total revenues have grown to \$40 million, with nearly \$30 million generated through the agency's retail operations. Her accomplishments include expanding Goodwill services to provide a variety of training and employment needs for individuals who have mental and physical disabilities, including those needing public assistance, and those who have criminal backgrounds or face other employment challenges.

Congress would do well to learn from Ms. Thomas, who has found ways during these trying economic times to create jobs, train employees, and increase revenues. She has offered a helping hand and, more important, hope to many people struggling to climb onto the first rung of the economic ladder. I ask my colleagues to join me in thanking Ms. Thomas for a job well done; for her lifelong commitment to public service and for her many outstanding contributions in helping the less fortunate among us. She has made a positive difference in so many people's lives. I know her future plans include some travel, attending some classes at Anne Arundel Community College, and serving as a mentor to women nonprofit executives. Please join me in sending best wishes to Marge Thomas for a happy, productive, and well-deserved retirement.●

TRIBUTE TO TERIGI ROSSI

• Mr. KERRY. Mr. President, today I would like to join the Massachusetts relatives and friends of Massachusetts native son Terigi Rossi in celebrating 15 remarkable years as a police officer in Dallas, TX, the last 10 as a member of that city's elite SWAT Team.

The name Terigi Rossi may be familiar to television viewers. Officer Rossi was featured in "Dallas SWAT," a reality television series on the A&E Network that followed members of the Dallas SWAT Team in 2006-2007. The TV cameras captured the gritty, life-on-the-line experiences of Officer Rossi and his fellow SWAT Team members, but they also followed them home,

showing the family life of officers whose lives are always in danger but who always put family first.

In Officer Rossi's case, viewer had an intimate view of a man who with his fellow officer is called out to capture a bank robbery suspect barricaded inside a garage, or responding to another call, trying to stop a suspected drug dealer from destroying evidence. But when the work day is done, the cameras followed Officer Rossi through training for an amateur boxing match, then back home where he cooks chicken cutlets for dinner with his wife Grace and their two sons, 15-year-old Antonio and 11-year-old Terigi. Then, it is off to his part time job as a security guard to supplement the family income.

As a prosecutor in Middlesex County in the 1970s, I worked with hundreds of police officers. And it was clear how much we ask of these officers. They are required to be many things to many people—minister, social worker, keeper of the peace, the lawman with the courage to face the armed suspects at great personal risk. And since the late 1960s, some of the best of these lawmen have been recruited into elite tactical units to perform dangerous and high-risk operations—lawmen like Terigi Rossi.

Terigi Rossi grew up on Harley Avenue in the city of Everett, MA. He graduated from Malden Catholic High School where, not surprisingly, this 6-foot 230-pound athlete was a lineman on the football team, playing offense and defense. He graduated from Suffolk University where he was recruited by the city of Dallas to serve on their police force, one of the largest in the Nation, with 2,977 sworn officers and 556 civilians.

And I have to say—Massachusetts's loss was Texas's gain, because Terigi Rossi would have been a great addition to any police force in our State. Just look at the 15 years this always-on-the-go officer has spent on the Dallas police force, including 10 years with the city's always-ready-to-go 50-member SWAT Team as a specialist in gas and chemical weaponry.

Officer Rossi's family and friends back home in Massachusetts, particularly my friend Tom Ciulla, are justifiably proud of his record of public service. I join them in celebrating not only his 15 years in a police uniform but also his 10 years in the armor of the Dallas SWAT Team. And I send thanks to Grace, Antonio and Terigi for their support of Officer Rossi. They know as well as any that law enforcement officers are never off duty. They protect the public any time and any place that the peace is threatened. And we should give them all they help they need.●

TRIBUTE TO JUDGE BRUCE Q. MORIN

● Mr. WHITEHOUSE. Mr. President, today I express my thanks and con-

gratulations to a son and servant of my State of Rhode Island. Bruce Q. Morin, associate judge of the Rhode Island Workers' Compensation Court, has recently retired after a long career in public service.

I first had the pleasure of getting to know Judge Morin in the early 1990s, when I was a policy adviser to then-Rhode Island Governor Bruce Sundlun. At the time, the Rhode Island worker's compensation system was broken and on the verge of insolvency. Costs had risen to unbearable levels. Insurers were departing the Rhode Island system. The problem seemed politically intractable. And worst of all, the means of providing adequate support to injured workers in Rhode Island was in danger.

Well, working together we completely overhauled the system. A central component of the overhaul was the creation of Rhode Island's Workers' Compensation Court, specifically designed to hear and decide all disputes between an injured employee and an employer relating to workers' compensation benefits. Governor Sundlun appointed Bruce Morin to the court in 1991, the year it was created, and he has dutifully and honorably served both the state of Rhode Island and the citizens who have come before his bench for 20 years.

Today, the Rhode Island workers' compensation system stands as a national model. Rhode Island has been able to permanently reduce costs, stabilize the workers' compensation market, eliminate fraud, protect injured workers, and save Rhode Island businesses hundreds of millions of dollars. Rhode Island's system now has the lowest average medical cost per employee per year in the entire country.

We owe a great measure of that success to Judge Morin, Chief Judge Healey, former Chief Judge Arrigan, and the rest of the court for implementation of the law in the best interests of the State of Rhode Island.

From his days serving his country, both with the Judge Advocate General Corps of the U.S. Naval Reserve and as an instructor at the Naval Justice School in Newport; to his time as a member of the Rhode Island State senate; to his distinguished tenure on the Workers' Compensation Court, Bruce Morin has been a lifelong public servant.

After a long and successful career in Rhode Island, I know Judge Morin is looking forward to an enjoyable retirement, more hours on the links, and more time to share with his two wonderful children Jeffrey and Amy. I congratulate him on his many accomplishments and wish him great luck and happiness in all his future endeavors.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to

the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, November 14, 2011, she had presented to the President of the United States the following enrolled bill:

S. 1280. An act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment and with a preamble:

S. Res. 296. A resolution commemorating the 50th anniversary of the Combined Federal Campaign.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COATS:

S. 1860. A bill to clarify prohibitions for any United Nations entity that admits Palestine as a member state; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. DURBIN):

S. Res. 322. A resolution designating November 2011 as "COPD Awareness Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 381

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 381, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics

may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 815

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Indiana (Mr. LUGAR) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1616

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1703

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1703, a bill to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and for other purposes.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Massachu-

setts (Mr. BROWN) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1848

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1848, a bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes.

S. RES. 199

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. Res. 199, a resolution supporting the goals and ideals of "Crohn's and Colitis Awareness Week".

S. RES. 302

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Res. 302, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

S. RES. 316

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 316, a resolution expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution.

S. RES. 317

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 317, a resolution expressing the sense of the Senate regarding the liberation of Libya from the dictatorship led by Muammar Qaddafi.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 322—DESIGNATING NOVEMBER 2011 AS "COPD AWARENESS MONTH"

Mr. CRAPO (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 322

Whereas chronic obstructive pulmonary disease (referred to in this preamble as "COPD"), also known as chronic bronchitis and emphysema, is the third leading cause of death in the United States and is the only 1 of the top 5 causes of death with a rising prevalence and death rate;

Whereas COPD is a chronic and progressive disease that affects over 24,000,000 people in the United States, ½ of whom have not been properly diagnosed;

Whereas COPD claims the lives of more than 120,000 people of the United States each year, with a person dying every 4 minutes from COPD;

Whereas COPD is considered to be the second leading cause of disability in the United States;

Whereas in 2011 COPD cost the United States approximately \$49,900,000,000 per year; Whereas the major risk factor for COPD is smoking and other risk factors include exposure to air pollution, industrial irritants, and burned biomass fuels;

Whereas COPD can also result from genetic conditions, such as alpha-1 antitrypsin deficiency;

Whereas many patients suffering with COPD are not diagnosed until they have reached an advanced stage of COPD;

Whereas a diagnostic test for COPD, known as spirometry, is available for office use, allowing early diagnosis of COPD;

Whereas the National Institutes of Health, Centers for Disease Control and Prevention, and the Department of Veterans Affairs play a critical role in advancing the prevention, diagnosis, treatment, and ultimately a cure for COPD;

Whereas primary care physicians are in a key position to provide optimal care to patients with COPD and need to be trained to diagnose and treat the disease;

Whereas individuals with COPD who are able to receive education from allied health professionals, such as respiratory therapists, have better health outcomes;

Whereas appropriately treating COPD with medication and health management can reduce hospital readmissions and costly exacerbations; and

Whereas increased public awareness, screening, early detection, and treatment of COPD are crucial in the prevention or slowing the progression of lung disease and can lead to reduced costs and better quality of life: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2011 as "COPD Awareness Month";

(2) encourages all people of the United States to become more informed about chronic obstructive pulmonary disease (referred to in this resolution as "COPD") and get screened if they are at risk; and

(3) encourages further partnership between the Federal government and private entities to enhance patient education about COPD.

AMENDMENTS SUBMITTED AND PROPOSED

SA 945. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 946. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 947. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 948. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 949. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 945. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1____. None of the funds made available by this Act may be used by the Corps of Engineers to implement or enforce section 327.13(a) of title 36, Code of Federal Regulations (or successor regulation).

SA 946. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 480, between lines 15 and 16, insert the following:

VIETNAM EDUCATION FOUNDATION

SEC. 70____. (a) GRANTS AUTHORIZED.—The Secretary of State may award 1 or more grants, using a transparent and competitive selection process, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) and not-for-profit organizations in the United States engaged in promoting institutional innovation in Vietnamese higher education: *Provided*, That grant funds awarded under this subsection shall be used to support the establishment of 1 or more independent, not-for-profit academic institutions in Vietnam that meets standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965, with graduate level programs in public policy, management, and related fields, that support the equitable and sustainable socioeconomic development of Vietnam, feature teaching and research components, promote the development of institutional capacity and innovation in Vietnam, operate according to core principles of good governance, and are autonomous: *Provided further*, That each institution of higher education and not-for-profit organization desiring a grant under this subsection shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require: *Provided further*, That the Secretary of State may use amounts from the Vietnam Debt Repayment Fund made available under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection: *Provided further*, That the Secretary of State shall submit an annual report to the appropriate congressional committees that summarizes the activities carried out under this subsection during the most recent fiscal year.

(b) TRANSFER OF FUNCTIONS AND ASSETS.—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Bureau of Educational and Cultural Affairs of the Department of State.

(c) USE OF FUNDS.—In addition to the purpose set forth in paragraph (2) of section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note), during each

of the fiscal years 2012 through 2018, the amounts deposited into the Vietnam Debt Repayment Fund pursuant to paragraph (1) of such section shall be made available by the Secretary of the Treasury, upon the request of the Secretary of State, to—

(1) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), selected by the Secretary of State through a transparent and competitive process, for the purpose of supporting the establishment of 1 or more independent, not-for-profit academic institutions in Vietnam that meets standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965, with graduate level programs in public policy, management, and related fields; and

(2) not-for-profit organizations in the United States, selected by the Secretary of State through a transparent and competitive process, for the purpose of supporting the establishment of a new, independent Vietnamese academic institution that meets standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965.

SA 947. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading “GENERAL PROVISIONS—DEPARTMENT OF ENERGY”, add the following:

SEC. _____. None of the funds made available by this Act may be used by the Secretary of Energy to provide the cost of loan guarantees that, in any circumstances at the time of, or subsequent to, the issuance of a loan guarantee, make the Secretary subordinate to other financing.

SA 948. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading “GENERAL PROVISIONS—DEPARTMENT OF ENERGY”, add the following:

SEC. _____. (a) None of the funds made available by this Act to carry out the Advanced Technology Vehicles Manufacturing Loan Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) may be used by the Secretary to approve any loan for the design, manufacture, construction, or modification of any facility to produce advanced high-strength steel until the Inspector General completes and makes public the report described in subsection (b).

(b) The Inspector General shall—

(1) conduct an investigation of any conditional loan commitment issued by the Secretary for the design, manufacture, construction, or modification of any facility to produce advanced high-strength steel under the Advanced Technology Vehicles Manufacturing Loan Program; and

(2) not later than 180 days after the date of enactment of this Act, prepare a report that describes the results of the investigation conducted under paragraph (1).

(c) The report prepared under in subsection (b)(2) shall address the following issues:

(1) Whether the Secretary properly considered advanced high strength steel a “component” under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

(2) Whether the Secretary conducted a proper market analysis to determine what advanced high strength steel products were in the marketplace and in what volumes.

(3) Whether the Secretary estimated the current or future capacity for production of advanced high strength steel in the United States.

(4) Whether the Secretary estimated the future demand for advanced high strength steel from automakers.

(5) Whether it was proper for the Secretary to fund a nearly complete project for facilities already built.

(6) Whether the Secretary conducted a thorough jobs-impact analysis before issuing the conditional loan commitment, including an analysis of what jobs would be lost or redistributed from other companies that produce advanced high strength steel.

(7) Whether and to what extent the loan office was improperly influenced outside groups or the White House, including the Office of Management and Budget.

SA 949. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division C, add the following:

SEC. 7088. (a) Congress makes the following findings:

(1) The decision by the membership of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to admit the Palestinian Authority as a full member state of the organization is counterproductive, harms efforts to reach a negotiated, lasting, and just peace in the Middle East, and is contrary to United States interests.

(2) The Palestinian Authority may use this vote as a precedent to pursue membership in other United Nations affiliated organizations, contrary to the best interests of those organizations and the Palestinians themselves.

(3) Palestinian statehood can emerge only from negotiations with Israel, not from actions by third parties, including the United Nations and its affiliated organizations.

(4) Existing United States law prohibits appropriation of funds for the United Nations or any specialized agency affiliated with the United Nations that grant full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood.

(5) The President does not have the discretion to identify alternative methods of providing funds to any United Nations agency that admits Palestine as a member state.

(b) None of the amounts appropriated or otherwise made available by this Act shall be obligated or expended in contravention of section 410 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 454; 22 U.S.C. 287e

note) or section 414 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 104 Stat. 70; 22 U.S.C. 287e note).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nominations on the Secretary's desk in the Coast Guard; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN635 COAST GUARD nomination of Walter L. Ouzts, Jr., which was received by the Senate and appeared in the Congressional Record of June 7, 2011.

PN749 COAST GUARD nomination of Kathleen A. Duignan, which was received by the Senate and appeared in the Congressional Record of July 5, 2011.

PN1021 COAST GUARD nomination of Gregory L. Parsons, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1022 COAST GUARD nominations (17) beginning Michael B. Bee, and ending James W. Whitley, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1023 COAST GUARD nominations (78) beginning Paul Albertson, and ending Michael L. Woolard, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1024 COAST GUARD nominations (143) beginning Ricardo M. Alonso, and ending Torrence B. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1041 COAST GUARD nomination of Kenneth W. Megan, which was received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1042 COAST GUARD nomination of Jennifer A. Ketchum, which was received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1069 COAST GUARD nominations (290) beginning Alonzo D. Alday, and ending Peter J. Zauner, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

CROHN'S AND COLITIS AWARENESS WEEK

Mr. REID. I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 199, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 199) supporting the goals and ideals of "Crohn's and Colitis Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas Crohn's disease and ulcerative colitis are serious, chronic inflammatory diseases of the gastrointestinal tract;

Whereas Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, afflict approximately 1,400,000 people in the United States, 30 percent of whom are diagnosed as children;

Whereas the cause of Crohn's disease and ulcerative colitis are unknown and no medical cure exists;

Whereas Crohn's disease and ulcerative colitis can affect anyone, at any age, and is being diagnosed with increased frequency in children;

Whereas Crohn's disease and ulcerative colitis patients are at high risk for developing colorectal cancer;

Whereas a lack of awareness among health professionals and the general public may contribute to the misdiagnosis and mismanagement of Crohn's disease and ulcerative colitis;

Whereas the annual direct cost of Crohn's disease and ulcerative colitis in the United States is estimated to be \$6,100,000,000;

Whereas the goals of "Crohn's and Colitis Awareness Week" are—

(1) to invite and encourage all people in the United States to join the effort to find a cure for Crohn's disease and ulcerative colitis;

(2) to engage in activities aimed at raising awareness of Crohn's disease and ulcerative colitis among the general public and health care providers; and

(3) to promote and support biomedical research needed to find better treatments and a cure for Crohn's disease and ulcerative colitis; and

Whereas the week of December 1, 2011, through December 7, 2011, has been designated "Crohn's and Colitis Awareness Week": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "Crohn's and Colitis Awareness Week";

(2) encourages media organizations to participate in "Crohn's and Colitis Awareness

Week" by helping to educate the general public about Crohn's disease and ulcerative colitis;

(3) recognizes all people in the United States living with Crohn's disease and ulcerative colitis and expresses appreciation to the family members and caregivers who support them; and

(4) commends the dedication of health care professionals and biomedical researchers who care for Crohn's disease and ulcerative colitis patients and work to advance basic, genetic, and clinical research aimed at developing new treatments and a cure for Crohn's disease and ulcerative colitis.

COPD AWARENESS MONTH

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 322.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 322) designating November 2011 as "COPD Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 322) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 322

Whereas chronic obstructive pulmonary disease (referred to in this preamble as "COPD"), also known as chronic bronchitis and emphysema, is the third leading cause of death in the United States and is the only 1 of the top 5 causes of death with a rising prevalence and death rate;

Whereas COPD is a chronic and progressive disease that affects over 24,000,000 people in the United States, 1/2 of whom have not been properly diagnosed;

Whereas COPD claims the lives of more than 120,000 people of the United States each year, with a person dying every 4 minutes from COPD;

Whereas COPD is considered to be the second leading cause of disability in the United States;

Whereas in 2011 COPD cost the United States approximately \$49,900,000,000 per year;

Whereas the major risk factor for COPD is smoking and other risk factors include exposure to air pollution, industrial irritants, and burned biomass fuels;

Whereas COPD can also result from genetic conditions, such as alpha-1 antitrypsin deficiency;

Whereas many patients suffering with COPD are not diagnosed until they have reached an advanced stage of COPD;

Whereas a diagnostic test for COPD, known as spirometry, is available for office use, allowing early diagnosis of COPD;

Whereas the National Institutes of Health, Centers for Disease Control and Prevention, and the Department of Veterans Affairs play a critical role in advancing the prevention, diagnosis, treatment, and ultimately a cure for COPD;

Whereas primary care physicians are in a key position to provide optimal care to patients with COPD and need to be trained to diagnose and treat the disease;

Whereas individuals with COPD who are able to receive education from allied health professionals, such as respiratory therapists, have better health outcomes;

Whereas appropriately treating COPD with medication and health management can reduce hospital readmissions and costly exacerbations; and

Whereas increased public awareness, screening, early detection, and treatment of COPD are crucial in the prevention or slowing the progression of lung disease and can lead to reduced costs and better quality of life: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2011 as “COPD Awareness Month”;

(2) encourages all people of the United States to become more informed about chronic obstructive pulmonary disease (referred to in this resolution as “COPD”) and get screened if they are at risk; and

(3) encourages further partnership between the Federal government and private entities to enhance patient education about COPD.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 112-4

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 14, 2011, by the President of the United States: Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, Treaty Document No. 112-4. I further ask consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, done at the Food and

Agriculture Organization of the United Nations, in Rome, Italy, on November 22, 2009 (the “Agreement”). I also transmit, for the information of the Senate, the report of the Department of State with respect to the Agreement.

The Agreement established, for the first time at the global level, legally binding minimum standards for port states to control port access by foreign fishing vessels, as well as by foreign transport and supply ships that support fishing vessels. The Agreement also encourages Parties to apply similar measures to their own vessels. Involved Federal agencies and stakeholders strongly support the Agreement. The Agreement establishes practical provisions to prevent fish from illegal, unreported, and unregulated fisheries from entering the stream of commerce. If widely ratified and properly implemented, the Agreement will thereby serve as a valuable tool in combating illegal, unreported, and unregulated fishing worldwide.

The legislation necessary to implement the Agreement will be submitted separately to the Congress. I recommend that the Senate give early and favorable consideration to this Agreement and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, November 14, 2011.

ORDERS FOR TUESDAY, NOVEMBER 15, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, November 15, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate

proceed to executive session, as provided for under the previous order; that following the votes in executive session, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings; and at 2:15 p.m. the Senate resume consideration of H.R. 2354.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators, then, should expect two rollcall votes at noon tomorrow. Those votes will be on the confirmation of Sharon Gleason to be U.S. District Judge for the District of Alaska and Yvonne Rogers to be U.S. District Judge for the District of Northern California.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:58 p.m., adjourned until Tuesday, November 15, 2011, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, November 14, 2011:

IN THE COAST GUARD

COAST GUARD NOMINATION OF WALTER L. OUZTS, JR., TO BE LIEUTENANT.

COAST GUARD NOMINATION OF KATHLEEN A. DUIGNAN, TO BE COMMANDER.

COAST GUARD NOMINATION OF GREGORY L. PARSONS, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH MICHAEL B. BEE AND ENDING WITH JAMES W. WHITLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

COAST GUARD NOMINATIONS BEGINNING WITH PAUL ALBERTSON AND ENDING WITH MICHAEL L. WOOLARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

COAST GUARD NOMINATIONS BEGINNING WITH RICARDO M. ALONSO AND ENDING WITH TORRENCE B. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

COAST GUARD NOMINATION OF KENNETH W. MEGAN, TO BE CAPTAIN.

COAST GUARD NOMINATION OF JENNIFER A. KETCHUM, TO BE COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH ALONZO D. ALDAY AND ENDING WITH PETER J. ZAUNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

HOUSE OF REPRESENTATIVES—Monday, November 14, 2011

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. FOXX).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 14, 2011.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day. We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times with many forces and interests demanding their attention.

Give them generosity to enter into their work. May they serve You in the work they do as You deserve; give of themselves and not count the cost; fight for what is best for our Nation and not count the political wounds; toil until their work is done and not seek to rest; and labor without seeking any reward, other than knowing they are doing Your will and serving the people of this great Nation.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPREME COURT TO DECIDE CONSTITUTIONALITY OF HEALTH CARE LAW

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, today the Supreme Court announced plans to take up a judicial review of the President's health care law, the so-called Patient Protection and Affordable Care Act. This was signed into law in March of 2010.

Now the Justices will consider if the Federal Government—indeed, the United States Congress—exceeded its authority by requiring that every American purchase health insurance by 2014.

The American people have made it very clear throughout this process: Give us the reforms that will address the problems, but don't tinker with what is already working well. What people wanted was not a 2,900-page bill that shatters the system that was working well for the vast majority of Americans.

What Congress should have done was to tackle the problems that Americans who need help were requesting. We could have addressed and accomplished reform in stand-alone bills at a much lower cost. We've seen that the new health care law is not what the American people wanted, and I am encouraged that this law will now be heard before the highest court in the land, and I am hopeful for their expeditious and judicial removal of the Affordable Care Act.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 10, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 10, 2011 at 5:52 p.m.:

That the Senate passed with an amendment H.R. 674.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 14, 2011 at 10:19 a.m.:

That the Senate passed without amendment H.R. 398.

That the Senate passed S. 363.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE HONORABLE LEE TERRY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable LEE TERRY, Member of Congress:

CONGRESS OF THE UNITED STATES,
House of Representatives, November 7, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a subpoena duces tecum for the production of documents, issued by the District Court of Sarpy County, Nebraska.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

LEE TERRY,
Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 5 minutes p.m.), the House stood in recess until approximately 4:30 p.m.

□ 1632

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 4 o'clock and 32 minutes p.m.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SAM D. HAMILTON NOXUBEE NATIONAL WILDLIFE REFUGE

Mr. HASTINGS of Washington. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 588) to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF THE NOXUBEE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—The Noxubee National Wildlife Refuge, located in the State of Mississippi, is redesignated as the “Sam D. Hamilton Noxubee National Wildlife Refuge”.

(b) BOUNDARY REVISION.—Nothing in this Act prevents the Secretary of the Interior from making adjustments to the boundaries of the Sam D. Hamilton Noxubee National Wildlife Refuge (referred to in this section as the “Refuge”), as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(c) ADDITION OF LAND.—Nothing in this Act prevents the Secretary of the Interior from adding to the Refuge new land or parcels of the National Wildlife Refuge System, as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(d) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, paper, or other document of the United States to the Noxubee National Wildlife Refuge is deemed to refer to the Sam D. Hamilton Noxubee National Wildlife Refuge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Under H.R. 588, the Noxubee National Wildlife Refuge in Mississippi will be renamed after the former Director of the U.S. Fish and Wildlife Service, Sam Hamilton, who recently died at the young age of 54. It's my understanding, Madam Speaker, that his first outdoors job was at the Noxubee Refuge, where he learned to band wood ducks and manage wildlife habitat.

I want to compliment my friend and colleague from Mississippi, Congressman GREGG HARPER, for introducing this no-cost legislation, which I think is a fitting tribute to Sam Hamilton and all that he stood for.

With that, I urge adoption of the measure, and I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 588, which would redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

Madam Speaker, it is abundantly clear that everyone who worked with Director Hamilton during his three-plus decades of public service had the utmost respect and admiration for him. His lifelong commitment to conservation and restoration of some of the Nation's most important species and ecosystems started at Noxubee National Wildlife Refuge, and so it is fitting that this place is memorialized in his honor.

I commend my colleague, Congressman HARPER from Mississippi, for introducing this bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to the author of this legislation, the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Madam Speaker, I rise today to speak in support of H.R. 588, legislation that I introduced to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge. This legislation is a companion bill to S. 266, introduced by Mississippi Senator THAD COCHRAN, which passed the Senate on February 17, 2011. I want to thank Senator COCHRAN for his leadership on this and many other conservation matters.

H.R. 588 honors Mr. Sam D. Hamilton, a lifetime conservationist and a great man who spent 30 years at the Fish and Wildlife Service, ultimately rising to Director in 2009.

Established in 1940, the Noxubee National Wildlife Refuge consists of 48,000 acres in east-central Mississippi. Ap-

proximately 170,000 people visit the refuge annually and enjoy hunting, fishing, hiking, and other outdoor and recreational activities.

Mr. Hamilton had a long and personal history with the refuge. A native of Starkville, Mississippi, he recalled during his confirmation testimony that he caught his first fish at the refuge at the age of 5 and began his conservation career there as an employee at age 15. Sam called the refuge system the “finest collection of public lands and waters dedicated to fish and wildlife conservation in the world.”

Upon graduating from Mississippi State University, Sam started a career that spanned 30 years at the Fish and Wildlife Service. On September 1, 2009, Sam Hamilton was sworn in as the 15th Director of the U.S. Fish and Wildlife Service.

Regrettably, Sam passed away on February 20, 2010. Honoring Sam by renaming the refuge would be a tribute to his remarkable career and his commitment to conservation. The National Fish and Wildlife Foundation recently provided a grant to the Friends of Noxubee Refuge that will allow the name change to occur without the Federal Government's incurring these costs.

I would also like to thank Chairman HASTINGS and Subcommittee Chairman FLEMING for their support and look forward to working with them to ensure this legislation is signed into law to remember a man who devoted his life and career to the ideals formed during his early days at the Noxubee National Wildlife Refuge.

Ms. BORDALLO. Madam Speaker, again I urge my colleagues to support H.R. 588, which is a bill that would rename the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I too urge my colleagues to support the bill, and I yield back the balance of my time.

□ 1640

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 588.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JOHN J. COOK POST OFFICE

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2079) to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the “John J. Cook Post Office”.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN J. COOK POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, shall be known and designated as the “John J. Cook Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “John J. Cook Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. I would like to ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

H.R. 2079, introduced by the gentleman from New York (Mrs. MCCARTHY) would designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the John J. Cook Post Office. This bill was introduced in June of this year and was favorably reported out of the Committee on Oversight and Government Reform on November 3.

John J. Cook served the community of East Rockaway, New York, for more than six decades, working as a letter carrier at the facility to be named after him. Serving his community for 60 years and 4 months, Mr. Cook went above and beyond to serve his neighbors and exemplified professionalism and courtesy each and every day on the job. Mr. Cook delivered mail on the same route for nearly all of his 60 years on the job; and according to many in his community, he continually touched the lives of countless people spanning generations.

According to one East Rockaway resident, he was “the best.” He knew all of his customers very well and gave personalized service throughout his career. The resident went on to say that “they don’t make people like him anymore.”

Sadly, Mr. Cook passed away in 2005 at the age of 78. He left behind his wife, Roberta, and many who will miss this true public servant and model postal employee.

I urge all Members to join me in naming the postal facility in East Rockaway, New York, after John J. Cook; and I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

As the ranking member of the Committee on Oversight and Government Reform, I’m pleased to join my colleagues in supporting H.R. 2079, a bill to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the John J. Cook Post Office.

The measure before us was introduced by Representative CAROLYN MCCARTHY on June 1, 2011. In accordance with committee requirements, H.R. 2079 is cosponsored by all members of the New York delegation. It was reported out of the Oversight Committee by unanimous consent on November 3, 2011.

H.R. 2079 honors John J. Cook, a man who worked for more than 60 years with our Nation’s postal service. Mr. Cook began working for what was then the United States Postal Department on January 8, 1944, after returning from service in World War II. From 1948 until his retirement in 2004, he walked the same route 6 days a week, with neither snow nor sleet nor rain preventing him from completing his appointed duties.

Mr. Cook was a fixture of the East Rockaway community, known and beloved by all. Even now, 7 years after his retirement, East Rockaway residents fondly recall Mr. Cook’s kindness and empathy as a public servant. By all accounts, he went above and beyond the call of duty to serve his neighbors. His professionalism, courtesy, and dedication to the job made him a model letter carrier.

After 60 years and 4 months of faithful service to the United States Postal Service, Mr. Cook passed away in 2005 at the age of 78. Mr. Cook’s career is a stunning example of what our dedicated postal workers contribute to our communities. Even as the postal service faces severe financial and operational strains, we must never forget that the service’s success depends on the dedication of employees like John Cook.

Madam Speaker, I ask that we pass H.R. 2079 in recognition of Mr. John J. Cook’s commitment to his work at the postal service, his compassion for his community, and his service to a grateful Nation. I also ask that we keep the example of his career in mind as we work together to craft what should be a bipartisan piece of legislation, to ensure that the institution Mr. Cook loved so much can continue to serve our Nation.

With that, I urge the passage of H.R. 2079, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, at this point I would like to withdraw my motion.

The SPEAKER pro tempore. The motion is withdrawn.

PRIVATE FIRST CLASS ALEJANDRO R. RUIZ POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3004) to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the “Private First Class Alejandro R. Ruiz Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATE FIRST CLASS ALEJANDRO R. RUIZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 260 California Drive in Yountville, California, shall be known and designated as the “Private First Class Alejandro R. Ruiz Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Private First Class Alejandro R. Ruiz Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

H.R. 3004, introduced by the gentleman from California (Mr. THOMPSON), would designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the Private First Class Alejandro R. Ruiz Post Office Building. This bill is cosponsored by the entire California State delegation and was reported by the Committee on Oversight and Government Reform on November 3.

Madam Speaker, it is altogether fitting and proper that we name this post office in honor of Private First Class Ruiz. Born on April 26, 1924, in Loving, New Mexico, PFC Ruiz enlisted in the

Army during World War II and was deployed to the island of Okinawa in 1945. On April 28, 1945, PFC Ruiz and his platoon were ambushed by Japanese soldiers hiding in fortified bunkers. Under a hail of machine gun fire, with enemy grenades being lobbed from every direction, PFC Ruiz single-handedly killed 12 Japanese soldiers and completely destroyed the enemy machine gun nest.

In the face of overwhelming odds, PFC Ruiz acted with the utmost courage, risking his own life to save the lives of many of his fellow soldiers. While he was shot in the leg during the battle, PFC Ruiz and his squad leader were the only two men to escape death or serious injury that day. For his bravery and valor, Private First Class Ruiz was presented with the Medal of Honor by President Truman in June of 1946. He went on to continue his service in the Army, fighting in the Korean War and retired a master sergeant in the mid-1960s.

Sadly, Madam Speaker, on November 23, 2009, Private First Class Ruiz died of congestive heart failure at a hospital in Napa, California, at 85 years of age. I am truly grateful for the service of Private First Class Ruiz and all the men and women who put their lives on the line to protect and defend our country each day. I urge all Members to join me in strong support of this bill.

With that, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues in supporting H.R. 3004, which designates the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the Private First Class Alejandro R. Ruiz Post Office Building.

This measure was introduced on September 21, 2011, by our colleague from California, Representative MIKE THOMPSON, and has been cosponsored by all members of the California delegation. H.R. 3004 was favorably reported out of the House Oversight and Government Reform Committee on November 3, 2011.

Alejandro R. Ruiz served his country valiantly for nearly 20 years, reaching the rank of master sergeant by the time of his retirement.

□ 1650

Born in New Mexico, Mr. Ruiz served our Nation with exceptional courage and valor. During service in World War II, his unit, the 27th Infantry Division of the 165th Infantry, was ambushed by Japanese troops sheltered in a camouflaged pillbox on Okinawa. Private First Class Ruiz grabbed an automatic rifle and charged forward through a storm of bullets and grenades. As an enemy soldier rushed toward him, his

weapon jammed. After clubbing the enemy with the butt of his rifle, Private First Class Ruiz grabbed a different rifle, charged the pillbox and killed 12 enemy soldiers stationed inside. He was awarded the Congressional Medal of Honor for his actions.

Mr. Ruiz died on November 23, 2009, of heart failure in Yountville, California. He was 85 years old.

I ask that we pass H.R. 3004 to honor Alejandro Ruiz' heroic actions in defense of our Nation as well as the long and productive life he lived thereafter.

I reserve the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I have no further requests for time, so I continue to reserve the balance of my time.

Mr. CUMMINGS. I yield 3 minutes to the gentleman from California and sponsor of the bill, Congressman MIKE THOMPSON.

Mr. THOMPSON of California. I thank the gentleman from Texas for bringing this bill to the floor. I also thank the ranking member for his good work on this and for yielding me time to speak on this.

This is very near and dear to me. The California Veterans Home in Yountville, California, is in the heart of my district and my home county. I've known it my entire life, and it's been home to many brave men and women who have served courageously in our military. These are heroes and heroines who put their lives on the line for everything that we as Americans believe in and everything that we enjoy today.

There is a post office on that facility that provides mail service for 1,100 heroes and heroines at the California Veterans Home. These guys get their mail there every day. It saves them from having to make an impossible trek to the closest town. If they were forced to do that, it would put them again in harm's way because it is a very dangerous route to travel; and in their advanced age, it makes no sense for them to have to do that. So this is a very, very important facility.

And here just recently, a very distinguished hero at the California Veterans Home, Alejandro Ruiz, passed away. The reason we want to name the post office after Alejandro Ruiz is because he earned a Congressional Medal of Honor. Now, it has already been noted on the floor the heroic activities of the day in question, but here's a man who, without any concern for his own safety, charged an enemy pillbox filled with enemy combatants, avoiding rifle fire, avoiding grenades, and took this responsibility on to save his comrades who were there fighting with him.

When his weapon became disabled, he returned, got another weapon, more ammunition, and again charged this pillbox. On the second attempt, he was able to reach the pillbox, get on top of it, and dispatch all those who were try-

ing to kill his comrades. Had it not been for his activities, many Americans would have lost their lives that day, and the advancement of the American troops would have been stopped.

This man is a true hero, and that is probably redundant given he has received the Congressional Medal of Honor, and I think it is the appropriate tribute to name this postal facility after Alejandro Ruiz.

Mr. CUMMINGS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I urge all Members to support the passage of this bill, H.R. 3004, and I yield back the balance of my time.

Mr. BACA. Madam Speaker, I rise today in recognition of H.R. 3004, to designate a United States Post Office in Yountville, California as the "Private First Class Alejandro R. Ruiz Post Office Building."

Pfc. Ruiz was a former United States Army soldier who served our nation honorably between 1944 to 1964.

He received the Medal of Honor on June 26, 1946 for his actions in the Battle of Okinawa in the Ryukyu Islands during World War II.

President Harry S. Truman presented Pfc. Ruiz with the highest military decoration the United States has to offer.

Pfc. Ruiz's unit was stopped by a camouflaged enemy pillbox where these soldiers encountered machinegun fire and grenade attacks.

Pfc. Ruiz was able to destroy the pillbox under heavy fire and save the lives of many comrades.

He faced overwhelming odds and not only served his unit bravely, but also served his country admirably.

As a Member of Congress, and a veteran, I am proud to stand here before you because of the efforts of Pfc. Ruiz, and soldiers like him.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3004.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

OFFICER JOHN MAGUIRE POST OFFICE

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (S. 1412) to designate the facility of the United States Postal Service

located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICER JOHN MAGUIRE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, shall be known and designated as the "Officer John Maguire Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Officer John Maguire Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

S. 1412, introduced by Senator JOHN KERRY of Massachusetts, would designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office." The bill passed the Senate by unanimous consent on October 20 and was reported favorably by the Committee on Oversight and Government Reform on November 3.

Madam Speaker, John Maguire was born and raised in Woburn, Massachusetts, growing up in a home where his father was chief of police in Woburn for 15 years. After graduating from the University of Massachusetts-Lowell, Officer Maguire was sworn in as a Woburn police officer by his own father in June of 1977. Wearing badge No. 23, which had been his father's badge number, Officer Maguire worked for over three decades as a tireless public servant, protecting the people of Woburn.

On December 26 of last year, three armed men went into a department store in Woburn and proceeded to steal money and jewelry. Arriving on the scene to back up his fellow officers, Officer Maguire used his cruiser to block the gunmen who were fleeing on foot from the store. Exiting his vehicle, Officer Maguire and one of the suspects

exchanged gunfire. Officer Maguire was able to kill the suspect; but, tragically, he was mortally wounded himself. Officer Maguire had celebrated his 60th birthday just 3 days prior to his death and was less than a year away from retirement.

Madam Speaker, it is altogether fitting and proper that we name this post office in Woburn for Officer John Maguire. And to Officer Maguire and all those who wear a badge and courageously protect and serve our towns, cities, and counties each and every day, we are eternally grateful for all that you do and all that you sacrifice. I urge all Members to join me in strong support of this bill.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I urge the body to pass this legislation.

I rise in strong support of S. 1412, which designates the facility of the United States Postal Service located at 462 Washington Street in Woburn, Massachusetts as the "Officer John Maguire Post Office."

The measure before us was introduced on July 25, 2011 by Senator JOHN KERRY.

Our distinguished colleague, Congressman EDWARD MARKEY of Massachusetts, also introduced a companion version of the underlying bill on July 25, 2011.

Both S. 1412 and H.R. 2640 have met the requirements for consideration established by the Oversight Committee and enjoy the support of all members of the Massachusetts delegation.

S. 1412 was reported out of Committee by voice vote on November 3, 2011.

John "Jack" Maguire was born on December 23, 1950 in the city of Woburn, Massachusetts.

He became a police officer for the Woburn Police Department in June 1977 and was sworn in by his own father, then-Police Chief Thomas Maguire. Throughout his career, he wore Badge Number 23—the same badge his father had worn.

Officer Maguire has been called a 'life-long student.'

He graduated from Austin Prep High School in 1969 and from the University of Massachusetts-Lowell in 1973.

In 1998, more than 20 years later, he earned a master's degree in business administration from Franklin Pierce College.

He went on to earn a second master's in science and criminal justice administration from Western New England College in 1999.

That same year, he earned a doctorate in philosophy from the American College of Metaphysical Theology.

Following the celebration of his 60th birthday late last year, Officer Maguire gave notice of his intention to retire in the fall of 2011.

On December 26, 2010, however, Officer Maguire found himself on duty in the middle of a New England blizzard.

Armed robbers threatened the employees of the Kohl's department store in Woburn and then fled the store with money and jewelry.

Responding to a fellow officer's call for assistance in a foot chase, Officer Maguire

rushed to the scene and blocked an escape path with his cruiser.

He then got out of his vehicle to confront an assailant. The two exchanged gunfire, which killed the gunman and left Officer Maguire mortally wounded.

John Maguire was the first officer killed in the line of duty in Woburn, Massachusetts since the department was established in 1847.

I know the City of Woburn, the Commonwealth of Massachusetts, and the family of Officer Maguire are grateful for his service and sacrifice. We are truly indebted to men and women like him, who risk their lives to protect our communities on a daily basis.

Madam Speaker, I ask that we recognize Officer Maguire's devotion to his profession, his community, and our country's safety by passing S. 1412.

I yield 5 minutes to the sponsor of the companion bill, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman very much for yielding. I thank the gentleman from Texas as well. This is a very important bill.

I rise today in support of H.R. 2640, which I introduced in the House of Representatives, and Senate 1412, introduced by Senator KERRY and Senator BROWN, and that is to name the Woburn Post Office in honor of Officer John—his friends called him "Jack"—Maguire.

□ 1700

At 9 p.m. on December 26, 2010, during the height of a blizzard, two men invaded a Kohl's department store on Washington Street in Woburn, Massachusetts, to rob the jewelry counter as the employees prepared to close. As one robber entered the store, the second stood lookout on the outside, while a third man waited in a nearby getaway vehicle.

The robber in the department store was a career criminal with a long and violent record. He took a large amount of jewelry and fled outside the store into the driving snow. Eyewitnesses and store employees dialed 911. Officer Maguire arrived in the parking lot moments after the robbery. He saw an officer chasing a gunman on foot and drove his cruiser to a location to prevent the escape of the gunmen into a residential neighborhood in Woburn. Officer Maguire jumped out of his cruiser on Washington Street, and the gunman opened fire on him. Shots were exchanged, and the gunman was killed. Unfortunately, Officer Maguire was shot four times in the torso and was transported to a local trauma center, where it was announced, unfortunately, that he had passed away.

Officer Maguire paid the ultimate price protecting the citizens of Woburn. We are incredibly grateful for his selfless acts that day, which capped 34 years of outstanding dedication to the safety of the people of Woburn.

On June 26, 1977, Officer Maguire began his career by being sworn in by

his father, Police Chief Thomas Maguire, a longtime friend of mine, and he was so proud to follow in his father's footsteps. On December 26, 2010, he died wearing badge 23, which had been his own father's badge number. Just days before his death, he had celebrated his 60th birthday and given notice of his intention to retire in October of 2011.

A devoted husband and caring father, Officer Maguire is survived by his wife, Desiree, and children Bryan, Tara, and Sean. Officer Maguire died protecting the residents of Woburn from an armed gunman. He was the first officer killed in the line of duty from the Woburn Police Department since its inception in 1847. It was a tragedy for his family, for the Woburn Police Department, and the Commonwealth of Massachusetts to have lost such an honorable father, a courageous cop, and a hometown hero.

That is why, at the request of Mayor Scott Galvin of Woburn, Police Chief Richard Kelly, and former Police Chief Phillip Mahoney of the Woburn Police Department, I introduced H.R. 2640 to rename the Woburn Post Office in the memory of Officer John "Jack" Maguire. Renaming the post office located at 462 Washington Street—just a few hundred yards across the street from where Officer Maguire was shot and killed—in his honor is the least that we can do to pay tribute to this brave, dedicated first responder. We honor his service and sacrifice. We honor his life and his legacy. And we honor police officers everywhere who go to work every day to protect the safety and security of all citizens.

Today, we are considering an identical bill that was introduced by my colleagues Senator KERRY and Senator BROWN. I urge adoption of this bill, a bill to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office" to honor the legacy of a true hometown hero.

Mr. CUMMINGS. I have no further requests for time, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I urge all Members to support the passage of Senate 1412, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 1412.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. FARENTHOLD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ARMY SPECIALIST MATTHEW TROY MORRIS POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 298) to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the "Army Specialist Matthew Troy Morris Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMY SPECIALIST MATTHEW TROY MORRIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, shall be known and designated as the "Army Specialist Matthew Troy Morris Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Army Specialist Matthew Troy Morris Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

With the observance of Veterans Day this past Friday, it is timely and fitting that we name this post office in Cedar Park for Army Specialist Matthew Troy Morris, a Texan and a true American hero who gave his life courageously defending freedom.

I would now like to yield such time as he may consume to my distinguished colleague and friend from the great State of Texas, the sponsor of this legislation, Mr. CARTER.

Mr. CARTER. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 298, a bill that would designate the United States Post Office located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the Army Specialist Matthew Troy Morris Post Office Building.

Mr. Speaker, I have the high honor of representing the brave men and women of Fort Hood, Texas, the largest mili-

tary installation in the world. Every day that I have the opportunity to serve in Congress, I do so knowing that my number one responsibility is to give our men and women in uniform the support and resources they need to be successful. Each time I visit Fort Hood, I see America's finest—the soldiers who put it all on the line to allow us to live in the greatest country on Earth. Only 3 days ago, we celebrated Veterans Day, a somber reminder that freedom is not free. And today, here on the House floor, we remember those who gave the ultimate sacrifice for our country, another reminder to all of us that freedom is not free.

Representing Fort Hood, Texas, also comes with the sober reminder of the sacrifice that our young men and women in the military and their families make to the cause of freedom. Since September 11, 2001, 384 Army soldiers have been killed in action from the 31st District in Texas, the highest number of any congressional district in the country. Central Texans and their families have sacrificed much and know that freedom is not free.

Today, we celebrate the life and remember one of those patriots who served our country and gave his all, Army Specialist Matthew Troy Morris. Matthew Morris was born on July 16, 1984, in Fairfax, Virginia. He attended Fishburne Military School in Waynesboro, Virginia, where he earned an ROTC leadership award. He later attended Cedar Park High School in Cedar Park, Texas, and went on to score in the 90th percentile on each section of the General Education Development test.

Specialist Morris enlisted in the United States Army in December 2005 and attended basic combat training at Fort Jackson, South Carolina, followed by advanced individual training at Aberdeen Proving Ground in Maryland. He graduated from AIT in June of 2006 as a power generation equipment mechanic and was assigned to Howitzer Battery, 2nd Squadron, and the 3rd Armored Cavalry Regiment at Fort Hood, Texas.

□ 1710

Specialist Morris served with the 3rd Armored Cavalry Regiment, 1st Cavalry Division in Balad. Despite the dangerous nature of this work, he remained devoted to his mission; and the heroism he demonstrated in Iraq earned him the Bronze Star, Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and Combat Action Ribbon.

Matthew Troy Morris was killed on April 6, 2008, when his vehicle encountered a makeshift bomb in Balad, Iraq. Matthew was only 23 years old. He is the oldest of four children, leaving behind Cory, Katie and Sam. Matthew's

parents are Lisa and Glenn Morris of Cedar Park, Texas. His father, Glenn, served our country in the Vietnam war, and we should thank him for his service.

Matthew was engaged to be married to Ms. Julia Richardson. He is survived by his grandparents, Nancy Jackson and Joane Walters; his aunt, Diane Afflerbach; and uncles John and Brian Walters. The sacrifice our military families make often goes unnoticed, and I would like the entire Morris family to know that we will never forget Matthew and the pain that they have endured at his loss. Our country and this House have not forgotten Matthew, and we are proud to celebrate his life on this day.

Matthew Morris exemplified the highest ideals of the United States Armed Forces. And although his passing left a void in the lives of those who were fortunate enough to know him, they will forever carry the memories of this heroic young man close to their hearts.

Mr. Speaker, I urge the passage of H.R. 298 and ask my colleagues to join in honoring an American patriot and hero, Army Specialist Matthew Troy Morris of Cedar Park, Texas.

On Saturday, I was at the dedication of the Veterans Memorial in Cedar Park, which holds the likeness of this young specialist, and there were hundreds of citizens—probably 500 people—there to celebrate that memorial.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 298, a bill to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the "Army Specialist Matthew Troy Morris Post Office Building."

The measure before us was introduced by Congressman JOHN CARTER. In accordance with our committee requirements, H.R. 298 has been cosponsored by all the members of the Texas delegation. It was reported favorably by the House Oversight and Government Reform Committee on November 3, 2011.

Army Specialist Matthew Troy Morris was born on July 16, 1984, just across the Potomac River in Fairfax, Virginia. He was killed while serving in Balad, Iraq, on Sunday, April 6, 2008, after only 23 short years of life.

Specialist Morris was a loving son to his parents, Lisa and Glenn Morris, and a caring brother to his siblings Cory, Katie and Sam. Friends and family describe him as a dedicated soldier and an energetic and inspiring young man.

Matthew Morris joined the Army immediately after high school and was assigned to the 2nd Squadron of the 3rd Armored Cavalry Regiment based in Fort Hood, Texas. While serving in Iraq, he earned the Bronze Star, the Purple Heart, the National Service De-

fense Medal, and several other decorations for heroism. Specialist Morris was a talented young man whose courage and sacrifice will forever be remembered.

Mr. Speaker, I ask that we pass the underlying bill to recognize Specialist Morris' valor.

Having no requests for time, Mr. Speaker, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

I am truly grateful for the brave and heroic service of Specialist Morris and the countless other veterans who sacrifice their time, the families that sacrifice their time, and the bravery and courage of all our veterans in serving our country and protecting our freedom. It is true that freedom is not free; and veterans like Specialist Matthew Troy Morris, whom we're proposing to name this post office after, are perfect examples of the bravery and courage of the American military.

Specialist Morris was born on July 16, 1984, in Fairfax, Virginia. He later attended Cedar Park High School in Cedar Park, Texas.

Specialist Morris was in Iraq, serving as part of the Army's 2nd Squadron, 3rd Armored Cavalry Regiment, 1st Cavalry Division based out of Fort Hood. Tragically, on April 6, 2008, at just 23 years of age, Specialist Morris was killed when the vehicle he was riding in hit an improvised makeshift bomb. Specialist Morris left behind his parents, three siblings, a fiancée, and dozens of other family and friends. For the bravery, courage, and heroism he displayed, Specialist Morris was awarded the Bronze Star, Purple Heart, and National Service Defense Medal.

Mr. Speaker, our Nation is eternally grateful for his sacrifice, and I urge all Members to join me in strong support of this bill.

Mr. CARTER. Mr. Speaker, I rise today in strong support of H.R. 298, a bill that would designate the United States Post Office located at 500 East Whitestone Boulevard in Cedar Park, Texas as the "Army Specialist Matthew Troy Morris Post Office Building."

Mr. Speaker, I have the high honor of representing the brave men and women at Fort Hood, Texas, the largest military installation in the world. Every day that I have the opportunity to serve in Congress, I do so knowing that my number one responsibility is to give our men and women in uniform the support and resources they need to be successful. Each time I visit Fort Hood, I see America's finest, the soldiers who put it all on the line to allow us to live in the greatest country on Earth. Only three days ago we celebrated Veterans Day, a somber reminder that freedom is not free. And today, here on the House floor, we remember those who gave the ultimate sacrifice for our country, another reminder to us all that freedom is not free.

Representing Fort Hood, Texas also comes with the sober reminder of the sacrifice that

our young men and women in the military and their families make to the cause of freedom. Since September 11, 2001, 384 army soldiers have been killed in action from the 31st district of Texas, the highest number of any congressional district in the country. Central Texans and their families have sacrificed much, and know that freedom is not free.

Today we celebrate the life and remember one of those patriots who served our country and gave his all, Army Specialist Matthew Troy Morris. Matthew Morris was born on July 16, 1984, in Fairfax, Virginia. He attended Fishburne Military School in Waynesboro, Virginia, where he earned an ROTC leadership award. He later attended Cedar Park High School in Cedar Park, Texas, and went on to score in the 90th percentile on each section of the General Educational Development Test.

Specialist Morris enlisted in the U.S. Army in December 2005, and attended Basic Combat Training (BCT) at Fort Jackson, South Carolina, followed by Advanced Individual Training (AIT) at Aberdeen Proving Grounds, Maryland. He graduated from AIT in June 2006 as a Power Generation Equipment Mechanic and was assigned to Howitzer Battery, 2nd Squadron, and the 3rd Armored Cavalry Regiment at Fort Hood, Texas. Specialist Morris served with the 3rd Armored Cavalry Regiment, 1st Cavalry Division in Balad, Iraq. Despite the dangerous nature of this work, he remained devoted to his mission, and the heroism he demonstrated in Iraq earned him the Bronze Star, Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon and Combat Action Ribbon.

Matthew Troy Morris was killed on April 6th, 2008, when his vehicle encountered a makeshift bomb in Balad, Iraq. Matthew was only 23 years old. He is the oldest of four children, leaving behind Cory, Katie and Sam. Matthew's parents are Lisa and Glenn Morris of Cedar Park, Texas. His father Glenn served our country in the Vietnam War and we thank him for his service. Matthew was engaged to be married to Ms. Julia Richardson. He is survived by his great-grandmother Ruth Staton Jordan, his grandparents Nancy Jackson and Joane Walters, his aunt Diane Afflerbach and uncles, John and Brian Walters. The sacrifice that our military families make often goes unnoticed, and I would like the entire Morris family to know that we will never forget Matthew and the pain that you have endured. Our country, and this House, has not forgotten Matthew and we are proud to celebrate his life on this day.

Matthew Morris exemplified the highest ideals of the U.S. Armed Forces, and although his passing has left a void in the lives of those who were fortunate enough to know him, they will forever carry memories of this heroic young man close to their hearts.

Mr. Speaker, I urge immediate passage of H.R. 298, and ask my colleagues to join me in honoring an American patriot and hero, Army Specialist Matthew Troy Morris of Cedar Park, Texas.

Mr. FARENTHOLD. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WESTMORELAND). The question is on

the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 298.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FARENTHOLD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SERGEANT ANGEL MENDEZ POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2422) to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT ANGEL MENDEZ POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, shall be known and designated as the "Sergeant Angel Mendez Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Angel Mendez Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GRIMM).

Mr. GRIMM. Mr. Speaker, I rise today to honor a brother, a member of the United States Marine Corps. He gave his life for his country and fellow marines during the Vietnam war.

Sergeant Angel Mendez was born to Puerto Rican American parents but was raised in the Mission of the Immaculate Virgin, an orphanage located

in Mount Loretto, in my hometown in Staten Island, New York.

When Angel graduated from high school in 1964, he volunteered to join the United States Marine Corps. Angel Mendez was assigned to Company Fox-trot, 2nd Battalion, 7th Marines, 1st Marine Division as a corporal and often said he found a family in the United States Marine Corps. His company participated in Operation DeSoto in Duc Pho, Vietnam.

During a search and destroy mission on March 16, 1967, Mendez and his company were taken under intense Viet Cong fire. Half of the company sat across an open rice paddy separated by enemy fire. Among them was the platoon commander, Lieutenant Ronald Castille, who had been shot in his right leg; and without hesitation, Sergeant Mendez volunteered to lead a small squad to help his fellow marines and move Lieutenant Castille to safety.

Castille remembers Mendez shouting, "I'm coming, Lieutenant, I'm coming," as he crossed the open paddy, providing cover fire for the platoon commander and other wounded marines. Mendez shielded Lieutenant Castille with his own body as he dressed the wound on his leg and attempted to carry the commander to safety, but it was at this point that he was shot in the shoulder. Two marines came to aid Mendez in carrying Lieutenant Castille to safety, but he refused to let go of the lieutenant and chose to directly expose himself to enemy fire while still carrying Castille's legs. Mendez was shielding Castille and the other marines with his own body when he was mortally wounded.

Lieutenant Castille survived the attack, which occurred on his 23rd birthday, and later went on to become the district attorney of Philadelphia and chief justice of the Pennsylvania Supreme Court.

□ 1720

Sergeant Angel Mendez is a true hero who gave his life protecting fellow marines; and in honor of his bravery, he was posthumously promoted to sergeant and awarded the Navy Cross, the second highest award for valor a marine can receive.

Angel Mendez is survived by his brother, Ismael, and sister-in-law, Aida, who have long sought recognition for Angel's heroic actions on that day.

I believe it is important for Congress to honor the sacrifice of my fellow marine. I urge my colleagues to support H.R. 2422 in honor of Sergeant Angel Mendez, and designate the facility of the United States Postal Service located at 45 Bay Street in Staten Island, New York, as the "Sergeant Angel Mendez Post Office."

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the gentleman from Puerto Rico (Mr. PIERLUISI).

Mr. PIERLUISI. I want to commend my colleague, Congressman GRIMM, for

introducing this bill to name a post office in his Staten Island district after Sergeant Angel Mendez, who, at age 20, in Vietnam, laid down his life for his fellow marines, earning the Navy Cross for his actions.

Sergeant Mendez died far too young, but his short life was filled with greatness. With this bill, Congressman GRIMM, a Devil Dog himself, honors Sergeant Mendez, the Marine Corps, and this country.

The bond between New York and Puerto Rico is deep and strong. Sergeant Mendez' parents were born in Puerto Rico and, like so many island residents of their generation, moved to New York in search of a better life for themselves and their children.

How Sergeant Mendez came to possess such character and courage will never be known; and, in fact, I am moved by the description just made by Congressman GRIMM about his valor in Vietnam. But on that day in 1967 when he was mortally wounded on a battlefield thousands of miles from Staten Island, this New York son of Puerto Rican heritage became an American hero. Today, thanks to Congressman GRIMM, we pay tribute to his strength and his sacrifice, and engrave his name in stone.

I am now, more than ever, a proud Puerto Rican American remembering the life of Sergeant Angel Mendez. I urge my colleagues to support H.R. 2422.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2422, introduced by the gentleman from New York (Mr. GRIMM), designating the postal facility at 45 Bay Street, Suite 2, in Staten Island as the "Sergeant Angel Mendez Post Office," was introduced in July and favorably reported by the Oversight and Government Reform Committee on November 3.

Stories like that of Sergeant Mendez demonstrate the bravery and courage of all those who have served or are serving in our Armed Forces. I urge all Members to join me in strong support of this bill, and I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I am very pleased to join my colleagues in supporting H.R. 2422. Without a doubt, Sergeant Angel Mendez was a very courageous young man. He gave a lot for his country, and he certainly deserves this rich honor.

The measure before us was introduced by Representative MICHAEL GRIMM on July 6, 2011. It has been co-sponsored by all members of the New York delegation and was reported favorably to the House by the Committee on Oversight and Government Reform on November 3, 2011.

This legislation commemorates the bravery and the sacrifice of Sergeant Angel Mendez.

As a child, Sergeant Mendez was raised in an orphanage on Staten Island.

Upon his graduation from high school in 1964, he enlisted in the United States Marine Corps.

During his service with Company F, 2nd Battalion, 7th Marines, 1st Marine Division, Sergeant Mendez was sent to Vietnam.

While on a search and destroy mission on March 16, 1967, Mendez and his company were ambushed by the Viet Cong, and his platoon's lieutenant was injured in a rice paddy some 100 yards away from where Sergeant Mendez was exchanging fire with the enemy.

Sergeant Mendez rushed to his lieutenant's aid and shielded him with his own body as he dressed his wounds. While in the process of carrying his lieutenant to safety, Sergeant Mendez was shot twice and suffered a fatal wound.

He was only 20 years old at the time of his death in battle.

Mr. Speaker, H.R. 2422 honors the ultimate sacrifice made by Sergeant Angel Mendez by renaming the Bay Street Staten Island Post Office in his name.

I urge all of my colleagues to pass this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 2422.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FARENTHOLD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

TOMBALL VETERANS POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2660) to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TOMBALL VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, shall be known and designated as the "Tomball Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Tomball Veterans Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gen-

tleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2660, introduced by the gentleman from Texas (Mr. McCAUL), would designate the facility of the United States Postal Service at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office." The bill is cosponsored by the entire Texas delegation, and, Mr. Speaker, I am proud to be an original cosponsor myself.

There's no way a grateful nation can adequately express our thanks to those who serve. However, naming this post office in Tomball after those who serve is a small but fitting gesture to the brave men and women who are the reason this country is free.

I commend my colleague from Texas for introducing this legislation.

With that, Mr. Speaker, I would like to yield such time as he may consume to my distinguished colleague and friend from the great State of Texas, the sponsor of this bill, Mr. McCAUL.

Mr. McCAUL. I thank my good friend and colleague from Texas (Mr. FARENTHOLD) for his support of my legislation.

Mr. Speaker, I rise in support of our Nation's veterans and in support of this legislation, which would designate the post office located at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office."

It is appropriate, Mr. Speaker, that on the first legislative day after Veterans Day that this House would honor its veterans for their sacrifice and fidelity to our country. I cannot think of a more deserving community than Tomball, Texas, in my district.

Mr. Speaker, I just returned this weekend from visiting our troops in Iraq and Afghanistan and meeting with the President of Pakistan. I also visited our wounded warriors at Landstuhl Regional Medical Center in Germany on Veterans Day.

I'm pleased to report that our men and women in uniform are doing tremendous work and have made extraordinary progress in the war on terror. I was also humbled by our troops' sacrifice and unwavering commitment to our mission.

In Afghanistan, I witnessed the fruits of our soldiers' labor. For the first

time, women are being educated and Afghans are enjoying freedoms, the likes of which they could only dream about under the Taliban's brutal regime.

In Iraq, where Saddam Hussein and his henchmen once brutalized the Iraqi people and silenced their voices, democracy is beginning to take shape. Today the Iraqi people are free to express their diverse points of view and engage in the same kind of political discourse that we are engaged in here right now in this very Chamber.

It is because of our soldiers that this is possible; that the American people can be safe from terror and tyranny; and that others around the world, for the first time in their lives, experience the freedoms which we so often take for granted.

I am so proud of our soldiers and what they have accomplished—soldiers like Marine Corporal Jeffrey Johnson of Tomball, who lost his life in Afghanistan in 2010 defending America and what our country stands for in the world.

Last year I attended Jeffrey's funeral in the small town of Tomball, where over 30,000 people—30,000 grateful Americans—lined up in the streets to show their respect for a true American hero. This unbelievable outpouring of support demonstrated that patriotism and love of country are still alive and well in America.

It's thanks to veterans like Jeffrey Johnson and so many others from Texas and across this great country that this is possible; and, for that, we must honor our men and women who have served in uniform.

That is also why I'm active with the Veterans History Project at the Library of Congress, which preserves and makes accessible the personal accounts of American war veterans so that future generations may hear directly from veterans and better understand the realities of war.

My father, a World War II veteran who flew bombing missions over Nazi Germany, always reminded me that his generation, often called the Greatest Generation, handed down a better America to my generation.

□ 1730

That same can be said for today's veterans, such as Tomball heroes like Jeffery Johnson, whose sacrifices are building a better America today.

And so to all of America's veterans, let me say on behalf of this distinguished body, thank you for your service, and I urge my colleagues to join me in passing this legislation.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2660, a bill to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office." This past Friday,

our Nation celebrated and honored the heroic service of all our Nation's veterans. Continuing that celebration, I urge that we enact H.R. 2660, introduced by Congressman MICHAEL T. MC CAUL.

This legislation is supported by all of the members of the Texas delegation, and was considered and reported favorably by the Committee on Oversight and Government Reform on November 3, 2011.

According to the Department of Veterans Affairs, an estimated 1.7 million of our Nation's 22.5 million veterans live in the State of Texas. The legislation before us will commemorate the service of veterans of Tomball, Texas, by naming their local post office in their honor.

Such commemoration is but a small token of the debt our Nation owes its veterans. At a time when veterans returning from the wars in Iraq and Afghanistan face higher unemployment rates than the general population and when our veterans urgently need a range of services as they recover from both physical and psychological wounds, we must make it our highest priority to ensure our veterans have quick and easy access to all the services and benefits they have earned by the commitments they have made and kept to our Nation.

That said, Mr. Speaker, let us come together in support of dedicating the Tomball, Texas, Post Office to its hometown veterans by passing H.R. 2660.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I join my colleagues in urging strong support for this bill honoring our heroic veterans. There are never enough ways we can thank the veterans who served so bravely this country.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 2660.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

TROOPER JOSHUA D. MILLER POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 2415) to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TROOPER JOSHUA D. MILLER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, shall be known and designated as the "Trooper Joshua D. Miller Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Trooper Joshua D. Miller Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2415, introduced by the gentleman from Pennsylvania (Mr. BARLETTA) would designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building."

This bill is cosponsored by the entire Pennsylvania State delegation, and was favorably reported by the Committee on Oversight and Government Reform on the 3rd of November.

Mr. Speaker, while we've considered multiple bills this afternoon to designate postal facilities for fallen military heroes, H.R. 2415 gives us the opportunity to honor those who wear a different kind of uniform—our country's law enforcement officers.

Specifically, this legislation would name the post office in Pittston, Pennsylvania, for Joshua Miller, a Pennsylvania State trooper who was shot and killed in the line of duty on June 7, 2009.

A veteran of the Marine Corps, Trooper Miller was attempting to save a 9-year-old boy from a man who had kidnapped a child at gunpoint when he was tragically shot by the suspect. For going above and beyond a police offi-

cer's duty to protect and serve, I thank Trooper Miller and all of those who wear the badge on a daily basis for their selfless service and dedication to our community.

With that, Mr. Speaker, I would now like to yield as much time as he may consume to my distinguished colleague from the State of Pennsylvania, the sponsor of this legislation, Mr. BARLETTA.

Mr. BARLETTA. I thank the gentleman from Texas for those kind remarks.

Mr. Speaker, I rise tonight to honor the life and remember the sacrifice of Pennsylvania State Police Trooper Joshua D. Miller of Pittston.

Trooper Miller was shot and killed on June 7, 2009, while attempting to apprehend a kidnapper who took a 9-year-old boy from his mother at gunpoint and fled. As he and his partner were trying to apprehend the suspect, Trooper Miller was shot in the upper chest and in the leg. While they returned fire, another State trooper and a local law enforcement officer were able to smash the window in the kidnapper's vehicle, grab the 9-year-old boy and carry him to safety.

Trooper Miller was flown to a hospital, but he died from his wounds.

Josh was born on June 13, 1974, a son of Walter Miller of Pittston and Peggy Miller of Plymouth. Josh graduated from Pittston Area High School, class of 1992. He enlisted in the United States Marine Corps in 1993, serving honorably and achieving the rank of corporal before his discharge.

Upon separation from active duty, Josh worked at the Monroe County Correctional Facility. He enrolled at Lackawanna Junior College and attended the Act 120 course. Upon graduation, Josh joined the Tunkhannock Borough Police Department in 1999. He worked there until September of 2002, when he joined the Pennsylvania State Police.

Trooper Miller first worked at the Bethlehem barracks, then at the Swiftwater barracks in Monroe County. While there, he was selected to be a member of an elite unit that conducted aggressive patrols. Trooper Miller took pride in training new troopers and hoped to instill his work ethic in them.

In 2001, Josh met his wife, Angela, and they were married in October of 2005. He had three daughters: Justine, Breana, and Joslyn.

After his death, thousands attended his viewing. More than 1,700 law enforcement officers from across the country attended his funeral. During the service, then-Governor Ed Rendell awarded Trooper Miller a posthumous Medal of Honor.

On the day he was shot and killed in the line of duty, Trooper Miller sent an email to a colleague. In it he wrote, "I will not let anything happen to my brothers on my watch."

After years of dedicated service as a U.S. Marine, as a law enforcement officer, and as a Pennsylvania State Police trooper, Trooper Miller ended his final watch on June 7, 2009. He died while saving a boy from a kidnapper with a gun. He died serving his community, his commonwealth, and his country.

That is why I encourage you to support H.R. 2415 and name the United States Postal Service facility at 11 Dock Street, Pittston, Pennsylvania, the "Trooper Joshua D. Miller Post Office Building."

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2415, a bill to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building."

The measure before us was authored by Congressman LOU BARLETTA, and cosponsored by all of the members of the Pennsylvania delegation.

H.R. 2415 was favorably reported out of the House Oversight and Government Reform Committee by unanimous consent on November 3, 2011.

□ 1740

Pennsylvania State Trooper Joshua D. Miller spent his life serving his country, the Commonwealth of Pennsylvania, and his local community.

Born to Walter and Peggy Miller in 1974, Trooper Miller enlisted in the Marine Corps in 1993. Upon discharge, he returned to Pennsylvania and joined the Tunkhannock Borough Police Department before becoming a Pennsylvania State trooper.

Trooper Miller was a member of an elite unit of troopers assigned to handle the most dangerous cases. He made the ultimate sacrifice in the line of duty while trying to rescue a 9-year-old boy who had been kidnapped at gunpoint and was being held hostage. The young boy was ultimately released and returned safely to his family.

On the day of his death, Trooper Miller wrote in an email to a colleague: "I will not let anything happen to my brothers on my watch." His life exemplified his commitment to serving his community and protecting his fellow officers.

Mr. Speaker, I ask that we pass H.R. 2415 to recognize the life and sacrifice of Pennsylvania State Trooper Joshua D. Miller.

I have no requests for time, and I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I urge my colleagues to join me in strong support of H.R. 2415.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 2415.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

ALTO LEE ADAMS, SR., UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1791) to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, shall be known and designated as the "Alto Lee Adams, Sr., United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Alto Lee Adams, Sr., United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DENHAM) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1791.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENHAM. I yield myself such time as I may consume.

H.R. 1791 would designate the United States courthouse currently under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the Alto Lee Adams, Sr., United States Courthouse.

I would like to take this opportunity to thank the gentleman from Florida (Mr. ROONEY) for introducing this bi-

partisan legislation. I also want to thank the 21 cosponsors from the State of Florida for supporting this bill.

Chief Justice Alto Lee Adams, Sr., honorably served his community and the State of Florida throughout his life.

Chief Justice Adams was born in 1899 and was raised on a farm in Walton County, Florida. After graduating from the University of Florida College of Law in 1921, he practiced law in Fort Pierce, Florida, from 1924 to 1938. He was then appointed as circuit court judge for St. Lucie County.

After Floridians adopted an amendment to add a seventh justice on the State supreme court in 1940, Governor Fred Cone appointed Chief Justice Adams to the newly created seat. Chief Justice Adams served on the court from 1940 until 1951, and he was chief justice from 1949 until 1951. He sat on the bench again from 1967 until 1968.

Outside of his judicial career, Chief Justice Adams was active in his community. In 1937 he served as the president of the Florida State Elks Association. From '37 to '38, he served as the vice chair of the State welfare board.

Chief Justice Adams also devoted time to local business interests in St. Lucie County, including citrus groves and Bass Motors. He began a cattle ranch in 1937, which is still run by the Adams family. The ranch now encompasses over 65,000 acres in three counties.

I believe it's appropriate that we honor Chief Justice Adams's dedicated service for community and the State of Florida. I support passage of this legislation and urge my colleagues to do the same.

I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1791 and am pleased today to speak in support of the bill that names the courthouse located in Fort Pierce, Florida, as the Alto Lee Adams, Sr., United States Courthouse.

I may seem redundant because my colleague has already mentioned most of the accomplishments of Judge Adams—the fact that he was born in 1899 in Florida and was in the U.S. Navy; that he graduated from the University of Florida Law School in 1921 and began legal practice in Fort Pierce in 1924; then from practicing law for nearly 14 years, Judge Adams was appointed, as was pointed out, to the Florida State Circuit Court in 1938. That was 2 years after I was born. After serving as a circuit court judge, he served as a member of the Florida Supreme Court, again, from 1940 to 1951 and then from 1967 to 1968 and was recognized as the first graduate of the University of Florida to serve as a justice and later chief justice of the Florida Supreme Court.

He was very well noted for his short, clear opinions as well as the several books he published and, of course, the legal articles he authored. In 1974 he was awarded the honor of being a distinguished alumnus of the University of Florida.

In addition to his judicial duties, he also served as an active member of his community, serving, as was pointed out, as the president of Florida State Elks Association and also as the vice chair of the State welfare board.

Because of his exemplary career in the public service, both in the military and the Florida Supreme Court, I urge my colleagues to join us in supporting H.R. 1791, which does name the U.S. courthouse at 101 South United States Route 1 in Fort Pierce, Florida, as the Alto Lee Adams, Sr., United States Courthouse.

I reserve the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. ROONEY).

Mr. ROONEY. I thank the gentleman from California.

Mr. Speaker, today is a great day for the residents of Fort Pierce, Florida, and the Treasure Coast. Over two decades ago, the late Congressman Tom Lewis and his district director, Ann Decker, started the long process of making the courthouse a reality. The countless hours of dedication and work by those who followed him are now being rewarded with the construction of a new courthouse. I was greatly honored that one of my first official events as Congressman was to participate in the historic groundbreaking for this building.

I introduced this legislation to honor the distinguished life and career of the late Florida Supreme Court chief justice, Alto Lee Adams, by naming the new courthouse in his memory.

This courthouse will fill a vital role for the city of Fort Pierce, bringing much-needed jobs and investment to the community with this greatly needed new Federal courthouse. It is only fitting that the courthouse be named in honor of a man who himself gave so much to his community and the legal community of the State of Florida.

□ 1750

Chief Justice Alto Lee Adams attended the University of Florida College of Law in 1921. As was mentioned, he practiced law in Fort Pierce. He was appointed circuit court judge for St. Lucie County and was appointed to the State supreme court in 1940 by then-Governor Fred P. Cone. He served as a justice on the Florida supreme court from 1940 to 1951 and chief justice from 1949 to 1951.

Chief Justice Adams believed it was important to give back to his community. His service to St. Lucie County served as an example to his children and to those who knew him. Mr. Speak-

er, I can say, having spoken to some of the Adams family before I took the floor today, they are thrilled that this bill is being brought up as we speak.

In addition to his distinguished legal career, Justice Adams started a successful cattle ranch named the Adams Ranch in St. Lucie County—they just had their bull auction last week—and it is still run by the Adams family.

Judge Adams set a standard for integrity and community service that lives on today, and I believe it's only fitting that this new courthouse is named in his honor. I am proud to sponsor this bill, and I ask my colleagues for their support in naming this courthouse.

Mrs. NAPOLITANO. Mr. Speaker, having no requests for time, I yield back the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, H.R. 1791.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. NAPOLITANO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 51 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WESTMORELAND) at 6 o'clock and 30 minutes p.m.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight, November 14, to file the conference report to accompany H.R. 2112.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1412, H.R. 298, and H.R. 2422, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

OFFICER JOHN MAGUIRE POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1412) to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office," on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 385, nays 0, not voting 48, as follows:

[Roll No. 837]

YEAS—385

Ackerman	Braley (IA)	Costa
Adams	Brooks	Courtney
Aderholt	Brown (FL)	Cravaack
Akin	Buchanan	Crawford
Alexander	Bucshon	Crenshaw
Altmire	Buerkle	Critz
Amash	Burgess	Crowley
Amodei	Burton (IN)	Cuellar
Andrews	Calvert	Cummings
Austria	Camp	Davis (CA)
Baca	Campbell	Davis (IL)
Bachus	Canseco	Davis (KY)
Baldwin	Capito	DeFazio
Barletta	Capps	DeLauro
Barrow	Capuano	Denham
Bartlett	Carney	Dent
Barton (TX)	Carson (IN)	DesJarlais
Bass (CA)	Carter	Deutch
Bass (NH)	Cassidy	Dicks
Becerra	Castor (FL)	Doggett
Benishek	Chabot	Dold
Berg	Chaffetz	Doyle
Berkley	Chandler	Dreier
Berman	Chu	Duffy
Biggert	Cicilline	Duncan (SC)
Bilbray	Clarke (MI)	Duncan (TN)
Bilirakis	Clarke (NY)	Edwards
Bishop (GA)	Clay	Ellison
Bishop (NY)	Cleaver	Ellmers
Bishop (UT)	Clyburn	Emerson
Black	Coble	Engel
Blackburn	Coffman (CO)	Eshoo
Bonner	Cohen	Farenthold
Bono Mack	Cole	Farr
Boren	Conaway	Fattah
Boswell	Connolly (VA)	Fincher
Boustany	Conyers	Fitzpatrick
Brady (PA)	Cooper	Flake

Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Quigley
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta

Lee (CA)
Levin
Flores (CA)
LoBiondo
Loeb sack
Loftgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Robby
Roe (TN)

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

Bachmann
Blumenauer
Brady (TX)
Broun (GA)
Butterfield
Cantor
Cardoza
Carnahan
Costello
Culberson
DeGette
Diaz-Balart
Dingell
Donnelly (IN)
Filner
Fortenberry
Frank (MA)

NOT VOTING—48
Gardner
Giffords
Gosar
Grijalva
Gutierrez
Hayworth
Hirono
Inslee
Johnson (GA)
Lewis (GA)
Lipinski
Lujan
McCarthy (NY)
McKinley
Moran
Murphy (CT)
Paul

Pelosi
Pingree (ME)
Poe (TX)
Price (GA)
Richmond
Rokita
Ryan (OH)
Sanchez, Linda
T.
Schock
Simpson
Speier
Tiberi
Tierney
Whitfield

Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Ciilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Doggett
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garamendi
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene

Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta

McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1854

Mr. HEINRICH changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 837, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

ARMY SPECIALIST MATTHEW TROY MORRIS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 298) to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the “Army Specialist Matthew Troy Morris Post Office Building,” on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 838]

YEAS—391

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow

Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishak
Berg
Berkley
Berman
Biggert
Bilbray
Billirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)

Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess

Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess

Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott

McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)

Scott, Austin	Sullivan	Wasserman	Austria	Ellmers	Lance	Reyes	Schweikert	Towns
Scott, David	Sutton	Schultz	Baca	Emerson	Landry	Ribble	Scott (SC)	Tsongas
Sensenbrenner	Terry	Waters	Bachus	Engel	Langevin	Richardson	Scott (VA)	Turner (NY)
Serrano	Thompson (CA)	Watt	Baldwin	Eshoo	Lankford	Rigell	Scott, Austin	Upton
Sessions	Thompson (MS)	Waxman	Barletta	Farenthold	Larsen (WA)	Rivera	Scott, David	Van Hollen
Sewell	Thompson (PA)	Webster	Barrow	Farr	Larson (CT)	Roby	Sensenbrenner	Velázquez
Sherman	Thornberry	Welch	Bartlett	Fattah	Latham	Roe (TN)	Serrano	Visclosky
Shinkus	Tipton	West	Barton (TX)	Fincher	LaTourette	Rogers (AL)	Sessions	Walberg
Shuler	Tonko	Westmoreland	Bass (CA)	Fitzpatrick	Latta	Rogers (KY)	Sewell	Walden
Shuster	Towns	Wilson (FL)	Bass (NH)	Flake	Lee (CA)	Rogers (MI)	Sherman	Walsh (IL)
Sires	Tsongas	Wilson (SC)	Becerra	Fleischmann	Levin	Rohrabacher	Shinkus	Walz (MN)
Slaughter	Turner (NY)	Wittman	Benishek	Fleming	Lewis (CA)	Rooney	Shuler	Wasserman
Smith (NE)	Turner (OH)	Wolf	Berg	Flores	LoBiondo	Ros-Lehtinen	Shuster	Schultz
Smith (NJ)	Upton	Womack	Berkley	Forbes	Loeback	Roskam	Sires	Waters
Smith (TX)	Van Hollen	Woodall	Berman	Fox	Lofgren, Zoe	Ross (AR)	Ross (AR)	Slaughter
Smith (WA)	Velázquez	Woolsey	Biggert	Frank (MA)	Long	Ross (FL)	Smith (NE)	Watt
Southerland	Visclosky	Yarmuth	Bilbray	Franks (AZ)	Lowey	Rothman (NJ)	Smith (NJ)	Waxman
Stark	Walberg	Yoder	Bilirakis	Frelinghuysen	Lucas	Roybal-Allard	Smith (TX)	Webster
Stearns	Walden	Young (AK)	Bishop (GA)	Fudge	Luetkemeyer	Royce	Smith (WA)	Welch
Stivers	Walsh (IL)	Young (FL)	Bishop (NY)	Gallegly	Lummis	Runyan	Southerland	West
Stutzman	Walz (MN)	Young (IN)	Bishop (UT)	Garamendi	Lungren, Daniel E.	Ruppersberger	Stark	Westmoreland

NOT VOTING—42

Bachmann	Fortenberry	Moran
Blumenauer	Gardner	Murphy (CT)
Brady (TX)	Giffords	Paul
Broun (GA)	Grijalva	Pingree (ME)
Butterfield	Gutierrez	Poe (TX)
Cardoza	Hayworth	Richmond
Carnahan	Hirono	Rokita
Costello	Inslee	Ryan (OH)
Culberson	Johnson (GA)	Schock
DeGette	Lewis (GA)	Simpson
Diaz-Balart	Lipinski	Speier
Dingell	Luján	Tiberi
Donnelly (IN)	McCarthy (NY)	Tierney
Filner	McKinley	Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 838, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

SERGEANT ANGEL MENDEZ POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2422) to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the “Sergeant Angel Mendez Post Office,” on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 839]

YEAS—390

Ackerman	Akin	Amash
Adams	Alexander	Amodei
Aderholt	Altmire	Andrews

Blackburn	Blener	Bono Mack	Boren	Boswell	Boustany	Brady (PA)	Braley (IA)	Brooks	Brown (FL)	Buchanan	Bucshon	Buerkle	Burgess	Burton (IN)	Calvert	Camp	Campbell	Canseco	Cantor	Capito	Capps	Capuano	Carney	Carson (IN)	Carter	Cassidy	Castor (FL)	Chabot	Chaffetz	Chandler	Chu	Cicilline	Clarke (MI)	Clarke (NY)	Clay	Cleaver	Clyburn	Coble	Coffman (CO)	Cohen	Cole	Conaway	Connolly (VA)	Conyers	Cooper	Costa	Courtney	Cravaack	Crawford	Crenshaw	Critz	Crowley	Cuellar	Cummings	Davis (CA)	Davis (IL)	Davis (KY)	DeFazio	DeLauro	Denham	Dent	DesJarlais	Deutch	Dicks	Doggett	Dold	Doyle	Dreier	Duffy	Duncan (SC)	Duncan (TN)	Edwards	Ellison
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Gardner	Giffords	Grijalva	Gutierrez	Hirono	Inslee	Johnson (GA)	Lewis (GA)	Lipinski	Luján	McCarthy (NY)	McKinley	Moran	Murphy (CT)	Paul
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NOT VOTING—43

Pingree (ME)	Poe (TX)	Richmond	Rokita	Ryan (OH)	Sarbanes	Schock	Simpson	Speier	Tiberi	Tierney	Turner (OH)	Whitfield
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 839, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted “yea” on rollcall votes 837, 838 and 839.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 822, NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112-283) on the resolution (H. Res. 463) providing for consideration of the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with

which nonresidents of a State may carry concealed firearms in the State, which was referred to the House Calendar and ordered to be printed.

□ 1910

SMALL BUSINESS TAX REFORM

(Mr. OLSON asked and was given permission to address the House for 1 minute.)

Mr. OLSON. Madam Speaker, small businesses account for nearly all the new job creation in America and nearly half of America's workforce. Yet in this economy, small business owners are struggling just to stay afloat. Most small businesses file taxes as individuals, so any tax hike, like the one proposed by the White House, or the expiration of previous tax cuts, will kill growth and American jobs.

We need a simpler tax code. Our current Tax Code is so complex that America's businesses spend roughly \$74 an hour on paperwork for compliance. That's real money, money that could give jobs to thousands of Americans struggling to take care of their families.

House Republicans have a plan to fix the Tax Code to help job creators by giving them more time, more money, and more resources to invest in expansion and job creation.

Madam Speaker, America's job creators deserve a simpler and more equitable tax system, and House Republicans plan to give them exactly what they deserve.

BLUESMAN BOBBY RUSH HONORS VETERANS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, this weekend many of us, probably all of us, honored our veterans. And they deserve the honors that we gave them. The Senate honored them with the passage of a COLA increase, which I hope our House will, too—and I'm sure it will—in a bipartisan fashion.

In Memphis, I had a Veterans Day lunch, and so did our city mayors, and we honored Bobby Rush. Not the BOBBY RUSH of the United States Congress, but Bobby Rush, the great blues guitarist, singer, and guitar player; a blues legend in Memphis who has done much to honor veterans throughout this country. Bobby Rush has been the International Ambassador of the Blues, named by the State of Tennessee, and has traveled to Iraq, Kuwait, and Afghanistan to perform for our troops. He holds an annual Red, White and Blues Day Jam in Memphis to honor our veterans. When he visited Iraq, Bobby Rush said: I was just overwhelmed to witness the very real level of commitment and sacrifice they go through so

that people like me and you can live our lives without feeling threatened. It is something that must not be forgotten or taken for granted.

So as I did in Memphis last weekend and I do again today, I thank our veterans, and I thank Bobby Rush for taking his talents to entertain our troops and honor our veterans and be a great American.

PROVIDING HOPE FOR THOSE WITH PANCREATIC CANCER

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, I rise today for the 44,030 Americans who will be diagnosed with pancreatic cancer this year and also for the 600 Minnesotans in my own community who, sadly, lost their lives in their fight against this devastating disease in 2010.

November is Pancreatic Cancer Awareness Month. This little-understood disease is the number four killer in the United States and the only one in the top four which does not have a known cure. Of all of the cancers tracked by both the American Cancer Society and the National Cancer Institute, pancreatic cancer has the lowest relative survival rate.

Over the past 5 years, more than 210,000 individuals have been diagnosed with pancreatic cancer, and over 92 percent of those diagnosed have passed away during the first year of their diagnosis. These numbers are simply unacceptable.

To help find a cure, researchers must have the tools they need to learn more about this disease. That's why I've supported legislation that provides funding for assistance and education around pancreatic cancer across our country.

Madam Speaker, pancreatic cancer is one of the few cancers for which survival rates have not improved substantially over the past 40 years. By volunteering and supporting research, we can do a lot to defeat this debilitating disease.

STOPPING SEXUAL ABUSE OF CHILDREN

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, I apologize for my raspy voice, but my passion for standing up overrules my voice. I am speechless, combined with outrage and anguish over the little boys that have been sexually abused. It is not a question of football and what is king. It is not a question of what State it is and what great university it is. It is a question of adults and institutions ignoring the pain of these children.

It is documented that it takes 2 years before a child is willing to talk about

sexual abuse. And in my own State today, an 18-year-old took her life because she had been sexually abused by a family member, and finally, it was investigated. I don't know how long the law enforcement took to investigate it, but she finally took her life with the belief that no one would be prosecuted.

So I'll be introducing legislation that will immediately suspend all Federal funds of any institution that is found to have covered up—employed someone who has been engaged in sexual abuse and no one reported it, including the prosecutor's office, who are now just saying that they will be looking at this in the State of Texas. It will exclude scholarships and Pell Grants. I intend to introduce that legislation and stop the funding now for any institution that thinks that they are above the law and will watch a grown man perform a sexual act on a child and refuse to do something about it. Refuse to do something about it. It is an outrage.

JOB CREATION AND WHY IS OUR CONGRESS SO DYSFUNCTIONAL

The SPEAKER pro tempore (Ms. HERRERA BEUTLER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Virginia (Mr. RIGELL) is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGELL. Madam Speaker, I rise tonight to address two matters that are of great concern to the good folks of the Second Congressional District of Virginia and, I believe, to every American across this great land. Those two issues are job creation and why our Congress is so dysfunctional. As a businessperson with a lifetime of experience in creating jobs and fixing things, I really want to emphasize the practical solutions that I think we can bring to bear on these two important issues.

I don't think, Madam Speaker, that there is a family in America that has not been affected in some way or another by this painful economy. Unemployment continues to hover around 9 percent. My wife, Teri, and I have two dear families in our lives who have lost their business because of the economy and how difficult things are. They are small businesses. We watched them and walked with them through as they had to file bankruptcy and let go of their employees. And, Madam Speaker, the problem is particularly acute in our black community. For black men, the unemployment rate is over 19 percent. This should concern every American and command our full attention.

Madam Speaker, this is my first elected office—I have been up here about 10½ months or so—but I've had 30 years of experience in job creation. The first business that my wife and I started when I was 22 years old was a cleaning business, and we started it because we had more money going out

than we had coming in. I had a couple of options, and it seemed like the best one was to start a small business, and we did—a cleaning business. We hired two people: Teri hired me and I hired her.

□ 1920

That is how we got started. I know, and I fully understand what an entrepreneur, a small businessowner or a potential small businessowner, experiences when they're trying to put capital at risk to get what I refer to as an entrepreneurial return. I know that healthy fear that really inspires you to work long hours. We would call it key-to-key, open your business and close your business at night. I know the great joy of being able to say to someone these wonderful words, "you're hired." I also know what it's like to sit down with a banker, a good friend, a person who stood by us in difficult times, but yet they've come to the end, and they say, Scott, I can't help you, meaning they can't approve a critical loan. I understand what that's like.

It all revolves around, whether you own a big business or a small business, there's something in common, and that is every business has a financial statement, an income statement. And if we look at the income statement, that document that is being looked at by entrepreneurs across America and if we start at the top and you just go down line by line and if you see the intersection of what we're doing here in Congress in our Federal Government, you see the intersection of the actions that we're taking with each line on a financial statement.

I'd submit, Madam Speaker, that the evidence is clear that the steps that we're taking in this Congress—well, at least on our side I believe the Republicans are taking the right steps, but the cumulative effect of what's taking place in this Chamber, in the Senate, and in the White House has made it ever more difficult for the American entrepreneur to make it, to give them a reasonable expectation that they could achieve what we refer to as an entrepreneurial profit.

Listen, if a person is okay with a 2 percent return or a 1 percent return, they'll just leave their money where it is. It takes a lot of courage, I think, for a person to put a second mortgage on their home, to call a family member to borrow money or save up over years and maybe put \$15,000 at risk. They have to be able to earn a better return than that. And in doing so, they'll start to hire people.

Let's just take a look at a basic job creator's financial statement. Now, it may look slightly different from one industry or one business to another, but it always starts out at the top with this category right here: sales. Nothing happens until you sell something. It could be anything. It could be cupcakes

like some wonderful entrepreneurs in our district. It could be automobiles, it could be homes, and it could be energy and those companies that supply and help us become more independent.

Let's look at this critical area. We have over \$500 billion a year that is flowing out of our country, capital that should be circulating within America. Is it here? No. It's going outside of this country to folks like Hugo Chavez. They do not share our values, and we are funding them because of our failure—Republicans and Democrats—year after year after year in failing to move this great country toward energy independence. It is hurting us, Madam Speaker.

Recently, I stood and clapped for our President as he walked in this Chamber, and I listened intently on September 8. He drew us together as Congress and said, I have a bold message for you. I desperately wanted to hear our President address energy independence. I waited expectantly, sitting right back over there. I didn't even get a chair. I think I was behind everybody and had to stand up. That's all right. The Chamber was full.

There were some things I agreed with, and I said, yes, Mr. President, I can sign up for that. And I looked forward to improving or voting for the veterans bill and the reversal of that 3 percent withholding that would hurt so many contractors within the Second District of Virginia and also across this great country. And it also has a wonderful tax credit in it to help those who are helping and hiring our veterans. I look forward to supporting that and enthusiastically want to vote for it, and I support what the President is doing.

But absent in his remarks, a 4,134-word address to Congress, was the word "energy." Certainly absent was the phrase "energy independence." This is a tragic mistake. It hurts America. It hurts employment in the Second Congressional District of Virginia and across this great land.

We have so much opportunity to put folks at work with great-paying jobs. I'm talking about \$70,000, \$80,000-a-year jobs, and some of them will pay even more—good-paying jobs. We have great potential. And if there were any question about where the President stands on this issue, he made it abundantly clear last week. He said nothing, nothing off the coast of Virginia. The energy resources that are there will be locked up while residents of the Second District are hurting because they don't have employment opportunities.

Madam Speaker, I would submit that our pain in America is largely self-inflicted. We are regulating ourselves out of our prosperity at every opportunity. It's wrong. We can and we should take a different direction.

Let's look at the expenses faced by our small business owners. I just hit

one area of sales. I could have gone a lot longer on that. Let's just go down to some of these expenses that we see here. Interest, well, interest rates are extraordinarily low right now. I'd say that is a positive thing. It's only because there's a near collapse of confidence in the European economy. That's why folks are still rushing over here to America, driving down interest rates. Do not be fooled. That will not sustain itself. There is a risk, and I would say it's backed by the evidence that folks ought to be mindful that interest rates can go up, and I think they likely will.

When I talk to the bankers in our area, I'm not talking about the big shots in New York. I'm talking about homegrown banks—our neighbors, our friends—small banks, the ones that sponsor the Little League. They say, SCOTT, listen, we're not hiring account executives to go out and meet with your business and other small- and medium-sized businesses. We're hiring regulatory analysts just to deal with what's coming at us from Dodd-Frank. I had the president of a local bank tell me the other day, he said, SCOTT, listen, we're getting out of this line and this line of business because we just can't handle the regulatory burden.

Now, I am not a no-regulation person. I hate to disappoint my libertarian friends, but I'm not a libertarian. I have a libertarian streak in me, but I'm not a libertarian. There is a proper role for government and, indeed, an essential role for government. I am for wiser, smarter, lighter regulations that will free up the greatest job-producing engine the world has ever known—the American entrepreneur.

Let's look right here. We've covered interest and even the availability of capital. We're paying banks a small interest rate, a small return on their money, the government is; but we're not requiring them to loan it out. It's really a bizarre situation and one that's hurting our ability to grow our economy.

□ 1930

Look at health care. The Affordable Health Care Act, if anything, has exploded the degree of uncertainty. I do not know a fellow entrepreneur in my district who can tell me where their costs are going other than they're going up. The Affordable Health Care Act, which still is an evolving document as it becomes kind of flushed out by the regulators, those who are writing all these regulations, is a moving target; people just don't know where it's going. So we've got uncertainty there on health care.

Look at legal fees. We are the only country in the world that runs about 10 percent of our gross domestic product in legal fees. We are a litigious society, and our laws encourage that. It's wrong, and it puts an unnecessary burden on the American entrepreneur.

And let's pause for just a moment and kind of define the American entrepreneur just for a moment. I'm not talking about highly sophisticated folks and MBAs and all that. I'm talking about the moms and the dads and the young people who are starting businesses out of their homes and relying on maybe some borrowed money from family or friends or a small second mortgage on their homes if they own a home. These are the burdens that we're putting in their way that makes it more difficult to, again, get a return, an entrepreneurial return on their investment.

Accounting, accounting services. I love the CPAs out there in our communities, but they are having to deal with things, for example, our Tax Code, that is incredibly complex and unnecessarily so. I have found in my 10½ months here that the halls are filled with lobbyists. Now, some I think can provide us with good information; but some have only one mission, and that's just to find a strategic advantage for their industry or sector, and that is expressed in our Tax Code. And I, along with my colleagues—and I certainly can speak for my Republican colleagues and, I trust, for my friends who are Democrats—we can, we must, we will simplify our Tax Code.

When I would sit down with our accountant every year as a small-, medium-sized business owner, my good friend David would say, Well, here's a tax return, Scott. And I would go through it, and with even 25, 30 years of business experience, I would say, David, I just don't understand this. I'm doing my very best to keep up with you. I just don't understand this.

It is not right when an American wants to pay his or her fair share, whatever is expected and the law requires to pay, and there's not a person out there, including within the IRS, that can even confirm that you're paying it correctly. If you call the IRS and ask for guidance, that is no defense if you do it incorrectly. It's not right.

EPA compliance at every turn. Look, we have a moral obligation to leave our children with clean air and clean water and clean soil. I'm a recreational fisherman. I don't have much time to do that now. That's okay. But I used to go out to the second and third island on the Chesapeake Bay Bridge-Tunnel—and those in the Second District know where I'm talking about—and when the stripers are there and they're running, well, it's a fun evening. I never want to catch a striped bass that has a lesion. I have a great passion to make sure that we meet the deep obligation that we have to the next generation of Americans to be proper stewards of the environment. What I so often disagree with, with my friends who would profess to love the environment more than I do—which is something, frankly, I don't concede—is this: We are headed so often to the

same place. Sometimes it's a matter of timing. Are we going to get there over 3 years or can we stretch it out over 10 to 15 so that we can give industry a reasonable time to adjust?

As I've listened carefully to the administration and to my colleagues here on this proverbial other side, I think it, in some ways, can be boiled down to this: that there is this general debate taking place—and I frame it this way—that the administration believes there is a role for the American entrepreneur to play in job creation, but its reliance is principally on government; its belief is principally in stimulus spending—that is, borrowing money to buy things through the government. I think the evidence of this is clear. The administration has doubled down in the jobs bill on a stimulus-driven mindset.

Now, in sharp contrast, we, as Republicans, believe there is a role for government, a proper role for government, but our reliance is upon the American entrepreneur, the small business owner. When we wake up in the morning and when we go to sleep at night, we know that the key to getting through this, to unleashing the great potential of America, is the American entrepreneur, America's small business owner.

Look, I applaud the President for putting forth a jobs bill, but let me share with you this: We've passed a lot of jobs bills. It's right here. And I want to take a moment—this may seem tedious, but we need to slow down and get our facts right. I'd like to cover, briefly, a summary of the 22 jobs bills that we have passed in this body with bipartisan support that are now stalled in the United States Senate.

Now, as a new Member here, I have just found it incredibly frustrating that we have passed good bills, bills that I know would move our country forward in job creation, and they're met with this response from the Senate Majority Leader: Dead on arrival.

Really? Dead on arrival? I think I learned in about eighth or ninth grade in a civics class that here is what's supposed to happen: The Senate passes its own bill or amends ours, and then we go to conference. That doesn't happen very often; very seldom.

Here is a summary of the bills that we have passed in this body.

I am very proud of my party in this respect. And when there are issues with our party, I'm quick to say that, too. And we'll cover those in just a few minutes when we answer the second question: What's wrong with this body?

Let me read just a few of them here, Madam Speaker. H.R. 872, Reducing the Regulatory Burden Act.

If you think through this, we are addressing individual lines on a financial statement, each one of which would give breath and life and hope to the American entrepreneur, saying, You know what? I really think I can do

this. I'm going to go ahead and take that second mortgage out.

H.R. 910, the Energy Tax Prevention Act of 2011; H.R. 37, disapproving the rules submitted by the Federal Communications Commission; H.R. 1230, Restarting America Offshore Leasing Now Act; H.R. 1229, Putting the Gulf of Mexico Back to Work Act; and H.R. 1231, which would have reversed the Offshore Moratorium Act.

It goes on and on, Madam Speaker, on and on. These are good bills. I encourage Americans across this great land to take a look at what we are doing as Republicans in leading the way toward true job creation.

I know we can get our country back to work. There are clear steps that we can take so that, when you get to the very bottom, this profit after tax equals a return on investment that is attractive, that makes folks want to put capital at risk.

I want to cover one more thing before I go to that critical question of why our Congress is dysfunctional—taxation. I will just give you one example of how this is having a detrimental impact on our country.

We have a wonderful manufacturer in Virginia Beach, part of the Second District, called Stihl. You may know them from their chain saws, a high-quality product. It's a beautiful, well-run, efficient plant that they have in Virginia Beach. And they shared with me, they said, SCOTT, look, we are competitive with our sister unit in Asia. We are competitive with our sister unit in South America that produces essentially the same parts and the same products. We are competitive on a cost-per-piece basis, but here's where we're not competitive. We are not competitive on an after-tax basis.

Now, whether we like it or not, we are in a global economy. We are competing with countries around the world, not just with our neighbors here in North and Central and South America. We are competing with countries all across the world.

□ 1940

So our tax rate, our tax structure has to move America in the direction of making America the best place to start a business and, particularly, manufacturing.

Madam Speaker, this is the manufacturing base. The fact that we are producing less here in America, I believe that is the principal reason there's a shrinking of the middle class. And so we need to come together as Democrats and Republicans and independents and improve our manufacturing base. The 22 bills that I mentioned address that directly and head-on, and they should be passed by our Senate and then sent to our President for signature.

Let's tackle that second question, Madam Speaker. Why is our Congress so dysfunctional? I believe there are

three principal reasons. The first is the harshness of our tone. Both parties are guilty of this—both parties.

Let me give you an example on the Republican side of the ledger. I don't use the term *ObamaCare* because I believe it's pejorative. Right out of the get-go, it personalizes the debate. My objection to the Affordable Health Care Act has nothing to do with the President, himself. It has to do with what's in the bill. But when we use a term like *ObamaCare*, it is unnecessarily interjecting into the conversation an angle which so many in our country find divisive.

I've spent a lot of time with our black pastors and bishops in the Second District of Virginia. What a joy it is to go across our great district and worship in different houses of worship and when I sit down with my good friends, our bishops and pastors principally in the black community, and we start talking about these matters, and they say, SCOTT, where are you on the Affordable Health Care Act?

I say, well, pastor, I don't support it. Here's why. But you know I don't use the term *ObamaCare*. And they said, yeah. Often times they'll say, SCOTT, they see it as a racist term. And I don't speak for every black pastor in my district certainly. But I'll tell you, I've talked to enough to know that some do see it that way.

Why would we use a term that unnecessarily alienates us from our friends and moves us apart as the American people?

And I'd submit to you, Madam Speaker, that what's taking place in this body is hurting every American family. And if wasn't, quite frankly, I wouldn't be here. But it is. It's putting our country at material and serious risk. There's a harshness of tone. And I think the way to respond to that and head in a different direction is to think, well, what would your mom say? I know how my mother taught me to speak to others: with respect.

And, Madam Speaker, I would say this: We should not mistake civility with weakness. We can and should be firm on principle. Civility is not an indication that one does not hold core values.

Now, the second aspect of what's, I think, hurting this body and hurting every American family is this: the misuse and oftentimes the complete dismissal or deliberate failure to reference facts.

I'm a businessperson. I don't know any other way to make a decision other than to first gather the facts. If I start making decisions off of how I feel or where I think the decision ought to go, I would not only not prosper; I would go into bankruptcy. And I think, in some ways, that's where we're headed as a country, because we're not relying on the facts.

Let's take a couple here that just jump out at us. Now, I would say to my

friends who are Democrats, let's consider this. Historically, we've been around 19 percent of expenses as a percent of our gross domestic product. Right now we're over 24.5 percent. This is putting America on a perilous course, and I believe it threatens our country in a fundamental way.

Now, to my Republican colleagues, let's look at the other side. Historically, we've been around 18 percent, plus or minus revenue as a percent of gross domestic product. And right now we're less than 15 percent. That too is a problem. Any Republican who will not admit to this or confront it and discuss it head-on is not dealing with reality. These are the numbers. It's not how you feel; it's where the numbers lead us.

We need to be a leadership team here, a body that respects, seeks out and is guided by the facts.

My colleague, who I respect very much, Representative SCHWEIKERT, he was down here one afternoon. I was watching him on C-SPAN. I was in my office and watching him, and he had a wonderful presentation. And what he did was he put into perspective—it was sometime ago, probably 6 weeks or so, maybe 8—this debate that was taking place where there were some charges coming from our friends on the other side, and they were basically saying, you know, you're trying to crush Medicare on the backs of the poor, giving oil breaks to oil companies. And he did this. He kind of broke it down.

He said, okay, we're borrowing about \$4.7 billion a day. Let's look at all tax cuts for all Americans. If you eliminated every single one of them, it would be about 28 minutes out of that 24-hour day if every tax break was removed. And I'm certainly—you know, we'll walk through which ones we can support; 28 minutes of a 24-hour day could be addressed by these tax cuts.

Tax incentives provided to oil companies amount to about 2.2 minutes under his calculation, and I'm quite confident in his math. So about 2.2 minutes out of a 24-hour day could be addressed by eliminating the tax cuts to oil companies.

And the tax treatment for corporate jets, if you remember that discussion, is about 15 seconds of a 24-hour day. Yet, in this body, right here it was presented as either fix Medicare or eliminate these tax breaks, or hold on to them, rather. It was a false argument.

I mean, you could agree to every single reversal, and we'd still be faced with an enormous, an enormous fiscal challenge. As we head into the days ahead, it looks like a ski slope. Our expenses look like a ski slope. Yet our friends on the other side would present it as, well, all you have to do is basically eliminate these tax breaks and, you know, kind of a no-pain option.

So I think—and both sides do this. You know, you look back—I targeted

my own party on the first point of harshness. You know, I could give examples in each category of each party.

Now, questioning of motives here. This has been a most interesting experience as a new Member of Congress. I've sat in this body right here and watched my colleagues—Democrat colleagues—stand up and with great bravado say, you don't care about the poor. You don't care about the elderly. You don't care about our minority communities.

Madam Speaker, how can one judge another's heart? How can one judge another's intent?

I would say to my Democrat colleagues, you may care as much about our environment, but you do not care more. You might care as much about the poor, but you do not care more. You might care as much about ensuring that our seniors have medical coverage, but you do not care more.

Indeed, that is why I voted for the House Republican budget. That is why I voted to ensure that we take the steps now so that Medicare is solvent. The President and I agree on this matter, that without changes in 9 years, we're bankrupt in Medicare.

□ 1950

That's unacceptable. I think it took political courage for our party to put that on the House floor, and I think that's a good segue to this account that I have right here, this idea of questioning people's motives.

I was on my way to a Veterans of Foreign Wars town hall with our fine veterans. I have the great privilege of representing, again, the Second Congressional District of Virginia. It has the highest concentration of veterans in the country. What an honor it is.

So I'm on my way to a VFW breakfast meeting, and these good men and women get up early. I think it started at 7:30. I got a call from our district director. She said, Congressman, she said, MoveOn.org is here. I said, Okay. How many? She said, Oh, I think one or two. And I said, Shannon, there will be more, and don't worry about it.

We pulled up there and the door to the entrance was quite far from where we were on the road. There was quite a distance in the parking lot. And there were a couple of protestors out there—I think by that time it was three or four—and I told my good friend Esmel Meeks who works with me every day, I said, Esmel, stop the car. He said, What are you going to do? I said, Esmel, it's okay. I just want to get out and talk and listen.

I got out of the car, and I said, Good morning. I'm SCOTT RIGELL. The gentleman said, I know who you are. I said, Look, I appreciate you being here this morning. I respect you for getting up early. You care about this topic of Medicare. You care enough to get out here and meet with me or at least send

me a message. I said, What's on your mind this morning? I think that caught him off guard a bit.

But as we went through the conversation, he said, Well, you're giving all of these oil subsidies and crushing Medicare. I said, Well, we've got something in common here. Let's talk about this. I don't believe in oil subsidies. I said, I'm looking at this matter right now. It's taking me a little time. It's a complex matter. There are several different areas of tax treatment for oil companies.

I called in one of the most progressive groups in America to give me their take on this: Tell me why these are tax subsidies. And as I met with these young folks in my office—they were first a bit surprised that they found themselves in my office, but I was delighted to have them there. I said, Help me to understand why these are tax subsidies.

There are a number of them, and they started to go down the list, and I almost immediately noticed a problem. I'm a businessperson. I've been in business 30 years. I said, Wait a minute. Some of these are just regular tax deductions that any business would get whether they were a mom-and-pop operation or a large corporation.

Now, these over here, they sure look like tax subsidies to me, and if I determine that they are, I'll vote to repeal them on the House floor. And I went back to those that were not true tax subsidies, and I said, Listen, don't use hyperbole to make your point. It actually diminishes your argument.

We got through that, and I shared a little bit of that story with this good gentleman from MoveOn.org that met me outside the VFW town hall. And then after that I said, You've accused me, or I should say, You're certainly taking a shot at me here for not caring about the elderly. I said, No, this is why I voted for the House Republican budget. This is the best way to ensure that we protect Medicare.

I said, Do you know how long it takes us to balance the Federal budget under this plan that you say is extreme? He had called it extreme. I said, Sir, do you know how long it's going to be under the Republican plan of borrowing money each and every year? He said, No. I said, I do. It's 25 years. Under the plan that's called extreme, it's 25 years of continuous borrowing. And that's the holdest plan out there right now. At least it's gotten serious consideration. And of course that plan, too, sits in the United States Senate without action.

In the Second Congressional District of Virginia, we are blessed with water. It's all around us. You can't go down a street for four or five miles before hitting beautiful water. And in those waters is one of the most precious and delicious little creatures known to man, the blue crab. And if you're

lucky, you can put a couple of chicken necks in a crab pot, throw it in just about any part of the Chesapeake Bay or one of the estuaries in these little bodies of water and little creeks off of the Chesapeake Bay that we're blessed with in the Second Congressional District, come back in about 4 or 5 days, and if you're lucky, you'll have 10 or 12 blue crabs in there.

If you pull the crab pot up on to the dock, as I've done many times, one thing is pretty striking about that. As you look at these crabs, they have no idea what their fate is. And they're just going at it. Claws are flying. Occasionally a claw will be severed and pinched off, but they just keep fighting. They are oblivious to their fate.

If they had any hope, any hope at all, what they would say is, Hey, wait a minute. We're all in this together. This thing is not headed in a very good direction. And they'd say, Listen, our only hope is when this man opens up that little trap door, we all gotta rush him and maybe a few of us at least will make our way back into the water, maybe all of us. But our only hope is to do this together.

Madam Speaker, I would submit to you that in more ways than we might imagine, we are like crabs in a crab pot. We're fighting each other; we're not making good decisions as a body, and it's putting us all at risk.

I believe there is a deep resolve. Notwithstanding what I just shared, I believe there is a deep resolve among both parties. I trust and I pray that there is because the matters before us are so great that there is a deep resolve to do the right thing; to listen to each other; to treat each other with respect; to watch the harshness of our language and our tone; to bring back a civility in our public discourse; to let the facts guide us to good decisions; to not question the motives of others. This will bring us together.

Yet we know that there will still be spirited debate. This is a good and natural thing. It has been a characteristic of this body since our very founding and even prior to the founding of this great country. There will continue to be spirited debate.

How are jobs created? I have given you, Madam Speaker and others, my core belief on how jobs are created and how we'll unleash the greatest job-producing engine the world has ever known: the American entrepreneur. Some disagree with these priorities. I don't see how. I like my view. It's been tempered by 30 years of reality and experience.

But if we come together under the terms and conditions and under the umbrella of civility that I just outlined, I really believe that we'll meet that deep obligation that we have to the next generation of Americans to pass on the blessings of liberty and freedom.

I close with this, Madam Speaker:

I shared with this body earlier that I had the great privilege of representing the Second District, which has the highest concentration of men and women in uniform in the entire country. My weekend was filled with wonderful events honoring our veterans. Young veterans and older veterans, like my father, Ike, at 88 years old, an Iwo Jima veteran—my favorite veteran, by the way. But as we walked through these events from parades and marathon races and just a host of different events, it was just evident to me that we have so much more in common that binds us together, the full fabric of our community.

Every community, every minority community, every community, old, young, is represented in these wonderful events, our veterans, what they have fought for in this great country. And I believe the best way to honor our men and women in uniform surely is, of course, to stop on Veterans Day, to pause, to look them in the eye to thank them.

But I would say even more importantly, and I think our veterans would agree, they'd say, You know, I appreciate that. But better yet, and indeed your duty, elected official and every American, is to take the legacy that was gifted and handed to you at a heavy price and ensure that we pass it on to the next generation.

□ 2000

So I implore, Madam Speaker, every American to get engaged in this noble fight for the future of our country, for our children, and for our grandchildren. My favorite modern-day President, President Reagan, said it this way: Freedom is never more than one generation away from extinction. We did not pass it to our children in the bloodstream. It must be fought for and passed on for them to do the same; or one day, in our sunset years, we will tell our children and our children's children what it was once like in America where men were free.

Indeed, we will meet our deep obligation to the next generation of Americans. And as we come through this Veterans Day, may God watch over our veterans, our troops who stand watch tonight, and may God forever bless the United States of America.

I yield back the balance of my time.

CBC HOUR: POVERTY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Madam Speaker, I want to again thank our leader, NANCY PELOSI, and the Democratic Caucus for allowing the Congressional

Black Caucus to have this Special Order hour once again.

Before I begin my discussion today, though, I want to take this opportunity to wish a very happy birthday to my daughter Karida Green. I am blessed to have two wonderful daughters and four fantastic grandchildren, whom I was able to spend the past weekend with as we celebrated Kobi's, one of my grandsons, 5th birthday.

I also want to extend congratulations to the Federal team that's now in place in the U.S. Virgin Islands. Congratulations to our new district court judge, Wilma A. Lewis, who joins Chief Judge Curtis Gomez and Senior Sitting Judge Raymond Finch in the district court of the Virgin Islands; to congratulate U.S. Attorney Ronald W. Sharpe, who had his investiture this morning; and also Chief Marshal Cheryl Jacobs, who was sworn in about 2 weeks ago. We welcome all of them and thank President Obama and Attorney General Holder for their nominations and the Senate for their timely confirmation.

And let me once again thank all of those men and women who have served in our Nation's Armed Forces and those who serve today for their courage and their sacrifice, and I also want to thank their families who serve and sacrifice along with them. We in the Congressional Black Caucus and, indeed, I think, the entire Congress look forward also to sometime in the not-too-distant future to honor the Montford Marines with a well-deserved and long overdue Congressional Gold Medal.

But this evening, Madam Speaker, the Congressional Black Caucus continues our focus on the need for jobs and to reiterate the call for the leadership of this Congress to bring legislation to the floor that would create jobs. But tonight we also want to call our attention to the continuing plight of the poor in this country and how the budget and other battles that have been fought on the floor of this House and over in the Senate have been hurting them and what is at stake for them also if the supercommittee does not come to a balanced agreement that would reduce the deficit by \$1.2 trillion or more—and, I would say, hopefully more.

Earlier this month, nine Members of the House joined the Fighting Poverty with Faith initiative and took the food stamp challenge. We agreed to live on what is the average food stamp allotment for a week, \$31.50, and I can tell you that it is not easy.

There are over 48 million Americans today who are food insecure. More than 16 million children live in households that are food insecure in the richest country in the world. Millions face hunger every day in this country, a fact that we should all be ashamed of.

These numbers are only getting worse, not just because of the recession but because almost all of the growth of

wealth in the past decade went to the top 10 percent of people in this country. For most Americans, their incomes dropped; their incomes really crashed. And the gap between the rich and the poor got wider, a dangerous trend for a country already struggling to maintain its leadership in the world, something everyone should want to do everything in our power to maintain.

For all of our 40 years of existence, the goal of the Congressional Black Caucus has been to close the gap that leaves some communities behind or some out altogether; to close the income gap, the job gap, the housing gap, the health gap, the education gap, and all of the disparities that have been so doggedly persistent for some communities, not because those on the losing side didn't want them to change or didn't work for change but because the opportunity too often was just not there.

Colleagues, America is the land of opportunity and all of us, not just the 43 members of the Congressional Black Caucus but all 441 or, really, all 541, need to be working together to make sure that it is for all and not just for some.

This country was founded on the principle that all men and women are created equal and endowed with certain inalienable rights, not to be separated from us. Inalienable rights—the right to life, liberty, and the pursuit of happiness.

Many times even when we pass programs that should have helped, they don't reach communities that need them most. Those communities in some cases are not prepared to compete or they may not be priorities for the Governors of those States who often get to decide where those programs go. And that's why our assistant leader, JAMES CLYBURN, joined with Congressman RANGEL to develop the 10-20-30 program, an initiative that they have taken to the White House and to the Republican as well as the Democratic leadership.

Under this initiative, which seeks to help out the most chronically distressed communities, 10 percent of all funding and programs would go to communities with 20 percent or higher poverty levels for 30 or more years. And it may surprise everyone, but two-thirds of all of the jurisdictions that would qualify for that 10 percent are in Republican districts. I think if it were under any other administration or if it were proposed by someone on the other side of the aisle, perhaps this would have been passed long ago; but today those communities, not all of which are racial and ethnic minority in makeup—many are, but not all are—would continue to suffer and, in essence, be denied those inalienable rights, and that's not the country that we know and love.

At our annual legislative conference in September, we heard from research-

ers who reported on persistent poverty and its impact on health and the quality of life in the communities that are chronically distressed. Their report tracked the stubborn persistence of concentrated poverty in U.S. metropolitan areas over a period of nearly 40 years. Neighborhoods with poverty rates above 30 percent have been recognized as places with few opportunities for employment and education, high levels of disinvestment and crime, and meager civic participation. Living in such neighborhoods over extended periods of time reduces the life chances of children, whether their families are poor or not.

The report also looked more deeply at a subset of urban neighborhoods that can be characterized as the "original ghetto," extensive areas whose cores were almost exclusively nonwhite and poor in 1970. The report showed that the Nation continues to suffer from racially and economically divided cities, undercutting efforts to reach important goals for our country, for health, for education, for employment and civic engagement.

More specifically, that report found that concentrated poverty has risen substantially since 2000. About one in 11 residents of American metropolitan areas, or 22.3 million people, now live in a neighborhood where 30 percent or more of their neighbors live in poverty. Such neighborhoods suffer from private sector disinvestment, poor public services and schools, and unacceptable levels of exposure to crime, natural hazards, and pollution. The number of people in high-poverty neighborhoods increased by nearly 5 million people since 2000, when 18.4 million metropolitan residents, 7.9 percent of the total, lived in high-poverty neighborhoods.

□ 2010

The rise since 2000 is a significant setback compared to the progress of the 1990s. The number of people in high-poverty neighborhoods stabilized in the 1990s and the concentrated poverty rate fell, fueling optimism that faith-based initiatives and rising prosperity were reversing a crisis that had grown dire in the 1980s.

Today, however, it appears that the improvement of the 1990s was just a temporary respite. The increase in the number of Americans living in high-poverty neighborhoods tracks directly with the Nation's increasing poverty rate. Between 2000 and 2009, the number of people in poverty grew by 10 million, from 33 million to 43 million, raising the poverty rate from 11.3 percent to 14.3 percent in 2009. Today it's over 15 percent. And we all have seen the Pew report which shows that white wealth is 20 times more than African American wealth, 18 times more than Hispanic wealth, and that more African Americans live in extreme poverty. If this trend continues, it is a very bad

prognosis for the economic health of our Nation.

Also, everyone knows that I'm a family doctor by training, training that I received right here in the Nation's Capital at George Washington University's School of Medicine and Howard University Medical Center, so the health of my fellow Americans is very important to me. So I have to just point out that poverty is a sure prescription for poor health and for premature, preventable disability and death. Just eliminating poverty alone would improve the health of millions and the terrible health standing of our country, which is an embarrassment. Or let me quote one of our Surgeon Generals, "An affront both to our ideals and to the ongoing genius of American medicine," as was said by former Surgeon General Margaret Heckler back in 1985, and it continues to be true today.

As many have said, the American Dream has become a nightmare for too many in this country, including those who recently came in pursuit of it, our immigrant community. The Rebuild American Dream movement and many of the Occupy Wall Street protests are all about making it a good dream again, and not just a dream, but an opportunity to make it a reality. As quiet as it's kept—and we, Democrats, have really been too quiet—Democrats have always been about keeping the American Dream alive for everyone who lives and who comes to this country, for making opportunity available to all for a solid education, good health, a decent job, a home in a safe neighborhood, and a secure retirement. We have never lost sight of or lost faith in this. And we continue to fight for it, despite the big money opposition and the special interests who think they will win out in the end, but they won't because we are on the side of the American people, and they will always side with what is in their best interests and not in the best interests of our country.

Before we went out over our break—one more break than we needed—Congresswoman BARBARA LEE introduced H.R. 3300, the Half in Ten Act of 2011, which proposes to cut poverty in half within the next 10 years. In 2008, House Concurrent Resolution 198 unanimously passed Congress and committed us to doing just that, cutting poverty in half. The new bill provides us with a framework for doing it, and we need to honor the commitment that we made in 2008 and pass the bill, H.R. 3300. The Half in Ten Act would establish a Federal interagency working group on reducing poverty. The working group will develop and implement a national plan to reduce poverty by half in 10 years while working to eliminate extreme poverty, which I talked about earlier, child poverty, and the historic disparity in poverty rates in communities of color. The working group will im-

prove how we collect data on those who are in poverty and near poverty, and make regular reports on their progress so that Congress and the American people can better understand the impact of our policies and programs and make more informed decisions about how we as a people treat our most vulnerable.

The working group will be charged with developing and implementing a national plan on poverty with four distinct but interrelated goals: one, to reduce the national poverty rate by half in 10 years; two, to eliminate extreme poverty, those with income under 50 percent of poverty; three, to eliminate child poverty; and four, to eliminate the historic disparity in poverty rates in communities of color. That working group would consult with experts across all relevant Federal agencies as well as outside poverty groups who work directly with those most affected by those Federal programs so that we can develop a comprehensive, far-reaching, sustainable plan.

I really want to thank the gentlewoman from California, Congresswoman BARBARA LEE, our former chair of the Congressional Black Caucus, for her work on eliminating poverty, for her leadership of the Out of Poverty Caucus, and for introducing H.R. 3300.

We have another bill that will soon be introduced by Congresswoman GWEN MOORE which also speaks to poverty. She's preparing a bill that would reform TANF, and I think everyone would agree that TANF has not really worked as it was intended to. As we look at it, it's created a permanent underclass. Block grants are locked in at 1994 levels. Many who move off of assistance after 5 years still don't have jobs, and they don't have child care. The rise in food stamp usage shows where those pushed off of assistance have gone.

The average age of a TANF recipient is 7.8 years of age. Twenty percent of children live in abject poverty in this country. It has damaged the social safety net that was meant to respond to the countercyclical nature of the economy. When there is a recession, as there is now, it's supposed to be that last bit of help. So the bill is still being drafted, but some of the things that it would do are, it would stipulate that the number one goal of TANF is child poverty reduction. It would stop the clock during a recession. It would guarantee child care for TANF work-eligible recipients. It would lift all time limits on work participation requirements and the 30 percent safe cap on education. And it would adjust the Federal work participation requirements so that States could get credit when individuals with disabilities participate in work-related activities, even if the nature of those activities or the number of hours do not match the standard TANF requirements. Those

are just some of the things that we expect to have going into the bill. And again, in addition to H.R. 3300, when Congresswoman GWEN MOORE introduces her TANF reform bill, we hope that all of our colleagues will support it.

There is an elephant in this hallowed room and every room in this Congress, and that's, of course, the deficit-cutting proposal that the supercommittee is responsible for bringing forth in about 9 days. Actually, it would be more than a proposal because we would have to vote on it as it is, just up or down, no amendments. We hear that there will, more than likely, within those 9 days be an agreement. And if there's any hope for a fair and balanced agreement, it's because we know that the House Members that the Democratic Caucus has placed on the committee will work to ensure that it is. And those are our assistant Democratic leader JIM CLYBURN, vice chair of the caucus XAVIER BECERRA, and our Budget Committee ranking member CHRIS VAN HOLLEN.

We've said over and over again that this plan needs to include a further extension of unemployment benefits, which is something that has been demonstrated over and over again as a guaranteed stimulus for the recession that we're not yet out of. But it also, of course, provides a needed bridge until we can get this Congress to create jobs again. It's been over 300 days, and we still have yet to see the Republican leadership produce and enact a jobs agenda for this country, something that we all know is so badly needed.

And just to talk about where we are, in the third quarter of 2011, 31.8 percent of 14 million Americans who are out of work have been so for more than a year. That amounts to 4.4 million people. Older workers are more likely to remain out of work for a year or longer; 43 percent of unemployed workers older than 55 have been out of work for at least a year. Although those with more education are less likely to lose jobs, once unemployed, long-term joblessness is distributed across all educational levels. And we keep hearing about employers who might have a job opening, saying for those who are jobless, don't apply. Now that just does not make any sense.

□ 2020

Unemployment cuts across every industry and occupation. More than 20 percent of unemployed workers in every industry have been out of work for a year or longer. And in mining, manufacturing, transportation, utilities, financial activities, the percentage of workers who have been jobless for a year or longer is over 40 percent. We cannot get out of this recession without jobs.

So, again, we call on the leadership of this body to enact a jobs agenda. We,

the Democrats, have proposed and requested in the strongest way possible that the American Jobs Act be a part of the supercommittee's report. It is itself, because of the tax and other revenue it would generate, is an important part of reducing our deficit. We also want other revenues to be a part of that agreement. This is not in any way class warfare. The poor and the middle class have already given up much, have made major concessions and sacrifices. And in the interest of saving our country, they would likely do more up to a point. But now it's time for everyone else to give. It's the patriotic thing to do.

Unless some, or even all, of the Bush tax cuts, which were meant to be temporary and should have expired already, are allowed to expire, the majority of the deficit will come out of programs that would help the middle class and the poor. The country I pledge allegiance to is a fair country. Congress has a sacred responsibility to keep it fair, and with liberty and justice for all.

If no agreement is reached or if the House and Senate fail to pass whatever agreement is reached, mandatory across-the-board cuts will be imposed. And the President has already said he will prevent any attempts to stop the mandatory cuts from taking place, and I hope that threat extends to mandatory defense cuts, because what we keep hearing is that those defense cuts will just not ever happen. And if defense is spared, the mandatory discretionary cuts would further come out of programs that would help the poor and the middle class and would hurt them even more than some of the budget agreements we have already reached. Some of the cuts that this Congress has already made would hurt the poor and hurt jobs.

Just in 2011, 250 programs were cut that probably eliminated about 370,000 jobs. Those are just some of the things that we have already lost. There are almost 60,000 jobs lost from the spring budget cuts of the Federal Government in three areas, with secondary impact on a wide array of businesses, ranging from automobile producers to local restaurants and dry cleaning establishments. Federal support for law enforcement, environmental cleanup of nuclear weapons production facilities, and General Services Administration Federal buildings fund, those are some of the cuts that have just wiped out jobs at a time when we need to be creating them.

So we need to make sure that we allow our economy to grow. We need to continue, or begin, to invest in education and health care and renewable energy and innovation of all kinds. The only way we can do this is with a big agreement, but one that includes far more revenue than the mere \$300 billion that is now on the table.

So we want balance and fairness from the supercommittee. We want a jobs agenda enacted. We want to see the American Jobs Act be a part of it. We want to see unemployment payments continued and extended beyond where they are today, and we want to go further to make sure that poverty is reduced in our country because, again, over 16 million children in this country are going hungry every day and living in poverty; and that is something that any country worth its salt should not tolerate.

I would now like to yield to my colleague from Texas, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady from the Virgin Islands for her leadership, and I'm delighted to join her in what I think is an enormously important discussion. Oftentimes, Congresswoman, we don't get a chance to have this kind of discussion when we are debating bills on the floor of the House. So let me, first of all, add again to your statistics. The more we can recite for people what the problem is, the better off we are.

So you will see us standing over the next couple of days and weeks, and isn't it interesting as we approach Thanksgiving and then the Christmas holiday for many of us, and holidays in different names, Chanukah for many, and many other kinds of celebratory holidays that call upon fellowship and food to realize how many are impoverished in this Nation. So I'm delighted to stand with the Congressional Black Caucus, our friend, Congresswoman BARBARA LEE, our chairperson, Chairman CLEAVER, and yourself to firmly stand committed to combating poverty, eliminating hunger, and providing health insurance for all citizens.

Let me just say in light of that, the Supreme Court indicated that they will take up the health care bill. But I'm going to join some pundits and take a risk and say it's going to be upheld. I know there is a lot of rubbing of the hands and excitement because they see in the eyesight the death knell for the Affordable Care Act.

But the good news is that one of the judges that upheld the Affordable Care Act was a conservative judge who analyzed our right to require individuals to have insurance for the greater good—that's not the legal interpretation. And I believe there is sufficient numbers on the court that will look beyond politics and realize that the heavy burden of health care is a heavy burden on the economy. And if you are a conservative, you will look more closely at individual responsibility. That's what the Affordable Care Act is, along with preventive care and protecting children. So I'm going to be an optimist, and I'm looking forward to the Supreme Court's decision.

But our numbers show one of every six Americans is living in poverty, a

total of 46.2 million people. This is the highest number in 17 years in a country with so many resources. And you've heard me say this before, our country is not broke. It can belt tighten. It can move dollars around. I'm glad that the Congressional Black Caucus that is talking about create, protect, and rebuild has the answers.

Let me just say that children represent a disproportionate amount of the United States' poor population. I chair the Congressional Children's Caucus. In 2008, there were 15.45 million impoverished children in the Nation, 20.7 percent of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty; 2.2 million of them are children; and 17.4 percent of households in the State struggle with food insecurity.

In my district alone, the 18th Congressional District, a very historic district, there are 190,000 people living below the poverty line, the highest number of people living in poverty in 17 years; and then we are thinking about cutting vital social services such as the supplemental excess, SNAP program, that fed 3.9 million residents of Texas in April 2011; the WIC program; and the Census Bureau also reported that there are 49.9 million people in the country without health insurance. We've already discussed that. And Texas happens to be the State with the highest number count.

All of that, and you're literally taking the front door, if there is one, opening the door and kicking people to the street.

I just want to deviate for a moment as I go over some very important aspects that I think, joining with the Congressional Black Caucus, that if they would only listen, if you would only listen, I believe would move us on a pathway of creating jobs, just as we spoke about in the jobs tour that we participated in this summer.

But I want to be very clear, the Second Mile in Pennsylvania was labeled as an organization that dealt with at-risk children. Those are poor children. Some might ask: Where is she going here? They are the most vulnerable. They are the most needy. And because those children were vulnerable, because those parents were vulnerable, because they were looking for relief, looking for a child to have some sort of, if you will, activity and comfort, maybe even food—I'm sure those programs and trips out of town might have also had resources that children do not have—when a child is vulnerable, they become a target for the most heinous of acts.

If I might deviate and indicate that I intend to introduce legislation on two counts, one to suspend any Federal funding to any entity, academic, non-profit, State and local government, prosecutors' office that has covered up

and not prosecuted or not reported the sexual abuse of a child, excluding if it is an academic institution, funding for scholarships and Pell Grants; and to also indicate funding, ramping up funding, for the Department of Justice for anyone who carries a child over State lines for the intent of sexually abusing a child.

□ 2030

What an untoward national image and international image we have just gotten. I don't worry about football. I'm not interested in the State. I'm not interested in the particular academic institution. I'm not pointing fingers, and I don't know the coach's name. I just know that in the course of the activity of this alleged perpetrator, there may be many more vulnerable, poor children which we're talking about tonight, the most impoverished; and that one person, among others, saw a physical sexual act and did nothing about it.

And so poverty is not only a family not having enough to eat, maybe not having clothing, maybe not having a place to live, but it also means it puts a child in the most horrible, horrific of conditions; almost to the extent, even though you would say that the predator is sick, but it puts that vulnerable child—because that parent may be vulnerable, that parent may not be home. They may be a loving parent. They may be struggling with three jobs, and they need a place for their child. The child may need the comfort and nurturing of an adult, and that child then becomes a victim. So don't think that we're standing here and arguing against poverty just to be arguing. It is a systemic atmosphere and condition that will allow you to be victimized.

Let me go to the supercommittee as I talk about what the CBC, Congressional Black Caucus, is looking at. I will follow the quotes of some I have heard who testified before the committee. I had the privilege of sitting in on one meeting, not very long, and I think they are dedicated Members of Congress. But we must know that this is not in the regular order. This was out of the order, and it came about through the forced need to lift the debt ceiling. In essence, we were taken hostage. So, frankly, I'm going to suggest that the supercommittee yield. They can go through the 23rd, but, in essence, accept the inevitable that there will be no agreement and that this Congress come back in 2012, because we have until 2013 for the sequestration, come back in 2012 and do our business and respond to the suggestions of the Congressional Black Caucus and legislation that many of us have introduced to create jobs, to balance the revenue, and do our work.

And so I want to suggest that there are many programs. The Neighborhood Stabilization Program has been touted

all over America. What it does is it brings dollars into depressed areas where these vulnerable children live, and it provides stabilization dollars, making good on 100,000 properties with \$7 billion, and it allows these properties to be restored for families. In the course of doing that, you create jobs and you don't have these big signs that say, "Foreclosure."

And then, of course, the National Housing Trust, if Congress can provide at least a billion dollars to fund the National Housing Trust, which is a mechanism for affordable housing. When a child has a room, a light, a desk, and a bed and that family feels comfortable, they are less vulnerable to sexual predators, to not having resources, to being thrown to the wolves, if you will. And it will create 15,000 jobs.

Unemployment insurance that many of us have worked on and joined Congresswoman LEE and Congressman SCOTT to extend to the 99ers and to make sure that they can put bread on their table, pay their light bill and get gas to go look for a job, it will save 500,000 jobs—500,000 jobs.

Why is no one listening? It's a simple process. And has anyone heard of a country moving forward without investment in its people? And that's what we are arguing. Very quickly, we have supported this for so long. No one will listen. Everybody that is outsourcing is taxed, and that will generate resources that will allow us to invest back into the Treasury. Then we can invest in the National Housing Trust. We can invest in the Neighborhood Stabilization Program. We can invest in the 99ers, and we can provide money to those who are in need.

Give a tax holiday for the first \$20,000 on payroll tax, which will provide the opportunity for small businesses and put income in, if you will, the pockets of many who are in need, who week to week make ends meet and are very much in need of that. As well, to help those who have been chronically unemployed, to not discriminate against them but to give a payroll tax holiday in order to hire the chronically unemployed; so when they see "Help wanted," they will be excited about hiring someone because they have that benefit.

By the way, can we make an announcement here? We are not broke. Companies have trillions of dollars in their bank accounts, and so do the banks, but they keep saying to us they're afraid to invest and let the money go because it's not a stable economy. How much louder do I have to say it's a chicken and egg? Hire people. That's a stable economy. They invest back into the economy, they begin to buy things, and then you begin to manufacture. It's a chicken and egg. It's the cart and the horse.

Mrs. CHRISTENSEN. Absolutely.

Ms. JACKSON LEE of Texas. Reestablish manufacturing. If manufacturing makes things, we've got to buy things. How do you buy things? You have money to buy it. And I've been supporting this for a very long time. I'm part of the Manufacturing Caucus.

In addition, it's very important that we do as the WPA did during the time of the horrible aftermath of the Depression, and the Workforce Investment Act would be assisting 8 million people and give all of these people a chance to fix the infrastructure all across America. Cars will stop going into potholes, bridges will stop having cracks in them, and we will be able to put people to work.

TANF, if it were fully funded and if it had an emergency contingency fund that many of us have been speaking about, this would make available—create temporary jobs for adults and summer jobs, but, more importantly, it would create 240,000 jobs.

And the same thing with the infrastructure. Again, how many people have traveled with a limited amount of gas but traveled over bridges and freeways and found them in disrepair? This is a simple process.

Mrs. CHRISTENSEN. Absolutely.

Ms. JACKSON LEE of Texas. And I would argue vigorously that it is disappointing that we have not been listened to and members of the Congressional Black Caucus and the Democratic Caucus, and even today the supercommittee is speaking about not fulfilling the promise of putting the revenue on the table necessary to counter the cuts. I, frankly, don't want sequestration. The vulnerable will be hit the hardest with all of the cuts that are pointed toward Medicare, Medicaid, Social Security, food stamps, and others that they allege that are protected, but I would argue that aspects of it are not. I made a public commitment to my veterans last Friday that I would not allow for my vote and my support one iota of veterans' benefits to be cut.

I'm so tired of people talking about that we're not willing to look at Medicare, Medicaid, and Social Security. No, I am not willing to look at it as it has been proposed by my Republican friends. They know full well how they can cut this. They can follow the Affordable Care Act and close the doughnut hole on Medicare part D, the most expensive, heinous, insulting affront to spending money in the United States of America that was voted on in the Republican majority, Medicare part D that all seniors hate.

□ 2040

Our Affordable Care Act, if allowed to be implemented, would close the doughnut hole—that's one way of doing it—and seniors would jump for joy. In addition, if you start talking about provider benefits, I'm going to publicly say I oppose it. Why? Because I cannot

trust the knife. What does the knife do? It goes in and slashes hospitals and home care and others possibly. And when you slash it, you do jeopardize seniors who are in hospitals.

We have to find a way to cut the waste, fraud and abuse; and we've determined that waste, fraud and abuse can save us billions of dollars. So out of my lips, I will not support cutting Medicare, Medicaid, and Social Security, or discretionary funding. I will support the creation of 8 million jobs. I will support investing in America's people. I will support getting rid of at-risk children, meaning not getting rid of them but their condition, so that we don't have to find at-risk children. What a disgrace that we take that in such a way that we categorize. These are at-risk children, these are poor children, and we just accept it. They're numbers. Well, at-risk children are impoverished, malnourished, don't have good health care, and are victims. And they can be victims of the most heinous sexual predator story, act, of our recent times. Even we've heard of the faith institution that has been under such siege that has made changes—the Catholic Church spoke out today—because it is a disease, it is an epidemic, and it comes out of poverty and vulnerability. And if we don't cut out the vulnerability of our children and families—and in this great country, even the Bible says the poor will always be with us, but they also say be busy until He comes. And that means we should be busy until the Lord comes, for those of us who believe, should be busy until He comes, making the corrections that we have to make.

So I want to thank the gentlelady for allowing me to join her and to express, as the chairwoman of the Congressional Children's Caucus, the work that should be done, the work that we've done on the issues of bullying and obesity and on nutrition. And areas like that are added to this work that has been done by the Congressional Black Caucus.

And I just simply say: Is anybody listening? Because we have the solution. And if they would only listen, 8 million jobs, children who are protected, and families who can get back on their feet and begin to invest back in this country.

With that, I thank the gentlelady for yielding.

Madam Speaker, I stand today with my colleagues from the Congressional Black Caucus to discuss the recent on poverty and healthcare. Together, we stand, firmly committed to combating poverty, eliminating hunger, and providing health insurance for all our citizens.

I am, as we all are, deeply troubled by the report issued by the U.S. Census Bureau. 1 of every 6 Americans are living in poverty, totaling 46.2 million people, this highest number in 17 years. In a country with so many resources, there is no excuse for this staggering level of poverty.

Children represent a disproportionate amount of the United States poor population. In 2008, there were 15.45 million impoverished children in the nation, 20.7% of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty, 2.2 million of them children, and that 17.4% of households in the state struggle with food insecurity.

In my district, the Texas 18th, more than 190,000 people live below the poverty line. We must not, we cannot, at a time when the Census Bureau places the number of American living in poverty at the highest rate in over 17 years, cut vital social services. Not in the wake of the 2008 financial crisis and persistent unemployment, when so many rely on federal benefits to survive, like the Supplemental Nutrition Access Program (SNAP) that fed 3.9 million residents of Texas in April 2011, or the Women, Infant, and Children (WIC) Program that provides nutritious food to more than 990,000 mothers and children in my home state.

The Census Bureau also reported there are 49.9 million people in this country without health insurance. This is an absolute injustice that must be addressed. We can no longer ignore the fact that nearly 50 million Americans, many of them children, have no health insurance.

Texas has the largest uninsured population in the country; 24.6% of Texans do not have health care coverage. This includes 1.3 million children in the state of Texas alone who do not have health insurance, or access to the healthcare they need.

It is unconscionable that, despite egregiously high poverty rates, Republicans seek to reduce spending by cutting social programs that provide food and healthcare instead of raising taxes on the wealthiest in the nation, or closing corporate tax loopholes.

Perhaps my friends on the other side of the aisle are content to conclude that life simply is not fair, equality is not accessible to everyone, and the less advantaged among us are condemned to remain as they are, but I do not accept that. That kind of complacency is not fitting for America.

I firmly believe that all Americans can come together to protect the most vulnerable citizens in the nation, to provide relief for the poor and the hungry, because 46 million of our fellow countrymen living in poverty, 15 million of them children, is simply unacceptable.

I urge my colleagues in Congress, and people across the nation, to look at what unites us rather than what divides us. We are linked by our compassion, and bound by the fundamental edict of the American dream that says we will strive to provide our children with a better life than we had. We can, and we must reach a compromise that will not cut valuable services from those who need government the most.

Mrs. CHRISTENSEN. Thank you, Congresswoman JACKSON LEE, for joining us. Thank you for the work that you do on the Judiciary Committee, and especially for your strong defense of children and the rights of children and the protection of children in this country. We look forward to the introduction of your bills as well, and we

ask for the support of our colleagues for them, both as cosponsors and when they get to the floor.

Ms. JACKSON LEE of Texas. Will the gentlelady yield?

Mrs. CHRISTENSEN. I yield to the gentlewoman.

Ms. JACKSON LEE of Texas. If I might, as I close, I did mention education. Many of us know that we are facing huge cuts in education. Again, who does it hit? The vulnerable children in public schools. And I just have to, before I leave the microphone, mention the North Forest Independent School District, the only majority minority school district left in the State of Texas, targeted for closing, not because it's not welcomed by parents, teachers, and others, but because the State simply wants to be on a budget-cutting trip, if you will. And I leave the podium by saying to my Governor, Governor Perry, as I've talked about impoverished children, don't close, and don't condemn our children who are trying to learn in North Forest Independent School District. And to my colleagues: Education creates jobs—and I mentioned the teachers—but also, it invests in our children.

I thank the gentlelady for yielding to me.

Mrs. CHRISTENSEN. Thank you. And thank you for the optimism about the outcome of the Affordable Care Act at the Supreme Court. I wish I shared your optimism, but we'll take that as a very positive outlook on the outcome, and I hope that indeed your predictions are correct.

GENERAL LEAVE

Mrs. CHRISTENSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas, Madam Speaker, after more than 300 days in the majority, Republicans have failed to enact a much needed jobs agenda that will strengthen America's weakened economy. While failing to put forth a solid jobs agenda, they have simultaneously said no to President Obama's American Jobs Act. Sadly students, teachers, first responders, and America's families are paying the price.

The clock is running out as the deadline for a deficit plan from Joint Select Committee on Deficit reduction looms ahead. In these last few days, I challenge the Joint Select Committee to put politics aside and to work together to create jobs and protect America's most vulnerable citizens.

As the unemployment rate remains high, millions of Americans continue to live at or below the poverty line. Texas has the second highest rate of food insecure children in the

nation. Last year 4.2 million Texans either experienced hunger outright or altered their consumption to avoid going hungry. I urge the Joint Select Committee to reject any policies that will increase hunger and poverty in America.

We must ensure that the Joint Committee on Deficit Reduction focuses on economic growth and job creation to stop the spread of hunger and poverty in our country. Lastly, I urge the Committee to do whatever it takes to prioritize steady growth of our investments in science, technology, and STEM education. It is when our economy is hurting the most that we should be redoubling our efforts to innovate our way into a brighter future of new jobs, new technologies, and untold societal benefits.

Ms. LEE of California. Madam Speaker, again, I rise to bring attention to the Crisis of Poverty in America.

As a founder and Co-Chair of the Congressional Out of Poverty Caucus, in 2008, I was proud to introduce H. Con. Res. 198, which committed the House of Representatives to setting a goal of cutting poverty in half in ten years. I was proud that the House passed my resolution unanimously.

I hope that together this Congress can take the first steps toward that goal.

The Crisis of Poverty in America is nothing short of a national emergency and we must begin to act like it.

The U.S. Census recently released their supplemental poverty estimates which confirms what every other survey and report has shown, that communities of color continue to face tragically higher rates of poverty than their white counterparts.

27.4 and 26.5 percent of Black and Hispanic communities suffer under poverty respectively when compared to the 9.9 percent rate of their white counterparts. This is no accident, rather the direct result of a long history of disparity and a lack of economic, educational and entrepreneurial opportunity in our communities.

We know that this disparity is reflected in the rates of unemployment, in the ranks of the uninsured, in the impact of health care disparities, in education, in income and in the already vast and expanding wealth gap.

Doing everything that we can to reduce poverty and to end this terrible racial disparity is not only the morally right thing to do, but it is the best way to jump start the economy as well.

There is simply no way forward for our economy that leaves communities of color and the poor behind.

As I said, it is time to take the first step on the road to cutting poverty in half in America.

I have introduced H.R. 3300, the Half in Ten Act of 2011, which 55 of our colleagues have co-sponsored.

My bill would establish the Federal Inter-agency Working Group on Reducing Poverty.

The Working Group will develop and implement a national plan to reduce poverty in half in ten years.

They would also work to eliminate child poverty, extreme poverty, and finally bring an end to the historic and on-going disparity in poverty rates in communities of color.

The Half in Ten Act would dramatically improve how the federal government responds to the needs of families in poverty.

It is time to work together to dramatically improve access to opportunity for low income Americans so that they can climb up the economic ladder and reignite the fire of every American Dream.

It is clear that our policies and programs addressing poverty have not kept pace with the growing needs of millions of Americans. It is time we make the commitment to confront poverty head-on, create pathways out of poverty and provide opportunities for all.

I encourage my colleagues to support H.R. 3300.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

ISSUES FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. It is interesting to see the way the negotiations with the supercommittee are playing out. Some of us didn't vote for the debt ceiling bill. I know in my own case I didn't vote for it because I read it, and I was concerned it was not a good idea.

Our country should not put its national security as a bargaining chip on the table. National security is important to everyone on both sides of the aisle; it should never be used as a bargaining chip, whether or not we're going to devastate it.

On the other side, the defense would be devastated at the same time Medicare would be devastated. If the supercommittee's recommendations are not approved by at least seven of the 12 and then Congress does not pass them into law, Medicare gets cut and so does the national security get devastated.

So who stands to win and who stands to lose in that scenario? Well, we know that when what is commonly referred to as ObamaCare—I don't even remember the real name—when that got passed, AARP indicated, hey, that's a good idea, even though it had \$500 billion in cuts to Medicare. I couldn't believe that some of the groups that endorsed that bill did endorse it because, for one, it had \$500 billion in cuts to Medicare. You know, we've got AARP stirring up seniors right now—send in a petition, tell them you don't want any cuts to Medicare, that you're a member of AARP. And I appreciated those petitions very much. Those people that felt Medicare shouldn't have been cut should have been telling that to AARP back when they were thinking that ObamaCare was a good idea. It wasn't then, it's not now, and it won't be if it kicks into effect fully and people start having rationed care.

So, what would take people's minds off the fact that the President's pride and joy, his health care bill, cut \$500 billion from Medicare and Republicans didn't support it? didn't think it was a good idea? That's 100 percent a Demo-

cratic bill that was ramrodded through with most of the country against it. So the President has to carry that mantle, as do the leaders in charge at that time, the people that were in the majority in the House at that time under Speaker PELOSI as she pushed it through, commenting that we needed to pass it so we could find out what was in it. Well, I had read it. I knew what was in it, and knew it was a disaster waiting to happen. I knew that it hurt seniors badly.

So we come back again to this supercommittee. What do Leader REID and the Senate Democrats—even House Democrats—have to gain if the supercommittee's proposals are not adopted? Well, there will be massive cuts to security, and there will be massive cuts to Medicare. And that will mean, from a political standpoint, that those same people that rammed through ObamaCare against the country's will will then be able to say before next year's election, look what happened.

□ 2050

Republicans caused a massive cut to Medicare. They're the ones to blame. They'll be able to take people's minds off the fact that ObamaCare was a \$500 billion cut to Medicare to our seniors that will result in them having rationed care, getting on long lists before they can get treated, like happens in England, like happens in Canada. You get on a list to get your mammogram, get on a list if there's cancer there to have it biopsied or if there's a lump, having it biopsied, get on a list, have therapy of some kind, whether it's surgery, whether it's radiation, chemo, whatever kind of cancer it is. You get on a list.

I mentioned before a man originally from Canada who said his father died because he was on a list to have a bypass surgery for 2 years. If he'd been in the U.S., the son said he'd still be alive. But he was in Canada, and because they have the socialized medicine program basically embraced by ObamaCare, then you are going to, you know, end up on a list. That's what happens when the government's completely in charge of health care. It doesn't have to be like that.

When you look at the amount that the Federal Government, State governments spend on Medicare and Medicaid, divided by the number of households in the country, we've gotten a bunch of different numbers, but it appears that it may be around \$25,000 for every household on Medicare or Medicaid. Between \$20,000 and \$30,000 just to pay for health insurance?

We'd be far better off buying them a high-deductible policy and giving them cash money in an HSA, a health savings account, with a debit card they control. They decide what doctor they go to; they decide what hospital they go to. They decide whether they want

this medicine or that medicine. And when they go through, if they go through the amount of the high deductible, that's all the money to cover that's in their health savings account, then their insurance kicks in, and we finally get the insurance companies out of the health management business and back into the health insurance business. Because right now we don't really have any health insurance companies. We've got health management companies.

I want to go back to having health insurance companies. Insurance is when someone pays a small amount monthly, quarterly, semi-annually, annually to ensure against some unforeseen event, either a catastrophic disease or accident. It's unforeseen. Don't know if it's going to happen. Don't know if you're going to run up health expenses to that kind of high mark so you've got an insurance policy to ensure against that unforeseen event or disease. That's insurance.

If we don't get the insurance companies back in the business of insurance instead of management, they may not be around because there will always be people that want to push something like the President did last year.

Most of us, I think, don't want the government telling us what medication we can have, what doctor we can see, why we can't see a doctor, why we're going to have to pay through the nose, why we'll have to buy an additional insurance policy to cover all the gaping holes that Medicare or Medicaid leave.

It would be nice if people didn't have to buy the supplemental insurance policies. But here again, you know, follow the money. AARP makes hundreds of millions of dollars each year selling their supplemental insurance, so they had a vested interest—who can blame them?—in wanting to push through ObamaCare when it means even more money for their supplemental policies.

What I'm talking about is a situation where seniors can have a choice. You can have your Medicare. If you're on Medicaid, you can have Medicaid; or we'll give you a debit card where you're back in control of your own health care.

Why not? It would be cheaper. It gets back to a real doctor/patient relationship. It gets people back in charge of their own health situations.

Well, the reason is because for many people, it's all about the GRE, the government running everything. The Founders didn't want the government running everything, but once the government has control of everyone's health care, they have a legitimate right to dictate what you can eat, what you can't eat, what you have to do in the way of exercise, what you can't do in the way of physical activity. They've got a right because they're paying for your health care. If they're paying for the health care, they have a

right to tell you what you can or can't do.

I do not want to live in a country where the government gets to tell me what I can eat or not eat, do or not do. Government's role is supposed to protect people against evil, against evil people or countries who want to take away their freedoms and liberty. In other words, it's addressed in the United States Constitution as providing for the common defense. That's what we ought to be doing.

And then on the domestic front, our job is to provide a level playing field where everyone has an equal opportunity to pursue happiness. Nobody's guaranteed happiness—that comes in the heart—but everyone would have an equal opportunity to pursue it. That's what we're supposed to do.

We're supposed to be referees. We're not supposed to be the player/referee. What a terrible game to be in where the government's both player and referee.

But I do want to give the President credit any time I can, and he's been running around, even recently again—I believe it was last night I saw him—talking about Congress doing nothing, that that's what Congress wants to do. Well, again, I've got to give him credit. He's half right on that.

The Senate hasn't passed a budget in over 900 days. He's right. It's a do-nothing Senate. They refused to pass any kind of debt ceiling bill until basically the House passed one that was acceptable. We should have forced them to pass their own CR back in March, their continuing resolution; but they were negotiated with, and a bill was crafted that it appeared they could agree to pass in the Senate.

What the country needs to see is what the House stands for, what the majority in the House stands for and what the majority in the Senate stands for, and I'm not sure that people have seen that. But it means the House should pass what a majority in the House believes is best for the country and then stand, unmoved until the Senate passes something. Instead of trying to hit a mark that we think the Senate can hit, we pass what we believe in, as cut, cap and balance passed, and then don't try to keep coming back and hitting a mark the Senate—make them pass something.

And in the rules, the law is very clear. This is all provided for. The Constitution provides for these two parties. It expected there would be times when they'd pass a different bill from us, and it would go to a conference committee and then a compromise is worked out. And then those of us in the majority in the House can say, see what we passed at first, like cut, cap and balance? This is what we believe in.

See what the Senate passed first? See this monstrosity? That's what they believe in.

□ 2100

So in the next election, when the House can say if you want more of this kind of bill and responsible spending, not continued runaway spending, this is what you do. If you want the continued runaway spending, more and more and more taxes, then go with the Senate.

I think there's some evidence to support that there are people in the opposition party who want to see the supercommittee fail, that want to see the massive cuts to Medicare—not that that would ever be said publicly, but we know that PAT TOOMEY, as he talked about yesterday, JEB HENSARLING talked about, two of our brightest minds on financial issues. We've got some really good quality people on that supercommittee, so-called.

Senator TOOMEY apparently had a framework worked out, and the indications were there were Democrats who were agreeing that it was not a bad setup. There would be some people who would lose some deductions that would, therefore, raise revenue without raising the taxation rate, but, in fact, the taxation rate would be lowered to a rate in the twenties, corporate tax in the twenties, but there would be enough deductions and write-offs that would be eliminated, it was actually going to raise revenue.

One Democrat even said that was a huge breakthrough when that was proposed. It gave a lot of hope that something was going to be worked out.

But then they talked to Democratic leaders. We're not privy to what was said. Next thing you know, there is no agreement. They're not going to agree to a deal. So you can't help but wonder if that's evidence that they really didn't want this bill to pass because if the supercommittee came up with a way to cut \$1.2 trillion off the budget over the next 10 years—it's only \$120 billion a year—then people next year at election time would really begin to realize just what ObamaCare did in cutting \$500 billion off Medicare.

But if there are these massive cuts to Medicare, then Republicans can be blamed before the next election, even though it obviously would have been them standing in the way of passing a bill through the supercommittee.

One of the things that should be a no-brainer but apparently it's a no-starter, that is a zero baseline budget bill. Chairman RYAN has assured me and on television and Speaker BOEHNER has said, we're going to bring that to the floor this year for a vote. It's going to be passed out of the Budget Committee. I guess you can't guarantee that it will be passed, but I sure feel strongly when it's brought up for a vote in the Budget Committee, it will pass. When it's brought here to the floor, it will pass.

That will end this ridiculous automatic increase in Federal budgets that

was begun by a very, very liberal Congress back in 1974, the same one that created CBO and started the ridiculous rules that they're bound by that do not let them consider historic reality in scoring a bill but only has to follow a formula that sometimes forces them to come up with a scoring that is completely unreal and not supported by history.

Well, we've got trouble here, and it's not looking good for that getting accomplished as it should. People are playing games and America will suffer.

The Book of Proverbs tells us that where there is no vision, the people perish, and if we don't get people getting a bigger vision not only of where this country has come from but where it could go, then people are going to perish, and it's so unnecessary.

It was interesting meeting again last week with Prime Minister Netanyahu. He was appreciative of House Resolution 271, I provided a copy, which goes through a lot of whereases. We've got lots of cosponsors on this. I hope if anybody is not on, that they'll sure add their name to this on both sides of the aisle.

The whereases include:

Whereas archeological evidence exists confirming Israel's existence as a nation over 3,000 years ago in the area in which it currently exists, despite assertions of its opponents.

It says 3,000 years ago. That was about the time of King David ruling in Hebron and also the City of David. It just turns out archeologically, it's immediately south of the area where the current walled city is. And of course the walled city is over the area which was original Temple Mount and Herodian Temple Mount and then hundreds of years later became of interest to people of the Islamic religion. But it's actually much more than 3,000 years ago.

Nonetheless, the bill says:

Whereas with the dawn of modern Zionism, the national liberation movement of the Jewish people, some 150 years ago, the Jewish people determined to return to their homeland in the Land of Israel from the lands of their dispersion.

And so that means for people who are really wonderful, big-hearted people like Helen Thomas but are just ignorant of actual history, Jews didn't come from Poland. They were originally in the Promised Land that extended from the Mediterranean to the Euphrates, if you go back and look at the promises made to David.

Whereas in 1922, the League of Nations mandated that the Jewish people were the legal sovereigns over the Land of Israel and that legal mandate has never been superseded;

Whereas in the aftermath of the Nazi-led Holocaust from 1933 to 1945, in which the Germans and their collaborators murdered 6,000,000 Jewish people in a premeditated act of genocide, the international community recognized that the Jewish state, built by

Jewish pioneers must gain its independence from Great Britain;

Whereas the United States was the first nation to recognize Israel's independence in 1948, and the State of Israel has since proven herself to be a faithful ally of the United States in the Middle East;

Whereas the United States and Israel have a special friendship based on shared values, and together share the common goal of peace and security in the Middle East;

Whereas, on October 20, 2009, President Barack Obama rightly noted that the United States-Israel relationship is a "bond that is much more than a strategic alliance";

Whereas the national security of the United States, Israel, and allies in the Middle East face a clear and present danger from the Government of the Islamic Republic of Iran seeking nuclear weapons and the ballistic missile capability to deliver them;

Whereas Israel would face an existential threat from a nuclear weapons-armed Iran;

Whereas President Barack Obama has been firm and clear in declaring United States opposition to a nuclear-armed Iran, stating on November 7, 2008, "Let me state—repeat what I stated during the course of the campaign. Iran's development of a nuclear weapon I believe is unacceptable."

And we know that since President Obama stated it, he absolutely means it, even though he said that the negotiations on health care would be on C-SPAN, would be open for everybody, even though there were comments that he'd be focused on jobs like a laser. Hopefully he really meant this.

Whereas, on October 26, 2005, at a conference in Tehran called "World Without Zionism", Iranian President Mahmoud Ahmadinejad stated, "God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism";

Whereas the New York Times reported that during his October 26, 2005, speech, President Ahmadinejad called for "this occupying regime [Israel] to be wiped off the map";

Whereas, on April 14, 2006, Iranian President Ahmadinejad said, "Like it or not, the Zionist regime [Israel] is heading toward annihilation";

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, "I must announce that the Zionist regime [Israel], with a 60-year record of genocide, plunder, invasion, and betrayal is about to die and will soon be erased from the geographical scene";

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, "Today, the time for the fall of the satanic power of the United States has come, and the countdown to the annihilation of the emperor of power and wealth has started";

Whereas, on May 20, 2009, Iran successfully tested a surface-to-surface long range missile with an approximate range of 1,200 miles;

Whereas Iran continues its pursuit of nuclear weapons;

Whereas Iran has been caught building three secret nuclear facilities since 2002;

Whereas Iran continues its support of international terrorism, has ordered its proxy Hizbullah to carry out catastrophic acts of international terrorism such as the bombing of the Jewish AMIA Center in Buenos Aires, Argentina, in 1994, and could give a nuclear weapon to a terrorist organization in the future;

Whereas Iran has refused to provide the International Atomic Energy Agency with

full transparency and access to its nuclear program;

Whereas United Nations Security Council Resolution 1803 states that according to the International Atomic Energy Agency, "Iran has not established full and sustained suspension of all enrichment related and reprocessing activities and heavy-water-related projects as set out in resolution 1696 (2006), 1737 (2006) and 1747 (2007) nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council resolution 1696 (2006), 1737 (2006) and 1747 (2007) . . .";

Whereas at July 2009's G-8 Summit in Italy, Iran was given a September 2009 deadline to start negotiations over its nuclear programs and Iran offered a five-page document lamenting the "ungodly ways of thinking prevailing in global relations" and included various subjects, but left out any mention of Iran's own nuclear program which was the true issue in question;

Whereas the United States has been fully committed to finding a peaceful resolution to the Iranian nuclear threat, and has made boundless efforts seeking such a resolution and to determine if such a resolution is even possible;

Whereas the United States does not want or seek war with Iran, but it will continue to keep all options open to prevent Iran from obtaining nuclear weapons; and

Whereas Israeli Prime Minister Netanyahu said in January 2011 that a change of course in Iran will not be possible "without a credible military option that is put before them by the international community led by the United States"; Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of the Islamic Republic of Iran for its threats of "annihilating" the United States and the State of Israel, for its continued support of international terrorism, and for its incitement of genocide of the Israeli people;

(2) supports using all means of persuading the Government of Iran to stop building and acquiring nuclear weapons;

(3) reaffirms the United States bond with Israel and pledges to continue to work with the Government of Israel and the people of Israel to ensure that their sovereign nation continues to receive critical economic and military assistance, including missile defense capabilities, needed to address the threat of Iran; and

(4) expresses support for Israel's right to use all means necessary to confront and eliminate nuclear threats posed by Iran, defend Israeli sovereignty, and protect the lives and safety of the Israeli people, including the use of military force if no other peaceful solution can be found within a reasonable time.

Now there's a bunch of cosponsors on this bill but we need a lot more. We need pressure to bring it to the floor of the House and of the Senate.

Prime Minister Netanyahu is right, sanctions won't do it. Unless Iran knows that the military threat is very real, they're not likely to stop.

People keep talking about sanctions, sanctions. If we just sanction the banks, if we sanction this, if we sanction that. Well, the truth is Russia and China have said they're not going to play that game; they're not going to

get involved. And as upset as I have been with Russia and China over some issues, I am grateful that they're honest about this. My concern was Russia and China would say, Okay, we'll have sanctions, knowing that there is no better time to make an absolute fortune than when some sanctions are declared against a country that has something like oil because it means all the other countries that are participating in the sanctions don't get to benefit from any contracts, and, therefore, that means the bigger share for whoever wants to cheat on the sanctions. At least Russia and China have been honest and said, We're not going to do the sanctions. So why in the world are we bothering these days to keep saying sanctions are going to work?

Madam Speaker, it's very clear Iran is a threat to the United States and Israel, and we should not leave it to Israel to defend the United States. We ought to defend ourselves and go after Iran and take care of this problem ourselves.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of family obligations.

Mr. POE of Texas (at the request of Mr. CANTOR) for today on account of other district business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes; to the Committee on Natural Resources.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 15, 2011, at 10 a.m. for morning-hour debate.

CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky submitted the following conference report and statement on the bill (H.R. 2112) making consolidated appropriations for the

Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 112-284)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2112), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated and Further Continuing Appropriations Act, 2012".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$4,550,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, \$448,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$11,177,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$12,841,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$8,946,000.

OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

For necessary expenses of the Office of Homeland Security and Emergency Coordination, \$1,321,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, \$1,209,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$44,031,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$5,650,000: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$848,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$21,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$764,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$230,416,000, to remain available until expended, of which \$164,470,000 shall be available for payments to the General Services Administration for rent; of which \$13,800,000 for payment to the Department of Homeland Security for building security activities; and of which \$52,146,000 for buildings operations and maintenance expenses: Provided, That the Secretary may use unobligated prior year balances of an agency or office that are no longer available for new obligation to cover shortfalls incurred in prior year rental payments for such agency or office: Provided further, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive

Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$3,592,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION
(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$24,165,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,576,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, \$8,065,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, \$85,621,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$39,345,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, \$848,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$77,723,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$158,616,000, of which up to \$41,639,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE
SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,094,647,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE
RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$705,599,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), \$236,334,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), \$32,934,000; for payments to eligible institutions (7 U.S.C. 3222), \$50,898,000, provided that each institution receives no less than \$1,000,000; for special grants (7 U.S.C. 450i(c)), \$4,000,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), \$15,830,000; for competitive grants (7 U.S.C. 450i(b)), \$264,470,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), \$4,000,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$825,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,081,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), \$1,801,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$961,000; for the veterinary medicine loan repayment program under section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), \$4,790,000, to remain available until expended; for grants and fellowships for food and agricultural sciences education under paragraphs (1), (5), and (6) of section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)), \$9,000,000, to remain available until expended; for an education

grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$9,219,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,194,000; for a secondary agriculture education program and 2-year post-secondary education, (7 U.S.C. 3152(j)), \$900,000; for aquaculture grants (7 U.S.C. 3322), \$3,920,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$14,471,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$19,336,000, to remain available until expended (7 U.S.C. 2209b); for capacity building grants for non-land-grant colleges of agriculture (7 U.S.C. 3319i), \$4,500,000, to remain available until expended; for competitive grants for policy research (7 U.S.C. 3155), \$4,000,000, which shall be obligated within 120 days of the enactment of this Act; for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, \$3,335,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$900,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), \$750,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), \$1,450,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), \$2,200,000; and for necessary expenses of Research and Education Activities, \$10,500,000, of which \$2,600,000 for the Research, Education, and Economics Information System and \$2,000,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$475,183,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, \$294,000,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$4,312,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$67,934,000; payments for the pest management program under section 3(d) of the Act, \$9,918,000; payments for the farm safety program and youth farm safety education and certification extension grants under section 3(d) of the Act, \$4,610,000; payments for New Technologies for Agriculture Extension under section 3(d) of the Act, \$1,550,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$19,730,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$7,600,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$3,700,000; payments for the federally recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, \$3,039,000; payments for sustainable agriculture programs

under section 3(d) of the Act, \$4,696,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,500,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), \$42,592,000, provided that each institution receives no less than \$1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, \$750,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, \$1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, \$400,000; and for necessary expenses of Extension Activities, \$7,852,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$21,482,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$14,496,000, including \$4,500,000 for the water quality program, \$4,000,000 for regional pest management centers, \$1,996,000 for the methyl bromide transition program, and \$4,000,000 for the organic transition program; \$998,000 for the regional rural development centers program; and \$5,988,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2013.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$848,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$816,534,000, of which \$1,000,000, to be available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which \$17,848,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$32,500,000, to remain available until expended, shall be for Animal Health Technical Services; of which \$696,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which \$52,000,000, to remain available until expended, shall be used to support avian health; of which \$4,335,000, to remain available until expended, shall be for information technology infrastructure; of which \$153,950,000, to remain available until expended, shall be for specialty crop pests; of which, \$9,068,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which \$55,638,000, to remain available until expended, shall be for tree and wood pests; of which \$2,750,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to \$1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which \$1,000,000, to remain available until expended, shall be for wildlife services methods development; of which \$1,500,000, to remain available until expended, shall be for the wildlife damage management

program for aviation safety; and up to 25 percent of the screwworm program shall remain available until expended: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2012, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$3,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$82,211,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$62,101,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,198,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, \$37,750,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$49,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$770,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,004,427,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: Provided further, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2012 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110-246: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM
AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, \$848,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,198,966,000, of which \$13,000,000 shall be for the Common Computing Environment and of which not less than \$66,685,000 shall be for Modernize and Innovate the Delivery of Agricultural Systems: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$3,759,000.

GRASSROOTS SOURCE WATER PROTECTION
PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), \$3,817,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488) to be available from funds in the Agricultural Credit Insurance Fund, as follows: \$1,500,000,000 for unsubsidized guaranteed farm ownership loans and \$475,000,000 for farm ownership direct loans; \$1,500,000,000 for unsubsidized guaranteed operating loans and \$1,050,090,000 for direct operating loans; Indian tribe land acquisition loans, \$2,000,000; guaranteed conservation loans, \$150,000,000; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership, \$22,800,000 for direct loans; farm operating loans, \$26,100,000 for unsubsidized guaranteed operating loans, \$59,120,000 for direct operating loans; and Indian highly fractionated land loans, \$193,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$297,632,000, of which \$289,728,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, \$74,900,000: Provided, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: Provided further, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL
RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$848,000.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$828,159,000, to remain available until September 30, 2013, of which \$12,500,000 shall be for the Common Computing Environment: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, \$15,000,000 is provided.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL
DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$848,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$182,023,000, of which \$4,500,000 shall be for the Common Computing Environment: Provided, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business—Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$900,000,000 shall be for direct loans and \$24,000,000,000 shall be for unsubsidized guaranteed loans; \$10,000,000 for section 504 housing repair loans; \$64,478,000 for section 515 rental housing; \$130,000,000 for section 538 guaranteed multi-family housing loans; \$10,000,000 for credit sales of single family housing acquired property; and \$5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$42,570,000 shall be for direct loans; section 504 housing repair loans, \$1,421,000; and repair, rehabilitation, and new construction of section 515 rental housing, \$22,000,000: Provided, That the Secretary may charge a guarantee fee of up to 4 percent on section 502 guaranteed loans: Provided further, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: Provided further, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$14,200,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: Provided, That any balances available for the Farm Labor Program Account shall be transferred and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$430,800,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$904,653,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount not less than \$1,500,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than \$2,500,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: Provided further, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a 1-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2012 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$13,000,000, to remain available until expended: Provided, That of the funds made available under this heading, \$11,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, \$2,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: Provided further, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That in addition to any other available funds, the Secretary may expend not more than \$1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$30,000,000, to remain available until expended: Provided, That of the total amount appropriated under this heading, the

amount equal to the amount of Mutual and Self-Help Housing Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$33,136,000, to remain available until expended: Provided, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Housing Assistance Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$1,300,000,000 for direct loans and \$105,708,000 for guaranteed loans.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, \$5,000,000, to remain available until expended.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$24,291,000, to remain available until expended: Provided, That \$3,621,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That \$5,938,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: Provided further, That \$3,369,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section

381E(d)(1) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, \$74,809,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$2,900,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$17,710,000.

For the cost of direct loans, \$6,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$875,000 shall be available through June 30, 2012, for Federally Recognized Native American Tribes; and of which \$1,750,000 shall be available through June 30, 2012, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$4,684,000 shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$155,000,000 shall not be obligated and \$155,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$25,050,000, of which \$2,250,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which \$14,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$3,400,000: Provided, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$513,000,000, to remain available until expended, of which not to exceed \$497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$993,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That \$66,500,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): Provided further, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: Provided further, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance

programs: Provided further, That not to exceed \$19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$5,750,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed \$15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That not to exceed \$3,400,000 shall be for solid waste management grants: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: Provided further, That \$9,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$6,500,000,000; guaranteed underwriting loans pursuant to section 313A, \$424,286,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$295,000,000: Provided, That up to \$2,000,000,000 shall be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: \$594,000 for guaranteed underwriting loans authorized by section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1).

In addition, for administrative expenses necessary to carry out the direct and guaranteed

loan programs, \$36,382,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$212,014,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$21,000,000, to remain available until expended: Provided, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: Provided further, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section: Provided further, That \$3,000,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$6,000,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$10,372,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, \$770,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$18,151,176,000, to remain available through September 30, 2013, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: Provided, That of the total amount available, \$16,516,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): Provided further, That of the total amount available, \$1,000,000 shall be available to implement section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): Provided further, That section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by adding at the end before the period, “except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21”.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as author-

ized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$6,618,497,000, to remain available through September 30, 2013: Provided, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), of the amounts made available under this heading, only the provisions of section 17(h)(10)(B)(iii) shall be effective in fiscal year 2012 (excluding performance bonus payments), for which not less than \$60,000,000 shall be used for breast-feeding peer counselors and other related activities: Provided further, That funds made available for the purposes specified in section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$80,401,722,000, of which \$3,000,000,000, to remain available through September 30, 2013, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: Provided further, That of the funds made available under this heading, \$1,000,000 may be used to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$242,336,000, to remain available through September 30, 2013: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2012 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2013: Provided further, That of the funds made available under

section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$138,500,000: Provided, That \$2,000,000 shall be used for the purposes of section 4404 of Public Law 107-171, as amended by section 4401 of Public Law 110-246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$176,347,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83-480) and the Food for Progress Act of 1985, \$2,500,000, shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83-480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,466,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,465,000 shall be transferred to and merged with the appropriation for “Foreign Agricultural Service, Salaries and Expenses”,

and of which \$355,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$184,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

**FOOD AND DRUG ADMINISTRATION
SALARIES AND EXPENSES**

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$3,788,336,000: Provided, That of the amount provided under this heading, \$702,172,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2013 but collected in fiscal year 2012; \$57,605,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$21,768,000 shall be derived from animal drug user fees authorized by section 740 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-12), and shall be credited to this account and remain available until expended; \$5,706,000 shall be derived from animal generic drug user fees authorized by section 741 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-21), and shall be credited to this account and shall remain available until expended; \$477,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended; \$12,364,000 shall be derived from food and feed recall fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75-717), as amended by the Food Safety Modernization Act (Public Law 111-353), and shall be credited to this account and remain available until expended; \$14,700,000 shall be derived from food reinspection fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75-717), as amended by the Food Safety Modernization Act (Public Law 111-353), and shall be credited to this account and remain available until expended; and amounts derived from voluntary qualified importer program fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75-717), as amended by the Food Safety Modernization Act (Public Law 111-353), and shall be credited to this account and remain available until expended: Provided further, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug

user fees that exceed the fiscal year 2012 limitation are appropriated and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2012 received during fiscal year 2012, including any such fees assessed prior to fiscal year 2012 but credited for fiscal year 2012, shall be subject to the fiscal year 2012 limitations: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$882,747,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$978,705,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$52,947,000 shall be available for the Office of Generic Drugs; (3) \$329,136,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$166,365,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$356,909,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$60,039,000 shall be for the National Center for Toxicological Research; (7) \$454,751,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$131,639,000 shall be for Rent and Related activities, of which \$43,981,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$205,472,000 shall be for payments to the General Services Administration for rent; and (10) \$222,573,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: Provided further, That not to exceed \$25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$8,788,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$205,294,000, to remain available until September 30, 2013, including not to exceed \$3,000 for official reception and representation expenses, and not to exceed \$25,000 for the expenses for consultations and meetings hosted by the Commission with foreign

governmental and other regulatory officials, and of which \$55,000,000 shall remain available for information technology investments until September 30, 2014.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$61,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles of which 170 shall be for replacement only, and for the hire of such vehicles: Provided, That notwithstanding this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety.

SEC. 702. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 711 of this Act: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance

Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. Hereafter, none of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 707. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 708. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 709. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 710. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) of such Act in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 711. Except as otherwise specifically provided by law, unobligated balances remaining

available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2013, for information technology expenses.

SEC. 712. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

SEC. 713. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 714. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I or subtitle A of title III of such Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 715. Notwithstanding any other provision of law, the requirements pursuant to 7 U.S.C. 1736f(e)(1) may be waived for any amounts higher than those specified under this authority for fiscal year 2010.

SEC. 716. (a) Clause (ii) of section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in the heading, by striking “fiscal years 2008 through 2012” and inserting “certain fiscal years”; and

(2) in the text, by striking “2012” and inserting “2014”.

(b) Section 1238E(a) of the Food Security Act of 1985 (16 U.S.C. 3838e(a)) is amended by striking “2012” and inserting “2014”.

(c) Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is amended by striking “2012” and inserting “2014”.

(d) Section 1241(a)(6)(E) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking “fiscal year 2012” and inserting “each of fiscal years 2012 through 2014”.

(e) Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “2012,” and inserting “2012 (and fiscal year 2014 in the case of the programs specified in paragraphs (3)(B), (4), (6), and (7)).”; and

(2) in paragraph (4)(E), by striking “fiscal year 2012” and inserting “each of fiscal years 2012 through 2014”.

(f) Section 1241(a)(7)(D) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(7)(D)) is amended by striking “2012” and inserting “2014”.

SEC. 717. Appropriations to the Department of Agriculture made available in fiscal years 2005, 2006, and 2007 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations.

SEC. 718. None of the funds made available in fiscal year 2012 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of \$20,000,000

shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 720. None of the funds in this Act shall be available to pay indirect costs charged against any agricultural research, education, or extension grant awards issued by the National Institute of Food and Agriculture that exceed 30 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the National Institute of Food and Agriculture shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 721. None of the funds made available by this or any other Act may be used to write, prepare, or publish a final rule or an interim final rule in furtherance of, or otherwise to implement, “Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act” (75 Fed. Reg. 35338 (June 22, 2010)) unless the combined annual cost to the economy of such rules do not exceed \$100,000,000: Provided, That no funds be made available by this or any other Act to publish a final or interim final rule in furtherance of, or otherwise to implement, proposed sections 201.2(l), 201.2(t), 201.2(u), 201.3(c), 201.210, 201.211, 201.213, or 201.214 of “Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act” (75 Fed. Reg. 35338 (June 22, 2010)): Provided further, That such rules must be published in the Federal Register no later than December 9, 2011: Provided further, That none of the funds made available by this or any other Act may be used to implement such rules until 60 days from the publication date of such rules, and only unless such rules are otherwise in compliance with this section.

SEC. 722. Any unobligated funds included under Treasury symbol codes 12X3336, 12X2268, 12X0132, 12X2271, 12X2277, 12X1404, 12X1501, and 12X1336 are hereby rescinded.

SEC. 723. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, \$11,000,000 are hereby rescinded.

SEC. 724. There is hereby appropriated \$1,996,000 to carry out section 1621 of Public Law 110–246.

SEC. 725. Subject to authorization by the Congress, the Secretary may reserve, through April 1, 2012, up to 5 percent of the funding available for the following items for projects in areas that are engaged in strategic regional development planning as defined by the Secretary: business and industry guaranteed loans; rural development loan fund; rural business enterprise grants; rural business opportunity grants; rural economic development program; rural microenterprise program; biorefinery assistance program; rural energy for America program; value-added producer grants; broadband program; water and waste program; and rural community facilities program.

SEC. 726. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) The Conservation Stewardship Program authorized by sections 1238D–1238G of the Food Security Act of 1985 (16 U.S.C. 3838d–3838g) in excess of \$768,484,000;

(2) The Watershed Rehabilitation program authorized by section 14(h) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h));

(3) The Environmental Quality Incentives Program as authorized by sections 1240–1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa–8) in excess of \$1,400,000,000;

(4) The Farmland Protection Program as authorized by section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) in excess of \$150,000,000;

(5) The Grassland Reserve Program as authorized by sections 1238O–1238Q of the Food Security Act of 1985 (16 U.S.C. 3838o–3838q) in excess of 209,000 acres in fiscal year 2012;

(6) The Wetlands Reserve Program authorized by sections 1237–1237F of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) to enroll in excess of 185,800 acres in fiscal year 2012;

(7) The Wildlife Habitat Incentives Act authorized by section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) in excess of \$50,000,000;

(8) The Voluntary Public Access and Habitat Incentives Program authorized by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb–5);

(9) The Bioenergy Program for Advanced Biofuels authorized by section 9005 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) in excess of \$65,000,000;

(10) The Rural Energy for America Program authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) in excess of \$22,000,000;

(11) The Rural Microentrepreneur Assistance Program authorized by section 6022 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2008s);

(12) Section 508(d)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(3)) to provide a performance-based premium discount in the crop insurance program;

(13) Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524) in excess of \$2,500,000 for the Natural Resources Conservation Service;

(14) The Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) in excess of \$17,000,000 in new obligational authority; and

(15) A program under subsection (b)(2)(A)(iv) of section 14222 of Public Law 110–246 in excess of \$948,000,000, as follows: Child Nutrition Programs Entitlement Commodities—\$465,000,000; State Option Contracts—\$5,000,000; Removal of Defective Commodities—\$2,500,000. Provided, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of \$20,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2012: Provided further, That \$133,000,000 made available on October 1, 2012, to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 shall be excluded from the limitation described in subsection (b)(2)(A)(v) of section 14222 of Public Law 110–246: Provided further, That none of the funds appropriated or

otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause 3 of section 32 of the Agricultural Adjustment Act of 1935 (Public Law 74–320, 7 U.S.C. 612c, as amended), or for any surplus removal activities or price support activities under section 5 of the Commodity Credit Corporation Charter Act: Provided further, That of the available unobligated balances under (b)(2)(A)(iv) of section 14222 of Public Law 110–246, \$150,000,000 are hereby rescinded.

SEC. 727. There is hereby appropriated \$600,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private nonindustrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 728. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2013 appropriations Act.

SEC. 729. The funds made available in Public Law 111–344 through February 12, 2012 for trade adjustment for farmers are hereby rescinded.

SEC. 730. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation

or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify in writing the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture, the Secretary of Health and Human Services or the Chairman of the Commodity Futures Trading Commission receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 731. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 732. (a) CLOSURE AND CONVEYANCE OF AGRICULTURAL RESEARCH SERVICE FACILITIES.—The Secretary of Agriculture may close up to 10 facilities of the Agricultural Research Service, as proposed in the budget of the President for fiscal year 2012 submitted to Congress pursuant to section 1105 of title 31, United States Code.

(b) CONVEYANCE AUTHORITY.—With respect to an Agricultural Research Service facility to be closed pursuant to subsection (a), the Secretary of Agriculture may convey, with or without consideration, all right, title, and interest of the United States in and to any real property, including improvements and equipment thereon, of the facility to an eligible entity specified in subsection (c). If the Agricultural Research Service facility consists of more than one parcel of real property, the Secretary may convey each parcel separately and to different eligible entities.

(c) ENTITIES.—The following entities are eligible to receive real property under subsection (b):

(1) Land-grant colleges and universities (as defined in section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13)).

(2) 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)).

(3) Hispanic-serving agricultural colleges and universities (as defined in section 1404(10) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(10)).

(d) CONDITIONS ON RECEIPT.—As a condition of the conveyance of real property under subsection (b), the recipient of the property must—

(1) be located in the same State or territory of the United States in which the property is located; and

(2) agree to accept and use the property for agricultural and natural resources research for a minimum of 25 years.

SEC. 733. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 734. Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

“(1) FOOD DONATION PROGRAM.—

“(1) IN GENERAL.—Each school and local educational agency participating in the school lunch program under this Act may donate any food not consumed under such program to eligible local food banks or charitable organizations.

“(2) GUIDANCE.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local educational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

“(B) UPDATES.—The Secretary shall update such guidance as necessary.

“(3) LIABILITY.—Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

“(4) DEFINITION.—In this subsection, the term ‘eligible local food banks or charitable organizations’ means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).”.

SEC. 735. There is hereby appropriated for the “Emergency Conservation Program”, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$122,700,000, to remain available until expended: Provided, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That there is hereby appropriated for the “Emergency Forest Restoration Program”, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$28,400,000, to remain available until expended: Provided further, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That there is hereby appropriated for the “Emergency Watershed Protection Program”, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$215,900,000, to remain available until expended: Provided further, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 736. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to

produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 737. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual’s employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 738. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal or State law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 739. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 740. Unobligated balances not to exceed \$31,000,000 for the “Emergency Watershed Protection Program” provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters occurring in 2011, and shall remain available until expended: Provided, That the amounts made available by this section are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

SEC. 741. Funds made available by this Act under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator of the U.S. Agency for International Development, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

SEC. 742. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel who provide nonrecourse marketing assistance loans for mohair under section 1201 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731).

SEC. 743. None of the funds made available by this Act may be used to implement an interim final or final rule regarding nutrition programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child

Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) that—

(1) requires crediting of tomato paste and puree based on volume;

(2) implements a sodium reduction target beyond Target I, the 2-year target, specified in Notice of Proposed Rulemaking, “Nutrition Standards in the National School Lunch and School Breakfast Programs” (FNS–2007–0038, RIN 0584–AD59) until the Secretary certifies that the Department has reviewed and evaluated relevant scientific studies and data relevant to the relationship of sodium reductions to human health; and

(3) establishes any whole grain requirement without defining “whole grain.”

SEC. 744. For fiscal year 2012, section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) shall not apply to any project funded under the community facilities programs authorized under such Act if such project is also subject to approval of a permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

SEC. 745. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a)) in excess of \$1,000,000.

SEC. 746. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.

SEC. 747. For 2012 and subsequent fiscal years—

(1) Any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 and a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 and Public Law 110–5 shall be transferred to and merged with the “Rural Housing Service, Multi-family Housing Revitalization Program Account”;

(2) Any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with the “Rural Community Facilities Program Account” and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer;

(3) Any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with the “Rural Business Program Account” and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer; and

(4) Any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and

381E(d)(2) of such Act be transferred to and merged with the "Rural Water and Waste Disposal Program Account" and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer.

SEC. 748. In addition to amounts otherwise made available by this Act, there is appropriated to implement the Water Bank Act (16 U.S.C. 1301–1311) \$7,500,000, to remain available until expended: Provided, That, notwithstanding section 6 of such Act (16 U.S.C. 1305), agreements entered into with funds provided under this section shall not be renewed: Provided further, That, in utilizing funds provided under this section, the Secretary of Agriculture may waive the percentage limitation in the last sentence of section 11 of such Act (16 U.S.C. 1310) to ensure efficient administration of the program authorized by such Act: Provided further, That flooded agricultural lands, as determined by the Secretary, shall be eligible to be enrolled in the program.

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012".

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$465,000,000, to remain available until September 30, 2013, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That not less than \$48,854,000 shall be for Manufacturing and Services; not less than \$42,623,000 shall be for Market Access and Compliance; not less than \$67,358,000 shall be for the Import Administration; not less than \$269,804,000 shall be for trade promotion and the United States and Foreign Commercial Service; and not less than \$26,922,000 shall be for Executive Direction and Administration: Provided further, That not less than \$7,000,000 shall be for the Office of China Compliance, and not less than \$4,400,000 shall be for the China Countervailing Duty Group: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omni-

bus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$101,000,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, for the cost of loan guarantees authorized by section 26 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3721), and for grants and loan guarantees authorized by section 27 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3722), \$220,000,000, to remain available until expended; of which \$5,000,000 shall be for projects to facilitate the relocation, to the United States, of a source of employment located outside the United States; of which up to \$5,000,000 shall be for loan guarantees under section 26; and of which up to \$5,000,000 shall be for loan guarantees and grants under section 27: Provided, That the costs for loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds for loan guarantees under such sections 26 and 27 combined are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$70,000,000.

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for "Economic Development Assistance Programs" for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$200,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster re-

lief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$37,500,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$30,339,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$96,000,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$253,336,000: Provided, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$690,000,000, to remain available until September 30, 2013: Provided, That \$635,000,000 is appropriated from the general fund and \$55,000,000 is derived from available unobligated balances from the Census Working Capital Fund: Provided further, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: Provided further, That within the amounts appropriated, \$1,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND

INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$45,568,000: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE
SALARIES AND EXPENSES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, \$2,706,313,000 to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2012, so as to result in a fiscal year 2012 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2012, should the total amount of such offsetting collections be less than \$2,706,313,000 this amount shall be reduced accordingly: Provided further, That any amount received in excess of \$2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: Provided further, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That from amounts provided herein, not to exceed \$900 shall be made available in fiscal year 2012 for official reception and representation expenses: Provided further, That in fiscal year 2012 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: Provided further, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112-29): Provided further, That within the amounts appropriated, \$1,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$567,000,000,

to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": Provided, That not to exceed \$5,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$128,443,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$55,381,000, to remain available until expended: Provided, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,022,231,000, to remain available until September 30, 2013, except that funds provided for cooperative enforcement shall remain available until September 30, 2014: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$109,098,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the \$3,139,329,000 provided for in direct obligations under this heading \$3,022,231,000 is appropriated from the general fund, \$109,098,000 is provided by transfer and \$8,000,000 is derived from recoveries of prior year obligations: Provided further, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$230,738,000, of which \$5,000,000 shall not be available until the Administrator provides the Committees on Appropriations of the House of Representatives and the Senate with revised and detailed lifecycle costs of all satellite programs funded under the "Procurement, Acquisition and Construction" account: Provided further, That any deviation from the amounts designated for specific activities in the statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coast-

al State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,817,094,000, to remain available until September 30, 2014, except that funds provided for construction of facilities shall remain available until expended: Provided, That of the \$1,825,094,000 provided for in direct obligations under this heading, \$1,817,094,000 is appropriated from the general fund and \$8,000,000 is provided from recoveries of prior year obligations: Provided further, That any deviation from the amounts designated for specific activities in the statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: Provided further, That, within the amounts appropriated, \$1,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$65,000,000, to remain available until September 30, 2013: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and federally recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012, obligations of direct loans may not exceed

\$24,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$4,500 for official reception and representation, \$57,000,000: Provided, That the Secretary of Commerce shall establish a task force on job repatriation and manufacturing growth and shall produce a report on related incentive strategies and implementation plans.

RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of Department of Commerce facilities, \$5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$26,946,000.

GENERAL PROVISIONS—DEPARTMENT OF
COMMERCE

(INCLUDING RESCISSION)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further,

That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. (a) For purposes of this section—

(1) the term “Under Secretary” means Under Secretary of Commerce for Oceans and Atmosphere;

(2) the term “appropriate congressional committees” means—

(A) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations and the Committee on Science, Space and Technology of the House of Representatives;

(3) the term “satellite” means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration (NOAA);

(4) the term “development” means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NOAA Administrative Order 216–108, Department of Commerce Administrative Order 208–3, and NASA’s Procedural Requirements 7120.5c, dated March 22, 2005;

(5) the term “development cost” means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(6) the term “life-cycle cost” means the total of the direct, indirect, recurring, and non-recurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control;

(7) the term “major program” means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than \$250,000,000; and

(8) the term “baseline” means the program as set following contract award and preliminary design review of the space and ground systems.

(b)(1) NOAA shall not enter into a contract for development of a major program, unless the Under Secretary determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment;

(C) the program complies with all relevant policies, regulations, and directives of NOAA and the Department of Commerce;

(D) the program has demonstrated a high likelihood of accomplishing its intended goals; and

(E) the acquisition of satellites for use in the program represents a good value to accomplishing NOAA’s mission.

(2) The Under Secretary shall transmit a report describing the basis for the determination required under paragraph (1) to the appropriate congressional committees at least 30 days before entering into a contract for development under a major program.

(3) The Under Secretary may not delegate the determination requirement under this subsection, except in cases in which the Under Secretary has a conflict of interest.

(c)(1) Annually, at the same time as the President’s annual budget submission to the Con-

gress, the Under Secretary shall transmit to the appropriate congressional committees a report that includes the information required by this section for the satellite development program for which NOAA proposes to expend funds in the subsequent fiscal year. The report under this paragraph shall be known as the Major Program Annual Report.

(2) The first Major Program Annual Report for NOAA’s satellite development program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (b)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (d), who shall be an individual whose primary responsibility is overseeing the program.

(3) For the major program for which a Baseline Report has been submitted, subsequent Major Program Annual Reports shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(d)(1) The individual identified under subsection (c)(2)(E) shall immediately notify the Under Secretary any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible, the development cost of the program has exceeded the estimate provided in the Baseline Report of the program by 20 percent or more.

(2) Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (c)(2)(E) shall transmit to the Under Secretary a written notification explaining the reasons for the change in the cost of the program for which notification was provided under paragraph (1).

(3) Not later than 15 days after the Under Secretary receives a written notification under paragraph (2), the Under Secretary shall transmit the notification to the appropriate congressional committees.

(e) Not later than 30 days after receiving a written notification under subsection (d)(2), the Under Secretary shall determine whether the development cost of the program has exceeded the estimate provided in the Baseline Report of the program by 20 percent or more. If the determination is affirmative, the Under Secretary shall—

(1) transmit to the appropriate congressional committees, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost and a detailed explanation for the increase;

(B) a description of actions taken or proposed to be taken in response to the cost increase; and

(C) a description of any impacts the cost increase, or the actions described under subparagraph (B), will have on any other program within NOAA; and

(2) if the Under Secretary intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

(f) NOAA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Under Secretary makes a determination under this subsection. The Under Secretary shall transmit the analysis to the appropriate congressional committees not later than 30 days after its completion.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 108. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

(RESCISSION)

SEC. 109. All balances in the Coastal Zone Management Fund, whether unobligated or unavailable, are hereby permanently rescinded, and notwithstanding section 308(b) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456a), any future payments to the Fund made pursuant to sections 307 (16 U.S.C. 1456) and 308 (16 U.S.C. 1456a) of the Coastal Zone Management Act of 1972, as amended, shall, in this fiscal year and any future fiscal years, be treated in accordance with the Federal Credit Reform Act of 1990, as amended.

SEC. 110. There is established in the Treasury a non-interest bearing fund to be known as the "Fisheries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38 or of any other marine resource law enforced by the Secretary of Commerce, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and with the exception of collections pursuant to 16 U.S.C. 1437, which are currently deposited in the Operations, Research, and Facilities account: Provided, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1861 or any other marine resource law enforced by the Secretary of Commerce with the exception of 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Fisheries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 111. There is established in the Treasury a non-interest bearing fund to be known as the

"Sanctuaries Enforcement Asset Forfeiture Fund", which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38, which are currently deposited in the Operations, Research, and Facilities account: Provided, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Sanctuaries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 112. The Department of Commerce shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate, beginning with October 2011 data, on any official travel to China by any employee of the U.S. Department of Commerce, including the purpose of such travel.

SEC. 113. (a) The U.S. Participating Territories of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("Commission") are each authorized to use, assign, allocate, and manage catch limits of highly migratory fish stocks, or fishing effort limits, agreed to by the Commission through arrangements with U.S. vessels with permits issued under the Pelagics Fishery Management Plan of the Western Pacific Region. Vessels under such arrangements are integral to the domestic fisheries of the U.S. Participating Territories provided that such arrangements shall impose no requirements regarding where such vessels must fish or land their catch and shall be funded by deposits to the Western Pacific Sustainable Fisheries Fund in support of fisheries development projects identified in a Territory's Marine Conservation Plan and adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824). The Secretary of Commerce shall attribute catches made by vessels operating under such arrangements to the U.S. Participating Territories for the purposes of annual reporting to the Commission.

(b) The Western Pacific Regional Fisheries Management Council—

(1) is authorized to accept and deposit into the Western Pacific Sustainable Fisheries Fund funding for arrangements pursuant to subsection (a);

(2) shall use amounts deposited under paragraph (1) that are attributable to a particular U.S. Participating Territory only for implementation of that Territory's Marine Conservation Plan adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824); and

(3) shall recommend an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and associated regulations, to implement this section.

(c) Subsection (a) shall remain in effect until the earlier of December 31, 2012, or such time as—

(1) the Western Pacific Regional Fishery Management Council recommends an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and implementing regulations, to the Secretary of Commerce that authorize use, assignment, allocation, and management of catch limits of highly migratory fish stocks, or fishing effort limits, established by the Commission and applicable to U.S. Participating Territories;

(2) the Secretary of Commerce approves the amendment as recommended; and

(3) such implementing regulations become effective.

This title may be cited as the "Department of Commerce Appropriations Act, 2012".

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$110,822,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, \$20,000,000.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$44,307,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing communications systems supporting Federal law enforcement and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$87,000,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE REVIEW AND APPEALS (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$305,000,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,580,595,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed \$20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$84,199,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,833,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$863,367,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses:

Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$159,587,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$108,000,000 in fiscal year 2012), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at \$51,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,960,000,000: Provided, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: Provided further, That not to exceed \$25,000,000 shall remain available until expended: Provided further, That each United States Attorney shall establish or participate in a United States Attorney-led task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$223,258,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$223,258,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the Fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,000,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$10,000,000 is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$11,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$11,456,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,948,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,174,000,000; of which not to exceed \$10,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to border enforcement initiatives, not to exceed \$6,000 shall be available for official reception and representation expenses, and not to exceed \$15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$15,000,000, to remain available until expended, of which not to exceed \$8,250,000 shall be available for detention upgrades at Federal court-houses to support border enforcement initiatives.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, \$87,000,000; of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the De-

partment of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$527,512,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$8,036,991,000, of which not to exceed \$150,000,000 shall remain available until expended: Provided, That not to exceed \$184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$80,982,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,025,000,000; of which not to exceed \$75,000,000 shall remain available until expended and not to exceed \$90,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings and of the operation and maintenance of secure work environment facilities and secure networking capabilities, \$10,000,000, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire

accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,152,000,000, of which not to exceed \$36,000 shall be for official reception and representation expenses, not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed \$15,000,000 shall remain available until expended: Provided, That no funds appropriated herein or hereafter shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments: Provided further, That, during the current fiscal year and in each fiscal year thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section, except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between

Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That, hereafter, no funds made available by this or any other Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$35, of which \$8 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,551,281,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed \$5,400 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2013: Provided further, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$90,000,000, to remain available until expended, of which not less than \$66,965,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$412,500,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided—

(1) \$189,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) \$25,000,000 is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) \$10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: Provided, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: Provided further, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act;

(5) \$50,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$4,000,000 is for a homicide reduction initiative;

(6) \$23,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$34,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$9,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$41,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$4,250,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) \$11,500,000 is for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(12) \$5,750,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$4,500,000 is for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(14) \$1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(15) \$1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act; and

(16) \$500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of

Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); and other programs; \$113,000,000, to remain available until expended, of which—

(1) \$45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$36,000,000 is for the administration and redesign of the National Crime Victimization Survey;

(2) \$40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act: Provided, That of the amounts provided under this heading, \$5,000,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

(3) \$1,000,000 is for an evaluation clearinghouse program; and

(4) \$27,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (Public Law 98-473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416); and other programs; \$1,162,500,000, to remain available until expended as follows—

(1) \$470,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, \$2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, \$4,000,000 is for a State and local assistance help desk and diagnostic center program, \$2,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR), \$4,000,000 is for use by the National Institute of Justice for research targeted toward developing a better un-

derstanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention, \$6,000,000 is for activities related to comprehensive criminal justice reform and recidivism reduction efforts by States, and \$100,000,000 is for law enforcement and related security costs, including overtime, associated with the two principal 2012 Presidential Candidate Nominating Conventions;

(2) \$240,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): Provided, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$10,000,000 for a border prosecutor initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) \$15,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(5) \$10,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164;

(6) \$35,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(7) \$9,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(8) \$10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) \$3,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for wrongful conviction review;

(10) \$7,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110-403;

(11) \$4,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;

(12) \$20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322) and related activities;

(13) \$10,000,000 for an initiative relating to children exposed to violence;

(14) \$15,000,000 for an Edward Byrne Memorial criminal justice innovation program;

(15) \$24,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(16) \$1,000,000 for the National Sex Offender Public Web site;

(17) \$5,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(18) \$5,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110-180);

(19) \$6,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

(20) \$12,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(21) \$125,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(B) \$4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412); and

(C) \$4,000,000 is for Sexual Assault Forensic Exam Program Grants, including as authorized by section 304 of Public Law 108-405;

(22) \$4,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(23) \$38,000,000 for assistance to Indian tribes;

(24) \$1,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(25) \$7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(26) \$12,500,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79); and

(27) \$63,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110-199), of which not to exceed \$4,000,000 is for a program to improve State, local, and tribal probation supervision efforts and strategies:

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); and other juvenile justice programs, \$262,500,000, to remain available until expended as follows—

(1) \$40,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) \$78,000,000 for youth mentoring grants;

(3) \$20,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$10,000,000 shall be for the Tribal Youth Program;

(B) \$5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and

(C) \$5,000,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors,

for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(4) \$18,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) \$30,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(6) \$8,000,000 for community-based violence prevention initiatives;

(7) \$65,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act;

(8) \$1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(9) \$2,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and \$16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"), \$198,500,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided:

(1) \$12,500,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) \$20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(3) \$166,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: Provided, That notwithstanding subsection (g)

of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: Provided further, That notwithstanding 42 U.S.C. 3796dd-3(c), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That within the amounts appropriated, \$15,000,000 shall be transferred to the Tribal Resources Grant Program to be used for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities: Provided further, That within the amounts appropriated, \$10,000,000 is for community policing development activities in furtherance of the purposes in section 1701.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2013, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction

for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. (a) Within 120 days of enactment of this Act, the Attorney General shall report to the Committees on Appropriations of the House of Representatives and the Senate a cost and schedule estimate for the final operating capability of the Federal Bureau of Investigation's Sentinel program, including the costs of Bureau employees engaged in development work, the costs of operating and maintaining Sentinel for 2 years after achievement of the final operating capability, and a detailed list of the functionalities included in the final operating capability compared to the functionalities included in the previous program baseline.

(b) The report described in subsection (a) shall be submitted concurrently to the Department of Justice Office of Inspector General (OIG) and, within 60 days of receiving such report, the OIG shall provide an assessment of such report to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 214. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 215. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings "Research, Evaluation, and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

(1) Up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) Up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs, and of such amounts, \$1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes.

SEC. 216. The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of sections 2976(g)(1), 2978(e)(1) and (2), and 2904 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1), 3797w-2(e)(1) and (2), 3797q-3) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2010 through 2012 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects and State, Tribal, and Local Reentry Courts authorized under part FF of title I of such Act of 1968, and the Prosecution Drug Treatment Alternatives to Prison Program authorized under part CC of such Act.

SEC. 217. Notwithstanding any other provision of law, section 20109(a), in subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)), shall not apply to amounts made available by this title.

SEC. 218. Section 530A of title 28, United States Code, is hereby amended by replacing "appropriated" with "used from appropriations", and by inserting "(2)," before "(3)".

SEC. 219. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act, may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 220. The Attorney General shall identify an independent auditor to evaluate the Gulf Coast Claims Facility.

SEC. 221. Section 1761 of title 18, United States Code, is amended—

(1) by striking "non-Federal" in subsection (c)(1);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

"(d) This section shall not apply to goods, wares, or merchandise manufactured, produced, mined or assembled by convicts or prisoners who are participating in any pilot project approved by the FPI Board of Directors, which are currently, or would otherwise be, manufactured, produced, mined, or assembled outside the United States."

This title may be cited as the "Department of Justice Appropriations Act, 2012".

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,250 for official re-

ception and representation expenses, and rental of conference rooms in the District of Columbia, \$4,500,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,090,000,000, to remain available until September 30, 2013, of which up to \$10,000,000 shall be available for a reimbursable agreement with the Department of Energy for the purpose of reestablishing facilities to produce fuel required for radioisotope thermoelectric generators to enable future missions: Provided, That NASA shall implement the recommendations of the most recent National Research Council planetary decadal survey and shall follow the decadal survey's recommended decision rules regarding program implementation, including a strict adherence to the recommendation that NASA include in a balanced program a flagship class mission, which may be executed in cooperation with one or more international partners, if such mission can be appropriately de-scoped and all NASA costs for such mission can be accommodated within the overall funding levels appropriated by Congress: Provided further, That the formulation and development costs (with development cost as defined under 51 U.S.C. 30104) for the James Webb Space Telescope shall not exceed \$8,000,000,000: Provided further, That should the individual identified under subparagraph (c)(2)(E) of section 30104 of title 51 as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104 of title 51.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$569,900,000, to remain available until September 30, 2013.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter,

maintenance, and operation of mission and administrative aircraft, \$575,000,000, to remain available until September 30, 2013.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,770,800,000, to remain available until September 30, 2013: Provided, That not less than \$1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than \$1,860,000,000 shall be for the heavy lift launch vehicle system which shall have a lift capability not less than 130 tons and which shall have an upper stage and other core elements developed simultaneously, \$406,000,000 shall be for commercial spaceflight activities, and \$304,800,000 shall be for exploration research and development: Provided further, That not to exceed \$316,500,000 of funds provided for the heavy lift launch vehicle system may be used for ground operations: Provided further, That \$100,000,000 of the funds provided for commercial spaceflight activities shall only be available after the NASA Administrator certifies to the Committees on Appropriations, in writing, that NASA has published the required notifications of NASA contract actions implementing the acquisition strategy for the heavy lift launch vehicle system identified in section 302 of Public Law 111–267 and has begun to execute relevant contract actions in support of development of the heavy lift launch vehicle system: Provided further, That not to exceed \$58,000,000 may be transferred to “Construction and Environmental Compliance and Restoration” for construction activities related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system: Provided further, That funds so transferred shall not be subject to the 10 percent transfer limitation described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration and shall be treated as a reprogramming under section 505 of this Act.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,233,600,000, to remain available until September 30, 2013: Provided, That not to exceed \$41,000,000 may be transferred to “Construction and Environmental Compliance and Restoration” for construction activities only at NASA-owned facilities: Provided further, That funds so transferred shall not be subject to the 10 percent transfer limitation described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration and shall be treated as a reprogramming under section 505 of this Act: Provided further, That acquisition of the Tracking and Data Relay Satellite-M may be funded incrementally in fiscal year 2012 and thereafter.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$138,400,000, to remain available until September 30, 2013, of which \$18,400,000 shall be for the Experimental Program to Stimulate Competitive Research and \$40,000,000 shall be for the National Space Grant College program.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$2,995,000,000, to remain available until September 30, 2013, of which \$1,000,000 shall be transferred to “National Aeronautics and Space Administration, Office of Inspector General” and used by the Inspector General to commission a comprehensive independent assessment of NASA’s strategic direction and agency management: Provided, That not less than \$39,100,000 shall be available for independent verification and validation activities.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$390,000,000, to remain available until September 30, 2017: Provided, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: Provided further, That such proceeds shall be available for obligation for fiscal year 2012 in an amount not to exceed \$3,960,000: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$37,300,000, of which \$500,000 shall remain available until September 30, 2013.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The unexpired balances of previous accounts, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Section 40902 of title 51, United States Code, is amended by adding at the end the following:

“(d) AVAILABILITY OF FUNDS.—The interest accruing from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund principal shall be available in fiscal year 2012 for the purpose of the Endeavor Science Teacher Certificate Program.”

51 U.S.C. 20145(b)(1) is amended by inserting “(A)” before “A person” and by adding at the end thereof the following new subparagraph (B) as follows:

“(B) Notwithstanding subparagraph (A), the Administrator may accept in-kind consideration for leases entered into for the purpose of developing renewable energy production facilities.”

The spending plan required by section 538 of this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,719,000,000, to remain available until September 30, 2013, of which not to exceed \$550,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than \$150,900,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69: Provided further, That up to \$50,000,000 of funds made available under this heading within this Act may be transferred to “Major Research Equipment and Facilities Construction”: Provided further, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Science

Foundation, and shall be available until expended only after notification of such transfer to the Committees on Appropriations.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, \$167,055,000, to remain available until expended: Provided, That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$829,000,000, to remain available until September 30, 2013: Provided, That not less than \$54,890,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$8,280 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$299,400,000: Provided, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,440,000: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$14,200,000.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 15 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the “Science Appropriations Act, 2012”.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor

vehicles, \$9,193,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: Provided further, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by 42 U.S.C. 1975a: Provided further, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Government Accountability Office (GAO) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: Provided further, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of GAO in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: Provided further, That of the amounts made available in this paragraph, \$250,000 shall be transferred directly to the Office of Inspector General of GAO upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and \$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$360,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,250 for official reception and representation expenses, \$80,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$348,000,000, of

which \$322,400,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, \$3,025,000.

OFFICE OF THE UNITED STATES TRADE

REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$51,251,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$111,600 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,121,000, of which \$500,000 shall remain available until September 30, 2013: Provided, That not to exceed \$2,250 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or

circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. During the current fiscal year and in each fiscal year thereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term "promotional items" has the meaning given the term in OMB Circular A-87, Attachment B, Item (1)(f)(3).

SEC. 508. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of the

first quarter of fiscal year 2012, and subsequent reports shall be submitted within 30 days of the end of each quarter thereafter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. Hereafter, none of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$705,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be

used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearm traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be

used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire information technology systems unless the respective Secretary or head of agency, in consultation with the Federal Bureau of Investigation or other appropriate Federal agencies, has assessed any associated risk of cyberespionage or sabotage.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pur-

suant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet Web sites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General Web site by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liabil-

ity remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 528. (a) Of the unobligated balances available to the Department of Commerce, the following funds are hereby rescinded, not later than September 30, 2012, from the following accounts in the specified amounts—

(1) "National Telecommunications and Information Administration, Information Infrastructure Grants", \$2,000,000;

(2) "National Telecommunications and Information Administration, Public Telecommunications Facilities, Planning and Construction", \$2,750,000; and

(3) "National Oceanic and Atmospheric Administration, Foreign Fishing Observer Fund", \$350,000.

(b) Of the amounts made available under section 3010 of the Deficit Reduction Act of 2005 (47 U.S.C. 309 note), \$4,300,000 in unobligated balances are hereby rescinded.

(c) Of the unobligated balances available for "Emergency Steel, Oil, and Gas Guaranteed Loan Program Account", \$700,000 are hereby rescinded.

(d) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2012, from the following accounts in the specified amounts—

(1) "Working Capital Fund", \$40,000,000;

(2) "Legal Activities, Assets Forfeiture Fund", \$675,000,000;

(3) "United States Marshals Service, Salaries and Expenses", \$2,200,000;

(4) "Drug Enforcement Administration, Salaries and Expenses", \$10,000,000;

(5) "Federal Prison System, Buildings and Facilities", \$45,000,000;

(6) "State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs", \$15,000,000;

(7) "State and Local Law Enforcement Activities, Office of Justice Programs", \$55,000,000; and

(8) "State and Local Law Enforcement Activities, Community Oriented Policing Services", \$23,605,000.

(e) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2012 specifying the amount of each rescission made pursuant to subsection (d).

(f) Of the unobligated balances available to the National Aeronautics and Space Administration from prior appropriations, \$30,000,000 are hereby rescinded.

SEC. 529. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States, unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 532. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 533. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 535. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

SEC. 536. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or in-

strumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 537. None of the funds made available in this Act may be used to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

SEC. 538. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 539. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) The limitation in subsection (a) shall also apply to any funds used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP have certified pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate no later than 14 days prior to the activity in question and shall include a description of the purpose of the activity, its major participants, and its location and timing.

SEC. 540. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2012 for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

SEC. 541. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 542. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 543. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, unless an agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 544. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 545. All agencies and departments funded under this Act shall send to the Committees on Appropriations of the House of Representatives and the Senate at the end of the fiscal year a report containing a complete inventory of the total number of vehicles owned, permanently retired, and purchased during fiscal year 2012 as well as the total cost of the vehicle fleet, including maintenance, fuel, storage, purchasing, and leasing.

SEC. 546. None of the funds made available by this or any other Act for fiscal year 2012 may be used to implement, administer, or enforce, prior to January 1, 2012, the rule entitled “Wage Methodology for the Temporary Non-agricultural Employment H-2B Program” published by the Department of Labor in the Federal Register on January 19, 2011 (76 Fed. Reg. 3452 et seq.).

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012”.

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$102,481,000, of which not to exceed \$2,618,000 shall be available for the immediate Office of the Secretary; not to exceed \$984,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed \$19,515,000 shall be available for the Office of the General Counsel; not to exceed \$10,107,000 shall be available for the Office of the Under Secretary of

Transportation for Policy; not to exceed \$10,538,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,500,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$25,469,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,020,000 shall be available for the Office of Public Affairs; not to exceed \$1,595,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,369,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,778,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$14,988,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$500,000,000, to remain available through September 30, 2013: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary shall give priority to projects which demonstrate transportation benefits for existing systems or improve interconnectivity between modes: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be,

at the option of the recipient, up to 80 percent: Provided further, That not less than \$120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to \$20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$4,990,000, to remain available through September 30, 2013.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, \$10,000,000, to remain available through September 30, 2013.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,384,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$9,000,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$172,000,000 shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: Provided further, That no assessments may be levied against any program, budget activity, sub-activity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$333,000, as authorized by 49 U.S.C. 332: Provided, That

such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$589,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,068,000, to remain available until September 30, 2013: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$143,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive: Provided further, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: Provided further, That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 104. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out

the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109-59: Provided, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 105. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to record the decisions and actions of each meeting.

(RESCISSION)

SEC. 106. Of the amounts made available by section 185 of Public Law 109-115, all unobligated balances as of the date of enactment of this Act are hereby rescinded.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,653,395,000, of which \$5,060,694,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,442,738,000 shall be available for air traffic organization activities; not to exceed \$1,252,991,000 shall be available for aviation safety activities; not to exceed \$16,271,000 shall be available for commercial space transportation activities; not to exceed \$582,117,000 shall be available for finance and management activities; not to exceed \$98,858,000 shall be available for human resources program activities; not to exceed \$60,134,000 shall be available for NextGen program activities; and not to exceed \$200,286,000 shall be available for staff offices: Provided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than May 31, 2012, the Administrator shall submit to the House and Senate Committees on Appropriations a comprehensive report that describes all of the findings and conclusions reached during the Federal Aviation Administration's efforts to develop an objective, data-driven method for placing air traffic controllers after the successful completion of their training at the Federal Aviation Administration Academy, lists all available options for establishing such method, and discusses the benefits and challenges of each option: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: Provided further, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report

that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than \$10,350,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,730,731,000, of which \$475,000,000 shall remain available until September 30, 2012, and of which \$2,255,731,000 shall remain available until September 30, 2014: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: Provided further, That upon initial submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2013 through 2017, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$167,556,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2014: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,435,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,350,000,000 in fiscal year 2012, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$101,000,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$29,250,000 shall be for Airport Technology Research and \$6,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION
ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2012.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the

agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2012, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a nonrevenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

SEC. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking “benefit.” and inserting “benefit, with the maximum allowable local cost share capped at 20 percent.”.

SEC. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION
LIMITATION ON ADMINISTRATIVE EXPENSES
(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$412,000,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation, of which \$16,000,000 shall be derived from the authority provided in section 126 in this Act. In addition, not to exceed \$3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$39,143,582,670 for Federal-aid highways and highway safety construction programs for fiscal year 2012: Provided, That within the \$39,143,582,670 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2012: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$39,882,582,670 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

EMERGENCY RELIEF

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$1,662,000,000, to remain available until expended, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That notwithstanding section 125(d)(1) of title 23, United States Code, the Secretary of Transportation may obligate more than \$100,000,000 for a single natural disaster event in a State for emergency relief projects arising from damage caused in fiscal year 2011 by Hurricane Irene or the Missouri River basin flooding in the spring of 2011, except

for events involving closed hydrologic basins: Provided further, That notwithstanding section 120 of title 23, United States Code, for expenses resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012, the Secretary shall extend the time period in 120(e) in consideration of any delay in the State's ability to access damaged facilities to evaluate damage and estimate the cost of repair: Provided further, That the amount provided under this heading is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2012, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative take-down authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations:

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982;

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century;

(8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years;

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

(10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2012; and

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code,

and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 124. The Comptroller General of the United States shall carry out a study to review how the States and public transit authorities have used the authority for States to transfer Federal funds between highway and transit programs. Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress describing the use of the transfer authority by the States, the highway and transit projects funded with these funds, the U.S. Department of Transportation administrative mechanisms to track the use of these transferred funds, and the impact the use of this authority has had on the advancement of highway projects.

SEC. 125. Section 127(a)(11) of title 23, United States Code, is amended to read as follows:

“(11)(A) With respect to all portions of the Interstate Highway System in the State of Maine, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection through December 31, 2031.

“(B) With respect to all portions of the Interstate Highway System in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection through December 31, 2031.”

SEC. 126. The Secretary may deduct, on a proportional basis, for administrative expenses of the Federal-aid highway program, a cumulative sum not to exceed \$16,000,000 of the sums authorized under the Surface Transportation Extension Act of 2011, part II (Public Law 112-30) for the 14 allocated programs.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$247,724,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which

shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$247,724,000, for "Motor Carrier Safety Operations and Programs" of which \$8,543,000, to remain available for obligation until September 30, 2014, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109-59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2012 on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)
(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, \$307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$307,000,000, for "Motor Carrier Safety Grants"; of which \$212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$30,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; and \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109-59: Provided further, That of the funds made available for the motor carrier safety assistance program, \$29,000,000 shall be available for audits of new entrant motor carriers: Provided further, That of the prior year unobligated balances for the commercial vehicle information systems and networks deployment program, \$1,000,000 is permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 131. Notwithstanding any other provision of law, States receiving funds for core or expanded deployment activities under the Commercial Vehicle Information Systems and Networks program pursuant to sections 4101(c)(4) and 4126 of Public Law 109-59 that did not meet

award eligibility requirements set forth in section 4126; received grant amounts in excess of the maximum amounts specified in sections 4126(c)(2) or 4126(d)(3); or were awarded grants either prior to or after the expiration of the period of performance specified in a grant agreement, shall not be required to repay grant amounts received in error under such sections and, in addition, shall be reimbursed for core or expanded deployment expenditures such States made before the date of the enactment of this Act in reliance on a grant awarded in error under such sections.

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION
OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$140,146,000, of which \$20,000,000 shall remain available through September 30, 2013.

OPERATIONS AND RESEARCH
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, \$109,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of \$109,500,000, of which \$105,500,000 shall be for programs authorized under 23 U.S.C. 403, and of which \$4,000,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: Provided further, That within the \$105,500,000 obligation limitation for operations and research, \$20,000,000 shall remain available until September 30, 2013 and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$550,328,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of \$550,328,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; \$25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; \$48,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2013 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; \$34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; \$139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; \$25,328,000 shall be for "Administrative Ex-

penses" under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109-59; \$7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109-59; and \$7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109-59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: Provided further, That not to exceed \$750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59: Provided further, That of the amounts made available under this heading for "Safety Belt Performance Grants", \$25,000,000 shall be available until expended for the modernization of the National Automotive Sampling System (NASS).

ADMINISTRATIVE PROVISIONS—NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$178,596,000, of which \$12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$35,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT
FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2012.

OPERATING SUBSIDY GRANTS TO THE NATIONAL
RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad

Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$466,000,000, to remain available until expended: Provided, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2012 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Auto-train; and commercial activities including contract operations: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis, as well as progress against the milestones and target dates of the 2011 performance improvement plan: Provided further, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation's Web site within a reasonable timeframe following their submission to the appropriate entities: Provided further, That these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That none of the funds provided in this Act may be used after March 1, 2012, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal peak fare: Provided further, That the preceding pro-

viso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: Provided further, That the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$952,000,000, to remain available until expended, of which not to exceed \$271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That of the amounts made available under this heading, not less than \$50,000,000 shall be made available to bring Amtrak served facilities and stations into compliance with the Americans with Disabilities Act: Provided further, That after an initial distribution of up to \$200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2012 business plan: Provided further, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110-432, the Secretary may retain up to an additional one-half of 1 percent of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110-432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and

Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 153. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of \$35,000 for any individual employee: Provided, That the president of Amtrak may waive the cap set in the previous proviso for specific employees when the president of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: Provided further, That Amtrak shall notify House and Senate Committees on Appropriations within 30 days of waiving such cap and delineate the reasons for such waiver.

FEDERAL TRANSIT ADMINISTRATION ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$98,713,000: Provided, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That upon submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2013.

FORMULA AND BUS GRANTS (LIQUIDATION OF CONTRACT AUTHORITY) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,360,565,000 in fiscal year 2012.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$44,000,000, to remain available until expended: Provided, That \$6,500,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$3,500,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$4,000,000 is available for the university transportation centers program under section 5506 of title 49, United States Code: Provided further, That \$25,000,000 is available to carry out innovative research and demonstrations of national significance under section 5312 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS (INCLUDING RESCISSION)

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,955,000,000, to remain available until expended, of which \$35,481,000 shall be available to carry out section 5309(e) of such title: Provided, That not less than \$510,000,000 shall be

available for preliminary engineering, final design, and construction of projects that receive a Full Funding Grant Agreement during calendar year 2012: Provided further, That of the funds appropriated under this heading in Public Law 111–8, \$58,500,000 are hereby rescinded.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, \$150,000,000, to remain available until expended: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration's discretionary program appropriations headings for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2014, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2011, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 165. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1 percent of the amount made available to carry out section 5316 of title 49, United States Code: Provided, That funds made available for program management oversight shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 166. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 167. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 60 percent.

SEC. 168. Notwithstanding any other provision of law, fuel for vehicle operations, including the cost of utilities used for the propulsion of electrically driven vehicles, shall be treated as an associated capital maintenance item for purposes of grants made under section 5307 of title 49, United States Code, in fiscal year 2012. Amounts made available under this heading shall be limited to \$100,000,000.

SEC. 169. The Secretary may not enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 169A. For purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169B. All bus new fixed guideway capital projects recommended in the President's fiscal year 2012 budget request for funds appropriated under the Capital Investment Grants heading in this Act or any other Act shall be funded instead from amounts allocated under 49 U.S.C. 5309(m)(2)(C): Provided, That all such projects shall remain subject to the appropriate requirements of 49 U.S.C. 5309(d) and (e).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$32,259,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

OPERATIONS AND TRAINING (INCLUDING RESCISSION)

For necessary expenses of operations and training activities authorized by law, \$156,258,000, of which \$11,100,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$2,400,000 shall remain available through September 30, 2013 for Student Incentive Program payments at State Maritime

Academies, and of which \$22,900,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United State Merchant Marine Academy: Provided, That amounts appropriated for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United State Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations: Provided further, That of the prior year unobligated balances under this heading for information technology requirements of Public Law 111–207, \$980,000 are permanently rescinded.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$5,500,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, \$9,980,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For the necessary administrative expenses of the maritime guaranteed loan program, \$3,740,000 shall be paid to the appropriation for "Operations and Training", Maritime Administration: Provided, That of the unobligated balance of funds made available for obligation under Public Law 110–329 and Public Law 111–118, \$35,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to

negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet. Such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106–398. Nothing contained herein shall affect the Maritime Administration's authority to award contracts at least cost to the Federal Government and consistent with the requirements of 16 U.S.C. § 5405(c), section 3502, or otherwise authorized under the Federal Acquisition Regulation.

SEC. 172. Notwithstanding any other provision of law, none of the funds provided in this Act shall be used to make a determination of the nonavailability of qualified United States flag capacity for purposes of 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve unless as part of that determination the Secretary of Transportation, after consultation with representatives from the United States flag maritime industry, provides to the Secretary of Homeland Security a list of United States flag vessels with single or collective capacity that may be capable of providing the requested transportation services and a written justification for not using such United States flag vessels.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$21,360,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: Provided, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$42,338,000, of which \$1,716,000 shall remain available until September 30, 2014: Provided, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$109,252,000, of which \$18,573,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2014; and of which \$90,679,000 shall be derived from the Pipeline Safety Fund, of which \$48,191,000 shall remain available until September 30, 2014: Provided,

That not less than \$1,058,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2013: Provided, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2012 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$15,981,000, of which \$9,007,000 shall remain available until September 30, 2014: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$79,624,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code:

(1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and

(2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso: Provided further, That no funding through expenditure transfers shall be made between either the Federal Highway Administration, the Federal Aviation Administration, the Federal Transit Administration, or the National Transportation Safety Board, and the Office of Inspector General.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$29,310,000: Provided, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012, to result in a final appropriation from the general fund estimated at no more than \$28,060,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of

liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 184. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or

(5) any funding provided under the headings "National Infrastructure Investments" and "Assistance to Small Shipyards" in this Act: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of

Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term “improper payments”, has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 190. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 191. (a) MEMBERSHIP.—Section 49106(c)(1) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking “13 members” and inserting “17 members”;

(2) in subparagraph (A) by striking “5 members” and inserting “7 members”;

(3) in subparagraph (B) by striking “3 members” and inserting “4 members”; and

(4) in subparagraph (C) by striking “2 members” and inserting “3 members”.

(b) TERM.—Section 49106(c)(3) of title 49, United States Code, is amended by striking the second sentence and inserting the following: “Any member of the board shall be eligible for reappointment for 1 additional term. A member shall not serve after the expiration of the member’s term(s).”.

(c) REMOVAL OF BOARD MEMBERS.—Section 49106(c)(6)(C) of title 49, United States Code, is amended by inserting after the first sentence: “A member appointed by the Mayor of the District of Columbia, the Governor of Maryland or the Governor of Virginia may be removed or sus-

pended from office only for cause and in accordance with the laws of jurisdiction from which the member is appointed.”.

(d) APPROVAL OF BOND ISSUES AND ANNUAL BUDGET.—Section 49106(c)(7) of title 49, United States Code, is amended by striking “Eight votes” and inserting “Ten votes”.

SEC. 192. None of the funds shall be used to enforce traffic control device compliance dates on State and local governments for the requirements listed in the Manual on Uniform Traffic Control Devices (MUTCD) to maintain minimum levels of sign retroreflectivity and with minimum letter heights for street name signs; require agencies to implement an assessment or management method designed to maintain sign retroreflectivity at or above the established minimum levels, except with respect to implementing an assessment or management method for regulatory and warning signs; or require agencies to replace regulatory, warning, post-mounted, street name, and overhead guide signs that are identified using the assessment or management method as failing to meet the established minimum retroreflectivity levels.

This title may be cited as the “Department of Transportation Appropriations Act, 2012”.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, \$537,789,000, of which not to exceed \$3,572,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,200,000 shall be for the Office of the Deputy Secretary and the Chief Operating Officer; not to exceed \$1,700,000 shall be available for the Office of Hearings and Appeals; not to exceed \$741,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$47,980,000 shall be available for the Office of the Chief Financial Officer; not to exceed \$94,000,000 shall be available for the Office of the General Counsel; not to exceed \$2,400,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed \$3,515,000 shall be available for the Office of Public Affairs; not to exceed \$255,436,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed \$10,475,000 shall be available for the Office of Departmental Operations and Coordination; not to exceed \$47,500,000 shall be available for the Office of Field Policy and Management; not to exceed \$14,700,000 shall be available for the Office of the Chief Procurement Officer; not to exceed \$3,610,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed \$1,448,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed \$2,627,000 shall be available for the Office of Sustainable Housing and Communities; not to exceed \$5,000,000 shall be available for the Office of Strategic Planning and Management; and not to exceed \$41,885,000 shall be available for the Office of the Chief Information Officer: Provided, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further,

That the Secretary shall transmit to the House and Senate Committees on Appropriations a detailed budget justification for each office within the Department, including an organizational chart for each operating area within the Department: Provided further, That the budget justification shall include funding levels for the past 3 fiscal years for all offices: Provided further, that the budget submitted by the Department must also include a detailed justification for the incremental funding increases, decreases and FTE fluctuations being requested by program, activity, or program element: Provided further, That the Department shall modify and improve its Resource Estimation and Allocation Program model, or other appropriate staff allocation model as specified in the statement of the managers accompanying this Act: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, \$200,000,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development mission area, \$100,000,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, \$391,500,000, of which at least \$8,200,000 shall be for the Office of Risk and Regulatory Affairs.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, \$22,211,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, \$72,600,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, \$7,400,000.

RENTAL ASSISTANCE DEMONSTRATION

To conduct a demonstration designed to preserve and improve public housing and certain other multifamily housing through the voluntary conversion of properties with assistance under section 9 of the United States Housing Act of 1937, (hereinafter, “the Act”), or the moderate rehabilitation program under section 8(e)(2) of the Act (except for funds allocated under such section for single room occupancy dwellings as authorized by title IV of the McKinney-Vento Homeless Assistance Act), to properties with assistance under a project-based subsidy contract under section 8 of the Act, which shall be eligible for renewal under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997, or assistance under section 8(o)(13) of the Act, the Secretary may transfer amounts provided through contracts under section 8(e)(2) of the Act or under the headings “Public Housing Capital Fund” and “Public Housing Operating Fund” to the headings “Tenant-Based Rental Assistance” or “Project-Based Rental Assistance”: Provided, That the initial long-term contract under which converted assistance is made available may

allow for rental adjustments only by an operating cost factor established by the Secretary, and shall be subject to the availability of appropriations for each year of such term: Provided further, That project applications may be received under this demonstration until September 30, 2015: Provided further, That any increase in cost for "Tenant-Based Rental Assistance" or "Project-Based Rental Assistance" associated with such conversion shall be equal to amounts transferred from "Public Housing Capital Fund" and "Public Housing Operating Fund" or other account from which it was transferred: Provided further, That not more than 60,000 units currently receiving assistance under section 9 or section 8(e)(2) of the Act shall be converted under the authority provided under this heading: Provided further, That tenants of such properties with assistance converted from assistance under section 9 shall, at a minimum, maintain the same rights under such conversion as those provided under sections 6 and 9 of the Act: Provided further, That the Secretary shall select properties from applications for conversion as part of this demonstration through a competitive process: Provided further, That in establishing criteria for such competition, the Secretary shall seek to demonstrate the feasibility of this conversion model to recapitalize and operate public housing properties (1) in different markets and geographic areas, (2) within portfolios managed by public housing agencies of varying sizes, and (3) by leveraging other sources of funding to recapitalize properties: Provided further, That the Secretary shall provide an opportunity for public comment on draft eligibility and selection criteria and procedures that will apply to the selection of properties that will participate in the demonstration: Provided further, That the Secretary shall provide an opportunity for comment from residents of properties to be proposed for participation in the demonstration to the owners or public housing agencies responsible for such properties: Provided further, That the Secretary may waive or specify alternative requirements for (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) any provision of section 8(o)(13) or any provision that governs the use of assistance from which a property is converted under the demonstration or funds made available under the headings of "Public Housing Capital Fund", "Public Housing Operating Fund", and "Project-Based Rental Assistance", under this Act or any prior Act or any Act enacted during the period of conversion of assistance under the demonstration for properties with assistance converted under the demonstration, upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective conversion of assistance under the demonstration: Provided further, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the previous proviso no later than 10 days before the effective date of such notice: Provided further, That the demonstration may proceed after the Secretary publishes notice of its terms in the Federal Register: Provided further, That notwithstanding sections 3 and 16 of the Act, the conversion of assistance under the demonstration shall not be the basis for re-screening or termination of assistance or eviction of any tenant family in a property participating in the demonstration, and such a family shall not be considered a new admission for any purpose, including compliance with income targeting requirements: Provided further, That in the case of a property with assistance converted under the demonstration from assistance under section 9 of the Act, section 18 of the Act shall not apply to a property converting assistance under the demonstration for all or substantially all of its units, the Secretary shall re-

quire ownership or control of assisted units by a public or nonprofit entity except as determined by the Secretary to be necessary pursuant to foreclosure, bankruptcy, or termination and transfer of assistance for material violations or substantial default, in which case the priority for ownership or control shall be provided to a capable public entity, then a capable entity, as determined by the Secretary, shall require long-term renewable use and affordability restrictions for assisted units, and may allow ownership to be transferred to a for-profit entity to facilitate the use of tax credits only if the public housing agency preserves its interest in the property in a manner approved by the Secretary, and upon expiration of the initial contract and each renewal contract, the Secretary shall offer and the owner of the property shall accept renewal of the contract subject to the terms and conditions applicable at the time of renewal and the availability of appropriations each year of such renewal: Provided further, That the Secretary may permit transfer of assistance at or after conversion under the demonstration to replacement units subject to the requirements in the previous proviso: Provided further, That the Secretary may establish the requirements for converted assistance under the demonstration through contracts, use agreements, regulations, or other means: Provided further, That the Secretary shall assess and publish findings regarding the impact of the conversion of assistance under the demonstration on the preservation and improvement of public housing, the amount of private sector leveraging as a result of such conversion, and the effect of such conversion on tenants: Provided further, That for fiscal years 2012 and 2013, owners of properties assisted under section 101 of the Housing and Urban Development Act of 1965, section 236(f)(2) of the National Housing Act, or section 8(e)(2) (except for funds allocated under such section for single room occupancy dwellings as authorized by title IV of the McKinney-Vento Homeless Assistance Act) of the United States Housing Act of 1937 for which an event after October 1, 2006 has caused or results in the termination of rental assistance or affordability restrictions and the issuance of tenant protection vouchers under section 8(o) of the Act, shall be eligible, subject to requirements established by the Secretary, including but not limited to tenant consultation procedures and agreement of the administering public housing agency, for conversion of assistance available for such vouchers to assistance under section 8(o)(13) of the Act, to which the limitation under subsection (B) of section 8(o)(13) of the Act shall not apply and for which the Secretary of Housing and Urban Development may waive or alter the provisions of subparagraphs (C) and (D) of section 8(o)(13) of the Act: Provided further, That with respect to the previous proviso, the Comptroller General of the United States shall conduct a study of the long-term impact of the previous proviso on the ratio of tenant-based vouchers to project-based vouchers.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$14,914,369,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the \$4,000,000,000 previously appropriated under this heading that became available on October 1, 2011), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That of the amounts made available under this heading are provided as follows:

(1) \$17,242,351,000 shall be available for renewals of expiring section 8 tenant-based annual

contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2012 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed by the terms and conditions of their MTW agreements: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to \$103,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers; and (4) for incremental tenant-based assistance for eligible families currently assisted under the Disaster Voucher Program as authorized by Public Law 109-148 under this heading and the Disaster Housing Assistance Program for Hurricanes Ike and Gustav on the condition that such vouchers will not be re-issued when families leave the program: Provided further, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary;

(2) \$75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from

a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: Provided, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: Provided further, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: Provided further, That of the amounts made available under this paragraph, \$10,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: Provided further, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)): Provided further, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 120 days of the enactment of this Act;

(3) \$1,350,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than \$1,300,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2012 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts pro-

vided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) \$112,018,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses;

(6) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(7) The Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND (RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, \$200,000,000 are rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2012: Provided, That if insufficient funds exist under this heading, the remaining balance may be derived from any other unobligated balances available under any heading under this title funded in fiscal year 2011 and prior years: Provided further, That the Secretary shall notify the Committees on Appropriations of the unobligated balances used to meet this rescission 30 days in advance of such rescission: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act")

\$1,875,000,000, to remain available until September 30, 2015: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2012 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to \$10,000,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2012: Provided further, That of the total amount provided under this heading \$50,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading, up to \$5,000,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2012 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2012 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$3,961,850,000, of which \$20,000,000 shall be available until September 30, 2013: Provided, That in determining public housing agencies', including Moving to Work agencies', calendar year 2012 funding allocations under this heading, the Secretary shall take into account public housing agencies' excess operating fund reserves, as determined by the Secretary: Provided further, That Moving to Work agencies shall receive a pro-rata reduction consistent with their peer groups: Provided further, That no public housing agency shall be left with less than \$100,000 in operating reserves: Provided further, That the Secretary shall not offset excess reserves by more than \$750,000,000: Provided further, That in implementing such allocation reductions, the Secretary shall establish a process by which public housing agencies can appeal the initial allocation amounts and the Secretary shall consider adjustments based on such factors, including prior funding reservations, commitments related to mixed finance developments, or reporting errors: Provided further, That the Secretary shall notify public housing agencies of such process and what documentation may be required as part of such appeal: Provided further, That following the appeals process established under the previous two provisos, the Secretary shall make final allocations: Provided further, That of the amount provided under this heading up to \$20,000,000 may be set aside to

provide assistance to any public housing authority who encounters financial hardship as a direct result of an excess reserve offset applied to an allocation of funding under this heading: Provided further, That the Secretary shall provide flexibility to public housing agencies to use excess operating reserves for capital improvements.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, \$120,000,000, to remain available until September 30, 2014: Provided, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: Provided further, That grantees shall commit to an additional period of affordability determined by the Secretary, but not fewer than 20 years: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amount provided, not less than \$80,000,000 shall be awarded to public housing authorities: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That no more than \$5,000,000 of funds made available under this heading may be provided to assist communities in developing comprehensive strategies for implementing this program or implementing other revitalization efforts in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to remain available until September 30, 2016: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the

two resulting allocation amounts: Provided further, That of the amounts made available under this heading, \$2,000,000 shall be contracted for assistance for national or regional organizations representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities and \$2,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$200,000 for related travel: Provided further, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$20,000,000: Provided further, That the Department will notify grantees of their formula allocation within 60 days of enactment of this Act.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain available until expended: Provided, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$360,000,000: Provided further, That up to \$750,000 of this amount may be used for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z) and for such costs for loans used for refinancing, \$386,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,000.

COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$332,000,000, to remain available until September 30, 2013, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2014: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under sec-

tion 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$3,308,090,000, to remain available until September 30, 2014, unless otherwise specified: Provided, That of the total amount provided, not less than \$2,948,090,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That \$60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety: Provided further, That none of the funds made available under this heading may be used for grants for the Economic Development Initiative ("EDI") or Neighborhood Initiatives activities, Rural Innovation Fund, or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, \$5,952,000, to remain available until September 30, 2013, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$240,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,000,000,000, to remain available until September 30, 2014: Provided, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocation of such amount: Provided further, That funds made available under this heading used for projects not completed within 4 years of the commitment date, as determined by a signature of each party to the agreement shall be repaid: Provided further, That the Secretary may extend the deadline for 1 year if the Secretary determines that the failure to complete the project is beyond the control of the participating jurisdiction: Provided further, That no funds provided under this heading may be committed to any project included as part of a participating jurisdiction's plan under section 105(b), unless each participating jurisdiction certifies that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure

adequate need for each project: Provided further, That any homeownership units funded under this heading which cannot be sold to an eligible homeowner within 6 months of project completion shall be rented to an eligible tenant: Provided further, That no funds provided under this heading may be awarded for development activities to a community housing development organization that cannot demonstrate that it has staff with demonstrated development experience: Provided further, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$53,500,000, to remain available until September 30, 2014: Provided, That of the total amount provided under this heading, \$13,500,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That \$35,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 may be made available for rural capacity-building activities: Provided further, That \$5,000,000 shall be made available for capacity-building activities for national organizations with expertise in rural housing, including experience working with rural housing organizations, local governments, and Indian tribes.

HOMELESS ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, \$1,901,190,000, of which \$1,896,190,000 shall remain available until September 30, 2014, and of which \$5,000,000 shall remain available until expended for project-based rental assistance with rehabilitation projects with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: Provided, That not less than \$250,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: Provided further, That not less than \$1,593,000,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: Provided further, That up to \$7,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That all funds awarded for supportive services under the continuum of care program and the rural housing stability assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a

source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2012: Provided further, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the emergency solutions grant program within 60 days of enactment of this Act.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$9,399,672,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the \$400,000,000 previously appropriated under this heading that became available October 1, 2011), and \$400,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: Provided further, That of the total amounts provided under this heading, not to exceed \$289,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided further, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701g); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the

Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667): Provided further, That amounts recaptured under this heading may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For amendments to capital advance contracts for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, \$374,627,000 to remain available until September 30, 2015: Provided, That of the amount provided under this heading, up to \$91,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living, service-enriched housing, or related use for substantial and emergency repairs as determined by the Secretary: Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For amendments to capital advance contracts for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 STAT. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, \$165,000,000 to remain available until September 30, 2015: Provided, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects: Provided further, That the Secretary shall conduct a demonstration program to make available funds provided under this heading for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(3)).

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$45,000,000, including up to \$2,500,000 for administrative contract services, to remain available until September 30, 2012: Provided, That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: Provided further, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to or extensions for up to 1 year of contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, noninsured rental housing projects, \$1,300,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z-1) \$231,600,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$6,500,000, to remain available until expended, of which \$4,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$2,500,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2012 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION
MUTUAL MORTGAGE INSURANCE PROGRAM
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2013: Provided, That during fiscal year 2012, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: Provided further, That the foregoing amount in the previous proviso shall be for loans to non-profit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, \$207,000,000, to remain available until September 30, 2013, of which up to \$71,500,000 may be transferred to and merged with the Working Capital Fund: Provided further, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2012, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

During fiscal year 2012, commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed \$25,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
GUARANTEES OF MORTGAGE-BACKED SECURITIES
LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2013: Provided, That \$19,500,000 shall be available for personnel compensation and benefits, and other administrative expenses of the Government National Mortgage Association: Provided further, That to the extent that guaranteed loan commitments will and do exceed \$155,000,000,000 on or before April 1, 2012, an additional \$100 for personnel compensation and benefits, and administrative expenses shall be available until expended for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$3,000,000: Provided further, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH
RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out

the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$46,000,000, to remain available until September 30, 2013: Provided, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: Provided further, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: Provided further, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$70,847,000, to remain available until September 30, 2013, of which \$42,500,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, \$300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$120,000,000, to remain available until September 30, 2013: Provided, That up to \$10,000,000 of that amount shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided further, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, \$45,000,000 shall be made available on a competitive basis for areas

with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the third proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$199,035,000, to remain available until September 30, 2013: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology the purposes for which such amounts were appropriated: Provided further, That not more than 25 percent of the funds made available under this heading for Development, Modernization and Enhancement, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; (B) demonstrates that each modernization project is: (i) compliant with the department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office; and (C) has been reviewed by the Government Accountability Office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$124,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

For necessary expenses of research, evaluation, and program metrics activities; program demonstrations; and technical assistance and capacity building, \$50,000,000 to remain available until September 30, 2014: Provided, That with respect to amounts made available under this heading for research, evaluation and program metrics or program demonstrations, the Secretary may make grants or enter into cooperative agreements if such grants or agreements include a substantial match contribution, notwithstanding section 204 of this title.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2012 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2012 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2012 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by:

(1) allocating to the city of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high-incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and

(2) allocating to the city of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2012 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated

budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the city of Raleigh, North Carolina, on behalf of the Raleigh-Cary North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2013, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of sec-

tion 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2012 and 2013, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under section (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based section 8 budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case,

any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(d) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715e–g), the Secretary of Housing and Urban Development may, until September 30, 2012, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715e–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2012, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD’s use of all sole-source contracts, including terms of the contracts, cost,

and a substantive rationale for using a sole-source contract.

SEC. 219. During fiscal year 2012, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701g) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. The amounts provided under the subheading “Program Account” under the heading “Community Development Loan Guarantees” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking “fiscal year” and all that follows through the period at the end and inserting “fiscal year 2012.”; and

(2) in subsection (o), by striking “September” and all that follows through the period at the end and inserting “September 30, 2012.”.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development

shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the heading “Administration, Operations, and Management” as well as each account receiving appropriations for “Program Office Salaries and Expenses” within the Department of Housing and Urban Development.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for fiscal year 2012 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2012 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or through other electronic media, as determined by the Secretary.

SEC. 229. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or \$5,000,000, whichever is less, of the funds appropriated for any office funded under the heading “Administration, Operations, and Management” to any other office funded under such heading: Provided, That no appropriation for any office funded under the heading “Administration, Operations, and Management” shall be increased or decreased by more than 5 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary is authorized to transfer up to 5 percent or \$5,000,000, whichever is less, of the funds appropriated for any account funded under the general heading “Program Office Salaries and Expenses” to any other account funded under such heading: Provided further, That no appropriation for any account funded under the general heading “Program Office Salaries

and Expenses" shall be increased or decreased by more than 5 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may transfer funds made available for salaries and expenses between any office funded under the heading "Administration, Operations and Management" and any account funded under the general heading "Program Office Salaries and Expenses", but only with the prior written approval of the House and Senate Committees on Appropriations.

SEC. 230. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 231. The Comptroller General of the United States shall carry out a study of the effectiveness of the block grant programs administered by the Office of Community Planning and Development of the Department of Housing and Urban Development, including an examination of best practices utilized by program grantees and performance metrics utilized by the Department. Not later than 180 days of enactment of this Act, the Comptroller General shall submit a report to the Congress describing its findings, including such best practices and performance metrics.

SEC. 232. The Secretary shall take actions necessary to improve data quality, data management, and grantee oversight and accountability with respect to programs and activities administered by the Office of Community Planning and Development. The Secretary shall address the problems identified by the Inspector General of the Department in audits and audit reports since 2006, including ongoing audits, with respect to such programs and activities. Not later than 120 days after enactment of this Act, the Secretary shall submit a report to the Congress on progress achieved by the Department with respect to addressing such problems and identifying further improvements that can be made (including improvements relating to information technology) and proposed actions and timelines to carry out such improvements.

SEC. 233. Of the amounts made available for salaries and expenses under all accounts under this title (except for the Office of Inspector General account), a total of up to \$10,000,000 may be transferred to and merged with amounts made available in the "Working Capital Fund" account under this title.

SEC. 234. (a) None of the funds made available by this Act for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) may be used by any public housing agency for any amount of salary, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2012.

(b) Subsection (a) shall take effect 120 days after the date of enactment of this Act.

SEC. 235. Title II of division I of Public Law 108-447 and title III of Public Law 109-115 are each amended by striking the item related to "Flexible Subsidy Fund".

SEC. 236. Of the unobligated balances remaining from funds appropriated under the heading "Tenant-Based Rental Assistance" under the "Full-Year Continuing Appropriations Act, 2011", \$650,000,000 are rescinded from the \$4,000,000,000 which are available on October 1, 2011: Provided, That such amounts may be derived from reductions to public housing agen-

cies' calendar year 2012 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including the net restricted assets of MTW agencies (in accordance with VMS data in calendar year 2011 that is verifiable and complete), as determined by the Secretary.

SEC. 237. Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f) is amended by striking "October 1, 2011" each place it appears and inserting in lieu thereof "October 1, 2015".

SEC. 238. Notwithstanding any other provision of law, for mortgages for which a Federal Housing Administration case number has been assigned during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the dollar amount limitation on the principal obligation for purposes of section 203 of the National Housing Act (12 U.S.C. 1709) shall be considered to be, except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g)), the greater of—

(1) the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)); or

(2) the dollar amount limitation that was prescribed for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620).

SEC. 239. Of the funds made available for the "Department of Housing and Urban Development, Community Planning and Development, Community Development Fund", up to \$300,000,000, to remain available until expended, shall be for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2011: Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal

Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That an additional \$100,000,000 shall be available for the same purposes and terms described in this section and shall be designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2012".

TITLE III RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902, \$24,100,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$20,500,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2013, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as

authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$102,400,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

**NEIGHBORHOOD REINVESTMENT CORPORATION
PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
CORPORATION**

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$135,300,000, of which \$5,000,000 shall be for a multi-family rental housing program: Provided, That in addition, \$80,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation ("NRC") shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the ap-

proval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 5 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

**UNITED STATES INTERAGENCY COUNCIL ON
HOMELESSNESS
OPERATING EXPENSES**

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$3,300,000. Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is amended by striking all that follows "on" and inserting "October 1, 2015".

**TITLE IV
GENERAL PROVISIONS—THIS ACT**

SEC. 401. Such sums as may be necessary for fiscal year 2012 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates a new program;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;
- (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;
- (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue

a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2012. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made

available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 416. All agencies and departments funded by this Act shall send to Congress at the end of the fiscal year a report containing a complete inventory of the total number of vehicles owned, permanently retired, and purchased during fiscal year 2012 as well as the total cost of the vehicle fleet, including maintenance, fuel, storage, purchasing, and leasing.

This division may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012”.

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

SEC. 101. The Continuing Appropriations Act, 2012 (Public Law 112–36) is amended by striking the date specified in section 106(3) and inserting “December 16, 2011”.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HAROLD ROGERS,
C.W. BILL YOUNG,
JERRY LEWIS,
FRANK R. WOLF,
JACK KINGSTON,
TOM LATHAM,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN ABNEY CULBERSON,
JOHN R. CARTER,
JO BONNER,
STEVEN C. LATOURETTE,
NORMAN D. DICKS,
ROSA L. DELAURO,
JOHN W. OLVER,
ED PASTOR,
DAVID E. PRICE,
SAM FARR,
CHAKA FATTAH,
ADAM B. SCHIFF,

Managers on the Part of the House.

HERB KOHL,
TOM HARKIN,
DIANNE FEINSTEIN,
TIM JOHNSON,
BEN NELSON,
MARK L. PRYOR,
SHERROD BROWN,
DANIEL K. INOUE,
PATTY MURRAY,
BARBARA A. MIKULSKI,
ROY BLUNT,
THAD COCHRAN,
MITCH MCCONNELL,
SUSAN M. COLLINS,
JERRY MORAN,
JOHN HOEVEN,
KAY BAILEY HUTCHISON,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other

purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012; the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012; and the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012. The agreement also includes further continuing appropriations for fiscal year 2012.

The conference agreement does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives.

The conferees concur with the Senate amendment to the title of the bill.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House Report (H.Rpt. 112–101) and Senate Report (S.Rpt. 112–73) that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress’ own statements as to the best evidence of congressional intentions, which are the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: “Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

TITLE I—AGRICULTURAL PROGRAMS PRODUCTION, PROCESSING, AND MARKETING OFFICE OF THE SECRETARY

The conference agreement provides \$4,550,000 for the Office of the Secretary instead of \$4,293,000 as proposed by the House and \$4,798,000 as proposed by the Senate.

The conferees appreciate the detailed information provided in the Explanatory Notes and rely on this information when considering budget proposals. As budgetary constraints continue to apply downward pressure on agency resources, it will become increasingly necessary to have budgetary information of the Department in a manner that provides a more complete understanding of all activities occurring within the account totals. For that reason, the conferees direct the Secretary, beginning with presentation of the fiscal year 2013 budget, to provide additional information of Departmental activities measured against a baseline of actual spending for the previous three fiscal years rather than a description only of specific changes from the previous fiscal year with the ultimate goal, over time, of

providing to the Committees on Appropriations budgetary estimates as measured against a zero base. The conferees further direct the Department to include an errata sheet in the Explanatory Notes of any proposed budget authority levels that do not conform to the budget appendix. The Explanatory Notes should be assembled with the accounts in the same order as the accounts in the bill unless otherwise approved in advance by the Committees on Appropriations of both Houses of Congress.

The Secretary is directed to provide to the Committees on Appropriations of the House and Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

The conferees direct the Secretary to submit the conference transparency report required by section 14208 of Public Law 110-246 to the Committees on Appropriations of the House and Senate and the Office of Inspector General. In addition, the conferees direct the Secretary to begin submitting this report, and making it publicly available, on a quarterly basis instead of annually. The report shall include the cost of any food or beverages, the cost of any audio-visual services, and a description of the contracting procedures on whether the contracts were awarded on a competitive basis for that conference.

OFFICE OF TRIBAL RELATIONS

The conference agreement provides \$448,000 for the Office of Tribal Relations instead of \$423,000 as proposed by the House and \$473,000 as proposed by the Senate.

HEALTHY FOOD FINANCING INITIATIVE

The conference agreement does not include an appropriation for the Healthy Food Financing Initiative (HFFI). The conferees direct the Department to carefully weigh the benefits between those known results from the expenditure of funds on proven programs in the Rural Development and Marketing and Regulatory Programs mission areas against the unknown results of expenditures on the HFFI. While the HFFI has the laudable goal of ensuring that more people have access to nutritious foods, the initiative has yet to prove that any expenditures made for this initiative have been effective in meeting this goal. The conferees remind the Department that any funding for the HFFI is subject to the reprogramming requirements in this Act, and prior to any reprogramming request; the conferees direct the Department to submit to the Committees on Appropriations of both Houses of Congress a system of metrics to measure the effectiveness and expected results for this initiative. The conferees expect that the Office of Chief Economist will play a key role in the development of such metrics.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The conference agreement provides \$11,177,000 for the Office of the Chief Economist instead of \$10,707,000 as proposed by the House and \$11,408,000 as proposed by the Senate.

NATIONAL APPEALS DIVISION

The conference agreement provides \$12,841,000 for the National Appeals Division instead of \$12,091,000 as proposed by the House and \$13,514,000 as proposed by the Senate.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides \$8,946,000 for the Office of Budget and Program Analysis as proposed by the Senate instead of \$8,004,000 as proposed by the House.

OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

The conference agreement provides \$1,321,000 for the Office of Homeland Security and Emergency Coordination instead of \$1,272,000 as proposed by the House and \$1,421,000 as proposed by the Senate.

OFFICE OF ADVOCACY AND OUTREACH

The conference agreement provides \$1,209,000 for the Office of Advocacy and Outreach as proposed by the House instead of \$1,351,000 as proposed by the Senate.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides \$44,031,000 for the Office of the Chief Information Officer instead of \$34,000,000 as proposed by the House and \$36,031,000 as proposed by the Senate.

The conference agreement includes \$28,000,000 to support cybersecurity requirements of the Department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides \$5,650,000 for the Office of the Chief Financial Officer instead of \$5,310,000 as proposed by the House and \$5,935,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

The conference agreement provides \$848,000 for the Office of the Assistant Secretary for Civil Rights as proposed by the Senate instead of \$760,000 as proposed by the House.

OFFICE OF CIVIL RIGHTS

The conference agreement provides \$21,000,000 for the Office of Civil Rights instead of \$19,288,000 as proposed by the House and \$21,558,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides \$764,000 for the Office of the Assistant Secretary for Administration as proposed by the Senate instead of \$683,000 as proposed by the House.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$230,416,000 for Agriculture Buildings and Facilities and Rental Payments as proposed by the Senate instead of \$221,585,000 as proposed by the House. The conference agreement includes \$164,470,000 for rental payments, \$13,800,000 for Department of Homeland Security building security and \$52,146,000 for building operations and maintenance.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$3,592,000 for Hazardous Materials Management instead of \$3,393,000 as proposed by the House and \$3,792,000 as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$24,165,000 for Departmental Administration instead of \$16,510,000 as proposed by the House and \$28,165,000 as proposed by the Senate.

The conferees recognize the special management challenges facing the Department in view of serious constraints in fiscal resources, the requirements of a vastly dispersed workforce, and expectations of the public for continuity of vital services. It is clear that recent reductions in discretionary spending and the likely continuation of austere measures in the near term present sig-

nificant difficulties to those charged with program execution. The conferees fully recognize the need, and expect the Department to achieve the most efficient methods possible to maintain the responsibilities of governance for the benefit of both the customers of USDA and the personnel charged with carrying out the missions of the Department.

The conferees expect that any substantive changes to the functions and organization of USDA follow a thoughtful analysis of implications for budgetary resources, services to customers and employees, and inherent dynamics within the Department that might result. Toward that objective, before moving forward with the implementation of any substantive reorganization, the Department is instructed to conduct a detailed analysis of the savings, efficiencies, timeline, and implications of these changes. In addition, an understanding of the methodology used for determining these factors and some form of demonstration of the results anticipated is required. Any timetable for implementation of the changes suggested obviously will be driven by the fiscal resources available and it may be prudent to give consideration to a tiered implementation as conditions dictate rather than a full scale departmental shift that would be far more complex and potentially expensive. The Secretary is instructed to provide a report, consistent with the guidance outlined above, to the Committees on Appropriations of both Houses of Congress not less than 60 days prior to the implementation of any departmental reorganization. The Secretary is further reminded of the reprogramming instructions set forth elsewhere in this Act for the purpose of any implementation stage of a proposed reorganization.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$3,576,000 for the Office of the Assistant Secretary for Congressional Relations instead of \$3,289,000 as proposed by the House and \$3,676,000 as proposed by the Senate.

OFFICE OF COMMUNICATIONS

The conference agreement provides \$8,065,000 for the Office of Communications instead of \$8,058,000 as proposed by the House and \$8,105,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$85,621,000 for the Office of Inspector General instead of \$80,000,000 as proposed by the House and \$84,121,000 as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides \$39,345,000 for the Office of the General Counsel as proposed by the Senate instead of \$35,204,000 as proposed by the House.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides \$848,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate instead of \$760,000 as proposed by the House.

The conferees recognize the broad responsibilities in agricultural research, education, extension and economics that Congress has given to the Department. Given the current budget constraints and the need for continued investment in agricultural research to ensure productivity growth, the conferees expect USDA to fund only the highest priority agricultural research, as authorized by Congress.

ECONOMIC RESEARCH SERVICE

The conference agreement provides \$77,723,000 for the Economic Research Service as proposed by the Senate instead of \$70,000,000 as proposed by the House. This includes continued funding for the Organic Production and Market Data Initiative.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides \$158,616,000 for the National Agricultural Statistics Service instead of \$149,500,000 as proposed by the House and \$152,616,000 as proposed by the Senate. This includes \$41,639,000 for the Census of Agriculture.

On October 4, 2011, the National Agricultural Statistics Service announced it was eliminating or reducing the frequency of 14 reports. While it is imperative for all of USDA's agencies and offices to prepare to address potential reductions in funding, the conferees are concerned that the agency made this announcement before a final appropriation was determined. The conferees direct NASS to reconsider its decision to eliminate or reduce the frequency of these reports and to reinstate as many reports as possible. As the agency considers which to reinstate, the conferees direct the agency to prioritize the reports that do not have similar information captured by other NASS surveys and reports or would be otherwise infrequently published. The conferees remind the agency that reducing or eliminating any survey or report is further subject to the reprogramming requirements in this Act.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement provides \$1,094,647,000 for the Agricultural Research Service, Salaries and Expenses, as proposed by the Senate instead of \$995,345,000 as proposed by the House.

The conferees do not concur with the President's budget request regarding the termination of extramural research.

The conferees concur with the proposal to close twelve research laboratories at ten locations, as specified in the President's budget request, and direct the agency to provide a report to the Committees on Appropriations of the House and the Senate on the disposition of these facilities by January 20, 2012. The conferees further direct, in concurrence with the budget proposal, that no other research facilities be closed during fiscal year 2012, except in accordance with the reprogramming requirements in this Act.

The conferees are concerned about recent outbreaks of bacterial spot disease in peppers and tomatoes in Midwestern states. The conferees encourage ARS to continue to work with collaborators on research to combat the disease and minimize economic loss to producers. ARS is directed to provide the Committees on Appropriations of the House and the Senate with a report on the status of bacterial spot disease and ongoing research efforts.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides \$705,599,000 for the National Institute of Food and Agriculture's research and education activities instead of \$596,400,000 as proposed by the House and \$709,825,000 as proposed by the Senate.

The conferees express their strong support for USDA's agricultural research, extension and education activities. USDA and other notable philanthropic and scientific organizations have highlighted the need for the

United States to invest in agricultural research to ensure productivity growth and to develop and refine sound natural resources management practices for U.S. farmers and ranchers and others around the world. However, the conferees are aware of concerns about the focus of USDA's research programs, particularly projects funded through the Agriculture and Food Research Initiative. The conferees strongly encourage USDA to fund only the highest priority agricultural research, as authorized by Congress.

The conference agreement provides \$9,000,000 for Graduate Fellowship Grants, Institution Challenge Grants, and the Multicultural Scholars Program, to remain available until expended.

The conferees request that the Department make recommendations regarding the consolidation of funding lines in the National Institute of Food and Agriculture's accounts in the President's budget for fiscal year 2013 and to work with interested individuals and organizations, including the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, on this issue.

The following table reflects the amounts provided by the conference agreement:

*National Institute of Food and Agriculture
Research and Education Activities*

(Dollars in Thousands)

Hatch Act	\$236,334
McIntire-Stennis Cooperative Forestry	32,934
Evans-Allen Program	50,898
Animal Health and Disease Research	4,000
Special Research Grants:	
Global Change/UV Monitoring ..	1,300
Potato Research	1,350
Forest Products Research	1,350
Total, Special Research Grants	4,000
Improved Pest Control:	
Expert IPM Decision Support System	153
Integrated Pest Management ...	2,362
Minor Crop Pest Management (IR-4)	11,913
Pest Management Alternatives	1,402
Total, Improved Pest Control Agriculture and Food Research Initiative	264,470
Critical Agricultural Materials Act	1,081
Aquaculture Centers	3,920
Sustainable Agriculture Research and Education	14,471
Payments to the 1994 Institutions Supplemental and Alternative Crops	825
Joe Skeen Institute for Rangeland Research	961
Competitive Grants for Policy Research	4,000
Capacity Building for Non Land-Grant Colleges	4,500
Farm Business Management and Benchmarking Program	1,450
Sun Grant Program	2,200
Capacity Building for 1890 Institutions	19,336
Multicultural Scholars, Graduate Fellowship and Institution Challenge Grants	9,000
Hispanic-Serving Institutions Education Grants	9,219
1994 Institutions Research Program	1,801
Secondary and 2-year Post-Secondary Program	900

*National Institute of Food and Agriculture
Research and Education Activities—Continued*

Veterinary Medicine Loan Repayment Program	4,790
Alaska Native and Native Hawaiian-Serving Institutions	3,194
Resident Instruction Grants for Insular Areas	900
Distance Education Grants for Insular Areas	750
Federal Administration:	
Data Information System (REEIS)	2,600
Electronic Grants Administration System	2,000
Other, Federal Administration	5,900
Total, Federal Administration	10,500
Total, Research and Education Activities	\$705,599

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

The conference agreement provides \$11,880,000 for the Native American Institutions Endowment Fund as proposed by the House and the Senate.

EXTENSION ACTIVITIES

The conference agreement provides \$475,183,000 for extension activities instead of \$411,200,000 as proposed by the House and \$478,179,000 as proposed by the Senate.

The conference agreement provides \$4,610,000 for Farm Safety and Youth Farm Safety Education and Certification Programs.

The following table reflects the amounts provided by the conference agreement:

*National Institute of Food and Agriculture
Extension Activities*

(Dollars in Thousands)

Smith-Lever, Section 3(b) and (c) Programs	\$294,000
Smith-Lever, Section 3(d) Programs:	
Food and Nutrition Education	67,934
Farm Safety and Youth Farm Safety Education Program	4,610
New Technologies for Agricultural Extension	1,550
Pest Management	9,918
Children, Youth and Families at Risk	7,600
Federally Recognized Tribal Extension Program	3,039
Sustainable Agriculture Programs	4,696
Total, Section 3(d)	99,347
Cooperative Extension at 1890 Institutions	42,592
Rural Health and Safety Education	1,500
Facility Improvements at 1890 Institutions	19,730
Renewable Resources Extension Act	3,700
Extension Services at 1994 Institutions	4,312
Food Animal Residue Avoidance Database	1,000
Women and Minorities in STEM Fields	400
Grants to Youth Organizations ...	750
Federal Administration:	
Ag in the Classroom	552
General Administration	7,300
Total, Federal Administration	7,852
Total, Extension Activities	\$475,183

INTEGRATED ACTIVITIES

The conference agreement provides \$21,482,000 for integrated activities instead of

\$12,400,000 as proposed by the House and \$25,948,000 as proposed by the Senate.

The following table reflects the amounts provided by the conference agreement:

<i>National Institute of Food and Agriculture Integrated Activities</i>	
[Dollars in Thousands]	
Organic Transition Program	\$4,000
Regional Pest Management Centers	4,000
Water Quality Program	4,500
Methyl Bromide Transition Program	1,996
Regional Rural Development Centers	998
Food and Agriculture Defense Initiative	5,988
Total, Integrated Activities	\$21,482

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES ENDOWMENT FUND

The conference agreement does not provide an appropriation for the Hispanic-Serving Agricultural Colleges and Universities Endowment Fund instead of \$10,000,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

The conference agreement provides \$848,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the Senate instead of \$760,000 as proposed by the House.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES INCLUDING TRANSFERS OF FUNDS

The conference agreement provides \$816,534,000 for the Animal and Plant Health Inspection Service (APHIS) instead of \$790,000,000 as proposed by the House and \$820,110,000 as proposed by the Senate.

The conference agreement provides funding for the animal disease traceability system within the Animal Health Technical Services line item. The conferees remain concerned about the cost of implementing and operating this redesigned program as explained in the animal disease traceability proposed rule (APHIS-2009-0091) and encourage the most cost-effective, least regulatory burdensome system in the final rule. The conferees direct APHIS to submit a report and updates on the status of the system as proposed in the September 28, 2010, Comprehensive Report & Implementation Plan (amended January 28, 2011) by November 30, 2011; April 1, 2012; and by August 1, 2012.

The conferees support APHIS' activities to control plant pests and strongly support efforts to eradicate such pests as the opportunities arise. Toward that purpose, the conferees expect that funding for Specialty Crop Pests will be supplemented with contingency or Commodity Credit Corporation funds for the emergency purpose of eradicating the European Grape Vine Moth.

The following table reflects the conference agreement:

<i>ANIMAL AND PLANT HEALTH INSPECTION SERVICE</i>	
[Dollars in Thousands]	
<i>Program</i>	<i>Amount</i>
Safeguarding and International Technical Assistance:	
Animal Health Technical Services	32,500
Aquatic Animal Health	2,261
Avian Health	52,000
Cattle Health	99,000

<i>Program</i>	<i>Amount</i>
Equine, Cervid & Small Ruminant Health	22,000
National Veterinary Stockpile	2,750
Swine Health	23,000
Veterinary Biologics	16,457
Veterinary Diagnostics	31,611
Zoonotic Disease Management	9,000
Subtotal, Animal Health	290,579
Agricultural Quarantine Inspection (Appropriated)	27,500
Cotton Pests	17,848
Field Crop & Rangeland Ecosystems Pests	9,068
Pest Detection	27,500
Plant Protection Methods Development	20,600
Specialty Crop Pests	153,950
Tree & Wood Pests	55,638
Subtotal, Plant Health	312,104
Wildlife Damage Management	72,500
Wildlife Services Methods Development	18,000
Subtotal, Wildlife Services	90,500
Animal & Plant Health Regulatory Enforcement	16,275
Biotechnology Regulatory Services	18,135
Subtotal, Regulatory Services	34,410
Contingency Fund	1,000
Emergency Preparedness & Response	17,000
Subtotal, Emergency Management	18,000
Subtotal, Safeguarding and Emergency Preparedness/Response	745,593
Safe Trade and International Technical Assistance:	
Agriculture Import/Export	13,354
Overseas Technical & Trade Operations	20,104
Subtotal, Safe Trade	33,458
Animal Welfare:	
Animal Welfare	27,087
Horse Protection	696
Subtotal, Animal Welfare	27,783
Agency Management:	
APHIS Information Technology Infrastructure	4,335
Physical/Operational Security	5,365
Subtotal, Agency Management	9,700
Total, Direct Appropriation	816,534

BUILDINGS AND FACILITIES

The conference agreement provides \$3,200,000 for Animal and Plant Health Inspection Service Buildings and Facilities as proposed by the House instead of \$3,176,000 as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides \$82,211,000 for the Agricultural Marketing Service as proposed by the Senate instead of \$77,800,000 as proposed by the House.

The conferees provide an increase of \$300,000 for the Market News Program to expand reporting on organic agricultural products. In addition, AMS is encouraged to continue funding the National Organic Program at the fiscal year 2011 level or above.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation on administrative expenses of \$62,101,000 as proposed by the Senate instead of \$61,000,000 as proposed by the House.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$20,056,000 for Funds for Strengthening Mar-

kets, Income, and Supply as proposed by the House and the Senate.

The following table reflects the status of this fund for fiscal year 2012:

<i>Estimated Total Funds Available and Balance Carried Forward</i>	
[Dollars in Thousands]	
	<i>Amount</i>
Appropriation (30% of Customs Receipts)	7,947,046
Balances Available for Transfers	
Less Transfers:	
Food & Nutrition Service	(6,676,207)
Commerce Department	(109,098)
Total, Transfers	(6,785,306)
Unobligated Balance Available, Start of Year	259,953
Unavailable for Obligations (recoveries & offsetting collections)	(73,694)
Transfer of Prior Year Funds to FNS (F&V)	(117,000)
Budget Authority	1,231,000
Unavailable for Obligation	(150,000)
Unavailable for Obligations (F&V Transfer-FNS)	(133,000)
Available for Obligation	948,000
Less Obligations:	
Child Nutrition Programs (Entitlement Commodities)	465,000
12 Percent Commodity Floor	—
Cotton, Soybean, Rice and Sweet Potato Disaster Program	—
State Option Contract	5,000
Removal of Defective Commodities	2,500
Emergency Surplus Removal	—
Disaster Relief	5,000
Additional Fruits, Vegetables, and Nuts Purchases	175,600
Fresh Fruit and Vegetable Program	20,000
Accounting Adjustment	—
Estimated Future Needs	227,113
Total, Commodity Procurement ...	900,213
<i>Administrative Funds:</i>	
Commodity Purchase Support	27,731
Marketing Agreements and Orders	20,056
Total, Administrative Funds	47,787

Total Obligations

948,000
Unavailable for Obligations (Fruit and Vegetable Transfer to FNS)

133,000
Balances, Collections, and Recoveries Not Available

73,694
Total End of Year Balance

206,694

PAYMENTS TO STATES AND POSSESSIONS

The conference agreement provides \$1,198,000 for Payments to States and Possessions as proposed by the Senate instead of \$1,331,000 as proposed by the House.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides \$37,750,000 for the Grain Inspection, Packers and Stockyards Administration instead of \$37,000,000 as proposed by the House and \$38,248,000 as proposed by the Senate.

The conference agreement includes language (section 721) that places conditions on the promulgation and implementation of regulations relating to the Grain Inspection, Packers and Stockyards Administration as authorized by Title XI of the Food, Conservation, and Energy Act of 2008 (the Act). Funds are provided to allow the Secretary to

continue publication and implementation of a final or interim final rule as provided by the Administrative Procedures Act. The conference agreement further provides that the annual cost to the economy of such rules cannot exceed \$100,000,000 and that the items included in the rules must be limited to the specific items described in the Act for which these rules were mandated.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

The conference agreement includes a limitation on inspection and weighing services expenses of \$49,000,000 instead of \$47,500,000 as proposed by the House and \$50,000,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The conference agreement provides \$770,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate instead of \$689,000 as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides \$1,004,427,000 for the Food Safety and Inspection Service instead of \$972,028,000 as proposed by the House and \$1,006,503,000 as proposed by the Senate.

The conferees direct FSIS to provide full funding to states for state inspection programs.

The following table reflects the conference agreement:

Food Safety and Inspection Service

(Dollars in Thousands)

Federal	\$887,520
State	62,734
International	15,841
Codex Alimentarius	3,752
Public Health Data Communications Infrastructure System	34,580
Total, Food Safety and Inspection Service	\$1,004,427

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

The conference agreement provides \$848,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the Senate instead of \$760,000 as proposed by the House.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$1,491,549,000 for the Farm Service Agency instead of \$1,439,970,000 as proposed by the House and \$1,474,511,000 as proposed by the Senate.

The conferees provide that not less than \$66,685,000 shall be for Modernize and Innovate the Delivery of Agricultural Systems.

The conferees strongly support the implementation of Modernize and Innovate the Delivery of Agricultural Systems (MIDAS), and encourage the agency to ensure that MIDAS's initial operating capability will be released by October 2012.

The conference agreement provides \$13,000,000 for the Common Computing Environment.

The following table reflects the conference agreement:

(Dollars in Thousands)

Salaries and expenses	\$1,198,966
Transfer from P.L. 480	2,500
Transfer from Export Loans	355
Transfer from ACIF	289,728

Total, FSA Salaries and expenses	\$1,491,549
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STATE MEDIATION GRANTS

The conference agreement provides \$3,759,000 for State Mediation Grants as proposed by the Senate instead of \$3,550,000 as proposed by the House.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

The conference agreement provides \$3,817,000 for the Grassroots Source Water Protection Program as proposed by the Senate instead of \$3,605,000 as proposed by the House.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$100,000 for the Dairy Indemnity Program as proposed by the House and Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The following table reflects the conference agreement:

(Dollars in Thousands)

Farm Ownership Loans:	
Direct	(\$475,000)
Subsidy	\$22,800
Guaranteed	(\$1,500,000)
Subsidy	0
Farm Operating Loans:	
Direct	(\$1,050,090)
Subsidy	\$59,120
Unsubsidized Guaranteed	(\$1,500,000)
Subsidy	\$26,100
Indian Tribe Land Acquisition Loans	
Loans	(\$2,000)
Subsidy	0
Conservation Loans-Guaranteed	
Subsidy	0
Indian Highly Fractionated Land	
Subsidy	\$193
Boll Weevil Eradication	
Subsidy	0
ACIF Expenses:	
Salaries and Expenses	\$289,728
Administrative Expenses	\$7,904

RISK MANAGEMENT AGENCY

The conference agreement provides \$74,900,000 for the Risk Management Agency as proposed by the Senate instead of \$68,016,000 as proposed by the House.

FEDERAL CROP INSURANCE CORPORATION FUND

The conference agreement provides an appropriation of such sums as may be necessary for the Federal Crop Insurance Corporation Fund (estimated to be \$3,142,375,000 in the President's fiscal year 2012 Budget Request) as proposed by the House and Senate.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides an appropriation of such sums as may be necessary for Reimbursement for Net Realized Losses of the Commodity Credit Corporation (estimated to be \$14,071,000,000 in the President's fiscal year 2012 Budget Request) as proposed by the House and Senate.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

The conference agreement provides a limitation of \$5,000,000 for Hazardous Waste Management as proposed by the House and Senate.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The conference agreement provides \$848,000 for the Office of the Under Secretary for Nat-

ural Resources and Environment as proposed by the Senate instead of \$760,000 as proposed by the House.

NATURAL RESOURCES CONSERVATION SERVICE CONSERVATION OPERATIONS

The conference agreement provides \$828,159,000 for Conservation Operations as proposed by the Senate instead of \$770,956,000 as proposed by the House.

The conference agreement provides \$9,300,000 for the Snow Survey and Water Forecasting Program; \$9,400,000 for the Plant Material Centers; \$80,000,000 for the Soil Surveys Program; and \$729,459,000 for Conservation Technical Assistance.

The conference agreement provides an increase of \$5,000,000 for the Conservation Effects Assessment Project and an increase of \$5,000,000 for the Conservation Delivery Streamlining Initiative.

The conference agreement provides \$12,500,000 for the Common Computing Environment.

WATERSHED REHABILITATION PROGRAM

The conference agreement provides \$15,000,000 for the Watershed Rehabilitation Program as proposed by the House instead of \$8,000,000 as proposed by the Senate.

TITLE III—RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides \$848,000 for the Office of the Under Secretary for Rural Development as proposed by the Senate instead of \$760,000 as proposed by the House.

RURAL DEVELOPMENT SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$182,023,000 for Rural Development Salaries and Expenses as proposed by the Senate instead of \$161,011,000 as proposed by the House.

The conference agreement provides \$4,500,000 for the Common Computing Environment.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total subsidy of \$510,991,000 for activities under the Rural Housing Insurance Fund Program Account instead of \$472,500,000 as proposed by the House and \$512,791,000 as proposed by the Senate. This includes a transfer of \$430,800,000 to the Rural Development Salaries and Expenses account as proposed by the Senate instead of \$400,000,000 as proposed by the House.

The following table indicates loan, subsidy and grant levels provided by the conference agreement:

(Dollars in Thousands)

Loan authorizations:	
Single family direct (sec. 502) ...	(\$900,000)
Single family unsubsidized guaranteed	(24,000,000)
Housing repair (sec. 504)	(10,000)
Rental housing (sec. 515)	(64,478)
Multi-family guaranteed (sec. 538)	(130,000)
Credit sales of acquired property	(10,000)
Farm labor housing	(20,791)
Self help housing land development	(5,000)
Total, Loan authorizations	(\$25,140,269)

Loan subsidies:

Single family direct (sec. 502) ...	\$42,570
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Housing repair (sec. 504)	1,421
Rental housing (sec. 515)	22,000
Farm labor housing	7,100
Subtotal, Loan subsidies	73,091
Farm labor housing grants	7,100
Total, loan subsidies and grants	\$80,191
Administrative expenses (transfer to RD)	\$430,800
Total, Loan subsidies, grants and administrative expenses	\$510,991

The conferees recognize that many private lenders have been unable to implement the new annual fee for Section 502 guaranteed loans as required by the Department. Currently, only one major lender has developed the necessary automated systems capacity. Many small rural banks and state housing agencies are precluded from program participation due to their lack of automated systems enhancements. To provide a short-term solution, the conferees provide authority to the Department to increase the guarantee fee, such that subsidy costs are covered while relying on processes that traditional program participants already have in place. However, the conferees are hopeful that participants continue to pursue automated systems changes necessary to implement the annual fee. The conferees direct the Department to complete all necessary systems enhancements as soon as possible.

RENTAL ASSISTANCE PROGRAM

The conference agreement provides \$904,653,000 for the Rental Assistance Program as proposed by the Senate instead of \$890,000,000 as proposed by the House.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

The conference agreement provides \$13,000,000 for the Multi-Family Housing Revitalization Account Program as proposed by the Senate instead of \$11,000,000 as proposed by the House.

This includes \$11,000,000 for vouchers and \$2,000,000 for a housing preservation demonstration program.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides \$30,000,000 for Mutual and Self-Help Housing Grants as proposed by the Senate instead of \$22,000,000 as proposed by the House.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides \$33,136,000 for Rural Housing Assistance Grants instead of \$32,000,000 as proposed by the House and \$34,271,000 as proposed by the Senate.

The following table reflects the grant levels provided by the conference agreement:

[Dollars in Thousands]	
Very-low income housing repair grants	\$29,500
Housing preservation grants	3,636
Total, grants	\$33,136

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$29,291,000 for the Rural Community Facilities Program Account instead of \$18,000,000 as proposed by the House and \$26,274,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant amounts provided by the conference agreement:

[Dollars in Thousands]	
Loan Authorizations:	
CF direct loans	(\$1,300,000)
CF guaranteed loans	(105,708)
Loan Subsidies and Grants:	
CF guaranteed loans	5,000
CF grants	11,363
Rural Community Development Initiative	3,621
Economic Impact Initiative	5,938
Tribal College Grants	3,369

Total, subsidies and grants

The conferees note that USDA Community Facilities loans and grants can assist eligible school districts participating in the National School Lunch and Breakfast Programs with upgrades to school infrastructure in order to assist schools in meeting the new nutrition standards. The conferees encourage the Department to conduct outreach to rural school districts, especially those with more than 50 percent of students eligible for free or reduced-price meals, and consider applications for school food service upgrades through the Rural Community Facilities program.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$74,809,000 for the Rural Business Program Account instead of \$64,500,000 as proposed by the House and \$79,665,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]	
Business and Industry loan program:	
Guaranteed loan authorization	(\$822,886)
Guaranteed loan subsidy	45,341
Rural business enterprise grants	24,318
Rural business opportunity grants	2,250
Delta Regional Authority	2,900
Total, subsidy and grants	\$74,809

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$10,684,000 for the Rural Development Loan Fund Program Account instead of \$8,500,000 as proposed by the House and \$11,684,000 as proposed by the Senate.

The conference agreement provides for a transfer of \$4,684,000 to the Rural Development Salaries and Expenses account as proposed by the Senate instead of \$3,500,000 as proposed by the House.

The following table reflects the loan and subsidy levels provided by the conference agreement:

[Dollars in Thousands]	
Loan authorization	(\$17,710)
Loan subsidy	6,000
Administrative expenses (Transfer to RD)	4,684

Total, subsidy and administrative expenses

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

The conference agreement provides \$33,077,000 for the Rural Economic Development Loans Program Account as proposed by the House and the Senate.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides \$25,050,000 for Rural Cooperative Develop-

ment Grants instead of \$22,500,000 as proposed by the House and \$27,915,000 as proposed by the Senate.

The conferees provide \$5,800,000 for cooperative development grants; \$2,250,000 for a cooperative agreement for the Appropriate Technology Transfer for Rural Areas program; \$3,000,000 for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers; and \$14,000,000 for value-added agricultural product market development grants.

RURAL ENERGY FOR AMERICA PROGRAM

The conference agreement provides \$3,400,000 for the Rural Energy for America Program instead of \$2,300,000 as proposed by the House and \$4,500,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]	
Guaranteed loan authorization ...	(\$6,491)
Guaranteed loan subsidy	1,700
Grants	1,700

Total, subsidy and grants

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$513,000,000 for the Rural Water and Waste Disposal Program Account instead of \$500,000,000 as proposed by the House and \$509,295,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]	
Loan authorizations:	
Water and waste direct loans ...	(\$730,689)
Water and waste guaranteed loans	(62,893)
Subsidies and grants:	
Direct loan subsidy	70,000
Guaranteed loan subsidy	1,000
Water and waste revolving fund	497
Water well system grants	993
Grants for Colonias, Native Americans, Alaskan Native Villages, and the Department of Hawaiian Home Lands	66,500
Water and waste technical assistance grants	19,000
Circuit Rider program	15,000
Solid waste management grants	3,400
High energy cost grants	9,500
Water and waste disposal grants	327,110

Total, subsidies and grants

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total subsidy of \$36,976,000 for activities under the Rural Electrification and Telecommunications Loans Program Account as proposed by the Senate instead of \$30,000,000 as proposed by the House. The conference agreement provides for an estimated loan level of \$7,714,286,000 as proposed by the Senate instead of \$7,290,000,000 as proposed by the House.

The conference agreement provides for a transfer of \$36,382,000 to the Rural Development Salaries and Expenses account as proposed by the Senate instead of \$30,000,000 as proposed by the House.

The conferees direct USDA to provide a report on baseload generation needs in rural America and to work with interested parties and the Office of Management and Budget to conduct a subsidy analysis that incorporates the most up to date data. The conferees direct USDA to provide the report to the Committees on Appropriations of the House and the Senate by February 1, 2012.

The conferees encourage the Department to encourage a diversity of applicants for the guaranteed underwriting program.

The following table indicates loan and subsidy levels provided by the conference agreement:

[Dollars in Thousands]	
Loan authorizations:	
Electric:	
Direct, 5 percent	(\$100,000)
Direct, FFB	(6,500,000)
Guaranteed underwriting	(424,286)
Subtotal	(7,024,286)
Telecommunications:	
Direct, 5 percent	(145,000)
Direct, Treasury rate	(250,000)
Direct, FFB	(295,000)
Subtotal	(690,000)
Total, loan authorizations	(\$7,714,286)
Loan subsidies:	
Electric:	
Guaranteed underwriting	594
Administrative expenses (transfer to RD)	36,382
Total, Loan subsidies and administrative expenses	\$36,976

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The conference agreement provides \$37,372,000 for the distance learning, telemedicine and broadband program instead of \$21,000,000 as proposed by the House and \$46,942,000 as proposed by the Senate.

The conference agreement provides \$15,000,000 for grants for telemedicine and distance learning services in rural areas. The conference agreement provides \$3,000,000 for telemedicine and distance learning grants for health needs in the Mississippi River Delta area and \$3,000,000 for grants to non-commercial educational television broadcast stations that serve rural areas.

The conference agreement provides \$10,372,000 for grants to finance broadband transmission and Internet services in unserved and underserved rural areas.

The conference agreement provides an estimated loan level of \$212,014,000 and \$6,000,000 in subsidy for broadband telecommunications.

Funding provided for the broadband program is intended to promote broadband availability in those areas where there is not otherwise a business case for private investment in a broadband network. The conferees encourage RUS to focus expenditures on projects that bring broadband service to currently unserved households.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

The conference agreement provides \$770,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as proposed by the Senate instead of \$689,000 as proposed by the House.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$18,151,176,000 for Child Nutrition Programs as proposed by the Senate instead of \$18,770,571,000 as proposed by the House.

The conference agreement includes a general provision relating to child nutrition guidelines.

The conference agreement provides the following for Child Nutrition Programs:

Total Obligational Authority	
[Dollars in Thousands]	
Child Nutrition Programs:	
School lunch program	\$10,169,615
School breakfast program	3,313,848
Child and adult care food program	2,831,543
Summer food service program ..	401,998
Special milk program	13,240
State administrative expenses ..	279,016
Commodity procurement	1,075,727
Healthier US Schools Challenge ..	1,500
Team Nutrition	15,016
Food Safety Education	2,510
Coordinated Review	9,763
Computer Support and Processing	9,525
CACFP training and technical assistance	3,537
Studies and other activities	19,000
Farm to school tactical team	2,000
CN payment accuracy	2,338
School Breakfast Expansion Grants	1,000
Total	\$18,151,176

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides \$6,618,497,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) instead of \$6,048,250,000 as proposed by the House and \$6,582,497,000 as proposed by the Senate. The conferees believe that funding for other initiatives within this program should only occur upon determination that participation needs have been met, and the contingency reserve should not be used for these initiatives.

The conferees are interested in Federal and State initiatives to actively manage the costs of the WIC program so that resources provided to support participants are efficiently and effectively utilized. The conferees seek demonstrated efficiencies and strong financial controls in all aspects of the program, including the cost of delivering nutritional and other preventative health services by the States, so that limited funds can be used to provide benefits to all eligible women, infants, and children seeking program services in a given year. The conferees direct the Food and Nutrition Service to provide the Committees with a report on how it will pursue these objectives by January 31, 2012.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

The conference agreement provides \$80,401,722,000 for the Supplemental Nutrition Assistance Program instead of \$71,173,308,000 as proposed by the House and \$80,402,722,000 as proposed by the Senate. The conference agreement includes \$3,000,000,000 to be made available for a contingency reserve. The conferees note that \$3,000,000,000 was also made available in fiscal year 2011 as a contingency reserve and remains available in fiscal year 2012.

The conference agreement provides the following for the Supplemental Nutrition Assistance Program:

Total Obligational Authority	
[Dollars in Thousands]	
Supplemental Nutrition Assistance Program:	
Benefits	\$70,524,648
Contingency Reserve	3,000,000
State Administrative Costs	3,742,000
Nutrition Education and Obesity Prevention Grant Program	388,000
Employment and Training	397,118
Mandatory Other Program Costs	114,477
Discretionary Other Program Costs	1,000
Nutrition Assistance for Puerto Rico and American Samoa	1,842,835
Food Distribution Program for Indian Reservations	102,746
TEFAP Commodities	260,250
Commonwealth of the Northern Mariana Islands	13,148
Community Food Project	5,000
Program Access	5,000
Financial Management Systems Modernization	3,500
Information Technology Modernization and Support	2,000
Total	\$80,401,722

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides \$242,336,000 for the Commodity Assistance Program as proposed by the Senate instead of \$197,500,000 as proposed by the House.

The conference agreement includes \$176,788,000 for the Commodity Supplemental Food Program.

The conference agreement provides \$48,000,000 for administrative funding for the Emergency Food Assistance Program (TEFAP). In addition, the conference agreement grants the Secretary authority to transfer up to an additional 10 percent from TEFAP commodities for this purpose.

The conference agreement provides \$16,548,000 for the Farmer's Market Nutrition Program and \$1,000,000 for Pacific Island Assistance.

The conferees direct USDA to make an assessment to determine if State agencies are in compliance with 7 CFR Part 251.5(b), and, if not, they are directed to issue guidance to the respective agencies on how they can comply with this regulation. Additionally, the conferees direct USDA to submit a report to the Committees on Appropriations of the House and the Senate on steps the Department might use to measure participation in the Emergency Food Assistance Program by March 16, 2012.

NUTRITION PROGRAMS ADMINISTRATION

The conference agreement provides \$138,500,000 for Nutrition Programs Administration instead of \$125,000,000 as proposed by the House and \$140,130,000 as proposed by the Senate.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$176,347,000 for the Foreign Agricultural Service (FAS), Salaries and Expenses, as proposed by the Senate instead of \$172,500,000 as proposed by the House.

While the conferees believe that USDA, and its partner USAID, must first focus on

addressing immediate emergency needs in places such as the Horn of Africa, the Department must begin to develop plans and corresponding goals aimed at building market-driven institutions and science-based regulatory frameworks that facilitate trade and create an environment conducive to agricultural growth. Therefore, the conferees direct FAS to submit a report within 60 days of enactment of this Act with options for shifting more focus in outyear budgets from long-term or extended emergency food aid programs to programs that support FAS' duties to help developing countries improve their agricultural systems and build trade capacity in order to improve their long-term economic development.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND
FOOD FOR PROGRESS ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$2,500,000 for administrative expenses for the Food for Peace Title I Direct Credit and Food for Progress Program Account, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses", instead of \$2,385,000 as proposed by the House and \$2,666,000 as proposed by the Senate.

FOOD FOR PEACE TITLE II GRANTS

The conference agreement provides \$1,466,000,000 for Food For Peace Title II Grants instead of \$1,040,198,000 as proposed by the House and \$1,562,000,000 as proposed by the Senate.

The amount provided for this program is more than \$200,000,000 less than the amount requested by the President and even further below the levels appropriated in recent years. Flexibility in providing appropriations for humanitarian food assistance has been constrained by the Budget Control Act of 2011 (BCA) which established a firewall between security and non-security discretionary spending. This conference report includes only two programs under the security heading, PL 480 and the McGovern-Dole International Food for Education and Child Nutrition Program, both of which are related to humanitarian food assistance. Because of this inflexibility in shifting discretionary resources due to the requirements of the BCA, the conferees are unable to provide higher levels of funding for these two programs without being in violation of established budget caps. The conferees remain aware of the acute problems relating to global hunger, especially in view of the declared famine in the Horn of Africa, and will continue to monitor conditions there and elsewhere in the world in order to take whatever steps are available, as conditions warrant.

The conference agreement includes language in Section 741 to ensure humanitarian food assistance programs include sufficient monitoring and control mechanisms. The conferees believe that food aid should not be used as a political tool but that recipient nations do have obligations to ensure transparency and cooperation in the distribution of aid to affected populations. Should the U.S. government consider resumption of food assistance to the Democratic People's Republic of Korea, it is expected that assurances will be given to protect the integrity of program execution, including monitoring, and that any remaining issues regarding previous year program delivery be satisfactorily resolved.

COMMODITY CREDIT CORPORATION EXPORT
(LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$6,820,000 for the Commodity Credit Corpora-

tion Export (Loans) Credit Guarantee Program Account as proposed by the House instead of \$6,465,000 as proposed by the Senate.

McGOVERN-DOLE INTERNATIONAL FOOD FOR
EDUCATION AND CHILD NUTRITION PROGRAM
GRANTS

The conference agreement provides \$184,000,000 for the McGovern-Dole International Food for Education and Child Nutrition Program instead of \$180,000,000 as proposed by the House and \$188,000,000 as proposed by the Senate.

TITLE VI—RELATED AGENCIES AND
FOOD AND DRUG ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN
SERVICES

FOOD AND DRUG ADMINISTRATION
SALARIES AND EXPENSES

The conference agreement provides total appropriations, including Prescription Drug User Fee Act, Medical Device and Modernization User Fee Act, Animal Drug User Fee Act, Animal Generic Drug User Fee Act, Tobacco Product User Fee Act, Food Reinspection User Fee Act, and Food Recall User Fee Act collections, of \$3,788,336,000 for the salaries and expenses of the Food and Drug Administration instead of \$3,654,148,000 as proposed by the House and \$3,859,402,000 as proposed by the Senate and provides specific amounts by FDA activity as reflected in the following table:

<i>Food and Drug Administration Salaries & Expenses</i>	
(Dollars in Thousands)	
Budget Authority:	
Foods	\$866,061
Center for Food Safety and Applied Nutrition	
Field Activities	264,296
Human Drugs	601,765
Center for Drug Evaluation and Research	477,810
Field Activities	347,817
Biologics	129,993
Center for Biologics Evaluation and Research	212,224
Field Activities	171,711
Animal Drugs and Feeds	40,513
Center for Veterinary Medicine	138,021
Field Activities	84,699
Devices and Radiological Products	53,322
Center for Devices and Radiological Health	322,672
Field Activities	241,475
National Center for Toxicological Research	81,197
Other Activities/Office of the Commissioner	60,039
White Oak Consolidation	153,704
GSA Rent	40,386
Other Rent and Rent Related	65,598
Subtotal, Budget Authority ..	160,506
User Fees:	2,497,021
Prescription Drug User Fee Act ..	
Medical Device User Fee and Modernization Act	702,172
Animal Drug User Fee Act	57,605
Animal Generic Drug User Fee Act	21,768
Tobacco Product User Fees	5,706
Food Reinspection Fees	477,000
Food Recall Fees	14,700
Subtotal, User Fees	12,364
Total, FDA Program Level	1,291,315
	\$3,788,336

The conference agreement includes the following increases: \$39,000,000 to begin implementation of the Food Safety Modernization Act; \$20,038,000 for advancing medical countermeasures; and \$12,962,000 for mandatory rental payments. The conferees also accept

FDA's proposed reduction of \$22,000,000 due to administrative and contract savings. The conferees direct FDA to provide a report within 30 days of enactment of this Act on how it intends to allocate these increases.

The conferees direct that, within 90 days of the date of enactment of this Act, FDA report on the average number of calendar days that elapsed from the date that drug applications (including any supplements) were submitted to the agency under section 505 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) until the date that the drugs were approved; the average number of calendar days that elapsed from the date that applications for device clearance (including any supplements) under section 510(k) of the FD&C Act or for premarket approval (including any supplements) under section 515 of the FD&C Act were submitted to the agency until the date that the devices were cleared; and the average number of calendar days that elapsed from the date that biological license applications (including any supplements) were submitted to the agency under section 351 of the Public Health Service Act until the date that the biological products were licensed.

The conferees are concerned that FDA has not issued a proposed rule revising the monograph regulating the labeling of over-the-counter cough and cold products for children. The conferees direct the FDA to publish a proposed rule by December 31, 2011, based on the latest scientific evidence for safety and efficacy in pediatric populations.

The conferees recognize that FDA is developing facilities and expertise to study nanotechnology within FDA's Jefferson Laboratory Campus, including the National Center for Toxicological Research, and its consolidated headquarters at White Oak, Maryland. The conferees support FDA in its mission to expand upon current research in nanotechnology and support the eventual development of a Nanotechnology Core Center to meet its mission.

The conferees are aware that FDA currently inspects less than 2 percent of imported seafood. Further, many of these imports may contain substances that are banned in the United States. Therefore, the conferees direct FDA to develop a comprehensive program for imported seafood.

The conferees note that the most recent CDC estimates are that only 20 percent of foodborne illnesses are from 31 known pathogens such as norovirus, salmonella and clostridium. Since 80 percent of illnesses are caused by unknown sources, FDA is encouraged to work with the public and private sectors to gain a better understanding of the causes of illness. FDA's broader understanding of unknown sources should contribute towards the development of new strategies, policies, and foodborne illness prevention methods. While simultaneously seeking answers to unknown sources and plans to address these hazards, FDA has to do a better job of identifying more effective food safety activities that will reduce illnesses, hospitalizations, and deaths associated with the other 20 percent of foodborne illness. Within the funding level for food safety, FDA is directed to develop a clear strategy on how the agency can prioritize intervention methods along the farm to fork continuum to reduce illness once they have discovered the sources for a much greater proportion of unknown agents and to tie the funding levels for food safety to increased levels of activities to both the known and the unknown sources of illness. The conferees direct FDA to include this information in the fiscal year 2013 budget justifications to Congress.

The conferees emphasize the importance of predictability and transparency in the FDA approval process, and urge FDA to remain focused on its core mission of ensuring the safety, efficacy and security of human and veterinary drugs, biological products, medical devices, fostering the development of medical products to support the counterterrorism effort, and helping to speed innovation of safe and effective products that improve the lives of patients and consumers. The conferees urge FDA to be responsive, timely, and transparent throughout the approval process for all human and veterinary drugs, biological products, medical devices, and medical countermeasures.

BUILDINGS AND FACILITIES

The conference agreement provides \$8,788,000 for the Food and Drug Administration Buildings and Facilities as proposed by the House instead of \$8,982,000 as proposed by the Senate.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides \$205,294,000, to remain available until September 30, 2013, for the Commodity Futures Trading Commission instead of \$171,930,000 as proposed by the House and \$240,000,000 as proposed by the Senate.

Of the total amount provided, the conference agreement includes \$55,000,000, to remain available until September 30, 2014, for information technology investments.

The conferees direct the CFTC to submit, within 30 days of enactment, a detailed spending plan for the allocation of the funds made available, displayed by discrete program, project, and activity, including staffing projections, specifying both FTEs and contractors, and planned investments in information technology.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of \$61,000,000 on administrative expenses of the Farm Credit Administration instead of \$62,000,000 as proposed by the House and the Senate.

TITLE VII—GENERAL PROVISIONS (INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

Section 701.—The conference agreement includes language making funds available for the purchase, replacement and hire of passenger motor vehicles.

Section 702.—The conference agreement includes language regarding transfers of funds to the Working Capital Fund of the Department of Agriculture.

Section 703.—The conference agreement includes language limiting funding provided in the bill to one year unless otherwise specified.

Section 704.—The conference agreement includes language regarding indirect cost rates on cooperative agreements between the Department of Agriculture and nonprofit institutions.

Section 705.—The conference agreement includes language making appropriations to the Department of Agriculture for the cost of direct and guaranteed loans available until expended to disburse certain obligations for certain Rural Development programs.

Section 706.—The conference agreement includes language prohibiting the use of funds to establish an inspection panel at the Department of Agriculture.

Section 707.—The conference agreement includes language regarding the transfer of

funds to the Office of the Chief Information Officer and the acquisition of information technology systems.

Section 708.—The conference agreement includes language making funds available until expended to the Department of Agriculture to disburse certain obligations for certain conservation programs.

Section 709.—The conference agreement includes language regarding Rural Utility Service program eligibility.

Section 710.—The conference agreement includes language regarding in-kind support and Department of Agriculture research grants.

Section 711.—The conference agreement includes language regarding Farm Service Agency and Rural Development funds for information technology expenses.

Section 712.—The conference agreement includes language regarding the availability of funds for liquid infant formula.

Section 713.—The conference agreement includes language prohibiting first-class airline travel.

Section 714.—The conference agreement includes language regarding the availability of certain funds of the Commodity Credit Corporation.

Section 715.—The conference agreement includes language regarding non-emergency humanitarian food assistance.

Section 716.—The conference agreement includes language regarding certain farm programs.

Section 717.—The conference agreement includes language regarding direct loans made under the Rural Electrification Act.

Section 718.—The conference agreement includes language regarding the Bill Emerson Humanitarian Trust Act.

Section 719.—The conference agreement includes language regarding funding for advisory committees.

Section 720.—The conference agreement includes language regarding the limitation on indirect costs for grants awarded by the National Institute of Food and Agriculture.

Section 721.—The conference agreement includes language regarding regulations under the Grain Inspection, Packers and Stockyards Administration.

Section 722.—The conference agreement includes language regarding the rescission of funds.

Section 723.—The conference agreement includes language regarding the rescission of unobligated balances.

Section 724.—The conference agreement includes language regarding section 1621 of Public Law 110-246.

Section 725.—The conference agreement includes language regarding strategic rural development planning.

Section 726.—The conference agreement includes language regarding the availability of funds for certain Department of Agriculture programs.

Section 727.—The conference agreement includes language regarding a pilot program for certain forest lands.

Section 728.—The conference agreement includes language regarding user fee proposals without offsets.

Section 729.—The conference agreement includes language regarding the rescission of certain unobligated balances.

Section 730.—The conference agreement includes language regarding the reprogramming of funds.

Section 731.—The conference agreement includes language regarding fees for the guaranteed business and industry loan program.

Section 732.—The conference agreement includes language regarding the conveyance of certain research facilities.

Section 733.—The conference agreement includes language regarding the appropriations hearing process.

Section 734.—The conference agreement includes language regarding food donations and the National School Lunch Program.

Section 735.—The conference agreement includes language regarding the Emergency Conservation Program, the Emergency Watershed Program and the Emergency Forestry Conservation Program.

Section 736.—The conference agreement includes language regarding government-sponsored news stories.

Section 737.—The conference agreement includes language regarding details and assignments of Department of Agriculture employees.

Section 738.—The conference agreement includes language prohibiting grants and loans to a corporation convicted of a felony under Federal law.

Section 739.—The conference agreement includes language prohibiting grants and loans to corporations that have an unpaid Federal tax liability.

Section 740.—The conference agreement includes language regarding certain unobligated balances.

Section 741.—The conference agreement includes language regarding emergency food aid.

Section 742.—The conference agreement includes language regarding the Department of Agriculture's wool and mohair program.

Section 743.—The conference agreement includes language regarding nutrition standards for the school breakfast and lunch programs.

Section 744.—The conference agreement includes language regarding the Department of Agriculture's Community Facilities program.

Section 745.—The conference agreement includes language regarding eligibility for certain farm programs.

Section 746.—The conference agreement includes language regarding nutrition standards for the school breakfast and lunch programs.

Section 747.—The conference agreement includes language regarding transfers of funds in certain Rural Development programs.

Section 748.—The conference agreement includes language regarding the Water Bank Act.

The conference agreement does not include a provision (House Section 743) regarding an across-the-board reduction to the funding levels in all accounts in titles I through IV. The House funding levels stated in the Statement of Managers do not reflect the impact of this reduction in each of the respective accounts.

The conference agreement does not include a provision (House Section 749) on the Energy Independence and Security Act of 2007. The conferees note that the enforcement of section 526 of the Energy Independence and Security Act of 2007 may lead to higher fuel costs for federal fleets in the absence of competitively priced new generation fuels that emit fewer emissions. In carrying out this statute, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration and Chairman of the Commodity Futures Trading Commission should work to ensure that costs associated with fuel purchases necessary to carry out the missions of their respective departments or agencies should be minimized to the extent possible under the law.

The conference agreement does not include a provision (House Section 750) regarding the

“Know Your Farmer, Know Your Food” initiative. The conferees direct the Department to post on its website prior to any travel primarily related to the “Know Your Farmer, Know Your Food” initiative, information in-

cluding the agenda and the cost of such travel. In addition, within 90 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of the House and Senate a report on the impacts of this

initiative over the previous two years, and to include justification for this initiative in the fiscal year 2013 budget explanatory notes.

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference

TITLE I - AGRICULTURAL PROGRAMS				

Production, Processing, and Marketing				
Office of the Secretary.....	5,051	5,883	4,550	-501
Office of Tribal Relations.....	498	1,015	448	-50
Healthy Food Financing Initiative.....	---	35,000	---	---

Executive Operations:				
Office of Chief Economist.....	12,008	15,196	11,177	-831
National Appeals Division.....	14,225	15,254	12,841	-1,384
Office of Budget and Program Analysis.....	9,417	9,436	8,946	-471
Office of Homeland Security	1,496	4,272	1,321	-175
Office of Advocacy and Outreach.....	1,422	7,000	1,209	-213
Office of the Chief Information Officer.....	39,920	63,579	44,031	+4,111
Office of the Chief Financial Officer.....	6,247	6,566	5,650	-597

Subtotal, Executive Operations.....	84,735	121,303	85,175	+440

Office of the Assistant Secretary for Civil Rights.....	893	895	848	-45
Office of Civil Rights.....	22,692	24,922	21,000	-1,692
Office of the Assistant Secretary for Administration..	804	820	764	-40
Agriculture buildings and facilities and rental payments.....	(246,476)	(255,191)	(230,416)	(-16,060)
Payments to GSA.....	178,113	164,470	164,470	-13,643
Department of Homeland Security.....	13,473	13,800	13,800	+327
Building operations and maintenance.....	54,890	76,921	52,146	-2,744
Hazardous materials management.....	3,992	5,125	3,592	-400
Departmental Administration.....	29,647	35,787	24,165	-5,482

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of the Assistant Secretary for Congressional Relations.....	3,869	4,041	3,576	-293
Office of Communications.....	9,480	9,722	8,065	-1,415
Office of Inspector General.....	88,548	90,755	85,621	-2,927
Office of the General Counsel.....	41,416	46,058	39,345	-2,071
Total, Departmental Administration.....	538,101	636,517	507,565	-30,536
Office of the Under Secretary for Research, Education, and Economics.....	893	911	848	-45
Economic Research Service.....	81,814	85,971	77,723	-4,091
National Agricultural Statistics Service.....	156,447	165,421	158,616	+2,169
Census of Agriculture.....	(33,139)	(41,639)	(41,639)	(+8,500)
Agricultural Research Service:				
Salaries and expenses.....	1,133,230	1,137,690	1,094,647	-38,583
National Institute of Food and Agriculture:				
Research and education activities.....	698,740	708,107	705,599	+6,859
Native American Institutions Endowment Fund.....	(11,880)	(11,880)	(11,880)	---
Extension activities.....	479,132	466,788	475,183	-3,949
Integrated activities.....	36,926	29,874	21,482	-15,444
Hispanic-Serving Agricultural Colleges and Universities Endowment Fund.....	---	(10,000)	---	---
Total, National Institute of Food and Agriculture.....	1,214,798	1,204,769	1,202,264	-12,534
Office of the Under Secretary for Marketing and Regulatory Programs.....	893	911	848	-45

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Animal and Plant Health Inspection Service:				
Salaries and expenses.....	863,270	832,706	816,534	-46,736
Assistance, goods, or services (user fees) NA	---	(141,000)	---	---
Buildings and facilities.....	3,529	4,712	3,200	-329
Total, Animal and Plant Health Inspection Service.....	866,799	837,418	819,734	-47,065
Agricultural Marketing Service:				
Marketing Services.....	86,538	94,755	82,211	-4,327
Standardization activities (user fees) NA.....	(65,000)	(66,000)	(66,000)	(+1,000)
(Limitation on administrative expenses, from fees collected).....	(60,947)	(62,101)	(62,101)	(+1,154)
Funds for strengthening markets, income, and supply (Section 32):				
Permanent, Section 32.....	1,065,000	1,080,000	1,080,000	+15,000
Marketing agreements and orders (transfer from section 32).....	(20,056)	(20,056)	(20,056)	---
Payments to States and Possessions.....	1,331	2,634	1,198	-133
Total, Agricultural Marketing Service program...	1,213,816	1,239,490	1,225,510	+11,694
Grain Inspection, Packers and Stockyards Administration:				
Salaries and expenses.....	40,261	44,192	37,750	-2,511
Limitation on inspection and weighing services....	(47,500)	(50,000)	(49,000)	(+1,500)
Office of the Under Secretary for Food Safety.....	811	828	770	-41

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Food Safety and Inspection Service.....	1,006,503	1,011,393	1,004,427	-2,076
Lab accreditation fees.....	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing....	6,193,419	6,303,410	6,068,601	-124,818
Farm Assistance Programs				
Office of the Under Secretary for Farm and Foreign Agricultural Services.....	893	911	848	-45
Farm Service Agency:				
Salaries and expenses.....	1,208,290	1,357,065	1,198,966	-9,324
Equal Credit Opportunity claims (leg. proposal)...	---	40,000	---	---
(Transfer from Food for Peace (P.L. 480)).....	(2,806)	(2,812)	(2,500)	(-306)
(Transfer from export loans).....	(354)	(355)	(355)	(+1)
(Transfer from ACIF).....	(304,977)	(313,173)	(289,728)	(-15,249)
Subtotal, transfers from program accounts.....	(308,137)	(316,340)	(292,583)	(-15,554)
Total, Salaries and expenses.....	(1,516,427)	(1,713,405)	(1,491,549)	(-24,878)
State mediation grants.....	4,177	4,369	3,759	-418
Grassroot source water protection program.....	4,241	---	3,817	-424
Dairy indemnity program.....	876	100	100	-776
Subtotal, Farm Service Agency.....	1,217,584	1,401,534	1,206,642	-10,942

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

Agricultural Credit Insurance Fund (ACIF) Program				
Account:				
Loan authorizations:				
Farm ownership loans:				
Direct.....	(475,000)	(475,000)	(475,000)	---
Guaranteed.....	(1,500,000)	(1,500,000)	(1,500,000)	---

Subtotal.....	(1,975,000)	(1,975,000)	(1,975,000)	---
Farm operating loans:				
Direct.....	(950,000)	(1,050,090)	(1,050,090)	(+100,090)
Unsubsidized guaranteed.....	(1,500,000)	(1,500,000)	(1,500,000)	---
Subsidized guaranteed.....	(122,343)	---	---	(-122,343)

Subtotal.....	(2,572,343)	(2,550,090)	(2,550,090)	(-22,253)
Indian tribe land acquisition loans.....				
Conservation loans:	(3,940)	(2,000)	(2,000)	(-1,940)
Guaranteed.....	---	(150,000)	(150,000)	(+150,000)
Indian Highly Fractionated Land Loans.....	---	(10,000)	(10,000)	(+10,000)
Boll weevil eradication loans.....	(100,000)	(60,000)	(100,000)	---

Total, Loan authorizations.....	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
Loan subsidies:				
Farm ownership loans:				
Direct.....	32,804	22,800	22,800	-10,004
Guaranteed.....	5,689	---	---	-5,689

Subtotal.....	38,493	22,800	22,800	-15,693

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Farm operating loans:				
Direct.....	57,425	59,120	59,120	+1,695
Unsubsidized guaranteed.....	34,880	26,100	26,100	-8,780
Subsidized guaranteed.....	16,886	---	---	-16,886
Subtotal.....	109,191	85,220	85,220	-23,971
Indian Highly Fractionated Land Loans.....	---	193	193	+193
Individual Development Accounts.....	---	2,500	---	---
Total, Loan subsidies.....	147,684	110,713	108,213	-39,471
ACIF administrative expenses:				
Salaries and expense (transfer to FSA)....	304,977	313,173	289,728	-15,249
Administrative expenses.....	7,904	7,920	7,904	---
Total, ACIF expenses.....	312,881	321,093	297,632	-15,249
Total, Agricultural Credit Insurance Fund... (Loan authorization).....	460,565 (4,651,283)	431,806 (4,747,090)	405,845 (4,787,090)	-54,720 (+135,807)
Total, Farm Service Agency.....	1,678,149	1,833,340	1,612,487	-65,662
Risk Management Agency, Administrative and operating expenses.....	78,842	82,325	74,900	-3,942
Total, Farm Assistance Programs.....	1,757,884	1,916,576	1,688,235	-69,649

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Corporations				
Federal Crop Insurance Corporation:				
Federal crop insurance corporation fund.....	7,613,232	3,142,375	3,142,375	-4,470,857
Commodity Credit Corporation Fund:				
Reimbursement for net realized losses.....	13,925,575	14,071,000	14,071,000	+145,425
Hazardous waste management (limitation on expenses).....	(5,000)	(5,000)	(5,000)	---
Total, Corporations.....	21,538,807	17,213,375	17,213,375	-4,325,432
Total, Title I, Agricultural Programs.....	29,490,110	25,433,361	24,970,211	-4,519,899
(By transfer).....	(328,193)	(336,396)	(312,639)	(-15,554)
(Loan authorization).....	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
(Limitation on administrative expenses).....	(113,447)	(117,101)	(116,101)	(+2,654)
TITLE II - CONSERVATION PROGRAMS				
Office of the Under Secretary for Natural Resources and Environment.....	893	911	848	-45
Natural Resources Conservation Service:				
Conservation operations.....	870,503	898,647	828,159	-42,344
Watershed rehabilitation program.....	17,964	---	15,000	-2,964
Total, Natural Resources Conservation Service.....	888,467	898,647	843,159	-45,308
Total, Title II, Conservation Programs.....	889,360	899,558	844,007	-45,353

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE III - RURAL DEVELOPMENT				
Office of the Under Secretary for Rural Development....	893	911	848	-45
Rural Development:				
Rural development expenses:				
Salaries and expenses.....	191,603	234,301	182,023	-9,580
(Transfer from RHIF).....	(453,474)	(411,779)	(430,800)	(-22,674)
(Transfer from RDLEP).....	(4,931)	(4,941)	(4,684)	(-247)
(Transfer from RETLP).....	(38,297)	(39,959)	(36,382)	(-1,915)
Subtotal, Transfers from program accounts.	(496,702)	(456,679)	(471,866)	(-24,836)
Total, Rural development expenses.....	(688,305)	(690,980)	(653,889)	(-34,416)
Rural Housing Service:				
Rural Housing Insurance Fund Program Account:				
Loan authorizations:				
Single family direct (Sec. 502).....	(1,121,406)	(211,416)	(900,000)	(-221,406)
Unsubsidized guaranteed.....	(24,000,000)	(24,000,000)	(24,000,000)	---
Subtotal, Single family.....	(25,121,406)	(24,211,416)	(24,900,000)	(-221,406)
Housing repair (Sec. 504).....	(23,360)	---	(10,000)	(-13,360)
Rental housing (Sec. 515).....	(69,512)	(95,236)	(64,478)	(-5,034)
Site loans (Sec. 524).....	(5,052)	---	---	(-5,052)
Multi-family housing grantees (Sec. 538)	(30,960)	---	(130,000)	(+99,040)
Multi-family housing credit sales.....	(1,448)	---	---	(-1,448)
Single family housing credit sales.....	(10,000)	---	(10,000)	---
Self-help housing land develop. (Sec. 523)	(4,966)	---	(5,000)	(+34)

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Farm Labor Housing (Sec.514).....	(25,724)	(27,288)	(20,791)	(-4,933)
Total, Loan authorizations.....	(25,292,428)	(24,333,940)	(25,140,269)	(-152,159)
Loan subsidies:				
Single family direct (Sec. 502).....	70,060	10,000	42,570	-27,490
Unsubsidized guaranteed.....	---	---	---	---
Housing repair (Sec. 504).....	4,413	---	1,421	-2,992
Rental housing (Sec. 515).....	23,399	32,495	22,000	-1,399
Multi-family housing guarantees (Sec. 538)	2,994	---	---	-2,994
Site development loans (Sec. 524).....	293	---	---	-293
Multi-family housing credit sales.....	555	---	---	-555
Farm labor housing (Sec.514).....	9,853	9,319	7,100	-2,753
Self-help land dev. housing loans (Sec523)	288	---	---	-288
Total, Loan subsidies.....	111,855	51,814	73,091	-38,764
Farm labor housing grants.....	9,854	9,873	7,100	-2,754
RHIF administrative expenses (transfer to RD).	453,474	411,779	430,800	-22,674
Total, Rural Housing Insurance Fund program. (Loan authorization).....	575,183 (25,292,428)	473,466 (24,333,940)	510,991 (25,140,269)	-64,192 (-152,159)

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rental assistance program:				
Rental assistance (Sec. 521).....	948,704	900,653	900,653	-48,051
New construction (Sec. 515).....	2,026	3,000	1,500	-526
New construction (Farm Labor Housing).....	2,994	3,000	2,500	-494
Total, Rental assistance program.....	953,724	906,653	904,653	-49,071
Rural housing voucher program.....	13,972	16,000	11,000	-2,972
Multi-family housing revitalization program	14,970	---	2,000	-12,970
Multi-family housing preservation revolving loans..	998	---	---	-998
Total, Multi-family housing revitalization..	29,940	16,000	13,000	-16,940
Mutual and self-help housing grants.....	36,926	---	30,000	-6,926
Rural housing assistance grants.....	40,319	11,520	33,136	-7,183
Rural community facilities program account:				
Loan authorizations:				
Community facility:				
Direct.....	(290,526)	(1,000,000)	(1,300,000)	(+1,009,474)
Guaranteed.....	(167,747)	---	(105,708)	(-62,039)
Total, Loan authorizations.....	(458,273)	(1,000,000)	(1,405,708)	(+947,435)
Loan subsidies and grants:				
Community facility:				
Direct.....	3,856	---	---	-3,856
Guaranteed.....	6,613	---	5,000	-1,613
Grants.....	14,970	30,000	11,363	-3,607
Rural community development initiative.....	4,990	8,400	3,621	-1,369

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Economic impact initiative grants.....	6,986	---	5,938
Tribal college grants.....	3,964	---	3,369
Total, RCEP Loan subsidies and grants...	41,379	38,400	29,291
Subtotal, grants and payments.....	118,624	49,920	92,427
Total, Rural Housing Service.....	1,677,471	1,446,039	1,521,071
(Loan authorization).....	(25,750,701)	(25,333,940)	(26,545,977)
Rural Business-Cooperative Service:			
Rural Business Program Account:			
(Guaranteed business and industry loans).....	(889,111)	(822,900)	(822,886)
Loan subsidies and grants:			
Guaranteed business and industry subsidy..	44,899	52,500	45,341
Grants:			
Rural business enterprise.....	34,930	29,874	24,318
Rural business opportunity.....	2,478	7,483	2,250
Delta regional authority.....	2,973	---	2,900
Total, RBP loan subsidies and grants.....	85,280	89,857	74,809
Rural Development Loan Fund Program Account:			
(Loan authorization).....	(19,181)	(36,376)	(17,710)
Loan subsidy.....	7,385	12,324	6,000
Administrative expenses (transfer to RD).....	4,931	4,941	4,684
Total, Rural Development Loan Fund.....	12,316	17,265	10,684
			-1,632

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
Rural Economic Development Loans Program Account:				
(Loan authorization).....	(33,077)	(33,077)	(33,077)	---
Limit cushion of credit interest spending.....	(207,000)	(241,794)	(155,000)	(-52,000)
(Rescission).....	-207,000	-241,794	-155,000	+52,000
Rural cooperative development grants:				
Cooperative development.....	7,908	8,924	5,800	-2,108
Appropriate technology transfer				
for rural areas	---	2,800	2,250	+2,250
Cooperative research agreement.....	---	300	---	---
Value-added agricultural product				
market development.....	18,829	20,367	14,000	-4,829
Grants to assist minority producers.....	3,456	3,463	3,000	-456
Total, Rural Cooperative development grants.	30,193	35,854	25,050	-5,143
Rural Microenterprise Investment Program Account:				
(Loan authorization).....	---	(8,700)	---	---
Loan subsidy.....	---	2,850	---	---
Grants.....	---	2,850	---	---
Total, Rural Microenterprise Investment.....	---	5,700	---	---

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rural Energy for America Program				
(Loan authorization).....	(10,785)	(10,645)	(6,491)	(-4,294)
Loan subsidy.....	2,495	2,788	1,700	-795
Grants.....	2,495	34,000	1,700	-795
	-----	-----	-----	-----
Total, Rural Energy for America Program.....	4,990	36,788	3,400	-1,590
	=====	=====	=====	=====
Total, Rural Business-Cooperative Service.....	-74,221	-56,330	-41,057	+33,164
(Loan authorization).....	(952,154)	(911,698)	(880,164)	(-71,990)
	=====	=====	=====	=====
Rural Utilities Service:				
Rural water and waste disposal program account:				
Loan authorizations:				
Direct.....	(898,263)	(770,000)	(730,689)	(-167,574)
Guaranteed.....	(75,000)	(12,000)	(62,893)	(-12,107)
	-----	-----	-----	-----
Total, Loan authorization.....	973,263	782,000	793,582	-179,681
	-----	-----	-----	-----
Loan subsidies and grants:				
Direct subsidy.....	76,917	73,788	70,000	-6,917
Guaranteed subsidy.....	---	190	1,000	+1,000
Water and waste revolving fund.....	497	497	497	---
Water well system grants.....	993	993	993	---
Colonias and AK/HI grants.....	68,600	65,000	66,500	-2,100
Water and waste technical assistance.....	19,110	19,000	19,000	-110
Circuit rider program.....	14,700	14,000	15,000	+300
Solid waste management grants.....	3,434	4,000	3,400	-34
High energy cost grants.....	11,976	---	9,500	-2,476

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Water and waste disposal grants.....	331,717	311,510	327,110	-4,607
Total, Loan subsidies and grants.....	527,944	488,978	513,000	-14,944
Rural Electrification and Telecommunications Loans Program Account:				
Loan authorizations:				
Electric:				
Direct, 5%.....	(100,000)	(100,000)	(100,000)	---
Direct, FFB.....	(6,500,000)	(6,000,000)	(6,500,000)	---
Guaranteed underwriting.....	(500,000)	---	(424,286)	(-75,714)
Subtotal, Electric.....	(7,100,000)	(6,100,000)	(7,024,286)	(-75,714)
Telecommunications:				
Direct, 5%.....	(145,000)	(145,000)	(145,000)	---
Direct, Treasury rate.....	(250,000)	(250,000)	(250,000)	---
Direct, FFB.....	(295,000)	(295,000)	(295,000)	---
Subtotal, Telecommunications.....	(690,000)	(690,000)	(690,000)	---
Total, Loan authorizations.....	(7,790,000)	(6,790,000)	(7,714,286)	(-75,714)
Loan subsidies:				
Electric:				
Guaranteed underwriting.....	699	---	594	-105

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
RETLP administrative expenses (transfer to RD)	38,297	39,959	36,382
Total, Rural Electrification and Telecommunications Loans Program Account... (Loan authorization).....	38,996 (7,790,000)	39,959 (6,790,000)	36,976 (7,714,286)
Distance learning, telemedicine, and broadband program:			
Loan authorizations:			
Broadband telecommunications.....	(400,000)	---	(212,014)
Total, Loan authorizations.....	(400,000)	---	(212,014)
Loan subsidies and grants:			
Distance learning and telemedicine:			
Grants.....	32,435	30,000	21,000
Broadband telecommunications:			
Direct.....	22,276	---	6,000
Grants.....	13,379	17,976	10,372
Total, Loan subsidies and grants.....	68,090	47,976	37,372
Total, Rural Utilities Service..... (Loan authorization).....	635,030 (9,163,263)	576,913 (7,572,000)	587,348 (8,719,882)
Total, Title III, Rural Development Programs.... (By transfer)..... (Loan authorization).....	2,430,776 (496,702) (35,866,118)	2,201,834 (456,679) (33,817,638)	2,250,233 (471,866) (36,146,023)

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE IV - DOMESTIC FOOD PROGRAMS				
Office of the Under Secretary for Food, Nutrition and Consumer Services.....	811	828	770	-41
Food and Nutrition Service:				
Child nutrition programs.....	12,042,407	18,770,571	18,150,176	+6,107,769
Competitive grants.....	---	5,000	---	---
School breakfast program grants.....	---	10,000	1,000	+1,000
Childhood Hunger challenge grants.....	---	25,000	---	---
Transfer from section 32.....	5,277,574	---	---	-5,277,574
.2 Percent (rescission) (discretionary).....	-48	---	---	+48
Total, Child nutrition programs.....	17,319,933	18,810,571	18,151,176	+831,243
Special supplemental nutrition program for women, infants, and children (WIC).....	6,734,027	7,390,100	6,618,497	-115,530
Supplemental nutrition assistance program: (Food stamp program).....	65,206,790	68,173,308	77,401,722	+12,194,932
Reserve.....	---	5,000,000	3,000,000	+3,000,000
Center for Nutrition Policy and Promotion.....	---	1,500	---	---
Grants to States and technical assistance.....	---	9,000	---	---
.2 Percent (rescission) (discretionary).....	-97	---	---	+97
Total, Food stamp program.....	65,206,693	73,183,808	80,401,722	+15,195,029

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Commodity assistance program:			
Commodity supplemental food program.....	175,697	176,788	176,788
Farmers market nutrition program.....	19,960	20,000	16,548
Emergency food assistance program.....	49,401	50,000	48,000
Pacific island and disaster assistance.....	1,068	1,081	1,000
IT modernization and support.....	---	1,750	---
Total, Commodity assistance program.....	246,126	249,619	242,336
Nutrition programs administration.....	147,505	170,471	138,500
Total, Food and Nutrition Service.....	89,654,284	99,804,569	105,552,231
Total, Title IV, Domestic Food Programs.....	89,655,095	99,805,397	105,553,001
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS			
Foreign Agricultural Service			
Salaries and expenses.....	185,628	229,730	176,347
(Transfer from export loans).....	(6,452)	(6,465)	(6,465)
Total, Salaries and expenses.....	192,080	236,195	182,812
Food for Peace Title I Direct Credit and Food for Progress Program Account, Administrative Expenses Farm Service Agency, Salaries and expenses (transfer to FSA).....	2,806	2,812	2,500
Food for Peace Title II Grants: Expenses.....	1,497,000	1,690,000	1,466,000
			-31,000

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Commodity Credit Corporation Export Loans				
Program Account (administrative expenses):				
Salaries and expenses (Export Loans):				
General Sales Manager (transfer to FAS).....	6,452	6,465	6,465	+13
Farm Service Agency S&E (transfer to FSA).....	354	355	355	+1
Total, CCC Export Loans Program Account.....	6,806	6,820	6,820	+14
McGovern-Dole international food for education and child nutrition program grants.....	199,101	200,500	184,000	-15,101
Total, Title V, Foreign Assistance and Related Programs.....	1,891,341	2,129,862	1,835,667	-55,674
(By transfer).....	(6,452)	(6,465)	(6,465)	(+13)
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Food and Drug Administration				
Salaries and expenses, direct appropriation.....	2,447,021	2,730,910	2,497,021	+50,000
Prescription drug user fees.....	(667,057)	(856,041)	(702,172)	(+35,115)
Medical device user fees.....	(61,860)	(67,118)	(57,605)	(-4,255)
Animal drug user fees.....	(19,448)	(21,768)	(21,768)	(+2,320)
Generic animal drug user fees	(5,397)	(5,706)	(5,706)	(+309)
Tobacco product user fees	(450,000)	(477,000)	(477,000)	(+27,000)
Food and Feed Export Certification user fees.....	---	(12,364)	(12,364)	(+12,364)
Food Reinspection fees.....	---	(14,700)	(14,700)	(+14,700)

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Voluntary qualified importer program fees.....	---	(36,000)	---	---
Subtotal (including user fees).....	(3,650,783)	(4,221,607)	(3,788,336)	(+137,553)
Mammography user fees.....	(19,318)	(19,318)	(19,318)	---
Export certification user fees.....	(10,400)	(10,400)	(11,667)	(+1,267)
Voluntary qualified importer program fees.....	---	---	(71,066)	(+71,066)
Subtotal, FDA (with user fees).....	(3,680,501)	(4,251,325)	(3,890,387)	(+209,886)
FDA New User Fees (Leg. proposals):				
Generic drug review user fees	---	(40,122)	---	---
Reinspection fees.....	---	(14,108)	---	---
International express courier import fees.....	---	(5,338)	---	---
Subtotal, FDA new user fees (Leg Proposals)	---	(59,568)	---	---
Buildings and facilities.....	9,980	13,055	8,788	-1,192
Total, FDA (w/user fees, including proposals)...	(3,690,481)	(4,323,948)	(3,899,175)	(+208,694)
Total, FDA (w/enacted user fees only).....	(3,690,481)	(4,264,380)	(3,899,175)	(+208,694)
Total, FDA (excluding user fees).....	2,457,001	2,743,965	2,505,809	+48,808

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
INDEPENDENT AGENCIES				
Commodity Futures Trading Commission 1/.....	202,270	308,000	205,294	+3,024
Financial regulation user fees (leg proposal).....	---	(117,000)	---	---
Farm Credit Administration (limitation on administrative expenses).....	(59,400)	(62,000)	(61,000)	(+1,600)
Total, Title VI, Related Agencies and Food and Drug Administration.....	2,659,271	3,051,965	2,711,103	+51,832
TITLE VII - GENERAL PROVISIONS				
Limit fruit and vegetable program (Sec.718).....	-117,000	-114,478	-133,000	-16,000
Section 32 (rescission) (Sec.718).....	---	---	-150,000	-150,000
Forestry Incentives program (Sec.722) (rescission)....	---	---	-6,017	-6,017
Great Plains Conservation (Sec.722) (rescission).....	---	---	-547	-547
Supplemental Nutrition Assistance Program Employment and Training (rescission) (Sec.723).....	-15,000	---	-11,000	+4,000
Limit Conservation stewardship (Sec.728(1)).....	-39,000	-2,000	-76,516	-37,516
Limit Dam Rehab (Sec.728(2)).....	-165,000	-165,000	-165,000	---
Limit Environmental Quality Incentives program (Sec.728(3)).....	-350,000	-342,000	-350,000	---
Limit Farmland Protection program (Sec.728(4)).....	---	---	-50,000	-50,000
Limit Grasslands reserve (Sec.728(5)).....	---	-50,000	-30,000	-30,000
Limit Wetlands reserve (Sec.728(6)).....	-119,000	-9,000	-200,000	-81,000
Limit Wildlife habitat incentives (Sec.728(7)).....	---	-12,000	-35,000	-35,000
Limit Voluntary Public Access program (Sec.728(8))....	---	---	-17,000	-17,000
Limit Biomass Crop Assistance program (Sec.728(9))....	-134,000	---	-28,000	+106,000
Limit Bioenergy Program for Advanced Biofuels (Sec.728(10)).....	---	---	-40,000	-40,000

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Limit Renewable Energy for America (Sec.728(11)).....	---	---	-48,000	-48,000
Limit Microenterprise investment program (Sec.728(12))	---	---	-3,000	-3,000
Limit Crop Insurance Good Performance (Sec.728(13))...	-25,000	---	-25,000	---
Limit Agriculture management assistance (section 1524) (Sec.728(14)).....	---	-5,000	-5,000	-5,000
Hardwood Trees (Reforestation Pilot Program).....	639	---	600	-39
Geographic Disadvantaged farmers	1,996	---	1,996	---
Agricultural Research Service, Buildings and and facilities (rescission).....	-229,582	-223,749	---	+229,582
Broadband loan balances (rescission).....	-39,000	---	---	+39,000
NIFA, Buildings and Facilities (rescission).....	-1,037	-1,037	-2,490	-1,453
Wildlife Habitat Incentives unobligated (rescission)..	---	-10,188	---	---
Water Bank Act unobligated (rescission).....	---	-745	---	---
NRCS expired accounts (rescission).....	-13,937	---	---	+13,937
Outreach for socially disadvantaged farmers (rescission).....	-2,137	---	---	+2,137
Rural community advancement program (rescission).....	-993	---	---	+993
Agriculture Marketing Services (rescission).....	-717	---	---	+717
Common Computing Environment (rescission).....	-3,111	---	---	+3,111
Animal and Plant Health Inspection Service (APHIS) Buildings and Facilities (rescission).....	-629	---	---	+629
Agriculture Buildings and Facilities (rescission).....	-45,000	---	---	+45,000
Animal and Plant Health Inspection Service (APHIS) (rescission).....	-10,887	---	---	+10,887
Broadband grants (rescission).....	-25,000	---	---	+25,000
Export credit (rescission).....	-331,000	---	---	+331,000
Trade Adjustment Assistance for for Farmers (Sec.729) (rescission).....	---	---	-90,000	-90,000
Limit Emergency Food Assistance program (Sec.730).....	---	---	---	---
OAO (rescission).....	---	---	-4,000	-4,000

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
Ocean freight (rescission).....	---	---	-3,235	-3,235
P.L. 480 Title I (rescission).....	---	---	-2,336	-2,336
Foreign Currency Program (rescission).....	---	---	-273	-273
Export credit (rescission).....	---	---	-20,237	-20,237
Water Bank.....	---	---	7,500	+7,500
Emergency Conservation Program (Disaster Relief).....	---	---	122,700	+122,700
Emergency Forest Restoration (Disaster Relief).....	---	---	28,400	+28,400
Emergency Watershed Protection (Disaster Relief).....	---	---	215,900	+215,900
Total, Title VII, General provisions.....	-1,664,395	-935,197	-1,118,555	+545,840
Grand total 1/.....	125,351,558	132,586,780	137,045,667	+11,694,109
Appropriations.....	(126,276,588)	(133,064,293)	(137,123,802)	(+10,847,214)
Rescissions.....	(-925,030)	(-477,513)	(-445,135)	(+479,895)
Disaster relief 2/.....	---	---	(367,000)	(+367,000)
(By transfer).....	(831,347)	(799,540)	(790,970)	(-40,377)
(Loan authorization).....	(40,517,401)	(38,564,728)	(40,933,113)	(+415,712)
(Limitation on administrative expenses).....	(172,847)	(179,101)	(177,101)	(+4,254)

1/ Includes CFTC funding for FY2011

provided in Financial Services and General

Government Appropriations Act

2/ Budget Control Act 2011 (Sec.251(b)(2)(D)/PL111-25)

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
RECAPITULATION				
Title I - Agricultural programs.....	29,490,110	25,433,361	24,970,211	-4,519,899
Mandatory.....	(22,604,683)	(18,293,475)	(18,293,475)	(-4,311,208)
Discretionary.....	(6,885,427)	(7,139,886)	(6,676,736)	(-208,691)
Title II - Conservation programs (discretionary).....	889,360	899,558	844,007	-45,353
Title III - Rural development (discretionary).....	2,430,776	2,201,834	2,250,233	-180,543
Title IV - Domestic food programs	89,655,095	99,805,397	105,553,001	+15,897,906
Mandatory.....	(82,526,771)	(91,943,879)	(98,551,898)	(+16,025,127)
Discretionary.....	(7,128,324)	(7,861,518)	(7,001,103)	(-127,221)
Title V - Foreign assistance and related programs (discretionary).....	1,891,341	2,129,862	1,835,667	-55,674
Title VI - Related agencies and Food and Drug Administration (discretionary).....	2,659,271	3,051,965	2,711,103	+51,832
Title VII - General provisions (discretionary).....	-1,664,395	-935,197	-1,118,555	+545,840
Total 1/.....	125,351,558	132,586,780	137,045,667	+11,694,109
1/ Includes CFTC funding for FY2011 provided in Financial Services and General Government Appropriations Act				

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

The committee of conference approves report language included in House Report 112-169 or Senate Report 112-78 that is not changed by the conference. The statement of managers, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly. In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

The conferees expect that each department and agency funded in this Act shall follow the directions set forth in this Act and the accompanying statement, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to funds provided in this Act, unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2012, and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2012. These procedures are specified in section 505 of this Act.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. Any program, project or activity cited in the statement accompanying this conference agreement, or in the accompanying reports of the House or Senate and not changed by the conference, shall be construed as the position of the conference and shall not be subject to reductions or reprogramming without prior approval of the Committees. The conferees further expect any department or agency funded in this Act which plans a reduction-in-force to notify by letter the Appropriations Committees of the House and Senate 30 days in advance of the date of any such planned personnel action.

The conferees note that when a department or agency submits a reprogramming or transfer request to the Appropriations Committees of the House and Senate and does not receive identical responses by the House and Senate, it shall be the responsibility of the department or agency seeking the reprogramming to reconcile the difference between the two bodies before proceeding. If reconciliation is not possible, the items in disagreement in the reprogramming or transfer request shall be considered unapproved.

In compliance with section 538 of this Act, the conferees direct the Departments of Commerce and Justice, the National Aeronautics and Space Administration and the National Science Foundation to submit spending plans, signed by the respective department or agency head, for the Committees' review within 45 days of enactment of this Act.

TITLE I

DEPARTMENT OF COMMERCE

Reporting requirements.—Unless specifically noted in the following narrative, the conferees adopt by reference all House and Senate language regarding reports requested throughout Title I. These reports shall be submitted to the Committees on Appropriations within 120 days of enactment of this Act.

INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

The conference agreement includes \$465,000,000 in total resources for the programs of the International Trade Administration (ITA). This amount is offset by \$9,439,000 in estimated fee collections, resulting in a direct appropriation of \$455,561,000.

Travel reports.—The conferees do not adopt House language regarding quarterly reports on ITA employee travel to China. Additional direction on this matter is included in the Departmental Management heading. Instead, per section 112 of this Act, the conferees direct the Secretary to provide monthly reports to the Committees on Appropriations, beginning with October 1, 2011 data, including separate breakouts of funding by bureau, the number of trips, and purposes of travel to China. The conferees expect the first such monthly report to be provided within 30 days of enactment of this Act and within 30 days of the end of each subsequent month.

BUREAU OF INDUSTRY AND SECURITY OPERATIONS AND ADMINISTRATION

The conference agreement includes \$101,000,000 for the Bureau of Industry and Security.

ECONOMIC DEVELOPMENT ADMINISTRATION

The conference agreement includes \$457,500,000 for the programs and administrative expenses of the Economic Development Administration (EDA).

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes \$420,000,000 for Economic Development Assistance Programs, including \$200,000,000 for disaster assistance in response to natural disaster declarations during fiscal year 2011. Of the amounts provided for non-disaster programs, funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

Public Works	\$111,640,000
Planning	29,000,000
Technical Assistance	12,000,000
Research and Evaluation ...	1,500,000
Trade Adjustment Assistance	15,800,000
Economic Adjustment Assistance	50,060,000
Total	\$220,000,000

Repatriation grants.—The conference agreement includes funds as proposed by the House for EDA to use its programs as a source for working with U.S. companies to bring their services, manufacturing, and/or research and development activities back to economically distressed regions in the United States.

Technical Assistance.—The conference agreement does not adopt House report language directing that EDA provide a review of the University Center program. Instead, the conferees direct the Secretary of Commerce to commission an independent review of the University Center program within 60 days of enactment of this Act. This review shall gather information requested in both House and Senate reports with respect to an evaluation of the University Center program.

Trade Adjustment Assistance.—The conferees note that funds provided under this activity are for manufacturing firms negatively impacted by import competition.

Economic Adjustment Assistance (EAA).—The conference agreement includes funding for new loan guarantee programs as authorized

under sections 26 and 27 of the America COMPETES Act (P.L. 111-358). The America COMPETES Act includes a number of safeguards with respect to these programs and the conferees expect EDA to rigorously abide by the requirements outlined in this legislation under 15 U.S.C. 3721 and 15 U.S.C. 3722. Specifically, the Secretary, in consultation with the Office of Management and Budget, shall implement accountability measures that strongly protect the financial interest of the United States. Finally, the conferees encourage EDA to use a portion of the funds provided in this Act for programs authorized under section 27 of the America COMPETES Act for science parks. The conferees do not adopt the Senate's separate account line for Regional Innovation Partnerships and instead encourage EDA to support such activities from within the EAA program. In addition, the conference agreement includes up to \$1,000,000 to support innovative, energy efficient grant programs for small businesses. The conferees remind EDA to ensure that award decisions are made at the regional level rather than at headquarters, that award decisions reflect geographic equity and that rural areas are among those chosen when awarding EDA funding.

Base realignment and closure.—The conference agreement does not adopt Senate language regarding base realignment and closure matters.

SALARIES AND EXPENSES

The conference agreement includes \$37,500,000 for EDA salaries and expenses.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes \$30,339,000 for the Minority Business Development Agency.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conference agreement includes \$96,000,000 for the Economics and Statistics Administration.

BUREAU OF THE CENSUS

The conference agreement includes \$888,336,000 in direct appropriations for the Bureau of the Census plus \$55,000,000 from the Census Working Capital fund for a total program level of \$943,336,000.

SALARIES AND EXPENSES

The conference agreement includes \$253,336,000 for the salaries and expenses of the Bureau of the Census.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement includes a total of \$690,000,000 for periodic censuses and programs, including \$635,000,000 in direct appropriations and \$55,000,000 from available Census Working Capital Fund balances.

NATIONAL TELECOMMUNICATIONS AND

INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes \$45,568,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA).

Spectrum interference issues.—The conferees adopt by reference House report language regarding the Global Positioning System and direct NTIA to report to the Committees on Appropriations within 60 days of enactment of this Act.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes language making recoveries and unobligated balances of funds previously appropriated

available for the administration of open grants.

UNITED STATES PATENT AND TRADEMARK
OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes language making available to the United States Patent and Trademark Office (PTO) the full amount of fiscal year 2012 fee collections. The conferees note that PTO has revised its fee estimates downward twice since September 1, 2011, and now estimates that it will collect \$2,516,000,000 or \$190,313,000 less than the President's request of \$2,706,313,000. The conference agreement appropriates all PTO fees in accordance with section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (P. L. 112-29) and includes language making available to the PTO any excess fee collections above the amount appropriated, subject to section 505 reporting requirements in this Act. The conference agreement does not include a general provision carried in previous years prohibiting funds to issue patents on claims directed to or encompassing a human organism. This language is no longer necessary as a similar permanent prohibition was enacted in the Leahy-Smith America Invents Act.

National security concerns.—The conferees adopt by reference House report language regarding the need to update security procedures for patent applications that have national security implications and direct PTO to report to the Committees on Appropriations within 60 days of enactment of this Act regarding practices currently used by third parties to safeguard sensitive patent applications. This report shall provide a framework for suggested improvements for security standards used in the private sector.

Establishment of satellite offices.—The conferees encourage PTO to establish satellite offices in areas that are advantageous to both PTO and its customers.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY

The conference agreement includes \$750,824,000 for the National Institute of Standards and Technology (NIST).

SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

The conference agreement includes \$567,000,000 for NIST's scientific and technical core programs, including \$10,000,000 for a Cybersecurity Center of Excellence and \$16,500,000 for the National Strategy for Trusted Identities in Cyberspace. The conferees do not adopt Senate language regarding specific direction pertaining to greenhouse gas measurements but do encourage NIST to pursue research in this area.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes \$128,443,000 for the Hollings Manufacturing Extension Partnership Program.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement includes \$55,381,000 for NIST construction. The conferees do not adopt House language designating funds for ongoing construction projects but expect NIST to continue to submit quarterly reports on the status of all construction projects as directed by the Senate.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

The conference agreement includes a total of \$4,893,675,000 in discretionary funds for the National Oceanic and Atmospheric Administration (NOAA). The conference agreement does not establish a NOAA Climate Service as proposed by the Senate.

NATIONAL OCEAN SERVICE

Operations, Research, and Facilities
(In thousands of dollars)

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a total program level of \$3,139,329,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of NOAA. This total funding level includes: \$3,022,231,000 in direct appropriations; a transfer of \$109,098,000 from balances in the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" account; and \$8,000,000 derived from recoveries of prior year obligations.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act.

National Ocean Service.—The conference agreement includes \$465,662,000 for National Ocean Service operations, research, and facilities. The conferees adopt by reference Senate report language regarding Integrated Ocean and Coastal Mapping but clarify that NOAA must ensure that proprietary and/or commercially-important fisheries data is kept confidential or is used only in aggregate datasets.

Response and Restoration.—The conferees adopt by reference House report language regarding the funds NOAA expects to receive from BP in response to the Deepwater Horizon oil spill in the Gulf of Mexico and direct NOAA to submit a spending plan to the Committees on Appropriations within 90 days of enactment of this Act. The conferees adopt by reference House report language regarding the Gulf of Mexico Disaster Response Center and direct NOAA to provide a report to the Committees on Appropriations within 60 days of enactment of this Act.

Program	Conference
Navigation Services:	
Mapping and Charting:	
Mapping and Charting Base	\$49,700
Hydrographic Research and Technology Development	7,305
Electronic Navigational Charts	6,088
Shoreline Mapping	2,310
Address Survey Backlog/Contracts	28,973
Subtotal, Mapping and Charting	94,376
Geodesy:	
Geodesy	26,647
National Height Modernization	2,495
Subtotal, Geodesy	29,142
Tide and Current Data:	
Tide and Current Data	27,530
Subtotal, Tide and Current Data	27,530
Total, Navigation Services	151,048
Ocean Resources Conservation and Assessment:	
Ocean Assessment Program:	
Integrated Ocean Observing System (IOOS)	31,055
NOAA IOOS	6,595
Coastal Services Center	37,099
Coral Reef Program	26,746
Subtotal, Ocean Assessment Program	101,495
Response and Restoration:	
Response and Restoration Base	21,531
Estuary Restoration Program	1,000

NATIONAL OCEAN SERVICE—Continued

Operations, Research, and Facilities
(In thousands of dollars)

Program	Conference
Marine Debris	5,000
Subtotal, Response and Restoration	27,531
National Centers for Coastal Ocean Science (NCCOS):	
National Centers for Coastal Ocean Science	36,000
Competitive Research	11,061
Subtotal, NCCOS	47,061
Total, Ocean Resources Conservation and Assessment	176,087
Ocean and Coastal Management:	
Coastal Management:	
CZM Grants	66,146
CZM and Stewardship	8,000
Regional Ocean Partnership Grants	3,500
National Estuarine Research Reserve System	22,281
Marine Protected Areas	2,000
Marine Sanctuary Program	47,600
Total, Ocean and Coastal Management	149,527
Undistributed Reduction	(11,000)
Total, National Ocean Service—ORF	\$465,662

National Marine Fisheries Service (NMFS).—The conference agreement includes \$794,210,000 for NMFS operations, research, and facilities.

Fisheries Research and Management.—The conference agreement does not include Senate report language specifying that priority shall be given to international Regional Fishery Management Organizations but instead notes that resources are provided for NMFS to update stock assessments and conduct surveys in fisheries around the U.S. The conferees encourage NMFS to engage the American lobster industry in conducting research and surveys.

Infectious Salmon Anemia.—Not later than six months after enactment of this Act, the National Aquatic Animal Health Task Force shall submit to the Senate Committee on Commerce, Science, and Transportation, the House Committee on Natural Resources and the House and Senate Committees on Appropriations a report assessing the risk Infectious Salmon Anemia poses to wild Pacific

salmon and the coastal economies which rely on these fish. For this report, the Task Force shall establish Infectious Salmon Anemia research objectives, in collaboration with the Government of Canada, and Federal, State, and tribal governments, including the Department of Fish and Wildlife of Washington and the Department of Fish and Game of Alaska, to assess: (1) the prevalence of Infectious Salmon Anemia in both wild and aquaculture salmonid populations throughout Alaska, Washington, Oregon, California, and Idaho; (2) genetic susceptibility by population and species; (3) susceptibility of populations to Infectious Salmon Anemia from geographic and oceanographic factors; (4) potential transmission pathways between infectious Canadian sockeye and uninfected salmonid populations in United States waters; (5) management strategies to rapidly respond to potential Infectious Salmon Anemia outbreaks in both wild and aquaculture populations, including securing the water supplies at conservation hatcheries to pro-

tect hatchery fish from exposure to the Infectious Salmon Anemia virus present in incoming surface water; (6) potential economic impacts of Infectious Salmon Anemia; (7) any role foreign salmon farms may have in spreading Infectious Salmon Anemia to wild populations; (8) the identity of any potential Federal, State, tribal, and international research partners; (9) available baseline data, including baseline data available from a collaborating entity; and (10) other Infectious Salmon Anemia research priorities, as determined by the Task Force.

National Research Council review.—The conferees do not adopt House report language regarding a National Research Council review but instead direct NOAA to report to the Committees on Appropriations and the appropriate authorizing committees within 60 days of enactment of this Act regarding appropriate efforts to address the concerns outlined in the letter referenced in the House report.

NATIONAL MARINE FISHERIES SERVICE

Operations, Research, and Facilities
(In thousands of dollars)

Program	Conference
Protected Species Research and Management:	
Protected Species Research and Management Programs Base	\$39,850
Species Recovery Grants	2,797
Marine Mammals	49,653
Marine Turtles	12,887
Other Protected Species (Marine Fish, Plants, and Invertebrates)	7,038
Atlantic Salmon	5,660
Pacific Salmon	58,566
Subtotal, Protected Species Research and Management	176,451
Fisheries Research and Management:	
Fisheries Research and Management Programs	179,000
National Catch Share Program	28,000
Expand Annual Stock Assessments / Improve Data Collection	63,764
Economics and Social Sciences Research	7,657
Salmon Management Activities	37,451
Regional Councils and Fisheries Commissions	31,855
Fisheries Statistics	23,224

NATIONAL MARINE FISHERIES SERVICE—Continued

Operations, Research, and Facilities
(In thousands of dollars)

Program	Conference
Fish Information Networks	22,087
Survey and Monitoring Projects	21,779
Fisheries Oceanography	2,147
American Fisheries Act	3,888
Interjurisdictional Fisheries Grants	1,157
National Standard 8	1,000
Reduce Fishing Impacts on Essential Fish Habitat	374
Reducing Bycatch	3,428
Product Quality and Safety	6,212
Subtotal, Fisheries Research and Management	433,023
Enforcement and Observers / Training:	
Enforcement	66,825
Observers / Training	41,074
Subtotal, Enforcement and Observers / Training	107,899
Habitat Conservation and Restoration:	
Sustainable Habitat Management	20,958
Fisheries Habitat Restoration	22,229
Subtotal, Habitat Conservation and Restoration	43,187
Other Activities Supporting Fisheries:	
Antarctic Research	1,645
Aquaculture	5,593
Climate Regimes and Ecosystem Productivity	1,747
Computer Hardware and Software	1,796
Cooperative Research	11,000
Information Analyses and Dissemination	15,377
Marine Resources Monitoring, Assessment and Prediction Program	504
National Environmental Policy Act	6,467
NMFS Facilities Maintenance	3,293
Regional Studies	10,228
Subtotal, Other Activities Supporting Fisheries	57,650
Undistributed Reduction	(24,000)
Total, National Marine Fisheries Service—ORF	\$794,210

Oceanic and Atmospheric Research.—The conference agreement includes \$376,575,000 for Oceanic and Atmospheric Research operations, research, and facilities.

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH

Operations, Research, and Facilities
(In thousands of dollars)

Program	Conference
Climate Research:	
Laboratories and Cooperative Institutes	\$53,483
Climate Data and Information	10,439
Competitive Research Program	120,000
Climate Operations	911
Total, Climate Research	184,833
Weather and Air Quality Research:	
Laboratories and Cooperative Institutes	
Laboratories and Cooperative Institutes	54,505
U.S. Weather Research Program	4,273
Tornado Severe Storm Research / Phased Array Radar	10,037
Total, Weather and Air Quality Research	68,815
Ocean, Coastal, and Great Lakes Research:	
Laboratories and Cooperative Institutes	
Laboratories and Cooperative Institutes	24,246
National Sea Grant College Program Base	63,000
Ocean Exploration and Research	26,200
Integrated Ocean Acidification	6,359
Total, Ocean, Coastal, and Great Lakes Research	119,805
Info Tech R&D:	

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH—Continued

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
High Performance Computing Initiatives	9,122
Total, Info Tech R&D	9,122
Undistributed Reduction	(6,000)
Total, Office of Oceanic and Atmospheric Research—ORF	\$376,575

National Weather Service (NWS).—The conference agreement includes \$903,098,000 for NWS operations, research, and facilities. Within NOAA, the conference agreement prioritizes funding for these core life and safety programs.

NWS Operations.—NOAA shall enter into a contract with an independent organization with experience in assessing Federal agencies for the purposes of evaluating efficiencies that can be made to NWS operations. This review shall include consultations with emergency managers and other user groups as well as NWS employees. Any recommended efficiencies should not result in any degradation of service to the communities served by local forecast offices and River Forecast Centers, nor should such recommendations place the safety of the public at greater risk. This review shall not be undertaken until the National Academy of

Sciences completes its review of the NWS modernization, which will include recommendations on the NWS workforce and composition and how NWS can improve current partnerships with Federal and non-Federal partners and incorporate new technologies for improved services. The findings and recommendations of the National Academy of Sciences review should inform this new independent assessment.

National mesonet strategy and operations.—The conferees modify Senate language regarding a national mesonet strategy and operations and instead encourage NOAA to convene a peer-reviewed study to create a national mesonet program plan within NOAA with recommendations for implementation as appropriate. The conference agreement includes \$12,000,000 for the competitive procurement of data to continue the National Mesonet Program, but does not pro-

vide specific funding amounts for mesonet activities as directed by the Senate. Instead, the conferees encourage NOAA to support proposals that can improve forecasting of severe weather within local NWS field offices and can achieve effective collaboration among disparate network operators to promote NOAA's objective of a weather ready nation. NOAA is encouraged to continue competitive programs in this area and to include funding for these activities in subsequent budget requests as appropriate.

Flood forecasts.—The conference agreement does not adopt Senate language directing NOAA to enter into formal agreements with river commissions but does provide increased funding for flood forecasts and encourages NOAA to collaborate with river commissions to continue efforts to ensure that critical data is coordinated and used to provide accurate and timely flood forecasts.

NATIONAL WEATHER SERVICE

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Local Warnings and Forecasts:	
Local Warnings and Forecasts	\$641,343
Air Quality Forecasting	5,445
Data Buoys	1,683
Sustain Cooperative Observer Network	1,871
National Mesonet Network	12,000
NOAA Profiler Network	4,841
Strengthen U.S. Tsunami Warning Network	23,541
Pacific Island Compact	3,715
Subtotal, Local Warnings and Forecasts	694,439
Operations and Research:	
Advanced Hydrological Prediction Services	8,199
Aviation Weather	21,538
WFO Maintenance	7,446
Weather Radio Transmitters	2,297
Central Forecast Guidance	80,771
Subtotal, Operations and Research	120,251
Total, Local Warnings and Forecasts, Operations and Research	814,690
Systems Operation and Maintenance:	
NEXRAD	46,748
Automated Surface Observing Systems	11,302
Advanced Weather Interactive Processing System	39,846
NWS Telecommunication Gateway / CIP	5,512
Total, Systems Operation and Maintenance	103,408
Undistributed Reduction	(15,000)
Total, National Weather Service—ORF	\$903,098

National Environmental Satellite, Data and Information Service.—The conference agreement includes \$180,323,000 for National Environmental Satellite, Data and Information

Service (NESDIS) operations, research and facilities. The conferees provide \$68,750,000 for Data Centers and Information Services, of which \$7,000,000 shall be for Regional Cli-

mate Services and \$4,600,000 is for the National Coastal Data Development Center.

Satellite outyear cost estimates.—The conferees include new bill language limiting an

amount of Operations, Research, and Facilities funding until the NOAA Administrator provides the Committees on Appropriations

with revised and detailed lifecycle costs of all satellite programs.

NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE

Operations, Research, and Facilities
(In thousands of dollars)

Program	Conference
Environmental Satellite Observing Systems	
Satellite Command and Control	\$39,970
NOAA Satellite Operations Facility Operations	7,944
Subtotal, Satellite Command and Control	47,914
Product Processing and Distribution	
Product Processing and Distribution	36,041
Subtotal, Product Processing and Distribution	36,041
Product Development, Readiness and Application	
Product Development, Readiness and Application	20,771
Product Development, Readiness and Application (Ocean Remote Sensing)	4,023
Joint Center / Accelerate Use of Satellites	3,358
Subtotal, Product Development, Readiness and Application	28,152
Commercial Remote Sensing Licensing and Enforcement	1,308
Office of Space Commercialization	653
Group on Earth Observations	505
Total, Environmental Satellite Observing Systems	114,573
Data Centers and Information Services	68,750
Undistributed Reduction	(3,000)
Total, NESDIS—ORF	\$180,323

Program Support.—The conference agreement includes \$419,461,000 for Program Support.

NOAA facilities.—The conferees support the requested level for “NOAA Construction” proposed within the NOAA “Procurement, Acquisition and Construction” account but

instead provide this funding within the NOAA Facilities line as this request is for salaries and expenses (S&E) costs and not construction. NOAA shall request future S&E funding associated with construction within the “Operations, Research, and Facilities” account. The conferees clarify Sen-

ate report language regarding the NOAA Pacific Regional Center in that the conferees understand that NOAA is in the process of building an accompanying child development facility at the NOAA Pacific Regional Center using previously appropriated funds.

PROGRAM SUPPORT

Operations, Research, and Facilities
(In thousands of dollars)

Program	Conference
Corporate Services	
Under Secretary and Associate Offices Base	27,474
Facilities	24,500
NOAA-Wide Corporate Services and Agency Management Base	115,561
DOC Accounting System	10,200
Payment to the DOC Working Capital Fund	41,944
IT Security	11,059
Total, Corporate Services	230,738
NOAA Education Programs	
Competitive Educational Grants and Programs	31,540
Competitive Educational Grants	(8,040)
Ocean Education Partnerships	(2,500)
Geographic Literacy	(2,000)
Education Partnership Program—Minority Serving Institutions	(14,300)
BWET	(7,200)
Subtotal, Corporate Services and Education	262,278
Marine and Aviation Operations and Maintenance	
Marine Services	
Marine Data Acquisition	129,740
Fleet Planning and Maintenance	
Fleet Planning and Maintenance	22,035
Subtotal, Fleet Planning and Maintenance	22,035

PROGRAM SUPPORT—Continued

Operations, Research, and Facilities
(In thousands of dollars)

Program	Conference
Subtotal, Marine Operations and Maintenance	151,775
Aviation Operations	
Aircraft Services	29,358
Subtotal, Aviation Operations	29,358
Subtotal, Marine and Aviation Operations and Maintenance—ORF	181,133
Undistributed Reduction	(23,950)
Total, Program Support—ORF	\$419,461

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes a total program level of \$1,825,094,000 in direct obligations under this heading, of which \$1,817,094,000 is appropriated from the general fund and \$8,000,000 is derived from recoveries of prior year obligations. The following narrative description and table identifies the specific activities and funding levels included in this Act:

Joint Polar Satellite System (JPSS).—The conferees adopt by reference all House and Senate report language regarding JPSS with the exception of Senate report language regarding a lifecycle cost cap. Instead, the conferees direct NOAA to provide outyear funding estimates for this program prior to submission of the fiscal year 2013 budget request. The conferees note that new bill language is included in NOAA's Operations, Re-

search, and Facilities account which limits the amount of funds that NOAA may obligate pending submission of a revised spend plan for JPSS and NOAA's other satellite programs. Further, the conferees direct NOAA to outline a framework for developing a compensation policy that would enable NOAA to be reimbursed as appropriate for the use of specialized data products derived from NOAA satellite imagery and data.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(In thousands of dollars)

Program	Conference
National Ocean Service	
CELCP Acquisition	
Coastal and Estuarine Land Conservation Program	\$5,000
Subtotal, NOS Acquisition	5,000
NERRS Construction	
National Estuarine Research Reserve Construction (NERRS)	1,690
Subtotal, NERRS Construction	1,690
Marine Sanctuaries Construction	
Marine Sanctuaries Base	5,495
Subtotal, Marine Sanctuary Construction	5,495
Subtotal, NOS Construction	7,185
Total, National Ocean Service—PAC	12,185
Oceanic and Atmospheric Research	
Systems Acquisition	
Research Supercomputing/CCRI	10,358
Subtotal, OAR Systems Acquisition	10,358
Total, Oceanic and Atmospheric Research—PAC	10,358
National Weather Service	
Systems Acquisition	
ASOS	1,635
AWIPS	24,364
NEXRAD	5,819
NWSRG Legacy Replacement	1,195
Radiosonde Network Replacement	4,014
Weather and Climate Supercomputing	40,169
Cooperative Observer Network Modernization (NERON)	3,727
Complete and Sustain NOAA Weather Radio	5,594
NOAA Profiler Conversion	5,480
Subtotal, NWS Systems Acquisition	91,997
Construction	
WFO Construction	3,150
NWS WFO Construction	3,150

PROCUREMENT, ACQUISITION AND CONSTRUCTION—Continued

[In thousands of dollars]

Program	Conference
Total, National Weather Service—PAC	95,147
National Environmental Satellite, Data, and Information Service	
Systems Acquisition	
Geostationary Systems—N	33,967
Geostationary Systems—R	617,390
Polar Orbiting Systems—POES	34,632
JASON-3	20,000
Joint Polar Satellite System (formerly NPOESS)	924,014
DSCOVR	30,100
EOS and Advanced Polar Data Processing	990
CIP—single point of failure	2,772
Comprehensive Large Array Data Stewardship System (CLASS)	6,476
NPOESS Preparatory Data Exploitation	4,455
Restoration of Climate Sensors	28,880
Subtotal, NESDIS Systems Acquisition	1,703,676
Construction	
Satellite CDA Facility	2,228
Subtotal, NESDIS Construction	2,228
Total, National Environmental Satellite, Data, and Information Service—PAC	1,705,904
Office of Marine and Aviation Operations	
OMAO—Fleet Replacement	
Fleet Capital Improvements and Tech Infusion	11,100
New Vessel Construction	1,400
Subtotal, OMAO Fleet Replacement	12,500
Total, Office of Marine and Aviation Operations—PAC	12,500
Undistributed Reduction	(11,000)
GRAND TOTAL, PAC	\$1,825,094

PACIFIC COASTAL SALMON RECOVERY

The conference agreement includes \$65,000,000 for Pacific Coastal Salmon Recovery.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes \$350,000 for the Fishermen's Contingency Fund.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement includes language under this heading limiting obligations of direct loans to \$24,000,000 for Individual Fishing Quota loans and \$59,000,000 for traditional direct loans.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes \$57,000,000 for Departmental Management salaries and expenses.

Cybersecurity.—The conferees adopt House and Senate report language regarding establishment of a cybersecurity center and expect that each bureau will contribute a prorated amount as directed by the House and that a portion of funds realized from data center consolidation will be used in the effort as directed by the Senate.

Cyber-espionage.—The conferees adopt by reference House report language regarding certification of information technology systems but include this reporting requirement as a new general provision in title V of this Act. The Secretary shall report to the Committees on Appropriations on all such determinations, and the process used to arrive at such determinations, on a quarterly basis beginning 30 days following the second quarter of fiscal year 2012.

Travel reports.—In lieu of the House report language regarding travel of ITA employees

the conferees instead expand this language as a Department-wide general provision in this title and direct the Secretary to provide monthly reports to the Committees on Appropriations, beginning with October 1, 2011, data, including separate breakouts of funding by bureau, the number of trips, and purposes of travel to China. The conferees expect the first such monthly report to be provided within 30 days of enactment of this Act and within 30 days of the end of each subsequent month.

Cooperatives.—The conferees adopt by reference House report language regarding cooperatives and clarify that the language shall be interpreted as referring to business cooperatives.

RENOVATION AND MODERNIZATION

The conference agreement includes \$5,000,000 for continuing renovation activities at the Herbert C. Hoover Building.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$26,946,000 for the Office of Inspector General. The conferees adopt Senate language transferring \$1,000,000 each from the Bureau of the Census, the PTO and the NOAA PAC account for audits and reviews of these programs.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING RESCISSION)

The conferees adopt the following general provisions for the Department of Commerce:

Section 101 makes funds available for advanced payments only upon certification of officials, designated by the Secretary, that such payments are considered to be in the public interest.

Section 102 makes appropriations for Department salaries and expenses available for hire of passenger motor vehicles, for services, and for uniforms and allowances as authorized by law.

Section 103 provides the authority to transfer funds between Department of Commerce appropriation accounts and requires 15 days advance notification to the Committees on Appropriations for certain actions.

Section 104 provides that any costs incurred by the Department in response to funding reductions shall be absorbed within the total budgetary resources available to the Department and shall be subject to the reprogramming limitations set forth in this Act.

Section 105 updates Congressional notification requirements for NOAA satellite programs.

Section 106 provides for reimbursement for services within Department of Commerce buildings.

Section 107 clarifies that grant recipients under the Department of Commerce may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

Section 108 provides the Administrator with the authority to avail NOAA of needed resources, with the consent of those supplying the resources, to carry out responsibilities of any statute administered by NOAA.

(RESCISSION)

Section 109 rescinds all balances in the Coastal Zone Management Fund.

Section 110 establishes a fisheries enforcement asset forfeiture fund.

Section 111 establishes a sanctuaries enforcement asset forfeiture fund.

Section 112 establishes a reporting requirement requiring Commerce to provide a monthly report on any official travel to China by any Commerce employee.

Section 113 includes a provision regarding the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes \$110,822,000 for General Administration, Salaries and Expenses.

Terrorism.—The conferees are concerned that the lack of a current policy on terrorist detention may be a disincentive to the capture and interrogation of terrorist suspects, thereby depriving the Department of Justice (DOJ) and other agencies of critical intelligence that could inform and improve counterterrorism efforts. The conferees note that the Attorney General co-chaired the Special Interagency Task Force on Detainee Disposition that was tasked with reviewing policies for the detention of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations. The conferees direct the Department, in consultation with other appropriate Federal agencies, to provide to the Committees on Appropriations, not later than 120 days after the enactment of this Act, an unclassified report on U.S. detention policy, including the legal basis for such policy, as it applies to current and future terrorism detainees. If appropriate, such report may be accompanied by a classified annex.

Prison Rape Elimination Act (PREA).—The conferees affirm language in the House report directing the Department to publish, as soon as possible, a final rule adopting national standards for the detection, prevention, reduction and punishment of prison rape, as mandated by the PREA. Upon adoption of the national standards, the Committees on Appropriations will further examine how the Department will continue efforts to provide assistance in the form of training, technical assistance and implementation grants to assist State, local and tribal jurisdictions in achieving compliance with PREA national standards.

With respect to auditing PREA compliance, the conferees strongly encourage the Department to follow the recommendations of the PREA Commission for the reasons outlined in the House report. In addition, the conferees concur with the Commission's proposed standard requiring correctional facilities to make use of cost-effective and appropriate monitoring technologies.

Obscenity enforcement.—The conferees note the concern expressed in the House report regarding the Department's incorporation of the responsibilities of the Obscenity Prosecution Task Force into the Child Exploitation and Obscenity Section of the Criminal Division. The conferees support the work of the Department in investigating and prosecuting major producers and distributors of hardcore adult pornography that meets the test for obscenity, as defined by the Supreme Court, and expect that the responsibilities that had been assigned to the Task Force will not be diminished by this reorganization. The conferees direct the Department to submit a report not later than 120 days after the enactment of this Act on its adult obscenity investigation and prosecution work-

load statistics and accomplishments, including a comparison of workload statistics and accomplishments during the existence of the Obscenity Prosecution Task Force, and in the period of time following its incorporation into the Child Exploitation and Obscenity Section of the Criminal Division.

Gulf Cost Claims Facility (GCCF).—The conference agreement includes language under section 220 requiring that the Department identify an independent auditor to carry out an evaluation of the GCCF. This evaluation should include assessments of matters such as the claims determination methodologies employed by the GCCF and the qualifications of its personnel. The conferees encourage the Department to consult with the Government Accountability Office (GAO) in identifying an auditor.

International Organized Crime (IOC) strategy.—The conferees support the Department's goal of disrupting and dismantling international criminal organizations that pose the greatest threat to the United States. Given current and anticipated future budget constraints, however, it will be difficult for the Department to set aside funding to expand and enhance the IOC Intelligence and Operations Center (IOC-2), the Organized Crime Council Program Support Office, and IOC resources from other Justice components without impacting staffing levels. If the IOC initiative continues to be a priority in future requests, the Department should develop a strategy for funding this program somewhere other than the executive leadership budget.

Tribal consultation.—The conferees are aware that the Department continues to develop its formal strategy on how to enhance public safety in Indian country. Not later than 120 days after the enactment of this Act, the Attorney General shall provide the Committees on Appropriations a report on how DOJ will use the tribal consultation process to further streamline and coordinate programs and funding opportunities for Native Americans, both within DOJ and with relevant programs of the Department of the Interior.

Violence against law enforcement personnel.—The conferees are concerned about spikes in ambush-style assaults that have taken the lives of law enforcement officers in recent months. The conference agreement includes funds under the State and Local Law Enforcement Assistance account for the Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR), a program designed to improve officer resilience and survivability. The conferees encourage the Department to make available this type of training for Federal law enforcement officers to further enhance the ability of these officers to anticipate and survive a violent encounter.

Spending plans.—The conferees direct the Department to include in its spending plan for fiscal year 2012 a plan for the use of all funding available under this heading, by decision unit and office.

NATIONAL DRUG INTELLIGENCE CENTER

The conference agreement includes \$20,000,000 for the National Drug Intelligence Center (NDIC). The conferees expect that the funds provided will be used only for necessary expenses related to the closing of the NDIC and the reassignment of functions performed at NDIC to other entities if the continuation of such functions is determined to be necessary by the Attorney General. The conferees direct the Department to submit to the Committees on Appropriations, not

later than 120 days after the enactment of this Act, a detailed report of its plans regarding the closure of NDIC. The Department should give priority to solutions that minimize the cost to the Government and disruptions to critical counterdrug and intelligence activities.

JUSTICE INFORMATION SHARING TECHNOLOGY

The conference agreement includes \$44,307,000 for Justice Information Sharing Technology.

Cybersecurity.—The conferees encourage the Department to prioritize, within the funds provided, efforts to defend proactively against and respond to cyber threats and attacks against DOJ's networks.

TACTICAL LAW ENFORCEMENT WIRELESS

COMMUNICATIONS

The conference agreement includes \$87,000,000 for Tactical Law Enforcement Wireless Communications.

The conferees expect DOJ to utilize full and open contracting procedures to the greatest extent possible as it endeavors to migrate from its legacy wideband systems to a standards-based mobile radio system. If the Department determines that it is necessary to award a sole source contract related to this migration, the Department shall report to the Committees on Appropriations on the justification for such action.

The conferees direct the Department to submit a report not later than 120 days after the enactment of this Act to the Committees on Appropriations on the Department's plan for moving forward with the Integrated Wireless Network (IWN) initiative. This plan should identify alternative funding sources and funding options for the provision, deployment, maintenance and operation of a wireless network that addresses security vulnerabilities, improves system reliability, and achieves interoperability with other law enforcement and emergency responder radio infrastructure systems.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$305,000,000 for the Executive Office for Immigration Review (EOIR) and the Office of the Pardon Attorney.

Legal Orientation Program (LOP).—The conferees expect that EOIR will continue its highly successful LOP. Apprehended individuals benefit from better information about immigration removal proceedings, and U.S. taxpayers benefit from reduced detention costs resulting from a more efficient legal process. The conferees encourage EOIR to dedicate funds to the LOP, as necessary and available, to ensure the continuation of this program. In addition, the conferees expect EOIR to seek alien-specific detention costs and duration of detention data from Immigration and Customs Enforcement in order to develop a more accurate estimate of the cost savings to the Federal Government provided by participation in the LOP. The conferees direct EOIR to submit a report to the Committees on Appropriations providing such data, as well as an estimate of the cost savings generated by the LOP, not later than 120 days after the enactment of this Act.

Immigration and border initiatives.—If additional funds are needed to support EOIR's role in immigration and border initiatives, the conferees urge the Department to submit a reprogramming request in fiscal year 2012 that would reallocate funds from lower priority programs to meet such needs.

DETENTION TRUSTEE

The conference agreement includes \$1,580,595,000 for the Office of the Federal Detention Trustee (OFDT).

The conferees are aware that OFDT's resource needs are directly impacted by law enforcement and prosecutorial priorities, such as increases in immigration enforcement by the Department of Homeland Security and efforts to combat drug and gun smuggling along the Southwest Border. However, the conferees remain concerned about the Department's ability to anticipate the true funding needs for this account. The conferees expect OFDT to keep the Committees on Appropriations apprised of changes in average daily population forecasts so that resource requirements for fiscal year 2012 and beyond can be verified and refined, particularly with regard to the impacts of law enforcement initiatives on the Southwest Border. The conferees direct OFDT to resume providing quarterly reports to the Committees on Appropriations, which shall include the actual number of individuals in the detention system, the projected number of individuals in the detention system and the annualized associated costs.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$84,199,000 for the Office of Inspector General (OIG).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$12,833,000 for the salaries and expenses of the United States Parole Commission.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes \$863,367,000 for General Legal Activities.

Human trafficking.—The conferees direct the Department to maintain funding for the Human Trafficking and Slavery Prosecution Unit (HTSPU) in the Civil Rights Division at not less than the fiscal year 2011 funding level to continue efforts to fight human trafficking and slavery.

Human rights crimes.—The conferees remain concerned about the large number of suspected human rights violators from foreign countries who have found safe haven in the United States, and direct the Criminal Division to continue its efforts to investigate and prosecute perpetrators of serious human rights crimes, including genocide, torture, use or recruitment of child soldiers, and war crimes. For this purpose, the conferees direct the Department to provide not less than the fiscal year 2011 funding level for attorneys, analysts, and support personnel in the Criminal Division to investigate and prosecute individuals who violate Federal laws regarding serious human rights abuses.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement includes a reimbursement of \$7,833,000 for DOJ expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660).

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement includes \$159,587,000 for the Antitrust Division. This appropriation is offset by \$108,000,000 in premerger filing fee collections, resulting in a direct appropriation of \$51,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes \$1,960,000,000 for the Executive Office for United States Attorneys (EOUSA) and the 94 United States Attorneys' offices.

Human trafficking.—The conference agreement includes language directing each U.S.

Attorney to establish or participate in a U.S. Attorney-led human trafficking task force. In instances where it may be preferable, due to geographical or other considerations, to operate joint human trafficking task forces, joint task forces representing no more than two U.S. Attorneys' offices will satisfy the requirement.

The conferees direct such task forces to engage law enforcement, elected leadership, civic and faith-based groups and to convene quarterly, working-level meetings where Federal, State and local law enforcement are represented. Task force meetings should focus specifically on combating human trafficking, with an emphasis on undertaking proactive investigations. Such investigations shall include, for example, the investigation of persons or entities facilitating trafficking in persons through the use of classified advertising on the Internet. The conferees also direct the Department to submit an annual report to the Committees on Appropriations regarding the work of these task forces. This report shall detail the range of efforts by the task forces, and include information on the use of classified advertising on the Internet to facilitate trafficking and a description of policies and task force actions that respond to such practices.

The conferees further direct the EOUSA, in consultation with each U.S. Attorney, to designate a point of contact in each U.S. Attorney's office who shall serve as the coordinator for all activities within that office concerning human trafficking and slavery matters covered by the Trafficking Victims Protection Act.

In addition, the conferees adopt language in the House report directing the Department to undertake outreach efforts in the form of public notices, such as newspaper advertisements, in ethnic communities in the U.S., the home countries of which represent the top ten countries with regard to the prevalence of human trafficking activities and to report to the Committees on Appropriations regarding such outreach efforts.

Intellectual property rights (IPR) enforcement.—The conferees expect the Department to continue to make IPR enforcement an investigative and prosecutorial priority for Federal prosecutors. The conferees direct the Department to provide to the Committees on Appropriations a report on the activities of its Assistant U.S. Attorneys dedicated to investigating intellectual property crimes pursuant to and authorized under section 402 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403).

Adam Walsh Act implementation.—The conferees expect the EOUSA to continue to focus on investigations and prosecutions related to the sexual exploitation of children, as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). The conference agreement includes not less than \$41,000,000 for these purposes in fiscal year 2012.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement includes \$223,258,000 for the United States Trustee Program (USTP). The appropriation is fully offset by fee collections.

Debtor audits.—The conferees expect the USTP to make debtor audits a priority and delineate, in the Department's fiscal year 2012 spending plan, the allocation of funds for debtor audits.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement includes \$2,000,000 for the Foreign Claims Settlement Commission.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes \$270,000,000 for Fees and Expenses of Witnesses.

Expert witnesses.—Within funds provided, the conference agreement includes the requested \$92,000,000 to respond to the increased need for expert witnesses among the litigating divisions and the U.S. Attorneys' offices. The conferees expect that no funds will be expended for expert witness services from any DOJ accounts except Fees and Expenses of Witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement includes \$11,456,000 for the Community Relations Service.

ASSETS FORFEITURE FUND

The conference agreement includes \$20,948,000 for the Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement includes \$1,174,000,000 for the salaries and expenses of the United States Marshals Service (USMS).

Spending plan.—The conferees expect that the USMS will include in its fiscal year 2012 spending plan a strategy for how it will approach mandatory protective services, as well as how it will respond to critical law enforcement requirements and congressional mandates to address violent crime reduction, enforce the Adam Walsh Act and combat Southwest Border violence. To help remedy possible funding shortfalls, the conferees encourage the USMS to continue exploring and utilizing new technological capabilities in order to further ensure the fair and efficient administration of justice. If additional funds are needed to support the USMS' Adam Walsh Act enforcement mission, the conferees urge the Department to submit a reprogramming request in fiscal year 2012 that would reallocate funds from lower priority programs to meet such needs.

CONSTRUCTION

The conference agreement includes \$15,000,000 for construction and related expenses in space controlled, occupied or utilized by the USMS for prisoner holding and related support.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

The conference agreement includes \$87,000,000 for the salaries and expenses of the National Security Division.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes \$527,512,000 for the Organized Crime and Drug Enforcement Task Forces (OCDETF).

Southwest Border.—The conferees expect OCDETF to prioritize the continuation of support for Assistant U.S. Attorney positions and collocated Strike Forces in the Southwest Border region, and to submit a report to the Committees on Appropriations not later than 90 days after the enactment of this Act showing the current and planned distribution of personnel, by bureau, to each of the collocated Strike Forces.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes \$8,036,991,000 for the salaries and expenses of the Federal Bureau of Investigation (FBI). The conference agreement incorporates language in the House report on analytic career path training, the Safe Streets/Safe Trails

Task Force program, the continuation of positions for Southwest Border law enforcement, the nationwide file inventory program, and the continuation of positions for the investigation of white collar and financial crime.

Computer intrusions.—In recognition of the FBI's unique cyber-related authorities and expertise, the conference agreement includes at least the full request, an increase of \$18,628,000 and 42 positions, including 14 special agents, above the fiscal year 2011 enacted level to further the Bureau's investigatory, intelligence gathering and technological capabilities to address malicious cyber intrusions and protect critical infrastructure in the United States from cyber attacks. The conferees direct the FBI to produce an annual national cyber threat assessment, in both classified and unclassified versions, and submit such report to the Committees on Appropriations not later than 120 days after the enactment of this Act.

National security.—The conference agreement includes program increases totaling \$48,870,000 as described in the House report. The conferees direct the FBI to submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act detailing the research activities conducted under the auspices of the High-value Detainee Interrogation Group, the results of such research, and any recommendations for the development of new techniques.

Electronic surveillance.—The conference agreement incorporates language in the House report related to increases provided to improve lawful electronic surveillance capabilities. The conference agreement does not include language in the Senate report directing a percentage of these funds to be used for Special Surveillance Groups.

Render Safe.—The conference agreement includes a program increase of \$40,000,000 and 13 positions to support the acquisition and refurbishment of two aircraft to carry out the Render Safe mission. The conferees note that the Senate had approved the use of previously appropriated funding for this same purpose. The FBI shall submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on the plan for Render Safe procurement.

Trafficking in persons.—The conferees agree that, within the funding provided, the FBI shall increase activities related to the investigation of severe forms of trafficking in persons. The FBI shall submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on agent utilization and overall staff resources dedicated to trafficking investigations in fiscal years 2010, 2011 and 2012. In addition, the conferees expect the FBI to share trafficking case information on an ongoing basis with other law enforcement agencies and task forces working similar cases. The conferees agree that funds shall be used for conducting investigations into trafficking and slavery and providing victim witness coordinators on an emergency basis when needed.

IPR enforcement.—The conferees agree that the FBI shall continue to prioritize the investigation of IPR cases and coordinate with IPR units at the U.S. Attorneys and the Criminal Division. The FBI shall submit a report, not later than 120 days after the enactment of this Act, on agent utilization and overall staff resources dedicated to investigating intellectual property cases, and an accounting of the agents placed in specific field offices since fiscal year 2010.

DNA programs.—The conferees encourage the FBI to undertake activities to facilitate

familial DNA searches of the Combined DNA Index System database of convicted offenders and work with the National DNA Index System (NDIS) Procedures Board to consider the establishment of procedures allowing familial searches only for serious violent and sexual crimes where other investigative leads have been exhausted. The procedures should provide appropriate protections for the privacy rights of those in the NDIS database.

Sentinel.—The conferees continue to monitor closely Sentinel, the FBI's information and investigation case management system, and remain understandably concerned about Sentinel's development. The FBI shall adhere to the language included in the House report regarding the expectation that the FBI will continue all necessary periodic oversight reviews in accordance with recommendations of the Inspector General, and in the Senate report regarding the prohibition on spending anything in excess of \$451,000,000 on Sentinel without first providing notification to the Committees on Appropriations and developing a work breakdown structure. In addition, the conference agreement includes language under section 213 requiring the Attorney General to submit to the Committees on Appropriations a report containing a cost and schedule estimate for the final operating capability of the Sentinel program, and a detailed list of the functionalities included in the final operating capability. The FBI shall submit this report concurrently to the Department's OIG for review and comment.

Criminal alien identification.—The conferees direct the FBI to submit a report to the Committees on Appropriations, not later than 120 days after the enactment of this Act, detailing the FBI's participation in Federal interagency information sharing efforts to identify criminal aliens.

Cyber training for field agents.—The conferees agree that, within funds provided, the FBI shall expand training for FBI cyber agents involved in national security intrusions cases. Such training should focus on increasing the number of agents qualified to understand current techniques and tactics used by those engaged in illicit cyber activities, and respond to shortfalls identified by the DOJ OIG.

Criminal Justice Information Services Division.—The conference agreement includes the full requested amount of appropriated funds and user fees for the Criminal Justice Information Services Division.

Human rights violations.—The conferees direct the FBI to increase efforts to investigate and support DOJ's criminal prosecution of serious human rights crimes committed by foreign nationals who are in the United States.

Liaison partnerships.—The conferees support the FBI's policy prohibiting any formal non-investigative cooperation with unindicted co-conspirators in terrorism cases. The conferees expect the FBI to insist on full compliance with this policy by FBI field offices and to report to the Committees on Appropriations regarding any violation of the policy.

CONSTRUCTION

The conference agreement includes \$80,982,000 for FBI Construction.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of \$2,025,000,000 for the salaries and expenses of the Drug Enforcement Administration (DEA). In addition, the

DEA expects to derive \$322,000,000 from fees deposited in the Diversion Control Fund to carry out the Diversion Control Program. The conference agreement does not include language in the House report on synthetic drugs.

Afghanistan operations.—The conference agreement incorporates language in the House report regarding DEA's Afghanistan operations. The conferees direct the DEA to report to the Committees on Appropriations, not later than 30 days after enactment of this Act, on DEA's planned presence and operations activities in Afghanistan, expected transfers of funding from other Departments or agencies, and DEA's direct appropriations requirements for such activities.

Field staffing.—The conference agreement incorporates language in the House report concerning a reporting requirement on personnel vacancy rates. The conferees agree that the DEA shall provide such report to the Committees on Appropriations not later than 120 days after the enactment of this Act.

CONSTRUCTION

The conference agreement includes \$10,000,000 for DEA Construction. The conferees expect this funding level to support an expansion of the El Paso Intelligence Center facility to accommodate approximately 100 additional staff.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conference agreement includes \$1,152,000,000 for the salaries and expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The conference agreement also includes language permanently prohibiting the Department from consolidating or centralizing the records of the acquisition and disposition of firearms maintained by firearms dealers and permanently prohibiting the Department from electronically retrieving information provided to the Attorney General by firearms dealers that have gone out of business.

Operation Fast and Furious.—The conferees are concerned by allegations that ATF mismanaged a U.S.-Mexico border operation known as Fast and Furious, and expect that the Department's OIG, to which the investigation of this matter has been referred by the Attorney General, will fulfill its oversight duties by conducting a thorough investigation. The conferees expect the Department and ATF to cooperate fully with all oversight investigations into Operation Fast and Furious—whether by the OIG, an independent, government-appointed investigator, or Congress—by promptly and thoroughly responding to all requests for information regarding this matter.

Furthermore, the conferees are aware that the Attorney General has instructed, and subsequently reiterated, that Department law enforcement personnel are not knowingly to allow any firearms to be illegally transported into Mexico for any reason. Finally, the conferees note that Operation Fast and Furious is but a small part of ATF's extensive operations along the Southwest Border and should not detract from ATF's efforts to protect Americans from illegal firearms trafficking, gun violence, and parallel drug and human trafficking across the U.S.-Mexico border and into the Nation's interior.

United States-Mexico firearms trafficking.—Beginning in fiscal year 2012 and thereafter, the ATF shall provide the Committees on Appropriations with annual data on the total number of firearms recovered by the Government of Mexico, and of those, the number for

which an ATF trace is attempted, the number successfully traced and the number determined to be manufactured in or imported into the United States prior to being recovered in Mexico.

National Integrated Ballistic Information Network (NIBIN).—The conferees continue to support the NIBIN, including the significant investment made by State and local law enforcement partners to build the current NIBIN database. The conferees believe that ATF should move expeditiously to ensure that ballistic imaging technology is routinely refreshed, upgraded and deployed to State and local law enforcement. The conferees urge ATF to prioritize the upgrading and replacement of aging ballistic imaging equipment in its fiscal year 2012 operating plan and in future budget requests. ATF should ensure upgrades and replacements maximize and protect the resources invested by State and local law enforcement.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$6,551,281,000 for the salaries and expenses of the Federal Prison System.

Activations and expansions.—The conference agreement includes funds for the commencement or completion of activation of new prison facilities constructed by the Bureau of Prisons (BOP). The conferees expect BOP to make adherence to the activation schedule for these prisons, as detailed in BOP's fiscal year 2012 budget submission, a top priority, and to immediately notify the Committees on Appropriations of any changes to this schedule. In addition, as part of the Department's fiscal year 2012 spending plan, BOP shall include the allocation of funds by decision unit.

Radicalization in Federal prisons.—The conference agreement incorporates language in the House report regarding radicalization in Federal prisons and the conferees instruct the Department to take the necessary actions to eliminate prisoner access to radicalizing material. The conferees further direct the Department to submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on its maintenance of a central registry of acceptable materials and the processes employed to ensure that potentially radicalizing materials are not included.

Work in prisons.—The conferees affirm the language in the House report expressing the belief that increasing work opportunities for Federal prisoners is an important priority. Statistics from BOP indicate that inmates who participate in work programs are 24 percent less likely to offend again, 14 percent more likely to find work outside of prison and 23 percent less likely to have misconduct issues in prison. The conferees direct the Department to report to the Committees on Appropriations not later than 120 days after the enactment of this Act on actions taken and planned to increase meaningful work opportunities available to inmates.

Sentence reduction opportunities.—The conferees are concerned that the current upward trend in the prison inmate population is unsustainable and, if left unchecked, will eventually engulf the Department's bud-

etary resources. The conferees encourage BOP to work with the authorizing committees on proposals that reduce both recidivism and appropriations requirements.

Employee retaliation.—The conferees are concerned that BOP employees were cited recently by the Equal Employment Opportunity Commission (EEOC) as having the highest and most widespread fear of retaliation compared to the rest of the Federal workforce. The conferees expect BOP to certify to the Committees on Appropriations that it has implemented and met the recommendations included in the EEOC's November 2010 Final Program Evaluation Report for the Federal Bureau of Prisons, and submit concurrently a report on its compliance with the recommendations to the Department's OIG for review and comment.

BUILDINGS AND FACILITIES

The conference agreement includes \$90,000,000 for the construction, acquisition, modernization, maintenance and repair of prison and detention facilities housing Federal inmates.

Status of construction reports.—The conferees direct BOP to resume providing to the Committees on Appropriations, not later than 30 days after the enactment of this Act, the most recent monthly status of construction report and to notify the Committees on Appropriations of any deviations from the construction and activation schedule identified in that report, including detailed explanations of the causes of delays and actions proposed to address them.

LIMITATION ON ADMINISTRATIVE EXPENSES,
FEDERAL PRISON INDUSTRIES, INCORPORATED

The conference agreement includes a limitation on administrative expenses of \$2,700,000 for Federal Prison Industries, Incorporated.

Federal Prison Industries (FPI).—In addition to its function as a reentry tool, the conferees believe that FPI, if allowed to enter into partnerships with private businesses, could bring some lost manufacturing back into the United States while providing inmates with opportunities to learn skills that will be marketable after release. Therefore, the conference agreement includes language under section 221 of this Act to allow FPI to carry out pilot projects to produce items that are currently manufactured outside of the United States.

STATE AND LOCAL LAW ENFORCEMENT
ACTIVITIES

In total, the conference agreement includes \$2,227,300,000 for State and local law enforcement and crime prevention programs.

Salaries and expenses.—The Omnibus Appropriations Act, 2009 (P.L. 111–8) established a common salaries and expenses appropriation to provide for the cost of all management and administration activities of the Department's grant offices. The establishment of this account was in response to inadequate agency budgeting mechanisms for management and administration activities and a lack of transparency about the actual costs of those activities. Since fiscal year 2009, the grant offices have made important and marked progress in this regard.

During fiscal year 2012, the conferees direct the Department to support management and administration expenses with program fund-

ing subject to the submission of details related to planned management and administration expenses, by program, as part of the Department's fiscal year 2012 spending plan. In addition, the spending plan should include planned expenses for training and technical assistance, research and statistics activities, interagency agreements, cooperative agreements and peer review, along with any additional general category of expense other than grants. The conferees encourage grant offices to minimize administrative spending in order to maximize the amount of funding that can be used for grants or training and technical assistance.

As part of the budget submission for future fiscal years, the Department is directed to detail the actual costs for each grant office in each of the categories noted above for the prior fiscal year, by program, along with estimates of planned expenditures for each grant office in each of these categories, by program, for the current year and the budget year. In addition, the Office of Justice Programs (OJP), the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) are directed to report to the Committees on Appropriations on their formal definitions of management and administration costs or on the detailed guidance that governs decisions about the types of costs that should be considered management and administration costs.

Workload analysis.—The conferees are aware that OVW, OJP and COPS have each initiated a workload analysis to ensure that their respective staffing levels and mix of personnel accurately reflect workload and requirements. The conferees direct each office to provide a report to the GAO and the Committees on Appropriations not later than 120 days after the enactment of this Act describing its updated staffing model based on the results of its workload analysis. In addition, the conferees direct GAO to examine each office's staffing model and report to the Committees on Appropriations, not later than 6 months after the date the offices submit their reports, with an evaluation of the models, and recommendations (as warranted), on how each office's staffing model could be further improved.

Non-compliant grantees.—The conference agreement incorporates language from the Senate report noting that OJP, COPS and OVW appear to be using different sanctions and remedies for grantees that are determined to be out of compliance with grant requirements. The conferees expect the Department to work to consolidate rules and procedures across the three offices in order to produce the most consistent compliance enforcement process possible.

Evidence-based programs.—The conferees strongly urge OJP, COPS and OVW to ensure that, to the greatest extent practicable, competitive grants are used for evidence-based programs and activities.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND
PROSECUTION PROGRAMS

The conference agreement includes \$412,500,000 for OVW. These funds are distributed as follows:

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(In thousands of dollars)

Program	Conference
STOP Grants	\$189,000

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS—Continued

[In thousands of dollars]

Program	Conference
Transitional Housing Assistance	25,000
Research and Evaluation on Violence against Women	3,000
Grants to Encourage Arrest Policies	50,000
Homicide Reduction Initiative	(4,000)
Sexual Assault Victims Services	23,000
Rural Domestic Violence and Child Abuse Enforcement	34,000
Violence on College Campuses	9,000
Civil Legal Assistance	41,000
Elder Abuse Grant Program	4,250
Safe Havens Program	11,500
Education and Training for Disabled Female Victims	5,750
Court Training and Improvements Program	4,500
Research on Violence against Indian Women	1,000
Consolidated Youth-oriented Program	10,000
National Resource Center on Workplace Responses	1,000
Indian Country—Sexual Assault Clearinghouse	500
TOTAL, Violence Against Women Prevention and Prosecution Programs	\$412,500

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

The conference agreement includes \$113,000,000 for the Research, Evaluation, and

Statistics account, formerly known as the Justice Assistance account. These funds are distributed as follows:

RESEARCH, EVALUATION, AND STATISTICS

[In thousands of dollars]

Program	Conference
Bureau of Justice Statistics	\$45,000
National Crime Victimization Survey (NCVS)	(26,000)
Redesign Work for the NCVS	(10,000)
Indian Country Statistics	(500)
National Institute of Justice	40,000
Transfer to NIST/OLES for DNA/Forensics	(5,000)
Evaluation Clearinghouse (What Works Repository)	1,000
Regional information sharing activities	27,000
TOTAL, Research, Evaluation, and Statistics	\$113,000

Spending plans.—The conferees direct the Department to include in its spending plan for fiscal year 2012 a plan for the use of all funding administered by the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS), including funding provided for domestic radicalization research under the State and Local Law Enforcement Assistance account. The conferees expect NIJ to carry out new initiatives proposed for fiscal year 2012 to the extent possible within the funds provided, including initiatives in

the following areas: maximizing the value of forensic evidence; establishing the effectiveness of criminal justice diversion methods and strategies; eliminating rape kit backlogs (pilots); conducting Indian country crime and victimization research; improving prescription drug monitoring; improving inmate reentry; improving risk-based decision-making in the criminal justice system; and establishing a better understanding of the risk-based factors leading to domestic

radicalization and related acts of violence/terrorism, among others.

Evaluation Clearinghouse.—The conferees adopt the language in the Senate report regarding funding for an Evaluation Clearinghouse/What Works Repository.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes \$1,162,500,000 for State and Local Law Enforcement Assistance programs. These funds are distributed as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[In thousands of dollars]

Program	Conference
Byrne Memorial Justice Assistance Grants	\$470,000
Domestic Radicalization Research	(4,000)
Criminal Justice Reform and Recidivism Reduction	(6,000)
Presidential Nominating Convention Security	(100,000)
State and Local Anti-terrorism Training	(2,000)
State and Local Assistance Help Desk and Diagnostic Center	(4,000)
VALOR Initiative	(2,000)
State Criminal Alien Assistance Program	240,000
Border Prosecutor Initiative	10,000
Byrne Competitive Grants	15,000
Missing Alzheimer's Patients Grants	1,000
Victims of Trafficking Grants	10,500
Drug Courts	35,000
Prescription Drug Monitoring	7,000
Prison Rape Prevention and Prosecution	12,500
Residential Substance Abuse Treatment	10,000
Capital Litigation and Wrongful Conviction Review	3,000

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE—Continued

[in thousands of dollars]

Program	Conference
Mentally Ill Offender Act	9,000
Tribal Assistance	38,000
Economic, High-tech and Cybercrime Prevention	7,000
CASA—Special Advocates	4,500
Bulletproof Vests	24,000
Transfer to NIST/OLES	(1,500)
National Instant Criminal Background Check System	5,000
Criminal Records Upgrade	6,000
Second Chance Act/Offender Reentry	63,000
Smart Probation	(4,000)
John R. Justice Grant Program	4,000
Paul Coverdell Forensic Science	12,000
Adam Walsh Act Implementation	20,000
Children Exposed to Violence Initiative	10,000
Byrne Criminal Justice Innovation Program	15,000
Violent Gang and Gun Crime Reduction	5,000
National Sex Offender Public Web Site	1,000
DNA Initiative	125,000
Debbie Smith DNA Backlog Grants	(117,000)
Post-Conviction DNA Testing Grants	(4,000)
Sexual Assault Forensic Exam Program Grants	(4,000)
TOTAL, State and Local Law Enforcement Assistance	\$1,162,500

Presidential nominating conventions.—The conference agreement includes \$100,000,000 to address extraordinary local law enforcement costs related to the 2012 presidential nominating conventions. The conferees note that the Department failed to request any funding for this activity, and expect that future budget requests will address known resource requirements associated with convention security. The conferees expect that the funds included in this agreement will be used solely for extraordinary law enforcement expenses incurred with respect to local law enforcement's role in providing security for these events. The conferees expect the Department to develop clear guidelines to govern allowable expenses, and all payments or reimbursements shall be reviewed and approved by the Department, as well as audited by the OIG, to ensure efficiency and accountability. Finally, the conferees expect that planning committees for the nominating conventions will assist in addressing security needs to the greatest extent possible from other funding sources.

Human trafficking.—The conference agreement includes \$10,500,000 for human trafficking task force activities and services for U.S. citizens, permanent residents and foreign nationals who are victims of trafficking. The conferees expect that the human trafficking task forces funded by the Department will continue to bring together Federal, State and local law enforcement and victim services organizations to investigate all forms of human trafficking and assist the victims. OJP shall consult with stakeholder groups in determining the overall allocation of Victims of Trafficking funding, including with respect to amounts allocated to assist foreign national victims, and provide to the Committees on Appropriations a plan for the use of these funds as part of the Department's fiscal year 2012 spending plan. The plan should be guided by the best information available on the regions of the United States with the highest incidence of trafficking.

Reentry.—The conferees urge OJP to assist in the development of State reentry councils in order to foster State-level advancements in reentry and recidivism reduction.

Second Chance Act.—The conferees direct the Department to submit, as part of its

spending plan for fiscal year 2012 a plan for the allocation of funds appropriated for Second Chance Act programs.

Sex offender location, arrest and prosecution/Adam Walsh Act implementation.—The conference agreement includes \$20,000,000 to support the administration's proposal to help States, Indian tribes and territories come into compliance with the Sex Offender Registration and Notification Act (SORNA), as well as provide for sex offender management and treatment. These grants will provide critical support to the comprehensive, nationwide effort to locate, register, monitor, apprehend, prosecute and manage child sexual predators and exploiters that was envisioned by SORNA.

DNA backlog/crime lab improvements.—The conferees continue Congress' strong support for DNA backlog reduction and crime lab improvements by recommending \$125,000,000 to strengthen and improve Federal and State DNA collection and analysis systems that can be used to accelerate the prosecution of the guilty while simultaneously protecting the innocent from wrongful prosecution. Within the funding provided, the conference agreement includes \$4,000,000 each for Post-Conviction DNA Testing grants, and Sexual Assault Forensic Exam Program grants. The conferees expect that OJP will make funding for DNA analysis and capacity enhancement a priority to meet the purposes of the Debbie Smith DNA Backlog Grant Program. The conferees direct the Department to submit both a spending plan with respect to funds appropriated for DNA-related programs, and a report on the alignment of appropriated funds with the authorized purposes of the Debbie Smith DNA Backlog Grant Program, as part of the Department's spending plan for fiscal year 2012.

In addition, the conferees direct the GAO to examine the use of funds awarded for DNA analysis and capacity enhancement in the past five years that were awarded to any entity other than to a State or local public DNA laboratory. GAO's examination should include an evaluation of the methodology employed in creating the solicitations and the process for awarding these funds; the extent to which DOJ has assessed whether the results of the awards are making a measurable impact with respect to reducing back-

logs and increasing capacity; and how the objectives of the solicitations have been fulfilled. The study should also include an analysis of how NIJ inventories and compiles grant data and results, including a breakdown of the funds provided to non-government DNA laboratories on an annual basis, and a description of the contribution of NIJ toward increasing capacity and reducing backlogs for government DNA laboratories. Lastly, the study should detail the proportion of DNA funding annually provided to State and local laboratories, non-government entities, NIJ's DNA program office, and other uses by NIJ such as overhead, travel and conferences.

National technical assistance and training.—The conferees affirm language in the Senate report encouraging the Department to continue its efforts to assist States in the development and use of criminal justice information systems that accelerate the automation of identification processes for fingerprints and other criminal justice data, and which improve the compatibility of State and local law enforcement systems with the FBI's Integrated Automated Fingerprint Identification System.

National Motor Vehicle Title Information System (NMVTIS).—The conference agreement incorporates language in the Senate report on the use of NMVTIS as an effective tool to prevent the fraudulent use of vehicle title documents, investigate vehicle thefts and thwart terrorist financing activities.

Tribal assistance.—The conference agreement includes \$38,000,000 for tribal grant programs. The conferees expect OJP to consult closely with tribal stakeholders in determining how tribal assistance funds will be allocated among grant programs that help improve public safety in tribal communities, such as grants for detention facilities under section 21019 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), civil and criminal legal assistance as authorized by title I of Public Law 106-559, tribal courts, and alcohol and substance abuse reduction assistance programs. The conferees direct OJP to submit, as part of the Department's spending plan for fiscal year 2012, a plan for the use of these funds that has been informed by such consultation. The conferees note

that the conference agreement includes additional grant funding for tribal law enforcement programs through COPS and OVW.

Direct legal representation of crime victims.—The conference agreement incorporates language in the Senate report directing the Of-

fice for Victims of Crime to submit a report to the Committees on Appropriations within 60 days of notifying States of their Victims of Crime Act victim assistance formula allocation for fiscal year 2012.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes \$262,500,000 for Juvenile Justice programs. These funds are distributed as follows:

JUVENILE JUSTICE PROGRAMS

(In thousands of dollars)

Program	Conference
Part B—State Formula Grants	\$40,000
Youth Mentoring Grants	78,000
Title V—Delinquency Prevention Incentive Grants	20,000
Tribal Youth	(10,000)
Gang and Youth Violence Education and Prevention	(5,000)
Alcohol Prevention	(5,000)
Victims of Child Abuse Programs	18,000
Juvenile Accountability Block Grants	30,000
Community-Based Violence Prevention Initiatives	8,000
Missing and Exploited Children Programs	65,000
Training for Judicial Personnel	1,500
National Forum on Youth Violence Prevention	2,000
TOTAL, Juvenile Justice Programs	\$262,500

Youth mentoring grants.—The conferees direct OJP to submit, as part of the Department's spending plan for fiscal year 2012, a report detailing the criteria and methodology that will be used to award youth mentoring grants and a spending plan for youth mentoring funds. The conferees expect that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will take all steps necessary to ensure fairness and objectivity in the award of these and future competitive grants.

Missing and exploited children/Internet Crimes Against Children (ICAC).—The conference agreement includes \$65,000,000 for missing and exploited children programs, including funds for the ICAC task force program, to continue to expand efforts to protect the Nation's children, focusing on the areas of locating missing children, and addressing the growing wave of child sexual ex-

ploitation facilitated by the Internet. The conferees direct OJP to provide a spending plan for the use of these funds as part of the Department's spending plan for fiscal year 2012. The conferees are aware that one way OJP addresses the proliferation of Internet crimes against children is through ICAC task forces. With regard to ICAC task forces, the conferees encourage the Department to fund programs with proven training results and low administrative costs.

Victims of Child Abuse Act.—The conference agreement includes \$18,000,000 for the various programs authorized under the Victims of Child Abuse Act (Public Law 101-647). Within the funds provided, \$5,000,000 shall be used to fund Regional Children's Advocacy Centers Programs.

PUBLIC SAFETY OFFICER BENEFITS

The conference agreement includes \$78,300,000 for the Public Safety Officer Bene-

fits program for fiscal year 2012. Within the funds provided, \$62,000,000 is for death benefits for survivors, an amount estimated by the Congressional Budget Office that is considered mandatory for scorekeeping purposes. In addition, \$16,300,000 is provided for disability benefits for public safety officers permanently and totally disabled as a result of a catastrophic injury and for education benefits for the spouses and children of officers killed in the line of duty or permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

The conference agreement includes \$198,500,000 for COPS programs, as follows:

COMMUNITY ORIENTED POLICING SERVICES

(In thousands of dollars)

Program	Conference
Transfer to DEA for Methamphetamine Lab Cleanups	12,500
Tribal Resources Grant Program	20,000
COPS Hiring Grants	166,000
Transfer to Tribal Resources Grant Program	(15,000)
Community Policing Development/Training and Technical Assistance	(10,000)
TOTAL, Community Oriented Policing Services	\$198,500

Tribal Resources Grant Program (TRGP).—The conference agreement provides a total of \$35,000,000 in funding targeted entirely to tribal communities through the TRGP. Within the TRGP, \$20,000,000 is provided through direct appropriations and \$15,000,000 is provided by transfer from the COPS Hiring program. The conferees note that all funds available to the TRGP may be used for equipment and hiring or training of tribal law enforcement.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 201 makes available additional reception and representation funding for the Attorney General from the amounts provided in this title.

Section 202 prohibits the use of funds to pay for an abortion, except in the case of rape or to preserve the life of the mother.

Section 203 prohibits the use of funds to require any person to perform or facilitate the performance of an abortion.

Section 204 establishes the obligation of the Director of the Bureau of Prisons to provide escort services to an inmate receiving an abortion outside of a Federal facility, except where this obligation conflicts with the preceding section.

Section 205 establishes the conference agreement's requirements and procedures for transfer proposals.

Section 206 authorizes the Attorney General to extend an ongoing Personnel Management Demonstration Project.

Section 207 extends specified authorities to the ATF for undercover operations.

Section 208 prohibits the use of funds for transporting prisoners classified as maximum or high security, other than to a facility certified by the BOP as appropriately secure.

Section 209 prohibits the use of funds for the purchase or rental by Federal prisons of audiovisual equipment, services and materials used primarily for recreational purposes, except for those items and services needed for inmate training, religious or educational purposes.

Section 210 requires review by the Deputy Attorney General and the Department Investment Review Board prior to the obligation or expenditure of funds for major information technology projects.

Section 211 requires the Department to follow reprogramming procedures prior to any

deviation from the program amounts specified in this title or the reuse of specified deobligated funds provided in previous years.

Section 212 prohibits the use of funds for A-76 competitions for work performed by employees of the BOP or FPI, Inc.

Section 213 requires a cost and schedule report on the Sentinel program.

Section 214 prohibits U.S. Attorneys from holding additional responsibilities that exempt U.S. Attorneys from statutory residency requirements.

Section 215 permits up to 3 percent of grant and reimbursement program funds made available to OJP to be used for training and technical assistance; permits up to 2 percent of grant funds made available to that office to be used for criminal justice research, evaluation and statistics by NIJ and BJS; and directs that of such amounts transferred to NIJ and BJS, \$1,300,000 shall be transferred to the BOP.

Section 216 gives the Attorney General the authority to waive matching requirements for Second Chance Act adult and juvenile reentry demonstration projects; State, tribal and local reentry courts; and drug treatment programs.

Section 217 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 218 permits the use of appropriated funds for travel and healthcare of personnel serving abroad.

Section 219 prohibits funds, other than funds for the national instant criminal background check system established under the Brady Handgun Violence Prevention Act, from being used to facilitate the transfer of an operable firearm to a known or suspected agent of a drug cartel where law enforcement personnel do not continuously monitor or control such firearm.

Section 220 requires the Attorney General to identify an auditor to evaluate the GCCF.

Section 221 allows Federal Prison Industries to participate in the Prison Industries Enhancement Certification program and allows FPI to carry out pilot projects to produce items that are no longer produced in the United States.

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The conference agreement includes \$4,500,000 for the Office of Science and Technology Policy (OSTP).

Cooperation with China.—In fiscal year 2011, OSTP, acting on guidance from the Department of Justice and the Office of White House Counsel, engaged in bilateral activities with the Chinese government that the Government Accountability Office (GAO) found to be prohibited by section 1340 of the Department of Defense and Full Year Continuing Appropriations Act, 2011 (P.L. 112–10). Section 1340 was enacted due to congressional concern that our scientific cooperation with the Chinese government was failing to sufficiently take into account the risks posed by such activities. These risks include the transfer of sensitive technology, data and other information that could adversely impact our national security or disadvantage American companies relative to their Chinese counterparts.

The conference agreement contains language restricting any OSTP activities that would carry the risk of such transfers to China while allowing (subject to certification and notification requirements) other activities to proceed. This should enable OSTP to engage in beneficial collaborative endeavors, such as public health planning or disaster response activities, while providing greater protection for U.S. economic and national security interests.

Science, Technology, Engineering and Math (STEM) education.—The conferees support OSTP's recent efforts to improve and better coordinate Federal STEM education programs and to develop a government-wide STEM education strategic plan. The conferees encourage OSTP to include in the strategic plan goals relating to the improved dissemination of STEM education research and best practices.

Neuroscience.—The conferees believe there is a potential in the near future for significant, transformative advances in our fundamental understanding of learning, brain development, and brain health and recovery. Such advances will require enhanced tools to better understand the working of the brain, enhanced data and data infrastructure, and

expanded interdisciplinary and large-scale research efforts. Neuroscience research is supported by the National Institutes of Health, the National Science Foundation (NSF), the Department of Veterans Affairs, the Department of Defense and other Federal agencies. The conferees encourage OSTP to establish, through the National Science and Technology Council (NSTC), an interagency working group to coordinate Federal investments in neuroscience research. The interagency working group should help focus and enhance Federal efforts toward: developing future clinical treatments for traumatic and acquired brain injuries; better understanding cognition and learning, and applying that understanding to improving education and learning; and improving our understanding of and developing better therapies for Alzheimer's disease, childhood developmental disorders and other neurological conditions.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conference agreement includes \$17,800,000,000 for the National Aeronautics and Space Administration (NASA).

Fiscal oversight.—In order to promote strong fiscal oversight, the Committees on Appropriations have been pursuing with NASA a number of crosscutting issues, including cost estimation and control, financial management, acquisition reform and grants management. The conferees direct NASA to stay engaged in these ongoing efforts and to comply with all related reporting requirements and directives on these topics that were contained in the House and Senate reports.

Budget structure.—Funds have been allocated according to an account and program structure that generally conforms to the structure proposed in the budget request. After several consecutive years of major structural modifications, however, the conferees expect that NASA will refrain from proposing additional account changes unless directed to do so by the Committees.

The conferees' table of recommendations for NASA is delineated below. Additional detail may be found under the relevant account headings.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[In thousands of dollars]

Program	Conference
Science:	
Earth Science	\$1,765,700
Planetary Science	1,500,400
Astrophysics	672,000
James Webb Space Telescope	529,600
Heliophysics	622,300
Total, Science	5,090,000
Aeronautics	569,900
Space Technology	575,000
Exploration:	
Human Exploration Capabilities	3,060,000
Orion Multi-Purpose Crew Vehicle	(1,200,000)
Space Launch System	(1,860,000)
Commercial Crew	406,000
Exploration Research and Development	304,800
Total, Exploration	3,770,800
Space Operations:	
Space Shuttle	573,000
International Space Station	2,830,000

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—Continued

[In thousands of dollars]

Program	Conference
Space and Flight Support	830,600
21st Century Launch Complex	(168,000)
Total, Space Operations	4,233,600
Education:	
Aerospace Research and Career Development	58,400
NASA Space Grant	(40,000)
EPSCoR	(18,400)
STEM Education and Accountability	80,000
Minority University Research Education Program	(30,000)
STEM Education and Accountability Projects	(40,000)
Informal STEM Education	(10,000)
Total, Education	138,400
Cross Agency Support	2,995,000
Construction and Environmental Compliance and Restoration	390,000
Inspector General	37,300
Total, NASA	\$17,800,000

SCIENCE

The conference agreement includes \$5,090,000,000 for Science.

Program, project and activity level funding designations.—The conferees have not included a detailed, line-item funding table for the Science Mission Directorate. Instead, the conference table provides totals for Earth Science, Planetary Science, Astrophysics, the James Webb Space Telescope and Heliophysics. Using these totals, as well as any additional funding direction provided below, NASA should develop a budget plan for each division that incorporates any necessary reductions and submit these proposals as part of the spending plan required by section 538 of this Act. In proposing reductions, NASA should take care to protect, to the extent possible, high priority missions of the decadal surveys, as well as missions with near-term launch readiness dates. In addition, NASA should be careful to propose a funding portfolio that maintains an essential balance between actual spaceflight projects and the critical mission-enabling activities (research and data analysis, data application, etc.) that support and enhance the value of those projects.

Earth Science.—The conference agreement adopts, by reference, language from the Senate report on carbon monitoring systems and the Deformation, Ecosystem Structure and Dynamics of Ice mission.

Planetary Science.—The conference agreement includes no less than \$581,700,000 for Mars Exploration. Within the amount provided, NASA shall continue working to define, plan and execute future Mars missions and continue seeking and taking advantage of opportunities for international cooperation on such missions.

The conference agreement also includes \$43,000,000 for outer planets flagship missions. The conferees understand that required descoping studies for planetary flagship missions are at or near completion and direct that those studies be submitted to the Committees on Appropriations as soon as possible. NASA is also directed to continue working on a detailed definition of an appropriately descoped flagship mission, consistent with the findings of the most recent planetary science decadal survey.

Astrophysics.—The conference agreement adopts, by reference, language from the Senate report regarding the Hubble Space Telescope and the Explorer Program.

The Wide Field Infrared Survey Telescope (WFIRST) was identified as the first priority of the most recent astronomy and astrophysics decadal survey. NASA should build on the work of the Joint Dark Energy Mission project and pursue WFIRST to the extent that foreseeable budget resources can accommodate this mission.

James Webb Space Telescope (JWST).—According to the recent JWST budget replan, the program's lifecycle cost estimate is now \$8,835,000,000 (with formulation and development costs totaling \$8,000,000,000). This represents an increase of \$1,208,000,000 over the previous lifecycle cost estimate, including an increase of \$156,000,000 above the budget request for fiscal year 2012. In order to accommodate that increase in this agreement, the conferees received input from the administration and made reductions to the requested levels for Earth and planetary science, astrophysics and the agency's budget for institutional management. Although the amounts provided for these other science activities still constitute an increase over the fiscal year 2011 levels, the conferees note that keeping JWST on schedule from fiscal year 2013 through the planned launch in fiscal year 2018 will require NASA to identify another \$1,052,000,000 over previous JWST estimates while simultaneously working to meet the deficit reduction requirements of the Budget Control Act of 2011 (P.L. 112-25). As a result, outyear work throughout the agency may need to be reconsidered. The conferees expect the Administration to come forward with a realistic long-term budget plan that conforms to anticipated resources as part of its fiscal year 2013 budget request.

To provide additional assurances that JWST's management and funding problems are under control, the conference agreement includes language strictly limiting JWST formulation and development costs to the current estimate of \$8,000,000,000 and requiring any increase above that amount to be treated according to procedures established for projects in 30 percent breach of their lifecycle cost estimates.

In addition, the conferees direct the GAO to continually assess the program and to re-

port to the Committees on Appropriations on key issues relating to program and risk management; achievement of cost and schedule goals; and program technical status. For its first report, the conferees direct the Comptroller General to assess: (1) the risks and technological challenges faced by JWST; (2) the adequacy of NASA's revised JWST cost estimate based on GAO's cost assessment best practices; and (3) the extent to which NASA has provided adequate resources for and is performing oversight of the JWST project to better ensure mission success. The first report should be provided to the Committees no later than December 1, 2012, with reports continuing on an annual basis thereafter. Periodic updates should also be provided to the Committees upon request or whenever a significant new finding has been made. NASA is directed to cooperate fully and to provide timely access to analyses, data, applications, databases, portals, reviews, milestone decision meetings, and contractor and agency personnel.

Heliophysics.—The conference agreement adopts, by reference, language from the Senate report regarding the Explorer Program, Magnetospheric Multiscale Mission and Solar Probe Plus.

Flagship management.—The conferees believe that flagship missions are an important component of a balanced science mission portfolio but are concerned by NASA's history of problematic management of these projects. Without substantial improvements in cost estimation, requirements definition, cost discipline and other practices, management problems will persist and, ultimately, erode support for NASA's pursuit of these missions. NASA has many sources of expertise, both internal and external, on which to draw for ideas about how to address its problems in flagship management, and the conferees urge NASA to do so. In particular, the conferees encourage NASA to look at lessons learned from reviews of the challenges of prior flagship projects; identify those lessons that address universal management issues; and implement those lessons in flagship projects across the Directorate.

AERONAUTICS

The conference agreement includes \$569,900,000 for Aeronautics.

SPACE TECHNOLOGY

The conference agreement includes \$575,000,000 for Space Technology. All funds under this heading should be prioritized toward the continuation of ongoing programs and activities.

Exploration Technology Development.—Within amounts provided, no less than \$190,000,000 shall be dedicated to Exploration Technology Development, which directly supports the achievement of human exploration goals.

Satellite servicing.—The conference agreement provides no less than \$25,000,000 for satellite servicing activities. This funding will contribute to the planned competitive satellite servicing demonstration mission and shall be managed by the Human Exploration and Operations (HEO) Mission Directorate.

EXPLORATION

The conference agreement includes \$3,770,800,000 for Exploration.

Orion Multipurpose Crew Vehicle (MPCV).—The conference agreement provides \$1,200,000,000 for the Orion MPCV. The MPCV is intended both to be launched on the heavy lift rocket system in furtherance of NASA's beyond Earth orbit (BEO) exploration goals and to provide an alternative means of cargo and crew delivery to the International Space Station (ISS) in the event that commercial or partner-supplied vehicles are unable to perform those functions. The MPCV will begin uncrewed and crewed flight operations in conjunction with the Space Launch System (SLS) within the next decade, but the conferees understand that NASA may want to pursue an earlier MPCV flight test utilizing a commercially available launch vehicle. The conferees have no objection to necessary and useful testing as long as the costs of procuring the launch vehicle and executing the test flight can be accommodated within the MPCV budget. Within the larger MPCV program, components should be procured via fixed price contracts wherever possible in order to improve cost control and maximize the impact of all available dollars.

Space Launch System.—The conference agreement provides \$1,860,000,000 for the SLS, which is a sustained, evolvable heavy lift vehicle utilizing a common core. While this evolvable approach will enable NASA to achieve the earliest possible initial flight capability by using a 70 ton SLS configuration, only the 130 ton configuration will allow NASA to achieve its BEO exploration goals. Consequently, NASA is directed to ensure that all work done on the early configurations of the evolvable vehicle is in service of the eventual BEO capability. Similarly, NASA is reminded of its legal obligation to design the system from inception to the 130 ton standard and to proceed with simultaneous development of the core and upper stages. Wherever possible, SLS components should be procured via fixed price contracts in order to improve cost control and maximize the impact of all available dollars.

The conferees note the need for additional clarity on the amount of money being allocated to the development of each major component of the SLS. In order to address this need, NASA is directed to provide quarterly reports to the Committees on Appropriations showing anticipated and actual SLS obligations and outlays by major component (core stage, upper stage, engines, boosters, avionics/instrumentation). NASA is further directed to work with the Committees to refine the content and format of these reports.

Adjustments to MPCV and SLS funding.—Funds provided in this Act for MPCV and SLS are intended for the actual design and development of the vehicles themselves.

Therefore, the conferees direct that the charging of related expenses to these program lines be kept to a minimum. Any funds deducted from the total to pay for civil service labor, headquarters program support, program integration, mission operations, extravehicular activities or other related expenses must be separately delineated both in the spending plan submitted pursuant to section 538 of this Act and in all future requests. The conference agreement provides a statutory set-aside for SLS ground operations; therefore, no additional charges to SLS funding for this purpose is permitted. All activities funded with the ground operations set-aside shall primarily serve the SLS program.

The conferees note that the recently completed Independent Cost Assessment (ICA) for the exploration program utilized a different budgetary structure than NASA's fiscal year 2011 operating plan or its fiscal year 2012 budget request. In the ICA, funds were divided into three separate streams: MPCV; SLS, exclusive of any ground operations; and 21st Century Ground Systems, which incorporates all SLS ground operations as well as exploration-related ground systems and infrastructure activities from the 21st Century Launch Complex program. The conferees appreciate that this structure makes a clearer distinction between SLS vehicle development work and ground operations and that it unites all exploration-related ground systems spending in a single account (while leaving ground operations and infrastructure in support of multi-user programs within the 21st Century Launch Complex appropriation). NASA is directed to submit its fiscal year 2013 budget request and all future requests using the structure laid out in the ICA. To assist in the transition to this new structure, the fiscal year 2013 request should include a crosswalk between the new and old structures.

Cost caps.—The conferees believe the human exploration programs should be managed under strict cost caps based on NASA's analysis and the recently completed ICA. Within 60 days of the enactment of this Act, NASA shall report to the Committees on Appropriations on planned milestones; expected performance and configurations; planned ground and flight testing programs; and deliverables for SLS, MPCV and ground systems. As part of this report, NASA shall recommend separate cost caps for the SLS, MPCV and associated ground systems (consistent with the funding streams as identified in the ICA) through fiscal year 2017 and shall manage each program to remain within those caps.

Exploration destinations and goals.—The conferees believe that NASA needs to better articulate a set of specific, scientifically meritorious exploration goals to focus its program and provide a common vision for future achievements. Consequently, the conferees direct NASA to develop and report to the Committees on Appropriations a set of science-based exploration goals; a target destination or destinations that will enable the achievement of those goals; a schedule for the proposed attainment of these goals; and a plan for any proposed collaboration with international partners. Proposed international collaboration should enhance NASA's exploration plans rather than replace capabilities NASA is developing with current funds. This report shall be submitted no later than 180 days after the enactment of this Act.

Commercial crew funding.—While significant unanswered questions remain about the long-term viability of the commercial space

market, the conferees agree with NASA that the support of domestic aerospace jobs and the provision of redundant access to the ISS are worthy goals. Consequently, the conference agreement provides \$406,000,000 for the commercial crew development program. The agreement withholds \$100,000,000 of these funds pending the completion of specified acquisitions milestones in the human exploration program. The conferees expect, however, that the timely completion of these milestones will result in the prompt release of all withheld funds without any negative impact on the commercial crew program.

Commercial crew management.—All of the commercial crew management and acquisition plans submitted by NASA to date have been predicated on receiving funding far in excess of the authorized level. The conferees are concerned that NASA has not devoted sufficient time to developing a detailed management plan for alternate scenarios. NASA is directed to work expeditiously to alter its management and acquisition strategy for the program as necessary to make the best use of available resources and to define the most cost effective path to the achievement of a commercial crew capability. NASA is encouraged to consider, as part of an altered strategy, an accelerated down-select process that would concentrate and maximize the impact of each appropriated dollar.

The conferees understand that NASA has several mechanisms in place to ensure that the risk associated with commercial crew development activities is not carried solely by the government. Consistent with normal procurement practices, NASA evaluates through responsibility and commitment assessments the financial stability of potential contractors. In addition, NASA will structure awards to ensure that payments are made only after the achievement of specified performance milestones and to protect the government's ability to retain and use data derived from an award in the event that the contractor defaults or otherwise chooses to discontinue participation in the program. These practices limit the financial exposure of the government and maximize the value of all payments made.

Commercial safety requirements.—The conferees are pleased by NASA's commitment to hold all human-rated launch vehicles and crew systems, including those developed via both the commercial crew program and the Human Exploration Capabilities program, to the same safety requirements regarding the potential loss of crew (LOC) or loss of mission (LOM). The conferees direct NASA to ensure that any tailoring of specific safety standards and procedures going forward does not affect this uniform application of LOC/LOM requirements.

Apollo heritage sites.—Future human and robotic exploration of the Moon poses a threat to the preservation of historically and scientifically significant sites there, including the locations of the first and last Apollo lunar landings. The conferees support NASA's efforts to establish guidelines for the protection of Apollo "heritage sites" and direct NASA to keep the Committees on Appropriations informed of further progress in this area.

SPACE OPERATIONS

The conference agreement includes \$4,233,600,000 for Space Operations.

Space Shuttle.—The conference agreement provides a total of \$573,000,000 for the Space Shuttle program, including \$470,000,000 to cover NASA's liability pursuant to the termination of the pension plan under the Space Program Operations Contract (SPOC).

The conferees have derived their numbers from the most recently available actuarial estimate of SPOC liability needs, as provided by NASA. The government is legally obligated to make these payments. If the final calculated pension shortfall differs from this amount, NASA may address the difference by either adding to or deducting from remaining Space Shuttle transition and retirement funds.

The conference agreement adopts, by reference, language in the House report requiring NASA to undertake specified actions relating to the transition of the Shuttle workforce and to provide status reports on the progress of its Space Shuttle orbiter disposition efforts.

International Space Station (ISS).—The conferees support the decision to extend ISS research and operations through 2020. In support of the ISS program, the conference agreement provides \$2,830,000,000 for ISS operations, research and cargo supply.

Satellite servicing.—The conference agreement includes \$50,000,000 from Space Operations to continue satellite servicing activities. These funds are in addition to \$25,000,000 for satellite servicing in the Space Technology account. The HEO Mission Directorate shall continue to be responsible for the overall direction and management of all agency satellite servicing activities, which are undertaken as a joint project of the HEO, Space Technology and Science mission directorates. Satellite servicing activities shall include mission architecture design, robotic system development, autonomous rendezvous and capture sensor testing, fluid transfer demonstrations and spacecraft design.

Funds are to be used to continue work on a competitive project to develop, in collaboration with a U.S. commercial partner, a satellite servicing mission capable of operating in geosynchronous Earth orbit. The goal for such a mission is to achieve an on-orbit servicing of an observatory-class government satellite by 2016. Any U.S. commercial partner should be willing to invest its own resources in this mission, as it is intended to foster the creation of an ongoing commercial capability that could meet the needs of NASA, other Federal agencies, the commercial satellite sector and the scientific community.

21st Century Launch Complex.—The conference agreement adopts, by reference, language from the Senate report regarding the 21st Century Launch Complex program. As noted under the Exploration heading, the conferees intend to confine the 21st Century Launch Complex appropriation to multi-user projects beginning in fiscal year 2013. Any 21st Century funds that support the ground operations and infrastructure of the human exploration program will be included in the new 21st Century Ground Systems funding stream in future years.

Tracking and Data Relay Satellite-M (TDRS-M).—NASA has authority to fund research and development programs and projects on an incremental basis. However, the conferees understand that TDRS-M, unlike prior TDRS System projects, does not qualify as research and development. In order to remain consistent with historical precedent on TDRS funding, therefore, the conferees have provided bill language permitting NASA to treat TDRS-M as a research and development project for the purposes of incremental funding for the duration of the project.

Launch site infrastructure.—NASA is directed to facilitate the efficient and beneficial re-purposing of vacant or underutilized

facilities, equipment and other property at NASA-owned launch sites. To accomplish this re-purposing, NASA is directed to employ all authorities granted by Congress and to involve, to the extent practical, field-level personnel in the decision making.

EDUCATION

The conference agreement includes \$138,400,000 for Education.

Portfolio structure and funding levels.—The conferees have constructed an education portfolio that strikes a balance between NASA's desire to restructure and streamline elements of the portfolio with the need to provide sufficient support to successful existing programs such as Space Grant, the Experimental Program to Stimulate Competitive Research (EPSCoR) and the Minority University Research and Education Program. The conferees direct NASA to consider this balance when developing future education budget requests. The conferees also note the existence of significant educational resources built into the mission directorate budgets and encourage NASA to take all necessary steps to ensure that these educational activities are well integrated with the programs funded under this heading.

Informal Education.—The conferees have provided \$10,000,000 for a competitive grant program to fund informal education programs that develop STEM education activities, including exhibits, at qualifying institutions as described in section 616 of the NASA Authorization Act of 2005 (P.L. 109-155), and/or at NASA Visitors Centers. In selecting grants, NASA shall prioritize projects according to their links to NASA's missions.

CROSS AGENCY SUPPORT

The conference agreement includes \$2,995,000,000 for Cross Agency Support (CAS).

Civil service labor.—NASA's CAS request included funding for nearly 700 programmatic FTE that had not yet been allocated to a mission directorate. Since the time of the budget submission, NASA has provided updated data showing the appropriate distribution of these FTE. The conference agreement reflects this updated distribution by reallocating both the FTE and associated funding out of the CAS account.

Background investigations.—All members of the NASA workforce, including both civil servants and contractors, should be appropriately and regularly screened to validate their right to access NASA physical or virtual resources. The conferees support the implementation of all necessary security procedures to achieve this goal.

Employee Performance Communications System (EPCS).—The conference agreement adopts, by reference, language in the Senate report requiring a GAO assessment of specified elements of the implementation of the EPCS.

Cybersecurity.—The conference agreement adopts, by reference, language from the House report regarding authorities of the Chief Information Officer to address cybersecurity vulnerabilities.

Independent Verification and Validation (IV&V).—The conference agreement adopts, by reference, language from the Senate report regarding IV&V.

Budget justifications.—The conferees understand that NASA is undertaking changes to the format and content of its annual budget justifications. The Committees on Appropriations should be involved in the discussion about what changes are necessary in order to ensure that the end product is as

useful as possible for the conduct of the Committees' work. Consequently, NASA is directed to work jointly with the Committees to define the scope and content of needed changes and to implement those changes in all future budget justifications.

Comprehensive independent assessment.—NASA has a broad mandate to execute a balanced space program that includes science, technology development, aeronautics research, human spaceflight and education. NASA regularly receives management and programmatic recommendations from GAO, the Office of Inspector General (OIG) and various commissions and other entities, as well as outside advice on scientific and technical priorities from the National Academies. While each of these reviews is useful on its own, they are generally targeted to a specific issue or program and therefore do not provide a comprehensive assessment of NASA's activities. The conferees believe that such an agency-wide assessment will provide a means to evaluate whether NASA's overall strategic direction remains viable and whether agency management is optimized to support that direction. Accordingly, the conference agreement recommendation includes \$1,000,000, to be provided by transfer to the OIG, to commission a comprehensive independent assessment of NASA's strategic direction and agency management.

The assessment should consider the relevance and feasibility of NASA's strategic goals; the appropriateness of the budgetary balance between NASA's various programs; and the adequacy of NASA's internal policies, procedures, controls and organizational structures that support and prioritize its mission activities. Any recommendations made pursuant to the assessment should be predicated on the assumption that NASA's outyear budget profile will be constrained due to continuing deficit reduction efforts. Such recommendations should also take into account the need for a common, unifying vision for NASA's strategic direction that encompasses NASA's varied missions. A report summarizing the conclusions of the assessment and any relevant recommendations shall be provided to the Congress and the President no later than 120 days after the enactment of this Act.

To conduct this assessment, the Inspector General shall choose an organization that will convene individuals with recognized relevant expertise and whose collective credentials sufficiently cover the entire range of NASA's mission activities, including space and Earth science; aeronautics; advanced technology development; space exploration; spaceflight operations and support; STEM education; and/or management of any of these activities. In order to promote objectivity, the Inspector General shall define and implement any conflict of interest protocols deemed necessary, but, at a minimum, the selected individuals shall not be currently employed or retained by NASA or any outside entity that competes for or receives NASA funding.

Working Capital Fund (WCF).—NASA's WCF was initially authorized in fiscal year 2003. In fiscal year 2012, NASA has expanded its use of the WCF to cover activities such as major agency-wide information technology services. The conferees are concerned that such an expansion of the uses of the WCF without adequate advance notification through the normal budget process undermines the oversight role of the Committees

on Appropriations. Accordingly, the conferees direct that NASA, as part of its annual congressional budget justification, detail any expected WCF activity for the coming fiscal year, including the source and amount of expected WCF transfers, all expected uses of the Fund, and any balances on hand or expected to remain at the end of the fiscal year. NASA shall also provide quarterly to the Committees an accounting of that quarter's expenditures along with the amount of any unobligated balances in the Fund.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes \$390,000,000 for Construction and Environmental Compliance and Restoration (CECR).

Integrated facilities master planning.—The conference agreement adopts, by reference, language from the House report directing the submission of an integrated facilities master plan.

Hangar 1, Moffett Field.—The conference agreement adopts, by reference, language from the House report regarding Hangar 1 at Moffett Field.

Mission-related construction.—NASA continues to request funds for construction of facilities within both the Space Operations and the Exploration accounts. This is an inefficient practice which requires significant post-enactment transfers of funds between accounts. The conference agreement permits such transfers in specified amounts from Space Operations and Exploration in fiscal year 2012, but NASA is directed to ensure that all construction funds in future years are requested solely within the CECR account.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$37,300,000 for the Office of Inspector General.

ADMINISTRATIVE PROVISIONS

The conference agreement includes the following administrative provisions for NASA:

The agreement includes a provision that makes funds for announced prizes available without fiscal year limitation until the prize is claimed or the offer is withdrawn.

The agreement includes a provision that establishes terms and conditions for the transfer of funds.

The agreement includes a provision that allows the transfer of balances under previous appropriations account structures to the new appropriations account structure.

The agreement includes a provision related to the expenditure of interest earned from balances in the Endeavor Teacher Fellowship Trust Fund.

The agreement includes a provision permitting NASA to accept in-kind consideration as part of the Enhanced Use Lease program under specified circumstances. NASA is directed to include in its annual budget justification a description of any in-kind consideration accepted and an estimate of the market value of that consideration.

The agreement includes a provision that subjects the NASA spending plan and specified changes to that spending plan to reprogramming procedures under section 505 of this Act.

NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

The conference agreement includes \$5,719,000,000 for Research and Related Activities (R&RA).

Research priorities.—The conferees appreciate NSF's commitment to reviewing its portfolio of programs and proposing reduc-

tions or terminations where appropriate. Such proposals provide a more fiscally sustainable way to support new or expanded programs. Accordingly, the conference agreement incorporates all of NSF's R&RA termination and reduction proposals except for the requested reduction to the radio astronomy program.

By accepting NSF's proposal to eliminate funding for the Deep Underground Science and Engineering Laboratory (DUSEL), the conference agreement completes a multi-year phase-out of NSF involvement in this project. NSF is directed to report to the Committees on Appropriations about future efforts or commitments, if any, to collaborate with the Department of Energy on a deep underground lab.

Advanced manufacturing.—The conference agreement adopts, by reference, language in the House report regarding advanced manufacturing.

Neuroscience.—NSF is uniquely positioned to advance the non-medical aspects of cognitive sciences and neurosciences, particularly through interdisciplinary science, computational models, visualization techniques, innovative technologies, and the underlying data and data infrastructure needed to transform our understanding of these areas, and the conferees encourage NSF to sustain and expand its investments in these areas. In addition, to better focus the agency's efforts and guide future budget submissions, NSF is encouraged to establish a cognitive sciences and neurosciences crosscutting theme. The conferees note that language is included under the OSTP heading encouraging OSTP to establish a NSTC working group to coordinate Federal investments in neuroscience research.

Giant Segmented Mirror Telescope (GSMT).—The direction in this section is provided in lieu of any language in the Senate report relating to the GSMT program. NSF has decided to proceed with the selection of a viable GSMT project, consistent with the National Research Council's (NRC) 2010 astronomy and astrophysics decadal survey recommendations. The conferees expect that this selection will be made expeditiously and utilize a fully competitive process, with a solicitation issued no later than the end of calendar year 2011 and a result announced no later than July 31, 2012.

Cybersecurity research.—The conference agreement adopts, by reference, language from the Senate report regarding cybersecurity research.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The conference agreement includes \$167,055,000 for Major Research Equipment and Facilities Construction (MREFC).

Project priorities.—With the MREFC funding provided either directly or via potential transfer from the R&RA account, NSF will be able to achieve significant progress on its current portfolio of construction projects, but some prioritization of funds will still be necessary. The conferees expect that NSF will dedicate funds first to the completion of projects that are already in the final stages of construction, with remaining funds allocated to projects in earlier phases of development.

Project funding profiles.—NSF should promptly review its current portfolio of MREFC projects and their outyear funding profiles to ensure they are consistent with fiscal year 2011 and 2012 appropriations. If adjustments to the portfolio in either of those fiscal years will necessitate a revision of the outyear funding profiles for any current or

planned project, NSF is directed to immediately report the revised profiles to the Committees on Appropriations and to include the new profiles in the fiscal year 2013 budget request.

Construction funding management.—The conferees remain concerned about how NSF and its grantees are defining, estimating and managing construction funding, particularly contingency funds. Stronger management and oversight of these funds could result in improved project efficiencies and, ultimately, cost savings. NSF is directed to report to the Committees on Appropriations on the steps it is taking to impose tighter controls on the drawdown and use of contingencies, as well as steps intended to incentivize grantees to complete construction under budget, for projects managed through the MREFC appropriation and for other large facility projects. This report should be submitted no later than 90 days after the enactment of this Act.

EDUCATION AND HUMAN RESOURCES

The conference agreement includes \$829,000,000 for Education and Human Resources (EHR).

Program changes.—In parallel with terminations and reductions proposed in the R&RA account, NSF has proposed a number of program reductions or terminations within EHR. For the most part, these cuts were proposed not due to any dissatisfaction with the programs in question but rather because NSF would prefer to implement new initiatives. The conferees have no objection to this approach, with the exception of the proposed reductions to the Robert Noyce Scholarship Program and the Math and Science Partnership program. The conferees do not believe that those cuts are warranted solely to make room for new activities.

Broadening Participation at the Core.—The conference agreement adopts, by reference, language from the House report regarding funding levels for the existing Broadening Participation at the Core programs.

Best practices in K-12 STEM education.—NSF is encouraged to find more effective mechanisms for disseminating the results of its education research to the K-12 STEM education community. Such mechanisms could include partnerships with nonprofits and professional associations, webinars, newsletters and workshops, drawing when possible on the resources of existing networks.

In particular, NSF is directed to ensure that the NRC report entitled *Successful K-12 STEM Education: Identifying Effective Approaches in Science, Technology, Engineering, and Mathematics* is widely distributed within the educational and scientific communities. In addition, NSF is directed to begin work to identify methods for tracking and evaluating the implementation of the recommendations in the NRC's report. NSF and its collaborators should provide an evaluation plan to the Committees on Appropriations within 12 months of the enactment of this Act that describes these methods and recommends the necessary steps that should be taken by NSF and other Federal agencies to implement that plan. Within the amounts available in this account, up to \$500,000 should be used for the formulation of the evaluation plan.

Hispanic Serving Institutions.—The conference agreement adopts, by reference, language from the House report on Hispanic Serving Institutions.

Federal Cyber Service: Scholarships for Service.—The conferees adopt the Senate recommendation to expand the Federal Cyber Service: Scholarships for Service program.

The agreement provides \$45,000,000 for this program, which is \$20,000,000 above the requested level.

AGENCY OPERATIONS AND AWARD MANAGEMENT

The conference agreement includes \$299,400,000 for Agency Operations and Award Management.

OFFICE OF THE NATIONAL SCIENCE BOARD

The conference agreement includes \$4,440,000 for the National Science Board.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$14,200,000 for the OIG.

ADMINISTRATIVE PROVISION

The conference agreement includes a provision that establishes terms and conditions for the transfer of funds.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$9,193,000 for the Commission on Civil Rights.

Improving oversight.—For fiscal year 2012, the conference agreement establishes an inspector general (IG) function for the Commission on Civil Rights and provides that the function will be carried out by the individual holding the position of IG at the Government Accountability Office (GAO). The IG is tasked with the duties and responsibilities specified in the Inspector General Act of 1978, including conducting audits and reviews of Commission programs, finances and personnel. The conference agreement provides funding for these operations, in the amount of \$250,000, by direct transfer to the Office of Inspector General of the GAO.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$360,000,000 for the Equal Employment Opportunity Commission (EEOC). The conference agreement directs that \$29,500,000 shall be available for payments to State and local enforcement agencies to ensure that the EEOC provides adequate resources to its State and local partners.

Backlog reduction.—In order to advance EEOC's backlog reduction goals, the conferees expect the EEOC to prioritize efforts both to address the inventory of private sector charges, such as through hiring or backfilling positions of frontline mission critical staff, and to examine new ways to address the backlog and increase productivity.

To assist in the monitoring of EEOC's hiring progress, the conferees direct the EEOC to continue submitting quarterly staffing reports, consistent with the direction provided in the statement accompanying Public Law 111-117.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$80,000,000 for the International Trade Commission (ITC).

The conferees adopt by reference House report language regarding internal control, financial management and information technology security weaknesses and direct the ITC to submit a report to the Committees on Appropriations not later than 120 days after enactment of this Act.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$348,000,000 for the Legal Services Corporation (LSC).

Pro bono legal services.—The conferees are pleased that LSC launched a pro bono task force in 2011 and urge the LSC to implement the recommendations of this task force as it continues to work with LSC-funded programs to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to its clients.

Legal aid fellowships.—The conferees understand that LSC is considering a proposal to create a fellowship program for retirees or recent law school graduates who will commit to working in legal aid for a designated period of time. The conferees direct LSC to conduct a study of this proposal in order to further develop how such a fellowship program would work and how much it would cost to implement. LSC shall report to the Committees on Appropriations with the results of that study not later than 120 days after the enactment of this Act.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

Unauthorized uses of funds.—The conferees encourage the Inspector General of the LSC to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The conferees also recommend the removal of funds from any LSC grantee determined by the Inspector General to have engaged in political activity.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$3,025,000 for the Marine Mammal Commission.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes \$51,251,000 for the Office of the U.S. Trade Representative (USTR). The conferees expect that funds provided will be used to vigorously enforce existing trade agreements.

Monitoring and enforcement.—The conferees direct the USTR, from funds provided in this Act, to hire no less than four additional staff for the office of the Assistant USTR for Monitoring and Enforcement. These staff, who shall be fluent in Chinese, shall monitor and enforce China's compliance with its WTO obligations and assist in early stage identification and review of Chinese measures arising out of its Five Year Plans.

Responsiveness.—The conferees note that the USTR Office of Legislative Affairs does not respond in a timely manner to requests for information from the Committees on Appropriations. Indifference shown by USTR Legislative Affairs in providing yearly budget justifications or in responding to information requests hampers the ability of the Congress to evaluate proposals and conduct oversight. Accordingly, the conferees direct the USTR to submit its detailed fiscal year 2013 budget request to the Committees on Appropriations not later than two days after the President's fiscal year 2013 budget request is submitted.

Critical vacancies.—The conferees adopt by reference House report language regarding a report on critical vacancies and direct the USTR to provide a report to the Committees on Appropriations not later than 60 days after enactment of this Act.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement includes \$5,121,000 for the State Justice Institute.

TITLE V—GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

The conference agreement includes the following general provisions:

Section 501 prohibits the use of funds for publicity or propaganda purposes unless expressly authorized by law.

Section 502 prohibits any appropriation contained in this Act from remaining available for obligation beyond the current fiscal year unless expressly provided.

Section 503 provides that the expenditure of any appropriation contained in this Act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or existing Executive Order issued pursuant to existing law.

Section 504 provides that if any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of other provisions shall not be affected.

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employee; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Section 506 permanently prohibits funds from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October 1993.

Section 507 provides that if it is determined that any person intentionally affixes a "Made in America" label to any product that was not made in America, that person shall not be eligible to receive any contract or subcontract with funds made available in this Act. The section further provides that to the extent practicable, with respect to purchases of promotional items, funds made available under this Act shall be used to purchase items manufactured, produced or assembled in the United States or its territories or possessions.

Section 508 requires quarterly reporting to Congress on the status of balances of appropriations.

Section 509 provides that any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions in the Act shall be absorbed with the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.

Section 510 prohibits funds made available in this Act from being used to promote the

sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 511 permanently prohibits funds from being used to implement a Federal user fee for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and to implement a background check system that does not require and result in the destruction of certain information within 24 hours.

Section 512 delays the obligations of any receipts deposited into the Crime Victims Fund in excess of \$705,000,000 until the following fiscal year. This language is continued to ensure a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the Fund.

Section 513 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

Section 514 prohibits the transfer of funds in the Act to any department, agency or instrumentality of the United States Government, except for transfers made by, or pursuant to, authorities provided in, this Act or any other appropriations Act.

Section 515 provides that funds provided for E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

Section 516 requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of tracing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crimes.

Section 517 requires certain timetables of audits performed by Inspectors General of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation and sets limits and restrictions on the awarding and use of grants or contracts funded by amounts appropriated by this Act.

Section 518 prohibits funds for information technology acquisitions unless the acquiring department or agency has assessed the risk of cyber-espionage or sabotage. Each department or agency covered under section 518 shall submit a quarterly report to the Committees on Appropriations of the House and the Senate describing assessments made pursuant to this section and any associated findings or determinations of risk.

Section 519 prohibits the use of funds in this Act to support or justify the use of torture by any official or contract employee of the United States Government.

Section 520 prohibits the use of funds in this Act to require certain export licenses.

Section 521 prohibits the use of funds in this Act to deny certain import applications regarding "curios or relics" firearms, parts, or ammunition.

Section 522 prohibits the use of funds to include certain language in trade agreements.

Section 523 prohibits the use of funds in this Act to authorize or issue a National Se-

curity Letter (NSL) in contravention of certain laws authorizing the Federal Bureau of Investigation to issue NSLs.

Section 524 requires congressional notification for any project within the Departments of Commerce or Justice, the National Science Foundation or the National Aeronautics and Space Administration totaling more than \$75,000,000 that has cost increases of at least 10 percent.

Section 525 deems funds for intelligence or intelligence-related activities as authorized by the Congress until the enactment of the Intelligence Authorization Act for fiscal year 2012.

Section 526 requires the departments and agencies funded in this Act to establish and maintain on the homepages of their Internet websites direct links to the Internet websites of their Offices of Inspectors General, and a mechanism by which individuals may anonymously report cases of waste, fraud or abuse.

Section 527 prohibits contracts or grant awards in excess of \$5,000,000 unless the prospective contractor or grantee certifies that the organization has filed all Federal tax returns, has not been convicted of a criminal offense under the IRS Code of 1986, and has no unpaid Federal tax assessment.

(RESCISSIONS)

Section 528 provides for rescissions of unobligated balances in certain departments and agencies funded in this Act. With respect to rescissions of unobligated balances from the Office on Violence Against Women, the Office of Justice Programs and the Office of Community Oriented Policing Services, the conferees expect that rescissions will be from grant deobligations and recoveries.

Section 529 prohibits the use of funds in this Act in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws.

Section 530 prohibits the use of funds in this Act for the purchase of first class or premium air travel.

Section 531 prohibits the use of funds to pay for the attendance of more than 50 department or agency employees at any single conference outside the United States, unless the conference is a law enforcement training or operational event where the majority of Federal attendees are law enforcement personnel stationed outside the United States.

Section 532 includes language regarding detainees held at Guantanamo Bay.

Section 533 includes language regarding facilities for housing detainees held at Guantanamo Bay.

Section 534 prohibits the distribution of funds contained in this Act to the Association of Community Organizations for Reform Now or its subsidiaries.

Section 535 includes language regarding the purchase of light bulbs.

Section 536 requires any department, agency or instrumentality of the United States Government receiving funds appropriated under this Act to track and report on undisbursed balances in expired grant accounts.

Section 537 prohibits the use of funds to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

Section 538 requires the Departments of Commerce and Justice, the National Aero-

nautics and Space Administration, and the National Science Foundation to submit spending plans.

Section 539 prohibits the use of funds by the National Aeronautics and Space Administration or the Office of Science and Technology Policy to engage in bilateral activities with China or a Chinese-owned company unless the activities are authorized by subsequent legislation or NASA or OSTP have made a certification pursuant to subsections (c) and (d) of this section.

Section 540 specifies reporting requirements for certain conferences held by any department, agency, board or commission funded by this Act.

Section 541 prohibits funds made available by this Act from being used to deny the importation of shotgun models if no application for the importation of such models, in the same configuration, had been denied prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

Section 542 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement purposes.

Section 543 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the government.

Section 544 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the government.

Section 545 specifies reporting requirements regarding vehicle fleets for all agencies and departments funded by this Act.

Section 546 prohibits any funds from being used to implement, administer, or enforce the "Wage Methodology for the Temporary Non-agricultural Employment H-2B Program" prior to January 1, 2012, to allow time for Congress to address this rulemaking. In making prevailing wage determinations for the H-2B nonimmigrant visa program for employment prior to January 1, 2012, the conferees direct the Secretary of Labor to continue to apply the rule entitled "Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers), and Other Technical Changes" published by the Department of Labor on December 19, 2008 (73 Fed. Reg. 78020 et seq.).

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

TITLE I - DEPARTMENT OF COMMERCE				

International Trade Administration				
Operations and administration.....	450,106	526,091	465,000	+14,894
Offsetting fee collections.....	-9,439	-9,439	-9,439	---

Direct appropriation.....	440,667	516,652	455,561	+14,894

Bureau of Industry and Security				
Operations and administration.....	68,862	79,845	69,721	+859
Defense function.....	31,279	31,342	31,279	---

Total, Bureau of Industry and Security.....	100,141	111,187	101,000	+859

Economic Development Administration				
Economic Development Assistance Programs.....	245,508	284,300	220,000	-25,508
Disaster relief category.....	---	---	200,000	+200,000

Subtotal.....	245,508	284,300	420,000	+174,492

Salaries and expenses.....	37,924	40,631	37,500	-424

Total, Economic Development Administration.....	283,432	324,931	457,500	+174,068

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

Minority Business Development Agency				
Minority Business Development.....	30,339	32,322	30,339	---
Economic and Statistical Analysis				
Salaries and expenses.....	97,060	112,937	96,000	-1,060
Bureau of the Census				
Salaries and expenses.....	258,506	272,054	253,336	-5,170
Periodic censuses and programs.....	891,214	752,711	635,000	-256,214
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Total, Bureau of the Census.....	1,149,720	1,024,765	888,336	-261,384
National Telecommunications and Information Administration				
Salaries and expenses.....	40,568	55,827	45,568	+5,000
Public Telecommunications Facilities, Planning and Construction.....	1,000	---	---	-1,000
	-----	-----	-----	-----
Total, National Telecommunications and Information Administration.....	41,568	55,827	45,568	+4,000

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
United States Patent and Trademark Office			
Salaries and expenses, current year fee funding.....	2,090,000	2,678,000	+588,000
Offsetting fee collections.....	-2,090,000	-2,678,000	-588,000
Total, United States Patent and Trademark Office	---	---	---
National Institute of Standards and Technology			
Scientific and Technical Research and Services.....	506,984	678,943	+60,016
(Transfer out).....	(-9,000)	(-9,000)	---
Industrial Technology Services.....	173,253	237,622	+64,369
Manufacturing extension partnerships.....	(128,443)	(142,616)	(-14,173)
Technology innovation program.....	(44,810)	(74,973)	(-30,163)
Baldrige performance excellence program.....	---	(7,727)	(-7,727)
Advanced manufacturing technology consortia.....	---	(12,306)	(-12,306)
Construction of research facilities.....	69,860	84,565	+14,705
Working Capital Fund (by transfer).....	(9,000)	(9,000)	---
Total, National Institute of Standards and Technology	750,097	1,001,130	+251,033

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
National Oceanic and Atmospheric Administration				
Operations, Research, and Facilities.....	3,179,511	3,377,607	3,022,231	-157,280
(by transfer).....	(90,239)	(66,200)	(109,098)	(+18,859)
Promote and Develop Fund (transfer out).....	(-90,239)	(-66,200)	(-109,098)	(-18,859)
Coastal zone management transfer.....	3,000	---	---	-3,000
Subtotal.....	3,182,511	3,377,607	3,022,231	-160,280
Procurement, Acquisition and Construction.....	1,332,682	2,052,777	1,817,094	+484,412
Pacific Coastal Salmon Recovery.....	79,840	65,000	65,000	-14,840
Fishermen's Contingency Fund.....	---	350	350	+350
Coastal Zone Management Fund.....	-1,000	---	---	+1,000
Fisheries Finance Program Account.....	-6,000	-10,000	-11,000	-5,000
Fisheries Enforcement Asset Forfeiture Fund.....	---	8,000	8,000	+8,000
Offsetting receipts.....	---	-8,000	-8,000	-8,000
Sanctuaries Enforcement Asset Forfeiture Fund.....	---	1,000	1,000	+1,000
Offsetting receipts.....	---	-1,000	-1,000	-1,000
Total, National Oceanic and Atmospheric Administration.....	4,588,033	5,485,734	4,893,675	+305,642
Departmental Management				
Salaries and expenses.....	57,884	64,871	57,000	-884
Renovation and Modernization.....	14,970	16,150	5,000	-9,970

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of Inspector General.....	26,946	33,520	26,946	---
Enterprise cybersecurity monitoring and operations.....	---	22,612	---	---
Total, Departmental Management.....	99,800	137,153	88,946	-10,854
Total, title I, Department of Commerce.....	7,580,857	8,802,638	7,807,749	+226,892
Appropriations.....	(7,580,857)	(8,802,638)	(7,607,749)	(+26,892)
Disaster relief category.....	---	---	(200,000)	(+200,000)
(by transfer).....	(99,239)	(75,200)	(118,098)	(+18,859)
(transfer out).....	(-99,239)	(-75,200)	(-118,098)	(-18,859)

TITLE II - DEPARTMENT OF JUSTICE

General Administration

Salaries and expenses.....	118,251	134,225	110,822	-7,429
National Drug Intelligence Center.....	33,955	25,000	20,000	-13,955
Justice Information Sharing Technology.....	60,164	54,307	44,307	-15,857
Tactical Law Enforcement Wireless Communications.....	99,800	102,751	87,000	-12,800
Total, General Administration.....	312,170	316,283	262,129	-50,041
Administrative review and appeals.....	300,084	332,583	305,000	+4,916
Transfer from immigration examinations fee account	-4,000	-4,000	-4,000	---
Direct appropriation.....	296,084	328,583	301,000	+4,916

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
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Detention Trustee.....	1,515,626	1,595,360	1,580,595	+64,969
Office of Inspector General.....	84,199	85,057	84,199	---
United States Parole Commission				
Salaries and expenses.....	12,833	13,213	12,833	---
Legal Activities				
Salaries and expenses, general legal activities.....	863,367	955,391	863,367	---
Vaccine Injury Compensation Trust Fund.....	7,833	7,833	7,833	---
Salaries and expenses, Antitrust Division.....	162,844	166,221	159,587	-3,257
Offsetting fee collections - current year.....	-96,000	-108,000	-108,000	-12,000
Direct appropriation.....	66,844	58,221	51,587	-15,257
Salaries and expenses, United States Attorneys.....	1,930,135	1,995,149	1,960,000	+29,865
United States Trustee System Fund.....	218,811	234,115	223,258	+4,447
Offsetting fee collections.....	-214,250	-234,115	-223,258	-9,008
Direct appropriation.....	4,561	---	---	-4,561
Salaries and expenses, Foreign Claims Settlement Commission.....	2,113	2,124	2,000	-113

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

Fees and expenses of witnesses.....	270,000	270,000	270,000	---
Salaries and expenses, Community Relations Service.....	11,456	12,967	11,456	---
Assets Forfeiture Fund.....	20,948	20,990	20,948	---

Total, Legal Activities.....	3,177,257	3,322,675	3,187,191	+9,934

United States Marshals Service				
Salaries and expenses.....	1,123,511	1,243,570	1,174,000	+50,489
Construction.....	16,592	15,625	15,000	-1,592

Total, United States Marshals Service.....	1,140,103	1,259,195	1,189,000	+48,897

National Security Division				
Salaries and expenses.....	87,762	87,882	87,000	-762

Interagency Law Enforcement				
Interagency Crime and Drug Enforcement.....	527,512	540,966	527,512	---

Federal Bureau of Investigation				
Salaries and expenses.....	3,385,216	3,358,000	3,376,000	-9,216
Overseas contingency operations (emergency).....	101,066	---	---	-101,066
Counterintelligence and national security.....	4,332,873	4,636,991	4,660,991	+328,118

Subtotal.....	7,819,155	7,994,991	8,036,991	+217,836

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Construction.....	107,095	80,982	80,982	-26,113
Total, Federal Bureau of Investigation.....	7,926,250	8,075,973	8,117,973	+191,723
Drug Enforcement Administration				
Salaries and expenses.....	2,305,947	2,354,114	2,347,000	+41,053
Diversion control fund.....	-290,304	-322,000	-322,000	-31,696
Subtotal.....	2,015,643	2,032,114	2,025,000	+9,357
Construction.....	---	10,000	10,000	+10,000
Total, Drug Enforcement Administration.....	2,015,643	2,042,114	2,035,000	+19,357
Bureau of Alcohol, Tobacco, Firearms and Explosives				
Salaries and expenses.....	1,112,542	1,147,295	1,152,000	+39,458
Federal Prison System				
Salaries and expenses.....	6,282,410	6,724,266	6,551,281	+268,871
Buildings and facilities.....	98,957	99,394	90,000	-8,957
Limitation on administrative expenses, Federal Prison Industries, Incorporated.....	2,700	2,700	2,700	---
Total, Federal Prison System.....	6,384,067	6,826,360	6,643,981	+259,914

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
State and Local Law Enforcement Activities				
Office on Violence Against Women:				
Prevention and prosecution programs.....	417,663	431,750	412,500	-5,163
Salaries and expenses (by transfer).....	---	(23,148)	---	---
Subtotal.....	417,663	454,898	412,500	-5,163
Office of Justice Programs:				
Research, evaluation and statistics.....	234,530	178,500	113,000	-121,530
State and local law enforcement assistance.....	1,117,845	1,173,500	1,162,500	+44,655
Juvenile justice programs.....	275,423	280,000	262,500	-12,923
Salaries and expenses.....	---	271,833	---	---
(transfer out).....	---	(-63,478)	---	---
Subtotal.....	---	208,355	---	---
Public safety officer benefits:				
Death benefits.....	61,000	62,000	62,000	+1,000
Disability and education benefits.....	9,082	16,300	16,300	+7,218
Subtotal.....	70,082	78,300	78,300	+8,218
Total, Office of Justice Programs.....	1,697,880	1,918,655	1,616,300	-81,580

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Community Oriented Policing Services:			
COPS programs.....	494,933	669,500	198,500
Salaries and expenses (by transfer).....	---	(40,330)	---
Subtotal.....	494,933	709,830	198,500
OJP, OVM, COPS Salaries and expenses.....	186,626	---	---
Total, State and Local Law Enforcement Activities.....	2,797,102	3,083,383	2,227,300
Total, title II, Department of Justice.....	27,389,150	28,724,339	27,407,713
Appropriations.....	(27,288,084)	(28,724,339)	(+119,629)
Emergency appropriations.....	(101,066)	---	---
(by transfer).....	---	63,478	---
(transfer out).....	---	-63,478	---
Office of Science and Technology Policy.....	6,647	6,650	4,500
National Aeronautics and Space Administration			
Science.....	4,935,409	5,016,800	5,090,000
Aeronautics.....	533,930	569,400	569,900
Space Technology.....	---	1,024,200	575,000

TITLE III - SCIENCE

Office of Science and Technology Policy.....	6,647	6,650	4,500	-2,147
National Aeronautics and Space Administration				
Science.....	4,935,409	5,016,800	5,090,000	+154,591
Aeronautics.....	533,930	569,400	569,900	+35,970
Space Technology.....	---	1,024,200	575,000	+575,000

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Exploration.....	3,800,683	3,948,700	3,770,800
Space Operations.....	5,497,483	4,346,900	4,233,600
Education.....	145,508	138,400	138,400
Cross-agency Support.....	3,105,177	3,192,000	2,995,000
Construction and environmental compliance and restoration.....	393,511	450,400	390,000
Office of Inspector General.....	36,327	37,500	37,300
Total, National Aeronautics and Space Administration.....	18,448,028	18,724,300	17,800,000
National Science Foundation			
Research and related activities.....	5,496,011	6,185,540	5,651,000
Defense function.....	67,864	68,000	68,000
Subtotal.....	5,563,875	6,253,540	5,719,000
Major Research Equipment and Facilities Construction..	117,055	224,680	167,055
Education and Human Resources.....	861,034	911,200	829,000
Agency Operations and Award Management.....	299,400	357,740	299,400
Office of the National Science Board.....	4,531	4,840	4,440
Office of Inspector General.....	13,972	15,000	14,200
Total, National Science Foundation.....	6,859,867	7,767,000	7,033,095
Total, title III, Science.....	25,314,542	26,497,950	24,837,595
			-476,947

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

TITLE IV - RELATED AGENCIES				
Commission on Civil Rights				
Salaries and expenses.....	9,381	9,429	9,193	-188
Equal Employment Opportunity Commission				
Salaries and expenses.....	366,568	385,520	360,000	-6,568
State and local assistance.....	---	---	---	---
Total, Equal Employment Opportunity Commission....	366,568	385,520	360,000	-6,568

International Trade Commission				
Salaries and expenses.....	81,696	87,000	80,000	-1,696
Payment to the Legal Services Corporation				
Salaries and expenses.....	404,190	450,000	348,000	-56,190
Marine Mammal Commission				
Salaries and expenses.....	3,243	3,025	3,025	-218

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of the U.S. Trade Representative				
Salaries and expenses.....	47,730	51,251	51,251	+3,521
State Justice Institute				
Salaries and expenses.....	5,121	5,131	5,121	---
=====				
Total, title IV, Related Agencies.....	917,929	991,356	856,590	-61,339
=====				

TITLE V - RESCISSIONS

Emergency steel, oil gas guarantees prgm (rescission).....	-48,000	-43,064	-700	+47,300
NTIA, Information Infrastructure grants (rescission).....	---	-2,000	-2,000	-2,000
NTIA, Public Telecommunications Facilities, Planning and Construction.....	---	---	-2,750	-2,750
NTIA, Spectrum Fund (rescission).....	-4,800	---	---	+4,800
Bureau of the Census (rescission).....	-1,740,000	---	---	+1,740,000
Census, Working capital fund (rescission).....	-50,000	---	---	+50,000
Foreign Fishing Observer Fund (rescission).....	---	-350	-350	-350
Digital TV Transition Public Safety Fund (rescission).....	---	-4,300	-4,300	-4,300
DOJ, Working Capital Fund (rescission).....	-26,000	-40,000	-40,000	-14,000
DOJ, Assets Forfeiture Fund (rescission).....	-495,000	-620,000	-675,000	-180,000
US Marshals Service, salaries and expenses (rescission).....	---	-7,200	-2,200	-2,200
DEA, Salaries and expenses (rescission).....	---	-30,000	-10,000	-10,000

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
FPS, Buildings and facilities (rescission).....	---	-35,000	-45,000	-45,000
Office of Justice programs (rescission).....	-42,000	-42,600	-55,000	-13,000
Community oriented policing services (rescission).....	-10,200	-10,200	-23,605	-13,405
Violence against women prevention and prosecution programs (rescission).....	---	-5,000	-15,000	-15,000
NASA (rescission).....	---	---	-30,000	-30,000
	=====	=====	=====	=====
Total, title V, Rescissions.....	-2,416,000	-839,714	-905,905	+1,510,095
	=====	=====	=====	=====
Grand total.....	58,786,478	64,176,569	60,003,742	+1,217,264
Appropriations.....	(61,101,412)	(65,016,283)	(60,709,647)	(-391,765)
Disaster relief category.....	---	---	(200,000)	(+200,000)
Emergency appropriations.....	(101,066)	---	---	(-101,066)
Rescissions.....	(-2,416,000)	(-839,714)	(-905,905)	(+1,510,095)
(by transfer).....	(99,239)	(138,678)	(118,098)	(+18,859)
(transfer out).....	(-99,239)	(-138,678)	(-118,098)	(-18,859)
	=====	=====	=====	=====

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

CONGRESSIONAL DIRECTIVES

The legislative intent in the House and Senate versions in H.R. 2112 set forth in the accompanying Senate report (S. Rept. 112-93) and in the report approved by the House Transportation, Housing and Urban Development, and Related Agencies Subcommittee on September 8, 2011 should be complied with unless specifically addressed to the contrary in the conference report and the statement of the managers. Report language included by the House, which is not changed by the report of the Senate or this statement of managers, and Senate report language, which is not changed by this statement of managers, is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. The conferees direct the Department of Transportation and the Department of Housing and Urban Development to notify the House and Senate Committees on Appropriations seven days prior to the announcement of a new program or authority.

The conferees reiterate direction included in the Senate report regarding the definitions of program, project and activity; reductions made pursuant to sequestration; reprogramming guidelines and requirements; operating plans; working capital funds; and budget justifications. Further, the conferees direct each department to include justifications on each administrative and general provision requested in the budget request materials.

TITLE I—DEPARTMENT OF TRANSPORTATION

**OFFICE OF THE SECRETARY
SALARIES AND EXPENSES**

The conference agreement provides \$102,481,000 for the salaries and expenses of the Office of the Secretary of Transportation as an overall funding level as proposed by the House rather than \$102,202,000 as proposed by the Senate. The agreement includes funding by office as specified below:

Immediate Office of the Secretary	\$2,618,000
Immediate Office of the Deputy Secretary	984,000
Office of the Executive Secretariat	1,595,000
Office of the Under Secretary for Transportation Policy	10,107,000
Office of Small and Disadvantaged Business Utilization	1,369,000
Office of Intelligence, Security, and Emergency Response	10,778,000
Office of the Chief Information Officer	14,988,000
Office of the General Counsel	19,515,000
Office of the Assistant Secretary for Governmental Affairs	2,500,000
Office of the Assistant Secretary for Budget and Programs	10,538,000
Office of the Assistant Secretary for Administration	25,469,000

Office of Public Affairs 2,020,000

Office of Workforce Development —
The conferees direct the Office of General Counsel to provide a continued level of effort to protect airline passengers.

NATIONAL INFRASTRUCTURE INVESTMENTS

The conference agreement provides \$500,000,000 for capital investments in surface transportation infrastructure, instead of \$550,000,000 as proposed by the Senate. The House did not propose funding for this account. The conferees direct the Secretary to focus on road, transit, rail and port projects. No funds are provided for planning activities and the Department is limited to \$20,000,000 for program administration.

FINANCIAL MANAGEMENT CAPITAL

The conference agreement provides \$4,990,000 for the financial management capital program as proposed by the Senate, instead of \$5,000,000 as proposed by the House.

CYBER SECURITY INITIATIVES

The conference agreement provides \$10,000,000 for cyber security initiatives as proposed by the Senate. The House did not propose funding for this account.

OFFICE OF CIVIL RIGHTS

The conference agreement provides \$9,384,000 for the office of civil rights as proposed by the House, instead of \$9,648,000 as proposed by the Senate.

TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

The conference agreement provides \$9,000,000 for transportation planning, research and development as proposed by the House and Senate. The conferees agree to provide not more than \$1,000,000 to do a complete study authorized in Section 9007 of Public Law 109-59.

WORKING CAPITAL FUND

The conference agreement includes a limitation of \$172,000,000 for working capital fund activities, rather than \$147,596,000 as proposed by the House and the Senate. The conferees include language allowing for the transfer of funds to the Working Capital Fund upon a majority approval of the Working Capital Fund Steering Committee.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement provides a total appropriation of \$922,000 as proposed by the House for the minority business resource center program, instead of \$921,000 as proposed by the Senate. Within the funds provided \$333,000 is for the costs of guaranteed loans for short-term working capital and \$589,000 is provided for administrative expenses. The bill limits loans made under this program to \$18,367,000 as proposed by the House and Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides \$3,068,000 for minority business outreach as proposed by the House and Senate.

PAYMENTS TO AIR CARRIERS

**(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)**

The conference agreement provides \$143,000,000 for payments to air carriers as proposed by the Senate instead of \$100,000,000 as proposed by the House. In addition to these funds, the program will receive \$50,000,000 in mandatory spending pursuant to the Federal Aviation Authorization Act of 1996. The agreement includes language, as proposed by the Senate, that would limit

funds to communities that received subsidy or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue providing service any time between September 30, 2010, and September 30, 2011. The conference agreement also includes language to direct the Secretary to transfer such sums as may be necessary from the Office of the Secretary if funding is insufficient to meet the costs of the program.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

Section 101 prohibits funds in this Act available to the Department of Transportation from being obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

Section 102 allows the Secretary of Transportation or his designee to engage with states to consider proposals related to the reduction of motorcycle fatalities.

Section 103 prohibits funds from being obligated or expended to establish or implement a program where essential air service communities are required to assume subsidy costs commonly referred to as local participation.

Section 104 authorizes the Department of Transportation to provide payments in advance to vendors for the Federal transit pass fringe benefit program.

Section 105 requires the Secretary of Transportation to post on the DOT website a schedule and an agenda of all Credit Council meetings. The conferees direct the Department to maintain records of the factors and criteria leading to funding determinations on applications.

Section 106 rescinds unobligated balances made available by section 185 of Public Law 109-115.

**FEDERAL AVIATION ADMINISTRATION
OPERATIONS**

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes \$9,653,395,000 for operations of the Federal Aviation Administration instead of \$9,673,962,000 as proposed by the House and \$9,635,710,000 as proposed by the Senate. Of the total amount provided, \$5,060,694,000 is to be derived from the airport and airway trust fund. Funds are distributed in the bill by budget activity. The Conference agreement includes all Operations base transfers requested in the budget, and the conferees expect that FAA's fiscal year 2013 budget will provide the same level of detail on the offices within the new Finance and Management organization as in previous years. In addition, the conferees direct that FAA move the Office of Audit and Evaluation (AAE) from within Office of the Chief Counsel (AGC) and realign it as an independent Staff Office reporting directly to the FAA Administrator.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity, pursuant to the reorganizational reprogramming activity approved by the Committees in September:

(All dollars in thousands)

Program	House	Senate	Conference Agreement
Air Traffic Organization	7,618,352	7,560,815	7,442,738
Aviation Safety	1,250,514	1,253,381	1,252,991
Commercial Space	13,000	15,005	16,271
Finance and Management			582,117
NextGen			60,134
Human Resources	99,005	98,858	98,858
Staff Offices	186,347	207,065	200,286
Conference Total			9,653,395

Justification of general provisions.—The conference agreement directs the FAA to provide a justification for each general provision proposed in the fiscal year 2013 budget.

Air Traffic Controller Optimum Training Solution (ATCOTS).—The conference agreement directs the FAA to report back within 60 days on modifications to the ATCOTS program that will accommodate training for all required new controllers and facilitate modern learning principles.

Workforce diversity.—The conferees direct FAA to continue to provide a report detailing data and information on the agency's recruitment outreach and hiring efforts in minority communities. The letter report should also include a year-to-year comparison of hiring statistics and shall be submitted to the House and Senate Appropriations Committees by January 15, 2012.

En Route Automation Modernization (ERAM) Operations funding.—The conference agree-

ment provides no additional funding for ERAM related cost increases and directs the FAA to pay for all ERAM related program activities from the Facilities and Equipment account until operational readiness is achieved at Salt Lake or Seattle Center, consistent with prior program management practice.

Aviation safety (AVS).—The conference agreement provides \$1,252,991,000 for aviation safety, which includes an increase of 35 additional flight standards inspectors and related safety staff and 20 aircraft certification personnel.

Special use airspace of unmanned aerial system (UAS).—The conferees direct FAA to provide a progress report to the House and Senate Appropriations Committees, no later than 60 days after enactment, which describes and assesses the establishment of special use airspace to fill defense research

needs related to UASs, particularly in the development of detection techniques for small unmanned aerial vehicles.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes \$2,730,731,000 for FAA facilities and equipment instead of \$2,798,250,000 as proposed by the House and \$2,630,731,000 as proposed by the Senate. Of the total amount available, \$475,000,000 is available until September 30, 2012, and \$2,255,731,000 is available until September 30, 2014. The bill includes language directing FAA to transmit a detailed five-year capital investment plan to Congress with its fiscal year 2013 budget submission.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

	House Bill	Senate Bill	Conference
Activity 1, Engineering, Development, Test and Evaluation:			
Advanced Technology Development and Prototyping	31,900,000	24,000,000	29,000,000
NAS Improvement of System Support Laboratory	1,000,000	1,000,000	1,000,000
William J. Hughes Technical Center Facilities	15,000,000	14,000,000	14,000,000
William J. Hughes Technical Center Infrastructure Sustainment	7,500,000	7,500,000	7,500,000
Next Generation Network Enabled Weather (NNEW)	0	18,000,000	0
Data Communications in support of Next Generation Air Transportation System	143,000,000	109,000,000	143,000,000
Next Generation Transportation System Demonstration and Infrastructure Development	16,900,000	15,000,000	15,000,000
Next Generation Transportation System—System Development	90,000,000	70,000,000	85,000,000
Next Generation Transportation System—Trajectory Based Operations	9,300,000	7,000,000	7,000,000
Next Generation Transportation System—Weather Reduction Impact	15,600,000	10,000,000	15,600,000
Next Generation Transportation System—High Density Arrivals/Departures	14,300,000	10,000,000	12,000,000
Next Generation Transportation System—Collaborative ATM	28,000,000	22,000,000	24,000,000
Next Generation Transportation System—Flexible Terminals and Airports	36,300,000	32,000,000	33,300,000
Next Generation Transportation System—Safety Security and Environment	0	0	0
Next Generation Transportation System—Networked Facilities	9,000,000	5,000,000	5,000,000
Next Generation Air transportation System—Future Facilities	19,500,000	10,000,000	15,000,000
Joint Planning and Development Office (JPDO)	0	3,000,000	0
Performance Based Navigation	29,200,000	26,200,000	29,200,000
Total, Activity 1	466,500,000	383,700,000	435,600,000
Activity 2, Air Traffic Control Facilities and Equipment:			
In Route Programs:			
En Route Automation Modernization (ERAM)	148,000,000—	148,500,000—	155,000,000
En Route Automation Modernization (ERAM)—PER3	0	3,356,000—	0
En Route Communications Gateway (ECG)	2,000,000—	2,000,000—	2,000,000
Next Generation Weather Radar (NEXRAD)—Provide	2,800,000	2,800,000	2,800,000
Air Traffic Control System Command Center (ATCSCC)—Relocation	3,600,000	3,600,000	3,600,000
ARTCC Building Improvements/Plant Improvements	46,000,000—	36,000,000—	41,000,000
Air Traffic Management (ATM)	7,500,000	7,500,000	7,500,000
Air/Ground Communications Infrastructure	4,800,000	4,800,000	4,800,000
Air Traffic Control En Route Radar Facilities Improvements	5,800,000	5,800,000	5,800,000
Voice Switching and Control System (VSCS)	1,000,000	1,000,000	1,000,000
Oceanic Automation System	6,000,000	4,000,000	4,000,000
Next Generation Very High Frequency Air/Ground Communications System (NEXCOM)	45,150,000	45,150,000	45,150,000
System-Wide Information Management (SWIM)	66,350,000	66,350,000	66,350,000
ADS-B NAS Wide Implementation	285,100,000	285,100,000	285,100,000
Windshear Detection Services	1,000,000	1,000,000	1,000,000
Weather and Radar Processor (WARP)	2,500,000	2,500,000	2,500,000
Collaborative Air Traffic Management Technologies	41,500,000	41,500,000	41,500,000
Colorado Wide Area Multilateration (WAM)	3,800,000	3,800,000	3,800,000
Automated terminal Information Service (ATIS)	1,000,000	1,000,000	1,000,000
Time-Based Flow Management (TBFM)	38,700,000	38,700,000	38,700,000
Subtotal En Route Programs	712,600,000—	704,456,000—	712,600,000—
Terminal Programs:			
Airport Surface Detection Equipment—Model X (ASDE-X)	2,200,000	2,200,000	2,200,000
Terminal Doppler Weather Radar (TDWR)	7,700,000	6,000,000	7,700,000
Standard Terminal Automation Replacement System (STARS) (TAMR Phase 1)	25,000,000	25,000,000	25,000,000
Terminal Automation Modernization/Replacement Program (TAMR Phase 3)	108,750,000—	98,750,000—	108,750,000—
Terminal Automation Program	2,500,000	2,500,000	2,500,000
Terminal Air Traffic Control Facilities—Replace	51,600,000	51,600,000	51,600,000
ATCT/Terminal Radar Approach Control (TRACON) Facilities—Improve	56,900,000	45,000,000	52,000,000
Terminal Voice Switch Replacement (TVSR)	10,000,000—	8,000,000—	8,000,000—
NAS Facilities OSHA and Environmental Standards Compliance	26,000,000	20,000,000	24,600,000
Airport Surveillance Radar (ASR-9)	6,000,000	6,000,000	6,000,000
Terminal Digital Radar (ASR-11)	3,900,000	3,900,000	3,900,000
Runway Status Lights	29,800,000	20,000,000	29,800,000
National Airspace System Voice Switch (NVS)	19,800,000	9,000,000	9,000,000
Integrated Display System (IDS)	8,800,000	8,800,000	8,800,000
Remote Maintenance and Logging System (RMLS)	4,200,000	4,200,000	4,200,000
ASR-8 Service Life Extension Program (SLEP)	0	0	0
Mode S Service Life Extension Program (SLEP)	4,000,000	4,000,000	4,000,000

	House Bill	Senate Bill	Conference
Subtotal Terminal Programs	367,150,000	314,950,000	348,050,000
Flight Service Programs:			
Automated Surface Observing System (ASOS)	2,500,000	2,500,000	2,500,000
Flight Service Station (FSS) Modernization—Alaska Flight Service Modernization (AFSM)	4,500,000	4,500,000	4,500,000
Weather Camera Program	1,500,000	4,800,000	4,800,000
Subtotal Flight Service Programs	8,500,000	11,800,000	11,800,000
Landing and Navigational Aids Program:			
VHF Omnidirectional Radio Range (VOR) with Distance Measuring Equipment (DME)	5,000,000	5,000,000	5,000,000
Instrument Landing System (ILS)—Establish	5,000,000	5,000,000	5,000,000
Wide Area Augmentation System (WAAS) for GPS	85,000,000	110,000,000	95,000,000
Runway Visual Range (RVR)	5,000,000	5,000,000	5,000,000
Approach Lighting System Improvement Program (ALSIP)	5,000,000	5,000,000	5,000,000
Distance Measuring Equipment (DME)	5,000,000	5,000,000	5,000,000
Visual NAVAIDS—Establish/Expand	3,400,000	3,400,000	3,400,000
Instrument Flight Procedures Automation (IFPA)	2,200,000	2,200,000	2,200,000
Navigation and Landing Aids—Service Life Extension Program (SLEP)	6,000,000	7,000,000	7,000,000
VASI Replacement—Replace with Precision Approach Path Indicator	7,000,000	8,000,000	8,000,000
GPS Civil Requirements	19,000,000	36,000,000	19,000,000
Runway Safety Areas—Navigational Mitigation	25,000,000	25,000,000	25,000,000
Subtotal Landing and Navigational Aids Programs	172,600,000	214,600,000	184,600,000
Other ATC Facilities Programs:			
Fuel Storage Tank Replacement and Monitoring	6,400,000	4,400,000	5,400,000
Unstaffed Infrastructure Sustainment	18,000,000	15,000,000	18,000,000
Aircraft Related Equipment Program	11,700,000	11,700,000	11,700,000
Airport Cable Loop Systems—Sustained Support	5,000,000	5,000,000	5,000,000
Alaskan Satellite telecommunications Infrastructure (ASTI)	16,000,000	15,500,000	15,500,000
Facilities Decommissioning	5,000,000	5,000,000	5,000,000
Electrical Power Systems—Sustain/Support	85,600,000	68,000,000	77,581,000
Aircraft Fleet Modernization	9,000,000	6,000,000	9,000,000
FAA employee housing and Life Safety Shelter System Service	2,500,000	2,500,000	2,500,000
Subtotal Other ATC Facilities Programs	159,200,000	133,100,000	149,681,000
Total, Activity 2	1,420,050,000	1,378,906,000	1,406,731,000
Activity 3, Non-Air Traffic Control Facilities and Equipment:			
Support Equipment:			
Hazardous Materials Management	20,000,000	20,000,000	20,000,000
Aviation Safety Analysis System (ASAS)	30,100,000	30,100,000	30,100,000
Logistics Support System and Facilities (LSSP)	10,000,000	10,000,000	10,000,000
National Airspace System Recovery Communications (RCOM)	12,000,000	12,000,000	12,000,000
Facility Security Risk Management	18,000,000	16,000,000	16,000,000
Information Security	17,000,000	15,000,000	15,200,000
System Approach for Safety Oversight	23,600,000	23,600,000	23,600,000
Aviation Safety Knowledge Management Environment (ASKME)	17,200,000	17,200,000	17,200,000
Data Center Operations	1,000,000	0	1,000,000
Aerospace Medical System Support	12,000,000	10,000,000	10,000,000
Subtotal Support Equipment	160,900,000	153,900,000	155,100,000
Training, Equipment and Facilities:			
Aeronautical Center Infrastructure Modernization	18,000,000	15,000,000	16,500,000
Distance Learning	1,500,000	1,500,000	1,500,000
National Airspace System (NAS) Training—Simulator			
Subtotal Training, Equipment and Facilities	19,500,000	16,500,000	18,000,000
Total, Activity 3	180,400,000	170,400,000	173,100,000
Activity 4, Facilities and Equipment Mission Support:			
System Support and Services:			
System Engineering and Development Support	32,900,000	28,500,000	32,900,000
Program Support Leases	41,700,000	40,000,000	40,000,000
Logistics Support Services (LSS)	11,700,000	10,100,000	11,700,000
Mike Monroney Aeronautical Center Leases	17,000,000	17,000,000	17,000,000
Transition Engineering Support	13,000,000	11,300,000	13,000,000
Technical Support Services Contract (TSSC)	22,000,000	19,100,000	22,000,000
Resource Tracking Program (RTP)	4,000,000	4,000,000	4,000,000
Center for Advanced Aviation System Development (CAASD)	80,800,000	71,000,000	78,000,000
Aeronautical Information Management Program	26,300,000	20,224,000	20,200,000
Permanent Change of Station (PCS) Moves	2,500,000	2,500,000	1,500,000
Total, Activity 4	251,900,000	223,724,000	240,300,000
Activity 5, Personnel and Related Expenses:			
Personnel and Related Expenses:	480,000,000	474,000,000	475,000,000
Total, All Activities	2,798,850,000	2,630,730,000	2,730,731,000

Performance Based Navigation.—The conference agreement provides \$29,200,000 for Performance Based Navigation, as proposed by the House. The agreement provides \$3,000,000 over the request for a demonstration project to utilize third parties to design, deploy and maintain public use Required Navigation Performance (RNP) procedures at five mid-sized airports where aircraft flying RNP arrivals would achieve measurable benefit.

System-wide information management system (SWIM).—The conference agreement includes \$66,350,000 for the SWIM program. The conferees direct FAA to provide a progress report to the House and Senate Committees on Appropriations by February 15, 2012 on FAA's development and deployment of Segment 1 capabilities and the expected require-

ments, development and deployment of Segment 2.

Navigation and landing aids-service life extension program (SLEP).—The conference agreement includes \$7,000,000 for navigation and landing aids. Within the amount provided, \$1,000,000 is for the procurement and installation of additional runway end identification light (REIL) systems.

VASI replacement-replace with precision approach path indicator.—The conference agreement includes \$8,000,000 for the replacement of VASI systems with Precision Approach Path Indicator (PAPI) systems. Within the amount provided, \$1,000,000 is for the procurement of additional PAPI systems.

Alternate positioning, navigation and timing (APNT).—The conferees understand FAA is conducting a review of APNT capabilities that support communication, navigation,

and surveillance applications in the event of a loss of Global Navigation Satellite Services (GNSS) to ensure that operations are appropriately supported and consistent with the evolution to NextGen. The conferees support this review and encourage the FAA to move forward with research, development and potential implementation of systems, avionics, processes, and procedures that leverage available assets to minimize the impact to system capacity and efficiency during periods of GNSS interference.

RESEARCH, ENGINEERING AND DEVELOPMENT (AIRPORT AIRWAY TRUST FUND)

The bill provides \$167,556,000 for the FAA's research, engineering, and development activities, instead of \$175,000,000 as proposed by the House and \$157,000,000 as proposed by the Senate. The following table compares the

House and Senate bills with the conference agreement by budget activity:

Program	House Bill	Senate Bill	Conference Agreement
Improve Aviation Safety	94,249,000	87,775,000	89,314,000
Fire research and safety	8,157,000	7,158,000	7,158,000
Propulsion and fuel systems	3,611,000	2,300,000	2,300,000
Advanced materials/structural safety	2,605,000	2,534,000	2,534,000
Atmospheric hazards/digital system safety	5,404,000	5,404,000	5,404,000
Aging aircraft	12,589,000	10,632,000	11,600,000
Aircraft catastrophic failure prevention	1,502,000	1,147,000	1,147,000
Flightdeck safety/systems integration	6,162,000	6,162,000	6,162,000
Aviation safety risk analysis	10,027,000	10,027,000	10,027,000
ATC/AF human factors	10,634,000	10,364,000	10,364,000
Aeromedical research	11,617,000	11,000,000	11,000,000
Weather research	16,366,000	16,043,000	16,043,000
Unmanned aircraft system	3,504,000	3,504,000	3,504,000
NextGen Alternative Fuels for General Aviation	2,071,000	1,500,000	2,071,000
Improve Efficiency of the ATC System	33,905,000	28,134,000	34,174,000
Joint program and development office	0	6,500,000	5,000,000
Wake turbulence	10,674,000	9,064,000	10,674,000
NextGen—Air Ground Integration	10,545,000	5,303,000	7,000,000
NextGen—Self Separation	3,500,000	5,060,000	3,500,000
NextGen—Weather Technology in the Cockpit	9,186,000	2,207,000	8,000,000
Reduce Environmental Impacts	41,351,000	35,597,000	38,574,000
Environment and energy	16,351,000	15,074,000	15,074,000
NextGen Environmental Research—Aircraft Technologies, Fuels and Metrics	25,000,000	20,523,000	23,500,000
Mission Support	5,495,000	5,494,000	5,494,000
System planning and resource management	1,718,000	1,717,000	1,717,000
Technical laboratory facilities	3,777,000	3,777,000	3,777,000
Total	175,000,000	157,000,000	167,556,000

NextGen environmental research—aircraft technologies, fuels and metrics.—The conference agreement includes \$23,500,000 for the FAA's NextGen environmental research aircraft technologies, fuels and metrics program. The conferees direct FAA to use funds above the budget request to expedite the development of viable alternative fuels that can be used in aircraft and to continue the efforts of FAA's continuous, lower energy, emissions, and noise program (CLEEN). These additional funds are designated as an item of congressional interest and the conferees direct FAA not to reprogram these funds without the specific approval of the House and Senate Committees on Appropriations.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a liquidating cash appropriation of \$3,435,000,000; an obligation limitation of \$3,350,000,000; a limitation on administrative expenses of not more than \$101,000,000; no less than \$15,000,000 for the airport cooperative research program; and no less than \$29,250,000 for airport technology research.

Small community air service development pilot program.—The bill includes \$6,000,000 under the obligation limitation to continue the small community air service development pilot (SCASDP) program and directs the FAA to transfer funds to OST salaries and expenses appropriation.

ADMINISTRATIVE PROVISIONS—FEDERAL
AVIATION ADMINISTRATION

Section 110 allows no more than 600 technical staff-years at the Center for Advanced Aviation Systems Development as proposed by the House and Senate.

Section 111 prohibits funds for adopting guidelines or regulations requiring airport sponsors to provide FAA "without cost" building construction or space as proposed by the House and Senate.

Section 112 allows the FAA to be reimbursed for amounts made available for 49 U.S.C. 41742(a)(1) as fees are collected and credited under 49 U.S.C. 45303 as proposed by the House and Senate.

Section 113 allows reimbursement of funds for providing technical assistance to foreign

aviation authorities to be credited to the operations account as proposed by the House and Senate.

Section 114 prohibits funds limited in this Act for the Airport Improvement Program to be provided to an airport that refuses a request from the Secretary of Transportation to use public space at the airport for the purpose of conducting outreach on air passenger rights as proposed by the House and Senate.

Section 115 prohibits funds for Sunday premium pay unless work was actually performed on a Sunday as proposed by the House and Senate.

Section 116 prohibits funds in the Act from being used to buy store gift cards with Government issued credit cards as proposed by the House and Senate.

Section 117 allows all airports experiencing the required level of boardings through charter and scheduled air service to be eligible for funds under 49 U.S.C. 47114(c) as proposed by the Senate.

Section 118 prohibits funds from being obligated or expended for retention bonuses for FAA employees without prior written approval of the DOT Deputy Assistant Secretary for Administration.

Section 119 limits to 20 percent the cost share required under the contract tower cost-share program.

Section 119A reverses changes made to the Block Aircraft Registry Request program and prohibits future changes to the program, as proposed by the House and Senate.

Section 119B prohibits funds from being used to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey as proposed by the House.

FEDERAL HIGHWAY ADMINISTRATION
LIMITATION ON ADMINISTRATIVE EXPENSES
(INCLUDING TRANSFER OF FUNDS)

The conference agreement limits obligations for administrative expenses of the Federal Highway Administration (FHWA) to \$412,000,000, which is equal to the annualized level of contract authority under the latest surface transportation extension, P.L. 112-30, plus \$3,144,750 in carryover contract authority, plus \$16,000,000 in funds that the Secretary may transfer from the 14 discretionary highway programs, if necessary, to ensure proper oversight. The 14 programs impacted are: Delta Region Transportation Development; Ferry Boats Discretionary

Projects; Highways for LIFE Demo Projects; Innovative Bridge Research & Deployment; Interstate Maintenance Discretionary; National Historic Covered Bridge Preservation; National Scenic Byways; Public Lands Highway Discretionary; Railway-Highway Crossings Hazard Elimination in HSR Corridors; Transportation, Community, and System Preservation; Truck Parking Pilot Program; Disadvantaged Business Enterprises Services; On-the-Job Training Services; and, Value Pricing Pilot Program.

In addition, the conferees provide \$3,220,000 in contract authority above this limitation for the administrative expenses of the Appalachian Regional Commission pursuant to 23 U.S.C. 104.

Information Technology Improvements.—The conferees recommend at least \$2,000,000 of funds provided should be for the Delphi system and accounting services, the IPv6 system and accounting services, the IPv6 transition, and FHWA's share in the implementation of the financial management business transformation. These are important improvements to the administration of the federal-aid highways program.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to \$39,143,582,670 in fiscal year 2012, which is the annualized level of contract authority under the latest surface transportation extension, P.L. 112-30.

Solvency of Highway Trust Fund.—The conferees acknowledge this obligation limitation will deplete almost all resources from the Highway Trust Fund by the end of fiscal year 2012, causing the FHWA to begin cash-management procedures that may result in States not receiving timely reimbursement of highway construction expenses. Further, without enactment of a new surface transportation authorization bill with large amounts of additional revenues this year, the Highway Trust Fund will be unable to support a highway program in fiscal year 2013. The conferees strongly urge the committees of jurisdiction to enact surface transportation legislation that provides substantial long-term funding to continue the federal-aid highways program.

Commercial Motor Vehicle Parking.—The conferees direct FHWA to study the shortage

of commercial motor vehicle parking, including the impact of such on operators' compliance with federal safety requirements, and to report findings to the Committees on Appropriations within 180-days of enactment of this Act.

The conference agreement does not include a requirement for FHWA to report on transportation construction projects impacting local roads as proposed by the House.

Additionally, the conference agreement does not include a requirement for FHWA to investigate developing a comprehensive, department-wide corrosion analysis mitigation tool or a requirement for FHWA to report on the viability and cost-savings of developing such tool as proposed by the House.

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of \$39,882,582,670, which is available until expended, to pay the outstanding obligations of the various highway programs at the levels provided in this Act and prior appropriations Acts. This level reflects the annualized contract authority provided under the latest surface transportation extension, P.L. 112-30, including contract authority both subject to and exempt from the obligation limitation.

EMERGENCY RELIEF

The conference agreement appropriates \$1,662,000,000 in additional funds for the Emergency Relief Program, which is available until expended, for qualifying emergency repair expenses relating to major disasters declared pursuant to the Stafford Act, 42 U.S.C. 5121 et seq.

The conference agreement waives the per-State, per-disaster cap of \$100,000,000 for certain disaster events in fiscal year 2011 relating to Hurricane Irene and flooding of the Missouri River. The conference agreement also directs the Secretary to extend the 180-day time period under 23 U.S.C. 120(e), in consideration of delays in a State's ability to access damaged facilities to evaluate damages and estimate the cost of such repairs, for eligible disasters in fiscal years 2011 and 2012.

RESCISSION

The conference agreement does not include a rescission of \$73,000,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS—FEDERAL
HIGHWAY ADMINISTRATION

Section 120 retains the provision as proposed by the Senate that distributes the federal-aid highways program obligation limitation.

Section 121 retains the provision as proposed by the House and the Senate that allows funds received by the Bureau of Transportation Statistics from the sale of data products to be credited to the federal-aid highways account.

Section 122 retains the provision as proposed by the House and the Senate that provides requirements for any waiver of Buy American requirements.

Section 123 retains the provision as proposed by the House and the Senate that prohibits tolling in Texas, with exceptions.

Section 124 retains with modification the provision proposed by the House that directs GAO to study how States and public transit authorities use their authority to transfer federal funds between the highway and transit programs and to submit a report within a year of enactment.

Section 125 retains with modification the provision proposed by the Senate that allows

the State laws of Maine and Vermont regarding vehicle weight limitations to apply to all portions of the Interstate Highway System within each State, notwithstanding the requirements of 23 U.S.C. 127(a)(11), for a time period of approximately twenty years.

Section 126 is a new provision that allows the Secretary to transfer up to \$16,000,000 from discretionary federal-aid highway programs to the FHWA administrative expenses account.

The conference agreement does not include Sections 124 or 128, as proposed by the Senate.

FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND
PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

The conference agreement includes a liquidation of contract authorization and a limitation on obligations of \$247,724,000 for the operating and program expenses of the Federal Motor Carrier Safety Administration (FMCSA). Of this limitation, \$8,543,000 is to remain available for obligation until September 30, 2014, as proposed by the Senate; \$191,918,800 is recommended for operating expenses; and \$47,262,200 is recommended for program expenses. The conference agreement modifies the Senate direction to FMCSA to report on March 30, 2012 on the agency's ability to meet its requirement to conduct compliance safety reviews on high risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)
(INCLUDING RESCISSION)

The conference agreement provides a liquidating cash appropriation and a limitation on obligations of \$307,000,000 for motor carrier safety grants, as proposed by the Senate, modified to provide \$29,000,000 for the audits of new entrant motor carriers, as proposed by the House. The conference agreement provides funding for motor carrier safety grants as follows:

Program	Funding
Motor carrier safety assistance program	\$212,000,000
Commercial driver's license (CDL) program improvement grants	30,000,000
Border enforcement grants	32,000,000
Performance and registration information system management grant	5,000,000
Commercial vehicle information systems and networks deployment	25,000,000
Safety data improvement grants	3,000,000

The conference agreement also permanently rescinds \$1,000,000 in prior-year unobligated balances, as proposed by the Senate, to cover costs associated with FMCSA Administrative Provision 131.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION

Section 130 retains the provision proposed by the House and the Senate that subjects funds appropriated in this Act to the terms and conditions of section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report on Mexico-domiciled motor carriers.

Section 131 retains the provision proposed by the Senate that does not require repayment of certain Commercial Vehicle Information Systems and Networks (CVISN) grant funds that were awarded improperly by FMCSA to States between 2006 and 2010.

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides \$140,146,000 from the general fund for operations and research, as proposed by the Senate. Of this amount, a total of \$20,000,000 shall remain available until September 30, 2013, as proposed by the Senate.

OPERATIONS AND RESEARCH
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation and an obligation limitation of \$109,500,000, to remain available until expended. Of the total, \$105,500,000 is provided for the highway safety research and development programs under 23 U.S.C. 403 and \$4,000,000 is provided for the National Driver Register under 49 U.S.C. 303, as proposed by the House and the Senate. Of the total limitation, \$20,000,000 shall remain available until September 30, 2013, and shall be in addition to any limitation imposed on obligations in future fiscal years, as proposed by the Senate.

Repurposed Seatbelt Grants Funding.—The conferees repurpose \$25,000,000 of the Safety Belt Performance Grants to fully fund the modernization of the National Automotive Sampling System (NASS). The conferees direct NHTSA to follow all directives contained in the Senate Committee report relating to the NASS modernization, including those relating to enhanced data collection and new reporting requirements.

The conferees do not provide any repurposed Safety Belt Performance Grants funding to enhance the ongoing cooperative research effort between NHTSA and the Automotive Coalition for Traffic Safety to develop driver alcohol detection systems, or for the distracted driver program as proposed by the Senate.

Unsecured loads.—The conferees direct the GAO to report to the Committees on Appropriations on the various State laws, associated penalties, exemptions, and enforcement actions associated with unsecured loads within one year of enactment of this Act. Further, NHTSA is directed to collect and classify data from automobile accidents involving road debris as proposed by the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation and an obligation limitation of \$550,328,000 for highway traffic safety grants, to remain available until expended, as proposed by the Senate. The conference agreement recommends as follows:

	Amount
Highway Safety Programs (section 402)	\$235,000,000
Occupant Protection Incentive Grants (section 405)	25,000,000
Safety Belt Performance Grants (section 406)	28,500,000
National Automotive Sampling System	25,000,000
State Traffic Safety Information System Improvement Grants (section 408)	34,500,000
Alcohol-Impaired Driving Countermeasures Incentive Grants (section 410)	139,000,000
Motorcyclist Safety Grants (section 2010)	7,000,000
Child Safety and Child Booster Seat Safety Incentive Grants (section 2011)	7,000,000
High Visibility Enforcement Program (section 2009)	29,000,000
Administrative Expenses	25,328,000

Distracted Driver.—The conferees direct NHTSA, in conjunction with the Centers for Disease Control (CDC), to conduct an analysis of available research on distracted driving, and to report on the extent to which

electronic devices can be causally linked to the reported rise in fatal accidents or injuries involving distracted driving, as well as the impact distracted driving prevention laws and enforcement actions can have on motorist behavior.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Section 140 retains the provision as proposed by the House and the Senate that provides funding for travel and related expenses for state management reviews and highway safety core competency development training.

Section 141 retains the provision as proposed by the House and the Senate that exempts obligation authority that was made available in previous public laws for multiple years from the limitations on obligations set for the current year.

Section 142 retains the provision as proposed by the House and Senate that prohibits the use of funds to implement 23 U.S.C. 404.

FEDERAL RAILROAD ADMINISTRATION SAFETY AND OPERATIONS

The conference agreement provides \$178,596,000 for safety and operations of the Federal Railroad Administration (FRA) instead of \$180,867,000 proposed by the House and \$176,596,000 proposed by the Senate. Of the funds provided, \$12,300,000 is available until expended as proposed by the Senate.

Positive Train Control.—The conferees expect the FRA to complete the necessary PTC rulemakings, and directs the FRA to report to the House and Senate Appropriations Committees, by March 1, 2012, on (a) the status of the revisions under consideration and (b) the FRA assessment of the progress being made by the railroad carriers in complying with the PTC statutory deadlines.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides \$35,000,000 for railroad research and development, instead of \$35,030,000 as proposed by the House and \$30,000,000 as proposed by the Senate. The conferees include funding for the research accounts as proposed by the House with the exception of R&D facilities and test equipment which shall be \$2,345,000.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The conference agreement authorizes the Secretary to issue notes or other obligations pursuant to section 512 of P.L. 94-210 as proposed by both the House and Senate.

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

The conference agreement provides a total of \$1,418,000,000 for the operations, capital improvements and debt service to the National Railroad Passenger Corporation (Amtrak).

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides \$466,000,000 in operating grants to Amtrak instead of \$227,000,000 proposed by the House and \$544,000,000 proposed by the Senate.

Business plan.—The conference agreement includes language as proposed by the House that requires Amtrak to provide semiannual reports in electronic format regarding the pending business plan as well as progress against the milestones and target dates contained in its financial performance improvement plan provided in fiscal year 2011. Further, these plans shall include a comprehensive fleet plan which shall establish year-specific goals and milestones and discuss po-

tential, current and preferred financing options for all such activities.

The conference agreement includes bill language as proposed by the House which prohibits Amtrak from discounting tickets at more than 50 percent off the normal, peak fare after March 1, 2012, unless the operating loss due to the discounted fare is covered by a State. The Senate did not propose a similar provision.

The conferees encourage Amtrak to carry \$200,000,000 in reserves within their operating account, and encourage use of any favorable ticket revenue to get to this amount before using this favorable ticket revenue on Capital expenses unless such Capital expenses are necessary to ensure the safe operation and maintenance of the passenger rail system.

The conference agreement does not include a requirement for the Amtrak IG to report quarterly on Amtrak operational efficiencies and overhead expenses as proposed by the House as Section 207 of the Passenger Rail Investment and Improvement Act requires similar reporting requirements by the Federal Railroad Administration.

The conference agreement does not require Amtrak to report on plans to improve food and beverage service and first class service as proposed by the House.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides \$952,000,000 for capital and debt service payment grants to Amtrak, instead of \$890,954,000 as proposed by the House, and \$936,778,000 as proposed by the Senate. Within the funds provided, the conference agreement includes \$271,000,000 for Amtrak's debt service payment as proposed by the House and the Senate, and \$15,000,000 shall be for Northeast Corridor Gateway projects as proposed by the Senate. The agreement adopts the Senate bill requirement that grants made after the first \$200,000,000 be provided only on a reimbursable basis.

Americans with Disabilities Act.—Under its compliance plan with the Americans with Disabilities Act (ADA), Amtrak would invest \$175,000,000 during fiscal year 2010 for necessary capital investments. The conferees understand that events outside of Amtrak's control delayed these investments. However, the conferees direct Amtrak to the best of its ability to maintain this plan for complying with the requirements of ADA, and modify bill language requiring Amtrak to invest no less than \$50,000,000 for ADA capital investments.

The conference agreement allows the Secretary to retain up to one-half of one percent of the funds provided to fund the costs of project management oversight of capital projects as proposed by the House, instead of one-fourth of one percent, as proposed by the Senate.

The conference agreement also allows the Secretary to retain up to one-half of one percent of the funds provided to fund the costs associated with implementing section 212 of division B of Public Law 110-432.

The conferees direct Amtrak to report back within 60 days on the process and procedures that are being implemented to improve financial controls for on-time performance incentive payments, and to establish accountability for the host railroad billing.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS PASSENGER RAIL SERVICE

The conferees provide no funds for the Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service Pro-

gram as proposed by the House. The Senate provided \$100,000,000 for the program. The conference agreement does not require GAO to report on a vision and operational plan for high speed and intercity passenger rail service or on states' capabilities to develop and operate high speed and intercity passenger rail service.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

Section 150 retains a provision that ceases the availability of Amtrak funds if the railroad contracts for services outside the United States for any service performed by a full-time or part-time Amtrak employee as of July 1, 2006, as proposed by the House and Senate.

Section 151 retains a provision that allows FRA to receive and use cash or spare parts to repair and replace damaged track inspection cars as proposed by the House and Senate.

Section 152 retains a provision that authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation.

Section 153 limits overtime to \$35,000 per employee, allows Amtrak's president to waive this restriction for specific employees for safety or operational efficiency reasons, and requires notification to the House and Senate Committees on Appropriations within 30 days of granting such waivers.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides \$98,713,000 for the administrative expenses of the Federal Transit Administration (FTA) as proposed by the Senate instead of \$94,413,000 as proposed by the House. The conferees provided funds directly to the Office of Inspector General for financial statement audits and did not specify a dollar amount for travel.

The conferees direct FTA to include in its operating plan a specific allocation of administrative expenses resources, including a delineation of full time equivalent employees, as proposed by the House. The conference agreement also requires transfers exceeding 5 percent to be approved by the House and Senate Appropriations Committees through the reprogramming process outlined by the Senate. The conferees direct FTA to include in DOT's operating plan how much will be allocated for travel in fiscal year 2012.

FORMULA AND BUS GRANTS (LIQUIDATION OF CONTRACT AUTHORITY) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

The conference agreement limits obligations from the Mass Transit Account for the formula and bus grant program to \$8,360,565,000 as proposed by the Senate, instead of \$5,200,000,000 as proposed by the House. The conferees acknowledge that the specific programmatic distribution of formula and bus grant funds will be determined through legislation extending or reauthorizing the surface transportation programs. The conference agreement includes a liquidating cash appropriation of \$9,400,000,000.

The conferees have directed that funding for bus rapid transit projects proposed in the fiscal year 2012 budget request under the capital investment grants account instead be funded in the Bus and Bus Facilities program, where they are also eligible. Projects requested in the administration's budget to be funded from the formula are as follows:

CA Fresno, Fresno Area Express \$17,800,000

CA Oakland, East Bay BRT	25,000,000
CA San Francisco, Van Ness Ave BRT	30,000,000
FL Jacksonville, JTA BRT	6,443,200
MI Grand Rapids, Silver Line BRT	12,887,943
TX El Paso, Mesa Corridor BRT ..	13,540,000
WA King County, RapidRide E BRT	21,629,000
WA King County, RapidRide F BRT	15,880,000
CT Hartford-New Britain Busway ..	45,000,000

RESEARCH AND UNIVERSITY RESEARCH CENTERS

The conference agreement provides \$44,000,000 for research activities instead of \$45,000,000 as proposed by the House and \$40,000,000 as proposed by the Senate. Of the amounts provided, \$3,500,000 is for the National Transit Institute, \$6,500,000 is for transit cooperative research programs and \$4,000,000 is for the university centers program. The conferees direct FTA to report on all 2011 and 2012 FTA-sponsored research by May 15, 2012. The agreement also provides \$25,000,000 for FTA to support the development of cutting-edge new bus and transit technologies.

Rural transit.—In rural communities across the nation, the conferees believe that transit plays an important role in getting families and individuals from their homes to work, medical appointments and day-to-day activities. In order for rural transit service to be efficient, the community must effectively coordinate transit services among human service agencies and job providers. The conferees support continuing FTA efforts to develop and demonstrate initiatives that will assist rural and small communities in providing transit service that will help individuals to get from home to the workplace.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

The conference agreement provides \$1,955,000,000 for capital investment grants as proposed by the Senate instead of \$1,554,077,000 as proposed by the House. Of the amounts provided, \$35,481,000 is for the small starts program, \$21,004,000 is for administrative oversight activities, \$1,368,515,000 is for payouts for full funding grant agreements, \$510,000,000 is for projects entering into full funding grant agreements in calendar year 2012 payable upon grant award, \$5,000,000 is for the Denali Commission, and \$15,000,000 is for Alaska and Hawaii ferries. Oversight and audit activities performed by the Office of Inspector General are funded out of the OIG account. Further, \$58,500,000 of prior year unobligated balances are rescinded.

The conferees direct FTA to refrain from signing any full funding grant agreement with a new starts share greater than 60% as recommended in the Senate report. The House proposed limiting FTA to projects with a 50% or less Federal share.

The conference agreement provides the following payouts for new starts projects:

NY Long Island Rail Road East Side Access	\$203,424,000
NY Second Avenue Subway	186,566,000
TX Dallas Northwest/Southeast	81,606,000
UT Salt Lake City Mid Jordan LRT	78,889,510
UT Salt Lake City Weber County	52,047,490
VA Northern VA Dulles	90,832,000
WA Seattle University Link LRT	104,078,000
MN Central Corridor LRT	93,144,000
FL Orlando Central Florida	47,308,000

CO Denver Eagle	140,920,000
TX Houston North Corridor	94,616,000
TX Houston Southeast Corridor	94,616,000
UT Salt Lake City Draper	100,468,000

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

The conference agreement does not include funds for energy efficiency grants as proposed by the House. The Senate proposed \$25,000,000 under this heading.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The conference agreement provides \$150,000,000 as proposed by the House and Senate to carry out section 601 of division B of Public Law 110-432 to remain available until expended. The conferees direct WMATA to continue with capital improvement plans and not defer capital and safety investments to offset operating costs.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

Section 160 exempts previously made transit obligations from limitations on obligations.

Section 161 allows funds provided in this Act for (1) projects under “Capital Investment Grants” and (2) bus and bus facilities under “Formula and Bus Grants” that remain unobligated by September 30, 2014 to be available for projects eligible to use the funds for the purposes for which they were originally provided.

Section 162 allows for the transfer of appropriations made prior to October 1, 2011 from older accounts to be merged into new accounts with similar current activities.

Section 163 allows unobligated funds in prior year appropriations for new fixed guideway systems under “Federal Transit Administration, Capital Investment Grants” to be used in the current fiscal year to satisfy expenses for activities eligible in the year the funds were appropriated.

Section 164 requires unobligated funds or recoveries under 49 U.S.C. 5309 that are available for reallocation shall be directed to projects eligible to use the funds for which they were originally intended.

Section 165 allows the Secretary to use one percent of section 5316 funds for program management oversight.

Section 166 provides funds for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities as proposed by the Senate. The House proposed prohibiting funds for 49 U.S.C. 5309(m)(6)(B) and (C).

Section 167 modifies a provision proposed by the House limiting FTA to signing full funding grant agreements (FFGAs) with a new starts share of 60% or less. The House proposed limiting new FFGAs to projects with a Federal share of 50% or less. The Senate did not include a similar provision.

Section 168 modifies a provision proposed by the House permitting fuel and utilities for vehicle operations to be treated as a capital maintenance item for grants made under section 5307 in fiscal year 2012, up to \$100,000,000. The Senate did not include a similar provision.

Section 169 modifies a provision proposed by the Senate regarding the enforcement of the charter bus rule for an area in Washington State. The House did not include a similar provision.

Section 169A allows the Secretary to consider significant private contributions when

calculating the non-Federal share of capital costs for new starts projects as proposed by the Senate. The House did not include a similar provision.

Section 169B modifies a provision proposed by the Senate specifying all bus rapid transit projects recommended in the fiscal year 2012 budget request under “Capital Investment Grants” in this Act shall instead be funded from the formula bus program. The House did not include a similar provision.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement includes \$32,259,000 for the operations, maintenance, and capital asset renewal of the Saint Lawrence Seaway Development Corporation (SLSDC) as proposed by the House instead of \$34,000,000 as proposed by the Senate.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes \$174,000,000 for the maritime security program, as proposed by the House and Senate.

OPERATIONS AND TRAINING

(INCLUDING RESCISSION)

The conference agreement includes \$156,258,000 for the Maritime Administration’s (MARAD) operations and training account, instead of \$151,889,000 as proposed by the House and \$154,886,000 as proposed by the Senate. Further, the agreement rescinds \$980,000 from prior year funds instead of \$1,000,000 as proposed by the Senate. The House did not propose a rescission from this account.

The conferees provide a total of \$85,168,000 for the U.S. Merchant Marine Academy (USMMA). Of the funds provided, \$62,268,000 is for Academy operations and \$22,900,000 is for the capital improvement program (CIP) of which \$17,000,000 is for capital improvements and \$5,900,000 is for facilities maintenance, repairs and equipment. The conferees did not provide funds for replacing the midshipman fees or the recruitment initiative, but did allocate an additional \$250,000 for up to 5 additional staff to support and manage the CIP and facility maintenance. The conferees do not include a prohibition on the expenditure of funds for the commencement of architectural and engineering studies as proposed by the House. The conferees direct MARAD to provide a staff organizational chart for the USMMA as directed by the Senate with the fiscal year 2013 budget materials.

The conferees provide a total of \$17,100,000 for the state maritime academies, of which \$3,600,000 is for direct payments, \$2,400,000 is for student incentive payments and \$11,100,000 is for scholarship maintenance and repair.

The conferees provide a total of \$54,000,000 for MARAD operations: \$49,000,000 for headquarters operations, \$4,000,000 for environment and compliance, and \$1,000,000 for Marview. The conferees direct MARAD to provide a report on the number of vacancies at MARAD headquarters and regional offices, and the duties associated with each vacancy concurrent with the fiscal year 2013 budget submission.

SHIP DISPOSAL

The conference agreement includes \$5,500,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet as proposed by the House instead of \$10,000,000 as proposed by the Senate. The conferees recommend \$3,000,000 for the NS Savannah as requested.

The conferees direct MARAD to make best value determinations and award ship recycling contracts no later than 90 days from the close of the ship specific solicitation. Upon award announcement, MARAD shall disclose, in addition to the price, other factors and criteria used to determine best value of the winning award. The conference agreement does not require MARAD to provide a full accounting of ship disposal activities as proposed by the House since such actions are identified in the annual vessel disposal report to Congress.

ASSISTANCE TO SMALL SHIPYARDS

The conference agreement includes \$9,980,000 for assistance to small shipyards as proposed by the Senate. The House did not propose funding this account.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conference agreement includes \$3,740,000 for administrative expenses for the maritime guaranteed loan program (title XI) as proposed by the House. The Senate proposed \$4,000,000 for the same purpose. The conferees agree to rescind \$35,000,000 of prior year unobligated balances as proposed by the Senate. The House proposed rescinding \$54,100,000.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Section 170 authorizes MARAD to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of MARAD, and allow payments received to be credited to the Treasury.

Section 171 modifies a provision proposed by the House prohibiting a fee-for-service contract for vessel disposal, scrapping or recycling unless a qualified domestic ship recycler will pay for the vessel. The Senate did not propose a similar provision.

Section 172 modifies a provision proposed by the Senate restricting the use of funds for non-availability determinations under 46 U.S.C. 501 for oil releases from the Strategic Petroleum Reserve if United States-flag vessels of single or collective capacity are available unless, under exceptional circumstances, the Secretary of Transportation provides a written justification for not using such United States-flag vessel or vessels. The House did not propose a similar provision.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$21,360,000 for the necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration (PHMSA). Of the amount provided, \$639,000 is to be derived from the Pipeline Safety Fund, and \$1,000,000 is to be transferred to the Pipeline Safety account to fund Pipeline Safety Information Grants to Communities, as proposed by the House and the Senate.

Information Technology Modernization.—The conferees recognize the importance of PHMSA's five-year information technology modernization effort, which began in fiscal year 2010. The conferees recommend at least \$2,550,000 of operating expenses be used to further these efforts, as proposed in PHMSA's budget.

HAZARDOUS MATERIALS SAFETY

The conference agreement provides \$42,338,000 for the agency's hazardous mate-

rials safety functions. Of this amount \$1,716,000 shall be available until September 30, 2014, as proposed by the House and the Senate.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides a total of \$109,252,000 for the pipeline safety program. Of that amount, \$18,573,000 is derived from the Oil Spill Liability Trust Fund, to remain available until September 30, 2014, and \$90,679,000 is derived from the Pipeline Safety Fund, of which \$48,191,000 is available until September 30, 2014 for multi-year grants and research and development contracts. The conference agreement directs no less than \$1,058,000 of the funds provided shall be used for the state one-call grant program, as proposed by the House.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

The conference agreement provides \$188,000, to remain available until September 30, 2013, and an obligation limitation of \$28,318,000 for emergency preparedness grants, as proposed by the House and the Senate.

ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

COST RECOVERY FOR DESIGN REVIEWS

Section 180, as proposed by the Senate, is not retained in the conference agreement. As such, the conferees do not include any directives on how a new pipeline design review fee should be implemented, if enacted. The conferees urge the committees of jurisdiction to consider the merits of such fee, as proposed in PHMSA's budget.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

The conference agreement provides \$15,981,000 to continue research and development activities. Of the funds provided, \$9,007,000 shall be available for the research and development program until September 30, 2014.

Activity	Conference level
Salaries and Administrative Expense	\$6,974,000
Alternative Fuels Safety Research and Development	499,000
RD&T Coordination	509,000
Nationwide Differential Global Positioning System (NDGPS)	7,600,000
Positioning, Navigation, and Timing	399,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement includes \$79,624,000 for the Office of Inspector General and prohibits the transfer or expenditure of funds from modal agencies or the National Transportation Safety Board. The conference agreement did not include report language proposed by the House that expects a minimal reduction in current FTE levels among other modifications in overhead expenses.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement provides \$29,310,000 for salaries and expenses of the Surface Transportation Board. The conference agreement permits the collection of up to \$1,250,000 in user fees to be credited to this appropriation as proposed by the House and Senate. The conference agreement provides that the general fund appropriation be reduced on a dollar-for-dollar basis by the actual amount collected in user fees to re-

sult in a final appropriation from the general fund estimated at no more than \$28,060,000.

Of the total amount provided, \$300,000 is for the Uniform Railroad Costing System modernization initiative as proposed by the Senate.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

Section 180 allows the Department of Transportation to use funds for aircraft, motor vehicles, liability insurance, uniforms, or allowances, as authorized by law as proposed by the House and Senate.

Section 181 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by the House and Senate.

Section 182 prohibits funds from being used for salaries and expenses of more than 110 political and Presidential appointees in DOT. The provision also requires that none of the personnel covered by this provision may be assigned on temporary detail outside DOT as proposed by the House and Senate.

Section 183 prohibits recipients of funds made available in this Act from releasing certain personal information and photographs from a driver's license or motor vehicle record, without express consent of the person to whom such information pertains; and prohibits the withholding of funds provided in this Act for any grantee if a State is in noncompliance with this provision as proposed by the House and Senate.

Section 184 permits funds received by specified DOT agencies from States or other private or public sources for expenses incurred for training to be credited to certain specified agency accounts as proposed by the House and Senate.

Section 185 prohibits funds from being used to make a grant unless the Secretary of Transportation notifies the House and the Senate Committees on Appropriations no less than three days in advance of any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more, and directs the Secretary to give concurrent notification for any "quick release" of funds from the Federal Highway Administration's emergency relief program as proposed by the House and Senate.

Section 186 allows funds received from rebates, refunds, and similar sources to be credited to appropriations of the DOT as proposed by the House and Senate.

Section 187 allows amounts from improper payments to a third party contractor that are lawfully recovered by the DOT to be available to cover expenses incurred in the recovery of such payments as proposed by the House and Senate.

Section 188 mandates that reprogramming actions are to be approved or denied solely by the House and Senate Committees on Appropriations as proposed by the House and Senate.

Section 189 caps the amount of fees the Surface Transportation Board can charge and collect for rate complaints filed at the amount authorized for court civil suit filing fees as proposed by the House and Senate.

Section 190 allows funds appropriated to the modal administrators to be obligated for the Office of the Secretary regarding reimbursable agreements as proposed by the House.

Section 191 modifies a provision proposed by the House which alters the number of members on the Metropolitan Washington Airports Authority (MWAA) board; limits board members to no more than two terms; allows the appointing executives to remove

board members with cause consistent with the laws of relevant jurisdictions; and, requires board members to vacate their position upon the immediate expiration of the board member's term(s). The Senate did not propose a similar provision. The conferees expect the jurisdictions to expeditiously implement these modifications. In addition, the conferees are greatly concerned about reports of careless recordkeeping on the part of MWAA and will carefully review the DOT Inspector General's anticipated report on MWAA's management and operations.

Section 192 prohibits the use of funds to enforce certain minimum standards for traffic signs as proposed by the House. The Senate did not include a similar provision.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

The conference agreement includes \$1,331,500,000 for the salaries and expenses to the Department, and modifies language proposed by the House and Senate. Through a modified structure, funding is included under the headings "Administration, Operations and Management" and "Program Office Salaries and Expenses". The conferees expect the Department to use this account structure in presenting the fiscal year 2013 budget justification and all future budgets.

The conference agreement includes language as proposed by the House that requires detailed budget justifications for each office within the Department, including an organizational chart for each operating area within the Department. Further, these justifications must include a detailed justification for existing staff, the incremental funding increases, decreases and FTE fluctuations being requested by program, project or activity. The conferees also reiterate that information requested in the Senate report should also be included in budget documents.

The conference agreement includes a provision that requires that the Department modify and improve its Resource Estimation and Allocation Program (REAP) or other resource allocation model to improve its assessment of staffing needs and full-time equivalent (FTE) allocations. The provision also requires that beginning with the fiscal year 2014 congressional justification, budget estimates for existing staff and new staff requests shall be submitted to the Committees on Appropriations using a current, updated or new resource estimation and allocation model.

To facilitate the use of a resource estimation and allocation model for future budget estimates and submissions, the conferees request that the Government Accountability Office (GAO) review the current REAP model to evaluate its capability to produce reliable data on full-time equivalent allocations and utilization for specific programs, and identify information gaps and other challenges. The conferees also request that GAO test the revised REAP or new resource estimation and allocation model, comparing it to actual FTE allocations in select Departmental programs. This GAO study and any recommendations resulting from the study should form the basis for the fiscal year 2014 budget submission.

The conferees request that GAO also assess the Department's ongoing efforts to improve staffing and departmental management.

The conferees reiterate House direction on staffing reporting requirements.

The conferees direct HUD to provide one month prior notice of office, program or activity reorganizations.

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

The conference agreement provides \$537,789,000 for Management and Operations, instead of \$494,739,000 as proposed by the House and \$549,499,000 as proposed by the Senate. Funds are provided as follows:

Immediate Office of the Secretary	\$3,572,000
Office of the Deputy Secretary and the Chief Operating Officer	1,200,000
Office of Hearings and Appeals	1,700,000
Office of Small and Disadvantaged Business Utilization	741,000
Office of Congressional and Intergovernmental Relations	2,400,000
Office of Public Affairs	3,515,000
Office of Departmental Operations and Coordination	10,475,000
Office of Field Policy and Management	47,500,000
Office of the Chief Procurement Officer	14,700,000
Office of the Chief Financial Officer	47,980,000
Office of the General Counsel	94,000,000
Office of Equal Employment Opportunity	3,610,000
Center for Faith-Based and Community Initiatives	1,448,000
Office of Sustainable Housing and Communities	2,627,000
Office of Strategic Planning and Management	5,000,000
Office of the Chief Information Officer	41,885,000
Office of the Chief Human Capital Officer	255,436,000

The conference agreement directs HUD to maintain the responsibilities of the appropriations attorneys under the Office of the Chief Financial Officer.

The conference agreement directs that the Office of the Assistant Secretary for Congressional and Intergovernmental Relations shall have no more than 20 FTEs.

The conference agreement directs HUD to establish within the Departmental budget office, an appropriations liaison branch through the realignment of existing staff to be submitted by January 1, 2012.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

The conference agreement provides \$200,000,000 for the salaries and expenses for this account, instead of \$182,500,000 as proposed by the House and \$201,233,000 as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT

The conference agreement provides \$100,000,000 for the salaries and expenses for this account, instead of \$91,000,000 as proposed by the House and \$101,076,000 as proposed by the Senate.

HOUSING

The conference agreement provides \$391,500,000 for the salaries and expenses for this account, instead of \$392,796,000 as proposed by the Senate and \$353,126,000 as proposed by the House. The conference agreement also provides that at least \$8,200,000 is for the Office of Risk and Regulatory Affairs as proposed by the Senate.

POLICY DEVELOPMENT AND RESEARCH

The conference agreement provides \$22,211,000 for the salaries and expenses for this account, instead of \$17,716,000 as proposed by the House and \$23,016,000 as proposed by the Senate.

FAIR HOUSING AND EQUAL OPPORTUNITY

The conference agreement provides \$72,600,000 for the salaries and expenses for

this account, instead of \$66,697,000 as proposed by the House and \$74,766,000 as proposed by the Senate.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

The conference agreement provides \$7,400,000 for the salaries and expenses for this account, instead of \$6,974,000 as proposed by the House and \$7,502,000 as proposed by the Senate.

RENTAL ASSISTANCE DEMONSTRATION

The conference agreement includes language for a Rental Assistance Demonstration, as proposed by the Senate with modifications. The conference agreement includes modifications to allow for participation of moderate rehabilitation. The conference agreement also includes language ensuring that tenant rights are protected in instances of conversion and that affordability of such housing is preserved under the demonstration. The conference agreement also includes language allowing for the project basing of tenant protection vouchers for rent supplemental and rental assistance projects in fiscal years 2012 and 2013, and requires a GAO review.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

The conference agreement provides \$18,914,369,000 for all tenant-based Section 8 activities under the Tenant-Based Rental Assistance Account, instead of \$18,467,883,000 as proposed by the House and \$18,872,357,000 as proposed by the Senate. Language is included designating funds provided as follows:

Activity	Conference level
Voucher Renewals	\$17,242,351,000
Tenant Protection Vouchers	75,000,000
Administrative Fees	1,350,000,000
HUD-VASH Incremental Vouchers	75,000,000
Section 811 Vouchers	112,018,000
Family Self-Sufficiency Coordinators	60,000,000

The bill does not include language related to a homeless demonstration as proposed by the Senate.

The conferees direct HUD to monitor and provide quarterly briefings to the House and Senate Committees on Appropriations on the Section 8 program, including data on leasing and trends or changes in rents or tenant income.

The conferees direct HUD to issue guidance to housing agencies administering mainstream (811) vouchers to continue to serve people with disabilities upon turnover.

The conferees expect HUD to follow Treasury's rules on cash management in this account.

The conferees reiterate direction included by the Senate on tracking the housing stability of veterans utilizing the HUD-VASH program, addressing the needs of rural areas and sharing best practices with grantees. The conferees also direct HUD to report on HUD-VASH utilization rates, challenges encountered with the program and efforts to increase veteran self-sufficiency by January 15, 2012, as proposed by the House.

HOUSING CERTIFICATE FUND (RESCISSION)

The conference agreement includes a \$200,000,000 rescission, as proposed by the Senate.

PUBLIC HOUSING CAPITAL FUND

The conference agreement provides \$1,875,000,000 for the Public Housing Capital Fund, as proposed by the Senate. The conference agreement also provides \$50,000,000

for supportive services, service coordinators and congregate services as proposed by the Senate. The amount also includes \$20,000,000 for emergency capital needs, as proposed by the Senate, and \$10,000,000 for the public housing financial and physical assessment activities of REAC as proposed by the Senate instead of \$15,345,000 as proposed by the House.

The conferees direct the Department to report quarterly to the House and Senate Committees on Appropriations on the progress made at each PHA under receivership.

PUBLIC HOUSING OPERATING FUND

The conference agreement provides \$3,961,850,000 for the Public Housing Operating Fund as proposed by the Senate. The agreement provides that the Secretary shall not offset excess reserves by more than \$750,000,000, as proposed by the Senate. The language also provides for a process for PHAs to appeal reserve offsets, and a set-aside of \$20,000,000 to assist any PHAs that encounter financial hardship as a result of this offset.

The conferees direct HUD to submit an implementation plan to offset 2012 allocations based on reserve balances to the Committees on Appropriations within 30 days of the enactment of this Act. The conferees further direct HUD to include in its report a clear methodology for determining excessive reserves and the impact of the plan on each PHA.

The conference agreement includes language proposed by the Senate allowing for the Secretary to provide flexibility to PHAs on the use of excess operating reserves for capital improvements. The conferees direct the Secretary to establish clear guidance on how operating reserves can be used going forward, and in the interim expects this flexibility to be granted to PHAs to make capital improvements, but not to include large modernization projects.

CHOICE NEIGHBORHOODS INITIATIVE

The conference agreement provides \$120,000,000 for the Choice Neighborhoods Initiative, as proposed by the Senate. The conference agreement includes modifications to the language to ensure that the use of such funds doesn't result in housing units unintentionally being deemed as public housing, and ensuring the long-term affordability of rehabilitated housing units.

NATIVE AMERICAN HOUSING BLOCK GRANTS

The conference agreement provides \$650,000,000 for the Native American Housing Block Grants, as proposed by the Senate. These funds will remain available for obligation by HUD until September 30, 2016. When combined with a standard five-year contract term, tribes will have approximately ten years to spend these funds. The conference agreement directs HUD to notify grantees of the availability of funds within 60 days of enactment of this Act.

Timely Expenditure of Funds.—The conferees find it unconscionable that while there is significant need for affordable housing in Indian country, some tribes and TDHEs have not spent large amounts of block grant funding for several years, resulting in large accumulated balances and reduced housing activities on tribal lands. For this reason, the conferees provide a time limit for this funding and strongly urge tribes to address housing needs in a timely manner.

The conferees note this account had nearly \$1,000,000,000 in unexpended balances at the beginning of fiscal year 2011, with almost half of that amount belonging to a single

tribe. This tribe currently has over \$375,000,000 in unexpended funds, with funds dating back twelve fiscal years, and a HUD official testified this tribe was unresponsive to HUD's encouragement to address the backlog. Such large accumulated balances and decade-old unexpended funds call into question the present need for funding in this account. In times of scarce federal funding, all accounts come under closer scrutiny. It is in the interest of all 555 tribes that receive these grants to reduce the unexpended balances and to demonstrate current need through use of these funds.

GAO Study of Tribal Housing Challenges.—The conferees realize there are significant and unique challenges associated with tribal housing, many of which are not within the control of tribes. For this reason, the conferees direct GAO to study the unique barriers and challenges in tribal housing activities.

Technical Assistance.—Of the funds provided, the conference agreement includes \$2,000,000 to support inspection of Indian housing units, contract expertise, training, and technical assistance by HUD. The conferees direct HUD to provide valuable assistance to tribes, especially those with capacity challenges and those receiving small grant awards. Such assistance should reflect the unique needs and culture of Native Americans and include services necessary to improve data collection and increase leveraging.

In addition, the conference agreement includes \$2,000,000 for national or regional organizations representing Native American housing interests to provide training and technical assistance to Indian housing authorities and tribally designated housing entities. The conferees intend these funds to be distributed through a competitive process.

The conference agreement does not include a requirement for HUD's Office of Policy Development and Research to submit a report to the House and Senate Committees on Appropriations proposing alternative data sources for the block grant formula, as proposed by the House.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

The conference agreement provides \$13,000,000 for the Native Hawaiian Housing Block Grant, to remain available until expended, as proposed by the Senate.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

The conference agreement provides \$6,000,000 to remain available until expended, to subsidize a guaranteed loan level of \$360,000,000, as proposed by the House.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

The conference agreement provides \$386,000 to remain available until expended, to subsidize a guaranteed loan level of \$41,504,000, as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

The conference agreement provides \$332,000,000 for the Housing Opportunities for Persons with AIDS (HOPWA) program. The conference agreement directs HUD to notify grantees of the availability of funds within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

The conference agreement provides \$3,308,090,000 for the Community Development Fund, to remain available until September 30, 2014. Of the total, the conference agreement provides no less than \$2,948,090,000

in formula funding and \$60,000,000 for Indian tribes.

The conference agreement includes language allowing 20 percent of formula funds to be used for planning, management, and administration, as proposed by the Senate. The conferees direct the Government Accountability Office to issue a report on how communities use these funds.

Matching Funds.—The conferees direct the Department to provide an analysis of how much CDBG funding is used by grantees as matching dollars for other federal programs. The conferees also direct the Department to gather data on the use of fiscal year 2012 CDBG funds to match other federal programs, including which programs are being matched, in what amounts, for what purposes, whether other funds are leveraged, and any other relevant data.

Sustainable Communities.—The conference agreement does not include funding for the Senate proposed Sustainable Communities Initiative and does not include language proposed by the House prohibiting the use of any funds for the Sustainable Communities Initiative. While direct funding for the Sustainable Communities Initiative is not included in the conference agreement, the conferees remind the Secretary and CDBG formula fund recipients that sustainable activities are an eligible use of formula funds. The conferees support coordination by the Departments of Transportation and Housing and Urban Development to reduce duplication of federal investments. The Secretary may use the Office of Sustainable Housing and Communities and the technical assistance resources of the Transformation Initiative to identify opportunities for communities to work together to integrate transportation and housing and to assist local grantees in performing these activities.

The conferees do not include any directives relating to Regional Integrated Planning Grants, which are not funded in the conference agreement.

Disaster Funding.—The conference agreement provides that of the funds made available for the Community Development Fund, up to \$300,000,000 plus an additional \$100,000,000 in disaster funds is available for necessary and eligible expenses related to disaster relief and long-term recovery in the most impacted and distressed areas resulting from major disasters in 2011, as declared pursuant to the Stafford Act. The conference agreement further provides that these funds may not be used on activities for which funding already is made available by FEMA or the Army Corps of Engineers.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

The conference agreement provides \$5,952,000, to remain available until September 30, 2013, for costs associated with section 108 loan guarantees, to subsidize a loan guarantee level of \$240,000,000.

HOME INVESTMENT PARTNERSHIPS PROGRAM

The conference agreement provides \$1,000,000,000 for this account, as proposed by the Senate. These funds will remain available until September 30, 2014.

Program Oversight.—The conferees direct HUD, in its report to the Committees on Appropriations pursuant to Section 232 of this Act, to include an explanation of how HUD is monitoring and evaluating grantee performance in the HOME program, including how participating jurisdictions get approval to restart a stalled or cancelled project.

The conferees also direct HUD to provide a report by March 16, 2012, and annually thereafter, on all HOME funds that are 5 years old or older.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

The conference agreement provides \$53,500,000 for this account, to remain available until September 30, 2014. Of the total, \$13,500,000 is provided for the SHOP program and \$35,000,000 is provided for the second, third and fourth capacity building activities authorized under section 4(b)(3), of which not less than \$5,000,000 may be for rural capacity building activities. In addition, \$5,000,000 is provided for capacity building activities by national organizations with expertise in rural housing, as similarly proposed by the House and the Senate. The conference agreement directs HUD to notify grantees of the availability of funds within 60 days of the date of enactment of this Act.

CAPACITY BUILDING

The conference agreement does not include funding for Section 4 Capacity Building as a separate account, as proposed by the House.

HOMELESS ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$1,901,190,000 for Homeless Assistance Grants, as proposed by the House and the Senate. Of the amount provided, not less than \$250,000,000 is for the emergency solutions grants (ESG) program; not less than \$1,593,000,000 is for the continuum of care and rural housing stability assistance program; and \$7,000,000 is for the national homeless data analysis project. The conferees have provided sufficient funding to ensure the renewal of all eligible projects under the continuum of care competition. The conferees direct any remaining funding to be put towards the ESG and rural housing stability programs.

Delayed Implementation of HEARTH.—The conferees note it has been two and a half years since the HEARTH Act amended the homeless assistance grant programs. The conferees express concern that HUD continued to implement pre-HEARTH grant programs in fiscal year 2011, due to a lack of regulations. The conferees direct HUD to publish at least interim guidelines for the Emergency Solutions Grants and Continuum of Care this fiscal year and to implement the new grant programs as soon as possible, so that the updated policies and practices in HEARTH can begin to govern the delivery of homeless assistance funding.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

The conference agreement provides \$9,339,672,000 for project-based rental assistance activities, as opposed to \$9,428,672,000 as proposed by the House and \$9,418,672,000 as proposed by the Senate. The conference agreement also provides an advance appropriation of \$400,000,000 for fiscal year 2013. The conference agreement provides \$9,050,672,000 for contract renewals and not to exceed \$289,000,000 for contract administrators. This funding level reflects revised cost estimates from HUD based on updated projections and programmatic reforms that result in significant cost savings.

HOUSING FOR THE ELDERLY

The conference agreement provides \$374,627,000 for the section 202 program, instead of \$600,000,000 as proposed by the House and \$369,627,000 as proposed by the Senate. The conference agreement provides that up to \$91,000,000 shall be for service coordinators and existing congregate service grants as proposed by the Senate, and up to \$25,000,000 shall be for the conversion of eligible projects to assisted living or emergency cap-

ital repairs as proposed by the House. The conference agreement does not include funds for new construction.

HOUSING FOR PERSONS WITH DISABILITIES

The conference agreement provides \$165,000,000 for the section 811 program, instead of \$196,000,000 as proposed by the House and \$150,000,000 as proposed by the Senate. The conference agreement does not include funds for new construction. The conference agreement also provides the Secretary with the authority to fund activities authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act to allow for project rental assistance to State housing finance agencies and other appropriate entities.

HOUSING COUNSELING ASSISTANCE

The conference agreement provides \$45,000,000 for Housing Counseling Assistance, instead of \$60,000,000 as proposed by the Senate. The House did not propose funding this account. The conference agreement includes Senate language requiring HUD to award this funding within 120 days of enactment.

The conferees direct HUD to submit a report on the reforms HUD is proposing in establishing a new Housing Counseling Office within the Office of Housing. This report, due within 90 days of enactment, should address how the Department is prepared to expend funds effectively, how HUD will focus its activities to reduce duplication of other government-funded programs, how many FTE will be needed for this activity, and what steps will be taken to streamline the grant making process.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

The conference agreement provides \$1,300,000 for Section 236 payments to State-aided, non-insured projects, as proposed by the Senate, instead of \$15,733,000 as proposed by the House.

RENT SUPPLEMENT (RESCISSION)

The conference agreement rescinds \$231,600,000 from the Rent Supplement account, as proposed by Senate.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

The conference agreement provides \$6,500,000 for authorized activities, of which \$4,000,000 is to be derived from the Manufactured Housing Fees Trust Fund, instead of \$7,000,000 to be fully funded by the Trust Fund as proposed by the House, and \$9,000,000, of which \$4,000,000 to be funded by the Trust Fund as proposed by the Senate.

The conferees are perplexed by the paucity of information provided in the Congressional Justification for the Manufactured Housing Fees Trust Fund. Given the information HUD has provided, it is hard to make a rational case for any funding for the Fund. Fortunately, HUD has provided the Committees with additional information that illuminates the uniquely Federal role the Fund plays in the housing market. HUD must provide the Congress with adequate, appropriate and accurate information in its future budget justifications.

FEDERAL HOUSING ADMINISTRATION MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement establishes a limitation of \$400,000,000,000 on commitments to guarantee single-family loans during fis-

cal year 2012, as proposed by the House and Senate.

The conference agreement provides \$207,000,000 for administrative contract expenses, as proposed by the House, instead of \$206,586,000 as proposed by the Senate. Of this amount, \$71,500,000 may be transferred to the Working Capital Fund, instead of \$72,000,000 as proposed by the House and \$70,652,000 as proposed by the Senate.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The conference agreement establishes a \$25,000,000,000 limitation on multifamily and specialized loan guarantees during fiscal year 2012, as proposed by the House and Senate. The conference agreement does not provide a subsidy, as proposed by the Senate, instead of \$8,600,000 in subsidy as proposed by the House.

The conferees direct the Department to provide a report to the House and Senate Committees on Appropriations within 90 days of the enactment of this Act on its efforts to streamline inspections of facilities insured under Section 232 of the National Housing Act and those which the state or local government already inspects in accordance with the guidance of the Centers for Medicare & Medicaid Services (CMS) or applicable state or local law. This report should include timeframe for issuing rules related to these inspections and implementation of new procedures.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

The conference agreement includes up to \$500,000,000,000 for new commitments, as proposed by the House and Senate. The conference agreement provides \$19,500,000 for personnel compensation and benefits, and other administrative expenses of the Government National Mortgage Association, instead of \$19,000,000 as proposed by the House, and \$20,000,000 as proposed by the Senate. The conference agreement also modifies language included in the Senate allowing for additional administrative expenses if Ginnie Mae reaches \$155,000,000,000 by April 1, 2012.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

The conference agreement provides \$46,000,000 for policy development and research instead of \$47,904,000 as proposed by the House and \$45,825,000 as proposed by the Senate. The conference agreement also includes language proposed by the Senate requiring at least a 50 percent contribution from HUD's research partners and that all non-competitive agreements comply with the Federal Funding Accountability and Transparency Act of 2006. The conferees have not included funding for the doctoral research grant program or the young scholars post doctoral program.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

The conference agreement provides \$70,847,000 for the fair housing program as proposed by the Senate instead of \$72,000,000 as proposed by the House. Of this amount, \$42,500,000 is for the Fair Housing Initiatives Program and \$28,347,000 is for the Fair Housing Assistance Program.

The conference agreement includes \$300,000 to continue the translation and promotion of materials to assist persons with limited English proficiency, as proposed by the Senate.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

The conference agreement provides \$120,000,000 for the Lead Hazard Reduction program, as proposed by the Senate. Of this amount, the conference agreement includes up to \$10,000,000 for the Healthy Homes Initiative, as similarly proposed by the House, and \$45,000,000 for areas with the highest lead abatement needs, as proposed by the Senate.

WORKING CAPITAL FUND

The conference agreement includes \$199,035,000 for the Working Capital Fund (WCF), instead of \$218,460,000 as proposed by the House and \$192,475,000 as proposed by the Senate. The conferees concur with the Senate proposal to fund the salaries and expenses of the WCF under the Administration, Operations and Management account and the requirement that GAO continues to audit, evaluate and report on HUD's IT spend plans, program oversight and IT management.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$124,000,000 for the Office of Inspector General, as opposed to \$115,000,000 as proposed by the House and \$124,750,000 as proposed by the Senate.

The conferees are concerned about the number of HUD IG field offices and their associated costs, and direct the IG to conduct a review of its field office location policy. In conducting this review, the IG should look for opportunities to achieve efficiencies in its operations, and use existing performance measures such as cases and audits opened and closed, total dollars recovered, convictions made, program improvements identified, and other pertinent measures to determine potential cost savings and office consolidation. This review shall be completed within 180 days of enactment of this Act and delivered to the Committees on Appropriations of the House and Senate.

TRANSFORMATION INITIATIVE

The conference agreement provides \$50,000,000 for activities of the Transformation Initiative (TI), instead of \$49,745,000 as proposed by the House and a 0.5 percent takedown and transfer as proposed by the Senate. Funds are available until September 30, 2014.

Of the funds provided, the conference agreement recommends funding the following activities: biennial NOFAs; continuation of the study on the impact of housing on young children; the disciplinary research team; continuation of the pre-purchase counseling study; continuation of the rent reform demonstration; independent PHA assessments, physical needs assessments, and technical assistance for troubled PHAs; the joint core skills certification proposal; Office of Native American Programs technical assistance; and the fair housing and equal opportunity assessment. Further, at least \$23,000,000 shall be for OneCPD.

The conferees will allow up to \$5,000,000 to be used for the National Resource Bank, provided that the Department can demonstrate a similar level of effort by its other Federal partners.

The Secretary may amend the activities proposed for the fiscal year 2012 Transformation Initiative through the reprogramming process with approval from the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

Section 201 splits overpayments evenly between Treasury and State HFAs, as proposed by the House and Senate.

Section 202 precludes the use of funds to prosecute or investigate legal activities under the Fair Housing Act, as proposed by the House and Senate.

Section 203 continues language to correct anomalies for HOPWA and specifies jurisdictions in New York and New Jersey and uses three year average, as proposed by the House and Senate.

Section 204 requires that funds are to be subject to competition unless specified otherwise in statute, as proposed by the House and Senate.

Section 205 allows HUD to use funds for services to reimburse the Government National Mortgage Association (GNMA), Fannie Mae and other Federal entities for facilities as proposed by the House and Senate.

Section 206 requires HUD to comport with the budget estimates except as otherwise provided in this Act or through an approved reprogramming, as proposed by the House and Senate.

Section 207 provides authorization for HUD corporations to utilize funds under certain conditions and restrictions, as proposed by the House and Senate.

Section 208 requires a report on unexpended balances each quarter, as proposed by the House and Senate.

Section 209 specifies the distribution of AIDS funds to New Jersey and North Carolina, as proposed by the House and Senate.

Section 210 requires that the Administration's budget and the Department's budget justifications for fiscal year 2013 shall be submitted in the identical account and sub-account structure provided in this Act, as proposed by the House and Senate.

Section 211 exempts PHA Boards in Alaska, Iowa, and Mississippi and the County of Los Angeles from public housing resident representation requirements, as proposed by the House and Senate.

Section 212 authorizes HUD to transfer debt and use agreements from an obsolete project to a viable project, provided that no additional costs are incurred, and other conditions are met, as proposed by the Senate. Similar language was proposed by the House.

Section 213 distributes Native American Housing Block Grant funds to the same Native Alaskan recipients as 2005, as proposed by the House and Senate.

Section 214 prohibits the HUD Inspector General from changing the basis on which the audit of GNMA is conducted, as proposed by the House and Senate.

Section 215 modifies a provision proposed by the House and Senate on the requirements for eligibility for Section 8 voucher assistance, and includes a consideration for persons with disabilities.

Section 216 authorizes the Secretary to insure mortgages under Section 255(g) of the National Housing Act, as proposed by the House and Senate.

Section 217 instructs HUD on managing and disposing of any multifamily property that is owned by HUD, similar to what was proposed by the House and Senate.

Section 218 provides that the Secretary shall report quarterly on HUD's use of all sole source contracts, as proposed by the House and Senate.

Section 219 authorizes the Secretary to waive certain requirements on adjusted in-

come for certain assisted living projects for counties in Michigan, as proposed by the Senate.

Section 220 continues to allow the recipient of a section 202 grant to establish a single-asset non-profit entity to own the project and may lend the grant funds to such entity, as proposed by the House and Senate.

Section 221 continues to allow amounts provided under the Section 108 loan guarantee program to be used to guarantee notes, as proposed by the House.

Section 222 extends the HOPE VI program until 2012, as proposed by the Senate.

Section 223 allows PHAs that own and operate 400 units or fewer of public housing to be exempt from asset management requirements, as proposed by the House and Senate.

Section 224 restricts the Secretary from imposing any requirement or guideline relating to asset management that restricts or limits the use of capital funds for central office costs, up to the limit established in QWHRA, as proposed by the House and Senate.

Section 225 directs that no employee shall be designated as an allotment holder unless the CFO determines that they have received training, and that the CFO shall ensure that trained allotment holders are designated within 90 days of enactment, as proposed by the House and Senate.

Section 226 requires that the Secretary shall report quarterly on the status of all Project-Based Section 8 housing, as proposed by the House and Senate.

Section 227 provides that funding for indemnities is limited to non-programmatic litigation, as proposed by the House and Senate.

Section 228 provides that the Secretary shall publish all NOFAs on the Internet, as proposed by the House and Senate.

Section 229 modifies the reprogramming guidelines for the Administration, Operations and Management account, the Program Office Salaries and Expenses account, and transfers between the two.

Section 230 continues the provision that allows the Disaster Housing Assistance Program to be considered a program of HUD for the purpose of income verification, as proposed by the House and Senate.

Section 231 modifies a provision to require the Comptroller General to conduct a study of CPD block grants, as proposed by the House.

Section 232 requires the Secretary to improve data quality, data management, and grantee oversight and accountability at the Office of Community Planning and Development, as proposed by the House.

Section 233 allows the Secretary to transfer up to \$10,000,000 of salaries and expenses funds to the "Working Capital Fund" as proposed by the Senate.

Section 234 modifies a provision that limits Section 8 (tenant-based rental assistance only) and Section 9 funds from being used to compensate PHA employee salaries that exceed the annual rate of basic pay payable for a position at level IV of the Executive Schedule for fiscal year 2012.

Section 235 strikes the "Flexible Subsidy Fund" provision from Title II of division I of Public Law 108-447 and title III of Public Law 109-115, as proposed by the Senate.

Section 236 modifies a provision proposed by the Senate to rescind \$650,000,000 from the advance appropriation provided for Tenant-Based Rental Assistance in fiscal year 2011.

Section 237 extends the Mark-to-Market program under the Multifamily Assisted Housing Reform and Affordability Act until October 1, 2015, as proposed by the Senate.

Section 238 raises the FHA loan limits through December 31, 2013, modifying a provision proposed by the Senate.

Section 239 provides that up to \$300,000,000 of the funds provided for the Community Development Fund plus an additional \$100,000,000 in disaster funds shall be available for disaster relief.

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

The conference agreement includes \$7,400,000 for the salaries and expenses of the Access Board.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$24,100,000 for the salaries and benefits of the Federal Maritime Commission as proposed by the Senate, instead of \$24,087,000 as proposed by the House. Of the funds provided, not more than \$2,000 can be used for official reception and representation expenses. The conference agreement does not include an FTE cap as proposed by the House.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides \$20,500,000 for Amtrak's Office of Inspector General (Amtrak OIG), instead of \$22,000,000 as proposed by the House, and \$19,311,000 as proposed by the Senate. The agreement requires Amtrak OIG to submit a comprehensive budget justification for fiscal year 2013 in similar format and substance to those submitted by other agencies of the federal government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides \$102,400,000 for the salaries and expenses of the National Transportation Safety Board (NTSB), as proposed by the House. Of this amount, no more than \$2,000 may be used for official reception and representation expenses, as proposed by both the House and the Senate.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD

REINVESTMENT CORPORATION

The conference agreement provides \$215,300,000 for the Neighborhood Reinvest-

ment Corporation, as proposed by the House, instead of \$200,000,000 as proposed by the Senate.

The conference agreement includes \$80,000,000 for the National Foreclosure Mitigation Counseling (NFMC) program as proposed by the House instead of \$65,000,000 as proposed by the Senate. The conferees modify both House and Senate language to allow 5 percent of NFMC funds go towards administrative costs.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

The conference agreement provides \$3,300,000. The conferees recommend the increase in this account to be used for the transfer of 5 FTE from HUD to the Interagency Council on Homelessness (ICH).

Homeless Veterans.—The conferees reiterate language in the Senate report, which directs ICH to continue working with HUD, the Department of Veterans Affairs, and other federal and local partners to improve the HUD-VASH program and address veteran homelessness. The conferees direct ICH to provide a report to the Committees on Appropriations and the relevant authorizing committees on progress being made and opportunities for improvement in the specific areas identified in the Senate report.

TITLE IV—GENERAL PROVISIONS, THIS ACT

Section 401 continues the provision as proposed by the House and the Senate requiring pay raises to be funded within appropriated levels in this Act or previous Appropriations Acts.

Section 402 continues the provision as proposed by the House and the Senate prohibiting pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act.

Section 403 continues the provision as proposed by the House and the Senate prohibiting obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein.

Section 404 continues the provision as proposed by the House and the Senate requiring consulting service expenditures of public record in procurement contracts.

Section 405 continues the provision as proposed by the House and the Senate specifying reprogramming procedures by subjecting the establishment of new offices and

reorganizations to the reprogramming process.

Section 406 continues the provision as proposed by the Senate providing that fifty percent of unobligated S&E balances may remain available for certain purposes.

Section 407 continues the provision as proposed by the House and the Senate requiring agencies and departments funded herein to report on sole source contracts.

Section 408 continues the provision as proposed by the House and the Senate prohibiting Federal training not directly related to the performance of official duties.

Section 409 continues the provision as proposed by the House and the Senate that prohibits funds from being used for any project that seeks to use the power of eminent domain unless eminent domain is employed only for a public use.

Section 410 continues a provision as proposed by the House and the Senate that denies the transfer of funds made available in this Act to any instrumentality of the United States Government except as authorized by this Act or any other Appropriations Act.

Section 411 continues a provision as proposed by the House and the Senate that prohibits funds in this Act from being used to permanently replace an employee intent on returning to his past occupation after completion of military service.

Section 412 continues a provision as proposed by the House and the Senate that prohibits funds in this Act from being used unless the expenditure is in compliance with the Buy American Act.

Section 413 continues a provision as proposed by the House and the Senate that prohibits funds from being appropriated or made available to any person or entity that has been found to violate the Buy American Act.

Section 414 prohibits funds for first-class airline accommodations in contravention of section 301-10.122 and 301-10.123 of title 41 CFR as proposed by the House.

Section 415 prohibits funds in this Act from going to the group ACORN or its subsidiaries as proposed by the House and Senate.

Section 416 requires all agencies and departments funded in this Act to report vehicle fleet inventory and associated costs to Congress at the end of fiscal year 2012.

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION				
Office of the Secretary				
Salaries and expenses.....	102,481	118,842	102,481	---
Immediate Office of the Secretary.....	(2,626)	---	(2,618)	(-8)
Immediate Office of the Deputy Secretary.....	(984)	---	(984)	---
Office of the General Counsel.....	(20,318)	---	(19,515)	(-803)
Office of the Under Secretary of Transportation for Policy.....	(11,078)	---	(10,107)	(-971)
Office of the Assistant Secretary for Budget and Programs.....	(10,538)	---	(10,538)	---
Office of the Assistant Secretary for Governmental Affairs.....	(2,499)	---	(2,500)	(+1)
Office of the Assistant Secretary for Administration.....	(25,469)	---	(25,469)	---
Office of Public Affairs.....	(2,051)	---	(2,020)	(-31)
Office of the Executive Secretariat.....	(1,655)	---	(1,595)	(-60)
Office of Small and Disadvantaged Business Utilization.....	(1,496)	---	(1,369)	(-127)
Office of Intelligence, Security, and Emergency Response.....	(10,579)	---	(10,778)	(+199)
Office of the Chief Information Officer.....	(13,189)	---	(14,988)	(+1,799)
Subtotal.....	102,481	118,842	102,481	---
National infrastructure investments.....	526,944	---	500,000	-26,944
Multi-year investment initiative.....	---	2,000,000	---	---

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Livable communities initiative.....	---	10,000	---	---
Financial management capital.....	4,990	17,000	4,990	---
Cyber security initiatives.....	---	---	10,000	+10,000
Office of Civil Rights.....	9,648	9,661	9,384	-264
Transportation planning, research, and development....	9,799	9,824	9,000	-799
Working capital fund.....	(147,301)	(192,000)	(172,000)	(+24,699)
Minority business resource center program.....	921	922	922	+1
(Limitation on guaranteed loans).....	(18,330)	(18,367)	(18,367)	(+37)
Minority business outreach.....	3,068	3,100	3,068	---
Payments to air carriers (Airport & Airway Trust Fund)	149,700	123,254	143,000	-6,700
Rescission of excess compensation for general aviation operations (Sec. 106).....	---	-3,000	-3,254	-3,254
Total, Office of the Secretary.....	807,551	2,289,603	779,591	-27,960
National infrastructure bank (investment initiative)...	---	5,000,000	---	---
Federal Aviation Administration				
Operations.....	9,513,962	9,823,000	9,653,395	+139,433
Air traffic organization.....	(7,473,299)	---	(7,442,738)	(-30,561)
Aviation safety.....	(1,253,020)	---	(1,252,991)	(-29)
Commercial space transportation.....	---	---	(16,271)	(+16,271)
Finance and management.....	---	---	(582,117)	(+582,117)
Human resources programs.....	---	---	(98,858)	(+98,858)
Region and center operations.....	---	---	---	---
Staff offices.....	---	---	(200,286)	(+200,286)
Information services.....	---	---	---	---
NextGen.....	---	---	(60,134)	(+60,134)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Facilities & equipment (Airport & Airway Trust Fund) ..	2,730,731	2,870,000	2,730,731	---
Multi-year investment initiative	---	250,000	---	---
Research, engineering, and development (Airport & Airway Trust Fund)	169,660	190,000	167,556	-2,104
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization)	(3,550,000)	(3,600,000)	(3,435,000)	(-115,000)
(Limitation on obligations)	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Administration	(93,422)	(101,000)	(101,000)	(+7,578)
Airport Cooperative Research Program	(15,000)	(15,000)	(15,000)	---
Airport technology research	(22,472)	(29,250)	(29,250)	(+6,778)
Small community air service development program ..	(6,000)	---	(6,000)	---
Multi-year investment initiative	---	(3,100,000)	---	---
Aviation insurance revolving fund (Sec. 115)	---	-1,000	---	---
Total, Federal Aviation Administration	12,414,353	13,132,000	12,551,682	+137,329
(Limitations on obligations)	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Total budgetary resources	(15,929,353)	(16,647,000)	(15,901,682)	(-27,671)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Federal Highway Administration				
Limitation on administrative expenses.....	(413,533)	(437,172)	(412,000)	(-1,533)
Federal-aid highways (Highway Trust Fund):				
(Liquidation of contract authorization).....	(41,846,000)	(70,414,000)	(39,882,583)	(-1,963,417)
(Limitation on obligations).....	(41,107,000)	(42,025,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---
Multi-year investment initiative.....	---	(27,650,000)	---	---
Emergency relief (disaster relief category).....	---	---	1,662,000	+1,662,000
Rescission of contract authority (Highway Trust Fund).....	-2,500,000	---	---	+2,500,000
Rescission of old demos.....	-630,000	-630,000	---	+630,000
Total, Federal Highway Administration.....	-3,130,000	-630,000	1,662,000	+4,792,000
Appropriations.....	---	---	---	---
Rescissions of contract authority.....	(-3,130,000)	(-630,000)	---	(+3,130,000)
(Limitations on obligations).....	(41,107,000)	(69,675,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---
Total budgetary resources.....	(38,716,000)	(69,784,000)	(41,544,583)	(+2,828,583)
Federal Motor Carrier Safety Administration				
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization).....	(245,000)	(276,000)	(247,724)	(+2,724)
(Limitation on obligations).....	(245,000)	(276,000)	(247,724)	(+2,724)
Motor carrier safety grants (Highway Trust Fund) (Liquidation of contract authorization).....	(310,070)	(330,000)	(307,000)	(-3,070)
(Limitation on obligations).....	(310,070)	(330,000)	(307,000)	(-3,070)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
CVISN contract authority (Sec. 131).....	---	---	1,000	+1,000
Rescission of contract authority.....	---	---	-1,000	-1,000
Total, Federal Motor Carrier Safety Administration.....	---	---	---	---
(Limitations on obligations).....	(555,070)	(606,000)	(554,724)	(-346)
National Highway Traffic Safety Administration				
Operations and research (general fund).....	140,146	---	140,146	---
Vehicle safety.....	---	170,709	---	---
Operations and research (Highway Trust Fund)				
(Liquidation of contract authorization).....	(105,500)	(133,191)	(109,500)	(+4,000)
(Limitation on obligations).....	(105,500)	(133,191)	(109,500)	(+4,000)
Subtotal.....	140,146	170,709	140,146	---
National driver register (Highway Trust Fund)				
(Liquidation of contract authorization).....	(4,000)	---	---	(-4,000)
(Limitation on obligations).....	(4,000)	---	---	(-4,000)
National driver register modernization.....	3,343	---	---	-3,343
Highway traffic safety grants (Highway Trust Fund)				
(Liquidation of contract authorization).....	(619,500)	(556,100)	(550,328)	(-69,172)
(Limitation on obligations).....	(619,500)	(556,100)	(550,328)	(-69,172)
Highway safety programs (23 USC 402).....	(235,000)	(235,000)	(235,000)	---
Occupant protection incentive grants(23 USC 405)				
Safety belt performance grants (23 USC 406).....	(25,000)	(35,000)	(25,000)	---
Distracted driving prevention.....	(124,500)	---	(48,500)	(-76,000)
	---	(50,000)	---	---

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
State traffic safety information system improvement(23 USC 408).....	(34,500)	(34,500)	(34,500)	---
Impaired driving countermeasures (23 USC 410)...	(139,000)	(139,000)	(139,000)	---
Grant administration.....	(18,500)	(18,600)	(25,328)	(+6,828)
High visibility enforcement.....	(29,000)	(37,000)	(29,000)	---
Child safety and booster seat grants.....	(7,000)	---	(7,000)	---
Motorcyclist safety.....	(7,000)	(7,000)	(7,000)	---
Rescission of contract authority	-76,000	---	---	+76,000
Total, National Highway Traffic Safety Admin....	67,489	170,709	140,146	+72,657
Appropriations.....	(143,489)	---	(140,146)	(-3,343)
Rescissions of contract authority.....	(-76,000)	---	---	(+76,000)
(Limitations on obligations).....	(729,000)	(689,291)	(659,828)	(-69,172)
Total budgetary resources.....	(796,489)	(860,000)	(799,974)	(+3,485)
Federal Railroad Administration				
Safety and operations.....	176,596	223,034	178,596	+2,000
Offsetting fee collections.....	---	-40,000	---	---
Subtotal.....	176,596	183,034	178,596	+2,000
Railroad research and development.....	35,030	40,000	35,000	-30
Rail line relocation and improvement program.....	10,511	---	---	-10,511

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
System preservation.....	---	1,546,000	---	---
Multi-year investment initiative.....	---	2,500,000	---	---
Subtotal.....	---	4,046,000	---	---
Network Development.....	---	1,000,000	---	---
Multi-year investment initiative.....	---	3,000,000	---	---
Subtotal.....	---	4,000,000	---	---
Capital assistance for high speed rail corridors and intercity passenger rail service.....	---	---	---	---
Rescission.....	-400,000	---	---	+400,000
National Railroad Passenger Corporation:				
Operating grants to the National Railroad Passenger Corporation.....	561,874	---	466,000	-95,874
Capital and debt service grants to the National Railroad Passenger Corporation.....	921,778	---	952,000	+30,222
Subtotal.....	1,483,652	---	1,418,000	-65,652
Total, Federal Railroad Administration.....	1,305,789	8,269,034	1,631,596	+325,807
Federal Transit Administration				
Administrative expenses.....	98,713	---	98,713	---
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization).....	(9,400,000)	---	(9,400,000)	---
(Limitation on obligations).....	(8,343,171)	---	(8,360,565)	(+17,394)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Research and technology deployment.....	---	166,472	---	---
Transit Formula Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)....	---	(10,000,000)	---	---
(Limitation on obligations).....	---	(4,691,986)	---	---
Multi-year investment initiative.....	---	(3,000,000)	---	---
Transit expansion and livable communities (liquidation of contract authorization).....	---	(600,000)	---	---
(Limitation on obligations).....	---	(233,514)	---	---
Capital investment grants.....	---	2,235,556	---	---
Multi-year investment initiative.....	---	1,000,000	---	---
Subtotal.....	---	3,235,556	---	---
Operations and safety.....	---	166,294	---	---
Administrative programs.....	---	(129,700)	---	---
Rail transit safety programs.....	---	(36,594)	---	---
Research and University Research Centers.....	58,882	---	44,000	-14,882
Bus and rail state of good repair (liquidation of contract authorization).....	---	(3,000,000)	---	---
(Limitation on obligations).....	---	(3,207,178)	---	---
Multi-year investment initiative.....	---	(7,500,000)	---	---
Capital investment grants.....	1,596,800	---	1,955,000	+358,200
Energy efficiency and greenhouse gas reduction grants.	49,900	---	---	-49,900
Rescission.....	-280,000	---	-58,500	+221,500

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES

(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Washington Metropolitan Area Transit Authority capital and preventive maintenance.....	149,700	150,000	150,000	+300
Total, Federal Transit Administration.....	1,673,995	3,718,322	2,189,213	+515,218
(Limitations on obligations).....	(8,343,171)	(18,632,678)	(8,360,565)	(+17,394)
Total budgetary resources.....	(10,017,166)	(22,351,000)	(10,549,778)	(+532,612)
Saint Lawrence Seaway Development Corporation				
Operations and maintenance (Harbor Maintenance Trust Fund).....	32,259	33,996	32,259	---
Maritime Administration				
Maritime security program.....	173,652	174,000	174,000	+348
Operations and training.....	151,446	161,539	156,258	+4,812
Rescission.....	---	---	-980	-980
Ship disposal.....	14,970	18,500	5,500	-9,470
Assistance to small shipyards.....	9,980	---	9,980	---
Vessel operations revolving fund.....	---	---	---	---
Maritime Guaranteed Loan (Title XI) Program Account:				
Administrative expenses.....	3,992	3,740	3,740	-252
Rescission.....	---	-54,100	-35,000	-35,000
Guaranteed loans subsidy.....	4,990	---	---	-4,990
Subtotal.....	8,982	-50,360	-31,260	-40,242
Total, Maritime Administration.....	359,030	303,679	313,498	-45,532

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Pipeline and Hazardous Materials Safety Administration				
Administrative expenses:				
General Fund.....	21,454	21,519	20,721	-733
Pipeline Safety Fund.....	638	639	639	+1
Pipeline Safety information grants to communities.	(998)	(1,000)	(1,000)	(+2)
Subtotal.....	22,092	22,158	21,360	-732
Hazardous materials safety.....	39,020	50,089	42,338	+3,318
Offsetting collections (legislative proposal).....	---	-12,000	---	---
Subtotal.....	39,020	38,089	42,338	+3,318
Pipeline safety:				
Pipeline Safety Fund.....	87,838	93,854	90,679	+2,841
Oil Spill Liability Trust Fund.....	18,867	21,510	18,573	-294
Pipeline Safety Design Review Fund (leg proposal).	---	4,000	---	---
Pipeline Safety Special Permit Fund (leg proposal)	---	500	---	---
Subtotal.....	18,691	19,371	17,934	-757
Emergency preparedness grants:				
Limitation on emergency preparedness fund.....	(28,318)	(28,318)	(28,318)	---
(Emergency preparedness fund).....	(188)	(188)	(188)	---
Total, Pipeline and Hazardous Materials Safety Administration.....	79,803	79,618	81,632	+1,829

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Research and Innovative Technology Administration				
Research and development.....	12,981	17,600	15,981	+3,000
Office of Inspector General				
Salaries and expenses.....	74,964	89,185	79,624	+4,660
Surface Transportation Board				
Salaries and expenses.....	29,010	31,250	29,310	+300
Offsetting collections.....	-1,250	-1,250	-1,250	---
Total, Surface Transportation Board.....	27,760	30,000	28,060	+300
Total, title I, Department of Transportation.....				
Appropriations.....	13,725,974	32,503,746	19,505,282	+5,779,308
Rescissions.....	(17,611,974)	(33,190,846)	(17,942,016)	(+330,042)
Disaster relief category.....	(-680,000)	(-57,100)	(-97,734)	(+582,266)
Rescissions of contract authority.....	---	---	(1,662,000)	(+1,662,000)
(Limitations on obligations).....	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
Total budgetary resources.....	(67,975,215)	(128,721,715)	(71,573,982)	(+3,598,767)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Management and Administration				
Executive direction.....	26,801	30,408	---	-26,801
Administration, operations and management.....	523,990	530,117	537,789	+13,799
Program Office Salaries and Expenses:				
Public and Indian Housing.....	188,696	189,610	200,000	+11,304
Community Planning and Development.....	96,795	99,815	100,000	+3,205
Housing.....	381,123	397,660	391,500	+10,377
Policy Development and Research.....	19,100	21,390	22,211	+3,111
Fair Housing and Equal Opportunity.....	71,656	70,733	72,600	+944
Office of Healthy Homes and Lead Hazard Control...	7,137	7,167	7,400	+263
Office of Sustainable Housing and Communities.....	---	3,100	---	---

Subtotal.....	764,507	789,475	793,711	+29,204

Total, Management and Administration.....	1,315,298	1,350,000	1,331,500	+16,202
Public and Indian Housing				
Tenant-based rental assistance:				
Renewals.....	16,669,283	17,143,837	17,242,351	+573,068
Tenant protection vouchers.....	109,780	75,000	75,000	-34,780
Administrative fees.....	1,447,100	1,647,780	1,350,000	-97,100
Family self-sufficiency coordinators.....	59,880	60,000	60,000	+120
Veterans affairs supportive housing.....	49,900	75,000	75,000	+25,100
Sec. 811 Mainstream voucher renewals.....	34,930	114,046	112,018	+77,088

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Disaster housing assistance program.....	---	50,000	---
Homeless vouchers demonstration program.....	---	56,906	---
Subtotal (available this fiscal year).....	18,370,873	19,222,569	+543,496
Advance appropriations.....	4,000,000	4,000,000	---
Less appropriations from prior year advances.....	-3,992,000	-4,000,000	-8,000
Total, Tenant-based rental assistance appropriated in this bill.....	18,378,873	19,222,569	+535,496
Transforming rental assistance demonstration program..	---	200,000	---
Public Housing Capital Fund.....	2,040,112	2,405,345	1,875,000
Public Housing Operating Fund.....	4,616,748	3,961,850	3,961,850
Revitalization of severely distressed public housing..	99,800	---	---
Choice neighborhoods.....	---	250,000	120,000
Native American housing block grants.....	648,700	700,000	650,000
Native Hawaiian housing block grant.....	12,974	10,000	13,000
Indian housing loan guarantee fund program account....	6,986	7,000	6,000
(Limitation on guaranteed loans).....	(919,000)	(428,000)	(360,000)
Native Hawaiian loan guarantee fund program account...	1,042	---	386
(Limitation on guaranteed loans).....	(41,504)	---	(41,504)
Housing Certificate Fund.....	---	50,000	---
Rescission.....	---	-50,000	-200,000
Total, Public and Indian Housing.....	25,805,235	26,756,764	25,340,605
			-464,630

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Community Planning and Development				
Housing opportunities for persons with AIDS.....	334,330	335,000	332,000	-2,330
Community development fund.....	3,500,984	3,781,368	2,948,090	-552,894
Indian CDBG.....	---	---	60,000	+60,000
Disaster relief.....	---	---	300,000	+300,000
(Disaster relief category).....	---	---	100,000	+100,000
Subtotal.....	3,500,984	3,781,368	3,408,090	-92,894
Community development loan guarantees (Section 108):				
(Limitation on guaranteed loans).....	(275,000)	(500,000)	(240,000)	(-35,000)
Credit subsidy.....	5,988	---	5,952	-36
HOME investment partnerships program.....	1,606,780	1,650,000	1,000,000	-606,780
Self-help and assisted homeownership opportunity program.....	81,836	---	53,500	-28,336
Capacity building.....	---	50,000	---	---
Homeless assistance grants.....	1,901,190	2,372,000	1,901,190	---
Total, Community Planning and Development.....	7,431,108	8,188,368	6,700,732	-730,376

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Housing Programs				
Project-based rental assistance:				
Renewals.....	8,932,100	9,139,672	9,050,672	+118,572
Contract administrators.....	325,348	289,000	289,000	-36,348
Subtotal (available this fiscal year).....	9,257,448	9,428,672	9,339,672	+82,224
Advance appropriations.....	400,000	400,000	400,000	---
Less appropriations from prior year advances.....	-392,885	-400,000	-400,000	-7,115
Total, Project-based rental assistance appropriated in this bill.....	9,264,563	9,428,672	9,339,672	+75,109
Housing for the elderly.....	399,200	757,000	374,627	-24,573
Housing for persons with disabilities.....	149,700	196,000	165,000	+15,300
Housing counseling assistance.....	---	88,000	45,000	+45,000
Rental housing assistance.....	39,920	15,733	1,300	-38,620
Rent supplement (rescission).....	-40,600	-6,600	-231,600	-191,000
Manufactured housing fees trust fund.....	15,982	14,000	6,500	-9,482
Offsetting collections.....	-7,000	-7,000	-4,000	+3,000
Subtotal.....	8,982	7,000	2,500	-6,482
Total, Housing Programs.....	9,821,765	10,485,805	9,696,499	-125,266
Appropriations.....	(9,869,365)	(10,499,405)	(9,932,099)	(+62,734)
Rescissions.....	(-40,600)	(-6,600)	(-231,600)	(-191,000)
Offsetting collections.....	(-7,000)	(-7,000)	(-4,000)	(+3,000)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Federal Housing Administration				
FHA - Mutual mortgage insurance program account:				
(Limitation on guaranteed loans).....	(399,200,000)	(400,000,000)	(400,000,000)	(+800,000)
(Limitation on direct loans).....	(50,000)	(50,000)	(50,000)	---
Offsetting receipts.....	-960,000	-4,427,000	-4,427,000	-3,467,000
Proposed offsetting receipts (HECM) (Sec. 210).....	---	-286,000	-286,000	-286,000
Additional offsetting receipts.....	-2,076,000	---	---	+2,076,000
Additional offsetting receipts (Sec. 145).....	-35,000	---	---	+35,000
Additional offsetting receipts (Sec. 238).....	---	---	-59,000	-59,000
Administrative contract expenses.....	206,586	230,000	207,000	+414
Working capital fund (transfer out).....	---	(-72,000)	(-71,500)	(-71,500)
FHA - General and special risk program account:				
(Limitation on guaranteed loans).....	(20,000,000)	(25,000,000)	(25,000,000)	(+5,000,000)
(Limitation on direct loans).....	(20,000)	(20,000)	(20,000)	---
Offsetting receipts.....	-315,000	-400,000	-400,000	-85,000
Credit subsidy.....	8,583	8,600	---	-8,583
Total, Federal Housing Administration.....	-3,170,831	-4,874,400	-4,965,000	-1,794,169
Government National Mortgage Association (GNMA)				
Guarantees of mortgage-backed securities loan guarantee program account:				
(Limitation on guaranteed loans).....	(500,000,000)	(500,000,000)	(500,000,000)	---
Administrative expenses (legislative proposal).....	11,073	30,000	19,500	+8,427
Offsetting receipts (legislative proposal).....	---	-100,000	-100,000	-100,000
Offsetting receipts.....	-720,000	-521,000	-521,000	+199,000
Offsetting receipts (Sec. 145).....	-9,000	---	---	+9,000

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Offsetting receipts (Sec. 238).....	---	---	-5,000	-5,000
Proposed offsetting receipts (HECM) (Sec. 210)....	---	-24,000	-24,000	-24,000
Total, Gov't National Mortgage Association....	-717,927	-615,000	-630,500	+87,427
Policy Development and Research				
Research and technology.....	47,904	57,000	46,000	-1,904
Fair Housing and Equal Opportunity				
Fair housing activities.....	71,856	72,000	70,847	-1,009
Office of Lead Hazard Control and Healthy Homes				
Lead hazard reduction.....	119,760	140,000	120,000	+240
Office of Sustainable Housing and Communities				
Sustainable Housing Initiative.....	---	150,000	---	---
Management and Administration				
Working capital fund.....	199,600	243,000	199,035	-565
(By transfer).....	---	(72,000)	(71,500)	(+71,500)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of Inspector General.....	124,750	126,455	124,000	-750
Transformation initiative.....	70,858	--	50,000	-20,858
Total, Management and Administration.....	395,208	369,455	373,035	-22,173
(Grand total, Management and Administration)..	(1,710,506)	(1,719,455)	(1,704,535)	(-5,971)
General Provisions				
Rescission of prior year advance (Sec. 235).....	--	--	-650,000	-650,000
Total, title II, Department of Housing and Urban Development.....				
Appropriations.....	41,119,376	42,079,992	37,433,718	-3,685,658
Rescissions.....	(40,881,976)	(43,501,592)	(39,841,318)	(-1,040,658)
Advance appropriations.....	(-40,600)	(-56,600)	(-431,600)	(-391,000)
Rescissions of prior year advances.....	(4,400,000)	(4,400,000)	(4,400,000)	--
Offsetting receipts.....	--	--	(-650,000)	(-650,000)
Offsetting collections.....	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
(By transfer).....	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(Transfer out).....	--	(72,000)	(71,500)	(+71,500)
(Limitation on direct loans).....	--	(-72,000)	(-71,500)	(-71,500)
(Limitation on guaranteed loans).....	(70,000)	(70,000)	(70,000)	--
	(920,435,504)	(925,928,000)	(925,641,504)	(+5,206,000)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

TITLE III - OTHER INDEPENDENT AGENCIES				
Access Board.....	7,285	7,400	7,400	+115
Federal Maritime Commission.....	24,087	26,265	24,100	+13
Amtrak Office of Inspector General.....	19,311	22,000	20,500	+1,189
National Transportation Safety Board				
Salaries and expenses.....	97,854	102,400	102,400	+4,546
Neighborhood Reinvestment Corporation.....	232,734	215,300	215,300	-17,434
United States Interagency Council on Homelessness.....	2,675	3,880	3,300	+625
Fannie Mae/Freddie Mac (Sec. 146).....	155,000	---	---	-155,000
	=====	=====	=====	=====
Total, title III, Other Independent Agencies....	538,946	377,245	373,000	-165,946
	=====	=====	=====	=====

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Grand total (net).....	55,384,296	74,960,983	57,312,000	+1,927,704
Appropriations.....	(59,032,896)	(77,069,683)	(58,156,334)	(-876,562)
Rescissions.....	(-720,600)	(-113,700)	(-529,334)	(+191,266)
Disaster relief category.....	---	---	(1,762,000)	(+1,762,000)
Rescissions of contract authority.....	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,400,000)	---
Rescissions of prior year advances.....	---	---	(-650,000)	(-650,000)
Negative subsidy receipts.....	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
Offsetting collections.....	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(Limitation on obligations).....	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
(By transfer).....	---	(72,000)	(71,500)	(+71,500)
(Transfer out).....	---	(-72,000)	(-71,500)	(-71,500)
Total budgetary resources.....	(109,633,537)	(171,178,952)	(109,380,700)	(-252,837)
Discretionary total.....	(55,367,000)	(74,960,983)	(55,550,000)	(+183,000)

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

The conference agreement includes an extension of continuing appropriations for fiscal year 2012 through December 16, 2011. No new continuing resolution anomalies are included.

The conferees direct the Department of Defense to continue to carry out, for the duration of the continuing resolution, the counternarcotics programs conducted in fiscal year 2011 and reauthorized in the National Defense Authorization Act for Fiscal Year 2012 as passed by the House of Representatives (Sections 1011, 1012, and 1014) and reported by the Senate Committee on Armed Services (Sections 1011, 1014, and 1015).

HAROLD ROGERS,
C.W. BILL YOUNG,
JERRY LEWIS,
FRANK R. WOLF,
JACK KINGSTON,
TOM LATHAM,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN ABNEY CULBERSON,
JOHN R. CARTER,
JO BONNER,
STEVEN C. LATOURETTE,
NORMAN D. DICKS,
ROSA L. DELAULO,
JOHN W. OLVER,
ED PASTOR,
DAVID E. PRICE,
SAM FARR,
CHAKA FATTAH,
ADAM B. SCHIFF,

Managers on the Part of the House.

HERB KOHL,
TOM HARKIN,
DIANNE FEINSTEIN,
TIM JOHNSON,
BEN NELSON,
MARK L. PRYOR,
SHERROD BROWN,
DANIEL K. INOUE,
PATTY MURRAY,
BARBARA A. MILKULSKI,
ROY BLUNT,
THAD COCHRAN,
MITCH MCCONNELL,
SUSAN M. COLLINS,
JERRY MORAN,
JOHN HOEVEN,
KAY BAILEY HUTCHISON,

Managers on the Part of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3806. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States [Docket No.: APHIS-2011-0005] received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3807. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Allen G. Peck, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

3808. A letter from the Acting Under Secretary, Department of Defense, transmitting The Fiscal Year 2010 Inventory of Contracts for Services; to the Committee on Armed Services.

3809. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

3810. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

3811. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

3812. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of a possible unauthorized transfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on Foreign Affairs.

3813. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on the designation of Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan as "countries of particular concern" for having engaged in or tolerated particularly severe violations of religious freedom; to the Committee on Foreign Affairs.

3814. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report for 2010 on United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on Foreign Affairs.

3815. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 60 day report on Iraq from the April 21, 2011- June 20, 2011 reporting period; to the Committee on Foreign Affairs.

3816. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sharks in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-2] (RIN: 0648-XA733) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3817. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Cod by Non-American Fisheries Act Crab Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA729) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3818. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Snapper-Grouper Fishery; 2011-2012 Accountability Measures for Recreational Black Sea Bass [Docket No.: 0907271173-0629-03] (RIN: 0648-XA698) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3819. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab; Amendment 3 [Docket No.: 100903433-1531-02] (RIN: 0648-BA22) received October 24, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Natural Resources.

3820. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XA753) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3821. A letter from the Delegated Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Georgia Advisory Committee; to the Committee on the Judiciary.

3822. A letter from the Special Master, September 11th Victim Compensation Fund, Department of Justice, transmitting the Department's "Major" final rule — James Zadroga 9/11 Health and Compensation Act of 2010 [Docket No.: CIV 151] (RIN: 1105-AB39) received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3823. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Myrtle Beach Triathlon, Atlantic Intracoastal Waterway, Myrtle Beach, SC [Docket No.: USCG-2011-0001] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3824. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; August and September Fireworks and Swimming Events in Captain of the Port Boston Zone [Docket No.: USCG-2011-0671] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3825. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Revolution 3 Triathlon, Sandusky Bay, Lake Erie, Cedar Point, OH [Docket No.: USCG-2011-0775] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3826. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks Displays and Surfing Events in Captain of the Port Long Island Sound Zone [Docket No.: USCG-2011-0786] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3827. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on the Gulf, Gulf of Mexico, Orange Beach, AL [Docket No.: USCG-2011-0734] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3828. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Chesapeake Bay Workboat Race; Back River, Messick Point, Poquoson, Virginia [Docket No.: USCG-2011-0741] (RIN: 1625-AA08) received October 24, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3829. A letter from the Deputy Director, Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Sharing Information Between the Department of Veterans Affairs and the Department of Defense (RIN: 2900-AN95) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3830. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — United States — Oman Free Trade Agreement [USCBP-2010-0041] (RIN: 1515-AD68) received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3831. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Postponement of Certain Hybrid Plan Regulations; Special Timing Rules for Section 204(h) [Notice 2011-85] received October 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3832. A letter from the Administrator, TSA, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Sioux Falls Regional Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers; to the Committee on Homeland Security.

3833. A letter from the Secretary, Department of Energy, transmitting proposed legislation to eliminate the need for annual updates of the workforce restructuring plans for defense nuclear facilities; jointly to the Committees on Armed Services and Energy and Commerce.

3834. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2010, pursuant to the Naval Petroleum Reserves Production Act of 1976, pursuant to 10 U.S.C. 7431(c); jointly to the Committees on Armed Services and Energy and Commerce.

3835. A letter from the Secretary, Department of Energy, transmitting the Department's 2010 report entitled, "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board"; jointly to the Committees on Energy and Commerce and Armed Services.

3836. A letter from the Offices of Congressional and Legislative Affairs, Legislative Affairs, and Legislation, Departments of Health and Human Services, Interior, and Justice, transmitting the Indian Alcohol and Substance Abuse Memorandum of Agreement; jointly to the Committees on Energy and Commerce, the Judiciary, and Natural Resources.

3837. A letter from the Secretary, Army, Department of Defense, transmitting a report entitled "Report to Congress on Implementation of Army Directive on Army National Cemeteries Program"; jointly to the Committees on Veterans' Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1791. A bill to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse" (Rept. 112-282). Referred to the House Calendar.

Mr. NUGENT: Committee on Rules. House Resolution 463. Resolution providing for consideration of the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State (Rept. 112-283). Referred to the House Calendar.

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2112. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112-284). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

[The following action occurred on November 11, 2011]

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 901. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 6, 2012.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington:

H.R. 3404. A bill to establish in the Department of the Interior an Under Secretary for Energy, Lands, and Minerals and a Bureau of Ocean Energy, an Ocean Energy Safety Service, and an Office of Natural Resources Revenue, and for other purposes; to the Committee on Natural Resources.

By Mr. TOWNS (for himself, Ms. LINDA T. SANCHEZ of California, Mr. POLIS, Ms. MOORE, Mrs. NAPOLITANO, Ms. MCCOLLUM, Mr. CONYERS, and Mr. HINCHEY):

H.R. 3405. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Georgia (for himself and Mr. CONYERS):

H.R. 3406. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the price below which the manufacturer's product or service may not be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mr. HASTINGS of Washington (for himself and Mr. YOUNG of Alaska):

H.R. 3407. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, to ensure secure energy supplies for the continental Pacific Coast of the United States, lower prices, and reduce

imports, and for other purposes; to the Committee on Natural Resources.

By Mr. LAMBORN:

H.R. 3408. A bill to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Ohio:

H.R. 3409. A bill to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977; to the Committee on Natural Resources.

By Mr. STIVERS (for himself, Mr. LATOURETTE, Mr. TIBERI, Mr. FITZPATRICK, Mr. GERLACH, Mr. WOMACK, Mr. REED, Mr. JOHNSON of Ohio, and Mr. MEEHAN):

H.R. 3410. A bill to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, to provide fair and equitable revenue sharing for all coastal States, to formulate future offshore energy development plans in areas with the most potential, to generate revenue for American infrastructure, and for other purposes; to the Committee on Natural Resources.

By Mr. BENISHEK:

H.R. 3411. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. BOUSTANY (for himself, Mr. SCALISE, Mr. RICHMOND, Mr. LANDRY, Mr. FLEMING, Mr. ALEXANDER, and Mr. CASSIDY):

H.R. 3412. A bill to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the "Sergeant Richard Franklin Abshire Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CROWLEY (for himself, Mr. ACKERMAN, Mr. BISHOP of New York, Ms. BUERKLE, Ms. CLARKE of New York, Mr. ENGEL, Mr. GIBSON, Mr. GRIMM, Mr. HANNA, Ms. HAYWORTH, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MEEKS, Mr. NADLER, Mr. OWENS, Mr. RANGEL, Mr. REED, Mr. SERRANO, Mrs. SLAUGHTER, Mr. TONKO, Mr. TOWNS, Mr. TURNER of New York, and Ms. VELÁZQUEZ):

H.R. 3413. A bill to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the "Private Isaac T. Cortes Post Office"; to the Committee on Oversight and Government Reform.

By Mr. HUIZENGA of Michigan:

H.R. 3414. A bill to provide for greater transparency and honesty in the Federal budget process; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Ms. KAPTUR, and Ms. SUTTON):

H.R. 3415. A bill to help ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, and Mr. LYNCH):

H.R. 3416. A bill to amend title 31, United States Code, to ensure that persons who form corporations or limited liability companies in the United States disclose the beneficial owners of those corporations or limited liability companies, in order to prevent wrongdoers from exploiting United States corporations and limited liability companies for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations and limited liability companies, and for other purposes; to the Committee on Financial Services.

By Mr. MARINO:

H.R. 3417. A bill to amend the Transportation Equity Act for the 21st Century to modify requirements relating to an addition to Corridor O in Pennsylvania on the Appalachian development highway system; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself and Mr. KING of New York):

H.R. 3418. A bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth; to the Committee on Energy and Commerce.

By Mr. RUPPERSBERGER (for himself, Mr. BARTLETT, Mr. VAN HOLLEN, and Mr. HARRIS):

H.R. 3419. A bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations; to the Committee on Armed Services.

By Mr. SCHOCK (for himself and Mr. POLIS):

H.R. 3420. A bill to amend the Internal Revenue Code of 1986 to facilitate program-related investments by private foundations; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 3421. A bill to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001; to the Committee on Financial Services.

By Ms. SUTTON (for herself, Mr. McDERMOTT, Ms. PINGREE of Maine, Mr. HEINRICH, and Mr. JACKSON of Illinois):

H.J. Res. 86. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures with respect to elections; to the Committee on the Judiciary.

By Mrs. BIGGERT (for herself and Mr. KILDEE):

H. Res. 462. A resolution supporting the goals and ideals of American Education Week; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself, Mr. LUETKEMEYER, Mr. CARNAHAN, Mrs. HARTZLER, Mr. LONG, Mr. JOHNSON of Illinois, Mrs. EMERSON, Mr. COSTELLO, and Mr. CLAY):

H. Res. 464. A resolution congratulating the St. Louis Cardinals on winning the 2011 World Series Championship; to the Committee on Oversight and Government Reform.

By Mr. PEARCE:

H. Res. 465. A resolution expressing the sense of the House of Representatives that the recent intervention against the Lord's Resistance Army in Central Africa by United States Armed Forces does not serve the national interest and that the President of the United States should request authorization before sending troops overseas; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HASTINGS of Washington:

H.R. 3404.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 18

By Mr. TOWNS:

H.R. 3405.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, known as the "General Welfare Clause." This provision grants Congress the broad power "to pay the Debts and provide for the common defense and general welfare of the United States."¹

¹Please note, pursuant to Article I, section 8, Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. JOHNSON of Georgia:

H.R. 3406.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution.

By Mr. HASTINGS of Washington:

H.R. 3407.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2

By Mr. LAMBORN:

H.R. 3408.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2

By Mr. JOHNSON of Ohio:

H.R. 3409.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 18

By Mr. STIVERS:

H.R. 3410.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2

By Mr. BENISHEK:

H.R. 3411.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2:

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . ."

By Mr. BOUSTANY:

H.R. 3412.

Congress has the power to enact this legislation pursuant to the following:

"Article I, Section 8—To establish Post Offices and post Roads;"

By Mr. CROWLEY:

H.R. 3413.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

By Mr. HUIZENGA of Michigan:

H.R. 3414.

Congress has the power to enact this legislation pursuant to the following:

Article I of the U.S. Constitution grants Congress the power to appropriate funds from the Treasury, pay the obligations of and raise revenue for the Federal Government, and publish statements and accounts of all financial transactions.

By law, Congress is also obligated to write a budget representing its plan to carry out these transactions in the forthcoming fiscal years. While the President is required to propose his administration's budget requests for Congress' consideration, Congress is solely responsible for writing the laws that raise revenues, appropriate funds, and prioritize taxpayer dollars within an overall federal budget.

The budget resolution is the only legislative vehicle that views government comprehensively. It provides the framework for the consideration of other legislation. Ultimately, a budget is more than a series of numbers; it also serves as an expression of Congress' principles, vision and philosophy of governing.

This budget resolution intends to recommend the nation fully to the timeless principles of American government enshrined in the U.S. Constitution—liberty, limited government, and equality under the rule of law. It is submitted, as prescribed by law, to apply these principles, to reflect this vision, and to provide a framework for the orderly execution of Congress' constitutional duties for fiscal year 2012 and beyond.

By Mr. ISRAEL:

H.R. 3415.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mrs. MALONEY:

H.R. 3416.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. MARINO:

H.R. 3417.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. PALLONE:

H.R. 3418.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18 of the Constitution.

By Mr. RUPPERSBERGER:

H.R. 3419.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SCHOCK:

H.R. 3420.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated

in Article I, Section 8 of the United States Constitution.

By Mr. SHUSTER:

H.R. 3421.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Ms. SUTTON:

H.J. Res. 86.

Congress has the power to enact this legislation pursuant to the following:

Article V of the U.S. Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 176: Ms. LORETTA SANCHEZ of California.

H.R. 177: Mrs. MYRICK, Mr. ROONEY, and Mr. AKIN.

H.R. 178: Mr. CARNAHAN, Mr. DONNELLY of Indiana, and Mr. CRENSHAW.

H.R. 181: Mr. RIBBLE.

H.R. 191: Mr. POLIS.

H.R. 217: Mr. BOUSTANY and Mr. WOMACK.

H.R. 218: Mr. BLUMENAUER.

H.R. 361: Mr. WALBERG and Mr. BOUSTANY.

H.R. 399: Mrs. BIGBERT and Mr. BLUMENAUER.

H.R. 402: Mr. SHERMAN.

H.R. 436: Mr. NUNES and Mr. GRAVES of Missouri.

H.R. 507: Ms. LEE of California and Mr. JACKSON of Illinois.

H.R. 733: Mr. GRIFFIN of Arkansas, Mr. REYES, Ms. HAHN, Ms. SLAUGHTER, and Mr. BACHUS.

H.R. 735: Mr. CAMP, Mr. GARRETT, and Mr. JONES.

H.R. 862: Ms. MOORE and Mr. ISRAEL.

H.R. 885: Mr. THOMPSON of California.

H.R. 886: Mr. TURNER of Ohio, Mr. MURPHY of Pennsylvania, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 912: Mr. DENT and Ms. WOOLSEY.

H.R. 938: Ms. BROWN of Florida.

H.R. 1041: Mr. GUINTA.

H.R. 1055: Mr. MICHAUD.

H.R. 1085: Mr. TOWNS.

H.R. 1106: Mr. BOSWELL.

H.R. 1148: Mr. BARROW, Mr. VAN HOLLEN, Mr. DOGGETT, Mr. COOPER, Mr. JACKSON of Illinois, Mr. ALTMIRE, Ms. MCCOLLUM, Mr. QUIGLEY Mr. CLARKE of Michigan, and Mr. SCHILLING.

H.R. 1173: Mr. LUETKEMEYER.

H.R. 1193: Mr. HIGGINS, Mr. TOWNS, and Mr. MILLER of Florida.

H.R. 1195: Mr. REYES.

H.R. 1206: Mr. HURT.

H.R. 1221: Mr. WOMACK and Mr. REHBERG.

H.R. 1404: Mr. WALZ of Minnesota.

H.R. 1418: Mr. PETRI and Mr. HIGGINS.

H.R. 1426: Ms. SLAUGHTER.

H.R. 1448: Mr. PERLMUTTER and Mr. COURTNEY.

H.R. 1488: Ms. DEGETTE.

H.R. 1489: Mr. PAYNE.

H.R. 1558: Mr. LARSON of Connecticut, Mr. BURTON of Indiana, and Mr. CAMP.

H.R. 1568: Mr. GUTIERREZ.

H.R. 1578: Ms. MCCOLLUM.

H.R. 1588: Mr. ROYCE, Mr. DUFFY, and Mr. JORDAN.

H.R. 1612: Mr. HARRIS.

H.R. 1653: Ms. LORETTA SANCHEZ of California, Mr. BLUMENAUER, Mr. TIPTON, Ms.

BROWN of Florida, Mr. NUNES, and Mr. GRIFFITH of Virginia.

H.R. 1684: Ms. LEE of California.

H.R. 1687: Mr. BARROW, Ms. BORDALLO, Mr. STEARNS, and Mr. WEST.

H.R. 1697: Mrs. ELLMERS, Mr. GARRETT, Mr. SESSIONS, Mr. HANNA, and Mr. DOLD.

H.R. 1738: Mrs. CAPPS, Mr. BARTLETT, and Mr. GUTIERREZ.

H.R. 1744: Mr. BACHUS.

H.R. 1754: Mr. FALOMAVAEGA, Mr. BERMAN, Mr. HANABUSA, and Ms. HAHN.

H.R. 1781: Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. LANGEVIN, Mr. MCGOVERN, Ms. CLARKE of New York, Mr. MEEKS, and Ms. RICHARDSON.

H.R. 1815: Mr. DOGGETT, Mr. CAPUANO, and Mr. PALLONE.

H.R. 1842: Mr. CUELLAR.

H.R. 1864: Ms. JACKSON LEE of Texas.

H.R. 1909: Mr. ROYCE.

H.R. 1956: Mr. JONES.

H.R. 1957: Mr. BOUSTANY.

H.R. 1983: Mr. MCGOVERN and Mr. THOMPSON of California.

H.R. 2032: Mr. ROSS of Arkansas.

H.R. 2051: Mr. NUNES and Mr. HUIZENGA of Michigan.

H.R. 2070: Mr. POE of Texas, Mr. ROSS of Florida, Mr. LIPINSKI, and Mr. WITTMAN.

H.R. 2085: Mr. JOHNSON of Georgia, Mr. MURPHY of Connecticut, and Mr. GUTIERREZ.

H.R. 2088: Mr. LUJAN, Ms. MCCOLLUM, and Mr. PRICE of North Carolina.

H.R. 2104: Mr. BUTTERFIELD.

H.R. 2144: Mr. INSLEE.

H.R. 2187: Ms. SCHWARTZ.

H.R. 2288: Mr. KING of New York and Mr. CRENSHAW.

H.R. 2299: Mr. BOUSTANY.

H.R. 2305: Mr. MICHAUD.

H.R. 2306: Mr. MORAN, Ms. SCHAKOWSKY, and Mr. KUCINICH.

H.R. 2453: Ms. SLAUGHTER.

H.R. 2499: Ms. WASSERMAN SCHULTZ, Mr. HONDA, and Mr. ROTHMAN of New Jersey.

H.R. 2505: Mr. BOREN.

H.R. 2536: Mr. JACKSON of Illinois.

H.R. 2568: Mr. MILLER of Florida.

H.R. 2569: Mr. SCHRADER.

H.R. 2636: Mr. COHEN.

H.R. 2662: Mr. POSEY.

H.R. 2679: Mr. LUJAN, Mr. MCCAUL, Mr. WELCH, Ms. SLAUGHTER, Mr. TONKO, Mr. MEEKS, Ms. MCCOLLUM, and Mr. CARSON of Indiana.

H.R. 2697: Mr. ROTHMAN of New Jersey and Mr. ROSKAM.

H.R. 2763: Ms. BASS of California.

H.R. 2787: Mr. HECK.

H.R. 2834: Mr. FLAKE.

H.R. 2874: Mr. GUTHRIE and Mr. DUNCAN of Tennessee.

H.R. 2885: Mr. HALL, Mr. SULLIVAN, Mr. AKIN, Mr. BARTLETT, Mr. MICA, Mr. OLSON, Mr. FLEMING, and Mr. BONNER.

H.R. 2888: Mr. HOLT.

H.R. 2900: Mr. BARROW.

H.R. 2941: Mr. ROSKAM.

H.R. 2945: Mr. MILLER of Florida.

H.R. 2948: Ms. MCCOLLUM, Mrs. MALONEY, Ms. MATSUI, Mr. LYNCH, Mr. WATT, Mr. SERRANO, Mr. HINOJOSA, Mr. CLARKE of Michigan, Mr. PAYNE, Mr. DOYLE, Mr. HASTINGS of Florida, Mr. DAVID SCOTT of Georgia, Mr. CAPUANO, Mr. MEEKS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. LANGEVIN.

H.R. 2951: Mr. BOUSTANY.

H.R. 2992: Mr. SHERMAN and Mr. ROSKAM.

H.R. 2994: Ms. HIRONO and Mr. MICHAUD.

H.R. 2996: Mr. COURTNEY and Mr. FRANKS of Arizona.

H.R. 3036: Mr. ALTMIRE.

H.R. 3039: Mr. TIPTON, Mr. DIAZ-BALART, Mr. ROSS of Florida, and Mr. KEATING.

H.R. 3046: Mr. CHANDLER, Mr. SHUSTER, Mr. FARR, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. HINOJOSA, Mr. BOSWELL, Mr. KILDEE, Ms. SPEIER, Mr. CRITZ, and Ms. SLAUGHTER.

H.R. 3059: Mr. PIERLUISI.

H.R. 3083: Mr. RIVERA, Ms. ZOE LOFGREN of California, and Mr. MORAN.

H.R. 3126: Mr. POLIS.

H.R. 3159: Mr. INSLEE.

H.R. 3164: Mr. ROONEY.

H.R. 3167: Mr. CARTER.

H.R. 3179: Mr. SHULER, Mrs. ELLMERS, and Mr. GENE GREEN of Texas.

H.R. 3185: Mr. AKIN.

H.R. 3199: Mr. DUNCAN of Tennessee and Mr. TIPTON.

H.R. 3200: Mr. GUINTA and Ms. HAHN.

H.R. 3216: Mr. BUTTERFIELD and Mr. JACKSON of Illinois.

H.R. 3236: Mr. LOEBSACK.

H.R. 3240: Mr. ANDREWS, Mr. HOLT, Mr. SIRE, and Mr. STARK.

H.R. 3243: Mr. PAUL.

H.R. 3244: Mr. LANKFORD, Mr. GRIFFITH of Virginia, Mr. COLE, Mr. BRADY of Texas, Mr. GOWDY, Mr. SHIMKUS, Ms. JENKINS, and Mr. BOREN.

H.R. 3245: Mr. RYAN of Ohio and Ms. PIN-GREE of Maine.

H.R. 3256: Mr. GOHMERT, Mrs. ADAMS, and Mr. TURNER of New York.

H.R. 3261: Mr. BARROW, Mr. SCALISE, Mr. LUJAN, and Mr. OWENS.

H.R. 3286: Ms. MCCOLLUM, Mr. TIERNEY, Mr. OWENS, Mr. MCINTYRE, Mr. TONKO, Mr. ROTHMAN of New Jersey, Mr. HINCHEY, Mr. FRANK of Massachusetts, and Mr. TOWNS.

H.R. 3294: Mr. BURTON of Indiana.

H.R. 3297: Ms. WATERS, Mrs. MALONEY, and Mr. MORAN.

H.R. 3300: Mr. SIRE.

H.R. 3324: Mr. FILNER.

H.R. 3337: Mr. JONES, Mr. MICHAUD, and Mr. MURPHY of Pennsylvania.

H.R. 3343: Mr. COBLE.

H.R. 3357: Mr. ELLISON.

H.R. 3378: Mr. PETERS.

H.R. 3380: Mr. BISHOP of Utah.

H.R. 3391: Mr. GUTIERREZ and Mr. BLUMENAUER.

H.R. 3402: Mrs. CAPPS, Mr. BOSWELL, Mr. SCOTT of Virginia, Mr. JACKSON of Illinois, Ms. CLARKE of New York, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. McDERMOTT, and Ms. BERKLEY.

H.R. 3403: Mr. PAUL and Mr. MCCAUL.

H. J. Res. 2: Mr. WEBSTER.

H. J. Res. 69: Mr. SCHRADER.

H. Con. Res. 80: Mr. JACKSON of Illinois.

H. Con. Res. 84: Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, and Ms. SCHAKOWSKY.

H. Con. Res. 85: Ms. SLAUGHTER and Ms. NORTON.

H. Res. 25: Mr. BROUN of Georgia and Mr. JOHNSON of Illinois.

H. Res. 137: Mr. RUPPERSBERGER.

H. Res. 298: Mr. TOWNS, Mr. LANGEVIN, Mr. RUNYAN, and Mr. COFFMAN of Colorado.

H. Res. 306: Ms. TSONGAS.

H. Res. 376: Mr. HIGGINS, Mr. CARDOZA, Mr. SIRE, Mr. MANZULLO, and Ms. SCHWARTZ.

H. Res. 407: Mr. HOLT.

EXTENSIONS OF REMARKS

IN RECOGNITION OF GERARD AND LILO LEEDS' COMMITMENT TO IMPROVING EDUCATION FOR AMERICA'S YOUTH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to pay tribute to two people who have dedicated their lives to improving the educational outcomes for our Nation's youth. Gerard and Lilo Leeds are a shining example of two people who are giving something important back to a society that once offered them the opportunity to experience so much success in their own lives.

The Leeds came to the United States in 1939 as refugees from Hitler's Germany. After launching a successful media corporation, Mr. and Mrs. Leeds founded the Institute for Student Achievement—an organization that partners with low-income middle schools and high schools to improve student achievement for at-risk youth. They also created the Campaign for Fiscal Equity, Inc, a coalition of concerned parents and education advocates seeking to reform New York State's school finance system. The Leeds also established the Caroline and Sigmund Schott Foundation—an organization that works on early childhood education and care, gender equity, and education financing issues.

The Leeds continued their philanthropic efforts on behalf of adolescent youth by founding the Alliance for Excellent Education in 2001 and charged it with reducing the nation's high school dropout rate and preparing each secondary school student to graduate ready for success at the college level.

Gerard and Lilo Leeds are recipients of many civic awards, including Socially Responsible Entrepreneurs of the Year, the Long Island Association Humanitarian Award, and Outstanding Philanthropists of the year for the Long Island chapter of the National Society of Fund Raising Executives.

The couple also has been honored by the Urban League of Long Island, the New York State chapter of the NAACP, the New York State United Teachers union, and the American Jewish Committee. They were cited by Newsday in its report on "100 Who Shaped a Century," and were among the ten honorees selected by WCBS-TV for recognition in its annual "Fulfilling the Dream" celebration of the birthday of Dr. Martin Luther King, Jr.

Their spirit is filled with humanitarianism, kindness, and commitment to serve others. As displayed by their social ventures, they are fully dedicated to helping disadvantaged youth achieve and exceed expectations. When asked where their sense of responsibility comes from, they said the only thing that allowed them to succeed, especially as immi-

grants fleeing Germany during World War II, was a quality education. As lifetime learners earning both a bachelors and masters degree, they believe the same academic experience they received should be the standard—not the exception—for every boy and girl in the United States.

Mr. Speaker, I would like to thank Gerard and Lilo Leeds for their tremendous leadership and dedication to helping students across the United States receive a quality education.

HONORING SERGEANT MAJOR HENRY WELFORD JACKSON II'S 33 YEARS OF SERVICE IN THE UNITED STATES ARMY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. MORAN. Mr. Speaker, I rise today to recognize and pay tribute to Sergeant Major Henry Welford Jackson II for 33 years of exceptional service to the United States Army. Sergeant Major Jackson plans to retire from active duty on December 3, 2011.

Henry W. Jackson II entered the United States Army on July 5, 1977. His extensive military education and training has allowed him to excel as both a soldier and a teacher. He received an Associate Degree in Criminal Justice from the University of Hawaii in Honolulu, Hawaii, a Bachelor of Arts Degree in Criminal Justice from Park University in Parkville, Missouri and is currently pursuing a Masters in Criminal Justice with Troy University.

Since 2004, Sergeant Major Jackson has served as the Inspector General Sergeant Major with the Office of the Inspector General, where he worked with utmost distinction as the senior enlisted advisor and assistant to the Inspector General, Senior Noncommissioned Officer, and Senior Assistant Inspector General.

His outstanding leadership during his final tour of a distinguished 33-year active duty career exemplifies the highest traditions of service while positively influencing virtually every major aspect of the Army. During this period, Sergeant Major Jackson's record of accomplishments set a standard of excellence in keeping with the proudest traditions of military service. As the principal enlisted advisor, his candid and insightful counsel was essential in informing senior Army leadership on issues impacting the force and representing the Soldier's perspective on these issues.

Within the Agency, he supervised readiness and training of IG offices worldwide for attendance in the Army's premiere training institution—the Inspector General School; and he was instrumental in the selection of senior non-commissioned officers for Inspector General assignments across the Army. He also

served as a trusted confidant to the Sergeant Major of the Army, advising him on all aspects of Army and Soldier issues. During his time with the United States Army Inspector General Agency, he personally mentored and inspired over 4,230 officers, non-commissioned officers, and civilians to graduate from the Inspector General School. He meticulously ensured that Inspectors General across the Army provide only the finest support to the Army's senior leaders, and that those personnel selected to be Army Inspectors General were only soldiers and civilians of the highest caliber. He has continuously trained and mentored Inspector General Personnel across the Army, ensuring they maintain the highest degree of professionalism and expertise in their assignments as Army Inspectors General.

Prior to his current assignment, SGM Jackson served as the Chief Operations Sergeant and the Assistance and Investigations Non-Commissioned Officer for Headquarters, Fifth United States Army at Fort Sam Houston.

SGM Jackson has served in a variety of staff and leadership positions both in the states and overseas. Throughout his military career, he has served in a variety of units such as Airborne, Light & Mechanized Infantry assignments. Additionally, he has served as a Rifleman, Drill Sergeant, Senior Drill Sergeant, Platoon Sergeant, Operations Sergeant, and as an S-2 Non-Commissioned Officer.

He has honorably been decorated with numerous awards and decorations, all of which are a true testament to his hard work and commitment to making our country a safer, more peaceful place.

I would like to give my utmost sincere thanks to Henry for his 33 years of service. SGM Jackson's decisive leadership and mentorship has left a lasting impression on the thousands of Soldiers he has interacted while in service, helping to develop Army Values and Warrior Ethos within all of them. Throughout his entire career, he has embodied the Noncommissioned Officer Creed and ensured mission accomplishment while always taking care of soldiers. I congratulate Sergeant Major Jackson on the completion of an exemplary active-duty career and wish him and his wife Jennifer well on the next phase of their life.

COMMEMORATING BOBBY THOMSON, A BASEBALL LEGEND AND COMMUNITY ACTIVIST

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. KINGSTON. Mr. Speaker, I rise today to recognize the life and accomplishments of Bobby Thomson, a baseball legend and pillar of his community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Bobby Thomson was born in 1923 in Glasgow, Scotland, the youngest of 6 children and emigrated to the United States with his mother and siblings in 1925 to join his father in Staten Island, New York. He grew up in Staten Island and quickly became a baseball standout both in school athletic leagues and on the city's sandlots. After graduating from high school in 1942, he signed with the New York Giants for \$100 a month.

Despite his fledgling professional baseball career, Bobby Thomson left the Giants in 1943 to enlist in the Army Air Corps and trained as a bombardier in Victorville, California, and served until 1945. After leaving the Army Air Corps he rejoined the New York Giants and became a starter by 1947. He played with the Giants through 1953 with a batting average of .279 and an average of 25 home runs and 94 runs batted in (RBI) each season. He had a career-best season in 1949 with a .309 batting average, 27 home runs, and 109 RBI.

On October 3, 1951, Bobby Thomson hit what became known as "The Shot Heard 'Round the World." It was in the bottom of the ninth inning in the deciding game of a playoff for the National League pennant. The New York Giants were trailing the Brooklyn Dodgers two runs to four and there were runners on second and third. Thomson stepped up and proceeded to knock Dodger pitcher Ralph Branca's second pitch down the left-field line and over the fence for a game- and pennant-winning three run home run. The "Shot Heard 'Round the World" was so spectacular that it caused WMCA-AM broadcaster Russ Hodges to famously exclaim, "The Giants win the pennant! The Giants win the pennant! The Giants win the pennant! Bobby Thomson hits into the lower deck of the left-field stands! The Giants win the pennant and they're goin' crazy, they're goin' crazy!"

Forever the humble hardworker, Bobby Thomson continued his baseball career through 1963 and thereafter worked as a sales executive in order to, in his own words, "stay home more with my wife and daughter and live a normal life." His integrity, work ethic, and positive outlook helped him excel in private business and led him to become involved in nonprofit foundations, such as New Jersey Arthritis Foundation, Tomorrow's Children Fund, and the Optimist Club. In 2006, he moved to Savannah, Georgia, to be closer to his daughter and he quickly made friends in the community due to his warm demeanor and he continued to live the life of a humble living legend, father, uncle, and grandfather.

After a long and fruitful life, Bobby Thomson passed away during the evening of August 16, 2010, in his Skidaway Island home in Savannah at the age of 86.

We commend Bobby Thomson on his outstanding baseball career and his famous three run home run known as the "Shot Heard 'Round the World" and express admiration for the devotion of Bobby Thomson to various charities and nonprofit foundations after his retirement from baseball.

IN RECOGNITION OF CONNIE CORVELO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CARDOZA. Mr. Speaker, it is with great honor that I rise today to recognize a faithful and tireless volunteer in the Atwater community, Connie Corvelo.

Connie grew up in the Visalia area on her family dairy in Goshen where her parents, Joseph Pereira and Balvina Orique Pereira, were dairy farmers dating back to 1935. Connie's father immigrated to the United States from the Azores Islands and her mother was born in California. She attended schools in Goshen and graduated from Mt. Whitney High School in Visalia in 1955.

Connie married her loving husband George Corvelo in 1988. George farmed and Connie worked for the Merced Sun Star as an Administrative Assistant to the General Manager for 10 years. Connie and George purchased "Out to Lunch" in 1993 and started a catering business. As Atwater Chamber members, Connie and George have catered meals for organizations, reunions, birthdays and many other events. Connie and George retired from the restaurant business in 2000 but have continued their catering company to this day. Their catering company was named Business of the Year in 2004–2005 by the Atwater Chamber of Commerce.

Shortly thereafter, Connie embarked on a cookbook writing adventure. Her first cookbook, titled *My Portuguese Mother's Kitchen*, was published in 2010. Her second cookbook, *Out to Lunch: Memories and Recipes*, has recently been released.

Connie is an active member of the Atwater community. George and Connie have been members of the Atwater-Winton Lions club for many years. In 2006, as a member of the Atwater Women's Club, Connie volunteered to share her prized chicken salad recipe and expertise as a fundraiser for the restoration of the clubhouse and yard. Within a few years, this spirit of volunteerism has spread throughout the community and the historic building has been painted, fenced, landscaped, air conditioned and much more. Connie and George continue to help with the salad event twice a year. It is this selfless volunteerism that has earned Connie the Atwater Women's Club Volunteer of the Year Award.

Connie has three children whom she adores spending time with. Her son, Dr. Jon Nunes, is a scientist with Roche and is married to Kelly Tanner Nunes. They have two daughters, Jordan and Julie. Connie's daughter, Annemarie Nunes Cousino, lives with her husband Richard "Rick" Cousino in Maryland. Rick recently retired from the United States Air Force after serving as Crew Chief for many years on Air Force One. They have two children, Gabrielle and Zachary. Connie's third child, Allison Nunes, is a meeting and event planner for an international company in Phoenix.

Mr. Speaker, I ask that my colleagues join me, and the Atwater Women's Club, in honoring a truly wonderful member of the Atwater community, Connie Corvelo.

ARTICLE OF CHINESE TELECOM FIRM HUAWEI'S ROLE IN ENABLING IRAN'S STATE SECURITY NETWORK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. WOLF. Mr. Speaker, I submit an October 27 Wall Street Journal article that summarizes Chinese telecom firm Huawei's role in enabling Iran's state security network. At the same time that the U.S. and its allies are increasing efforts to support pro-democracy and human rights activists, Huawei is empowering the Iranian regime to suppress these groups.

[From the Wall Street Journal, Oct. 27, 2011]

CHINESE TECH GIANT AIDS IRAN

(By Steve Stecklow, Farnaz Fassihi and Loretta Chao)

When Western companies pulled back from Iran after the government's bloody crackdown on its citizens two years ago, a Chinese telecom giant filled the vacuum.

Huawei Technologies Co. now dominates Iran's government-controlled mobile-phone industry. In doing so, it plays a role in enabling Iran's state security network.

Huawei recently signed a contract to install equipment for a system at Iran's largest mobile-phone operator that allows police to track people based on the locations of their cellphones, according to interviews with telecom employees both in Iran and abroad, and corporate bidding documents reviewed by The Wall Street Journal. It also has provided support for similar services at Iran's second-largest mobile-phone provider. Huawei notes that nearly all countries require police access to cell networks, including the U.S.

Huawei's role in Iran demonstrates the ease with which countries can obtain foreign technology that can be used to stifle dissent through censorship or surveillance. Many of the technologies Huawei supports in Iran—such as location services—are available on Western networks as well. The difference is that, in the hands of repressive regimes, it can be a critical tool in helping to quash dissent.

Last year, Egyptian state security intercepted conversations among pro-democracy activists over Skype using a system provided by a British company. In Libya, agents working for Moammar Gadhafi spied on emails and chat messages using technology from a French firm. Unlike in Egypt and Libya, where the governments this year were overthrown, Iran's sophisticated spying network remains intact.

In Iran, three student activists described in interviews being arrested shortly after turning on their phones. Iran's government didn't respond to requests for comment.

Iran beefed up surveillance of its citizens after a controversial 2009 election spawned the nation's broadest antigovernment uprising in decades. Authorities launched a major crackdown on personal freedom and dissent. More than 6,000 people have been arrested and hundreds remain in jail, according to Iranian human-rights organizations.

This year Huawei made a pitch to Iranian government officials to sell equipment for a mobile news service on Iran's second-largest mobile-phone operator, MTN Irancell. According to a person who attended the meeting, Huawei representatives emphasized

that, being from China, they had expertise censoring the news.

The company won the contract and the operator rolled out the service, according to this person. MTN Irancell made no reference to censorship in its announcement about its "mobile newspaper" service. But Iran routinely censors the Internet using sophisticated filtering technology. The Journal reported in June that Iran was planning to create its own domestic Internet to combat Western ideas, culture and influence.

In winning Iranian contracts, Huawei has sometimes partnered with Zaeim Electronic Industries Co., an Iranian electronics firm whose website says its clients include the intelligence and defense ministries, as well as the country's elite special-forces unit, the Islamic Revolutionary Guards Corps. This month the U.S. accused a branch of the Revolutionary Guards of plotting to kill Saudi Arabia's ambassador to the U.S. Iran denies the claim. Huawei's chief spokesman, Ross Gan, said, "It is our corporate commitment to comply strictly with all U.N. economic sanctions, Chinese regulations and applicable national regulations on export control. We believe our business operations in Iran fully meet all of these relevant regulations."

William Plummer, Huawei's vice president of external affairs in Washington, said the company's location-based-service offerings comply with "global specifications" that require lawful-interception capabilities. "What we're doing in Iran is the same as what we're doing in any market," he said. "Our goal is to enrich people's lives through communications."

Huawei has about 1,000 employees in Iran, according to people familiar with its Iran operations. In an interview in China, a Huawei executive played down the company's activities in Iran's mobile-phone industry, saying its technicians only service Huawei equipment, primarily routers.

But a person familiar with Huawei's Middle-east operations says the company's role is considerably greater, and includes a contract for "managed services"—overseeing parts of the network—at MTN Irancell, which is majority owned by the government. During 2009's demonstrations, this person said, Huawei carried out government orders on behalf of its client, MTN Irancell, that MTN and other carriers had received to suspend text messaging and block the Internet phone service, Skype, which is popular among dissidents. Huawei's Mr. Plummer disputed that the company blocked such services.

Huawei, one of the world's top makers of telecom equipment, has been trying to expand in the U.S. It has met resistance because of concerns it could be tied to the Chinese government and military, which the company denies.

Last month the U.S. Commerce Department barred Huawei from participating in the development of a national wireless emergency network for police, fire and medical personnel because of "national security concerns." A Commerce Department official declined to elaborate.

In February, Huawei withdrew its attempt to win U.S. approval for acquiring assets and server technology from 3Leaf Systems Inc. of California, citing opposition by the Committee on Foreign Investment in the United States. The panel reviews U.S. acquisitions by foreign companies that may have national-security implications. Last year, Sprint Nextel Corp. excluded Huawei from a multibillion-dollar contract because of national-security concerns in Washington, according to people familiar with the matter.

Huawei has operated in Iran's telecommunications industry since 1999, according to China's embassy in Tehran. Prior to Iran's political unrest in 2009, Huawei was already a major supplier to Iran's mobile-phone networks, along with Telefon AB L.M. Ericsson and Nokia Siemens Networks, a joint venture between Nokia Corp. and Siemens AG, according to MTN Irancell documents.

Iran's telecom market, which generated an estimated \$9.1 billion in revenue last year, has been growing significantly, especially its mobile-phone business. As of last year, Iran had about 66 million mobile-phone subscribers covering about 70% of the population, according to Pyramid Research in Cambridge, Mass. In contrast, about 36% of Iranians had fixed-line phones.

As a result, mobile phones provide Iran's police network with far more opportunity for monitoring and tracking people. Iranian human-rights organizations outside Iran say there are dozens of documented cases in which dissidents were traced and arrested through the government's ability to track the location of their cellphones.

Many dissidents in Iran believe they are being tracked by their cellphones. Abbas Hakimzadeh, a 27-year-old student activist on a committee that published an article questioning the actions of Iran's president, said he expected to be arrested in late 2009 after several of his friends were jailed. Worried he could be tracked by his mobile phone, he says he turned it off, removed the battery and left Tehran to hide at his father's house in the northeastern city of Mashhad.

A month later, he turned his cellphone back on. Within 24 hours, he says, authorities arrested him at his father's house. "The interrogators were holding my phone records, SMS and emails," he said.

He eventually was released and later fled to Turkey where he is seeking asylum. In interviews with the Journal, two other student activists who were arrested said they also believe authorities found them in hiding via the location of their cellphones.

In early 2009, Siemens disclosed that its joint venture with Nokia, NSN, had provided Iran's largest telecom, government-owned Telecommunications Company of Iran, with a monitoring center capable of intercepting and recording voice calls on its mobile networks. It wasn't capable of location tracking. NSN also had provided network equipment to TCI's mobile-phone operator, as well as MTN Irancell, that permitted interception. Like most countries, Iran requires phone networks to allow police to monitor conversations for crime prevention.

NSN sold its global monitoring-center business in March 2009. The company says it hasn't sought new business in Iran and has established a human-rights policy to reduce the potential for abuse of its products.

A spokesman for Ericsson said it delivered "standard" equipment to Iranian telecom companies until 2008, which included built-in lawful-interception capabilities. "Products can be used in a way that was not the intention of the manufacturer," the spokesman said. He said Ericsson began decreasing its business in Iran as a result of the 2009 political upheaval and now doesn't seek any new contracts.

As NSN and Ericsson pulled back, Huawei's business grew. In August 2009, two months after mass protests began, the website of China's embassy in Tehran reprinted a local article under the headline, "Huawei Plans Takeover of Iran's Telecom Market." The article said the company "has gained the trust

and alliance of Major governmental and private entities within a short period," and that its clients included "military industries."

The same month the Chinese embassy posted the article, Creativity Software, a British company that specializes in "location-based services," announced it had won a contract to supply a system to MTN Irancell. "Creativity Software has worked in partnership with Huawei, where they will provide first and second level support to the operator," the company said.

The announcement said the system would enable "Home Zone Billing"—which encourages people to use their cellphones at home (and give up their land lines) by offering low rates—as well as other consumer and business applications that track user locations. In a description of the service, Creativity Software says its technology also enables mobile-phone operators to "comply with lawful-intercept government legislation," which gives police access to communications and location information.

A former telecommunications engineer at MTN Irancell said the company grew more interested in location-based services during the antigovernment protests. He said a team from the government's telecom-monitoring center routinely visited the operator to verify the government had access to people's location data. The engineer said location tracking has expanded greatly since the system first was installed.

An official with Creativity Software confirmed that MTN Irancell is a customer and said the company couldn't comment because of "contractual confidentiality."

A spokesman for MTN Group Ltd., a South African company that owns 49% of the Iranian operator, declined to answer questions, writing in an email, "The majority of MTN Irancell is owned by the government of Iran." He referred questions to the telecommunications regulator, which didn't respond.

In 2008, the Iranian government began soliciting bids for location-based services for the largest mobile operator, TCI's Mobile Communication Co. of Iran, or MCCI. A copy of the bidding requirements, reviewed by the Journal, says the contractor "shall support and deliver offline and real-time lawful interception." It also states that for "public security," the service must allow "tracking a specified phone/subscriber on map."

Ericsson participated in the early stages of the bidding process, a spokesman said. Internal company documents reviewed by the Journal show Ericsson was partnering with an Estonian company, Reach-U, to provide a "security solution" that included "Monitor Security—application for security agencies for locating and tracking suspects."

The Ericsson spokesman says its offering didn't meet the operator's requirements so it dropped out. An executive with Reach-U said, "Yes, we made an offer but this ended nowhere."

One of the ultimate winners: Huawei. According to a Huawei manager in Tehran, the company signed a contract this year to provide equipment for location-based services to MCCI in the south of Iran and is now ramping up hiring for the project.

One local Iranian company Huawei has done considerable business with is Zaeim Electronic Industries. "Zaeim is the security and intelligence wing of every telecom bid," said an engineer who worked on several projects with Zaeim inside the telecom ministry. Internal Ericsson records show that Zaeim was handling the "security part" of

the lawful-interception capabilities of the location-based services contract for MCCI.

On its Persian-language website, Zaeim says it launched its telecommunications division in 2000 in partnership with Huawei, and that they have completed 46 telecommunications projects together. It says they now are working on the country's largest fiber-optic transfer network for Iran's telecom ministry, which will enable simultaneous data, voice and video services.

Zaeim's website lists clients including major government branches such as the ministries of intelligence and defense. Also listed are the Revolutionary Guard and the president's office.

Mr. Gan, the Huawei spokesman, said: "We provide Zaeim with commercial public use products and services." Zaeim didn't respond to requests for comment.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. DeLAURO. Mr. Speaker, I was unavoidably detained addressing matters related to a historic snow storm in Connecticut and so I missed rollcall vote No. 817 regarding S. 1280, the "Kate Puzey Peace Corps Volunteer Protection Act of 2011." Had I been present, I would have voted "yes."

IN RECOGNITION OF MR. WAYNE DIBOFSKY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize the outstanding efforts of Mr. Wayne Dibofsky, Associate Director of Government Relations at the New Jersey Education Association (NJEA). On November 13, 2011, members of the NJEA will honor Mr. Dibofsky at his retirement ceremony in Princeton, New Jersey. His commitment to serve the members of the community is truly worthy of this body's recognition.

Mr. Dibofsky has made a significant impact on the quality of education in New Jersey public schools and has continued to advocate for members rights and labor initiatives for employees in the New Jersey public school system. Mr. Dibofsky joined NJEA in 1982 as a lobbyist. During his tenure he has assisted in drafting many legislative initiatives relating to increased school safety, health care, labor rights, school funding, higher education funding and various regulatory measures. He remained a key advocate in the drafting and passage of over 1,000 pieces of legislation. Most recently he has been a catalyst in the passage of legislation protecting confidentiality of employees who seek support through various employee assistance programs. Mr. Dibofsky was also a key political operative in the passage of school budgets and school bond referendums in Old Bridge, Teaneck, Edison and East Brunswick, New Jersey.

Today he continues to ensure that both Federal and State legislation protect NJEA members and assure that public school employees continue to retain their rights and benefits. His impeccable quality of work is continuously reflected in his high success record and flawless ability to inspire and motivate others.

In conjunction with his professional responsibilities, Mr. Dibofsky serves on countless boards and foundations. His generous actions continue to impress and serve the members of the community. Mr. Dibofsky is an alumnus of Monmouth University and has also completed a Masters program at Rutgers University. He currently resides in Franklin Park, New Jersey with his wife Ricky.

Mr. Speaker, once again, please join me in thanking Mr. Wayne Dibofsky for his numerous years of service to the New Jersey Education Association. His outstanding efforts and dedication continue to resonate with the constituents throughout Monmouth County and New Jersey.

HONORING THE U.S. ARMY CORPS OF ENGINEERS BALTIMORE DISTRICT

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor the U.S. Army Corps of Engineers, Baltimore District, on the successful completion of a record military construction and Base Realignment and Closure mission. The Baltimore District worked on this complex mission for six years in the State of Maryland and throughout the mid-Atlantic region.

In 2005, the U.S. Department of Defense was given the difficult task to reorganize itself to more efficiently and effectively support our forces, increase operational readiness and facilitate new ways of doing business. The Baltimore District was tasked with managing more than \$4.2 billion in construction projects—more than any other in the Nation.

Their work has provided our service members, their families and our civilian workforce with cutting-edge facilities that will allow the Department of Defense to continue its mission of protecting our Nation for years to come. These include the U.S. Army Test and Evaluation Command at Aberdeen Proving Ground and the Defense Information Systems Agency Headquarters at Fort Meade, among others. I am proud to welcome these distinguished agencies to the State of Maryland.

The Baltimore District's work extends beyond Maryland's boundaries. In Pennsylvania, the Defense Distribution Depot Susquehanna, Letterkenny Army Depot and Tobyhanna Army Depot are now better prepared to meet the needs of our service members. Fort Belvoir in Virginia has expanded exponentially and is now home to the National Geospatial-Intelligence Agency, the U.S. Army Legal Services Agency and the Northern Regional Medical Command. Their new proximity to Washington, D.C. is critical for the continued security of our Nation.

The Baltimore District also contributed significantly to the economic stability of the region when we needed it most. The mission was executed with the help of many small businesses, including some owned by veterans, and created thousands of new jobs.

Mr. Speaker, the Department of Defense set high expectations and aggressive schedules for this round of BRAC and expected them to be met. I applaud the Baltimore District, the North Atlantic Division and the U.S. Army Corps of Engineers for their hard work, dedication, and persistence. I ask that you join me in thanking them for their excellent construction, design and engineering services.

COMMEMORATING WORLD STROKE DAY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. FOXX. Mr. Speaker, I rise today to commemorate World Stroke Day and to help increase awareness of stroke, stroke prevention and the challenges faced by stroke survivors and their families. Although I was unable to mark this day when it occurred last month, it is an important cause that is worth recognizing.

A stroke is a brain attack. It occurs when a blood clot blocks an artery, or a blood vessel breaks, interrupting blood flow to an area of the brain. While most strokes occur in older adults, it's a myth that strokes only occur in this population—anyone can have a stroke. Risk factors include high blood pressure, irregular heartbeat, smoking, high cholesterol, diabetes, lack of regular exercise and poor diet. Family history of stroke is also a risk factor.

The state of North Carolina is part of the "Stroke Belt" where death rates due to stroke are consistently more than 10 percent higher than in other parts of the country. The higher mortality rate may be linked to a higher than average population of African Americans and elderly residents, who are more likely to have a stroke than other ethnicities and age groups, as well as dietary factors.

In the United States, about 795,000 people will have a stroke this year, averaging one every 40 seconds. While stroke kills 137,000 people and is the fourth leading cause of death, there are seven million adult stroke survivors in the United States. Stroke is also a leading cause of serious, long-term disability. Although between 50 and 70 percent of stroke survivors regain functional independence, many survivors require the support of a caregiver or have difficulties returning to work.

The estimated direct and indirect cost of stroke was \$73.7 billion in 2010. While these statistics by themselves are startling, the impact of stroke goes beyond my district/State or even our Nation. Stroke is a global health crisis that kills one person worldwide every six seconds—that's six million people annually. If nothing is done, the predicted number of people who will die from stroke will increase to almost seven million each year by 2015.

The goal of World Stroke Day is to bring attention to the risk factors and warning signs of

stroke as well as to honor those living with the impacts of stroke around the world. I urge my colleagues and constituents to know their stroke risk and learn the warning signs. Stand with me today in support of the seven million stroke survivors, their caregivers and families and the rest of the stroke community around the globe to do our part to reduce the impact of stroke in the future.

RECOGNIZING MAYOR JEFFREY SLAVIN, 2011 COMMUNITY FOUNDATION FOR MONTGOMERY COUNTY'S PHILANTHROPIST OF THE YEAR

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. MOORE. Mr. Speaker, I rise to pay tribute to Mayor Jeffrey Slavin on being named the Community Foundation for Montgomery County's Philanthropist of the Year.

Mayor Slavin is among the most generous people I have ever met. He donates his time, his money, and his tremendous wisdom to others on a daily basis. Mayor Slavin's persistent dedication to the needs of the underserved in his community, in addition to his invaluable role supporting dozens of non-profit organizations and service on the boards of many charitable organizations have made him such an incredible asset to Montgomery County, the State of Maryland and the nation as a whole. It is with great honor and privilege that I congratulate Mayor Jeffrey Slavin for his work as a public servant and philanthropist.

SUPPORT FOR STROKE SURVIVORS AND CAREGIVERS

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support for stroke survivors and caregivers. Although World Stroke Day has passed, support for stroke victims and caregivers must never end. As a long-time nurse, I have seen first-hand the effects of debilitating diseases. I understand the hard work and dedication of many of our caregivers in helping these victims get back to health.

Awareness is integral in reducing the occurrence of a stroke. According to the American Stroke Association, one in every six people worldwide is expected to die from a stroke. This disease is also the number three cause of death in United States. These numbers are alarming, and I believe Congress must do all that it can to raise awareness and provide policies to address the needs of stroke victims.

Last Congress, the Democratic House passed H.R. 1032, the Heart Disease Education, Analysis Research, and Treatment for Women Act, which would have required the Secretary of Health and Human Services to report on the quality of and access to care for

women affected by a stroke. In this report, the HHS Secretary would have been required to include guidance on reducing these disparities in improving treatment for women suffering from a stroke. While this legislation did not become law, I hope Congress can continue in its efforts to reduce the occurrence of and effects of a stroke.

I ask my colleagues to join me in support of stroke survivors and their caregivers. Congress must continue to fight for research and quality healthcare, so that all Americans affected by a stroke can live healthy, productive lives.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,979,610,349,742.69.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,341,184,603,448.89 since then. This debt and its interest payments we are passing to our children and all future Americans.

IN RECOGNITION OF MICHAEL MELLO AND HIS MANY YEARS OF SERVICE TO INSIGHT TECHNOLOGY

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. GUINTA. Mr. Speaker, Michael Mello is commended for his years of dedication in the pursuit of excellence, critical information and security that has enhanced our national defense. Michael Mello's combination of intelligence and dedication exemplifies the finest qualities of professionalism and leadership enabling him to make significant contributions over the many years to Insight Technology and the brave service men and women of the United States Military who have fought and served in the Wars in Iraq and Afghanistan.

Michael has been instrumental in keeping our soldiers out of harm's way by providing significant technical and security infrastructure, as well as important information vital for the development and production of mission-critical night vision and electro-optical systems. This work has enabled operational success while saving countless American lives.

America is grateful for Michael Mello's dedication and many years of outstanding service to his country.

IN HONOR OF THE 75TH ANNIVERSARY OF SOROPTIMIST INTERNATIONAL OF MODESTO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CARDOZA. Mr. Speaker, I rise today to join the members of Soroptimist International of Modesto in celebration of the club's 75th Anniversary. It is my privilege to honor this organization that has for so many years remained committed to a world where women and girls together achieve their individual and collective potential, realize aspirations, and have an equal voice in creating strong, peaceful communities worldwide.

Soroptimist International of Modesto was chartered November 28, 1936 with 120 members. It has since grown to an organization of dedicated members committed to volunteer service. For seventy-five years, SI of Modesto has worked tirelessly to improve the lives and status of women and girls locally and around the world. Its members strive daily to uphold the organization's values of human rights for all, global peace and international goodwill, advancing women's potential, integrity and democratic decision making, and promoting volunteerism, diversity, and friendship. Through regular meetings featuring guest speakers and programs, the members are able to network, collaborate on ideas, and stay informed on the various issues affecting women throughout the world.

Among the organization's top priorities is a devotion to supporting service projects in our community, throughout the Nation, and worldwide in such areas as education, environment, health, human rights and status of women, international goodwill, and social and economic development. Over the years, the club has worked collaboratively with other Soroptimist groups on various projects to serve the residents of our community. These projects include the Medical Outreach Mobile, the "Live Your Dream" event for young girls, the Soroptimist Community Christmas Tree, the Youth Literacy Program, Modesto Junior College's Soroptimist Youth Learning Center, and the Salvation Army homeless shelter medical assistance project.

The organization has also provided monetary support, service, and volunteer time to such community organizations as Memorial Hospital, the McHenry Mansion, Interfaith Ministries, Haven Women's Center, Girl Scouts of America, and Foothill Horizon Outdoor Education, and many other important programs. The club also strives to ensure that women have access to equal education by providing cash awards for scholarships and recognition programs; thus, taking important steps to assist women in their professional careers and personal lives.

It is truly an honor to have a local chapter located in California's 18th Congressional District, whose efforts have made a positive impact on the community and in the lives that its services have touched. Its members truly exemplify benevolence and set a high level of excellence for all to admire and follow. It is a pleasure to represent Soroptimist International

of Modesto in Congress and to pay tribute to their seventy-five years of service and success.

HONORING ALONZO JAMISON, JR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. BURGESS. Mr. Speaker, today I rise to remember the life of a remarkable public servant, Alonzo Jamison, Jr. On October 29, 2011, Mr. Jamison passed away, leaving behind a memorable example to be followed. A long time resident of Denton County, Mr. Jamison was in the farming and cattle-raising business for twenty-five years, a faculty member of the University of North Texas and Texas Women's University, and was as a Member of the Texas State House of Representatives from 1955–1969.

Mr. Jamison proudly served his country during World War II as a First Lieutenant. He earned a bronze star while courageously serving in an anti-aircraft unit in Germany, France, Italy, and North Africa and would go onto to retire as a Colonel in the U.S. Army Reserve in 1974.

In 1954, Mr. Jamison was elected to represent Denton County in the Texas State Legislature, where he served seven consecutive terms. After retiring from this role he joined the faculty of Texas Women's University. As a government professor and chairman of his department, he would be an inspiration to all students seeking life as a public servant in government.

Mr. Speaker, it is with great honor that I rise to remember the life and legacy of Alonzo Jamison, Jr. My thoughts and prayers are with his friends and family. He was a great Texan, a devoted husband, and we are all thankful for his brave and dedicated community service.

IN HONOR OF STEPHEN JEROME

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. ENGEL. Mr. Speaker, this year marks the 45th year of Mr. Stephen Jerome's work as president of Monroe College, who has given four and a half decades to providing service to the faculty, staff, and students. Mr. Jerome's efforts have been truly outstanding. Because of his work, Monroe has become a regionally-accredited college that provides a core value of unmatched personal and professional service to more than ten thousand students. He achieves this by providing an environment that solidifies the fullest potential of each student.

As President, Mr. Jerome has fostered many new applications to the university. These new programs include the introduction of the college's championship-caliber athletic programs and a unique foundation that can only be described as an excellent work environment; this has lead to the college becoming

the number one provider of undergraduate degrees to minority students in New York State. As well as supporting award-winning student academic organizations, Mr. Jerome is thoroughly involved in the community. He has helped to provide lighting, security, street cleaning, and holiday parties for children. Mr. Jerome also provides entrepreneurial assistance to the local neighborhood residents and businesses. In accordance with his community efforts, Mr. Jerome has offered college-level classes at the high school level, through the Jumpstart program, to encourage young students to attend college.

Even as the active President of Monroe College, Mr. Jerome continues to assume many leadership roles. He is currently the President of the New York State Association of Proprietary Colleges and has held this position for over two decades. He also holds a position as a Trustee of the Bronx Chamber of Commerce. Mr. Jerome has formerly been a member of the College Presidents' Council for the Governor's office on New York State Financial Aid and been the former Commissioner of the Accrediting Commission of the Association of Independent Colleges and Schools. As a former member of the New York State Education Commissioner's Advisory Council on Higher Education and the former President of the Fordham Road Area Development corporation, it is apparent that no amount of work can deter Mr. Jerome's efforts in providing for the community and improving many systems of education.

With all of the years of service Mr. Jerome has given, and all of the leadership positions that he has taken upon himself, he still remains a family man. With his wife Leslie, he instills the importance of hard work and education to their three children: Marc, Evan, and Laura, who pass along his teachings to his 9 young grandchildren. Stephen Jerome has gone above and beyond for Monroe College and the community. This 45th anniversary of his time at the college can act as a reminder to all who were ever inspired, given an opportunity, or thrived within the higher standards he implemented that these effects came from the hard work and drive of one man, the President of Monroe College, The Leader of many institutions, the family man, Mr. Stephen Jerome.

TRIBUTE TO JOE FRAZIER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a notable South Carolinian, who rose from humble beginnings to make an indelible mark on the world. Smokin' Joe—Joe Frazier—passed from this life on November 7, 2011, but his legacy lives on through his extraordinary achievements in the boxing ring.

Joe Frazier was born to sharecroppers in Beaufort, South Carolina, on June 22, 1944. He was one of 13 children, who never had "a little-boy life." He grew up helping his father chop wood. His father had lost his left arm after being shot as a young man, and Joe al-

ways took the left handle on a two-handed saw, which he attributes to helping him build his devastating left hook.

Most people know of Joe Frazier's athletic accomplishments as America's first gold-medal winning boxer and his thrilling defeat of Muhammad Ali in March 1971. It was what occurred on April 7, 1971, that provided me my greatest memory of the boxing legend.

At the time, I was the first African American to hold an advisory position with a sitting South Carolina governor. Governor John West hired me in January 1971 and just three months later, the governor and the South Carolina Legislature invited Joe Frazier, fresh off his defeat of Ali, to come speak to the South Carolina General Assembly.

This was a remarkable occasion. In January 1971, the first three African Americans since Reconstruction were sworn in as members of the South Carolina House of Representatives. Desegregation was just beginning to take hold in many public schools in the state. And the South Carolina Human Affairs Commission had not yet been established to eliminate and prevent unlawful discrimination.

Joe Frazier was the first African American since Reconstruction to receive an invitation to speak to the South Carolina General Assembly. As World Heavyweight Champion, he could have easily declined the opportunity. Instead, he chose to embrace it. He used the opportunity to try and build bridges and encourage race relations.

In his remarks, Smokin' Joe said our country could get beyond our racial problems if blacks and whites would "play together, work together and pray together." He went on to say, "We must save our people, and when I say 'our people' I mean white and black. We need to quit thinking about who drives the fanciest car or who is my little daughter going to play with, who is she going to sit next to in school. We don't have time for that." His 10-year-old daughter then stole the show by exclaiming, "Float like a butterfly, sting like a bee. My daddy is the one who whipped Muhammad Ali."

But Joe Frazier's most poignant comments were when he talked about attaining his dreams. "I am here today as a young man whose boyhood dream was realized when I won the heavyweight championship of the world." That was proof he said "you can do anything you want to do if you really put your heart and soul and mind into it."

That young man with his dream fulfilled used that same trip back to South Carolina to purchase his mother, Dolly Frazier, a new home to fulfill one of her dreams. He moved his widowed mother and his sisters, who remained at home, into what became known as the Frazier Plantation near Yemassee, South Carolina. This was a far cry from the small home he grew up in without indoor plumbing and holes in the roof.

I had the great fortune of visiting and dining with Joe, his mother and sisters in the new Frazier homestead. They were great supporters of my political endeavors, and they remained salt-of-the-earth people despite the success of the youngest Frazier son.

Joe Frazier died at the age of 67 in his adopted home of Philadelphia, Pennsylvania. He, like so many other young African Americans born in the segregated South, left to find

better opportunities in the world. In doing so, Smokin' Joe made the world a better place.

Mr. Speaker, I ask you and my colleagues to join me in celebrating the remarkable life of Joe Frazier. He will always represent the extraordinary combination of talent and tenacity. He was blessed with tremendous determination and a mental toughness that served him well as a boxer and outstanding human being. He served as an inspiration to so many, and that is a true sign of a life well lived.

HONORING RON GASTIA FOR HIS
SERVICE TO THE PEOPLE OF
BANGOR, ME

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Bangor Police Chief Ron Gastia for his remarkable leadership in raising awareness on the bath salts crisis that is currently sweeping through the nation.

Chief Gastia has been a trusted and effective member of Maine law enforcement for nearly three decades. Since becoming chief of Bangor PD in 2007, Ron has gone above and beyond to make the city safer for its residents. In particular, his exemplary response to the sudden emergence of the synthetic drug known as "bath salts" illustrates the impressive scope of his leadership.

In the last year, Bangor and several surrounding areas have been flooded with a synthetic hallucinogenic stimulant known as "bath salts." Although largely unknown a year ago, bath salts have become one of the preeminent health and safety issues in Maine. The reported incidents involving this highly dangerous drug have skyrocketed in recent months, reaching epidemic levels in Maine and throughout the country.

Chief Gastia's efforts to raise awareness about this crisis have been remarkable. In addition to being vocal in the media, he was instrumental in working with state legislators to criminalize the drug in Maine. Further, on October 20, 2011 Chief Gastia briefed me, the Office of National Drug Control Policy Deputy Director Benjamin Tucker and an assembled body of federal law enforcement officials on Bangor's experience with bath salts. His testimony will be a valuable resource as drug enforcement agencies develop comprehensive strategies to address the emergency of synthetic drugs like bath salts.

While much work still needs to be done to address the threat of bath salts, I know that the Bangor community and the State of Maine are fortunate to have Chief Gastia on watch. I wish him and the Bangor Police Department the best of luck as we continue to tackle this important problem.

Mr. Speaker, I ask you to join me in thanking Chief Ron Gastia for his tremendous service to the people of the City of Bangor and the State of Maine.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. SMITH of Washington. Mr. Speaker, on Friday, November 4, 2011, I was unable to be present for part of a series of recorded votes. Had I been present, I would have voted:

"No" on rollcall vote No. 830 (on agreeing to H. Res. 455, providing for consideration of the bill H.R. 2838);

"Yes" on rollcall vote No. 831 (on the motion to suspend the rules and pass H.R. 3321);

"Yes" on rollcall vote No. 832 (on agreeing to the Cummings amendment to H.R. 2838);

"Yes" on rollcall vote No. 833 (on agreeing to the Thompson amendment to H.R. 2838);

"Yes" on rollcall vote No. 834 (on agreeing to the Napolitano amendment to H.R. 2838);

"Yes" on rollcall vote No. 835 (on agreeing to the Bishop amendment to H.R. 2838); and

"Yes" on rollcall vote No. 836 (on agreeing to the Slaughter amendment to H.R. 2838).

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes on November 4, 2011 and would like the RECORD to reflect that I would have voted as follows:

Rollcall No. 829: "no"; rollcall No. 830: "no"; rollcall No. 831: "yes"; rollcall No. 832: "yes"; rollcall No. 833: "yes"; rollcall No. 834: "yes"; rollcall No. 835: "yes"; rollcall No. 836: "yes."

THE PASSING OF "MR.
WINCHESTER," BEN DUTTON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. WOLF. Mr. Speaker, I share with the House today the sad news of the passing of iconic Winchester, Virginia, native, Benjamin Dutton, Jr., 86. Known as "Mr. Winchester," Ben died November 9 at his home with his wife Jean, fondly called "Whip," at his side.

A man of honor and the highest moral character, Ben was one of the finest Virginia gentlemen that I have ever known.

After Whip and their three daughters and their families, Ben's lifelong love was Winchester and especially the annual Shenandoah Apple Blossom Festival. He was one of the festival's longest serving contributors, holding positions of executive director, president, and board member. Ben continued to be involved in "the Bloom" up until his passing.

The son of the late Dr. Benjamin and Ann Dutton, Ben attended Winchester public schools, graduating from Handley High School in 1943. He served his country in the U.S.

Army infantry from 1943–46 and afterward attended the University of Virginia in Charlottesville, receiving an A.B. degree in 1950. After college, he began a career in the insurance industry, serving as an agent in Louisiana and Roanoke, Virginia, from 1951–63. But the tug of his native city brought him back to Winchester in 1963 and he became associated with J.V. Arthur Inc. as a vice president and partner, retiring from there in 1987.

Never one to sit idly, Ben soon found a second career as a public servant. He first served as the field representative in the Winchester office of our former colleague, the late D. French Slaughter Jr., who represented Winchester and Frederick and Clarke counties until 1991 when the area was part of the 7th Congressional District, and later served in the same position for George Allen, who succeeded Congressman Slaughter for a year before his successful election as governor of Virginia. When redistricting in 1992 brought that area of Virginia into the 10th District, I was proud that Ben became a member of my constituent services staff in my Winchester office, serving for 15 years until his retirement in 2010.

Ben was a "people" person. When you met Ben, you became his friend for life. He had a warm and infectious smile and always made time for anyone who crossed his path. His foremost motivation in life was helping people and thousands of residents of Winchester and the surrounding area can attest to his servant's heart.

Ben also was a "doer." He was involved throughout his long life in city government and numerous civic and community organizations. Among his citations of public recognition were the Outstanding Citizen Award from the Winchester-Frederick County Chamber of Commerce and the President's Award for Community Service from Shenandoah University. I will submit for the RECORD, Ben's obituary from the Winchester Star, which includes greater detail on Ben's illustrious life.

Ben truly fulfilled in his life the biblical praise: "Well done, good and faithful servant." We are all better for having had the honor of knowing Ben and calling him our friend.

To Whip, his wife of 59 years, and their daughters Fay, Virginia, and Whipple, and their families, I express on behalf of the people of the 10th District our heartfelt sympathy and also our gratitude to you for sharing Ben with us.

BENJAMIN BLANTON DUTTON, JR.

Benjamin Blanton Dutton, Jr., 86, died on Wednesday, November 9, 2011, in his home in Winchester, Virginia.

Mr. Dutton was born in 1925, in Winchester, Virginia, the son of the late Dr. Benjamin and Ann Dutton. He attended Winchester Public Schools and graduated from Handley High School, Class of 1943. Mr. Dutton served in the United States Army, in the Infantry, from 1943–1946 achieving the rank of Sergeant. He attended University of Virginia in Charlottesville, Virginia where he received, an A.B. Degree in 1950. He was employed by Hartford Fires Insurance Company from 1951–1963 and served as Special Agent for The Hartford in Louisiana and Roanoke, Virginia.

Mr. Dutton returned to Winchester in 1963 to become associated with J. V. Arthur, Inc., as a Vice President and partner, remaining

in that position until his retirement in June 1987. He was employed by Congressman D. French Slaughter, Jr., as Field Representative in the Winchester, Virginia office and served in that capacity until Mr. Slaughter's resignation in November 1991. Mr. Dutton continued as a Field Representative for Congressman George Allen during his tenure in congress, from November 1991 until December 1992. Mr. Dutton then became the Field Representative for Congressman Frank R. Wolf from January, 1993 until April, 1995.

He served as Executive Director of the Shenandoah Apple Blossom Festival from April 1995 until July 1997 and was then rehired by Congressman Wolf as a Field Representative in July, 1997 until his retirement in 2010.

Mr. Dutton was a member of Christ Episcopal Church in Winchester, a member of the Winchester Rotary from 1963 to present and served on the Board of Directors several times as well as Secretary and Treasurer. He was active in the Shenandoah Apple Blossom Festival since childhood and was President of the festival in 1970, 1971, and 1972. He volunteered as Executive Director in 1972 and currently is on the Festival Board of Directors. Mr. Dutton was a two term President of the Winchester-Frederick County Chamber of Commerce, member of the Winchester Common Council for three terms, from 1966-1978, Winchester Parking Authority from 1966-1990 and Chairman 1980-1990; Winchester Transportation Safety Commission from 1968-1988. In addition he was a member of and Secretary-Treasurer of the Winchester Regional Airport Authority from 1987-1994; and served as Past Chairman of the Salvation Army Advisory Board.

Mr. Dutton was an Honorary member of the Winchester Medical Center Board; a licensed Amateur Radio operator and was licensed as a Glider Pilot.

His Virginia State activities include past chairman, State Insurance Board, Commonwealth of Virginia; past member, State Fire Services Commission, Commonwealth of Virginia; Past President, Independent Insurance Agents of Virginia, Inc.; past member, Board of Directors, Virginia Financial Services Corporation and past member, Regional Economic Development Advisory Council for District 5, Commonwealth of Virginia.

He was Past President of the Independent Insurance Agents of Winchester, Inc.; a member of the Board of Directors Emeritus and the Wayside Theatre, Middletown, Virginia from 1976-1979; and currently a member of the Corporation of Valley Health System, Inc and current member of the Advisory Committee of the Institute for Government and Public Policy at Shenandoah University.

Mr. Dutton was awarded the Honorable Order of Kentucky Colonels in 1970; Outstanding Citizen Award, Winchester-Frederick County Chamber of Commerce, 1975; Rotary International Paul Harris Fellow; Winchester-Frederick County Chamber of Commerce Transportation Award, 1992, and Presidents Award for Community Service (Shenandoah University), 2002.

He married Jean Rogers Whipple on June 14, 1952, in Vienna, Georgia.

Surviving with his wife of 59 years, are three daughters, Fay Dutton and her husband, Jim Moyer, Virginia Dutton, and Whipple Rickman and her husband, Glen; and one grandson, Benjamin Rickman.

A graveside service will be conducted at 11 a.m. on Saturday, in Mount Hebron Cemetery, Winchester, Virginia, with Reverend Webster Gibson officiating.

Memorial contributions may be made to Blue Edge Hospice, 333 West Cork Street, Suite 405, Winchester, Virginia 22601.

Arrangements are being handled by Omps Funeral Home, Amherst Chapel, Winchester, Virginia.

Please view obituaries and tribute wall at www.ompsfuneralhome.com.

IN RECOGNITION OF MS. PHYLLIS KINSLER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize Ms. Phyllis Kinsler, President and Chief Executive Officer of Planned Parenthood of New Jersey. After thirty-seven years of service to the Planned Parenthood community, Ms. Kinsler will be retiring in December of 2011. Her outstanding commitment and dedication to protecting and defending women's health and reproductive rights are worthy of this body's recognition.

Phyllis Kinsler's advocacy work, spanning three decades, for women's health issues is the backbone of the success of Planned Parenthood. Planned Parenthood of Central New Jersey (PPCNJ) serves over 15,000 women each year, providing a wide range of contraception, cancer screening and various other services to women throughout Monmouth, Middlesex and Ocean Counties. The organization remains the leading provider of women's reproductive health care. Under Ms. Kinsler's leadership, the organization has maintained their strong commitment to providing women with affordable, high quality health care services. PPCNJ continues to advocate for public policies that guarantee privacy and essential rights to women, ensuring access to various reproductive services.

In conjunction with her professional responsibilities, Ms. Kinsler has served on numerous community boards and task forces which include Family Planning Association of New Jersey, New Brunswick Tomorrow Health Task Force and America Task Forces on Public Policy and Post Roe Abortion Services. Women and families throughout Monmouth County and New Jersey have continued to benefit from the outstanding advocacy and commitment Ms. Kinsler has demonstrated throughout her thirty-seven years of service.

Prior to joining the Planned Parenthood team, Ms. Kinsler assisted in family service casework, child abuse prevention/child protection services, hotline counseling and a variety of community planning and advocacy projects in support of women, children and families. She is an alumna of Clark University and earned a Masters degree from Niagra University.

Mr. Speaker, once again, please join me in thanking Ms. Phyllis Kinsler for her thirty-seven years of service to the Planned Parenthood community. Her outstanding record of leadership and service continues to prove valuable to women throughout New Jersey.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. DELAURO. Mr. Speaker, I was unavoidably detained addressing matters related to a historic snow storm in Connecticut and so I missed rollcall vote No. 816 regarding H. Con. Res. 13, "Reaffirming 'In God We Trust' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions." Had I been present, I would have voted "yes".

RECOGNIZING THE 2011 WORLD SKILLS PARTICIPANTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the SkillsUSA World Skills Team for their success in the 2011 WorldSkills competition in London, winning four medals, and their overall dedication to improving their vocational training.

SkillsUSA began in 1965 as the Vocational Industrial Clubs of America, an organization founded by teachers and students to promote increased leadership training in their various vocational fields. The participants in SkillsUSA are high school graduates who have taken the initiative to improve their capabilities in their chosen field. The technical expertise and leadership qualities they learn not only better prepare them to succeed individually; they also enable the participants to impart that knowledge and skill-set to their classmates and co-workers.

Seventeen participants represented America in the 2011 WorldSkills competition in a variety of skills: Cameron McCreery competed in Autobody Repair. Daniel Lehmkuhl competed in Automobile Technology and received a Medallion for Excellence. Raychel Bland competed in Beauty Therapy. Bradley Wright competed in Bricklaying. Brett Ottinger competed in Cabinetmaking. Joseph King competed in Computer Numerical Control Milling. Maxwell Hershey competed in Computer Numerical Control Turning. Rachel Koppelman competed in Cooking and received a Medallion for Excellence. Victoria Brown competed in Graphic Design. Laina Call competed in Hairdressing and received a Medallion for Excellence. Matthew Vicari competed in IT/PC Networking. Ryan Spinden competed in Plumbing. Ben Phillips competed in Printing. John Huhn competed in Refrigeration. Melissa Rubincan competed in Restaurant Service. Brett Patterson competed in Web Design. Bradley Clink competed in Welding and received the Silver medal.

Mr. Speaker, the participants in SkillsUSA embody the American worker at his and her best—proactively seeking innovation and improvement. I ask that my colleagues join me in congratulating the SkillsUSA WorldTeam

2011 in their accomplishments both during this year's competition, and throughout their vocational careers.

IN RECOGNITION OF CHAPLAIN
DALE GOETZ

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. LAMBORN. Mr. Speaker, I rise today to pay tribute to a fallen American hero—Army Chaplain Dale Allen Goetz. Goetz is the first Army clergyman killed in action since the Vietnam War. Goetz was killed a year ago while serving his country in Afghanistan.

On August 30, 2010, Goetz was riding with a resupply convoy when the enemy attacked with an improvised explosive device near the Arghandab River Valley.

Four of his fellow soldiers from Fort Carson died with him in that attack.

Army Chaplains are considered noncombatants and do not carry weapons. Chaplains do not go on combat patrol, but do go onto battlefields to conduct services and counsel soldiers.

Goetz was serving with the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team with the 4th Infantry Division of Fort Carson, Colorado.

Goetz grew up in Hood River, Oregon. His first job after high school was working at an old-fashioned dairy where he processed milk and sold ice cream cones at a drive-up window. A year before graduating from high school, Goetz became a Christian. After graduating, he joined the Air Force then attended Maranatha Baptist Bible College. He later earned his Master of Divinity at Central Baptist Theological Seminary. Goetz moved to White, South Dakota where he was pastor before joining the Army to serve our soldiers.

Goetz served his country for nearly 11 years before he was killed. It was his third deployment.

Goetz, who was 43-years old, left behind his wife, Christy, and their three young boys. He is also survived by his mother, Hope, and his sisters, Kim Sumner and Ann Senetar.

In paying tribute to Chaplain Goetz, I would like to enter into the CONGRESSIONAL RECORD a short poem written by a longtime Capitol Tour Guide Bert Caswell.

THE FAITH OF HIS FATHER IN HONOR OF A
FALLEN HERO CHAPLAIN CAPTAIN DALE
GOETZ THE LORD AND THE UNITED STATES
ARMY

Goodness!

Evil!

Darkness!

Light!

Those brave hearts who evil must fight!

Who bring their light!

All in the darkness of war. . . .

Unarmed. . . .

There are but all of those on battlefields of honor,

Chaplains who so ensure. . . .

The Faith of our Father. . . .

Who but bring our Lord's light!

The Faith of Our Father, to help souls to endure. . . .

Armed, with but only Bible in hand. . . .

As it was there midst of such evil, Dale, you were to so stand!

Bringing hope and so comfort, to woman and man. . . .

In the darkest of all places. . . .

While, at death's door they'd so stand!

Giving them the strength to so pray. . . .

Offering your hand, while reaching out on each day. . . .

As from out of that darkness, the light you so gave!

Something, far much more precious than what of gold is so made!

To so find the right words, as you were so heard. . . .in the sacred moments of death. . . .

Giving such strength to all of their hearts to so bless. . . .

For War is Hell, and Hell is War!

And for all your sons, all of the ones. . . . you cared for so deep. . . .

As upon each day, all in their beautiful faces. . . .to us you will so speak!

And to your fine wife, who has suffered the greatest loss of her life. . . .

We pray to our Lord to let her find peace!

It's for you now, Dale, the Angels up in heaven now so weep!

And to his family, somehow so find the strength. . . .

All in what his fine life has meant!

As now we they lay your fine body, Dale, down to sleep. . . .

As into this soft cold dark quiet ground, Dale, so deep. . . .

As, it was you, Dale, our Lord's son. . . .

Who to Him, your promises did so keep!

As a new Angel up in Heaven, one day again you'll meet!

To watch over us now as we so sleep!

With The Faith of His Father So Very Deep!
Amen!

COMMENDING THE ACHIEVEMENTS
OF ALBERT BIERSTADT AND
SANFORD ROBINSON GIFFORD

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to commend the achievements of two 19th century Hudson River School painters, Albert Bierstadt and Sanford Robinson Gifford. Two of Albert Bierstadt's paintings are currently displayed in the Capitol Visitor Center, "Discovery of the Hudson River" and "Entrance into Monterey." The paintings were part of the first American school of painting, the Hudson River School, which focused on accurately capturing nature and a close attention to detail as a new style of romantic landscapes became popular.

A fellow Hudson River School painter, Sanford Robinson Gifford, used the District of Columbia as a backdrop in many paintings about the Civil War, including "Sunday Morning at Camp Cameron," which depicts soldiers listening to a Sunday sermon on the grassy hills of an area in the Northwest part of the city now known as Meridian Hill Park. Gifford, who traveled to Europe, the Middle East, and North Africa seeking new sources of inspiration, was known particularly for his use of indistinct light, which sometimes masked the landscape and was achieved through tiny, delicate brush-

strokes, a characteristic of the Hudson River School.

As we recognize the 150th anniversary of the start of the Civil War, I ask the House of Representatives to commend the achievements of Albert Bierstadt and Sanford Robinson Gifford, and the impact and legacy of the Hudson River School.

RECOGNIZING THE 10TH ANNIVERSARY
OF HONDA MANUFACTURING
OF ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully request the House's attention today to help congratulate Honda Manufacturing of Alabama on its 10th anniversary as an economic engine and community partner in Lincoln, Alabama.

Ten years ago, on November 14, 2001, Honda Manufacturing of Alabama (HMA) started production of the first customer-ready Odyssey minivans and V-6 engines at its new plant in Lincoln. Today, the plant is Honda Motor Co.'s largest global light truck production source, with the capacity to produce more than 300,000 vehicles and engines each year. Its 3.5 million square foot manufacturing facility represents a capital investment of more than \$2 billion.

In the midst of challenging economic times, HMA has provided a stable work environment for many people across the 3rd Congressional District and surrounding region. HMA employs more than 4,000 associates and recently announced plans to hire an additional 50 workers in manufacturing, engineering, purchasing and production management positions. Along with its 35 suppliers, HMA is responsible for more than 45,000 direct and indirect jobs in Alabama. Annually, Honda purchases more than \$2 billion in goods and services from suppliers and businesses located in the state.

Honda's flexible manufacturing system allows the Lincoln facility to produce multiple models on the same assembly line, including Odyssey minivans, Pilot sport utility vehicles and Ridgeline pickup trucks. The plant will also begin manufacturing the Acura MDX sport utility vehicle in 2013, making it the first Acura product built by Alabama associates.

HMA is also a generous community partner and good neighbor. Over the last decade, HMA philanthropic contributions to Alabama charities, community and civic groups have totaled more than \$7 million. Just this year, HMA associates committed both time and money to support local tornado relief efforts, in addition to Honda's corporate commitment of \$150,000.

Mr. Speaker, I ask that my colleagues join me today in recognizing Honda Manufacturing of Alabama on its 10th anniversary. HMA has been a dedicated partner to the citizens of Alabama in strengthening the relationships with the communities where its associates live and work. I am proud to congratulate them on their first ten years in our community, and wish them well in the coming decades.

CONGRATULATIONS TO
STANISLAUS FOOD PRODUCTS

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. DEHNAM. Mr. Speaker, I rise today to recognize and congratulate Stanislaus Food Products and the Cortopassi Family who were inducted as Stanislaus County Ag Hall of Fame "Legends in Agriculture" during a ceremony in Modesto, California on November 10, 2011.

Stanislaus Food Products employs about 160 people year-round and nearly 1,400 during the peak of packing each summer. It was founded in 1942 by the Quartaroli family, which sold it to the Piciullo family in 1969. The Cortopassi family bought it in 1978.

The son and grandson of Italian immigrants, Dean Cortopassi was born in 1937. Even though his family worked hard, he remembers plenty of laughter in their home. For the first 10 years of Cortopassi's life, the family lived on a farm. In 1947, they moved to a working-class Italian neighborhood, and Cortopassi's father commuted to their farm on the outskirts of town. "In my community everyone was focused on 'getting ahead' to achieve a better life. It was a very insular community that was strong on values and family honor. My parents concentrated on work and 'getting ahead.' They would constantly say 'go to school, get a good job, and have a good life.' They both saw farming as a tough way to make a living and they didn't want that for their children, but it was all I ever wanted to do."

As a youngster, Cortopassi clearly remembers playing farmer in his sandbox with toy wooden tractors his father had made for him. "My father was a hero for me," he says, "and I think that's why I loved farming so much." Cortopassi began working on the farm when he was 10, driving a grain truck from field to bin, and when he was 12, graduated to the top tractor job on the farm: pulling the grain harvester.

Cortopassi attended a one-room schoolhouse during his first three years and was skipped ahead one grade when the family moved to town. In his last semester of high school, Cortopassi contracted rheumatic fever, which left him with a damaged heart valve and a prohibition against physical activity. He attended junior college for two semesters, trying to catch up with friends away at college, but quit school to work full time as a commercial/truck driver. Within six months his high-energy work habits resulted in a mild heart attack and complete prohibition from any physical labor for two years.

Having few options, Cortopassi enrolled in a two-year agriculture course at the University of California-Davis, graduating in 1958. He joined the Pillsbury Company as a grain buyer/trader, and at the same time he and his younger brother began farming 65 rented acres with rented equipment. By 1961, the brothers were into full-time farming, followed by years of both adversities and success. Twenty years later, Cortopassi Farms included 10,000 acres.

By 1968, Cortopassi had achieved his dream of farming on a large scale, but felt lim-

ited by farming's strategic limitations, so he went into partnership with another farmer and bought a small Los Angeles-based food specialties company that sold its products through the supermarket channel. Ten years later, the partners sold the specialties company and raised a larger partnership to buy a tomato processing company, Stanislaus Food Products (SFP), which became Cortopassi's primary endeavor as he began scaling down farming activities.

Following a poor farming year in 1982, his partner elected to sell his SFP stock ownership, which Cortopassi bought with borrowed bank debt. In 1986, he re-mortgaged his entire SFP ownership to buy out all remaining shareholders. Over the past 25 years, SFP has become the largest "fresh-pack" cannery in the world, and is the market-share leader of tomato products for Italian restaurants/pizzerias throughout the United States and Canada.

Cortopassi currently serves as CEO of San Tomo Group, and in that position provides "coaching" to younger presidents of agribusiness entities in which his family are shareholders, including Stanislaus Food Products, Cortopassi Partners, Cocoa Farms, Lodi Farming Company, and Del Rio Partners.

When asked how he defines success, Cortopassi says, "It's constantly striving to perform at maximum potential without compromising personal values. It's about my word, my family, and my honor. I always remember a metaphor from the Greek classics about Plato's ring. Plato told his students that to know your own morality, imagine slipping on a magic ring that made you invisible and therefore able to do bad deeds without anyone ever knowing. If you had such a ring, how would you behave? The answer to that question is the definition of your morality."

Cortopassi advises young people to choose a line of work they can be passionate about, and then to seek work from the best company in that industry. "When you go to work for the best doing something you like, you're earning double pay because in addition to salary you're learning keys to success."

Outside of his family and business, Cortopassi is passionate about America. He says, "I'm glad for my Italian roots, but I'm proud to be an American. My parents were particularly passionate about their American citizenship and are a living example of moving from meager circumstances in Italy and through determination and hard work achieving a better life in America. I believe in free enterprise and I want our country to continue providing 'getting ahead' opportunities for entrepreneurs."

The company stresses quality in the products, whether it's sauce for a pizza or tomato strips with the trademarked name Filets. "We only pack in the 70 days when the tomatoes are vine-ripe," Executive Vice President Bill Butler said. "We do not remanufacture from paste."

The products are sold under several labels, such as Alta Cucina, Saporito, Full Red and 7/11. These are not household names, and the company is fine with that. The growth in demand has slowed since the boom in Italian cuisine from the 1970s to 1990s, but the market remains strong. The products are widely distributed in the United States and Canada.

The company works with growers to assure tomatoes with the right traits. It cooks the sealed cans for as short a time as possible, in the belief that overcooking impairs the flavor.

Stanislaus is part of a processing tomato industry that remains fairly strong in California, thanks to ideal growing conditions and the demand for pasta sauce, ketchup, salsa and other products. And food processing in general has kept people at work amid the economic slump.

Mr. Speaker, please join me in praising Stanislaus Food Products and the Cortopassi Family for their significant contributions to agriculture and to the people of the local community.

IN RECOGNITION OF THE HUMANITARIAN CONTRIBUTIONS OF
CHARLES L. PERKINS SR.

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to commend Charles L. Perkins, Sr. for his selfless dedication and commitment to our community. Charlie was recently honored by Youth for Tomorrow for his humanitarian activities, specifically his actions in providing food, clothing, and financial support to assist those in need in Northern Virginia.

I have had the privilege of personally knowing Charlie and his wife, Marian, for many years. Throughout this time, I have been struck by Charlie's persistent efforts to improve the lives of those in our community. Charlie, both personally and through his charitable trust foundation, has supported numerous organizations including Youth for Tomorrow, Homestretch, Legal Services of Northern Virginia, Special Olympics, as well as religious organizations that provide a path to escape gang violence and feed the hungry.

In addition to the many contributions to community non-profits, Charlie and his foundation provide assistance to individuals who have experienced financial hardships due to illness, unemployment or monetary shortages. Always looking ahead to build a better life for the next generation, the foundation also provides college tuition assistance. Charlie's mission is brilliant in its simplicity—to help those in need and enhance the dignity and quality of life of individuals, families, and communities by seeking out those in need. Charlie has more than accomplished this mission, and he has previously received the Lions of Virginia Distinguished Humanitarian Award and was named the Jobs for Virginia Graduates "Man of the Decade".

Through his own hard work and perseverance, Charlie rose from humble beginnings to become a highly successful business owner; however, he never rested on his many accomplishments and he always sought to give back to the community with great fervor, but little fanfare. In fact, Charlie eschews personal recognition, and it is only through the insistence of others that his many noble efforts receive the accolades they so richly deserve.

Mr. Speaker, I ask that my colleagues rise to join me in recognizing Charles L. Perkins,

Sr. and in thanking him for his steadfast support of those in need within our community. I personally feel blessed to call Charlie a friend, and extend to him my deepest appreciation and respect.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 15, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 16

- 9 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine contractors. SD-342
- 9:30 a.m.
Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine a progress report on management and structural reforms at the Securities and Exchange Commission (SEC). SD-538
- 10:30 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the need for continued innovation in forecasting and prediction. SR-253
- 2 p.m.
Joint Economic Committee
To hold hearings to examine manufacturing in the United States of America, focusing on paving the road to job creation. SH-216
- 2:30 p.m.
Budget
To hold hearings to examine improving regulatory performance, focusing on lessons from the United Kingdom. SD-608
- Judiciary
To hold hearings to examine the nominations of Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, and Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri. SD-226

United States Senate Caucus on International Narcotics Control

To hold hearings to examine the United States-Caribbean Security Cooperation, focusing on drug-related violence in the Caribbean and United States security assistance through the Caribbean Basin Security Initiative. SD-562

NOVEMBER 17

- 9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army, Department of Defense, and Kevin A. Ohlson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces. SD-G50
- Energy and Natural Resources
To hold hearings to examine the Secretary of the Interior's Order No. 3315 to consolidate and establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management. SD-366
- 10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Maurice A. Jones, of Virginia, to be a Deputy Secretary, and Carol J. Galante, of Virginia, to be an Assistant Secretary, both of the Department of Housing and Urban Development, and Thomas Hoenig, to be a Member and Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation. SD-538
- Environment and Public Works
Superfund, Toxics and Environmental Health Subcommittee
To hold joint hearings to examine the "Safe Chemicals Act". SD-406
- Finance
To hold hearings to examine the nominations of Mary John Miller, of Maryland, to be an Under Secretary, and Alastair M. Fitzpayne, of Maryland, to be a Deputy Under Secretary, both of the Department of the Treasury, Kathleen Kerrigan, of Massachusetts, to be a Judge of the United States Tax Court, and Henry J. Aaron, of the District of Columbia, to be a Member of the Social Security Advisory Board. SD-215
- Health, Education, Labor, and Pensions
To hold hearings to examine "The Americans with Disabilities Act" and accessible transportation, focusing on challenges and opportunities. SD-430
- Judiciary
Business meeting to consider S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, S. 1794, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 347, to correct and

simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 2189, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children, S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, and the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, and David Campos Guaderrama, to be United States District Judge for the Western District of Texas. SD-226

Commerce, Science, and Transportation
Science and Space Subcommittee

To hold hearings to examine NASA's human space exploration, focusing on direction, strategy and progress. SR-253

Joint Economic Committee

To hold hearings to examine if tax reform can boost business investment and job creation. SH-216

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes. SD-628

2:30 p.m.

Commerce, Science, and Transportation
Competitiveness, Innovation, and Export Promotion Subcommittee

To hold hearings to examine tourism in America, focusing on moving our economy forward. SR-253

Intelligence

To hold closed hearings to examine certain intelligence matters. SH-219

NOVEMBER 30

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care. SR-418

DECEMBER 6

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine the Express Scripts/Medco merger. SD-226

DECEMBER 8

2:30 p.m.

Energy and Natural Resources
Water and Power Subcommittee

To hold hearings to examine opportunities and challenges to address domestic and global water supply issues. SD-366

HOUSE OF REPRESENTATIVES—Tuesday, November 15, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEST).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 15, 2011.

I hereby appoint the Honorable ALLEN B. WEST to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

A NATIONAL REDISTRICTING COMMISSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Americans are understandably frustrated by the political process. Attention has appropriately been directed to the perversion of Senate rules that slow the Senate's legislative process to a crawl with very real consequences for the ability of the Federal Government to function.

Concern has also been expressed about the House of Representatives. The health care debate revealed the deepest of divisions and some of the most inflammatory language and action in history. The budget battles of the 112th Congress, especially the artificial crisis surrounding meeting our debt ceiling obligations, extend and amplify that trend.

Experts across the political spectrum agree that part of this divisiveness arises from the very nature of congressional districts. Both parties have developed into an art form the ability to manipulate redistricting: packing in partisans of a single party, punishing

opponents and protecting incumbents. Just look at the maps published in "Roll Call" this week, the "Top 5 Ugliest Districts: Partisan Gerrymandering 101." Sadly, it's practiced by both political parties. We should all be concerned when politicians have more influence picking their voters than voters have picking their politicians.

Now, some progress has been made to insulate the redistricting process by creating a few independent commissions and some guidelines, but the problems persist. Look at what has happened in Florida to try and circumvent those reforms and, more recently, the actions of Arizona Governor Brewer firing the independent head of the supposedly independent commission. The process remains woefully inadequate, highly politicized and subject to what normal people would regard as political abuse. For many politicians, the temptation to place partisan objectives above the public interest is just too tempting. In the last decade, we saw the culmination of this trend in 2003 when Texas conducted a hyper-partisan, mid-decade, second reapportionment process.

Americans deserve better.

Congressional representation should not be a political blood sport that protects incumbents, disenfranchises legitimate interests and allows people to achieve with surgical reapportionment what they couldn't do honestly at the ballot box. As we approach the 50th anniversary of the landmark Baker vs. Carr Supreme Court case that required one person/one vote, it's time to revisit that process.

I would propose that we would establish a national commission, composed of ex-Presidents, retired Federal justices, previous congressional leaders, housed in an independent, professional agency, not unlike what Iowa has done successfully for decades. These distinguished and independent experts would establish uniform criteria and congressional district lines for each State to respect the communities of interest—the ethnic, cultural and historic boundaries—rather than just partisan affiliation. Indeed, we may even consider competitiveness to be a positive outcome. It would then be approved by Congress with an up-or-down vote like we do with base closings. We may even fix the outrage that denies American citizens of the District of Columbia, our Nation's capital, voting representation. Congress should enact these proposals now while the abuse of the proc-

ess is clear in everyone's minds—well before the next Census in 2020.

The ebb and flow of our history has shown that highly political gerrymandering can backfire, that political tides can change. Nobody knows which party is going to be in charge 10 years from now. Having a system that guarantees fairness will guard against the destructive and highly partisan maneuvering that we see now.

Americans deserve better.

When citizens are treated fairly and all politicians play by the same rules, government works better. Meaningful political reform is seldom easy. It takes time to educate the public and policymakers and to refine the concepts. I am hopeful there will be careful consideration of this proposal as a way to make the House of Representatives fair, more representative and more effective for this century. Given the challenges we face, America deserves no less.

THE KEYSTONE XL PIPELINE— PAGE II

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the folks I represent down in southeast Texas are concerned about many things; but two things they are concerned about probably the most are jobs and energy, because, you see, in southeast Texas, that's still the energy capital of the United States. I probably represent more refineries than any Member of Congress.

There is an answer to jobs and energy, and it's called the Trans-Canada pipeline, commonly called the Keystone XL pipeline.

The plan is for our allies in Canada to ship crude oil from Alberta, Canada, through a pipeline all the way from Alberta, Canada, down to Port Arthur, Texas. Most Americans have never heard of Port Arthur, Texas, but it sits on the gulf coast, really close to the Louisiana-Texas border. It is part of that energy development going all the way back to Spindletop days in 1901—the energy capital of the world. The plan has been, for several years, to ship that crude oil down to American refineries and have them refine.

That decision, or that request to get a permit, started about 3 years ago, and no decision has been reached yet on whether to build it or not to build it. The latest development is that the administration has decided: Still, we'll

not make a decision until 2013, after the elections.

That's unfortunate because these are times when we need American jobs, and this pipeline would create American jobs in America—thousands of American jobs—and then there is related industry all up and down the area where the pipeline will be built to Port Arthur, Texas. Then it will give us crude oil, energy that we can use from a stable ally. Instead of having to ship oil in from all over the world—from the Middle East primarily—we will have a stable ally where we can bring crude oil into the United States.

About how much oil are we talking about?

Well, it's about 700,000 barrels a day. That's just a number—most people can't relate to that. I really can't—but that's about as much crude oil as we buy from Venezuela and bring into the United States. When the pipeline is fully completed, it will be 1,200,000 barrels a day. Now, that's a real number. How much is that? That's about as much oil as we bring in from Saudi Arabia; yet we could bring that in from Canada to our refineries in southeast Texas.

Pipelines are the safest way to move crude oil—the safest way, Mr. Speaker. It's safer than rail; it's certainly safer than trucks; it's safer than bringing it in on ships from overseas; and it's safer than barges, because pipelines have a history of being the most environmentally safe, as they should be safe. In fact, the new pipelines that are developed are taking newer technology. They put a machine in the pipeline—it's called a pig machine—which goes through the pipeline with the crude oil and looks for dense or even small leaks which would automatically shut the pipeline down. Nobody wants a leak in a pipeline—the people who build it or the people who live in that area—but the administration has decided, primarily the State Department has decided, not to make a decision until 2013.

□ 1010

The Prime Minister of Canada is very disappointed that the United States will not be a partner in this crude oil development. But there is a country that will take that Canadian crude oil, and it's China. So we may not see the pipeline built from Alberta to Port Arthur, Texas; but we may see that pipeline built from Alberta to their west coast where they could pipe that crude oil off to their west coast and sell it and put it on tankers going to our buddies, the Chinese, who are eager to take that crude oil.

Recently, however, there was a development that the pipeline folks, the TransCanada people who want to build a pipeline, have started to work with the legislature in Nebraska. Nebraska is primarily the holdup where the envi-

ronmentalists have gone and said they can't build a pipeline here for a bunch of reasons. The new plan is to build that pipeline to the east, the northeast of Nebraska. Hopefully they will work out something. Unfortunately, the State Department said last night or this morning. Well, nothing has changed. So it seems like delay, delay, delay is still the answer.

We need to get crude oil to our refineries somehow. What is the answer? What is the answer for those who say that they don't want a pipeline? There is no answer. And until we get to that green energy that we all want to get to eventually, we have to get that crude oil and have it refined not only into gasoline and jet fuel but into the by-products, plastics that we all use. And the answer, Mr. Speaker, I think is, we need to pick a horse and ride it, sign up, and build that pipeline immediately.

And that's just the way it is.

INCOME INEQUALITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. CICILLINE) for 5 minutes.

Mr. CICILLINE. Mr. Speaker, last month the Congressional Budget Office released a report that examined household income distribution between 1979 and 2007. The most disturbing figure to me in this report is that the top 1 percent of income earners have seen their average real after-tax household income grow by 275 percent. Middle-income Americans saw an increase of 40 percent over the same period of time.

This report illuminates a sad fact: Income inequality in our country is growing at a staggering pace. The report is pointing out what many of my constituents tell me as I travel around my district from Cumberland to Pawtucket to Newport, from community dinners and talking to business owners: This economy is not working for the majority of middle class families. In fact, the hardworking middle class of our country is being hollowed out, a middle class made up of people that are just trying to provide a good life for themselves and their families. My real fear is that if we let that happen, we'll never get it back.

Those here in Washington need to remember that our job is to help people and to strengthen the middle class of this country. The way back to prosperity is not to ignore the problem; it's through investing in workforce retraining, infrastructure, housing, and education for tomorrow. We can't wait any longer. Now is the time to act. We need to work together in a bipartisan way to get our economy and our country moving again.

I have introduced legislation, the Make It in America Block Grant, designed to help small to medium-sized

manufacturers retool, retrofit their facilities, and train employees so they can sustain their current workforce, create jobs, and better compete in the 21st century economy. We need to develop new efficient and effective ways to fund much needed investments in our Nation's crumbling infrastructure, including legislation to create a national infrastructure bank which will attract private investment in vital infrastructure projects.

American families will not feel or share an economic recovery until we stabilize our distressed housing market. We not only need to mitigate our foreclosure crisis but undertake bold actions to prevent the next wave of foreclosures from occurring. Congress needs to pass critical housing legislation, like the Preserving Homes and Communities Act, introduced by Senator JACK REED and Representative ELIJAH CUMMINGS, which would improve home loan modification programs, including creating an appeals process for homeowners denied a loan modification, limit foreclosure-related fees, and respond to robo-signing misconduct by forcing mortgage servicers to prove they actually have the legal right to foreclose on a property.

I believe that each and every American must be guaranteed access to an affordable higher education, including vocational education, regardless of their economic status. We need to protect the funding of Pell Grants, named for my home State Senator, the late Claiborne Pell, which are one of our Nation's most significant college financial aid programs. We must also guarantee that our education system is preparing young people for career readiness, which I have worked on to ensure that we're offering more training options to young adults, moving them along on career pathways, and strengthening public-private partnerships so that business and government are working together to build and improve our workforce.

I recommend to my colleagues that they all read this report, if they haven't already. I also ask that they join me in renewing our commitment to keep fighting for middle class families as we work to help our country every day here in the Congress of the United States. It's time to get America back to work and to strengthen and support the hardworking middle class of this country, the hardworking middle class that's built this country.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. It's a sad day in America when a major general in the United States Army cannot give his honest opinion about our war in Afghanistan without losing his job.

Last week Major General Peter Fuller gave an interview in which he commented on the Afghan Government and the President of Afghanistan, Mr. Karzai. And I want to quote the general, Mr. Speaker. These are his words: "erratic and isolated from reality," that is the leader of Afghanistan. He continued by saying: "Why don't you just poke me in the eye with a needle! You've got to be kidding me. I'm sorry, we just gave you \$11.6 billion, and now you're telling me, 'I don't really care'."

That's what our young men and women are doing; they are dying and losing their legs for this erratic leader of Afghanistan.

Let me further state, in a December 8, 2010, Washington Post article, while meeting with General Petraeus and former Ambassador Eikenberry, President Karzai said he has three "main enemies": the Taliban, the United States, and the international community. "If I had to choose sides today, I'd choose the Taliban." Yes, that's the erratic leader our young men and women are dying for.

Just last month during a television interview, President Karzai stated, "If ever there's a war between Pakistan and America, Afghanistan will side with Pakistan."

These are not the statements of a leader for whom United States service members should give life and limb.

On May 12 of this year, Lieutenant Colonel Benjamin Palmer and Sergeant Kevin Balduf, both from my district, Camp Lejeune and Cherry Point, were in Afghanistan, with the sole purpose to train Afghan officers, when one of the trainees opened fire and shot and killed Lieutenant Colonel Palmer and Sergeant Balduf as they sat down for lunch. They both were killed by an Afghan trainee. And, Mr. Speaker, these two little girls on this poster are the daughters of Sergeant Balduf, Eden and Stephanie. They're standing at their father's service at Arlington.

The tragedy for these little girls is not just the fact that their daddy gave his life for this country, trying to help the Afghans learn to be policemen; but the day before he was killed, Sergeant Balduf emailed his wife, Amy, and he said, "I don't trust them. I don't trust them for anything, not for anything at all." The next day, he and Colonel Palmer were shot dead by the people that we're spending \$10 billion a month on in Afghanistan. And we're telling the American people, We've got to cut programs for your children and our senior citizens.

I'm asking that President Obama and Congress do everything to defend the truth and encourage military leaders to be honest with the American people as to what is happening in Afghanistan, and I will submit a letter that I wrote to President Obama regarding General Fuller.

Mr. Speaker, as we move forward with this debt supercommittee that's

going to be making recommendations, I hope that my colleagues in the Republican Party will join those of us, the few of us in the Republican Party, as well as some of the Democrats, and let's bring our troops home before 2014. Yes, when you read in the paper we're bringing our troops home, it's 2014. How many more little girls and little boys have to go to their father's or mother's funeral? Why doesn't America wake up and demand that Congress bring our troops home before 2014?

With that, Mr. Speaker, I will close, as I always do, from the bottom of my heart to ask God, please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I ask God to bless the House and the Senate, that we will do what is right in the eyes of God and God's people.

Mr. Speaker, last night on ABC, I was so touched to see GABRIELLE GIFFORDS, one of our colleagues, making such a strong effort to come back to the Congress. I wish her the very best in my heart, and I ask God to bless her and her husband.

Dear God, I ask You, please give wisdom, strength, and courage to the President of the United States, where he will do what is right in the eyes of God. And God, please continue to bless America.

NOVEMBER 7, 2011.

President BARACK OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: It was with great sadness that I learned that a senior military officer was relieved of his position for telling the truth. Major General Peter Fuller should receive praise from the American people, not the scorn of military leadership. His comments about Afghan leadership being "erratic" and ungrateful for the United States' financial assistance and military training are correct.

In a December 8, 2010 Washington Post article, while meeting with General Petraeus and former Ambassador Eikenberry, President Karzai said he has three "main enemies"—the Taliban, the United States and the international community. "If I had to choose sides today, I'd choose the Taliban." Just last month, during a television interview, President Karzai stated "... if ever there is a war between Pakistan and America, Afghanistan will side with Pakistan." These are not the statements of a leader for whom U.S. service members should give life and limb.

On May 12 of this year, Lieutenant Colonel Benjamin Palmer and Sergeant Kevin Balduf, both from my district, were in Afghanistan with the sole purpose to train Afghan officers when one of the trainees opened fire and shot and killed Lt. Col. Palmer and Sgt. Balduf as they sat down for lunch. In an email to his wife shortly before he died, Sgt. Balduf said "I don't trust them; I don't trust them for anything, not for anything at all." These two families quickly learned why.

Mr. President, the day after you visited the wounded at Walter Reed at Bethesda, I

went and visited severely wounded Marines from my district, which includes Camp Lejeune. One Marine looked me in the eye and asked why we were still in Afghanistan. I had to tell this Marine and his mother that I did not know, and that I believed it was time to declare victory and bring our troops home before 2014. As of October, 1,812 U.S. service members have died in Afghanistan. How many more families will give a loved one for a corrupt leader?

Maj. Gen. Fuller spoke the truth and does not deserve this fate. As Commander in Chief, I hope you will support and demand the truth for the American people. If our military leaders cannot tell the truth, then America is in deep trouble. Mr. President, you can right a wrong by reinstating Maj. Gen. Fuller to his previous position.

Sincerely,

WALTER B. JONES,
Member of Congress.

□ 1020

DO-NOTHING OPTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Eight days until the so-called supercommittee is to report. They're limping toward failure; although perhaps now they've found the way Washington always loves to do things—let's kick the can down the road. Let's pretend we did it. Let's say we'll adopt some future tax measures in the next 12 months that will get us to their rather modest goal of \$1.2 trillion of deficit reduction over 10 years. I tell you what, the do-nothing option is starting to look a lot better. Now, that's something that Congress is really good at doing—nothing.

So what happens if we do nothing? Well, first you get the sequestration. There's much gnashing of teeth about that. But Congress will have discretion within accounts, within the Defense Department and elsewhere to find those cuts, which would be relatively modest over a 10-year period. But then the better thing with the do-nothing option is if Congress really, really can do nothing and continues to do nothing for the rest of this session, then all the Bush tax cuts go away and that means \$4 trillion of additional revenues with a little bit of shared sacrifice. It hits the people at the top mostly, takes them back to the Clinton-era rates of taxes. That's without closing tax loops and going through all that. Just let the Bush tax cuts expire; that would take care of 40 percent of the deficit problem over the next 10 years. Add in the sequestration from the failure of the committee another 1.2, plus the 1.3 we passed last summer, suddenly we're up to 67–70 percent of the projected deficit. That's pretty much what we need to do around here. And you can do it in an honest way, which is with revenues and spending reductions. That's how we balanced the budget in the 1990s. You can't do it all with just stopping cuts. Stop pretending that that'll work. It won't work.

Now, there'll be much gnashing of teeth, particularly on Wall Street, about oh, Congress can't get things done, and we're worried. And the crooks are the unindicted co-conspirators at the ratings agencies. The same people who rated designed-to-fail mortgage collateralized debt obligations as AAA-plus investments are now concerned about the government of the United States and how it conducts itself in its honesty and dealing with these difficult problems. Well, you know, maybe they should take a look at the do-nothing option, too. If they're really concerned about debt reduction, the do-nothing option is the best.

And then finally this week, Congress will have a chance to vote on a balanced budget amendment, the same one that passed in 1995. Let's think of what the world would look like today if the one that passed the House in 1995 had become the law of the land. We wouldn't have had 10 years of Bush tax cuts at a cost of \$5 trillion of new debt and no jobs. We wouldn't have had the wars fought on the credit card. We would have had to vote every year because we didn't declare war, and under this balanced budget amendment if you don't declare war and you have an overseas emergency, you have to vote every year on the spending. Maybe we wouldn't have spent those many hundreds of billions and trillions of dollars.

And, finally, the prescription drug benefit designed to subsidize the pharmaceutical industry with borrowed money and that gives seniors a donut hole, we wouldn't have had that either.

Now, I have liberal friends over here who say: Oh, we can't have a balanced budget amendment. That would be horrible. Well, just think, if those things hadn't happened and we didn't have \$14 trillion of debt today, wouldn't we be in a place to make the investments we need to put America back to work and not burdening our kids with a mountain of debt? Think about it. A balanced budget amendment works both ways. This one's honest. It doesn't say supermajority for taxes. It doesn't say supermajority for cuts. It says you figure it out. You were elected, you figure it out. And do it in a way that both builds a country with a sustainable economy and gives us a financial future that isn't a huge burden to our kids.

CONGRATULATING WAYZATA GIRLS SOCCER CHAMPIONSHIP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. PAULSEN) for 5 minutes.

Mr. PAULSEN. Mr. Speaker, I want to congratulate the Wayzata High School girls soccer team on winning this year's Class 2A State champion-

ship. This is a team that embodies the philosophy of practice makes perfect. Every day throughout the season, this team would practice penalty kicks just in case a big game would depend on it.

And when it came down to the championship game, when regulation time ran out, when overtime passed, 10 minutes extra of overtime, the State title would be decided by a penalty kick shootout. In the end, it was Wayzata's practice of the fundamentals that really did pay off when Chelsey Ulrich scored the game-winning goal in that shootout.

So congratulations to the student athletes of Wayzata High School and the girls soccer team, as well as the coaches, for being great student athletes and for a job well done.

INVESTING IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. ELLISON) for 5 minutes.

Mr. ELLISON. Mr. Speaker, in a few days our Congress will see the reporting out of the work of the supercommittee. This is a big deal, and it's something that the American people, I pray, focus their attention on. It's a big deal because it is true, and I say this as a proud liberal Member of this Congress, that we do need to make sure that we reduce our country's long-term deficit. We need to do that because programs I care about like Head Start, home heating oil for seniors, programs that are going to help develop our human capital, get crowded out when we say we just don't have enough money. We do need to make sure that we can live within the budget of this country.

But the question is not what we are going to cut, but what are we going to spend on. That's the real question. The deeper question is what are we going to invest in because the fact is, whether we do only stimulus and spend a lot of money in the hope that we increase aggregate demand, or whether we do what Republicans suggest, which is to cut everything and just have austerity, neither one of those solutions will really put America on the track that it needs to be on.

The fact is that we need to invest in this country because as we look around, this country, the land of opportunity, is not making the investments that it needs to make in order to be the world leader in the years to come. We need to invest in infrastructure, Mr. Speaker. Let's start by talking about greening America. We need to retrofit old buildings. We need to invest in a smart grid. We need to invest in renewable energy—wind, solar, things that will really help power our Nation and make us less dependent not only on foreign oil but oil altogether—fossil fuels. We need to reduce that dependency.

We need to invest in transit and roads and bridges. In my own City of Minneapolis, we saw a bridge fall 65 feet into the Mississippi River because it had not been adequately maintained. People think, oh, that's Minneapolis's problem. If they think that, they're wrong. Bridges all over this country are in critically bad shape, and we need to invest in making sure that they are not only safe but are adequate for the future; well fitted so that they can accommodate transit and other sorts of things that can move people around and not just be dependent upon cars. We need to invest in a smart grid so we use energy efficiently and we can power our society in efficient and important ways.

But not only do we need to invest in infrastructure, we need to invest in our people. We need to invest in skills training. This should start, Mr. Speaker, with early childhood education. Any economist who studies this will tell you, the investments you make in little kids, zero to six, pay off for a lifetime. And yet we don't have universal kindergarten or universal early education. We have millions of children across this country whose young minds could be being developed by the age of 3 or 4 or 5; and yet they're not. They are languishing at home and they are being, in some cases, baby-sat by the television or even worse. Some don't have adequate nutrition. Mr. Speaker, we need to invest in the earliest, youngest Americans so they can have success throughout a lifetime.

We need to do something immediately about the awesome debt burden that our young people in college are shouldering. This has the potential, as young people who are in their 20s and 30s should be buying houses, buying cars, should be saving for their retirement, they're paying back student loans. This is going to have a long-term negative effect on our economy, and we need to do something about it right now.

There are a lot more things to talk about, but one of the things I don't want to leave off the table is that we also need to reduce our military spending. I'm fully in favor of supporting our veterans. I believe this is an important, worthwhile investment for their health, their education and for their welfare, but there are a number of military armaments and machines that we simply don't need. We don't need to depend on a nuclear arsenal, in my view. We need to engage in international agreements to cut the nuclear weaponry arsenal and inventory in the world.

□ 1030

We need to make sure that we begin to shut down some of these bases we have all across the country—as many as 174 bases. Do we need this kind of military footprint? I don't think so.

So, Mr. Speaker, let me just say that tomorrow we're going to have a group of leading economists at 11 o'clock to come together and offer their views about the proper direction for prosperity for America. Tomorrow the Congressional Progressive Caucus at 11 a.m. will convene, and we'll have a number of great economists whom we invite everybody to come listen to, including Jeffrey Sachs. I've run out of time, Mr. Speaker, but I urge people to attend tomorrow The Way Forward for America.

DEBTOR NATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. TERRY) for 5 minutes.

Mr. TERRY. "It is the debtor that is ruined by hard times." That was said by our 19th President, Rutherford B. Hayes. It is a timely and insightful comment.

The United States now is the debtor. We are \$15 trillion in debt, rising at a yearly clip of \$1.5 trillion with really no institutional control to stop that.

Yes, we're in hard times—9 percent-plus unemployment for 3 years straight. A report the other day said the real unemployment rate from those that have just given up is probably closer to 15 percent—16 million to 20 million Americans. Our savings, decreasing, mostly because of the dollars that are going towards buying bonds or selling bonds to China.

Now, before us this week, though, is probably one of the most important votes that this Congress will take this year, and that is to pass an amendment to our Constitution forcing this body to balance its budget. Now I know it's stunning to many people that our Constitution didn't have that. There were lots of fail-safes built into our Constitution, and I think that our Founding Fathers never thought that deficit spending other than at a time of war would ever occur in our country, but it has, and it's become the norm.

Why has it become the norm in Congress? Simply answered, because you can. There's nothing to stop it. The easiest way, the most political way so you never have to say "no" is to deficit spend. My friends, that has to end. It has to end this congressional session.

Now, the balanced budget amendment is a simple one. It says, basically, we cannot spend more than our revenues. That's what most State constitutions have, that's what the Nebraska constitution has, and that's what the city charter for Omaha has. I spent 8 years on the Omaha city council. We had to have a balanced budget. You have to make tough decisions. I've been there when people have come and said, we need new water parks or we need something else. We on the city council, because we had to live by a balanced budget, had to make a deci-

sion of raising taxes, cutting somewhere else, or saying "no." Those are your only three options.

Well the time has come that Congress needs the institutional barriers to spending, and it's the balanced budget amendment. It will be the institutionalized discipline that has been lacking here for decades. The time has come to pass it.

I want to leave this one general point, both disappointing and hopeful. There was an article in USA Today, November 4 or so, 11, 12 days ago, where it quoted the Democratic leadership saying to their own people, kill the balanced budget amendment. They want to preserve the right to deficit spend our future away at \$1.5 trillion per year. Fortunately, as we have heard from one Democratic Member, he's not following the Democratic leadership's orders here. I hope that we will get enough of our Democratic friends who believe in fiscal discipline to join us. It takes two-thirds of both the House and the Senate to do that. It will be a close vote. So on something as simple as saying that our expenditures can't exceed our revenues, I ask for all of my colleagues' support.

TRUTH-TELLING ABOUT THE WAR IN AFGHANISTAN: A FIREABLE OFFENSE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, sometimes it seems like the surest way to get in the most trouble is to tell the truth about the war in Afghanistan. Witness the case of Major General Peter Fuller, whom Congressman WALTER JONES just talked about. General Fuller was one of our troop commanders in Afghanistan until he decided to speak his mind. After President Karzai made the outrageous statement that he would back Pakistan in a war against the United States, Major General Fuller delivered a colorful and candid on-the-record reply. He said, "Why don't you just poke me in the eye with a needle?" He said this of President Karzai, whom he also described as erratic and "isolated from reality."

He added that the Afghan Government doesn't properly appreciate the enormous sacrifices Americans are making on Afghanistan's behalf, especially at a time when we have major economic challenges right here at home.

And what was Major General Fuller's reward for telling it like it is? What did he get for expressing the frustration so many Americans feel? He was thrown immediately under the bus. He was fired, relieved of his command by General John Allen, who admonished General Fuller for "inappropriate public

comments." An interesting choice of words: "inappropriate public comments."

As Time magazine pointed out, the implication there seems pretty clear: What Major General Fuller had the audacity to say out loud—that the Karzai regime is feckless and corrupt—is what most people secretly believe. Time correspondent Mark Thompson put it this way: "It is not a good sign when what everyone is saying privately cannot be stated publicly. In that case, only the troops—the ones dying—and the taxpayers—the people employing both Allen and Fuller—are kept willfully in the dark." The writer Christopher Hitchens put it even more bluntly, saying that to silence Fuller "is to establish a stupid culture of denial in the ranks."

Throughout this decade, Mr. Speaker, this decade that we've been at war, the failure of our government to level with us has been a persistent problem.

□ 1040

Whether it's the phony weapons of mass destruction in Iraq or prisoner abuse and torture or just the refusal to let soldiers' coffins be photographed—that was during the Bush administration—over and over again the American people have been fed a steady diet of misleading spin and outright lies. But the people who are paying for this war in blood and treasure deserve much better. They are tired of propaganda. They are owed an honest accounting of what's going on, what obstacles we face, and what kind of progress we're making—or not making.

Major General Fuller had enough respect for the American people to tell them the truth. By refusing to dish out the same phony platitudes, he may have lost his job, but he maintained his integrity. If the continued rationale for this war is built on a lie that no one must expose, then surely that's a sign that this mission is beyond repair.

The real solution is not to cover up everything that's going horribly wrong in Afghanistan. The solution is to recapture our integrity as a nation and end this war once and for all, not in 2014, not at some uncertain date in the future—now. It's time now to bring our troops home.

APPROVING KEYSTONE PIPELINE WILL CREATE JOBS AND BOOST AMERICAN ENERGY INDEPENDENCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, President Obama has been going around the country saying that he is taking action through Executive order because "we can't wait" on the Congress. However, he has just said that he is going to put

the largest job-creating project in America on ice.

When it comes to creating jobs and providing additional resources for energy, the President can wait. In fact, he's putting the Keystone pipeline off until after the 2012 election. That is nonsense and hypocritical.

This pipeline will not only create tens of thousands of jobs, it will also help to dramatically reduce our dependence on oil from despotic Middle Eastern petrostates. By blocking and delaying this important project, the Obama administration is standing squarely in the way of economic growth and energy independence.

It's time to get serious about approving this pipeline. It has broad support, and its builders have demonstrated a strong willingness to do what it takes to reduce potential environmental impact, even going so far as to propose changing its route.

Mr. Speaker, this project makes sense for our economy and for our national security and energy independence. It's long past time the Obama administration stopped blocking its progress, because the American people can't wait on this issue.

But the President again seems oblivious to the fact that we have a real unemployment rate of approximately 26 million people. I want to read some information put out by the Republican Conference this morning.

"According to the Bureau of Labor Statistics, the number of Americans who are either unemployed, underemployed, or not searching because they've been discouraged by the job market has reached 26 million people. In October, nearly 14 million workers were unemployed, with an additional 8.9 million working part time because they could not find full-time work. There were also 2.5 million workers who were available for work but had stopped actively searching because of the economic conditions. All told, over 16 percent of the U.S. workforce is now unemployed or underemployed." And yet the President won't make a decision on the Keystone pipeline that would create tens of thousands of jobs.

Republicans, though, have taken action. We have over 20 bills sitting in the Senate, introduced by Republicans but passed by a bipartisan House majority, and these will all create jobs in this country.

Mr. Speaker, I urge the American people to go to jobs.gop.gov and click on "track legislation" for them to see the evidence of what Republicans are promoting in the House of Representatives that is being stopped in the Senate. Yes, there is a do-nothing part of the Congress, Mr. Obama, but that is in the Senate, which is controlled by the Democrats.

So again, I want to urge Americans to go to jobs.gop.gov and click on "track legislation." Republicans have

the will to help create jobs in this country through empowering small businesses and reducing government barriers to job creation, fixing the Tax Code, boosting competitiveness, encouraging entrepreneurship, maximizing American energy production, and paying down America's unsustainable debt burden and starting to live within our means.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

HONORING OUR NATION'S VETERANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, this past Friday was Veterans Day, the day we set aside to honor and remember the service of our Nation's veterans. I know that most of my colleagues attended veterans events throughout their districts. I was proud to be at the American Freedom Festival, honoring our veterans, at a jobs fair and a mega-concert at George Mason University.

Although Veterans Day originally honored those who fought in World War I, in 1954 it was expanded to include the remembrance of all veterans. And, indeed, every veteran deserves such honor. They all chose to risk their lives to protect us. They bravely answered the call of their Nation. But, sadly, too many died in defense of our freedom. Of course, such noble service would not be possible without the unwavering support of their families.

America is safer because of our veterans, from those who served overseas to those stationed here at home. We properly award medals for individual heroic actions, but it is their daily dedication, courage, and valor that makes each and every one of them an American hero.

There are more than 21 million veterans in the United States—73,000 in my district, the 11th District of Virginia, alone. We celebrate their commitment and their sacrifice, from the Revolutionary War to the Iraq war.

But our remembrance must not end simply by honoring their past service. Upon leaving the military, many veterans face significant challenges here at home. Although more must be done, the issue of providing care to our wounded veterans has been well documented. I was pleased to join many of my colleagues to support the largest single increase of funding for the Veterans Administration in history.

However, there is a growing crisis among our veterans. And I want to call attention to the troubling unemployment rate for post-9/11 veterans, which, at 12.4 percent, is one-third higher than the national average. And as the troops

currently stationed in Iraq and Afghanistan begin coming home, it will only get worse.

These are America's heroes, men and women who risk their lives to protect our families. Congress repeatedly comes together in a bipartisan fashion to support our troops overseas. Ensuring that our troops have the equipment and personnel they need to accomplish their mission has been a priority, but it can't be the only priority. It is long past time that we show the same commitment to our veterans when they come home.

More than one in nine veterans who left the service in the past decade is currently unemployed. Jobs have to be our top priority. We've got to move beyond lip service. If we really want to help our veterans, hire them.

The President's American Jobs Act recognizes the overarching need to create jobs. Our economy cannot fully recover while so many Americans are unable to find work. The American Jobs Act provides incentives for companies, large and small, to hire additional workers, and it cuts taxes on every working American in order to further spur economic demand.

Most importantly, the American Jobs Act provides additional incentives to companies when they hire veterans. The Returning Heroes Tax Credit cuts taxes for businesses that hire unemployed veterans. The Wounded Warriors Tax Credit offers even greater tax cuts to businesses who hire unemployed veterans with service-connected disabilities. These dedicated men and women aren't looking for a handout; they're looking for an opportunity. And the Senate has already acted on a number of these proposals by the President.

I call on my colleagues to remember that recognizing and honoring the sacrifices of our veterans doesn't stop when they leave the service. They need jobs, and they need them now.

□ 1050

THE NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. NUNNELEE) for 5 minutes.

Mr. NUNNELEE. Mr. Speaker, the right of the people to keep and bear arms shall not be infringed. The Second Amendment is one of the cornerstones of our liberty. That's why this morning I rise in support of H.R. 822, the National Right-to-Carry Reciprocity Act.

In Mississippi, approximately 45,000 people have concealed carry permits. Now, those individuals in Mississippi that have a driver's license issued by our State can drive into Alabama or Tennessee or, for that matter, they can

drive into Montana or Maine and their driver's license is recognized as being valid.

H.R. 822 applies that same principle to people with their concealed carry permits. This legislation does not require or authorize action by any Federal agency. New rules or regulations won't be needed to implement H.R. 822. It doesn't override any State or local law. A concealed carry permit holder would still be required to comply with the laws of the State he or she is in.

I support the National Right-to-Carry Reciprocity Act because it expands freedom for law-abiding gun owners, while respecting each State's right to set its own laws.

PROTECTING OUR CHILDREN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Before I talk about my topic of protecting our children, I want to acknowledge, first of all, the coming Thanksgiving and the many people who are impoverished in this Nation that we need to pay attention to and, particularly, our children, which is the largest percentage of those impoverished are children in the United States.

For that reason, I think it is important that as we begin this discussion on the supercommittee and its responsibility, that we look at the responsibility to the American people. And if we cannot fairly bring in revenue and balance the cuts on the most vulnerable, we should go to regular order.

Let me also welcome our troops that will be coming home. And I will be initiating in Houston an idea that every single school will have a welcome home troops all over the community, and not one tree will be left undressed, if you will, to make sure that none of our soldiers walk down any block in a lonely way and not know that they are welcomed and loved.

Thirdly, I'd like to say that as they are coming home, are we preparing to use their many talents that they have learned, particularly those who understand homeland security, putting them to work for the Homeland Security Department.

I also want to create jobs. And one of my constituents is ExxonMobil, who has struck a contract with the Kurds dealing with oil and gas in Iraq. Lo and behold, the very country that we've shed blood for, no matter whether you were green energy or for or against fossil fuel, it is about jobs and about work here in the United States.

The audacity of the Iraqi Government to suggest they want to intrude on that contract and to have a say on that contract, well, when lives were lost, American lives were lost, they didn't have too much of a say. Americans were willing to stand up and be

counted. And I'd hope the Iraqis would allow a fair contract to go forward.

It seems that every time America's involved in helping the Iraqi people through the Iraqi Government there's always a negative response. Some of us are a little tired of that.

Mr. Speaker, I rise particularly today to talk about our children. As the co-chair and founder of the Congressional Children's Caucus, I noted already the disaster that children are experiencing. In my own home State, food stamps hit a record in Texas. We know that Governor Perry is running for President, but in his home State we're facing a crisis with the number of people on food stamps.

We're also facing a crisis because the policy agency for education, the Texas Education Agency, is deciding to go throughout the State of Texas and to save money on education by closing school districts, small school districts in particular. They're too fearful of closing the big ones. And I represent many of them, and I love them all and bring money to them and encourage them to educate their children. But there's something about school districts that are too big to fail.

But the North Forest Independent School District, where hundreds of community leaders and children and parents and teachers came out on Sunday to stand up against a so-called revocation notice that would close down this school district that has all the need to survive, 7,500 students, a high school that they are putting together and repairing and getting children to learn, 1,200 students in this high school; middle schools, elementary schools, a preschool that is renowned and respected by all.

But the TEA wants to cut the budget and save its own neck by cutting small school districts. And so my plea to my Governor, Governor Perry, join with me and the many citizens that you represent, and stand against the TEA to close a majority minority school district, the last remaining majority minority school district with great history in the North Forest Independent School District community, taxing themselves to ensure that their children have more resources, and are joined with the Houston Community College System so that their children are getting college preparatory credits.

They want to live. They want to survive. Don't belt tighten and save your necks and your jobs on the backs of our children. Don't disregard and discriminate against small school districts which are all over America on behalf of large school districts.

And Governor Perry, I think we can work together. As we worked together against the Confederate flag license plate, we can work together on this matter.

Let me close by focusing on an issue that has taken this country by storm.

And as I read the indictment I don't want to point out one name versus another, the alleged perpetrator in this Penn State fiasco. But I will say that this is a disgrace. I will be introducing legislation to have zero tolerance for sexual abuse of children and to stop any Federal funds going to anyone, any entity, any State that has a situation where children are sexually abused.

Mr. Speaker, it is a disgrace, and the Federal Government must stand up against it. I, for one, am going to do so. Enough is enough. We have to protect our children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

GOVERNMENT MONEY ISN'T FREE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nevada (Mr. HECK) for 5 minutes.

Mr. HECK. Mr. Speaker, Washington seems to have forgotten that government money isn't free, and it is the American taxpayers who support its spending habit. Simply put, the Federal Government doesn't respect your hard work, your discipline, your sacrifice or your unwavering commitment to self-reliance. We must change that.

The time to force accountability, leadership and respect is long past due, and the balanced budget amendment to the Constitution may be the only solution. A balanced budget amendment would force Washington politicians to exercise necessary fiscal restraint and better judgment when debating where and how to spend American taxpayer dollars.

The days of borrowing money and passing the debt on to our families and small businesses would be over, and Washington would be forced to live within its means, just like you and I.

The government should be doing a few things very well, instead of a lot of things poorly. It should help give people peace of mind. But its insatiable appetite for spending does exactly the opposite. Our small businesses face uncertainty created by a government that funds its misadventures with borrowed money and higher taxes.

Washington's spending habit will rot our economic foundation to the core and destroy the American Dream as we know it. The government can't spend its way out of a recession, but it can help create an environment of confidence and predictability that America's job creators, work force and families are seeking.

President Barack Obama has said that the Nation needs a balanced approach when addressing Washington's unsustainable spending. But one only has to ask, what's more balanced than a balanced budget amendment? Forty-nine of 50 States have balanced budget requirements, and a CNN poll shows

that 74 percent of the American people support a balanced budget amendment.

This is not a partisan fight. This is a commonsense solution to an undeniable problem that is plaguing our economy.

□ 1100

Still there are those who oppose a balanced budget amendment because they believe Washington ought to be able to hold the line on spending. I wish we could trust that to happen, but over the last decade, both parties have spent taxpayer dollars at unsustainable levels. It is time to change direction and move forward with an approach that will rescue our economy with real and lasting results.

With America's total debt exceeding the gross domestic product for the first time since World War II, we cannot afford to make this issue about politics. It must be about saving our economy and securing the future of our country for our children and our grandchildren.

The debate in Washington comes down to this: Should we hold the government accountable or not? We must seize this opportunity to change Washington's culture of deficit spending. We must pass a balanced budget amendment.

SEXUAL ASSAULT IN THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. I rise again today to draw attention to the epidemic in our military of rape and sexual assault. Nineteen thousand women and men each year are raped or sexually assaulted in the military. Shockingly, almost one-third of female veterans of all generations say they have been sexually assaulted or raped while in the military, and more than 70 percent say they experienced sexual harassment while serving.

In 2008 the Department of Veterans Affairs reported a total of 48,106 female veterans and 43,693 male veterans screened positively for military sexual trauma.

The prosecution rate of sexual assault is alarmingly low. Only 8 percent of sexual assailants were referred to courts-martial or military court compared with 40 percent of similar offenders in the civilian system. This travesty is not being addressed, and I will continue to speak out on this floor until it is. Survivors can email me at stopmilitaryrape@mail.house.gov if they would like to speak out.

Today, I would like to tell the story of one of the 8 percent that were prosecuted, the story of Colonel Michael Robertson, who commanded Fort Bliss' 31st Combat Support Hospital at Camp Dwyer, a military base and airfield in the Helmand River Valley in Afghanistan.

Last week, Colonel Robertson was convicted by a military judge of 14 charges, including having pornography on his government computer, sexually harassing three women, and assaulting five women. Eight women that served under his command testified at great cost to their careers and their privacy.

Colonel Robertson routinely touched them without permission on their breasts, thighs, and buttocks, and encouraged them to look at pornography on his computer. Some testified the harassment occurred daily. Sadly, the military careers of these eight women who bravely did the right thing are almost assuredly destroyed.

A major who filed a claim against Robertson said, "I don't know if my career was in jeopardy for doing the right thing. Who in the corps who supported you is going to trust you in the future?"

Despite repeated warnings, Colonel Robertson also emailed pornography to friends and female subordinates. A lieutenant colonel who was the chief nurse under Robertson's command said his command split the staff and created a toxic environment.

What makes the defense's answer to all of these actions? That all of these jokes and the touchings were attempts to boost morale. How much more outrageous must the excuses become before we do something about it?

So what is the punishment for someone in the military convicted of 14 counts of assaulting and harassing his subordinates who he was assigned to protect? Is he sent to prison for being a predator? Is he stripped of his standing in the military? Oh, no. Colonel Robertson was ordered to pay a \$30,000 fine over 3 months and spend 3 months in prison. Colonel Robertson will retire from the Army when he finishes his sentence. His conviction won't affect his Army retirement or his Federal health insurance, and he will not be required to register as a sex offender.

It doesn't take a military expert or a psychologist to figure out that sexual assault and harassment hurts not only the individual victim but undermines unit cohesion, morale, and overall effectiveness.

The absolute failure to address this behavior is hurting our military. Like Colonel Robertson, the majority of assailants are older and of higher rank than their victims. They abuse not only their authority but also the trust of those they are responsible for protecting.

The current military structure serves as a safe haven for sexual predators. They either are never brought to justice at all, or they receive a sentence like Colonel Robertson's that doesn't come close to matching their crime.

That's why this week I'll be introducing a bill that would fundamentally change how sexual assaults are handled in the military. My bill will take the

prosecution, the reporting, the oversight, the investigation, and the victim care of sexual assaults out of the hands of the normal chain of command and place the jurisdiction in the hands of an impartial office staffed by experts, both military and civilian.

I've become painfully aware that if DOD continues to address this issue at its current pace, the epidemic of military assault will never end.

BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. Mr. Speaker, thank you very much. I appreciate the time.

I'm coming to the floor today with joy in my heart, and candidly I would like to come to the floor every day Mr. Speaker, but I don't always get to. But today, I'm here because we're voting on a balanced budget amendment this week. The first time in 15 years.

Now, I'm a freshman in this House, Mr. Speaker. I've been watching the process for a long time, but I've only had a voting card for 10 months. And I came to this Congress to do the big things, not to argue about the petty things. And I tell folks, Mr. Speaker, that very rarely are we arguing about the petty things, that there's a constituent focus to absolutely everything that we do. But the big things. The big things that change the direction of this country that ensure that this experiment in democracy, that our Republic, survives for another generation.

Fifteen trillion dollars in debt, Mr. Speaker.

Do you remember, Mr. Speaker, you don't have the gray hair that I do, but back in the days of Ronald Reagan we were running \$200 billion and \$300 billion annual deficits. And folks thought the world might be coming to the end. Now, it put the Soviet Union out of business, but it was big money. Who'd of thought we would come to a day where we're actually running \$1.4 trillion, \$1.5 trillion, \$1.6 trillion deficits every year?

Mr. Speaker, as you know, in the people's House where the people's will gets done, we have choices here. In my district, for example, folks want to tax less and spend less. I hear it every day. Rob, tax less and spend less. I'm sure I've got some colleagues on the other side of the aisle whose constituencies want to tax more and spend more.

That is a legitimate debate for us to have in this House. We should have it. But we ought to be able to agree that spending money we don't have harms the future of this Republic. That spending money we don't have mortgages the future of everyone under the age of 20 and threatens the security of everyone over the age of 60.

A balanced budget amendment is one of those things that we can agree on,

one of those issues that is not Republican, it's not Democrat, it's not conservative, it's not liberal—it is American.

Thomas Jefferson said if he could have added but one amendment to the Constitution, it would have been one to abolish the power of the government to borrow, because with that one amendment alone, he would be certain of the security of these United States.

Mr. Speaker, that chance is here with us this week for the first time in 15 years.

Now, I confess when I came to Congress, Mr. Speaker, I didn't expect to have to vote for a balanced budget. I just thought we were going to be able to do the right thing and balance the budget on our own. I thought that's the job of the Congress. Do what you're supposed to do. Do what's right. Why do you need an amendment to the Constitution to do what's right? Mr. Speaker, it turned out to be a bigger job than I anticipated. The disagreements turned out to be more fundamental than I anticipated, and the desire of constituents back home turned out to be more complicated than I anticipated. This is our opportunity, though.

I have a copy of the Constitution that we have here. It's right behind my job creators card. And I keep it behind the job creators card because balancing the budget in this country has everything to do with preserving economic opportunity in this country and everything to do with growing our economy in the generation to come. My copy of the Constitution has a little space right there after amendment number 27. A space right here, Mr. Speaker, where we can put amendment number 28 today and ensure that our Republic survives for another generation.

You see what's going on in Europe. There but for the grace of God go we. This is our opportunity. It is not a divisive issue.

□ 1110

It is not an issue that divides north or south, east or west, Republicans or Democrats. It is an issue that unites America. It was a huge bipartisan vote in 1995, and it will be a huge bipartisan vote today.

I hope your telephone lines, Mr. Speaker, are ringing as are mine. If not, why not, Mr. Speaker? Why hasn't everyone in your district called to say, Please support the balanced budget amendment? Why, Mr. Speaker, hasn't everyone in my district called to say, Please support the balanced budget amendment?

Raise taxes, lower taxes; cut spending, raise spending—that's an American decision that we get to decide, but borrowing and putting off those tough decisions to another day is immoral. We have a chance this week to change that.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 10 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

Help us this day to draw closer to You, so that with Your spirit, and aware of Your presence among us, we may all face the tasks of this day.

Bless the Members of the people's House. Help them to think clearly, speak confidently, and act courageously in the belief that all noble service is based upon patience, truth, and love.

May these decisive days through which we are living make them genuine enough to maintain their integrity, great enough to be humble, and good enough to keep their faith, always regarding public office as a sacred trust. Give them the wisdom and the courage to fail not their fellow citizens nor You.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Ms. FUDGE) come forward and lead the House in the Pledge of Allegiance.

Ms. FUDGE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

HONORING CAPTAIN DALE GOETZ

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today in honor of Captain Dale Goetz, who was killed in Afghanistan by the enemy on August 30, 2010, in service to his country and his God. Captain Goetz, you see, was a chaplain and Baptist minister. The last time the Army lost a chaplain in combat was in 1970 at the height of the Vietnam War.

The picture by me shows the memorial service at Fort Carson, Colorado, for Captain Goetz and other brave soldiers who made the ultimate sacrifice. If you look closely, you will see that in place of a rifle there is a cross. Chaplains, you see, are unarmed.

Captain Goetz leaves behind three sons—Landon, Caleb, and Joel—and his loving and devoted wife, Christy.

Captain Goetz will always be remembered by his family and friends who survive him and by his fellow soldiers for whom he gave so much. They will remember his love of country, his bravery under fire, his devotion to others, and, most of all, a heart fully committed to the Lord and Savior he served and loved so fully.

"Greater love has no one than this, that one lay down his life for his friends."

VOTING RIGHTS

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. There was a time when women and minorities could not vote in this country. People were jailed and even killed for the right to vote. But because people fought back, every U.S. citizen gained the right to vote—that is, up until now.

This year, an unprecedented 42 bills were introduced in various States to deprive you of that right. States have passed voter ID laws that would stop 21 million legal U.S. citizens from voting, including your grandmother who was born in this country and lived here for 82 years. Why? Because she no longer drives and doesn't have a picture ID.

These laws would stop early voting and voting by mail, so that if you know you have to travel out of town or have an operation on Election Day, you would be deprived of casting your vote. This threatens the very basis of our democracy.

We must work together to protect every American's right to vote.

CONGRESS MUST PASS BALANCED BUDGET AMENDMENT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, on Friday, Congress will have the opportunity to vote on the balanced budget amendment. This legislation will limit Congress from spending more than it receives in revenues unless both the House and Senate agree with a three-fifths vote.

Under the current President, the national debt has increased at 34 percent and grown to almost \$15 trillion. With the Federal Government borrowing 42 cents for every dollar it spends, it is past time to take action fulfilling the first bill, introduced by my predecessor, the late Chairman Floyd Spence, for a balanced budget amendment.

The passage of the balanced budget amendment will help grow the economy and create jobs. I hope both parties will come together and pass the balanced budget amendment, which will put America back to work and promote small business job creation.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

IRAN

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, if anyone had any doubt that Iran was pursuing a nuclear weapon, they can stop their questioning. Iran is pursuing nuclear weapons, and according to a new report by the International Atomic Energy Agency, they could have a bomb within a year.

Iran is not only developing the material for a nuclear weapon, but, as the report makes clear, they are also pursuing the means to trigger and deliver a nuclear bomb, posing a threat to our ally Israel, our troops, and the entire region.

Given the report's findings, claims by Iran's leaders that their nuclear program is peaceful are no longer credible, and the window for action to stop them is shrinking. We must execute crippling sanctions immediately. Specifically, we must put in place debilitating sanctions on the Central Bank of Iran, a crucial financier of Iran's nuclear program.

There can be no doubt that Iran is pursuing a nuclear bomb. There can be no doubt that we must and will do what it takes to stop them.

HONORING RON ROONEY FOR SERVICE TO MEDICAL COMMUNITY

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Madam Speaker, I'd like to take this time to honor a constituent from my district, Mr. Ron Rooney. Mr. Rooney is president and CEO of the Arkansas Methodist Med-

ical Center in Paragould, Arkansas. The Arkansas Methodist Medical Center has provided Arkansans with the highest quality medical care available for over 60 years and has continued to raise their standard of service under Mr. Rooney's leadership.

Mr. Rooney graduated from George Washington University with a master of business and health care administration and has used his expertise in health care to benefit his community for the past 40 years.

In addition to his duties as president and CEO, Mr. Rooney remains active in the health care community nationwide. As a member of the board of directors of VHA, Mr. Rooney helps provide best practices for nonprofit hospitals throughout the United States. He previously served as chairman of the Arkansas Hospital Association and remains active on the organization's governmental relations committee.

As the son of a doctor, Ron Rooney has been surrounded by health care his entire life. He has raised his own family with his wife, Lois, his four children and seven grandchildren. Mr. Rooney remains committed to his profession, and his contribution to health care in Arkansas and his community is immeasurable.

I want to say happy retirement after several, several years—decades—of service. Mr. Rooney, we appreciate your service.

THE STOCK ACT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Madam Speaker, I rise today to urge—no, to implore—my colleagues to support the STOCK Act and ask Speaker BOEHNER to bring this bill to the floor immediately.

On Sunday night, the CBS news program "60 Minutes" highlighted a problem of potential insider trading on Capitol Hill. Unlike other Americans, Members of Congress and their staffs are not held legally responsible for profiting from nonpublic information they gain in their official positions. It's outrageous. When I came to Congress several years ago, I couldn't believe it wasn't already a law.

At a time when Americans are understandably frustrated with bickering and gridlock here in Congress, the one thing we can do is restore their trust in the system. This legislation is a big step in that direction of restoring that trust. It's very simple. It asks that if you are a Member of Congress and receive information, you cannot trade stocks to profit from those.

It's a simple bill. I ask Speaker BOEHNER to allow this bill to come to the floor. Let's make sure that the American people—may differ with us

on ideas, and healthy debate is fine, but they must not believe the system is corrupt and people are gaming the system.

I ask that this be brought to the floor, and I encourage my colleagues to vote for it.

□ 1210

SURVEY SHOWS SMALL BUSINESS CONCERNED ABOUT BIG GOVERNMENT, OUT-OF-CONTROL SPENDING

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, last week I saw the results of a survey of the businesses from the National Federation of Independent Business. I want you to hear some of the concerns of the small businesses of the 14th Congressional District of Illinois.

Eighty-eight percent of the small businesses support repeal of ObamaCare, something we've been working hard to achieve here in the House of Representatives. Ninety percent support passage of a balanced budget amendment, something this body will be voting on later this week, of which also I strongly support.

Small business knows, as I do, that the way that we get our economy moving again is by shrinking the size of government, bringing confidence back to job creators, and getting Washington bureaucrats off the backs of our Nation's small businesses. We're working hard to do just that with the forgotten 20 bills that are now sitting over in the Senate, and I look forward to continuing their fight.

I also want to take this opportunity to say happy birthday to Christy and Kaden. I wish I were home with you today.

THE AMERICAN JOBS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, the poverty rate in California and the Inland Empire has risen from 11 percent to 17 percent. My constituents are hurting and it's time for Congress to live up to its responsibility.

But in the 45 weeks since the Republicans took control of the House, they have failed to pass a single bill that creates jobs for the American people. The American Jobs Act contains bipartisan ideas, keeps our teachers, firefighters and cops on the jobs, provides tax cuts to help small businesses grow and hire more workers, helps to rebuild our crumbling roads, bridges and airports, puts more of our veterans who are returning troops back to work.

This is a balanced approach to help fix the American jobs crisis. It's long

past overdue. We need to bring it up for a vote. The 14 million Americans looking for a job can't wait any longer. They need a job.

Let's act now. Let's pass the Jobs Act.

BALANCED BUDGET AMENDMENT

(Mr. BERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERG. Madam Speaker, 15 years ago a balanced budget amendment failed by a single vote in the Senate. Since then, our debt has tripled, largely due to President Obama's increased spending. In fact, it took our Nation over 200 years to accumulate the same amount of debt as we've accumulated in the last 2½ years.

In North Dakota we know that you can't do the same thing over and over again and expect different results. This week, Congress has the opportunity to get it right.

In North Dakota we balance our budget. We work to leave that next generation better off. Washington could learn a lot from North Dakota, and that's why I will proudly vote for a balanced budget amendment this week.

ROSA PARKS DAY

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Madam Speaker, I rise today to applaud the State of Ohio as the first State to pass legislation designating December 1 as Rosa Parks Day. House Bill 421, introduced in 2005 by then State Representative Joyce Beatty, who is with us today, honors the life and legacy of the mother of the Civil Rights Movement.

Ohio continues to honor Rosa Parks with an annual statewide tribute on December 1, and it is entitled "The Power of One." This tribute, which is a partnership between the Ohio State University, the Ohio Historical Society, the Ohio Civil Rights Commission and the Central Ohio Transit Authority, celebrates the day when Rosa Parks took a stand by staying seated. It includes a children's assembly that welcomes 800 school children to learn and be inspired by her legacy.

I am proud to recognize the great State of Ohio for commemorating Rosa Parks' legacy of inspiration and courage, and our State's ongoing commitment to educating young people about civil rights.

PASS THE BALANCED BUDGET AMENDMENT

(Mr. LANKFORD asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. Madam Speaker, in my district, we disagree a lot about football, but we strongly agree that the Federal Government must balance this budget. As a freshman, I've seen firsthand this body will only make the hard decisions when they have to make the hard decisions.

Though we don't agree that we need to balance the budget every time and every place, we do understand that, as a Federal budget over the course of a year, we must balance our budget. We don't do that because the Constitution doesn't require it. It's time to change that reality.

In 1995 this body overwhelmingly approved a simple balanced budget amendment, and it required that we would balance our budget each year. It failed in the Senate by one vote, passed overwhelmingly in the House. If it had passed both bodies and been ratified by the States, within 10 years we would have balanced the budget by 2005. Our total debt in 2005 was \$7.5 trillion. It is now \$15 trillion.

In just 6 years we doubled our debt. Now we stand here again debating if this is the best language or the best option for a balanced budget amendment. If we fail to pass it this year, 10 years from now some freshman congressman will stand at this microphone and berate the 2011 Congress for delaying again the decision and passing on to their generation an even bigger debt.

Let's build the wall around the Federal checkbook, and let's pass this simple budget amendment.

REBUILDING OUR INFRASTRUCTURE

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, I rise today to bring attention to the great need to update our Nation's infrastructure and, in particular, bridges. Bridges play a vital role in moving people and goods, and far too many of our bridges are falling into a state of disrepair.

Our Nation has a total of 600,000 bridges, with over 65,000 being deemed deficient. That means 11½ percent of our Nation's bridges are considered deficient and require significant maintenance, rehabilitation or replacement. In the New Jersey portion of New York City metropolitan area, over 8 million vehicles cross a deficient bridge every day.

The infrastructure in the United States is crumbling, and the backlog of deficient bridges is growing. Congress has not been able to pass a long-term transportation funding bill for 2 years. We are still working on a fiscal year 2012 budget that will provide States with important transportation funding.

This year the construction industry has been suffering from unemployment

rates of up to 20 percent. Investing in bridges will create jobs today, keep Americans safe, and ensure economic development for the future.

Madam Speaker, I urge my colleagues to pass legislation to strengthen our transportation infrastructure and put people back to work.

THE MURDER OF AYMAN LABIB

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, while we have watched courageous democracy, human rights, and leaders of minorities stand up to thugs and extremists and demand a free and peaceful Egypt, deeply disturbing cases are occurring where the spotlight is not shining.

Reports indicate that on October 16, Ayman Labib was in his Arabic class when his teacher told him to get rid of the cross tattooed on his wrist. When Ayman said it was a tattoo, the teacher asked the other students, what are we going to do about this, and incited the students in the class to attack Ayman. He tried to flee, but ultimately the students, with the support of their teachers, murdered this young man.

Egyptian media, controlled by the military government, has tried to deny the sectarian reasons for this brutal murder. After the new anti-discrimination law put into place after October 9, when Egyptian security forces ran over Copts with bulldozers, will those teachers, adults and students be brought to justice for this brutal murder?

The Egyptian military must bring the perpetrators to justice. Otherwise, their tacit approval of this act will only bring further violence and bloodshed.

APEC

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, my home State of Hawaii just hosted an APEC, and I'd like to thank the people of the State for their patience and understanding.

There were 21 Asian Pacific countries represented at this event. Our President was there, as was the Presidents of China, Russia and the Prime Minister of Japan, to name a few. It's important to note that what was dominating the conversations was the rising dominance of China.

The President, our President asked China to end the policies of keeping the yuan artificially low, and it is artificially low at 28 to 30 percent. Think about what it would mean to us, our economy, if they would just reevaluate. It would support 1.6 billion jobs. It would increase our GDP by \$285 billion

in just 18 months, and our deficit would be reduced between 670 to \$800 billion in just 10 years.

Madam Speaker, why haven't we taken up the issue of the reevaluation of the yuan? Our Senate passed it in October, the Currency Exchange Rate Oversight Act. It is time for us to act. The United States must maintain its dominance and its position.

Please, bring that bill up to our floor.

□ 1220

RHETORIC AND REALITY

(Mr. FLORES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORES. Madam Speaker, there is a difference between President Obama's rhetoric and the reality for the American people.

He says we can't wait for more U.S. manufacturing and construction jobs. He says we can't wait for more American middle class jobs. He says we can't wait to wean ourselves off of Middle Eastern oil. He says we can't wait to reduce our foreign trade deficits. He says we can't wait to reduce our Federal budget deficit. These are the things he says, but they aren't the things he's doing.

By delaying the Keystone XL Pipeline project, he's putting the American people in continued jeopardy by doing the following: He is killing U.S. manufacturing construction job opportunities. He is keeping us hooked on Middle Eastern oil and sending billions of dollars each week to terrorist-friendly countries, hurting our security and our international trade deficit. He is eliminating one of the tools to reduce the Federal deficit.

Instead, he keeps wasting billions of dollars of our children's and grandchildren's futures on failed Washington programs like Solyndra, Beacon, and building cars in Finland.

If the President is serious about creating good, shovel-ready, American middle class jobs based on Main Street solutions and not Washington solutions, he would move forward with the Keystone XL project right now. We can't wait for Main Street job solutions.

BALANCED BUDGET AMENDMENT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Madam Speaker, last night I held a telephone town hall meeting, and I spoke with hundreds of my constituents about the pressing issues facing America today.

Many people on the call spoke about the need for a balanced budget amendment to the Constitution, and an over-

whelming majority replied in a survey that there should be a balanced budget amendment. I was pleased to report to them that the House will be voting this week on a balanced budget amendment that will help Washington get its fiscal house in order. And it will reverse the dangerous practices of saddling our future generations with insurmountable debt.

A balanced budget amendment, Madam Speaker, is not a radical idea. It is a normal expectation for hard-working taxpayers, families, and businesses, as well as State governments. Why not the Federal Government, Madam Speaker?

THE GOP'S JOB PROPOSALS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, the average American household has lost \$8,000 of income over the last few years. If we want to put a number on the economic crisis facing our country right now, that should be it.

If you ask the average person how to get \$8,000 back into the pockets of American families, you'd get some pretty good answers. But if you ask the average congressional Republican, you'd get an answer that's so out of touch with reality you'd think they were creating policy by playing Mad Libs. Mad Libs, the children's game where you provide random words to complete a story you haven't seen. That seems like the only conceivable explanation for the Republicans' so-called jobs proposals.

Think about how they fill in this blank: The best way to get Americans back to work is—poison our air and water, get rid of consumer protections, end Medicare. It's like they haven't read the question. It's no surprise Americans find the GOP's Mad Libs economics maddening. It's time to stop playing games and start getting to work on building an economy that works for all Americans.

KEYSTONE XL PIPELINE

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Madam Speaker, both parties in this Congress have espoused support for job creation. In fact in this House daily, both Republicans and Democrats have said the economy and jobs should be our top priority. The President has stated in recent months that he would pivot his time and energy to a focus on jobs.

Yet, last week this administration pivoted away from jobs again when it effectively delayed until 2013 the construction of the Canadian Keystone XL pipeline, and along with this delay,

killing the potential to create 20,000 jobs. This \$7 billion pipeline would bring oil from Canada to refineries in the United States, and it is expected to add billions of dollars of investment in the American economy.

With the economy continuing to struggle, we can't wait to create these new jobs.

The American people are tired of seeing their government say one thing and do another. It's time for the rhetoric to meet the road, and I urge this administration to reconsider its decision, to reconsider this delay, and to unify this country back to a focus on jobs.

JOBS AND FINANCE REFORM

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. I rise to call on Republicans to wake up to the needs of Americans, millions of Americans, mind you, and to create jobs.

The Republican-led Congress has led almost an entire year without enacting a single piece of jobs legislation. Madam Speaker, America cannot wait.

Republicans continue to ignore the crisis of unemployment and poverty in America and instead keep bringing more bills to bail out the wealthy. Let's stop bailing out Wall Street and bring some real relief to Main Street. Let's stop wasting time pretending that markets can regulate themselves. We need strong oversight so that we have no more Bernie Madoffs and bank bailouts. Let's stop wasting time pretending that tax cuts for the wealthy pay for themselves. We need corporations and the wealthy to pay their fair share.

Last week, Madam Speaker, I held a jobs fair. Thousands showed up. People want to work. This is a national emergency. Let's reignite the American dream by passing the American Jobs Act now.

IRAQ MILITARY EQUIPMENT TO SOUTHERN BORDER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the troops in Iraq will be home by Christmas. Also coming back to America is a large amount of military equipment. Why not send some of that taxpayer-funded equipment to secure our southern border? Our border sheriffs say they are outmanned, outgunned, and out-financed by the drug cartels.

Today, I've introduced legislation which mandates that 10 percent of certain military equipment coming back from Iraq will go to our southern border. If there's an urgent need, the equipment could be kept by the Department of Defense. This equipment includes Humvees, night-vision equipment, and surveillance UAVs.

This is not a new idea. The Department of Defense already has a program for distribution of surplus equipment. My legislation will simply utilize this already-existing program, expand it, and allocate resources to our southern border.

Americans have paid for this equipment to bring safety and security to the people of Iraq. It's time we use this equipment to protect our own citizens from the invasion of the drug cartels.

And that's just the way it is.

FAILURE IS NOT AN OPTION

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, failure is not an option. Let none of us forget that we work for the American people, and they expect us to do our job. World markets are watching, balance is demanded; \$1.2 trillion in deficit reduction is the minimal target we must meet.

Current Federal spending is 25 percent of the GDP. It's too high. But revenue is only 14 to 15 percent of the GDP. It's too low. It is the height of irresponsibility to ignore either one of those two data points.

It might be easy, but it's not rocket science. It requires both parties to do what a clear majority of Americans want us to do: break out of our respective straitjacket orthodoxies.

I was proud to join a hundred bipartisan Members of this body urging the supercommittee to go big—find \$4 trillion in deficit reduction. Such efforts would reduce the debt to a more manageable percentage of GDP, reassure markets, preserve our Nation's triple A bond rating and provide the stability to get America's economy growing again.

I urge my colleagues on the supercommittee to join us and go big for America.

□ 1230

VOTER ID LAWS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Instead of Republican legislatures across America, Madam Speaker, focusing on creating jobs in their States and working with this Congress to create jobs, we find ourselves shackled by 40 States implementing voter ID laws—laws/provisions that limit voting by requiring the presentation of photo identification that, however, is limited to State-authorized voter ID, which has a negative impact on our seniors, laws that exclude the most common forms of ID—student IDs and Social Security cards. But they offer no alternate pro-

cedures. Changes requiring limitations or the outright elimination of early voting opportunities bury us to first-time voters, such as the elimination of same-day registration.

Madam Speaker, couldn't we do better than to counter the 15th Amendment, which indicates that there should be no laws that would thwart anyone's right to vote, or even the 24th Amendment that indicates that we should not have a poll tax to allow people to vote?

Rather than creating jobs through passing the American Jobs Act or standing up and denouncing the sexual abuse of children, which is a crisis and an outrage, we are stopping people from voting by putting in place voter ID laws. Voter suppression, the Constitution will not tolerate it—the 15th Amendment and the 24th Amendment. Let us open this opportunity for all people and fight the real issues that the American people want us to address.

IT'S TIME FOR A JOBS AGENDA

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. There is a lot of talk about the supercommittee and debt reduction; but, Madam Speaker, what we need is a supercommittee for jobs.

Here's the deal. If we can create more jobs, we can reduce our deficit; but my Republican friends have gone out of their way to talk about everything on this House floor except jobs. They refuse to bring the President's jobs bill to the floor; they refuse to invest in our roads, bridges, and infrastructure; and they're threatening to cut medical research, Medicare, and funds for education. All they seem to care about is making sure that the top 1 percent of income earners is protected from paying its fair share.

It's time for a new agenda, Madam Speaker. It's time for a jobs agenda. It's time for the Republican leadership to focus and to get to work.

PROVIDING FOR CONSIDERATION OF H.R. 822, NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

Mr. NUGENT. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 463 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 463

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 822) to amend title 18, United States Code, to provide a na-

tional standard in accordance with which nonresidents of a State may carry concealed firearms in the State. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Worcester, Massachusetts (Mr. McGovern), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. I rise today in support of House Resolution 463, a rule which provides for the consideration of an important piece of legislation, H.R. 822, the National Right-to-Carry Reciprocity Act of 2011.

I am proud to sponsor this rule, which provides for a structured amendment process that will allow Members

to have a thorough debate on a wide variety of relevant and germane amendments to H.R. 822. We have allowed 10 amendments to this bill—two Republican amendments and eight Democratic amendments. Even on a contentious bill, a bill where it would be easy to shut down the process, we not only are allowing amendments, but of those that we will be debating on the floor, the vast majority are Democratic amendments.

We did this not because it was the easy thing to do; we did it because it was the right thing to do. It brought transparency to the debate, and it is in keeping with the promises that the Republican Party made to the American people for a freer, more open process.

Madam Speaker, until coming to this body 10 months ago, I had spent my entire career as a cop, the last 10 years as sheriff of Hernando County, Florida. During my 38 years in law enforcement, I found that disarming honest citizens does nothing to reduce crime. If anything, all it does is keep law-abiding citizens from being able to defend themselves from violent criminals. Although I know this just from my anecdotal experience, research backs up the claim.

For example, statistics indicate that citizens with carry permits are more law-abiding than the general public. In my home State of Florida, only 0.01 percent of nearly 1.2 million permits have been revoked because of firearm crimes committed by permit holders. Additionally, evidence indicates that crime declines in States with right-to-carry laws. Since Florida became a right-to-carry State in 1987, Florida's total violent crime and murder rates have dropped 32 percent and 58 percent, respectively.

Because of this evidence, as well as my firsthand experience, I am a proud defender of our Second Amendment right: ensuring "the right of the people to keep and bear arms shall not be infringed." My history as a law enforcement officer is also why I am a proud cosponsor of H.R. 822, the National Right-to-Carry Reciprocity Act of 2011.

H.R. 822 is a good, bipartisan bill, which enhances the constitutional rights of law-abiding gun owners. Today, if I drive from my home State of Florida into Georgia, Georgia recognizes that my Florida driver's license is still valid even once I cross the State line. H.R. 822 would require States to recognize each other's legally issued concealed carry permits in the same way. This legislation would take a comprehensive approach to helping law-abiding citizens navigate the patchwork of State concealed carry laws.

H.R. 822 does not—let me repeat—does not create a national concealed carry permit system nor does it establish any nationalized standard for a carry permit. H.R. 822 respects the

States' abilities to create their own gun usage laws as well as their own permitting processes.

I am sure that we will hear arguments from my colleagues on the other side of the aisle saying that H.R. 822 somehow makes it easier for people to get a gun. Let me assure you that, again, this is not the case. This legislation does not mandate that anyone suddenly be given a gun nor does it relax any of a State's current permitting laws.

□ 1240

During my nearly 40 years as a cop, I learned you just can't talk about guns. When you're talking about gun crime, you need to look at two distinct classes of guns: there are legal guns, and there are illegal guns. I can tell you, as a cop, you don't worry about the legal guns, the guns that people bought from an authorized source, that they registered with the proper authorities, that they took the necessary classes to learn how to use responsibly, and that they got their legal concealed carry permit. In my experience, you worry about the illegal guns, guns that somebody purposefully bought off the radar, either because they aren't legally allowed to own a gun or because they're going to use them for illegal purposes.

H.R. 822 doesn't get into that difference. What it does is ensures that legal gun owners don't accidentally break a law simply because they brought their fully permitted gun into another State. This legislation gives peace of mind to Americans traveling across State lines with a legally registered, concealed firearm, knowing that they can practice their constitutional right to bear arms.

Again, I am proud to be a cosponsor of H.R. 822 and support its passage.

With that, I encourage all my colleagues to vote "yes" on the rule, "yes" on the underlying legislation, and I reserve the balance of my time.

Mr. McGOVERN. I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, first of all, let me rise in opposition to this restrictive rule, yet another restrictive rule. A lot of good amendments were not made in order, and Members do not have the right to offer amendments as they see fit during this debate. So I would urge my colleagues to vote "no" on the rule for that reason.

Madam Speaker, another week and another hot button social issue is being brought to the floor by this extreme Republican leadership. A few weeks ago, this House debated an abortion bill. That's months after we considered legislation to defund Planned Parenthood. This Republican leadership has tried to overturn the Clean Air Act and the Clean Water Act this year, simply because their corporate constituency

demands it. And now we're turning to guns.

We're about to debate legislation that makes it easier to carry concealed weapons in the United States. In fact, we're considering a bill that will make it easier for convicted felons. Yet what do Americans want most of all right now? Are they screaming for a lengthy debate on abortion issues? Do they want us debating whether or not we need to reaffirm our national motto? Are they clamoring for more lenient gun laws?

No, Madam Speaker. The American people want jobs, J-O-B-S, jobs. But my Republican friends are either too stubborn to listen or just don't care enough to do something about the problem. Maybe they are just covering their eyes and plugging their ears, hoping that this crisis will magically disappear. That may work for a 6-year-old who's scared of ghosts, but that's not how you govern a country.

Our unemployment rate is 9 percent. There are just under 14 million unemployed Americans; millions more are earning less now than they were before the economic crisis simply because they were forced with the choice to take a lower-paying job or face unemployment. And what's the Republican response to this problem? Not a jobs bill. In fact, the Republicans haven't brought up a jobs bill once in this Congress. So what, then, is their response to the jobs product? Surprise, surprise; it's a gun bill.

Madam Speaker, what are we doing here? This is nuts. This isn't what the American people sent us here to do. The irony is, many of the new Republicans were allegedly sent here because of their opposition to Federal encroachment on States' rights, but here we are debating a bill that imposes the Federal role on States and undermines States' laws.

This is crazy in normal times, Madam Speaker. It's even crazier today. And unlike the resolution reaffirming our national motto that we debated a few weeks ago, this legislation will have real impacts on people's lives. Madam Speaker, people will be hurt because of this legislation. People, in fact, may die because of this bill. Don't take my word for it; look at the facts. The bill obliterates State and local eligibility rules for concealed weapons. It eliminates the State's discretion to honor another State's permits. It requires States with responsible restrictions—like my home State of Massachusetts—to allow people with permits from States with lax laws to bring concealed weapons into those States. Simply, it allows a person to bring a hidden loaded gun into a State where, under today's laws, they are currently ineligible to carry a concealed weapon.

Now there are reasons that States don't allow certain people to carry concealed weapons, and each State is different. My home State of Massachusetts doesn't issue concealed weapons permits to people who have specific dangerous misdemeanor criminal convictions or alcohol abuse problems, as well as people who have not completed firearm safety training, people who do not have a good character, or those who are under the age of 21.

I would like to insert into the RECORD a letter from the Massachusetts Secretary of Public Safety and Security in opposition to this bill.

But under this bill, a person who is convicted of spousal abuse in one State could go to a second State for a concealed weapon permit. When they get that permit, this bill allows that felon to bring their weapon into Massachusetts even though they would not be eligible for a concealed weapon permit under Massachusetts laws.

Now my friends on the other side of the aisle will say that this bill is necessary, that more guns mean less crime, that people need to be able to protect themselves. Well, that's not how our Nation's mayors see it. Mayors Against Illegal Guns strongly oppose this bill because it makes our cities less—not more—less safe. Mayors Against Illegal Guns, founded by Boston Mayor Tom Menino and New York City Mayor Michael Bloomberg, is made up of over 600 mayors of all political stripes, united to respect the rights of law-abiding gun owners while keeping guns out of the hands of criminals and other dangerous people. And I'm especially grateful for the national leadership of Mayor Tom Menino, who has long been a champion on this issue.

Not only do more than 600 mayors in this coalition oppose this bill, but so do the International Association of Chiefs of Police, Major Cities Chiefs Association, the Police Foundation, the National Latino Peace Officers Association, and the National Organization of Black Law Enforcement Executives. In fact, not only does the American Bar Association oppose this bill, but so does the Association of Prosecuting Attorneys.

I would like to insert into the RECORD the statement by the Mayors Against Illegal Guns in opposition to H.R. 822.

Madam Speaker, Massachusetts is fortunate to have a number of anti-gun violence leaders in the Commonwealth. In addition to Mayor Menino, we are home to Stop Handgun Violence and, specifically, its founder John Rosenthal. Gun safety laws work. They keep our citizens safe. In fact, Massachusetts has the most comprehensive and effective gun violence prevention laws and initiatives and the lowest firearm fatality rate per 100,000 population of any urban industrial State and second lowest overall behind Hawaii.

Every day more than 150 Americans are shot, and 83 die from gun violence in the United States. A child under 20 years old dies from gun violence every 3 hours, eight kids every single day. We could fill Fenway Park three times over with the 110,000 kids under 20 years old killed by guns in the past 30 years, and there is still no national law requiring criminal background checks for all gun sales in the U.S. In fact, in 33 States, there is no background check requirement or even proof of ID for private gun sales. And today we're going to make it even easier for these people to carry concealed weapons.

Massachusetts is the leader in gun violence prevention. We should be working to prevent gun violence, not encouraging it with legislation like this. Madam Speaker, Federal preemption of Massachusetts law will only result in more innocent and largely preventable gun deaths in my home State. The same holds true for nearly every State of the Union. In fact, preempting State gun laws will make this entire country less safe, and I cannot and I will not support legislation that makes our neighborhoods and our cities and our States less safe.

Madam Speaker, let me conclude by saying, if we want to combat crime, if we want to make our neighborhoods safer, I would urge my colleagues on the other side of the aisle to join with us and bring the President's jobs bill to the floor. Let's provide people with jobs and economic security. Let's revitalize our neighborhoods that are struggling now in poverty. That's what we should be doing, not debating a bill to make it easier to carry concealed weapons. I urge my colleagues to vote "no" on the rule and vote "no" on final passage of the bill.

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY,

Boston, MA, November 10, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington DC.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SPEAKER BOEHNER, AND MINORITY LEADER PELOSI: I write to express my strong opposition to H.R. 822, the National Right-to-Carry Reciprocity Act, legislation that would force Massachusetts to recognize concealed carry permits granted by other states, even when those permit holders could not meet standards required by Massachusetts law.

To protect vulnerable people, many states have set standards for carrying handguns that include criteria beyond an applicant's ability to pass a federal background check. Right now, Massachusetts does not issue concealed carry permits to people who have certain dangerous misdemeanor criminal

convictions or alcohol abuse problems, as well as individuals who have not completed firearms safety training, who do not have good character, or who are under the age of 21. H.R. 822, however, would permit citizens of states with less strict laws to freely carry concealed weapons in our state.

Varying state standards make it very difficult to know if a carry permit from another state is valid. If a police officer is unsure about whether a person is carrying a gun legally or illegally, especially during a traffic stop, it may result in a situation which could escalate dangerously.

National concealed carry reciprocity is opposed by more than 600 mayors, including the mayors of Boston, Cambridge, Springfield, and Worcester; local law enforcement, including the Massachusetts Chiefs of Police Association and the Commissioner of the Boston Police Department; seven state attorneys general, including Martha Coakley, Attorney General of Massachusetts; the International Association of Chiefs of Police; the Major Cities Chiefs Association, representing the police chiefs of 56 major U.S. cities; the National Black Police Association; the National Latino Peace Officers Association; and the National Organization of Black Law Enforcement Executives.

I urge you to support Massachusetts' law enforcement officials and the Commonwealth's right to make its own decisions about how to protect public safety.

Sincerely,

MARY ELIZABETH HEFFERNAN,
Secretary.

MARIAN J. MCGOVERN,
Colonel, Massachusetts State Police.

MAYORS AGAINST ILLEGAL GUNS

"NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011," SPONSORED BY REP. STEARNS (H.R. 822)

Bottom line: This bill would override the laws of almost every state by forcing each to accept concealed handgun carry permits from every other state, even if the permit holder would not be allowed to carry or even possess a handgun in the state where he or she is traveling. That policy would undercut states' rights and create serious problems for law enforcement. For those reasons, more than 600 mayors, major national and local police organizations, and domestic violence prevention organizations oppose national concealed carry reciprocity and Congress rejected similar legislation in 2009.

States Decide Criteria for Concealed Carry Permits Based on Their Public Safety Needs: Almost all states issue licenses to carry concealed firearms, but the criteria for such permits differ widely, and each state makes its own decision about whether to accept other states' permits based on their respective public safety needs.

Licenses issued: 44 states require permits to carry concealed handguns.

Illinois and Wisconsin do not allow concealed carrying.

Alaska, Arizona, Vermont, and Wyoming allow concealed carrying without a permit.

Criteria Vary Based on Public Safety Needs: Each state with permitting has its own eligibility standards. Those criteria include:

Dangerous misdemeanants: At least 38 states, including Indiana and Pennsylvania, prevent people from carrying concealed weapons if they have certain dangerous misdemeanor criminal convictions beyond domestic violence misdemeanors, which prohibit gun possession under federal law.

Safety training: At least 35 states, including Nevada, require the completion of a gun

safety program, many of which include live fire training, or other proof of competency prior to the issuance of a carry permit.

Age restrictions: At least 36 states, including Colorado and Missouri, prohibit individuals under the age of 21 from obtaining concealed carry permits.

Law enforcement discretion: At least 24 states, including Alabama, give permits based on law enforcement discretion.

Alcohol abuse: At least 29 states, including New Mexico and South Carolina, prohibit alcohol abusers from obtaining a concealed carry permit.

Good character: At least 14 states, including Maine, require applicants to demonstrate good character to obtain a concealed carry permit.

Good cause requirement: At least 12 states, including North Dakota, require applicants to demonstrate that he or she has "good cause" for obtaining a concealed carry permit.

Short permit renewal period: At least 36 states, including Arkansas, require permit holders to renew their permit at least every five years.

Residents: At least 27 states require applicants to be residents of the state or have some other close tie to the state.

States Decide Whether to Offer Reciprocity: Each state has its own laws on what other states' permits to accept, if any.

30 states recognize permits only from selected states—typically from states with equivalent or higher standards; and

9 states do not recognize any out-of-state permits.

Of the other 11 states, 7 states allow carrying by all out-of-state permit holders, 3 states allow carrying by non-residents without a permit, and Illinois does not currently allow any form of concealed carrying.

What Would H.R. 822 Do? H.R. 822 would require each state to accept concealed carry permits from every other state, usurping each state's right to set its own public safety laws. Those eligible include anyone who holds a concealed carry permit issued by any state and except for those barred under federal law.

Narrow exceptions to reciprocity:

A person cannot obtain a permit from a state that grants permits to non-residents and then use that permit to carry in their own state of residence. However, under H.R. 822, a person can obtain a non-resident permit and use it to carry in 47 other states.

They must carry a government-issued photo ID and their state license.

How Would H.R. 822 Endanger Law Enforcement?

Threatens Safety of Police Officers: H.R. 822 would create serious and potentially life threatening situations for law enforcement officers.

For example, during traffic stops, it will be nearly impossible for law enforcement officers to verify the validity of 48 different carry permits—forcing officers to make split-second decisions for their own safety in an already dangerous situation.

H.R. 822 would also enable criminal traffickers to travel to out of state gun markets with loaded handguns in the glove compartment, exposing police to unnecessary danger.

Weakens Law Enforcement's Ability to Detect Criminals:

Inability to prevent gun trafficking: Gun traffickers who have concealed carry permits would be able to bring cars or backpacks full of guns into destination states and present their permit if stopped. As a practical matter, to arrest the traffickers, police would

have to observe them in the act of selling guns.

Inability to determine if individuals are in compliance with laws of other states: Officers would have to distinguish between real and fake carry permits issued not only by their own state, but by every state. And in many cases, officers would have to determine whether a person is entitled to carry a gun, which would depend on their state of residence and is nearly impossible to verify quickly.

Legislative History: In 2009, the Senate defeated the Thune Amendment, a similar legislative proposal to preempt state concealed carry laws.

Who Opposes National Concealed Carry Reciprocity?

Mayors: Over 600 members of the bipartisan coalition of Mayors Against Illegal Guns.

Law Enforcement: Major national law enforcement organizations, including: International Association of Chiefs of Police; Major Cities Chiefs Association, which includes the Police Chiefs of 56 major U.S. cities; the Police Foundation; National Latino Peace Officers Association; National Organization of Black Law Enforcement Executives.

State and Local Law Enforcement Organizations: Alabama Association of Chiefs of Police, California Police Chiefs Association, Colorado Association of Chiefs of Police, Connecticut Police Chiefs Association, Massachusetts Police Chiefs Association, Minnesota Chiefs of Police Association, Virginia Association of Chiefs of Police, and Wisconsin Association of Chiefs of Police.

Association of Prosecuting Attorneys.

American Bar Association.

National Network to End Domestic Violence—a coalition of 56 domestic violence victim advocacy organizations.

Faiths United—a coalition of over 30 national religious groups.

I reserve the balance of my time.

Mr. NUGENT. Madam Speaker, my colleague on the other side of the aisle talks about a jobs bill. We're not talking about it right now. But if you look at this card, we have over 20 jobs bills that have passed out of this body that are sitting in the Senate today.

I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, at this time I am proud to yield 3 minutes to the gentlewoman from New York, the ranking member of the Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. I thank the gentleman for yielding.

This is a serious piece of work for me today because less than a year ago, one of our colleagues from Arizona was shot in the head while she was trying to convene with her constituents outside a supermarket. The mayhem was awful. A little 9-year-old girl named Christina-Taylor Green, a baseball fan who just came to see her Congresswoman, was killed. And by all accounts, an extraordinary Federal judge named John Roll died as well as some of GABBY's staff. Numbers of people were wounded. And yet the only person ever considered by this House would be the guy and his right to have that gun. What about the rights for the rest of us? Are we going to have to learn to

dance up and down the street to try to escape the bullets? What happens to us? What about an amendment for us to ensure that we can be safe?

The statistics of people now being killed in places of worship, the rising number of people in law enforcement who face unspeakable and awful things because we won't do our job here to disarm people who are mentally ill.

I would like to insert into the RECORD an article from the New York Times on how easy it is for felons, including the mentally ill, to regain their gun rights.

□ 1250

When are we going to reinstate in this House the automatic weapons ban, and why don't we outlaw guns that are so powerful that they serve no purpose at all in a civilized society? When will we allow the Federal authorities to computerize gun sale records so it is easier to hold guilty individuals responsible for their gun crimes?

In the age of iPhones and Androids, our police are tracing gun crimes with scraps of paper and handwritten notes. Surely that is a more important job for us to do here than what we're doing—to say you can carry a concealed weapon anywhere you want to go because that's who we are. Apparently, the Republican majority wants that.

Based on today's bill, they think it is more important to pass legislation that will make it easier to carry a gun to a public gathering, easier to carry a loaded weapon into NFL stadiums, easier to carry a gun to the grocery store on Saturday noon, or into your temple or your church. What in the world? How can we ever explain that to people who have had gun deaths in their family?

The horrible shooting of our colleague wouldn't have been stopped with the passage of today's bill, and no one is made safer by allowing guns into public space. And since last January, Congress hasn't considered a single piece of legislation that would make it harder for a mentally ill individual to get a gun. We have done nothing at all to make sure that another nightmare like the one in Tucson doesn't visit our country yet again, leaving innocent children, men, and women victims to a loaded gun. And yet the only person we care about here is the gun owner.

The only legislation we are considering will make it more convenient to carry your gun even in States that don't want it. Realizing this fact really puts the morality of this agenda into perspective.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. SLAUGHTER. This Congress should be considering legislation that will help the American people, not legislation that fulfills an ideological

agenda, which is what we've been doing all year. I urge my colleagues to vigorously oppose today's legislation.

[From the New York Times, Nov. 13, 2011]

FELONS FINDING IT EASY TO REGAIN GUN RIGHTS

(By Michael Luo)

In February 2005, Erik Zettergren came home from a party after midnight with his girlfriend and another couple. They had all been drinking heavily, and soon the other man and Mr. Zettergren's girlfriend passed out on his bed. When Mr. Zettergren went to check on them later, he found his girlfriend naked from the waist down and the other man, Jason Robinson, with his pants around his ankles.

Enraged, Mr. Zettergren ordered Mr. Robinson to leave. After a brief confrontation, Mr. Zettergren shot him in the temple at point-blank range with a Glock-17 semiautomatic handgun. He then forced Mr. Robinson's hysterical fiancée, at gunpoint, to help him dispose of the body in a nearby river.

It was the first homicide in more than 30 years in the small town of Endicott, in eastern Washington. But for a judge's ruling two months before, it would probably never have happened.

For years, Mr. Zettergren had been barred from possessing firearms because of two felony convictions. He had a history of mental health problems and friends said he was dangerous. Yet Mr. Zettergren's gun rights were restored without even a hearing, under a state law that gave the judge no leeway to deny the application as long as certain basic requirements had been met. Mr. Zettergren, then 36, wasted no time retrieving several guns he had given to a friend for safekeeping.

"If he hadn't had his rights restored, in this particular instance, it probably would have saved the life of the other person," said Denis Tracy, the prosecutor in Whitman County, who handled the murder case.

Under federal law, people with felony convictions forfeit their right to bear arms. Yet every year, thousands of felons across the country have those rights reinstated, often with little or no review. In several states, they include people convicted of violent crimes, including first-degree murder and manslaughter, an examination by The New York Times has found.

While previously a small number of felons were able to reclaim their gun rights, the process became commonplace in many states in the late 1980s, after Congress started allowing state laws to dictate these reinstatements—part of an overhaul of federal gun laws orchestrated by the National Rifle Association. The restoration movement has gathered force in recent years, as gun rights advocates have sought to capitalize on the 2008 Supreme Court ruling that the Second Amendment protects an individual's right to bear arms.

This gradual pulling back of what many Americans have unquestioningly assumed was a blanket prohibition has drawn relatively little public notice. Indeed, state law enforcement agencies have scant information, if any, on which felons are getting their gun rights back, let alone how many have gone on to commit new crimes.

While many states continue to make it very difficult for felons to get their gun rights back—and federal felons are out of luck without a presidential pardon—many other jurisdictions are far more lenient, The Times found. In some, restoration is automatic for nonviolent felons as soon as they complete their sentences. In others, the deci-

sion is left up to judges, but the standards are generally vague, the process often perfunctory. In some states, even violent felons face a relatively low bar, with no waiting period before they can apply.

The Times examined hundreds of restoration cases in several states, among them Minnesota, where William James Holisky II, who had a history of stalking and terrorizing women, got his gun rights back last year, just six months after completing a three-year prison sentence for firing a shotgun into the house of a woman who had broken up with him after a handful of dates. She and her son were inside at the time of the shooting.

"My whole family's convinced that at some point he'll blow a gasket and that he'll come and shoot someone," said Vicky Holisky-Crets, Mr. Holisky's sister.

Also last year, a judge in Cleveland restored gun rights to Charles C. Hairston, who had been convicted of first-degree murder in North Carolina in 1971 for shooting a grocery store owner in the head with a shotgun. He also had another felony conviction, in 1995, for corruption of a minor.

Margaret C. Love, a pardon lawyer based in Washington, D.C., who has researched gun rights restoration laws, estimated that, depending on the type of crime, in more than half the states felons have a reasonable chance of getting back their gun rights.

That universe could well expand, as pro-gun groups shed a historical reluctance to advocate publicly for gun rights for felons. Lawyers litigating Second Amendment issues are also starting to challenge the more restrictive restoration laws. Pro-gun groups have pressed the issue in the last few years in states as diverse as Alaska, Ohio, Oregon and Tennessee.

Ohio's Legislature confronted the matter when it passed a law this year fixing a technicality that threatened to invalidate the state's restorations.

Ken Hanson, legislative chairman of the Buckeye Firearms Coalition, argued that felons should be able to reclaim their gun rights just as they can other civil rights.

"If it's a constitutional right, you treat it with equal dignity with other rights," he said.

But Toby Hoover, executive director of the Ohio Coalition Against Gun Violence, contended that the public was safer without guns in the hands of people who have committed serious crimes.

"It seems that Ohio legislators have plenty of problems to solve that should be a much higher priority than making sure criminals have guns," Ms. Hoover said in written testimony.

That question—whether the restorations pose a risk to public safety—has received little study, in part because data can be hard to come by.

The Times analyzed data from Washington State, where Mr. Zettergren had his gun rights restored. The most serious felons are barred, but otherwise judges have no discretion to reject the petitions, as long as the applicant fulfills certain criteria. (In 2003, a state appeals court panel stated that a petitioner "had no burden to show that he is safe to own or possess guns.")

Since 1995, more than 3,300 felons and people convicted of domestic violence misdemeanors have regained their gun rights in the state—430 in 2010 alone—according to the analysis of data provided by the state police and the court system. Of that number, more than 400—about 13 percent—have subsequently committed new crimes, the analysis

found. More than 200 committed felonies, including murder, assault in the first and second degree, child rape and drive-by shooting.

Even some felons who have regained their firearms rights say the process needs to be more rigorous.

"It's kind of spooky, isn't it?" said Beau Krueger, who has two assaults on his record and got his gun rights back last year in Minnesota after only a brief hearing, in which local prosecutors did not even participate. "We could have all kinds of crazy hoodlums out here with guns that shouldn't have guns."

POWERFUL LOBBY PREVAILS

The federal firearms prohibition for felons dates to the late 1960s, when the assassinations of the Rev. Dr. Martin Luther King Jr. and Senator Robert F. Kennedy, along with rioting across the country, set off a clamor for stricter gun control laws. Congress enacted sweeping legislation that included a provision extending the firearms ban for convicted criminals beyond those who had committed "crimes of violence," a standard adopted in the 1930s.

"All of our people who are deeply concerned about law and order should hail this day," President Lyndon B. Johnson said upon signing the Gun Control Act in October 1968.

Even the N.R.A. backed the bill. But by the late 1970s, a more hard-line faction, committed to an expansive view of the Second Amendment, had taken control of the group. A crowning achievement was the Firearm Owners Protection Act of 1986, which significantly loosened federal gun laws.

When it came to felons' gun rights, the legislation essentially left the matter up to states. The federal gun restrictions would no longer apply if a state had restored a felon's civil rights—to vote, sit on a jury and hold public office—and the individual faced no other firearms prohibitions.

The restoration issue drew relatively little notice in the Congressional battle over the bill. But officials of the federal Bureau of Alcohol, Tobacco and Firearms identified the provision in an internal memo as among their serious concerns. Some state law enforcement officials also sounded the alarm.

When Senator David F. Durenberger, a Minnesota Republican, realized after the law passed that thousands of felons, including those convicted of violent crimes, in his state would suddenly be getting their gun rights back, he sought the N.R.A.'s help in rolling back the provision. Doug Kelley, his chief of staff at the time, thought the group would "surely want to close this loophole."

But the senator, Mr. Kelley recalled, "ran into a stone wall," as the N.R.A. threatened to pull its support for him if he did not drop the matter, which he eventually did.

"The N.R.A. slammed the door on us," Mr. Kelley said. "That absolutely baffled me."

Until then, the avenues for restoration had been narrow and few: a direct appeal to the federal firearms agency, which conducted detailed background investigations; a state pardon expressly authorizing gun possession, or a presidential pardon. Felons convicted of crimes involving guns or other weapons, as well as those convicted of violating federal gun laws, were expressly barred from applying to the federal firearms agency.

By contrast, the restoration of civil rights, which is now central to regaining gun rights, is relatively routine, automatic in many states upon completion of a sentence. In some states, felons must also petition for a judicial order specifically restoring firearms rights. Other potential paths include a pardon from the governor or state clemency

board or a "set aside"—essentially, an annulment—of the conviction.

Today, in at least 11 states, including Kansas, Ohio, Minnesota and Rhode Island, restoration of firearms rights is automatic, without any review at all, for many non-violent felons, usually once they finish their sentences, or after a certain amount of time crime-free. Even violent felons may petition to have their firearms rights restored in states like Ohio, Minnesota and Virginia. Some states, including Georgia and Nebraska, award scores of pardons every year that specifically confer gun privileges.

Felons face steep odds, though, in states like California, where the governor's office gives out only a handful of pardons every year, if that.

"It's a long, drawn-out process," said Steve Lindley, chief of the State Department of Justice's firearms bureau. "They were convicted of a felony crime. There are penalties for that."

Studies on the impact of gun restrictions largely support barring felons from possessing firearms.

One study, published in the *American Journal of Public Health* in 1999, found that denying handgun purchases to felons cut their risk of committing new gun or violent crimes by 20 to 30 percent. A year earlier, a study in the *Journal of the American Medical Association* found that handgun purchasers with at least one prior misdemeanor—not even a felony—were more than seven times as likely as those with no criminal history to be charged with new offenses over a 15-year period.

Criminologists studying recidivism have found that felons usually have to stay out of trouble for about a decade before their risk of committing a crime equals that of people with no records. According to Alfred Blumstein, a professor at Carnegie Mellon University, for violent offenders, that period is 11 to 15 years; for drug offenders, 10 to 14 years; and for those who have committed property crimes, 8 to 11 years. An important caveat: Professor Blumstein did not look at what happens when felons are given guns.

The history of the federal firearms agency's own restoration program, though, offers reason for caution. The program came under attack in the early 1990s, when the Violence Policy Center, a gun control group, discovered that dozens of felons granted restorations over a five-year period had been arrested again, including some on charges of attempted murder and sexual assault. (The center also found that many of those granted gun rights were felons convicted of violent or drug-related crimes.) In the resulting uproar and over the objections of the N.R.A., Congress killed the program.

A SUPERFICIAL PROCESS

In 2001, three police officers in the Columbia Heights suburb of Minneapolis were shot and wounded by a convicted murderer whose firearms rights had been restored automatically in 1987, 10 years after he completed a six-and-a-half year prison sentence and then probation for killing his estranged wife and a family friend with a shotgun. (The State Legislature had imposed the 10-year waiting period for violent felons after it discovered what Senator Durenberger had feared: that felons' gun rights would be restored immediately under the Firearm Owners Protection Act.)

What happened in the wake of the shooting is emblematic of how the issue has played out in many states, particularly where the gun lobby is powerful.

Two Democratic legislators sought to impose a lifetime firearms ban on violent fel-

ons, although they concluded that for their bills to have any chance of passing, they would also have to set up a process that held out a hope of eventual restoration. They were unable, however, to get their bills through the Legislature.

The issue was taken up the following year by Republican lawmakers, but it became wrapped up in legislation to relax concealed-weapons laws. Initially, a moderate Republican introduced a bill with a 5- to 10-year waiting period for regaining gun rights, but the waiting period was scrapped entirely in the law, written by gun-rights advocates, that was finally enacted in 2003. That law, which does not even mandate that prosecutors be notified of the hearings, requires judges to grant the requests merely if the petitioners show "good cause."

"The decision was, we have good judges and we trust them," said Joseph Olson, who helped write the statute as president of the advocacy group Concealed Carry Reform Now.

One man who has benefited from a Minnesota judge's gun rights ruling is William Holisky.

Mr. Holisky, an accountant who has struggled with bipolar disorder and alcoholism, had gone out only a few times with Karen Roman, a nurse he had met online, before she broke up with him.

In August 2006, Ms. Roman was getting ready to work a night shift, putting on makeup in the bathroom of her home in Duluth, when she heard a truck pulling up and a loud boom. Moments later, she heard another boom and glass breaking. She hit the floor, calling out to her teenage son in the other room to do the same as she crawled to the phone to dial 911.

The police arrested Mr. Holisky later that night for drunken driving. Several months later, they charged him in the shooting as well. He pleaded guilty to second-degree assault with a dangerous weapon.

Around the same time, he also pleaded guilty to a felony charge of making terroristic threats against an elderly neighbor. The woman had reported to the police that someone—she suspected Mr. Holisky—had left her a threatening and obscene note. She had also reported a series of escalating incidents that included harassing telephone calls, his entering her apartment and someone's smashing her bedroom window. Mr. Holisky also had a misdemeanor burglary conviction from 2003, for breaking into an ex-girlfriend's house, as well as another misdemeanor conviction for violating an order of protection.

In Mr. Holisky's gun rights hearing in October 2010 in Two Harbors, a small town on the north shore of Lake Superior, Russell Conrow, the prosecutor in Lake County, argued that Mr. Holisky had not yet proved that he could stay clean, given that he had just gotten out of prison. Mr. Conrow also pointed out that there were two active orders of protection against Mr. Holisky.

"There were people still scared of him," Mr. Conrow said recently.

For his part, Mr. Holisky took documents from the plea agreement in his assault case, in which the prosecutor in neighboring St. Louis County agreed not to oppose the restoration of his firearms rights.

Mr. Holisky, who is 59, did not specify in his often-rambling petition exactly why he wanted a gun. He described his behavior in 2006 as an "aberration."

The county judge, Kenneth Sandvik, was set to retire in a few months. He knew Mr. Holisky's family from growing up in the

community. Several weeks later, he ruled that Mr. Holisky had met the basic requirements of the law.

In an interview, Judge Sandvik said he had given considerable weight to the St. Louis County prosecutor's agreement not to oppose the restoration of gun rights for Mr. Holisky. But Gary Bjorklund, an assistant St. Louis County attorney, said in an interview that he had been focused on extracting a guilty plea that would send Mr. Holisky to prison and had thought no judge would take a firearms request from Mr. Holisky seriously.

Judge Sandvik acknowledged that he had not looked into the details of Mr. Holisky's assault case, arguing that his job had been only to review what the prosecutor had presented to him.

"We're not investigators," he said.

The ease with which Mr. Holisky regained his gun rights does not appear to be an anomaly. Using partial data from Minnesota's Judicial Branch, *The Times* identified more than 70 cases since 2004 of people convicted of "crimes of violence" who have gotten their gun rights back. A closer look at a number of them found a superficial process. The cases included those of Mr. Krueger, who criticized the system as insufficiently rigorous after winning back his gun rights in a perfunctory hearing, and of another man whose petition was approved without even a hearing, even though his felony involved pulling a gun on a man.

The ruling in Mr. Holisky's case prompted members of his family to write a series of frantic e-mails to Judge Sandvik and Mr. Conrow, warning of dire consequences.

It is not entirely clear whether Mr. Holisky, who did not respond to several requests for comment, is legally able to buy a gun at this point, because at least one of the outstanding orders of protection, which expires next year, appears to trip another federal prohibition. But Mr. Holisky has been writing letters to relatives in Texas, threatening legal action if they do not turn over his gun collection.

So far, they have refused.

A KILLER'S SUCCESSFUL PETITION

Just as in Minnesota, violent felons in Ohio are allowed to apply for restoration of firearms rights after completing their sentences. The statute is similarly vague, requiring only that a judge find that the petitioner has "led a law-abiding life since discharge or release, and appears likely to do so."

Only a handful of county clerks in Ohio said they could track these cases, producing records on several dozen restorations. They included people who had been convicted of first-degree murder, voluntary manslaughter, felonious assault and sexual battery.

The case of Charles Hairston in Cuyahoga County stands out.

Mr. Hairston was 17 in January 1971, when he shot a man to death in Winston-Salem, N.C. Mr. Hairston and a group of neighborhood toughs had been preparing to rob a local grocery store when the owner, Charles Minor, 55, closed up and headed for his car.

"I am fixing to get him," Mr. Hairston told one of his friends, according to witness statements to the police, before he pulled the trigger on a 20-gauge shotgun.

Mr. Hairston spent 18 years in prison before being released on parole in 1989. He moved to Cleveland and started working in heating and cooling, a trade he had learned behind bars.

In 1995, he pleaded no contest to a misdemeanor charge for allegedly grabbing and pushing his wife.

More seriously, later that year he was indicted on 60 counts of rape, felonious sexual penetration and gross sexual imposition; prosecutors charged that he had forced sex upon his stepdaughter, starting when she was 12. He was acquitted of the most serious charges and convicted only of corruption of a minor for one encounter at a motel for which prosecutors were able to provide corroborating evidence beyond the girl's detailed testimony.

Mr. Hairston, who denies the charges and is still fighting the conviction, filed his first gun rights restoration application in 2006 in Cuyahoga County but was summarily denied.

When he filed a new petition two years later, a judge thought he was ineligible and denied him again, though she wrote in her decision that she did not believe Mr. Hairston was likely to break the law again. But an appeals court ruled that the judge had misread the statute, and sent the case back for another hearing late last year.

The county prosecutor's office had vigorously opposed the restoration from the beginning. But Mr. Hairston, who took in several friends as character witnesses, told the judge he had grown up in prison.

"Nearly 40 years ago, you know, I was a dumb kid," Mr. Hairston said at his first hearing. He added, "I am in a situation now where if, God forbid, if someone was to come into my home and attack me, my wife, there isn't a lot I could say about it, there isn't a lot I could do."

In the end, the judge, Hollie L. Gallagher, granted his petition without comment.

Soon after the judge's ruling, Mr. Hairston obtained a concealed weapons permit from a neighboring county and bought a 9-millimeter semiautomatic handgun.

RETURNING TO CRIME

Erik Zettergren originally lost his gun rights in 1987 because of a felony conviction for dealing marijuana. A decade later, the police went to his house after being called by his ex-wife and discovered a cache of guns. He was convicted of another felony, unlawful possession of a firearm.

He relinquished his weapons to friends but eventually got them back, sometimes hiding them in an old car in his backyard, according to friends. Sometime after that, though, he became worried that the police might come after him again and turned over the guns—two long guns and a Glock pistol—to a friend, Tom Williams.

"I kept them under my bed," Mr. Williams said.

In December 2004, Mr. Zettergren successfully petitioned in Kittitas County—a three-hour drive from his home—to have his gun rights restored. (Like Minnesota's, Washington's law allows petitioners to apply anywhere.) Court records show he did not even have a hearing. Instead, his lawyer, Paul T. Ferris, who specializes in these cases, took care of the matter.

Right away, Mr. Zettergren retrieved his guns from Mr. Williams and soon obtained a concealed pistol license. He made something of a sport of showing off his Glock to friends. "He was so proud of that thing," said Larry Persons, a friend. "He was flashing it in front of everybody."

Not long after, he would use it in the killing.

Washington's gun rights restoration statute dates to a 1995 statewide initiative, the Hard Times for Armed Crimes Act, that toughened penalties for crimes involving firearms. The initiative was spearheaded, in part, by pro-gun activists, including leaders of the Second Amendment Foundation, an advocacy group, and the N.R.A.

Although it drew little notice at the time, the legislation also included an expansion of what had been very limited eligibility for restoration of firearms rights.

"There were a lot of people who we felt should be able to get their gun rights restored who could not," said Alan M. Gottlieb, founder of the Second Amendment Foundation, who was active in the effort.

Under the legislation, "Class A" felons—who have committed the most serious crimes, like murder and manslaughter—are ineligible, as are sex offenders. Otherwise, judges are required to grant the petitions as long as, essentially, felons have not been convicted of any new crimes in the five years after completing their sentences. Judges have no discretion to deny the requests based upon character, mental health or any other factors. Mr. Gottlieb said they explicitly wrote the statute this way.

"We were having problems with judges that weren't going to restore rights no matter what," he said.

The statute's mix of strictness and leniency makes Washington a useful testing ground.

The Times's analysis found that among the more than 400 people who committed crimes after winning back their gun rights under the new law, more than 70 committed Class A or B felonies. Over all, more than 80 were convicted of some sort of assault and more than 100 of drug offenses.

There were cases like that of Mitchell W. Reed, disqualified from possessing firearms after a 1984 felony cocaine conviction. He also has seven misdemeanor convictions on his record from the 1980s, including for assault. In 2003, he successfully petitioned for his gun rights in Snohomish County Superior Court.

His wife, Debi Reed, went with him to the hearing and said in an interview that she had been shocked at how easily his rights were restored. He immediately bought a 9-millimeter semiautomatic handgun.

The following year, she said, he beat her up for the first time. In 2008 he became more angry and violent, she said, in one instance putting a gun in her hand during an argument, pointing it at his head and saying he was going to frame her for murder. During another fight that year, he struck her with a gun, giving her a black eye, and held a loaded gun to her head.

Mr. Reed was ultimately arrested in 2009 and charged with harassing and threatening to kill his wife's ex-husband. While those charges were pending, he was arrested on second-degree assault charges after he beat up and tried to strangle his wife. The charging documents also mentioned the 2008 gun episode. He eventually pleaded guilty to third-degree assault and intimidating a witness, as well as fourth-degree assault and harassment.

Jason C. Keller, disqualified because of a 1997 burglary conviction, had his rights restored after a brief hearing in 2006. He waited a few years before buying a Hi-Point .40-caliber semiautomatic pistol, according to his girlfriend at the time, Shawna Braylock. But she did not trust him with the gun because of his temper, making him keep it at his parents' house.

In 2010, Mr. Keller left a Fourth of July party in the late evening, picked up his gun and drove to the house of a woman he knew. He fired several shots as she stood out front with her 9-year-old son; her 6-year-old daughter was sleeping inside. Mr. Keller pleaded guilty to drive-by shooting, a felony.

In Mr. Zettergren's case, his friends said they were shocked that a judge had restored

his gun rights, because they knew he was receiving disability payments, in part because of mental health problems.

"Most of the people around here that knew him, knew that he could be dangerous," said Darrell Reinhardt, one of Mr. Zettergren's friends.

Mr. Zettergren's mental health issues, in fact, have been at the heart of his efforts to appeal his convictions for second-degree murder, second-degree assault and unlawful imprisonment. He had been in counseling since 2000, and several mental health experts had found he had post-traumatic stress disorder and major depression, saying he had a "very high degree of psychological disturbance" and suffered frequent "flashbacks and disturbing images," according to a declaration from a forensic psychologist in one of Mr. Zettergren's appeal briefs. The post-traumatic stress, according to the psychologist, resulted from scenes he had witnessed years before, including his mother's death by electrocution and the shooting death of a friend.

None of this was reviewed by the judge who heard Mr. Zettergren's gun rights petition.

Donna Bly, the mother of Jason Robinson, Mr. Zettergren's shooting victim, considered suing the county for negligence over the decision but could not find a lawyer to take the case. She also tried bringing the issue up with a state legislator but got nowhere.

"This man did not deserve to have his gun rights back," she said.

Mr. NUGENT. Madam Speaker, I yield myself such time as I may consume.

In 2007 a Colorado man named Matthew Murray allegedly wrote online, "All I want to do is kill and injure as many Christians as I can." Murray then went on to a shooting rampage, first killing two young students at a missionary training center outside of Denver. And then at a gathering of 7,000 people in and around the New Life Church in Colorado Springs, Colorado, with a rifle and a backpack full of ammunition, Murray entered the church and opened fire, killing two sisters. Murray was ultimately stopped and killed by a church member and a volunteer security guard, Jeanne Assam, who has a concealed-carry permit and once worked in law enforcement. Assam shot Murray several times, leading him to kill himself.

I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I would like to yield 3 minutes to the gentleman from Colorado, a member of the Rules Committee, Mr. POLIS.

Mr. POLIS. I thank the gentleman from Massachusetts.

In hearing the story of my friend from Florida and my colleague on the Rules Committee, again I think it just emphasizes that my State, Colorado, also has a concealed-carry process. We have a must-issue provision. Some of our county sheriffs were not issuing and were denying issuance unreasonably. Again, it highlights that this entire bill is a dangerous solution in search of a problem.

Colorado has reciprocal concealed-carry arrangements with over 30 States, including all of our neighboring

States. So you can drive from Colorado to Wyoming in the north, to the south to New Mexico, and east or west, and you're in no danger about your concealed weapon permit not being recognized.

And, yes, there are some States that we don't have a reciprocal agreement from. For instance, the State of Nevada. I fail to be convinced that the proper venue for that is not for the people of the sovereign State of Nevada and the sovereign State of Colorado to elect leadership that will work on a reciprocal carry arrangement if that's what they want to do. If there is a real issue there, and my constituents are hampered by their ability not to have their Colorado concealed weapons permit recognized let's say in the State of California, that's a matter between the States.

Opening the door for Federal intervention in this very sensitive area opens the door to a Federal gun owner registry, which a number of gun rights advocates in my district have expressed a great deal of worry over, as well as opening the door for a whole host of other problems that can come from Washington, D.C., bureaucrats deciding where you can and can't take your guns rather than protecting our Second Amendment in the States.

Some other concerns have been articulated to me from some of the gun owner rights groups in the State of Colorado. They're worried about more onerous standards to acquire a permit. They're worried about a national database of permit holders. They're also worried about this particular provision nullifying the constitutional carry provisions that are on the books in Arizona, Alaska, Vermont, and Wyoming. And that States that have a popular election method of amending the Constitution are able to do so.

So again, what's the problem? I have not had any constituents contact me worried that they can't use their concealed weapons permit in a particular State. I think they are generally, and I have many concealed-carry license holders in my district. I don't happen to be one myself, but they are able to, again, in all the bordering States drive across State borders and not have to worry about relicensing or notifying authorities in those States. I think the gentleman from Florida articulated an example in Colorado where our concealed-carry permit holder helped save some lives, and I think that is a fine and good thing. Again, it is an area of State sovereignty.

I asked the chair of the Judiciary Committee yesterday in Rules whether he thought this provision was constitutionally required to protect the Second Amendment. He responded that no, the State does not have to have a concealed weapons system, a concealed-carry system under the Second Amendment. It is a matter of discretion or policy in that State.

I think this bill runs contrary to State sovereignty and to the privacy of individuals. That's why I encourage my colleagues to vote "no" on this bill.

Mr. NUGENT. The gentleman talks about States' rights. We agree, there are States that do not have concealed-carry permits. So it is within the States' rights to decide how they are going to regulate that particular issue in regards to weapons in their State.

Madam Speaker, I would like to yield 3 minutes to the gentlewoman from North Carolina, Dr. FOXX.

Ms. FOXX. I thank my colleague from Florida for handling the rule.

Madam Speaker, I rise today in support of this rule and the underlying bill. As a life member of the National Rifle Association and strong supporter of the Second Amendment to the United States Constitution, I am pleased to speak in support of H.R. 822, the National Right-to-Carry Reciprocity Act, which will help protect law-abiding American citizens' right to bear arms.

The Supreme Court ruled in *District of Columbia v. Heller* that "the inherent right of self-defense has been central to the Second Amendment right," and in *McDonald v. City of Chicago* that the Federal Government can intervene to ensure that State and local governments are not restricting Second Amendment rights. Statistics show correlation between right-to-carry laws and a decrease in violent crime rates. According to NRA estimates based on the FBI's Annual Uniform Crime Report, States that have right-to-carry laws have 22 percent lower total violent crime rates, 30 percent lower murder rates, 46 percent lower robbery rates, and 12 percent lower aggravated assault rates compared to the rest of the country.

Law-abiding citizens have the right to protect themselves from criminals and defend themselves with firearms. Throughout my career in elected office, I have worked with my colleagues to ensure that American citizens maintain their Second Amendment rights.

Each State has different eligibility requirements, and H.R. 822 maintains the State's ability to set its own eligibility. However, the bill would end uncertainty and confusion for concealed-carry permit holders when they travel.

Forty-nine States allow individuals to conceal and carry handguns, and the bill before us would allow individuals who hold a concealed-carry permit in their State of residence to carry that weapon in other States that allow concealed carry. Madam Speaker, this rule should be passed unanimously, as should the underlying bill.

□ 1300

Mr. MCGOVERN. Madam Speaker, I would like to insert in the RECORD dissenting views from the Judiciary Committee, entitled, "Loosening Restriction

on the Carrying of Concealed Guns in Public Does Not Improve Public Safety."

Concealed carry laws have not made us safer. As a result, forcing states with strict permitting standards to recognize permits issued by states with weak standards would make us even less safe. Proponents of H.R. 822 have cited research by John Lott that has been widely discredited. In fact, as columnist Michelle Malkin has pointed out, Lott has been accused of fabricating a study on which he bases the claim that 98 percent of defensive gun uses involved mere brandishing as opposed to shooting. Malkin reported that Lott incorrectly tried to attribute the data to three different studies, and when another researcher offered to independently verify Lott's findings, Lott claimed to have lost all of his data in a computer crash. He also could not produce any financial records, contemporaneous records or any of the students who supposedly worked on the survey. 78 other studies conclude that guns are far more likely to be used in crime than in self-defense. One such study found that the number of criminal gun uses outnumbered the self-defense use of a gun by a factor of at least 4 to 1.79.

At this time I am happy to yield 2 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Madam Speaker, I rise today in support of H.R. 822, the National Right-to-Carry Act of 2011. The Second Amendment of the United States Constitution provides citizens with the individual right to keep and bear arms. This right enables Americans to use firearms for self-protection, for hunting, and for other lawful activities.

H.R. 822 would guarantee that individuals who are legally licensed to carry a concealed weapon in their home State could also legally carry a concealed weapon in another State. The bill seeks to protect our fundamental liberty, not restrict it. Just as one State recognizes a driver's license issued by another State, I believe States should recognize conceal-and-carry licenses issued by another.

Today, some States already have reciprocity agreements to recognize the conceal-and-carry laws of other States, while some do not. The result is a piecemeal system where a law-abiding citizen may be required to give up his or her weapon at a State line. If passed, this bill would streamline the system by making it more simple and uniform. H.R. 822 does not create Federal standards for obtaining permits nor does it require States to adopt a specific licensing system. Each State's right to determine its own permitting system will remain intact regardless of H.R. 822.

Since the founding of our Nation, American citizens have had the constitutional right to bear arms, and I believe this legislation is a common-sense solution to preserve that right. I urge my colleagues to vote "yes" on the rule today and to support final passage of H.R. 822.

Mr. NUGENT. I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. It's sad that we're taking time that should be spent on the economy and making communities safer and stronger to facilitate, instead, less rational and less effective gun safety laws.

I deeply appreciate the gentlewoman from New York putting The New York Times article from last Sunday in the RECORD. The gentleman from Florida talks about his experience. Well, in that article is sad evidence. For example, in the State of Washington where that tragic occurrence occurred, since 1995, more than 3,300 felons and people convicted of domestic violence misdemeanors have regained gun rights. And according to the analysis provided by the State court system, of those, more than 400, about 13 percent, have subsequently committed new crimes, and more than 200 committed felonies including murder, assault in the first and second degree, child rape, and drive-by shooting.

The gentleman talks about evidence. Well, the study in the American Public Health Journal referenced in that article found that denying handgun purchases to felons cut the risk of their committing new gun or violent crimes by 20 to 30 percent. And another study by the Journal of the American Medical Association found that handgun purchasers with at least one prior misdemeanor—not a felony, a misdemeanor—were more than seven times as likely as those with no criminal record to be charged with new offenses.

I come from a State that would have its protections undermined by this proposal. Now, I think that the fact that we require character references, that people have to be 21 years of age, and that we prohibit concealed weapon carrying by dangerous criminals—those convicted of a misdemeanor such as assault, harassment, or driving while intoxicated—I think those are reasonable. That's the minimum in Oregon. And instead, the enactment of this legislation will enable a race to the bottom where the lowest common denominator will determine gun safety laws in Oregon. I think that's wrong.

I urge a rejection of the rule and the bill.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I would like to yield 2 minutes to the gentleman from Virginia, a member of the Judiciary Committee, Mr. SCOTT.

Mr. SCOTT of Virginia. Madam Speaker, this bill undermines public safety, and that's why law enforcement organizations oppose the bill. It's said that this is no national law established by this legislation. That's right, because if there were a national law, there would be national standards.

This is actually worse. The law, in effect, will actually be the law of the State with the weakest concealed weapons permits that will essentially become the law of the land, because you could use that permit in any State. This bill allows people who are ineligible to get a concealed weapons permit in their home State to go to another jurisdiction and get a concealed weapons permit and use that concealed weapons permit anywhere in the country except their home State.

Now States have different minimum standards for concealed weapons, such as some require minimum training so that you know what you're dealing with. Others deny permits to certain sex offenders or domestic violence offenders. All of those minimum standards would be overridden by this bill because permits from other States will have to be recognized.

The basic controversy, Madam Speaker, presented by this bill is the question of what happens if more people carry firearms. Some people believe that if more people carry firearms, the crime rate will go down. The studies that I've seen conclude that if more people are carrying firearms, it is more likely that someone in their home or an innocent neighbor will be killed. That's more likely than the firearm being successfully used to thwart a crime.

We should not undermine public safety. We should allow States to set their own concealed weapons standards and defeat this rule, and if the rule passes, defeat the bill.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I am happy to yield 1½ minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank the gentleman.

Madam Speaker, I rise today in opposition to the rule for H.R. 822. As you know, this committee voted down a motion to consider the bill under an open rule. This is such an important issue that we really need to have the entire Nation hear about it and have all of us have our voices heard.

I want to make sure that I get to speak on an amendment of mine that is going to be considered. Under my amendment, States would be required to proactively opt-in to the agreements called for by H.R. 822. This would restore the critical decision of who should be able to carry a concealed handgun in our communities back to where it belongs—to the local governments that have to deal with the policing and other consequences such as this provision will do. We also will hear about other amendments that would restore rights back to States and safety back to our communities and some sanity back into this debate.

Madam Speaker, I think it's extremely important that we look at this

as a States' rights issue. My State has concealed weapons laws. We allow people to have concealed weapons. But there are other States that do not come up to our standard, and we don't want them coming into our State and telling us what to do. I suggest that we really look at this very carefully, and hopefully my colleagues will definitely vote for my amendment tomorrow when it comes up.

We can deal with this. The Supreme Court has said people have the right to own a gun. They also said localities have the right to make the laws safe for their constituents. I happen to believe that H.R. 822 and the way this rule is written is not good for the United States of America, it's not good for the people of America, and I know it's not good for my State of New York.

□ 1310

Mr. NUGENT. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Madam Speaker, I rise today in support of the underlying bill and the rule. This is a critical issue with respect to Americans' basic rights.

Courts have held over almost a century and a half that the right to bear arms is simply more than the Second and the 14th Amendment. It decided in the case of *Beard v. U.S.* in 1895 that citizens were entitled to repel force by force, and entitled to stand their ground and meet any attack made on them by a deadly weapon. They then ruled 3 years ago in the *D.C. v. Heller* case, where they essentially declared self-defense as an inherent right central to the Second Amendment. And then in the case emanating in my State of Illinois, in the case of *McDonald v. City of Chicago*, further elaborated and extended that constitutional protection.

So the underlying bill and American citizens' right and the ability to carry firearms from State to State and to have that essential right built in, I think, is critical.

I rise in reluctant support, however, of the rule and the bill only from this standpoint, and that's the reason, in part, for my time here today, which I thank the gentleman for and I thank the Members of this Chamber for.

Illinois is unique in that we have no carry-conceal weapon law. We have no ability on the part of Illinois citizens to defend themselves. We have no right or ability on the part of Illinois citizens to exercise their Second and 14th Amendment rights. This bill, as it now reads, would extend the right only to other States—and I'm supportive of that because I think it's critical that we extend that right—but I am committed, as well as a number of my Illinois colleagues, and I think Second Amendment and fundamental rights Congressmen throughout the United

States, to restore that right and to bring that right to Illinois citizens.

Time after time after time, as I visit the coffee houses, as I meet with individuals throughout the district, as I meet with people throughout the State, we are essentially denied in Illinois the rights and privileges of every other citizen of every other State in the Union except Illinois. That's a glaring deficiency, it's an omission, and I believe, frankly, that it strikes at the core of our constitutional guarantees.

I am going to continue to fight, not only on this bill, but on standalone legislation down the line and through the process to bring to Illinois the same rights, keep and bear arms, Second and 14th Amendment rights, that other citizens have throughout the country. It's extraordinarily important. It reaches at the essence of our Constitution, the essence of our guarantees as participants in a republic of civil liberties, and I believe that it is critical that we continue the fight now together with my colleagues, Congressman HULTGREN and others from Illinois who have joined me in this process.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Illinois. I appreciate the time.

I support the bill. I support the rule. But I also support—and I want to conclude by saying this—Illinois citizens' right to keep and bear arms that are being flagrantly denied by our Illinois legislature.

Mr. MCGOVERN. Madam Speaker, I would like to yield 2 minutes to the gentleman from Georgia, a member of the Judiciary Committee, Mr. JOHNSON.

Mr. JOHNSON of Georgia. Madam Speaker, I rise in opposition to this rule and the bill, the National Right-to-Carry Reciprocity Act. It's the epitome of Federal arrogance that would impose its will on the 50 State legislatures in this country.

This bill tramples on our system of federalism and endangers the public safety by forcing States to allow the carrying of concealed firearms by out-of-state residents even if they have not met basic licensing or training requirements mandated for carrying in that State.

This total disregard for State laws may come as a shock to Americans who have always been told that these Tea Party Republicans want to shrink the scope of the Federal Government, but instead of creating jobs, we are here considering—strongly—a bill that is opposed by law enforcement officials throughout the States and throughout the country. This bill is nothing more than a piece of special interest legislation for the National Rifle Association.

Under this bill, States will no longer be able to set standards for who may

carry concealed, loaded guns in public. States that prevent those convicted of violent crime from carrying a concealed weapon would no longer be able to enforce their State laws. The Second Amendment protects the right to bear arms, but it is not, ladies and gentlemen, absolute.

I urge my colleagues to oppose this rule and the underlying bill.

Mr. NUGENT. Madam Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. I applaud the House for taking up H.R. 822, the National Right-to-Carry Reciprocity Act. As a veteran and a strong defender of the Second Amendment, I encourage all of my colleagues to support me in this important piece of legislation.

In Kansas, in 2007, we began to issue concealed-carry permits. Since then, Kansas has entered into agreements with many other States across the region to create interstate reciprocity. And while many States have similar agreements, they benefit only a portion of the American population that have this basic fundamental right to keep and bear arms.

The legislation and the rule we're considering today offer an opportunity for the Federal Government to facilitate cohesion between the States without extending its reach further into our laws than is necessary. The National Right-to-Carry Reciprocity Act would allow concealed-carry permits in one State to be legally recognized in another and accepted in every other State of the Union that has similar set of laws.

Under the bill, everyone is still required to follow the firearm laws in each of the different States in which they choose to carry. Our Founding Fathers considered this right to bear arms so important they put it in the Constitution. Allowing this reciprocity is a simple act of extending what our founders originally intended.

I hope that Congress will honor this principle by supporting this rule and passing this bill, which at its core does nothing more than protect the Second Amendment right of every Kansan and every law-abiding citizen.

Mr. NUGENT. Madam Speaker, I advise my colleague from Massachusetts that I have one remaining speaker.

Mr. MCGOVERN. Then I will reserve the balance of my time.

Mr. NUGENT. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank my friend on the Rules Committee for yielding.

I rise in strong support of this rule today. Now, I hear a lot of conversation about States' rights here on the House floor—federalism, you know, that debate that James Madison and Thomas Jefferson had more than two centuries ago. It's an important debate to have, and I hope we have that debate

on every single thing that we do in this body. I hope we ask ourselves that question every single day: Is this a responsibility and a role the Federal Government ought to be playing, or should this be something that's left to the States?

Sadly, I've heard more of that enthusiasm today than I usually hear down here, but I welcome it—not as a step in the wrong direction, but a step towards that new beginning. I believe that we can absolutely come together around those kinds of uniting issues: Does the Federal Government need to be involved in this or does it not?

The reason I'm in strong support of this rule, however, is that it made 10 amendments in order. You know, this bill, this concealed-carry reciprocity bill—and in fairness, full disclosure, I'm literally a card-carrying member of the concealed-carry bandwagon. I've got my Georgia carry permit here in my pocket, I have since I was 22 and living in a neighborhood that I thought I needed some self-protection living in.

This is a discussion that this body has been trying to have for about 15 years. As long as I can remember watching Congress, this bill has been knocking around in Congress and no one has ever brought it to the floor of the House despite a broad bipartisan majority of the body cosponsoring it. I've always wondered why, because for Pete's sakes, if it's something that a majority of the body is going to cosponsor, then it ought to be something that the majority of the body is going to support, and we ought to bring it to the House floor and let the House work its will.

I'm still struggling with the underlying legislation, but I appreciate this leadership and this Rules Committee for bringing a bill to the floor when more than a majority of the House has cosponsored it. And I appreciate this leadership and this Rules Committee for giving us 10 amendments from which to choose to improve the bill. There are opt-in provisions if you're worried about federalism. There are honor State compact amendments if you're worried about federalism. There are study amendments with the GAO to sort out whether or not there are unintended consequences with regard to nonresident permits.

□ 1320

These choices are out there for us. Not only did this Rules Committee bring forward a bill that other Congresses have not had the courage to bring forward, but it brought it forward in a way that this body can work its will. Eight Democratic amendments, as I recall, two Republican amendments. That's the kind of House I came to Congress as a freshman to work in.

I appreciate the work the Rules Committee did to make this possible, and I appreciate, Madam Speaker, the work

of the leadership in guiding us down this path.

Mr. MCGOVERN. Madam Speaker, I would like to insert into the RECORD an article from The New York Times, entitled, "So Much for Small Government."

[From the New York Times, Oct. 25, 2011]

SO MUCH FOR SMALL GOVERNMENT

House Republicans usually claim to be champions of both small government and states' rights, which makes it hypocritical, and downright reckless, that they are obsessed with taking away the authority of states to decide who is allowed to carry a concealed and loaded handgun.

On Tuesday, the House Judiciary Committee voted 19 to 11 for a measure that would do exactly that. Only one Republican, Representative Dan Lungren of California, joined the committee's Democratic members in voting against the bill.

This extreme legislation, the National Right-to-Carry Reciprocity Act of 2011, would obliterate state and local eligibility rules for concealed weapons and the state's discretion to decide whether to honor another's permits.

At least 36 states now set a minimum age of 21 for carrying concealed guns, and 35 states require some sort of gun-safety training. Thirty-eight states prohibit people convicted of certain violent crimes like misdemeanor assault or sex crimes from carrying concealed weapons.

The act would override those rules, requiring states with tight restrictions, like New York and California, to allow people with permits from states with lax laws to tote concealed and loaded guns in their jurisdiction. Wording added by the committee exempts people with a concealed-carry permit from one state from having to meet eligibility standards set by the state they are visiting.

The measure, pushed by the National Rifle Association, would undermine legitimate states' rights by nationalizing lenient gun rules most states have rejected for themselves. It would increase the chance for gun violence and make it harder to combat illegal gun trafficking.

Nevertheless, the full House is expected to approve the bill soon. That would leave it to the Senate, where a similar bill could surface any day, to protect Americans. Much will depend on Senator Harry Reid of Nevada, the majority leader. He voted for a similar measure two years ago while running for reelection. Nevada law enforcement groups oppose the bill, and the state recently ended reciprocity for concealed-carry permits with Utah and Florida out of concern about the weak licensing rules in those states. For the safety of the people in Nevada and elsewhere, he needs to lead in the right direction this time.

I would also like to insert into the RECORD an article by Frank Bruni, entitled, "Have Glock, Will Travel."

[From the New York Times, Oct. 24, 2011]

HAVE GLOCK, WILL TRAVEL

(By Frank Bruni)

Between the struggle to fold a sport jacket so it doesn't wrinkle, the 45-minute wait on a security line if I'm flying, the price of gas if I'm driving and the worry either way that I left the coffee maker on, I thought I was pretty well versed in the inconveniences and stresses of domestic travel.

Hardly! Things could be much, much worse, namely if I were a gun owner with a

permit to carry a concealed firearm in my home state and an itch to do so in any other state I visited as well.

As matters now stand, I'd have to defer to the laws of those states, which vary widely. In some, my permit from back home would suffice, even if getting it required little more than proper adult identification, proof of residency and a smile. The smile might even have been negotiable. A scowl and a clean felony record and I was good to go.

Other states are sticklers, recognizing only their own concealed-carry permits and granting or withholding those based on such killjoy criteria as whether someone has a violent misdemeanor conviction, a history of alcohol abuse or any actual training in weapon safety. Some free country, ours.

Thank heaven for the National Rifle Association, its sights ever fixed on the forces that try to separate Americans from the deadly firearms they like to keep snug at their sides.

The N.R.A. is pushing a bill, the National Right-to-Carry Reciprocity Act of 2011, that would eliminate the gun-toting traveler's woes. Should it become law, any state that grants concealed-carry permits, no matter how strict the conditions, would be forced to honor a visitor's concealed-carry permit from another state, no matter how lax that state's standards.

Chris W. Cox, the N.R.A.'s chief lobbyist, recently wrote that the current situation "presents a nightmare for interstate travel, as many Americans are forced to check their Second Amendment rights, and their fundamental right to self-defense, at the state line."

Nightmare? I think that term better applies to the N.R.A., though it's not the first word that springs to mind when I mull its current effort.

Contradiction, hypocrisy: those words rush in ahead. The bill thus far has more than 200 Republican cosponsors in the House, many of them conservatives who otherwise complain about attempts by an overbearing federal government to trample on states' rights in the realms of health care, tort reform, education—you name it. But to promote concealed guns, they're encouraging big, bad Washington to trample to its heart's content.

Imagine how apoplectic they'd be if, on certain other matters, Washington forced their states to yield to others' values the way this bill, H.R. 822, would compel New York, Massachusetts and Connecticut to honor more permissive gun-control regulations from the South and West. As it happens these three Northeastern states all perform same-sex marriages, which more conservative states do not have to recognize.

It's not fair to talk only about Republicans. H.R. 822 has dozens of Democratic cosponsors as well, and when Democrats controlled Congress for the first two years of Barack Obama's presidency, they made no major progress on gun control. Reluctant to cross the N.R.A., they let it slide.

In 2009, when Harry Reid, the Democratic majority leader in the Senate, was about to enter a tough reelection battle in Nevada, he actually voted in favor of legislation highly similar to H.R. 822. It was defeated. That same year President Obama signed a law permitting concealed guns in national parks.

The story on the state level has been just as sad over the last few years. Wisconsin recently approved concealed-carry legislation, leaving Illinois the only state in which civilians can't carry concealed firearms. Several states have enacted laws spelling out that

concealed weapons can in many circumstances be carried into bars.

One was Tennessee, where a state lawmaker who sponsored the legislation, Curry Todd, sometimes carries a loaded .38-caliber gun. I know this because it was beside him when Nashville Cops pulled him over two weeks ago for drunken driving. They also charged him with carrying a firearm in public while intoxicated. At least that's still illegal.

New York, Connecticut, Massachusetts, New Jersey and several other states don't have reciprocity arrangements that allow someone like Todd to pay an armed courtesy call. That's because New York officials can deny concealed-carry permits on a case-by-case basis, whereas many other states—South Dakota, for example—don't put much stock in such scrutiny.

H.R. 822, now in the House Judiciary Committee, makes a mockery of our diverse values and strategies for public safety. If it were enacted, off to New York the South Dakotan tourist could go, 9-millimeter Glock in tow.

That's not liberty. More like lunacy.

I would also like to insert into the RECORD a letter to the leadership of this House signed by Martha Coakley, the attorney general of Massachusetts, opposing this legislation.

THE COMMONWEALTH OF MASSACHUSETTS,
OFFICE OF THE ATTORNEY
GENERAL,

Boston, MA, November 9, 2011.

Re H.R. 822, "National Right-to-Carry Reciprocity Act of 2011".

Hon. HARRY REID,
Senate Majority Leader, Hart Senate Office
Building, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Republican Leader, Russell Senate Office Building, Washington, DC.

Hon. JOHN BOEHNER,
Speaker of the House, The Capitol, Washington, DC.

Hon. NANCY PELOSI,
House Democratic Leader, The Capitol, Washington, DC.

DEAR HONORABLE CONGRESSIONAL LEADERS: As the chief law enforcement officer for the Commonwealth of Massachusetts, I am writing to express my strong opposition to H.R. 822, the "National Right-to-Carry Reciprocity Act of 2011," which would permit individuals who are authorized to carry concealed firearms in their state of residence to carry concealed handguns in other states, forcing states to recognize all other states' permits to carry concealed firearms. Any legislation that would override the concealed carry laws of nearly every state is an affront to states' individual law enforcement efforts and should not be passed into law.

A national concealed carry reciprocity law would force states to recognize every other state's permit to carry concealed, loaded firearms, creating a lowest common denominator approach to public safety that would undermine state and municipal authorities, endanger police officers and make it more difficult to prosecute gun traffickers. As you know, states issue permits to carry concealed firearms, and each state establishes its own criteria in deciding who may carry concealed firearms within its jurisdiction. Indeed, laws permitting individuals to carry concealed weapons vary from state-to-state. For example, some states require residents to complete training and meet other conditions before obtaining a permit, while others do not.

National concealed carry reciprocity could create serious and potentially life-threatening situations for police officers. During police traffic stops, it would be nearly impossible for officers to verify every other state's carry permits. In addition, this legislation would make it easier for gun traffickers to travel across state lines with concealed, loaded firearms, exposing police officers to unnecessary danger and making our communities less safe.

This dangerous initiative is opposed by a broad coalition of national law enforcement organizations, including the International Association of Chiefs of Police, the Major Cities Chiefs Association, and the Police Foundation; more than 600 members of Mayors Against Illegal Guns; various state law enforcement organizations; faith leaders; prosecutors, including the American Prosecutors Association and the American Bar Association; and the National Network to End Domestic Violence, representing 56 domestic violence prevention organizations nationwide—a similar coalition to the one that helped to defeat this legislation on the floor of the Senate in 2009.

Massachusetts has some of most stringent firearms safety protections in the nation. By allowing out-of-state permit holders to bring concealed, loaded firearms into our communities where they would not otherwise be allowed to carry, this legislation would greatly undermine public safety in our Commonwealth. A national concealed carry reciprocity amendment puts our citizens and police at risk and takes away the ability of state and local government to carefully craft laws that protect the public.

I urge Congress to defeat this dangerous initiative.

Cordially,

MARTHA COAKLEY,
Massachusetts Attorney General.

Madam Speaker, we just heard from the gentleman from Georgia that we should somehow be grateful that the Rules Committee majority threw some crumbs our way. But the fact is this is not an open rule. This is not an open process. And for a majority that came in saying that everything was going to be open, they have not kept their promise, and this is far from it. A lot of good amendments were not made in order. Members don't have the right to offer amendments here on the floor.

I urge my colleagues on both sides of the aisle, out of fairness, and especially my Republican friend, in keeping with your promise when you took the majority, please vote "no" on this rule.

I will also say, Madam Speaker, that I oppose this bill because it tramples on the rights of my State and it tramples on the rights of a number of States that have reasonable guidelines for who can carry a concealed weapon. And under this bill, those guidelines all go away, so the lowest common denominator carries the day. I don't think that's good for public safety. And if you care about States' rights, it's not goods for States' rights advocates either.

But I want to just spend my final moments just reminding my colleagues that we have an economic crisis before us. There are 14 million Americans without jobs. There are millions more who are underemployed.

We just came back from another congressional break. I don't know where you went on your congressional break, but if you went back to your district, I find it hard to believe that the most pressing issue that faces your constituency is trying to figure out a way to make it easier to carry concealed weapons from State to State to State. I just don't believe that that's what people are talking about, certainly not people in my congressional district. My people are talking about jobs.

When I'm at the airport, people are talking to me about jobs. That's what they want us to focus on, not on reaffirming the national motto of the United States as "In God We Trust." I mean, we wasted a day on that. It didn't need reaffirming. There it is right up there in gold lettering above where the Speaker sits. It's on the back of the dollar bill. Why did we have to spend time debating that?

And today we're not talking about jobs; we're talking about a gun bill? Now, I know that the special interest lobbyist, the National Rifle Association, they like this and they want us to move forward on this. But put the special interests aside for a second and put your constituents first.

What do our constituents want us to do? They want us to fix this economy. We should be debating some of the components of the President's jobs bill or a jobs bill of your own. But we should be talking about how to put people back to work, not spending time here talking about how to make it easier to carry a concealed weapon from State to State to State. This is nuts that we're spending and wasting this time on this issue.

Madam Speaker, the gentleman from Georgia said a majority of Members favor this bill; therefore, we should bring it to the floor. Well, you know what? A majority of Members of this Chamber also support a bill to hold China accountable for the fact that China manipulates its currency and, as a result of that, if we actually held them accountable, we could actually create an estimated 1 million to 1.5 million jobs in America. A majority of Members of this House on both sides of the aisle support that, yet we can't get that to the floor. That will help create some jobs. I mean, there's bipartisan support for that. There's bipartisan support for the components of the President's jobs bill, yet you will not bring it to the floor. Instead, we're dealing with this stuff.

Again, this may be good for pleasing the special interests, but it is not what we should be doing in this Chamber. What's good for this country is to focus on the economy. What's good for this country is to focus on jobs.

I would say to my Republican friends, your indifference on the issue of jobs is shameful, is absolutely shameful. There are millions of Ameri-

cans out of work, millions underemployed, people worried about whether they can pay their mortgages, pay their heating bills, pay their prescription drug bills, whether they can afford to send their kids to college, and this is what we're spending our time on? Give me a break.

We need to refocus in this Congress. We need to get our priorities straight.

I'm going to tell you, at the top of the list is not reaffirming the motto of this country. It's not abortion bills or gun bills. What's at the top of the list is jobs. Let's put America back to work.

I urge my colleagues to vote "no" on this restrictive rule and vote "no" on the underlying bill, and let's bring a jobs bill to this floor.

I yield back the balance of my time.

Mr. NUGENT. Madam Speaker, I am always amazed at what goes on in these Chambers. We hear from the other side of the aisle about talking about jobs, even though this House has passed 20—20, count them—jobs bills. If you don't believe it, read it.

We talk about issues about "In God We Trust." I think it is something that we should affirm here in America, about our belief in God.

I believe that the Second Amendment is not a special interest group. I believe the Second Amendment needs to be protected at all costs. You've heard some in this House that would take away our right to even carry or possess a firearm.

Madam Speaker, in 40 years in law enforcement, it wasn't just guns that killed people; it was every object imaginable, from fists to feet to pipes to kitchen knives and baseball bats.

Madam Speaker, this is about the ability for those that have a legitimate carry permit to go across the State line and not be subject to arrest, someone who makes an honest mistake by going across the State line that doesn't have a reciprocity agreement with their current State and they have a carry permit.

Madam Speaker, this is more about what's right with America in regards to upholding our Second Amendment, our constitutional right. And so those that are in favor of doing away with all types of guns, I guess, it smacks that they disagree with our Founding Fathers and our Second Amendment right.

Madam Speaker, I support this rule and encourage my colleagues to support it as well. H.R. 822 protects the rights of legal gun owners throughout the United States.

I've heard this debate this afternoon about the dangers of gun crime. I completely agree. Guns are dangerous tools that need to be treated with respect. Guns can be used by people to kill other people. However, what I saw in those 40 years as a cop is we need to talk about these in broader terms.

What we really need to do is talk about the difference between legal and illegal guns.

Most people who use a gun to kill a human being are not just using a gun they obtained legally, that they are licensed legally, that they got a legal concealed-carry permit for. When you look at the numbers of CCW permit holders that have actually violated the law, at least in the State of Florida, it's .001 percent.

There are people that are criminals, and they're criminals simply for having a firearm. Even in the State of Florida, a felon can't possess a firearm. The discussion of what to do with these folks and how to keep them from illegally possessing a firearm is another debate at another time.

Today we're talking about one thing. We're talking about legal gun owners to legally travel from one State to another that have a concealed weapons permit. I support that effort, and that's why I'm a proud cosponsor—and stand here today—of H.R. 822 and as the sponsor of this rule, H. Res. 463.

I encourage my colleagues on both sides of the aisle to support this strongly—I underline “strongly”—bipartisan legislation.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1330

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 2838 in the Committee of the Whole pursuant to House Resolution 455, the amendment by Mr. YOUNG of Alaska now at the desk be considered as though printed as the last amendment printed in the House Report 112-267 and be debatable for 10 minutes.

The SPEAKER pro tempore (Mr. WOODALL). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Alaska:

Page 56, after line 3, insert the following (and conform the table of contents accordingly):

SEC. 612. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall convey, without consider-

ation, all right, title, and interest of the United States in and to the decommissioned Coast Guard Cutter STORIS (in this section referred to as the “vessel”) to the Storis Museum, a nonprofit entity of Juneau, Alaska, if the Storis Museum agrees—

(1) to use the vessel as a historic memorial, make the vessel available to the public as a museum, and work cooperatively with other museums to provide education on and memorialize the maritime heritage of the vessel and other maritime activities in Alaska, the Pacific Northwest, the Arctic Ocean, and adjacent oceans and seas;

(2) not to use the vessel for commercial transportation purposes;

(3) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency or based on the critical needs of the Coast Guard;

(4) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), except for claims arising from the use of the vessel by the Government;

(5) to bear all costs of transportation and delivery of the vessel;

(6) to bear all costs of vessel disposal in accordance with Federal law when the vessel is no longer used as a museum; and

(7) to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of the vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a public museum and historical display.

Mr. LOBIONDO (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2838.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 455 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2838.

□ 1334

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the further consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. Pursuant to the order of the House of today, an additional amendment has been made in order.

When the Committee of the Whole rose on Friday, November 4, 2011, amendment No. 8 printed in House Report 112-267 offered by the gentleman from New York (Ms. SLAUGHTER) had been disposed of.

AMENDMENT NO. 13 OFFERED BY MR. LANDRY

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112-267.

Mr. LANDRY. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV of the committee print, insert the following:

SEC. 409. ABILITY FOR U.S.-FLAGGED OFFSHORE SUPPLY VESSELS TO WORK IN OTHER COUNTRIES.

Any offshore supply vessel that is in compliance with the damage stability requirements of section 1.1.4 of the Guidance on Implementation of IMO Resolution A.673(16) for U.S. Offshore Supply Vessels may carry unlimited amounts of Grade D and E cargoes in addition to the unlimited amounts of drilling fluids outlined in such section 1.1.4 when such vessel is operating seaward of the United States boundary line.

The Acting CHAIR. Pursuant to House Resolution 455, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Thank you, Madam Chairman.

My amendment is simple. It says that if another country is fine with having an offshore supply vessel carry a certain cargo in that country's water, then Coast Guard cannot object to it.

I bring this amendment because a company in my district is trying to get a vessel certified to operate in Mexico trying to preserve American jobs. Mexico has okayed the vessel and the AVS has said it has no objection. The only holdup is the Coast Guard. As a result, the company in my district currently has my vessel sitting at the dock and workers sitting at home and capital tied up fighting the regulation.

Again, my amendment is simple. It allows an offshore supply vessel to carry as much oil as it does drilling fluids when that vessel is operating outside of U.S. waters if that vessel is in compliance with the international safety standards for that class vessel.

This is a commonsense change. Drilling fluids have the same flash point as

oil, as such, an equal risk. Thus, there should be a uniform standard for how much of that type of cargo the vessel can carry outside of U.S. waters.

Unfortunately, I don't believe that Congress needs to act on this matter. I believe that the Coast Guard can easily make the necessary changes by simply adopting commonsense language and listening to the host country.

For this reason, I would offer to withdraw my amendment if the chairman will promise to help me work with the Coast Guard to get this commonsense approach made and American workers back at work.

I yield to the chairman.

Mr. LoBIONDO. I thank the gentleman from coastal Louisiana.

As we discussed previously, we will be very happy to work with the gentleman to see if we can't figure out a way to do this, and I thank him for his cooperative efforts.

Mr. LANDRY. Madam Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 15 OFFERED BY MR. PIERLUISI

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112-267.

Mr. PIERLUISI. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 56, after line 3, insert the following new section:

SEC. 612. TRANSPORTATION OF PASSENGERS BETWEEN PORTS IN PUERTO RICO.

Notwithstanding chapter 551 of title 46, United States Code, a vessel of 100 gross tons or more not qualified to engage in the coastwise trade may transport passengers between ports in Puerto Rico.

The Acting CHAIR. Pursuant to House Resolution 455, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding, and I would like to yield to the gentleman from Texas for the purpose of entering into a colloquy.

Mr. OLSON. I thank the gentleman for yielding.

Chairman MICA, H.R. 2838 requires standby vessels near oil rigs. Subsequent to Deepwater Horizon, five major ports have made numerous recommendations for improvements in oil spill prevention and response.

□ 1340

Do you agree that it would be preferable to review these recommendations and then make comprehensive de-

cisions on prevention and response improvements rather than to act on a single, limited, expensive response strategy—standby vessels?

Mr. MICA. I agree with the gentleman from Texas.

Mr. OLSON. Will the chairman work with me as the process moves forward to look for oil spill prevention and response strategies that are more effective and less expensive than standby vessels?

Mr. MICA. I understand the gentleman's concern. We will work with him.

Mr. PIERLUISI. Madam Chair, I yield myself such time as I may consume.

My amendment will make a narrow and carefully targeted modification to the Passenger Vessel Services Act of 1886 as it applies to Puerto Rico. This amendment would authorize foreign-flagged vessels—in particular, large yachts and recreational vessels—to transport tourists and other paying passengers between ports within Puerto Rico.

My amendment would remove an outdated obstacle that makes it impossible for the United States to compete with foreign jurisdictions in the Caribbean region when it comes to attracting investment in nautical tourism. Puerto Rico has the highest unemployment rate in the U.S., and increased nautical tourism has the potential to create new American jobs and spur economic growth.

Current Federal law already allows foreign-flagged vessels to transport tourists and other paying customers from a port in Puerto Rico to any port in the Caribbean region outside of Puerto Rico, including to ports in the neighboring U.S. Virgin Islands, where the act does not apply at all. Yet, contrary to common sense, these very same vessels cannot be used to transport tourists and other paying passengers between Puerto Rico's own ports.

For example, individuals and businesses cannot charter larger, foreign-flagged yachts or recreational vessels for tourists and other customers who would like to sail between Puerto Rico's various marinas. My amendment would allow this to happen.

Madam Chair, the status quo simply defies common sense. Puerto Rico consists of multiple islands and is home to 3.7 million American citizens. It has over 700 miles of coastline and over 150 beaches. It is located in the heart of the Caribbean Sea, often recognized as the yachting capital of the world. It is surrounded by island nations like the Dominican Republic, Aruba, and the British Virgin Islands, all of which have established thriving nautical tourism industries. Yet the United States in general, and Puerto Rico in particular, have been unable to participate in this growing market.

According to the U.S. Coast Guard, there are a mere 30 or so recreational

vessels now operating in the Caribbean that, under current law, are authorized to transport tourists and other paying customers between Puerto Rico ports. Nothing could better illustrate how the U.S. jurisdiction of Puerto Rico is being disadvantaged by present law.

As noted, the purpose of my amendment is simple and straightforward. Puerto Rico faces many economic challenges. The territory's current unemployment rate exceeds 15 percent. While the increased nautical tourism that my amendment would allow will not alone solve these problems, it does have the potential to make a meaningful difference for the communities and constituencies I represent.

I hope my colleagues on both sides of the aisle will support this narrow amendment, which simply enables the United States to compete with foreign jurisdictions in the Caribbean's growing nautical tourism market.

I reserve the balance of my time.

Mr. LARSEN of Washington. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. LARSEN of Washington. I reluctantly rise to object to the amendment offered by the gentleman from Puerto Rico, which would undermine the Jones Act.

The amendment would allow foreign-flagged, foreign-built, foreign-owned, and foreign-manned vessels over 100 gross tons to carry passengers within Puerto Rico. As such, this waiver would disadvantage U.S. maritime operators and U.S. seafarers who might otherwise provide such services. In its present form, we cannot support the amendment.

I commend the gentleman from Puerto Rico for his sincere efforts to expand maritime commerce in Puerto Rico, but I cannot support the amendment he has offered today.

With that, I reserve the balance of my time.

The Acting CHAIR. The gentleman from Puerto Rico has 1 minute remaining, and the gentleman from Washington has 4½ minutes remaining.

The gentleman from Washington has the right to close.

Mr. PIERLUISI. In closing, Madam Chair, I hear that there is some opposition, but what frustrates me is that there are no specifics. I haven't yet heard a specific way in which my proposed amendment would harm any U.S.-flagged vessel or industry.

Indeed, the groups that are supposedly opposing have not been able to articulate any specific amendment that I could make to my bill to take care of their concerns. Rather, their concerns appear to be more of a generalized and of a vague quality, namely that they are concerned that allowing any modification or revision to the Passenger Vessel Services Act will eventually lead to other requests for modifications down the line.

I believe we have to be balanced. Puerto Rico has been economically going through a recession now for 5 years in a row, and this could make a difference. Helping Puerto Rico helps the U.S. We are talking, after all, about an American territory, about American jobs, and about the nautical tourism industry in Puerto Rico and the U.S.

I urge my colleagues to support my amendment.

I yield back the balance of my time.

Mr. LARSEN of Washington. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Puerto Rico (Mr. PIERLUISI).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. LARSEN of Washington. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Puerto Rico will be postponed.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

The Acting CHAIR. Pursuant to the order of the House of today, it is now in order to consider the amendment by Mr. YOUNG of Alaska.

Mr. YOUNG of Alaska. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 56, after line 3, insert the following (and conform the table of contents accordingly):

SEC. 612. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to the decommissioned Coast Guard Cutter STORIS (in this section referred to as the “vessel”) to the Storis Museum, a nonprofit entity of Juneau, Alaska, if the Storis Museum agrees—

(1) to use the vessel as a historic memorial, make the vessel available to the public as a museum, and work cooperatively with other museums to provide education on and memorialize the maritime heritage of the vessel and other maritime activities in Alaska, the Pacific Northwest, the Arctic Ocean, and adjacent oceans and seas;

(2) not to use the vessel for commercial transportation purposes;

(3) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency or based on the critical needs of the Coast Guard;

(4) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), except for claims arising from the use of the vessel by the Government;

(5) to bear all costs of transportation and delivery of the vessel;

(6) to bear all costs of vessel disposal in accordance with Federal law when the vessel is no longer used as a museum; and

(7) to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of the vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a public museum and historical display.

The Acting CHAIR. Pursuant to House Resolution 455 and the order of the House of today, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Madam Chairman, this is well explained in the unanimous consent by the gentleman from New Jersey.

I just urge the passage of the conveyance of the decommissioned Coast Guard Cutter STORIS to the nonprofit organization in Juneau, Alaska, for use as an historic memorial.

I reserve the balance of my time.

Mr. LARSEN of Washington. Madam Chair, I claim the time in opposition, but I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. LARSEN of Washington. I encourage my colleagues to support the Young amendment, and I yield back the balance of my time.

Mr. YOUNG of Alaska. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. PIERLUISI

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the request for a recorded vote on amendment No. 15 printed in House Report 112-267 by the gentleman from Puerto Rico (Mr. PIERLUISI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 322, noes 100, not voting 11, as follows:

Ackerman	Gallegly	McKinley
Adams	Garrett	McMorris
Aderholt	Gerlach	Rodgers
Akin	Gibbs	Meeks
Alexander	Gibson	Mica
Amodei	Gingrey (GA)	Miller (FL)
Andrews	Gohmert	Miller (NC)
Austria	Gonzalez	Miller, Gary
Baca	Goodlatte	Moran
Bachus	Gosar	Mulvaney
Barletta	Gowdy	Murphy (PA)
Barrow	Granger	Myrick
Bartlett	Graves (GA)	Napolitano
Barton (TX)	Graves (MO)	Neal
Bass (CA)	Green, Al	Neugebauer
Bass (NH)	Griffin (AR)	Noem
Becerra	Griffith (VA)	Nugent
Benishek	Grijalva	Nunes
Berg	Grimm	Nunnelee
Berkley	Guinta	Olson
Biggert	Guthrie	Olver
Bilbray	Gutierrez	Palazzo
Bilirakis	Hall	Pascarell
Blackburn	Hanna	Paul
Bonner	Harper	Paulsen
Bono Mack	Harris	Pearce
Boren	Hartzler	Pelosi
Boswell	Hastings (FL)	Pence
Braley (IA)	Hayworth	Perlmutter
Brooks	Heck	Peters
Brown (FL)	Heinrich	Petri
Buchanan	Hensarling	Pingree (ME)
Bucshon	Herger	Pitts
Buerkle	Himes	Platts
Burgess	Hinchee	Poe (TX)
Burton (IN)	Hinojosa	Polis
Butterfield	Holt	Pompeo
Calvert	Hoyer	Posey
Camp	Huelskamp	Price (GA)
Canseco	Huizenga (MI)	Price (NC)
Cantor	Hultgren	Quayle
Capito	Hurt	Quigley
Capps	Israel	Rangel
Capuano	Issa	Reed
Carney	Jackson (IL)	Rehberg
Carson (IN)	Jackson Lee	Reichert
Carter	(TX)	Renacci
Castor	Jenkins	Reyes
Chabot	Johnson (IL)	Ribble
Chu	Johnson (OH)	Richardson
Ciциlline	Johnson, E. B.	Richmond
Clarke (MI)	Johnson, Sam	Rigell
Clarke (NY)	Jones	Rivera
Clyburn	Jordan	Roby
Coble	Kaptur	Roe (TN)
Coffman (CO)	Keating	Rogers (AL)
Cohen	Kelly	Rogers (KY)
Cole	Kildee	Rogers (MI)
Conaway	King (IA)	Rohrabacher
Conyers	Kissell	Rokita
Cooper	Kline	Rooney
Crawford	Kucinich	Ros-Lehtinen
Crenshaw	Labrador	Roskam
Crowley	Lamborn	Ross (AR)
Cuellar	Lance	Ross (FL)
Culberson	Landry	Rothman (NJ)
Davis (CA)	Lankford	Royce
Davis (IL)	Latta	Ruppersberger
Davis (KY)	Levin	Rush
Denham	Lewis (CA)	Ryan (OH)
Dent	Loeb sack	Ryan (WI)
DesJarlais	Loftgren, Zoe	Sánchez, Linda
Deutch	Long	T.
Dingell	Lowey	Sanchez, Loretta
Dold	Lucas	Schakowsky
Dreier	Luetkemeyer	Schiff
Duffy	Luján	Schmidt
Duncan (SC)	Lummis	Schock
Ellison	Lungren, Daniel	Schrader
Ellmers	E.	Schwartz
Engel	Maloney	Schweikert
Eshoo	Manzullo	Scott (SC)
Farenthold	Marchant	Scott, Austin
Fitzpatrick	Marino	Scott, David
Flake	Markey	Sensenbrenner
Flores	Matheson	Serrano
Forbes	McCarthy (CA)	Sessions
Fortenberry	McCauley	Sewell
Fox	McClintock	Shuler
Frank (MA)	McGovern	Shuster
Franks (AZ)	McHenry	Simpson
Frelinghuysen	McIntyre	Sires
Fudge	McKeon	Slaughter

[Roll No. 840]

AYES—322

Smith (NE)	Tonko	Watt
Smith (NJ)	Towns	Webster
Smith (TX)	Tsongas	Welch
Smith (WA)	Turner (NY)	West
Southerland	Turner (OH)	Westmoreland
Stark	Upton	Whitfield
Stearns	Van Hollen	Wilson (FL)
Stivers	Velázquez	Wilson (SC)
Stutzman	Visclosky	Wittman
Sullivan	Walberg	Wolf
Terry	Walden	Womack
Thompson (MS)	Walsh (IL)	Woodall
Thompson (PA)	Walz (MN)	Yarmuth
Thornberry	Wasserman	Yoder
Tiberi	Schultz	Young (FL)
Tipton	Waters	Young (IN)

NOES—100

Altmire	Farr	Matsui
Amash	Fattah	McCarthy (NY)
Baldwin	Filner	McCollum
Berman	Fincher	McCotter
Bishop (GA)	Fleischmann	McDermott
Bishop (NY)	Fleming	McNerney
Black	Garamendi	Meehan
Blumenauer	Green, Gene	Michaud
Boustany	Hahn	Miller (MI)
Brady (PA)	Hanabusa	Miller, George
Broun (GA)	Hastings (WA)	Moore
Campbell	Herrera Beutler	Nadler
Cardoza	Higgins	Owens
Cassidy	Hirono	Pallone
Chaffetz	Hochul	Pastor (AZ)
Chandler	Holden	Peterson
Clay	Honda	Rahall
Cleaver	Hunter	Roybal-Allard
Connolly (VA)	Inslee	Runyan
Costa	Johnson (GA)	Sarbanes
Courtney	Kind	Scalise
Cravaack	King (NY)	Schilling
Critz	Kingston	Scott (VA)
Cummings	Langevin	Sherman
DeFazio	Larsen (WA)	Shimkus
DeGette	Larson (CT)	Speier
DeLauro	Latham	Sutton
Dicks	LaTourette	Thompson (CA)
Doggett	Lee (CA)	Tierney
Donnelly (IN)	Lewis (GA)	Waxman
Doyle	Lipinski	Woolsey
Duncan (TN)	LoBiondo	Young (AK)
Edwards	Lynch	
Emerson	Mack	

NOT VOTING—11

Bachmann	Costello	Kinzinger (IL)
Bishop (UT)	Diaz-Balart	Murphy (CT)
Brady (TX)	Gardner	Payne
Carnahan	Giffords	

□ 1417

Mr. DUNCAN of Tennessee, Ms. WOOLSEY, Ms. MCCOLLUM, Messrs. CUMMINGS, LATOURETTE, Ms. DEGETTE, Messrs. PASTOR of Arizona, CONNOLLY of Virginia, LYNCH, Ms. SPEIER, Ms. EDWARDS, Mr. SCOTT of Virginia, Ms. BALDWIN, Messrs. LEWIS of Georgia, MCNERNEY, Ms. HIRONO, Mr. FLEMING, Ms. MATSUI, Mr. BLUMENAUER, Ms. HERRERA BEUTLER, Messrs. FATTAH, KING of New York, SARBANES, LANGEVIN, and LARSON of Connecticut changed their vote from “aye” to “no.”

Ms. BUERKLE, Messrs. NEUGEBAUER, MCHENRY, Ms. JENKINS, Messrs. PEARCE, CRENSHAW, SCHWEIKERT, GARRETT, Mrs. BLACKBURN, Ms. HAYWORTH, Mrs. CAPPS, and Mr. BUCSHON changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. CICILLINE. Mr. Chair, during rollcall vote No. 840 on H.R. 2838, I mistakenly re-

corded my vote as “aye” when I should have voted “no.”

Mr. SMITH of Washington. Mr. Chair, today I recorded an erroneous vote on agreeing to Mr. PIERLUISI's amendment to H.R. 2838. I intended to vote “no” on rollcall vote No. 840, on agreeing to Mr. PIERLUISI's amendment to H.R. 2838.

The Acting CHAIR (Mr. POE of Texas). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mr. POE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, and, pursuant to House Resolution 455, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LARSEN of Washington. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LARSEN of Washington. Mr. Speaker, I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Larsen of Washington moves to recommit the bill H.R. 2838 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

TITLE VIII—PROHIBITION ON CONTRACTOR FRAUD, WASTE, AND ABUSE
SEC. 801. PROHIBITION ON CONTRACTOR FRAUD, WASTE, AND ABUSE.

(a) PROHIBITION.—The Secretary of the department in which the Coast Guard is operating and the Secretary of the Army, acting through the Chief of Engineers, are each prohibited from awarding a contract or issuing

a delivery order or task order to a person that the Secretary finds has been convicted of—

(1) fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a contract or subcontract with the Federal Government; or

(2) embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property.

(b) PERIOD OF DEBARMENT.—If a Secretary referred to in subsection (a) finds that a person has been convicted of a violation described in subsection (a), the person shall be barred from being awarded a contract or being issued a delivery order or task order from the Secretary for the 10-year period beginning on the date of the conviction.

(c) WAIVER AUTHORITY.—A Secretary referred to in subsection (a) may waive the application of subsection (a) in a specific instance if the Secretary determines that the waiver is necessary in the national security interests of the United States.

□ 1420

Mr. LARSEN of Washington (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Washington is recognized for 5 minutes.

Mr. LARSEN of Washington. Mr. Speaker, this final amendment prohibits the U.S. Coast Guard and U.S. Army Corps of Engineers from awarding contracts to felons convicted of contract fraud, waste and abuse.

It was just 1 month ago, Mr. Speaker, that a Federal magistrate judge indicted four individuals on an alleged bribery and kickback scheme regarding U.S. Army Corps of Engineers' contracts that defrauded U.S. taxpayers of a minimum of \$20 million; taxpayer dollars wasted on BMWs, Rolaxes, flat-screen televisions, first-class airline tickets, investment properties across the globe, and the list goes on. In exchange for these kickbacks, the contractors were guaranteed millions in sole-sourced, open-ended contracts with a total award potential of more than \$1.7 billion—that's billion with a “B.” They were sailing high on taxpayer dollars while other Americans were struggling to stay afloat.

When they were arrested, the co-conspirators had their sights set on a \$780 million Corps of Engineers' contract. Fortunately, they were apprehended before this very large contract was awarded.

Similarly, in August of this year, a Federal court grand jury in Norfolk, Virginia indicted four coconspirators of multiple alleged criminal charges, including conspiracy, theft of public

money, wire fraud, illegal gratuities, false statements and money laundering in connection with a kickback scheme involving Coast Guard vessel repair contracts.

Mr. Speaker, this August 2011 kickback scheme is particularly striking because of the Coast Guard's spectacular contract failures in recent history under the Deepwater program. We all may recall that under Deepwater, the Coast Guard's most infamous failure was the effort to lengthen the Coast Guard's existing 110-foot patrol boats to 123 feet and install new, upgraded information technology equipment. After eight boats were delivered, the Coast Guard determined that the lengthened hulls cracked and were unsafe.

We simply cannot afford to allow one more dollar of our limited Federal resources—of the taxpayers' limited resources—to be wasted. We can help root out these crony kickbacks with this final and straightforward amendment. This is a plain and simple vote to eliminate fraud, waste and abuse.

When you hear about contractors who engage in the largest corruption scheme in modern history, like those in the Army Corps, it's clear they need to be put in the penalty box. This final amendment simply says that contractors who rip off taxpayers can't get more contracts. Specifically, it prohibits the Coast Guard and the Corps of Engineers from awarding a contract to a contractor convicted of fraud or a criminal offense related to obtaining a contract or subcontract with the Federal Government.

It also prohibits a contract for a contractor convicted of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property from participating.

This final amendment ensures that felons convicted of criminal offenses related to receiving government contracts and abusing the public trust will no longer stand to benefit from future Federal contracts for at least 10 years. This amendment will not kill the bill. It will simply immediately add this taxpayer safeguard, and then the House will vote on final passage of the bill right here and right now.

So I urge my colleagues on both sides of the aisle to join me in supporting this final amendment, which will ensure that we bust waste, fraud, and abuse and throw those kickback cronies into the penalty box.

With that, I yield back the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I withdraw the point of order and claim the time in opposition.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. Mr. Speaker, we've had a very bipartisan effort in coming

to this point on this Coast Guard legislation in our subcommittee and in our full committee. And I must say I'm disappointed that, with all the cooperation and back and forth that we've had, this is an issue that's never been raised. But not withstanding that, bribery and kickbacks are illegal under any circumstances. This is redundant. It's already illegal to do these things.

I urge everyone to vote "no" on the motion to recommit and "yes" on final passage.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LARSEN of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 2838, if ordered, and adoption of House Resolution 463.

The vote was taken by electronic device, and there were—yeas 189, nays 235, not voting 9, as follows:

[Roll No. 841]

YEAS—189

Ackerman	Davis (CA)	Johnson (GA)
Altmire	Davis (IL)	Johnson, E. B.
Andrews	DeFazio	Jones
Baca	DeGette	Kaptur
Baldwin	DeLauro	Keating
Barrow	Deutch	Kildee
Bass (CA)	Dicks	Kind
Becerra	Dingell	Kissell
Berkley	Doggett	Kucinich
Berman	Donnelly (IN)	Langevin
Bishop (GA)	Doyle	Larsen (WA)
Bishop (NY)	Edwards	Larson (CT)
Blumenauer	Ellison	Lee (CA)
Boren	Engel	Levin
Boswell	Eshoo	Lewis (GA)
Brady (PA)	Farr	Lipinski
Braley (IA)	Fattah	Loeb sack
Brown (FL)	Filner	Lofgren, Zoe
Butterfield	Frank (MA)	Lowey
Capps	Fudge	Lujan
Capuano	Garamendi	Lynch
Cardoza	Gonzalez	Maloney
Carnahan	Green, Al	Markey
Carney	Green, Gene	Matheson
Carson (IN)	Grijalva	Matsui
Castor (FL)	Gutierrez	McCarthy (NY)
Chandler	Hahn	McCollum
Chu	Hanabusa	McDermott
Ciilline	Hastings (FL)	McGovern
Clarke (MI)	Heinrich	McIntyre
Clarke (NY)	Higgins	McNerney
Clay	Himes	Meeks
Cleaver	Hinche	Michaud
Clyburn	Hinojosa	Miller (NC)
Cohen	Hirono	Miller, George
Connolly (VA)	Hochul	Moore
Conyers	Holden	Moran
Cooper	Holt	Nadler
Costa	Honda	Napolitano
Costello	Hoyer	Neal
Courtney	Inslee	Olver
Critz	Israel	Owens
Crowley	Jackson (IL)	Pallone
Cuellar	Jackson Lee	Pascarell
Cummings	(TX)	Pastor (AZ)

Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.

Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)

NAYS—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggart
Billbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett

Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)

Turner (OH)	West	Womack
Upton	Westmoreland	Woodall
Walberg	Whitfield	Yoder
Walden	Wilson (SC)	Young (AK)
Walsh (IL)	Wittman	Young (FL)
Webster	Wolf	Young (IN)

NOT VOTING—9

Bachmann	Gardner	Murphy (CT)
Brady (TX)	Giffords	Payne
Diaz-Balart	Kinzinger (IL)	Peterson

□ 1444

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 822, NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 463) providing for consideration of the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 271, nays 153, not voting 9, as follows:

[Roll No. 842]

YEAS—271

Adams	Camp	Ellmers
Aderholt	Campbell	Emerson
Akin	Canseco	Farenthold
Alexander	Cantor	Fincher
Altmire	Capito	Fitzpatrick
Amash	Cardoza	Flake
Amodei	Carter	Fleischmann
Austria	Cassidy	Fleming
Baca	Chabot	Flores
Bachus	Chaffetz	Forbes
Barletta	Chandler	Portenberry
Barrow	Coble	Foxx
Bartlett	Coffman (CO)	Franks (AZ)
Barton (TX)	Cole	Frelinghuysen
Bass (NH)	Conaway	Galleghy
Benishek	Cooper	Garrett
Berg	Costa	Gerlach
Biggert	Costello	Gibbs
Bilbray	Courtney	Gibson
Bilirakis	Cravaack	Gingrey (GA)
Bishop (GA)	Crawford	Gohmert
Bishop (UT)	Crenshaw	Goodlatte
Black	Critz	Gosar
Blackburn	Cuellar	Gowdy
Bonner	Culberson	Granger
Bono Mack	Davis (KY)	Graves (GA)
Boren	DeFazio	Graves (MO)
Boswell	Denham	Green, Gene
Boustany	Dent	Griffin (AR)
Brooks	DesJarlais	Griffith (VA)
Broun (GA)	Dingell	Grimm
Buchanan	Dold	Guinta
Bucshon	Donnelly (IN)	Guthrie
Buerkle	Dreier	Hall
Burgess	Duffy	Hanna
Burton (IN)	Duncan (SC)	Harper
Calvert	Duncan (TN)	Harris

Hartzler	McCotter	Roskam
Hastings (WA)	McHenry	Ross (AR)
Hayworth	McIntyre	Ross (FL)
Heck	McKeon	Royce
Heinrich	McKinley	Runyan
Hensarling	McMorris	Ryan (OH)
Hерger	Rodgers	Ryan (WI)
Herrera Beutler	Meehan	Scalise
Higgins	Mica	Schilling
Hochul	Michaud	Schmidt
Holden	Miller (FL)	Schock
Huelskamp	Miller (MI)	Schrader
Huizenga (MI)	Miller, Gary	Schweikert
Hultgren	Mulvaney	Scott (SC)
Hunter	Murphy (PA)	Scott, Austin
Hurt	Myrick	Scott, David
Issa	Neugebauer	Sensenbrenner
Jenkins	Noem	Sessions
Johnson (IL)	Nugent	Shimkus
Johnson (OH)	Nunes	Shuler
Johnson, Sam	Nunnelee	Shuster
Jones	Olson	Simpson
Jordan	Owens	Smith (NE)
Kelly	Palazzo	Smith (NJ)
Kind	Paul	Smith (TX)
King (IA)	Paulsen	Southerland
King (NY)	Pearce	Stearns
Kingston	Pence	Stivers
Kissell	Petri	Stutzman
Kline	Pitts	Sullivan
Labrador	Platts	Terry
Lamborn	Poe (TX)	Thompson (PA)
Lance	Pompeo	Thornberry
Landry	Posey	Tiberi
Lankford	Price (GA)	Tipton
Latham	Quayle	Turner (NY)
LaTourette	Rahall	Turner (OH)
Latta	Reed	Upton
Lewis (CA)	Rehberg	Walberg
LoBiondo	Reichert	Walden
Long	Renacci	Walsh (IL)
Lucas	Ribble	Webster
Luetkemeyer	Richardson	West
Lummis	Rigell	Westmoreland
Lungren, Daniel	Rivera	Whitfield
E.	Roby	Wilson (SC)
Mack	Roe (TN)	Wittman
Manzullo	Rogers (AL)	Wolf
Marchant	Rogers (KY)	Womack
Marino	Rogers (MI)	Woodall
Matheson	Rohrabacher	Yoder
McCarthy (CA)	Rokita	Young (AK)
McCauley	Rooney	Young (FL)
McClintock	Ros-Lehtinen	Young (IN)

NAYS—153

Ackerman	Edwards	Levin
Andrews	Ellison	Lewis (GA)
Baldwin	Engel	Lipinski
Bass (CA)	Eshoo	Loebach
Becerra	Farr	Lofgren, Zoe
Berkley	Fattah	Lowey
Berman	Filner	Lujan
Bishop (NY)	Frank (MA)	Lynch
Blumenauer	Fudge	Maloney
Brady (PA)	Garamendi	Markey
Braley (IA)	Gonzalez	Matsui
Brown (FL)	Green, Al	McCarthy (NY)
Butterfield	Grijalva	McCollum
Capps	Gutierrez	McDermott
Capuano	Hahn	McGovern
Carnahan	Hanabusa	McNerney
Carney	Hastings (FL)	Meeks
Carson (IN)	Himes	Miller (NC)
Castor (FL)	Hinchey	Miller, George
Chu	Hinojosa	Moore
Cicilline	Hirono	Moran
Clarke (MI)	Holt	Nadler
Clarke (NY)	Honda	Napolitano
Clay	Hoyer	Neal
Cleaver	Inslee	Olver
Clyburn	Israel	Pallone
Cohen	Jackson (IL)	Pascarell
Connolly (VA)	Jackson Lee	Pastor (AZ)
Conyers	(TX)	Pelosi
Crowley	Johnson (GA)	Perlmutter
Cummings	Johnson, E. B.	Peters
Davis (CA)	Kaptur	Peterson
Davis (IL)	Keating	Pingree (ME)
DeGette	Kildee	Polis
DeLauro	Kucinich	Price (NC)
Deutch	Langevin	Quigley
Dicks	Larsen (WA)	Rangel
Doggett	Larson (CT)	Reyes
Doyle	Lee (CA)	Richmond

Rothman (NJ)	Sewell	Tsongas
Roybal-Allard	Sherman	Velázquez
Ruppersberger	Sires	Visclosky
Rush	Slaughter	Walz (MN)
Sánchez, Linda	Smith (WA)	Wasserman
T.	Speier	Schultz
Sanchez, Loretta	Stark	Waters
Sarbanes	Sutton	Watt
Schakowsky	Thompson (CA)	Waxman
Schiff	Thompson (MS)	Welch
Schwartz	Tierney	Wilson (FL)
Scott (VA)	Tonko	Woolsey
Serrano	Towns	Yarmuth

NOT VOTING—9

Bachmann	Gardner	Murphy (CT)
Brady (TX)	Giffords	Payne
Diaz-Balart	Kinzinger (IL)	Van Hollen

□ 1455

Messrs. CUMMINGS, CARNEY, Ms. BROWN of Florida, and Messrs. PAL-LONE, COHEN, PASCRELL, and LIPINSKI changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EDEN PRAIRIE HIGH SCHOOL: SCHOLARS AND ATHLETES

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Aside from having one of the best academic programs in Minnesota, the Eden Prairie School District is now home to new State champions in two sports: boys' soccer and girls' volleyball.

Despite going up against an undefeated team, the Eden Prairie boys' soccer team struck early, scoring their first goal in the 4th minute of the 2A State championship. The Eden Prairie Eagles kept up the pressure, outshooting the opposition and winning the game 3-1 while capturing their second State championship since 2002.

Then this past weekend, in what the Minneapolis Star Tribune deemed “epic,” the Eden Prairie girls' volleyball team won the 3A State championship throughout five sets, by battling 32 tied scores and 14 lead changes, until Eden Prairie took the final set 22-20 to win the first State championship ever.

So congratulations to these fantastic student athletes at Eden Prairie High School and also to the coaches.

INCREASING JOBS AND ECONOMIC GROWTH

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I think there are three things that we need to do in America in order to increase jobs and economic growth.

Number one, we've got to drill our own oil. If you drive a car or if you use

goods and services that come to you by a vehicle using an internal combustion engine, somebody had to drill for that gas. Now, do you really believe that Kuwait and Saudi Arabia and Libya are more environmentally sensitive than we are? Of course not. We can do it in an environmentally sensitive way and become oil independent.

Secondly, we need to have tax simplification. I'm outraged when I hear about people not paying their fair share of taxes. We need to have a Tax Code that is a half-an-inch deep and miles and miles wide so that everybody is paying their fair share.

Then, thirdly, we need to change the regulatory environment. Regulators don't need to approach businesses with an "I gotcha. I'm against you" attitude, but as more of a partnership—"Hey, we want to work with you on worker safety and environmental protection and product liability laws"—and things like this so that we can work for business and nurture responsible corporate citizenship.

I think we can do that, and that will increase our jobs and our economic growth.

HONORING THE COMMONWEALTH HEALTH CENTER VOLUNTEERS ASSOCIATION

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, 25 years ago, a group of forward-thinking and civic-minded individuals realized the need for volunteer support and fundraising for the new hospital nearing completion in the Northern Mariana Islands. So was born the Commonwealth Health Center Volunteers Association. The volunteers have made tremendous contributions to our hospitals in Saipan, Tinian, and Rota, and have made an appreciable difference to the experience of every patient who receives health care in the Northern Marianas.

Since its founding, the group has donated over \$2 million in medical equipment and supplies. Many of these donations include life-saving diagnostic and treatment equipment and other supplies that dramatically improve the quality of life for patients and their families.

The volunteers have withstood the many challenges that have faced our community over the past 25 years, and I think that's a good indication of their ability to successfully navigate the next 25.

Please join me in celebrating the wonderful men and women who founded and over the years staffed and supported the Commonwealth Health Center Volunteers Association.

Mr. Speaker, 25 years ago, there were two important developments to better serve the

health needs of the people of the Northern Mariana Islands. One was the opening of the Commonwealth Health Center; the other, less publicly recognized, but also of great significance, was the formation of the Commonwealth Health Center Volunteers Association. A group of forward-thinking and civic-minded individuals realized the need for volunteer support and fundraising for the new hospital. An initial meeting was organized by the late Dr. Jose T. Villagomez, Gregorio S. Calvo, Juanita Dortch, Angie V. Guerrero, Norma Matthews, and Rosa T. Palacios. These founding individuals, and the many more who have answered the call for volunteers, have made critical contributions to the availability and quality of health care in our local community.

As in every corner of our country, we in the Northern Marianas have always faced the issue of bridging the gap between providing affordable health care and what the true cost of that care is. The CHC Volunteers Association has made tremendous contributions to our hospitals and has made an appreciable difference to the experience of every patient who receives health care in the Northern Marianas. Since its founding, the group has donated over \$2 million in medical equipment and supplies which have benefited health care needs on Saipan, Tinian, and Rota. Many of these donations include lifesaving diagnostic and treatment equipment such as telemetry machines, nebulizers, and hemodialysis chairs. In fact, they have been responsible for the purchase of two mammography diagnostic units over the years. The availability of equipment such as this means lives have been saved. It also means our residents do not need to travel to receive medical care with the frequency they once did. The group's current goal is to raise funds for a hyperbaric chamber, which will cost approximately a quarter million dollars. This will help doctors heal their patients more effectively. Many of our residents suffer from diabetes, and the hyperbaric chamber can be used to assist in healing persistent wounds in these patients and decrease the need for amputations. Many of our residents and tourists alike enjoy deep-sea diving, and the equipment can also be used to provide lifesaving treatment in the event an individual suffers decompression illness. Other supplies the Volunteers provide are not lifesaving, but dramatically improve the quality of life for patients: new bedsheets, televisions, and reclining chairs, for example. These make extended hospital stays more tolerable than they once were.

All of this has been accomplished through the CHC Volunteers' unwavering commitment to improving the quality of health care in the Northern Marianas. Every year, the group sets about fundraising with an awe-inspiring vigor: they host a Thanksgiving raffle, an annual Christmas bazaar, walkathons, concerts, and pancake breakfasts, just to name a few. The Volunteers have supported our community in other important ways as well, such as sponsoring health conferences and public education programs. They have also served as an important link between the Commonwealth Health Center and other charitable organizations and businesses. The Volunteers have come a long way since their initial fundraising, which was accomplished by selling cold drinks

and snacks from two portable coolers at the hospital. They now operate a full-service gift shop at the hospital to help fund their endeavors.

A testament to the enduring nature of the CHC Volunteers Association is that some of the original volunteers are still actively involved. Twenty-five years after committing to do what they could to improve local health care, Mrs. Amparo LG Tenorio, Mrs. Rita V. Tenorio, and Mrs. Rieko M. Guerrero are still volunteering. The Volunteers have withstood the many challenges that have faced our community over the past 25 years, and I think that's a good indication of their ability to successfully navigate the next 25. Their continued success not only benefits hospital patients, but it serves our entire population. It is important for the youth of today to see all that can be accomplished through good intentions and hard work. The group also serves as a constant reminder of the importance of volunteerism, which is alive and well in the Northern Mariana Islands.

Please join me in celebrating the wonderful men and women who founded, and over the years staffed and supported, the Commonwealth Health Center Volunteers Association.

□ 1500

WHEN YOU MAKE IT IN AMERICA, EVERY AMERICAN CAN MAKE IT

The SPEAKER pro tempore (Mr. HUIZENGA of Michigan). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, we are going to spend the next hour talking about what's on the minds of most every American: jobs. How do we get a job? What's it going to take to finally go back to work? There's a lot of pain out there, and there's a lot of suffering. And people really wonder what this Congress is going to do to help alleviate this crisis of unemployment.

I want to just share a couple of stories and then ask my colleague from New York (Mr. TONKO) to join me. I was at a meeting that was set up in Berkeley, California, at the Lawrence Berkeley National Laboratory, one of the premiere laboratories in the United States. And the director of the lab was talking about technology transfer; that is, research, the product of that research coming out of the laboratories, and then jobs being created from that, and new businesses, the entrepreneurial spirit. As he went through his story, I suddenly was so upset, not by the research, not by the technology transfer, but rather by the fact that his final statement was, "And this company is moving to China to manufacture the product of this research." And I thought to myself, How can that be, that the investment of the American people in the research, the education of the engineers and scientists, and then

this research coming out of the laboratory and all of the development work, but finally we find that the whole thing winds up in China?

So what we want to talk about today, at least in part, is this: making it in America. What are the governmental policies that will, once again, create a situation where we will be making it in America, and the director of the laboratory won't be telling me in a meeting that, Gee, this great idea is moving offshore so that the manufacturing will take place in China? The reason he said that the manufacturing was going overseas is that there was no capital formation, no capital available. So I'm going to spend just a few moments on this before I turn it over to my colleagues.

Here is what's important. This is where innovation is, and this is where innovation fits into our economy. If you take a look, over the last decade, the enormous growth in the sales of the innovation companies, it's grown from about \$1.5 trillion to \$3.1 trillion. And all of this is in an innovation economy. So this is exceedingly important in the job growth of this country.

Another thing to keep in mind is this: The innovative companies create the jobs, and they grow quickly. Just looking at the total GDP—the innovation companies that I showed in the previous chart, the total volume, over 21 percent of the American GDP is in these innovation companies. So why is it that this new company can't find the capital to build a manufacturing facility in the United States? Well, one of the reasons is Wall Street and all the games that are going on on Wall Street. But there's also another one. And this is particularly important to California. That is venture capital and IPOs, the initial public offerings.

If you take a look at this, you will notice that a decade ago, we had a lot of public offerings. And over the last several years, we've seen a decline in the public offerings. What the public offerings do is to free up capital by going out to the public, offering stock. That money then comes back to the venture capital firms, and this whole process goes round and round and over and over again, creating jobs in innovation. This is something we're going to have to address, and legislation is going to be introduced in the weeks ahead to address this part of making it in America.

So with that as an introduction to one piece of this larger picture of making it in America, I would like to yield to Mr. JOHN LARSON of the great State of Connecticut, who is our caucus leader.

Mr. LARSON of Connecticut. I thank the gentleman from California. I thank him for his leadership on this issue, as he has repeatedly taken to this floor in talking about what I think is thematically something that America is in

tune with, and that's the understanding and the commitment that we need to return to manufacturing, we need to return to our industrial base, we need to enhance our innovative skills, we need to make things here in America. So Make It in America has become our agenda. Over the last several weeks, there have been more than 1,000-plus town forums and hearings where people have discussed the concept of creating jobs and making things here in America. We all know that for every manufacturing job, that creates four other service-sector jobs. And this is vitally important.

I visited a company with its president, Bing Murphy. The company is called Industrial Air Flow Dynamics. IAFD is a manufacturer in the State of Connecticut. They make everything right here in America. They compete with foreign companies. They're begging to make sure that they get more skilled workers lined up to do something that is extraordinarily unique in manufacturing.

And a recent study and survey in the State of Connecticut indicated that in the State alone, 2,500 manufacturing jobs were going unfilled because of a lack of skills or the appropriate training, and the need, oftentimes, for the small entrepreneur and manufacturer, who doesn't have a huge human resources department, to sort through applicants and to make sure that there's this opportunity for them to do that. But we're hoping to pilot and lead the way in making sure that we're matching skills with manufacturers as we continue to focus on making things here in America. We all know, as the gentleman from California has pointed out, that when you make it in America, every American can make it.

We have an opportunity that is quickly going to disappear, and that is the supercommittee. We have taken the position within the Democratic Caucus that there's a very simple equation: that job creation equals deficit reduction. Let me say that again: Job creation equals deficit reduction. We know from CBO scoring that just getting unemployment—which is at an unacceptable level of more than 14 million-plus Americans and 25 million Americans that are underemployed—that if we get the figure of 9.1 percent unemployment to below 7 percent, we cut the deficit by a third. There is no other silver bullet. There is no other item before us that brings that extraordinary relief that I know people on both sides of the aisle desire.

□ 1510

This supercommittee, by embracing jobs has an opportunity, unprecedented opportunity without a cloture vote that is used to block, and has been used in the Senate, for over 497 bills that we've passed, or without poison pill amendments in the House to allow an

up-or-down vote on job creation, the President's proposals, the proposals that have been put forward by our colleagues on the other side of the aisle. And while we may disagree in terms of our approach and methods, we all agree about jobs and so why not embrace this opportunity to create jobs.

If this should fail, it will fail because we didn't embrace job creation. We didn't embrace the concept of making things here in America. We didn't do what Bing Murphy has been doing back in Connecticut, and other manufacturers, focusing on and refusing to do anything other than the patriotic thing, which is to invest in your people, invest in a commitment to America, invest in our manufacturing base so that we can put this country back to work, grow the economy and lower the deficit at the same time.

Americans simply want one thing. As they sit across their dinner tables this evening and have these discussions with their spouses, all they want is the simple dignity that comes from a job. We have an agenda. We have an opportunity. Let's not spoil this chance. Let's take advantage of this opportunity that we have before us to unite the country, put them back to work by making things here in America.

I commend the gentleman for his ongoing work, and I commend our colleagues that have come to the floor this evening to express this deep and abiding concern about jobs, deficit reduction, putting this country back to work, embracing innovation, embracing education, and investing in Americans so that we can succeed.

Thank you so much, and I commend the gentleman from California.

Mr. GARAMENDI. Mr. LARSON, thank you so very much. You speak well of Connecticut and you speak well for Connecticut.

I guess we are going to do our East-West show here. I would just point out before we go there that America has lost about 40 percent of its manufacturing jobs in the last 20 years. We can rebuild it. Most of the economic indicators are that America can be competitive in manufacturing. We need to have a level playing field, so China currency is an issue.

Mr. TONKO, you've been involved in this innovation economy for a long time. As I recall, you ran the State of New York's innovation efforts before you became a Member of Congress. So please share with us today your thoughts, and we'll begin once again the East-West show.

Mr. TONKO. Thank you, Representative GARAMENDI, and thank you for bringing us together for some very thoughtful dialogue about the highest priority that is held by Americans coast to coast, and that is job creation, job retention. Make no mistake about it, there is no other higher priority.

I agree with the previous statements made by the gentleman from Connecticut. Representative LARSON spoke of the absolute simplistic equation of job creation and retention equals deficit reduction. It doesn't get plainer, simpler, or more sound than that. It is about creating jobs, reducing the deficit. The job growth will move forward in resolving several of our major issues out there.

You know, your focus, Representative GARAMENDI, on the initial public offerings, the IPOs as they're referenced, they have dropped precipitously, and knowing that then is a downward spiral that doesn't find the sort of investing that is absolutely essential is a very troubling notion. You know, many will talk about just leaving it to the capitalist model, let it just work on its own. Well, it's obvious we need to prime the pump in many areas.

You talked about my role in the State of New York. When I served as the head of the New York State Energy Research Development Authority, we found that investing from the public sector sources leveraged tremendous amounts of private sector capital. We see it in this global race. This global race on clean energy and innovation is driven by a robust competition. What we find are the counterparts, the competitors to our American industries are helped along the way with a co-investing, if you will, that comes from their native country. There are those economies out there that are co-investing with their private sector. Here we are asked to cut dollars for research and development, cut dollars for partnerships, cut dollars for incentives that will inspire that sort of robust quality that is essential if Americans are going to compete and compete effectively well. So our trends are out there. They are well documented.

We saw that we ignored manufacturing as a sector of the economy. We ignored agriculture, and we focused primarily on service sector. And then very narrowly within that service sector with the financial sector. We know what happened. We turned our back, let the watchdog leave the cage and allow for freestyle to go amuck. And what happened? Across this country people who had invested all their life savings into the trusted hands of portfolio activity were found without any sort of return. And then America's economy was brought to its knees.

That is not the kind of outcome we want here. So we have said hey, let's go forward and we have witnessed now the growth of some 2.8 million private sector jobs. That's after a trend with the Bush recession of 8.2 million jobs lost. Just this past election day, I think you can see some trends out there that are finding the public swing to the Democratic message because they know it is about job creation and job retention.

They know it is about investing in the tools and the tool kits that get us those jobs. We are an ideas economy, and we need to invest in those ideas, build the prototype, allow it to move to a manufacturing sector and be robust in our attempts. Make it in America is the mantra to which we have brought the conference, the Democratic conference, of this House.

We are talking in straightforward language about revitalizing America's manufacturing sector. We can do it and we can compete keenly if we do it smarter. We don't necessarily have to do it cheaper. We have to do it smarter.

I have talked in my tours with manufacturing throughout the 21st Congressional District in the capital region of New York State, I have talked with a number of manufacturers. We have done tours. We have visited and heard front and center from the leadership squad: there are thousands of jobs in this country from coast to coast for which skill sets have to be developed. If we move to an automated phase of manufacturing, there are qualities, there are skills, the academics, the analytical skill sets that are required in order for us to move forward aggressively.

Now there is a sophistication in our society, a sophistication that finds us creating product lines not yet on the radar screen. People will suggest, they will lament that the glory days of manufacturing have passed us by. No, we need to move forward aggressively and proactively in creating the agenda that will develop the products of the future. If someone is to suggest that every idea out there, every concept of a product has been conceived, designed, engineered, manufactured, produced, we are kidding ourselves. And so this is an investment in the future. This is a visionary attempt to pull us along into an area that was ignored and ignored, that found that ignoring of the manufacturing sector found us falling into the woes of a recession. And so it's time now for us to do it smart, to do it in a way that invests in our manufacturing base, celebrates the empowerment that small business brings to the fabric of our economy, the small businesses, the economic engine that provides the jump start to our economy. They need the assistance, and that has been our effort here: talk about revitalizing manufacturing, supporting small business, moving forward with education, higher education, and research and development to move the ideas economy along. That's America at her best. That's her pioneer spirit, and let's continue to move in that direction.

Again, thank you for bringing this dialogue to the floor.

Mr. GARAMENDI. Mr. TONKO, thank you very much. The view from New York is very similar to the view from California. We've lost 40 percent of our manufacturing jobs. We can get them

back. We need a level playing field. China currency issues are very much on the mind of the Democrats. We want to make sure that China currency is no longer used to the advantage.

But there is also something here, and I will take just a couple of seconds before I turn to my friend from Texas, American manufacturing does exist. It's the great middle class. I want to give you one example where public policy makes all the difference. Near Sacramento, there is a very large and very new heavy manufacturing facility in place. It stretches about a quarter mile, maybe almost a half mile. It is thousands of square feet of buildings, and in those buildings they're manufacturing trolley cars, streetcars, light rail, and they're also manufacturing locomotives. The company is a German company. In fact, it's one of the largest manufacturers in the world—it's Siemens—and they have moved to Sacramento to manufacture these pieces of equipment, transportation equipment, because Federal law said that the money from the Federal Government must be used to buy American made equipment—buy American-made equipment so that we will, once again, make it in America.

□ 1520

Now I happen to have two bills that do that, that extend that stimulus bill law into the future not only for transportation but also for solar systems, wind, and renewed green energy system. Our tax money supports it. Let's use our tax money to rebuild the manufacturing base by buying it in America.

I know the view from Texas is also similar. I've heard SHEILA JACKSON LEE, the honorable Representative from the area of Houston, speak on this issue. She's joining us here today on the floor.

Ms. JACKSON LEE of Texas. I thank the gentleman from California and my colleagues from Ohio, Alabama, Minnesota, and New York. I think that is a sufficiently far reach to know that this is a national issue. Mr. GARAMENDI, we thank you from your perch as an insurer, meaning your experience in insurance, which is also a source of funding sometimes. As the insurance industry invests, you know that America is not broke and that America can, in fact, create jobs and do it by manufacturing.

So I'm delighted to see the Make It In America theme continue over and over again. And let me just share some statistics, because as the supercommittee works, one of the challenges is whether or not they are focusing on creating jobs or just cutting taxes for those who do not need tax relief.

Eighty-two percent of Americans say it is important for Congress to produce legislation this year to reduce the Federal deficit through a balanced plan

combining spending cuts and also ensuring that all Americans pay their fair share. In a couple of days, will that occur or will we have the same old same old, which is protecting the rich and not allowing a fair, equal assessment of one's responsibility?

Eighty-four percent of Americans say it's important for Congress to reach a new Federal spending agreement to create jobs rehabilitating schools, improving needs and public transit and preventing layoffs. And 60 percent of those surveyed think the Federal Government should pursue policies to reduce the gap between the wealthiest few and the less well-off Americans. Well, that is what we're talking about today.

I notice that Mr. GARAMENDI had a poster on IPOs are down, particularly small IPOs, and that is a source of cash for investing back into small businesses and manufacturing. We did a survey of the manufacturing companies in our district. My friends, you can turn the corner in your neighborhood and find a building that is making something. We do not have to look for the large conglomerates. I'm delighted that we bailed out the auto industry. They are doing well. But you know them. You know they'll go to Detroit. You know they make big things and not little things. But we actually found that our manufacturers were embedded—by the way, our zoning is nonexistent, so we have a little bit more flexibility. But we found these companies embedded in neighborhoods, down the street and around the corner from different neighborhoods. They are right there amongst us.

And the question is are we going to go into the 46th week when our friends on the other side of the aisle do not focus on how to enhance Make It In America? What I would suggest is that the payroll tax relief would help that is in the—pass the jobs bill, and access to credit, making sure that banks give access to credit so that the startups can have the equal playing field.

But also, my friend, these companies want to expand. When I visited small businesses, happened not to be manufacturers, they all said: Can we have money to expand, to create new offices, new services in the doctors' office, new ways of exploring resources for a small energy company?

So I'm here today to challenge the friends on the other side of the aisle, the Speaker, ready to challenge him to say: You come from Ohio, a working family. You get it, Mr. Speaker. Work with our leader, NANCY PELOSI. Work with our leadership, from the chairman of the caucus who has been so eloquent, JOHN LARSON, on jobs to the whip that talks about Make It In America, Mr. HOYER, and, of course, our vice chair and, of course, our assistant leader, Mr. CLYBURN, and our vice chair, Mr. BECERRA. All of these folks, if I have

not left out anyone, have been talking time after time of Make It In America. But more importantly, we are not broke. If we can insist on letting our small businesses and our manufacturers get a leg up and we stop giving giveaways to those who are the beneficiaries of the Bush tax cuts and begin some new concepts in funding, I think we can make it.

I want to close by simply saying to my friends in the private sector, you complain when we talk about pass the jobs bill. Frankly, I think it's a commonsense approach—payroll tax relief, hiring the chronically unemployed, putting to work teachers so that class sizes can go down, educating your next workforce, firefighters, police, et cetera. It is well documented that our large companies have a very flush cash flow. It is well documented that our major banks, our multinational banks, are well endowed with resources. My plea is that all of us become patriots, not party believers, not card-carrying sign wavers as it relates to what party you're in, and begin to invest in America.

Frankly, our President has stabilized—stabilized—the economy. It's not where we want it to be. It's not bleeding. It's not where we want to go, but it's on the surge up. The numbers will show that it can do that.

We need the kind of partnership with the private sector that is long overdue, and we need the support by our government of supporting our manufacturing. We can come back. Before you know it, we will be percolating along and being the leader, if you will, of manufacturing, businesses, job creation, and investment as not arrogantly so but the model for the world in how do you invest in your people. And I'm looking forward to that starting with supporting a number of initiatives that are already suggested and certainly some that I'm introducing.

But I am just delighted that we have the thinkers that realize that investing in America is not the end but the beginning of a greater and greater America.

Mr. TONKO. Thank you, Representative JACKSON LEE, for your outstanding leadership on behalf of the Texas district that you represent with your outstanding leadership on this floor. You're so right. Everywhere we turn, you can see job creation and what it means to the local regional economy.

I have a touring concept that we do in our district, and we have a roundtable discussion routinely held with the small business community. And it is just profound to go around and see how many people are investing in manufacturing out there; and their product delivery is powerful, and the fact that they're exporting is an encouraging and enthusiastic thought. So it's all about showcasing what can happen.

And just think of it on a grander scale when we provide the

underpinnings of support, when we invest in that concept of manufacturing and move forward with the incubator networks and all of the activities that nourish this sort of comeback story that is so essential right now after this economy was brought to its knees by an approach that was hard-hearted to manufacturing. It ignored what was happening. The same is true in agriculture, and we will maybe talk about that in a few minutes.

Ms. JACKSON LEE of Texas. You're absolutely right.

Just one point about Make It In America and the idea of companies such as Siemens, our colleague from California, indicated, that they are in California, rightly so. And we should be very, very strong in making sure that our Federal dollars—this is not selfish. We are probably more expansive and liberal than many other countries around the world to ensure that if you're using our Federal tax dollars, you build it and make it in America, and you spread it.

There's a company called Caf, and I know that they're located in New York. We want them to spread some of that construction and building work down in Houston, Texas, because they're building a light rail with \$900 million, potentially, of Federal dollars.

So we can do this together, make everybody happy, create jobs, and insist upon putting our families, our young people, and America first in job creation, building buildup and making it in America.

I thank the gentleman.

□ 1530

Mr. TONKO. Absolutely. And I think it is about investing, the key word; investing our way to a stronger tomorrow, investing our way to opportunity, investing our way to prosperity. I see it all the time. The dollars that were invested from State sources, public sources, and some Federal dollars into the capital region of New York that I represent leveraged tremendous private sector dollars with an investment in the bottom-line calculation in nanotechnology, in semiconductor science, in chip manufacturing, and in green collar workforce development. These dynamics are so powerful that they have lifted that region to the first of all hubs in America for job growth of the green collar variety, and in the top five as a hub for high-tech growth. So it happens. When you invest, it happens.

Now, speaking about sound voices for a resurgence in our private sector job growth, in our public sector support networks, for those employees, a tremendously dynamic voice from our new freshman class, Representative TERRI SEWELL from the great State of Alabama.

Representative, thank you for joining us this afternoon. And I know that

you've been a very powerful voice for job creation, job retention in our economy.

Ms. SEWELL. Thank you very much. I am indeed delighted to join my colleagues in discussing making it in America.

I think you will all agree that any playbook about job creation must have as its cornerstone the creation of jobs in our small businesses. And so today I rise in support of small businesses and entrepreneurs across the Seventh Congressional District of Alabama, and indeed this Nation.

As America recovers from our economic recession, we must continue to make strategic policy decisions that benefit our economy and encourage job creation. Small businesses play a critical role in our economy. They provide jobs, they spur innovation, they indeed strengthen our economy.

Small businesses are the backbone of our economy and are responsible for generating half of the Nation's gross national product as well as employing over half of its workforce. In fact, over the past decade and a half, America's small businesses and entrepreneurs have created 65 percent of all new jobs in this country. That is why I introduced H.R. 1730, the Small Business Start-Up Savings Account Act. More entrepreneurs will benefit if they are provided better incentives that will allow them to save and start a new business.

On average, an entrepreneur who wants to launch a new business spends on average \$80,000 in their first year in startup costs. Entrepreneurs often go into debt to start their own businesses. Many even use their savings from their retirement accounts to build the capital they need to run those small businesses. This bill will allow entrepreneurs to save up to \$10,000 per year tax free so they can start their own small businesses. Once an individual starts their small business, funds from a savings account can be used for their operating expenses.

The government can't guarantee a company's success—I think all of us would agree with that—but the government can knock down barriers that prevent hardworking Americans from starting their own businesses.

Innovation is the key to keeping America number one, and small businesses have always been at the forefront of American innovation. We can't expect to start and continue to be competitive in a global economy without making small businesses and the creation of small businesses the centerpiece of our playbook.

As we continue to build our economy, we must give entrepreneurs incentives and the tools they need to prosper right here in America. When American small businesses are given the opportunity to grow and thrive, they help rebuild our country, our country's mid-

dle class, and strengthen our economy. We must recommit ourselves to helping create businesses right here in America.

My colleagues have been talking about rebuilding in America and investing in what's good in America. Our small businesses are where it's at. They create the bright and prosperous future that we as Americans want to ensure. Small businesses will help to out-innovate and out-build our other competitors globally. I urge my colleagues to join with me in standing up for small businesses and entrepreneurs across this great Nation and support H.R. 1730, the Small Business Start-Up Savings Act. Now is the time to blend bold, new initiatives with common-sense solutions so that we can strengthen our economy and create jobs right here in America.

I thank my colleagues for letting me join them in this hour in promoting all that is good in America, and in promoting innovation and entrepreneurship right here in America by supporting our small businesses.

Thank you very much.

Mr. TONKO. You are most welcome, Representative SEWELL.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. TONKO) will control the remainder of the hour.

Mr. TONKO. Thank you very much, Mr. Speaker.

Representative SEWELL, absolutely right on in your focus as to the strengthening and the value added of small business.

H.R. 1730 is a powerful response to the needs of small business, making certain that the savings opportunities, especially in those early startup years, are made more valid and more available to small business as a network. Certainly the small business community is a tremendous corporate citizen in the fabric of our communities, and they get tethered into our communities in a way that enables them to grow and prosper, all while adding jobs and providing the intellect and innovative sort of spirit, which is important.

Speaking of colleagues who have been outstanding voices on job creation, job retention, we know that Ohio has been in the news lately. And we have one of those voices from Ohio serving in the Democratic Caucus, one whom I am very proud to know and work with. Representative TIM RYAN, representing communities like Youngstown and Akron, has been a very powerful force in acknowledging that it's investing in job creation that is our number one concern right now.

We've seen what's been happening in Ohio. There is an outburst of pride coming from that State about the activism that is really speaking to and empowering the middle class. And we empower the middle class by providing jobs.

Representative RYAN, thank you so very much for being that outstanding voice.

Mr. RYAN of Ohio. I thank the gentleman.

He hit the nail right on the head when he was articulating the kind of things, whether in New York or Ohio or anywhere in the country, really what the essence is, and that's resuscitating manufacturing back in the United States. And that needs to be a goal throughout the country because of what it does for the local economy and what it does for the States, what it does for tax revenue, what it does for the creation of intellectual property, because there are many people on the factory floor actually thinking about how this product can maybe be made differently, manufactured differently, how value could be added to it. It is very important. But what it's going to take, in part, and what's been happening in Ohio is a coalition, I believe, of working class people, of small business people who recognize that we have to make investments into our States and into our country.

And what happened in Ohio last week with the referendum that was trying to dismantle the bargaining rights of public employees, police, fire, teachers—the very people that we need to protect our communities so that we can have good, strong, vibrant small businesses, the very people who are educating our kids and our students who are eventually going to go into these businesses—were under attack.

The upside to this whole thing is that a coalition formed in Ohio, a coalition of working class people who get educated, get trained, have master's degrees, protect us, go into burning buildings, we call them when we get in trouble, they deal with all of the societal problems that go into their classroom, but they are committed to educating our young people. Eighty-two out of 88 counties in Ohio helped beat back this attack, and with over 61 percent of the vote in Ohio, beat back this attack. And the real upside to this whole thing is that a lot of people who are in this coalition of police, fire, teachers, public employees, as well as the private sector unions—the auto-workers, the steelworkers, the plumbers, the pipefitters, the piledrivers and millwrights and the ironworkers and sheet metal workers, there were a lot of these people who used to watch Fox News. They used to listen to Rush Limbaugh. They used to listen to Glenn Beck. And they said, in story after story, after campaigning for this for months, that they realized what's been happening here. They've realized this assault that's been coming in and funded campaigns across the country, big money coming in to try to divide the middle class and try to dismantle the agenda. And I believe that this coalition, Mr. Speaker, is an opportunity

for us to have the political coalition needed to recognize what investments we have to make back into our country. That's what happened in Ohio.

□ 1540

People are recognizing that they've been trying to get us divided, who's in a union, who's not in a union, who's in a public sector union, who's in a private sector union, who's black, who's white, who's gay, who's straight; just divide the middle class, divide the working class. And this coalition came together.

And I believe that if we're going to have the kind of investment, if we're going to resuscitate manufacturing in the United States, if we're going to realize that the government certainly can't do everything, but it has to do something, it has to make these investments into engineers and good, solid public schools, and community colleges, and colleges and Pell Grants, so that you can have the work force available to ignite this kind of economic development that's needed around our country.

These are about investment. And to have 2 to \$3 trillion in transportation and infrastructure investments that need to get made, we now need a political coalition to say, hey, let's make these investments. Akron, Ohio does not have \$1 billion to finance their combined sewer problem, so let's put these building trades workers back to work, which is going to generate revenue for the City of Akron and Youngstown and Cleveland and Pittsburgh and all these others, which is going to increase their coffers, that they will have money to spend on police and fire and teachers and investments back into the community, and then partner with the private sector.

Ultimately, at the end of the day, the private sector has got to come in and drive this revolution, without a doubt. But it is time for us to make the investments necessary that are going to allow the private sector to come in here and make the private investments that will lead to job creation. So the bills that we have and that we're offering are an alternative vision.

I'll tell one quick story. We were having a conversation one day, a Member of Congress and I, one from the other party, talking about investments into the semiconductor industry. And they were down here lobbying, the semiconductor industry was down here lobbying on investments that need to be made.

And one of our colleagues said well, that's why we're giving you tax cuts, so that you guys in your business can make these investments. And the four or five CEOs said, you don't understand. We're talking about billions of dollars that need to get invested in order for the semiconductor industry to go in and partner and use the tech-

nology and the research that has been developed.

So it's the government's job to plant the garden, to till the soil, the sunlight, the water, to grow the plant, and then let the private sector come in and pick the fruits and the vegetables that they may need. That's what we've always done in this country, whether it was military research, NASA, NIH, that's what we did, and that's been a recipe for success for us.

So I'm excited about what's going on in Ohio because I think we finally have the political coalition that is needed to give politicians and leaders in the State and country the backing that they need to push this kind of agenda.

Mr. TONKO. Representative RYAN, what a great coalescing going on in Ohio, and what a statement by the middle class, of people of all backgrounds coming together speaking with one voice, based on a common thread of jobs, the dignity of work, powerful statement. And we should all be motivated and inspired by that outcome.

You talked about government's role to plant the garden. Let me just talk about another sector just to associate with that element of agriculture just for a bit here this afternoon.

Why such a struggle on this House floor to get the dollars for farmers who were impacted by natural disaster?

I saw record flooding in my district. We had wonderfully productive soils in the upstate regions of New York State. You would think that it wasn't part of some industrial sector, that there wasn't an ag sector in our economy. All they were asking for was to have debris removal dollars, to have farm land restoration, crop land restoration dollars at a time when we were impacted by the ravages of Hurricane Irene and Tropical Storm Lee. Was that too much to ask?

Well, I'm happy to see that the push here in this House coming from those of us who have visited those districts and really pushed the agenda are able to account for \$338.6 million being added so that we can take programs like the Emergency Conservation Program, the Emergency Water Protection Program, and allow for restoration of farm land, debris removal and all the activities that will drive productivity back to the farm.

All they were asking for was a chance to recover from the forces of Mother Nature. And if you can't assist in a situation like that, if it took this tug of war, if it took advocacy, if it took putting a bill in the House to really push everyone to move on behalf of our farmers—you know, I voted against that original package because they said zero additional aid for the ag community. Unacceptable.

So you talk about government planting the garden. That's just a sampling of investing that was critical so you could keep those ag forces going, those

ag related jobs. Absolutely critical, not only to our economic recovery, but to the nutritional impact that it bears for all of America's families.

Mr. RYAN of Ohio. If the gentleman will yield, I think there's really something to this idea that there's a lot of things that happen that support our economy that we take for granted, that we don't see all the time. And I think what you're talking about, with farmers, you know, food just arrives at the grocery store. You know, a lot of us don't pay enough attention to all the intricacies that go into that getting there.

The same with the police, same with the fire, same with the teachers. You take it for granted that this is always going to be there. But these people who are sanitation workers in your city or town are essential to the functioning of our commerce, and so we've got to pay attention to this stuff and reinvest back into it.

Mr. TONKO. And it took putting the flood lights on to the situation, where in the middle of tragedy we're looking to change the rules; we are looking for offsets in order to provide assistance to our national farmers' impacted farms under water, valuable farm land being eroded away. And we changed rules? I mean, it was unacceptable.

And just speaking to that hard-heartedness was an exercise for me that was a learning curve because it took every bit of providing evidence, from pictorial evidence to documentation of loss that finally moved this House to respond to the needs of our farmers.

So, that being said, it's about, I think, investing, as has been said here in this special order hour. It's about investing and believing in America. The middle class needs that empowerment. They deserve and require it.

Think of it. None of the strata can survive without a powerful middle class. Someone needs to build the product, someone needs to purchase the product. Enhancing the purchasing power, growing consumer demand will drive private sector jobs growth. More expectation, more desire to buy products, you put more people on, you develop product line.

It works. It's a simplistic thing to follow. It's a pattern that's sensible. And so what we want to do is make certain that we empower that middle class. We've seen a lot of outbursts about the social and economic injustice out there, and it's about providing a reasonable approach so that our middle class can be vibrant again.

I think it's what people were stating a week ago at the polls. They were saying, we're listening to the Democrats' message; we're embracing it and we're shifting our loyalties. We're now choosing to side with those who are talking about a wise approach, investing in job creation, which equals deficit reduction. Basic, simple, sound.

Mr. RYAN of Ohio. And I don't think anybody's of the illusion that somehow a coalition like this is going to agree on every issue. But what happened in Ohio was that there was a prioritization of what really matters, of what are the fundamental issues that it means to be an American, and what's the recipe that America always had that led to our success.

It wasn't an accident that we jumped the Soviet Union in the race to space. It was a concerted effort on behalf of the government, private industry and the people in the country. And we had this recipe that was investments and infrastructure and research and education and making sure we had good regulations in the financial industry. And we were the world power for a long, long time, and we still are.

But we've seen the decrease in wages or stagnant wages for 30 years, and attacking the workers now to say, as they were in Ohio, that it's your fault. You're making too much.

There was a great placard at one of the rallies. The guy said, I make \$30,000 a year, I have a Master's Degree and I'm the problem. So this is the kind of coalition I think we need.

I think it gets to, hopefully, a new alternative vision for the country and for our government which, to me, is it's not about government being too big or too small. It's about the government working.

And if the people, the working class people see that the government is working, that it is regulating its markets, making wise investments, recognizing the value of education and the investments we need to make, then they're going to vote in who's ever doing that.

But this shrink it and drown it in the bathtub and don't make the kind of investments that we made for so many different years is not a recipe for success. It's a recipe for disaster.

□ 1550

Mr. TONKO. I think the people feel at risk when they believe that those who have this highest concentration of wealth have just so much influence on the outcome in Washington that it's unacceptable. And they now know who's paid the price.

You know, the middle class, when given the opportunity, remains silent, or at least mildly content. When you take that away and you then involve this unjust outcome to impact them, then they get angry.

So the outburst here is we need the investing. We want our children to have the opportunity to reach for the American Dream. It has always been the passion that drives this country. And when you talked about the global race on space during the JFK years, President Kennedy acknowledged up front we're going to do this, not because it's easy, but because it's hard.

People know that these are tough decisions, but they also want to hear the commitment. They want to hear conviction. Are we going to support, are we going to be the underpinnings of human infrastructure, the development of a workforce, training, retraining, education, higher education; incentives that provide for research so you can be a land of discovery, a land of creating product line, of traveling into new spheres of influence that can just express the magnanimous quality of America and all she offers?

When you suffocate those areas of potential, you're denying the middle class its chance at the American Dream. And that's what this is about. People see undue influence coming from a very few and denying the vast majority their chance at the American Dream. And that's what this Nation has always been about. It's been there as an ideal. It's been a beacon of hope. It's seen as a garden of opportunity, and we need to culture, move that culture forward in a way that is driven by sound programs, sound projects, sound policy. It's about the programs, projects, and policies.

Mr. RYAN of Ohio. And a respect for the workers who are ultimately going to elevate this. And we see that within manufacturing, how the ideas and the intellectual property that come from the factory floor are driven by those workers who are sitting there every day thinking about how this can be done better.

We have so much potential within the workforce that is undeveloped, untapped, and not utilized properly that could lift us up and help us create this whole new economy that is going to get created somewhere by somebody somehow, and it might as well be us. And if we make the proper investments, we have the talent and the creativity in the country to make it happen. But I think it gets back to having a general respect for the workers.

We had firefighters that I met make 30 runs in one day on a rig and get paid 40-some thousand dollars a year. And the runs aren't like me and you running over to vote. They're runs into burning buildings.

Mr. TONKO. With a lot of weight on your back.

Mr. RYAN of Ohio. Carrying oxygen tanks and everything else. And there just has been a disrespect for that kind of work—the sanitation worker, the custodian, the teacher—pushing the blame of all society's problems onto these public workers in that instance.

Then, now in Ohio, for example, they're coming in and they want to make it a right-to-work State. So those building trade folks who we're going to try to get back to work, there's 20 percent unemployment in the trade. We're trying to get them back to work with the infrastructure investments that we need to make. To say to

them, "You're not going to be allowed to have a fundamental right of collectively bargaining and to be able to negotiate contracts, and it's going to diminish the wages and everything else," similar to what happened or what they wanted to do in Ohio—it's about respecting these people. And when you respect them, they'll come to perform, but it takes those investments and that general appreciation.

Mr. TONKO. And essential services that are performed.

You talked about water and sewer opportunities, the construction projects that we require. It's about human infrastructure, capital infrastructure, physical infrastructure. If we feed that with soundness of investment—not just spending and throwing money at something, but with an accountable plan, one with a vision, one with goals, one that embraces a soundness of future—we are ahead of the race of anyone else out there. We can maintain the soundness of leadership in this global economy if we believe in ourselves, if we believe in the American Dream, if we invest.

We've been joined by Representative JOHN GARAMENDI from the great State of California. He kicked us off. The hour came into my hands, and now you're back to revisit. So we thank you Representative GARAMENDI, again, for serving as inspiration to really get the thought process moving and verbalize where we are as a powerful conference in this House and where I think we've attached to the great thinking out there, the overwhelming thinking of Americans.

Mr. GARAMENDI. Mr. TONKO, thank you very much for carrying on; and, Mr. RYAN, thank you for your insight into what is so obvious. The American people do not want their rights taken away from them. They have the right of collective bargaining; you're quite correct about that.

Excuse me for having to step out. My constituents from California were here in town, and interestingly enough, they were talking about one of the jobs programs that we really need to do.

I represent the central valley of California, the great California Delta, the Sacramento-San Joaquin Delta, the largest estuary on the west coast of the Western Hemisphere, and there's always been severe flooding problems in that area. So they were asking about how are we going to fund the necessary flood projects.

It's been a long, long history of the Federal Government through the Corps of Engineers supporting the construction of levees and other flood protection devices. But all of that seems to be ramping down as this mania of cut, slash, and burn the budget occurs around here.

Now, the President offered the American Jobs Act; and in the American

Jobs Act, there's \$50 billion for infrastructure, part of which is water systems, sanitation systems, road transportation systems, but also flood control systems—desperately needed in our area. We could probably employ a couple hundred thousand construction workers immediately if somehow this House were to pass the American Jobs Act.

So I'm just thinking about the relationship of what we're talking about here on the floor and what my constituents were talking about, the necessity of developing water projects as well as flood control. We really ought to do that, because we can take these unemployed construction workers, several hundred thousand of them who are now receiving unemployment checks—they're tax takers. We can put them to work building the infrastructure, the foundation for tomorrow's economy, and they become taxpayers.

You started off this conversation with something that is so very, very true—I guess Mr. LARSON did—and that is the best way to deal with the deficit is put Americans back to work. It was an interesting side bar to our work here on the floor; but it fits so well with what we're talking about here, which is jobs, putting people back to work, using our collective powers of citizens of this great country to employ people by building the foundation for future economic growth. And you mentioned education as one of those pieces. There's so much to do.

If you would kind of wrap us up. I think we've got 3 or 4 minutes, and we can go from there.

It's been a good afternoon sharing our thoughts about how we can create jobs, get Americans back to work, get our economy back to work. And the President's laid out a good, bold program.

Incidentally, it's paid for. We're not going to borrow money to put these construction workers back to work. It's paid for. The way it's paid for is that those 1 percent of Americans, the superwealthy who've had an income of more than a million dollars a year after all of the deductions—that's after adjusted gross income, a million dollars or more—they have enjoyed enormous tax reductions over the last 11 years, what we would ask is some basic fairness, that they contribute to putting Americans back to work with a small increase in their taxes over and above a million dollars. No increase below.

Mr. TONKO. Well, I think to just match some words to what your most recent statement was, we have to think back, too, and look at recent history to have it speak to us. We borrowed totally for the millionaire-billionaire tax cuts and for two wars that were being fought, and now we wonder why we have a problem, a deficit situation, and why we want to blame the worker.

Now, look. We say it's about investing in the human fabric, in the core individual, making certain that the skills that can be unleashed by that investment are put into a work situation that can enable us to be a nation of discovery, a nation of innovation, of design, of invention. That's America in her greatest moments, and I think those moments lie ahead of us.

I'm optimistic that if we do this plan of investment, we will see tremendous growth in our economy. We will see our competitive edge in the global market get all the sharper and more keen. However, it takes that investment. It takes that vision, laser sharp, and it takes the commitment to stand up against this tide to just slash and burn, as you indicated, after so many were witnessing that the very few were given a gift for which we borrowed.

□ 1600

Now we're asking for someone else to have their turn—America's middle class.

Pursuing the American Dream deserves that sort of attention. It deserves the dignity of work. It deserves the respect of those who lead this Nation, and for them to do it in a fashion that is going to respond in fullest measure.

Representative GARAMENDI, it has been a pleasure to join with you on the floor.

Mr. GARAMENDI. The gentleman from New York says it so eloquently.

Long ago, I did a study of the California economy. We decided there were basically five things that needed to be done, and now, from the Federal level, I'd add a sixth. They are the things that you've been talking about:

Education, the best education in the world, so that our workers are capable of carrying on the new tasks.

Research, as I discussed earlier, from our laboratories and our universities of the new products.

We need to make sure the research is there and then take the research out of the laboratories and create the new products—making it in America because manufacturing matters.

The fourth thing is the infrastructure, which I was discussing and that I know you discussed while I was gone here, and laying the foundation upon which the economy will grow—transportation, communication, sanitation, water-flood protection—all of those infrastructure items.

Then we need to always think in this context about our Nation's security and use our money wisely to provide the kind of defense and security that we need. That's also an energy issue, which we didn't bring up today but that we will the next time we talk.

Finally, the sixth thing is one that I think is so very, very important, which is the willingness to change. What we did yesterday will probably not work

today or tomorrow, so we must always be willing to change and not be stuck back in the 1790s, but rather deal with the reality of the world in which we live today and change our systems and be willing to adapt and change.

Mr. TONKO. This has been a Special Order hour that I've enjoyed. I thank the gentleman from California.

Mr. GARAMENDI. And I thank you.

Mr. TONKO. Mr. Speaker, I yield back the balance of my time.

GOP WOMEN'S HOUR: A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. RIBBLE). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 60 minutes as the designee of the majority leader.

Mrs. SCHMIDT. Thank you, Mr. Speaker.

Today, I really want to talk about something that I think is very critical for this Nation. It's about how we get our spending in order.

I came from local government before I got here and then State government before I got here. Actually, I came from a household where I ran the checking account for my husband and myself and our family. In all cases, I balanced things. When I made out my bills once a month, I did what this lady is doing right here: I balanced the checkbook first to see how much money I had in the account so I knew how much I was spending and, more importantly, whether I was overspending, so that next month I could ratchet back on the spending to balance things out. When I was a township trustee, the same thing. We looked at our revenue sheets and our income sheets at every single meeting twice a month and balanced things out. In Ohio, like 49 other States, we have to balance our State budget, in our case, every 2 years.

So you can imagine the surprise I had when I got to Congress and realized we don't balance our budget at the Federal level, that we don't balance our checkbook. I was amazed why we don't do this. Maybe that's the reason we continue to have bloated spending that is weighing down, not just the future that lays before us, but our children's future and their children's future.

In 1982, Ronald Reagan said regarding a balanced budget that only a constitutional amendment will do the job. He said, We've tried the carrot and it failed. With the stick of a balanced budget amendment, we can stop government's squandering, overtaxing ways and save our economy.

Man, that was 29 years ago. I've got to repeat that because that's kind of like where we are today.

Only a constitutional amendment will do the job. We've tried the carrot

and it failed. With the stick of a balanced budget amendment, we can stop government's squandering, overtaxing ways and save our economy.

Ronald Reagan was right. In fact, in 1995, under legislation that was in the House, which was controlled by the Republicans under Newt Gingrich, they tried to pass a balanced budget amendment. Lost it by one vote. I believe tomorrow or the next day or sometime this week, under the leadership of JOHN BOEHNER, we're going to try this same thing again. I just think it's imperative that we don't lose that vote.

The American people, I believe, are on the side of myself and my female colleagues who are going to join me here this afternoon, because the American people get the fact that we are not balancing the checkbook. When we don't balance the checkbook, we don't know what we're spending. If we don't know what we're spending, we don't know how to correct our past mistakes and plan appropriately for the future.

So, in the last election in 2010, when a lot of seats were changed in this very room, I believe it was a mandate by the citizens of our great Nation who said, Enough is enough. Stop the spending and stop it now. The United States is staring down the barrel of a \$15 trillion accumulation of debt. \$3.7 trillion of new debt in just 2 years is more than a figure, my colleagues—it is a wake-up call.

When President Obama took office, he said he would correct the problem, and in 2009, he put out an \$821 billion stimulus program to stimulate the economy. Of course it cost us over \$1 trillion with interest because, you see, we didn't balance the checkbook, so we really didn't know what that was going to cost. Guess what? It didn't stimulate the economy. It didn't resolve unemployment.

For the last 33 months, it has been over 8 percent. In fact, for 31 of 33 months, it has been at 9 percent or higher. In October of this year, 14 million workers were unemployed, with an additional 8.9 million working part time because they couldn't find full-time work. There were 2.5 million workers who were available for work but who had to stop actively searching because of poor economic conditions. All told, over 16 percent of the United States workforce is now unemployed or underemployed. I truly believe it's because we can't get our fiscal house in order right here on Capitol Hill, and I believe the linchpin in all that is a balanced budget amendment.

I'm going to turn right now to one of my colleagues to have her weigh in on this, the gentlelady from the good State of Alabama.

Mrs. ROBY. I thank my friend from Ohio for yielding, and I do appreciate the opportunity to spend time again with my GOP women colleagues here on the floor to talk about these important issues.

With your visual here on the floor, I think you have really done a great job of encapsulating what the issue is, which is that hardworking American taxpayers are balancing their budgets every single day. That's why almost 75 percent of Americans are with us on this. They want this balanced budget amendment, and this is a bipartisan action that can be taken in order to restore fiscal sanity. We know that every day there are more and more Americans who are out of work and that there are more and more Americans who have just given up looking for a job. We're not setting a real good example here in Congress when we can't get our fiscal house in order.

□ 1610

I just want to point back to our jobs agenda, the 22 bills that we have sitting over in the hands of the Senate right now that we know will get government out of the way so that the private sector can do what they do best, and that is create jobs. You know, there are so many men and women, small business owners throughout this country that are looking to us to reduce the size of government, get the job-killing regulations out of the way. And they have capital to invest, to create jobs, but they're not doing it because of the uncertainty associated with what's going on right here in Washington, D.C.

Here we have a proposal before us. We have a way for us to restore this fiscal sanity; and that is for us to balance our budget, not spend more money than we bring in. We've talked about this before when we were down here during the debt ceiling debate. You can't pick up the phone and call your credit card company and say, Hey, I owe you all this money, and I can't make my monthly payment, and I can't make the interest payment, so can you make me another loan just so I can pay the interest payment on the money that I already owe you? That's where this Federal Government is right now. Now if you can't do that from your kitchen table with the bills that you owe, why in the world should the Federal Government be allowed to do that either?

So I would just say to my colleagues on the other side of the aisle in both the House and the Senate, let's do this together. Let's do this for the American people. Let's do this for all the people that are out of work who are looking to us to lead by example and get our fiscal house in order, just like the millions of hardworking, tax-paying Americans do every single day.

Thank you for the opportunity again to share this hour with you.

Mrs. SCHMIDT. I thank my colleague from Alabama.

I would just like to add with all of this that I think the reason why we have such uncertainty in the market-

place with the job creators is because they're looking at us and are saying, You lack fiscal discipline here on Capitol Hill.

One of my colleagues said to me, Well, why do we need a balanced budget amendment to do this? Well, quite frankly, because it will tie our hands and force us to do what every single American is doing across the Nation, which is looking at their cash on hand to figure out how much they've got and how much they can spend, balancing the checkbook before they even attempt to pay a bill. And if you don't have it in the form of an amendment, future legislators will be able to undo anything we do here today or tomorrow, and that's why the amendment is critical. It will force us to do what 49 out of 50 States already do, which is what local governments do all across Ohio and across the Nation, which is what families do at their kitchen table each and every month, if not more than a month, balance the checkbook and figure out what's in there.

I now would like to yield to my other good friend, the gentlewoman from Kansas.

Ms. JENKINS. I thank the gentlelady for yielding, and I thank you for your leadership on this important issue.

As a CPA who spent nearly two decades helping American families chart their way toward fiscal responsibility, I can tell you that if you want to get serious about getting your finances in order, then the very first thing you have to do is balance your budget. If we want to see our economy moving again, if we want to see the job market growing again, if we want to ensure that we remain the most powerful and prosperous nation on Earth, then we must balance our budget.

Yet if we've learned one thing over the past few years, it's that we can't expect Washington to balance its books on its own. To really force the tough spending decisions and to ensure we spend our money as efficiently as possible, we must require that Washington balance its budget. To put it frankly, America needs a balanced budget amendment. We came close 16 years ago; but since then, our national debt has grown from \$4 trillion to \$15 trillion. We're facing a crisis. We need a balanced budget amendment, and we need it now.

But if you don't want to take my word for it, you can take the word of our colleagues from across the aisle who, in the past few years, have said things like this: "The issue of balancing the budget is not a conservative or liberal one, nor is it an easy one; but it is an essential one." Or again, I quote a friend from across the aisle, "I'm proud to be part of a coalition that is actively working to begin putting our country back on secure economic footing. The balanced budget amendment won't achieve that all by

itself, but it will help ensure that we don't repeat the mistakes that helped create our current situation." And finally, again, I quote a friend from across the aisle, "This amendment would send a strong signal to the financial markets, U.S. businesses, and the American people that we are serious about stabilizing our economy for the long term." And what did the Democrat leadership say about this very issue in past years? They said they would welcome it. But what are they saying today? No. They're whipping against it.

It is time for our friends across the aisle to put our children before their politics. Stop fighting this landmark achievement out of sheer partisan spite, and do the right things. We all need to support this measure not because it's easy, but we need to show the courage because this is what matters. So let's come together to take a stand for fiscal responsibility, show our kids and grandkids that we cherish their future, and pass the balanced budget amendment.

Mrs. SCHMIDT. I thank my colleague from Kansas. And I couldn't agree with you more. The passage of a balanced budget amendment will legally prevent us from spending more than we take in. It is the only method guaranteed to control our spending. By controlling our spending, we will lower the deficit, which will lower interest rates, which will contribute to greater economic growth. The passage of a balanced budget amendment will provide job creators with a better understanding of the economic environment in which they can expect to do business—that's called certainty—thereby encouraging investment and expansion. I could go on and on.

I will now turn to my good friend from Florida because I want to hear your thoughts on this balanced budget amendment.

Ms. ROS-LEHTINEN. I thank the gentlelady from Ohio for yielding to me, and I congratulate her for her leadership on this very important fiscal issue that really permeates throughout our society and throughout our families and throughout the entire budgetary crisis that we find ourselves in.

I'm so pleased that for the first time in nearly 15 years the House will be voting this week on a constitutional amendment to balance the Federal budget. As a mother and a grandmother, I have long supported this proposal. It will ensure that we fix the burden—and that's what it is, the burden of endless deficits that has fallen on future generations. Unfortunately, as you know, Mrs. SCHMIDT, the need for this amendment has never been greater. A constitutional amendment can set us on a path to long-term fiscal stability and restore confidence after decades of deficits.

Two years ago, the United States experienced its first trillion-dollar Fed-

eral budget deficit. We thought things were bad then. Last year, we experienced our second trillion-dollar deficit. We thought things were bad then. This year, our annual deficit has reached over \$1.3 trillion, the third trillion-dollar-plus deficit in our Nation's history. It took the United States over 200 years, from the presidency of George Washington to the presidency of Bill Clinton, to amass the amount of debt that was added since the year 2006. That is shocking. And according to the U.S. Treasury Department, our Nation's debt currently stands at nearly \$15 trillion. Think of that astronomical amount, \$15 trillion, which amounts to—how much is that per person? Because the figure is so large that we can't fathom, we can't really appreciate what it is. It amounts to a \$47,900 tax for every living American. The debt has sharply increased to nearly 100 percent this year, the highest level since World War II. These are alarming statistics.

Growing debt increases the probability of a sudden fiscal crisis during which investors would lose confidence and the government could lose its ability to borrow at affordable rates. If we do nothing, the annual deficit will grow to consume nearly one-fifth of the entire U.S. economy, and the debt would grow to Greece-like levels of over 100 percent. I believe that just as our families and neighbors—like the lady you show there on that poster—have had to tighten our belts during this recession, well, then, the Federal bureaucracy must do the same.

□ 1620

While the budget reforms that we have passed in the House were a good start, only a constitutional amendment can ensure that we will not stray from the path of a balanced budget as we did 10 years ago. A constitutional amendment will help ensure a future of stability for our children and for our grandchildren.

So I urge all of our colleagues on both sides of the aisle to vote in favor of this balanced budget amendment. It's history in the making this week, and I thank Mrs. SCHMIDT for her leadership and for trying to straighten out this fiscal insanity mess that we find ourselves in.

Mrs. SCHMIDT. I thank my good friend from Florida.

As I said a moment ago, a balanced budget amendment will legally prevent us, tie our hands from spending more than we take in. It's the only method available to control spending in Washington, and it will lower our interest rates which will contribute to economic growth.

This balanced budget amendment is a job creator because it puts certainty back into the marketplace. It will remove legislative gimmicks—you know, the kind of accounting gimmicks that

say we've cut when we really haven't—from the budgeting process because it will be just like what this woman is doing with her checkbook, how much in, how much is going out, are we in the black or are we in the red.

Since the passage of a balanced budget amendment, or the attempt to pass a balanced budget amendment in 1995 by a bipartisan House and its subsequent failure by one vote in the Senate, the national debt has grown by \$9 trillion. You know, if we just had that courageous person in the Senate in 1995 to say yes, I dare say we wouldn't be in the position we are in today. The passage of a balanced budget amendment would be a key step to rebuild, restore, and regain the American public's trust and confidence in the United States, and not just the confidence for the Americans to have in us, but the confidence for our creditors around the world.

This resolution does a couple of things. It prohibits outlays for a fiscal year except for those repayment of debt principal from exceeding total receipts for that fiscal year except those derived from borrowing unless Congress by a three-fifths rollcall vote, none of this voice vote, rollcall, we have to put our card in the machine and show how we vote up on the wall, authorizes a specific excess over the outlay. So if you have to overspend, three-fifths of us are going to have to agree to overspending.

It requires a three-fifths rollcall vote of each Chamber to increase the public debt limit. Again, none of these shenanigans about a voice vote when we're all in the corners of the hallways or back home. Each and every one of us are going to have to take our voting card and put it in the machine and Americans are going to see how we voted right on that screen.

It directs the President to submit a balanced budget to Congress annually. Wouldn't that be a breath of fresh air?

It prohibits any bill to increase revenue from becoming law unless approved by a majority of each Chamber by again a rollcall vote. That means putting your card in the machine and having it displayed on the wall.

It authorizes waivers of those provisions when a declaration of war is in effect or under other specified circumstances involving military conflict. So again, in a case of national emergency where we would be placed in harm's way, it allows for those provisions to occur.

My fellow friends in this Chamber, it is so important that we think about doing this and doing it this week because I do not believe we can wait any longer. You know, the United States, as was said before, has spent almost \$15 trillion of accumulated debt, 3.7 of new debt in just 2 years. It's an alarming figure. No wonder our bond creditors are looking at us and shaking their fingers.

Our spending driven debt crisis poses a lethal threat to our country's economic recovery, our national security and our sovereignty and the standard of living for future generations. And, Mr. Speaker, I have a stake in these future generations because not only do I have a wonderful daughter and a great son-in-law, but I have the two best grandsons a grandmother could ever have. And I look at them and I see such potential in their eye. And I look at them and I remember how my ancestors came from Ellis Island with nothing but pennies in their pockets, maybe not even pennies, how my own father started with nothing and worked and worked and worked to put food on the table and give us the promise for a better future. How me, from an ordinary beginning, born and raised on a farm, could end up serving in the U.S. Congress. All of that is the fabric of the American dream. All of that is the potential that we can be and we should be, and I see it being threatened by our overspending.

Mr. Speaker, about 10 days ago I took the Staten Island ferry to Staten Island. You know me, I'm a runner. I was doing my 90th-whatever marathon it was. My friend, my cousin, said let's take the ferry and we did. It reminded me of the critical juncture we are in in our Nation.

On the way down in the cab, where you catch the ferry is real close to the World Trade Center. My daughter lived in New York during the time of the attack on the World Trade Center. I had just taken her to the Windows of the World for dinner just 3 weeks before those towers came crashing down. So I said to the cab driver: Would you mind driving me around, I want to see what the new building looks like. You know, I saw the rebirth of the brick and mortar of that emblem in New York.

And then I got on the boat, on the ferry. The sun was coming up and it was dancing across the water, and I saw Ellis Island. I thought: Wow, my ancestors came through there; my own grandfather with nothing came through there and ended up in Cincinnati. And then I saw the Statue of Liberty. I thought: Oh, my gosh; that's the beacon of hope. That is where people from across the globe want to come to America because they know they have the chance to be the best person they can be. They have the choice and the chance and the opportunity to be what they want to be, to chart their own destiny. And there are so few places around the world that give them that choice.

And then we landed, got to the bridge, the Verrazano Bridge, where we start the marathon. Because I was in the second wave, we started with "America the Beautiful" and then they sang "New York, New York," you know, the Frank Sinatra song. Actually, it wasn't "America the Beau-

tiful," it was "God Bless America," but I digress. And I started to cry. And it wasn't just soft tears, these were tears running down my face and I cried because I realized we are at a crossroad. We could lose all of this. All of this could be lost because we're allowing ourselves to become obese with debt. Let me repeat that, obese with debt.

You know, our First Lady likes to talk about obesity in America. And yes, it's a problem, but we have become obese with debt and we have no road map to get out of it. The road map to get out of it is a balanced budget amendment because it says you can't spend more than you take in. You can't do it. And oh, if you decide in this Chamber to do it, we're going to see how you vote. And it's not just going to be 51 percent, or 50 plus one, it's going to be three-fifths of everybody in this Chamber. And we're going to have to show America how we voted right there on that wall. So if you're going to overspend, you better dog on well have a good reason to do it.

Again, let me repeat what this measure does. It requires the Congress not to spend more than it receives in revenues unless a supermajority, three-fifths vote and a rollcall vote to provide otherwise.

It requires a corresponding three-fifths vote to raise that debt ceiling; again, a rollcall vote.

It requires the President to submit a balanced budget to this auspicious body. It requires him to do that—him or her.

□ 1630

It requires a majority rollcall vote for any proposed bill to increase taxes. So if we want to do this by increasing taxes, you've got to have three-fifths to do that. It also provides for a limited exemption in times of war and serious military conflict. So it protects us in case we have a national strike against us. And it would take effect beginning the fifth fiscal year after the ratification by the States, because my friends, the problem is our national debt crisis.

I would now like to turn to my good friend from North Carolina.

Mrs. ELLMERS. I thank my good friend from Ohio. Thank you for holding this Special Order. The American people are ready for solutions, as you know. We are working so hard here in the House on coming up with those solutions. We will be voting on a balanced budget amendment—and I'm very excited about that—as has been required by the Budget Control Act that we passed in August.

I'm here now as one of those new freshmen. And it is amazing to me and, of course, we all know that for over 200 years we've functioned without the Federal Government having to be held to—

Mrs. SCHMIDT. May I ask a question? When you do your bills, do you do

what this lady is doing and balance your checkbook first? What would happen if you didn't do that?

Mrs. ELLMERS. Absolutely. All of our homes, we all live by budgets. The American people have had to redo their budgets over and over and over again. Why? Because of the economy that we're in today, because of the cost. And yet the Federal Government does not do this. Now we are up to what, 930 days that the Senate has not passed a budget? We passed our budget. We passed a budget in the House. The President had a budget. But his budget called for over \$1 trillion more of spending that we were not taking in.

Mrs. SCHMIDT. So it didn't balance, did it?

Mrs. ELLMERS. It didn't balance, and it didn't pass in the Senate. Ours did not come up for a vote. So Washington continues to function without a budget. And yet, again, our households function with a budget. Mothers and fathers are up at 3 o'clock in the morning worrying about how they're going to pay the bills this month, and yet the Federal Government just says, it doesn't matter. We can just continue to spend money. As long as we don't have a budget, we can spend as much we want.

That is the problem. And the American people are tired of this. They are tired of us just with our open checkbook writing, having to raise the debt ceiling to take care of the bills that have already been submitted and the interest that we have to pay.

The balanced budget amendment that we're talking about passing passed the House in 1995, went on to the Senate, missed passing by one vote. Where would we be today in our economy if that had passed back then? The Federal Government would have been held to a vote, they would have been held to a budget, and we wouldn't be deciding these things. We wouldn't be having to pass continuing resolutions that the American people look to us in Washington and say, where is the leadership? How can it possibly be that that's the way they're functioning? And yet this is what we have to do to keep Washington running because Washington does have a purpose. We have to provide for the national defense, we have to take care of our seniors, and we have to take care of those individuals who cannot take care of themselves. And yet, without a budget, we have no way of deciding how much that will be. And so we continue on.

This version makes it harder to raise taxes. This version is substantial. The balanced budget amendment says that in order to raise the debt ceiling, the future Congress will have to have a three-fifths majority to vote in each Chamber in order to raise the debt ceiling. That will become even more difficult.

This is what the American people are calling for us to do. They're crying out

for leadership. If we pass this balanced budget amendment in the House and it goes on to the Senate and passes there as well, then it will move on to the States for ratification. This will be historic. We will now be saying to the Federal Government, you must adhere to a budget. It's as simple as that. The most basic function of any household and of any business is to have a working budget in place, and yet the Federal Government, in its arrogance, says, no, we do not. Therefore, we are stuck in this situation that we, as you know, are dealing with every day, trying to figure out how we're going to pay for the things that we have that the American people need.

Under President Obama, the national debt has increased 34 percent. Clearly, it is time to stop. Clearly, the American people are saying to us, come up with a solution. We're dealing every day here in Washington with trying to make it through, trying to build a foundation for the future. This balanced budget amendment will be a tool that we can use so that our children and our grandchildren will know prosperity, and we will ensure it. It's time to get it done.

Thank you so much for letting me speak on this issue.

Mrs. SCHMIDT. I thank you for your attention in this matter, and you're absolutely right. We've got to get control of the spending and get control of it now.

It reminds me of when you're trying to go on a diet. And so if I'm trying to go on a diet back home—believe it or not, every once in a while I have to watch what I eat—I don't sit there and have every candy bar in the world out in front of me and open them up. That only entices me to want to eat it. So if I'm going to go on a diet, I don't buy the candy. I buy an apple, I buy bananas, I buy something that is filling and good for me. But I certainly don't tempt myself with something that I know is only going to be wasted calories and put on weight. And yet, we don't do that here at the Federal level. We say, well, it's okay, we'll cut spending tomorrow, but we'll spend today. If we had a balanced budget amendment, we couldn't have that attitude. We'd have to look at every single dime that is in our checking account and account for it before we built a new program.

Look at how many attempts there are for new programs, small and large, right here in this body. You've been here 11 months. How many programs and ideas have come before you and you've had to say, can we afford it? But here we don't have to answer that question. We have the freedom to do it. We may not be able to afford it, but I'm not balancing the checkbook, so we don't know. It doesn't matter. It's okay.

No, it's not. We have to force ourselves to do what's right for America,

and not just here in 2011, but in 2111 and 2211 and beyond. Our protection, the only protection that we have is with a balanced budget amendment because it ties our hands to future spending. It forces us to balance that checkbook and do what's right for America.

As we are looking at this, we know that the American public is with us on this. Ninety-five percent of Americans believe that the deficit problem is what's ruining our Nation, and almost 75 percent of those that recognize that the problem is the debt and the deficit, almost 75 percent say a balanced budget amendment is the right tool to make the answer. Stop the spending.

I turn now to my good friend from the State of Washington.

□ 1640

Mrs. McMORRIS RODGERS. Thank you so much, to my good friend from the State of Ohio, for organizing this Special Order this evening focused on the balanced budget amendment and having the Republican women come together to the talk about the importance of the balanced budget amendment.

We stand together tonight from all across this country as businesswomen, teachers, doctors, farmers, mothers, educators, nurses, and attorneys committed to restoring America's prosperity, committed to getting our fiscal house in order, committed to stopping wasteful spending, and committed to putting Americans back to work. And that's why we stand together united in support of the balanced budget amendment.

As a mom of two young children, I am greatly concerned about the growth of government spending and the government debt. I believe it hurts our economy today and threatens our children tomorrow.

James Madison said that the trickiest question the Constitutional Convention confronted was how to oblige a government to control itself. History records not a single example of a nation that spent, borrowed, and taxed its way to prosperity, but it offers us many, many examples of nations that spent and borrowed and taxed their way to economic ruin and bankruptcy. And history is screaming this warning to us, that nations that bankrupt themselves aren't around very long, because before you can provide for the common defense and promote the general welfare and secure the blessings of liberty, you have to be able to pay for it.

Not long after the Constitutional Convention, Thomas Jefferson said, if he could make one change to the Constitution, it would have been to limit the Federal Government's ability to borrow money. Ronald Reagan said there were two things he wished he would have accomplished while in office, and that was a line-item veto and

a balanced budget amendment. As has been mentioned, we came one vote short in 1995. And I can't help but think what a different world we would be in today, both economically and as it relates to national security, if we had that balanced budget amendment in place.

Forty-nine States already have a balanced budget amendment. Seventy-four percent of Americans are demanding it. The House Republican women will join together in strong support of a constitutional amendment that will forever change the way Washington spends money. This is our time, this is our moment, and we must seize it.

Thank you again for yielding me some time.

Mrs. SCHMIDT. And I thank you, my good friend, for that eloquent view and argument for the balanced budget amendment because we are at a crisis, we are at a threshold, we are at a fork in the road in our country. And if we don't get this spending under control, your children and my grandchildren—they're about the same age—are going to have a really tough time charting their own destiny.

This is America. This is the place where streets are "paved in gold," and it's the gold of sweat from the Americans before us, the Americans that are here with us now, and the Americans of our future. But if we don't stop the unbridled spending in Washington, our future is not going to be able to continue to pave the way with gold.

This spending has to stop. To say we'll do it tomorrow is not enough. We have to force ourselves into fiscal discipline. And the only way to do that, the only legal way to bind us is through a constitutional amendment, because the Constitution says one legislative session can't bind a future legislative session with anything unless it is written in the Constitution. That means what? A balanced budget amendment. If we're going to control the spending, we have to have the balanced budget amendment.

I think we're going to take this historic vote on Thursday or Friday. This is not a partisan vote. This is what is right for our future. Three-quarters of Americans get it. That woman that balanced her checkbook on this picture gets it. My family that's back home, my brothers and sister and nieces and nephews that are probably balancing their own checkbooks sometime this week, they get it. The local government that I used to represent, they have to do it, they get it. The State legislature that I came from, they just balanced theirs on June 30 of this year, they get it. I think it's insane that we don't do the same thing.

Mr. Speaker, this week we're going to do something that is right for America. It's not a partisan thing. It's not a bipartisan thing. It is an American thing. It is what will preserve for us

the American Dream, not just for our children, but their children and their children. It will promote economic security and national security. It will say to the world we're ready to stand as a nation with a firm financial foundation. It has to happen with a balanced budget amendment.

I yield to my good friend, if you have anything to add.

Mrs. MCMORRIS RODGERS. You said it well. This is an issue that Americans get. All across this country, families have been making very tough decisions. Small business owners, local governments, States have had to make very difficult decisions because they don't have the luxury that the Federal Government does to either continue to borrow or print money to cover everything that we want to spend money on.

Mrs. SCHMIDT. You know, you're right. If I could go back a little bit, the local government that I represent, they have to ratchet back their revenue spending because their revenues are not what they used to be. The State that I represent, Ohio, they've had to ratchet back on their spending because guess what they have to do? They have to balance their budget. They can't go in the red.

Mrs. MCMORRIS RODGERS. I don't pretend for a moment that the balanced budget amendment will solve all our problems, but I do believe that it will force Congress to start living within its means, start setting priorities, start having that debate over what is the appropriate role of the Federal Government? How can services be better delivered? What can we send back to the States? That's the debate that we need. That's the debate that the balanced budget amendment will force.

We came one vote short in 1997. It included JOE BIDEN's vote. He voted for the balanced budget amendment in the Senate because it was what the people wanted, and he felt it was important to be on the side of the people. And that's why we need to just continue to elevate this issue, make sure that Americans are calling their Members of Congress, their Senators and asking for this vote on the balanced budget amendment. This is one of the most important votes that we will take during our time in Congress, and this is one that we need to make sure that we pass.

Mrs. SCHMIDT. I thank you, and I thank you for your time because I know you've got a busy schedule and you've got those two adorable children that you want to throw some love to. And the best love that we can give to our children and our grandchildren is the balanced budget amendment.

Ronald Reagan was right in so many ways, but he was right in 1982 when he said, if we are going to resolve our overspending, it has to be through a balanced budget amendment. My good colleagues, 29 years later, we've got to

hear his words and act on them because, if we don't, 29 years from now, I'm not sure if we will be the greatest nation that we are today.

My good friends across the aisle want to talk about how we create jobs, and we do need to create jobs. Our President, as I said earlier, had this stimulus bill that he thought was going to create jobs, and it didn't create any jobs. And then just a few months ago he rolled out a new jobs bill of a half trillion dollars that he thought was going to create jobs, but I just don't think that it's going to create jobs either. It's just going to add to our national debt. And the reason why he can do all of these things is because he doesn't have to do what this lady does each and every day, and that's to balance the checkbook. Americans want a checkbook that's balanced.

I would like to show another visual. I'd like to talk about what a few other people said in addition to Ronald Reagan.

Ben Franklin: "Creditors have better memories than debtors."

George Washington: "As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible."

□ 1650

Oh, my good friends in the House, if we had only utilized his words, to use it sparingly as possible.

Both sides have been part of the problem. This is not a Republican or a Democrat sin. This is a sin from past Congresses. This is a sin we can rectify.

Thomas Jefferson: "The principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale." The principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale.

He was saying you can't spend your way out of debt. You can't spend today, put the burden on your children of tomorrow and expect a healthy economy. No Nation has ever been successful in doing that. We in America will not be successful in doing that, and that's why we have to have the balanced budget amendment.

My good friends in the House, this week is a very important week for America. We need to pass the balanced budget amendment.

I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NUGENT, from the Committee on Rules (during the Special Order of Mrs. SCHMIDT), submitted a privileged report (Rept. No. 112-285) on the resolution (H. Res. 466) providing for consid-

eration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

WE NEED A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I appreciate so much the comments of my friend from Ohio, from Washington State, good people, good observations. It's an honor to serve with devoted people like that.

Spending is at an all-time crisis. We do need a balanced budget amendment. There's no question. We have got to have a balanced budget amendment.

The great Senator from the State of Texas, Phil Gramm, joined forces and got a bill referred to as Gramm-Rudman through. That was supposed to force, legislatively, the House and Senate to only spend within the revenue coming in. But since it was legislation, since both bodies can create such legislation, then both bodies can undo such legislation. Just like both bodies can create a debt ceiling bill, as occurred late July, early August this year, both bodies can decide to do something different a few months later. That's the problem with legislation. That's why we do need a balanced budget amendment.

Now, the bill that was brought through committee this year, this 112th Congress, titled H.J. Res. 1, it passed out of committee, the Judiciary Committee. It says that the purpose is proposing a balanced budget amendment to the Constitution of the United States. Massive number of cosponsors. And it was a good bill. It was, it is.

And all gratitude goes to Mr. BOB GOODLATTE. He has been a strong proponent for advancing a balanced budget amendment for numerous Congresses for many years, and he has done a good thing with this bill. I appreciated his also including an amendment that I brought to committee that was passed in committee and is part of the joint resolution. But it's House Joint Resolution 1. It's a good bill. It's to provide for a balanced budget amendment.

In section 1 it simply says:

Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

Well, you might think that would be sufficient just to say total outlays cannot exceed total receipts. But those of us who've been around Congress long enough know that's not good enough unless you add, as Mr. GOODLATTE does in Section 8:

Total receipts shall include all receipts of the United States Government except those derived from borrowing.

If Section 8 is not in there, some Member of Congress down the road, if the balanced budget amendment were made into law as an amendment to the U.S. Constitution, would be clever enough to say, hey, it doesn't say you can't borrow. It just says you can't have outlays exceed total receipts. Well receipts, if you get loans, you've got money coming in, even from loans, well, that ought to be good enough.

So we need Section 8 that says total receipts include all receipts except those derived from borrowing. That's a good provision to have in there because we know that this body, different parties in charge, different groups in here, as Members of the House and Senate, have always had people that found a way, found a loophole, found a way to get around the laws, the Constitution.

A good example of that, no, a great example of that is the ObamaCare bill. Article I of the United States Constitution, section 7 makes very clear that any bill that raises revenue, increases the amount of revenue, it has to start here in the House. It can't originate in the Senate. It has to start in the House. That's where the founders wanted bills involving taxes in any way, that raise revenue at all, had to start in the House.

Over the years, people found a way around that. And we saw that with the ObamaCare bill. The election of SCOTT BROWN in the Senate made clear that they were going to have to do something different than what was originally planned in order to get the ObamaCare bill passed. So they took a House bill—they knew they couldn't wait on the House to do anything. They were going to have to start it.

So to get around the clear requirement of the Constitution that bills that raise revenue, as did the President's health care bill—raised taxes quite a bit actually—they said, okay, we're going to take a House bill that's already passed the House. They took one that provided a tax credit for first-time homebuyers who happened to be veterans. That was the basic intent of the bill.

Beginning with line 1, page 1, the Senate then deleted every word and substituted therein 2,400, 2,500 pages of ObamaCare. That way the Senate could say, hey, it didn't originate here in the Senate. This is a bill that originated in the House. We just struck every single word and put in the Senate bill.

Well, that violates the intent of the Constitution because, clearly, that health care bill did not originate in the House. But that was deemed to be a loophole in the rules and in the constitutional law, and so it's been gotten away with before and it was gotten away with on that bill.

So we know games get played like that. If you don't specify that receipts do not include borrowed money, then somebody's going to figure that out

and use it and probably get away with it. So it has to be in there.

The rule has now been reported from the Rules Committee about the balanced budget amendment version that we're going to be taking up. And people keep referring to it as a clean balanced budget amendment. That's the one we're going to take up, one that does not have anything else other than total outlays must not exceed total receipts.

□ 1700

Now, in this House Joint Resolution 1, it has another provision that says:

Total outlays for any fiscal year shall not exceed 18 percent of economic output of the United States, unless two-thirds of each House of Congress shall provide for a specific increase of outlays above this amount.

It goes on in section 3:

The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

That means in order to increase the debt ceiling, you can't do it with one more than 50 percent, that also will require three-fifths to raise the debt ceiling.

Section 4 is a requirement that the President transmit to the Congress a budget for the United States Government. That's a proposed budget for that fiscal year. "Total outlays do not exceed total receipts."

Well, we've already seen with the Senate, seen previously the President can just choose to ignore that, not because it's not a matter of law. The law requires the Senate to pass a budget. They've chosen to ignore that, to violate the law. They have violated the law. They continue to refuse to follow the law. But, unfortunately, it's another loophole in the law even though they're required to pass a budget, and the Senate's failed to do so for going on a thousand days now. There is no enforcement mechanism of what we do to the Senate if the Senate violates the law by not submitting a budget, so we've seen games get played. The games continue.

Now, in this House Joint Resolution 1, section 5 says: "A bill to increase revenue"—in other words, raising taxes—"shall not become law unless two-thirds of the whole number of each House shall provide by law for such an increase by a rollcall vote." So, in other words, a supermajority is required in the House and the Senate in order to raise taxes.

Now, of course, section 6 makes an exception for war. As it says: "The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect." It's a war exception because we know in times of war we have to do whatever has to be done in order to provide for the common defense and to ward off those who would destroy this country that we love.

So I think those are all important.

But now we're going to be taking up something that is so important to the country, a balanced budget amendment. And I believed when I was elected in 2004 a balanced budget amendment is very important to become a part of the Constitution through the amendment process, and I still believe that. My beliefs have not changed. But in my over 6½ years now here in Congress, it's become very clear to me that unless we have a constitutional cap on spending, the House and Senate will not be able to control themselves. And all one need do is look at who's paying the taxes now.

We're told somewhere between 50 percent and 53 percent of all of the adult Americans will pay all of the income tax. We're now told over 47 percent of American adults are not paying any income tax. When a country has close to 50 percent who are not paying any income tax, then you're always going to have a situation where there is a hue and cry among those who are getting money from the government and not paying money in not to cut spending but to raise taxes.

I feel like having a cap on spending is so important that even though I really appreciate and think a supermajority to raise taxes is a good idea, I think it would be okay to let that go. If we have a cap on spending, the provision that would say it takes three-fifths to raise the debt ceiling, if we have a balanced budget amendment and a cap on spending, I think we can let those go.

But I've become increasingly convinced that if we don't have a cap, a maximum amount of spending—and the best way we've seen, I'm open to other ideas, but the best proposals have indicated a percentage of our gross domestic product is the best thing to take a percentage of and make that the maximum amount the government can spend. If we don't do that, I've seen repeatedly, whether the Republicans are in charge or the Democrats are in charge, we can't control spending. No better example than what's been going on lately.

We have a President in the White House who has threatened that he'll veto a bill that makes cuts that he doesn't want. He's threatened to veto a bill that tries to rein in the extra trillion dollars of spending that he immediately came in and spent.

I mean, good grief. It would seem that since this body, under control of Speaker PELOSI for 2007, 2008, 2009, 2010, that we had spent more money than in history, that we could at least go before the big Wall Street bailout, October of 2008, we could at least go back to 2007 spending. That was spending that was created by the liberal Congress headed by Speaker PELOSI. Surely we could go back to 2007 before we added an extra trillion dollars and then President Obama added a trillion dollars,

and then we keep adding that extra trillion dollars that we didn't spend in 2007 and actually wasn't spent until fiscal year 2009 because it was so late in 2008. We'd already passed October 1. We're in 2009 spending. Why couldn't we go back to 2008 levels of spending before we added an extra trillion, before this President ran up spending to about \$1.5 trillion more than we were bringing in in receipts?

It just seems so grossly ridiculous to have a President come in and increase and say: We're going to have this big, over a trillion dollars in added spending before we've never had before. And, by the way, if you dare try to cut any of this spending, I'm going to veto the bill.

So we don't cut spending. We had the biggest wave election last November since the 1930s. Over 80 new Republicans coming into the House of Representatives. Having met them, gotten to know them, these are good people. These are good Members of Congress. They came with the right motivation. They were elected by people who had the right motivation. They want to see this country thrive and not just survive but really prosper and protect liberty. They were driven by those beliefs. They were driven by the same desire that I have that motivated me to run for Congress in 2004.

I do not want to be a part of the generation that gave our children a lesser country than we inherited. That's why so many of us work so hard. We don't want to be that generation. This country could go on for 200 more years and still be the greatest, freest land in the history of the world, but not with the level of spending that we have embraced.

□ 1710

So I've come to see, when you look at what has happened with that wave election coming in and when you go back and look at our conservative Republican pledge made by wonderful people I love serving with, that we pledged to the American people. I didn't write that pledge, but I agreed to it. It said we were going to return spending to pre-stimulus, pre-bailout levels. We promised that. We pledged that. Not only that, we said, Here is our marker. We promise you we're going to cut at least \$100 billion in the first year if you put us in office. That's our pledge.

Everybody who took that pledge meant it. Then we had a wave election after that pledge, and wonderful, wonderful people came into this body with the intention of keeping the pledge.

We got to the spring of this year. Well, actually, we got to December—Speaker PELOSI was still in charge. There was more money given away by Congress in December than in any lame duck session in the history of the country, which was after the most conservative wave election since the 1930s. Ac-

tually, that wasn't a conservative election back in the thirties, but this was a wave election. A powerful majority of Americans wanted restraint on spending, and with the wonderful people who were elected and sent up here, we had the biggest giveaway last December of any lame duck session in history.

Then we come in at the first of this year, still with the best of intentions. We still knew, Okay. Just forget about December because we're going to keep our pledge. Then some realized, Gee, we're up against an awful lot of people who don't pay any income tax, and they don't want any cuts in spending. We may not get enough in the Senate to do what we promised, so let's do a compromise. It was with the best of intentions. There was nothing ill-intended about working out a compromise with the Senate.

The way it should have worked is for this House to pass the bill that they believed was appropriate. It was for this House to pass a bill that cut \$100 billion off of spending and then wait and demand for the Senate to pass something, because the Senate just seemed to have trouble passing anything. It's why the President is 50 percent right when he says this is a do-nothing Congress, because the Senate has been doing nothing. They've got our bills piled up down there, led by able leadership here in the House. They're letting them pile up down there. They're not going to pass them. They don't want to create those jobs or it might look good for Republicans who are driving the agenda. So they're just going to let them die down there unless the American public makes it very clear: You either pick up those Republican bills in the Senate and pass them or over 20 Democratic Senators won't be back come January 2013. Maybe that will motivate them.

In the meantime, we should have forced them to pass something. Then it would go to conference, and then a compromise would be worked out. That's how the system was intended to work. Then we could say to our constituents here from the House, where the Republicans have the majority, You see what the House passed. This is what we believe. We passed what we said we would. If you want this to become law as we passed it in the House, you've got to give us the majority in the Senate, and we'll do that.

As it is, all we have is a majority in the House. This is the only place we can pass it. We had to work out a compromise in the conference committee, and that's why we got what we did. But in the meantime, if you want what the House passed before the compromise, give us the Senate next year and you'll get it. That's the way the system was designed to work.

Then it allows the Senate to say, Look, see all these giveaway programs that we passed here in the Senate? We

had to drop some of these giveaway programs in the conference committee because, the dadgum fiscally responsible Republicans in the House, they wouldn't go along with all the giveaways, so we had to cut some in conference; but if you want more and more giveaways like we're passing in the Senate, then give us back the majority in the House, and you'll get more and more giveaway programs. That's the way the system is supposed to work.

Then in November next year, the American voters can say either they want a majority in the House to have more giveaway programs like the Senate has passed or they can say we want more fiscal responsibility as we found in the House by virtue of the bills they passed. The problem has been that we have been negotiating with the Senate to see what we think they might pass and then shoot at the target that they say they might pass in the Senate rather than passing what we believe in in the House.

This summer, it is to the Republicans' credit in the House that we passed a bill called Cut, Cap, and Balance. There were some issues and concerns I had, but overall it was a good bill and it passed. We should have demanded that the Senate pass something that would go to the conference committee with our Cut, Cap, and Balance and that we would work out a compromise from there, but that's not what we did. We turned around and passed a debt ceiling increase that had been negotiated and, basically, was what the Senate said they might be willing to pass, and we got it passed.

My point being, we keep passing bills that really haven't cut spending. With the wave election like we had and with a big group coming in, we couldn't control spending? We couldn't get a majority to pass it in the House to cut \$100 billion in spending? What are the hopes in the future?

The time has come for a balanced budget amendment with a cap on spending. I think that cap on spending is so important to help future Congresses, to help this country last. I think it is so important that I think we can forget about the two-thirds to raise taxes. I think we could forget about some of the other provisions if we just have those two things: one, a balanced budget requirement where outlays do not exceed the receipts and where the receipts don't include borrowed money; number two, a cap on spending. We've seen time and time again we haven't been able to control spending even with the incredibly good Representatives that were added last November.

With regard to the debt ceiling and bringing down the spending, good grief. We added over \$1 trillion. We're spending nearly \$1.5 trillion more than we're bringing in in receipts—and we can't find \$100 billion to cut from that? I mean, good grief. This House this year

had agreed to a 5 percent cut in our legislative budgets. We did that to ourselves. Most of America has no idea about that. Then for next year, we're going to have a little over a 6 percent cut in our legislative budget. Most of America has no idea about that either, but we did it.

The only way that's going to really make a difference in the deficit is if we make that demand of every other agency, of every other department, of every other amount of discretionary spending and if we say, Look, we did it to ourselves, that gives us the moral authority to say, You're cutting your budget 5 percent next year and 6 percent the year after that, and we're going to bring this down 11 percent over the next 2 years. Then, voila, we have met the requirement that was put upon the supercommittee.

You see some problems with the so-called supercommittee. There are some great people on there. The people who were put on there from the House and the Senate, the Republicans, they're friends and they're good people. PAT TOOMEY—there's not a more conservative guy anywhere—he was even willing, from the reports, to have a framework that actually raised revenue like the demand had been made by the Senate Democrats and by the President. Some of us were wincing at it—ooh—but he was willing to do that. It looked like the Democrats were so impressed—gee, this is great. So I'll tell you what. This may be the deal that works. Then they went back and talked to their Democratic leadership, whoever that is, and they came back and said, We can't work out a deal here.

That should have made it pretty clear, when the agreement was made to cut hundreds of billions of dollars from our national security and at the same time cut hundreds of billions of dollars from Medicare, that some people on the other side of the aisle have realized, if we go into next year's election and if the only cuts to Medicare have been the \$500 billion that ObamaCare did last year—that the Democrats rammed through against the will of the Republicans in the House and the Senate and against the people across America—we're going to be toast next November. So, if we could have this failure of the supercommittee and if all this doesn't work out and if all these hundreds of billions are cut from Medicare, then we can tell them the Republicans did it instead of ObamaCare, which AARP thought was a good idea.

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They'll forget about that if we have those cuts this year because we blame the Republicans.

Mr. Speaker, may I inquire how much time is left.

The SPEAKER pro tempore (Mr. HUIZENGA of Michigan). The gentleman from Texas has 55 seconds remaining.

Mr. GOHMERT. Let me finish up by saying, we need a cap on spending.

And with respect for the veterans, let me finish with a prayer from George Washington, just a small excerpt since my time is so short. It's Washington's prayer:

Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection; and Thou wilt incline the hearts of the citizens to entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large, and particularly for their brethren who have served in the field.

Those are our veterans. I'm a veteran. I didn't serve in combat. But thank God for those willing to make the ultimate sacrifice for our liberties. Now we should not squander it.

With that, I yield back the balance of my time.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 398. An act to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on November 4, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 368. To amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

H.R. 818. To direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 16, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3838. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant

General Dana T. Atkins, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

3839. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Adam M. Robinson, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

3840. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Eric B. Schoomaker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3841. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Francis H. Kearney III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3842. A letter from the President and Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ethiopia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3843. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Investment Advice — Participants and Beneficiaries (RIN: 1210-AB35) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3844. A letter from the Secretary, Department of Health and Human Services, transmitting the first biennial report concerning the Food Emergency Response Network mandated by the FDA Food Safety Modernization Act (FSMA); to the Committee on Energy and Commerce.

3845. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-19, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3846. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-34, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3847. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-39, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3848. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the 2011 list of U.S. Army Corps of Engineers projects that have been identified as candidates for de-authorization; to the Committee on Transportation and Infrastructure.

3849. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, John H. Kerr Reservoir, Clarksville, VA [Docket No.: USCG-2011-0545] (RIN: 1625-AA08) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; East Coast Drag Boat Bucksport Blow-out Boat Race, Waccamaw River, Bucksport, SC [Docket No.: USCG-2011-0672] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V DAVY CROCKETT, Columbia River [Docket No.: USCG-2010-0939] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; TriRock Triathlon, San Diego Bay, San Diego, CA [Docket No.: USCG-2011-0789] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ryder Cup Captain's Duel Golf Shot, Chicago River, Chicago, IL [Docket No.: USCG-2011-0847] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Head of the Cuyahoga, Cuyahoga River Cleveland, OH [Docket No.: USCG-2011-0825] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deduction for Qualified Film and Television Production Costs [TD 9552] (RIN: 1545-BJ24) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3856. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Cost-of-Living Adjustments to the Internal Revenue Code Tax Tables and Certain Other Tax Items (Rev. Proc. 2011-52) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3857. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — November 2011 (Rev. Rul. 2011-25) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3858. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Treatment of Stock of a Controlled Corporation under Section 355(a)(3)(B) [TD 9548] (RIN: 1545-BH49) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3859. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Eligibility for Exemption from User Fee Requirement for Employee Plans Determination Letter Applications Filed After January 31, 2011 [Notice 2011-86] received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3860. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Salvage Discount Factors for 2011 (Rev. Proc. 2011-54) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3861. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Disregarded Entities; Excise Taxes and Employment Taxes [TD 9553] (RIN: 1545-BH90) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3862. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Unpaid Loss Discount Factors for 2011 (Rev. Proc. 2011-53) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3863. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Privacy Office third quarterly report for fiscal year 2011; to the Committee on Homeland Security.

3864. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, "DHS Privacy Office 2011 Annual Report to Congress"; to the Committee on Homeland Security.

3865. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled: "Implementation of Recovery Auditing at the Centers for Medicare and Medicaid Services"; jointly to the Committees on Energy and Commerce and Ways and Means.

3866. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2013, in accordance with Section 7(f) of the Railroad Retirement Act; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

3867. A letter from the Secretary, Department of Energy, transmitting proposed legislation to restore the Restricted Data (RD) category certain information that has been removed from that category pursuant to section 142 of the Atomic Energy Act of 1954, as amended; jointly to the Committees on Energy and Commerce, Intelligence (Permanent Select), and Armed Services.

3868. A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation entitled "Pipeline and Hazardous Material Transportation Safety Reauthorization Act of 2011"; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, Science, Space, and Technology, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUGENT: Committee on Rules. House Resolution 466. Resolution providing for consideration of motions to suspend the rules (Rept. 112-285). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POE of Texas (for himself and Mr. CARTER):

H.R. 3422. A bill to require the Secretary of Defense to transfer at least 10 percent of certain military equipment returning from Iraq to Federal and State agencies; to the Committee on Armed Services.

By Mr. CRENSHAW (for himself, Mr. VAN HOLLEN, Mrs. McMORRIS RODGERS, Mr. PAUL, Mr. HARPER, Mr. YOUNG of Florida, Mr. ROGERS of Kentucky, Mr. DEUTCH, Mr. CARNAHAN, Mr. BISHOP of New York, Mr. HOLT, Mr. SESSIONS, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, Ms. NORTON, Mr. MICHAUD, Mr. TOWNS, Mrs. EMERSON, Mr. DIAZ-BALART, Mr. WOLF, Mr. LANGEVIN, Mr. KLINE, Mr. VISCLOSKEY, Mr. CONNOLLY of Virginia, Mr. KING of New York, Mr. POE of Texas, Mr. ROTHMAN of New Jersey, Mr. GALLEGLY, and Mr. MILLER of Florida):

H.R. 3423. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. ANDREWS, and Mr. SIREs):

H.R. 3424. A bill to establish a program under which the Administrator of the Environmental Protection Agency shall provide grants to eligible State consortia to establish and carry out municipal sustainability certification programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. PAYNE, Mr. HINOJOSA, Mr. BISHOP of New York, Ms. WOOLSEY, Mr. KILDEE, and Mr. LOEBsACK):

H.R. 3425. A bill to provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONNOLLY of Virginia:

H.R. 3426. A bill to amend the Federal Water Pollution Control Act to require the closure of oil storage and processing facilities that have spilled oil multiple times near residential neighborhoods, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOGGETT (for himself, Mr. PETERS, Mr. STARK, Mr. BLUMENAUER, and Mr. RANGEL):

H.R. 3427. A bill to provide for the availability of self-employment assistance to individuals receiving extended compensation or emergency unemployment compensation; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, Small Business, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3428. A bill to amend the Federal Reserve Act to replace the Federal Open Market Committee members representing the Federal Reserve banks with additional members appointed by the President, and for other purposes; to the Committee on Financial Services.

By Mr. PALAZZO (for himself and Mr. SCALISE):

H.R. 3429. A bill to authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes; to the Committee on Natural Resources.

By Mr. ROTHMAN of New Jersey:

H.R. 3430. A bill to direct the Federal Communications Commission to extend the final deadline for private land mobile radio licensees to migrate to narrowband technology by 2 years; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 3431. A bill to prohibit the Administrator of the Environmental Protection Agency from granting a waiver under section 211(f)(4) of the Clean Air Act for any fuel or fuel additive that will reduce fuel efficiency or cause or contribute to engine damage; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. GRIJALVA, Mr. DEFAZIO, Mr. BLUMENAUER, Ms. SCHWARTZ, Ms. LEE of California, and Mr. HINCHEY):

H.R. 3432. A bill to authorize voluntary grazing permit retirement on Federal lands managed by the Department of Agriculture or the Department of the Interior where livestock grazing is impractical, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself, Mr. POLIS, Mr. CONNOLLY of Virginia, Mr. PERLMUTTER, and Mr. SCHRADER):

H.J. Res. 87. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MCGOVERN:

H.J. Res. 88. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate corporations, limited liability companies or other corporate entities established by the laws of any state, the United States, or any foreign state; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POE of Texas:

H.R. 3422.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8, of Article 1, in the United States Constitution.

By Mr. CRENSHAW:

H.R. 3423.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution

By Mr. HOLT:

H.R. 3424.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States

By Mr. GEORGE MILLER of California:

H.R. 3425.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, 3, 18 of the U.S. Constitution; Article I, Section 9, Clause 7 of the U.S. Constitution.

By Mr. CONNOLLY of Virginia:

H.R. 3426.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the Constitution

By Mr. DOGGETT:

H.R. 3427.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution that grants Congress the authority, "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. FRANK of Massachusetts:

H.R. 3428.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, Clause 3 (the Commerce Clause).

By Mr. PALAZZO:

H.R. 3429.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 1 of the Constitution.

By Mr. ROTHMAN of New Jersey:

H.R. 3430.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 3431.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution

By Mr. SMITH of Washington:

H.R. 3432.

Congress has the power to enact this legislation pursuant to the following:

Article IV Section 3. "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States . . ."

By Mr. CARNEY:

H.J. Res. 87.

Congress has the power to enact this legislation pursuant to the following:

Article V of The Constitution.

By Mr. MCGOVERN:

H.J. Res. 88.

Congress has the power to enact this legislation pursuant to the following:

Article V

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. AMODEI and Mr. WALSH of Illinois.

H.R. 58: Mr. AMODEI.

H.R. 104: Mrs. BLACKBURN.

H.R. 178: Mr. HASTINGS of Florida.

H.R. 361: Mr. WALSH of Illinois.

H.R. 376: Ms. RICHARDSON, Mr. BARTLETT, Mr. BRADY of Pennsylvania, and Mrs. MALONEY.

H.R. 396: Mr. MICHAUD.

H.R. 607: Mr. NADLER.

H.R. 721: Mr. CICILLINE, Mr. MCNERNEY, Mr. GRAVES of Missouri, Mr. LATTA, Ms. FOXX, Mr. MANZULLO, Mr. LUETKEMEYER, Ms. ROSELEHTINEN, Mr. MILLER of Florida, Mr. REICHERT, Mrs. EMERSON, Mr. CRENSHAW, Mr. MCCARTHY of California, Mr. SULLIVAN, and Ms. GRANGER.

H.R. 763: Mr. CANSECO.

H.R. 780: Mr. RANGEL.

H.R. 862: Mr. COOPER.

H.R. 885: Mrs. NAPOLITANO.

H.R. 959: Mr. DIAZ-BALART.

H.R. 984: Mr. DESJARLAIS.

H.R. 1111: Mr. RIBBLE.

H.R. 1148: Mr. SHERMAN, Mrs. CAPPS, Ms. HANABUSA, Mr. GUTIERREZ, Mr. MORAN, Mr. OWENS, Ms. HERRERA BEUTLER, Mrs. NAPOLITANO, and Mr. SHULER.

H.R. 1161: Mr. MATHESON.

H.R. 1164: Mr. LATTA.

H.R. 1173: Mr. KLINE and Mr. SMITH of Nebraska.

H.R. 1175: Mr. CARTER, Mr. BRADY of Pennsylvania, and Mr. FITZPATRICK.

H.R. 1176: Mr. JONES.

H.R. 1179: Mr. FARENTHOLD.

H.R. 1183: Mr. KING of New York.

H.R. 1186: Mr. SCHWEIKERT and Mr. THORNBERRY.

H.R. 1221: Mr. ISSA.

H.R. 1288: Mr. COSTELLO and Mr. HASTINGS of Florida.

H.R. 1385: Mr. GERLACH.

H.R. 1386: Mr. BUTTERFIELD and Ms. LEE of California.

H.R. 1475: Mr. HUIZENGA of Michigan.

H.R. 1489: Ms. WILSON of Florida.

H.R. 1509: Mrs. HARTZLER and Mr. KLINE.

H.R. 1513: Mr. LOBIONDO, Mr. PRICE of North Carolina, Mr. COHEN, Mr. CLAY, Mr. HANNA, and Mr. FITZPATRICK.

H.R. 1581: Mr. AMODEI and Mr. HULTGREN.

H.R. 1639: Mr. AKIN, Mr. POE of Texas, Mr. KISSELL, Mr. HUIZENGA of Michigan, and Mr. OWENS.

H.R. 1659: Mr. LARSON of Connecticut.

H.R. 1661: Mr. LATTA.

H.R. 1697: Mr. TERRY.

H.R. 1744: Mrs. ROBY.

H.R. 1756: Mr. HECK.

H.R. 1781: Ms. HAHN, Mr. CUMMINGS, and Ms. VELÁZQUEZ.

H.R. 1815: Mr. LOEBSACK, Mr. SCHRADER, and Mr. REYES.

H.R. 1951: Mr. MICHAUD.

H.R. 1956: Mr. NUNNELEE and Mr. SCOTT of South Carolina.

H.R. 1980: Mr. COURTNEY and Mr. GOWDY.

H.R. 1996: Mr. MCCLINTOCK, Mr. CRAVAACK, and Mrs. MYRICK.

H.R. 2014: Mr. WELCH and Mr. MATHESON.

H.R. 2016: Mr. LEVIN and Ms. MCCOLLUM.

H.R. 2040: Mr. GARRETT, Mr. CONAWAY, Mr. SOUTHERLAND, and Mrs. ROBY.

H.R. 2052: Mr. KISSELL.

H.R. 2071: Mr. SCHOCK.

H.R. 2077: Ms. HAYWORTH.

H.R. 2082: Mr. DANIEL E. LUNGREN of California.

H.R. 2108: Mr. BOREN, Mr. BUCHANAN, and Mr. DAVID SCOTT of Georgia.

H.R. 2131: Mr. CLEAVER, Mr. BACHUS, and Mr. KISSELL.

H.R. 2139: Ms. CLARKE of New York, Ms. LEE of California, Ms. NORTON, Ms. BORDALLO, Mrs. BLACKBURN, and Mr. STARK.
 H.R. 2229: Mr. BOSWELL.
 H.R. 2234: Ms. WOOLSEY and Mrs. NAPOLITANO.
 H.R. 2238: Mr. WALZ of Minnesota.
 H.R. 2245: Mr. REYES.
 H.R. 2284: Mrs. NAPOLITANO.
 H.R. 2299: Ms. HERRERA BEUTLER, Mr. BONNER, and Mr. COLE.
 H.R. 2335: Mr. SIMPSON, Mr. HERGER, and Mr. DENHAM.
 H.R. 2342: Mr. MORAN.
 H.R. 2412: Mr. TIERNEY, Mr. GRIMM, Mr. KING of New York, Mr. HONDA, and Mr. TURNER of New York.
 H.R. 2492: Mr. KLINE, Mr. JOHNSON of Illinois, and Ms. HAYWORTH.
 H.R. 2514: Mr. SESSIONS.
 H.R. 2528: Mr. RIBBLE.
 H.R. 2559: Ms. BALDWIN, Mr. TOWNS, Mr. CLEAVER, and Mr. CICILLINE.
 H.R. 2563: Mr. KINZINGER of Illinois.
 H.R. 2568: Mr. WEST.
 H.R. 2569: Ms. CLARKE of New York.
 H.R. 2580: Mr. TURNER of New York, Mr. HANNA, Mr. MEEKS, Mr. OWENS, Mr. TOWNS, Mr. FATTAH, Mr. HOLDEN, Mr. ROTHMAN of New Jersey, and Mr. MORAN.
 H.R. 2632: Mr. FITZPATRICK.
 H.R. 2657: Mr. BISHOP of New York and Ms. BALDWIN.
 H.R. 2672: Mr. BRADY of Texas.
 H.R. 2746: Mr. HOLT and Mr. FORTENBERRY.
 H.R. 2758: Mr. CICILLINE.
 H.R. 2827: Ms. JENKINS.
 H.R. 2833: Mr. PEARCE.
 H.R. 2874: Mr. GARRETT.
 H.R. 2918: Mr. GARRETT.
 H.R. 2959: Mr. POE of Texas.
 H.R. 2972: Ms. MOORE.
 H.R. 2982: Mr. MCINTYRE.
 H.R. 3000: Mr. NUNNELEE and Mr. COFFMAN of Colorado.
 H.R. 3010: Mr. ISSA, Mr. DONNELLY of Indiana, Mr. WHITFIELD, Mr. JONES, Mr. KING of Iowa, and Mrs. LUMMIS.
 H.R. 3012: Mr. JACKSON of Illinois.

H.R. 3039: Mr. WEST.
 H.R. 3044: Mr. NUNNELEE.
 H.R. 3050: Mr. RIBBLE, Mr. GRIFFIN of Arkansas, and Mr. BENISHEK.
 H.R. 3059: Ms. JENKINS, Ms. WOOLSEY, Ms. NORTON, Mr. JACKSON of Illinois, and Mrs. LOWEY.
 H.R. 3067: Mr. LYNCH, Mr. GRIJALVA, Mr. FILNER, Ms. TSONGAS, Mr. COURTNEY, Mr. SARBANES, Mr. ELLISON, Ms. NORTON, Mr. LATOURETTE, Mr. TIBERI, Mr. MCCOTTER, Mr. CHABOT, Mr. GERLACH, Mrs. EMERSON, Mrs. BIGGERT, Ms. ESHOO, Mr. DOLD, Mr. BISHOP of New York, Mr. LATHAM, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PETERSON, Mr. BOSWELL, Mr. LUJÁN, Mr. MURPHY of Connecticut, Mr. DeFAZIO, and Ms. MATSUI.
 H.R. 3068: Mr. RIBBLE.
 H.R. 3086: Ms. WOOLSEY, Mr. ISRAEL, Mr. LEWIS of Georgia, Mr. CONYERS, and Mr. MILLER of North Carolina.
 H.R. 3090: Mr. SCOTT of South Carolina and Mr. SAM JOHNSON of Texas.
 H.R. 3095: Mr. CANSECO.
 H.R. 3126: Ms. WOOLSEY.
 H.R. 3159: Mr. PAYNE, Mr. FLORES, and Ms. BALDWIN.
 H.R. 3162: Mr. BASS of New Hampshire, Mr. HARPER, and Mr. LUETKEMEYER.
 H.R. 3187: Mrs. LUMMIS and Mr. TONKO.
 H.R. 3194: Mr. AMODEI.
 H.R. 3202: Mr. MICHAUD.
 H.R. 3210: Mr. ROHRBACHER, Mr. COBLE, and Mrs. ELLMERS.
 H.R. 3213: Mr. CANSECO.
 H.R. 3236: Mr. MICHAUD.
 H.R. 3245: Mr. BARTLETT.
 H.R. 3256: Mr. COBLE.
 H.R. 3272: Mr. PALAZZO.
 H.R. 3290: Mr. KLINE.
 H.R. 3307: Mr. AMODEI, Mr. INSLEE, and Mr. LOEBSACK.
 H.R. 3308: Mr. BROWN of Georgia and Mr. WEST.
 H.R. 3325: Mr. POLIS, Mr. CARNAHAN, Mr. HOLT, Ms. HIRONO, and Mr. PRICE of North Carolina.
 H.R. 3334: Mr. HOLT.
 H.R. 3346: Mr. BRALEY of Iowa, Mr. FARR, Mr. LANGEVIN, Ms. HAHN, Mr. FILNER, Mr.

McGOVERN, Mr. CLARKE of Michigan, Mr. GUTIERREZ, Mr. MARKEY, Mr. ACKERMAN, Ms. RICHARDSON, and Mr. PRICE of North Carolina.
 H.R. 3352: Mr. KING of New York.
 H.R. 3365: Mrs. McMORRIS RODGERS and Mr. CHAFFETZ.
 H.R. 3367: Mr. REED.
 H.R. 3368: Ms. DeLAURO, Mr. OLVER, and Mr. DOGGETT.
 H.R. 3387: Mr. TURNER of New York.
 H.R. 3403: Mr. NUNNELEE, Mr. YOUNG of Florida, and Mr. MARINO.
 H.R. 3405: Mr. JACKSON of Illinois, Mr. PRICE of North Carolina, Mr. STARK, Ms. SCHAKOWSKY, and Mr. MEEKS.
 H.J. Res. 13: Mr. FLORES.
 H.J. Res. 80: Mr. GRIJALVA and Mr. FARR.
 H.J. Res. 83: Mr. SIRE.
 H.J. Res. 85: Mr. CARTER and Mr. NUNNELEE.
 H.J. Res. 86: Mr. FILNER and Mr. CICILLINE.
 H. Con. Res. 72: Mr. KEATING.
 H. Con. Res. 82: Mr. BUCSHON.
 H. Res. 98: Mr. CRAWFORD.
 H. Res. 111: Mr. MULVANEY, Mr. LATTI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DESJARLAIS, Mr. YOUNG of Indiana, Mr. HUIZENGA of Michigan, and Mr. WALSH of Illinois.
 H. Res. 134: Mr. CARNAHAN and Mr. RUNYAN.
 H. Res. 220: Mr. COSTELLO, Mr. GEORGE MILLER of California, and Mr. KUCINICH.
 H. Res. 282: Ms. BALDWIN.
 H. Res. 356: Mr. BILIRAKIS, Mr. FRANKS of Arizona, and Mr. JONES.
 H. Res. 367: Mr. MANZULLO.
 H. Res. 378: Ms. NORTON.
 H. Res. 397: Ms. LEE of California.
 H. Res. 450: Mr. KISSELL, Ms. BORDALLO, and Mr. POLLS.
 H. Res. 452: Mr. TONKO, Ms. CASTOR of Florida, and Mr. SCOTT of Virginia.
 H. Res. 460: Ms. RICHARDSON, Ms. BORDALLO, Ms. LEE of California, Mrs. MALONEY, Mr. ISRAEL, Ms. WILSON of Florida, Mr. LANCE, Mr. RUSH, and Ms. HAHN.

SENATE—Tuesday, November 15, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O God, our Father, who fills the universe with the mysteries of Your power, give Your light to our Senators. Illuminate their paths with Your wisdom that they may embrace Your precepts and seek Your truth. Make the light of Your truth guide them as they seek to solve the complex problems of our time. Lord, help them to see the things they ought to do and give them the courage to act. Show them where to go, how they should decide, and which pitfalls they should avoid. Guided by Your light, lead them to Your desired destination, as they find joy in both serving and loving You.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 15, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. The Republican leader and I will make a few remarks today. After

that, the majority will hold the first half and the Republicans the final half of 1 hour in morning business. Following morning business, the Senate will be in executive session to consider the Gleason and Rogers nominations. At this stage, we have two scheduled votes. We are going to work with the managers, Senators LEAHY and GRASSLEY, and see whether we need that second vote, and that decision will be made later this morning. At around 12, there will be, as I indicated, up to two rollcall votes on confirmation of these nominations. Following that vote, the Senate will recess until 2:15 p.m. to allow for the weekly caucus meetings. At 2:15, we will resume consideration of the Energy and Water appropriations bill.

As I indicated yesterday, we have a lot to do. Thanksgiving is the week after the day after tomorrow, and we have a lot of things we have to complete.

I gave my word that we are going to do the Defense authorization bill. It still hasn't been worked out to the satisfaction of everyone, but there comes a time when we have to stop negotiating and move to the legislation. We are going to do that following our finishing the next minibus we have. It will be wonderful if we can complete that quickly. As I indicated yesterday, I am not going to fill the legislative tree, but I don't know how much time we are going to be able to spend on this with never-ending amendments. What I would like to do is what we have done in the past, which is to have people offer amendments. But we have to have some kind of a limit that will be self-imposed—that we will have maybe 10 stacked amendments and we will have to figure out some way to dispose of those before we move to another batch of amendments. We will work our way through that. Our staffs, Mr. Myrick and Mr. Schiappa, have been working to see if they can help us work through these issues we have.

We also have the CR we have to do. We hope we will have the first minibus conference completed on that, and we will finish that this work period.

So there is a lot to do. When we come back after Thanksgiving, we only have 3 or 4 weeks until we are there at Christmas.

As I said yesterday, it looks as if we are going to be able to finish our work here at a reasonable time this week. I hope we don't have to work this weekend, and I hope we don't have to work next week. I don't think we will have to do that, but everyone should be prepared in case we do because we have

some things that have to be done, such as the CR.

When we come back after the Thanksgiving recess, I tell everyone now that we are not going to be able to do our normal short weeks here. So people are going to have to spend less time at home because the workload after Thanksgiving is really full of lots to do. Again, we have expiring tax provisions we have to work on. If we are fortunate, if the committee comes up with something, that is 30 hours they will have to debate that issue. So we have to be prepared after Thanksgiving to just be here until we are ready to leave for Christmas.

GOVERNMENT REGULATIONS

Mr. REID. Madam President, it is impossible to open a newspaper or watch cable news these days without hearing my Republican colleagues talk about the evils of "job-killing regulations." Each day, they arrive on the Senate floor to rail against the safeguards that keep our water clean, our air fresh, and our mines safe. According to the GOP, these safeguards are actually the source of all this Nation's economic woes—these terrible, horrible, time-consuming government regulations that hinder the economic progress of America.

Republicans will have you believe that these commonsense rules that check the greed of Wall Street banks, keep huge corporations honest, and stop Big Oil's unnecessary risk-taking are also causing small businesses great harm. Indeed, that would be a terrible thing if that were true. And it isn't.

While it is proper to guard against and remove onerous regulations—and we need to do that—my Republican friends have yet to produce a single shred of evidence that the regulations they hate so much do the broad economic harms they claim. That is because there isn't any.

Conversely, there is plenty of evidence to prove those regulations save lives, prevent asthma attacks, and ensure that mom-and-pops face a fair fight against these multinational corporations and moneyed interest groups. There is plenty of evidence to prove that disasters such as the BP oil spill and the financial crisis of 2008 could have been prevented by better, stronger government watchdog regulations.

But Republicans aren't relying on evidence as they propagate the myth of the job-killing regulations; they are relying on repetition. There are many people, but let's just take one—Bruce Bartlett, an adviser to President Ronald Reagan, a Treasury official under

President George H.W. Bush, and a trusted conservative voice on economics. I had many to choose from, but I chose this one to talk a little bit about today. He offered a number of strong words on the regulation monster under big business's bed:

No hard evidence is offered for this claim: It is simply asserted as self-evident and repeated endlessly throughout the conservative echo chamber . . . In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

Listen to what he said again because it is worth repeating.

No hard evidence is offered for this claim: It is simply asserted as self-evident and repeated endlessly throughout the conservative echo chamber . . . In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

But why use regulations proven to protect the health of every mom, dad, man, woman, and child in this Nation as a scapegoat? What are the origins of this myth?

I believe, as Bartlett does, that Republicans are attacking regulation because they don't have a plan to create jobs and turn our economy around—no plan. While Democrats have been pushing time-tested remedies for a flagging economy, such as infrastructure investments or middle-class tax cuts, Republican colleagues have been peddling a cure-all tonic of deregulation.

Bartlett says:

People are increasingly concerned about unemployment, but Republicans have nothing to offer them.

They have offered up the spectre of overreaching government regulation to distract from the fact that they haven't offered a single idea for how to put America back to work. They use the argument to justify rolling back everything from clean air and water safeguards to Wall Street and health insurance industry reforms. We voted on a number of those last week.

What is more, they spread the tall tale that removing these regulations and letting big business do exactly as it pleases will not only prevent job losses but actually create new jobs. Bartlett called that logical leap "nonsense. It's just made up."

So let's talk fact, not fiction. According to the Bureau of Labor Statistics, which asked executives why they downsized, only a tiny, tiny fraction of layoffs had anything to do with tighter regulation. Last year, only three-tenths of 1 percent of people who lost their jobs were let go principally because of government regulations or government intervention. On the other

hand, 25 percent of them were laid off because of no business, lack of business. In a recent survey by the Small Business Majority, only 13 percent of small businesses cited regulation as their biggest concern. Half said economic uncertainty was the greatest challenge they had.

That is why Democrats have been offering real solutions to our job crisis and policies that help small firms hire, grow, and thrive again. The truth is, we have enough to worry about in these tough economic times. We can't allow the myth to distract us from the real crisis of high unemployment facing this great Nation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONSIDERING HOUSE-PASSED LEGISLATION

Mr. McCONNELL. Madam President, over the past few weeks I have highlighted some of the good work Republicans in the House are doing in identifying jobs legislation that Members of both parties can agree on, and I have suggested that the Democratic majority here in the Senate follow the lead of House Republicans and take up bipartisan legislation that has already passed in the House and pass it here in the Senate. The American people want us to do something about jobs. They want us to work together. Here is the formula. Let's apply it.

We made some progress last week with the Veterans bill and the 3-percent withholding bill, but there is a lot more we could do. The House has now passed more than 20 pieces of jobs legislation, many of which have companion bills that are ready to go here in the Senate. I outlined some of them last week. Why don't we take them up?

Let's acknowledge the fact that we live in a two-party system and that if we are going to make progress, we need to do it on a bipartisan basis. That means doing precisely what Republicans in the House have been doing for the past year—finding areas where the two parties can actually agree and passing bills that reflect those areas of agreement. That is how legislation works. It is easy to push partisan legislation and then complain, when it doesn't go anywhere, that the other party is intransigent. The more difficult job and the one we were sent here to do is to work together to find solutions, to accomplish more than fodder for campaign ads and bus tours.

This morning, I would like to call on our Democratic friends again to take up these bipartisan House-passed bills. One of these bills, for example, makes it easier for businesses to raise the cap-

ital they need to expand and to create jobs. Senators TESTER and TOOMEY have companion legislation right here in the Senate.

Another one increases the number of shareholders who are allowed to invest in a community bank before that bank is required to shoulder costly new burdens from the SEC.

Senators HUTCHISON and PRYOR have companion legislation to this bill in the Senate. Senators TOOMEY and CARPER have a bill that would expand it, by applying it to businesses other than banks. Let's take them both up and let's pass them.

Two other bipartisan House-passed bills give small businesses a new avenue to raise capital and small investors a new opportunity to invest in them by allowing small businesses to raise money over the Internet and through social media without having to shoulder the same kind of regulatory obstacles as big businesses.

We all know access to capital is one of the key ingredients to economic growth. Here is a way to make it easier for folks to get capital that also creates new avenues for the little guy to invest—and to start hiring. Senators THUNE and SCOTT BROWN have companion bills in the Senate. Why don't we take them up and pass them?

This is the kind of approach we should be taking in the Senate, putting aside these great big partisan bills that Democrats know have bipartisan opposition and focusing on smaller proposals that can actually pass. On their own, these bills will not solve the jobs crisis. Frankly, no piece of legislation can, large or small—but they will help, and they make it easier for businesses to start hiring.

They will show the American people something they do not believe we do enough of around here; that is, to work together on their behalf. This is how divided government works, through real cooperation and a search for common ground and solutions. This is what Republicans on the joint committee have been trying to do for the past several weeks. It is what House Republicans have been doing all year.

I say let's take up these bills and pass them and then send them on down to the President for signature. The administration supports many of these House-passed bills. Democrats in the House strongly support many of them and Republicans support them overwhelmingly. So let's do it. Let's build on the momentum we have from last week after passing the 3-percent withholding and the veterans bill, and let's show the American people we have hit upon a formula for legislative success around here.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Maryland.

CHAINED CPI

Ms. MIKULSKI. Madam President, I wish to address one of the most important issues facing the supercommittee; that is: Where does Social Security fit into their plans? The Chair knows because she is very close to the people of New Hampshire, she knows all over her great State, and mine in Maryland, people are getting ready for Thanksgiving. As they get ready, they first of all give gratitude for living in the United States of America, the land of the free and the brave. But they are also wondering what kind of country are we living in right now because the Chair and I know they are worried about paying their bills. As they get ready for their holiday dinner and the family gathering and all the wonderful traditions that go into this very special holiday they are saying: Where are we? Have we lost our way? Are we so mired in partisanship we cannot seem to find a path forward?

They think we are the turkeys. They want us to stuff it. They want us to get on and start worrying about the table, worry about their kitchen table, and bring everybody to the table here and begin to solve national problems and to do it in a way that brings the country together. What do they want us to do? While maybe at the kitchen table the children will argue over who gets the wishbone, they want us to have backbone to make the tough decisions that these times call for but not to be tough on one another.

As I think about this, I think about Social Security. We say everything should be on the table. I think everything should be on the table that caused our deficit. I think everything should be on the table that caused our debt. Social Security did not cause our deficit. Social Security did not cause our debt. Do we need to take a look at Social Security to ensure its safety and solvency for the rest of the century—or certainly well beyond 2050 or 2070? Absolutely. But I say this: While the supercommittee is charged with looking at a more frugal government, we must maintain the social contract. The social contract in the United States of America is the contract that the U.S. Government made with its people. It said, if a person went by the rules and they paid their dues, *al la* the payroll tax, there will be a benefit for them. It

will be a defined benefit. It is called Social Security. It will be undeniable, it will be reliable, and it will be inflation-proof.

Every President has agreed there is a social contract. Every President has taken a look at how to provide for that. Some ways we have agreed with, some we have disagreed with. Where we agreed was the great, wonderful way we worked in the 1980s when Social Security was facing challenges and President Reagan reached out to Tip O'Neil, Bob Dole, Bob Byrd, Howard Baker, and we made Social Security solvent for 30 or 40 years. We did the same under President Bill Clinton.

President George Bush, the No. 2 Bush, "W," wanted to privatize Social Security. We stopped that. We do not believe in the privatization of Social Security. We did not want to turn Social Security over to Wall Street. We believed Wall Street got enough, they didn't have to get Social Security. If a person were older or sick, we didn't want them to rely on the bull of political promises or the bear of a market.

Social Security affects so many people. There are 50 million Americans who rely on Social Security: retired workers, their spouses, people with disabilities. For two-thirds of the people on Social Security, their benefit is between \$14,000 and \$15,000 a year. It makes up all or more than half their income. In my own State, 500,000 workers are on Social Security, so protecting the social contract is clearly in our national interest.

What brings me to the floor today? Two things. No. 1, I don't think Social Security should be in the debate about how to reduce our debt or our deficit. I do think Social Security should be discussed in a rational, calm, nonpartisan way to ensure safety and solvency and reliability.

The other issue that brings me to the floor is how do we put our arms around the cost-of-living problem? It is indeed vexing. How do we meet the needs of the people but not exacerbate the drawdown in the trust fund? These are valid conversations. Wise people should talk about it. But one thing I am opposed to is called the chained CPI—isn't that a terrible word, "chained" CPI? In our country, the very word "chains" has such a negative connotation.

What I worry about is that its Draconian effect will have a chain reaction on seniors that will cause a tremendous crash. I am concerned we are about to shred the social contract. Let me tell you what the chained CPI is. It would actually cut Social Security by over \$100 billion over the next 10 years. It does it by changing the cost of living as calculated. It is based on a theory. It is based on social engineering, some kind of abstract concepts about human behavior, that invisible hand that Adam Smith talks about. I worry that

this invisible hand will actually pinch Social Security. It assumes consumers will substitute lower cost items for what they normally purchase; that is, if the price of apples increases, they will go buy oranges. I am afraid what we are doing is we are going to buy lemons.

The chained CPI is inappropriate because actually seniors have a fixed market basket. They not only have a fixed income, but they have a fixed market basket. Their primary expenditure is health care, over which they have little control. The cost of health care continues to rise. Their next one is energy, then food, and then housing. For seniors, this is not like giving up opera tickets for movie tickets. It is not like giving up a latte for Dunkin' Donuts. For them, it is not giving up Whole Foods, it is having no food. We have to get real about the market basket of seniors.

I wish to make three points about the myths. No. 1, the chained CPI is not a technical fix. Despite popular notions, op-eds, editorial boards, it is not just a technical corrective. It would actually fundamentally restructure Social Security. It could very well have a chain reaction, pushing old people into poverty. Under the way the CPI is calculated, if a person is now getting \$15,000 a year when they are 65, when they are 75, they will have \$5,000 less, and if they live to 85, it will be reduced by \$1,000.

I have this in this chart. The numbers I am giving do not come from BARB MIKULSKI. They don't come from some wonky, lefty think tank, this comes from the Social Security Actuary, the keeper of the books and the projections for Social Security. For a single woman on Social Security under the chained CPI, from the time she is 65 until the time she is 80, she could lose as much as \$6,000. In other words, the older we get, the worse it will get. Remember, under chained CPI, the older we get, the less we will get; the older we get, the worse it will get.

Myth No. 2 is, this is not an immediate cut. Oh, it is going to go into future beneficiaries. Oh, it is a long way off. Whomever it hits, it will hit hard. Remember the chain reaction. But it is a myth. According to the Social Security Actuary, the chained CPI will affect everyone, and if we pass it as part of the supercommittee, it will go into effect December 2012. It will go into effect immediately, December 2012. That is a pretty big deal.

The third myth is, this change would mirror people's behavior, but it doesn't take into account health care costs, the cost of prescription drugs, copays, and premiums. Remember, one way or the other we are going to change Medicare.

What I want to do at this time is sound the alert. I want to ring the bell. I am at my battle station. I am at my

duty station. I want every Senator, when they vote on this, to have informed consent. I want people to read about it and know about it and make up their own minds. I oppose the chained CPI. I oppose Social Security being in the supercommittee. I am not drawing a line in the sand today. I want to say for the supercommittee, God bless them in their work, they are truly pursuing this in a duly diligent way, and we hope we can come to a great resolution where we can reduce our debt, reduce our deficit, and do it in a way that is a balanced approach but does not balance all this on the backs of senior citizens.

FDR signed this bill 75 years ago. Every President, regardless of party, said we will keep the social contract, pay your dues through this payroll tax, Social Security is going to be there for you. We want Social Security to be there for the seniors, and we need to be there for the Social Security Program.

I hope my colleagues put due diligence into understanding this policy.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. It is my understanding we have until 11 a.m.

The ACTING PRESIDENT pro tempore. The Senator is correct.

THE TAX CODE

Mr. COBURN. Madam President, our country is at a crossroads. Anybody who is watching Europe will find that they have been very slow to address the real underlying problems of debt and deficits there. They have a much more difficult time than what we should because they have a monetary union without a political union. We have a monetary and political union.

The fact is that over the next 10 years we are going to have a debt—including borrowing money for student loans, borrowing money to pay back Social Security, what has been stolen—we are going to have a true debt of about \$27 trillion to \$28 trillion. It is absolutely unsustainable. It won't happen—according to Ben Bernanke—because his statement is, the world will not loan us the money.

What is going on in Europe today? What is going on in Europe today is the markets are punishing the countries that have excessive debt-to-GDP ratios. We sit at 100 percent debt to GDP. We see what has happened just in the

last 2 weeks to bond rates for Italy. The differential between an Italian bond rate and a German bond rate is now about 430 basis points, a 4.3 differential for the same length maturity bond for Italy versus Germany. What is the difference? Germany is living within the confines of its economic capability. Italy didn't. How does that apply to us? It applies to us in that we are not and what will happen to us if we don't make the difficult changes that are necessary.

There has been a lot of rhetoric on both sides of the aisle and there has been rhetoric from the President in terms of us looking at who pays what in terms of taxes in this country. But nobody is looking at what we are doing with our Tax Code that enables those who are the wealthy in this country to pay less taxes. So I had my staff put together a list of the subsidies for the wealthy in this country, because the answer isn't just to raise taxes; part of the answer is to quit subsidizing these behaviors.

We came up with a piece that we put out called "Subsidies for the Rich and Famous." It is a report that looked at every government program. We looked at everything we do. What we found is every year, for people having adjusted gross incomes above \$1 million, we give \$28 billion worth of benefits in the Tax Code or through our programs. I will tell my colleagues that if we wanted—I am one of those who thinks we ought to reform our Tax Code, we ought to lower the rates, we ought to make it where it actually increases productivity in this country, creates capital investment. But one of the first steps in doing that is to make sure our Tax Code and our safety net programs are for those who truly need it and not for those who don't.

We went through the total tax breaks of \$113.7 billion over the last 4 years. Mortgage interest: \$27.7 billion in tax breaks to people who are making more than \$1 million a year. That is a lot of dough.

Rental expenses. The writeoff of rental expenses for those making more—we are not talking businesses. None of these are business deductions. These are personal deductions for the very wealthy in this country who are making more than \$1 million adjusted gross income a year. We allow them to write off \$64.3 billion in rental expenses.

Gambling losses. We allowed the rich and famous to reduce their taxes by \$21 billion because we allow them to gamble, and if they lose money, they get to write it off. So we are subsidizing the loss. We are subsidizing their gambling losses.

Canceled debt, debt writeoffs, debt forgiveness. We have allowed \$128 billion in terms of writeoffs for those people making more than \$1 million adjusted gross income.

Business entertainment—and this is not through business, though, not run

through a business; this is personal deductions for business entertainment—\$607 billion.

Electric vehicle. What are we seeing? Who are the people taking advantage of our messing in the economy and creating an incentive for somebody to buy an electric vehicle? The vast majority are the people who don't need the writeoff in the first place. What we have is \$12.5 million last year alone in tax credits for the very wealthy to take a \$7,500 or \$8,500 tax credit for buying an electric car.

Childcare, nanny care for the very wealthy last year: \$18 million.

Renewable energy tax credits for the very wealthy: \$75.6 million.

The whole point of putting this report out is we are schizophrenic with our Tax Code. We have it upside down. When people talk about how they want millionaires to pay more—they are paying plenty. The top 1 percent pays 38 percent, the top 20 percent pays 80 percent of all of the taxes in this country. But if we want to start getting at this, the way we do it is start taking away the things that reduce their tax burden that don't make sense, that aren't smart, and that don't help those who need the true safety net in our country. These people aren't dependent on these. They will do fine without them. The whole purpose for most of these programs was to create and sustain a safety net for those who are less fortunate.

When we allow \$113.7 billion in tax breaks for the wealthy over 4 years, what could we do with that money? Well, we could run a NASA that is twice as big. We could not borrow \$113 billion because the interest rates on that are significant; another \$4 billion or \$5 billion a year in interest that we wouldn't have to borrow. We wouldn't have to make some defense cuts that are going to have to come. We could maybe put more money into Medicare prevention and disease prevention rather than what we have done. There are all sorts of things we could do.

The point behind the report is that most Americans don't realize how we are subsidizing through tax credits the very wealthy in this country. I don't have any real problem with them taking the tax credits. We put it out there. The real question we ought to be asking is why are we doing all of this in the first place. Does the economy itself in a free market not allocate resources better than we can do? How many Chevy Volts have been sold this year? The answer is 5,000. So 5,000 times \$7,500 is what we paid in tax credits to have the Chevy Volt sold because everybody who bought it got a \$7,500 tax credit. If it is a viable product, then let people buy it. If it is not, they won't. Yet who are the people who bought most of the Chevy Volts? People making significantly more than the average American.

If we are going to play in the Tax Code, what we ought to do is play on a very level playing field. If we want to create incentives, then we ought to create incentives that actually will do something for the economy rather than benefit those who make the most money in the economy.

I would say what this spells is a case for us to totally reform our Tax Code. Most people don't realize this is one of the side effects. That is not to say there are not some good side effects. But the fact is when we are running \$1.3 trillion deficits, do we want to be subsidizing the rich and famous in this country with our programs? I would say no.

When Medicare Part B started, 50 percent of the cost of Medicare Part B was to be borne by the Medicare recipient. We are at 25 percent now. There was never any thought—and, remember, nobody ever paid anything for that. In other words, that is all borrowed money to do that. Nobody ever contributed into a Part B fund. They contributed into a Part A fund which, by the way, will be bankrupt in 4½ years. What about those on Part D? Nobody ever paid a penny, and we have \$13 trillion in unfunded liability in Part D. Why should the very wealthy get subsidized drugs in this country? Why should they get subsidized Part D? In other words, we ought to ask ourselves a question.

Think about Social Security. Why is Canada's Social Security system not in trouble? Because Canada looks at how much income a person is making every year, and at certain levels a person gets half of their Social Security because they obviously don't need it because their income is up there, and at a certain other level they get none of it. Why? Because it is based on a means-testing mechanism that says this program is designed to be an underpinning for those who need it. We have gone completely the other way.

My point is we have all this discussion about what we should do. We are wringing our hands. The first thing to do is to fix the Tax Code and the best way to fix it is to say 3 months from now it is going away, and have Finance and Ways and Means Committee in the House come together with a new Tax Code that fixes all of this. Everybody in Washington says that can't be done. Nobody outside of Washington says it can't be done, but we say it can't be done. It can be done. It needs to be done.

If we want a healthy future, we need to reform our Tax Code to generate greater investment, greater job opportunity. We need to lower the rates, and we need to eliminate things such as these that don't truly help the economy, but help those who were smart enough to figure out how to play the game, who are the wealthiest in this country. I am proud of them. I want

them to be more successful. But in these difficult times, we need to ask them to contribute more. We need to not have these kinds of programs in our Tax Code that actually subsidize those who need no subsidy.

With that, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF SHARON L. GLEASON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA

NOMINATION OF YVONNE GONZALEZ ROGERS TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Sharon L. Gleason, of Alaska, to be United States District Judge for the District of Alaska and Yvonne Gonzalez Rogers, of California, to be United States District Judge for the Northern District of California.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate, equally divided in the usual form.

The Senator from Alaska.

Mr. BEGICH. Madam President, I am glad the Senate will confirm two more highly experienced Federal judges this morning. I wish to take a moment to speak in support of the nomination of one of Alaska's finest State judges to the Federal bench.

Today, the Senate will vote to confirm the nomination of Judge Sharon Gleason to be a judge for the U.S. District Court for the District of Alaska. I know Sharon quite well, and I recommended her to the President for this opening.

I can say without hesitation that she is one of Alaska's finest. She is smart, she is compassionate, well rounded, and possesses an ample supply of common sense.

Alaska's judicial candidates are rated by their peers, and Judge Gleason consistently receives among the highest marks possible. For these reasons, and many others, I hope all my Senate colleagues will join me in supporting her nomination.

Her confirmation will make Judge Gleason the first female judge appointed to the Federal bench in Alaska history. That is truly momentous for our State and long overdue.

I know many Alaskans back home—and 4 hours earlier—are watching these floor proceedings today because of the significance of this appointment.

Sharon was appointed to the Anchorage Superior Court in 2001 by Gov. Tony Knowles, who was my boss when he served as mayor of Anchorage. On the Superior Court, Judge Gleason has presided over a large variety of cases, including complex civil litigation, divorce and custody proceedings, child-in-need-of-aid proceedings, and criminal cases.

Judge Gleason now serves as the presiding judge of the Third Judicial District in Alaska. That position is responsible for overseeing 70 percent of the caseload of the entire State trial courts and includes 40 judges and 20 magistrates.

Her record as a judge has been excellent. She is widely praised for her judicial temperament, her fairness on the bench, and especially her pioneering work on behalf of families and children. For that work, she was awarded the prestigious Light of Hope award in Alaska.

Sharon is an active member of her community, serving on numerous legal committees. She also is a heck of a clarinet player, and she has been playing in the Anchorage Symphony Orchestra for more than 25 years.

Judge Gleason received the unanimous bipartisan support of every member of the Senate Judiciary Committee. The American Bar Association has rated her "unanimously well qualified," their highest possible rating for a Federal judge.

If confirmed, Judge Gleason will follow a long line of excellent Federal judges in Alaska. She will replace retiring Judge Jack Sedwick, who has served our State with distinction for nearly a decade on the Federal bench.

Judge Sharon Gleason is one of my State's finest legal minds, and I am confident she will continue to fairly and effectively serve Alaskans from the Federal bench.

I urge all my colleagues to support her nomination to the U.S. District Court.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT *pro tempore*. Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, this is a big day for us in Alaska and in Alaska's legal history. The Senate is today considering the nomination of Sharon Gleason. Sharon is the first woman to be nominated for United States district court judge in Alaska. She is an outstanding nominee and I regard it as a privilege to speak in support of her nomination today.

Sharon Gleason is a native of Rochester, NY. She earned her bachelor's degree from Washington University in St. Louis. She received her law degree from the University of California-Davis. Upon graduation from Davis, Sharon was elected to the Order of the Coif, which is the national legal honor society. Following her graduation, she clerked for Edmond Burke, who was the chief justice of the Alaska Supreme Court.

This was the beginning of an exceptional legal career in the State of Alaska for Sharon Gleason. After 17 years in private practice, Sharon was selected to serve on the Alaska Superior Court for the Third Judicial District in Anchorage. She came to the bench in 2001. In 2009, Sharon was elevated to the role of presiding judge for the Third Judicial District. This is the judicial district that is the busiest of our four judicial districts in the State of Alaska.

I think it is important to take a moment here to explain how the process works in the State of Alaska for appointment as a judge. Sharon was selected, again, to serve on the Superior Court. All applicants for State judicial positions are vetted by the Alaska Judicial Council. There is a commission that is composed of attorneys and of public members, and the top candidates are recommended to the Governor for consideration and ultimate appointment. That merit process was created by the Alaska constitution, and it was intended to keep the politics out of the judicial selection process, and it is a process that many of us in the State of Alaska are quite proud of. We think it is a very effective process and works well. Every candidate is formally evaluated on issues such as integrity, professional competence, fairness, judicial temperament, and suitability of experience.

As a member of the Alaska bar, I get the bar survey polls to evaluate the individuals as their names go forward, and you look through the categories to rate each candidate. I think if you were to ask any Alaska attorney about the rigor of this process, you would get the same answer, that it is a very effective process. The grading is tough, and those who are not up to the challenge do not slip through any cracks. The Governor may only appoint a candidate who has been recommended by the Alaska Judicial Council.

Once selected, a Superior Court judge must stand for periodic retention elections. The Alaska Judicial Council re-evaluates each judge standing for retention and then makes a recommendation to the voting public on whether that judge should be retained. Once again, the process is quite rigorous. The judicial council surveys attorneys, jurors, law enforcement, court employees, social workers, guardians ad litem, and court-appointed special advocates. The scores then are made public. So it is a very open process. It involves many, many within the Alaska legal community and is quite transparent.

Sharon Gleason last stood for retention in 2010, and she scored high on measures of legal ability, impartiality, integrity, temperament, and diligence. In her 2010 retention questionnaire, Judge Gleason stated this about her job:

The workload is particularly demanding . . . involving many long days and weekends. But I continue to love going to work just about every day . . . I strive to be the best judicial officer that I can be in every case that comes before me.

Those were the words of Judge Gleason. I think that is an excellent outlook for a member of our judiciary, and Alaskans clearly agreed. The Alaska Judicial Council recommended her retention and she was retained with nearly 61 percent of the vote.

As a product of the Alaska court system, Sharon Gleason has functioned with great distinction in a merit-based, nonpartisan, and nonpolitical environment. In advance of the vote we will hold here in the Senate in about a half hour, I took the opportunity to survey some judges who either worked with Sharon in Alaska or who have had the opportunity to work with her. One of them reported that Judge Gleason has presided over complex technical cases that lasted several weeks and required her to pour over thousands of pages of exhibits and transcripts. She has also presided over child custody cases, making sure that she understands the needs of each child and how to assist or require the parents to raise their children appropriately. She is at work late each night and at least one full weekend day every week. She insists upon litigants being respectful of one another in litigation and during the hearings. She spends many hours evaluating herself to ensure that she is not only meeting her own standards about being fair to all sides but also behaves in a manner that leaves the parties to know she is being fair. She takes great pains to articulate to parties how she will run a hearing and why she is ruling as she does. She has tremendous control of her own demeanor so that she maintains control of proceedings. As a result, parties almost universally leave a hearing or a case feeling she has understood them and thought carefully about her decision. She acts with

an appreciation that for the litigants involved the case before her is the most important thing in their lives at the time. She is, and I believe will continue to be, a superb judge.

Another judge said: Sharon's skills as a capable trial court judge and an excellent presiding judge are well known to Alaskans. She will be missed by her colleagues in the State court but she will make a fantastic addition to the Federal district court.

The American Bar Association has evaluated Judge Gleason as being "well qualified" for elevation to the U.S. district court. I think she will make an exemplary U.S. district court judge. I am proud to support this nomination, and I would encourage my colleagues to do the same.

Mr. GRASSLEY. Mr. President, today the Senate will confirm two more of President Obama's judicial nominees. If my colleagues feel like they have been spending a lot of time on the Senate floor voting on judicial nominees, I would tell them they have. In just a little over a month, we have confirmed 20 article III judicial nominees for lifetime appointments. In total, the Senate has confirmed 71 percent of the President's judicial nominees since he took office.

I would like to say a few words about the nominees.

First, Sharon Gleason is nominated to be United States District Judge for the District of Alaska. Judge Gleason received her bachelor of arts from Washington University in St. Louis in 1979 and her juris doctorate from the University of California, Davis, School of Law in 1983. She then served as a law clerk for Chief Justice Edmond Burke of the Alaska Supreme Court.

After her clerkship, Judge Gleason became an associate at the law firm Reese, Rice, and Volland in Anchorage, AK, where she worked on a variety of civil litigation. Judge Gleason became a partner in 1989 and remained at the firm until 1995 when she became a sole practitioner.

In 2001, Judge Gleason was appointed to the Anchorage Superior Court by then-Governor Tony Knowles. She was retained by voters in 2004 and again in 2010.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Gleason with a unanimous "Well Qualified" rating.

We will also be voting on Yvonne Gonzalez Rogers. She is nominated to be United States District Judge for the Northern District of California.

Judge Gonzalez Rogers earned her bachelor's degree from Princeton University in 1987 and her juris doctorate from the University of Texas, Austin School of Law in 1991.

She began her legal career with Cooley LLP and served as a member of the General Business Litigation practice and the Real Estate Litigation

practice. She focused on large and complex civil litigation matters, including real estate and technology-related litigation.

In addition to her legal practice, Judge Gonzalez Rogers also chaired the Judiciary Committee for the northern California Hispanic National Bar Association and the San Francisco La Raza Lawyers Association. In these roles, she investigated candidates for the judiciary and recommended endorsement where appropriate.

Governor Arnold Schwarzenegger appointed Judge Gonzalez Rogers as a superior court judge for the State of California on July 25, 2008. She was re-elected without opposition in 2010.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Gonzalez Rogers with a unanimous "Qualified" rating.

Mrs. FEINSTEIN. Mr. President, I am very pleased that we are considering the historic nomination of Judge Yvonne Gonzalez Rogers to the United States District Court for the Northern District of California.

When she is confirmed, she will be the first Latina district judge in the Northern District of California.

Judge Gonzalez Rogers first came to my attention through a bipartisan Judicial Advisory Committee that I have set up in California. This committee recommended her to me, and I interviewed her personally.

Judge Gonzalez Rogers is a tested judge with a proven track record of success and dedication to the northern California community. It was my privilege to recommend her nomination to President Obama.

She lives in Piedmont, CA. She and her husband have three children—Christopher, Maria, and Joshua.

Judge Gonzalez Rogers was born in Houston, TX. Her parents were each the oldest of nine siblings and grew up in south Texas. Spanish was their first language.

Her father served in the U.S. Army and went to college with assistance from the G.I. Bill.

Out of a large extended family, she was one of only three family members to attend college.

She earned her undergraduate degree from Princeton University, where she excelled, graduating cum laude in 1987.

During school breaks and weekends, she spent her time cleaning houses and cutting grass to help pay her tuition.

She attended law school at the University of California at Berkeley, ultimately earning her law degree from the University of Texas at Austin.

She began the practice of law at the prestigious San Francisco firm Cooley LLP. At that time, no Latina woman had been elected into the partnership of any major San Francisco law firm.

In her own words, Judge Gonzalez Rogers "worked hard to break that

mold by becoming an excellent attorney worthy of invitation to the partnership." She was elevated to Cooley's partnership in 1998.

In her application to my committee, she described her story as the "American dream," and she said that she "would be honored to spend the remainder of [her] professional career serving the country that has given [her] so much."

She currently serves as an Alameda County superior court judge. Judge Gonzalez Rogers is an impressive jurist—smart, personable, and with mainstream views of the law—who I believe would serve very well as a Federal district judge.

On the Superior Court, she has presided over both a criminal and civil calendar. She currently oversees a docket of more than 500 civil cases.

She has also been active in the community. She was appointed by the presiding judge to serve as foreperson of the Alameda County Civil Grand Jury—an active investigative body that examines complaints about the administration of county government.

She served as cochair of Citizens for Piedmont Schools, leading a campaign to pass ballot measures for the benefit of the local school systems. Each measure passed with over 80 percent of the vote.

Her dedication to her community is admirable, as is her dedication to the law.

As she said in her own words, "I have a deep respect for judicial leadership, for judges who manage the process and their courtrooms well, apply the law fairly, and explain their reasoning clearly. Reasonable people can disagree. We need judges who will listen and then decide. I hope to have a long judicial career to live up to this standard."

I have no doubt she will live up to that standard, and I strongly believe she will be an outstanding Federal judge.

The Judiciary Committee reported her nomination by voice vote in September, and I urge my colleagues to vote to confirm her nomination today.

Mrs. BOXER. Mr. President, I want to express my strong support for California Superior Court Judge Yvonne Gonzalez Rogers as the Senate prepares to vote on her confirmation to the U.S. District Court for the Northern District of California. Judge Gonzalez Rogers was recommended to the President by my colleague, Senator FEINSTEIN, and will be a great addition to the Federal bench.

Judge Gonzalez Rogers has been a skilled lawyer and judge during her career. After graduating from the University of Texas School of Law, she practiced complex civil litigation at Cooley Godward in San Francisco, becoming a partner at the firm in 1999. In 2008, she was appointed by then-Governor Ar-

nold Schwarzenegger to the Alameda County Superior Court, where she currently serves. She has also served as regional president for the Hispanic National Bar Association.

I congratulate Judge Gonzalez Rogers and her family on this important day and urge my colleagues in the Senate to join in voting to confirm this highly qualified nominee to the Federal bench.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today the Senate is going to finally consider two of President Obama's highly qualified nominees to fill Federal district court vacancies in Alaska and the Northern District of California. They were unanimously voted out by the Judiciary Committee 2 months ago. I am sorry it has taken so long because of objections on the other side, but I am glad they now will be considered.

Both Sharon Gleason and Yvonne Gonzalez Rogers have the strong support of their home State Senators and both were reported by the Judiciary Committee unanimously over 2 months ago. I thank the majority leader for securing votes on their nominations. I am disappointed that the Senate Republican leadership would not agree to a vote on the other 23 judicial nominees waiting for final Senate action. These delays are inexcusable and damaging.

All 25 nominees on the Senate calendar are qualified and have the support of their home State Senators, Republican and Democratic. Twenty-one of these judicial nominations were unanimously approved by the Judiciary Committee. Senate Democrats are prepared to have votes on all these important nominations. I know of no good reason why the Republican leadership is refusing to proceed on the 23 other judicial nominations that they have stalled before the Senate.

The Senate Republican leadership has, again, insisted that the Senate skip over two circuit court nominees who would fill judicial emergency vacancies on the Second and Ninth Circuit. They, too, were reported unanimously and have the support of their home State Senators. There is no good reason that the Senate is being prevented from confirming the nominations of Judge Chris Droney of Connecticut to fill a judicial emergency vacancy on the Second Circuit and Morgan Christen of Alaska to fill a judicial emergency vacancy on the Ninth Circuit.

Senator GRASSLEY and I have worked together to ensure that each of these 25 nominations was fully considered by the Judiciary Committee after a thorough, fair process, including completing our extensive questionnaire and questioning at a hearing. This White House has worked with the home State Senators, Republicans and Democrats, and each of the judicial nominees being delayed from a Senate vote is supported by both home State Senators. The FBI has conducted a thorough background review of each nominee. The American Bar Association's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. When the nominations are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they can start serving the American people.

With the vacancy rate on Federal courts throughout the country near 10 percent, the delay in taking up and confirming these consensus judicial nominees is damaging. Last week, *The Wall Street Journal* reported on the impact of these vacancies at a time when the criminal docket on Federal district courts is growing. The article states:

Exacerbating the problem are vacancies on the Federal bench. Despite the surge in case loads, the number of authorized federal judgeships has risen just 4% since 1990. Of the 677 district court judgeships currently authorized, about 9.5% are vacant. ("Criminal Case Glut Impedes Civil Suits")

As a result, according to Judge McCuskey of the Central District of Illinois, "civil litigation has ground to a halt." These delays affect both individuals and businesses. The article highlights that over 2,000 citizens of Merced, California who filed suit in 2007 over toxic chemical contamination stemming from a 2006 flood are still awaiting resolution, and only one civil trial has been held in the matter. In the article, Senior Judge W. Royal Furgeson of the Northern District of Texas is quoted warning that if decisions on contracts, mergers and intellectual-property rights "can't be reached through quick and prompt justice, things unravel for business."

Mr. President, I ask unanimous consent to have printed in the *RECORD* a copy of this article at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. A report published last month by the Administrative Office of the U.S. Courts demonstrates the extent of these delays in Federal court. Across the country, there are over 15,000 civil cases that have been pending for more than three years without resolution. The Administrative Office's data show that many of the circuits

with the highest number of vacant district judgeships also have the highest backlog of pending cases. The Ninth Circuit has over 1,700 civil cases that have been pending for more than three years. There are currently 14 district judgeships vacant in that circuit, including five vacancies that the Administrative Office has classified as judicial emergency vacancies. The Fifth Circuit has over 1,300 civil cases that have been pending for more than three years. There are eight district judgeships vacant in that circuit, six of which are emergency vacancies.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. While 3 years may be necessary for some of the most complex business disputes, it is unacceptable for hardworking Americans who are seeking their day in court. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait for 3 years before a judge rules on his or her case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

With almost one in 10 Federal judgeships currently vacant, the Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country. Bill Robinson, the president of the American Bar Association, warned recently in a letter to Senate leaders that excessive vacancies and high caseloads, "deprive . . . our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes." Justice Scalia, Justice Kennedy and Chief Justice Roberts have also warned of the serious problems created by persistent judicial vacancies. This is not a partisan issue, but an issue affecting hardworking Americans who are denied justice when their cases are delayed by overburdened courts.

During President Bush's first 4 years, the Senate confirmed a total of 205 Federal circuit and district court judges. As of today, we would need another 89 confirmations over the next 12 months to match that total. That means a faster confirmation rate for the next 12 months than in any 12 months of the Obama administration to date. That would require Senate Republicans to abandon their delaying tactics. I hope they will. This is an area where the Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for well over 2 years. We can and must do better for the millions of Americans being made to suffer by these unnecessary Senate delays.

More than half of all Americans—almost 164 million—live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 25 states are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

I have heard some Senators excuse the delays and the extraordinary numbers of nominations left pending on the Senate calendar by claiming that our progress on nominations this year has been among the best in history. This is not true on its face, and ignores the Senate's failure to confirm judges in the first 2 years of the Obama administration, a practice which has led to historically high vacancies. The 56 circuit and district court nominations we have confirmed thus far this year is well behind the 68 we confirmed in the third year of President George W. Bush's first term. What makes the claim of progress even more misleading is that of the 56 nominations we confirmed this year, 17 could have and should have been confirmed when they were reported by the Judiciary Committee last year and instead took us until June of this year to consider. Even including these nominees on this year's total, the Senate's progress this year barely cracks the top 10 years for confirmed nominees in the last 35 years.

The truth is that the actions of the Senate Republican leadership in stalling judicial nominations during President Obama's first 2 years led to confirmation of few judges, leading to high vacancies. Republican leadership allowed the Senate to confirm only 47 circuit and district court nominations last year and set the modern record for fewest nominations confirmed with only 13 the year before—a total of 60 nominees confirmed in President Obama's first 2 years in office—leading to judicial vacancies that stood at 97 at the start of this year. In stark contrast, at the start of President Bush's third year, 2003, judicial vacancies stood at only 60 because the Senate had confirmed 72 of his circuit and district court nominations the year before and 28 in his first year in office, a total of 100 in the 17 months prior to 2003 with a Democratic majority.

The 100 circuit and district court nominations we confirmed in President Bush's first 2 years leading to a vacancy total of 60 at the beginning of his third year is almost a complete reverse of the 60 we confirmed in President Obama's first 2 years, leading to nearly 100 vacancies at the start of 2011. Yet, even following those years of real

progress, in 2003 we proceeded to confirm more judicial nominations—68—than there were vacancies at the start of that year and reduced vacancies even further. We worked to reduce vacancies on the circuit courts to single digits and throughout the Federal judiciary to fewer than 30.

The two nominees we consider today should have been confirmed 2 months ago. Sharon Gleason is nominated to fill a vacancy in the District Court for the District of Alaska. She is currently the Presiding Judge on the Superior Court for Alaska's Third Judicial District, where she has served for nearly a decade. Judge Gleason spent 17 years in private practice and clerked for Chief Justice Edmond Burke of the Alaska Supreme Court. The ABA's Standing Committee on the Federal Judiciary unanimously rated her "well qualified" to serve, its highest rating. Her home State Senators, Senator MURKOWSKI, a Republican, and Senator BEGICH, a Democrat, gave Judge Gleason their strong support when they introduced her to the Committee at a hearing in July. If confirmed, Judge Gleason will be the first woman to serve as a Federal district court judge in Alaska.

Judge Yvonne Gonzalez Rogers is nominated to serve as a United States District Judge for the Northern District of California. Since 2008, she has served as a judge for the Superior Court of California in Alameda County. Judge Gonzalez Rogers previously worked for 12 years as a litigator in private practice in the San Francisco office of Cooley LLP, and served for 2 years as a civil grand juror for Alameda County. Originally appointed to the Superior Court by Republican Governor Arnold Schwarzenegger in October 2008, Judge Gonzalez Rogers has the strong support of both of her home State Democratic Senators, Senators FEINSTEIN and BOXER.

I hope that the Senate can build on our progress today by considering the other 23 judicial nominations pending on the Senate calendar. With less than 5 weeks left before Senate adjournment for the year, the Senate needs to consider at least 5 judges every week in order to begin to catch up and erase the backlog that has developed from the delays in the consideration of consensus nominees caused by the Senate Republican leadership. We should not end another year with the Senate Republican leadership refusing to give final consideration to qualified judicial nominees and insisting on their nominations being returned to the President to begin the process all over again. Such delaying tactics are a disservice to the American people. The Senate should fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

EXHIBIT 1

[From the Wall Street Journal, Nov. 10, 2011]

CRIMINAL CASE GLUT IMPEDES CIVIL SUITS

(By Gary Fields and John R. Emshwiler)

An explosion of criminal prosecutions in the nation's overextended federal courts has left civil litigants from bereaved spouses to corporate giants waiting years for their day in court.

The logjam, prompted particularly by criminal cases related to drugs and immigration, as well as by the proliferation of more-obscure federal criminal laws, threatens the functioning of the nation's judicial system, say some judges and attorneys.

"We need the resources to do both" civil and criminal law, says W. Royal Furgeson, a senior federal judge in Dallas. If decisions on contracts, mergers and intellectual-property rights "can't be reached through quick and prompt justice, things unravel for business."

In the Northern District of California, a widely watched intellectual-property fight between Google Inc. and Oracle Corp. has stalled to an indefinite halt. The two-year-old case, in which Oracle alleges that Google's Android smartphone software infringes its copyrights and patents, was scheduled to go to trial last month. Judge William Alsup postponed it "due to a lengthy criminal trial." In a written order, he said the trial would occur "in due course."

Oracle and Google declined to comment. Judge Alsup's clerk said he was too busy to comment.

Over the past three decades, the U.S. has steadily added to the federal rule book through new criminal statutes and regulations that carry criminal penalties. Combined with beefed-up enforcement, that has led to a 70% jump in the number of pending federal criminal cases in the past decade—to over 76,000, according to the Administrative Office of U.S. Courts.

Civil litigation, which accounts for over three quarters of federal court cases, is getting squeezed the most. In 2007, fewer than 7% of civil cases were more than three years old. By last year, that percentage more than doubled, with nearly 45,000 cases in a holding pattern.

While some of the case overload stems from mass litigation, such as damage claims from Hurricane Katrina in 2005, much of it traces back to the crowded criminal docket, say judges and other legal experts. The Constitution and the Speedy Trial Act of 1974 mandate criminal cases take precedence over civil cases.

Exacerbating the problem are vacancies on the federal bench. Despite the surge in case loads, the number of authorized federal judgeships has risen just 4% since 1990. Of the 677 district court judgeships currently authorized, about 9.5% are vacant.

Instead of waiting, many civil litigants are settling their disputes. That can be appropriate in many cases, but there is "no shortage of plaintiffs who wind up taking inadequate settlements" or businesses that make unnecessary payments to end the expense and uncertainty of litigation, says Ian Millhiser, a policy analyst at the Center for American Progress, a liberal think tank.

Elizabeth and Nicholas Powers were awaiting jury selection in their employment-discrimination suit against the University of Illinois when the federal judge assigned to the case earlier this year called a sudden halt to instead tackle a mounting series of criminal cases.

Their 2008 lawsuit, which named the Board of Trustees of the University of Illinois as

defendant, alleged Ms. Powers received lower pay for her work than male employees. It also alleged Mr. Powers, who also worked for the university, was treated differently than the wives of male professors who worked at the school.

After the delay, the couple decided to settle for \$85,000 rather than wait for a new trial. An attorney for the University of Illinois declined comment on the settlement.

The judge in the case, Mike McCuskey, who is also the chief federal jurist for the central district of Illinois, said in an interview he has no choice but to push back civil cases because of his criminal caseload. In 1997, federal court statistics show, Judge McCuskey's district had 55 civil cases that were pending more than three years. Last year, it had 1,200.

"Civil litigation has ground to a halt," Judge McCuskey said, adding that "you've got a right to sue but you do not get a right to a speedy jury trial."

The Illinois jurist blames the glut of criminal cases on a shift in jurisdiction. Many cases that once would have been handled by state courts, including those dealing with drugs, weapons and child pornography, are now being filed federally. Congress has passed statutes that duplicate existing state laws but often carry heavier sentences, an added attraction to law-enforcement officials.

One of the nation's heaviest loads can be found in the federal courts of the eastern district of California, which covers an inland swath from north of Los Angeles to the Oregon border. Its per-judge caseload is 1,129 and getting worse with the September retirement of Judge Oliver Wanger. Because he won't be replaced, his cases will be divided among those who remain.

One of Judge Wanger's cases was a lawsuit involving hundreds of people from a neighborhood in Merced, Calif., stemming from a 2006 flood and subsequent concern about toxic chemical contamination from a nearby industrial site.

In 2007, current and former residents filed suit in federal court against municipal entities and the former owners of the industrial site seeking damages.

Judge Wanger divided the case into smaller trials, which would allow him to intersperse those hearings with other ongoing cases. But only one of those civil trials has been held so far.

Mick Marderosian, the plaintiffs' attorney, said many of his 2,000 clients are waiting for a resolution of the case, now heading towards its fifth year. "We get calls every day from clients asking what is happening, what is causing the delay," he said.

Kathy Ramos said she and her husband, a truck driver, spent \$35,000 repairing their home after the flood. Her husband dropped plans to buy his own rig and the couple is still paying credit-card debts from the home-repair work. As for the lawsuit, "we would just like to have it over with," she said.

To get around the eastern district's problems, the suit has been transferred to a federal judge in Santa Ana, Calif.

For two and a half years, Amy Bullock has been waiting for her day in court seeking damages for the death of her husband in a 2006 truck accident. Her suit was filed in Denver federal court two years later against Daimler Trucks North America LLC, formerly Freightliner LLC.

It has been postponed twice, once in November 2010, about two weeks before the trial was supposed to start, and again this October to make way for a firearms case.

"It was devastating to hear it was postponed," says Ms. Bullock.

Daimler disputes the merits of Ms. Bullock's claim, which revolves around the truck's safety design and whether it had adequate safety restraints in its sleeper compartment. Its attorney, Peter Jones, a Denver lawyer, nonetheless agrees that the delays represent "a huge inconvenience to the clients and the witnesses who are involved on both sides."

The trial is now scheduled for March 2012. Said the 41-year-old Ms. Bullock: "I'm looking forward to having my day in court but, honestly, I feel like it may never happen."

VERMONT'S REBUILDING

Mr. LEAHY. Mr. President, I want to talk for a few moments about the positive impact next year's Transportation-HUD appropriations bill is going to have on my home State of Vermont, particularly as we continue rebuilding from Hurricane Irene's destructive forces back in August.

I want to praise subcommittee chair PATTY MURRAY and ranking member SUSAN COLLINS. Their hard work and dedication ensures the final bill, filed last night, provides both appropriate funding for disaster relief accounts and also moves heavy truck traffic out of historic downtowns both in Vermont and in Maine.

As you and the others know, ever since Hurricane Irene, I have spoken over and over again on the floor of the Senate but also in meeting after meeting of the Appropriations Committee and probably in hundreds of hours in discussions with both Republican and Democratic Senators, especially on the Appropriations Committee, about the needs to Vermont.

Irene was devastating to our small State of Vermont. Both my wife and I were born in Vermont, and never in our lifetime have we seen anything like what we saw—record rains, and flash floods simply washed away homes, farms, businesses, roads, and bridges all over the State, including some that had been there for 100 years. Of all the body blows we suffered when Irene raked our State from border to border, repairing the damage to our roads and our bridges and our rail lines is one of our most urgent priorities, especially in a State in which we have already had substantial snowfalls.

The huge expense of mending our transportation network is well beyond the ability of a small State such as ours. When we tallied up the destruction, it became quickly very clear that Vermont is going to need more Federal help than the money that is now in the pipeline. In fact, we are not alone in that. The same can be said of other States ravaged by Irene.

With many Federal aid disaster programs underfunded, I am especially pleased that this bill contains \$1,662 million to replenish the Federal highway disaster relief fund. That is going to help Vermont and the other States that were so badly damaged rebuild vital roadways and bridges. Of course,

these connections are crucial to distributing aid, rebuilding our economy, and serving as a lifeline to small communities, and, working with Governor Shumlin, Senator SANDERS, Congressman WELCH, and community leaders across Vermont, it became clear right away that, given the mammoth destruction of the storm, certain waivers are going to be needed to allow States to have these emergency funds without unnecessary burdens or delays. We have made adjustments to these caps in the past after major natural disasters such as Hurricanes Katrina and Andrew and tornadoes in the South.

I traveled around the State the day after Irene. It was hard to believe it was such a beautiful day. The Sun was shining. It looked like the nicest summer day you could imagine, except that as the Governor and I and General Dubie, the head of our National Guard, went by helicopter, we would go along and we would see a beautiful road, houses, farms, a river running along one side, everything peaceful, and we would go about a mile, and all of a sudden the river was on the wrong side of the road and hundreds of yards of road had disappeared, there were gaping holes 50-, 100-, 150-foot deep and businesses, houses, barns in the river, destroyed. These are places that have not changed for 100 years but did in this. I remember saying to the Governor: We will get the aid.

I was already getting e-mails from some of my colleagues—both Republicans and Democrats—here in the Senate saying that Vermont had always supported their States when they had disasters, and they would support us. But the Governor and I and everybody else realized that we had to have waivers in the final bill to do the things we needed. They are essential to ensuring that Vermont can promptly begin work on emergency and permanent repairs sooner rather than later. It is the middle of November, and they no longer make asphalt after about the middle of November. Severe winter weather is right around the corner. So it will make it nearly impossible to rebuild before March or April.

When I proposed the waivers in this bill, I can't tell you how much I appreciated the fact that Senators MURRAY and COLLINS supported that, as did Republicans and Democrats alike, on the appropriations bill. It may seem like a small thing, but to our little State, it is the difference between economic disaster and being able to rebuild, and I can't thank Senators enough for supporting me on these waivers.

The bill also includes another high priority for Vermont: moving heavy trucks off the State's secondary roads and onto our interstate highways. Overweight truck traffic in our villages and downtown poses a threat to the State's infrastructure, but it is also an unnecessary safety risk to both motorists and pedestrians.

The Leahy-Collins provision in this bill will end the steady parade of overweight trucks in Vermont and Maine from rumbling through our historic downtowns and small, narrow roads that come within a few feet of schools, houses, businesses, and town greens. It will help Vermont businesses and communities struggling even more right now because of the large number of State and local roads already heavily damaged during the recent flooding.

When we first met in the Appropriations Committee and I first raised the needs of Vermont, I have to admit that I got emotional in that appropriations meeting, as I did here on the floor. It is because I saw my fellow Vermonters, some, people I have known literally all my life, who drew from their deep reservoirs of resiliency and resolve in the wake of Hurricane Irene; people helping people they don't even know but saying, "That is the way we do it in Vermont"; people moving even before FEMA or anybody else came to help with the disaster, moving to make sure that people who might need to get to a hospital, even if we had to carve a road through woods for them, it would be done. This is the Vermont way.

But I was moved to tears going through the State and seeing things that I remembered as a child that had always been there and I assumed would be there all my life destroyed in a matter of hours.

These storms are going to enter the history books alongside the horrific floods of 1927 in our State—something I remember my grandparents and parents talking about. I remember my grandparents and parents saying: We hope we never see something like this again. They didn't, but their son did, and I can't tell you how much it hurt.

But I cannot tell you how much it means to me that, again, Senators joined with me in saying: We will find the money Vermont needs. Back in 1927, the National Government helped our State recover, as it should, because, after all, we are the United States of America. The American people come together in times such as these, just as Vermonters have always been among the helping hands extended to other States at their time in need. So the progress this bill makes in helping Vermont and other States meet their urgent needs is a testament to the determination of many in this body. Again, Republicans and Democrats have been willing to set aside ideological differences and partisan tensions to accomplish the work the American people expect from their government.

When I first proposed this increase in disaster aid not only for Vermont but for every other State, when I first proposed these waivers, I hoped they would happen. None of us knew whether they would. I am pleased now to see a bill where they have. It came about

because Senators from all over the country of both political parties worked together. You know, I wish we had more of that in Washington these days. I would like to think that maybe this is a wonderful step forward and we are all going to benefit from it.

Mr. President, I know we are shortly to vote on the judicial nominations. I would ask the Chair how much time remains before that vote.

The PRESIDING OFFICER. There is 13½ minutes remaining before the vote.

Mr. LEAHY. Mr. President, just to notify other Senators, I am shortly going to suggest the absence of a quorum. I will then ask us to come out of the quorum at noon, and unless I hear that somebody wishes to speak on either of the nominees, I will then move that time be yielded back. I will not do that until 12:00. But I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I see nobody on either side who wishes to speak. I ask unanimous consent all time be yielded back on the two nominations.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on the nominations?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, when the first nomination is called up, I will ask for the yeas and nays.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Sharon L. Gleason, of Alaska, to be United States District Judge for the District of Alaska.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. LEE), and the Senator from Idaho (Mr. RISCH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 206 Ex.]

YEAS—87

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Boozman	Hutchison	Reed
Boxer	Inouye	Reid
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Corker	Manchin	Webb
Cornyn	McCain	Whitehouse
Enzi	McCaskey	Wicker
Feinstein	Menendez	Wyden

NAYS—8

Blunt	Inhofe	Rubio
Crapo	McConnell	Vitter
DeMint	Paul	

NOT VOTING—5

Durbin	Lee	Warner
Isakson	Risch	

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Yvonne Gonzalez Rogers, of California, to be United States District Judge for the Northern District of California?

Mr. CORKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. LEE), and the Senator from Idaho (Mr. RISCH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 6, as follows:

[Rollcall Vote No. 207 Ex.]

YEAS—89

Akaka	Boozman	Coats
Alexander	Boxer	Coburn
Ayotte	Brown (MA)	Cochran
Barrasso	Brown (OH)	Collins
Baucus	Burr	Conrad
Begich	Cantwell	Coons
Bennet	Cardin	Corker
Bingaman	Carper	Cornyn
Blumenthal	Casey	Enzi
Blunt	Chambliss	Feinstein

Franken	Lautenberg	Reid
Gillibrand	Leahy	Roberts
Graham	Levin	Rockefeller
Grassley	Lieberman	Rubio
Hagan	Lugar	Sanders
Harkin	Manchin	Schumer
Hatch	McCain	Sessions
Heller	McCaskey	Shaheen
Hoeven	McConnell	Snowe
Hutchison	Menendez	Stabenow
Inouye	Merkley	Tester
Johanns	Mikulski	Thune
Johnson (SD)	Moran	Toomey
Johnson (WI)	Murkowski	Udall (CO)
Kerry	Murray	Udall (NM)
Kirk	Nelson (NE)	Udall (NM)
Klobuchar	Nelson (FL)	Webb
Kohl	Portman	Whitehouse
Kyl	Pryor	Wicker
Landrieu	Reed	Wyden

NAYS—6

Crapo	Inhofe	Shelby
DeMint	Paul	Vitter

NOT VOTING—5

Durbin	Lee	Warner
Isakson	Risch	

The nomination was confirmed.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. DURBIN. Mr. President, on vote Nos. 206 and 207, the confirmations of Sharon Gleason to be United States District Judge for the District of Alaska, and Yvonne Gonzalez Rogers to be United States District Judge for the Northern District of California, I was unavoidably absent. Had I been present, I would have supported the nominations and voted yea on both.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. LEAHY. Of course.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Vermont.

NOTIFYING THE PRESIDENT

Mr. LEAHY. I thank the Chair. After decades of doing this, I should have remembered, of course, we have to notify the President. I recall one day, when we went into the beginning of the session and swore in new Senators, one was the new Senator from New York, Hillary Clinton. The President of the United States was sitting in the gallery. When we convened as a Senate, the usual notice was said to notify the President that the Senate has convened for that session, at which point

several of my colleagues rather honorably pointed out the President: You do not have to notify him. He is sitting right up in the gallery.

RECESS

Mr. LEAHY. With that, Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

There being no objection, the Senate, at 12:50 p.m., recessed until 3 p.m. and reassembled when called to order by the Presiding Officer (Mr. UDALL of New Mexico).

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. REID. Under the previous order, the Senate will resume consideration of H.R. 2354, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE WITHDRAWN

Mr. REID. Mr. President, I have been authorized by the chairman of the Senate Appropriations Committee to withdraw the committee-reported substitute amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 956

Mr. REID. Mr. President, I have a substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 956.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendment.")

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to raise concerns about this amendment that would constitute a significant change to U.S. foreign and banking policies that should be carefully considered by the Senate Com-

mittee on Foreign Relations and the Senate Banking Committee.

These provisions have far-reaching foreign policy implications which make their inclusion in this bill unsupportable.

According to the State Department, "Cuba has one of the world's most secretive and non-transparent national banking systems. Cuba has no financial intelligence unit."

Moreover, according to an October 28 statement by the Financial Action Task Force, FATF, "Cuba has not committed to the anti-money laundering and combating the financing of terrorism international standards. Cuba has also not constructively engaged with the Task Force, which has identified Cuba as having strategic deficiencies that pose a risk to the international financial system."

This amendment would allow Cuba—the Banco Nacional de Cuba—to become the only country on the State Department's State-Sponsors of Terrorism list to have direct access to U.S.-based financial institutions.

We do not have similar exceptions for Iran, Syria, and Sudan.

It is important to understand that under Cuban law the Castro regime has a monopoly on all banking, commerce, and trade.

Therefore, this amendment would allow Cuba's totalitarian regime to directly open corresponding accounts in U.S.-based financial institutions.

It would allow a country that does not subscribe to basic principles of antimoney laundering and counterterrorism to make direct transfers to U.S. financial institutions!

Currently, the Castro regime is required to use a third country European bank to settle its payment for U.S. agricultural products.

If there are clearance problems, the U.S. settlement is entitled to protection under the terms of contract with Euroclear—the European clearance and settlement agency.

If direct bank transfers are allowed, these transactions would be provided protections from operational risk by the Cuban originator of payment.

Also consider the timing of these provisions, these concessions, these gifts to the regime.

As American commercial interests buy their way into the Cuban market, an American—Alan Gross—remains a hostage in Cuban prison.

His crime? Working with U.S. democracy programs to enhance the ability of the island's small Jewish community to communicate with the world.

December 3 will mark 2 years of his unjust imprisonment—2 years that Alan Gross has been a hostage of the Cuban regime.

Recent months have also seen a notable crackdown on peaceful democracy activists, like Las Damas de Blanca—the ladies in White who take to walk-

ing in the streets every Sunday to protest the political imprisonment of their husbands, brothers, and sons.

Last month, the founder of Las Damas de Blanca, Laura Pollan Toledo died, not ever knowing a free Cuba.

In March 2003 the regime arrested her husband, Hector Maseda, an independent journalist, along with 74 others in a protest known as the Black Spring. After a 1-day trial, Hector Maseda was sentenced to 20 years in prison.

Laura Pollan Toledo's life, rallying the wives of Cuban dissidents jailed under the iron fist of the repressive Castro regime, gave Cuba hope and she became one of Cuba's most public and most powerful dissidents.

She continued her work, as do those who follow in her footsteps, despite intense harassment, beatings and detentions.

In one case, in the city of Santiago de Cuba, these ladies were stripped to their waist and dragged through the streets.

In another instance they were bitten.

Just last week, on November 8, over a dozen Cuban prodemocracy activists were violently arrested for participating in a peaceful public sit-in demanding the release of all political prisoners and an end to the Castro regime's violence against the opposition.

Among those arrested were Jorge Luis García Pérez "Antúnez," Pastor Alexei Gómez, Rene Quiroga, José Ángel Abreu, Oscar Veranes Martínez, María del Carmen Martínez, Donaida Pérez Paseiro, Xiomara Martín Jiménez, Jorge Vázquez Chaviano, Orlando Alfonso Martínez, Enrique Martínez Marín Mayra Conlledo García and Victor Castillo Ortega.

The Cuban people, like those struggling for democratic reforms in the Middle East, yearn for the opportunity to control their destinies and provide a vibrant future for their children.

The message we should send to such regimes—whether in Cuba or Syria, North Korea or Iran, is that they are pariahs—that their blood money has no place in our economy—that the currency of freedom prevails over the currency of repression.

The United States will continue in its mission to support the Cuban people and to promote democracy until the Castro brothers relinquish power and restore the rights and liberties deserved by the Cuban people and by all people.

But these provisions don't move us or the Cuban people closer to that goal—and must be rejected.

Therefore, along with my colleagues, Senator NELSON and Senator RUBIO of Florida, I raise a rule XVI point of order against the pending substitute amendment.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

The majority leader.

Mr. REID. Without losing my right to the floor, I yield 3 minutes to the Senator from Florida, Mr. NELSON.

Mr. NELSON of Florida. I thank the majority leader. I will not take the 3 minutes but just to say my objection is the same as the Senator from New Jersey and my colleague from Florida, Senator RUBIO.

The fact is, the provision in the bill would allow direct payments between U.S. sellers and Cuban buyers of agricultural goods. Under the existing restrictions, U.S. exports to Cuba have fallen dramatically in the last few years, largely due to the regime's shortage of hard currency. In other words, the sanctions are working. Now is not the time to relax U.S. economic sanctions, particularly while we see on this planet Earth in 2011 a repressive regime such as the one in Cuba and the one that continues to hold Alan Gross.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Without losing the floor, I yield 3 minutes to the Senator from Florida, Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I wish to thank the majority leader for that. I will be brief. I think my colleagues touched upon it and the public policy behind this.

Lost in all the things happening around the world that are very important, I think we need to remind ourselves that a few miles off the coast of the United States the most repressive government in the Western Hemisphere conducts its business and is able to fund it through a lot of this interaction going on as we speak between commercial interests in the United States and in Cuba.

By the way, I know these are folks in business and are not doing anything with bad intentions, but the practical intention of this agreed interaction with the Castro regime is hard currency—money they take and use to pay for this repressive arm. This is happening at a time when we have seen this year more repression than we have in recent years as the Castro government continues to fear it is losing its grip on power and on influence over its own society.

I would say I am supportive of what Senator MENENDEZ is trying to do, and I urge our colleagues to keep a watchful eye on what happens in Cuba.

Mr. REID. Mr. President, let me take a moment to explain what has happened.

I offered the substitute amendment to include versions of the Energy and Water, Financial Services, and State/Foreign Ops appropriations bills that the Senate Appropriations Committee, on a bipartisan basis, had reported. Senator MENENDEZ then raised a point of order against that substitute amend-

ment. He had a right to do that. Senator MENENDEZ has explained he objects to provisions of the committee-reported Financial Services bill that were linked to Cuba. That has been underscored by my friend Senator BILL NELSON of Florida, and my friend MARCO RUBIO from Florida.

The amendment I just offered is exactly the same as my last substitute amendment in the last minibus, except that it does not include the Cuba-related provisions to which Senator MENENDEZ objected. It deletes sections 620 and 624 of the Financial Services bill reported to the Senate. I hope this amendment can give us the basis to move forward on this bill.

AMENDMENT NO. 957

Mr. President, I have a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 957.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I ask unanimous consent that amendment No. 957, which consists of the text of the withdrawn committee-reported amendment as division A, the text of S. 1573 with the exception of sections 620 and 624, to which I have just referred, Calendar No. 171, as division B and the text of S. 1601, Calendar No. 179, as division C; provided further that H.R. 2434, as reported by the House Appropriations Committee and division C of amendment No. 957, be deemed House-passed text in H.R. 2354 for purposes of rule XVI; finally, that amendment No. 957 for the purposes of paragraph 1 of Rule XVI be considered a committee amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Kansas.

Mr. MORAN. Reserving the right to object, Mr. President, I am a member of the Appropriations Committee, and a member—in fact, the ranking minority member—of the Financial Services and General Government Subcommittee. The amendment the majority leader offered, that excluded the provisions related to Cuba, was an amendment that was adopted by the full Appropriations Committee in a very bipartisan way. In fact, the vote was two-thirds to one-third—20 votes in favor, 10 votes against.

The provisions that have been struck by the procedure that has occurred today are the final implementation of legislation that was passed by this Congress in 2001 in which we provided for the first time the sale for cash up-front of agricultural commodities, food, and medicine. It has always been

my view, when we fail to sell agricultural commodities to Cuba, we only harm ourselves. Again, the amendment that has been eliminated from consideration today, through this process, would implement the ability for money to be transferred to the United States by a Cuban bank for purposes of paying for that sale upfront.

We have worked closely with the administration, with the Treasury Department, to make certain that nothing contained or nothing that would be contained in this provision would be objectionable to the security or the financial safety and soundness of our country. So with the process that has occurred, while there could have been many rule XVI points of order made today, one was made that defeats the will of the majority of our committee, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I have a full statement that I want to give as to why I am going to move through the next process, but I understand my friend from Louisiana is here. Before going to him, I ask for the yeas and nays on the substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Mr. President, without losing my right to the floor, I yield to my friend from Louisiana for 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I thank the majority leader, and I also rise to object to the motion for completely different reasons than my colleague from Kansas. I rise to object, and several join me in this view, because I believe these additional appropriations bills, which we are trying to bring to the floor, simply spend too much money.

Our greatest challenge as a nation right now is our economy. A big part of that challenge is the fact that we have completely unsustainable Federal spending and deficit and debt. Yet in the midst of all that, these appropriations bills spend more money than we are spending already, not less.

Every American with any common sense knows when they are in a deep hole, the first step one takes is to stop digging. We as a country are in a deep fiscal hole, but these bills have us continuing to dig further. The three bills the majority leader wants to bring to the floor together spend \$6 billion more than we are spending now.

We are spending more, not less, even though we are \$15 trillion in debt. That is simply continuing to dig when we are in a deep fiscal hole.

Also, when you look at some of the details of this spending, it makes it even more offensive to millions upon millions of Americans—allowing funds for overseas groups that perform abortion, allowing taxpayer-funded abortion in the District of Columbia, allowing elective abortions in the Federal

Employee Health Benefits Program, allowing funding of abortion by the Peace Corps, and \$40 million for the U.N. Population Fund, which is deeply involved in China's proabortion population control program.

I think it is a deadly combination in more ways than one. We are continuing to dig when we are already in a deep hole, and then, when you look at the details of the spending, so many parts of that in and of themselves are deeply offensive to tens of millions of Americans. Based on that and joined by many conservative colleagues of the Senate, I also object.

I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The majority leader.

Mr. REID. Mr. President, the bills we brought before the Senate—Energy and Water, Financial Services, Foreign Operations—are all within the agreement we made in July, the deficit reduction package, debt ceiling package we passed. It passed the Senate, passed the House, was signed by the President. So my friend from Louisiana is trying to renegotiate something that was passed after we did 3 months' work on it.

I regret that there has been objection to my request, but what I just sought was the same understanding we had in the last appropriations measure, which worked pretty well. We passed those three bills. The conference should be completed momentarily. We will have to vote on that this coming week. Included in that is the CR to fund the government until sometime in the middle of December. But there has been an objection to proceeding along those same lines.

Everything that was raised by my friend from Louisiana—is what the amendment process is all about. But we wanted it to be the way we have done it in the past—that on these appropriations matters, the amendments would have to be germane. But he was unwilling to live by that standard and offered amendments that had nothing to do with the underlying bill. That is what the American people can't stand.

The Senate has rules that govern appropriations measures. These Senate rules are necessary because appropriations matters are must-pass bills, and we need some rules to prevent them from becoming Christmas trees. The Senate rules thus prevent nongermane amendments, and the Senate rules prevent legislating on appropriations bills. So those two things have the protection only on appropriations bills. If we didn't have these rules, these appropriations measures would become unmanageable.

So what I sought with my unanimous consent request was to create an environment where the regular rules of the Senate for appropriations measures could be in effect. Regrettably, we didn't get that agreement. If we did those bills individually, that would be automatic.

Without such an agreement, though, we have another thing about which we have to worry: Funding for the government runs out at the end of this week. So before we leave this week, the Senate needs to pass the continuing resolution contained in the conference report on the Agriculture appropriations bill, which also included other appropriations matters. We can't allow the Senate to get tied up in knots in a way that would prevent us from getting that work done.

As I said this morning, I have made a commitment to Senators LEVIN and MCCAIN that we are going to move to the authorization bill as soon as we finish this appropriations package, and I intend to do that. So we will engage in further discussions about how we can move forward with these important measures. In the meantime, we need to take steps to at least temporarily hold matters where they are. So, as I indicated, I have the yeas and nays pending on the substitute.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 958 TO AMENDMENT NO. 957

Mr. REID. I have a first-degree amendment which is perfecting in nature at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 958 to amendment No. 957.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 7 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 959 TO AMENDMENT NO. 958

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 959 to amendment No. 958.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

AMENDMENT NO. 960 TO AMENDMENT NO. 957

Mr. REID. I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 960 to the language proposed to be stricken by amendment No. 957.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 961 TO AMENDMENT NO. 960

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 961 to amendment No. 960.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

MOTION TO RECOMMIT WITH AMENDMENT NO. 962

Mr. REID. I have a motion to recommit the bill with instructions. That is also at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill (H.R. 2354) to the Committee on Appropriations, with the instructions to report back forthwith, with amendment numbered 962.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 963 TO AMENDMENT NO. 962

Mr. REID. I have an amendment to the instruction at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 963 to the instructions of 962 of the motion to recommit H.R. 2354.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

AMENDMENT NO. 964 TO AMENDMENT NO. 963

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 964 to amendment No. 963.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I indicated during the last week that I did not want to have to fill the tree. It is unfortunate that an objection was raised. We were able to move forward, as I indicated, in the last so-called minibus with three appropriations bills made into one. So we are now in a situation where we have no way to move forward unless we have an agreement on the underlying bill, which is the Energy and Water bill.

I have some knowledge of that bill. I was on the Appropriations Committee from the day I came to the Senate, and I worked on that subcommittee for many years—several decades—and I was chairman of that subcommittee quite a few times. I worked with Senator Domenici when we would go back and forth as to who was the Chair, and we worked extremely well together. We were able to get the bill done quickly and satisfy the needs of the Members of this body.

If I can have the efforts of my friends, Senator FEINSTEIN and Senator ALEXANDER, to move forward on this in a way that we can have some view of how we can end this legislation fairly quickly, with the ability to have amendments, I would have no problem because, as I have indicated, we have a lot of things to do before we leave here.

We cannot come back here in December with a lot of unfinished business. I talked to my caucus today about the Defense authorization bill. I think we have to finish that bill before we leave here for Thanksgiving. So we have the minibus conference report, we now have this Energy and Water appropriations bill, which I believe is so important, and we have, of course, the Defense authorization bill. So I say to everyone here, if we can work something out, good. I hope we can.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wonder if I might respond through the Chair to the majority leader.

I have been consulting with the chairman of our committee, and on the Republican side, we understand what the majority leader is saying. What I hear him saying is that we have some important work we have to do this week. He wants to move to the Defense authorization bill before the end of the week. We have a conference report that includes a continuing resolution. He wants that acted on before the end of the week.

Our hope is that we can deal with the Energy and Water bill today and tomorrow. I am beginning to ask our Republican Senators—and Senator FEINSTEIN can speak for herself, but she is doing the same with Democratic members—I am asking them to get their proposed amendments to the floor this

afternoon, if at all possible, so we can give the majority leader some idea of how many amendments there might be so he can evaluate how to proceed. So we appreciate the opportunity to do that. We believe that doing the appropriations bill is the basic work of the Senate. This is important both from a defense and a nondefense point of view. It had broad support in our committee, and so far, I have not found anyone on our side who isn't agreeable to moving quickly on it. I will know more at the end of the afternoon, and I will report to the majority leader about the Republican side.

I ask my colleagues who are listening to please bring their amendments to the floor this afternoon as soon as possible.

Mr. REID. I have absolute confidence in the chairman and ranking member of the subcommittee. They are two of our finest. They have a reputation here of working to get things done on a bipartisan basis, and that is certainly necessary on this most important piece of legislation.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, if I understand this correctly, it is, as Senator ALEXANDER has stated, that the effort is to, under a germane rule, have the Energy and Water appropriations bill brought to the floor. If that is achieved, then all Members, including Democratic Members, should get their amendments to the floor as soon as possible.

We know what this week is like. We know the Defense authorization bill has to come to the floor. We know there are other items that have to come to the floor this week. Therefore, I hope that this effort is successful and that we will be able to begin to work on our bills.

Mr. ALEXANDER. I thank the chairman.

Mr. President, that is exactly right. Just so Senators know, Senator REID has filled the tree, but what we hope to persuade him is that we know the number of amendments we have and that he doesn't need to do that. He is perfectly able to withdraw that. And I know several of our Republican colleagues are discussing this afternoon how many amendments they want to offer, and it is my hope that we will soon be able to start voting on those amendments, vote on them tomorrow, and finish the bill sometime tomorrow.

Mrs. FEINSTEIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING EVELYN H. LAUDER

Mrs. FEINSTEIN. Mr. President, I rise to remember the life and to honor the legacy of a remarkable woman—an advocate for breast cancer research and awareness, a philanthropist, a savvy businesswoman, an accomplished photographer and author, a wife, a mother, a grandmother, and a dear friend, Evelyn Lauder.

Evelyn lost her courageous battle with ovarian cancer on Saturday. She is survived by her husband of 52 years, Leonard Lauder; her sons, William and Gary; and five grandchildren.

In many ways, her life parallels the familiar immigrant story of 20th-century America. It is the story of a woman who escaped Nazi Europe, voyaged to the United States of America, and proceeded to enrich this country in countless ways.

Evelyn Hausner was born on August 12, 1936, in Vienna. She was the only child of Ernest and Mimi Hausner. When Hitler annexed Austria in 1938, the family fled to Belgium with just a few sentimental belongings. Later, the family relocated to England during the Blitz.

In England, Evelyn's mother was sent to an internment camp on the Isle of Man. Evelyn was sent to live in a nursery. Eventually the family was reunited, and in 1940 they set sail for New York City.

Evelyn often told a story about arriving in New York Harbor at the dawn of the Second World War. She said:

My mother woke me up really early in the morning to see the Statue of Liberty. That's a sight I will remember all my life.

She fell in love with New York that morning and would give back to her adopted city for the next seven decades.

She was a proud product of the New York City public school system. As a freshman at Hunter College, she met her future husband on a blind date. Leonard Lauder was the son of Estée and Joseph Lauder, the owners of what then was just a small, family cosmetics business.

Evelyn was a public school teacher for several years, and in 1959 she formally joined Estée Lauder, pitching in wherever she was needed. As the company grew to become an international conglomerate, so, too, did Evelyn's role and influence. She held many different positions at the company over the years.

One of the earliest projects she tackled was to create the company's training programs. She enhanced the Estée Lauder product lineup by adding new colors and products that appealed to a

range of complexions and skin types. She had great instincts about new trends, about the needs of a consumer, and about the development of skin care and cosmetics. In fact, it was Evelyn who helped launch the name “the Clinique brand.”

In the last 25 years, she focused on fragrance—a lifelong passion she shared with her famous mother-in-law that stemmed from her love of flowers and gardening.

In 1999 and again in 2007, she was recognized as one of New York’s 100 Most Influential Women in Business by *Crain’s New York Business*.

Evelyn was diagnosed with breast cancer in 1989 and soon became a tireless advocate for women’s health. True to form, she was reluctant to publicly discuss her own condition. “My situation doesn’t really matter,” she told a reporter in 1995. Instead, she chose to channel her energy and attention into helping raise money and educate women with less access and information about the disease. In 1989, as a member of the board of overseers at Sloan-Kettering Cancer Center in New York, she initiated a fundraising drive that raised more than \$18 million to establish the Evelyn H. Lauder Breast Center, the country’s first ever breast and diagnostic center. The center opened in 1992 and is a model for similar facilities around the world.

In 1992 Evelyn developed the iconic pink ribbon, which we all know today as the worldwide symbol of breast health. She spearheaded the distribution of millions of pink ribbons and breast self-exam instruction cards at Estée Lauder cosmetic counters all across the country. Her efforts elevated breast cancer awareness in the public consciousness, and almost two decades later more than 115 million pink ribbons and millions of educational brochures and bookmarks have been handed out around the world.

In 1993 she turned her attention to supporting the world’s leading medical and scientific researchers and established the Breast Cancer Research Foundation to address the crucial lack of breast cancer research funding. Under her leadership, the foundation has grown to become the largest national organization dedicated exclusively to funding research relating to the causes, treatment, and prevention of breast cancer. To date, this foundation has raised \$350 million, and supports 186 researchers around the United States, Canada, Latin America, Europe, the Middle East, Australia, and China.

In 2000, Evelyn Lauder launched the Global Landmark Illuminations Initiative. We have all enjoyed seeing historic landmarks illuminated in pink lights during the month of October. Each year, more than 200 prominent landmarks around the world participate. Evelyn has bathed the Empire

State Building, Niagara Falls, the Tower of London, the Leaning Tower of Pisa, and the Tokyo Tower in pink lights.

There was another side to Evelyn. She was an accomplished photographer with a keen eye and ability to capture extraordinary images. I have two of her photographs and treasure them. Her photography included rainbows rising from the Pacific Ocean, snow scenes in Colorado, patterns created by light reflecting on water, and landscapes in Chile, Tuscany, and the south of France, among others. Evelyn’s works were featured in exhibitions at art galleries in London, Paris, Jerusalem, Barcelona, and Beijing, and well-received exhibitions in New York, Los Angeles, Seattle, and my hometown of San Francisco. She also published two books of photographs and had her work featured in many publications, including *American Photo*, *House & Garden*, the *Oprah Magazine*, and *Town & Country*.

Evelyn was modest and self-effacing, but she donated all proceeds from her photographic exhibitions and royalties from her books to the Breast Cancer Research Foundation.

Evelyn Lauder was one of a kind. She was a beautiful woman. I knew her. I remember Evelyn, her husband, my husband, and me sitting around a small table in a small Italian restaurant in New York City. I looked across that table at this beautiful woman and all that she has done in her lifetime. It is truly amazing. Her life may have begun under challenging circumstances but she became one of the country’s most generous philanthropists and accomplished businesswomen. She was fun, she was smart, she was talented. She was a devoted wife, mother, grandmother, and friend. She was a remarkable American woman. She will be missed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET SALES TAX

Mr. ALEXANDER. Mr. President, last week the Senator from Wyoming, Mr. ENZI, and the Senator from Illinois, the Democratic whip, introduced a piece of legislation which is called the Marketplace Fairness Act. In doing so, I think they solved a problem that has persisted in almost every State in the Union and that Congress has had a difficult time dealing with for the last

10 years. The problem is what do we do about State sales taxes which everybody owes every time they make a purchase.

If you buy a television set at the local appliance store in Tennessee you owe Tennessee sales tax. If you buy it online you still owe the sales tax. The difference has been that the local retailer is required to collect the sales tax, and does, and sends it to the State, but the online vendor, let’s say Amazon, is not required to collect the sales tax and so it does not.

So, like most individuals—I bought a television set from Amazon earlier this year. At the end of the year, I would need to file a form with our State government and say I bought it, acknowledge that they didn’t collect the sales tax, tell the State I owe the sales tax on my purchase, and pay it. The truth is most Americans do not do that. That is a \$23 billion a year tax avoidance, a great big tax loophole.

One may ask why has that loophole not been closed. We hear a lot of talk about loopholes around here and we know States want to have dollars right now, either to lower taxes or pay for services, and most of us think we should not prefer one business over another business or one taxpayer over another taxpayer. The problem is 20 years ago the technology did not exist to make it easy for an online or remote vendor to collect the sales tax in the same way the local shoestore or local vendor collects it, so the Supreme Court said it would be an undue burden on interstate commerce.

Here is the loophole in practical terms. I called the owner of the Nashville Boot Company last week after we introduced the bill, Frank Harwell. At the beginning he sold cowboy boots online. I think it is the Nashville Cowboy Boot company. But he sold boots online, and he said he sold as much as \$400,000 a year of cowboy boots online. That was his major business. When he began, he was about the only one doing that, and I assume if you wanted cowboy boots, Nashville sounded like a good place to buy them, so he was doing all right. Now he said there are about 200 people selling boots online and so he does most of his boot selling out of his store. He has a store in Belle Meade Plaza right next to where I take my granddaughter to breakfast on Saturday mornings.

This is what he says happens to him. He says people come into the Nashville Cowboy Boot company store and they try on the cowboy boots and then they go home and buy them online because they don’t have to pay the sales tax. They owe the sales tax, but, as I said, the online sellers are not required to collect it and many taxpayers fail to pay it even though they owe it.

Now we are not talking about Internet tax here. The Senate had a great big debate on the Internet access tax a

few years ago. I was right in the middle of that. By the time we got through with it, we had a compromise and we put a moratorium on new Internet access taxes. So we are not talking about taxing the Internet or a new Internet tax. We are talking about the plain old State sales tax that everybody—except in five States, one of them being New Hampshire, which doesn't have a sales tax—in 45 States owes.

I have been very pleased with the reception I have heard to the bill introduced by Senator ENZI and Senator DURBIN. It has five Republican cosponsors. I am one of them. It has five Democratic cosponsors. We hope there will be more. Many of the people who saw problems with earlier attempts to fix the bill believe this legislation solves the problem. Some of the early bills were large. This bill is 10 pages. It is very simple. If the problem was it was too complicated for remote sellers to collect the online tax, they fixed that. They have said if Tennessee wants to require remote sellers like Amazon to do the same thing the local boot company does, it has to provide Amazon with software that will make it simple for Amazon to collect the tax.

When I want to know the weather in my hometown outside of Maryville, TN, I simply put in weather and the ZIP Code 37886, and back comes the information. That is all a remote vendor will have to do. It will put in LAMAR ALEXANDER, cowboy boots, whatever they cost, the ZIP Code, and the computer software will figure out the state and local sales tax and report it to the vendor, and the vendor will send the money electronically to whatever State. So the old problems don't exist.

I saw an article in the Wall Street Journal today which I thought was very well balanced. It takes a whole page. States require online retailers to collect sales tax. Yes, it is fair. No, it protects small firms. I am not going to put this in the RECORD, but I do want to take issue with one argument among those who said: No, it protects small firms. Two arguments, really.

One, the Enzi-Durbin legislation has a \$500,000 exemption. So my friend in Nashville, who was the only, and I guess for a while, leading seller of cowboy boots online never made more than \$400,000 in revenues. He said, I could tell that. So if he doesn't have more than \$400,000 or \$500,000 in revenue, he is not even affected by this legislation that gives States the option to decide what to do.

Second, this says the legislation would overturn the Supreme Court ruling of 20 years ago. That is not accurate. It does not overturn anything. What the Supreme Court said 20 years ago was that with the state of technology that existed with so many different taxing jurisdictions, it was an undue burden on interstate commerce for States to require online sellers to

collect the tax that was owed. This is what the Court said:

This aspect of our decision is made easier by the fact that the underlying issue is not only one that Congress may be better qualified to resolve, but also one that Congress has the ultimate power to resolve. No matter how we evaluate the burdens that use taxes impose on interstate commerce, Congress remains free to disagree with our conclusions.

Then it said:

Accordingly, Congress is now free to decide whether, when, and to what extent the States may burden interstate mail-order concerns with a duty to collect use taxes.

This is not overturning anything. It is simply responding to the invitation by the Supreme Court 20 years ago that said: As we look at it, this is too big a burden. That was back when there were thousands of taxing districts and no easy way to collect the money. But it did say that Congress had the right to decide what represents a burden. What this bill says is, there are two ways States may do this. There is the Streamlined Sales and Use Tax Agreement where about half the States have joined together and said, we will create a single way to allow online vendors to operate, or the State of Kentucky may say, we don't like what they are doing, we will create our own way. As long as it is a simple way, a single return, a single audit, and the State provides the software, then the State has that option. That is why Amazon decided last week that it supported the Enzi-Durbin bill.

On the Republican or conservative side, there have been a lot of people who said, wait, this is about taxes. Well, it is about taxes, but it is about taxes in a way that conservatives like to talk about. We like to say we don't like it when the government policy prefers some taxpayers over others, or some businesses over others. We also, on this side of the aisle, believe in States' rights, and this bill doesn't decide anything. It simply empowers States to make their own decisions about taxes.

In our State, for example, we have one of the lowest tax burdens, but we have the highest State sales tax. If we are able to collect \$300 million, \$400 million, \$500 million more in Tennessee from this tax that is now avoided because of the loophole, there could be proposals to reduce the sales tax rate or reduce some other tax. Certainly the money will help to avoid the arrival of a State income tax, which is about the most hated word in our tax vocabulary in Tennessee.

I ask unanimous consent to have printed in the RECORD some of the responses that have come since last week. The Memphis Commercial Appeal editorial which urged that Congress close this longstanding loophole in the current tax law. "It's the right thing to do."

Greg Johnson, a conservative columnist in the Knoxville News Sentinel

said: "Online sales tax bill would level the playing field." His article refers to the fact that 10 years ago William F. Buckley, Jr., whom he calls the father of modern conservatism, opined to the National Review about this problem and that it needed a result.

The same sort of argument was made by Al Cardenas, head of the American Conservative Union, who wrote an article last week and said this needs to be fixed and supports a bill such as the one we introduced.

There is also an editorial from the Seattle Times, an editorial from the Paris Post-Intelligencer, an editorial from the Denver Post, and one from Belleville in Illinois. All of these make the same points.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commercial Appeal, Nov. 13, 2011]
A LEVEL FIELD FOR RETAILERS
REQUIRING ONLINE AND CATALOGUE RETAILERS
TO COLLECT SALES TAXES COULD HELP THE
STATE REACH WORTHWHILE GOALS

When was the last time you sent a check to state government for the sales tax you owed for an online purchase?

More to the point, did you know you were supposed to?

Join the club.

Tennessee Sen. Lamar Alexander has come up with a way to relieve shoppers of a responsibility many of us don't even know we have.

Alexander has predicted passage of the bipartisan Marketplace Fairness Act, whose co-sponsors include five Democrats and five Republicans, including Sen. Bob Corker of Tennessee.

The bill would require online and catalogue retailers to begin collecting and remitting state sales taxes.

In Tennessee, annual revenue from online sales tax collections has been estimated at between \$300 million and \$400 million.

In a 2009 study, University of Tennessee-Knoxville economics and business professors estimated that \$52 billion in potential revenues will have been lost in 46 states and the District of Columbia over a six-year period through 2012 because taxes on online sales are not being collected.

The measure's primary appeal is one of fairness—the elimination of an unfair advantage online sellers have over large and small brick-and-mortar stores.

Very small businesses would be protected by an exemption that covers annual online sales of less than \$500,000 in the Senate version of the bill, or \$1 million if the House version is adopted.

The benefits to a state such as Tennessee could be significant.

The state's public college students were hit by annual tuition and fee increases that ranged from 7.4 percent to 13.7 percent for the current school year.

Increases for the 2012-13 school year will seem even worse than usual next fall if the General Assembly decides to cut back on the eligibility standards and/or the size of state lottery scholarships.

An expansion of the TennCare rolls called for by the federal Patient Protection and Affordable Care Act of 2010 will be offset to some extent by a larger federal match, but TennCare officials have predicted that the state will have to cover at least part of the expansion.

And with new revenue from online sales, Tennessee could also consider the elimination of its sales tax on food, one of the most regressive aspects of the state revenue system.

Passage of the measure also would move up the date on which Tennessee could begin receiving revenue on sales from Amazon's new Tennessee distribution centers.

Under an arrangement worked out between Gov. Bill Haslam and the company, those collections currently aren't due to begin, absent federal standardization, until 2014.

In fact, Amazon, which has been seeking sales tax relief in several states as part of its decision making process regarding new sites, has turned out to be a supporter of the Alexander bill.

There is software available to ease the transition for online retailers—nothing, in fact, to prevent Congress from closing this long-standing loophole in current tax law. It's also the right thing to do.

[From Knoxville.com, Nov. 11, 2011]

ONLINE SALES TAX BILL WOULD LEVEL PLAYING FIELD

(By Greg Johnson)

Almost exactly 10 years ago, William F. Buckley Jr., the father of modern conservatism, opined in the *National Review* about the vexing problem of e-commerce and the collection—or lack thereof—of sales taxes by state governments. Buckley stood firmly athwart principled, conservative convictions against any tax on Internet usage.

But when it came to the collection of taxes on Internet purchases, Buckley saw how the growth in online commerce was changing the world of retail sales and how local businesses were being harmed by the uneven playing field on which out-of-state vendors did not collect sales taxes.

"The estimated commerce done by the Internet in 1998 was \$9 billion," Buckley wrote. "Last year (2000) it was \$26 billion. Which means we have to come to earth and face homespun economic truths. If the advantage of tax-free Internet commerce marginally closes out local industry, reforms are required."

U.S. Sen. Lamar Alexander, R-Tenn., proposed such reform this week, co-sponsoring the bipartisan Marketplace Fairness Act. "The reason I'm a co-sponsor is that it's a states' rights issue," Alexander said in a Wednesday conference call. "(The bill) gives the state of Tennessee the right to decide how to collect or not to collect its own state sales tax."

Alexander noted how bricks-and-mortar retailers are at a disadvantage. "Main Street sellers are up at arms because they have to collect a tax when they sell a television set or a computer, and online sellers don't," Alexander said. "(This legislation) ends the subsidy of some businesses over others."

Gov. Bill Haslam backs Alexander. "The Marketplace Fairness Act will bring much-needed, and long overdue, relief to the state of Tennessee," Haslam wrote in a letter to Alexander. "Tennessee and other states are currently unable to compel out-of-state businesses to collect sales taxes the same way local businesses do." The University of Tennessee's Center for Business and Economic Research estimates the state loses more than \$300 million per year in uncollected revenue.

While Ebay opposes the bill, Paul Misener, Amazon's vice president for global public policy, pledged support, writing to Alexander, "Your bill will allow states to obtain additional revenue without new taxes or fed-

eral spending and will make it easy for consumers and small retailers to comply with state sales tax laws."

Alexander moved to pre-empt fire from the right. "Conservatives understand (collection from online vendors) is not a new tax. It is a tax that already exists. It is not an Internet tax," Alexander said. "This is an existing tax on all sales, and it is not fair to charge it to some taxpayers and not others. It is not fair to discriminate against stores in Tennessee in favor of stores outside Tennessee."

A decade ago, Buckley embraced reality when online sales were \$26 billion and local industry was being crowded out by uneven and unfair application of existing tax laws. Last year, online retailers sold \$142 billion in merchandise. As Buckley wrote and Alexander recognizes, reforms are required.

[From the Seattle Times, Nov. 11, 2011]

BILL TO TAP INTO ONLINE SALES-TAX REVENUE MAKES SENSE

The Seattle Times editorial board supports the Marketplace Fairness Act, which would allow states to collect sales taxes on mail-order and online purchases across state lines.

Washington's delegation in Congress, Democrat and Republican, should support the Marketplace Fairness Act, a bipartisan Senate bill that would allow states to collect sales taxes on online and catalog purchases across state lines.

For years, Washington residents have escaped sales taxes by buying online. People have enjoyed doing this, brushing aside the irksome thought that they were short-changing local merchants, wiping out local jobs and undermining local governments. When the Internet was small and times were good, their irresponsibility could be overlooked. No longer.

In the two-year period ending June 30, 2013, Washington state government is in a \$2 billion hole. Counties and cities also suffer. The Department of Revenue estimates that passing the Marketplace Fairness Act will bring state and local government \$483 million in new money in the next biennium. The effect in this biennium would be less but still meaningful.

Every hundred million dollars counts.

Most states have an income tax. Our state does not, and has voted four times against one. If a sales tax is what the people want, they must update it for the 21st century—and in an Internet world, that means collecting the tax across state lines.

This state is also the home of the most successful Internet retailer, Amazon. For several years, Amazon has fought efforts of other states to collect sales taxes. Despite Amazon being a neighbor to The Seattle Times, we have criticized its position.

Amazon now changes. It has endorsed the Marketplace Fairness Act. This is strategically smart, and it is welcome.

"Amazon's coming out in support is huge," says Russ Brubaker, assistant director of the Department of Revenue in Olympia.

Interstate sales-tax bills have been offered before, by Democrats. Brubaker notes that the new bill, sponsored by Sen. Dick Durbin, D-Ill., now has an equal group of Republicans behind it, including Sen. Lamar Alexander of Tennessee.

"Having him on that bill makes a big difference," Brubaker says.

This is a bill that makes sense. The timing is right. Our delegation should support it, and push hard.

[From the Paris Post-Intelligencer, Nov. 10, 2011]

ONLINE SALES TAX PATH IS CLEARING

AFTER A LONG FIGHT, STATES ARE WINNING

Bit by bit, states are winning the battle to collect sales taxes for purchases made by computer.

What once seemed a solid wall of opposition that gave online sellers a huge advantage and caused states to lose many millions in lost revenue is being dismantled brick by brick.

The latest turn is that Tennessee's senior U.S. Senator, Lamar Alexander, has introduced a bill in Congress, coauthored by Republican and Democratic senators, to let states collect sales taxes. If enacted, the bill would negate a Supreme Court ruling that allows a state to collect taxes only when a seller has a physical location within the state.

"It's a state rights issue," Alexander said. "It gives the State of Tennessee the right to decide how to collect or not to collect its own sales tax."

"It ends the subsidy for some businesses over others, it ends the subsidy for some taxpayers over others, it closes a loophole that's been growing for 20 years, and it permits the state to collect that avoided revenue."

It's no small matter. This year, University of Tennessee economists have estimated, the Volunteer State is losing \$365 million in missed sales taxes. The estimate for 2012 is \$410 million.

Some traditional opponents of the tax move now support it. Chief among them is the on-line giant Amazon, which said Wednesday it will work to get Alexander's bill passed. The firm, under a deal negotiated by Gov. Bill Haslam, had already agreed to begin collecting the tax in 2014; Alexander's bill, if passed, could speed up that process.

Support also has come from Wal-Mart and Best Buy, as well as from some congressional conservatives who originally had opposed the move as a new tax. The American Conservative Union has endorsed a similar bill introduced in the House.

Some opposition remains—eBay opposes the trend on the basis that it would place a new burden on small businesses. Alexander's bill would ease that burden by exempting online sellers who have less than half a million dollars in out-of-state sales; the House bill sets a \$1 million cutoff point.

The time is right. The path is clearing. Congress should act.

[From the Denver Post, Nov. 14, 2011]

ONLINE SALES TAX COULD BE A BOON

A new Internet sales tax bill introduced in Congress has the potential to allow cash-strapped states to collect billions in sales taxes from online purchases.

The Marketplace Fairness Act is a significant step forward that could help Colorado—someday.

The problem that Colorado and a handful of other states would face in trying to use the authority described in the bill is lack of uniformity.

Colorado's local taxing authorities have many different rates for various items and would have to agree on uniform sales tax rates for online purchases.

Yes, it's a heavy lift. However, the folks at the state Department of Revenue say they think it's possible. We hope so. This measure could put an end to the Amazon tax wars, and could help states collect revenues rightfully due.

Some online retailers have fought hard against state-level attempts to get them to

collect sales taxes. They argued states were imposing improper and burdensome regulations on interstate commerce, and they had the law on their side.

The answer was federal legislation to allow states to compel sales tax collection. In Colorado, that could mean an additional \$173 million in state and local taxes in 2012. That's not chump change.

Geoff Wilson, general counsel for the Colorado Municipal League, said his reading of the legislation is that local taxing authorities would have to agree to the same rates for online sales originating with out-of-state retailers, ones without a physical presence in Colorado. They'd still keep their local rates for local sales.

Those online sales taxes would be collected at the state level, and then disbursed to the local entities.

It would likely mean that there would still be a difference—one tax rate if you buy something in a store locally and another if you buy online. Optimally, you'd want those to be pretty close, but given the variation in Colorado's sales tax rates from one jurisdiction to another, there would certainly be a difference between the sales taxes you'd pay at a brick and mortar store versus online.

"It's not a perfect remedy, but it's not the injustice that it used to be," Wilson told us.

What he means by that is now, people who buy goods online from out-of-state retailers frequently do so without paying any sales taxes.

That puts a local retailer with the store down the street at a big disadvantage in competing with those selling items online. A uniform tax rate for an online purchase would drastically reduce the "Main Street inequity" problem, Wilson said.

State revenue officials say passage of the bill, which has bipartisan support, would create a big incentive for Colorado's many disparate taxing authorities to agree on simplification.

We hope Colorado policy makers give this serious thought. We appreciate and respect the autonomy of home rule cities and counties.

However, forging an agreement on this matter could result in a measure of fairness for local retailers and much-needed revenue for state and local governments.

[From bnd.com, Nov. 14, 2011]

INTERNET TAX IS ABOUT FAIRNESS

The tax-free days of shopping on the Internet may soon be a thing of the past. A bipartisan group of senators, including Sen. Dick Durbin of Illinois, has introduced a bill that may finally have traction.

This is good news. While no one likes paying taxes, this bill should help level the playing field for all businesses.

Opponents complain that the measure will hurt small Internet businesses, but small brick-and-mortar businesses have to collect sales taxes; why shouldn't small Internet-based businesses also?

The only reason they don't already do it is that the system of figuring each jurisdiction's sales tax rate is so complicated. This bill would set up a simplified process; states would choose whether to participate.

The bill is called, appropriately, the Marketplace Fairness Act. It's time for Congress to approve this plan.

MR. ALEXANDER. Mr. President, this is a States rights argument. It is about allowing States to close a loophole—a tax loophole. It is about stopping the subsidization of some tax-

payers over other taxpayers, stopping the subsidization of some businesses over others. About the only ones left complaining are the taxpayers and businesses that enjoy being subsidized by other taxpayers and other businesses, and that, in our opinion, is not the correct tax policy.

I am very pleased with the work of Senator ENZI and Senator DURBIN. I will conclude where I started. I think they have solved the problem. As more Senators look at the fairness of the Marketplace Fairness Act and look at the options it gives each State, I hope we will have more cosponsors. If I were running an online retailer in this country, I would begin to make my plans to collect the sales taxes that are already owed and return them to the States because States will have the right under this legislation to do it.

I thank the President and I yield the floor. I note the absence of a quorum.

MR. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MR. LEAHY. Madam President, I have mentioned this to the distinguished Republican floor leader, and I ask unanimous consent that I be allowed to speak for a few minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MR. LEAHY. Madam President, at some point we may bring up the State and Foreign Operations Subcommittee's appropriations bill. I understand that several Senators on the other side have refused to allow the Senate to debate and vote on this bill, for one reason or another. That is unfortunate, because it provides the funding for many programs that have critical importance to the Nation's security. Let me mention a few.

It supports our counterterrorism strategy in South Asia, the Horn of Africa, and the Far East. It responds to the turbulent events in the Middle East and North Africa, and threats on the Mexican border. It combats transnational crime, piracy of intellectual property, and the denial of fundamental freedoms. It promotes access for U.S. companies to foreign markets. It provides the funds to operate and secure our embassies and consulates that serve millions of Americans while traveling, working and studying overseas. It preserves U.S. influence in key international organizations and alliances. And it responds to a massive famine in Somalia, floods, and other humanitarian disasters.

We have to do this and much more with a budget allocation that is \$6 billion below the President's request.

I worry that "foreign aid" today is a term often maligned and misunder-

stood. It is viewed by many as a form of charity, or a luxury we can do without, or that it is a sizable part of the Federal budget. But it is none of those things, as that list I just mentioned illustrates.

These have never been Democratic or Republican issues. The funds in this bill determine whether the United States will remain the global leader it has been since the Second World War.

Six weeks ago, former President George W. Bush said:

One of the lessons of September 11th is that what happens overseas matters here at home. . . . We face an enemy that can only recruit when they find hopeless people, and there is nothing more hopeless to a child who loses a mom or dad to AIDS [than] to watch the wealthy nations of the world sit back and do nothing.

Former President Bush is right.

In fact, his former Secretary of State, Condoleezza Rice, was equally blunt about the stakes involved. She said:

We don't have an option to retire, to take a sabbatical from leadership in the international community and the world. If we do, one of 2 things will happen. There will be chaos, because without leadership there will be chaos in the international community, and that is dangerous. But it's quite possible, that if we don't lead, somebody else will. And perhaps it will be someone who does not share our values of compassion, the rights of the individual, of liberty, and freedom.

I could not agree more, and I hope other Senators appreciate what is at stake. Just as past generations rallied to meet the formidable challenges of the Great Depression, the Nazis, and the Cold War, we will bear responsibility if we fail to meet the challenges of today.

I wonder if, in my parents' generation, this country had not rallied behind President Truman and Secretary George Marshall, who had the Marshall plan, which to many people was very unpopular, whether we would have given aid to countries we had just been at war with. What a different world it would be today if we had not helped rebuild Europe or Japan.

It is no wonder that other countries—our allies and our competitors—are spending more each year to project their influence around the world and to compete in the global marketplace. Great Britain's conservative government is on a path to increase its international development assistance to .7 percent of its national budget. You might say: Only .7 percent of its national budget? In the United States, it is .2 percent of our national budget.

Our leadership is being challenged unlike at any time since the Cold War. In Latin America, which is a larger market for U.S. exports than any other region except the European Union, our share is shrinking while China's is growing. It is the same story everywhere.

There is simply no substitute for U.S. global leadership. The world is changing profoundly, and we cannot afford to retrench or succumb to isolationism.

The funding in the State, Foreign Operations bill enables us to engage with our allies, defeat our competitors, and deter our adversaries. It may be an attractive target for campaign speeches and bumper sticker politics, but without it we cannot meet the growing threats to our struggling economy and our national security.

The bill that Senator GRAHAM and I will, I hope, be able to bring to the floor of this body, was reported by the Appropriations Committee on a bipartisan vote of 28 to 2. It is \$6 billion below the President's budget request. It scales back many Department of State and U.S. Agency for International Development operations and programs. It is going to force significant reductions in planned expenditures. I wish it did not, but I also agree that we have to control spending.

I doubt there is any Member of Congress from either party or either body who does not care if the United States becomes a second or third rate power. I think all of us in Congress expect the United States to lead, to build alliances, to help American companies compete successfully, and to protect the interests and security of our citizens.

Yet there are unmistakable signs that our global influence is already waning. It is not preordained that the United States will remain the world's dominant power. As Former Secretary Rice said:

If we don't lead, somebody else will.

I think every one of us can imagine which countries that might be, and I shudder to think of some of them.

You cannot have it both ways. We cannot expect others to follow if we do not lead. And we cannot lead if we do not pay our way.

We need to stop acting as though these investments do not matter; that the State Department is not important; that we do not need the United Nations; that what happens in Brazil, Russia, the Philippines, Somalia, or other countries does not matter; and that the global threats to the environment, public health, and safety will somehow be solved by others.

Think of this: The most deadly, contagious diseases in the world are only an airplane trip away from our shore.

This year's State, Foreign Operations bill, which was drafted in a bipartisan manner, balances our priorities. Funding for these programs was requested by Republicans and Democrats. In fact, I the total number of requests we received from both parties dwarfed what Senator GRAHAM and I had available to spend.

There are no earmarks in this bill. Because of the budget cuts, Members on my side did not get close to every-

thing they wanted, and neither did Members on Senator GRAHAM's side.

But to anyone who thinks the 1 percent of the Federal budget we spend on international diplomacy and development is too much, this bill will freeze most embassy and consular operations, curtail programs, and in some cases defer payments to international organizations that we are obligated by treaty to pay.

This country is at a crossroads. We can retreat from the world, as some seem to want, while China and our other competitors continue to expand their influence, or we can remain a leader. This Senator hopes we will have the sense to choose the latter course.

I was barely a child at the end of World War II, but I watched as our soldiers came home, and I saw America's influence grow. I saw it as a young student in college and in law school. I saw students who came to this country to learn what we did—why?—they were inspired by America and wanted to learn from our example. I saw members of my family and friends join the Peace Corps. And when I have traveled overseas since becoming a Senator, I hear people say: Thank goodness America helped us. I hope my children and my grandchildren do not hear a different story.

The funding in this bill, which is strongly supported by the Department of Defense, is, along with the U.S. military, the best form of insurance the American people have.

I want to thank Chairman INOUE and Senator COCHRAN for their support of the subcommittee's budget. And I want to thank Senator GRAHAM, who is a highly informed and passionate advocate for U.S. global leadership. I appreciate his input and support, as I do the other members of the Appropriations Committee from both parties.

It is easy for us to stand up and speak about how we want America to be No. 1. It is easy to sit on the sidelines and say you want to win the New York marathon but you do not want to train for it. If we want to be No. 1, we have to earn it.

One thing that has united some of the great leaders of our country—both Republicans and Democrats—is their desire to expand, in the most positive way, America's influence around the world, one, so we could help others, and two, because it protects us. If we get to this bill, I hope we will not find ourselves tangled in knots with sloganeering or special interest amendments, but, rather, debate it with only one interest in mind: that of the United States of America.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOSE UP FOUNDATION

Ms. LANDRIEU. Madam President, I rise to speak for just a few moments on a very special anniversary that we are celebrating, not just here in Washington but around the country; that is, the 40th anniversary of the Close Up Foundation, familiar to us all.

It is a foundation that was started in 1971. Close Up has worked for four decades to promote responsible and informed participation in the democratic process through Washington-based civic education programs and classroom publications. I had the pleasure myself of participating in one of the first ever Close Up programs back in 1972. So I participated in the second year when the program was in its fledgling stage.

Little did I believe then or know then that I would be a Member of the Senate. But I can remember the tremendous impact that program had on me at that age. It was the first time I had ever visited Washington, DC. I can tell you without the Close Up program, I probably would not have made that trip until many years later. But it made a lasting impression on me and I believe gave me some idea back then of a potential career in public service.

I am very proud to be an alum of this important program, and I am delighted to help celebrate that later tonight at a reception for the 40th anniversary, which is today.

Close Up's mission is to inform, educate, and inspire young people to be active citizens in our democracy. Close Up seeks to create a generation of Americans that exercise their rights and accept the responsibilities of citizenship.

Each year, Close Up serves thousands of high school and middle school students and their teachers on Washington-based government and citizenship education programs. These programs demonstrate that an active citizenry is necessary for the perpetuation of our democracy, and they provide students with the knowledge and skills to participate firsthand—hands on, seeing is believing, being here in Washington, seeing the buildings, experiencing firsthand the ways of the Senate and the House operating, seeing the Supreme Court in action leaves a lasting impression, believe me, on these students—since the 1970s.

I know my colleagues will join me in the pride that 750,000 students and teachers from across the country have participated in Close Up programs. Participating students return to their schools and share with their classrooms, with their student bodies, what they learned and experienced. So while we have had 750,000 students participate, we have directly touched millions of students and teachers and family

members, as these students go back and relay very fine experiences.

Students who participate in Close Up Washington travel to our Nation's Capital, usually for about 1 week, joining with their peers from all over the United States, to live and learn together during an intensive, inspiring, and skill-building program. The program is designed to enrich students' knowledge of the basic concepts and institutions of the Federal Government, an important part of our democracy, and to develop a practical understanding of the process of the democratic political system and the role of citizens in this system, which is central, as the Chair knows.

To engage students, expert institutional staff use best practices and methodologies, including role modeling, small group discussions, simulations, and student-driven interaction with key policy experts. In other words, this is not just a tour of Washington, it is not just a tour of the building, it is an interactive, hands-on experience for young middle school and high school students to have a better understanding of how their government operates.

If we think about it, we know they understand by maybe reading the paper and talking to friends how their local government operates. They get a sense of how their State governments operate. Without a real opportunity to visit the Nation's Capital, which many of these students might not have, how will they get a feel for what goes on here, which is very important.

Each year the Close Up Washington program participants engage in 1,000 meetings with Members of Congress and their staffs on Capitol Hill. Our Capital's institutions and historic sites are used as classrooms to help students explore the link between history and contemporary political issues. It brings it alive to them. It makes it real for them. That is why it is so important for us to continue this program.

Students also learn and practice the habits of active, effective citizenship with an intense emphasis on civil discourse. One of the most important and commendable aspects of the Close Up program is its accessibility to economically disadvantaged students. I wish to take a minute to stress this. There are many programs that are sponsored directly or indirectly by the Federal Government that allow students to come to Washington. Then, of course, there are many privately funded activities.

But this is the only Federal program that I know of that reaches out in a special way to students that would be unable to come under any other circumstances, they just could not afford it. Their families cannot afford it, and so it would be out of reach for many of them. That is what is so important about Close Up.

The other important aspect, it is not just for the kids in the class who are 4.0 students. Many students come on academic scholarships or they are chosen because of their academic prowess. This is for the average kid, as well as those who are achieving academically. But it is for the average kid, the kid whom we depend on to be our citizen for the future.

So because of that, it is especially important for us to continue this opportunity. Close Up provides a diverse program experience for its participants and has provided over \$100 million in fellowship assistance to students and teachers from underserved communities through public funding and a committed network of corporate and philanthropic donors. So to the Federal money that serves as its base, we get additional support from individuals and from foundations to leverage that resource, to provide an opportunity for kids who would never be able to see with their own eyes the Capitol or the White House, would never be able to walk into the Supreme Court, to actually see it and touch it and to experience it.

If it sparks an interest in one-fourth of the children who come, that would be great. But I think it sparks an interest in almost 100 percent of them in some way. When they leave, they are forever changed in a positive way and can become active participants in this democracy.

So at a time when students throughout the United States show an alarming lack of proficiency in civics, as demonstrated by the recent results of the National Assessment of Educational Progress testing of 4th, 8th, and 12th graders, Close Up continues to work to engage young people so they understand the political process, find their own voice, and they embrace the rights and responsibilities of citizenship, which is indeed a gift, and they learn to appreciate that gift and to participate more fully in this democracy.

I commend and congratulate Close Up for 40 years of excellent service. I hope it will continue for another 40 years. I am proud to be a strong supporter of the Close Up program. I urge my colleagues, as we have an opportunity, to support the funding for this program, even in these tough budgetary times.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. COATS. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN'S GROWING NUCLEAR THREAT

Mr. COATS. Mr. President, we have been seized with obviously pressing issues and emergencies, and I fear we have not been paying enough attention to the issue of Iran and the growing nuclear threat posed by that country. The recent release of the report by the International Atomic Energy Commission has returned the Iran nuclear issue to the front pages and, hopefully, to the top of our list of priority issues that need to be discussed and need to be evaluated.

The IAEA nuclear watchdog, which I visited last March with a group of Members of the Senate and House Intelligence Committees, has never been an instrument of U.S. policy. In fact, it has often offered perspectives contrary to America's views or preferences and has rigorously defended its objectivity independent of individual governments. Therefore, I think this latest report has all the more weight that we should give serious consideration to. This objective organization of nuclear experts has had unrivaled access to information and sources within Iran. It has stripped away the veneer of ambiguity and uncertainty about Iranian efforts to develop nuclear weapons.

Iran is after the bomb, and we all know it. We can see the proof in this IAEA report, including compelling detail about Iran amassing fissile material, designing explosive trigger devices, and developing delivery systems. The report details the way in which Iran has relentlessly pursued this objective over the years and from whom it has obtained assistance.

The report also shows our own intelligence community's official estimate in 2007 that Iran had suspended these activities in 2003 was wrong. The activities to design nuclear weapons soon resumed and are continuing.

Ironically, it seems efforts to slow down or halt nuclear weapons development through sanctions or even through computer viruses have only had minimal or temporary effect. Many have been unwisely comforted by such delays and, therefore, have been less focused and less determined to find real solutions to this mortal security threat.

Also, we have been mistakenly reassured by the contention that Iran has not yet made the political decision to actually assemble nuclear weapons. This could potentially be one of the most dangerous conclusions of all. As I have repeatedly said from this floor and during my tenure at the Bipartisan Policy Center, a nuclear weapons-capable Iran is nearly as dangerous as a nuclear-armed Iran. An Iran that has spent years secretly pursuing—and now we know successfully—the technologies, the expertise, and materials required to create nuclear weapons is a

threat to the United States and to the world.

Facing this imminent danger now, with ample verification from the IAEA that our anxieties are well-founded, is absolutely essential. It is no longer possible to avoid the hard choices or defer to the administration's decisions. In my opinion, there are only three ways we can respond to this threat: We can accept the inevitability of a nuclear Iran and learn to live with it—to tolerate and try to contain this new Iranian power; secondly, we can reluctantly take up the military option to remove the threat—an option three Presidents have confirmed has always been on the table; or, third, we can dramatically escalate the sanctions regimes to force Iranian compliance with our collective international will.

The first option—tolerating a nuclear weapons-capable Iran—is not acceptable. As I said, three previous U.S. Presidents have unequivocally stated this. A nuclear-armed Iran would threaten the entire region and its enormous energy resources, motivate broad nuclear proliferation throughout the Middle East, further destabilize a region already in turmoil, encourage radicalism and terrorism, and threaten the destruction of the State of Israel.

This last danger alone—to which Israel, as a last resort, would most certainly respond to ensure its survival—compels us to be clear-eyed and determined to find a viable solution. Tolerance, I would suggest, is not a solution.

The second option—military action, while always posed as a last resort following the failure of all other efforts—must, in my opinion, remain on the table. Our Nation and the international community as a whole must see with vivid clarity what measures remain should our other efforts continue to fail. The Iranian regime must be especially nondelusional about those potential consequences, should it not change its behavior. Indeed, to make all our efforts to find a solution credible, the military option itself must be entirely believable.

It is also essential to note that military options are not ours alone. There is broad, open discussion now in Israel and elsewhere about whether Israel itself should act to remove this threat to the survival of their state. This also must be part of our own policy calculation.

As former Secretary of State Condoleezza Rice said in a television interview this weekend: "I don't have any doubt that the Israelis will defend themselves if the Iranians look as if they really are about to cross that nuclear threshold."

If there is any remaining doubt the United States should not tolerate a nuclear Iran, I think we can assume Israel may not.

It is exactly to avoid this violent option that we must renew all our efforts

at finding other ways to force the Iranian regime to change its behavior, and that includes compelling persuasion to convince our friends and allies—and China and Russia as well—that united efforts are essential.

We need a new dramatically tougher sanctions regime, and we need it now. If we don't impose it now, it may very well be too late.

I say this with some real reservations about whether any new sanctions can persuade the Iranian regime to change its policy. If we truly believe a nuclear weapons-capable Iran is unacceptable, then the only logical response is to at least prepare for a strike and send the signal that the United States is prepared to act on what has been deemed by, as I said, three Presidents as unacceptable.

I think it is contrary to U.S. interests to try to outsource this task to the State of Israel, but I also think the long-term danger is far greater than the serious but shorter term negative consequences of a strike.

Having said that, this force option needs to be carefully considered, and I think we need to continue whatever efforts we can make to prevent us from having to ultimately choose that as our only option.

So I am suggesting a new, dramatically tougher sanctions regime. It is going to have to be imposed very quickly. Publicly released information clearly indicates that Iran is much closer to nuclear weapons capability than previously acknowledged. We must use the full focused power of our diplomatic instrument not to persuade Iran—that has clearly been a total failure to date—but to persuade other nations that immediate, tough, new international sanctions are the only way to prevent us from having to go to an option which none of us wishes to go to.

We must convince other reluctant nations to make different calculations about their own self-interest in this matter. If other Nations, including China and Russia, come to realize that a nuclear Iran truly will not be tolerated and that new developments bring us closer to a military solution and its unforeseeable consequences, then they will hopefully come to different conclusions about how their own interests can best be served.

Our allies and friends, once they come to accept the reality of our firm determination to neither tolerate a nuclear Iran nor remove the military option, will increase their own commitment to the sorts of sanctions regime that are now essential. This in turn will show the Iranian regime at last that they face a truly united, truly formidable, and genuinely firm coalition entirely devoted to preventing them from having nuclear weapons at their disposal. Only then will we have a chance to force the regime to change its behavior.

So far, as I said, sanctions are simply not achieving the desired result. Those who point to their modest effect actually harm the broader effort, because those effects deflect our determination to force a real change in Iranian behavior. Sanctions may have reduced Iranian GDP by one or two percentage points and may have forced the regime to find creative ways to avoid them. For example, I understand that as official banks have been subject to sanctions, many banks have miraculously privatized.

There is absolutely no evidence anywhere that these sanctions have actually forced the regime to change its behavior regarding its nuclear ambitions. And now we learn from the IAEA report that these sanctions have also not been serious obstacles to the technological, commercial, and scientific activities focused on acquiring nuclear weapons capability. We simply must do much more, and we must do it now.

I am cosponsor of a bill, S. 1048, which is intended to further tighten the noose on the Iranian regime. I will continue to support those measures. But in light of this new information from the IAEA, I am in favor of even greater sanctions pressure. I have signed a letter to the President calling on him to use his prerogatives to impose sanctions on the Iranian central bank. Many have opposed that option because it could constrict global energy supplies, increase oil prices, and would be ineffective if not supported by other nations. According to media reports, the administration itself decided just days before the release of this IAEA report to take central bank sanctions off the table for these reasons. This was, I believe, a serious mistake and those judgments, I suggest, should be reconsidered.

When the reality of this imminent threat to global security is clear, when all nations reflect on the consequences of military action against Iran, and when a well-designed comprehensive new sanctions regime with real teeth is presented to them, we will have the determined coalition we need to avert the disastrous consequences of our failure to prevent the unacceptable.

Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, as I understand the current situation, we do not know whether we are on three bills or one bill. That is up to the leadership. Senator ALEXANDER and I have worked on the Energy and Water bill.

We are very hopeful we can move this bill. It was unanimous in the subcommittee on Appropriations. There was only one dissent in the full committee—which is one of the largest committees in the Senate, in the Appropriations Committee. It is a significant bill. We believe we should move it as quickly as we possibly can. We have been talking. Obviously we are waiting to hear from the leadership. We are hopeful that once we hear we can move very quickly to get this bill passed by this body.

It has been a great pleasure for me to work with Senator ALEXANDER. I know he has some comments he wishes to make at this time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. As she usually does, the Senator from California said directly what the situation is. We on the Republican side understand that the majority leader has some important business he has to make sure the Senate finishes this week. We, as would many Democrats, want us to get to the Defense authorization bill before we go home. Senator REID wishes to do that. We respect that and we agree with that.

Senator REID wishes to make sure we have a chance to deal with the conference report that the House is expected to pass on Thursday, which contains a continuing resolution to fund the government to mid-December. We understand that as well.

That gives us a little time here, a day or two, to consider the Energy and Water appropriations bill that Senator FEINSTEIN has described. It has broad consensus here in the Senate. It has no mandatory spending in it. It has an important defense component—nuclear weapons nonproliferation. It has a great many nondefense items that are important to the growth of our country. It seems on the Republican side—I can speak for that—there is broad consensus. At Senator REID's request I checked with many of our Republican Senators, asked them how many amendments they have and whether they thought they could bring them to the floor today or tomorrow morning so we could deal with them tomorrow, at the latest Thursday morning. So far the news has been encouraging. There have not been that many amendments and all the Senators with whom I have talked have said if they have amendments they believe there is no reason why, as long as they are given a short period of time to talk and a chance to vote on them—and they are germane, of course; they will have to be germane to fit with the rules of the Senate—they will be fine with that.

We are going to be checking tonight with all Republican offices. We do not want to encourage any more amendments but we want to know about them if there are any so I can go to

Senator FEINSTEIN and Senator REID and say here are the amendments the Republican Senators want to offer, we are ready to go, we can deal with it tomorrow and Thursday and hopefully we will be able to do our basic work. Our basic work is to do appropriations work in this body. That is our constitutional responsibility.

So I thank Senator FEINSTEIN for the way she approaches this. I understand where the majority leader is, and so far, I am encouraged. I will gather information. I will make my report to you and Senator REID, and then we will see where you want to go.

Mrs. FEINSTEIN. Let me thank the distinguished ranking member for those comments, and I believe we are in agreement. What is sauce for the goose is sauce for the gander. I would hope any Democratic amendments could come in just as quickly as possible, and we think we have a good bill. Hopefully there will not be many. I agree with what the Senator said about the Defense bill. We have a CR, and we really need to get cracking. Time is of the essence.

We have been sitting here for a couple of hours waiting for amendments. There have been none thus far, and I think the word is out: Now is the time. Please, Members, if you have amendments, please file them. We have had one amendment just filed on the Republican side and know of a couple of others, but that is about it at this stage.

Let me thank the ranking member. I guess we just sit here and wait.

Thank you, Mr. President.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. Mr. President, as I indicated, Senator FEINSTEIN and Senator ALEXANDER are working very hard to come up with an agreement that we can move forward with on the Energy and Water bill. I am terribly disappointed we weren't able to do the so-called minibus, consisting of three appropriations bills, as we did a couple weeks ago. It is too bad, unfortunate, that we were not able to do so, but an objection was raised that caused us not to be able to do that. They have not been able to reach an agreement tonight, so we will continue working and, hopefully, tomorrow something good will happen.

It is my understanding the Republicans have run a hotline with their Members to see if they can reduce the number of amendments on the Energy

and Water bill. Remember, we can't legislate on an appropriations bill, and it has to be germane, so at least we have those restrictions.

I would also say that while my friends on the Republican side are working through amendments—if, in fact, there is an agreement—there are Democrats who also want to offer amendments, so it is not going to be just amendments offered by Republicans. If, in fact, we can work something out, Democrats also wish to offer amendments. So I hope, and I am cautiously optimistic, that the two fine Senators can work through this morass we have and move forward. I sure hope we can do that.

We are not going to spend a lot of time on this. We wasted most of the day on procedural issues relating to this. But Thanksgiving is fast approaching. We have a lot of stuff to do other than this Energy and Water appropriations bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN EDUCATION WEEK

Mr. BROWN of Ohio. This week marks the 90th anniversary of American Education Week where we honor our teachers, education support professionals, parents, and substitute teachers for their dedication and service to our children and to our schools.

My mother was a high school English teacher. Born in Mansfield, GA, a town of about 500 people, she taught in the era of segregation in central Florida. Raising my two older brothers and me in Mansfield, OH, she taught in an era of a growing American middle class. As have teachers throughout our history, she taught her students and her sons that education is the gateway to opportunity, that it can integrate a divided and segregated Nation and, in the process, create a more prosperous nation.

When our Nation needs our teachers the most—at a time when our economy needs our schools to succeed—we must remind ourselves of the importance of educators. I would add that the Presiding Officer is known in this body as one of the premier educators in our country, before he came to the Senate, as superintendent of the Denver schools.

Unfortunately, many of our educators are working in substandard school buildings with leaky roofs and poor air quality and malfunctioning HVAC systems. The average U.S. public school building is 40 years old—obviously, many are much older—impairing teacher effectiveness and student achievement. In Ohio, thanks to former Governor Taft, who, in part, was able to renovate a large number of our school buildings about a decade ago,

has made a significant difference. But school buildings in my State, as they are across the country, are still too often old, decayed and much less efficient and often compromise teacher and student morale and teacher effectiveness. Conservative estimates suggest it would cost some \$270 billion to make much needed maintenance and repairs for schools.

That is why I introduced the Fix America's Schools Today Act—the FAST Act—which would invest some \$30 billion to repair and modernize our Nation's school facilities. The FAST Act would invest in States and local school districts to help them make critical repairs to existing facilities or to supplement their current maintenance efforts.

Modernizing our schools can save \$100,000 a year in maintenance costs—enough for two new teachers or 200 more computers or 5,000 textbooks.

The FAST Act would focus on areas of need—school districts with high percentages of poor children and schools with the greatest need for repair and renovation.

Modernizing schools can improve the academic experience for students. In September, I spoke with principals from across Ohio who discussed how the quality of their school facilities affected their students and their teachers. This is pretty interesting. I heard from the former principal at a high school near Zanesville, a city in eastern Ohio, who described a student's reaction following the renovation of their school. This was a generally low-income, an Appalachian area of Ohio. Students were used to going to schools that were substandard—not in terms of teacher quality but in terms of the facility itself. We preach to our young people that education matters more than anything else in our society, and then we send students to physically substandard schools. But this student's reaction, after the renovation of the school: "I felt rich," he said, because he was going to school now in a renovated, modern, high-tech environment, something he had never seen growing up in Appalachia, Ohio, as a kid whose parents didn't make a lot of money.

Improving school facilities, of course, though, is more than just about student morale. Research has proven the rates of absenteeism decline and test scores improve in a more modern school facility. It is also about teacher effectiveness. According to a study conducted by the Department of Education, 47 percent of schools indicated the condition of their permanent facilities interferes with the delivery of instruction. The condition of the school interferes with the delivery of instruction. This is problematic. Some 70 percent of students are forced to learn in facilities that have at least one significant—sometimes more than that—in-

adequate building feature, such as an outdated heating and air-conditioning system, a leaky roof, a plumbing problem. Some 57 percent of students are learning in a school with at least one unsatisfactory environmental condition, such as poor indoor air quality, poor acoustics or heating and lighting challenges.

These substandard conditions can also harm the health and well-being of teachers and support professionals. Last week, I hosted a national call with advocates to discuss this legislation and discuss the impact substandard schools have on students and faculties and parents. One of the participants shared with me her personal experience as a special ed teacher. It is a story I imagine many of my colleagues have heard before and can be found anywhere in our country.

Joellen spent 9 years of her 23-year teaching career in an elementary school in Fairfield, CT, with severe mold contamination. Poor air quality in the school forced her into an early retirement by compromising her health and her well-being. Because of these poor working conditions, Joellen has lost 50 percent of her lung function and is currently dependent on an oxygen tank. She is not the only one affected by these conditions. Eighty-five of her colleagues are also battling health conditions as a result of an unhealthy school environment.

It is unacceptable that our failure to act undermines student achievement and teacher effectiveness and the health and the well-being of our entire school communities. It is even more disturbing that our schools go unrepaired when there are thousands of workers ready and willing to modernize our schools. The FAST Act, by employing people to repair our aging schools, would create good-paying, middle-class jobs.

We know we have to fix our schools. We know we have to do this renovation. We know as a nation, when we put real attention into infrastructure, the dividends it paid for generations were significant. The United States, in the 1950s, 1960s, 1970s, and 1980s, led the world in infrastructure. Whether it was school repairs, the building of community colleges, water and sewer systems, highways and bridges, ports and locks or medical research, we were the envy of the world in our infrastructure, and it set the foundation for decades of prosperity. Unfortunately, as this Congress has been more interested in tax cuts for the rich and less interested in investment in medical research, in education, in health care facilities, in transportation, we have declined economically as a nation. The middle class is under fire. We are not able to build and produce the way we could have if we had kept this infrastructure up to date.

That is the importance of the FAST Act. It is the importance of much of

the rest of the jobs bills we have pushed in this Congress. We know that every \$1 billion in school renovation can create 10,000 jobs.

The FAST Act includes strong "Buy American" provisions to ensure that Ohio construction workers, for instance—we are the third leading manufacturing State in the country, exceeded only by Texas, twice the size of California—three times the size—building technicians, boiler repairmen, roofers, painters, electricians, and people who manufacture these products are using American-made products.

The FAST Act is included in President Obama's American Jobs Act. Under his proposal, Ohio would receive some \$985 million in funding for K-12 schools and an additional \$148 million for Ohio's community colleges. Ohio has one of the best community college networks in the country.

It is obvious our schools need fixing. Our workers need work. Interest rates are low. Construction companies want to put people to work and, competing with each other, will bid as low as they likely will in the next decade or two, so now is the time to do this.

This bill has been endorsed by some 50 organizations: the American Association of School Administrators, the American Federation of Teachers, the National Education Association, the Building & Construction Trades, First Focus Campaign for Children, and the Parent Teacher Association, the PTA. They agree it is about jobs, about education, and our Nation's future. I urge my colleagues to support this common-sense legislation.

Lastly, I wish to read a couple letters I received about this legislation. First is Jeannine from Strongsville, OH. She is a teacher:

I have taught at the same middle school for 24 years. During that time, I have watched our building physically deteriorate before my eyes.

Strongsville is what we would call, by most measurements, one of Cleveland's more affluent suburbs. Nonetheless, she has seen it physically deteriorate in 24 years of teaching.

The leaky roof leaves stains on the ceilings and the floors. Often the heating doesn't work.

Two years ago, my classroom had no heat in December. We are a suburb of Cleveland, so do I need to tell you how cold it was in there?

After more than two decades with no money for paint, our vice principal asked Home Depot for help—it donated enough paint to spruce up the hallways, offices, and a handful of classrooms.

She writes:

Does it sound like I teach in the inner-city or an extreme rural area in Ohio?

She doesn't. She teaches in what we would call an affluent suburb of Cleveland.

I teach in a suburban community where many of the houses sell for around \$300,000 or more. But the community has not passed a levy in a while.

I pay 20% toward my health insurance . . .

My colleagues may remember that Governor Kasich had just pushed through a bill to take away collective bargaining rights for people such as Jeannine, saying they should be paying more of their health care. They have already made those concessions at the bargaining table. That is why Jeannine says she pays 20 percent toward her health insurance. She says:

10% toward my retirement, and [I] have not seen a pay increase in years.

I really love what I do, but am despondent at times about the lack of community support for education.

That is a whole other issue. But we do know we can make a difference in making not just Jeannine's life better—that is a goal we should share—but, most importantly, making teacher morale, student morale, teacher effectiveness, and student learning significantly better.

The last letter I will share is from Erin from Columbus, OH. She is a special ed teacher. She writes:

Of our 14 schools, 5 are currently undergoing the last of a 2 year renovation project.

We had schools where walls were literally falling in, we were in urgent need of these repairs.

Now, we find ourselves lacking in technology, and are in need of updating these needs, in order to compete with the ever changing needs of the demands of the workplace that our students will be entering.

Investments in education such as targeted resources for school and campus repair and modernization will jump start the economy and ensure students the learning environments so essential to their success.

Our student day is now shorter, all in an effort to save money.

Think about this: They are making the schoolday shorter when we are talking, in the paragraph before in her letter, about: How do we compete internationally? We are going to make our schoolday shorter when already we go to school—I think the former Denver school superintendent, the Presiding Officer, would confirm this—fewer days than many of our economic competitors. So because of costs, because we need to continue to give tax breaks to the wealthiest people in this country, we cannot fund the kinds of things we want to fund in education to compete internationally.

In the end, Erin writes:

It's the students that lose, and our educators know this, and [we all] strive each and every day to reach every single student, with the ever increasing demands put upon them.

She writes:

The FAST Act will make sure that our students have the learning environments they need and deserve.

My words may have, I hope, convinced some of my colleagues. I hope the words, the two letters from Jeannine and Erin—Jeannine from a Cleveland suburb; Erin, a central Ohio teacher, both with long experience in the classroom—I hope their words were

compelling enough so my colleagues will join me in supporting the FAST Act, getting it through the Senate—not filibustering it. Let's debate it, talk about it, vote on it up or down, and send it to the House. I hope we get it to the President by the end of the year so we can start putting people back to work doing the school renovation, putting our factory workers back to work making the windows and cement and brick and all we need in school construction and school renovation and making a difference for our students in the decades ahead.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSAGE OF S. RES. 199

Mr. REID. Mr. President, I rise today to express my appreciation for the passage of S. Res. 199 by unanimous consent last night. This resolution supports the goals and ideals of Crohn's and Colitis Awareness Week.

Crohn's disease and ulcerative colitis, known collectively as inflammatory bowel disease, are chronic disorders of the gastrointestinal tract which afflict approximately 1.4 million Americans, 30 percent of whom are diagnosed in their childhood years. IBD can cause severe abdominal pain, fever, and intestinal bleeding. Complications related to IBD can include: arthritis, osteoporosis, anemia, liver disease, growth and developmental challenges, and colorectal cancer. Inflammatory bowel disease is being diagnosed with increased frequency in children and can be especially devastating for these young patients and their families.

Despite the prevalence of IBD, a lack of awareness among both the general public and health professionals may contribute to the misdiagnosis and mismanagement of Crohn's disease and ulcerative colitis. S. Res. 199 will support efforts to increase awareness and education about these illnesses. It will also recognize the individuals and families who must contend with IBD as part of their daily lives, as well as the health care professionals who care for Crohn's disease and ulcerative colitis

patients and the biomedical researchers who work to advance research aimed at the development of new treatments and a cure for these illnesses. The passage of this resolution will give hope to millions of Americans struggling with Crohn's disease and ulcerative colitis—particularly young children—that we will continue to focus our attention on these very difficult conditions.

TRIBUTE TO MR. ELDRED MUSGROVE

Mr. McCONNELL. Mr. President, I rise today to honor and pay tribute to a very fine Kentuckian and World War II veteran, Mr. Eldred Musgrove of McCreary County, KY. Eldred, who is now 91, has played an instrumental role in developing many of the basic services that are currently enjoyed by the citizens of McCreary County, KY.

Eldred was raised in Strunk, KY, in a house just behind the old Lum Strunk homeplace. As a teenager, he became familiar with responsibility and hard work. The oldest of six, by the time he was 14, Eldred remembers having to help raise his brothers and sisters after their mother passed away. He recalls carrying his 3-year-old baby brother to his grandmother's each morning and returning each afternoon to pick him up, before walking a mile himself just to get to school each day.

"When I was 16, I worked my first 'real' job," Eldred explains. At the time, ex-county sheriff Neil Stephens owned a sawmill that was located up above the Marsh Creek Schoolhouse. "He paid me 10 cents an hour to roll logs down for him to saw," Eldred says. As a result, Eldred developed a resilient worth ethic, which would eventually help pave the way to a long and successful career in community service.

Eldred met Sophie, who is 90 years old and his wife of 64 years, while they attended school together at Pine Knot as kids. "I didn't pay any attention to her when we were in school!" he recalls. After he returned home from the military, though, Eldred got a job working at the Ford garage in Stearns and began to see Sophie as he drove home from work each day. They began dating and have been happily married ever since.

Not long after they wed, Eldred began taking a more active role in the community. "I became a charter member of the Pine Knot Kiwanis Club in 1950," he remembers. Eldred and the organization were very active for several years, selling stock, helping to establish the county's first dial-telephone company, and even playing an instrumental role in helping to build the first Pine Knot fire truck. In 1967, Eldred helped form the McCreary County Fire Commission and served as the board chairman for the South McCreary

County Fire Department for many years.

Eldred also served as one of three original water commissioners for the McCreary County Water District. Eldred presided over the Pine Knot portion of the district he helped create. In his later years, he became involved with the McCreary County Development Association, and also served as a member of McCreary County's first airport board, where he helped develop a local runway. Additionally, Eldred has also been a member of the McCreary County Industrial Development Association, the first Stearns Museum Board, and the Kentucky Highlands Investment Corporation for 31 years.

These days, the Musgrove home is decorated with countless photographs, certificates, and awards including a picture of Eldred shaking President Bill Clinton's hand that serve as a reminder of Mr. Musgrove's many successes and achievements throughout the years. However, Eldred admits that he is not yet finished. "I still have a job to do. My job may be taking care of my wife, writing letters to congressmen, or erecting a monument. All I know is that I still have a job to do."

Mr. President, Mr. Eldred Musgrove's long life of selflessness and service to McCreary County and his fellow Kentuckians is truly admirable. Mr. Musgrove is a true American patriot and an inspiration to the people of our great Commonwealth. A local newspaper, the McCreary County Voice, published an article on October 20, 2011, to celebrate Mr. Musgrove's many accomplishments in life. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the McCreary County Voice, Oct. 20, 2011]

MAKING A DIFFERENCE
(By Eugenia Jones)

You may or may not be personally acquainted with Eldred Musgrove, but if you are a resident of McCreary County, the energetic 91-year-old probably touches your life on a daily basis. Not only did he serve his country in World War II, but Musgrove, throughout his life, has been instrumental in the development of many of the basic services currently enjoyed by citizens of the county.

Growing up in Strunk, Kentucky, in a house just behind the old Lum Strunk homeplace, Eldred probably did not see himself becoming such a civic-minded adult. At the age of 14 and as the oldest of six children, Eldred helped to take care of his brothers and sisters when his mother died. He recalls walking more than a mile to school each day because there were no school buses. On his way to school, Eldred would carry his three-year-old baby brother to his grandmother's house and then return on his way back home from school to carry the toddler home. Eldred grins, "I've never had a chance to study, but I still managed to make Cs throughout school. When I got home, instead of studying, I had to take care of the stove

wood. My dad was rather thrifty, but he managed to take care of us. Dad worked some in coal, and later, he went together with his brother and bought a 1933 model Chevrolet truck to haul stone for building schools through the WPA. Dad was also good at making moonshine stills and made them for everybody around. He had customers from as far away as Lexington and Cincinnati. I wanted to go into the CCC, but dad wouldn't let me."

As a teenager, Eldred was not afraid of hard work. When he was 12 years old, Musgrove sold "Grit" newspapers to people all over the southern end of the county. Musgrove shares his memories of one special customer. "I remember one customer in particular. His name was Andy Galimore. He was a Spanish-American War veteran. He lived up on a ridge across the railroad at Pine Knot. He had a vineyard, and he would let me pick all the grapes that I wanted. Andy Galimore must have been a secretary or something like that for his unit, because he had a roster of names that he let me see. The roster listed the names of men and told different types of information about them. It told when the men were absent, when they were promoted, and all of the different things they did in the service."

"When I was 16, I worked my first 'real' job. I worked for Neil Stephens, who was an ex-county sheriff living on Cal Hill. His sawmill was up above the Marsh Creek Schoolhouse. He paid me 10 cents an hour to roll logs down for him to saw. The mill used a steam boiler, and they had to get up steam in order to saw. I also carried drinking water. I didn't get money for pay. I got a slip to take to Manuel Creedmoor's (O.K.'s) store to buy things. I bought school clothes."

Eldred met the now 90-year-old Sophie, his wife of 64 years, while they attended the Pine Knot School together. He laughs, "I didn't pay any attention to her when we were in school! When I came back home from the military, I got a job at the Ford garage in Stearns. She walked home from where she worked, and I drove home from my work in an old pickup truck. We started meeting. I'd toot the horn and wave at her. Finally, I asked her to go to the show with me. We went from there by going out to a show together and ended up where we are now by being married for 64 years! I don't remember the name of the show, but I do remember going to pick her up one time. There was a store sitting up on the corner of the road going to her house. There was a big long bench outside. The road to Sophie's house was so bad that I couldn't drive out it so she would meet me at the store. One time I was sitting on the bench waiting on her and another fellow was sitting there talking to me. He said he had a date with a "Meadows" girl. I said, "Well, I do too!" It wasn't long before Sophie showed up with her sister as a date for the other fellow!"

After Eldred and Sophie married, Eldred began taking an active role in trying to serve his community. He remembers the influence of the Kiwanis Club during the early development of the county. "I became a charter member of the Pine Knot Kiwanis Club in 1950. The club was very active for a few years. Pine Knot, at that time, had only 12 telephones on two party lines. The Kiwanis Club started selling stock and formed the first dial-telephone company in the county. The company had 128 customers and was doing well. However, we couldn't afford a full-time maintenance man. When the Highland Telephone Company offered 150 percent on our stock, we ended up selling out

to them. We made sure that we sold under the condition that we would get free service all across McCreary County and in Scotty County. I remember some of the board members when the phones were with the Kiwanis. I was on the board, as well as Leon Hayes, Gorman Strunk, Harold Hickman, Smith Ross, Autis Ross, and Ralph Chaney."

The Kiwanis were also instrumental in helping to build the first Pine Knot fire truck. Musgrove can remember when Clarence Harmon picked up a pump and gave it to the Kiwanis to use. "We kept it up at the service station, and it froze and burst. I only remember us putting out one fire with it and that was in a cabin down at the Shell Grove. Later, when Bob Anderson was county judge-executive, there was a salesman with two fire trucks for sale. Bob appointed me and Bon L. Bybee to check on the trucks. Tweedy Hatfield helped too. In 1967, with the help of Mr. Wright from the Bank of McCreary County, we ended up forming the McCreary County Fire Commission and bought a truck for Pine Knot and one for Whitley City. I was the board chairman for the South McCreary County Fire Department for many years. During that time, we built the sub-station at Holy Hill."

Musgrove also played a role in the initial development of the McCreary County Water District. Judge-Executive Prince Stephens appointed Musgrove, Bill Gilreath, and Alfred Kidd as water commissioners for the Pine Knot/Revelo area. "We brought engineers out of Tennessee to help build a water district," Musgrove recalls. "They did a study of the county and recommended that we join together with the Whitley City Water District. Whitley hadn't done much, so we decided to eliminate the two districts and form one new McCreary County Water District. I represented Pine Knot. A.W. Holmes represented Whitley City, and Dr. Winchester represented Stearns. We were the first three water commissioners for McCreary County. The three of us ended up signing a personal note and buying a farm that was for sale. That's where the water reservoir was built. There was a problem, though, when the lake covered five acres of Forest Service land. We had to get a special permit to take care of that!"

Years later, Musgrove became involved with the McCreary County Development Association. The Association was formed to help the water department and McCreary County. Musgrove remembers when the water department discovered that they could get grants to run water lines to industrial sites. He smiles as he explains, "I remember those people saying that they hoped we were smart enough to find a site away from town. I guess we went to the extreme! Industrial sites were bought in Greenwood and near the state line. We managed to get a grant that let us lay water lines to those sites on both ends of the county!"

In addition to busying himself with McCreary County telephone, water, and fire department concerns over the years, Musgrove also turned his attention to the development of a local airport by becoming a member of McCreary County's first airport board. Musgrove can recall early attempts to establish an airport. "We found two pieces of property where an airport could be built. Both tracts belonged to the Forest Service. When we chose the Pine Knot site, we had to get a special use permit from them. They had clear-cut the site and planted it with pine trees. Burris Smith and I surveyed it and finally got a dirt runway built. "Doc" Jim Anderson had a small plane, and he became chairman of that board. We had several

people on the board, including Jim Burgess, Harold Hickman, and Burris Smith. We got Bob Gable on there too, because he knew people in Frankfort. Later, there was a land exchange with the Forest Service, and McCreary County was finally able to get the airport turned over to them."

After serving on the McCreary County Airport Board for four years, Musgrove went on to serve on the McCreary County Industrial Development Association, the first Stearns Museum Board, and, for 31 years, as a board member of the Kentucky Highlands Investment Corporation Board. The Kentucky Highlands Investment Corporation is an organization formed to help fund businesses so that jobs are created. KHIC began in the old wholesale building (now the Depot) in downtown Stearns and has since moved to London, Kentucky, where it currently serves over 20 counties. Musgrove and Bill Singleton currently represent McCreary County.

Along with his active participation in the community throughout the years, Musgrove has supported himself and his family through self-employment. Musgrove operated a car body and fender repair shop and was a plumbing and excavation contractor. He and his wife also operated a mobile-home park. Always eager to learn, Musgrove attended classes about business law and small-business management.

Today, the walls of Musgrove's home are adorned with many photographs, certificates, and awards. Photos of U.S. presidents, including former President George W. Bush, are displayed. One photograph, snapped when Musgrove visited a factory as a KHIC board member, shows Eldred shaking the hand of President Bill Clinton. Musgrove comments on that photo, "I shook his hand. It didn't make much difference to me that he was the president."

Eldred's latest project is an attempt to erect a monument that displays the Ten Commandments and honors veterans. He comments that he still has a job to accomplish in life. "I still have a job to do. I'm just not sure what it is. My job may be taking care of my wife, writing letters to congressmen or erecting a monument. All I know is that I still have a job to do." So it is, that Eldred Musgrove, who was not overly impressed by shaking the hand of the president, still finds great happiness in "making a difference" in the lives of his fellow McCreary Countians.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I rise today to pay tribute to 33 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since July 5, 2011. This brings to 309 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 17 percent of all U.S. deaths in Afghanistan.

SSG Nicanor Amper IV, 36, of San Jose, CA, died July 5 in Khowst, Afghanistan, of wounds suffered when enemy forces attacked his unit with a rocket propelled grenade. Staff Sergeant Amper was assigned to the 6th Squadron, 4th Cavalry Regiment, 3rd Brigade Combat Team, 1st Infantry Division, Fort Knox, KY.

LCpl Norberto Mendez Hernandez, 22, of Logan, UT, died July 10 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Mendez Hernandez was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Christopher L. Camero, 19, of Kailua Kona, HI, died July 15 of wounds suffered July 6 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Camero was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SSG James M. Christen, 29, of Loomis, CA, died July 19 in Kunar Province, Afghanistan, of wounds suffered when enemy forces attacked his vehicle with an improvised explosive device. Staff Sergeant Christen was assigned to the 2nd Battalion, 27th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI.

SGT William B. Gross Paniagua, 28, of Daly City, CA, died July 31 in Kunar Province, Afghanistan, of injuries suffered when enemy forces attacked his vehicle with an improvised explosive device. Sergeant Gross Paniagua was assigned to the 3rd Brigade Special Troops Battalion, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI.

SSgt Leon H. Lucas Jr., 32, of Wilson, NC, died August 1 while conducting combat operations in Helmand Province, Afghanistan. Staff Sergeant Lucas was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SPC Jinsu Lee, 34, of Chatsworth, CA, died August 5 in Kunar Province, Afghanistan. Specialist Lee was assigned to the 2nd Battalion, 27th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI.

SSgt Andrew W. Harvell, 26, of Long Beach, CA, died August 6 in Wardak Province, Afghanistan, of wounds suffered when his CH-47 Chinook helicopter crashed. Staff Sergeant Harvell was assigned to the 24th Special Tactics Squadron, Pope Field, NC.

PO1 (SEAL) Jesse D. Pittman, 27, of Ukiah, CA, died August 6 in Wardak Province, Afghanistan, of wounds suffered when his CH-47 Chinook helicopter crashed. Petty Officer Pittman was assigned to a west coast-based Naval Special Warfare Unit.

PO1 (SEAL) Darrik C. Benson, 28, of Angwin, CA, died August 6 in Wardak Province, Afghanistan, of wounds suffered when his CH-47 Chinook helicopter crashed. Petty Officer Benson was assigned to an east coast-based Naval Special Warfare Unit.

MCPO (SEAL) Louis J. Langlais, 44, of Santa Barbara, CA, died August 6 in Wardak Province, Afghanistan, of

wounds suffered when his CH-47 Chinook helicopter crashed. Master Chief Petty Officer Langlais was assigned to an east coast-based Naval Special Warfare Unit.

Sgt Adan Gonzales Jr., 28, of Bakersfield, CA, died August 7 while conducting combat operations in Helmand Province, Afghanistan. Sergeant Gonzales was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Joshua J. Robinson, 29, of Omaha, NE, died August 7 while conducting combat operations in Helmand Province, Afghanistan. Sergeant Robinson was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Rueben J. Lopez, 27, of Williams, CA, died August 11 in Kandahar Province, Afghanistan, of injuries sustained when an improvised explosive device detonated near his vehicle. Private First Class Lopez was assigned to the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

SPC Kevin R. Shumaker, 24, of Livermore, CA, died August 31 in a stateside hospital of a noncombat related illness. Specialist Shumaker was assigned to the Brigade Special Troops Battalion, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

SPC Koran P. Contreras, 21, of Lawndale, CA, died of wounds suffered when enemy forces attacked his unit with an improvised explosive device September 8 in Kandahar, Afghanistan. Specialist Contreras was assigned to the 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

SPC Douglas J. Jeffries Jr., 20, of Springville, CA, died of wounds suffered when enemy forces attacked his unit with an improvised explosive device September 8 in Kandahar, Afghanistan. Specialist Jeffries was assigned to the 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

SSG Daniel A. Quintana, 30, of Huntington Park, CA, died September 10 in Paktika Province, Afghanistan, of wounds suffered when insurgents attacked his unit using small arms fire. Staff Sergeant Quintana was assigned to the 2nd Battalion, 28th Infantry Regiment, 172nd Infantry Brigade, Schweinfurt, Germany.

Cpl Michael J. Dutcher, 22, of Asheville, NC, died September 15 while conducting combat operations in Helmand Province, Afghanistan. Corporal Dutcher was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Carlos A. Aparicio, 19, of San Bernardino, CA, died September 23 in

Wardak, Province, Afghanistan, of injuries suffered when insurgents attacked his unit using an improvised explosive device. Private First Class Aparicio was assigned to the 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, Fort Polk, LA.

SGT Tyler N. Holtz, 22, of Dana Point, CA, died September 24 in Wardak Province, Afghanistan, of wounds suffered when insurgents attacked his unit using small arms fire. Sergeant Holtz was assigned to the 2nd Battalion, 75th Ranger Regiment, Joint Base Lewis-McChord, WA.

SPC Garrett A. Fant, 21, of American Canyon, CA, died September 26 in Helmand Province, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. Specialist Fant was assigned to the 4th Squadron, 4th Cavalry Regiment, 1st Heavy Brigade Combat Team, 1st Infantry Division, Fort Riley, KS.

SSgt Nicholas A. Sprovtsoff, 28, of Davison, MI, died September 28 while conducting combat operations in Helmand Province, Afghanistan. Staff Sergeant Sprovtsoff was assigned to 1st Marine Special Operations Battalion, U.S. Marine Corps Forces Special Operations Command, Camp Pendleton, CA.

Sgt Christopher Diaz, 27, of Albuquerque, NM, died September 28 while conducting combat operations in Helmand Province, Afghanistan. Sergeant Diaz was assigned to Headquarters Battalion, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

LCpl Benjamin W. Schmidt, 24, of San Antonio, TX, died October 6 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Schmidt was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Ricardo Cerros Jr., 24, of Salinas, CA, died October 8 in Logar Province, Afghanistan, of wounds suffered when insurgents attacked his unit using small arms fire. Specialist Cerros was assigned to the 2nd Battalion, 75th Ranger Regiment, Joint Base Lewis-McChord, WA.

CW3 James B. Wilke, 38, of Ione, CA, died October 10, in Doha, Qatar. Chief Warrant Officer Wilke was assigned to the 2nd Battalion, 43rd Air Defense Artillery Regiment, 11th Air Defense Artillery Brigade, 32nd Army Air and Missile Defense Command, Fort Bliss, TX.

SFC Kristoffer B. Domeij, 29, of San Diego, CA, died October 22, in Kandahar Province, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. Sergeant First Class Domeij was assigned to 2nd Battalion, 75th Ranger Regiment, Joint Base Lewis-McChord, WA.

LCpl Jordan S. Basteen, 19, of Pekin, IL, died October 23 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Basteen was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Jason N. Barfield, 22, of Ashford, AL, died October 24 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Barfield was assigned to 3rd Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center Twentynine Palms, CA.

SSgt Stephen J. Dunning, 31, of Milpitas, CA, died October 27 while conducting combat operations in Helmand Province, Afghanistan. Staff Sergeant Dunning was assigned to 9th Engineer Support Battalion, 3rd Marine Logistics Group, III Marine Expeditionary Force, Okinawa, Japan.

SGT Carlo F. Eugenio, 29, of Rancho Cucamonga, CA, died October 29, in Kabul Province, Afghanistan, of wounds suffered when enemy forces attacked his vehicle with a vehicle-borne improvised explosive device. Sergeant Eugenio was assigned to 756th Transportation Company, 224th Sustainment Brigade, California Army National Guard, Van Nuys, CA.

LCpl Nickolas A. Daniels, 25, of Elmwood Park, IL, died November 5 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Daniels was assigned to 3rd Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

I would also like to pay tribute to the one servicemember from California who has died while serving our country in Iraq since July 5, 2011. This brings to 892 the number of servicemembers either from California or based in California who have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

PFC Steven F. Shapiro, 29, of Hidden Valley Lake, CA, died October 21 in Tallil, Iraq. Private First Class Shapiro was assigned to the 3rd Battalion, 8th Cavalry Regiment, 3rd Advise and Assist Brigade, 1st Cavalry Division, Fort Hood, TX.

MILITARY FAMILY MONTH 2011

Mrs. BOXER. Mr. President, I rise today to ask my colleagues to join me in paying tribute to the men and women of our Armed Forces and their families during Military Family Month 2011.

Each November marks Military Family Month. This is an important time for Americans to recognize and honor the commitment and sacrifices of our extraordinary military families.

And it is a time to express our gratitude. We know that when a service-

member puts on a uniform, the entire family sacrifices for our country. Military families endure frequent moves, long separations, interruptions in careers and education, and the anxiety that comes with having a loved one in harm's way. They face these unique challenges with grace and courage.

We also know that the security of our Nation and the readiness of our military are inextricably linked to the strength of our military families. Not only do these families support our brave men and women in uniform, they come together to support each other and generously dedicate their time to make a difference in their communities.

As cochair of the Senate Military Family Caucus, I am deeply grateful to these incredible men, women and children for their strength and their sacrifice. Their selfless service to their communities and our Nation is an example for us all.

President Obama eloquently stated in proclaiming Military Family Month 2011 that "With every step we take on American soil, we tread on ground made safer for us through the invaluable sacrifices of our servicemembers and their families."

While we can never fully repay the debt of gratitude we owe our military families, we can do everything possible to lessen their burden and provide for their needs.

I encourage all Americans to take time this month and all year round to recognize and honor our military families for the countless contributions they make each and every day for our great Nation.

REMEMBERING CASEY RIBICOFF

Mr. BLUMENTHAL. Mr. President, today I wish to recognize and honor the life and legacy of Casey Ribicoff, an inspiration, role model and friend to me and so many others.

Casey Ribicoff was a living legend. She and Abe shared a love that was heartfelt and moving, and obvious to all who knew them. She brought laughter and elegance to every friendship, most especially to her partnership with Abe. Together they traveled the world and country, making new friendships and visiting old ones, all the while creating enough memories to last a lifetime.

Having served on the Abe Ribicoff Senate staff, I can attest to their extraordinary partnership in public service, her deep caring for the people of Connecticut, and her commitment to social justice. She regarded the Senate as a platform for advocacy and hard work on behalf of Connecticut and the public interest. She and Abe were truly a team.

Casey had an impressive energy and strength. She was constantly involved in good causes, leading to her appointment by Jimmy Carter to the board of

the Kennedy Center, a position she proudly held for 20 years. A founder of the AIDS Care Center at the New York Presbyterian Hospital, Casey always found new ways to give back and help the community.

As a personal friend, which she was to Cynthia and me, she was endlessly loyal and generous, and she leaves a legacy of good work that will be remembered for decades to come. Casey was kind, generous and loving. She will live on in the friendships and family that she cherished. She will be sorely missed but never forgotten.

ADDITIONAL STATEMENTS

GOODWILL INDUSTRIES OF NEW MEXICO

• Mr. BINGAMAN. Mr. President, today I wish to recognize the 70th anniversary of Goodwill Industries of New Mexico. Working in New Mexico communities since 1941, the organization has helped find work and provided training and development for countless needy New Mexicans.

The nonprofit organization provides essential skill development, career-building services, and work opportunities to residents facing serious employment barriers. This is an especially important service they provide considering the continuing difficulties facing many applicants in today's job market.

Despite high unemployment and a struggling economy, Goodwill Industries of New Mexico placed nearly 850 clients in public and private sector jobs last year. Many of these clients face challenges with various disabilities, homelessness, drug addiction, and traumatic brain injuries, among other barriers. And the impact of the organization's activities has been felt throughout the entire State. In 2010, Goodwill Industries served nearly 10,000 residents through 8 programs reaching all 33 counties. That is a tenfold increase from a decade ago.

Much of its funding is derived through its retail stores, with 87 cents of every dollar spent on programs and services. But last year alone, in addition to its retail sales, Goodwill Industries of New Mexico salvaged nearly 1,700 tons of textiles, 188 tons of shoes, recycled 536 tons of cardboard and paper, and kept nearly 35 tons of used electronics out of New Mexico landfills. The environmental impact of Goodwill's initiatives is making a positive difference as well.

The education and training programs provide intensified training to those in need at six training centers across the State. Their programs also help low-income seniors to market themselves and acquire skills to compete in today's job market and place individuals in subsidized jobs with a host agency with the goal of moving that employee into

a permanent position within the community.

Its Pathways programs assist the near homeless and chronically homeless in obtaining access to housing and the opportunity to begin a new life through the power of work. Goodwill Industries' GoodGuides Mentoring Program pairs adults with at risk teens. Mentors provide structure and a supportive relationship with middle and high school-aged students. Goodwill volunteers work with teens to establish goals, build career plans, and work toward high school graduation to prepare for postsecondary training or college.

Traumatic brain injuries often leave patients confused and bewildered, struggling with simple day-to-day tasks. The caring staff in the TBI case management program assisted over 500 clients in crisis last year from imminent risk to their safety and health. I was also pleased to announce in July that this highly respected organization received over a \$½ million grant from the VA to prevent homelessness among New Mexican veterans and their families.

Mr. President, I join Goodwill Industries of New Mexico in celebrating its 70th anniversary, and I congratulate them on being one of my State's premier service providers advocating for the disabled, homeless, and unemployed.●

TRIBUTE TO ROBERT AND MARGARET PATRICELLI

• Mr. BLUMENTHAL. Mr. President, today I wish to commend Robert and Margaret Patricelli, of Simsbury, CT, for their immense generosity and vision in establishing an institute that will promote and support important public service activities.

Public policy and service have played a central role in the Patricelli's careers and lives. Graduating from Wesleyan in 1961 and Harvard Law in 1965, Bob was selected as one of 15 people for the first White House Fellows Program. His participation helped shape him as someone who understands the value of public policy and government service. Both he and Margaret are always looking for ways to give back and inspire others.

Their passion for giving back and helping others is what moved them to start the Robert and Margaret Patricelli Family Foundation to bring a tangible reality to programs and projects that serve the greater good. What Bob and Margaret have done through their family's foundation is inspiring and moving—and will continue to serve the country, and the world, for generations to come. Their philanthropic and service activities have touched countless lives across the State, from the arts to science, hospitals to schools, and programs assisting low-income neighborhoods.

In May of this year, the foundation contributed substantially to Wesleyan University, establishing the Patricelli Center for Social Entrepreneurship. This center will support students seeking to establish programs and organizations, providing workshops, speakers and networking opportunities for students. It will help encourage and embolden students who are focused on becoming social entrepreneurs, as well as award grants to undergraduate students engaged in specific projects. The foundation's most recent contribution to Wesleyan is one more example of great caring and commitment that lead me to recognize Bob and Margaret for all that they have done for our State and country.

A role model and inspiration to all who value public service, I commend and thank Bob and Margaret Patricelli for their legacy of great work for Connecticut and the country.●

TRIBUTE TO JONATHAN M. TOPODAS

• Mr. LIEBERMAN. Mr. President, I wish today to pay tribute to Jonathan M. Topodas, who will be retiring this month after a spectacular 38-year-career with Aetna, one of Connecticut's leading corporate citizens.

Jonathan joined Aetna's law department after graduating from Southern Methodist University Law School in 1974. Throughout his tenure with the company, he has provided sound legal advice to many of the firm's clients. More recently, Jonathan joined Aetna's Federal relations team, where he currently serves as the vice president and counsel responsible for Federal health legislative and regulatory matters. In this position, Jonathan has been an important voice in debates about critical health care issues, such as Medicare and patient safety.

In addition to his work with Aetna, Jonathan also earned a congressional fellowship through the Brookings Institution in 1979. Through this program, he worked as a counsel for the Senate Judiciary Committee. He also serves on the board of directors of the American Benefits Council, and has worked together with respected business organizations such as the U.S. Chamber of Commerce and the National Association of Manufacturers.

Jonathan's wife Elaine, an accomplished dancer and teacher, shares his commitment to community service. Elaine is affiliated with several community groups and theaters as a choreographer and director. She is passionate about her work, so much so that she returns to Connecticut during the summer to work with local dance troupes in a variety of settings. I thank Elaine for her contributions to Connecticut's vibrant artistic culture.

In his off-work hours, Jonathan enjoys spending time with his three children and two grandchildren. He also

loves to explore his deep Greek heritage. Jonathan's ancestors made their living as divers in the Aegean Sea, and Jonathan is known to regale his friends and colleagues with fascinating anecdotes about Greek history and culture, such as the history of the Hippocratic Oath.

I wish Jonathan Topodas, and his family, nothing but the best as he gets ready to begin a well-deserved retirement.●

BANGOR HIGH SCHOOL'S GIRLS SOCCER TEAM

● Ms. SNOWE. Mr. President, today I extend my most heartfelt congratulations to the Bangor High School Girls Soccer Team, which on November 5, 2011, clinched the programs first-ever Maine Class A State Championship, and in doing so achieved the remarkable feat of a perfect season! I applaud Coach Johnson and each and every member of the team on their milestone accomplishment!

Indeed, the story of the Bangor Girls Soccer Team is truly inspiring, characterized by an extraordinary strength of character and conviction that could not be more emblematic of our great State of Maine. The team embarked upon this season imbued with the distinct recollection of its heartbreaking loss in last years championship match, but under the steadfast leadership of 12 seniors who have been lifelong friends and teammates, the team admirably transformed that defeat into an indefatigable drive to seize the gold ball.

From that point forward, the team demonstrated an awe-inspiring, unmatched fortitude and tenacity that propelled them to victory after victory. As senior Liz Hintz stated in a Bangor Daily News article, We took every game seriously. We knew we couldn't afford to let down for even ten minutes because we knew it could cost us. That undeterred, laser beam focus was reflected in their statistics as well. In the regular season alone, the team incredibly outscored their opponents 98-8, and in the postseason, an even more impressive 18-0.

The teams unwavering motivation led them all the way to their second consecutive championship game where, in a rematch of the previous years title contest, they again confronted the reigning champion. Undaunted, the team played with the unflinching passion and willpower that had become its hallmark characteristic, working tirelessly on both offense and defense and never relenting to a challenge. That irreversible tide of momentum as the opposing coach called it carried Bangor to a convincing 4-0 victory and its first Class A Championship.

The legendary Mia Hamm once astutely observed, The backbone of success is usually found in old-fashioned, basic concepts like hard work, deter-

mination, good planning and perseverance. If any team epitomizes that belief, it's the Bangor Girls Soccer Team, which overcame the heart-wrenching loss of last year to become the best team in Class A soccer this year.

Again, I congratulate and commend the Bangor High School Girls Soccer Team on their well-deserved victory as well as their extraordinary efforts. What a wonderful success story they are for Bangor and our great State of Maine!●

TRIBUTE TO MARVIN BREWSTER

● Mr. TESTER. Mr. President, today I honor Marvin Brewster, a veteran of the Vietnam war. And a familiar volunteer in the community of Great Falls, MT. For years, Marv has been very active in Toys for Tots, and the Marine Corps League, and the Great Falls Farmers Market.

Marv Brewster is also an artist. He sculpted the 13-foot angel that graces the Montana Veterans' Memorial. Anyone who has visited that memorial has no doubt been uplifted by the power and comfort of Marv's statue.

Through all of his work in this community, Marv never asked for recognition. He just did as all Marines do—the very best he could on behalf of his fellow citizens.

Forty-six years ago, Marv joined the Navy. He served with M Company, 3rd Battalion, 7th Marines as a combat corpsman in Vietnam.

I would like to read what COL C.H. Bodley, the commander of the 3rd

Battalion, said to Marv in 1966. And this is a direct quote:

You have performed your duties as Platoon Corpsman in an outstanding manner . . . Your potential was more fully exploited as you participated in eight major operations and numerous small unit activities. On Operation Mallard' the company sustained 13 casualties from Viet Cong small arms and mortar fire. Without hesitation, you moved through the area administering aid and comforting those in need of your assistance . . . Your performance on Operation Mallard' is indicative of the consistently fine work you have been doing. Your eagerness to serve, unswerving loyalty and professional ability have earned you the respect and confidence of all who have been associated with you. It is indeed a pleasure to have men of your caliber in my command and I highly commend you for a job well done.

On April 21, 1966, Marv was wounded in combat during "Operation Hot Springs." For his sacrifice, he received a Purple Heart.

Marv got the medal. But his Purple Heart was never recorded in his official records. The Navy said it was the Marines' job. The Marines said it was the Navy's job.

Decades later, Marv Brewster reached out to my office to fix his record once and for all so he could access the health benefits he earned as he faces another tough challenge: cancer, related to Agent Orange exposure in Vietnam.

Yesterday, it was my honor to present Marv with the Purple Heart Award Certificate he should have received nearly 50 years ago, and with it a corrected "DD 215" discharge form.

History shows us that Marv is an honored recipient of the Purple Heart, and all the benefits that come with it.

In researching Marv's records, we learned that Marv never received several other decorations he earned years ago. Yesterday, I also had the honor of presenting to Marv, the Navy Good Conduct Medal, and the National Defense Service Medal. It was also my honor to present the Vietnam Service Medal with three Bronze Stars, and the Presidential Unit Citation Ribbon. Yesterday I also presented to Marv the Combat Action Ribbon and the Vietnam Campaign Medal with 1960 Device. These decorations are small tokens, but they are powerful symbols of true heroism—sacrifice and dedication to service.

These medals are presented on behalf of a grateful nation that wishes you and your family, Marv, the very best in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1412. An act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 298. An act to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the "Army Specialist Matthew Troy Morris Post Office Building".

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

H.R. 2422. An act to designate the facility of the United States Postal Service located

at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office".

ENROLLED BILL SIGNED

At 5:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 398. An act to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 298. An act to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the "Army Specialist Matthew Troy Morris Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 2422. An act to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3917. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of French Beans and Runner Beans From the Republic of Kenya Into the United State" ((RIN0579-AD39)(Docket No. APHIS-2010-0101)) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3918. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Remittance Transfers" (RIN3133-AD94) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3919. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulations G, O, W, BB, LL, MM, Rules Regarding Availability of Information, Rules of Procedure, Rules of Practice for Hearings, and Post-employment Restrictions for Senior Examiners" (RIN7100-AD80) received in the

Office of the President of the Senate on November 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3920. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards" (FRL No. 9492-3) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3921. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metropolitan Air Quality Management District" (FRL No. 9492-2) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3922. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9490-1) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3923. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutant Emissions for Shipbuilding and Ship Repair (Surface Coating); National Emission Standards for Wood Furniture Manufacturing Operations" (FRL No. 9491-4) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3924. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 9489-2) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3925. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Permit Renewals" (FRL No. 9489-9) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3926. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Charlotte-Gastonia-Rock Hill, North Carolina and South Carolina; Determinations of Attainment of the 1997 8-Hour Ozone Standard" (FRL No. 9490-5) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3927. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey" (FRL No. 9486-1) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3928. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter" (FRL No. 9489-6) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3929. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutant Emissions for Primary Lead Processing" (FRL No. 9491-2) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC-3930. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Community Forest and Open Space Conservation Program" (RIN0596-AC84) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3931. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Prohibitions-Developed Recreation Sites" (RIN0596-AC98) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3932. A communication from the Chief of Planning and Regulatory Affairs, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments" (RIN0584-AD54) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3933. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Resolution Plans Required" (RIN7100-AD73; RIN3064-AD77) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3934. A communication from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Transfer and Redesignation of Certain Regulations Involving State Savings Associations Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010" (RIN3064-AD82) received in the Office of the President of the

Senate on November 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3935. A communication from the Secretary, Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rescission of Outdated Rules and Forms, and Amendments to Correct References" (Release Nos. 33-9273, 34-65686, 39-2480, IA-3310 and IC-29855) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3936. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Changes to Implement the United States/Australian Agreement for Peaceful Nuclear Cooperation" received in the Office of the President of the Senate on November 10, 2011; to the Committee on Energy and Natural Resources.

EC-3937. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "National Coverage Determinations"; to the Committee on Finance.

EC-3938. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including, technical data, and defense services to Turkey to support the manufacture of X200 Transmissions, Parts, Components and Accessories in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3939. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended" (RIN1400-AC86) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Foreign Relations.

EC-3940. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed amendments to part 126 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-3941. A communication from the Director, Directorate of Enforcement Programs, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Procedures for the Handling of Retaliation Complaints Under Section 806 of the Sarbanes-Oxley Act of 2002, as Amended" (RIN1218-AC53) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3942. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3943. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket

No. FEMA-2011-0002)) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3944. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Telework: Weighing the Information, Determining an Appropriate Approach"; to the Committee on Homeland Security and Governmental Affairs.

EC-3945. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2011 through September 30, 2011, received in the Office of the President of the Senate on November 14, 2011; ordered to lie on the table.

EC-3946. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Live Swine, Swine Semen, Pork, and Pork Products From Lichtenstein and Switzerland" (Docket No. APHS-2009-0093) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3947. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Increased Assessment Rate" (Docket No. AMS-FV-11-0062; FV11-984-1 FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3948. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulation" (Docket No. AMS-FV-11-0025; FV11-958-1 FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment:

S. 899. A bill to provide for the eradication and control of nutria (Rept. No. 112-94).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

H.R. 1059. A bill to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1867. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL:

S. 1861. A bill to provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, Mr. KERRY, Mr. JOHNSON of South Dakota, Mrs. HAGAN, and Mr. MENENDEZ):

S. 1862. A bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. BURR, and Mr. CHAMBLISS):

S. 1863. A bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation; to the Committee on Finance.

By Mr. VITTER:

S. 1864. A bill to extend the National Flood Insurance Program until September 30, 2012; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRANKEN (for himself, Mr. ALEXANDER, Mr. KERRY, and Mrs. HAGAN):

S. 1865. A bill to improve patient access to medical innovation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself and Mr. RUBIO):

S. 1866. A bill to provide incentives for economic growth, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 1867. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. RUBIO, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. CASEY, Mr. AKAKA, Mrs. HAGAN, and Mr. UDALL of New Mexico):

S. 1868. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on Rules and Administration.

By Mr. DEMINT:

S. 1869. A bill to terminate the Economic Development Administration, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOOZMAN:

S. 1870. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum and direct the Administrator of General Services to transfer administrative jurisdiction, custody, and control of the building located at

600 Pennsylvania Avenue, NW, in the District of Columbia, to the National Gallery of Art, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN of Massachusetts (for himself and Mr. RUBIO):

S. 1871. A bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Mr. BURR):

S. 1872. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes; to the Committee on Finance.

By Mr. LUGAR:

S. 1873. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the allowance for bonus depreciation and the increased expensing limitations for depreciable business assets; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. LANDRIEU, and Ms. SNOWE):

S. 1874. A bill to require the timely identification of qualified census tracts for purposes of the HUBZone program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEE (for himself and Mr. RUBIO):

S. 1875. A bill to reauthorize the International Religious Freedom Act of 1998; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. REID, Mr. CRAPO, Mr. HELLER, Mr. LEE, and Mr. UDALL of New Mexico):

S. Res. 323. A resolution recognizing the 75th Anniversary of the Welfare Program of The Church of Jesus Christ of Latter-day Saints and the significant impact of the Welfare Program in the United States and throughout the world in helping people in need; considered and agreed to.

ADDITIONAL COSPONSORS

S. 276

At the request of Mr. BENNET, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 276, a bill to amend the National Trails System Act to provide for the study of the Pike National Historic Trail.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 299

At the request of Mr. PAUL, the name of the Senator from Arizona (Mr.

MCCAIN) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1106

At the request of Mr. KOHL, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1249

At the request of Mr. UDALL of Colorado, the names of the Senator from

Missouri (Mrs. McCASKILL) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1249, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 1277

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1277, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1541

At the request of Mr. BENNET, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1593

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1593, a bill to amend the Food and Nutrition Act of 2008 to require State electronic benefit transfer contracts to treat wireless program retail food stores in the same manner as wired program retail food stores.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1670

At the request of Mr. REID, his name was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1676

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1676, a bill to amend the Internal

Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1679

At the request of Mr. THUNE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1679, a bill to ensure effective control over the Congressional budget process.

S. 1776

At the request of Mr. CARDIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1776, a bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations.

S. 1792

At the request of Mr. WHITEHOUSE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1792, a bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S.J. RES. 28

At the request of Mr. WYDEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.J. Res. 28, a joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

S. RES. 320

At the request of Ms. SNOWE, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Ohio (Mr. PORTMAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 320, a resolution designating November 26, 2011, as "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses.

AMENDMENT NO. 934

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Kentucky (Mr. PAUL), the Senator from Nebraska (Mr. JOHANNES) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 934 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 940

At the request of Mr. MCCAIN, the names of the Senator from Montana (Mr. TESTER), the Senator from South Carolina (Mr. GRAHAM), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 940 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOOZMAN:

S. 1870. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum and direct the Administrator of General Services to transfer administrative jurisdiction, custody, and control of the building located at 600 Pennsylvania Avenue, NW, in the District of Columbia, to the National Gallery of Art, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOOZMAN. Mr. President, today I am introducing a piece of legislation that will save taxpayers an estimated \$50 million. This bill will change the ownership of two properties in D.C. and provide a space for the National Women's History museum. Under my legislation, the current headquarters of the Federal Trade Commission, the Apex Building, would be transferred to the National Gallery of Art. Current Federal Trade Commission employees would be relocated to office space already leased to the federal government. The Apex building, under my legisla-

tion, would be used more efficiently and opened up for maximum public use.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Women's History Museum and Federal Facilities Consolidation and Efficiency Act of 2011".

TITLE I—NATIONAL WOMEN'S HISTORY MUSEUM

SEC. 101. SHORT TITLE.

This title may be cited as the "National Women's History Museum Act of 2011".

SEC. 102. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CERCLA.—The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(3) COMMITTEES.—The term "Committees" means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(4) MUSEUM.—The term "Museum" means the National Women's History Museum, Inc., a District of Columbia nonprofit corporation exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

(5) PROPERTY.—The term "Property" means the property located in the District of Columbia, subject to survey and as determined by the Administrator, generally consisting of Squares 325 and 326 and a portion of Square 351. The Property is generally bounded by 12th Street, Independence Avenue, C Street, and the James Forrestal Building, all in Southwest Washington, District of Columbia, and shall include all associated air rights, improvements thereon, and appurtenances thereto.

SEC. 103. CONVEYANCE OF PROPERTY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to the requirements of this title, the Administrator shall convey the Property to the Museum, on such terms and conditions as the Administrator considers reasonable and appropriate to protect the interests of the United States and further the purposes of this title.

(2) AGREEMENT.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator shall enter into an agreement with the Museum for the conveyance.

(3) TERMS AND CONDITIONS.—The terms and conditions of the agreement shall address, among other things, mitigation of developmental impacts to existing Federal buildings and structures, security concerns, and operational protocols for development and use of the property.

(b) PURCHASE PRICE.—

(1) IN GENERAL.—The purchase price for the Property shall be its fair market value based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Museum.

(2) **SELECTION OF APPRAISER.**—The appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Museum.

(3) **TERMS AND CONDITIONS FOR APPRAISAL.**—
(A) **IN GENERAL.**—Except as provided by subparagraph (B), the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Museum.

(B) **REQUIRED TERMS.**—The appraisal shall assume that the Property does not contain hazardous substances (as defined in section 101 of CERCLA (42 U.S.C. 9601)) or any other hazardous waste or pollutant that requires a response action or corrective action under any applicable environmental law.

(C) **APPLICATION OF PROCEEDS.**—The purchase price shall be paid into an account in the Federal Buildings Fund established under section 592 of title 40, United States Code. Upon deposit, the proceeds from the conveyance may only be expended subject to a specific future appropriation.

(d) **QUIT CLAIM DEED.**—The Property shall be conveyed pursuant to a quit claim deed.

(e) **USE RESTRICTION.**—The Property shall be dedicated for use as a site for a national women's history museum for the 99-year period beginning on the date of conveyance to the Museum.

(f) **FUNDING RESTRICTION.**—No Federal funds shall be made available—

(1) to the Museum for—

(A) the purchase of the Property; or

(B) the design and construction of any facility on the Property; or

(2) by the Museum or any affiliate of the Museum as a credit pursuant to section 104(b)

(g) **REVERSION.**—

(1) **BASES FOR REVERSION.**—The Property shall revert to the United States, at the option of the United States, without any obligation for repayment by the United States of any amount of the purchase price for the property, if—

(A) the Property is not used as a site for a national women's history museum at any time during the 99-year period referred to in subsection (e); or

(B) the Museum has not commenced construction of a museum facility on the Property in the 5-year period beginning on the date of enactment of this Act, other than for reasons beyond the control of the Museum as reasonably determined by the Administrator.

(2) **ENFORCEMENT.**—The Administrator may perform any acts necessary to enforce the reversionary rights provided in this section.

(3) **CUSTODY OF PROPERTY UPON REVERSION.**—If the Property reverts to the United States pursuant to this section, such property shall be under the custody and control of the Administrator.

(h) **CLOSING.**—The conveyance pursuant to this title shall occur not later than 3 years after the date of enactment of this Act. The Administrator may extend that period for such time as is reasonably necessary for the Museum to perform its obligations under section 104(a).

SEC. 104. ENVIRONMENTAL MATTERS.

(a) **AUTHORIZATION TO CONTRACT FOR ENVIRONMENTAL RESPONSE ACTIONS.**—In fulfilling the responsibility of the Administrator to address contamination on the Property, the Administrator may contract with the Museum or an affiliate of the Museum for the performance (on behalf of the Administrator) of response actions on the Property.

(b) **CREDITING OF RESPONSE COSTS.**—

(1) **IN GENERAL.**—Any costs incurred by the Museum or an affiliate of the Museum using non-Federal funding pursuant to subsection (a) shall be credited to the purchase price for the Property.

(2) **LIMITATION.**—A credit under paragraph (1) shall not exceed the purchase price of the Property.

(c) **NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.**—Nothing in this title, or any amendment made by this title, affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of CERCLA (42 U.S.C. 9620(h)).

SEC. 105. INCIDENTAL COSTS.

Subject to section 104, the Museum shall bear any and all costs associated with complying with the provisions of this title, including studies and reports, surveys, relocating tenants, and mitigating impacts to existing Federal buildings and structures resulting directly from the development of the property by the Museum.

SEC. 106. LAND USE APPROVALS.

(a) **EXISTING AUTHORITIES.**—Nothing in this title shall be construed as limiting or affecting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

(b) **COOPERATION.**—

(1) **ZONING AND LAND USE.**—Subject to paragraph (2), the Administrator shall reasonably cooperate with the Museum with respect to any zoning or other land use matter relating to development of the Property in accordance with this title. Such cooperation shall include consenting to applications by the Museum for applicable zoning and permitting with respect to the property.

(2) **LIMITATIONS.**—The Administrator shall not be required to incur any costs with respect to cooperation under this subsection and any consent provided under this subsection shall be premised on the property being developed and operated in accordance with this title.

SEC. 107. REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter until the end of the 5-year period following conveyance of the Property or until substantial completion of the museum facility (whichever is later), the Museum shall submit annual reports to the Administrator and the Committees detailing the development and construction activities of the Museum with respect to this title.

TITLE II—FEDERAL TRADE COMMISSION AND THE NATIONAL GALLERY OF ART

SEC. 201. SHORT TITLE.

This title may be cited as the “Federal Trade Commission and National Gallery of Art Facility Consolidation, Savings, and Efficiency Act of 2011”.

SEC. 202. TRANSFER.

Notwithstanding any other provision of law and not later than December 31, 2012, the Administrator of General Services shall transfer administrative jurisdiction, custody, and control of the building located at 600 Pennsylvania Avenue, NW., District of Columbia, to the National Gallery of Art for the purpose of housing and exhibiting works of art and to carry out administrative functions and other activities related to the mission of the National Gallery of Art.

SEC. 203. REMODELING, RENOVATING, OR RECONSTRUCTING.

(a) **IN GENERAL.**—The National Gallery of Art shall pay for the costs of remodeling, renovating, or reconstructing the building referred to in section 202.

(b) **FEDERAL SHARE.**—No appropriated funds may be used for the initial costs for the remodeling, renovating, or reconstructing of the building referred to in section 202.

(c) **PROHIBITION.**—The National Gallery of Art may not use sale, lease, or exchange, including leaseback arrangements, for the purposes of remodeling, renovating, or reconstructing the building referred to in section 202.

SEC. 204. RELOCATION OF THE FEDERAL TRADE COMMISSION.

(a) **RELOCATION.**—Not later than the date specified in section 202, the Administrator of General Services shall relocate the Federal Trade Commission employees and operations housed in the building identified in such section to not more than 160,000 usable square feet of space in the southwest quadrant of the leased building known as Constitution Center located at 400 7th Street, Southwest in the District of Columbia.

(b) **OCCUPANCY AGREEMENT.**—Not later than 30 days following enactment of this Act, the Administrator of General Services and the Securities and Exchange Commission shall execute an agreement to assign or sublease the space (leased pursuant to a Letter Contract entered into by the Securities and Exchange Commission on July 28, 2010) as described in subsection (a), for the purposes of housing the Federal Trade Commission employees and operations relocating from the building located at 600 Pennsylvania Avenue, NW., District of Columbia, pursuant to subsection (a) of this section.

SEC. 205. NATIONAL GALLERY OF ART.

Beginning on the date that the National Gallery of Art occupies the building referred to in section 202—

(1) the building shall be known and designated as the “North Building of the National Gallery of Art”; and

(2) any reference in a law, map, regulation, document, paper, or other record of the United States to the building shall be deemed to be a reference to the “North Building of the National Gallery of Art”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 323—RECOGNIZING THE 75TH ANNIVERSARY OF THE WELFARE PROGRAM OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS AND THE SIGNIFICANT IMPACT OF THE WELFARE PROGRAM IN THE UNITED STATES AND THROUGHOUT THE WORLD IN HELPING PEOPLE IN NEED

Mr. HATCH (for himself, Mr. REID of Nevada, Mr. CRAPO, Mr. HELLER, Mr. LEE, and Mr. UDALL of New Mexico) submitted the following resolution; which was considered and agreed to:

S. RES. 323

Whereas in 1936, while the United States was mired in the Great Depression, Heber J. Grant, President of The Church of Jesus Christ of Latter-day Saints (referred to in this Resolution as “the LDS Church”), announced the creation of what came to be known as the Welfare Program;

Whereas President Grant explained, “Our primary purpose was to set up . . . a system under which the curse of idleness would be done away with, the evils of a dole abolished,

and independence, industry, thrift and self respect be once more established amongst our people . . . The aim of the Church is to help the people to help themselves. Work is to be re-enthroned as the ruling principle of the lives of our Church membership.”;

Whereas, the LDS Church's Welfare Program, which is based on the principles of self-reliance and industry, has expanded throughout the world and assists people of all faiths by caring for the needy while simultaneously teaching principles to help them become self-reliant and retain their self respect;

Whereas funding for the LDS Church's Welfare Program is provided by the members of The Church of Jesus Christ of Latter-day Saints, who routinely fast for 2 consecutive meals every month and make donations to the LDS Church's Welfare Program that is at least equal to the money they would have spent on food;

Whereas the LDS Church's Welfare Program provides opportunities for members of The Church of Jesus Christ of Latter-day Saints to help the less fortunate by working at dozens of farms and canneries located throughout the United States and Canada that produce food for needy people;

Whereas needy people in the community are identified by the leader of each local church congregation, in consultation with other local leaders, including the Relief Society President (a woman from the congregation who serves as the local leader of the LDS Church's women's organization);

Whereas people in need are provided free food and household items at facilities called Bishop's Storehouses after receiving a written requisition from the leader of their local congregation;

Whereas the 129 Bishop's Storehouses, which are located throughout the world, provide needed commodities from the consecrated sacrifices of members of The Church of Jesus Christ of Latter-day Saints;

Whereas recipients of these commodities are given service opportunities, to the extent of their ability, which allow them to demonstrate their gratitude for what they have received;

Whereas employment resource service centers, which are also part of the LDS Church's Welfare Program, provide a place where people can receive job training, learn to enhance their resumes, and find job opportunities;

Whereas there are nearly 300 employment resource service centers throughout the world, at which volunteers help hundreds of thousands of people to find jobs every year, a large percentage of whom are not members of The Church of Jesus Christ of Latter-day Saints;

Whereas the LDS Church's Welfare Program also includes Deseret Industries, which serves as an employment training facility and operates thrift stores;

Whereas these thrift stores provide on-the-job experience for refugees or others who need help qualifying for long-term employment and are stocked by individual donations, which are offered to the public at inexpensive prices;

Whereas the LDS Church's Welfare Program also includes LDS Family Services, a private, nonprofit organization that provides counseling, adoption services, addiction recovery support groups, and resources for social, emotional, and spiritual challenges;

Whereas the influence and power for good exerted by the Welfare Program of the LDS Church has greatly expanded over its 75-year history; and

Whereas the positive impact of the LDS Church's Welfare Program in the United

States has assisted untold numbers of United States citizens:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th Anniversary of the Welfare Program of The Church of Jesus Christ of Latter-day Saints;

(2) congratulates the members of The Church of Jesus Christ of Latter-day Saints for the significant contribution that its Welfare Program has had on United States citizens and many people throughout the world; and

(3) commends the many efforts made by The Church of Jesus Christ of Latter-day Saints and its members, through its Welfare Program, to serve others regardless of religious affiliation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 950. Mr. HOEVEN (for himself, Mr. ROCKEFELLER, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 951. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 952. Mr. CASEY (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BENNET, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 953. Mr. RUBIO (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 954. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 955. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 956. Mr. REID proposed an amendment to the bill H.R. 2354, supra.

SA 957. Mr. REID proposed an amendment to the bill H.R. 2354, supra.

SA 958. Mr. REID proposed an amendment to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 959. Mr. REID proposed an amendment to amendment SA 958 proposed by Mr. REID to the amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 960. Mr. REID proposed an amendment to the bill H.R. 2354, supra.

SA 961. Mr. REID proposed an amendment to amendment SA 960 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 962. Mr. REID proposed an amendment to the bill H.R. 2354, supra.

SA 963. Mr. REID proposed an amendment to amendment SA 962 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 964. Mr. REID proposed an amendment to amendment SA 963 proposed by Mr. REID to the amendment SA 962 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 965. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R.

2354, supra; which was ordered to lie on the table.

SA 966. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 967. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 968. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 969. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 970. Mr. MCCAIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 971. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 972. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 973. Mr. BLUNT (for himself, Mr. INHOFE, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 974. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 975. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 976. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 977. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 978. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 979. Mr. BEGICH (for himself, Mr. MCCAIN, Mr. VITTER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 980. Mr. WEBB (for himself, Mr. BOOZMAN, Mr. HELLER, Mr. ROBERTS, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 981. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 982. Mr. MENENDEZ (for himself, Mr. REID, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 983. Mrs. McCASKILL (for herself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 984. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 985. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 986. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 987. Mr. RUBIO (for himself, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 988. Mr. ENZI (for himself, Mr. DEMINT, Mr. PAUL, and Mr. JOHANNIS) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 989. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 990. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 991. Mr. COONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 992. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 993. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 994. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 995. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 996. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 997. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 998. Mrs. SHAHEEN (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 957 pro-

posed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 999. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1000. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1001. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1002. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1003. Mr. ROBERTS (for himself, Mr. JOHANNIS, and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1004. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1005. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1006. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1007. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1008. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1009. Mrs. HAGAN (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1010. Mr. MENENDEZ (for himself, Mr. REID, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1011. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1012. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1013. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1014. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1015. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1016. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1017. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 950. Mr. HOEVEN (for himself, Mr. ROCKEFELLER, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, lines 8 and 9, strike “\$445,471,000, to remain available until expended: *Provided*,” and insert “\$475,471,000, to remain available until expended: *Provided*, That \$10,000,000 shall be available for natural gas technologies, \$10,000,000 shall be available for unconventional fossil energy technologies, and \$10,000,000 shall be available for advanced energy systems: *Provided further*,”.

On page 44, line 11, strike “\$2000,000,000” and insert “\$170,000,000”.

SA 951. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to pay compensation in the form of bonuses for senior executives at the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation during fiscal year 2012.

SA 952. Mr. CASEY (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BENNET, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 7065(c)(5), strike “PRECURSOR CHEMICALS.—Funds” and insert the following: “PRECURSOR CHEMICALS.—

(A) CERTIFICATION.—

(i) LIMITATION.—Funds appropriated or otherwise made available by this division under the headings “FOREIGN MILITARY FINANCING PROGRAM” and “PAKISTAN COUNTER-INSURGENCY CAPABILITY FUND” should not be obligated until the Secretary of State certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs). For purposes of this clause,

significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(i) **WAIVER.**—The Secretary of State may waive the requirements of clause (i) if the Secretary determines it is in the national security interest of the United States to do so.

(B) **ASSISTANCE.**—Funds

SA 953. Mr. RUBIO (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 481, after line 21, add the following:

SEC. 7088. (a) None of the amounts appropriated or otherwise made available by this division may be appropriated or otherwise made available for a United States contribution to the United Nations Educational, Scientific and Cultural Organization (UNESCO).

(b) United States contributions that would have otherwise been provided to UNESCO should be redirected by the Secretary of the Treasury for payment to the Inter-American Development Bank for the United States share of the paid-in portion of the increase in capital stock.

SA 954. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike lines 11 through 22.

SA 955. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 15 and 16, insert the following:

SEC. 2 _____. None of the funds appropriated or otherwise made available by this Act for ongoing work on rural water regional programs of the Bureau of Reclamation that is in addition to the amount requested in the annual budget submission of the President (including funds for related settlements) shall be used by the Secretary of the Interior to carry out any authorized rural water supply project (as defined in section 102 of the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401)) unless the Secretary of the Interior, not later than 30 days after the date of enactment of this Act, issues a work plan prioritizing funding of rural water supply projects carried out by the Bureau of Reclamation based on the following criteria to better utilize taxpayer dollars:

(1) The percentage of the rural water supply project to be carried out that is complete (as of the date of enactment of this Act) or will be completed by September 30, 2012.

(2) The number of people served or expected to be served by the rural water supply project.

(3) The amount of non-Federal funds previously provided or certified as available for the cost of the rural water supply project.

(4) The extent to which the rural water supply project benefits tribal components.

(5) The extent to which there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs of the population served by the rural water supply project.

SA 956. Mr. REID proposed an amendment to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

DIVISION A—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, short protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$125,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and

plans and specifications, shall not constitute a commitment of the Government to construction); \$1,610,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Lock and Dam 27, Mississippi River, Illinois; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$250,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,360,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 4601-6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by the Corps at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$193,000,000, to remain available until September 30, 2013.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$27,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$185,000,000, to remain available until September 30, 2013, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until September 30, 2013.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) GENERAL INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is al-

lowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000: *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION, GENERAL.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount a limit of \$5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than \$50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99-662), as amended, is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to the "Construction" account up to \$100,000,000 of the funds provided for reinforcing or replacing flood walls under the "Flood Control and Coastal Emergencies" heading in Public Law 109-234 (120 Stat. 455) and Public Law 110-252 (122 Stat. 2350) and up to \$75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the "Flood Control and Coastal Emergencies" heading in Public Law 110-28 (121 Stat. 153) to be used with funds provided for the West Bank and Vicinity project under the "Construction" heading in Public Law 110-252 (122 Stat. 2349) and Public Law 110-329 (122 Stat. 3589), consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 107. The Secretary of the Army may authorize a member of the Armed Forces under the Secretary's jurisdiction and employees of the Department of the Army to serve without compensation as director, officer, or otherwise in the management of the organization established to support and maintain the participation of the United States in the permanent international commission of the congresses of navigation, or any successor entity.

SEC. 108. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. This real property to be acquired consists of 18.5 acres more or less, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire. The real property is generally bounded to the east by state route 10-Lyme Road, to the north by the vacant property of the Trustees of the Dartmouth College, to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College, and to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary of the Army.

(b) REVOLVING FUND.—The Secretary is authorized to use the Revolving Fund (33 U.S.C. 576) through the Plant Replacement and Improvement Program to acquire the real property and associated real property interests in subsection (a). The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefiting appropriations.

(c) RIGHT OF FIRST REFUSAL.—The Secretary may provide the Seller of any real property and associated property interests identified in subsection (a)—

(1) a right of first refusal to acquire such property, or any portion thereof, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(2) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(3) the purchase of any property by the Seller exercising either right of first refusal authorized in this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Sellers successors or assigns.

(d) DISPOSAL.—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 109. The Secretary of the Army may transfer, and the Fish and Wildlife Service may accept and expend, up to \$3,800,000 of funds provided in this title under the heading "Operation and Maintenance", to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engineers missions and no restrictions shall be placed on the use or maintenance of any dredge in the Federal Fleet.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain the Federal dredging fleet to technologically modern and efficient standards.

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers is directed to utilize funds from the revolving fund to expeditiously undertake necessary health and safety improvements, including lead and asbestos abatement, to the dredge "McFarland": *Provided*, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 113. With respect to the property covered by the deed described in Auditor's instrument No. 2006-014428 of Benton County, Washington, approximately 1.5 acres, the following deed restrictions are hereby extinguished and of no further force and effect:

(1) The reversionary interest and use restrictions related to port and industrial purposes;

(2) The right for the District Engineer to review all pre-construction plans and/or specifications pertaining to construction and/or maintenance of any structure intended for human habitation, other building structure, parking lots, or roads, if the ele-

vation of the property is above the standard project flood elevation; and

(3) The right of the District Engineer to object to, and thereby prevent, in his/her discretion, such activity.

SEC. 114. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Harbors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin; beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a Consolidated Infrastructure Research Equipment Facility, an Environmental Processes and Risk Lab, a Hydraulic Research Facility, an Engineer Research and Development Center headquarters building, a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road, and infrastructure improvements to the Engineer Research and Development Center's installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 116. Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114 Stat. 2609) is amended by striking subsection (b) and inserting the following:

"(b) DISPOSITION OF ACQUIRED LAND.—The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest."

SEC. 117. The New London Disposal Site and the Cornfield Shoals Disposal Site in Long Island Sound selected by the Department of the Army as alternative dredged material disposal sites under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, shall remain open until completion of a Supplemental Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site in eastern Long Island Sound under section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

SEC. 118. (a) That portion of the project for navigation, Newport Harbor, Rhode Island adopted by the Rivers and Harbors Acts of March 2, 1907 (34 Stat. 1075); June 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845); and, modified by the Consolidated Appropriations Act, 2000, Public Law 106-113, appendix E, title II, section 221 (113 Stat. 1501A-298); consisting of a 13-foot anchorage, an 18-foot anchorage, a 21-foot channel, and 18-foot channels described by the following shall no longer be authorized after the date of enactment of this Act: the 21-Foot Entrance Channel, beginning at a point (1) with coordinates 374986.03, 150611.01; thence running south 46 degrees 54 minutes 30.7 seconds east 900.01 feet to a point (2) with coordinates 375643.27, 149996.16; thence running south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point (3) with coordinates 375977.47, 147643.00; thence

running south 4 degrees 28 minutes 20.4 seconds west 738.56 feet to a point (4) with coordinates 375919.88, 146906.60; thence running south 6 degrees 2 minutes 42.4 seconds east 1,144.00 feet to a point (5) with coordinates 376040.35, 145768.96; thence running south 34 degrees 5 minutes 51.7 seconds west 707.11 feet to a point (6) with coordinates 375643.94, 145183.41; thence running south 73 degrees 11 minutes 42.9 seconds west 1,300.00 feet to the end point (7) with coordinates 374399.46, 144807.57; Returning at a point with coordinates (8) with coordinates 374500.64, 144472.51; thence running north 73 degrees 11 minutes 42.9 seconds east 1,582.85 feet to a point (9) with coordinates 376015.90, 144930.13; thence running north 34 degrees 5 minutes 51.7 seconds east 615.54 feet to a point (10) with coordinates 376360.97, 145439.85; thence running north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet to a point (11) with coordinates 376275.96, 147674.45; thence running north 8 degrees 4 minutes 55.6 seconds west 2,652.83 feet to a point (12) with coordinates 375902.99, 150300.93; thence running north 46 degrees 54 minutes 30.7 seconds west 881.47 feet to an end point (13) with coordinates 375259.29, 150903.12; and the 18-Foot South Goat Island Channel beginning at a point (14) with coordinates 375509.09, 149444.83; thence running south 25 degrees 44 minutes 0.5 second east 430.71 feet to a point (15) with coordinates 375696.10, 149056.84; thence running south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet to a point (16) with coordinates 375969.61, 147540.41; thence running south 4 degrees 29 minutes 11.3 seconds west 1,662.92 feet to a point (17) with coordinates 375839.53, 145882.59; thence running south 34 degrees 5 minutes 51.7 seconds west 547.37 feet to a point (18) with coordinates 375532.67, 145429.32; thence running south 86 degrees 47 minutes 37.7 seconds west 600.01 feet to an end point (19) with coordinates 374933.60, 145395.76; and the 18-Foot Entrance Channel beginning at a point (20) with coordinates 374567.14, 144252.33; thence running north 73 degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point (21) with coordinates 376385.26, 144801.42; thence running north 2 degrees 10 minutes 41.5 seconds west 638.89 feet to an end point (10) with coordinates 376360.97, 145439.85; and the 18-Foot South Anchorage beginning at a point (22) with coordinates 376286.81, 147389.37; thence running north 78 degrees 56 minutes 15.6 seconds east 404.86 feet to a point (23) with coordinates 376684.14, 147467.05; thence running north 78 degrees 56 minutes 15.6 seconds east 1,444.33 feet to a point (24) with coordinates 378101.63, 147744.18; thence running south 5 degrees 18 minutes 43.8 seconds west 1,228.20 feet to a point (25) with coordinates 377987.92, 146521.26; thence running south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to a point (26) with coordinates 378026.56, 145944.71; thence running south 44 degrees 32 minutes 14.7 seconds west 2,314.09 feet to a point (27) with coordinates 376403.52, 144295.24 thence running south 60 degrees 5 minutes 58.2 seconds west 255.02 feet to an end point (28) with coordinates 376182.45, 144168.12; and the 13-Foot Anchorage beginning at a point (29) with coordinates 376363.39, 143666.99; thence running north 63 degrees 34 minutes 19.3 seconds east 1,962.37 feet to a point (30) with coordinates 378120.68, 144540.38; thence running north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet to an end point (26) with coordinates 378026.56, 145944.71; and the 18-Foot East Channel beginning at a point (23) with coordinates 376684.14, 147467.05; thence running north 2 degrees 10 minutes 43.3 seconds west 262.95 feet to a point (31) with coordinates 376674.14, 147729.81; thence running

north 9 degrees 42 minutes 20.3 seconds west 301.35 feet to a point (32) with coordinates 376623.34, 148026.85; thence running south 80 degrees 17 minutes 42.4 seconds west 313.6 feet to a point (33) with coordinates 376314.23, 147973.99; thence running north 7 degrees 47 minutes 21.9 seconds west 776.24 feet to an end point (34) with coordinates 376209.02, 148743.06; and the 18-Foot North Anchorage beginning at a point (35) with coordinates 376123.98, 148744.69; thence running south 88 degrees 54 minutes 16.2 seconds east 377.90 feet to a point (36) with coordinates 376501.82, 148737.47; thence running north 9 degrees 42 minutes 19.0 seconds west 500.01 feet to a point (37) with coordinates 376417.52, 149230.32; thence running north 6 degrees 9 minutes 53.2 seconds west 1,300.01 feet to an end point (38) with coordinates 376277.92, 150522.81.

(b) The area described by the following shall be redesignated as an eighteen-foot channel and turning basin: Beginning at a point (1) with coordinates N144759.41, E374413.16; thence running north 73 degrees 11 minutes 42.9 seconds east 1,252.88 feet to a point (2) with coordinates N145121.63, E375612.53; thence running north 26 degrees 29 minutes 48.1 seconds east 778.89 feet to a point (3) with coordinates N145818.71, E375960.04; thence running north 0 degrees 3 minutes 38.1 seconds west 1,200.24 feet to a point (4) with coordinates N147018.94, E375958.77; thence running north 2 degrees 22 minutes 45.2 seconds east 854.35 feet to a point (5) with coordinates N147872.56, E375994.23; thence running north 7 degrees 47 minutes 21.9 seconds west 753.83 feet to a point (6) with coordinates N148619.44, E375892.06; thence running north 88 degrees 46 minutes 16.7 seconds east 281.85 feet to a point (7) with coordinates N148625.48, E376173.85; thence running south 7 degrees 47 minutes 21.9 seconds east 716.4 feet to a point (8) with coordinates N147915.69, E376270.94; thence running north 80 degrees 17 minutes 42.3 seconds east 315.3 feet to a point (9) with coordinates N147968.85, E 76581.73; thence running south 9 degrees 42 minutes 20.3 seconds east 248.07 feet to a point (10) with coordinates N147724.33, E376623.55; thence running south 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point (11) with coordinates N147406.47, E376635.64; thence running north 78 degrees 56 minutes 15.6 seconds east 571.11 feet to a point (12) with coordinates N147516.06, E377196.15; thence running south 88 degrees 57 minutes 2.3 seconds east 755.09 feet to a point (13) with coordinates N147502.23, E377951.11; thence running south 1 degree 2 minutes 57.7 seconds west 100.00 feet to a point (14) with coordinates N147402.25, E377949.28; thence running north 88 degrees 57 minutes 2.3 seconds west 744.48 feet to a point (15) with coordinates N147415.88, E377204.92; thence running south 78 degrees 56 minutes 15.6 seconds west 931.17 feet to a point (16) with coordinates N147237.21, E376291.06; thence running south 39 degrees 26 minutes 18.7 seconds west 208.34 feet to a point (17) with coordinates N147076.31, E376158.71; thence running south 0 degrees 3 minutes 38.1 seconds east 1,528.26 feet to a point (18) with coordinates N145548.05, E376160.32; thence running south 26 degrees 29 minutes 48.1 seconds west 686.83 feet to a point (19) with coordinates N144933.37, E375853.90; thence running south 73 degrees 11 minutes 42.9 seconds west 1,429.51 feet to end at a point (20) with coordinates N144520.08, E374485.44.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$28,991,000, to remain available until expended, of which \$2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, and of which \$1,550,000 for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior. For fiscal year 2012, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

WATER AND RELATED RESOURCES
(INCLUDING TRANSFERS OF FUNDS)

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$885,670,000, to remain available until expended, of which \$10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION
(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$39,651,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2013, \$60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

GENERAL PROVISIONS—DEPARTMENT
OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the

other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 529(b)(3) of Public Law 106-541, as amended by section 115 of Public Law 109-103, is further amended by striking "\$20,000,000" and inserting "\$30,000,000" in lieu thereof.

SEC. 204. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended—

(1) in subsection (a), in the first sentence, by striking "2011" and inserting "2016"; and

(2) in subsection (b), by striking "\$25,000,000 for fiscal years 1997 through 2011" and inserting "\$3,000,000 for each of fiscal years 2012 through 2016".

SEC. 205. (a) PERMITTED USES.—Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in the matter preceding paragraph (1), by striking "In any case in which there are willing sellers" and inserting "For the benefit of at-risk natural desert terminal lakes

and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants";

(2) in paragraph (2), by striking "in the Walker River" and all that follows through "119 Stat. 2268"; and

(3) in paragraph (3), by striking "in the Walker River Basin".

(b) WALKER BASIN RESTORATION PROGRAM.—Section 208(b) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85; 123 Stat. 2858) is amended—

(1) in paragraph (1)(B)(iv), by striking "exercise water rights" and inserting "manage land, water appurtenant to the land, and related interests"; and

(2) in paragraph (2)(A), by striking "The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation" and inserting "Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided".

SEC. 206. The Federal policy for addressing California's water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the co-equal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. The Secretary of the Interior, the Secretary of Commerce, the Army Corps of Engineers and the Environmental Protection Agency Administrator shall jointly coordinate the efforts of the relevant agencies and work with the State of California and other stakeholders to complete and issue the Bay Delta Conservation Plan Final Environmental Impact Statement no later than February 15, 2013. Nothing herein modifies existing requirements of Federal law.

SEC. 207. The Secretary of the Interior may participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: *Provided*, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project: *Provided further*, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user's then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: *Provided further*, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary's existing authority to use groundwater banking to meet existing fish and wildlife obligations.

SEC. 208. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divi-

sions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.

SEC. 209. Section 10009(c)(2) of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1356) is amended by striking "October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation." and inserting "October 1, 2014, all funds in the Fund shall be available for expenditure on an annual basis in an amount not to exceed \$40,000,000 without further appropriation." in lieu thereof.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,795,641,000, to remain available until expended: *Provided*, That \$165,000,000 shall be available until September 30, 2013 for program direction: *Provided further*, That of the amount appropriated, the Secretary may use not more than \$170,000,000 for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.): *Provided further*, That within 12 months of the date of enactment, the Secretary shall initiate separate rulemakings to establish efficiency standards for televisions and set top television boxes.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and

other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$141,010,000, to remain available until expended: *Provided*, That \$27,010,000 shall be available until September 30, 2013 for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, \$583,834,000, to remain available until expended: *Provided*, That \$86,279,000 shall be available until September 30, 2013 for program direction: *Provided further*, That, notwithstanding any other provision of law, the Department shall develop a strategy within 3 months of the publication of the final report of the Blue Ribbon Commission on America's Nuclear Future to manage spent nuclear fuel and other nuclear waste at consolidated storage facilities and permanent repositories that can be implemented as expeditiously as possible.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT (INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$445,471,000, to remain available until expended: *Provided*, That \$151,729,000 shall be available until September 30, 2013 for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: *Provided further*, That of prior-year balances, \$187,000,000 are hereby rescinded: *Provided further*, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111-5 or designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$14,909,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and

operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$192,704,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241, 6247), the Secretary of Energy shall sell \$500,000,000 in petroleum products from the Reserve not later than March 1, 2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury: *Provided*, That paragraphs (a)(1) and (2) of section 160 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6240(a)(1) and (2)) are hereby repealed: *Provided further*, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

NORTHEAST HOME HEATING OIL RESERVE (INCLUDING RESCISSION)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$10,119,000, to remain available until expended: *Provided*, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6250a) are hereby rescinded.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$105,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$219,121,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$429,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 49 passenger motor vehicles for replacement only, including one ambulance and one bus, \$4,842,665,000, to remain available until expended: *Provided*, That \$180,786,000 shall be available until September 30, 2013 for program direction.

ADVANCED RESEARCH PROJECTS AGENCY— ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110-69), as amended, \$250,000,000, to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005, \$200,000,000 is appropriated to remain available until expended: *Provided*, That the amounts in this section are in addition to those provided in any other Act: *Provided further*, That, notwithstanding section 1703(a)(2) of the Energy Policy Act of 2005, funds appropriated for the cost of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: *Provided further*, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, \$38,000,000 is appropriated, to remain available until expended: *Provided further*, That \$38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than \$0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: *Provided further*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees for nuclear power or fossil energy facilities: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous provision shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitment to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii) deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have

been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$6,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$237,623,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$111,883,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$125,740,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$41,774,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; \$7,190,000,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION (INCLUDING RESCISSION)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in

carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,404,300,000, to remain available until expended: *Provided*, That of the unobligated balances available under this heading, \$21,000,000 are hereby rescinded.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,100,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$404,000,000, to remain available until September 30, 2013.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulances and one fire truck for replacement only, \$5,002,308,000, to remain available until expended: *Provided*, That \$321,628,000 shall be available until September 30, 2013 for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, \$819,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition, for official reception and representation expenses in an amount not to exceed \$7,000. During fiscal year 2012, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities

and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$8,428,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$8,428,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$100,162,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE,

SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$45,010,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$33,118,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$11,892,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of

August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$285,900,000, to remain available until expended, of which \$278,856,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$189,932,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$95,968,000, of which \$88,924,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, not more than \$3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$306,541,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$4,169,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$3,949,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$220,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out

the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$304,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$0: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Commission shall issue such regulations as are necessary to clarify that a State may establish rates for the wholesale sale of electric energy in interstate commerce pursuant to the Public Utility Regulatory Policies Act of 1978 such that those rates shall not unduly discriminate against the qualifying cogeneration facility or qualifying small power production facility selling the electric energy or exceed the costs to produce and deliver the electric energy, as determined for the specific technology at issue.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to:

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 304. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that

year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. A future-years energy program shall be included in the fiscal year 2014 budget submission to Congress and every fiscal year thereafter.

(b) ELEMENTS.—Each future-years energy program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Secretary of Energy during the 5-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the administration's policies and out year budget projections and reviewed by DOE's senior leadership to ensure that the future-years energy program is consistent and congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements for each DOE national laboratory during the 5-fiscal year period.

(c) CONSISTENCY IN BUDGETING.—

(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

SEC. 305. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

“(1) IN GENERAL.—No guarantee shall be made unless—

“(A) an appropriation for the cost of the guarantee has been made;

“(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

“(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.”

SEC. 306. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than \$10,000,000 are considered for purposes of section 4703 of Public Law 107-314 as a plant

project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107-314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 307. In section 839b(h)(10)(B) of title 16, United States Code, strike “\$1,000,000” and insert “\$5,000,000.”

(RESCISSION)

SEC. 308. None of the funds in this Act or any other Act shall be used to deposit funds in excess of \$25,000,000 from any Federal royalties, rents, and bonuses derived from Federal onshore and off-shore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

(RESCISSION)

SEC. 309. Of the amounts appropriated in this title, \$73,700,000 are hereby rescinded, to reflect savings from the contractor pay freeze instituted by the Department. The Department shall allocate the rescission among the appropriations made in this title.

SEC. 310. Recipients of grants awarded by the Department in excess of \$1,000,000 shall certify that they will, by the end of the fiscal year, upgrade the efficiency of their facilities by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

SEC. 311. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321-335), as amended, that the sale or transfer of uranium will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form for the purpose of accelerating cleanup at a Federal site, the Secretary shall notify the House and Senate Committees on Appropriations of the following:

- (1) the amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided;
- (2) an estimate by the Secretary of the gross market value of the uranium on the expected date of the transfer, sale, barter, distribution, or other provision of the uranium;
- (3) the expected date of transfer, sale, barter, distribution, or other provision of the uranium;
- (4) the recipient of the uranium; and
- (5) the value of the services the Secretary expects to receive in exchange for the uranium, including any reductions to the gross value of the uranium by the recipient.

(c) Not later than June 30, 2012, the Secretary shall submit to the House and Senate Committees on Appropriations a revised excess uranium inventory management plan for fiscal years 2013 through 2018.

(d) Not later than December 31, 2011 the Secretary shall submit to the House and Senate Committees on Appropriations a report evaluating the economic feasibility of re-enriching depleted uranium located at Federal sites.

SEC. 312. (a) The Secretary of Energy may allow a third party, on a fee-for-service

basis, to operate and maintain a metering station of the Strategic Petroleum Reserve that is underutilized (as defined in section 102-75.50 of title 41, Code of Federal Regulations (or successor regulations)) and related equipment.

(b) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$108,024,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$29,130,000, to remain available until September 30, 2013: *Provided*, That within 90 days of enactment of this Act the Defense Nuclear Facilities Safety Board shall enter into an agreement for fiscal year 2012 and hereafter with the Office of the Inspector General of either the Nuclear Regulatory Commission or the Department of Energy for inspector general services.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$9,925,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$9,077,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105-277), as amended by section 701 of appendix D, title VII, Public Law 106-113 (113 Stat. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,027,240,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$899,726,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*,

That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than \$127,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$10,860,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,774,000 in fiscal year 2012 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than \$1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$1,000,000.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$1,275,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$213,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 401. (a) DEFINITIONS.—In this section:

(1) CHAIRPERSON.—The term “Chairperson” means the Chairperson of the Commission.

(2) COMMISSION.—The term “Commission” means the Nuclear Regulatory Commission.

(3) SPENT FUEL POOL.—The term “spent fuel pool” means an underwater storage and cooling facility for spent (or depleted) fuel assemblies that have been removed from a reactor.

(b) As soon as practicable after the date of enactment of this Act, the Chairperson shall order licensees to, in accordance with the recommendations of the 90-day task force of the Commission, enhance spent fuel pools by:

(1) providing sufficient safety-related instrumentation that is able to withstand design-basis natural phenomena to monitor key spent fuel pool parameters (such as water level, temperature, and area radiation levels) from a control room;

(2) providing safety-related, alternating-current electrical power for the spent fuel pool makeup system;

(3) providing onsite emergency electrical power for spent fuel pools and instrumentation for cases in which there exists irradiated fuel in a spent fuel pool, regardless of

the operational mode of the relevant reactor; and

(4) installing a seismically qualified means to spray water into spent fuel pools, including an easily accessible connection to supply the water (such as using a portable pump or pumper truck) at grade outside a relevant structure.

SEC. 402. Consistent with the findings of its 90 Day Task Force, the Nuclear Regulatory Commission shall order licensees to reevaluate the seismic, tsunami, flooding and other hazards at their sites as expeditiously as possible, and thereafter, at least once every 10 years, and the Commission shall require licensees to demonstrate to the Commission that the design basis of structures, systems, and components for each operating reactor meet current NRC requirements and guidance with regard to these threats. The Commission shall require licensees to update the design basis of structures, systems, and components for each operating reactor, if necessary.

TITLE V GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

TITLE VI ADDITIONAL FUNDING FOR DISASTER RELIEF

DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$890,177,300, to remain available until expended for repair of damages to Federal projects: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide, \$88,003,700, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation

and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, \$66,387,000, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2012”.

DIVISION B—FINANCIAL SERVICES AND GENERAL GOVERNMENT

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for financial services and general government for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I DEPARTMENT OF THE TREASURY DEPARTMENTAL OFFICES SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, \$306,388,000, including for terrorism and financial intelligence activities; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities; and Treasury-wide management policies and programs activities: *Provided*, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2013, is for information technology modernization requirements; not to exceed \$200,000 is for official reception and representation expenses; \$200,000 is to support international representation commitments of the Secretary; and not to exceed \$258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, \$6,787,000, to remain available until September 30, 2013, is for the

Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department’s offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, \$500,000, to remain available until September 30, 2013, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, up to \$3,400,000, to remain available until September 30, 2014, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further*, That notwithstanding any other provision of law, up to \$1,000,000, may be contributed to the Global Forum on Transparency and Exchange of Information for Tax Purposes, a Part II Program of the Organization for Economic Cooperation and Development, to cover the cost assessed by that organization for Treasury’s participation therein: *Provided further*, That of the amount appropriated under this heading, up to \$2,500,000 may be used for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.) and for information technology in support of acquisition workforce effectiveness and management.

OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$29,641,000, of which not to exceed \$2,000,000 shall be available for official travel expenses, including hire of passenger motor vehicles; of which not to exceed \$100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$151,696,000, of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$41,800,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK
SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$110,788,000, of which not to exceed \$34,335,000 shall remain available until September 30, 2014: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND
(RESCISSION)

Of the unobligated balances available under this heading, \$750,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE
SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$217,805,000, of which not to exceed \$4,210,000 shall remain available until September 30, 2013, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE
BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$99,878,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, \$2,000,000 shall be for the costs of special law enforcement agents to target tobacco smuggling and other criminal diversion activities.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2012 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$20,000,000.

BUREAU OF THE PUBLIC DEBT
ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$173,635,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$10,000,000 shall remain available until September 30, 2014, for the Do Not Pay portal initiative: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2012 shall be reduced by not more than \$8,000,000 as definitive security issue

fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at \$165,635,000. In addition, \$165,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

COMMUNITY DEVELOPMENT FINANCIAL
INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, notwithstanding section 4707(e) of title 12, United States Code, \$200,000,000, to remain available until September 30, 2013; of which \$12,000,000 shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which, notwithstanding sections 4707(d) and 4707(e) of title 12, United States Code, up to \$22,000,000 shall be for a Healthy Food Financing Initiative to provide grants and loans to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities; of which up to \$36,000,000 shall be for initiatives designed to enable individuals with low or moderate income levels to establish bank accounts and to improve access to the provision of bank accounts as authorized by sections 1204 and 1205 of Public Law 111-203; of which \$19,000,000 shall be for the Bank Enterprise Award program; and of which up to \$22,965,000 may be used for administrative expenses, including administration of the New Markets Tax Credit.

INTERNAL REVENUE SERVICE
TAXPAYER SERVICES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,195,522,000, of which not less than \$6,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than \$12,000,000, to remain available until September 30, 2013, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, of which not less than \$207,738,000 shall be available for operating expenses of the Taxpayer Advocate Service, and of which up to \$6,000,000 may be transferred as necessary from this account to "Health Insurance Tax Credit Administration" upon advance notification of the Committees on Appropriations: *Provided*, That this transfer authority shall be in addition to any transfer authority provided in the Act: *Provided further*, That notwithstanding any other provision of law, the Secretary may publicize the low-income tax-

payer clinic program and refer taxpayers to specific qualified low-income taxpayer clinics receiving funding under this heading.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$5,228,613,000, of which not less than \$60,257,000 shall be for the Inter-agency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$3,893,216,000, of which up to \$250,000,000 shall remain available until September 30, 2013, for information technology support; of which up to \$65,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which not to exceed \$1,000,000 shall remain available until September 30, 2014, for research; of which not less than \$2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed \$25,000 shall be for official reception and representation expenses.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$330,210,000, to remain available until September 30, 2014, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that:

- (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11;
- (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint;
- (3) conforms with the Internal Revenue Service's enterprise life cycle methodology;
- (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget;
- (5) has been reviewed by the Government Accountability Office; and
- (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$15,481,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

SEC. 105. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 106. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 107. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Special Inspector General for the Troubled Asset Relief Program, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropria-

tions: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 110. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 111. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 112. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "12 years" and inserting "14 years".

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 115. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 116. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 117. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget for the Administration submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, the Working Capital Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such

Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

This title may be cited as the "Department of the Treasury Appropriations Act, 2012".

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$57,851,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$13,536,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is

collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$990,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,192,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, \$13,048,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$114,908,000, of which \$10,670,000 shall remain available until expended for continued modernization of the information technology infrastructure within in the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$90,833,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural

marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

GOVERNMENT-WIDE MANAGEMENT COUNCILS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2012 by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director, including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives: *Provided further*, That the total funds transferred or reimbursed shall not exceed \$17,000,000: *Provided further*, That the funds transferred to or for reimbursement of "General Services Administration, Government-wide Policy" during fiscal year 2012 shall remain available for obligation through September 30, 2013: *Provided further*, That such transfers or reimbursements may only be made following written approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF NATIONAL DRUG CONTROL POLICY SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$26,125,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$238,522,000, to remain available until September 30, 2013, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy ("the Director"), of which up to \$2,700,000 may be used for auditing services and associated activities (including up to \$500,000 to ensure the continued operation and maintenance of the Performance Management System): *Provided further*, That, notwithstanding the requirements of Public Law 106-58, any unexpended funds obligated prior to fiscal year 2010 may be used for any other approved activities of that High Intensity Drug Trafficking Area, subject to reprogramming requirements: *Provided further*, That each High Intensity Drug Trafficking Area designated as of September 30, 2011, shall be funded at not less than the fiscal year 2011 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2012 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$105,950,000, to remain available until expended, which shall be available as follows: \$92,600,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); \$1,400,000 for drug court training and technical assistance;

\$8,900,000 for anti-doping activities; \$1,900,000 for the United States membership dues to the World Anti-Doping Agency; and \$1,150,000 shall be made available as directed by section 1105 of Public Law 109-469.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$988,000, to remain available until September 30, 2013.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,328,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$307,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council and Homeland Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the heading "Office of National Drug Control Policy", a detailed narrative and financial plan on the proposed uses of all funds under the

account by program, project, and activity: *Provided*, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed \$1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

SEC. 205. From the unobligated balances of prior year appropriations made available for the Counterdrug Technology Assessment Center, \$11,328,000 are rescinded.

This title may be cited as the "Executive Office of the President Appropriations Act, 2012".

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$74,819,000, of which \$2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, \$8,159,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$31,913,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$20,968,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular ac-

tive service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, and the purchase of uniforms for Probation and Pretrial Services office staff, as authorized by law, \$4,970,646,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$4,775,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b), acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences (18 U.S.C. 4100(b)); the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, \$1,034,182,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$59,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal

court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$500,000,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$82,000,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$27,000,000; of which \$1,800,000 shall remain available through September 30, 2013, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(c), \$86,968,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$12,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$4,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$16,500,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY (INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline for application of reprogramming and transfer authorities for the current fiscal year.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561-569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking "20 years" and inserting "21 years"; and

(2) in the seventh sentence (related to the District of Hawaii), by striking "17 years" and inserting "18 years".

This title may be cited as the "Judiciary Appropriations Act, 2012".

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$30,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition

Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$14,900,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$230,319,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$12,830,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$111,687,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$66,712,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$39,090,000, to remain available until September 30, 2013, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of

Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$3,000,000 of the funds provided under this heading among the items and entities funded under this heading, but no such allocation shall be increased by more than 10 percent.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN
DISTRICT OF COLUMBIA COURTS
(INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21-2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$55,000,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That not more than \$10,000,000 of the funds provided in this account may be transferred to, and merged with, funds made available under the heading "Federal Payment to the District of Columbia Courts" for District of Columbia courthouse facilities.

FEDERAL PAYMENT TO THE COURT SERVICES
AND OFFENDER SUPERVISION AGENCY FOR THE
DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$212,983,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$1,000,000 shall remain available until September 30, 2014 for relocation of the Pretrial Services Agency drug testing laboratory; of which \$153,548,000 shall be for necessary expenses of Community Supervision and Sex Offender Registra-

tion, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$59,435,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than \$1,500,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE PUBLIC DEFENDER
SERVICE FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$37,241,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF
COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$15,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE
COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,800,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2013, to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$205,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$60,000,000, to be allocated as follows: for the District of Columbia Public Schools, \$20,000,000 to improve public school education in the District of Columbia, to remain available until expended; for the State Education Office, \$20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended;

and for the Secretary of the Department of Education, \$20,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with the Scholarships for Opportunity and Results Act (Public Law 112-10, division C, 125 Stat. 199), to remain available until expended.

FEDERAL PAYMENT FOR THE DISTRICT OF
COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$375,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1-204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2012 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$10,911,966,000 (of which \$6,208,646,000 shall be from local funds, including \$526,594,000 from dedicated taxes), \$1,015,449,000 shall be from Federal grant funds, \$1,499,115,000 from Medicaid payments, \$2,040,504,000 shall be from other funds, and \$25,677,000 shall be from private funds, and \$122,575,000 shall be from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intra-District authority shall be \$619,632,000; in addition, for capital construction projects, an increase of \$4,024,828,000, of which \$2,934,012,000 shall be from local funds, \$223,858,000 from the District of Columbia Highway Trust Fund, \$50,466,000 from the Local Transportation Fund, \$816,492,000 from Federal grant funds, and a rescission of \$2,835,689,000 of which \$1,796,345,000 shall be from local funds, \$749,426,000 from Federal grant funds, \$252,694,000 from the District of Columbia Highway Trust Fund, and \$37,224,000 from the Local Transportation Fund appropriated under this heading in prior fiscal years, for a net amount of \$1,189,139,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated, and expended as proposed under title III of the Fiscal Year 2012 Budget Request Act of 2011, at the rate set forth under "District of Columbia Funds Division of Expenses" as included in the of the Fiscal Year 2012 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and

funds made available to the District during fiscal year 2012, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the "District of Columbia Appropriations Act, 2012".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$2,900,000, to remain available until September 30, 2013, of which not to exceed \$1,000,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102-281, \$450,000, to remain available until expended.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$240,000,000, to remain available until September 30, 2013, including not to exceed \$3,000 for official reception and representation expenses, and not to exceed \$25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, and of which \$66,000,000 shall remain available for information technology investments until September 30, 2014.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$4,000 for official reception and representation expenses, \$114,500,000.

ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

"(5) The Chairman may provide to officers and employees of the Commission who are appointed or assigned by the Commission to serve abroad (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) travel benefits similar to those authorized for members of the Foreign Service of the United States under chapter 9 of such Act (22 U.S.C. 4081 et seq.)."

SEC. 502. (a) The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by inserting after section 17 the following:

"SEC. 17A. SERVICE OF PROCESS.

"(a) DESIGNATING AGENTS.—

"(1) IN GENERAL.—The Commission may require a manufacturer, or class of manufacturers, offering a consumer product for import to designate an agent in the United States on whom service of notices and pro-

ceedings may be made.

"(2) FILING.—The designation shall be in writing and filed with the Commission.

"(3) MODIFICATION.—The designation may be changed in the same way originally made.

"(b) SERVICE.—

"(1) PLACE OF SERVICE.—An agent may be served at the agent's office or usual place of residence.

"(2) SERVICE ON AGENT IS SERVICE ON MANUFACTURER.—Service on the agent is deemed to be service on the manufacturer.

"(3) NO DESIGNATED AGENT.—If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Commission."

(b) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 17 the following:

"17A. Service of process."

SEC. 503. (a) Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate, as a final consumer product safety standard under section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a))—

(1) a standard requiring button cell battery compartments of battery-operated or assisted consumer products to be secured, to the greatest extent practicable, in a manner that reduces access to button cell batteries by children that are 3 years of age or younger; and

(2) standards requiring warning labels—

(A) to be included in any literature that accompanies a battery-operated or assisted consumer product, such as a user manual;

(B) to be included on packaging for button cell batteries sold to consumers; and

(C) to be included, as practicable, directly on a battery-operated or assisted consumer product in a manner that is visible to the consumer upon installation or replacement of the button cell battery.

(b) Warning labels required under subsection (a) shall—

(1) clearly identify the hazard of ingestion; and

(2) instruct consumers, as practicable, to keep new and used batteries out of the reach of children and to seek immediate medical attention if a battery is ingested.

(c)(1) The standards required by subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

(2) The requirements of subsections (a) through (f) and (g)(1) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to the promulgation of the standards required by subsection (a) of this section.

(d) Each final consumer product safety standard required by subsection (a) shall apply to battery-operated or assisted consumer products manufactured on or after the date that is 1 year after the date on which the Commission promulgates the standard.

SEC. 504. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of the potential safety risks associated with new and emerging consumer products, including chemicals and other materials used in their manufacture, taking into account the ability and authority of the Consumer Product Safety Commission—

(1) to identify, assess, and address such risks in a timely manner; and

(2) to keep abreast of the effects of new and emerging consumer products on public health and safety.

SEC. 505. Not later than 150 days after the date of the enactment of this Act, the Com-

troller General of the United States shall conduct an analysis of—

(1) the extent to which manufacturers comply with voluntary industry standards for consumer products, particularly with respect to inexpensive, imported products;

(2) whether there are consequences for such manufacturers for failing to comply with such standards;

(3) whether the Consumer Product Safety Commission has the authority and the ability to require compliance with such standards; and

(4) whether there are patterns of non-compliance with such standards among certain types of products or certain types of manufacturers.

SEC. 505. Not later than 540 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(1) in consultation with representatives of consumer groups, window blind manufacturers, and independent engineers and experts, examine and assess the effectiveness of the ANSI/WCMA A100.1-2010 safety standard, as in effect on the day before the date of the enactment of this Act; and

(2) if the Commission determines that a more stringent standard for window coverings, or revised version of the standard described in paragraph (1), would eliminate the strangulation risk posed by corded window coverings, promulgate, in accordance with section 553 of title 5, United States Code, a window covering safety standard that is more stringent than the standard described in paragraph (1).

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107-252), \$14,750,000, of which \$3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$354,181,000: *Provided*, That \$354,181,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at \$0: *Provided further*, That any offsetting collections received in excess of \$354,181,000 in fiscal year 2012 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2011, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$85,000,000 for fiscal year 2012: *Provided further*, That of the amount appropriated under this heading, not less than

\$11,721,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking “December 31, 2011”, each place it appears and inserting “December 31, 2013”.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$45,261,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION
SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$66,367,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$24,723,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$311,563,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$149,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation:

Provided further, That, notwithstanding any other provision of law, not to exceed \$21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$141,563,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$8,144,967,000, of which: (1) \$65,000,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services): *Provided*, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds; (2) \$280,000,000, including \$20,000,000 for a Judicial Capital Security program, to remain available until expended for repairs and alterations, which includes associated design and construction services: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*,

That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2013 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects: (3) \$126,801,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$5,285,198,000 for rental of space which shall remain available until expended; and (5) \$2,387,968,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2012, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligatory authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES
GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology

management, and related technology activities; services as authorized by 5 U.S.C. 3109; and the Office of High Performance Green Buildings; \$61,750,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses; \$70,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$58,000,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

INFORMATION AND ENGAGEMENT FOR CITIZENS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 5 U.S.C. 3109, and for the necessary expenses in support of interagency projects that enable the Federal Government to conduct activities electronically, through the development and implementation of innovative uses of information technology, \$39,084,000 to be deposited to the Federal Citizen Services Fund and that these funds may be transferred to Federal agencies to carry out the purpose of the fund and this transfer authority shall be in addition to any other transfer authority provided in the Act: *Provided*, That the appropriations, revenues, reimburseables, and collections deposited into the Federal Citizen Services Fund shall only be available for necessary expenses of Federal Citizen Services and other information activities in the aggregate amount not to exceed \$90,000,000: *Provided further*, That revenues and collections accruing to the Fund during fiscal year 2012 in excess of such amount shall remain available in the Fund without regard to fiscal year and shall not be available for expenditure except as authorized in appropriations acts.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$3,671,000.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION (INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2012 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act

shall be used to transmit a fiscal year 2013 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 524. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. Section 1703 of title 41 U.S.C. is amended in paragraph (1)(6) by:

- (1) deleting "for training"; and
- (2) deleting "paragraph (2)" and inserting in lieu thereof "subparagraphs (A) and (C) to (J) of section 1122(a)(5) of this title".

SEC. 527. (a) The Administrator of General Services (Administrator), through a deed of release or other appropriate instrument, may release to the city of Tracy, California (the City) the reversionary interests retained by the United States, and all other terms, conditions, reservations, and restrictions imposed, in connection with the conveyance of the 200 acres conveyed pursuant to Public Law 105-277 section 140, as amended by Public Law 106-31 section 3034 and Public Law 108-199 section 411. The exact acreage and legal description of the parcel to be released under subsection (a) shall be determined by a survey that is satisfactory to the Administrator.

(b) As consideration for such release authorized under subsection (a), the City shall pay to the Administrator an amount not less than the property's appraised Fair Market Value as determined by the Administrator.

The determination of the Administrator is final. The Administrator shall determine the property's Fair Market Value through an appraisal conducted by a licensed, independent appraiser. The appraisal shall be based on the property's highest and best use.

(c) As soon as practicable, but not more than 180 days after enactment of this Act, the City shall enter into a binding agreement with the Administrator for the conveyance described in subsection (a) of this section. The net proceeds from sale shall be deposited into the Federal Buildings Fund established under section 592 of title 40 of the United States Code.

(d) The City shall be responsible for reimbursing the Administrator for the costs associated with implementing this section, including the costs of appraisal and survey. The Administrator may require such additional terms and conditions in connection with the release under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. 528. Of the amounts made available under the heading "Policy and Operations" for the maintenance, protection, and disposal of the U.S. Coast Guard Service Center at Governor's Island, New York and the Lorton Correctional Facility in Lorton, Virginia in prior years whether appropriated directly to the General Services Administration (GSA) or to any other agency of the Government and received by GSA for such purpose, \$4,600,000 are rescinded.

SEC. 529. Within 120 days of enactment, the General Services Administration shall submit a detailed report to the Committees on Appropriations of the House of Representatives and the Senate that describes each program, project, or activity that is funded by appropriations to General Services Administration but is not under the control or direction, in statute or in practice, of the Administrator of General Services.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93-642, \$700,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$40,258,000 together with not to exceed \$2,345,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), \$2,200,000, to remain available until expended, of which up to \$50,000 shall be used to

conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8 and 9 of Public Law 102-259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall and Stewart L. Udall Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,792,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for necessary expenses in connection with the operations and maintenance of the electronic records archives to include all direct project costs associated with research, program management, and corrective and adaptive software maintenance, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, \$378,845,000: *Provided*, That all remaining balances appropriated in prior fiscal years under the heading "Electronic Records Archives" shall be transferred to this account.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, \$4,100,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$9,659,000, to remain available until expended: *Provided*, That from amounts made available for the Military Personnel Records Center requirement study under this heading in Public Law 108-199, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan: *Provided further*, That from amounts made available under this heading in Public Law 111-8 for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$5,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

During fiscal year 2012, gross obligations of the Central Liquidity Facility for the prin-

cipal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2012 shall not exceed \$1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,247,000 shall be available until September 30, 2013 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$13,664,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management [OPM] pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$97,774,000, of which \$6,004,000 shall remain available until expended for the Enterprise Human Resources Integration project, of which \$642,000 may be for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management, \$1,416,000 shall remain available until expended for the Human Resources Line of Business project; and in addition \$112,516,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*,

That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2012, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$3,142,000, and in addition, not to exceed \$21,174,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS,

EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS,

EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 107-304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$18,972,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109-435),

\$14,304,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT
BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), \$1,000,000, to remain available until September 30, 2013.

RECOVERY ACCOUNTABILITY AND
TRANSPARENCY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Recovery Accountability and Transparency Board to carry out the provisions of title XV of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$28,400,000, to remain available until September 30, 2012.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,407,483,130, to remain available until expended; of which not less than \$6,795,000 shall be for the Office of Inspector General; of which not to exceed \$45,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; of which, \$483,130 shall be for strengthening the capacity and capabilities of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence; *Provided*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$1,407,483,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2012 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2012 appropriation from the general fund estimated at not more than \$0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$23,984,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108-447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$404,202,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That the Small Business Administration may accept gifts in an amount not to exceed \$4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108-447, during fiscal year 2012: *Provided further*, That \$112,774,000 shall be available to fund grants for performance in fiscal year 2012 or fiscal year 2013 as authorized by section 21 of the Small Business Act, of which \$1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110-186, and of which \$1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110-140: *Provided further*, That \$21,956,000 shall remain available until September 30, 2013 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That during fiscal year 2012, the applicable percentage under section 7(m)(4)(A) of the Small Business Act shall be 50 percent: *Provided further*, That \$7,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2013: *Provided further*, That \$2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$16,267,400.

OFFICE OF ADVOCACY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94-305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$3,678,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act and section 503 of the Small Business Investment Act of 1958, \$206,862,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2012 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$17,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2012 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed \$3,000,000,000: *Provided further*, That during fiscal year 2012, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$147,958,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOAN PROGRAM ACCOUNT

For an additional amount for the "Disaster Loans Program Account" for the administrative costs of direct loans authorized by section 7(b) of the Small Business Act and resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$167,300,000, to remain available until expended, of which \$1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which \$157,300,000 is for direct administrative expense of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; of which \$9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS
ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current

fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$78,153,000, which shall not be available for obligation until October 1, 2012: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2012.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$241,468,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$51,469,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the

United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates a new program;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose;
- (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;
- (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or
- (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum, the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for sala-

ries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

- (1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or
- (2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. In order to promote Government access to commercial information technology, the restriction on purchasing non-domestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 614. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 615. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107-204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2011, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2012 shall remain available until expended.

SEC. 616. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, \$998,000 are rescinded.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 618. Section 1107 of title 31, United States Code, is amended by adding to the end thereof the following: "The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch."

SEC. 619. Section 7 of the Abraham Lincoln Commemorative Coin Act (31 U.S.C. § 5112 note) is amended in subsection (b) by striking "Abraham Lincoln Bicentennial Commission to further the work of the Commission" and inserting "Abraham Lincoln Bicentennial Foundation for the purposes of commemorating the bicentennial of the birth of Abraham Lincoln, and fostering and promoting the awareness and study of the life of Abraham Lincoln" and in subsection (c) by striking "Abraham Lincoln Bicentennial Commission" and inserting "Abraham Lincoln Bicentennial Foundation".

SEC. 620. During fiscal year 2012, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term "payment of cash in advance" shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SEC. 621. The Help America Vote Act of 2002 (Public Law 107-252) is amended by:

(1) inserting in section 255(b)(42) U.S.C. 15405 "posted on the Commission's website with a notice" after "cause to have the plan";

(2) inserting in section 253(d)(42) U.S.C. 15403 "notice of" prior to "the State plan";

(3) inserting in section 254(a)(11)(42) U.S.C. 15404 "notice of" prior to "the change"; and

(4) inserting in section 254(a)(11)(C)(42) U.S.C. 15404 "notice of" prior to "the change".

SEC. 622. Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (15 U.S.C. 18a note) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "The filing fees" and inserting "Subject to subsection (c), the filing fees";

(B) in paragraph (1), by striking "\$45,000" and inserting "\$60,000";

(C) in paragraph (2)—

(i) by striking "\$125,000" and inserting "\$160,000"; and

(ii) by striking "and" at the end;

(D) in paragraph (3)—

(i) by striking "\$280,000" and inserting "\$360,000"; and

(ii) by striking the period at the end and inserting "but less than \$1,000,000,000 (as so adjusted and published); and"; and

(E) by adding at the end the following:

"(4) \$500,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than \$1,000,000,000 (as so adjusted and published)."; and

(2) by adding at the end the following:

"(c) For fiscal year 2013, and each fiscal year thereafter, the Federal Trade Commission shall publish in the Federal Register and increase the amount of each filing fee under subsection (b) in the same manner and on the same dates as provided under section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)) to reflect the percentage change in the gross national product for the fiscal year as compared to the gross national product for fiscal year 2011, except that the Federal Trade Commission—

"(1) shall round any increase in a filing fee under this subsection to the nearest \$5,000;

"(2) shall not increase filing fees under this subsection if the increase in the gross national product is less than 1 percent; and

"(3) shall not decrease filing fees under this subsection."

SEC. 623. None of the funds appropriated by this or any other Act shall be available for the purpose of conveying the headquarters building of the Federal Trade Commission (located at 600 Pennsylvania Avenue, Northwest, in the District of Columbia) to any entity unless the Administrator of the General Services Administration determines that such transaction is made in the best interest of the taxpayer. In making a final determination, the Administrator shall consider if the Federal Government would be compensated at least the Fair Market Value of such building as determined by the Administrator of the General Services. The Administrator shall determine the property's Fair Market Value through an appraisal conducted by a licensed, independent appraiser. The appraisal shall be based on the property's highest and best use. The Administrator shall also consider cost to the taxpayer for acquiring replacement space for the headquarters building of the Federal Trade Commission and for moving staff and operations to such replacement space. The determination of the Administrator shall be final.

SEC. 624. Notwithstanding any other provision of law, the President may not restrict direct transfers from a Cuban financial institution to a United States financial institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.).

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2012 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable dur-

ing the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,179 except station wagons for which the maximum shall be \$13,631: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed

60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2012, by this or any other Act, may be used to pay any prevailing rate employee described in

section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2012, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2012, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2012 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2012 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2011, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2011, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2011.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of

such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term “office” shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; or

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants, personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.”: *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-re-

lated activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) Effective 180 days after enactment of this Act, subsection (a) is amended by—

(1) striking “Executive Order No. 12958” and inserting “Executive Order No. 13526 (75 Fed. Reg. 707), or any successor thereto”; and

(2) after “the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);” inserting “sections 7(c) and 8H of the Inspector General Act of 1978 (5 U.S.C. App.) (relating to disclosures to an inspector general, the inspectors general of the Intelligence Community, and Congress); section 103H(g)(3) of the National Security Act of 1947 (50 U.S.C. 403-3h(g)(3) (relating to disclosures to the inspector general of the Intelligence Community); sections 17(d)(5) and 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to disclosures to the Inspector General of the Central Intelligence Agency and Congress);”.

(c) A nondisclosure agreement entered into before the effective date of the amendment in subsection (b) may continue to be implemented and enforced after that effective date if it complies with the requirements of subsection (a) that were in effect prior to the effective date of the amendment in subsection (b).

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term “agency”—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 723. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 724. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the inter-agency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 725. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term “regulatory” means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term “supervisory” means examinations of the agency’s supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 727. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

- (A) Personal Care’s HMO; and
- (B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 728. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 729. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 730. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 731. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 732. (a) For fiscal year 2012, no funds shall be available for transfers or reimbursements to the e-government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new e-government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 733. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the United States Fish and Wildlife Service, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the United States Fish and Wildlife Service, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the United States Fish and Wildlife Service pursuant to an operational agreement with the Federal Aviation Administration for the entirety of fiscal year 2012 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2013. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed \$6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House of Representatives and the Senate of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 737. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual’s consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 738. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms “Great Lakes” and “Great Lakes State” have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term “Great Lakes restoration activities” means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each

agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 739. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled “Competitive Area” published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. Section 743 of the Consolidated Appropriations Act, 2010 (Public Law 111-117; 31 U.S.C. 501 note) is amended—

(1) in subsection (a)(3), by inserting after “exercise of an option” the following: “, and task orders issued under any such contract,”;

(2) in subsection (a)(3)(G), by inserting before the period at the end the following: “, using direct labor hours and associated cost data collected from contractors”;

(3) in subsection (e)(2)(B), by striking the text and inserting the following: “the contracts exclude to the maximum extent practicable functions that are closely associated with inherently governmental functions,”; and

(4) by redesignating subsections (h) and (i) as subsections (i) and (j) and by inserting after subsection (g) the following new subsection:

“(h) SUBMISSION OF REPORT ON ACTIONS TAKEN BEFORE PUBLIC-PRIVATE COMPETITION

MAY OCCUR.—An executive agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation or directive until after that agency has submitted to the Office of Management and Budget a report, pursuant to subsection (f), that includes actions taken to convert from contractor to Federal employee performance functions that are not inherently governmental, closely associated with governmental functions, critical, or should not otherwise be reserved for performance by Federal employees. This subsection shall take effect beginning with the report required under subsection (f) that is included as an attachment to the annual inventory due by December 31, 2011.”.

SEC. 742. The Office of Management and Budget shall issue guidance, consistent with section 735 of division D of the Omnibus Appropriations Act, 2009, Public Law 111-8, and section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110-161), and section 327 of the 2008 National Defense Authorization Act (Public Law 110-181), to prohibit the use of direct conversions to contract out, in whole or in part, activities or functions last performed by any number of Federal employees by an executive agency without first conducting a public-private competition. Such guidance shall ensure that—

(1) activities or functions performed by an executive agency and are reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially providing the same service, shall not be contacted out without first conducting a public-private competition;

(2) activities or functions performed by Federal employees for an executive agency may not be modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the activities or functions from the prohibition against the use of direct conversions; and

(3) activities or functions performed by Federal employees for an executive agency who have retired or been reassigned to perform other activities may not be converted to contractor performance without first conducting a public-private competition.

SEC. 743. During fiscal year 2012, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 744. (a) DEFINITIONS.—In this section—

(1) the term “agency”—

(A) means an Executive agency as defined under section 105 of title 5, United States Code; and

(B) does not apply to the Department of Defense; and

(2) the term “Federal employee” means an employee as defined under section 2105 of title 5, United States Code.

(b) PROHIBITION OF CERTAIN PERSONNEL MANAGEMENT LIMITATIONS.—

(1) IN GENERAL.—Federal employees in each agency shall be managed each fiscal year solely on the basis of, and consistent with—

(A) the workload required to carry out the functions and activities of that agency; and

(B) the funds made available to that agency for that fiscal year.

(2) PROHIBITION ON LIMITATIONS.—Notwithstanding any other provision of law—

(A) the management of Federal employees in any fiscal year shall not be subject to any limitation in terms of work years, full-time equivalent positions, or maximum number of Federal employees; and

(B) an agency may not be required to make a reduction in the number of full-time equivalent positions, unless that reduction is—

(i) necessary due to a reduction in funds available to the agency; or

(ii) required under a statute that—

(I) is enacted after the date of enactment of this Act; and

(II) specifically refers to this section.

(c) EMPLOYEE NUMBERS, SKILLS, AND QUALIFICATIONS.—In each fiscal year, the head of each agency shall ensure that there are employed during that fiscal year Federal employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within the applicable budget activity for which funds are provided for that fiscal year.

(d) REPORTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the management of the Federal workforce.

(2) CONTENTS.—Each report submitted under this subsection shall include a statement by the Director of the Office of Management and Budget with respect to the preceding fiscal year—

(A) on the compliance of agencies (including the Office of Management and Budget) with subsections (b) and (c); and

(B) that identifies any agency that was not in compliance with subsections (b) and (c).

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2012 and each fiscal year thereafter.

SEC. 745. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered

against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or responsibility center;
- (3) establishes or changes allocations specifically denied, limited or increased under this Act;
- (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;
- (5) re-establishes any program or project previously deferred through reprogramming;
- (6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or
- (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2012.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

- (1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;
- (2) at the discretion of the Fire Chief, an officer or employee of the District of Colum-

bia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 811. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 812. Hereafter, as part of the submission of the annual budget justification, the Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report addressing—

- (1) crime, including the homicide rate, implementation of community policing, and the number of police officers on local beats;
- (2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;
- (3) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools, repeated grade rates, high school graduation rates, and post-secondary education attendance rates;
- (4) improvement in basic District services, including rat control and abatement; and
- (5) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received.

SEC. 813. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 814. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 815. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2012 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 816. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1-204.42).

SEC. 817. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 818. Notwithstanding any other laws, for this and succeeding fiscal years, the Director of the District of Columbia Public Defender Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the District of Columbia Public Defender Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services while acting within the scope of that person's office or employment, including, but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

SEC. 819. Section 346 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335) is amended—

- (1) in the title, by striking "BIENNIAL";
- (2) in subsection (a), by striking "Biennial management" and inserting "Management";

(3) in subsection (a), by striking “States.” and inserting “States every five years.”; and
(4) in subsection (b)(6), by striking “2” and inserting “5”.

SEC. 820. Except as expressly provided otherwise, any reference to “this Act” contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This Act may be cited as the “Financial Services and General Government Appropriations Act, 2012”.

DIVISION C—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$6,877,500,000, of which \$1,400,000,000 is for Worldwide Security Protection (to remain available until expended): *Provided*, That funds made available under this heading shall be allocated as follows:

(1) **HUMAN RESOURCES.**—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,387,854,000, to remain available until September 30, 2013, of which not less than \$134,700,000 shall be available only for public diplomacy American salaries, and \$205,900,000 is for Worldwide Security Protection and shall remain available until expended.

(2) **OVERSEAS PROGRAMS.**—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$2,124,646,000, to remain available until September 30, 2013, of which not less than \$360,602,000 shall be available only for public diplomacy international information programs.

(3) **DIPLOMATIC POLICY AND SUPPORT.**—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$865,000,000, to remain available until September 30, 2013.

(4) **SECURITY PROGRAMS.**—For necessary expenses for security activities, \$1,500,000,000, to remain available until September 30, 2013, of which \$1,194,100,000 is for Worldwide Security Protection and shall remain available until expended.

(5) **FEES AND PAYMENTS COLLECTED.**—In addition to amounts otherwise made available under this heading—

(A) not to exceed \$1,753,991 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance

with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed \$15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND SPENDING PLAN.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Emergencies in the Diplomatic and Consular Service”, to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$69,915,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$61,904,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$612,000,000, to remain available until expended: *Provided*, That not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$7,300,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$27,744,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, re-

pairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$795,000,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$775,000,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2012.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$9,300,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading “Repatriation Loans Program Account”, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,447,000, as authorized, of which \$710,000 may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to “Diplomatic and Consular Programs”: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$21,108,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, \$158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,585,000,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That notwithstanding

any other provision of law, credits to United States assessed contributions to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$1,900,000,000, of which 15 percent shall remain available until September 30, 2013: *Provided*, That at least 15 days in advance of voting for a new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations shall be notified of the estimated cost and duration of the mission, the national interest that will be served, the exit strategy, and that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (2) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That the Secretary of State shall work with the United Nations and governments contributing peacekeeping troops to develop effective vetting procedures to ensure that troops have not violated human rights: *Provided further*, That notwithstanding any other provision of law, credits to United States assessed contributions to United Nations peacekeeping missions and to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Bound-

ary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$45,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$29,862,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$11,687,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$36,300,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, \$740,039,000: *Provided*, That of the total amount in this heading, not less than \$2,500,000 shall be used to expand unrestricted access to information on the Internet through the development and use of circumvention and secure communication technologies: *Provided further*, That the BBG shall coordinate the use of such technologies with the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate: *Provided further*, That the circumvention technologies and programs supported by funds made available by this Act or Public Law 112-10 shall undergo a peer review, to include an assessment of protections against such technologies being used for illicit purposes such as furthering the communications capabilities of extremist groups or their supporters: *Provided further*, That prior to obligation, the BBG shall submit to the Committees on Appropriations a report detailing planned expenditures for funds made available for such activities: *Provided further*, That not later than September 30, 2012, the BBG shall submit a report to the Committees on Appropriations listing programs supported by the BBG to promote unrestricted access to information through the Internet, including an assessment of the results of such programs: *Provided further*, That of the total amount appropriated under this heading, not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of

Radio Free Europe/Radio Liberty: *Provided further*, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2012: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) or the entity's journalistic code of ethics: *Provided further*, That reductions and increases to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to \$2,000,000 in receipts from advertising and revenue from business ventures, up to \$500,000 in receipts from cooperating international organizations, and up to \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, including to Cuba, as authorized, \$9,361,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), \$17,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, \$31,589,000, to remain available until September 30, 2012, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2012, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2012, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof,

in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2012, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$16,700,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, \$117,764,000, to remain available until expended, of which \$100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and \$25,000,000 shall be for democracy, human rights, and rule of law programs: *Provided*, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$656,000, as authorized by section 1303 of Public Law 99-83.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$4,291,000, to remain available until September 30, 2013: *Provided*, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to \$250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$2,715,000, to remain available until September 30, 2013.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's

Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911-6919), \$1,996,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2013.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), \$3,493,000, including not more than \$4,000 for the purpose of official representation, to remain available until September 30, 2013: *Provided*, That the second through sixth provisos under this heading in division F of Public Law 111-117 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,251,000,000, to remain available until September 30, 2013: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That any decision to open a new USAID mission, bureau, center, or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That any reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, to the cost categories in the table included under this heading in the report accompanying this Act for funds appropriated under this heading, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances, for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps

shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$137,000,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$49,000,000, to remain available until September 30, 2013, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2012, unless otherwise specified herein, as follows:

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$2,657,500,000, to remain available until September 30, 2013, and which shall be apportioned directly to the United States Agency for International Development (USAID): *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph shall be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than 6 months after enactment of this Act, and must be accompanied

by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That the ninth and tenth provisos under this heading in the Consolidated Appropriations Act, 2010 (Public Law 111-117) shall apply to funds appropriated under this heading in this Act: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term “motivate”, as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,250,000,000, to remain available until September 30, 2015, which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than \$750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2012 may be made available to USAID for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to \$14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$2,550,000,000, to remain available until September 30, 2013: *Provided*, That relevant bureaus and offices of the United States Agency for International Development (USAID) that support cross-cutting development programs shall coordinate such programs on a regular basis: *Provided further*, That funds appropriated by this Act shall be made available for water and sanitation supply projects pursuant to the Paul Simon Water for the Poor Act of 2005 (Public Law 109-121): *Provided further*, That funds appropriated by this Act for food security and agricultural development programs may be made available notwithstanding any other provision of law

and shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110-246: *Provided further*, That funds appropriated under this heading shall be made available for programs to improve women's leadership capacity in recipient countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$850,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), with the concurrence of the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, \$30,000,000, to remain available until expended: *Provided*, That the administrative authorities of the Foreign Assistance Act of 1961 shall be applicable to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: *Provided further*, That funds appropriated under this heading shall be made available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$50,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading “Assistance for Europe, Eurasia and Central Asia”: *Provided*, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country or borrower shall not exceed \$300,000,000: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$1,000,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,300,000, which may be transferred to, and merged with, funds made available under the heading “Operating Expenses” in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2014.

ECONOMIC SUPPORT FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$4,378,560,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, up to \$250,000,000 shall be available for assistance for Egypt, which shall be for programs and activities (including to implement sections 7039(a)(3) and (b) of this Act) to reduce poverty and create jobs, strengthen democracy, and protect human rights, including not less than \$35,000,000 for education programs of which not less than \$10,000,000 is for scholarships at not-for-profit institutions for Egyptian students with high financial need: *Provided further*, That funds appropriated under this heading that are made available for assistance for Cyprus shall be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That \$12,000,000 of the funds made available

for assistance for Lebanon under this heading shall be for scholarships at not-for-profit institutions for students in Lebanon with high financial need: *Provided further*, That of the funds appropriated under this heading, not less than \$360,000,000 shall be available for assistance for Jordan, including for programs and activities to reduce poverty and create jobs, strengthen democracy, and protect human rights: *Provided further*, That up to \$30,000,000 of the funds appropriated for fiscal year 2011 under this heading in Public Law 112-10, division B, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Tunisia, which are authorized to be provided: *Provided further*, That amounts that are made available under the previous proviso for the cost of guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country: *Provided further*, That none of the funds appropriated under this heading may be made available for the Palestinian Authority if Palestine becomes a member or non-member state of the United Nations outside of an agreement negotiated between Israel and the Palestinians: *Provided further*, That the Secretary may waive the previous proviso if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, \$179,000,000 shall be apportioned directly to the United States Agency for International Development for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than \$8,000,000 shall be transferred to, and merged with, funds appropriated under the heading "Migration and Refugee Assistance" and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries: *Provided further*, That of the funds appropriated under this heading, \$15,000,000 may be made available for assistance for Cuba, including humanitarian and democracy assistance, support for economic reform, private sector initiatives, and human rights.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, \$114,770,000, to remain available until September 30, 2013, of which \$70,910,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and \$43,860,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, \$626,718,000, to remain available until September 30, 2013, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance

under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh: *Provided further*, That of the funds appropriated under this heading, not less than \$7,000,000 shall be made available for humanitarian, conflict mitigation, human rights, civil society, and relief and reconstruction assistance for the North Caucasus.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$1,700,000,000, to remain available until expended, of which \$20,000,000 shall be made available for refugees resettling in Israel, and not less than \$35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements of international and nongovernmental partners.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501-2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$375,000,000, of which \$5,000,000 is for the Office of Inspector General, to remain available until September 30, 2013: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed \$4,000 may be made available for entertainment expenses: *Provided further*, That not later than 45 days after enactment of this Act, the Director shall submit a spending plan to the Committees on Appropriations on the proposed uses of funds under this heading: *Provided further*, That none of the funds appropriated under this heading may be used to pay for abortions, except when the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, \$898,200,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 5 percent of the funds appropriated under this heading may be made available to carry

out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2012: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: *Provided further*, That funds appropriated by this Act or any prior Act appropriating funds for the Department of State, foreign operations, and related programs that are made available for a Millennium Challenge Compact and that are suspended or terminated by the Chief Executive Officer of the Corporation shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That none of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under this heading may be used for military assistance or military training, including for assistance for military or paramilitary purposes and for assistance to military forces: *Provided further*, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$22,500,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-533), \$30,000,000, to remain available until September 30, 2013: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY
INTERNATIONAL AFFAIRS TECHNICAL
ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$27,000,000, to remain available until September 30, 2013, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, \$15,000,000, to remain available until September 30, 2013.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW
ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$1,056,000,000, to remain available until September 30, 2013: *Provided*, That during fiscal year 2012, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings "Andean Counterdrug Initiative" and "Andean Counterdrug Program" shall be available for use in any country for which funds may be made available under this heading without regard to the geographic or purpose limitations under which such funds were originally appropriated, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, of the funds appropriated under this heading, \$5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of

Public Law 110-161): *Provided further*, That not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the operation and maintenance costs of aircraft utilized in Iraq in support of programs funded under this heading, a justification for not including such costs under the heading "Diplomatic and Consular Programs", and estimates for overhead costs associated with the Stabilization Operations and Security Sector Reform program: *Provided further*, That the concurrence of the Secretary of State shall be required for the provision of assistance which is comparable to assistance made available under this heading but which is provided under any other provision of law.

NONPROLIFERATION, ANTI-TERRORISM,
DEMING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$685,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That the clearance of unexploded ordnance should prioritize areas where such ordnance was caused by the United States: *Provided further*, That of the funds made available under this heading, not to exceed \$30,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds appropriated under this heading may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That funds made available for demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2013.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign As-

sistance Act of 1961, \$262,000,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That funds appropriated under this heading may be used to pay assessed expenses of international peacekeeping activities in Somalia and shall be available until September 30, 2013: *Provided further*, That funds appropriated under this Act should not be used to support any military training or operations that include child soldiers: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL MILITARY EDUCATION AND
TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$105,788,000: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available under this heading for assistance for Angola, Bahrain, Bangladesh, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Indonesia, Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further*, That of the funds appropriated under this heading, not to exceed \$55,000 may be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$5,346,000,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than \$3,075,000,000 shall be available for grants only for Israel, and up to \$1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That prior to the obligation of funds appropriated under this heading for assistance for Egypt, the Secretary of State shall certify to the Committees on Appropriations that the Governments of the United States and Egypt have agreed upon the specific uses of such funds, that such funds further the national interests of the United States in Egypt and the region, and that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association: *Provided further*,

That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$808,725,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2012 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: *Provided further*, That of the funds appropriated under this heading, \$300,000,000 shall be made available for assistance for Jordan: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456) unless the Secretary of State, in consultation with the Secretary of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available under this heading shall be non-repayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, and clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Bahrain, Philippines, Indonesia, Haiti, Guatemala, Honduras, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate nec-

essary to make timely payment for defense articles and services: *Provided further*, That not more than \$62,800,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation allowances: *Provided further*, That not more than \$836,900,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2012 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That, with respect to the previous proviso, up to \$100,000,000 of such funds may be transferred to the Special Defense Acquisition Fund pursuant to section 51 of the Arms Export Control Act.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$352,950,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, \$120,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increases in capital stock, \$117,364,344, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed \$2,928,990,899.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,355,000,000, to remain available until expended.

For payment to the International Development Association by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, \$167,000,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, \$350,000,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, \$100,000,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, \$200,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$25,000,000, to remain available until expended.

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, \$4,670,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$4,098,794,833.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, \$25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, \$106,586,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$2,558,048,769.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, \$100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$32,417,720, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without

fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, \$125,000,000, to remain available until expended.

For payment to the African Development Fund by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, \$7,500,000, to remain available until expended.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital of the United States share of such capital in an amount not to exceed \$1,252,331,952.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, \$30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$4,000,000, to remain available until September 30, 2013.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That the use of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank during the current fiscal year should not result in greenhouse gas emissions from the extraction or production of fossil fuels and the use of fossil fuels in electricity generation exceeding the total amount of such emissions resulting from the use of such authority during fiscal year 2010, unless not less than 15 days prior to the use of such authority the Export-Import Bank provides written notification to the Committees on Appropriations that the use of such authority would result in greenhouse gas emissions exceeding such amount and indicating the amount of the increase, and posts such notification on the Bank's Web site: *Provided further*, That not less than

10 percent of such aggregate should be used for renewable energy technology and end-use energy efficiency technologies: *Provided further*, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2012: *Provided further*, That notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 6350 and section 1(c) of Public Law 103-428), the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through September 30, 2012.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed \$58,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2027, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2012, 2013, 2014, and 2015: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$89,900,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2012: *Provided further*, That the Export-Import Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a

dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0: *Provided further*, That amounts collected in fiscal year 2012 in excess of obligations, up to \$50,000,000, shall become available on September 1, 2012 and shall remain available until September 30, 2015.

OVERSEAS PRIVATE INVESTMENT CORPORATION NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$54,990,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2012, 2013, and 2014: *Provided further*, That funds so obligated in fiscal year 2012 remain available for disbursement through 2020; funds obligated in fiscal year 2013 remain available for disbursement through 2021; and funds obligated in fiscal year 2014 remain available for disbursement through 2022: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, not more than \$4,000 may be available for representation and entertainment allowances.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title

5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all expired and unexpired funds received by such department or agency in fiscal year 2012 or any previous fiscal year: *Provided*, That for the purposes of this section, obligated balances shall not include obligations made through bilateral agreements unless further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) For the purposes of calculating the fiscal year 2012 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the Department of State's contribution for this purpose.

(d) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Afghanistan, Pakistan, and Iraq, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e) Section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) is amended by striking "providing new," and inserting in its place "providing, maintaining, repairing, and renovating".

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: *Provided*, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: *Provided further*, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Appropriations.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree, or a coup d'état or decree that is supported by the military: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title

I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2012, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Global Health Programs", "Development Assistance", and "Economic Support Fund" shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) **AUDIT OF INTER-AGENCY TRANSFERS.**—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2012, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings “Foreign Military Financing Program”, “International Military Education and Training”, “Peacekeeping Operations”, and “Pakistan Counter-Insurgency Fund”: *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings “Assistance for Europe, Eurasia and Central Asia” and “Development Credit Authority”, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) **PROHIBITION ON TAXATION.**—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) **REIMBURSEMENT OF FOREIGN TAXES.**—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2011 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2012 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) **DE MINIMIS EXCEPTION.**—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) **REPROGRAMMING OF FUNDS.**—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) **IMPLEMENTATION.**—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms “taxes” and “taxation” refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the

treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) closes or opens a mission or post;
- (6) creates, reorganizes, or renames bureaus, centers, or offices;
- (7) reorganizes programs or activities; or
- (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure

in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) None of the funds made available under titles II through VI and VIII in this Act under the headings "Global Health Programs", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Europe, Eurasia and Central Asia", "Economic Support Fund", "Democracy Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses", "Conflict Stabilization Operations", "Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Global Security Contingency Fund", "Foreign Military Financing Program", "International Military Education and Training", "Pakistan Counter-Insurgency Capability Fund", and "Peace Corps", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), shall be sub-

ject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI and VIII of this Act shall be obligated or expended for assistance for Serbia, Sudan, South Sudan, Zimbabwe, Afghanistan, Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, Somalia, Sri Lanka, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2013.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of such funds by any such country or organization would violate any provisions related to abortions and involuntary sterilizations in section 104(f)(1), (2), and (3) of such Act.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act.

(b) For the purposes of implementing this section and only with respect to the tables included in the report accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health Programs", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

(b) BILATERAL ASSISTANCE.—

(1) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(B) otherwise supports international terrorism.

(2) The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "Economic Support Fund" and "Foreign Military Financing Program", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as:

- (1) justified to the Congress; or
- (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That the agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on

world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit American producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Section 123 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u) is amended by adding the following new subsection at the end:

“(1)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

“(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I and chapter 4 of part II; or

“(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

“(2) The President shall submit to Congress, in accordance with section 634A, advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

“(3) This subsection shall not apply—

“(A) with respect to section 620A of this Act or any comparable provision of law prohibiting assistance to governments that support international terrorism; or

“(B) with respect to section 116 of this Act or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

“(4) Nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilization contained in this or any other Act.”

(b) PUBLIC LAW 480.—During fiscal year 2012, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83-480, as amended): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7028. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) None of the funds appropriated under title V of this Act may be made as payment to any international finan-

cial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) Of the funds appropriated under title V of this Act that are available for payments to international financial institutions, 10 percent should not be obligated for any such institution until the Secretary of the Treasury reports to the Committees on Appropriations that the institution is implementing effective practices to protect whistleblowers (including the institution's employees and others affected by the institution's operations) from retaliation for internal and lawful public disclosures, including—

(1) best practices for legal burdens of proof;

(2) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(3) results that eliminate the effects of proven retaliation; and

(4) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with such institution's financing programs.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on healthcare or education; and to promote government spending on healthcare, education, agriculture and food security, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(e) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(f) For the purposes of this Act “international financial institutions” shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the

Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank and the African Development Fund.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7031. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: *Provided*, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

SPECIAL PROVISIONS

SEC. 7032. (a) AFGHANISTAN, PAKISTAN, IRAQ, LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated under titles III and VI of this Act that are made available for assistance for Pakistan, Iraq, and Lebanon and for victims of war, displaced children, displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law except section 620M of the Foreign Assistance Act, as amended by this Act.

(b) WAIVER.—

(1) The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Committees on Appropriations that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations specific recommendations on appropriate actions to be taken with respect to the Palestine Liberation Organization's status in the United States, especially about the closing of its office, if Palestine seeks to become a member or non-member state of the United Nations outside an agreement negotiated between Israel and the Palestinians.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development (USAID) may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(e) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2011” and inserting “2011, and 2012”; and

(B) in subsection (e), by striking “June 1, 2011” each place it appears and inserting “October 1, 2012”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2011” and inserting “2012”.

(f) WORLD FOOD PROGRAM.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, USAID, from this or any other Act, shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(g) DISARMAMENT, DEMOBILIZATION AND RE-INTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund”, “Peacekeeping Operations”, “International Disaster Assistance”, and “Transition Initiatives” should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further*, That for the purposes of this subsection the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(h) CONTINGENCIES.—During fiscal year 2012, the President may use up to \$75,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(i) CONSOLIDATION OF REPORTS.—The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: *Provided*, That reports are considered “substantially duplicative” if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: *Provided further*, That reports affected by this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.

(j) PROMOTION OF DEMOCRACY.—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term “promotion of democracy” means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(4) Of the funds appropriated under the heading “Economic Support Fund”, up to \$25,000,000 shall be made available to the Bureau of Democracy, Human Rights and Labor for programs to promote human rights by expanding open and uncensored access to information and communication through the Internet, mobile phones, and other connection technologies including digital safety training, policy and advocacy, and the development of circumvention and secure communication technologies, as identified in the Department of State's Internet freedom strategy: *Provided*, That funds made available by this section should be matched by sources other than the United States Government, as appropriate: *Provided further*, That the Secretary of State shall coordinate the uses of circumvention and secure communications technologies with the Administrator of the United States Agency for International Development (USAID) and the Broadcasting Board of Governors, as appropriate: *Provided further*, That the circumvention technologies and programs supported by funds made available by this Act, Public Law 111-117 or Public Law 112-10 shall undergo a peer review, to include an assessment of the protection against such technologies being used for illicit purposes, including to further the communications capabilities of extremist groups or their supporters: *Provided further*, That prior to the obligation of funds, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures of funds made available for activities to promote Internet freedom: *Provided further*, That not later than September 30, 2012, the Secretary of State, in coordination with the USAID Administrator, shall submit a report to the Committees on Appropriations listing programs supported by the Department of State and USAID to promote Internet freedom, including an assessment of the results of such programs, and detailing how such programs further, and are coordinated with cyber diplomacy and the United States International Strategy for Cyberspace.

(k) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2012.

(l) PARTNER VETTING.—The provisions of section 7034(o) of division F of Public Law 111-117 shall remain in effect through fiscal year 2012.

(m) **MOTOR VEHICLE POLLUTION CONTROL.**—Not later than 90 days after enactment of this Act, the head of each United States Government agency that receives funds appropriated by this Act shall establish a policy to eliminate unnecessary idling of motor vehicles owned or leased by such department or agency, and provide a copy of such policy to the Committees on Appropriations including an estimate of the amount of annual fuel savings that will result from such policy: *Provided*, That such policy may include exceptions to accommodate important security, health, or safety concerns, and if necessary to perform an important job function, ensure safe operating conditions, or to operate a motor vehicle in accordance with manufacturer specifications.

(n) **PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.**—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457): *Provided*, That in determining whether to suspend the issuance of A-3 or G-5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired) or whether the Department of State has requested that immunity of individual diplomats or family members be waived to permit criminal prosecution: *Provided further*, That the Secretary should continue to assist in obtaining payment of final court judgments awarded to A-3 and G-5 visa holders, including encouraging the sending states to provide compensation directly to victims: *Provided further*, That the Secretary shall include, in a manner the Secretary deems appropriate, all trafficking cases involving A-3 or G-5 visa holders in the Trafficking in Persons annual report for which a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(o) **MODIFICATION OF AMENDMENT.**—Section 620J of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended as follows:

(1) by redesignating the section as section 620M;

(2) in subsection (a), by striking “evidence” and inserting “information” and by striking “gross violations” and inserting “a gross violation”;

(3) in subsection (b), by striking “measures” and inserting “steps”; and

(4) by adding the following subsections:

“(d) **CREDIBLE INFORMATION.**—Not later than 180 days after the enactment of this section, the Secretary shall establish, and periodically update, procedures to—

“(1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;

“(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;

“(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;

“(4) ensure that such information is evaluated and preserved;

“(5) ensure that when vetting an individual for eligibility to receive United States training the individual’s unit is also vetted;

“(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and

“(7) make publicly available, to the maximum extent practicable, the identity of those units for which the Secretary has credible information.

“(e) **REPORT.**—The Secretary shall provide a copy of the procedures to the Committees on Appropriations.”

(p) **SECTIONS REPEALED.**—Sections 494, 495, and 495B through 495K of the Foreign Assistance Act of 1961 are hereby repealed.

(q) **ANNUITY WAIVER.**—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)—

(A) in paragraph (1)(B), by inserting “to positions in the Response Readiness Corps,” before “or to posts vacated”; and

(B) in paragraph (2), by striking “2011” and inserting in lieu thereof “2013”.

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)—

(A) in paragraph (1), by inserting “to positions in the Response Readiness Corps,” before “or to posts vacated”; and

(B) in paragraph (2), by striking “2011” and inserting in lieu thereof “2013”.

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)—

(A) in subparagraph (A), by inserting “to positions in the Response Readiness Corps,” before “or to posts vacated”; and

(B) in subparagraph (B), by striking “2011” and inserting in lieu thereof “2013”.

(r) **INCENTIVES FOR CRITICAL POSTS.**—The authority contained in section 1115(d) of Public Law 111-32 shall remain in effect through fiscal year 2012.

(s) **REPORTS REPEALED.**—Section 4(b) of Public Law 79-264; section 51(a)(2) of Public Law 84-885; sections 133(d), 620C(c) and 620F(c) of Public Law 87-195; section 807 of Public Law 98-164; section 704(c) of Public Law 101-179; section 104 of Public Law 102-511; section 560(g) of Public Law 103-87; sections 514(a) and 527(f) of Public Law 103-236; section 605(c) of Appendix G, Public Law 106-113; sections 3203 and 3204(f) of division B of Public Law 106-246; section 564(g)(4) of Public Law 106-429; section 304(f) of Public Law 107-173; sections 694(a), 694(b), 702, 704 and 1321 of Public Law 107-228; and section 409(c) of Public Law 108-447 are hereby repealed.

(t) **FEE.**—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by striking “2011” and inserting instead “2012”.

(u) **CONFLICT STABILIZATION OPERATIONS AUTHORITY.**—Of the funds appropriated in title I of this Act under the heading “Diplomatic and Consular Programs”, up to \$35,000,000, to remain available until expended, may be made available pursuant to the authorities under the heading “Civilian Stabilization Initiative” in title I of division F of Public Law 111-117: *Provided*, That the third and fourth proviso under such heading shall not apply to funds made available under this subsection.

(v) **TRANSFER OF AUTHORITY.**—

(1) The State Department Basic Authorities Act of 1956 is amended in section 1(c)(1) (22 U.S.C. 2651a(c)(1)) by striking “24” and inserting instead “26”.

(2) The Secretary of State may transfer any authority, duty, or function assigned by statute to the Coordinator for Counterterrorism, the Coordinator for Reconstruction and Stabilization, or the Coordinator for International Energy Affairs (or to their respective offices) to such other officials or offices of the Department of State as the Secretary may determine from time to time, following consultation with the Committees on Appropriations.

(w) **COUNTRY EXPENDITURES.**—Except to respond to humanitarian crises or natural or man-made disasters, or to promote democracy or protect human rights, funds appropriated under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, “Millennium Challenge Corporation”, and “International Narcotics Control and Law Enforcement” shall not be made available for programs and activities in any country whose government is not increasing its own budgetary expenditures for such programs and activities.

(x) **PERSONNEL.**—The authority provided by section 1113 of Public Law 111-32 shall remain in effect through fiscal year 2012: *Provided*, That none of the funds appropriated or otherwise made available by this Act or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority.

(y) **INTERNATIONAL CHILD ABDUCTIONS.**—The Secretary of State may withhold funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the central government of any country that the Secretary determines is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of making any such determination.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7033. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7034. (a) **LIMITATION ON ASSISTANCE.**—None of the funds appropriated under titles

III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7038 of this Act (“Limitation on Assistance for the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7035. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations

other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7036. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7037. (a) OVERSIGHT.—For fiscal year 2012, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity’s governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to \$500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2012 under the heading “Economic Support Fund”, and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7038. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated

for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or a government over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109-446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

NEAR EAST

SEC. 7039. (a) EGYPT.—

(1) Notwithstanding any other provision of this Act, funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Egypt may be transferred to, and merged with, funds appropriated for assistance for Egypt under the heading “Economic Support Fund”: *Provided*, That such transfer may only be made following consultation with, and subject to the regular notification procedures of, the Committees on Appropriations.

(2)(A) None of the funds appropriated by this Act may be made available for assistance for the central Government of Egypt unless the Secretary of State certifies to the Committees on Appropriations that such government is meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(B) The Secretary of State may waive paragraph (2)(A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interests of the United States: *Provided*, That any such determination and report shall include a detailed justification for such waiver.

(3)(A) Funds appropriated under the heading “Economic Support Fund” in this and prior Acts (including previously obligated funds), may be made available, notwithstanding any other provision of law, for an Egypt initiative, particularly for the specific costs referred to in the authorities referenced herein, for the purpose of improving the lives of the Egyptian people through education, investment in jobs and skills (including secondary and vocational education), and access to finance for small and medium enterprise with emphasis on expanding opportunities for women, as well as other appro-

priate market-reform and economic growth activities: *Provided*, That the provisions of title VI of Public Law 103-306 pertaining to funds for Jordan shall be deemed to apply to any such initiative and to funds available under this section to carry out such an initiative in the same manner as such cited provisions apply to Jordan, subject to the following provisos: *Provided further*, That subparagraph (b)(2) shall be deemed not to apply and the amount made available pursuant to this section as set forth in the report accompanying this Act and incorporated herein shall be deemed to apply in lieu of the figure in subparagraph (b)(1): *Provided further*, That the authority to reduce debt shall include authority to exchange an outstanding obligation for a new obligation and to permit both principal and interest payments on new obligations to be deposited into a fund established for such purpose, to be used in accordance with purposes set forth in an agreement between the United States and Egypt: *Provided further*, That the authority of this paragraph shall only be made available after the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association.

(b) ENTERPRISE FUNDS.—Up to \$60,000,000 of funds appropriated under the heading “Economic Support Fund” in this Act and prior acts making appropriations for the Department of State, foreign operations, and related programs (and including previously obligated funds), that are available for assistance for Egypt, up to \$20,000,000 of such funds that are available for assistance for Tunisia, up to \$60,000,000 of such funds that are available for assistance for Pakistan, and up to \$60,000,000 of such funds that are available for assistance for Jordan, respectively, may be made available notwithstanding any other provision of law, to establish and operate one or more enterprise funds for Egypt, Tunisia, Pakistan, and Jordan, respectively: *Provided*, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the provisions of subsections (b)(c)(d)(3) and (f) of that section), shall be deemed to apply to any such fund or funds, and to funds made available to such fund or funds, in order to enable such fund or funds to provide assistance for purposes of this section: *Provided further*, That section 7077 of division F of Public Law 111-117 shall apply to any such fund or funds established pursuant to this subsection: *Provided further*, That not more than 5 percent of the funds made available pursuant to this subsection should be available for administrative expenses of such fund or funds and not later than 1 year after the date of enactment of this Act, and annually thereafter until each fund is dissolved, each fund shall submit to the Committees on Appropriations a report detailing the administrative expenses of such fund: *Provided further*, That each fund shall be governed by a Board of Directors comprised of six private United States citizens and three private citizens of each country, respectively, who have had international business careers and demonstrated expertise in international and emerging markets investment activities: *Provided further*, That not later than 1 year after the entry into force of the initial grant agreement under this section and annually thereafter, each fund shall prepare and make available to the public on an Internet Web site administered by the fund a detailed report on the fund’s activities during the pre-

vious year: *Provided further*, That the authority of any such fund or funds to provide assistance shall cease to be effective on December 31, 2022: *Provided further*, That funds made available pursuant to this section shall be subject to prior consultation with the Committees on Appropriations.

(c) IRAN.—

(1) It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran’s uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104-172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran’s energy sector and all exports of refined petroleum products to Iran.

(2) None of the funds appropriated or otherwise made available in this Act under the heading “Export-Import Bank of the United States” may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172).

(3) The reporting requirements in section 7043(c) in division F of Public Law 111-117 shall continue in effect during fiscal year 2012 as if part of this Act: *Provided*, That the date in subsection (c)(1) shall be deemed to be “September 31, 2012”.

(d) IRAQ.—

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq shall be made available in a manner that utilizes Iraqi entities to the maximum extent practicable, and in accordance with the Department of State’s April 9, 2009 “Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects”.

(2) None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(3) Funds appropriated or otherwise made available by this Act for security-related programs in Iraq may only be made available if the Secretary of State certifies to the Committees on Appropriations that the Government of Iraq has committed to contributing to, and sustaining, such programs, including details on the manner in which such contributions and sustainment will be achieved.

(4) Of the funds appropriated by this Act for assistance for Iraq under the heading “Economic Support Fund”, not less than \$10,000,000 shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the United States Chief of Mission in Iraq.

(e) LEBANON.—

(1) None of the funds appropriated by this Act may be made available for assistance for the Government of Lebanon if such government is controlled by a foreign terrorist organization.

(2) Funds appropriated under the heading “Foreign Military Financing Program” in this Act for assistance for Lebanon may be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese

Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be made available for obligation until the Secretary of State provides the Committees on Appropriations a detailed spending plan: *Provided further*, That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(f) LIBYA.—

(1) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$20,000,000 should be made available to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students: *Provided*, That such funds shall be made available, to the maximum extent practicable, on a cost matching basis.

(2) None of the funds appropriated by this Act may be made available for assistance for Libya for the rehabilitation or reconstruction of infrastructure except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.

(g) MOROCCO.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program" for assistance for Morocco, \$1,000,000 shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations on steps being taken by the Government of Morocco to—

(1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and

(2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.

(h) SYRIA.—Notwithstanding any other provision of law, funds appropriated by this Act shall be made available to promote democracy and protect human rights in Syria: *Provided*, That a portion of such funds should be programmed in coordination with the Government of Turkey and other governments in the region, as appropriate.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7040. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative" and "Andean Counterdrug Programs" may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: *Provided*, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after a determination by the Secretary of State to the Committees on Appropriations that the equipment is no longer required to

meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting the Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

WESTERN HEMISPHERE

SEC. 7041. (a) CENTRAL AMERICA AND THE CARIBBEAN.—Funds appropriated by this Act shall be made available for the Central America Regional Security Initiative (CARSI) and for the Caribbean Basin Security Initiative (CBSI) to strengthen the capacity and professionalism of civilian law enforcement and judicial institutions.

(b) COLOMBIA.—

(1) ASSISTANCE.—

(A) Funds appropriated by this Act and made available to the Department of State for counter-narcotics or other law enforcement assistance for the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States: *Provided further*, That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad (DAS) or successor organizations.

(B) None of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" that are available for assistance for Colombia for the procurement of chemicals for aerial drug eradication may be made available unless the Secretary of State certifies to the Committees on Appropriations that any complaints of harm to health or licit crops caused by such aerial eradication are thor-

oughly investigated and evaluated, and fair compensation is paid in a timely manner for meritorious claims: *Provided further*, That the Secretary shall submit a report to the Committees on Appropriations not later than 6 months after enactment of this Act and 6 months thereafter detailing the complaints made during the previous 6 months, the investigations conducted, and the amount of compensation, if any: *Provided further*, That such funds may not be made available for such purposes unless voluntary eradication programs are not feasible and programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further*, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further*, That funds appropriated by this Act may not be used for aerial drug eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations that there are no effective alternatives and the eradication is in accordance with Colombian laws.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8), as amended by section 7046 (b)(2)(A) of division F of Public Law 111-117, shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia.

(B) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111-8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

(i) Subsection (b)(1)(B) is amended as follows:

(I) By striking clause (i) and inserting the following:

"(i) The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated human rights, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups; all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are no longer opposing civilian judicial jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities."

(II) By striking clause (iv) and inserting the following:

"(iv) The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, and other social activists, and the rights and territory of indigenous and Afro-Colombian communities; and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants, in their operations."

(ii) Subsection (b)(2) shall be applied by substituting “July 31, 2012” for the date contained therein;

(iii) Subsection (c) shall be applied by substituting “September 30, 2012” for the date contained therein; and

(iv) Subsection (d)(1) shall be applied by substituting “fiscal year 2012” for the fiscal year contained therein.

(C) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing any United States funding, assistance or other support for the DAS, its officials, employees, affiliates and contractors during the period 2002 through 2010, including but not limited to training, equipment, information sharing, technical assistance, and facilities construction: *Provided*, That to the maximum extent possible the report shall be provided in unclassified form, but may also include a classified annex.

(c) GUATEMALA.—

(1) Of the funds appropriated in this Act under the heading “International Narcotics Control and Law Enforcement” not less than \$5,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated under the heading “International Military Education and Training” (IMET) that are available for assistance for the Guatemalan Army may only be made available for expanded IMET.

(3) None of the funds appropriated under the heading “Foreign Military Financing Program” may be made available for assistance for the Guatemalan Army, except that such funds may be made available for the Army Corps of Engineers only to improve disaster response capabilities and to participate in international peacekeeping operations.

(d) HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Funds appropriated under the heading “Economic Support Fund” in this Act and prior Acts that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Haitian civil society organizations and directly improves the security, economic and social well-being, and political status, of Haitian women and girls.

(e) HONDURAS.—Funds appropriated by this Act that are available for assistance for police forces in Honduras may not be made available until the Secretary of State certifies to the Committees on Appropriations that the Government of Honduras is investigating, prosecuting, and punishing police officers who have violated human rights and the Honduran police are cooperating with civilian judicial authorities in such cases.

(f) MEXICO.—Funds appropriated by this Act that are available to support anti-crime and counter-narcotics efforts in Mexico shall be made available to strengthen the capacity of civilian law enforcement and judicial institutions.

(g) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than \$10,000,000 under the heading “Development Assistance” and not less than \$10,000,000 under the heading “Economic Support Fund” shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Peru and the Dominican Republic.

SERBIA

SEC. 7042. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2012, if the Secretary of State has submitted the report required in subsection (c).

(b) After May 31, 2012, the Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the condition in subsection (c).

(c) The report referred to in subsection (a) is a report by the Secretary of State to the Committees on Appropriations that the Government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia, including apprehending and transferring indictees and providing investigators access to witnesses, documents, and other information.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7043. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address sexual and gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7044. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7045. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING

SEC. 7046. (a) MISSIONS.—None of the funds appropriated or otherwise made available by title I of this Act may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation.

(b) ASSESSMENT.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding the following at the end:

“(vii) For assessments made during calendar year 2011 and 2012, 27.2 percent.”.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7047. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is important to the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7048. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7049. The terms and conditions of section 7055 of division F of Public Law 111-117 shall apply to this Act: *Provided*, That the date “September 30, 2009” in subsection (f)(2)(B) shall be deemed to be “September 30, 2011”.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7050. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7051. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7052. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

SEC. 7053. (a) **AUTHORITY.**—Up to \$93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2013.

(c) **CONDITIONS.**—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated.

(d) **PRIORITY SECTORS.**—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical areas currently encumbered by contractor or other nondirect hire personnel.

(e) **PROGRAM ACCOUNT CHARGED.**—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(f) **FOREIGN SERVICE LIMITED EXTENSIONS.**—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and

related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(g) **DISASTER SURGE CAPACITY.**—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural or man-made disasters.

(h) **TECHNICAL ADVISORS.**—Up to \$13,500,000 of the funds made available in title III of this Act for assistance under the heading “Global Health Programs”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by USAID for the purpose of carrying out activities under that heading: *Provided*, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(i) **PERSONAL SERVICES CONTRACTORS.**—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That not more than 15 of such contractors shall be for activities related to USAID's Afghanistan or Pakistan programs: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(j) **SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.**—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111-117 may be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7054. (a) Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for global health activities including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading “Global Health Programs” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III

of this Act, not less than \$700,000,000 shall be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID) shall submit to the Committees on Appropriations a report on any cost savings that could be achieved by transitioning the function, role, and duties of the Office of the United States Global AIDS Coordinator into USAID.

(c) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID) shall submit to the Committees on Appropriations a report on the status of the Quadrennial Diplomacy and Development Review (QDDR) decision to transition the leadership of the Global Health Initiative (GHI) to USAID, to include the following:

(1) The metrics developed to measure progress towards meeting each benchmark enumerated in Appendix 2 of the QDDR and the method utilized to develop such metrics;

(2) The status of, and estimated completion date for, meeting each benchmark; and

(3) An assessment of meeting the QDDR target date of September 2012 for transition of GHI to USAID, and if such assessment determines that the target date will not be met a detailed explanation of why it will not be met and a revised target date for the transition to be completed.

(d) Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to respond to pandemic outbreaks, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

DEVELOPMENT GRANTS PROGRAM

SEC. 7055. Of the funds appropriated in title III of this Act, not less than \$45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161), primarily for unsolicited proposals, to support grants of not more than \$2,000,000 to small nongovernmental organizations: *Provided*, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7063.

PROGRAMS TO PROMOTE GENDER EQUALITY

SEC. 7056. (a) Programs funded under title III of this Act shall include, where appropriate, efforts to improve the status of women, including through gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds appropriated under title III of this Act shall be made available to support programs to expand economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing women's access to financial services and capital, enhancing the role of women in economic decisionmaking at the local, national and international levels, and improving women's ability to participate in the global economy.

(c) Funds appropriated under title III of this Act shall be made available to increase political opportunities for women, including strengthening protections for women's personal status, increasing women's participation in elections, and enhancing women's positions in government and role in government decisionmaking.

(d) Funds appropriated under in title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

(e) The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall develop a National Action Plan in accordance with United Nations Security Council Resolution 1325 (adopted on October 31, 2000) to ensure the United States effectively promotes and supports the rights and roles of women in conflict-affected and post-conflict regions through clear, measurable commitments to—

(1) promote the active and meaningful participation of women in affected areas in all aspects of conflict prevention, management, and resolution;

(2) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support women's equal access to aid distribution mechanisms and services; and

(5) monitor, analyze and evaluate implementation efforts and their impact.

(f) The Department of State and the United States Agency for International Development shall fully integrate gender into all diplomatic and development efforts through the inclusion of gender in strategic planning and budget allocations, and the development of indicators and evaluation mechanisms to measure the impact of United States policies and programs on women and girls in foreign countries.

GENDER-BASED VIOLENCE

SEC. 7057. (a) Funds appropriated under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "International Narcotics Control and Law Enforcement" in this Act shall be made available for sexual and gender-based violence prevention and response efforts, and funds appropriated under the headings "International Disaster Assistance", "Complex Crises Fund" and "Migration and Refugee Assistance" should be made available for such efforts.

(b) Programs and activities funded under titles III and IV of this Act to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to sexual and gender-based violence and trafficking in persons.

(c) Not later than 180 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committees on Appropriations a multi-year strategy to prevent and respond to violence against women and girls in countries where it is common: *Provided*, That the strategy should reflect the input of local women's organizations in such countries and include achievable and sustainable goals, benchmarks for measuring progress, and expected results: *Provided further*, That the strategy should include regular engagement with men and boys as community leaders and advocates in ending violence against women and girls.

RECONCILIATION PROGRAMS

SEC. 7058. Of the funds appropriated by title III of this Act under the headings "Economic Support Fund" and "Development Assistance", \$26,000,000 shall be made available to support people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which \$10,000,000 shall be made available for such programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds.

REQUESTS FOR DOCUMENTS

SEC. 7059. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON USE OF TORTURE

SEC. 7060. (a) None of the funds made available in this Act may be used to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

(b) Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report identifying those countries receiving United States assistance from funds appropriated by this Act whose police, military, or other security forces have been credibly alleged to use torture, as determined by the Assistant Secretary of State for Democracy, Human Rights and Labor based on the Department of State's most recent Human Rights Report and other relevant information.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate torture by foreign police, military or other security forces in countries identified in the report required in subsection (b).

AFRICA

SEC. 7061. (a) CONFLICT MINERALS.—

(1) None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Rwanda or Uganda if the Secretary of State has credible evidence that the Government of Rwanda or the Government of Uganda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo (DRC) that are involved in the illegal exportation of minerals out of the DRC or have violated human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the illegal exportation of minerals out of the DRC by such groups, to protect relief efforts, or to support the training and deployment of members of the Rwandan or Ugandan militaries in international peacekeeping operations.

(b) COUNTER-TERRORISM PROGRAMS.—

(1) Of the funds appropriated by this Act, not less than \$52,800,000 should be made available for the Trans-Sahara Counter-terrorism Partnership program, and not less

than \$21,300,000 should be made available for the Partnership for Regional East Africa Counter-terrorism program.

(2) In addition to such sums that may otherwise be made available, of the funds appropriated by this Act under the heading "Economic Support Fund", \$10,000,000 shall be made available for programs to counter extremism in East Africa.

(3) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations detailing—

(A) the United States Government's multi-year strategy for combating terrorism in Africa;

(B) the amount of funding provided, by account, to implement such a strategy, and a brief description of counter-terrorism programs implemented on a country-by-country basis;

(C) the mechanisms for coordinating such assistance between the Department of State, the United States Agency for International Development, and the Department of Defense, between the United States Government and other international donors, and between the United States Government and respective host governments; and

(D) the benchmarks for measuring the strengths and weaknesses in implementing such strategy.

(c) CRISIS RESPONSE.—Notwithstanding any other provision of law, up to \$15,000,000 of the funds appropriated by this Act under the heading "Global Health Programs" for HIV/AIDS activities may be transferred to, and merged with, funds appropriated under the headings "Complex Crises Fund", "International Disaster Assistance", "Economic Support Fund", and "Migration and Refugee Assistance" to respond to unanticipated crises in Africa, except that funds shall not be transferred unless the Secretary of State certifies to the Committees on Appropriations that no individual currently on antiretroviral therapy supported by such funds shall be negatively impacted by the transfer of such funds: *Provided*, That the authority of this subsection shall be subject to prior consultation with the Committees on Appropriations.

(d) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading "International Military Education and Training" (IMET) in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Guinea and Zimbabwe may be made available only for expanded IMET.

(2) None of the funds appropriated under the heading "International Military Education and Training" in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(e) ETHIOPIA.—

(1) Funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available for assistance for Ethiopia shall not be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is implementing policies to respect due process and freedoms of expression and association, and is permitting access to human rights and humanitarian organizations to the Somalia region of Ethiopia; and

(B) submits a report to such Committees on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military including

steps that will be taken to ensure that such assistance is not provided to military units or personnel that have violated human rights, and steps taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military who have been credibly alleged to have violated such rights.

(2) The restriction in paragraph (1) shall not apply to assistance to Ethiopian military efforts in support of international peacekeeping operations and for assistance to the Ethiopian Defense Command and Staff College.

(f) **THE GAMBIA.**—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for the Gambia, except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Gambia is taking effective steps to release and account for political prisoners.

(g) **KENYA.**—Funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for Kenya should not be made available unless a thorough, credible investigation has been conducted of alleged crimes by Kenyan soldiers at Mount Elgon in March 2008, and the responsible individuals are being brought to justice.

(h) **SUDAN LIMITATION ON ASSISTANCE.**—

(1) Subject to paragraph (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan unless the Secretary of State certifies to the Committees on Appropriations that such government—

(i) has lifted the state of emergency in Darfur;

(ii) is cooperating with and participating in good faith in an internationally recognized peace process for Darfur;

(iii) is permitting access and freedom of movement for the United Nations/African Union Hybrid Mission in Darfur and the delivery of humanitarian assistance in Darfur, and is respecting international humanitarian law;

(iv) is not engaging in provocative military operations within Sudan or cross-border destabilization; and

(v) has reached a mutually acceptable agreement with the Republic of South Sudan regarding the status of Abyei and other outstanding issues related to implementation of the Comprehensive Peace Agreement (CPA), including matters related to oil revenues and the transit of oil.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) The limitations of paragraph (1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Kordofan, Blue Nile, White Nile, Sennar, other marginalized areas in Sudan, and the Abyei area; and

(C) assistance to support implementation of the CPA, mutually agreed upon arrangements related to post-referendum issues associated with the CPA, or to promote peace and stability between Sudan and the Republic of South Sudan, or any other international-

ally recognized viable peace agreement in Sudan.

(i) **SOUTH SUDAN.**—

(1) Funds appropriated by this Act should be made available for assistance for South Sudan including to increase agricultural productivity, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the Federal Legislative Assembly to conduct oversight over government revenues and expenditures.

(2) Not less than 15 days prior to the obligation of funds appropriated by this Act that are available for assistance for the Government of South Sudan, the Secretary of State shall submit a report to the Committees on Appropriations detailing the extent to which the Government of South Sudan is—

(A) supporting freedom of expression, the establishment of democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and

(B) investigating and punishing members of security forces who have violated human rights.

(3) The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of South Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the timely, public disclosure of such audits: *Provided*, That the Secretary should assist the Government of South Sudan in conducting such audits, and by providing technical assistance to enhance the capacity of the National Auditor Chamber to carry out its responsibilities, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of South Sudan, which are additional to those taken in the previous fiscal year, to improve natural resource management and ensure transparency and accountability of funds.

(j) **UGANDA.**—Of the funds appropriated by this Act under the headings “Development Assistance” and “International Narcotics Control and Law Enforcement”, not less than \$1,000,000 shall be made available to improve physical access, telecommunications infrastructure, and early-warning mechanisms in areas affected by the Lord’s Resistance Army (LRA), and not less than \$1,000,000 shall be made available to support the disarmament, demobilization and reintegration of former LRA combatants, especially child soldiers.

(k) **WAR CRIMES IN AFRICA.**—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by the ICTR and the SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with the ICTR and the SCSL, including the apprehension, surrender, and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*, That the United States

shall use its voice and vote in the United Nations Security Council to fully support efforts by the ICTR and the SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in paragraph (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in apprehending and surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(l) **ZIMBABWE.**—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health, education, and macroeconomic growth assistance, unless the Secretary of State makes the determination required in paragraph (1).

ASIA

SEC. 7062. (a) **TIBET.**—

(1) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than \$7,500,000 of the funds appropriated by this Act under the heading “Economic Support Fund” should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) **BURMA.**—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Burma.

(2) Funds appropriated by this Act may be made available for assistance for Burma notwithstanding any other provision of law, except no such funds shall be made available to the State Peace and Development Council, or its successor, and its affiliated organizations: *Provided*, That such funds shall be made available to support programs in

Burma, along Burma's borders, and for Burmese groups and organizations located outside Burma: *Provided further*, That not less than \$5,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees appropriated under the heading "Migration and Refugee Assistance" in this Act: *Provided further*, That any new program or activity initiated with funds made available by this Act shall be subject to prior consultation with the Committees on Appropriations, and all such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking effective steps to address allegations of corruption and mismanagement within the tribunal.

(d) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available for assistance for Indonesia, \$2,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on Indonesia required under such heading in the report accompanying this Act.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for Indonesia, not less than \$400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(e) PEOPLE'S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading "Diplomatic and Consular Programs" in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) Notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, of the funds appropriated under the heading "Economic Support Fund", not less than \$20,000,000 shall be made available to United States institutions of higher education and nongovernmental organizations for programs and activities in the People's Republic of China relating to democracy, governance, rule of law, and the environment.

(f) PHILIPPINES.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available

for assistance for the Philippines, \$3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines required under such heading in the report accompanying this Act.

(g) TIMOR-LESTE.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$1,000,000 shall be made available for higher education scholarships in Timor-Leste.

(h) VIETNAM.—Of the funds appropriated under the heading "Economic Support Fund", not less than \$15,000,000 shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes, and not less than \$5,000,000 under the heading "Development Assistance" shall be made available for related health/disability activities.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7063. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" may be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act, unless the Secretary of State determines that to do so is in the national security interests of the United States.

(b) Funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" for the Russian Federation, Armenia, Azerbaijan, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or nonproliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

CENTRAL ASIA

SEC. 7064. The terms and conditions of sections 7075(a) through (d) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated by this Act, except that the Secretary of State may waive the application of section 7076(a) for a period of not more than 6 months and every 6 months thereafter until September 30, 2013, if the Secretary certifies to the Committees on Appropriations that the waiver is in the national security interest and necessary to obtain access to and from Afghanistan for the United States, and the waiver includes

an assessment of progress, if any, by the Government of Uzbekistan in meeting the requirements in section 7076(a): *Provided*, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act and 12 months thereafter, on all United States Government assistance provided to the Government of Uzbekistan and expenditures made in support of the Northern Distribution Network in Uzbekistan, including any credible information that such assistance or expenditures are being diverted for corrupt purposes: *Provided further*, That information provided in the report required by the previous proviso may be provided in a classified annex and such annex shall indicate the basis for such classification: *Provided further*, That for the purposes of the application of section 7075(c) to this Act, the report shall be submitted not later than October 1, 2012 and for the purposes of the application of section 7076(e) to this Act, the term "assistance" shall not include expanded international military education and training.

SOUTH ASIA

SEC. 7065. (a) AFGHANISTAN.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations that—

(A) The funds will be used to support programs and activities that can be sustained by Afghan national, provincial or local governments.

(B) The Government of Afghanistan is—

(i) reducing corruption and improving governance, including by investigating, prosecuting, sanctioning and/or removing corrupt officials from office and implementing financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as conducting oversight of public resources; and

(ii) taking credible steps to protect the human rights of Afghan women.

(C) Funds will be used to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments.

(D) Representatives of Afghan national, provincial or local governments, and local communities and civil society organizations, including women-led organizations, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(2) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(A) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant Afghan implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the Government of Afghanistan have agreed, in writing, to achievable and

sustainable goals, benchmarks for measuring progress, and expected results for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided*, That the assessment procedures of the Department of State and USAID shall be standardized and provide reasonable assurance of detecting significant vulnerabilities that could result in the waste or misuse of United States funds: *Provided further*, That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further*, That any such assistance shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(B) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan.

(3) ASSISTANCE AND OPERATIONS.—

(A) Funds appropriated under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” in this Act that are available for assistance for Afghanistan—

(i) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7056 and 7057 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women’s Affairs, and women-led organizations.

(ii) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: *Provided*, That funds may be made available to support reconciliation and reintegration activities only if:

(I) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the human rights of Afghan women; and

(II) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or acts of terrorism;

(iii) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund; and

(iv) may be made available, notwithstanding any provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan or be-

tween either country and the Central Asian republics.

(B) The authority contained in section 1102(c) of Public Law 111-32 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

(C)(i) Of the funds appropriated by this Act that are made available for assistance for Afghanistan, not less than \$75,000,000 shall be made available for rule of law programs: *Provided*, That decisions on the uses of such funds shall be the responsibility of the Coordinator for Rule of Law, in consultation with the Interagency Planning and Implementation Team, at the United States Embassy in Kabul, Afghanistan: *Provided further*, That \$250,000 of such funds shall be transferred to, and merged with, funds appropriated under the heading “Office of Inspector General” in title I of this Act for oversight of such programs and activities.

(ii) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(D) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(E) Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(F) None of the funds appropriated by this Act under the heading “Economic Support Fund” may be made available for transportation infrastructure in Afghanistan unless the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan has established a standardized rail gauge consistent with that utilized by Central Asian states, including Uzbekistan: *Provided*, That the Secretary of State may waive the requirement of this paragraph if the Secretary of State reports to the Committees on Appropriations that to do so is important to the national security interests of the United States.

(G) Not later than 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations whether an International Monetary Fund (IMF) country program for Afghanistan has been established: *Provided*, That if such program has not been established by that date, the report required by this paragraph shall include specific actions requested by the IMF, and taken by the Government of Afghanistan, to address the Kabul Bank crisis and restore confidence in Afghanistan’s banking sector.

(4) OVERSIGHT.—

(A) The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(B) The USAID Administrator should provide for independent, transparent evaluations of assistance programs and activities in Afghanistan which exceed \$25,000,000.

(b) NEPAL.—

(1) Funds appropriated by this Act under the headings “Foreign Military Financing

Program” and “Peacekeeping Operations” may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions by civilian judicial authorities of violations of human rights; and

(B) working constructively to redefine the Nepal Army’s mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance for humanitarian relief and reconstruction activities in Nepal.

(c) PAKISTAN.—

(1) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—Funds appropriated by this Act for assistance for Pakistan may be made available for direct government-to-government assistance only if the Secretary of State certifies to the Committees on Appropriations that the Government of the United States and the Government of Pakistan have agreed, in writing, to achievable and sustainable goals, benchmarks for measuring progress, and expected results for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided*, That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further*, That funds made available pursuant to this subparagraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) INFRASTRUCTURE PROJECTS.—Funds appropriated under the heading “Economic Support Fund” in this Act that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(3) MILITARY ASSISTANCE.—Funds appropriated by this Act under the headings “Foreign Military Financing Program” and “Pakistan Counter-insurgency Capability Fund” that are available for assistance for Pakistan may be made available only to support counter-terrorism and counter-insurgency operations in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(4) CERTIFICATION AND REPORT.—

(A) CERTIFICATION.—

(i) Prior to the obligation of funds in titles III and IV and under the heading “Pakistan Counter-Insurgency Capability Fund” in this Act for assistance for the Government of Pakistan, the Secretary of State shall certify to the Committees on Appropriations that the Government of Pakistan is—

(I) cooperating with the United States in efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Al Qaeda and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from operating in Pakistan and carrying out cross border attacks into neighboring countries;

(II) not impeding the issuance of visas for United States visitors engaged in counterterrorism efforts and assistance programs, in Pakistan; and

(III) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(ii) The Secretary of State may waive the requirements of paragraph (i) if to do so is in the national security interests of the United States.

(B) REPORT.—The spend plan required by section 7083 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding furthering the development of Pakistan, countering extremism, and establishing conditions conducive to the rule of law and accountable governance: *Provided*, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2013, the Secretary of State shall submit a report on the status of achieving the goals and benchmarks in the spend plan: *Provided further*, That the Secretary of State should suspend assistance for the Government of Pakistan if any such report indicates that Pakistan is failing to make measurable progress in meeting any such goal or benchmark.

(5) PRECURSOR CHEMICALS.—Funds appropriated under the heading “Economic Support Fund” that are available for assistance for Pakistan should be made available to stop the flow of precursor materials used to manufacture Improvised Explosive Devices, including calcium ammonium nitrate, from Pakistan to Afghanistan, including programs to train border and customs officials in Pakistan and Afghanistan as well as agricultural extension programs that encourage alternative fertilizers among Pakistani farmers.

(6) HUMAN RIGHTS AND DEMOCRACY.—Of the funds appropriated under the heading “Economic Support Fund” in this Act for assistance for Pakistan \$5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights and democracy programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations and the development of democratic political parties.

(7) CHIEF OF MISSION.—Of the funds appropriated under the heading “Economic Support Fund” in this Act for assistance for Pakistan, up to \$10,000,000 may be made available to the Chief of Mission to address unanticipated humanitarian needs: *Provided*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(d) SRI LANKA.—

(1) None of the funds appropriated by this Act under the headings “Foreign Military Financing Program” and “Peacekeeping Operations” may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is—

(A) conducting credible, thorough investigations of alleged war crimes and violations of international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam;

(B) bringing to justice individuals who have been credibly alleged to have committed such violations;

(C) supporting and cooperating with any United Nations investigation of alleged war crimes and violations of international humanitarian law;

(D) respecting due process, the rights of journalists, and the rights of citizens to peaceful expression and association, including ending arrest and detention under emergency regulations;

(E) providing access to detainees by humanitarian organizations; and

(F) implementing policies to promote reconciliation and justice including devolution of power as provided for in the Constitution of Sri Lanka.

(2) Paragraph (2) shall not apply to assistance for humanitarian demining and aerial and maritime surveillance.

(3) If the Secretary makes the certification required in paragraph (2), funds appropriated under the heading “Foreign Military Financing Program” that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(4) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in paragraph (2)(D), (E), and (F) of this subsection.

ENTERPRISE FUNDS

SEC. 7066. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION (INCLUDING TRANSFER OF FUNDS)

SEC. 7067. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect.

EXTRADITION

SEC. 7068. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings “International Narcotics Control and Law Enforcement”, “Migration and Refugee Assistance”, “Emergency Migration and Refugee Assistance”, and “Nonproliferation, Anti-terrorism, Demining and Related Assistance”) for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

SEC. 7069. (a) IN GENERAL.—Of the funds appropriated by this Act, up to \$1,250,000,000 may be made available for programs and activities to—

(1) reduce, mitigate, and sequester greenhouse gases that contribute to global climate change;

(2) support climate change adaptation; and

(3) protect biodiversity, including wildlife, tropical forests, and other critical landscapes.

(b) USES OF CLEAN ENERGY FUNDING.—Funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” for clean energy programs and activities, may be made available only to support and promote the sustainable use of renewable energy technologies and end-use energy efficiency technologies, carbon sequestration, and carbon accounting.

(c) TROPICAL FOREST PROGRAMS.—Funds appropriated under title III of this Act for tropical forest programs shall be used to protect biodiversity, including not less than \$2,000,000 to implement and enforce section 8204 of Public Law 110-246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That of the funds that are available for the Central African Regional Program for the Environment (CARPE) and other tropical forest programs in the Congo Basin, not less than \$9,000,000 shall be apportioned directly to the United States Fish and Wildlife Service to implement such programs: *Provided further*, That not less than \$10,000,000 shall be made available for biodiversity conservation programs in the Brazilian Amazon, not less than \$15,000,000 shall be made available for such programs in the Andean Amazon, and not less than \$1,000,000 shall be apportioned directly to the Department of the Interior for programs in the Guatemala Mayan Biosphere Reserve.

(d) AUTHORITY.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part

II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this section and subject to the regular notification procedures of the Committees on Appropriations, to support climate change and environment programs.

(e) CONSULTATION.—Funds made available pursuant to this section are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(f) EXTRACTION OF NATURAL RESOURCES.—

(1) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, section 8204 of Public Law 110-246, and the Kimberley Process Certification Scheme, and by providing technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2)(A) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury's Web site that it is the policy of the United States to vote against any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of a natural resource if the government of the country has in place laws or regulations to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111-203, and unless such government has in place functioning systems in the sector in which assistance is being considered for:

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits;

(iii) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this paragraph.

(C) Not later than 180 days after enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of natural resources in the preceding 12 months, whether each institution considered, in providing such assistance, the extent to which the country has functioning systems, laws or regulations in place to prevent or limit disclosure of company payments as described in subparagraph (A).

(3) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each international financial institution and the United States representatives to all forest-related multilateral financing mechanisms and processes, that it is the policy of the United States to vote against the expansion of industrial scale logging into primary tropical forests.

(g) CLEAN TECHNOLOGY FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2011, up to \$350,000,000 is authorized to be appropriated for a United States contribution to the Clean Technology Fund (the Fund).

(2) LIMITS ON COUNTRY ACCESS.—The Secretary of the Treasury shall use the voice and vote of the United States to ensure that—

(A) the Fund does not provide more than 15 percent of Fund resources to any one country;

(B) prior to the obligation of funds from the Fund to a recipient country, recipient countries shall submit to the governing body of the Fund, and the governing body of the Fund appropriately reviews and considers, an investment plan that will achieve significant net reductions in national-level greenhouse gas emissions;

(C) the investment plan for a recipient country, whose borrowing status is classified by the World Bank as "International Development Association blend", shall have at least 15 percent of its total cost for public sector activities contributed from the public funds of the recipient country, and any recipient country whose borrowing status is classified by the World Bank as "International Bank for Reconstruction and Development Only" status, shall have at least 25 percent of its total cost for public sector activities contributed from public funds of the recipient country; and

(D) assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

(3) DEFINITIONS.—For purposes of this subsection the definitions contained in section 7081(g)(4) of division F of Public Law 111-117 shall apply to this Act, except that "Public Sector Activities" shall mean "Public Funds".

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7070. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7071. The second sentence of section 23(a) of the Arms Export Control Act, as amended, (Public Law 96-29) is further amended by striking "and Egypt" and inserting ", Egypt, and NATO and major non-NATO allies".

INTERNATIONAL PRISON CONDITIONS

SEC. 7072. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's Web site, describing the conditions in prisons and other detention facilities in at least 30 countries receiving United States assistance, of which 15 countries shall be selected based on the Secretary's determination that such conditions raise the most serious human rights or humanitarian concerns, and 15 countries shall be selected at random.

(b) For purposes of each determination made pursuant to subsection (a), the Sec-

retary shall consider the criteria listed in section 7085(b)(1 through 10) of division F of Public Law 111-117.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities.

TRANSPARENCY, ACCOUNTABILITY AND ANTI-KLEPTOCRACY

SEC. 7073. (a) UNITED NATIONS.—

(1) The Secretary of State, following consultation with the Committees on Appropriations, may withhold from obligation funds appropriated under the heading "International Organizations and Programs" for a United States contribution to a United Nations organization or agency if the Secretary determines that such organization or agency is not taking adequate steps to increase transparency and accountability.

(2) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing steps taken by the Global Fund to Fight AIDS, Tuberculosis, and Malaria (the Global Fund) to:

(A) maintain and adopt, as necessary, policies and practices to ensure transparency of expenditures, including the authority of the Global Fund Office of Inspector General (OIG) to publish OIG reports on a public Web site without restriction;

(B) ensure that the OIG has the necessary staff, budget, independence, and authority to perform functions consistent with its mandate, Charter and Terms of Reference, such as programmatic audits and evaluations, financial audits, and investigations of alleged misuse, misappropriation and fraud involving any Global Fund grant resources; and

(C) ensure that the Inspector General reports directly to the Global Fund Board without interference.

(3) Of the funds appropriated under the heading "Contributions for International Peacekeeping Activities" in this Act, 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the United Nations Secretariat and the governments of countries providing troops for peacekeeping missions have procedures and agreements to ensure that allegations of sexual abuse or other serious crimes by peacekeeping troops will be credibly and thoroughly investigated and the perpetrators brought to justice, and that information about such cases will be made publicly available and regularly updated in the country where the alleged crime occurred and on the United Nations' Web site.

(4) Of the funds appropriated under title I of this Act that are available for payments to the regular budgets of the United Nations and the Organization of American States, and of the funds appropriated under the heading "International Organizations and Programs" in this Act that are available for contributions to United Nations agencies, 10 percent should not be obligated for any such organization until the Secretary of State reports to the Committees on Appropriations that the organization is implementing effective practices to protect whistleblowers (including the organization's employees and others affected by the organization's operations) from retaliation for internal and lawful public disclosures, including—

(A) best practices for legal burdens of proof;

(B) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(C) results that eliminate the effects of proven retaliation;

(D) a minimum of a 6-month statute of limitations for reporting retaliation; and

(E) the option of making external disclosures in certain instances, in accordance with standards adopted by the United Nations Secretariat on December 19, 2005.

(5) Of the funds appropriated under the heading "International Organizations and Programs" in this Act that are available for a contribution to the United Nations Development Program (UNDP), 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the UNDP's management is taking the necessary steps to demonstrate UNDP's commitment to make all audit, oversight, and financial information publicly available as soon as possible, and to put in place procedures for publicly reporting on the results of UNDP programs worldwide.

(6) Notwithstanding any other provision of law, the Secretary of State should suspend United States participation in the United Nations Human Rights Council (the Council) unless the Secretary determines and reports to the Committees on Appropriations that continued participation in the Council is in the national interests of the United States.

(b) INTERNATIONAL MONETARY FUND.—

(1) The terms and conditions of section 7086(b)(1) and (2) of division F of Public Law 111-117 shall apply to this Act.

(2) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

(3) The Secretary of the Treasury shall seek to ensure that the IMF has adopted and is implementing effective practices to protect whistleblowers (including the IMF's employees, contract employees, consultants, staff of the Board of Executive Directors, and others affected by the IMF's operations) from retaliation for internal and lawful public disclosures, including—

(A) best practices for legal burdens of proof;

(B) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(C) results that eliminate the effects of proven retaliation; and

(D) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) LIMITATION ON FUNDING.—None of the funds appropriated under titles III and IV of this Act may be made available to the central government of any country that does not meet minimum standards of fiscal transparency: *Provided*, That the Secretary of State shall develop "minimum standards of fiscal transparency" to be updated and strengthened, as appropriate, to reflect best practices: *Provided further*, That the Secretary shall make an annual determination of "progress" or "no progress" for countries that do not meet minimum standards of fiscal transparency and make those determinations publicly available on an annual "Fiscal Transparency Report".

(2) MINIMUM STANDARDS OF FISCAL TRANSPARENCY.—For the purposes of paragraph (1), "minimum standards of fiscal transparency" shall include standards for the public disclo-

sure of budget documentation, including receipts and expenditures by ministry, and government contracts and licenses for natural resource extraction, to include bidding and concession allocation practices.

(3) WAIVER.—The Secretary of State may waive the limitation on funding in paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that the waiver is important to the national interests of the United States: *Provided*, That such waiver shall identify any steps taken by the government of the country to publicly disclose its national budget and contracts which are additional to those which were undertaken in previous fiscal years, include specific recommendations of short and long-term steps such government can take to improve budget transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than \$5,000,000 should be made available for programs and activities to assist the central governments of countries named in the list required by paragraph (1) to improve budget transparency or to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise made available for such purposes.

(d) ANTI-KLEPTOCRACY.—

(1) Officials of foreign governments and their immediate family members who the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, shall be ineligible for entry into the United States.

(2) Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in this provision shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the information regarding corruption concerning each of the individuals found ineligible pursuant to paragraph (1), a list of any waivers provided under subsection (3), and the justification for each waiver.

DISABILITY PROGRAMS

SEC. 7074. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$5,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation, of which up to \$1,000,000 shall be made available to support disability advocacy organizations to provide training and technical assistance for dis-

abled persons organizations in such countries.

(b) Funds appropriated under the heading "Operating Expenses" in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where practicable, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight, and technical support.

BUYING POWER MAINTENANCE, INTERNATIONAL ORGANIZATIONS

SEC. 7075. (a) There may be established in the Treasury of the United States a "Buying Power Maintenance, International Organizations" account.

(b) At the end of each fiscal year, the Secretary of State may transfer to, and merge with, "Buying Power Maintenance, International Organizations" such amounts from "Contributions to International Organizations" as the Secretary determines are in excess of the needs of activities funded from "Contributions to International Organizations" because of fluctuations in foreign currency exchange rates.

(c) In order to offset adverse fluctuations in foreign currency exchange rates, the Secretary of State may transfer to, and merge with, "Contributions to International Organizations" such amounts from "Buying Power Maintenance, International Organizations" as the Secretary determines are necessary to provide for the activities funded from "Contributions to International Organizations".

(d)(1) Subject to the limitations contained in this section, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for "Contributions to International Organizations", the Secretary of State may transfer any unobligated balance of such funds to the "Buying Power Maintenance, International Organizations" account.

(2) The balance of the Buying Power Maintenance, International Organizations account may not exceed \$50,000,000 as a result of any transfer under this subsection.

(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall be available for obligation or expenditure only in accordance with the procedures under such section.

(e)(1) Funds transferred to the "Buying Power Maintenance, International Organizations" account pursuant to this section shall remain available until expended.

(2) The transfer authorities in this section shall be available for funds appropriated for fiscal year 2012 and for each fiscal year thereafter, and are in addition to any transfer authority otherwise available to the Department of State under other provisions of law.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7076. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act

in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

MILLENNIUM CHALLENGE CORPORATION
COMPACTS

SEC. 7077. (a) EXTENSION OF COMPACTS.—Section 609(j) of the Millennium Challenge Act of 2003 (22 U.S.C. 7708(j)) is amended to read as follows:

“(j) EXTENSION OF COMPACT.—

“(1) IN GENERAL.—Except as provided under paragraph (2), the duration of a Compact shall not exceed 5 years.

“(2) EXCEPTION.—The duration of a Compact may be extended beyond 5 years if the Board—

“(A) determines that a project included in the Compact cannot be completed within 5 years; and

“(B) approves an extension of the Compact that does not extend the total duration of the Compact beyond 7 years.

“(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before the date on which the Board is scheduled to vote on the extension of a Compact beyond 5 years pursuant to paragraph (2), the Board, acting through the Chief Executive Officer, shall—

“(A) notify the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, of its intent to approve such extension; and

“(B) provide such committees with a detailed explanation for the determination and approval described in paragraph (2).”.

(b) CONCURRENT AND SUBSEQUENT COMPACTS.—Section 609(k) of such Act (22 U.S.C. 7708(k)) is amended to read as follows:

“(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

“(1) IN GENERAL.—Subject to paragraph (2), and in accordance with the requirements of this title, an eligible country and the United States may enter into and have in effect concurrent and/or subsequent Compacts.

“(2) REQUIREMENTS.—An eligible country and the United States may enter into concurrent or subsequent Compacts if the Board determines that such country—

“(A) is making significant, consistent progress in implementing the terms of its existing Compact(s) and supplementary agreements to such Compact(s); and

“(B) will contribute, in the case of a Low Income Country as defined in section 606(a), not less than a 7.5 percent contribution of the total amount agreed upon for a subsequent Compact, or in the case of a Lower Middle Income Country (LMIC) as defined in section 606(b), a 15 percent contribution for a subsequent Compact.

“(3) FUNDING.—Millennium Challenge Corporation (MCC) shall commit any funding for a concurrent Compact at the time it funds the Compact.

“(4) TIMING.—A concurrent Compact shall be signed not later than 2 years after the signing of the earlier compact.

“(5) LIMITATION ON COMPACTS.—The MCC shall provide no more than 15 years of compact funding to any country.”.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to Compacts entered into between the United States and an eligible country under the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) before, on or after enactment of this Act, and those made by subsection (b) shall apply prospectively to new compacts.

(d) MAINTAINING CANDIDATE STATUS FOR PURPOSES OF INCOME CATEGORY.—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended as follows:

(1) Section (a)(1) is amended by striking the words “Fiscal year 2004” and inserting “In general”, and by striking the words “for fiscal year 2004” and inserting “for a fiscal year”.

(2) Section (a)(1)(A) is stricken and replaced with the following: “The country has a per capita income equal to or below the World Bank’s lower middle income country threshold for the fiscal year involved and is among the 75 lowest per capita income countries as identified by the World Bank; and”;

(3) Section (a)(2) is stricken.

(4) Section (b)(1)(A) is stricken and replaced with the following: “has a per capita income equal to or below the World Bank’s lower middle income country threshold for the fiscal year involved and is not among the 75 lowest per capita income countries as identified by the World Bank; and”.

(e) Section 606 is amended by inserting the following—

“(d) INCOME CLASSIFICATION TRANSITION.—Any country with a per capita income that changes in a given fiscal year such that the country would be reclassified in that fiscal year from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year of the country’s transition and the two subsequent fiscal years.”.

INSPECTORS GENERAL PERSONNEL

SEC. 7078. (a)(1) The provisions in this section shall apply to the Inspector General of the Department of State and the Inspector General of the United States Agency for International Development (USAID).

(2) The term “Government Employee” has the meaning given the term employee in section 2105 of title 5, United States Code.

(3) The Inspector General may waive any of the following provisions to employ annuitants (individuals who are entitled to benefits under a retirement system for Government employees): subsections (a) through (d) of section 8344 of title 5, United States Code; subsections (a), (b) and (e) of section 8468 of title 5, United States Code; subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064); and any other similar provision of law, as identified by the Inspector General in regulations: *Provided*, That the Inspector General may exercise this authority: only on a case-by-case basis and only for so long as is necessary; when necessary due to exceptional difficulty in the recruitment or retention of a qualified employee for the position involved or a temporary emergency hiring need; as long as it does not cause the number of employees within the Office of Inspector General (OIG) employed under this or other similar authority to exceed, as of any given date, 15 percent of the total OIG workforce, determined on a full-time equivalent basis; and this authority is repealed on October 1, 2014, except that an annuitant re-employed pursuant to the waiver in this section before October 1, 2014, may continue such employment until not later than September 30, 2015.

(4) Nothing in this section may be construed to permit or require that any re-employed annuitant benefitting from a waiver of a provision of law set forth in this section be treated as a Government employee for purposes of the retirement system to which such provision relates.

(5) The Inspector General is authorized to obtain services under section 3109 of title 5, United States Code, without regard to subsections (d)(1) of such section, and is considered the head of the agency under subsection

(b) of such section for purposes of exercising this authority.

(A) Services may be obtained by the Inspector General for a period of up to 1 year, with an option to extend such services for an additional 2 years, and that the total number of individuals employed under this section shall not exceed 15 percent of the total Department of State OIG workforce or 5 percent of the total USAID OIG workforce, determined on a full-time equivalent basis.

(B) The authority to obtain such services shall expire on September 30, 2014 except that an individual whose service under this subsection is procured before October 1, 2014, may continue to provide such service until not later than September 30, 2015.

(b) Section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) is amended by:

(1) striking paragraph (5) in subsection (c); and

(2) in subsection (d)(2)—

(A) adding “and” at the end of subparagraph (D)

(B) striking “; and” and inserting a period at the end of subparagraph (E); and

(C) striking subparagraph (F’).

CONSULAR AFFAIRS PILOT PROGRAMS

SEC. 7079. (a) TOURIST VISA SERVICES PILOT PROGRAM.—

(1)(A) The Secretary of State shall implement the necessary steps, including hiring a sufficient number of consular officers which may include limited non-career appointment officers, in the People’s Republic of China, Brazil, and India to meet the Department of State’s standard of interviewing all tourist visa applicants within 30 days of the date of submitting their application.

(B) The Secretary of State shall also conduct a risk and benefit analysis regarding the extension of the expiration period for B-1 or B-2 visas for citizens of the People’s Republic of China from 1 year to 2 years before requiring consular officers to re-interview a visa applicant.

(2) Not later than 90 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on Consular Affairs programs in the People’s Republic of China, Brazil, and India including steps the Department of State has taken in these countries to meet the State Department’s visa processing standards; a 5-year forecast of non-immigrant visas for each of these countries and the number of consular officers necessary to meet the State Department’s standards; a comparison of the Department of State’s 5-year forecast with the Commerce Department’s 5-year visitor arrival projections; and the impact of the different projections on visa process times and required number of consular officers.

(b) VIDEO CONFERENCE PILOT PROGRAM.—

(1) The Secretary of State may develop and conduct a pilot program for the processing of B-1 and B-2 visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants, and in consultation with other Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption.

(2) Not later than 90 days after the end of such a pilot program, the Secretary shall submit a report to the Committees on Appropriations detailing the results of such program including an assessment of the efficacy, efficiency, and security of the remote videoconferencing technology as a method for conducting visa interviews of applicants and recommendations for whether it should be continued, broadened, or modified.

(3) No pilot program should be conducted if the Secretary determines and reports to the Committees on Appropriations that such program poses an undue security risk and that it cannot be conducted in a manner consistent with maintaining security controls.

WORKING CAPITAL FUND

SEC. 7080. (a) The Administrator of the United States Agency for International Development (the Administrator) is authorized to establish a Working Capital Fund (in this section referred to as the "Fund").

(b) Funds deposited in the Fund during any fiscal year shall be available without fiscal year limitation and used, in addition to other funds available for such purposes, for agency procurement reform efforts and related administrative costs: *Provided*, That such expenses may include—

- (1) personal and non-personal services;
- (2) training;
- (3) supplies; and

(4) other administrative costs related to the implementation of procurement reform and management of the Fund.

(c) There may be deposited during any fiscal year in the Fund up to 1 percent of the total value of obligations entered into by the United States Agency for International Development (USAID) from appropriations available to USAID and any appropriation made available for the purpose of providing capital: *Provided*, That receipts from the disposal of, or repayments for the loss or damage to, property held in the Fund, rebates, reimbursements, refunds and other credits applicable to the operation of the Fund may be deposited into the Fund.

(d) Not later than 45 days after enactment of this Act and any subsequent Act making appropriations for the Department of State, foreign operations, and related programs, the Administrator shall submit to the Committees on Appropriations an operating plan for funds deposited in the Fund, which shall include the percentage to be charged for the current fiscal year.

(e) At the close of fiscal year 2013 and at the close of each fiscal year thereafter, the Administrator shall determine the amounts in excess of the needs of the Fund for that fiscal year and shall transfer out of the Fund any excess amounts to any of the original appropriation accounts from which deposits were made: *Provided*, That such transferred funds shall remain available without fiscal year limitation: *Provided further*, That the Administrator shall report to the Committees on Appropriation the excess amounts and to which appropriation accounts the excess funds will be transferred: *Provided further*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

PROCUREMENT REFORM

SEC. 7081. (a) LOCAL COMPETITION.—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development (the Administrator) may, with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, award contracts and other instruments in which competition is limited to local entities if doing so would result in cost savings, develop local capacity, or enable the Administrator to initiate a program or activity in appreciably less time than if competition were not so limited: *Provided*, That the authority provided in this section may not be used to make awards in excess of \$5,000,000.

(b) For the purposes of this section, local entity means an individual, a corporation, or

another body of persons located in or having as its principal place of business or operations in a country receiving assistance from funds appropriated in title III of this Act.

OPERATING AND SPEND PLANS

SEC. 7082. (a) OPERATING PLANS.—Not later than 45 days after the date of enactment of this Act, each department, agency or organization funded in titles I and II, and the Department of the Treasury and Independent Agencies funded in title III of this Act shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2012, that provides details of the use of such funds at the program, project, and activity level.

(b) SPEND PLANS.—Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a detailed spend plan, which shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results, for the following—

(1) funds appropriated under the heading "Democracy Fund";

(2) funds made available in titles III and IV of this Act for assistance for Afghanistan, Pakistan, Iraq, Haiti, Colombia, and Mexico, for the Caribbean Basin Security Initiative, and the Central American Regional Security Initiative; and

(3) funds appropriated in title III for food security and agriculture development programs and for climate change and environment programs.

(c) NOTIFICATIONS.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

AUTHORITY FOR CAPITAL INCREASES

SEC. 7083. (a) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The Bretton Woods Agreements Act, as amended (22 U.S.C. 286 et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE BANK TO INCREASE BASIC VOTES.

"The United States Governor of the Bank may accept on behalf of the United States the amendment to the Articles of Agreement of the Bank as proposed in resolution No. 596, entitled 'Enhancing Voice and Participation of Developing and Transition Countries,' of the Board of Governors of the Bank that was approved by such Board on January 30, 2009.

"SEC. 70. CAPITAL STOCK INCREASES.

"(a) INCREASES AUTHORIZED.—The United States Governor of the Bank is authorized—

"(1)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a selective basis by 230,374 shares; and

"(B) to subscribe on behalf of the United States to 38,459 additional shares of the capital stock of the Bank, as part of the selective increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts;

"(2)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a general basis by 484,102 shares; and

"(B) to subscribe on behalf of the United States to 81,074 additional shares of the cap-

ital stock of the Bank, as part of the general increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(2)(B), there are authorized to be appropriated, without fiscal year limitation, \$9,780,361,991 for payment by the Secretary of the Treasury.

"(2) Of the amount authorized to be appropriated under paragraph (2)(A)—

"(A) \$586,821,720 shall be for paid in shares of the Bank; and

"(B) \$9,193,540,271 shall be for callable shares of the Bank."

(b) INTERNATIONAL FINANCE CORPORATION.—The International Finance Corporation Act, Public Law 84-350, as amended (22 U.S.C. 282 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT OF THE ARTICLES OF AGREEMENT.

"(a) VOTE AUTHORIZED.—The United States Governor of the Corporation is authorized to vote in favor of a resolution to increase the capital stock of the Corporation by \$130,000,000.

"(b) AMENDMENT OF THE ARTICLES OF AGREEMENT.—The United States Governor of the Corporation is authorized to agree to and accept an amendment to Article IV, Section 3(a) of the Articles of Agreement of the Corporation that achieves an increase in basic votes to 5.55 percent of total votes."

(c) INTER-AMERICAN DEVELOPMENT BANK.—The Inter-American Development Bank Act, Public Law 86-147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 41. NINTH CAPITAL INCREASE.

"(a) VOTE AUTHORIZED.—The United States Governor of the Bank is authorized to vote in favor of a resolution to increase the capital stock of the Bank by \$70,000,000,000 as described in Resolution AG-7/10, 'Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank' as approved by Governors on July 21, 2010.

"(b) SUBSCRIPTION AUTHORIZED.—

"(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,741,135 additional shares of the capital stock of the Bank.

"(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

"(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) In order to pay for the increase in the United States subscription to the Bank under subsection (b), there are authorized to be appropriated, without fiscal year limitation, \$21,004,064,337 for payment by the Secretary of the Treasury.

"(2) Of the amount authorized to be appropriated under paragraph (1)—

"(A) \$510,090,175 shall be for paid in shares of the Bank; and

"(B) \$20,493,974,162 shall be for callable shares of the Bank."

(d) AFRICAN DEVELOPMENT BANK.—The African Development Bank Act, Public Law 97-35, as amended (22 U.S.C. 290i et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 1344. SIXTH CAPITAL INCREASE.

"(a) SUBSCRIPTION AUTHORIZED.—

"(1) The United States Governor of the Bank may subscribe on behalf of the United States to 289,391 additional shares of the capital stock of the Bank.

"(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$4,322,228,221 for payment by the Secretary of the Treasury.

"(2) Of the amount authorized to be appropriated under paragraph (1)—

"(A) \$259,341,759 shall be for paid in shares of the Bank; and

"(B) \$4,062,886,462 shall be for callable shares of the Bank."

(e) EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The European Bank for Reconstruction and Development Act, Section 562(c) of Public Law 101-513, as amended (22 U.S.C. 2901 et seq.), is further amended by adding at the end thereof the following new paragraph:

"(12) CAPITAL INCREASE.—

"(A) SUBSCRIPTION AUTHORIZED.—

"(i) The United States Governor of the Bank may subscribe on behalf of the United States up to 90,044 additional callable shares of the capital stock of the Bank in accordance with Resolution No. 128 as adopted by the Board of Governors of the Bank on May 14, 2010.

"(ii) Any subscription by the United States to additional capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

"(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the increase in the United States subscription to the Bank under subsection (A), there are authorized to be appropriated, without fiscal year limitation, up to \$1,252,331,952 for payment by the Secretary of the Treasury."

AUTHORITY FOR REPLENISHMENTS

SEC. 7084. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act, Public Law 86-565, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 26. SIXTEENTH REPLENISHMENT.

"(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States \$4,075,500,000 to the sixteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$4,075,500,000 for payment by the Secretary of the Treasury.

"SEC. 27. MULTILATERAL DEBT RELIEF.

"(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$474,000,000 to the International Development Association for the purpose of funding debt relief cost under the Multilateral Debt Relief Initiative incurred in the period governed by the sixteenth replenishment of resources of the

International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$474,000,000 for payment by the Secretary of the Treasury.

"(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005."

(b) AFRICAN DEVELOPMENT BANK.—The African Development Fund Act, Public Law 94-302, as amended (22 U.S.C. 290g et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 221. TWELFTH REPLENISHMENT.

"(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States \$585,000,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$585,000,000 for payment by the Secretary of the Treasury.

"SEC. 222. MULTILATERAL DEBT RELIEF.

"(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$60,000,000 to the African Development Fund for the purpose of funding debt relief costs under the Multilateral Debt Relief Initiative incurred in the period governed by the twelfth replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$60,000,000 for payment by the Secretary of the Treasury.

"(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005."

AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS

SEC. 7085. Up to \$36,000,000 of funds appropriated for the account "Department of the Treasury, Debt Restructuring" by the Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10, Division B) may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of debt relief provided to Haiti in view of the Cancun Declaration of March 21, 2010.

ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 7086. Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 104C, the following new section:

"SEC. 104D. ELIGIBILITY FOR ASSISTANCE.

"Notwithstanding any other provision of law, regulation, or policy, in determining

eligibility for assistance authorized under sections 104, 104A, 104B, and 104C—

"(1) a foreign nongovernmental organization shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organization with non-United States Government funds if such services are permitted in the country in which they are being provided and would not violate United States law if provided in the United States; and

"(2) a foreign nongovernmental organization shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under this part."

(RESCISSIONS)

SEC. 7087. (a) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Diplomatic and Consular Programs", \$13,700,000 are rescinded, of which \$8,000,000 shall be from funds for Worldwide Security Protection: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unexpended balances available under the heading "Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$300,000,000 are rescinded.

(c) Of the unexpended balances available to the President for bilateral economic assistance under the heading "Economic Support Fund" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$150,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) The Secretary of State, as appropriate, shall consult with the Committees on Appropriations prior to implementing the rescissions made in this section.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS DEPARTMENT OF STATE ADMINISTRATION OF FOREIGN AFFAIRS DIPLOMATIC AND CONSULAR PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", \$3,773,701,000, to remain available until September 30, 2013, of which \$236,201,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to \$230,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be made available pursuant to the authority of section 7032(u) of this Act: *Provided further*, That each amount in this paragraph is designated by Congress as being for overseas

contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$63,954,000, to remain available until September 30, 2013, of which \$16,317,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and \$44,387,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: *Provided*, That each amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$17,900,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

UNITED STATES INSTITUTE FOR PEACE

For an additional amount for “United States Institute for Peace”, \$8,411,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$106,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$2,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$150,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TRANSITION INITIATIVES

For an additional amount for “Transition Initiatives”, \$3,500,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced

Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

COMPLEX CRISES FUND

For an additional amount for “Complex Crises Fund”, \$45,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$1,172,821,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$100,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

INTERNATIONAL SECURITY ASSISTANCE DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$1,163,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

NONPROLIFERATION, ANTI-TERRORISM, DEMING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-terrorism, Demining and Related Programs”, \$27,500,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, \$30,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$989,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

PAKISTAN COUNTER-INSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 8 of part I and chapters

2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, \$1,000,000,000, to remain available until September 30, 2012, for the purpose of providing assistance for Pakistan to build and maintain the counter-insurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: *Provided*, That notwithstanding any other provision of law except section 620M of the Foreign Assistance Act of 1961, as amended by this Act, such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense: *Provided further*, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counter-insurgency operations and may be merged with, and be available, for the same purposes and for the same time period as the appropriation or fund to which transferred or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: *Provided further*, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, in writing, of the details of any such transfer: *Provided further*, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report in writing summarizing, on a project-by-project basis, the uses of funds under this heading: *Provided further*, That upon determination by the Secretary of State, with the concurrence of the Secretary of Defense, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That any required notification or report may be submitted in classified form: *Provided further*, That the amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

GLOBAL SECURITY CONTINGENCY FUND (INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the “Global Security Contingency Fund”.

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Arms Export Control Act to provide assistance, notwithstanding any other provision of law except sections 620A and 620M of the Foreign Assistance Act of 1961, as amended by this Act, for countries designated by the Secretary of State to enhance the capabilities of military and police forces, and other security forces that conduct border and maritime security, internal security, and counter-terrorism operations, as well as government agencies responsible for such forces, and to strengthen democratic institutions including the justice sector (including corrections) and respect for human rights and the rule of law, where the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region significantly challenges the local capacity to deliver such

assistance, \$50,000,000, to remain available until September 30, 2013: *Provided*, That such assistance programs shall be formulated by the Secretary of State in consultation with the Secretary of Defense: *Provided further*, That programs carried out under this heading shall be approved by the Secretary of State, in consultation with the Secretary of Defense, prior to implementation: *Provided further*, That the authorities and requirements of the Foreign Assistance Act of 1961 shall apply to funds made available under this heading: *Provided further*, That funds made available to the Department of Defense in fiscal year 2012 may be transferred to, and merged with, funds appropriated under this heading by the Secretary of Defense: *Provided further*, That funds made available under this heading may be transferred to the most appropriate agency or account to facilitate the provision of such assistance: *Provided further*, That the transfer authorities under this paragraph are in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amounts in this account may be used for necessary administrative expenses of the agencies planning and carrying out programs: *Provided further*, That the head of any agency may detail personnel to the Department of State to carry out activities funded under this heading with or without reimbursement for all or part of the costs of salaries and other expenses associated with such personnel: *Provided further*, that no obligation or transfer of funds may be made unless the Secretary of State and the Secretary of Defense have notified the Committees on Appropriations at least 15 days prior to any such obligation or transfer: *Provided further*, That the amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

GENERAL PROVISIONS

SEC. 8001. Notwithstanding any other provision of law, funds made available under the heading "Overseas Contingency Operations" are in addition to amounts appropriated or otherwise made available for the Department of State for fiscal year 2012.

SEC. 8002. Unless otherwise provided for in this Act, additional amounts appropriated under the heading "Overseas Contingency Operations" to appropriation accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

SEC. 8003. Notwithstanding any other provision of law except section 620M of the Foreign Assistance Act, as amended by this Act, funds appropriated by this title may be transferred to, and merged with, funds appropriated by this title under the headings "Diplomatic and Consular Programs", "Worldwide Security Protection", "Office of Inspector General", "Contributions for International Peacekeeping Activities", "United States Institute for Peace", "United States Agency for International Development, Funds Appropriated to the President, Operating Expenses", "United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General", "International Disaster Assistance", "Transition Initiatives", "Complex Crises Fund", "Economic Support Fund", "Migration and Refugee Assistance", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining, and Related Programs", "Peacekeeping Operations", "Foreign Military Fi-

nancing Program", "Pakistan Counter-insurgency Capability Fund", and "Global Stability Contingency Fund": *Provided*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act which may be exercised by the Secretary of State for the purposes of this title.

This Act may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012".

SA 957. Mr. REID proposed an amendment to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

DIVISION A—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, short protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$125,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,610,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities pro-

gram shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Lock and Dam 27, Mississippi River, Illinois; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$250,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,360,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 4601-6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by the Corps at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$193,000,000, to remain available until September 30, 2013.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$27,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$185,000,000, to remain available until September 30, 2013, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until September 30, 2013.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) GENERAL INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000: *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION, GENERAL.—For a base level over \$2,000,000, reprogramming of 15

percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount a limit of \$5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than \$50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development

Act of 1986 (Public Law 99-662), as amended, is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to the "Construction" account up to \$100,000,000 of the funds provided for reinforcing or replacing flood walls under the "Flood Control and Coastal Emergencies" heading in Public Law 109-234 (120 Stat. 455) and Public Law 110-252 (122 Stat. 2350) and up to \$75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the "Flood Control and Coastal Emergencies" heading in Public Law 110-28 (121 Stat. 153) to be used with funds provided for the West Bank and Vicinity project under the "Construction" heading in Public Law 110-252 (122 Stat. 2349) and Public Law 110-329 (122 Stat. 3589), consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 107. The Secretary of the Army may authorize a member of the Armed Forces under the Secretary's jurisdiction and employees of the Department of the Army to serve without compensation as director, officer, or otherwise in the management of the organization established to support and maintain the participation of the United States in the permanent international commission of the congresses of navigation, or any successor entity.

SEC. 108. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. This real property to be acquired consists of 18.5 acres more or less, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire. The real property is generally bounded to the east by state route 10-Lyme Road, to the north by the vacant property of the Trustees of the Dartmouth College, to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College, and to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary of the Army.

(b) REVOLVING FUND.—The Secretary is authorized to use the Revolving Fund (33 U.S.C. 576) through the Plant Replacement and Improvement Program to acquire the real property and associated real property interests in subsection (a). The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefiting appropriations.

(c) **RIGHT OF FIRST REFUSAL.**—The Secretary may provide the Seller of any real property and associated property interests identified in subsection (a)—

(1) a right of first refusal to acquire such property, or any portion thereof, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(2) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(3) the purchase of any property by the Seller exercising either right of first refusal authorized in this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Sellers successors or assigns.

(d) **DISPOSAL.**—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 109. The Secretary of the Army may transfer, and the Fish and Wildlife Service may accept and expend, up to \$3,800,000 of funds provided in this title under the heading “Operation and Maintenance”, to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engineers missions and no restrictions shall be placed on the use or maintenance of any dredge in the Federal Fleet.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain the Federal dredging fleet to technologically modern and efficient standards.

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers is directed to utilize funds from the revolving fund to expeditiously undertake necessary health and safety improvements, including lead and asbestos abatement, to the dredge “McFarland”: *Provided*, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps’ benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 113. With respect to the property covered by the deed described in Auditor’s instrument No. 2006-014428 of Benton County, Washington, approximately 1.5 acres, the following deed restrictions are hereby extinguished and of no further force and effect:

(1) The reversionary interest and use restrictions related to port and industrial purposes;

(2) The right for the District Engineer to review all pre-construction plans and/or specifications pertaining to construction and/or maintenance of any structure intended for human habitation, other building structure, parking lots, or roads, if the elevation of the property is above the standard project flood elevation; and

(3) The right of the District Engineer to object to, and thereby prevent, in his/her discretion, such activity.

SEC. 114. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Har-

bors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin; beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a Consolidated Infrastructure Research Equipment Facility, an Environmental Processes and Risk Lab, a Hydraulic Research Facility, an Engineer Research and Development Center headquarters building, a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road, and infrastructure improvements to the Engineer Research and Development Center’s installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 116. Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114 Stat. 2609) is amended by striking subsection (b) and inserting the following:

“(b) **DISPOSITION OF ACQUIRED LAND.**—The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest.”

SEC. 117. The New London Disposal Site and the Cornfield Shoals Disposal Site in Long Island Sound selected by the Department of the Army as alternative dredged material disposal sites under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, shall remain open until completion of a Supplemental Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site in eastern Long Island Sound under section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

SEC. 118. (a) That portion of the project for navigation, Newport Harbor, Rhode Island adopted by the Rivers and Harbors Acts of March 2, 1907 (34 Stat. 1075); June 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845); and, modified by the Consolidated Appropriations Act, 2000, Public Law 106-113, appendix E, title II, section 221 (113 Stat. 1501A-298); consisting of a 13-foot anchorage, an 18-foot anchorage, a 21-foot channel, and 18-foot channels described by the following shall no longer be authorized after the date of enactment of this Act: the 21-Foot Entrance Channel, beginning at a point (1) with coordinates 374986.03, 150611.01; thence running south 46 degrees 54 minutes 30.7 seconds east 900.01 feet to a point (2) with coordinates 375643.27, 149996.16; thence running south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point (3) with coordinates 375977.47, 147643.00; thence running south 4 degrees 28 minutes 20.4 seconds west 738.56 feet to a point (4) with coordinates 375919.88, 146906.60; thence running south 6 degrees 2 minutes 42.4 seconds east 1,144.00 feet to a point (5) with coordinates 376040.35, 145768.96; thence running south 34 degrees 5 minutes 51.7 seconds west 707.11 feet to a point (6) with coordinates 375643.94,

145183.41; thence running south 73 degrees 11 minutes 42.9 seconds west 1,300.00 feet to the end point (7) with coordinates 374399.46, 144807.57; Returning at a point with coordinates (8) with coordinates 374500.64, 144472.51; thence running north 73 degrees 11 minutes 42.9 seconds east 1,582.85 feet to a point (9) with coordinates 376015.90, 144930.13; thence running north 34 degrees 5 minutes 51.7 seconds east 615.54 feet to a point (10) with coordinates 376360.97, 145439.85; thence running north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet to a point (11) with coordinates 376275.96, 147674.45; thence running north 8 degrees 4 minutes 55.6 seconds west 2,652.83 feet to a point (12) with coordinates 375902.99, 150300.93; thence running north 46 degrees 54 minutes 30.7 seconds west 881.47 feet to an end point (13) with coordinates 375259.29, 150903.12; and the 18-Foot South Goat Island Channel beginning at a point (14) with coordinates 375509.09, 149444.83; thence running south 25 degrees 44 minutes 0.5 second east 430.71 feet to a point (15) with coordinates 375696.10, 149056.84; thence running south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet to a point (16) with coordinates 375969.61, 147540.41; thence running south 4 degrees 29 minutes 11.3 seconds west 1,662.92 feet to a point (17) with coordinates 375839.53, 145882.59; thence running south 34 degrees 5 minutes 51.7 seconds west 547.37 feet to a point (18) with coordinates 375532.67, 145429.32; thence running south 86 degrees 47 minutes 37.7 seconds west 600.01 feet to an end point (19) with coordinates 374933.60, 145395.76; and the 18-Foot Entrance Channel beginning at a point (20) with coordinates 374567.14, 144252.33; thence running north 73 degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point (21) with coordinates 376385.26, 144801.42; thence running north 2 degrees 10 minutes 41.5 seconds west 638.89 feet to an end point (22) with coordinates 376360.97, 145439.85; and the 18-Foot South Anchorage beginning at a point (23) with coordinates 376286.81, 147389.37; thence running north 78 degrees 56 minutes 15.6 seconds east 404.86 feet to a point (24) with coordinates 376684.14, 147467.05; thence running north 78 degrees 56 minutes 15.6 seconds east 1,444.33 feet to a point (25) with coordinates 378101.63, 147744.18; thence running south 5 degrees 18 minutes 43.8 seconds west 1,228.20 feet to a point (26) with coordinates 377987.92, 146521.26; thence running south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to a point (27) with coordinates 378026.56, 145944.71; thence running south 44 degrees 32 minutes 14.7 seconds west 2,314.09 feet to a point (28) with coordinates 376403.52, 144295.24 thence running south 60 degrees 5 minutes 58.2 seconds west 255.02 feet to an end point (29) with coordinates 376182.45, 144168.12; and the 13-Foot Anchorage beginning at a point (30) with coordinates 376363.39, 143666.99; thence running north 63 degrees 34 minutes 19.3 seconds east 1,962.37 feet to a point (31) with coordinates 378120.68, 144540.38; thence running north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet to an end point (32) with coordinates 378026.56, 145944.71; and the 18-Foot East Channel beginning at a point (23) with coordinates 376684.14, 147467.05; thence running north 2 degrees 10 minutes 43.3 seconds west 262.95 feet to a point (31) with coordinates 376674.14, 147729.81; thence running north 9 degrees 42 minutes 20.3 seconds west 301.35 feet to a point (32) with coordinates 376623.34, 148026.85; thence running south 80 degrees 17 minutes 42.4 seconds west 313.6 feet to a point (33) with coordinates 376314.23, 147973.99; thence running north 7 degrees 47 minutes 21.9 seconds west 776.24 feet to an

end point (34) with coordinates 376209.02, 148743.06; and the 18-Foot North Anchorage beginning at a point (35) with coordinates 376123.98, 148744.69; thence running south 88 degrees 54 minutes 16.2 seconds east 377.90 feet to a point (36) with coordinates 376501.82, 148737.47; thence running north 9 degrees 42 minutes 19.0 seconds west 500.01 feet to a point (37) with coordinates 376417.52, 149230.32; thence running north 6 degrees 9 minutes 53.2 seconds west 1,300.01 feet to an end point (38) with coordinates 376277.92, 150522.81.

(b) The area described by the following shall be redesignated as an eighteen-foot channel and turning basin: Beginning at a point (1) with coordinates N144759.41, E374413.16; thence running north 73 degrees 11 minutes 42.9 seconds east 1,252.88 feet to a point (2) with coordinates N145121.63, E375612.53; thence running north 26 degrees 29 minutes 48.1 seconds east 778.89 feet to a point (3) with coordinates N145818.71, E375960.04; thence running north 0 degrees 3 minutes 38.1 seconds west 1,200.24 feet to a point (4) with coordinates N147018.94, E375958.77; thence running north 2 degrees 22 minutes 45.2 seconds east 854.35 feet to a point (5) with coordinates N147872.56, E375994.23; thence running north 7 degrees 47 minutes 21.9 seconds west 753.83 feet to a point (6) with coordinates N148619.44, E375892.06; thence running north 88 degrees 46 minutes 16.7 seconds east 281.85 feet to a point (7) with coordinates N148625.48, E376173.85; thence running south 7 degrees 47 minutes 21.9 seconds east 716.4 feet to a point (8) with coordinates N147915.69, E376270.94; thence running north 80 degrees 17 minutes 42.3 seconds east 315.3 feet to a point (9) with coordinates N147968.85, E.76581.73; thence running south 9 degrees 42 minutes 20.3 seconds east 248.07 feet to a point (10) with coordinates N147724.33, E376623.55; thence running south 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point (11) with coordinates N147406.47, E376635.64; thence running north 78 degrees 56 minutes 15.6 seconds east 571.11 feet to a point (12) with coordinates N147516.06, E377196.15; thence running south 88 degrees 57 minutes 2.3 seconds east 755.09 feet to a point (13) with coordinates N147502.23, E377951.11; thence running south 1 degree 2 minutes 57.7 seconds west 100.00 feet to a point (14) with coordinates N147402.25, E377949.28; thence running north 88 degrees 57 minutes 2.3 seconds west 744.48 feet to a point (15) with coordinates N147415.88, E377204.92; thence running south 78 degrees 56 minutes 15.6 seconds west 931.17 feet to a point (16) with coordinates N147237.21, E376291.06; thence running south 39 degrees 26 minutes 18.7 seconds west 208.34 feet to a point (17) with coordinates N147076.31, E376158.71; thence running south 0 degrees 3 minutes 38.1 seconds east 1,528.26 feet to a point (18) with coordinates N145548.05, E376160.32; thence running south 26 degrees 29 minutes 48.1 seconds west 686.83 feet to a point (19) with coordinates N144933.37, E375853.90; thence running south 73 degrees 11 minutes 42.9 seconds west 1,429.51 feet to end at a point (20) with coordinates N144520.08, E374485.44.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$28,991,000, to remain available until expended, of which \$2,000,000 shall be deposited into the Utah Reclamation Mitigation and

Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, and of which \$1,550,000 for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior. For fiscal year 2012, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$885,670,000, to remain available until expended, of which \$10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460L-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$39,651,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of

other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2013, \$60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) initiates or creates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is

received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 529(b)(3) of Public Law 106-541, as amended by section 115 of Public Law 109-103, is further amended by striking “\$20,000,000” and inserting “\$30,000,000” in lieu thereof.

SEC. 204. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended—

(1) in subsection (a), in the first sentence, by striking “2011” and inserting “2016”; and

(2) in subsection (b), by striking “\$25,000,000 for fiscal years 1997 through 2011” and inserting “\$3,000,000 for each of fiscal years 2012 through 2016”.

SEC. 205. (a) PERMITTED USES.—Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in the matter preceding paragraph (1), by striking “In any case in which there are willing sellers” and inserting “For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants”;

(2) in paragraph (2), by striking “in the Walker River” and all that follows through “119 Stat. 2268”; and

(3) in paragraph (3), by striking “in the Walker River Basin”.

(b) WALKER BASIN RESTORATION PROGRAM.—Section 208(b) of the Energy and Water Development and Related Agencies

Appropriations Act, 2010 (Public Law 111-85; 123 Stat. 2858) is amended—

(1) in paragraph (1)(B)(iv), by striking “exercise water rights” and inserting “manage land, water appurtenant to the land, and related interests”; and

(2) in paragraph (2)(A), by striking “The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation” and inserting “Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided”.

SEC. 206. The Federal policy for addressing California’s water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the co-equal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. The Secretary of the Interior, the Secretary of Commerce, the Army Corps of Engineers and the Environmental Protection Agency Administrator shall jointly coordinate the efforts of the relevant agencies and work with the State of California and other stakeholders to complete and issue the Bay Delta Conservation Plan Final Environmental Impact Statement no later than February 15, 2013. Nothing herein modifies existing requirements of Federal law.

SEC. 207. The Secretary of the Interior may participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: *Provided*, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project: *Provided further*, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user’s then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: *Provided further*, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary’s existing authority to use groundwater banking to meet existing fish and wildlife obligations.

SEC. 208. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refugees, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.

SEC. 209. Section 10009(c)(2) of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1356) is amended by striking “October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.” and inserting “October 1, 2014, all funds in the Fund shall be available for expenditure on an annual basis in an amount not to exceed \$40,000,000 without further appropriation.” in lieu thereof.

TITLE III DEPARTMENT OF ENERGY ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,795,641,000, to remain available until expended: *Provided*, That \$165,000,000 shall be available until September 30, 2013 for program direction: *Provided further*, That of the amount appropriated, the Secretary may use not more than \$170,000,000 for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.): *Provided further*, That within 12 months of the date of enactment, the Secretary shall initiate separate rulemakings to establish efficiency standards for televisions and set top television boxes.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$141,010,000, to remain available until expended: *Provided*, That \$27,010,000 shall be available until September 30, 2013 for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, \$583,834,000, to remain available until expended: *Provided*, That \$86,279,000 shall be available until September 30, 2013 for program direction: *Provided further*, That, notwithstanding any other provision of law, the Department shall develop a strategy within 3 months of the publication of the final report of the Blue Ribbon Commission on America's Nuclear Future to manage spent nuclear fuel and other nuclear waste at consolidated storage facilities and permanent repositories that can be implemented as expeditiously as possible.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT
(INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$445,471,000, to remain available until expended: *Provided*, That \$151,729,000 shall be available until September 30, 2013 for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: *Provided further*, That of prior-year balances, \$187,000,000 are hereby rescinded: *Provided further*, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111-5 or designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$14,909,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$192,704,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241, 6247), the Secretary of Energy shall sell \$500,000,000 in petroleum products from the Reserve not later than March 1,

2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury: *Provided*, That paragraphs (a)(1) and (2) of section 160 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6240(a)(1) and (2)) are hereby repealed: *Provided further*, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

NORTHEAST HOME HEATING OIL RESERVE
(INCLUDING RESCISSION)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$10,119,000, to remain available until expended: *Provided*, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6250a) are hereby rescinded.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$105,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$219,121,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND
DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$429,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 49 passenger motor vehicles for replacement only, including one ambulance and one bus, \$4,842,665,000, to remain available until expended: *Provided*, That \$180,786,000 shall be available until September 30, 2013 for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—
ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110-69), as amended, \$250,000,000, to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN
GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, for the cost of loan guar-

antees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005, \$200,000,000 is appropriated to remain available until expended: *Provided*, That the amounts in this section are in addition to those provided in any other Act: *Provided further*, That, notwithstanding section 1703(a)(2) of the Energy Policy Act of 2005, funds appropriated for the cost of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: *Provided further*, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, \$38,000,000 is appropriated, to remain available until expended: *Provided further*, That \$38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than \$0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: *Provided further*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees for nuclear power or fossil energy facilities: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous provision shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitment to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii) deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$6,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$237,623,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$111,883,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$125,740,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$41,774,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; \$7,190,000,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION (INCLUDING RESCISSION)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,404,300,000, to remain available until expended: *Provided*, That of the unobligated balances available under this heading, \$21,000,000 are hereby rescinded.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,100,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$404,000,000, to remain available until September 30, 2013.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulances and one fire truck for replacement only, \$5,002,308,000, to remain available until expended: *Provided*, That \$321,628,000 shall be available until September 30, 2013 for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, \$819,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition, for official reception and representation expenses in an amount not to exceed \$7,000. During fiscal year 2012, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$8,428,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$8,428,000 collected by the Southeastern Power Administration from the sale of power and related services shall

be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$100,162,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$45,010,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$33,118,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$11,892,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$285,900,000, to remain available until expended, of which \$278,856,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood

Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$189,932,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$95,968,000, of which \$88,924,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, not more than \$3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$306,541,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$4,169,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$3,949,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$220,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000,\$304,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$304,600,000 of revenues from fees and annual charges, and other

services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$0: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Commission shall issue such regulations as are necessary to clarify that a State may establish rates for the wholesale sale of electric energy in interstate commerce pursuant to the Public Utility Regulatory Policies Act of 1978 such that those rates shall not unduly discriminate against the qualifying cogeneration facility or qualifying small power production facility selling the electric energy or exceed the costs to produce and deliver the electric energy, as determined for the specific technology at issue.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to:

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 304. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. A future-years energy program shall be included in the fiscal year 2014 budget submission to Congress and every fiscal year thereafter.

(b) ELEMENTS.—Each future-years energy program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Secretary of Energy during the 5-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the administration's policies and out year budget projections and reviewed by DOE's senior leadership to ensure that the future-years energy program is consistent and congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements for each DOE national laboratory during the 5-fiscal year period.

(c) CONSISTENCY IN BUDGETING.—

(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

SEC. 305. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

“(1) IN GENERAL.—No guarantee shall be made unless—

“(A) an appropriation for the cost of the guarantee has been made;

“(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

“(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.”.

SEC. 306. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than \$10,000,000 are considered for purposes of section 4703 of Public Law 107-314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107-314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 307. In section 839b(h)(10)(B) of title 16, United States Code, strike “\$1,000,000” and insert “\$5,000,000.”

(RESCISSION)

SEC. 308. None of the funds in this Act or any other Act shall be used to deposit funds

in excess of \$25,000,000 from any Federal royalties, rents, and bonuses derived from Federal onshore and off-shore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

(RESCISSION)

SEC. 309. Of the amounts appropriated in this title, \$73,700,000 are hereby rescinded, to reflect savings from the contractor pay freeze instituted by the Department. The Department shall allocate the rescission among the appropriations made in this title.

SEC. 310. Recipients of grants awarded by the Department in excess of \$1,000,000 shall certify that they will, by the end of the fiscal year, upgrade the efficiency of their facilities by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

SEC. 311. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321-335), as amended, that the sale or transfer of uranium will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form for the purpose of accelerating cleanup at a Federal site, the Secretary shall notify the House and Senate Committees on Appropriations of the following:

- (1) the amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided;
- (2) an estimate by the Secretary of the gross market value of the uranium on the expected date of the transfer, sale, barter, distribution, or other provision of the uranium;
- (3) the expected date of transfer, sale, barter, distribution, or other provision of the uranium;
- (4) the recipient of the uranium; and
- (5) the value of the services the Secretary expects to receive in exchange for the uranium, including any reductions to the gross value of the uranium by the recipient.

(c) Not later than June 30, 2012, the Secretary shall submit to the House and Senate Committees on Appropriations a revised excess uranium inventory management plan for fiscal years 2013 through 2018.

(d) Not later than December 31, 2011 the Secretary shall submit to the House and Senate Committees on Appropriations a report evaluating the economic feasibility of re-enriching depleted uranium located at Federal sites.

SEC. 312. (a) The Secretary of Energy may allow a third party, on a fee-for-service basis, to operate and maintain a metering station of the Strategic Petroleum Reserve that is underutilized (as defined in section 102-75.50 of title 41, Code of Federal Regulations (or successor regulations)) and related equipment.

(b) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Re-

gional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$58,024,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$29,130,000, to remain available until September 30, 2013: *Provided*, That within 90 days of enactment of this Act the Defense Nuclear Facilities Safety Board shall enter into an agreement for fiscal year 2012 and hereafter with the Office of the Inspector General of either the Nuclear Regulatory Commission or the Department of Energy for inspector general services.

DELTA REGIONAL AUTHORITY
SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$9,925,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$9,077,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105-277), as amended by section 701 of appendix D, title VII, Public Law 106-113 (113 Stat. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities.

NUCLEAR REGULATORY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,027,240,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$899,726,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than \$127,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$10,860,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,774,000 in fiscal year 2012 shall be retained and be

available until expended, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than \$1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD
SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR
ALASKA NATURAL GAS TRANSPORTATION
PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$1,000,000.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$1,275,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION
For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$213,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 401. (a) DEFINITIONS.—In this section:

- (1) CHAIRPERSON.—The term “Chairperson” means the Chairperson of the Commission.
- (2) COMMISSION.—The term “Commission” means the Nuclear Regulatory Commission.
- (3) SPENT FUEL POOL.—The term “spent fuel pool” means an underwater storage and cooling facility for spent (or depleted) fuel assemblies that have been removed from a reactor.

(b) As soon as practicable after the date of enactment of this Act, the Chairperson shall order licensees to, in accordance with the recommendations of the 90-day task force of the Commission, enhance spent fuel pools by:

- (1) providing sufficient safety-related instrumentation that is able to withstand design-basis natural phenomena to monitor key spent fuel pool parameters (such as water level, temperature, and area radiation levels) from a control room;
- (2) providing safety-related, alternating-current electrical power for the spent fuel pool makeup system;
- (3) providing onsite emergency electrical power for spent fuel pools and instrumentation for cases in which there exists irradiated fuel in a spent fuel pool, regardless of the operational mode of the relevant reactor; and
- (4) installing a seismically qualified means to spray water into spent fuel pools, including an easily accessible connection to supply the water (such as using a portable pump or pumper truck) at grade outside a relevant structure.

SEC. 402. Consistent with the findings of its 90 Day Task Force, the Nuclear Regulatory Commission shall order licensees to reevaluate the seismic, tsunami, flooding and other hazards at their sites as expeditiously as possible, and thereafter, at least once every 10

years, and the Commission shall require licensees to demonstrate to the Commission that the design basis of structures, systems, and components for each operating reactor meet current NRC requirements and guidance with regard to these threats. The Commission shall require licensees to update the design basis of structures, systems, and components for each operating reactor, if necessary.

TITLE V GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

TITLE VI ADDITIONAL FUNDING FOR DISASTER RELIEF DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$890,177,300, to remain available until expended for repair of damages to Federal projects: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide, \$88,003,700, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42

U.S.C. 5122(2)) as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, \$66,387,000, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2012”.

DIVISION B—FINANCIAL SERVICES AND GENERAL GOVERNMENT

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for financial services and general government for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I DEPARTMENT OF THE TREASURY DEPARTMENTAL OFFICES SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, \$306,388,000, including for terrorism and financial intelligence activities; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities; and Treasury-wide management policies and programs activities: *Provided*, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2013, is for information technology modernization requirements; not to exceed \$200,000 is for official reception and representation expenses; \$200,000 is to support international representation commitments of the Secretary; and not to exceed \$258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, \$6,787,000, to remain available until September 30, 2013, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, \$500,000, to remain available until September 30, 2013, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, up to \$3,400,000, to remain available until September 30, 2014, is to de-

velop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further*, That notwithstanding any other provision of law, up to \$1,000,000, may be contributed to the Global Forum on Transparency and Exchange of Information for Tax Purposes, a Part II Program of the Organization for Economic Cooperation and Development, to cover the cost assessed by that organization for Treasury's participation therein: *Provided further*, That of the amount appropriated under this heading, up to \$2,500,000 may be used for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.) and for information technology in support of acquisition workforce effectiveness and management.

OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$29,641,000, of which not to exceed \$2,000,000 shall be available for official travel expenses, including hire of passenger motor vehicles; of which not to exceed \$100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$151,696,000, of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$41,800,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$110,788,000, of

which not to exceed \$34,335,000 shall remain available until September 30, 2014: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND
(RESCISSION)

Of the unobligated balances available under this heading, \$750,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE
SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$217,805,000, of which not to exceed \$4,210,000 shall remain available until September 30, 2013, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE
BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$99,878,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, \$2,000,000 shall be for the costs of special law enforcement agents to target tobacco smuggling and other criminal diversion activities.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2012 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$20,000,000.

BUREAU OF THE PUBLIC DEBT
ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$173,635,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$10,000,000 shall remain available until September 30, 2014, for the Do Not Pay portal initiative: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2012 shall be reduced by not more than \$8,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at \$165,635,000. In addition, \$165,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

COMMUNITY DEVELOPMENT FINANCIAL
INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services

authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, notwithstanding section 4707(e) of title 12, United States Code, \$200,000,000, to remain available until September 30, 2013; of which \$12,000,000 shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which, notwithstanding sections 4707(d) and 4707(e) of title 12, United States Code, up to \$22,000,000 shall be for a Healthy Food Financing Initiative to provide grants and loans to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities; of which up to \$36,000,000 shall be for initiatives designed to enable individuals with low or moderate income levels to establish bank accounts and to improve access to the provision of bank accounts as authorized by sections 1204 and 1205 of Public Law 111-203; of which \$19,000,000 shall be for the Bank Enterprise Award program; and of which up to \$22,965,000 may be used for administrative expenses, including administration of the New Markets Tax Credit.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,195,522,000, of which not less than \$6,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than \$12,000,000, to remain available until September 30, 2013, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, of which not less than \$207,738,000 shall be available for operating expenses of the Taxpayer Advocate Service, and of which up to \$6,000,000 may be transferred as necessary from this account to "Health Insurance Tax Credit Administration" upon advance notification of the Committees on Appropriations: *Provided*, That this transfer authority shall be in addition to any transfer authority provided in the Act: *Provided further*, That notwithstanding any other provision of law, the Secretary may publicize the low-income taxpayer clinic program and refer taxpayers to specific qualified low-income taxpayer clinics receiving funding under this heading.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other

services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$5,228,613,000, of which not less than \$60,257,000 shall be for the Inter-agency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$3,893,216,000, of which up to \$250,000,000 shall remain available until September 30, 2013, for information technology support; of which up to \$65,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which not to exceed \$1,000,000 shall remain available until September 30, 2014, for research; of which not less than \$2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed \$25,000 shall be for official reception and representation expenses.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$330,210,000, to remain available until September 30, 2014, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that:

- (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11;
- (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint;
- (3) conforms with the Internal Revenue Service's enterprise life cycle methodology;
- (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget;
- (5) has been reviewed by the Government Accountability Office; and
- (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT
ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$15,481,000.

ADMINISTRATIVE PROVISIONS—INTERNAL
REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any

other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

SEC. 105. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 106. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 107. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Special Inspector General for the Troubled Asset Relief Program, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 110. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of

Engraving and Printing may be used to redeign the \$1 Federal Reserve note.

SEC. 111. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 112. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "12 years" and inserting "14 years".

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 115. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 116. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 117. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget for the Administration submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, the Working Capital Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

This title may be cited as the "Department of the Treasury Appropriations Act, 2012".

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C.

102, \$450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$57,851,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$13,536,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end

of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$990,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,192,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, \$13,048,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$114,908,000, of which \$10,670,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$90,833,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or

study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

GOVERNMENT-WIDE MANAGEMENT COUNCILS (INCLUDING TRANSFER OF FUNDS)

Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2012 by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director, including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives: *Provided further*, That the total funds transferred or reimbursed shall not exceed \$17,000,000: *Provided further*, That the funds transferred to or for reimbursement of "General Services Administration, Government-wide Policy" during fiscal year 2012 shall remain available for obligation through September 30, 2013: *Provided further*, That such transfers or reimbursements may only be made following written approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF NATIONAL DRUG CONTROL POLICY SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$26,125,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both

real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$238,522,000, to remain available until September 30, 2013, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy ("the Director"), of which up to \$2,700,000 may be used for auditing services and associated activities (including up to \$500,000 to ensure the continued operation and maintenance of the Performance Management System): *Provided further*, That, notwithstanding the requirements of Public Law 106-58, any unexpended funds obligated prior to fiscal year 2010 may be used for any other approved activities of that High Intensity Drug Trafficking Area, subject to reprogramming requirements: *Provided further*, That each High Intensity Drug Trafficking Area designated as of September 30, 2011, shall be funded at not less than the fiscal year 2011 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2012 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$105,950,000, to remain available until expended, which shall be available as follows: \$92,600,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); \$1,400,000 for drug court training and technical assistance; \$8,900,000 for anti-doping activities; \$1,900,000 for the United States membership dues to the World Anti-Doping Agency; and \$1,150,000 shall be made available as directed by section 1105 of Public Law 109-469.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$988,000, to remain available until September 30, 2013.

SPECIAL ASSISTANCE TO THE PRESIDENT
SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,328,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT
OPERATING EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$307,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT
(INCLUDING TRANSFERS OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council and Homeland Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the heading "Office of National Drug Control Policy", a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: *Provided*, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy

may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed \$1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

SEC. 205. From the unobligated balances of prior year appropriations made available for the Counterdrug Technology Assessment Center, \$11,328,000 are rescinded.

This title may be cited as the "Executive Office of the President Appropriations Act, 2012".

TITLE III
THE JUDICIARY

SUPREME COURT OF THE UNITED STATES
SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$74,819,000, of which \$2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, \$8,159,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE
FEDERAL CIRCUIT
SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$31,913,000.

UNITED STATES COURT OF INTERNATIONAL
TRADE
SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$20,968,000.

COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, and the purchase of uniforms for Probation and Pretrial Services office staff, as authorized by law, \$4,970,646,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$4,775,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b), acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences (18 U.S.C. 4100(b)); the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, \$1,034,182,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$59,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$500,000,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with

standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$82,000,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER
SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$27,000,000; of which \$1,800,000 shall remain available through September 30, 2013, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$86,968,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$12,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(1), \$4,200,000.

UNITED STATES SENTENCING COMMISSION
SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$16,500,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY
(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administra-

tive Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline for application of reprogramming and transfer authorities for the current fiscal year.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561-569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking "20 years" and inserting "21 years"; and

(2) in the seventh sentence (related to the District of Hawaii), by striking "17 years" and inserting "18 years".

This title may be cited as the "Judiciary Appropriations Act, 2012".

TITLE IV
DISTRICT OF COLUMBIA
FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$30,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House

of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$14,900,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$230,319,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$12,830,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$111,687,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$66,712,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$39,090,000, to remain available until September 30, 2013, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$3,000,000 of the funds provided under this heading among the items and entities funded under this heading, but no such allocation shall be increased by more than 10 percent.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS
(INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice

Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21-2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$55,000,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That not more than \$10,000,000 of the funds provided in this account may be transferred to, and merged with, funds made available under the heading "Federal Payment to the District of Columbia Courts" for District of Columbia courthouse facilities.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$212,983,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$1,000,000 shall remain available until September 30, 2014 for relocation of the Pretrial Services Agency drug testing laboratory; of which \$153,548,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$59,435,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than \$1,500,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the

Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$37,241,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$15,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,800,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2013, to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$205,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$60,000,000, to be allocated as follows: for the District of Columbia Public Schools, \$20,000,000 to improve public school education in the District of Columbia, to remain available until expended; for the State Education Office, \$20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; and for the Secretary of the Department of Education, \$20,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with the Scholarships for Opportunity and Results Act (Public Law 112-10, division C, 125 Stat. 199), to remain available until expended.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$375,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1-204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2012 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$10,911,966,000 (of which \$6,208,646,000 shall be from local funds, (including \$526,594,000 from dedicated taxes), \$1,015,449,000 shall be from Federal grant funds, \$1,499,115,000 from Medicaid payments, \$2,040,504,000 shall be from other funds, and \$25,677,000 shall be from private funds, and \$122,575,000 shall be from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intra-District authority shall be \$619,632,000; in addition, for capital construction projects, an increase of \$4,024,828,000, of which \$2,934,012,000 shall be from local funds, \$223,858,000 from the District of Columbia Highway Trust Fund, \$50,466,000 from the Local Transportation Fund, \$816,492,000 from Federal grant funds, and a rescission of \$2,835,689,000 of which \$1,796,345,000 shall be from local funds, \$749,426,000 from Federal grant funds, \$252,694,000 from the District of Columbia Highway Trust Fund, and \$37,224,000 from the Local Transportation Fund appropriated under this heading in prior fiscal years, for a net amount of \$1,189,139,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated, and expended as proposed under title III of the Fiscal Year 2012 Budget Request Act of 2011, at the rate set forth under "District of Columbia Funds Division of Expenses" as included in the of the Fiscal Year 2012 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2012, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the "District of Columbia Appropriations Act, 2012".

TITLE V INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$2,900,000, to remain available until September 30, 2013, of which not to exceed \$1,000,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102-281, \$450,000, to remain available until expended.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$240,000,000, to remain available until September 30, 2013, including not to exceed \$3,000 for official reception and representation expenses, and not to exceed \$25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, and of which \$66,000,000 shall remain available for information technology investments until September 30, 2014.

CONSUMER PRODUCT SAFETY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$4,000 for official reception and representation expenses, \$114,500,000.

ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

“(5) The Chairman may provide to officers and employees of the Commission who are appointed or assigned by the Commission to serve abroad (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) travel benefits similar to those authorized for members of the Foreign Service of the United Service under chapter 9 of such Act (22 U.S.C. 4081 et seq.).”

SEC. 502. (a) The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by inserting after section 17 the following:

“SEC. 17A. SERVICE OF PROCESS.

“(a) DESIGNATING AGENTS.—

“(1) IN GENERAL.—The Commission may require a manufacturer, or class of manufacturers, offering a consumer product for import to designate an agent in the United States on whom service of notices and process in administrative and judicial proceedings may be made.

“(2) FILING.—The designation shall be in writing and filed with the Commission.

“(3) MODIFICATION.—The designation may be changed in the same way originally made.

“(b) SERVICE.—

“(1) PLACE OF SERVICE.—An agent may be served at the agent's office or usual place of residence.

“(2) SERVICE ON AGENT IS SERVICE ON MANUFACTURER.—Service on the agent is deemed to be service on the manufacturer.

“(3) NO DESIGNATED AGENT.—If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Commission.”

(b) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 17 the following:

“17A. Service of process.”

SEC. 503. (a) Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate, as a final consumer product safety standard under section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a))—

(1) a standard requiring button cell battery compartments of battery-operated or assisted consumer products to be secured, to the greatest extent practicable, in a manner that reduces access to button cell batteries by children that are 3 years of age or younger; and

(2) standards requiring warning labels—

(A) to be included in any literature that accompanies a battery-operated or assisted consumer product, such as a user manual;

(B) to be included on packaging for button cell batteries sold to consumers; and

(C) to be included, as practicable, directly on a battery-operated or assisted consumer product in a manner that is visible to the consumer upon installation or replacement of the button cell battery.

(b) Warning labels required under subsection (a) shall—

(1) clearly identify the hazard of ingestion; and

(2) instruct consumers, as practicable, to keep new and used batteries out of the reach of children and to seek immediate medical attention if a battery is ingested.

(c)(1) The standards required by subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

(2) The requirements of subsections (a) through (f) and (g)(1) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to the promulgation of the standards required by subsection (a) of this section.

(d) Each final consumer product safety standard required by subsection (a) shall apply to battery-operated or assisted consumer products manufactured on or after the date that is 1 year after the date on which the Commission promulgates the standard.

SEC. 504. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of the potential safety risks associated with new and emerging consumer products, including chemicals and other materials used in their manufacture, taking into account the ability and authority of the Consumer Product Safety Commission—

(1) to identify, assess, and address such risks in a timely manner; and

(2) to keep abreast of the effects of new and emerging consumer products on public health and safety.

SEC. 505. Not later than 150 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of—

(1) the extent to which manufacturers comply with voluntary industry standards for consumer products, particularly with respect to inexpensive, imported products;

(2) whether there are consequences for such manufacturers for failing to comply with such standards;

(3) whether the Consumer Product Safety Commission has the authority and the ability to require compliance with such standards; and

(4) whether there are patterns of non-compliance with such standards among certain types of products or certain types of manufacturers.

SEC. 505. Not later than 540 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(1) in consultation with representatives of consumer groups, window blind manufacturers, and independent engineers and experts, examine and assess the effectiveness of the ANSI/WCMA A100.1-2010 safety standard, as in effect on the day before the date of the enactment of this Act; and

(2) if the Commission determines that a more stringent standard for window coverings, or revised version of the standard described in paragraph (1), would eliminate the strangulation risk posed by corded window coverings, promulgate, in accordance with section 553 of title 5, United States Code, a window covering safety standard that is more stringent than the standard described in paragraph (1).

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107-252), \$14,750,000, of which \$3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$354,181,000: *Provided*, That \$354,181,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at \$0: *Provided further*, That any offsetting collections received in excess of \$354,181,000 in fiscal year 2012 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2011, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$85,000,000 for fiscal year 2012: *Provided further*, That of the amount appropriated under this heading, not less than \$11,721,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking “December 31,

2011", each place it appears and inserting "December 31, 2013".

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$45,261,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION
SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$66,367,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$24,723,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$311,563,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$149,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15

U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$141,563,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831b).

GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$8,144,967,000, of which: (1) \$65,000,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services): *Provided*, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds; (2) \$280,000,000, including \$20,000,000 for a Judicial Capital Security program, to remain available until expended for repairs and alterations, which includes associated design and construction services: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may

be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2013 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) \$126,801,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$5,285,198,000 for rental of space which shall remain available until expended; and (5) \$2,387,968,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2012, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; services as authorized by 5 U.S.C. 3109; and the Office of High Performance Green Buildings; \$61,750,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses; \$70,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$58,000,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

INFORMATION AND ENGAGEMENT FOR CITIZENS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 5 U.S.C. 3109, and for the necessary expenses in support of interagency projects that enable the Federal Government to conduct activities electronically, through the development and implementation of innovative uses of information technology, \$39,084,000 to be deposited to the Federal Citizen Services Fund and that these funds may be transferred to Federal agencies to carry out the purpose of the fund and this transfer authority shall be in addition to any other transfer authority provided in the Act: *Provided*, That the appropriations, revenues, reimburseables, and collections deposited into the Federal Citizen Services Fund shall only be available for necessary expenses of Federal Citizen Services and other information activities in the aggregate amount not to exceed \$90,000,000: *Provided further*, That revenues and collections accruing to the Fund during fiscal year 2012 in excess of such amount shall remain available in the Fund without regard to fiscal year and shall not be available for expenditure except as authorized in appropriations acts.

ALLOWANCES AND OFFICE STAFF FOR FORMER
PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$3,671,000.

ADMINISTRATIVE PROVISIONS—GENERAL
SERVICES ADMINISTRATION
(INCLUDING TRANSFERS OF FUNDS AND
RESCISSION)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2012 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2013 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as

established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 524. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. Section 1703 of title 41 U.S.C. is amended in paragraph (1)(6) by:

(1) deleting "for training"; and
(2) deleting "paragraph (2)" and inserting in lieu thereof "subparagraphs (A) and (C) to (J) of section 1122(a)(5) of this title".

SEC. 527. (a) The Administrator of General Services (Administrator), through a deed of release or other appropriate instrument, may release to the city of Tracy, California (the City) the reversionary interests retained by the United States, and all other terms, conditions, reservations, and restrictions imposed, in connection with the conveyance of the 200 acres conveyed pursuant to Public Law 105-277 section 140, as amended by Public Law 106-31 section 3034 and Public Law 108-199 section 411. The exact acreage and legal description of the parcel to be released under subsection (a) shall be determined by a survey that is satisfactory to the Administrator.

(b) As consideration for such release authorized under subsection (a), the City shall pay to the Administrator an amount not less than the property's appraised Fair Market Value as determined by the Administrator. The determination of the Administrator is final. The Administrator shall determine the property's Fair Market Value through an appraisal conducted by a licensed, independent

appraiser. The appraisal shall be based on the property's highest and best use.

(c) As soon as practicable, but not more than 180 days after enactment of this Act, the City shall enter into a binding agreement with the Administrator for the conveyance described in subsection (a) of this section. The net proceeds from sale shall be deposited into the Federal Buildings Fund established under section 592 of title 40 of the United States Code.

(d) The City shall be responsible for reimbursing the Administrator for the costs associated with implementing this section, including the costs of appraisal and survey. The Administrator may require such additional terms and conditions in connection with the release under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. 528. Of the amounts made available under the heading "Policy and Operations" for the maintenance, protection, and disposal of the U.S. Coast Guard Service Center at Governor's Island, New York and the Lorton Correctional Facility in Lorton, Virginia in prior years whether appropriated directly to the General Services Administration (GSA) or to any other agency of the Government and received by GSA for such purpose, \$4,600,000 are rescinded.

SEC. 529. Within 120 days of enactment, the General Services Administration shall submit a detailed report to the Committees on Appropriations of the House of Representatives and the Senate that describes each program, project, or activity that is funded by appropriations to General Services Administration but is not under the control or direction, in statute or in practice, of the Administrator of General Services.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION
SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93-642, \$700,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$40,258,000 together with not to exceed \$2,345,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL
FOUNDATIONMORRIS K. UDALL AND STEWART L. UDALL
TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), \$2,200,000, to remain available until expended, of which up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8

and 9 of Public Law 102-259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall and Stewart L. Udall Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,792,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for necessary expenses in connection with the operations and maintenance of the electronic records archives to include all direct project costs associated with research, program management, and corrective and adaptive software maintenance, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, \$378,845,000: *Provided*, That all remaining balances appropriated in prior fiscal years under the heading "Electronic Records Archives" shall be transferred to this account.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, \$4,100,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$9,659,000, to remain available until expended: *Provided*, That from amounts made available for the Military Personnel Records Center requirement study under this heading in Public Law 108-199, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan: *Provided further*, That from amounts made available under this heading in Public Law 111-8 for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$5,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

During fiscal year 2012, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795

et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2012 shall not exceed \$1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,247,000 shall be available until September 30, 2013 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$13,664,000.

OFFICE OF PERSONNEL MANAGEMENT SALARIES AND EXPENSES (INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management [OPM] pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$97,774,000, of which \$6,004,000 shall remain available until expended for the Enterprise Human Resources Integration project, of which \$642,000 may be for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management, \$1,416,000 shall remain available until expended for the Human Resources Line of Business project; and in addition \$112,516,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive

Order No. 11183 of October 3, 1964, may, during fiscal year 2012, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$3,142,000, and in addition, not to exceed \$21,174,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 107-304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$18,972,000.

POSTAL REGULATORY COMMISSION SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109-435),

\$14,304,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT
BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), \$1,000,000, to remain available until September 30, 2013.

RECOVERY ACCOUNTABILITY AND
TRANSPARENCY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Recovery Accountability and Transparency Board to carry out the provisions of title XV of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$28,400,000, to remain available until September 30, 2012.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,407,483,130, to remain available until expended; of which not less than \$6,795,000 shall be for the Office of Inspector General; of which not to exceed \$45,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; of which, \$483,130 shall be for strengthening the capacity and capabilities of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence; *Provided*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$1,407,483,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2012 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2012 appropriation from the general fund estimated at not more than \$0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$23,984,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108-447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$404,202,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That the Small Business Administration may accept gifts in an amount not to exceed \$4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108-447, during fiscal year 2012: *Provided further*, That \$112,774,000 shall be available to fund grants for performance in fiscal year 2012 or fiscal year 2013 as authorized by section 21 of the Small Business Act, of which \$1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110-186, and of which \$1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110-140: *Provided further*, That \$21,956,000 shall remain available until September 30, 2013 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That during fiscal year 2012, the applicable percentage under section 7(m)(4)(A) of the Small Business Act shall be 50 percent: *Provided further*, That \$7,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2013: *Provided further*, That \$2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$16,267,400.

OFFICE OF ADVOCACY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94-305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$3,678,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act and section 503 of the Small Business Investment Act of 1958, \$206,862,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2012 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$17,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2012 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed \$3,000,000,000: *Provided further*, That during fiscal year 2012, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$147,958,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOAN PROGRAM ACCOUNT

For an additional amount for the "Disaster Loans Program Account" for the administrative costs of direct loans authorized by section 7(b) of the Small Business Act and resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$167,300,000, to remain available until expended, of which \$1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which \$157,300,000 is for direct administrative expense of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; of which \$9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS
ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current

fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$78,153,000, which shall not be available for obligation until October 1, 2012: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2012.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$241,468,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$51,469,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the

United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates a new program;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose;
- (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;
- (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or
- (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

Provided, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum, the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for sala-

ries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. In order to promote Government access to commercial information technology, the restriction on purchasing non-domestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 614. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 615. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107-204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2011, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2012 shall remain available until expended.

SEC. 616. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, \$998,000 are rescinded.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 618. Section 1107 of title 31, United States Code, is amended by adding to the end thereof the following: "The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch."

SEC. 619. Section 7 of the Abraham Lincoln Commemorative Coin Act (31 U.S.C. § 5112 note) is amended in subsection (b) by striking "Abraham Lincoln Bicentennial Commission" to further the work of the Commission" and inserting "Abraham Lincoln Bicentennial Foundation for the purposes of commemorating the bicentennial of the birth of Abraham Lincoln, and fostering and promoting the awareness and study of the life of Abraham Lincoln" and in subsection (c) by striking "Abraham Lincoln Bicentennial Commission" and inserting "Abraham Lincoln Bicentennial Foundation".

SEC. 620. The Help America Vote Act of 2002 (Public Law 107-252) is amended by:

(1) inserting in section 255(b)(42) U.S.C. 15405 "posted on the Commission's website with a notice" after "cause to have the plan";

(2) inserting in section 253(d)(42) U.S.C. 15403 "notice of" prior to "the State plan";

(3) inserting in section 254(a)(11)(42) U.S.C. 15404 "notice of" prior to "the change"; and

(4) inserting in section 254(a)(11)(C)(42) U.S.C. 15404 "notice of" prior to "the change".

SEC. 621. Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (15 U.S.C. 18a note) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "The filing fees" and inserting "Subject to subsection (c), the filing fees";

(B) in paragraph (1), by striking "\$45,000" and inserting "\$60,000";

(C) in paragraph (2)—

(i) by striking "\$125,000" and inserting "\$160,000"; and

(ii) by striking "and" at the end;

(D) in paragraph (3)—

(i) by striking "\$280,000" and inserting "\$360,000"; and

(ii) by striking the period at the end and inserting "but less than \$1,000,000,000 (as so adjusted and published); and"; and

(E) by adding at the end the following:

"(4) \$500,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than \$1,000,000,000 (as so adjusted and published)."; and

(2) by adding at the end the following:

"(c) For fiscal year 2013, and each fiscal year thereafter, the Federal Trade Commission shall publish in the Federal Register and increase the amount of each filing fee under subsection (b) in the same manner and on the same dates as provided under section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)) to reflect the percentage change in the gross national product for the fiscal year as compared to the gross national product for fiscal year 2011, except that the Federal Trade Commission—

"(1) shall round any increase in a filing fee under this subsection to the nearest \$5,000;

"(2) shall not increase filing fees under this subsection if the increase in the gross national product is less than 1 percent; and

"(3) shall not decrease filing fees under this subsection."

SEC. 622. None of the funds appropriated by this or any other Act shall be available for the purpose of conveying the headquarters building of the Federal Trade Commission (located at 600 Pennsylvania Avenue, Northwest, in the District of Columbia) to any entity unless the Administrator of the General Services Administration determines that such transaction is made in the best interest of the taxpayer. In making a final determination, the Administrator shall consider if the Federal Government would be compensated at least the Fair Market Value of such building as determined by the Administrator of the General Services. The Administrator shall determine the property's Fair Market Value through an appraisal conducted by a licensed, independent appraiser. The appraisal shall be based on the property's highest and best use. The Administrator shall also consider cost to the taxpayer for acquiring replacement space for the headquarters building of the Federal Trade Commission and for moving staff and operations to such replacement space. The determination of the Administrator shall be final.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2012 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,179 except station wagons for which the maximum shall be \$13,631: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Ve-

hicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the

Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2012, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2012, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2012, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2012 under section 5303 of

title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2012 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2011, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2011, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2011.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term “office” shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications

initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; or

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants, personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling." *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) Effective 180 days after enactment of this Act, subsection (a) is amended by—

(1) striking "Executive Order No. 12958" and inserting "Executive Order No. 13526 (75 Fed. Reg. 707), or any successor thereto"; and

(2) after "the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);" inserting "sections 7(c) and 8H of the Inspector General Act of 1978 (5 U.S.C. App.) (relating to disclosures to an inspector general, the inspectors general of the Intelligence Community, and Congress); section 103H(g)(3) of the National Security Act of 1947 (50 U.S.C. 403-3h(g)(3) (relating to disclosures to the inspector general of the Intelligence Community); sections 17(d)(5) and 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to disclosures to the Inspector General of the Central Intelligence Agency and Congress);".

(c) A nondisclosure agreement entered into before the effective date of the amendment in subsection (b) may continue to be implemented and enforced after that effective date if it complies with the requirements of subsection (a) that were in effect prior to the effective date of the amendment in subsection (b).

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 723. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 724. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the inter-agency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 725. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 727. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision

providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 728. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 729. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 730. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 731. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 732. (a) For fiscal year 2012, no funds shall be available for transfers or reimbursements to the e-government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or

savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new e-government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 733. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the United States Fish and Wildlife Service, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the United States Fish and Wildlife Service, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the United States Fish and Wildlife Service pursuant to an operational agreement with the Federal Aviation Administration for the entirety of fiscal year 2012 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2013. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed \$6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House of Representatives and the Senate of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news

story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 737. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 738. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms "Great Lakes" and "Great Lakes State" have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term "Great Lakes restoration activities" means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies

and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 739. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled “Competitive Area” published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. Section 743 of the Consolidated Appropriations Act, 2010 (Public Law 111-117; 31 U.S.C. 501 note) is amended—

(1) in subsection (a)(3), by inserting after “exercise of an option” the following: “, and task orders issued under any such contract,”;

(2) in subsection (a)(3)(G), by inserting before the period at the end the following: “, using direct labor hours and associated cost data collected from contractors”;

(3) in subsection (e)(2)(B), by striking the text and inserting the following: “the contracts exclude to the maximum extent practicable functions that are closely associated with inherently governmental functions”;

(4) by redesignating subsections (h) and (i) as subsections (i) and (j) and by inserting after subsection (g) the following new subsection:

“(h) SUBMISSION OF REPORT ON ACTIONS TAKEN BEFORE PUBLIC-PRIVATE COMPETITION MAY OCCUR.—An executive agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation or directive until after that agency has submitted to the Office of Management and Budget a report, pursuant to subsection (f), that includes actions taken to convert from contractor to Federal employee performance functions that are not inherently governmental, closely associated with governmental functions, critical, or should not otherwise be reserved for performance by Federal employees. This subsection shall take effect beginning with the report re-

quired under subsection (f) that is included as an attachment to the annual inventory due by December 31, 2011.”.

SEC. 742. The Office of Management and Budget shall issue guidance, consistent with section 735 of division D of the Omnibus Appropriations Act, 2009, Public Law 111-8, and section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110-161), and section 327 of the 2008 National Defense Authorization Act (Public Law 110-181), to prohibit the use of direct conversions to contract out, in whole or in part, activities or functions last performed by any number of Federal employees by an executive agency without first conducting a public-private competition. Such guidance shall ensure that—

(1) activities or functions performed by an executive agency and are reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially providing the same service, shall not be contracted out without first conducting a public-private competition;

(2) activities or functions performed by Federal employees for an executive agency may not be modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the activities or functions from the prohibition against the use of direct conversions; and

(3) activities or functions performed by Federal employees for an executive agency who have retired or been reassigned to perform other activities may not be converted to contractor performance without first conducting a public-private competition.

SEC. 743. During fiscal year 2012, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 744. (a) DEFINITIONS.—In this section—

(1) the term “agency”—

(A) means an Executive agency as defined under section 105 of title 5, United States Code; and

(B) does not apply to the Department of Defense; and

(2) the term “Federal employee” means an employee as defined under section 2105 of title 5, United States Code.

(b) PROHIBITION OF CERTAIN PERSONNEL MANAGEMENT LIMITATIONS.—

(1) IN GENERAL.—Federal employees in each agency shall be managed each fiscal year solely on the basis of, and consistent with—

(A) the workload required to carry out the functions and activities of that agency; and

(B) the funds made available to that agency for that fiscal year.

(2) PROHIBITION ON LIMITATIONS.—Notwithstanding any other provision of law—

(A) the management of Federal employees in any fiscal year shall not be subject to any limitation in terms of work years, full-time equivalent positions, or maximum number of Federal employees; and

(B) an agency may not be required to make a reduction in the number of full-time equivalent positions, unless that reduction is—

(i) necessary due to a reduction in funds available to the agency; or

(ii) required under a statute that—

(I) is enacted after the date of enactment of this Act; and

(II) specifically refers to this section.

(c) EMPLOYEE NUMBERS, SKILLS, AND QUALIFICATIONS.—In each fiscal year, the head of each agency shall ensure that there are employed during that fiscal year Federal employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within the applicable budget activity for which funds are provided for that fiscal year.

(d) REPORTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the management of the Federal workforce.

(2) CONTENTS.—Each report submitted under this subsection shall include a statement by the Director of the Office of Management and Budget with respect to the preceding fiscal year—

(A) on the compliance of agencies (including the Office of Management and Budget) with subsections (b) and (c); and

(B) that identifies any agency that was not in compliance with subsections (b) and (c).

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2012 and each fiscal year thereafter.

SEC. 745. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2012,

or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

- (1) creates new programs;
 - (2) eliminates a program, project, or responsibility center;
 - (3) establishes or changes allocations specifically denied, limited or increased under this Act;
 - (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;
 - (5) re-establishes any program or project previously deferred through reprogramming;
 - (6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or
 - (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,
- unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2012.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

- (1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;
- (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;
- (3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;
- (4) the Mayor of the District of Columbia; and
- (5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 811. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 812. Hereafter, as part of the submission of the annual budget justification, the Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report addressing—

- (1) crime, including the homicide rate, implementation of community policing, and the number of police officers on local beats;
- (2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;
- (3) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools, repeated grade rates, high school graduation rates, and post-secondary education attendance rates;
- (4) improvement in basic District services, including rat control and abatement; and
- (5) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received.

SEC. 813. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 814. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 815. (a) No later than 30 calendar days after the date of the enactment of this Act,

the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2012 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 816. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1-204.42).

SEC. 817. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 818. Notwithstanding any other laws, for this and succeeding fiscal years, the Director of the District of Columbia Public Defender Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the District of Columbia Public Defender Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services while acting within the scope of that person's office or employment, including, but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

SEC. 819. Section 346 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335) is amended—

- (1) in the title, by striking "BIENNIAL";
- (2) in subsection (a), by striking "Biennial management" and inserting "Management";
- (3) in subsection (a), by striking "States." and inserting "States every five years."; and
- (4) in subsection (b)(6), by striking "2" and inserting "5".

SEC. 820. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This Act may be cited as the "Financial Services and General Government Appropriations Act, 2012".

DIVISION C—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$6,877,500,000, of which \$1,400,000,000 is for Worldwide Security Protection (to remain available until expended): *Provided*, That funds made available under this heading shall be allocated as follows:

(1) **HUMAN RESOURCES.**—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,387,854,000, to remain available until September 30, 2013, of which not less than \$134,700,000 shall be available only for public diplomacy American salaries, and \$205,900,000 is for Worldwide Security Protection and shall remain available until expended.

(2) **OVERSEAS PROGRAMS.**—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$2,124,646,000, to remain available until September 30, 2013, of which not less than \$360,602,000 shall be available only for public diplomacy international information programs.

(3) **DIPLOMATIC POLICY AND SUPPORT.**—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$865,000,000, to remain available until September 30, 2013.

(4) **SECURITY PROGRAMS.**—For necessary expenses for security activities, \$1,500,000,000, to remain available until September 30, 2013, of which \$1,194,100,000 is for Worldwide Security Protection and shall remain available until expended.

(5) **FEES AND PAYMENTS COLLECTED.**—In addition to amounts otherwise made available under this heading—

(A) not to exceed \$1,753,991 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, li-

brary, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed \$15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND SPENDING PLAN.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Emergencies in the Diplomatic and Consular Service”, to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$69,915,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$61,904,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$612,000,000, to remain available until expended: *Provided*, That not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$7,300,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$27,744,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$795,000,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisi-

tion of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$775,000,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2012.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$9,300,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading “Repatriation Loans Program Account”, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,447,000, as authorized, of which \$710,000 may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to “Diplomatic and Consular Programs”: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$21,108,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, \$158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,585,000,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That notwithstanding any other provision of law, credits to United States assessed contributions to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States

and the respective international organization: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$1,900,000,000, of which 15 percent shall remain available until September 30, 2013: *Provided*, That at least 15 days in advance of voting for a new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations shall be notified of the estimated cost and duration of the mission, the national interest that will be served, the exit strategy, and that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (2) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That the Secretary of State shall work with the United Nations and governments contributing peacekeeping troops to develop effective vetting procedures to ensure that troops have not violated human rights: *Provided further*, That notwithstanding any other provision of law, credits to United States assessed contributions to United Nations peacekeeping missions and to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$45,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$29,862,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$11,687,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$36,300,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, \$740,039,000: *Provided*, That of the total amount in this heading, not less than \$2,500,000 shall be used to expand unrestricted access to information on the Internet through the development and use of circumvention and secure communication technologies: *Provided further*, That the BBG shall coordinate the use of such technologies with the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate: *Provided further*, That the circumvention technologies and programs supported by funds made available by this Act or Public Law 112-10 shall undergo a peer review, to include an assessment of protections against such technologies being used for illicit purposes such as furthering the communications capabilities of extremist groups or their supporters: *Provided further*, That prior to obligation, the BBG shall submit to the Committees on Appropriations a report detailing planned expenditures for funds made available for such activities: *Provided further*, That not later than September 30, 2012, the BBG shall submit a report to the Committees on Appropriations listing programs supported by the BBG to promote unrestricted access to information through the Internet, including an assessment of the results of such programs: *Provided further*, That of the total amount appropriated under this heading, not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2012: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of

its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) or the entity's journalistic code of ethics: *Provided further*, That reductions and increases to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to \$2,000,000 in receipts from advertising and revenue from business ventures, up to \$500,000 in receipts from cooperating international organizations, and up to \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, including to Cuba, as authorized, \$9,361,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), \$17,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, \$31,589,000, to remain available until September 30, 2012, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2012, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2012, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2012, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$16,700,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, \$117,764,000, to remain available until expended, of which \$100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and \$25,000,000 shall be for democracy, human rights, and rule of law programs: *Provided*, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD
SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$656,000, as authorized by section 1303 of Public Law 99-83.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$4,291,000, to remain available until September 30, 2013: *Provided*, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to \$250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$2,715,000, to remain available until September 30, 2013.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA
SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911-6919), \$1,996,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2013.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), \$3,493,000, including not more than \$4,000 for the purpose of official representation, to remain available until September 30, 2013: *Provided*, That the second through sixth provisos under this heading in division F of Public Law 111-117 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
FUNDS APPROPRIATED TO THE PRESIDENT
OPERATING EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,251,000,000, to remain available until September 30, 2013: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That any decision to open a new USAID mission, bureau, center, or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That any reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, to the cost categories in the table included under this heading in the report accompanying this Act for funds appropriated under this heading, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances, for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the pro-

curement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$137,000,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$49,000,000, to remain available until September 30, 2013, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2012, unless otherwise specified herein, as follows:

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$2,657,500,000, to remain available until September 30, 2013, and which shall be apportioned directly to the United States Agency for International Development (USAID): *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph shall be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than 6 months after enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing

in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That the ninth and tenth provisos under this heading in the Consolidated Appropriations Act, 2010 (Public Law 111-117) shall apply to funds appropriated under this heading in this Act: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,250,000,000, to remain available until September 30, 2015, which shall be appropriated directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than \$750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2012 may be made available to USAID for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to \$14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$2,550,000,000, to remain available until September 30, 2013: *Provided*, That relevant bureaus and offices of the United States Agency for International Development (USAID) that support cross-cutting development programs shall coordinate such programs on a regular basis: *Provided further*, That funds appropriated by this Act shall be made available for water and sanitation supply projects pursuant to the Paul Simon Water for the Poor Act of 2005 (Public Law 109-121): *Provided further*, That funds appropriated by this Act for food security and agricultural development programs may be made available notwithstanding any other provision of law and shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110-246: *Provided further*, That funds appropriated under this heading shall be made available for programs to improve women's leadership capacity in recipient countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$850,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), with the concurrence of the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, \$30,000,000, to remain available until expended: *Provided*, That the administrative authorities of the Foreign Assistance Act of 1961 shall be applicable to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: *Provided further*, That funds appropriated under this heading shall be made available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assist-

ance Act of 1961, up to \$50,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country or borrower shall not exceed \$300,000,000: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$1,000,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,300,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2014.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$4,378,560,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, up to \$250,000,000 shall be available for assistance for Egypt, which shall be for programs and activities (including to implement sections 7039(a)(3) and (b) of this Act) to reduce poverty and create jobs, strengthen democracy, and protect human rights, including not less than \$35,000,000 for education programs of which not less than \$10,000,000 is for scholarships at not-for-profit institutions for Egyptian students with high financial need: *Provided further*, That funds appropriated under this heading that are made available for assistance for Cyprus shall be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That \$12,000,000 of the funds made available for assistance for Lebanon under this heading shall be for scholarships at not-for-profit institutions for students in Lebanon with high financial need: *Provided further*, That of the funds appropriated under this heading, not less than \$360,000,000 shall be available for assistance for Jordan, including for programs and activities to reduce poverty and

create jobs, strengthen democracy, and protect human rights: *Provided further*, That up to \$30,000,000 of the funds appropriated for fiscal year 2011 under this heading in Public Law 112-10, division B, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Tunisia, which are authorized to be provided: *Provided further*, That amounts that are made available under the previous proviso for the cost of guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country: *Provided further*, That none of the funds appropriated under this heading may be made available for the Palestinian Authority if Palestine becomes a member or non-member state of the United Nations outside of an agreement negotiated between Israel and the Palestinians: *Provided further*, That the Secretary may waive the previous proviso if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, \$179,000,000 shall be apportioned directly to the United States Agency for International Development for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than \$8,000,000 shall be transferred to, and merged with, funds appropriated under the heading "Migration and Refugee Assistance" and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries: *Provided further*, That of the funds appropriated under this heading, \$15,000,000 may be made available for assistance for Cuba, including humanitarian and democracy assistance, support for economic reform, private sector initiatives, and human rights.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, \$114,770,000, to remain available until September 30, 2013, of which \$70,910,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and \$43,860,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, \$626,718,000, to remain available until September 30, 2013, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolu-

tion of conflicts, including in Nagorno-Karabakh: *Provided further*, That of the funds appropriated under this heading, not less than \$7,000,000 shall be made available for humanitarian, conflict mitigation, human rights, civil society, and relief and reconstruction assistance for the North Caucasus.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$1,700,000,000, to remain available until expended, of which \$20,000,000 shall be made available for refugees resettling in Israel, and not less than \$35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements of international and nongovernmental partners.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501-2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$375,000,000, of which \$5,000,000 is for the Office of Inspector General, to remain available until September 30, 2013: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed \$4,000 may be made available for entertainment expenses: *Provided further*, That not later than 45 days after enactment of this Act, the Director shall submit a spending plan to the Committees on Appropriations on the proposed uses of funds under this heading: *Provided further*, That none of the funds appropriated under this heading may be used to pay for abortions, except when the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, \$898,200,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2012: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Com-

pact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: *Provided further*, That funds appropriated by this Act or any prior Act appropriating funds for the Department of State, foreign operations, and related programs that are made available for a Millennium Challenge Compact and that are suspended or terminated by the Chief Executive Officer of the Corporation shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That none of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under this heading may be used for military assistance or military training, including for assistance for military or paramilitary purposes and for assistance to military forces: *Provided further*, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$22,500,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-533), \$30,000,000, to remain available until September 30, 2013: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$27,000,000, to remain available until September 30, 2013, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, \$15,000,000, to remain available until September 30, 2013.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$1,056,000,000, to remain available until September 30, 2013: *Provided*, That during fiscal year 2012, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings "Andean Counterdrug Initiative" and "Andean Counterdrug Program" shall be available for use in any country for which funds may be made available under this heading without regard to the geographic or purpose limitations under which such funds were originally appropriated, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, of the funds appropriated under this heading, \$5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161): *Provided further*, That not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the operation and maintenance costs of aircraft utilized in Iraq in support of programs funded under this heading, a justification for not including such costs under the heading "Diplomatic and Consular Programs", and estimates for overhead costs

associated with the Stabilization Operations and Security Sector Reform program: *Provided further*, That the concurrence of the Secretary of State shall be required for the provision of assistance which is comparable to assistance made available under this heading but which is provided under any other provision of law.

NONPROLIFERATION, ANTI-TERRORISM,
DEMINEING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$685,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That the clearance of unexploded ordnance should prioritize areas where such ordnance was caused by the United States: *Provided further*, That of the funds made available under this heading, not to exceed \$30,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds appropriated under this heading may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That funds made available for demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2013.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$262,000,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That funds appropriated under this heading

may be used to pay assessed expenses of international peacekeeping activities in Somalia and shall be available until September 30, 2013: *Provided further*, That funds appropriated under this Act should not be used to support any military training or operations that include child soldiers: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL MILITARY EDUCATION AND
TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$105,788,000: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available under this heading for assistance for Angola, Bahrain, Bangladesh, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Indonesia, Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further*, That of the funds appropriated under this heading, not to exceed \$55,000 may be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$5,346,000,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than \$3,075,000,000 shall be available for grants only for Israel, and up to \$1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That prior to the obligation of funds appropriated under this heading for assistance for Egypt, the Secretary of State shall certify to the Committees on Appropriations that the Governments of the United States and Egypt have agreed upon the specific uses of such funds, that such funds further the national interests of the United States in Egypt and the region, and that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association: *Provided further*, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be

available for advanced weapons systems, of which not less than \$808,725,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2012 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: *Provided further*, That of the funds appropriated under this heading, \$300,000,000 shall be made available for assistance for Jordan: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456) unless the Secretary of State, in consultation with the Secretary of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available under this heading shall be non-repayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Bahrain, Philippines, Indonesia, Haiti, Guatemala, Honduras, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$62,800,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering

military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation allowances: *Provided further*, That not more than \$836,900,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2012 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That, with respect to the previous proviso, up to \$100,000,000 of such funds may be transferred to the Special Defense Acquisition Fund pursuant to section 51 of the Arms Export Control Act.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$352,950,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, \$120,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increases in capital stock, \$117,364,344, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed \$2,928,990,899.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,355,000,000, to remain available until expended.

For payment to the International Development Association by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, \$167,000,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, \$350,000,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, \$100,000,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, \$200,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$25,000,000, to remain available until expended.

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, \$4,670,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$4,098,794,833.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, \$25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, \$106,586,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$2,558,048,769.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, \$100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$32,417,720, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury,

\$125,000,000, to remain available until expended.

For payment to the African Development Fund by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, \$7,500,000, to remain available until expended.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital of the United States share of such capital in an amount not to exceed \$1,252,331,952.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, \$30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$4,000,000, to remain available until September 30, 2013.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That the use of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank during the current fiscal year should not result in greenhouse gas emissions from the extraction or production of fossil fuels and the use of fossil fuels in electricity generation exceeding the total amount of such emissions resulting from the use of such authority during fiscal year 2010, unless not less than 15 days prior to the use of such authority the Export-Import Bank provides written notification to the Committees on Appropriations that the use of such authority would result in greenhouse gas emissions exceeding such amount and indicating the amount of the increase, and posts such notification on the Bank's Web site: *Provided further*, That not less than 10 percent of such aggregate should be used for renewable energy technology and end-use energy efficiency technologies: *Provided further*, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2012: *Provided further*, That notwithstanding the dates speci-

fied in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 6350 and section 1(c) of Public Law 103-428), the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through September 30, 2012.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed \$58,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2027, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2012, 2013, 2014, and 2015: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$89,900,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2012: *Provided further*, That the Export-Import Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0: *Provided further*, That amounts collected in fiscal year 2012 in excess of obligations, up to \$50,000,000, shall become available on September 1, 2012 and shall remain available until September 30, 2015.

OVERSEAS PRIVATE INVESTMENT CORPORATION NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$54,990,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2012, 2013, and 2014: *Provided further*, That funds so obligated in fiscal year 2012 remain available for disbursement through 2020; funds obligated in fiscal year 2013 remain available for disbursement through 2021; and funds obligated in fiscal year 2014 remain available for disbursement through 2022: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, not more than \$4,000 may be available for representation and entertainment allowances.

TITLE VII GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds

are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all expired and unexpired funds received by such department or agency in fiscal year 2012 or any previous fiscal year: *Provided*, That for the purposes of this section, obligated balances shall not include obligations made through bilateral agreements unless further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) For the purposes of calculating the fiscal year 2012 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the Department of State's contribution for this purpose.

(d) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Afghanistan, Pakistan, and Iraq, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e) Section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) is amended by striking "providing new," and inserting in its place "providing, maintaining, repairing, and renovating".

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total

budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: *Provided*, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: *Provided further*, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Appropriations.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree, or a coup d'état or decree that is supported by the military: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal

year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2012, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Global Health Programs", "Development Assistance", and "Economic Support Fund" shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the

United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2012, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings "Foreign Military Financing Program", "International Military Education and Training", "Peacekeeping Operations", and "Pakistan Counter-Insurgency Fund": *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings "Assistance for Europe, Eurasia and Central Asia" and "Development Credit Authority", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles

III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2011 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2012 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—
(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) closes or opens a mission or post;
- (6) creates, reorganizes, or renames bureaus, centers, or offices;
- (7) reorganizes programs or activities; or
- (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded under title

I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) None of the funds made available under titles II through VI and VIII in this Act under the headings "Global Health Programs", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Europe, Eurasia and Central Asia", "Economic Support Fund", "Democracy Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses", "Conflict Stabilization Operations", "Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Global Security Contingency Fund", "Foreign Military Financing Program", "International Military Education and Training", "Pakistan Counter-Insurgency Capability Fund", and "Peace Corps", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other

Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI and VIII of this Act shall be obligated or expended for assistance for Serbia, Sudan, South Sudan, Zimbabwe, Afghanistan, Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, Somalia, Sri Lanka, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2013.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of such funds by any such country or organization would violate any provisions related to abortions and involuntary sterilizations in section 104(f)(1), (2), and (3) of such Act.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act shall be made available for programs and countries in the amounts contained in the

respective tables included in the report accompanying this Act.

(b) For the purposes of implementing this section and only with respect to the tables included in the report accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health Programs", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

(b) BILATERAL ASSISTANCE.—

(1) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(B) otherwise supports international terrorism.

(2) The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver:

Provided, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "Economic Support Fund" and "Foreign Military Financing Program", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as:

- (1) justified to the Congress; or
- (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That the agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of

the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit American producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate ac-

count pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Section 123 of the Foreign Assistance Act of 1961 (22

U.S.C. 2151u) is amended by adding the following new subsection at the end:

“(i)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

“(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I and chapter 4 of part II; or

“(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

“(2) The President shall submit to Congress, in accordance with section 634A, advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

“(3) This subsection shall not apply—

“(A) with respect to section 620A of this Act or any comparable provision of law prohibiting assistance to governments that support international terrorism; or

“(B) with respect to section 116 of this Act or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

“(4) Nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilization contained in this or any other Act.”.

(b) PUBLIC LAW 480.—During fiscal year 2012, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83-480, as amended): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7028. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such

executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) Of the funds appropriated under title V of this Act that are available for payments to international financial institutions, 10 percent should not be obligated for any such institution until the Secretary of the Treasury reports to the Committees on Appropriations that the institution is implementing effective practices to protect whistleblowers (including the institution's employees and others affected by the institution's operations) from retaliation for internal and lawful public disclosures, including—

(1) best practices for legal burdens of proof;

(2) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(3) results that eliminate the effects of proven retaliation; and

(4) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with such institution's financing programs.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on healthcare or education; and to promote government spending on healthcare, education, agriculture and food security, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(e) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(f) For the purposes of this Act “international financial institutions” shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development,

the African Development Bank and the African Development Fund.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7031. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: *Provided*, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the

United States Government account or accounts established for the repayment of such loan.

(c) **ELIGIBLE PURCHASERS.**—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) **DEBTOR CONSULTATIONS.**—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

SPECIAL PROVISIONS

SEC. 7032. (a) AFGHANISTAN, PAKISTAN, IRAQ, LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated under titles III and VI of this Act that are made available for assistance for Pakistan, Iraq, and Lebanon and for victims of war, displaced children, displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law except section 620M of the Foreign Assistance Act, as amended by this Act.

(b) **WAIVER.**—

(1) The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Committees on Appropriations that it is important to the national security interests of the United States.

(2) **PERIOD OF APPLICATION OF WAIVER.**—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations specific recommendations on appropriate actions to be taken with respect to the Palestine Liberation Organization's status in the United States, especially about the closing of its office, if Palestine seeks to become a member or non-member state of the United Nations outside an agreement negotiated between Israel and the Palestinians.

(c) **SMALL BUSINESS.**—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development (USAID) may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) **RECONSTITUTING CIVILIAN POLICE AUTHORITY.**—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of

1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(e) **EXTENSION OF AUTHORITY.**—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2011” and inserting “2011, and 2012”; and

(B) in subsection (e), by striking “June 1, 2011” each place it appears and inserting “October 1, 2012”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2011” and inserting “2012”.

(f) **WORLD FOOD PROGRAM.**—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, USAID, from this or any other Act, shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(g) **DISARMAMENT, DEMOBILIZATION AND RE-INTEGRATION.**—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund”, “Peacekeeping Operations”, “International Disaster Assistance”, and “Transition Initiatives” should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further*, That for the purposes of this subsection the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(h) **CONTINGENCIES.**—During fiscal year 2012, the President may use up to \$75,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(i) **CONSOLIDATION OF REPORTS.**—The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: *Provided*, That reports are considered “substantially duplicative” if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: *Provided further*, That reports affected by this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.

(j) **PROMOTION OF DEMOCRACY.**—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwith-

standing any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term “promotion of democracy” means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(4) Of the funds appropriated under the heading “Economic Support Fund”, up to \$25,000,000 shall be made available to the Bureau of Democracy, Human Rights and Labor for programs to promote human rights by expanding open and uncensored access to information and communication through the Internet, mobile phones, and other connection technologies including digital safety training, policy and advocacy, and the development of circumvention and secure communication technologies, as identified in the Department of State's Internet freedom strategy: *Provided*, That funds made available by this section should be matched by sources other than the United States Government, as appropriate: *Provided further*, That the Secretary of State shall coordinate the uses of circumvention and secure communications technologies with the Administrator of the United States Agency for International Development (USAID) and the Broadcasting Board of Governors, as appropriate: *Provided further*, That the circumvention technologies and programs supported by funds made available by this Act, Public Law 111-117 or Public Law 112-10 shall undergo a peer review, to include an assessment of the protection against such technologies being used for illicit purposes, including to further the communications capabilities of extremist groups or their supporters: *Provided further*, That prior to the obligation of funds, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures of funds made available for activities to promote Internet freedom: *Provided further*, That not later than September 30, 2012, the Secretary of State, in coordination with the USAID Administrator, shall submit a report to the Committees on Appropriations listing programs supported by the Department of State and USAID to promote Internet freedom, including an assessment of the results of such programs, and detailing how such programs further, and are coordinated with cyber diplomacy and the United States International Strategy for Cyberspace.

(k) **ACCOUNTABILITY REVIEW BOARDS.**—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2012.

(l) **PARTNER VETTING.**—The provisions of section 7034(o) of division F of Public Law 111-117 shall remain in effect through fiscal year 2012.

(m) **MOTOR VEHICLE POLLUTION CONTROL.**—Not later than 90 days after enactment of this Act, the head of each United States Government agency that receives funds appropriated by this Act shall establish a policy to

eliminate unnecessary idling of motor vehicles owned or leased by such department or agency, and provide a copy of such policy to the Committees on Appropriations including an estimate of the amount of annual fuel savings that will result from such policy: *Provided*, That such policy may include exceptions to accommodate important security, health, or safety concerns, and if necessary to perform an important job function, ensure safe operating conditions, or to operate a motor vehicle in accordance with manufacturer specifications.

(n) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457): *Provided*, That in determining whether to suspend the issuance of A-3 or G-5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired) or whether the Department of State has requested that immunity of individual diplomats or family members be waived to permit criminal prosecution: *Provided further*, That the Secretary should continue to assist in obtaining payment of final court judgments awarded to A-3 and G-5 visa holders, including encouraging the sending states to provide compensation directly to victims: *Provided further*, That the Secretary shall include, in a manner the Secretary deems appropriate, all trafficking cases involving A-3 or G-5 visa holders in the Trafficking in Persons annual report for which a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(o) MODIFICATION OF AMENDMENT.—Section 620J of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended as follows:

(1) by redesignating the section as section 620M;

(2) in subsection (a), by striking “evidence” and inserting “information” and by striking “gross violations” and inserting “a gross violation”;

(3) in subsection (b), by striking “measures” and inserting “steps”; and

(4) by adding the following subsections:

“(d) CREDIBLE INFORMATION.—Not later than 180 days after the enactment of this section, the Secretary shall establish, and periodically update, procedures to—

“(1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;

“(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;

“(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;

“(4) ensure that such information is evaluated and preserved;

“(5) ensure that when vetting an individual for eligibility to receive United States training the individual’s unit is also vetted;

“(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and

“(7) make publicly available, to the maximum extent practicable, the identity of those units for which the Secretary has credible information.

“(e) REPORT.—The Secretary shall provide a copy of the procedures to the Committees on Appropriations.”

(p) SECTIONS REPEALED.—Sections 494, 495, and 495B through 495K of the Foreign Assistance Act of 1961 are hereby repealed.

(q) ANNUITANT WAIVER.—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)—

(A) in paragraph (1)(B), by inserting “to positions in the Response Readiness Corps,” before “or to posts vacated”; and

(B) in paragraph (2), by striking “2011” and inserting in lieu thereof “2013”.

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)—

(A) in paragraph (1), by inserting “to positions in the Response Readiness Corps,” before “or to posts vacated”; and

(B) in paragraph (2), by striking “2011” and inserting in lieu thereof “2013”.

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)—

(A) in subparagraph (A), by inserting “to positions in the Response Readiness Corps,” before “or to posts vacated”; and

(B) in subparagraph (B), by striking “2011” and inserting in lieu thereof “2013”.

(r) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of Public Law 111-32 shall remain in effect through fiscal year 2012.

(s) REPORTS REPEALED.—Section 4(b) of Public Law 79-264; section 51(a)(2) of Public Law 84-885; sections 133(d), 620C(c) and 620F(c) of Public Law 87-195; section 807 of Public Law 98-164; section 704(c) of Public Law 101-179; section 104 of Public Law 102-511; section 560(g) of Public Law 103-87; sections 514(a) and 527(f) of Public Law 103-236; section 605(c) of Appendix G, Public Law 106-113; sections 3203 and 3204(f) of division B of Public Law 106-246; section 564(g)(4) of Public Law 106-429; section 304(f) of Public Law 107-173; sections 694(a), 694(b), 702, 704 and 1321 of Public Law 107-228; and section 409(c) of Public Law 108-447 are hereby repealed.

(t) FEE.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by striking “2011” and inserting instead “2012”.

(u) CONFLICT STABILIZATION OPERATIONS AUTHORITY.—Of the funds appropriated in title I of this Act under the heading “Diplomatic and Consular Programs”, up to \$35,000,000, to remain available until expended, may be made available pursuant to the authorities under the heading “Civilian Stabilization Initiative” in title I of division F of Public Law 111-117: *Provided*, That the third and fourth proviso under such heading shall not apply to funds made available under this subsection.

(v) TRANSFER OF AUTHORITY.—

(1) The State Department Basic Authorities Act of 1956 is amended in section 1(c)(1) (22 U.S.C. 2651a(c)(1)) by striking “24” and inserting instead “26”.

(2) The Secretary of State may transfer any authority, duty, or function assigned by statute to the Coordinator for Counterterrorism, the Coordinator for Reconstruction and Stabilization, or the Coordinator for

International Energy Affairs (or to their respective offices) to such other officials or offices of the Department of State as the Secretary may determine from time to time, following consultation with the Committees on Appropriations.

(w) COUNTRY EXPENDITURES.—Except to respond to humanitarian crises or natural or man-made disasters, or to promote democracy or protect human rights, funds appropriated under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, “Millennium Challenge Corporation”, and “International Narcotics Control and Law Enforcement” shall not be made available for programs and activities in any country whose government is not increasing its own budgetary expenditures for such programs and activities.

(x) PERSONNEL.—The authority provided by section 1113 of Public Law 111-32 shall remain in effect through fiscal year 2012: *Provided*, That none of the funds appropriated or otherwise made available by this Act or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority.

(y) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State may withhold funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the central government of any country that the Secretary determines is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of making any such determination.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7033. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7034. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7038 of this Act (“Limitation on Assistance for the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7035. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those

who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7036. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7037. (a) OVERSIGHT.—For fiscal year 2012, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity’s governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to \$500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, in-

spection, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2012 under the heading “Economic Support Fund”, and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109-13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7038. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or

any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or a government over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109-446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

NEAR EAST

SEC. 7039. (a) EGYPT.—

(1) Notwithstanding any other provision of this Act, funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Egypt may be transferred to, and merged with, funds appropriated for assistance for Egypt under the heading “Economic Support Fund”: *Provided*, That such transfer may only be made following consultation with, and subject to the regular notification procedures of, the Committees on Appropriations.

(2)(A) None of the funds appropriated by this Act may be made available for assistance for the central Government of Egypt unless the Secretary of State certifies to the Committees on Appropriations that such government is meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(B) The Secretary of State may waive paragraph (2)(A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interests of the United States: *Provided*, That any such determination and report shall include a detailed justification for such waiver.

(3)(A) Funds appropriated under the heading “Economic Support Fund” in this and prior Acts (including previously obligated funds), may be made available, notwithstanding any other provision of law, for an Egypt initiative, particularly for the specific costs referred to in the authorities referenced herein, for the purpose of improving the lives of the Egyptian people through education, investment in jobs and skills (including secondary and vocational education), and access to finance for small and medium enterprise with emphasis on expanding opportunities for women, as well as other appropriate market-reform and economic growth activities: *Provided*, That the provisions of title VI of Public Law 103-306 pertaining to

funds for Jordan shall be deemed to apply to any such initiative and to funds available under this section to carry out such an initiative in the same manner as such cited provisions apply to Jordan, subject to the following provisos: *Provided further*, That subparagraph (b)(2) shall be deemed not to apply and the amount made available pursuant to this section as set forth in the report accompanying this Act and incorporated herein shall be deemed to apply in lieu of the figure in subparagraph (b)(1): *Provided further*, That the authority to reduce debt shall include authority to exchange an outstanding obligation for a new obligation and to permit both principal and interest payments on new obligations to be deposited into a fund established for such purpose, to be used in accordance with purposes set forth in an agreement between the United States and Egypt: *Provided further*, That the authority of this paragraph shall only be made available after the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association.

(b) ENTERPRISE FUNDS.—Up to \$60,000,000 of funds appropriated under the heading “Economic Support Fund” in this Act and prior acts making appropriations for the Department of State, foreign operations, and related programs (and including previously obligated funds), that are available for assistance for Egypt, up to \$20,000,000 of such funds that are available for assistance for Tunisia, up to \$60,000,000 of such funds that are available for assistance for Pakistan, and up to \$60,000,000 of such funds that are available for assistance for Jordan, respectively, may be made available notwithstanding any other provision of law, to establish and operate one or more enterprise funds for Egypt, Tunisia, Pakistan, and Jordan, respectively: *Provided*, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the provisions of subsections (b)(c)(d)(3) and (f) of that section), shall be deemed to apply to any such fund or funds, and to funds made available to such fund or funds, in order to enable such fund or funds to provide assistance for purposes of this section: *Provided further*, That section 7077 of division F of Public Law 111-117 shall apply to any such fund or funds established pursuant to this subsection: *Provided further*, That not more than 5 percent of the funds made available pursuant to this subsection should be available for administrative expenses of such fund or funds and not later than 1 year after the date of enactment of this Act, and annually thereafter until each fund is dissolved, each fund shall submit to the Committees on Appropriations a report detailing the administrative expenses of such fund: *Provided further*, That each fund shall be governed by a Board of Directors comprised of six private United States citizens and three private citizens of each country, respectively, who have had international business careers and demonstrated expertise in international and emerging markets investment activities: *Provided further*, That not later than 1 year after the entry into force of the initial grant agreement under this section and annually thereafter, each fund shall prepare and make available to the public on an Internet Web site administered by the fund a detailed report on the fund’s activities during the previous year: *Provided further*, That the authority of any such fund or funds to provide assistance shall cease to be effective on De-

cember 31, 2022: *Provided further*, That funds made available pursuant to this section shall be subject to prior consultation with the Committees on Appropriations.

(c) IRAN.—

(1) It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran’s uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104-172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran’s energy sector and all exports of refined petroleum products to Iran.

(2) None of the funds appropriated or otherwise made available in this Act under the heading “Export-Import Bank of the United States” may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172).

(3) The reporting requirements in section 7043(c) in division F of Public Law 111-117 shall continue in effect during fiscal year 2012 as if part of this Act: *Provided*, That the date in subsection (c)(1) shall be deemed to be “September 31, 2012”.

(d) IRAQ.—

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq shall be made available in a manner that utilizes Iraqi entities to the maximum extent practicable, and in accordance with the Department of State’s April 9, 2009 “Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects”.

(2) None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(3) Funds appropriated or otherwise made available by this Act for security-related programs in Iraq may only be made available if the Secretary of State certifies to the Committees on Appropriations that the Government of Iraq has committed to contributing to, and sustaining, such programs, including details on the manner in which such contributions and sustainment will be achieved.

(4) Of the funds appropriated by this Act for assistance for Iraq under the heading “Economic Support Fund”, not less than \$10,000,000 shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the United States Chief of Mission in Iraq.

(e) LEBANON.—

(1) None of the funds appropriated by this Act may be made available for assistance for the Government of Lebanon if such government is controlled by a foreign terrorist organization.

(2) Funds appropriated under the heading “Foreign Military Financing Program” in this Act for assistance for Lebanon may be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon’s borders, interdicting arms shipments, preventing the

use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be made available for obligation until the Secretary of State provides the Committees on Appropriations a detailed spending plan: *Provided further*, That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(f) LIBYA.—

(1) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$20,000,000 should be made available to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students: *Provided*, That such funds shall be made available, to the maximum extent practicable, on a cost matching basis.

(2) None of the funds appropriated by this Act may be made available for assistance for Libya for the rehabilitation or reconstruction of infrastructure except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.

(g) MOROCCO.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Morocco, \$1,000,000 shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations on steps being taken by the Government of Morocco to—

(1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and

(2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.

(h) SYRIA.—Notwithstanding any other provision of law, funds appropriated by this Act shall be made available to promote democracy and protect human rights in Syria: *Provided*, That a portion of such funds should be programmed in coordination with the Government of Turkey and other governments in the region, as appropriate.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7040. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic and Consular Programs”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Initiative” and “Andean Counterdrug Programs” may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: *Provided*, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after a determination by the Secretary of State to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That

any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting the Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

WESTERN HEMISPHERE

SEC. 7041. (a) CENTRAL AMERICA AND THE CARIBBEAN.—Funds appropriated by this Act shall be made available for the Central America Regional Security Initiative (CARSI) and for the Caribbean Basin Security Initiative (CBSI) to strengthen the capacity and professionalism of civilian law enforcement and judicial institutions.

(b) COLOMBIA.—

(1) ASSISTANCE.—

(A) Funds appropriated by this Act and made available to the Department of State for counter-narcotics or other law enforcement assistance for the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States: *Provided further*, That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad (DAS) or successor organizations.

(B) None of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” that are available for assistance for Colombia for the procurement of chemicals for aerial drug eradication may be made available unless the Secretary of State certifies to the Committees on Appropriations that any complaints of harm to health or licit crops caused by such aerial eradication are thoroughly investigated and evaluated, and fair compensation is paid in a timely manner for

meritorious claims: *Provided further*, That the Secretary shall submit a report to the Committees on Appropriations not later than 6 months after enactment of this Act and 6 months thereafter detailing the complaints made during the previous 6 months, the investigations conducted, and the amount of compensation, if any: *Provided further*, That such funds may not be made available for such purposes unless voluntary eradication programs are not feasible and programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further*, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further*, That funds appropriated by this Act may not be used for aerial drug eradication in Colombia’s national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations that there are no effective alternatives and the eradication is in accordance with Colombian laws.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), as amended by section 7046 (b)(2)(A) of division F of Public Law 111–117, shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia.

(B) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111–8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

(i) Subsection (b)(1)(B) is amended as follows:

(I) By striking clause (i) and inserting the following:

“(i) The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated human rights, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups; all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are no longer opposing civilian judicial jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities.”

(II) By striking clause (iv) and inserting the following:

“(iv) The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, and other social activists, and the rights and territory of indigenous and Afro-Colombian communities; and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants, in their operations.”

(ii) Subsection (b)(2) shall be applied by substituting “July 31, 2012” for the date contained therein;

(iii) Subsection (c) shall be applied by substituting "September 30, 2012" for the date contained therein; and

(iv) Subsection (d)(1) shall be applied by substituting "fiscal year 2012" for the fiscal year contained therein.

(C) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing any United States funding, assistance or other support for the DAS, its officials, employees, affiliates and contractors during the period 2002 through 2010, including but not limited to training, equipment, information sharing, technical assistance, and facilities construction: *Provided*, That to the maximum extent possible the report shall be provided in unclassified form, but may also include a classified annex.

(C) GUATEMALA.—

(1) Of the funds appropriated in this Act under the heading "International Narcotics Control and Law Enforcement" not less than \$5,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated under the heading "International Military Education and Training" (IMET) that are available for assistance for the Guatemalan Army may only be made available for expanded IMET.

(3) None of the funds appropriated under the heading "Foreign Military Financing Program" may be made available for assistance for the Guatemalan Army, except that such funds may be made available for the Army Corps of Engineers only to improve disaster response capabilities and to participate in international peacekeeping operations.

(D) HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Funds appropriated under the heading "Economic Support Fund" in this Act and prior Acts that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Haitian civil society organizations and directly improves the security, economic and social well-being, and political status, of Haitian women and girls.

(E) HONDURAS.—Funds appropriated by this Act that are available for assistance for police forces in Honduras may not be made available until the Secretary of State certifies to the Committees on Appropriations that the Government of Honduras is investigating, prosecuting, and punishing police officers who have violated human rights and the Honduran police are cooperating with civilian judicial authorities in such cases.

(F) MEXICO.—Funds appropriated by this Act that are available to support anti-crime and counter-narcotics efforts in Mexico shall be made available to strengthen the capacity of civilian law enforcement and judicial institutions.

(G) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than \$10,000,000 under the heading "Development Assistance" and not less than \$10,000,000 under the heading "Economic Support Fund" shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Peru and the Dominican Republic.

SERBIA

SEC. 7042. (a) Funds appropriated by this Act may be made available for assistance for

the central Government of Serbia after May 31, 2012, if the Secretary of State has submitted the report required in subsection (c).

(b) After May 31, 2012, the Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the condition in subsection (c).

(c) The report referred to in subsection (a) is a report by the Secretary of State to the Committees on Appropriations that the Government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia, including apprehending and transferring indictees and providing investigators access to witnesses, documents, and other information.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7043. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address sexual and gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7044. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7045. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING

SEC. 7046. (a) MISSIONS.—None of the funds appropriated or otherwise made available by

title I of this Act may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation.

(b) ASSESSMENT.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding the following at the end:

"(vii) For assessments made during calendar year 2011 and 2012, 27.2 percent."

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7047. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is important to the national interest: *Provided*, That for purposes of this section the term "international conference" shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7048. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7049. The terms and conditions of section 7055 of division F of Public Law 111-117 shall apply to this Act: *Provided*, That the date "September 30, 2009" in subsection (f)(2)(B) shall be deemed to be "September 30, 2011".

LANDMINES AND CLUSTER MUNITIONS

SEC. 7050. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be

used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7051. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7052. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 7053. (a) **AUTHORITY.**—Up to \$93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2013.

(c) **CONDITIONS.**—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated.

(d) **PRIORITY SECTORS.**—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical areas currently encumbered by contractor or other nondirect hire personnel.

(e) **PROGRAM ACCOUNT CHARGED.**—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(f) **FOREIGN SERVICE LIMITED EXTENSIONS.**—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(g) **DISASTER SURGE CAPACITY.**—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural or man-made disasters.

(h) **TECHNICAL ADVISORS.**—Up to \$13,500,000 of the funds made available in title III of this Act for assistance under the heading “Global Health Programs”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by USAID for the purpose of carrying out activities under that heading: *Provided*, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(i) **PERSONAL SERVICES CONTRACTORS.**—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That not more than 15 of such contractors shall be for activities related to USAID's Afghanistan or Pakistan programs: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(j) **SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.**—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111-117 may be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7054. (a) Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for global health activities including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading “Global Health Programs” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than \$700,000,000 shall be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID) shall submit to the Committees on Appropriations a report on any cost savings that could be achieved by transitioning the function, role, and duties of the Office of the United States Global AIDS Coordinator into USAID.

(c) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID) shall submit to the Committees on Appropriations a report on the status of the Quadrennial Diplomacy and Development Review (QDDR) decision to transition the leadership of the Global Health Initiative (GHI) to USAID, to include the following:

(1) The metrics developed to measure progress towards meeting each benchmark enumerated in Appendix 2 of the QDDR and the method utilized to develop such metrics;

(2) The status of, and estimated completion date for, meeting each benchmark; and

(3) An assessment of meeting the QDDR target date of September 2012 for transition of GHI to USAID, and if such assessment determines that the target date will not be met a detailed explanation of why it will not be met and a revised target date for the transition to be completed.

(d) Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to respond to pandemic outbreaks, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

DEVELOPMENT GRANTS PROGRAM

SEC. 7055. Of the funds appropriated in title III of this Act, not less than \$45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161), primarily for unsolicited proposals, to support grants of not more than \$2,000,000 to small nongovernmental organizations: *Provided*, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7063.

PROGRAMS TO PROMOTE GENDER EQUALITY

SEC. 7056. (a) Programs funded under title III of this Act shall include, where appropriate, efforts to improve the status of women, including through gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds appropriated under title III of this Act shall be made available to support programs to expand economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing women's access to financial services and capital, enhancing the role of women in economic decisionmaking at the local, national and international levels, and improving women's ability to participate in the global economy.

(c) Funds appropriated under title III of this Act shall be made available to increase political opportunities for women, including

strengthening protections for women's personal status, increasing women's participation in elections, and enhancing women's positions in government and role in government decisionmaking.

(d) Funds appropriated under in title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

(e) The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall develop a National Action Plan in accordance with United Nations Security Council Resolution 1325 (adopted on October 31, 2000) to ensure the United States effectively promotes and supports the rights and roles of women in conflict-affected and post-conflict regions through clear, measurable commitments to—

(1) promote the active and meaningful participation of women in affected areas in all aspects of conflict prevention, management, and resolution;

(2) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support women's equal access to aid distribution mechanisms and services; and

(5) monitor, analyze and evaluate implementation efforts and their impact.

(f) The Department of State and the United States Agency for International Development shall fully integrate gender into all diplomatic and development efforts through the inclusion of gender in strategic planning and budget allocations, and the development of indicators and evaluation mechanisms to measure the impact of United States policies and programs on women and girls in foreign countries.

GENDER-BASED VIOLENCE

SEC. 7057. (a) Funds appropriated under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "International Narcotics Control and Law Enforcement" in this Act shall be made available for sexual and gender-based violence prevention and response efforts, and funds appropriated under the headings "International Disaster Assistance", "Complex Crises Fund" and "Migration and Refugee Assistance" should be made available for such efforts.

(b) Programs and activities funded under titles III and IV of this Act to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to sexual and gender-based violence and trafficking in persons.

(c) Not later than 180 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committees on Appropriations a multi-year strategy to prevent and respond to violence against women and girls in countries where it is common: *Provided*, That the strategy should reflect the input of local women's organizations in such countries and include achievable and sustainable goals, benchmarks for measuring progress, and expected results: *Provided further*, That the strategy should include regular engagement with men and boys as community leaders and advocates in ending violence against women and girls.

RECONCILIATION PROGRAMS

SEC. 7058. Of the funds appropriated by title III of this Act under the headings "Eco-

nomic Support Fund" and "Development Assistance", \$26,000,000 shall be made available to support people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which \$10,000,000 shall be made available for such programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds.

REQUESTS FOR DOCUMENTS

SEC. 7059. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON USE OF TORTURE

SEC. 7060. (a) None of the funds made available in this Act may be used to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

(b) Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report identifying those countries receiving United States assistance from funds appropriated by this Act whose police, military, or other security forces have been credibly alleged to use torture, as determined by the Assistant Secretary of State for Democracy, Human Rights and Labor based on the Department of State's most recent Human Rights Report and other relevant information.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate torture by foreign police, military or other security forces in countries identified in the report required in subsection (b).

AFRICA

SEC. 7061. (a) CONFLICT MINERALS.—

(1) None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Rwanda or Uganda if the Secretary of State has credible evidence that the Government of Rwanda or the Government of Uganda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo (DRC) that are involved in the illegal exportation of minerals out of the DRC or have violated human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the illegal exportation of minerals out of the DRC by such groups, to protect relief efforts, or to support the training and deployment of members of the Rwandan or Ugandan militaries in international peacekeeping operations.

(b) COUNTER-TERRORISM PROGRAMS.—

(1) Of the funds appropriated by this Act, not less than \$52,800,000 should be made available for the Trans-Sahara Counter-terrorism Partnership program, and not less than \$21,300,000 should be made available for the Partnership for Regional East Africa Counter-terrorism program.

(2) In addition to such sums that may otherwise be made available, of the funds appropriated by this Act under the heading "Economic Support Fund", \$10,000,000 shall be made available for programs to counter extremism in East Africa.

(3) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations detailing—

(A) the United States Government's multi-year strategy for combating terrorism in Africa;

(B) the amount of funding provided, by account, to implement such a strategy, and a brief description of counter-terrorism programs implemented on a country-by-country basis;

(C) the mechanisms for coordinating such assistance between the Department of State, the United States Agency for International Development, and the Department of Defense, between the United States Government and other international donors, and between the United States Government and respective host governments; and

(D) the benchmarks for measuring the strengths and weaknesses in implementing such strategy.

(c) CRISIS RESPONSE.—Notwithstanding any other provision of law, up to \$15,000,000 of the funds appropriated by this Act under the heading "Global Health Programs" for HIV/AIDS activities may be transferred to, and merged with, funds appropriated under the headings "Complex Crises Fund", "International Disaster Assistance", "Economic Support Fund", and "Migration and Refugee Assistance" to respond to unanticipated crises in Africa, except that funds shall not be transferred unless the Secretary of State certifies to the Committees on Appropriations that no individual currently on antiretroviral therapy supported by such funds shall be negatively impacted by the transfer of such funds: *Provided*, That the authority of this subsection shall be subject to prior consultation with the Committees on Appropriations.

(d) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading "International Military Education and Training" (IMET) in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Guinea and Zimbabwe may be made available only for expanded IMET.

(2) None of the funds appropriated under the heading "International Military Education and Training" in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(e) ETHIOPIA.—

(1) Funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available for assistance for Ethiopia shall not be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is implementing policies to respect due process and freedoms of expression and association, and is permitting access to human rights and humanitarian organizations to the Somalia region of Ethiopia; and

(B) submits a report to such Committees on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military including steps that will be taken to ensure that such assistance is not provided to military units or personnel that have violated human

rights, and steps taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military who have been credibly alleged to have violated such rights.

(2) The restriction in paragraph (1) shall not apply to assistance to Ethiopian military efforts in support of international peacekeeping operations and for assistance to the Ethiopian Defense Command and Staff College.

(f) **THE GAMBIA.**—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for the Gambia, except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Gambia is taking effective steps to release and account for political prisoners.

(g) **KENYA.**—Funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for Kenya should not be made available unless a thorough, credible investigation has been conducted of alleged crimes by Kenyan soldiers at Mount Elgon in March 2008, and the responsible individuals are being brought to justice.

(h) **SUDAN LIMITATION ON ASSISTANCE.**—

(1) Subject to paragraph (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan unless the Secretary of State certifies to the Committees on Appropriations that such government—

(i) has lifted the state of emergency in Darfur;

(ii) is cooperating with and participating in good faith in an internationally recognized peace process for Darfur;

(iii) is permitting access and freedom of movement for the United Nations/African Union Hybrid Mission in Darfur and the delivery of humanitarian assistance in Darfur, and is respecting international humanitarian law;

(iv) is not engaging in provocative military operations within Sudan or cross-border destabilization; and

(v) has reached a mutually acceptable agreement with the Republic of South Sudan regarding the status of Abyei and other outstanding issues related to implementation of the Comprehensive Peace Agreement (CPA), including matters related to oil revenues and the transit of oil.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) The limitations of paragraph (1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Kordofan, Blue Nile, White Nile, Sennar, other marginalized areas in Sudan, and the Abyei area; and

(C) assistance to support implementation of the CPA, mutually agreed upon arrangements related to post-referendum issues associated with the CPA, or to promote peace and stability between Sudan and the Republic of South Sudan, or any other internationally recognized viable peace agreement in Sudan.

(i) **SOUTH SUDAN.**—

(1) Funds appropriated by this Act should be made available for assistance for South Sudan including to increase agricultural productivity, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the Federal Legislative Assembly to conduct oversight over government revenues and expenditures.

(2) Not less than 15 days prior to the obligation of funds appropriated by this Act that are available for assistance for the Government of South Sudan, the Secretary of State shall submit a report to the Committees on Appropriations detailing the extent to which the Government of South Sudan is—

(A) supporting freedom of expression, the establishment of democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and

(B) investigating and punishing members of security forces who have violated human rights.

(3) The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of South Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the timely, public disclosure of such audits: *Provided*, That the Secretary should assist the Government of South Sudan in conducting such audits, and by providing technical assistance to enhance the capacity of the National Auditor Chamber to carry out its responsibilities, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of South Sudan, which are additional to those taken in the previous fiscal year, to improve natural resource management and ensure transparency and accountability of funds.

(j) **UGANDA.**—Of the funds appropriated by this Act under the headings “Development Assistance” and “International Narcotics Control and Law Enforcement”, not less than \$1,000,000 shall be made available to improve physical access, telecommunications infrastructure, and early-warning mechanisms in areas affected by the Lord’s Resistance Army (LRA), and not less than \$1,000,000 shall be made available to support the disarmament, demobilization and reintegration of former LRA combatants, especially child soldiers.

(k) **WAR CRIMES IN AFRICA.**—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by the ICTR and the SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with the ICTR and the SCSL, including the apprehension, surrender, and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by the ICTR and the SCSL to bring to

justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in paragraph (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in apprehending and surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(l) **ZIMBABWE.**—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health, education, and macroeconomic growth assistance, unless the Secretary of State makes the determination required in paragraph (1).

ASIA

SEC. 7062. (a) **TIBET.**—

(1) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than \$7,500,000 of the funds appropriated by this Act under the heading “Economic Support Fund” should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) **BURMA.**—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Burma.

(2) Funds appropriated by this Act may be made available for assistance for Burma notwithstanding any other provision of law, except no such funds shall be made available to the State Peace and Development Council, or its successor, and its affiliated organizations: *Provided*, That such funds shall be made available to support programs in Burma, along Burma’s borders, and for Burmese groups and organizations located outside Burma: *Provided further*, That not less

than \$5,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees appropriated under the heading "Migration and Refugee Assistance" in this Act: *Provided further*, That any new program or activity initiated with funds made available by this Act shall be subject to prior consultation with the Committees on Appropriations, and all such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking effective steps to address allegations of corruption and mismanagement within the tribunal.

(d) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available for assistance for Indonesia, \$2,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on Indonesia required under such heading in the report accompanying this Act.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for Indonesia, not less than \$400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(e) PEOPLE'S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading "Diplomatic and Consular Programs" in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) Notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, of the funds appropriated under the heading "Economic Support Fund", not less than \$20,000,000 shall be made available to United States institutions of higher education and nongovernmental organizations for programs and activities in the People's Republic of China relating to democracy, governance, rule of law, and the environment.

(f) PHILIPPINES.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available for assistance for the Philippines, \$3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropria-

tions the report on the Philippines required under such heading in the report accompanying this Act.

(g) TIMOR-LESTE.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$1,000,000 shall be made available for higher education scholarships in Timor-Leste.

(h) VIETNAM.—Of the funds appropriated under the heading "Economic Support Fund", not less than \$15,000,000 shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes, and not less than \$5,000,000 under the heading "Development Assistance" shall be made available for related health/disability activities.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7063. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" may be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act, unless the Secretary of State determines that to do so is in the national security interests of the United States.

(b) Funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" for the Russian Federation, Armenia, Azerbaijan, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or nonproliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

CENTRAL ASIA

SEC. 7064. The terms and conditions of sections 7075(a) through (d) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated by this Act, except that the Secretary of State may waive the application of section 7076(a) for a period of not more than 6 months and every 6 months thereafter until September 30, 2013, if the Secretary certifies to the Committees on Appropriations that the waiver is in the national security interest and necessary to obtain access to and from Afghanistan for the United States, and the waiver includes an assessment of progress, if any, by the Government of Uzbekistan in meeting the requirements in section 7076(a): *Provided*, That

the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act and 12 months thereafter, on all United States Government assistance provided to the Government of Uzbekistan and expenditures made in support of the Northern Distribution Network in Uzbekistan, including any credible information that such assistance or expenditures are being diverted for corrupt purposes: *Provided further*, That information provided in the report required by the previous proviso may be provided in a classified annex and such annex shall indicate the basis for such classification: *Provided further*, That for the purposes of the application of section 7075(c) to this Act, the report shall be submitted not later than October 1, 2012 and for the purposes of the application of section 7076(e) to this Act, the term "assistance" shall not include expanded international military education and training.

SOUTH ASIA

SEC. 7065. (a) AFGHANISTAN.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations that—

(A) The funds will be used to support programs and activities that can be sustained by Afghan national, provincial or local governments.

(B) The Government of Afghanistan is—

(i) reducing corruption and improving governance, including by investigating, prosecuting, sanctioning and/or removing corrupt officials from office and implementing financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as conducting oversight of public resources; and

(ii) taking credible steps to protect the human rights of Afghan women.

(C) Funds will be used to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments.

(D) Representatives of Afghan national, provincial or local governments, and local communities and civil society organizations, including women-led organizations, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(2) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(A) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant Afghan implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the Government of Afghanistan have agreed, in writing, to achievable and sustainable goals, benchmarks for measuring progress, and expected results for the use of such funds, and have established mechanisms

within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided*, That the assessment procedures of the Department of State and USAID shall be standardized and provide reasonable assurance of detecting significant vulnerabilities that could result in the waste or misuse of United States funds: *Provided further*, That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further*, That any such assistance shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(B) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan.

(3) ASSISTANCE AND OPERATIONS.—

(A) Funds appropriated under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” in this Act that are available for assistance for Afghanistan—

(i) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7056 and 7057 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women’s Affairs, and women-led organizations.

(ii) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: *Provided*, That funds may be made available to support reconciliation and reintegration activities only if:

(I) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the human rights of Afghan women; and

(II) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or acts of terrorism;

(iii) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund; and

(iv) may be made available, notwithstanding any provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

(B) The authority contained in section 1102(c) of Public Law 111-32 shall continue in

effect during fiscal year 2012 and shall apply as if part of this Act.

(C)(i) Of the funds appropriated by this Act that are made available for assistance for Afghanistan, not less than \$75,000,000 shall be made available for rule of law programs: *Provided*, That decisions on the uses of such funds shall be the responsibility of the Coordinator for Rule of Law, in consultation with the Interagency Planning and Implementation Team, at the United States Embassy in Kabul, Afghanistan: *Provided further*, That \$250,000 of such funds shall be transferred to, and merged with, funds appropriated under the heading “Office of Inspector General” in title I of this Act for oversight of such programs and activities.

(ii) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(D) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(E) Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(F) None of the funds appropriated by this Act under the heading “Economic Support Fund” may be made available for transportation infrastructure in Afghanistan unless the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan has established a standardized rail gauge consistent with that utilized by Central Asian states, including Uzbekistan: *Provided*, That the Secretary of State may waive the requirement of this paragraph if the Secretary of State reports to the Committees on Appropriations that to do so is important to the national security interests of the United States.

(G) Not later than 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations whether an International Monetary Fund (IMF) country program for Afghanistan has been established: *Provided*, That if such program has not been established by that date, the report required by this paragraph shall include specific actions requested by the IMF, and taken by the Government of Afghanistan, to address the Kabul Bank crisis and restore confidence in Afghanistan’s banking sector.

(4) OVERSIGHT.—

(A) The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(B) The USAID Administrator should provide for independent, transparent evaluations of assistance programs and activities in Afghanistan which exceed \$25,000,000.

(b) NEPAL.—

(1) Funds appropriated by this Act under the headings “Foreign Military Financing Program” and “Peacekeeping Operations” may be made available for assistance for Nepal only if the Secretary of State certifies

to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions by civilian judicial authorities of violations of human rights; and

(B) working constructively to redefine the Nepal Army’s mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance for humanitarian relief and reconstruction activities in Nepal.

(c) PAKISTAN.—

(1) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—Funds appropriated by this Act for assistance for Pakistan may be made available for direct government-to-government assistance only if the Secretary of State certifies to the Committees on Appropriations that the Government of the United States and the Government of Pakistan have agreed, in writing, to achievable and sustainable goals, benchmarks for measuring progress, and expected results for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided*, That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further*, That funds made available pursuant to this subparagraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) INFRASTRUCTURE PROJECTS.—Funds appropriated under the heading “Economic Support Fund” in this Act that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(3) MILITARY ASSISTANCE.—Funds appropriated by this Act under the headings “Foreign Military Financing Program” and “Pakistan Counter-insurgency Capability Fund” that are available for assistance for Pakistan may be made available only to support counter-terrorism and counter-insurgency operations in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(4) CERTIFICATION AND REPORT.—

(A) CERTIFICATION.—

(i) Prior to the obligation of funds in titles III and IV and under the heading “Pakistan Counter-Insurgency Capability Fund” in this Act for assistance for the Government of Pakistan, the Secretary of State shall certify to the Committees on Appropriations that the Government of Pakistan is—

(I) cooperating with the United States in efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Al Qaeda and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from operating in Pakistan and carrying out cross border attacks into neighboring countries;

(II) not impeding the issuance of visas for United States visitors engaged in counterterrorism efforts and assistance programs, in Pakistan; and

(III) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(ii) The Secretary of State may waive the requirements of paragraph (i) if to do so is in the national security interests of the United States.

(B) REPORT.—The spend plan required by section 7083 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding furthering the development of Pakistan, countering extremism, and establishing conditions conducive to the rule of law and accountable governance: *Provided*, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2013, the Secretary of State shall submit a report on the status of achieving the goals and benchmarks in the spend plan: *Provided further*, That the Secretary of State should suspend assistance for the Government of Pakistan if any such report indicates that Pakistan is failing to make measurable progress in meeting any such goal or benchmark.

(5) PRECURSOR CHEMICALS.—Funds appropriated under the heading “Economic Support Fund” that are available for assistance for Pakistan should be made available to stop the flow of precursor materials used to manufacture Improvised Explosive Devices, including calcium ammonium nitrate, from Pakistan to Afghanistan, including programs to train border and customs officials in Pakistan and Afghanistan as well as agricultural extension programs that encourage alternative fertilizers among Pakistani farmers.

(6) HUMAN RIGHTS AND DEMOCRACY.—Of the funds appropriated under the heading “Economic Support Fund” in this Act for assistance for Pakistan \$5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights and democracy programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations and the development of democratic political parties.

(7) CHIEF OF MISSION.—Of the funds appropriated under the heading “Economic Support Fund” in this Act for assistance for Pakistan, up to \$10,000,000 may be made available to the Chief of Mission to address unanticipated humanitarian needs: *Provided*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(d) SRI LANKA.—

(1) None of the funds appropriated by this Act under the headings “Foreign Military Financing Program” and “Peacekeeping Operations” may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is—

(A) conducting credible, thorough investigations of alleged war crimes and violations of international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam;

(B) bringing to justice individuals who have been credibly alleged to have committed such violations;

(C) supporting and cooperating with any United Nations investigation of alleged war crimes and violations of international humanitarian law;

(D) respecting due process, the rights of journalists, and the rights of citizens to peaceful expression and association, including ending arrest and detention under emergency regulations;

(E) providing access to detainees by humanitarian organizations; and

(F) implementing policies to promote reconciliation and justice including devolution of power as provided for in the Constitution of Sri Lanka.

(2) Paragraph (2) shall not apply to assistance for humanitarian demining and aerial and maritime surveillance.

(3) If the Secretary makes the certification required in paragraph (2), funds appropriated under the heading “Foreign Military Financing Program” that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(4) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in paragraph (2)(D), (E), and (F) of this subsection.

ENTERPRISE FUNDS

SEC. 7066. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION (INCLUDING TRANSFER OF FUNDS)

SEC. 7067. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect.

EXTRADITION

SEC. 7068. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings “International Narcotics Control and Law Enforcement”, “Migration and Refugee Assistance”, “Emergency Migration and Refugee Assistance”, and “Nonproliferation, Anti-terrorism, Demining and Related Assistance”) for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

SEC. 7069. (a) IN GENERAL.—Of the funds appropriated by this Act, up to \$1,250,000,000 may be made available for programs and activities to—

(1) reduce, mitigate, and sequester greenhouse gases that contribute to global climate change;

(2) support climate change adaptation; and

(3) protect biodiversity, including wildlife, tropical forests, and other critical landscapes.

(b) USES OF CLEAN ENERGY FUNDING.—Funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” for clean energy programs and activities, may be made available only to support and promote the sustainable use of renewable energy technologies and end-use energy efficiency technologies, carbon sequestration, and carbon accounting.

(c) TROPICAL FOREST PROGRAMS.—Funds appropriated under title III of this Act for tropical forest programs shall be used to protect biodiversity, including not less than \$2,000,000 to implement and enforce section 8204 of Public Law 110-246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That of the funds that are available for the Central African Regional Program for the Environment (CARPE) and other tropical forest programs in the Congo Basin, not less than \$9,000,000 shall be apportioned directly to the United States Fish and Wildlife Service to implement such programs: *Provided further*, That not less than \$10,000,000 shall be made available for biodiversity conservation programs in the Brazilian Amazon, not less than \$15,000,000 shall be made available for such programs in the Andean Amazon, and not less than \$1,000,000 shall be apportioned directly to the Department of the Interior for programs in the Guatemala Mayan Biosphere Reserve.

(d) AUTHORITY.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part

II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this section and subject to the regular notification procedures of the Committees on Appropriations, to support climate change and environment programs.

(e) CONSULTATION.—Funds made available pursuant to this section are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(f) EXTRACTION OF NATURAL RESOURCES.—

(1) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, section 8204 of Public Law 110-246, and the Kimberley Process Certification Scheme, and by providing technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2)(A) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury's Web site that it is the policy of the United States to vote against any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of a natural resource if the government of the country has in place laws or regulations to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111-203, and unless such government has in place functioning systems in the sector in which assistance is being considered for:

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits;

(iii) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this paragraph.

(C) Not later than 180 days after enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of natural resources in the preceding 12 months, whether each institution considered, in providing such assistance, the extent to which the country has functioning systems, laws or regulations in place to prevent or limit disclosure of company payments as described in subparagraph (A).

(3) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each international financial institution and the United States representatives to all forest-related multilateral financing mechanisms and processes, that it is the policy of the United States to vote against the expansion of industrial scale logging into primary tropical forests.

(g) CLEAN TECHNOLOGY FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2011, up to \$350,000,000 is authorized to be appropriated for a United States contribution to the Clean Technology Fund (the Fund).

(2) LIMITS ON COUNTRY ACCESS.—The Secretary of the Treasury shall use the voice and vote of the United States to ensure that—

(A) the Fund does not provide more than 15 percent of Fund resources to any one country;

(B) prior to the obligation of funds from the Fund to a recipient country, recipient countries shall submit to the governing body of the Fund, and the governing body of the Fund appropriately reviews and considers, an investment plan that will achieve significant net reductions in national-level greenhouse gas emissions;

(C) the investment plan for a recipient country, whose borrowing status is classified by the World Bank as "International Development Association blend", shall have at least 15 percent of its total cost for public sector activities contributed from the public funds of the recipient country, and any recipient country whose borrowing status is classified by the World Bank as "International Bank for Reconstruction and Development Only" status, shall have at least 25 percent of its total cost for public sector activities contributed from public funds of the recipient country; and

(D) assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

(3) DEFINITIONS.—For purposes of this subsection the definitions contained in section 7081(g)(4) of division F of Public Law 111-117 shall apply to this Act, except that "Public Sector Activities" shall mean "Public Funds".

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7070. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7071. The second sentence of section 23(a) of the Arms Export Control Act, as amended, (Public Law 96-29) is further amended by striking "and Egypt" and inserting "Egypt, and NATO and major non-NATO allies".

INTERNATIONAL PRISON CONDITIONS

SEC. 7072. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's Web site, describing the conditions in prisons and other detention facilities in at least 30 countries receiving United States assistance, of which 15 countries shall be selected based on the Secretary's determination that such conditions raise the most serious human rights or humanitarian concerns, and 15 countries shall be selected at random.

(b) For purposes of each determination made pursuant to subsection (a), the Sec-

retary shall consider the criteria listed in section 7085(b)(1 through 10) of division F of Public Law 111-117.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities.

TRANSPARENCY, ACCOUNTABILITY AND ANTI-KLEPTOCRACY

SEC. 7073. (a) UNITED NATIONS.—

(1) The Secretary of State, following consultation with the Committees on Appropriations, may withhold from obligation funds appropriated under the heading "International Organizations and Programs" for a United States contribution to a United Nations organization or agency if the Secretary determines that such organization or agency is not taking adequate steps to increase transparency and accountability.

(2) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing steps taken by the Global Fund to Fight AIDS, Tuberculosis, and Malaria (the Global Fund) to:

(A) maintain and adopt, as necessary, policies and practices to ensure transparency of expenditures, including the authority of the Global Fund Office of Inspector General (OIG) to publish OIG reports on a public Web site without restriction;

(B) ensure that the OIG has the necessary staff, budget, independence, and authority to perform functions consistent with its mandate, Charter and Terms of Reference, such as programmatic audits and evaluations, financial audits, and investigations of alleged misuse, misappropriation and fraud involving any Global Fund grant resources; and

(C) ensure that the Inspector General reports directly to the Global Fund Board without interference.

(3) Of the funds appropriated under the heading "Contributions for International Peacekeeping Activities" in this Act, 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the United Nations Secretariat and the governments of countries providing troops for peacekeeping missions have procedures and agreements to ensure that allegations of sexual abuse or other serious crimes by peacekeeping troops will be credibly and thoroughly investigated and the perpetrators brought to justice, and that information about such cases will be made publicly available and regularly updated in the country where the alleged crime occurred and on the United Nations' Web site.

(4) Of the funds appropriated under title I of this Act that are available for payments to the regular budgets of the United Nations and the Organization of American States, and of the funds appropriated under the heading "International Organizations and Programs" in this Act that are available for contributions to United Nations agencies, 10 percent should not be obligated for any such organization until the Secretary of State reports to the Committees on Appropriations that the organization is implementing effective practices to protect whistleblowers (including the organization's employees and others affected by the organization's operations) from retaliation for internal and lawful public disclosures, including—

(A) best practices for legal burdens of proof;

(B) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(C) results that eliminate the effects of proven retaliation;

(D) a minimum of a 6-month statute of limitations for reporting retaliation; and

(E) the option of making external disclosures in certain instances, in accordance with standards adopted by the United Nations Secretariat on December 19, 2005.

(5) Of the funds appropriated under the heading "International Organizations and Programs" in this Act that are available for a contribution to the United Nations Development Program (UNDP), 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the UNDP's management is taking the necessary steps to demonstrate UNDP's commitment to make all audit, oversight, and financial information publicly available as soon as possible, and to put in place procedures for publicly reporting on the results of UNDP programs worldwide.

(6) Notwithstanding any other provision of law, the Secretary of State should suspend United States participation in the United Nations Human Rights Council (the Council) unless the Secretary determines and reports to the Committees on Appropriations that continued participation in the Council is in the national interests of the United States.

(b) INTERNATIONAL MONETARY FUND.—

(1) The terms and conditions of section 7086(b)(1) and (2) of division F of Public Law 111-117 shall apply to this Act.

(2) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

(3) The Secretary of the Treasury shall seek to ensure that the IMF has adopted and is implementing effective practices to protect whistleblowers (including the IMF's employees, contract employees, consultants, staff of the Board of Executive Directors, and others affected by the IMF's operations) from retaliation for internal and lawful public disclosures, including—

(A) best practices for legal burdens of proof;

(B) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(C) results that eliminate the effects of proven retaliation; and

(D) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) LIMITATION ON FUNDING.—None of the funds appropriated under titles III and IV of this Act may be made available to the central government of any country that does not meet minimum standards of fiscal transparency: *Provided*, That the Secretary of State shall develop "minimum standards of fiscal transparency" to be updated and strengthened, as appropriate, to reflect best practices: *Provided further*, That the Secretary shall make an annual determination of "progress" or "no progress" for countries that do not meet minimum standards of fiscal transparency and make those determinations publicly available on an annual "Fiscal Transparency Report".

(2) MINIMUM STANDARDS OF FISCAL TRANSPARENCY.—For the purposes of paragraph (1), "minimum standards of fiscal transparency" shall include standards for the public disclo-

sure of budget documentation, including receipts and expenditures by ministry, and government contracts and licenses for natural resource extraction, to include bidding and concession allocation practices.

(3) WAIVER.—The Secretary of State may waive the limitation on funding in paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that the waiver is important to the national interests of the United States: *Provided*, That such waiver shall identify any steps taken by the government of the country to publicly disclose its national budget and contracts which are additional to those which were undertaken in previous fiscal years, include specific recommendations of short and long-term steps such government can take to improve budget transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than \$5,000,000 should be made available for programs and activities to assist the central governments of countries named in the list required by paragraph (1) to improve budget transparency or to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise made available for such purposes.

(d) ANTI-KLEPTOCRACY.—

(1) Officials of foreign governments and their immediate family members who the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, shall be ineligible for entry into the United States.

(2) Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in this provision shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the information regarding corruption concerning each of the individuals found ineligible pursuant to paragraph (1), a list of any waivers provided under subsection (3), and the justification for each waiver.

DISABILITY PROGRAMS

SEC. 7074. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$5,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation, of which up to \$1,000,000 shall be made available to support disability advocacy organizations to provide training and technical assistance for dis-

abled persons organizations in such countries.

(b) Funds appropriated under the heading "Operating Expenses" in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where practicable, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight, and technical support.

BUYING POWER MAINTENANCE, INTERNATIONAL ORGANIZATIONS

SEC. 7075. (a) There may be established in the Treasury of the United States a "Buying Power Maintenance, International Organizations" account.

(b) At the end of each fiscal year, the Secretary of State may transfer to, and merge with, "Buying Power Maintenance, International Organizations" such amounts from "Contributions to International Organizations" as the Secretary determines are in excess of the needs of activities funded from "Contributions to International Organizations" because of fluctuations in foreign currency exchange rates.

(c) In order to offset adverse fluctuations in foreign currency exchange rates, the Secretary of State may transfer to, and merge with, "Contributions to International Organizations" such amounts from "Buying Power Maintenance, International Organizations" as the Secretary determines are necessary to provide for the activities funded from "Contributions to International Organizations".

(d)(1) Subject to the limitations contained in this section, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for "Contributions to International Organizations", the Secretary of State may transfer any unobligated balance of such funds to the "Buying Power Maintenance, International Organizations" account.

(2) The balance of the Buying Power Maintenance, International Organizations account may not exceed \$50,000,000 as a result of any transfer under this subsection.

(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall be available for obligation or expenditure only in accordance with the procedures under such section.

(e)(1) Funds transferred to the "Buying Power Maintenance, International Organizations" account pursuant to this section shall remain available until expended.

(2) The transfer authorities in this section shall be available for funds appropriated for fiscal year 2012 and for each fiscal year thereafter, and are in addition to any transfer authority otherwise available to the Department of State under other provisions of law.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7076. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act

in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

MILLENNIUM CHALLENGE CORPORATION
COMPACTS

SEC. 7077. (a) EXTENSION OF COMPACTS.—Section 609(j) of the Millennium Challenge Act of 2003 (22 U.S.C. 7708(j)) is amended to read as follows:

“(j) EXTENSION OF COMPACT.—

“(1) IN GENERAL.—Except as provided under paragraph (2), the duration of a Compact shall not exceed 5 years.

“(2) EXCEPTION.—The duration of a Compact may be extended beyond 5 years if the Board—

“(A) determines that a project included in the Compact cannot be completed within 5 years; and

“(B) approves an extension of the Compact that does not extend the total duration of the Compact beyond 7 years.

“(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before the date on which the Board is scheduled to vote on the extension of a Compact beyond 5 years pursuant to paragraph (2), the Board, acting through the Chief Executive Officer, shall—

“(A) notify the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, of its intent to approve such extension; and

“(B) provide such committees with a detailed explanation for the determination and approval described in paragraph (2).”.

(b) CONCURRENT AND SUBSEQUENT COMPACTS.—Section 609(k) of such Act (22 U.S.C. 7708(k)) is amended to read as follows:

“(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

“(1) IN GENERAL.—Subject to paragraph (2), and in accordance with the requirements of this title, an eligible country and the United States may enter into and have in effect concurrent and/or subsequent Compacts.

“(2) REQUIREMENTS.—An eligible country and the United States may enter into concurrent or subsequent Compacts if the Board determines that such country—

“(A) is making significant, consistent progress in implementing the terms of its existing Compact(s) and supplementary agreements to such Compact(s); and

“(B) will contribute, in the case of a Low Income Country as defined in section 606(a), not less than a 7.5 percent contribution of the total amount agreed upon for a subsequent Compact, or in the case of a Lower Middle Income Country (LMIC) as defined in section 606(b), a 15 percent contribution for a subsequent Compact.

“(3) FUNDING.—Millennium Challenge Corporation (MCC) shall commit any funding for a concurrent Compact at the time it funds the Compact.

“(4) TIMING.—A concurrent Compact shall be signed not later than 2 years after the signing of the earlier compact.

“(5) LIMITATION ON COMPACTS.—The MCC shall provide no more than 15 years of compact funding to any country.”.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to Compacts entered into between the United States and an eligible country under the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) before, on or after enactment of this Act, and those made by subsection (b) shall apply prospectively to new compacts.

(d) MAINTAINING CANDIDATE STATUS FOR PURPOSES OF INCOME CATEGORY.—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended as follows:

(1) Section (a)(1) is amended by striking the words “Fiscal year 2004” and inserting “In general”, and by striking the words “for fiscal year 2004” and inserting “for a fiscal year”.

(2) Section (a)(1)(A) is stricken and replaced with the following: “The country has a per capita income equal to or below the World Bank’s lower middle income country threshold for the fiscal year involved and is among the 75 lowest per capita income countries as identified by the World Bank; and”;

(3) Section (a)(2) is stricken.

(4) Section (b)(1)(A) is stricken and replaced with the following: “has a per capita income equal to or below the World Bank’s lower middle income country threshold for the fiscal year involved and is not among the 75 lowest per capita income countries as identified by the World Bank; and”.

(e) Section 606 is amended by inserting the following—

“(d) INCOME CLASSIFICATION TRANSITION.—Any country with a per capita income that changes in a given fiscal year such that the country would be reclassified in that fiscal year from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year of the country’s transition and the two subsequent fiscal years.”.

INSPECTORS GENERAL PERSONNEL

SEC. 7078. (a)(1) The provisions in this section shall apply to the Inspector General of the Department of State and the Inspector General of the United States Agency for International Development (USAID).

(2) The term “Government Employee” has the meaning given the term employee in section 2105 of title 5, United States Code.

(3) The Inspector General may waive any of the following provisions to employ annuitants (individuals who are entitled to benefits under a retirement system for Government employees): subsections (a) through (d) of section 8344 of title 5, United States Code; subsections (a), (b) and (e) of section 8468 of title 5, United States Code; subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064); and any other similar provision of law, as identified by the Inspector General in regulations: *Provided*, That the Inspector General may exercise this authority: only on a case-by-case basis and only for so long as is necessary; when necessary due to exceptional difficulty in the recruitment or retention of a qualified employee for the position involved or a temporary emergency hiring need; as long as it does not cause the number of employees within the Office of Inspector General (OIG) employed under this or other similar authority to exceed, as of any given date, 15 percent of the total OIG workforce, determined on a full-time equivalent basis; and this authority is repealed on October 1, 2014, except that an annuitant re-employed pursuant to the waiver in this section before October 1, 2014, may continue such employment until not later than September 30, 2015.

(4) Nothing in this section may be construed to permit or require that any re-employed annuitant benefitting from a waiver of a provision of law set forth in this section be treated as a Government employee for purposes of the retirement system to which such provision relates.

(5) The Inspector General is authorized to obtain services under section 3109 of title 5, United States Code, without regard to subsections (d)(1) of such section, and is considered the head of the agency under subsection

(b) of such section for purposes of exercising this authority.

(A) Services may be obtained by the Inspector General for a period of up to 1 year, with an option to extend such services for an additional 2 years, and that the total number of individuals employed under this section shall not exceed 15 percent of the total Department of State OIG workforce or 5 percent of the total USAID OIG workforce, determined on a full-time equivalent basis.

(B) The authority to obtain such services shall expire on September 30, 2014 except that an individual whose service under this subsection is procured before October 1, 2014, may continue to provide such service until not later than September 30, 2015.

(b) Section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) is amended by:

(1) striking paragraph (5) in subsection (c); and

(2) in subsection (d)(2)—

(A) adding “and” at the end of subparagraph (D)

(B) striking “; and” and inserting a period at the end of subparagraph (E); and

(C) striking subparagraph (F).

CONSULAR AFFAIRS PILOT PROGRAMS

SEC. 7079. (a) TOURIST VISA SERVICES PILOT PROGRAM.—

(1)(A) The Secretary of State shall implement the necessary steps, including hiring a sufficient number of consular officers which may include limited non-career appointment officers, in the People’s Republic of China, Brazil, and India to meet the Department of State’s standard of interviewing all tourist visa applicants within 30 days of the date of submitting their application.

(B) The Secretary of State shall also conduct a risk and benefit analysis regarding the extension of the expiration period for B-1 or B-2 visas for citizens of the People’s Republic of China from 1 year to 2 years before requiring consular officers to re-interview a visa applicant.

(2) Not later than 90 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on Consular Affairs programs in the People’s Republic of China, Brazil, and India including steps the Department of State has taken in these countries to meet the State Department’s visa processing standards; a 5-year forecast of non-immigrant visas for each of these countries and the number of consular officers necessary to meet the State Department’s standards; a comparison of the Department of State’s 5-year forecast with the Commerce Department’s 5-year visitor arrival projections; and the impact of the different projections on visa process times and required number of consular officers.

(b) VIDEO CONFERENCE PILOT PROGRAM.—

(1) The Secretary of State may develop and conduct a pilot program for the processing of B-1 and B-2 visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants, and in consultation with other Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption.

(2) Not later than 90 days after the end of such a pilot program, the Secretary shall submit a report to the Committees on Appropriations detailing the results of such program including an assessment of the efficacy, efficiency, and security of the remote videoconferencing technology as a method for conducting visa interviews of applicants and recommendations for whether it should be continued, broadened, or modified.

(3) No pilot program should be conducted if the Secretary determines and reports to the Committees on Appropriations that such program poses an undue security risk and that it cannot be conducted in a manner consistent with maintaining security controls.

WORKING CAPITAL FUND

SEC. 7080. (a) The Administrator of the United States Agency for International Development (the Administrator) is authorized to establish a Working Capital Fund (in this section referred to as the "Fund").

(b) Funds deposited in the Fund during any fiscal year shall be available without fiscal year limitation and used, in addition to other funds available for such purposes, for agency procurement reform efforts and related administrative costs: *Provided*, That such expenses may include—

- (1) personal and non-personal services;
- (2) training;
- (3) supplies; and

(4) other administrative costs related to the implementation of procurement reform and management of the Fund.

(c) There may be deposited during any fiscal year in the Fund up to 1 percent of the total value of obligations entered into by the United States Agency for International Development (USAID) from appropriations available to USAID and any appropriation made available for the purpose of providing capital: *Provided*, That receipts from the disposal of, or repayments for the loss or damage to, property held in the Fund, rebates, reimbursements, refunds and other credits applicable to the operation of the Fund may be deposited into the Fund.

(d) Not later than 45 days after enactment of this Act and any subsequent Act making appropriations for the Department of State, foreign operations, and related programs, the Administrator shall submit to the Committees on Appropriations an operating plan for funds deposited in the Fund, which shall include the percentage to be charged for the current fiscal year.

(e) At the close of fiscal year 2013 and at the close of each fiscal year thereafter, the Administrator shall determine the amounts in excess of the needs of the Fund for that fiscal year and shall transfer out of the Fund any excess amounts to any of the original appropriation accounts from which deposits were made: *Provided*, That such transferred funds shall remain available without fiscal year limitation: *Provided further*, That the Administrator shall report to the Committees on Appropriation the excess amounts and to which appropriation accounts the excess funds will be transferred: *Provided further*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

PROCUREMENT REFORM

SEC. 7081. (a) LOCAL COMPETITION.—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development (the Administrator) may, with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, award contracts and other instruments in which competition is limited to local entities if doing so would result in cost savings, develop local capacity, or enable the Administrator to initiate a program or activity in appreciably less time than if competition were not so limited: *Provided*, That the authority provided in this section may not be used to make awards in excess of \$5,000,000.

(b) For the purposes of this section, local entity means an individual, a corporation, or

another body of persons located in or having as its principal place of business or operations in a country receiving assistance from funds appropriated in title III of this Act.

OPERATING AND SPEND PLANS

SEC. 7082. (a) OPERATING PLANS.—Not later than 45 days after the date of enactment of this Act, each department, agency or organization funded in titles I and II, and the Department of the Treasury and Independent Agencies funded in title III of this Act shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2012, that provides details of the use of such funds at the program, project, and activity level.

(b) SPEND PLANS.—Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a detailed spend plan, which shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results, for the following—

(1) funds appropriated under the heading "Democracy Fund";

(2) funds made available in titles III and IV of this Act for assistance for Afghanistan, Pakistan, Iraq, Haiti, Colombia, and Mexico, for the Caribbean Basin Security Initiative, and the Central American Regional Security Initiative; and

(3) funds appropriated in title III for food security and agriculture development programs and for climate change and environment programs.

(c) NOTIFICATIONS.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

AUTHORITY FOR CAPITAL INCREASES

SEC. 7083. (a) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The Bretton Woods Agreements Act, as amended (22 U.S.C. 286 et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE BANK TO INCREASE BASIC VOTES.

"The United States Governor of the Bank may accept on behalf of the United States the amendment to the Articles of Agreement of the Bank as proposed in resolution No. 596, entitled 'Enhancing Voice and Participation of Developing and Transition Countries,' of the Board of Governors of the Bank that was approved by such Board on January 30, 2009.

"SEC. 70. CAPITAL STOCK INCREASES.

"(a) INCREASES AUTHORIZED.—The United States Governor of the Bank is authorized—

"(1)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a selective basis by 230,374 shares; and

"(B) to subscribe on behalf of the United States to 38,459 additional shares of the capital stock of the Bank, as part of the selective increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts;

"(2)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a general basis by 484,102 shares; and

"(B) to subscribe on behalf of the United States to 81,074 additional shares of the cap-

ital stock of the Bank, as part of the general increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(2)(B), there are authorized to be appropriated, without fiscal year limitation, \$9,780,361,991 for payment by the Secretary of the Treasury.

"(2) Of the amount authorized to be appropriated under paragraph (2)(A)—

"(A) \$586,821,720 shall be for paid in shares of the Bank; and

"(B) \$9,193,540,271 shall be for callable shares of the Bank."

(b) INTERNATIONAL FINANCE CORPORATION.—The International Finance Corporation Act, Public Law 84-350, as amended (22 U.S.C. 282 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT OF THE ARTICLES OF AGREEMENT.

"(a) VOTE AUTHORIZED.—The United States Governor of the Corporation is authorized to vote in favor of a resolution to increase the capital stock of the Corporation by \$130,000,000.

"(b) AMENDMENT OF THE ARTICLES OF AGREEMENT.—The United States Governor of the Corporation is authorized to agree to and accept an amendment to Article IV, Section 3(a) of the Articles of Agreement of the Corporation that achieves an increase in basic votes to 5.55 percent of total votes."

(c) INTER-AMERICAN DEVELOPMENT BANK.—The Inter-American Development Bank Act, Public Law 86-147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 41. NINTH CAPITAL INCREASE.

"(a) VOTE AUTHORIZED.—The United States Governor of the Bank is authorized to vote in favor of a resolution to increase the capital stock of the Bank by \$70,000,000,000 as described in Resolution AG-7/10, 'Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank' as approved by Governors on July 21, 2010.

"(b) SUBSCRIPTION AUTHORIZED.—

"(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,741,135 additional shares of the capital stock of the Bank.

"(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

"(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) In order to pay for the increase in the United States subscription to the Bank under subsection (b), there are authorized to be appropriated, without fiscal year limitation, \$21,004,064,337 for payment by the Secretary of the Treasury.

"(2) Of the amount authorized to be appropriated under paragraph (1)—

"(A) \$510,090,175 shall be for paid in shares of the Bank; and

"(B) \$20,493,974,162 shall be for callable shares of the Bank."

(d) AFRICAN DEVELOPMENT BANK.—The African Development Bank Act, Public Law 97-35, as amended (22 U.S.C. 290i et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 1344. SIXTH CAPITAL INCREASE.

"(a) SUBSCRIPTION AUTHORIZED.—

"(1) The United States Governor of the Bank may subscribe on behalf of the United States to 289,391 additional shares of the capital stock of the Bank.

"(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$4,322,228,221 for payment by the Secretary of the Treasury.

"(2) Of the amount authorized to be appropriated under paragraph (1)—

"(A) \$259,341,759 shall be for paid in shares of the Bank; and

"(B) \$4,062,886,462 shall be for callable shares of the Bank."

(e) EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The European Bank for Reconstruction and Development Act, Section 562(c) of Public Law 101-513, as amended (22 U.S.C. 2901 et seq.), is further amended by adding at the end thereof the following new paragraph:

"(12) CAPITAL INCREASE.—

"(A) SUBSCRIPTION AUTHORIZED.—

"(i) The United States Governor of the Bank may subscribe on behalf of the United States up to 90,044 additional callable shares of the capital stock of the Bank in accordance with Resolution No. 128 as adopted by the Board of Governors of the Bank on May 14, 2010.

"(ii) Any subscription by the United States to additional capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

"(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the increase in the United States subscription to the Bank under subsection (A), there are authorized to be appropriated, without fiscal year limitation, up to \$1,252,331,952 for payment by the Secretary of the Treasury."

AUTHORITY FOR REPLENISHMENTS

SEC. 7084. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act, Public Law 86-565, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 26. SIXTEENTH REPLENISHMENT.

"(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States \$4,075,500,000 to the sixteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$4,075,500,000 for payment by the Secretary of the Treasury.

"SEC. 27. MULTILATERAL DEBT RELIEF.

"(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$474,000,000 to the International Development Association for the purpose of funding debt relief cost under the Multilateral Debt Relief Initiative incurred in the period governed by the sixteenth replenishment of resources of the

International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$474,000,000 for payment by the Secretary of the Treasury.

"(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005."

(b) AFRICAN DEVELOPMENT BANK.—The African Development Fund Act, Public Law 94-302, as amended (22 U.S.C. 290g et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 221. TWELFTH REPLENISHMENT.

"(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States \$585,000,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$585,000,000 for payment by the Secretary of the Treasury.

"SEC. 222. MULTILATERAL DEBT RELIEF.

"(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$60,000,000 to the African Development Fund for the purpose of funding debt relief costs under the Multilateral Debt Relief Initiative incurred in the period governed by the twelfth replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$60,000,000 for payment by the Secretary of the Treasury.

"(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005."

AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS

SEC. 7085. Up to \$36,000,000 of funds appropriated for the account "Department of the Treasury, Debt Restructuring" by the Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10, Division B) may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of debt relief provided to Haiti in view of the Cancun Declaration of March 21, 2010.

ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 7086. Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 104C, the following new section:

"SEC. 104D. ELIGIBILITY FOR ASSISTANCE.

"Notwithstanding any other provision of law, regulation, or policy, in determining

eligibility for assistance authorized under sections 104, 104A, 104B, and 104C—

"(1) a foreign nongovernmental organization shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organization with non-United States Government funds if such services are permitted in the country in which they are being provided and would not violate United States law if provided in the United States; and

"(2) a foreign nongovernmental organization shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under this part."

(RESCISSIONS)

SEC. 7087. (a) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Diplomatic and Consular Programs", \$13,700,000 are rescinded, of which \$8,000,000 shall be from funds for Worldwide Security Protection: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unexpended balances available under the heading "Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$300,000,000 are rescinded.

(c) Of the unexpended balances available to the President for bilateral economic assistance under the heading "Economic Support Fund" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$150,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) The Secretary of State, as appropriate, shall consult with the Committees on Appropriations prior to implementing the rescissions made in this section.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS DEPARTMENT OF STATE ADMINISTRATION OF FOREIGN AFFAIRS DIPLOMATIC AND CONSULAR PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", \$3,773,701,000, to remain available until September 30, 2013, of which \$236,201,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to \$230,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be made available pursuant to the authority of section 7032(u) of this Act: *Provided further*, That each amount in this paragraph is designated by Congress as being for overseas

contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$63,954,000, to remain available until September 30, 2013, of which \$16,317,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and \$44,387,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: *Provided*, That each amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$17,900,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

UNITED STATES INSTITUTE FOR PEACE

For an additional amount for “United States Institute for Peace”, \$8,411,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$106,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$2,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$150,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TRANSITION INITIATIVES

For an additional amount for “Transition Initiatives”, \$3,500,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced

Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

COMPLEX CRISES FUND

For an additional amount for “Complex Crises Fund”, \$45,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$1,172,821,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$100,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

INTERNATIONAL SECURITY ASSISTANCE DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$1,163,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

NONPROLIFERATION, ANTI-TERRORISM, DEMING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-terrorism, Demining and Related Programs”, \$27,500,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, \$30,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$989,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

PAKISTAN COUNTER-INSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 8 of part I and chapters

2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, \$1,000,000,000, to remain available until September 30, 2012, for the purpose of providing assistance for Pakistan to build and maintain the counter-insurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: *Provided*, That notwithstanding any other provision of law except section 620M of the Foreign Assistance Act of 1961, as amended by this Act, such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense: *Provided further*, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counter-insurgency operations and may be merged with, and be available, for the same purposes and for the same time period as the appropriation or fund to which transferred or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: *Provided further*, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, in writing, of the details of any such transfer: *Provided further*, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report in writing summarizing, on a project-by-project basis, the uses of funds under this heading: *Provided further*, That upon determination by the Secretary of State, with the concurrence of the Secretary of Defense, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That any required notification or report may be submitted in classified form: *Provided further*, That the amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

GLOBAL SECURITY CONTINGENCY FUND (INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the “Global Security Contingency Fund”.

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Arms Export Control Act to provide assistance, notwithstanding any other provision of law except sections 620A and 620M of the Foreign Assistance Act of 1961, as amended by this Act, for countries designated by the Secretary of State to enhance the capabilities of military and police forces, and other security forces that conduct border and maritime security, internal security, and counter-terrorism operations, as well as government agencies responsible for such forces, and to strengthen democratic institutions including the justice sector (including corrections) and respect for human rights and the rule of law, where the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region significantly challenges the local capacity to deliver such

assistance, \$50,000,000, to remain available until September 30, 2013: *Provided*, That such assistance programs shall be formulated by the Secretary of State in consultation with the Secretary of Defense: *Provided further*, That programs carried out under this heading shall be approved by the Secretary of State, in consultation with the Secretary of Defense, prior to implementation: *Provided further*, That the authorities and requirements of the Foreign Assistance Act of 1961 shall apply to funds made available under this heading: *Provided further*, That funds made available to the Department of Defense in fiscal year 2012 may be transferred to, and merged with, funds appropriated under this heading by the Secretary of Defense: *Provided further*, That funds made available under this heading may be transferred to the most appropriate agency or account to facilitate the provision of such assistance: *Provided further*, That the transfer authorities under this paragraph are in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amounts in this account may be used for necessary administrative expenses of the agencies planning and carrying out programs: *Provided further*, That the head of any agency may detail personnel to the Department of State to carry out activities funded under this heading with or without reimbursement for all or part of the costs of salaries and other expenses associated with such personnel: *Provided further*, that no obligation or transfer of funds may be made unless the Secretary of State and the Secretary of Defense have notified the Committees on Appropriations at least 15 days prior to any such obligation or transfer: *Provided further*, That the amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

GENERAL PROVISIONS

SEC. 8001. Notwithstanding any other provision of law, funds made available under the heading "Overseas Contingency Operations" are in addition to amounts appropriated or otherwise made available for the Department of State for fiscal year 2012.

SEC. 8002. Unless otherwise provided for in this Act, additional amounts appropriated under the heading "Overseas Contingency Operations" to appropriation accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

SEC. 8003. Notwithstanding any other provision of law except section 620M of the Foreign Assistance Act, as amended by this Act, funds appropriated by this title may be transferred to, and merged with, funds appropriated by this title under the headings "Diplomatic and Consular Programs", "Worldwide Security Protection", "Office of Inspector General", "Contributions for International Peacekeeping Activities", "United States Institute for Peace", "United States Agency for International Development, Funds Appropriated to the President, Operating Expenses", "United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General", "International Disaster Assistance", "Transition Initiatives", "Complex Crises Fund", "Economic Support Fund", "Migration and Refugee Assistance", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining, and Related Programs", "Peacekeeping Operations", "Foreign Military Fi-

nancing Program", "Pakistan Counter-insurgency Capability Fund", and "Global Stability Contingency Fund": *Provided*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act which may be exercised by the Secretary of State for the purposes of this title.

This Act may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012".

SA 958. Mr. REID proposed an amendment to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows.

At the end, add the following new section:
SEC. ____.

This Act shall become effective 7 days after enactment.

SA 959. Mr. REID proposed an amendment to amendment SA 958 proposed by Mr. REID to the amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

In the amendment, strike "7 days" and insert "6 days".

SA 960. Mr. REID proposed an amendment to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 5 days after enactment.

SA 961. Mr. REID proposed an amendment to amendment SA 960 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

In the amendment, strike "5 days" and insert "4 days".

SA 962. Mr. REID proposed an amendment to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 3 days after enactment.

SA 963. Mr. REID proposed an amendment to amendment SA 962 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agen-

cies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

In the amendment, strike "3 days" and insert "2 days".

SA 964. Mr. REID proposed an amendment to amendment SA 963 proposed by Mr. REID to the amendment SA 962 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

In the amendment, strike "2 days" and insert "1 day".

SA 965. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used for the Yucca Mountain Nuclear Waste Repository except for costs relating to the orderly closeout of the Repository.

SA 966. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, strike lines 1 through 5.

SA 967. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5 _____. None of the funds made available to the Corps of Engineers, the Environmental Protection Agency, or the Office of Surface Mining Reclamation and Enforcement under this Act may be used to carry out, implement, administer, or enforce any policy or procedure set forth in—

(1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled "Enhanced Surface Coal Mining Pending Permit Coordination Procedures" and dated June 11, 2009;

(2) the guidance (including any revision of the guidance) issued by the Environmental Protection Agency entitled "Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order" and dated April 1, 2010;

(3) the final guidance issued by the Environmental Protection Agency entitled "Improving EPA Review of Appalachian Surface

Coal Mining Operations Under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Order" and dated July 21, 2011; or

(4) any draft or final criteria document of the Environmental Protection Agency that relates to ambient water quality criteria for conductivity in freshwater, including the document entitled "A Field-Based Aquatic Life Benchmark for Conductivity in Central Appalachian Streams" and dated March 2011, that is based on a field methodology that quantifies narrative conductivity criteria or develops numeric conductivity criteria.

SA 968. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 44, strike line 6 and all that follows through page 46, line 23.

On page 218, between lines 6 and 7 insert the following:

SEC. . There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the highway bridge program established under section 144 of title 23, United States Code, \$238,000,000, to remain available until expended.

SA 969. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division C, add the following:

SEC. 7088. (a) Subject to subsections (b), (c), and (d), the Secretary of the Treasury shall direct the United States Executive Director of each international financial institution—

(1) to use the voice and vote of the United States to oppose the provision of a loan to the Government of Argentina by that institution; and

(2) to initiate discussions with the other Executive Directors of the institution to advocate for and vigorously promote efforts to encourage the Government of Argentina—

(A) to repay debts owed to the official creditors of Argentina;

(B) to repay debts owed to the private creditors of Argentina;

(C) to comply with recommendations of the Financial Action Task Force; and

(D) to comply with dispute settlement proceedings under the auspices of the International Centre for Settlement of Investment Disputes.

(b) Subsection (a)(1) does not apply to loans to the Government of Argentina to serve basic human needs.

(c) The President may waive the application of subsection (a)(1) if the President determines and reports to Congress that—

(1) applying that subsection would cause serious harm to the national security of the United States; or

(2) it is in the vital economic interests of the United States to do so.

(d) The provisions of this section shall terminate on the date on which the Secretary of the Treasury certifies to Congress that

the Government of Argentina has made substantial progress in each of the following areas:

(1) Repaying debts owed to the official creditors of Argentina.

(2) Repaying debts owed to the private creditors of Argentina.

(3) Complying with recommendations of the Financial Action Task Force.

(4) Complying with dispute settlement proceedings under the auspices of the International Centre for Settlement of Investment Disputes.

(e) In this section, the term "international financial institution" means any of the institutions specified in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SA 970. Mr. MCCAIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title I, at the end of the sections under the heading "GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL", add the following:

SEC. . None of the funds made available by this Act may be used for any non-competitive contract issued by the Corps to any Alaska Native Corporation or any subsidiary of any Alaska Native Corporation for the procurement of services in an amount that exceeds \$4,000,000 or for the procurement of property in an amount that exceeds \$6,500,000 unless—

(1) the contracting officer justifies in writing the use of the contract; and

(2) the justification—

(A) includes a determination that the non-competitive contract is in the best interest of the Department of the Army;

(B) is approved by the appropriate official in the Department of the Army authorized to approve contract awards for dollar amounts comparable to the amount of the non-competitive contract; and

(C) the justification and related information are made available to the public.

SA 971. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading "DEFENSE ENVIRONMENTAL CLEANUP" under the heading "ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES" of title III of division A, before the period, insert the following: "Provided further, That not more than \$933,712,000 may be used for cleanup activities under this heading at the Hanford site and, not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing alternatives for minimizing the total costs necessary to ensure contamination associated with the Hanford site does not pose risks to human health and safety or the environment off-site and provides an accounting for funds that have

been spent on cleanup on the site before the date of enactment of this Act".

SA 972. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, beginning on line 9, strike "renewable energy" and all that follows through "2005" on line 21, and insert "eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), \$200,000,000 is appropriated, to remain available until expended: *Provided*, That the amounts in this section are in addition to those provided in any other Act".

SA 973. Mr. BLUNT (for himself, Mr. INHOFE, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter under the heading "GENERAL PROVISIONS" of title V, insert the following:

SEC. . (a) Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(1) by designating the first, second, and third sentences as paragraphs (1) through (3) respectively; and

(2) in paragraph (3) (as so designated), by inserting "private landownership and private use of land," before "recreational opportunities".

(b) Section 10 of the Federal Power Act (16 U.S.C. 803) is amended—

(1) in subsection (a)(1), by inserting "private landownership and private use of land," after "water supply"; and

(2) by adding at the end the following:

"(k) In developing any recreational resource within the project boundary, the licensee shall consider private landownership as a means to encourage and facilitate—

"(1) private investment; and

"(2) increased tourism and recreational use."

(c) Section 28 of the Federal Power Act (16 U.S.C. 822) is repealed.

SA 974. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter under the heading "GENERAL PROVISIONS" of title V, insert the following:

SEC. . (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Federal Energy Regulatory Commission to issue any order, including any order at the request of the licensee, directing the licensee of the Osage

Hydroelectric Project No. 459 project to remove or dismantle residential dwellings or structures that are located within the project boundary unless the licensee has first submitted a plan to revise the project boundary.

(b) The Federal Energy Regulatory Commission shall not withhold approval of the plan described in subsection (a) if the plan will preserve the primary purpose of power generation of the project.

(c) Licensee resolution of the project boundary described in subsection (a) shall include the following actions:

(1) The contour elevation at 662 feet Union Electric datum shall be the new project boundary.

(2) Any existing structure on any property owned by any private owner with a valid property right (as of the date of enactment of this Act) above the contour elevation described in paragraph (1) shall no longer be considered within the project boundary.

(3) Any encroachment on land within the project boundary above the contour elevation described in paragraph (1) is consistent with the purposes of the project unless the encroachment significantly impedes the Bagnell Dam from generating power.

SA 975. Mr. BLUNT (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “CONSTRUCTION, GENERAL” under the heading “CORP OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY” under the heading “CORP OF ENGINEERS—CIVIL” insert “of which not more than \$22,000,000 shall be made available to carry out Missouri River Fish and Wildlife Recovery activities;” after “Public Law 104-303;”.

SA 976. Mr. BLUNT (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1 _____. Any levee, lock, or dam that is damaged or destroyed by major disaster or emergency declared by the Governor of the State and occurred in by the Secretary of Homeland Security, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and that is in operation or under construction on the date on which the disaster occurs—

(1) may be reconstructed in the same location with the same capacity, dimensions, and design as before the disaster or emergency using amounts made available by this Act; and

(2) shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(E) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(F) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(G) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(H) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetland); and

(I) any Federal law (including regulations) requiring no net loss of wetland.

SA 977. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. _____. (a) The Internal Revenue Service shall develop and implement a comprehensive initiative to prevent, detect, and resolve instances of tax fraud involving identity theft. The initiative shall include: (1) a report to Congress outlining and describing the Internal Revenue Service's initiative, including measures it will use to evaluate the initiative's effectiveness, submitted not later than 180 days after the date of the enactment of this Act; (2) an expansion of the Identity Protection Personal Identification Number (ID PIN) program; (3) the establishment of a Local Law Enforcement Liaison to facilitate and coordinate, to the extent permissible, tax fraud investigations with State and local law enforcement agencies; and (4) an evaluation of the role of prepaid debit cards and commercial tax preparation software in facilitating fraudulent tax refunds.

(b) The Secretary of the Treasury shall review whether current Federal tax laws and regulations related to the confidentiality and disclosure of return information prevent the effective enforcement of local, State, and Federal identity theft statutes, and submit a report to Congress not later than 180 days after the date of the enactment of this Act with such legislative recommendations as may be appropriate.

SA 978. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, after line 23, add the following:

SEC. _____. (a) ELIGIBILITY FOR STATE SWIMMING POOL SAFETY GRANT PROGRAM OF CONSUMER PRODUCT SAFETY COMMISSION.—Section 1405(b)(1)(A) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(b)(1)(A)) is amended by inserting “new” before “swimming pools”.

(b) RETENTION OF UNEXPENDED AND UNOBLIGATED AMOUNTS.—Section 1405(e) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(e)) is amended by striking “fiscal year 2011” and inserting “fiscal years 2011 and 2012”.

(c) REDUCTION IN MINIMUM STATE LAW REQUIREMENTS.—Section 1406(a)(1)(A)(iv) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8005(a)(1)(A)(iv)) is amended by striking “; and” and inserting “; or”.

(d) ELIMINATION OF REQUIREMENT FOR REFLECTION OF NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—Section 1406(a) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8005(a)) is amended by striking paragraph (4).

SA 979. Mr. BEGICH (for himself, Mr. MCCAIN, Mr. VITTER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division A, add the following:

SEC. 313. (a) Of the amounts appropriated or otherwise made available by this title under the heading “NATIONAL NUCLEAR SECURITY ADMINISTRATION” under the heading “ATOMIC ENERGY DEFENSE ACTIVITIES”—

(1) the amount appropriated under the heading “WEAPONS ACTIVITIES” is hereby increased by \$321,474,000; and

(2) the amount appropriated under the heading “DEFENSE NUCLEAR NONPROLIFERATION (INCLUDING RESCISSION)” is hereby increased by \$85,131,000.

(b) The amount to be appropriated or otherwise made available for the Patriot/MEADS Combined Aggregate Program for fiscal year 2012 should be \$406,605,000 less than the amount specified to be made available for that Program for that fiscal year pursuant to the matter under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY” in title IV of H.R. 2219, 112th Congress, as reported by the Committee on Appropriations of the Senate on September 15, 2011.

SA 980. Mr. WEBB (for himself, Mr. BOOZMAN, Mr. HELLER, Mr. ROBERTS, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, and add the following:

SEC. 1 _____. None of the funds made available under this Act may be used to implement or enforce section 327.13(a) of title 36, Code of Federal Regulations (or successor regulation).

SA 981. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal

year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 13, strike “\$237,623,000” and insert “\$235,848,000”.

On page 67, line 9, strike “\$9,925,000” and insert “\$11,700,000”.

SA 982. Mr. MENENDEZ (for himself, Mr. REID, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE —SMITHSONIAN AMERICAN LATINO MUSEUM

SEC. 1. SHORT TITLE.

This title may be cited as the “Smithsonian American Latino Museum Act”.

SEC. 2. ESTABLISHMENT OF MUSEUM.

There is established within the Smithsonian Institution a museum to be known as the “Smithsonian American Latino Museum”.

SEC. 3. LOCATION AND AUTHORIZATION.

(a) **ARTS AND INDUSTRIES BUILDING.**—The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia, including a new underground annex facility, is designated as the location of the Smithsonian American Latino Museum.

(b) **PLANNING AND CONSTRUCTION.**—The Board of Regents of the Smithsonian Institution, in consultation with the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission, and with other appropriate Federal and local agencies, is authorized to prepare plans, design, renovate, rehabilitate, and construct the Smithsonian American Latino Museum facility, as referred to in the May 2011 Report to Congress of the Commission to Study the Potential Creation of a National Museum of the American Latino.

(c) **SCHEDULE AND FUNDING.**—

(1) **IN GENERAL.**—The Board of Regents is authorized to prepare a plan of action for the Smithsonian American Latino Museum, and to identify and evaluate viable funding models for both construction and operation of the Museum.

(2) **TIMING.**—The plan of action authorized in paragraph (1) shall be concluded not later than 18 months after the date of enactment of this Act.

SEC. 4. AGREEMENT WITH SECRETARY OF THE INTERIOR.

The Secretary of the Interior and the Board of Regents of the Smithsonian Institution shall enter into an agreement that—

(1) allows for the planning, design, and construction of the underground annex facility by the Board of Regents, in a manner harmonious with and to protect the open space and visual sightlines of the Mall; and

(2) provides a timeline for the transfer of administrative jurisdiction, if necessary, of the appropriate subsurface area from the Secretary of the Interior to the Smithsonian Institution.

SEC. 5. CONSIDERATION OF RECOMMENDATIONS OF COMMISSION.

In carrying out its duties under this title, the Board of Regents of the Smithsonian Institution shall take into consideration the

reports and plans submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino under section 333 of the Consolidated Natural Resources Act of 2008 (Public Law 110-229; 122 Stat. 784).

SA 983. Mrs. MCCASKILL (for herself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1. None of the funds made available under this Act shall be used by the Corps of Engineers to issue unsolicited “willing seller” letters to floodplain landowners during a flood event, as determined by the Chief of Engineers, regardless of whether the flood event is designated as a major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SA 984. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act may be used by the Federal Communications Commission to remove the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted by the Commission on January 26, 2011 (DA 11-133), or otherwise permit such operations, until the Commission has resolved concerns of potential widespread harmful interference by such commercial terrestrial operations to commercially available Global Positioning System devices.

SA 985. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 120, line 19, strike “: *Provided further,*” and all that follows through page 121, line 4, and insert a period.

SA 986. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “OPERATION AND MAINTENANCE” under the heading “CORP OF ENGINEERS—CIVIL” under the head-

ing “CORP OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY”, strike “such fees have been collected” and all that follows through the matter under the heading “REGULATORY PROGRAM” and insert the following: such fees have been collected; *Provided*, That no funds shall be made available to carry out a project for the dredging of small ports unless the project complies with a tonnage requirement of a minimum of 500,000 tons, which shall be calculated by each relevant port authority and submitted to the Corps of Engineers.

REGULATORY PROGRAM

None of the funds made available by this Act may be used to enforce laws pertaining to regulation of navigable waters and wetlands: *Provided*, That \$64,333,333 shall be deposited in the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1954: *Provided further*, That \$128,666,667 shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SA 987. Mr. RUBIO (for himself, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . No funds made available under this Act may be used for the implementation, enforcement, administration, or finalization of regulations based on or under the Notice of Proposed Rulemaking published in the Federal Register on January 7, 2011 (76 Fed. Reg. 1105; REG-146097-09), and corrected on January 18, 2011 (76 Fed. Reg. 2852), by the Internal Revenue Service of the Department of the Treasury.

SA 988. Mr. ENZI (for himself, Mr. DEMINT, Mr. PAUL, and Mr. JOHANNIS) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 15 and 16, insert the following:

SEC. . None of the funds made available by this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, and BPAR incandescent reflector lamps.

SA 989. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr.

REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102 of title I (under the heading "CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY").

SA 990. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**DIVISION —CORPS OF ENGINEERS
REFORM**

SECTION 1. SHORT TITLE.

This division may be cited as the "Corps of Engineers Reform Act of 2011".

**TITLE I—HARBOR MAINTENANCE
REFORM**

SEC. 101. PURPOSE.

The purpose of this title is to establish a harbor maintenance block grant program to provide the maximum flexibility to each State to carry out harbor maintenance and deepening projects in the State.

SEC. 102. DEFINITIONS.

Except as otherwise specifically provided, in this title:

(1) **HARBOR MAINTENANCE.**—The term "harbor maintenance" means any project directly related to the operations and maintenance of a harbor, including additional development of a harbor.

(2) **LEAD AGENCY.**—The term "lead agency" means the agency designated under section 106(a).

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(4) **STATE.**—The term "State" means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

SEC. 103. FUNDING.

The harbor maintenance block grant program established under section 104 shall be funded from the State Harbor Maintenance Block Grant Account established under section 9505 of the Internal Revenue Code of 1986.

SEC. 104. ESTABLISHMENT OF HARBOR MAINTENANCE BLOCK GRANT PROGRAM.

The Secretary shall establish a program to make grants to States in accordance with this title to carry out harbor maintenance and deepening projects located in participating States in accordance with the priorities determined by each participating State, including operations and maintenance, investigations, site infrastructure improvements, and new construction projects at harbors.

SEC. 105. REPORTS.

(a) **IN GENERAL.**—To be eligible to receive and expend amounts for a fiscal year under this title, a State shall prepare and submit to the Secretary a report describing the activities that the State intends to carry out using amounts received under this title, including information on the types of activities to be carried out.

(b) **AVAILABILITY AND COMMENT.**—A report under subsection (a) shall be made public within the State in such a manner as to facilitate comment by any person (including any Federal or other public agency) during the development of the report and after the completion of the report.

(c) **REVISION.**—

(1) **IN GENERAL.**—The report shall be revised throughout the year as may be necessary to reflect substantial changes in the activities assisted using amounts provided under this title.

(2) **AVAILABILITY AND COMMENT.**—Any revision in the report shall be subject to subsection (b).

(d) **NO ADDITIONAL REPORTS.**—The Secretary may not impose any reporting requirements on States to carry out this title that are in addition to the reports specifically required under this title.

SEC. 106. LEAD AGENCY.

(a) **DESIGNATION.**—The chief executive officer of a State that seeks to receive a grant under this title shall designate, in an application submitted to the Secretary under section 107, an appropriate State agency that complies with subsection (b) to act as the lead agency for the State.

(b) **DUTIES.**—

(1) **IN GENERAL.**—The lead agency shall—

(A) administer, directly or through other State agencies, the financial assistance received under this title by the State;

(B) develop the State plan to be submitted to the Secretary under section 107(a)(2);

(C) in conjunction with the development of the State plan, hold at least 1 hearing in the State to provide to the public an opportunity to comment on the State plan; and

(D) coordinate the implementation of harbor maintenance projects under this title with applicable Federal, State, and local agencies.

(2) **DEVELOPMENT OF PLAN.**—In the development of the State plan described in paragraph (1)(B), the lead agency shall consult with appropriate representatives of units of general purpose local government on issues relating to the State plan.

SEC. 107. APPLICATION AND PLAN.

(a) **APPLICATION.**—To be eligible to receive assistance under this title, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by rule require, including—

(1) an assurance that the State will comply with the requirements of this title; and

(2) a State plan that meets the requirements of subsection (b).

(b) **REQUIREMENTS OF A PLAN.**—

(1) **LEAD AGENCY.**—The State plan shall identify the lead agency.

(2) **USE OF BLOCK GRANT FUNDS.**—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this title to carry out harbor maintenance and deepening projects.

(c) **APPROVAL OF APPLICATION.**—The Secretary shall approve an application that satisfies the requirements of this section.

SEC. 108. EFFECT ON ENVIRONMENTAL LAWS.

Nothing in this title affects, alters, or modifies any provisions of applicable Federal environmental laws (including regulations).

SEC. 109. ADMINISTRATION AND ENFORCEMENT.

(a) **ADMINISTRATION.**—The Secretary shall—

(1) coordinate all activities of the Department of Defense relating to harbor maintenance activities, and, to the maximum extent practicable, coordinate the activities

with similar activities of other Federal entities; and

(2) provide technical assistance to assist States in carrying out this title, including assistance on a reimbursable basis.

(b) **ENFORCEMENT.**—

(1) **REVIEW OF COMPLIANCE WITH STATE PLAN.**—The Secretary shall—

(A) review and monitor State compliance with—

(i) this title; and

(ii) the plan approved under section 107(c) for the State; and

(B) have the power to terminate payments to the State in accordance with paragraph (2).

(2) **NONCOMPLIANCE.**—

(A) **IN GENERAL.**—

(i) **APPLICATION.**—This subparagraph applies if the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

(I) there has been a failure by the State to comply substantially with any provision or requirement set forth in the plan approved under section 107(c) for the State in a manner that constitutes fraud or abuse; or

(II) in the operation of any program or activity for which assistance is provided under this title, there is a failure by the State to comply substantially with any provision of this title in a manner that constitutes fraud or abuse.

(ii) **NOTICE.**—If the Secretary makes the finding described in subclause (I) or (II) of clause (i), the Secretary shall notify the State of the finding and that no further payments will be made to the State under this title (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any such failure to comply or that the noncompliance will be promptly corrected.

(B) **ADDITIONAL SANCTIONS.**—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of funds improperly expended for purposes prohibited or not authorized by this title, and disqualification from the receipt of financial assistance under this title.

(C) **NOTICE.**—The notice required under subparagraph (A) shall include specific identification of any additional sanction being imposed under subparagraph (B).

(3) **PROCEDURES.**—The Secretary shall establish by regulation procedures for—

(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this title; and

(B) imposing sanctions under this section.

SEC. 110. PAYMENTS.

(a) **IN GENERAL.**—

(1) **PAYMENTS.**—A State that has an application approved by the Secretary under section 107(c) shall be entitled to a payment under this section for each fiscal year in an amount that is equal to the allotment of the State under section 113 for the fiscal year.

(2) **STATE ENTITLEMENT.**—Subject to the availability of funds under section 103, this title—

(A) constitutes budget authority in advance of appropriations Acts; and

(B) represents the obligation of the Federal Government to provide for the payment to States of the amount described in paragraph (1).

(b) METHOD OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make payments to a State in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(2) LIMITATION.—The Secretary may not make the payments in a manner that prevents the State from complying with section 107.

SEC. 111. AUDITS.

(a) REQUIREMENT.—After the close of each program period covered by an application approved under section 107(c), a State shall audit—

(1) the expenditures of the State during the program period from amounts received under this title; and

(2) the maintenance by the State of unexpended amounts received by the State under this title.

(b) INDEPENDENT AUDITOR.—An audit under this section shall be conducted—

(1) by an entity that is independent of any agency administering activities that receive assistance under this title; and

(2) in accordance with generally accepted auditing principles.

(c) SUBMISSION.—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

(d) REPAYMENT OF AMOUNTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State shall repay to the United States any amounts made available to the State under this title and determined through an audit under this section—

(A) to have been expended in a manner that constitutes fraud or abuse; or

(B) to remain unexpended as a result of fraud or abuse.

(2) OFFSET TO AMOUNTS.—As an alternative to requiring repayment of amounts under paragraph (1), the Secretary may offset the amounts required to be repaid against any other amounts to which the State is or may be entitled under this title.

SEC. 112. REPORT BY SECRETARY.

Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains—

(1) a summary and analysis of the data and information provided to the Secretary in the State audits submitted under section 111; and

(2) an assessment, and if appropriate, recommendations for Congress concerning efforts that should be undertaken to improve harbor maintenance in the United States.

SEC. 113. ALLOTMENTS.

(a) IN GENERAL.—For each fiscal year, the Secretary shall allot to each participating State an amount that is equal to the proportion that—

(1) the amounts collected in the State for deposit in the State Harbor Maintenance Block Grant Account for that fiscal year in accordance with section 9505 of the Internal Revenue Code of 1986; bears to

(2) the total amount of funds in the State Harbor Maintenance Block Grant Account in that fiscal year.

(b) INSUFFICIENT FUNDS.—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subsection (a) will exceed the amount of funds available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States

under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.

SEC. 114. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Subsection (c) of section 9505 of the Internal Revenue Code of 1986 is amended by striking “Amounts” and inserting “Except as provided in subsection (d), amounts”.

(b) STATE BLOCK GRANTS.—Section 9505 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) ESTABLISHMENT OF STATE BLOCK GRANT ACCOUNT.—

“(1) CREATION OF ACCOUNT.—There is established in the Harbor Maintenance Trust Fund a separate account to be known as the ‘State Harbor Maintenance Block Grant Account’ consisting of such amounts as may be transferred or credited to the State Harbor Maintenance Block Grant Account as provided in this section or section 9602(b).

“(2) TRANSFERS TO STATE HARBOR MAINTENANCE BLOCK GRANT ACCOUNT.—The Secretary shall transfer to the State Harbor Maintenance Block Grant Account the electing State amount of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b).

“(3) EXPENDITURES FROM ACCOUNT.—Except as provided in paragraph (4), amounts in the State Harbor Maintenance Block Grant Account shall be available for making expenditures to fund the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011. The Secretary shall, from time to time, transfer such amounts to such accounts as are identified by the Secretary of the Army, acting through the Chief of Engineers, for the purpose of making such expenditures.

“(4) LIMITATIONS.—

“(A) NON-ELECTING STATES.—Amounts in the State Harbor Maintenance Block Grant Account shall not be used for making any payment to a State, or for making expenditures within a State, unless such State is an electing State.

“(B) RESERVATION OF ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—The expenditures under subsection (c)(3) shall be borne by the State Harbor Maintenance Block Grant Account and the General Account in proportion to the respective amounts of the revenues transferred under this section to the State Harbor Maintenance Block Grant Account and the General Account (after the application of paragraph (2)).

“(ii) RESERVATION.—The amounts required to bear the State Harbor Maintenance Block Grant Account’s share of the expenditures under clause (i) shall be reserved for such purpose and shall not be used to make any other expenditures.

“(iii) GENERAL ACCOUNT.—For purposes of this subparagraph, the term ‘General Account’ means the portion of the Harbor Maintenance Trust Fund which is not the State Harbor Maintenance Block Grant Account.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) ELECTING STATE AMOUNT.—The term ‘electing State amount’ means the portion of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b) which is equivalent to the taxes received in the Treasury under section 4461 which are collected from ports in electing States.

“(B) ELECTING STATE.—The term ‘electing State’ means a State that has elected (by

submission of the application required under section 107 of the Corps of Engineers Reform Act of 2011) to participate in the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011.

“(6) COORDINATION WITH TRUST FUND EXPENDITURES.—Expenditures under paragraphs (1) and (2) of subsection (c) shall not be made to, or for projects located within, any State which is an electing State.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts appropriated or transferred to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

TITLE II—WATER RESOURCES DEVELOPMENT**SEC. 201. DEFINITIONS.**

In this title:

(1) COMMISSION.—The term “Commission” means the Water Resources Commission established by section 203.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

SEC. 202. CORPS TRANSPARENCY.

(a) ANNUAL PUBLICATION OF AUTHORIZED PROJECTS.—

(1) IN GENERAL.—The Secretary shall publish annually a list describing each authorized water resources project of the Corps of Engineers in the Federal Register and on a publicly available website.

(2) CONTENTS.—For each authorized water resources project, the list described in paragraph (1) shall include—

(A) the date on which the water resources project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources project during the 5 years immediately preceding the date on which the list described in paragraph (1) is published.

(3) REPORT TO CONGRESS.—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(b) PUBLICATION OF DEAUTHORIZED PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after date of the enactment of this Act, the Secretary shall publish a list describing each water resources study or project of the Corps of Engineers that is no longer authorized.

(2) CONTENTS.—For each water resources study or project described in paragraph (1), the list described in paragraph (1) shall include—

(A) the date on which the water resources study or project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources study or project for the 5 years immediately following the date on which that study or project was authorized.

(3) REPORT TO CONGRESS.—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SEC. 203. WATER RESOURCES COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) **ESTABLISHMENT.**—There is established a commission, to be known as the “Water Resources Commission”, to prioritize water resources projects in the United States.

(2) **MEMBERSHIP.**—

(A) **COMPOSITION.**—

(i) **IN GENERAL.**—The Commission shall be composed of 11 members, of whom—

(I) 1 member shall be appointed by the President;

(II) 1 member shall be appointed by the Speaker of the House of Representatives;

(III) 1 member shall be appointed by the majority leader of the Senate; and

(IV) 8 members shall be appointed in accordance with clause (ii) by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leader of the House of Representatives and the minority leader of the Senate.

(ii) **RESTRICTIONS.**—

(I) **IN GENERAL.**—Subject to subclause (II), each of the 8 members appointed under clause (i)(IV) shall represent 1 of the following Corps of Engineers geographical divisions:

(aa) Great Lakes & Ohio River Division.

(bb) Mississippi Valley Division.

(cc) North Atlantic Division.

(dd) Northwestern Division.

(ee) Pacific Ocean Division.

(ff) South Atlantic Division.

(gg) South Pacific Division.

(hh) Southwestern Division.

(II) **GEOGRAPHICAL REPRESENTATION.**—Not more than 2 of the members appointed under clause (i)(IV) shall represent the same Corps of Engineers geographical division described in subclause (I).

(B) **QUALIFICATIONS.**—

(i) **IN GENERAL.**—Subject to clause (ii), members shall be appointed to the Commission from among individuals who—

(I)(aa) are knowledgeable in the fields of navigation, water infrastructure, or natural resources; or

(bb) are recognized as having expertise in project management or cost-benefit analysis; and

(II) while serving on the Commission, do not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(ii) **REQUIREMENT.**—At least 1 of the members under subparagraph (A) shall have knowledge of safety issues relating to water resources projects carried out by the Corps of Engineers.

(C) **DATE OF APPOINTMENTS.**—The members of the Commission shall be appointed under subparagraph (A) not later than 90 days after the date of enactment of this Act.

(3) **TERM; VACANCIES.**—

(A) **TERM.**—A member shall be appointed for the life of the Commission.

(B) **VACANCIES.**—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(4) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(5) **MEETINGS.**—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) the majority of the members of the Commission.

(6) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) **CHAIRPERSON AND VICE CHAIRPERSON.**—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(b) **DUTIES OF COMMISSION.**—

(1) **PRIORITIZATION OF WATER RESOURCES PROJECTS.**—

(A) **IN GENERAL.**—In accordance with this section, the Commission shall make recommendations for the means by which to prioritize water resources projects of the Corps of Engineers and prioritize water resources projects of the Corps of Engineers that are not being carried out under a continuing authorities program.

(B) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report containing the recommendations and prioritization method required under this paragraph.

(C) **RECOMMENDATIONS.**—The report shall include recommendations for—

(i) a process of regularized prioritization assessments that ensures continuity in project prioritization rankings and the inclusion of newly authorized projects;

(ii) a process to prioritize water resources projects across project type; and

(iii) a method of analysis, with respect to the prioritization process, of recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects.

(D) **PROJECT INCLUSIONS.**—The report shall include, at a minimum, each water resources project authorized for study or construction on or before the date of enactment of this Act.

(E) **PRIORITIZATION REQUIREMENTS.**—

(i) **IN GENERAL.**—Each project described in the report shall be categorized by project type and be classified into a tier system of descending priority, to be established by the Commission, in a manner that reflects the extent to which the project achieves project prioritization criteria established under subparagraph (F).

(ii) **MULTIPURPOSE PROJECTS.**—Each multipurpose project described in the report shall be classified—

(I) by the project type that best represents the primary project purpose, as determined by the Commission; and

(II) into the tier system described in clause (i) within that project type.

(iii) **TIER SYSTEM REQUIREMENTS.**—In establishing a tier system under clause (i), the Commission shall ensure that each tier—

(I) is limited to total authorized project costs of \$5,000,000,000; and

(II) includes not more than 100 projects.

(iv) **BALANCE.**—The Commission shall seek, to the maximum extent practicable, a balance between the water resource needs of all States, regardless of the size or population of a State.

(F) **PROJECT PRIORITIZATION CRITERIA.**—In preparing the report, the Commission shall prioritize each water resources project of the Corps of Engineers based on the extent to which the project meets at least the following criteria and such additional criteria as the Commission may fully explain in the report:

(i) For flood damage reduction projects, the extent to which such a project—

(I) addresses critical flood damage reduction needs of the United States, including by reducing the risk of loss of life;

(II) avoids increasing risks to human life or damages to property in the case of large flood events; and

(III) avoids adverse environmental impacts or produces environmental benefits.

(ii) For navigation projects, the extent to which such a project—

(I) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(II) avoids adverse environmental impacts.

(iii) For environmental restoration projects, the extent to which such a project addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat, while being, to the maximum extent practicable, self-sustaining.

(2) **AVAILABILITY.**—The report prepared under this subsection shall be—

(A) published in the Federal Register; and

(B) submitted to—

(i) the Committees on Environment and Public Works and Appropriations of the Senate; and

(ii) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(c) **POWERS OF COMMISSION.**—

(1) **HEARINGS.**—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this section.

(2) **INFORMATION FROM FEDERAL AGENCIES.**—

(A) **IN GENERAL.**—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(3) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) **COMMISSION PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) **STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(C) **COMPENSATION.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United

States Code, relating to classification of positions and General Schedule pay rates.

(ii) **MAXIMUM RATE OF PAY.**—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(3) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(A) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) **CIVIL SERVICE STATUS.**—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(4) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—On request of the Commission, the Secretary, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this section.

(e) **TERMINATION.**—The Commission shall terminate on the date that is 90 days after the date on which the final report of the Commission is submitted under subsection (b).

SEC. 204. FUNDING.

(a) **FUNDING.**—

(1) **IN GENERAL.**—In carrying out this title, the Commission shall use funds made available for the general operating expenses of the Corps of Engineers.

(2) **PRIORITY WATER RESOURCES PROJECTS.**—In carrying out the water resources projects prioritized by the Commission under section 203(b), the Secretary shall use funds made available to the Corps of Engineers.

(b) **USE OF COMMISSION REPORT BY SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall use the priority recommendations described in the report under section 203(b) as a means of allocating amounts appropriated under subsection (a)(2).

(2) **EXCEPTION.**—The Secretary may deviate from the priority recommendations in the report under section 203(b) by advancing the priority of a project only if the Secretary determines that—

(A) the project is vital to the national interest of the United States; and

(B) failure to complete the project would cause significant harm and expense to the United States.

(c) **REPORTS.**—

(1) **IN GENERAL.**—For each fiscal year, the Secretary shall submit to the committees described in paragraph (2), and make available to the public on the Internet, a report that lists, for the year covered by the report—

(A) the water resources projects that receive funding and are carried out in accordance with section 203(b); and

(B) the water resources projects that receive funding and are carried out on a project-by-project basis through line items contained in appropriations Acts.

(2) **COMMITTEES.**—The committees referred to in paragraph (1) are—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SA 991. Mr. COONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 13, insert “: *Provided further*, That of available funds, \$10,000,000 shall be made available for the weatherization innovation initiative” before the period at the end.

SA 992. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

SEC. 312. (a) The Secretary of Energy shall conduct a study that—

(1) investigates the feasibility, viability, environmental effects, safety, and economics of using natural gas as a locomotive fuel in comparison to traditional methods of railway locomotion; and

(2) considers the practicability of natural gas fueling systems for locomotives and the necessary natural gas distribution network.

(b) Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Commerce, Science, and Transportation of the Senate;

(3) the Committee on Transportation and Infrastructure of the House of Representatives; and

(4) the Committee on Energy and Commerce of the House of Representatives.

SA 993. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 14, after “States:”, insert the following: “*Provided further*, That, within available funds for advanced turbine and combustion system technology, the Secretary shall conduct research that includes the investigation of novel approaches such as extracting energy from high temperature gases, ultra-high temperature materials development, and advanced turbine based power cycles that have the potential to substantially increase the efficiency and lower the cost of carbon capture in advanced clean coal powered generation systems:”.

SA 994. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and re-

lated agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, after line 22, insert the following:

SEC. 1001. INCLUSION OF HUMAN RIGHTS VIOLATORS IN CONSULAR DATABASE.

The Secretary of State, in consultation with the Secretary of Homeland Security, shall implement the Presidential Proclamation published on August 4, 2011, by ensuring that each individual identified in a Country Report on Human Rights Practices as a human rights violator and any other individual for whom the Secretary has credible information about gross human rights violations—

(1) is included in the Consular Lookout and Support System; and

(2) is not permitted to enter the United States unless a senior consulate official or a senior immigration officer determines, after a careful review of the circumstances under which the individual received such designation, that the individual is not inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

SA 995. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, in the matter under the heading “ENERGY EFFICIENCY AND RENEWABLE ENERGY”, before the period at the end, insert “: *Provided further*, That, within available funds for Industrial Technologies, the Secretary of Energy shall use not less than \$20,000,000 for the Energy Innovation Hub for Critical Materials, including research focused on rare earths, rare earth substitutes, and related materials, on refining, recycling, minimizing, and alloying rare earths and related materials, and on use of rare earths and related materials in electronics, energy, and information and related technologies and systems”.

SA 996. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Section 4 of the Act entitled “An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,” approved March 4, 1915 (33 U.S.C. 560), is amended in the matter before the proviso—

(1) by inserting “for work, which includes planning and design,” after “to be expended”; and

(2) by striking “work of” and inserting “study or project for”.

(b) Section 11 of the Act entitled “An Act Authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,” approved March 3, 1925 (33 U.S.C. 561), is amended in the first sentence—

(1) by striking “a work of” and inserting “work, which includes planning and design, for an authorized study or project for a”; and

(2) by striking “duly adopted and authorized by law”.

(c) Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended—

(1) by inserting “for work, which includes planning and design,” before “to be expended”; and

(2) by striking “restoration work” and inserting “restoration study or project”.

(d) Section 1 of the Act of October 15, 1940 (33 U.S.C. 701h-1), is amended in the first sentence by striking “a flood-control project duly adopted and authorized by law” and inserting “an authorized flood-control study or project.”.

SA 997. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, lines 7 and 8, strike “\$1,795,641,000, to remain available until expended: *Provided*,” and insert “\$1,801,641,000, to remain available until expended: *Provided*, That, of the amount appropriated, not less than \$5,000,000 shall be used to promote renewable energy deployment in accordance with section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282): *Provided further*, That each amount provided by this Act (other than the amount provided by the preceding proviso) is reduced by the pro rata percentage required to reduce the total amount provided by this Act by \$5,000,000: *Provided further*,”.

SA 998. Mrs. SHAHEEN (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5. (a) In this section, the term “limousine” means a passenger vehicle that meets the criteria contained in Federal Management Regulation B-29 of the General Services Administration published on July 11, 2011.

(b)(1) For the Federal fleet report for fiscal year 2011, each Federal agency shall submit, through the Federal automotive statistical tool of the General Services Administration, information on all limousines of the Federal agency.

(2) Not later than 60 days after the date of enactment of this Act, each Federal agency reporting 5 or more limousines in the inventory of the Federal agency for fiscal year 2011 under paragraph (1) shall submit to Congress a report that describes—

(A) to the maximum extent practicable, the number of limousines in the vehicle inventory of the Federal agency for each of fiscal years 2008, 2009, and 2010;

(B) the cost of purchasing, leasing, and operating limousines in the vehicle inventory of the Federal agency for fiscal year 2011; and

(C) a plan to reduce the total cost described in subparagraph (B) by at least 20 percent.

SA 999. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 19 and 20, insert the following:

SEC. 118. Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Committees on Appropriations of the Senate and the House of Representatives and the public all records of payments of attorneys fees and expenses made under section 1304 of title 31, United States Code, that have been made since January 1, 2003 and shall continue to make the records of any such payments made hereafter available to the Committees on Appropriations of the Senate and the House of Representatives and the public: *Provided*, That, such records shall be made available on a publicly accessible and searchable Internet website database and each record made available for each payment shall contain information that clearly identifies the entity receiving the payment, the amount of the total payment to each entity, and a breakdown of the payment showing the attorneys fees and expenses and relevant statute, matter, and agency: *Provided further*, That such records and information shall not be made available if the disclosure of such information is otherwise prohibited by law or is not in the best interest of national security and the Secretary of the Treasury certifies in writing to the Committees on Appropriations of the Senate and the House of Representatives the rationale for withholding any individual payment information: *Provided further*, That the preceding proviso, or any other provision of law regarding disclosure prohibitions, shall not apply to any records of payments made as a result of any executive branch, Federal department, agency, or instrumentality statutory or regulatory approval or permit related case, court order, consent decree, or Federal department, agency, or instrumentality settlement.

SA 1000. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 7. None of the funds made available by this Act for fiscal year 2012 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

SA 1001. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BUREAUCRATIC EARMARKS.

(a) DEFINITIONS.—In this section—

(1) the term “agency” has the meaning given that term under section 551(1) of title 5, United States Code; and

(2) the term “covered domestic assistance”—

(A) means—

(i) any assistance under a domestic assistance program (as those terms are defined in section 6101 of title 31, United States Code); and

(ii) any Federal credit assistance, including loan guarantees, lines of credit, and direct loans; and

(B) does not include—

(i) any grants or other assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) any assistance described in subparagraph (A) that—

(I) is provided in accordance with a statutory formula;

(II) is provided through direct spending (as defined in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900));

(III) is—

(aa) primarily awarded to a State; and

(bb) awarded to each State; or

(IV) is solely technical assistance provided by an agency to a State or a political subdivision of a State, including authorities designated to carry out public works on behalf of a State or political subdivision of a State.

(b) REPORTING BEFORE AWARD.—

(1) SUBMISSION.—

(A) IN GENERAL.—Subject to paragraph (5), not later than 45 days before the date on which an agency awards covered domestic assistance, the head of the agency shall submit to Congress and the Comptroller General of the United States a report regarding the proposed award.

(B) LIMITATION ON AUTHORITY.—Subject to paragraph (5), the head of an agency may not award covered domestic assistance to a proposed awardee—

(i) until the date that is 45 days after the date on which the head of the agency submits the report under subparagraph (A) relating to the proposed award; or

(ii) if a joint resolution described in subsection (d) is enacted relating to the proposed award.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the name, address, principal point of contact, and contact information of the proposed awardee;

(B) the city, State, congressional district, and county in which performance of the activities under the covered domestic assistance will primarily take place;

(C) the amount being awarded to the awardee;

(D) whether the award is a multi-year award and, if the award is a multi-year award, and without regard to whether the funds for any fiscal year after the first fiscal year after the award are not finalized or are subject to the availability of funds—

(i) the amount of funding for each fiscal year after the first fiscal year of the award; and

(ii) the aggregate funding level for all fiscal years;

(E) the type of covered domestic assistance to be awarded to the awardee;

(F) all relevant information about the agency awarding the covered domestic assistance, including the specific program within the agency and all relevant contact persons at the agency who made the decision to award the covered domestic assistance;

(G) the number assigned to the covered domestic assistance program under the Catalog of Federal Domestic Assistance Programs required to be published by the Administrator of General Services under section 6104 of title 31, United States Code;

(H) a detailed description or abstract of how the awardee will use the covered domestic assistance;

(I) an abbreviated description of how the awardee will use the covered domestic assistance;

(J) except as provided in paragraph (3), a complete copy of the application for the covered domestic assistance submitted by the applicant;

(K) the text of the statute authorizing the covered domestic assistance program; and

(L) a statement—

(i) describing why the award of the covered domestic assistance is a justifiable use of Federal funds in accordance with the authorizing statute; and

(ii) indicating why the award of the covered domestic assistance is justified under the authorizing statute.

(3) PROPRIETARY INFORMATION.—

(A) IN GENERAL.—In consultation with the Director of the Office of Management and Budget, the head of each agency shall establish a means for an applicant for covered domestic assistance to designate as proprietary sensitive technology or research information submitted in an application.

(B) INFORMATION NOT SUBJECT TO DESIGNATION.—An applicant may not designate as proprietary information any information described in subparagraph (H) or (I) of paragraph (2).

(C) DESIGNATION.—

(i) IN GENERAL.—If an applicant for covered domestic assistance designates information as proprietary under subparagraph, the information shall not be submitted to Congress or the Comptroller General under paragraph (2).

(ii) AGENCY MAY NOT DESIGNATE.—An agency may not designate information as proprietary under this paragraph.

(4) CLASSIFIED PROGRAMS.—If covered domestic assistance is inherently classified in nature, the report submitted under paragraph (2) may be submitted in classified form or transmitted to Congress and the Comptroller General using other means determined appropriate by the Comptroller General.

(5) EXEMPTIONS.—

(A) MULTI-YEAR AWARDS.—The head of an agency is not required to submit a report under paragraph (2) and may award covered domestic assistance without regard to paragraph (1) if the award is—

(i) a continuation of funding under an award for which the head of the agency dis-

closed information in a previous fiscal year under subparagraphs (C) and (D) of paragraph (2); and

(ii) in an amount that is not more than the amount the head of the agency indicated was to be awarded for the fiscal year under paragraph (2)(D).

(B) SMALLER AWARDS.—

(i) IN GENERAL.—Subject to clause (ii), the head of an agency is not required to submit a report under paragraph (2) and may award covered domestic assistance without regard to paragraph (1) if—

(I) for a 1-year award, the award is in an amount that would have been in the lowest 10 percent of the amounts of awards of covered domestic assistance for the previous fiscal year; and

(II) for a multi-year award, the total amount of the award over all fiscal years is in an amount that would have been in the lowest 10 percent of the amounts of awards of covered domestic assistance for the previous fiscal year.

(ii) RESTRICTION.—During any fiscal year, the head of an agency may not make under clause (i) more than the number of covered domestic assistance awards equal to 10 percent of the number of awards of covered domestic assistance made by the head of the agency during the previous fiscal year.

(6) REPORT.—The Inspector General with jurisdiction of an agency that awards covered domestic assistance under paragraph (5) shall submit to Congress an annual report evaluating a representative sample of such awards. The report shall indicate whether the agency operated within the authority under paragraph (5) and evaluate whether the agency acted in accordance with the intent of Congress.

(C) DATABASE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall establish and maintain an online database of the information submitted under subsection (b), which—

(A) shall be accessible by Members of Congress and appropriate congressional employees;

(B) shall be easily navigable, searchable, and sortable; and

(C) shall be accessible by the public.

(2) RECEIPT AND POSTING OF INFORMATION.—The Comptroller General shall—

(A) develop a means for agencies to submit all information required under subsection (b) electronically; and

(B) not later than 2 business days after receiving information from an agency under subsection (b), include the information in the database established under paragraph (1).

(3) USE OF EXISTING INFRASTRUCTURE.—

(A) IN GENERAL.—To the greatest extent practicable, the Comptroller General shall—

(i) develop a means of submitting information that is comparable and may be integrated into information technology infrastructure and grant management systems of agencies that are in use on the date of enactment of this Act; and

(ii) use and build from reporting technology and databases of agencies in use on the date of enactment of this Act, including Recovery.gov and USAspending.gov.

(B) INFORMATION FROM AGENCIES.—Upon request, the head of each agency shall make available to the Comptroller General the software required for any infrastructure, system, technology, or database described in subparagraph (A) for purposes of developing an integrated system.

(d) PROCEDURES IN THE HOUSE OF REPRESENTATIVES AND SENATE.—

(1) DEFINITIONS.—In this subsection—

(A) the term “first House” means the House that transmitted to the other House a joint resolution of that House;

(B) the term “joint resolution” means only a joint resolution—

(i) introduced during the period beginning on the date on which a report regarding a proposed award of covered domestic assistance is received by Congress under subsection (b) and ending 45 days thereafter;

(ii) the matter after the resolving clause of which is as follows: “That the proposed award of covered domestic assistance (as defined in the Bureaucratic Earmark Disclosure Act of 2011) to _____, valued at \$ _____, shall not be awarded, such amount is rescinded from the unobligated balances in the appropriations account for the program under which the covered domestic assistance was proposed to be awarded, and an award for the same purpose as the proposed award of covered domestic assistance may not be made to the same recipient.”, the first blank space being filled in with the name of the individual or entity to which the covered domestic assistance described in clause (i) is proposed to be awarded and the second blank space being filled in with the amount proposed to be awarded; and

(iii) that relates to 1 proposed award of covered domestic assistance; and

(C) the term “second House” means the House receiving a joint resolution from the other House.

(2) INTRODUCTION, REFERRAL, AND CONSIDERATION.—

(A) IN GENERAL.—

(i) INTRODUCTION.—During the 45-day period beginning on the date on which a report regarding a proposed award of covered domestic assistance is received by Congress under subsection (b) it shall be in order for a Member of the House of Representatives or the Senate to introduce a joint resolution.

(ii) PERIOD FOR PROCEDURES.—The procedures under this subsection shall only apply to a joint resolution during the 45-day period beginning on the date on which the report regarding the proposed award of covered domestic assistance to which the joint resolution relates is received by Congress under subsection (b).

(B) REFERRAL.—

(i) IN GENERAL.—A joint resolution introduced under subparagraph (A) shall be referred to the appropriate committee of the Senate and the House of Representatives.

(ii) JURISDICTION OF MULTIPLE COMMITTEES.—If a joint resolution is within the jurisdiction of more than 1 committee of the House of Representatives, the joint resolution shall be referred to the Committee on Oversight and Government Reform of the House of Representatives.

(C) COMMITTEES.—In a committee of the Senate or the House of Representatives, an amendment to a joint resolution shall not be in order.

(3) DISCHARGE.—In the House of Representatives and the Senate, if the committee to which a joint resolution (including a joint resolution referred to a committee under paragraph (6)(C)) is referred has not reported the joint resolution at the end of 5 calendar days (excluding any period when either House is not in session for more than 3 days) after the date on which the joint resolution was referred to the committee, upon a petition supported in writing signed by 50 Members of the House of Representatives or 30 Senators, respectively, the committee shall be discharged from further consideration of

the joint resolution and the joint resolution shall be placed on the calendar.

(4) CONSIDERATION IN THE SENATE.—

(A) IN GENERAL.—In the Senate, when the committee to which a joint resolution is referred has reported, when a committee is discharged (under paragraph (3)) from further consideration of a joint resolution, or when a joint resolution of the House of Representatives has been placed on the calendar under paragraph (6)(B), it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

(B) MOTION.—A motion described in subparagraph (A) is privileged and is not subject to amendment, a motion to postpone, a motion to table, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(C) DEBATE.—In the Senate—

(i) debate on a joint resolution and on all debatable motions and appeals in connection with the joint resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution;

(ii) an amendment to, a motion to postpone, or a motion to recommit the joint resolution is not in order;

(iii) a motion to proceed to the consideration of other business is not in order;

(iv) a motion further to limit debate is in order and is not debatable; and

(v) a motion to reconsider shall not be in order.

(D) VOTE ON FINAL PASSAGE.—In the Senate, immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

(5) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) IN GENERAL.—In the House of Representatives, when the committee to which a joint resolution is referred has reported, when a committee is discharged (under paragraph (3)) from further consideration of a joint resolution, or when a joint resolution of the Senate has been placed on the calendar under paragraph (6)(B), it shall be in order at a time designated by the Speaker of the House of Representatives or a designee during the legislative schedule on either of the 2 legislative days next following that on which the joint resolution is reported or discharged for any Member to move to proceed to the consideration of the joint resolution. If the Speaker does not designate a time for considering the motion before the conclusion of legislative business on the second legislative day following that on which the joint resolution is reported or discharged, it shall be in order on any subsequent legislative day for any Member to move to proceed to the consideration of the joint resolution. All points of order against the joint resolution

(and against consideration of the joint resolution) are waived.

(B) MOTION.—A motion described in subparagraph (A) is highly privileged and is not subject to amendment, a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the House of Representatives until disposed of.

(C) DEBATE.—In the House of Representatives—

(i) the previous question shall be considered as ordered on a joint resolution to its passage without intervening motion, except that—

(I) 2 hours of debate equally divided and controlled by a proponent and an opponent are allowed; and

(II) it shall be in order to make 1 motion to further limit debate on the joint resolution, which is not debatable;

(ii) an amendment to, a motion to postpone, or a motion to recommit the resolution shall not be in order;

(iii) a motion to proceed to the consideration of other business shall not be in order; and

(iv) a motion to reconsider shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution shall be decided without debate.

(6) RECEIPT OF JOINT RESOLUTION BY OTHER HOUSE.—

(A) IN GENERAL.—If the second House receives from the first House a joint resolution, the Chair shall determine whether the joint resolution is identical to a joint resolution of the second House.

(B) IDENTICAL JOINT RESOLUTIONS.—If the second House receives an identical joint resolution, the joint resolution of the first House shall not be referred to a committee.

(C) NO CORRESPONDING JOINT RESOLUTION.—If a House receives a joint resolution that is not identical to a joint resolution of that House, the joint resolution shall be referred to the appropriate committee of that House.

(7) RULEMAKING.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(e) SHORT TITLE.—This section may be cited as the “Bureaucratic Earmark Disclosure Act of 2011”.

SA 1002. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012,

and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division A, add the following:

SEC. 3. In the event that the recipient of a loan guarantee issued by the Department of Energy using funds made available under this Act defaults and is subsequently in repayment on the loan guarantee, the Federal Government shall be the first party to be repaid.

SA 1003. Mr. ROBERTS (for himself, Mr. JOHANNIS, AND MR. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 15 and 16, insert the following:

SEC. 2. (a) **USE OF AUTHORIZED PESTICIDES.**—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) **USE OF AUTHORIZED PESTICIDES.**—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of the pesticide.”.

(b) **DISCHARGES OF PESTICIDES.**—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) **DISCHARGES OF PESTICIDES.**—

“(1) **NO PERMIT REQUIREMENT.**—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of such a pesticide, resulting from the application of the pesticide.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the quantity of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

SA 1004. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr.

REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 41, line 17, strike “*Provided*,” and all that follows through page 42, line 12, and insert the following:

Provided, That during fiscal year 2012 and hereafter, the quantity of petroleum products sold from the Reserve under the authority of this Act may only be replaced using the authority provided in paragraph (a)(1) or (3) of section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240(a)(1) or (3)); *Provided further*, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

**NORTHEAST HOME HEATING OIL RESERVE
(INCLUDING RESCISSION OF FUNDS)**

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$10,119,000, to remain available until expended: *Provided*, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act (42 U.S.C. 6250a) are hereby permanently rescinded: *Provided further*, That notwithstanding section 181 of the Energy Policy and Conservation Act (42 U.S.C. 6250), for fiscal year 2012 and hereafter, the Reserve shall contain no more than 1 million barrels of petroleum distillate.

SA 1005. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, line 20, insert “: *Provided further*, That the Secretary shall use \$10,000,000 to prioritize, in cooperation and full consultation with potential host communities, the consolidation of nuclear waste from permanently shut down facilities” before the period at the end.

SA 1006. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 23, before the period, insert the following: “: *Provided further*, That none of the funds made available under this heading may be used to make a loan guarantee to an applicant if the value of the loan guarantee is \$250,000,000 or more unless the Secretary of Energy requires a financial review of the project by an independent third party that includes a review of creditworthiness, construction factors, legal and regulatory issues, and other appropriate financial policy criteria, the third party reviewer submits to

Congress, the Secretary, and the Director of the Office of Management and Budget a report on the results of the review, and a period of at least 60 days elapses after the date of the submission of the report before the loan guarantee is made”.

SA 1007. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 13, insert before the period at the end the following: “: *Provided further*, That of the funds made available for the Office of Energy Efficiency and Renewable Energy, \$20,000,000 may be used to establish an energy efficiency financing program to provide financing, including through direct loans, revolving loan funds, or other financial support for commercial and residential building energy efficiency projects, administered in coordination with any program offices considered appropriate by the Secretary”.

SA 1008. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REDUCTION OF INTEREST RATES ON SMALL BUSINESS DISASTER LOANS.

(a) AMENDMENT.—Section 7(d) of the Small Business Act (15 U.S.C. 636(d)) is amended—

(1) in paragraph (4), by striking “Notwithstanding” and inserting “Except as provided in paragraph (8) and notwithstanding”;

(2) in paragraph (5), by striking “Notwithstanding” and inserting “Except as provided in paragraph (8) and notwithstanding”;

(3) by adding at the end the following:

“(8) PROPERTY DAMAGE TO BUSINESSES.—The interest rate on the Federal share of any loan under subsection (b)(1) made to a business concern on or after August 26, 2011, shall be—

“(A) 1 percent per year, in the case of a business concern unable to obtain credit elsewhere; and

“(B) 3 percent per year, in the case of a business concern able to obtain credit elsewhere.”.

(b) PROSPECTIVE REPEAL.—Effective September 30, 2014, section 7(d) of the Small Business Act (15 U.S.C. 636(d)), as amended by subsection (a) is amended—

(1) in paragraph (4), by striking “Except as provided in paragraph (8) and notwithstanding” and inserting “Notwithstanding”;

(2) in paragraph (5), by striking “Except as provided in paragraph (8) and notwithstanding” and inserting “Notwithstanding”;

(3) by striking paragraph (8).

SA 1009. Mrs. HAGAN (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year end-

ing September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . HUBZONE REDESIGNATED AREAS.

Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

SA 1010. Mr. MENENDEZ (for himself, Mr. REID, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE ____ —SMITHSONIAN AMERICAN LATINO MUSEUM

SEC. ____ 1. SHORT TITLE.

This title may be cited as the “Smithsonian American Latino Museum Act”.

SEC. ____ 2. ESTABLISHMENT OF MUSEUM.

There is established within the Smithsonian Institution a museum to be known as the “Smithsonian American Latino Museum”.

SEC. ____ 3. LOCATION AND AUTHORIZATION.

(a) ARTS AND INDUSTRIES BUILDING.—The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia, including a new underground annex facility, is designated as the location of the Smithsonian American Latino Museum.

(b) PLANNING AND CONSTRUCTION.—The Board of Regents of the Smithsonian Institution, in consultation with the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission, and with other appropriate Federal and local agencies, is authorized to prepare plans, design, renovate, rehabilitate, and construct the Smithsonian American Latino Museum facility, as referred to in the May 2011 Report to Congress of the Commission to Study the Potential Creation of a National Museum of the American Latino.

(c) SCHEDULE AND FUNDING; STUDY.—

(1) SCHEDULE AND FUNDING.—

(A) IN GENERAL.—The Board of Regents is authorized to prepare a plan of action for the Smithsonian American Latino Museum, and to identify and evaluate viable funding models for both construction and operation of the Museum.

(B) TIMING.—The plan of action authorized in subparagraph (A) shall be concluded not later than 18 months after the date of enactment of this Act.

(2) WATER AND RELATED RESOURCES STUDY.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, shall conduct a study on—

(A) the connection between Latino life, heritage, advancement, and survival and the water supplies of the United States, through irrigation, farming, and development; and

(B) the historical role the Latino community has played in managing, developing, and protecting water and related resources in the West.

SEC. ____ 4. AGREEMENT WITH SECRETARY OF THE INTERIOR.

The Secretary of the Interior and the Board of Regents of the Smithsonian Institution shall enter into an agreement that—

(1) allows for the planning, design, and construction of the underground annex facility by the Board of Regents, in a manner harmonious with and to protect the open space and visual sightlines of the Mall; and

(2) provides a timeline for the transfer of administrative jurisdiction, if necessary, of the appropriate subsurface area from the Secretary of the Interior to the Smithsonian Institution.

SEC. ____ 5. CONSIDERATION OF RECOMMENDATIONS OF COMMISSION.

In carrying out its duties under this title, the Board of Regents of the Smithsonian Institution shall take into consideration the reports and plans submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino under section 333 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 784).

SA 1011. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 22, insert the following before the period at the end: “: *Provided further*, That none of the funds appropriated by this Act shall be used to conduct any sales of petroleum products from the Strategic Petroleum Reserve until the Secretary of State issues all permits necessary for the construction and operation of a strategic pipeline to deliver petroleum products from Canada oil sands to the Gulf of Mexico”.

SA 1012. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1 _____. (a) None of the funds made available to the Secretary of the Army to carry out activities of the Corps of Engineers shall be used in a manner that is inconsistent with this section.

(b)(1) The Secretary of the Army shall establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control construction projects of the Corps of Engineers.

(2) In carrying out the pilot program, the Secretary of the Army shall identify not less than 12 congressionally authorized flood control construction projects of the Corps of Engineers that—

(A) have received Federal funds and have experienced delays or missed scheduled deadlines in the 5 fiscal years prior to the date of enactment of this Act;

(B) have an unobligated funding balance in the Corps of Engineers Construction Account; and

(C) include levees, floodwalls, flood control channels, and water control structures.

(3) The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives that reduce the backlog of Corps of Engineers construction projects;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal sponsor operating as the lead project manager for the design, execution, management, and construction of a project; and

(C) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(4) A flood control project under this section shall only receive Federal funding if the project is federally owned.

(5)(A) In carrying out this section, the Secretary of the Army shall—

(i) enter into a project partnership agreement with the non-Federal sponsor for the non-Federal sponsor to provide full project management control for the design and construction of the flood control project, including preconstruction engineering and design, project implementation, and construction activities, to be carried out under the pilot program; and

(ii) in consultation with the district engineer and the non-Federal sponsor, develop a detailed project management plan for each project under the pilot program that outlines the scope, budget, design, and construction resource requirements necessary for execution of the project by the non-Federal sponsor.

(B) As a condition of receiving amounts under this section, the non-Federal sponsor, in consultation with the district engineer and local project stakeholders, shall establish to oversee the execution of the project management plan a project delivery team, which shall, at a minimum, consist of—

(i) a project manager; and

(ii) a Corps of Engineers official, who shall provide technical assistance and guidance on compliance with Corps of Engineers engineering manuals and regulations.

(6) On the request of the non-Federal sponsor and in consultation with other appropriate Federal agencies, the Secretary of the Army shall provide the non-Federal sponsor with any necessary technical assistance, including assistance relating to Federal acquisition regulations, contracting requirements, and environmental regulations.

(7) Nothing in this section alters any cost-sharing requirement established before the date of enactment of this Act for a project carried out under this section.

(8) Not later than [to be supplied], the Secretary of the Army shall submit to the appropriate committees of Congress a report detailing the results of the pilot program carried out under this section, including any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

SA 1013. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF MANDATORY COMMODITY PROMOTION AND MARKETING PROGRAMS.

(a) REPEALS.—The following provisions of law are repealed:

(1) The Cotton Research and Promotion Act (7 U.S.C. 2101 et seq.).

(2) The Potato Research and Promotion Act (7 U.S.C. 2611 et seq.).

(3) The Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

(4) The Beef Research and Information Act (7 U.S.C. 2901 et seq.).

(5) The Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 et seq.).

(6) Subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).

(7) The Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601 et seq.).

(8) The Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801 et seq.).

(9) The Watermelon Research and Promotion Act (7 U.S.C. 4901 et seq.).

(10) The Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001 et seq.).

(11) The Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101 et seq.).

(12) The Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201 et seq.).

(13) The Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6301 et seq.).

(14) The Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401 et seq.).

(15) The Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 (7 U.S.C. 6801 et seq.).

(16) The Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101 et seq.).

(17) Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401).

(18) The Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411 et seq.).

(19) The Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7441 et seq.).

(20) The National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7461 et seq.).

(21) The Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7481 et seq.).

(22) The Hass Avocado Promotion, Research, and Information Act of 2000 (7 U.S.C. 7801 et seq.).

(b) PROHIBITION ON REGULATIONS.—Notwithstanding any other provision of law, the Secretary of Agriculture may not issue or carry out any regulation that would authorize a fee to be imposed or collected on an agricultural commodity, or a producer of an agricultural commodity, for the purpose of promoting or marketing that agricultural commodity.

SA 1014. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, in the matter under the heading “ENERGY EFFICIENCY AND RENEWABLE ENERGY” under the heading “ENERGY PROGRAMS”, insert “: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary shall establish minimum performance standards for energy

efficiency for the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) and establish, at a minimum, that not later than 3 years after the date of enactment of this Act, all residential buildings that receive assistance under the Weatherization Assistance Program shall comply with the most recent International Energy Conservation Code published by the International Code Council" before the period at the end.

SA 1015. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DESIGNATION OF QUALIFIED CENSUS TRACTS.

(a) DESIGNATION.—

(1) IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(2) SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.—

(A) HUBZONE EFFECTIVE DATE.—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under paragraph (1) upon which the list published under paragraph (1) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(B) SECTION 42 EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under subparagraph (A), upon which the list of qualified census tracts published under paragraph (1) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

SA 1016. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1 ____ . The Corps of Engineers is authorized to carry out any project for which—

(1) there is a signed report of the Chief of Engineers by the end of fiscal year 2012; and

(2) prior to authorization, the Chief of Engineers certifies that 100 percent of the cost of carrying out the project is contributed by a non-Federal entity or a group of non-Federal entities.

SA 1017. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . None of the funds appropriated or otherwise made available by this Act shall be used to make a loan guarantee of any kind.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power. The hearing will be held on Thursday, December 8, 2011, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing will be to hear testimony on opportunities and challenges to address domestic and global water supply issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Meagan Gins@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224-6224 or Meagan Gins at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on November 15, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on November 15, 2011 at 10 a.m. to conduct a hearing entitled "Oversight of the Federal Housing Finance Agency."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 15, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 15, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 15, 2011, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Medical Devices: Protecting Patients and Promoting Innovation" on November 15, 2011, at 2:30 p.m., in room G50 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 15, 2011, at 3:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 15, 2011 at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on November 15, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Fix Gun Checks Act: Better State and Federal Compliance, Smarter Enforcement."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
AND CONSUMER PROTECTION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on November 15, 2011, to conduct a hearing entitled "Financial Security Issues Facing Older Americans."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that Sarah Boger, an intern in my office, be allowed the privileges of the floor throughout consideration of the debate on the nomination of Sharon Gleason.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

SUPPORT FOR NATIONAL INFORMATION AND REFERRAL SERVICES DAY

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 241 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 241) expressing support for the designation of November 16, 2011, as National Information and Referral Services Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon table, with no intervening action or debate, and that any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 241

Whereas information and referral services link the consumer who has a need or problem with the most appropriate service to address that need or solve that problem;

Whereas quality information and referral services are the keystone point of entry to the entire human services structure delivery system;

Whereas information and referral services have been recognized in Federal legislation for more than 35 years since the 1973 reauthorization of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the subsequent establishment of the national Eldercare Locator and the development of Aging and Disability Resource Centers;

Whereas, as of the date of agreement to this resolution, the United States is served by information and referral through 2-1-1 programs, aging information and referral services, Aging and Disability Resource Centers, child care resource and referral services, military family centers, and other specialty information and referral services;

Whereas individuals who understand the variety of services available are better equipped to make decisions;

Whereas, in 1997, the national 2-1-1 initiative began with the United Way of Metropolitan Atlanta creating the first 24-hour telephone information and referral service using the easy-to-remember 2-1-1 dialing code for access;

Whereas, in 2000, the Federal Communications Commission reserved the 2-1-1 dialing code for community information and referral services, intended as an easy-to-remember and universally recognizable number that would serve as a vital connection between individuals and families in need, and appropriate community-based organizations and government agencies, on a regular basis and in times of disaster;

Whereas the Alliance of Information and Referral Systems has been providing professional standards and credentialing programs for those operating information and referral services;

Whereas expanding access to information about, and referrals to, services provides individuals with lower cost and safer options for managing their needs, and is likely to reduce confusion, frustration, and inaccessibility to services; and

Whereas requests for assistance through information and referral services and 2-1-1 have increased across the United States due to the economic crisis: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for the designation of November 16, 2011, as National Information and Referral Services Day—

(A) to raise public awareness about the existence and importance of information and referral services available to all people in the United States; and

(B) to more effectively target those services to reach individuals most in need;

(2) encourages activities in communities across the United States involving schools, nonprofit organizations, businesses, and other entities to ensure information and referral services are part of everyday life in addition to emergency preparedness programs; and

(3) reaffirms the importance of clear and consistent professional standards to govern every aspect of quality information and referral services.

RECOGNIZING THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 323, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 323) recognizing the 75th anniversary of the Welfare Program of the Church of Jesus Christ of Latter-Day Saints and the significant impact of the Welfare Program in the United States and throughout the world in helping people in need.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I support this resolution recognizing the 75th anniversary of the welfare program of the Church of Jesus Christ of Latter-day Saints, LDS. This resolution recognizes and commends the LDS Church and its members for 75 years of donating their time, energy, and resources to benefit people across the Nation and throughout the world.

Since its creation in 1936, the LDS welfare program has matured to a point where its reach can be felt across the globe by people of all nations and religious affiliations. Founded to help others achieve self-reliance, the program has remained true to its founding values as it has grown. To date, a remarkable 63,000 tons of food has been distributed by the welfare program to people in need across the globe. In addition to food distribution, the program has provided much needed clothing, medical aid, and services to help people gain long-term stability in the workforce and in the home.

Over 300 LDS Employment Research Service Centers around the world provide people with jobs skills training, resume-writing workshops, interviewing classes, and assistance in finding employment. In addition, Deseret Industries, an LDS Church-run group of thrift stores, provides refugees and the

disabled with the employment they need to gain on-the-job experience before moving on to long-term employment. Another arm of the welfare program, LDS Family Services, provides adoption services, support groups for addiction recovery, and counseling for a variety of emotional, social, and spiritual challenges.

There is a common assumption that if the Federal Government does not address a problem, no one else will. The LDS welfare program is evidence that private charities play a vital role in providing for the social, mental, physical, and spiritual welfare of this Nation's citizens. President Ronald Reagan recognized this truth.

He believed that government could not provide a solution for every problem. He also understood that there is much that the government can learn from the sound management of the LDS welfare program and other private charitable organizations. In fact, President Reagan said of the LDS welfare program, "If, during the period of the Great Depression, every church had come forth with a welfare program founded on correct principles . . . we would not be in the difficulty in which we find ourselves today."

As I look at the surging national debt driven largely by poorly structured entitlement programs, I can't help but think that President Reagan's words are as true today as they were in 1982.

The LDS welfare program is an inspirational example of what a private organization can accomplish as ordinary people give of their money, time, and talents. I wish to congratulate the Church of Jesus Christ of Latter-day Saints, its leadership, and its worldwide membership on the success of this great program.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 323) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 323

Whereas in 1936, while the United States was mired in the Great Depression, Heber J. Grant, President of The Church of Jesus Christ of Latter-day Saints (referred to in this Resolution as "the LDS Church"), announced the creation of what came to be known as the Welfare Program;

Whereas President Grant explained, "Our primary purpose was to set up . . . a system under which the curse of idleness would be done away with, the evils of a dole abolished, and independence, industry, thrift and self respect be once more established amongst our people . . . The aim of the Church is to help the people to help themselves. Work is to be re-enthroned as the ruling principle of the lives of our Church membership.";

Whereas, the LDS Church's Welfare Program, which is based on the principles of self-reliance and industry, has expanded throughout the world and assists people of all faiths by caring for the needy while simultaneously teaching principles to help them become self-reliant and retain their self respect;

Whereas funding for the LDS Church's Welfare Program is provided by the members of The Church of Jesus Christ of Latter-day Saints, who routinely fast for 2 consecutive meals every month and make donations to the LDS Church's Welfare Program that is at least equal to the money they would have spent on food;

Whereas the LDS Church's Welfare Program provides opportunities for members of The Church of Jesus Christ of Latter-day Saints to help the less fortunate by working at dozens of farms and canneries located throughout the United States and Canada that produce food for needy people;

Whereas needy people in the community are identified by the leader of each local church congregation, in consultation with other local leaders, including the Relief Society President (a woman from the congregation who serves as the local leader of the LDS Church's women's organization);

Whereas people in need are provided free food and household items at facilities called Bishop's Storehouses after receiving a written requisition from the leader of their local congregation;

Whereas the 129 Bishop's Storehouses, which are located throughout the world, provide needed commodities from the consecrated sacrifices of members of The Church of Jesus Christ of Latter-day Saints;

Whereas recipients of these commodities are given service opportunities, to the extent of their ability, which allow them to demonstrate their gratitude for what they have received;

Whereas employment resource service centers, which are also part of the LDS Church's Welfare Program, provide a place where people can receive job training, learn to enhance their resumes, and find job opportunities;

Whereas there are nearly 300 employment resource service centers throughout the world, at which volunteers help hundreds of thousands of people to find jobs every year, a large percentage of whom are not members of The Church of Jesus Christ of Latter-day Saints;

Whereas the LDS Church's Welfare Program also includes Deseret Industries, which serves as an employment training facility and operates thrift stores;

Whereas these thrift stores provide on-the-job experience for refugees or others who need help qualifying for long-term employment and are stocked by individual donations, which are offered to the public at inexpensive prices;

Whereas the LDS Church's Welfare Program also includes LDS Family Services, a private, nonprofit organization that provides counseling, adoption services, addiction recovery support groups, and resources for social, emotional, and spiritual challenges;

Whereas the influence and power for good exerted by the Welfare Program of the LDS Church has greatly expanded over its 75-year history; and

Whereas the positive impact of the LDS Church's Welfare Program in the United States has assisted untold numbers of United States citizens:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th Anniversary of the Welfare Program of The Church of Jesus Christ of Latter-day Saints;

(2) congratulates the members of The Church of Jesus Christ of Latter-day Saints for the significant contribution that its Welfare Program has had on United States citizens and many people throughout the world; and

(3) commends the many efforts made by The Church of Jesus Christ of Latter-day Saints and its members, through its Welfare Program, to serve others regardless of religious affiliation.

ORDERS FOR WEDNESDAY, NOVEMBER 16, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Wednesday, November 16, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of H.R. 2354, the Energy and Water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As I indicated an hour or so ago, Mr. President, I hope we are going to be able to get some kind of agreement on the Energy and Water appropriations bill. We also have to consider the continuing resolution, the conference report on the first minibus we did, and the Department of Defense authorization bill. So we have a lot to do in a short period of time. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Wednesday, November 16, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CORPORATION FOR NATIONAL AND COMMUNITY
SERVICE

DEBORAH J. JEFFREY, OF THE DISTRICT OF COLUMBIA,
TO BE INSPECTOR GENERAL, CORPORATION FOR NA-
TIONAL AND COMMUNITY SERVICE, VICE GERALD
WALPIN.

DEPARTMENT OF THE TREASURY

MARK J. MAZUR, OF NEW JERSEY, TO BE AN ASSIST-
ANT SECRETARY OF THE TREASURY, VICE MICHAEL F.
MUNDACA, RESIGNED.

THE JUDICIARY

SHARON L. GLEASON, OF ALASKA, TO BE UNITED
STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA.
YVONNE GONZALEZ ROGERS, OF CALIFORNIA, TO BE
UNITED STATES DISTRICT JUDGE FOR THE NORTHERN
DISTRICT OF CALIFORNIA.

CONFIRMATIONS

Executive nominations confirmed by
the Senate November 15, 2011:

EXTENSIONS OF REMARKS

CONEJOS COUNTY TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Conejos County, Colorado for its 150th Birthday. On November 1, 1861, the Colorado legislature created 17 founding counties, of which Conejos was one. At the time, Conejos was named Guadalupe County, but its name was changed shortly thereafter.

The area that is now Conejos County was originally settled in the 1850's, primarily by Spanish speaking immigrants from New Mexico. The first village settled was the town of Conejos where Our Lady of Guadalupe, the first church to be built in Colorado, was constructed. This area, still part of the New Mexico territory, would not become part of Colorado for another 10 years.

After the county was officially established in 1861, it incorporated most of the southwestern portion of Colorado until it was broken apart and redistributed in 1874. It was at this time that Hinsdale, La Plata and Rio Grande Counties were established.

Today, Conejos County is one of the primary locations for agriculture in Colorado, with agribusiness comprising twenty-five percent of Conejos County employment. Agriculture not only drives Conejos County's economy, but it also contributes to the rich culture and heritage of the community.

Mr. Speaker, it is an honor to recognize Conejos County for its 150th Birthday. The county's history and culture have contributed greatly to the rich heritage of the state of Colorado.

RECOGNIZING THE SACRIFICE OF
ARMY PRIVATE FIRST CLASS
CHRISTOPHER A. HORNS**HON. DOUG LAMBORN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. LAMBORN. Mr. Speaker, I rise today to recognize the life and the sacrifice of Army Private First Class Christopher A. Horns who died in service to this great nation. On October 22, 2011, Private First Class Christopher A. Horns was killed in Kandahar province, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device.

PFC Christopher Horns, 20, of Colorado Springs, Colorado was assigned to 2nd Battalion, 75th Ranger Regiment, Joint Base Lewis-McChord, Washington. Afghanistan was his first overseas deployment in support of Operation Enduring Freedom. He is survived

by his parents and sister, who reside in Colorado Springs, Colorado.

Christopher enlisted in the Army in July, 2010 and joined the 75th Ranger Regiment in March, 2011. He served as an assistant machine gunner and automatic rifleman. By joining the Army Christopher followed in his father's footsteps, who had also served a tour in Afghanistan at the beginning of the war. He was eager to serve his country and the Army. He was especially proud when he qualified for Ranger school after boot camp.

We must never forget the sacrifices that our young men and women have made in defending our freedom. I am humbled and honored to represent such a fine young man as Christopher, who made the ultimate sacrifice for his country. Please keep the family and friends of Christopher in your thoughts and prayers.

I ask the Members of Congress to join me in remembering and honoring Army Private First Class Christopher A. Horns. We must never forget those who take up arms on our behalf to preserve our way of life.

RECOGNIZING NOVEMBER 15, 2011
AS THE NATIONAL RECYCLING
DAY**HON. MARTHA ROBY**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mrs. ROBY. Mr. Speaker, I rise today to recognize that today is the National Recycling Day that promotes and encourages recycling in our homes, schools, and workplaces.

I had the privilege of touring KW Plastics last week and was impressed with what this business are accomplishing. KW Plastics is located in Troy, Alabama and employs approximately 300 people. It is the world's largest plastics recycler.

KW recycles post-consumer household plastic items like milk jugs, shampoo and detergent bottles, yogurt cups, paint cans, and plastic bottle caps. Instead of these products ending up in landfills, KW Plastics turns these items into high quality and high value products. These include automotive parts, consumer brand packaging, agricultural pipe and pots, all-plastic paint containers and film wrap.

KW's largest challenge and only hindrance in growing more, employing more, investing more, and generating more revenue for their community is a mere lack of supply. They need more recyclable material. We have the needed supply, but are burying it in our landfills every day.

Several states conducted studies showing the material they paid to place in a landfill would have generated more worth had the material been sorted and sent to a recycling market. We are literally burying treasure in our landfills every day while there are recycling

companies starving for material and offering competitive market pricing.

Recycling has important environmental rewards like energy and natural resource conservation. According to the Southeast Recycling Development Council, Alabama has 26 manufacturers who look to recycle content feedstock in their product. This means that 10,700 jobs in Alabama depend on recycled materials with an annual sale of \$6.6 billion.

Recycling is not simply an environmental issue, it is an economic one. There are real manufacturing jobs that depend heavily on recycling. Recycling is good for the earth but maybe more significantly, recycling is good for the economy.

Mr. Speaker, I ask that my colleagues rise to join me in recognizing November 15th as the National Recycling Day and to continue to encourage our constituents to participate in recycling. It is equally important that we teach our children the environmental and economic benefits of recycling.

IN HONOR OF MR. SEAN S. ENNIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Sean S. Ennis, a man who has given so much to serving communities both at home and abroad, as he is inducted to the Ohio Veterans Hall of Fame.

The Ohio Veterans Hall of Fame was established by former Governor George V. Voinovich in 1992. It is designed to commemorate servicemen and women whose lives demonstrate a dedication above and beyond the call of duty. The Ohio Veterans Hall of Fame seeks to recognize Ohioans who have worn the uniform of this Nation's Armed Forces honorably, and then continue to contribute to their community, state and nation.

Mr. Sean S. Ennis is a prime example of the veterans honored by the Ohio Veterans Hall of Fame. He served with the U.S. Army during the Vietnam War. Since his military service, Mr. Ennis has been an active member of the veteran and Greater Cleveland community. He has been involved with the March of Dimes for over 20 years and volunteers with the Vietnamese Tax Clinic and the Cleveland Airport USO. He is a board member of Honor Flight Cleveland and the Vietnam Veterans of America, Buckeye State Council. Mr. Ennis is the President of Vietnam Veterans of America Chapter 15 and the Chaplain of Veterans of Foreign Wars Post #2533.

Mr. Speaker and Colleagues, please join me in honoring the Ohio Veterans Hall of Fame as they induct Mr. Sean S. Ellis, whose life of service has impacted the lives of countless people in Cleveland and around the world.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING ANDREW ESPOSITO ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join all of those who have gathered to extend my sincere congratulations to my dear friend, Andrew Esposito, as he celebrates his retirement after more than four decades with Ironworkers Local 424. Andy's contributions to his union, his brothers and sisters of the labor movement, as well as his community have left an indelible mark that will not soon be matched.

The son of Italian immigrant parents—the second youngest of ten children at the end of the depression era—Andy learned early on that hard work and natural talents garnered success. Throughout his childhood, Andy was drawn to athletics and the skills he honed in the local parks and recreation centers made him a formidable player by the time he joined his high school team. He played three sports and captained the noted 1955–56 basketball team to a winning season, a feat which is still spoken of today. Andy's love for sports has been a lifelong passion. After his own playing days ended, he did the next best thing—he coached and refereed.

Andy became an official with the International Association of Approved Basketball Officials, IAABO, and refereed both high school and college ball throughout Greater New Haven. His dedication was recognized with a multitude of awards and commendations including the Outstanding Basketball Official of the Year as well election into the Hall of Fame. While living in East Haven, Connecticut, Andy coached bitty basketball and was one of the founders of the town's midget football league. Andy also volunteered to coach the first wheelchair basketball team in Connecticut, the Spokebenders; a team that has since gone on to attain national recognition for their abilities on the court. In addition to coaching and refereeing, he served 25 years as Chairman of the John P. Criscuolo Memorial Scholarship Awards dinner, a benefit to raise funds for high school scholar athletes in Greater New Haven. These are only a few examples of the innumerable ways Andy volunteered on behalf of his community and how his generosity and kind heart has touched the lives of others.

After serving honorably in the United States Army and marrying his high-school sweetheart, Andy spent several years searching for work for which he had a passion. In the late 1960's he found work with Ironworkers Local 424 and his life would forever be changed. Though he would choose no other for his life's work, Andy's many years of ironworking were long and hard. In 1994, his dedication and contributions to Local 424 were recognized with his election to the position of President/Business Agent. He served in this position until 2000 when he was elected Business Manager/Financial Secretary/Treasurer. During his tenure he also served as Labor Co-Chair of Ironworkers Local 15 & 424 Annuity, Health

& Welfare & Pension Funds, as well as President of the New Haven Building Trades. From his beginnings to today, his commitment to unions, fairness, and justice for men and women in the workplace has never wavered.

I have known Andy for many years and I would be remiss if I did not take this opportunity to thank him for his constant friendship and support. I consider myself fortunate to call him my friend. Throughout his life, Andy has demonstrated a unique commitment to his work and his community. He has made Greater New Haven a better place to live, work, and grow. I am proud to join his wife, Marie, their sons, Mark and Gary, as well as daughter-in-law, Karen, and their grandchildren, Gary and Danny as well as all of the family, friends, and colleagues in congratulating Andrew Esposito on his retirement and wishing him all the best for many more years of health and happiness.

TRIBUTE TO THE FIRST SAVINGS BANK OF PERKASIE AND THE WELLSPRING CLUBHOUSE

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to discuss the complications of mental illness in the United States, and to honor a local organization in my district for their efforts in assisting individuals who are recovering from these illnesses. According to the National Institute of Mental Health, mental illness affects 57.7 million adults in the U.S. per year. Four out of the ten leading causes of disability in the United States are mental disorders. There is no clear-cut socio-economic basis for these statistics; it is evident that mental illness can affect almost anyone, and the impacts on our economy are staggering.

Despite the disheartening statistics, mental illness is treatable, and there is much hope for people who battle with these afflictions. Given the right tools, people with mental illness can achieve their goals and be productive members of society. The First Savings Bank of Perkasia and the Wellspring Clubhouse work hard to help individuals recovering from mental illness in Bucks County, Pennsylvania, and they deserve to be recognized for their outstanding achievements.

On behalf of the 8th District of Pennsylvania, I am pleased to recognize the work of Fred Schea and Marie Koch of the First Savings Bank of Perkasia, in their collaboration with the Wellspring Clubhouse to provide employment opportunities for individuals recovering from mental illnesses. Thus far, First Savings Bank has provided an opportunity for 10 individuals to return to work in the community, gaining valuable experience, and life skills. Wellspring Clubhouse members work in the Bank's Customer Care Center, which is supervised by Marie Koch. Members work alongside other Bank employees, and are responsible for scanning bank documents, verifying data, and performing data entry. Marie and Fred have been outstanding community employment partners, and I am honored to be their representative in the 8th District of Pennsylvania.

It is a pleasure to honor First Savings Bank of Perkasia for their commitment to the Wellspring Clubhouse and its mission of providing hope and opportunities for people with mental illness. Thank you once again for all that you do for the Bucks County community.

WASHINGTON POST ADMITS ERRORS IN KOCH STORY

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. SMITH of Texas. Mr. Speaker, the Washington Post recently published a story about alleged questionable business practices by Koch subsidiaries dating back to the 1990s. The Post received criticism for the unbalanced and incomplete story on Koch Industries.

Patrick B. Pexton, Washington Post Ombudsman, stated "I think The Post erred in republishing this story, or at least in the way it did. And when the Kochs complained to The Post after publication, The Post's response wasn't handled well."

In addition, the Ombudsman goes on to state, "... I think the story lacked context, was tendentious and was unfair in not reporting some of the exculpatory and contextual information ... I think newspapers should always be provocative. But they should also be fair and provide context ... The Post could have included a sidebar summarizing and linking to the rebuttals. It could have called Koch directly—it didn't—and put its comments in the sidebar."

I hope that the Washington Post will be more thorough and accurate in its reporting in the future.

IN RECOGNITION OF THE CLEVELAND MEDIATION CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Cleveland Mediation Center as it celebrates its 30th anniversary. The Mediation Center has provided an essential forum for dialogue and communication which has fostered cooperation and peace within the community. It has proven especially valuable for the city's youth, who often lack the voice to raise their concerns about problems which directly affect them.

The Center began as the Community Youth Mediation program in 1981. Focusing on the Near West Side community of Cleveland, this organization became the first grass-roots youth oriented mediation program in the country. The Center provided guidance to thousands of individuals and helped to address issues of truancy, school violence, and cases of abuse and neglect. Two of the programs developed by the Center would go on to be used by both the Juvenile Court and Cleveland Public Schools.

Following these successes, the Center was utilized in engaging the city at large. By 1992,

it had expanded its youth centered approach to include issues such as neighbor to neighbor mediation and training. Homelessness has also been one of the Center's major concerns, particularly in addressing discrepancies between the city's homeless population and services provided by city agencies. Today, the Cleveland Mediation Center continues their mission of promoting constructive conflict resolution, especially among youth, and strengthening community ties with an emphasis on mediation and mediation training.

Mr. Speaker and colleagues, please join me in honoring the Cleveland Mediation Center in celebrating their important role as facilitators within their communities and enabling fellow citizens to work through their conflicts in peaceful and constructive ways.

**THANKING KEITH OLSEN ON HIS
RETIREMENT AS PRESIDENT OF
THE NEBRASKA FARM BUREAU**

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. TERRY. Mr. Speaker, I rise today to honor and thank Keith Olsen for the contributions he has made to both Nebraskan and American agriculture during his tenure with the Nebraska Farm Bureau.

Keith, born in Imperial, Nebraska, started his ag work back in high school—getting active with the Future Farmers of America. Now, decades later, he is well-known by his fellow ag producers for serving the Nebraskan ag community with a spirit and verve second to none, and his career shows this.

Since 1992, Keith has served on the Nebraska Farm Bureau Board of Directors. In 1997, he was elected as the first Vice President of the Nebraska Farm Bureau Board. Five years later, in 2002, he became the Board's President. In 2004, Keith was elected to the American Farm Bureau Federation Board of Directors.

Keith understands that Nebraska—in very many ways—is agriculture, and for decades now, he has worked tirelessly to advance Nebraska ag producers, protect them from burdensome regulations and to open new markets for their products. Keith's resolve and commitment to Nebraska and its ag industry are second to none.

Next month, Keith will retire from the Nebraska Farm Bureau. I wish him and Doris all the luck in the world with the next chapter of their lives. While his presence will be missed in the Nebraska ag community, it comforts me knowing that their love for agriculture and the Nebraska way of life will never fade.

HONORING PETE CIARROCCHI

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Pete Ciarrocchi, the found-

er of a Philadelphia institution—Chickie's and Pete's.

In 1977, Peter and Henrietta Ciarrocchi bought the Robbins Avenue taproom in the Mayfair neighborhood of Philadelphia. Young Pete followed his parents' example and served the regulars with a smile. He was and still is a friend to all. Growing up Pete ran with both jocks and rockers. He could change minds, influence peers, and even reinvent taste. In 1987, Pete made sure his parents' legacy lived on. Pete became the face of Chickie's & Pete's with the help of his brother, Tom. His charisma, dynamic personality, and great food were enough to bring in the crowds on Sunday to celebrate, jeer, and be Philadelphia. Pete understood the pulse of the city: food, sports, and people.

In 1998, the Vet, the once home of the "Iggles" and the "Phightin' Phils" became Pete's new home and kingdom. Led by his proprietary Crabfries, the Mayfair family business became a fan favorite concession. Pete's infectious energy and impressive cuisine became his recipe for success. From Andy Reid's late night meetings, "taxi crabbing" Eagles players from airport to complex, to mixing it up with Oprah and Jon Bon Jovi, Pete Ciarrocchi's success has exploded. The Chickie's & Pete's hometown flavor has expanded to 8 locations across Philadelphia and New Jersey and was voted ESPN's #1 Sports Bar on the East Coast.

Mr. Speaker, I am proud to recognize Pete Ciarrocchi today for the lasting impact he has made on Philadelphia, and I ask that you and my other distinguished colleagues join me in honoring him.

AMERICA RECYCLES DAY

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to recognize America Recycles Day, an annual national awareness event, the mission of which is to promote the social, environmental, and economic benefits of recycling and buying recycled products.

Today, I would like to highlight the automotive recycling industry, which plays a large role in preserving our natural resources and reducing demand for scarce landfill space.

During the recycling process, over 80 percent of the entire vehicle by weight is reused, remanufactured or recycled. The recycling of these vehicles saves an estimated 85 million barrels of oil that would have been used in the manufacturing of new or replacement parts.

Automotive recycling businesses employ over 108,000 people around the country. The majority of these businesses are small, family owned and operated.

The Automotive Recyclers Association (ARA) is an international trade association which has represented an industry dedicated to the efficient removal and reuse of automotive parts, and the safe disposal of inoperable motor vehicles. Our Nation owes much to the 4,500 automotive recycling facilities represented by the ARA, that help to recycle over

11 million retired vehicles every year. ARA has instituted its own program that certifies that automotive recycling facilities meet specified business, environmental, safety, licensing and regulatory standards.

Mr. Speaker, please join me, on America Recycles Day, in commending the automotive recyclers for all they do to protect and promote our environment.

**IN HONOR OF SISTER JUDITH ANN
KARAM, CSA**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor Sister (Sr.) Judith Ann Karam, who is being honored at Care Alliance Health Center's Thanksgiving Dinner on November 12, 2011.

A Cleveland native, Sr. Judith Ann joined the Sisters of Charity of St. Augustine in 1964. She attended Duquesne University where she received a bachelor of science degree in Pharmacy. She later earned a master's of science in Hospital and Health Services Administration from The Ohio State University.

Sr. Judith Ann began her career in the healthcare industry in 1962 as a pharmacy technician. She also worked as a pharmacist and health care administrator. In 1998, Sr. Judith Ann served as Major Superior of the Sisters of Charity of St. Augustine. Today, she serves as the Chief Executive Officer and President of the Sisters of Charity Health System. Throughout her career, Sr. Judith Ann has developed a new joint venture hospital, formed health care partnerships, restructured partnerships, developed conversion foundations, as well as a nursing home serving 22 Catholic religious congregations.

In addition to her career, Sr. Judith Ann is an involved member of the health care community. Having served on hospital boards since 1973, Sr. Judith Ann serves on the national board of the Ministering Together and the Governance Committee of the Catholic Health Association and is a fellow of Healthcare Executives in the American College.

In the community, Sr. Judith Ann is a board member of the Greater Columbia Chamber of Commerce, Midlands Business Council in Columbia, South Carolina and University Hospitals Health System in Cleveland, Ohio. She has also served as a Director of Walsh University in Canton, Ohio, Trustee for Columbia HCA Healthcare Corporation, the American Red Cross, Cleveland Chapter and the Detroit Shoreway Community Development Organization. She is also a member of the Alumni Association of The Ohio State University Health Services Management and Policy Program.

Because of her dedication to the field of health care and her community, Sr. Judith Ann has been recognized countless times throughout the past several decades. She was inducted into the Rho Chi Honor Society in 1971, received the Distinguished Alumnus Award from The Ohio State University Health Services Management and Policy program in

1998, the 2001 Women of Note Award from Crain's Cleveland Business, and in 2006, the Distinguished Service Medal from Walsh University. Additionally, in 2007, she received the Pro Ecclesia Et Pontifice from Pope Benedict the XVI.

Mr. Speaker and colleagues, please join me in honoring Sister Judith Ann Karam as she is recognized by Care Alliance Health Center.

HONORING THE 75TH ANNIVERSARY OF THE SAN FRANCISCO-OAKLAND BAY BRIDGE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Ms. LEE of California. Mr. Speaker, I rise today with my colleagues to recognize the 75th Anniversary of the San Francisco-Oakland Bay Bridge. A historic work of modern engineering once believed to be impossible, the completion of the "Bay Bridge" opened up groundbreaking transit channels and changed the face of the Bay Area as we know it.

The Bay Bridge was not only significant for its innovative engineering. It also created a new chapter in transportation history and represented an unprecedented feat of political and public consensus in the early 20th Century. At the onset, the Chief Engineer for the Bay Bridge California Toll Bridge Authority, Charles H. Purcell, encountered several obstacles. He was faced with four-and-a-half miles of water in between the two metropolitan areas of the Port of Oakland and San Francisco shoreline. No one had ever contemplated a bridge so long, so expensive or with such deep piers.

The idea for a bridge had been popular since the days of the Gold Rush. However, with the increasing prevalence of the automobile, a reliance on railroads to bolster trade and an already crowded ferry system, the need for a bridge became so great that Bay Area leaders were able to persuade President Herbert Hoover and the former independent U.S. agency Reconstruction Finance Corporation to advance approximately \$62 million in federal funding for the ambitious project.

The California Toll Bridge Authority formed as a result of the California State Legislature's 1926 passage of a law calling for a policy-making body to bridge San Francisco and Alameda County. As early as 1930, formal plans for the Bay Bridge began to take shape among Purcell and his colleagues. First, in order to address the issue of length, it was decided that a suspension bridge and cantilever bridge would meet at Yerba Buena Island.

In order to design what is now one of the longest bridge spans in the world (23,000 feet), employing the world's deepest bridge pier (242 feet underwater) and the earth's largest diameter bore tunnel (76 feet wide by 56 feet high), Purcell turned to some of the most experienced bridge engineers in the country, including Ralph Modjeski, Leon Moisseiff and Daniel Moran. The low bidders for construction of the job included some of the giants of construction contracting, including the American Bridge Company, McClintic-

Marshall for the steel work and the "Six Companies" contractors for the foundation work.

In total, over 8,000 workers from around the Bay Area and across the country produced the complicated and dangerous work, logging 214,870 "man-days," at what would now be considered an unthinkable speed. And although there were no mass incidents during the building, we also pay tribute today to the hundreds of workers who were injured on the job and the over two dozen men who lost their lives.

After three years of construction, the Bay Bridge opened for traffic and to huge public fanfare on November 12, 1936—six months ahead of schedule. Today, after several modifications to allow for the unexpected flood of increased traffic in the 30s and 40s, seismic retrofit after the 1989 Loma Prieta earthquake and continued improvements, the Bay Bridge carries over 270,000 vehicles per day on its two decks. It has repaid and reinvested its \$77 million price tag many times over in the last 75 years. Most importantly, it has allowed for the growth, progress and unification of the Bay Area's vital urban areas to the benefit of its residents.

Therefore, on behalf of the residents of California's 6th, 9th, 11th, and 13th Congressional Districts, we extend our congratulations on this important milestone. We express immense gratitude to the countless people who have contributed to the continued success of the San Francisco-Oakland Bay Bridge, and wish you all the best in the coming years.

CELEBRATING AMERICA RECYCLES DAY

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. HANNA. Mr. Speaker, I proudly rise today to recognize America Recycles Day and those committed to the preservation of our environment. In 1997, America Recycles Day was created to inform, educate and bring awareness to the benefits of recycling. In particular, the automotive recycling industry has taken a strong stance against pollution, advocating instead for the preservation of our natural resources.

Small business owners who comprise the Automotive Recyclers Association represent automotive recycling facilities throughout the country. Just in the past year alone, they have helped to recycle over 11 million retired vehicles—to keep waste out of our landfills. Local, state and national guidelines are strictly followed and enforced to ensure all facilities meet environmental, safety, licensing and regulatory standards. What many don't realize is the reusability of vehicle components. Nearly everything from the upholstery to the engines, transmissions, aluminum and steel can be recycled. Now the most recycled product in the world, automobile parts can produce almost 13 million new vehicles, along with numerous other consumer products, while saving 11 million gallons of oil in the manufacturing of new components.

Exemplary citizens such as those of the automotive recycling industry and other com-

mitted individuals around the nation should be appreciated and acknowledged. We need to preserve our resources and environment so they may be enjoyed by future generations. Mr. Speaker, I proudly ask you to join me in honoring those making a true difference in keeping our nation clean and celebrating America Recycles Day.

A TRIBUTE TO EUGENE AND CAROLINE BARGMAN

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor the service of two special Nebraskans, Eugene Bargman and his late wife Caroline. This year, Eugene and Caroline will be honored with the Nebraska Farm Bureau's highest honor, the Silver Eagle Award. Eugene and Caroline are widely respected for their commitment to God, country, community and agriculture.

They were an effective team during their 60 years together. After marrying in January 1946, Eugene completed his service in the Air Force and taught "on the farm" night classes in agriculture to military veterans. The Bargmans were early adopters of conservation technology on their diversified farm near Pickrell, where they raised their five children. They were co-operators for on-farm studies with state and federal agencies and both were leaders in Gage County Farm Bureau. Eugene and Caroline testified numerous times before local governing boards and the Nebraska Legislature on land use and conservation issues.

Eugene served as president of the county fair board and the Federal Land Bank board of directors. He also served on agricultural advisory boards for numerous Nebraska governors, U.S. Senators and Members of Congress. Caroline was a member of the Nebraska Soybean and Grain Sorghum boards and the first U.S. Soybean Board.

I ask my colleagues to join me in honoring Eugene and Caroline Bargman for their many great contributions to agriculture and the State of Nebraska. As recipients of the Silver Eagle Award, they will be forever appreciated and remembered.

A TRIBUTE TO MR. GEORGE CONDON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. KUCINICH. Mr. Speaker, I first met George Condon when I was a copyboy at the Plain Dealer. It was the mid-sixties and the newsroom was a combination of Ben Hecht and Salvatore Dali, where nervous news jockies whipped the keys of their typewriters, men against white space, racing against a looming deadline, frenzied calls of "boy, boy" echoing summoning the serfs to duty. Unpretentious and approachable, columnist George

Condon would occasionally appear in the midst of the tumult gazing upon the chaos with an amused wisdom about the city room and the city, befriending even a lowly copyboy who confided in him his own dreams of one day being Mayor of Cleveland.

While the strong, quick pulse of the city could be felt in the news room, George Condon knew there was a deeper story upon which all news was built.

"There is no satisfactory way to describe a city or to convey its spirit in words," he wrote in Cleveland, the Best Kept Secret, "Facts and statistics, names and dates, prose and poesy all are well-intentioned bids to give flesh and breath to a chunk of real estate, but they hang lifelessly on the skeleton. If there is a way to give life to a city with words, those words must try to renew some of the lives that created the city.

In Shakespeare's Henry IV, Glendower proclaimed: I can call spirits from the vasty deep. Hotspur replied: Why, so can I, or so can any man. But will they come when you do call for them?"

Read Cleveland, the Best Kept Secret and George Condon's account of the clash over a hundred years ago between Mark Hanna and Tom Johnson and you will see that when George Condon called the spirits forth, they leaped onto his pages, their lives renewed vividly, dissolving the barriers between past, present . . . and future. For it was in November, 1976, after reading George Condon's account of the struggle between privileged interest and public interest that I made a decision to launch a full-scale campaign to save Johnson's Muny Light from a takeover by the then Cleveland Electric Illuminating Company.

A year later, because of the primary impact of his writings on my own life, I asked George Condon to be the master of ceremonies at my inauguration as Mayor of Cleveland.

Anyone who read his works could not help but be moved by his ability to bring to life his beloved city and all the characters who populated it. What made George Condon's writings so unique was his power of observation, fused with love and tempered with a non-judgmental humor.

He was our Boswell. One of the debates that George Condon played out in his work was the efficacy of the promotional campaign which declared Cleveland to be the "Best Location in the Nation." He thought such a declaration could be off-putting to the visitor. After all, each city has its celebratory aspects. But upon further reflection, we can claim that title, not because we have the biggest buildings, or the grandest stadiums, or the most powerful corporations, or the best freeway system, but because a humble wordsmith named George Condon picked words from heavens and brought a shower of stars upon this community year after year, ennobling us, making us lighter, making us wiser.

HONORING CHRISTOPHER "KIT" ST. JOHN ON THE OCCASION OF HIS RETIREMENT

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to honor the career of Christopher "Kit" St. John, who recently retired from his post as the executive director of the Maine Center for Economic Policy (MECEP).

Kit is the founder of MECEP and has served as its executive director since 1994. This non-partisan organization utilizes detailed research and analysis to promote sustainable economic growth throughout the state. As the face of MECEP, Kit has helped lead the fight to raise awareness on a wide range of issues affecting everyday Mainers. In these tough economic times, MECEP's advocacy for Maine's poor and under privileged has never been more important.

In the many years I have known him, Kit has proven to be one of the most thoughtful, intelligent, and hardworking people with whom I have had the honor of working. As executive director of the Maine Center for Economic Policy, an advocate at Pine Tree Legal Assistance, and as an activist representing low-income groups in Augusta, Kit has contributed a remarkable career to serving the people of this great state. His unshakable belief in the people of Maine and his vision for all that we can achieve together continues to inspire me in the work that I do.

I am glad to hear that Kit will not be going far. I hope that his wisdom and insight will be available to both decision makers and the public for years to come. While my staff and I will miss working with Kit, I wish him all the best in his retirement.

Mr. Speaker, I ask you to join me in thanking Christopher "Kit" St. John for his tremendous contributions and service to the people of Maine.

PERSONAL EXPLANATION

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 837, I was unavoidably detained. Had I been present, I would have voted "yes."

HONORING THE AMITY CLUB ON ITS 75TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Ms. DELAURO. Mr. Speaker, I am pleased to have this opportunity to rise today to pay tribute to a very special community group, the Amity Club, as the membership gathers to celebrate its 75th Anniversary—a remarkable milestone for this outstanding organization.

During the first part of the 20th century, New Haven, Connecticut was home to the largest per capita population of Italians, constituting almost half the population of the entire city. At this time, Italian immigrants established strong roots in New Haven, working hard and raising large families. Most of these immigrants came to the United States with only a rudimentary primary school education, yet they had much higher dreams for their own children. They understood that education was the cornerstone of success and it was one of their central reasons for immigrating to the United States. It was from this same commitment to education and success that the Amity Club was established.

In the early 1930s, Frank Rubino, an architect who had become a leading building contractor and real estate developer in New Haven, was an active member of the Kiwanis Club yet he was one of few Italian members—as was the similar case in most of the City's service organizations. He was deeply proud of his American citizenry but he was as deeply loyal to his Italian heritage. Though there were a multitude of small Italian clubs throughout the city, they existed more for social purposes. Frank soon became convinced that the city needed a strong, service-oriented organization, with its membership made up of professional and business men of Italian background who shared his passion for their Italian heritage as well as his pride in being an American citizen. In fact the name AMITY was proposed not only for its dictionary meaning of "peace and friendship" but because it also combined the country they called home, AM for America, and the country of their strong ancestry, ITY for Italy.

Central among their work would be to provide scholarships to deserving students so that they could secure a college education. As one of their first acts following its official recognition as an association, the Amity Club members formed the Amity Trust Scholarship Trust Fund. Over the years, it has consistently grown and its funds have helped thousands of young students earn their college degrees and pursue their dreams. In addition to these scholarships, Amity Club members have been involved in innumerable service projects throughout the city, all aimed at improving the quality of life for all residents.

Our communities would not be the same without the efforts of volunteers and service organizations like the Amity Club, who, for generations, have made a difference in the lives of others and worked to make our towns and cities better places to live, learn, and grow. I am proud to stand today to recognize the extraordinary contributions of the Amity Club and to extend my sincere congratulations to them on their 75th Anniversary. In all that they have accomplished and continue to accomplish, the Amity Club has not only met the expectations founder Frank Rubino had for the organization, they have far exceeded them.

IN HONOR OF DR. JOHAN
GALTUNG

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Dr. Johan Galtung, who is being honored by the American Muslim Alliance Foundation with the Abdul Ghaffar Khan International Peace-Building Award.

In 1930, Dr. Galtung was born in the city of Oslo, Norway. He received his doctorates in mathematics in 1956 and in sociology the following year. In 1957, Dr. Galtung moved to New York and began teaching at Columbia University in the Sociology Department. He returned to Oslo in 1959 and founded the Peace Research Institute Oslo, where he would serve as director for the following decade. In 1969 he took a position as a professor of peace and conflict research at the University of Oslo. He has since taught at universities around the world and is currently teaching courses in the Human Science Department at Saybrook University.

In 1993, Dr. Johan Galtung established the TRANSCEND Network for Conflict Transformation. TRANSCEND encompasses Transcend Peace University, Transcend Media Service, Transcend University Press, Transcend Peace Service, Transcend Research Institute, International Peace Institute and the Journal of Peace Research. Their mission is to bring about a more peaceful world by using action, education and training, dissemination and research to transform conflicts non-violently, with empathy and creativity, for acceptable and sustainable outcomes.

Dr. Galtung's contributions to international peace have earned him the Right Livelihood Award, Bajaj International Award for Promoting Gandhian Values, First Morton Deutsch Conflict Resolution Award, Norwegian Literary Prize Brage, Augsburg Golden Book of Peace, Eric Bye Memorial Prize, Korean Demilitarized Zone Peace Prize and in 1987, the Alternative Nobel Peace Prize.

Mr. Speaker and colleagues, please join me in congratulating Dr. Johan Galtung as he receives the Abdul Ghaffar Khan International Peace-Building Award from the American Muslim Alliance Foundation.

RECOGNITION OF THE STATE OF
OHIO FOR DECEMBER 1ST AS
ROSA PARKS DAY

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Ms. FUDGE. Mr. Speaker, I rise today to recognize Ohio as the first state to designate December 1 as Rosa Parks Day with legislation to honor her life and legacy as the Mother of the Modern Civil Rights Movement.

In 2005, then-State Representative Joyce Beatty wrote, advocated for and won unanimous support to pass Ohio's legislation in the 50th-anniversary year of Mrs. Parks' coura-

geous act of refusing to give up her seat on a Montgomery, Alabama bus to a white passenger. This act sparked the Montgomery Bus Boycott and the Modern Civil Rights Movement.

Ohio continues to honor Rosa Parks with an annual statewide tribute on December 1 entitled "The Power of One," which celebrates that historical day when she took a stand by staying seated. A partnership between the Central Ohio Transit Authority, The Ohio State University, the Ohio Historical Society and the Ohio Civil Rights Commission brings the tribute to life each year. It includes a Children's Assembly that welcomes 800 schoolchildren to learn and be inspired by her legacy. Ohio's leadership in honoring Rosa Parks ensures that young children will be reminded that she is a symbol for justice and civil rights, and that sometimes one person can change the world.

I am proud to recognize the great state of Ohio for commemorating Rosa Parks' legacy of inspiration and courage and our state's ongoing education of young people about civil rights.

(126th General Assembly)

(House Bill Number 421)

An act to enact section 5.2231 of the Revised Code to designate December 1 as "Rosa Parks Day."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5.2231 of the Revised Code be enacted to read as follows:

Sec. 5.2231. The first day of December is designated as "Rosa Parks Day," in honor of the woman who helped usher in the modern civil rights movement on that day in 1955 by refusing to give up her seat on a bus in Montgomery, Alabama.

Jon A. Husted, Speaker of the House of Representatives.

Bill Harris, President of the Senate.

Passed December 14, 2005.

Approved January 12, 2006.

Bob Taft, Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

James W. Burley, Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 13th day of January, A.D. 2006.

J. Kenneth Blackwell, Secretary of State.

File No. 62

Effective Date 04/14/06.

(126th General Assembly)

(House Bill Number 421)

AN ACT

To enact section 5.2231 of the Revised Code to designate December 1 as "Rosa Parks Day."

Introduced by

Representatives Beatty, Reidelbach, Allen, Redfern, Ujvagi, Cassell, Harwood, Brown, Healy, Oelslager, Lana, McGregor, J. Miller, Gilb, Boccieri, Perry, Skindell, Evans, C., Carano, Chandler, Barrett, Hughes, Combs, Driehaus, Aslanides, Flowers, DeGeeter, Hoops, Hood, Strahorn, Peterson, Mitchell, Bubb, Smith, S., McGregor, R., Otterman, Stewart, D., Raussen, Book, Yuko, Patton, S., Fende, Hartnett, Mason, Wolpert, Woodard, Wagoner, Schaffer, Fessler, Calvert, Carmichael, Core, Raga, Schlichter, Smith, G., Koziura, Setzer, Blasdel Speaker Husted Representatives Blessing, Buehrer, Coley, Daniels, DeBose, DeWine, Dolan,

Domenick, Evans, D., Faber, Garrison, Hagan, Key, Kilbane, Law, Martin, Patton, T., Sayre, Schneider, Seaver, Stewart, J., Sykes, Taylor, Trakas, Uecker, Walcher, Webster, White, Widener, Willamowski, Williams, Yates Senators Miller, Amstutz, Armbruster, Austria, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hagan, Harris, Hottinger, Jacobson, Jordan, Kearney, Mal-lory, Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Wilson, Zurz

Passed by the House of Representatives, December 13, 2005.

Passed by the Senate, December 14, 2005.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 13th day of January, A.D. 2006.

J. Kenneth Blackwell, Secretary of State.

THE ACHIEVING A BETTER LIFE
EXPERIENCE ACT

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. CRENSHAW. Mr. Speaker, I rise today to introduce the bipartisan, bicameral Achieving a Better Life Experience Act of 2011. The ABLE Act is a much needed, long overdue, savings tool for individuals with disabilities.

I would like to thank my colleagues in the Senate, Senator CASEY and Senator BURR for their tireless efforts to introduce a companion bill in the U.S. Senate. I would also like to thank Representative McMORRIS RODGERS for her pivotal role in crafting this meaningful legislation.

The federal government gives American families a helping hand in saving for the future. Accounts with special tax advantages help people save for college, retirement, healthcare and other life events—but people with disabilities have different challenges for the future, some face decades of expenses that most of us cannot even imagine. Yet, they do not have access to the same advantages that our tax code provides others.

The average cost of raising a child with a significant medical disability is more than \$1 million over the course of the child's lifetime. Continuing education, transportation, housing and medical care make up some of the predictable costs on that staggering bill. ABLE accounts would relieve some of that burden by allowing parents with disabled children or family members of disabled individuals to invest through a tax-deferred 529 account that could be drawn from for these future expenses. No longer would parents have to stand aside and watch as others use IRS-sanctioned tools to lay the groundwork for a brighter future. They would be able to do so for their children as well.

The ABLE Act amends Section 529 of the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities through tax-free savings accounts.

Mr. Speaker, this bipartisan, bicameral legislation tackles the unfairness in our tax code head-on by creating tax free savings accounts for individuals with disabilities. ABLE accounts

will make long-term health, greater independence, and a fuller quality of life a possibility. No longer would individuals with disabilities have to stand on the sidelines and watch others use IRS-sanctioned tools to lay the groundwork for a brighter future.

The cost to reform the U.S. Tax Code to offer ABLE accounts would be minimal, but the positive impact for individuals with disabilities, their families and others who are struggling to cope with an uncertain future would be sizable.

We must move beyond the policies of the past that force individuals with disabilities to live in poverty. The ABLE Act allows individuals with disabilities to save, work, and earn just like any other American. As citizens of this great and prosperous country, we must speak up for those who cannot speak for themselves. Helping disabled Americans "achieve a better life experience" is a step forward toward equality with every other American—and it's a step worth taking.

IN HONOR OF THE 60TH ANNIVERSARY OF THE KOREAN WAR COMMEMORATION COMMITTEE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 60th Anniversary of the Korean War Commemoration Committee as they recognize Korean Veterans on November 11, 2011, Veterans Day.

The Korean War began on June 25, 1950 when the North Korean People's Army invaded the Republic of Korea. The Korean War was the first "hot" conflict of the Cold War and included historic battles and offensives as well as important technological and medical advances. On July 27, 1953, the United States, North Korea and China signed an armistice. A total of 33,651 U.S. service members died in battle during the Korean War; 27,709 U.S. Army; 4,269 U.S. Marines; 1,198 U.S. Air Force; and 475 U.S. Navy. Seven thousand, one-hundred and forty Service Members became prisoners of war.

The Korean War Commemoration Committee's mission is to honor the service and sacrifice of Korean War Veterans, American service members, and their allies who fought heroically to preserve Freedom; to commemorate the key events of the Korean War; and educate the American people about the significance of the Korean War.

Mr. Speaker and colleagues, please join me in honor of the 60th Anniversary of the Korean War Commemoration Committee as they pay special tribute to the more than 6.8 million servicemen and women who bravely fought in the Korean War.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,977,884,880,834.39.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,339,459,134,540.59 since then. This debt and its interest payments we are passing to our children and all future Americans.

IN CELEBRATION OF THE 90TH BIRTHDAY OF CHIEF APOSTLE WILLIAM L. BONNER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. RANGEL. Mr. Speaker, today I rise to celebrate the 90th birthday of dear beloved spiritual leader, Chief Apostle William L. Bonner at the National Church of Our Lord Jesus Christ (COOLJC) Day at the Greater Refuge Temple in Harlem. Let me also note that on Saturday, November 5, 2011, the Greater Refuge Temple, which is the "Mother Church" of the Church of Our Lord Jesus Christ, paid special tribute to Bishop Bonner's 50 years of service and pastoral leadership to the greater COOLJC church family and community throughout our great Nation.

Founded by the late apostle Bishop Robert C. Lawson, D.D., LL.D., The Church of Our Lord Jesus Christ had its inception in the year 1919. Bishop Lawson, then Elder Lawson was invited to a prayer meeting, which was in progress in a basement in the 40th Street area of New York City. So energetic was his service to the Lord that his fame spread abroad and reached the ears of Mr. and Mrs. James Burleigh and Mr. and Mrs. Edward Anderson. These two blessed couples opened their homes to Elder Lawson and their home today is affectionately thought of as the "Cradle of the Church of Our Lord Jesus Christ".

Within a short period, the congregation outgrew its place of worship, having approximately 200 members, and larger quarters had to be sought. Bishop Lawson purchased the sight at 52–54–56 West 133 Street and relocated his thriving church. It was there that his vision was enlarged and the Lord lay upon his heart to conduct a tent revival and great numbers were added to the church.

Under the thriving ministry of Apostle Lawson, many preachers, missionaries, and teachers were sent into the field establishing numerous works. To the far-flung isles of the sea, to the continent of Africa and to the Caribbean, these Christian heralds went carrying the apostolic message. It was in the year 1932, that Bishop Lawson initiated the radio broadcast over the stations WGBS. He broadcasted successfully over WHOM and WINS.

The broadcast is presently continuing over station WBNX every Sunday evening.

In August of 1945, as the church out grew its quarters on 133rd Street, Bishop Lawson relocated the church and congregation to 124th Street and 7th Avenue. This building is known as the "Mother Church" of the Churches of Our Lord Jesus Christ. In two short years, the indebtedness of the church was lifted and on Christmas day in 1947, the mortgage was burned.

It was in 1944 that Bishop Lawson sent Bishop Bonner to Detroit to pastor the First Church of Our Lord Jesus Christ. It was a storefront. Today, it is a 2,500-seat edifice known as Solomon's Temple. Bishop William Lee Bonner was born on November 12, 1921 in Bolden County Georgia, to Emmett and Janie Bonner. Bishop Bonner was married to the late Ethel Mae Smith Bonner. He is the father of two children, Ethel Mae Bonner Archer and William Lee Bonner, Jr.

Bishop Bonner's ministry began in the 1940s under the tutelage of the late Bishop Robert C. Lawson, (1883–1961), founder of the Church of Our Lord Jesus Christ of the Apostolic Faith. His first pastorate was the Green Avenue Church of Our Lord Jesus Christ in Brooklyn, New York. In 1961, upon the death of Bishop Lawson, Bishop Bonner became the pastor of the 3,000-member mother church, the Greater Refuge Temple in Harlem, New York City.

Apostle Bonner currently pastors churches in Detroit, Michigan, New York City, Washington, D.C., Jackson, Mississippi, and Columbia, South Carolina. He is the Chief Apostle and Senior Prelate of the General Assembly of the Churches of Our Lord Jesus Christ of the Apostolic Faith, Inc. This is an international body of churches. Under his administration, the assembly has grown from 155 churches in 1961 to over 500 churches and missions throughout the world.

He has faithfully kept the charge of the founder Bishop Lawson, to "Add Thou to It". Bishop Bonner received his religious education and the Doctor of Divinity through the Church of Christ Bible Institute in New York City. Listed in "Who's Who in Religion" In 1985, Bishop Bonner's ministry is based on prayer and faith in God. His message is one of hope and deliverance. He believes that those who pray can expect a miracle.

On December 12, 1989, Bishop William L. Bonner founded The Refuge Temple of Washington, DC. The first services were held at Days Inn, at 12th and K Streets, NW. The next year, Kelly Miller Junior High School became the church's final temporary home. On June 1, 1991, the first service was held at the new edifice for Refuge Temple Church.

On July 20, 1993, Bishop Bonner established The Refuge Temple of Columbia, South Carolina. It was organized with only 22 members and grew to 700 in 3 months. The church is located on 12½ acres in the Eau Claire section of Columbia. Pastor Bonner's ministry in Columbia also consists of the Family Life Center, Retirement Community and the W. L. Bonner Bible College.

Mr. Speaker, I ask my colleagues to join me in bestowing this special congressional honor to Chief Apostle William L. Bonner's on "National COOLJC Day" at the Greater Refuge Temple Church in Harlem, NY.

TRIBUTE TO BISHOP WILLIAM L.
BONNER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable man who has dedicated his life to serving the Creator and building an international fellowship of true disciples. Bishop William Lee Bonner will be honored on the occasion of his 90th birthday on Saturday, November 19, 2011 in Columbia, South Carolina.

William Lee Bonner was born on November 12, 1921 in Bolden County, Georgia to Emmett and Janie Bonner. He received his religious training and the Doctor of Divinity through the Church of Christ Bible Institute in New York.

As a young man in the 1940s, Bishop Bonner answered the call into the ministry. He was a protégé of the late Bishop Robert C. Lawson, founder of the Church of Our Lord Jesus Christ of the Apostolic Faith. His first pastorate was the Green Avenue Church of Our Lord Jesus Christ. In 1944, Bishop Bonner was sent to Detroit to lead the First Church of Our Lord Jesus Christ. When he arrived, the congregation was worshipping in a store front. Today, the current sanctuary holds 2,500 parishioners in an edifice known as Solomon's Temple.

When Bishop Lawson passed away in 1961, Bishop Bonner was called to lead the 3,000-member mother church, the Greater Refuge Temple, in Harlem, New York. As the church's new titular head, Bishop Bonner created a Board of Apostles to govern the churches. He also formed two other groups, the Board of Bishops and the Board of Presbyters, both of which are accountable to the Board of Apostles. Under this new structure, Bishop Bonner serves as the Chief Apostle and Senior Prelate of the General Assembly of the Churches of Our Lord Jesus Christ of the Apostolic Faith, Inc.

During his leadership, the church grew tremendously. In 1989, Bishop Bonner founded the Refuge Temple of Washington, D.C. In the beginning services were held in a Days Inn hotel, but moved shortly afterwards to Kelly Miller Junior High School. Less than a year afterwards the church broke ground on a permanent home. On June 1, 1991, the first service was held in the Refuge Temple Church of Our Lord Jesus Christ, and they continue to this day at the 56th Street location.

The ground breaking for the Refuge Temple of Columbia, South Carolina took place on July 20, 1993. At that time, the congregation was comprised of 22 members. Within three years, they grew to 700 members. The ministry has expanded to include a Family Life Center, a retirement community and the W.L. Bonner Bible College. The church's services are aired on Sunday mornings at 6:00 am on WIS-TV in Columbia. Previously recorded services can also be heard nightly on Columbia radio station WMFV.

Under Bishop Bonner's leadership, the assembly has grown from 155 churches in 1961 to over 500 churches and missions throughout

the world. He currently pastors churches in Detroit; New York; Washington, D.C.; Jackson, Mississippi; and Columbia, South Carolina. He has faithfully kept the charge of the founder Bishop Lawson to, "Add Thou To It."

Bishop Bonner and the late Ethel Mae Smith Bonner were parents to Ethel Mae Bonner Archer and William Lee Bonner, Jr.

Mr. Speaker, I ask you and our colleagues to join me in congratulating Bishop Bonner as he celebrates his 90th birthday. He has been a Christian luminary and has served his faith and its congregants with tremendous dedication. Bishop Bonner has touched many people through his great ministries, and is very deserving of this recognition.

IN HONOR AND MEMORY OF MRS.
FRANZISKA HOLZER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of Mrs. Franziska Holzer, a long time and active member of the German-American community in the Greater Cleveland area.

Mrs. Holzer was born on April 15, 1927. After World War II, she met her future husband Josef, in Deggendorf, Bavaria. The two were married in 1949 and had a daughter, Ilse. In 1952, the Holzer family immigrated to Cleveland, Ohio. The couple would eventually settle in North Royalton, Ohio, where they enjoyed the rest of their 62 year marriage.

Upon settling in the Cleveland area, the Holzers became extremely active in the German-American community. Mr. Holzer would eventually become the Regional President of the National Donauschwaben Organization and led the building of the Donauschwaben Society of Cleveland's German-American Cultural Center at Lenau Park. Much of his success is credited to the support offered by his loving wife, Franziska.

I offer my most sincere condolences to her husband, Josef; daughter, Ilse; grandchildren, Lisa, Brian and David; and great-grandchildren, Peter and Alexandra.

Mr. Speaker and colleagues, please join me in honoring the memory of Mrs. Franziska Holzer, her devotion to her family and Cleveland's German-American community will be sorely missed and thoughtfully remembered for years to come.

HONORING CAPTAIN JACK WILSON
FOR HIS LIFETIME OF SERVICE
TO THE UNITED STATES

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today in recognition of Captain Jack Wilson of Willow Springs, Illinois, a 100 year-old veteran who landed at Omaha Beach during World War II, who I am helping to honor at a veterans' dinner in Bridgeview, IL on November 13.

Captain Wilson began his military career serving in the Army National Guard from 1931 to 1940. There, he served in the distinguished 202nd Coast Artillery, anti-aircraft division. Following the attack on Pearl Harbor, his unit was activated and sent on the converted Queen Mary to England. A few days after D-Day, he was deployed on a landing craft to Omaha Beach in Normandy. This allied offensive would change the tide of the war.

Following his courageous service, Captain Wilson was discharged from active duty in 1946. He continued in the Army Reserves until his retirement in 1971 when he retired as a Captain at the age of 60.

For over fifty years, Captain Wilson has continued to support the men and women of our armed services through his leadership in the American Legion, serving as the Commander for the William R. Edmondson branch as well as its adjutant. He is currently an honorary member. He has also served the nearby Lemont Veterans of Foreign Wars Post. In both of these positions, he illustrates his dedication to his fellow armed services members and his country. Following his active military service, Captain Wilson was employed as a driver for the Chicago Transit Authority until 1975.

Honesty, integrity, hard work, responsibility, and patriotism are the core principles by which Captain Wilson lives and these are the same principles he has bestowed upon his children, Nancy and Judith. He also was a loving husband to his wife Helen, who passed away in 1978. He is a man who defended our country at a time of tremendous adversity, and who continues to serve his fellow men and women in the armed services. Please join me in honoring his lifetime of service, his bravery, and his dedication to family and neighbor.

HONORING FORMER PUTNAM
COUNTY EXECUTIVE PAUL J.
ELDRIDGE

HON. NAN A.S. HAYWORTH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Ms. HAYWORTH. Mr. Speaker, I rise today to recognize Paul J. Eldridge for his service as County Executive for Putnam County.

Mr. Eldridge was appointed by the Putnam County Legislature in November 2010 to serve until a special election could be held to fill the position. Mr. Eldridge confirmed the wisdom of his selection, serving with honor and distinction during a difficult period. His service as County Executive was the culmination of 33 years as a public servant for Putnam County, during which Mr. Eldridge has received numerous awards and honors for his work.

Mr. Speaker, it is an honor to recognize the Honorable Paul J. Eldridge. New York's Nineteenth Congressional District, and the entire Hudson Valley, is fortunate to have benefited from his service.

IN RECOGNITION OF MR. WALTER
BEEBE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. Walter Beebe, who is being honored at the New York Open Center's 2011 Gala Celebration for his extraordinary vision and service to the New York Open Center and progressive philanthropy.

After obtaining a bachelor of arts from Harvard University in 1962, Mr. Beebe earned his bachelor of laws degree in 1965 from Stanford University. Almost immediately after finishing his education, Mr. Beebe began his career with Partner, Jacobs Persinger & Parker in 1966. He was a corporate attorney with the New York law firm until his retirement in 2006.

Mr. Beebe is the founder, Board Chair and President of the New York Open Center. He has been a leader in the holistic movement through the work of the Center for nearly 30 years. The Center is a nonprofit holistic learning center that seeks to integrate the intellectual, emotional, physical, and spiritual elements of life.

In addition to his work with as an attorney and with the New York Open Center, Mr. Beebe has been an active philanthropist. He has served on the Board of Directors of several organizations and companies including Westar Institute, Interfaith Center of New York, New Jersey Steel Corporation, Von Roll of America, Inc. and subsidiaries, Bank Street College of Education, Sunbridge College, Near East Foundation and Greyston Foundation. Mr. Beebe was also the co-host for the White House Commission on Alternative Medicine.

Mr. Speaker and colleagues please join me in congratulating Mr. Walter Beebe as he is honored by the New York Open Center at their 2011 Gala Celebration on November 10, 2011.

GUS STAVROS HONORED FOR
SELFLESS SERVICE TO COMMUNITY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise this evening to pay tribute to Gus A. Stavros of St. Petersburg, Florida, a decorated war hero, a hugely successful small businessman, and a philanthropist who has devoted his life to educating our youth. Most importantly to me, Gus Stavros is my friend.

Gus received a Certificate of Basic Engineering at the University of Florida in 1944 in preparation for his service to our nation and the Army during World War II. He served with great distinction in General George Patton's Third Army, earning three campaign ribbons for Northern France, Ardennes and Rhineland, and the Purple Heart and Bronze Star. He was severely injured on January 19, 1945, and required eight months of hospital care.

Always placing the highest priority on the value of education, Gus returned from the war a hero and enrolled at Columbia University in New York, where he graduated in 1948 and went on to New York University, where he received his MBA in 1951.

It was our good fortune that upon his graduation Gus moved to Florida to start a business forms manufacturing company in Pinellas County, Florida. As the owner and CEO, he grew the company from 3 to 550 employees making it the largest business of its kind anywhere in the Southeastern United States. Having achieved success as a businessman, he sold the company in 1989 and pursued his first love of education, cultural endeavors, and the tireless support of numerous charitable organizations.

Wednesday evening, the Pinellas County Education Foundation will celebrate Gus Stavros' 25 years of service to the students, parents, and teachers of our community through the Foundation he established with then Assistant Superintendent of Schools Howard Hinesley. Unique at the time, the Foundation's first project was the establishment of Enterprise Village in 1989, a hands on program that teaches 10,000 fifth-graders a year important life lessons of business and economics. Every one of these fifth-graders spends a day at Enterprise Village running a business. For most, with the classroom lessons that prepare them for their special day of running their own business, they have their first introduction to free enterprise. Today the most appropriately named Gus A. Stavros Institute administers not only Enterprise Village, but with a \$4 million expansion now teaches fiscal responsibility to 8,000 eighth-graders annually at its Finance Park.

Local, state, national and even international leaders of education and business have paid visits to Enterprise Village to learn how they can inspire students in the areas of business and finance just as Gus Stavros has this past quarter century.

Gus and his lovely wife of 63 years Frances have been honored many times over for the selfless work in behalf of numerous charitable organizations throughout our community. And our state's Governors and leaders of higher education have called on Gus repeatedly to serve on the board of trustees for many of our colleges and universities.

Mr. Speaker, at a time when our nation searches for solutions to reenergize our economy and create jobs, we need to look to great Americans like Gus Stavros for answers and inspiration. There are few people I know that are half of Gus' 86 years that have as much energy and as many good ideas.

Gus Stavros has served our nation in war time and in peace time. He has used his success in business to create jobs for others and to provide unique educational opportunities for hundreds of thousands of youth. Most importantly, he symbolizes the American spirit of selfless service to do what he can to improve the lives of others.

It is my hope that my colleagues will join me in saying thank you to Gus Stavros for a lifetime of achievement and in paying tribute to him for a job well done.

A TRIBUTE TO WILLIAM
THOMPSON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mrs. CAPITO. Mr. Speaker, I rise today to commend William Thompson of his service to the U.S. Office of Personnel Management and to congratulate him on his upcoming retirement.

Mr. Thompson began his career in 1971 with the U.S. Marine Corps after his service with the Marine Corps in 1975. He returned to college and became a co-op student with the Social Security Administration in 1977 and stayed until 1980. He worked for the State of West Virginia for 18 months before going to work for the U.S. Defense Investigative Service in 1982 and subsequently became what is known today as U.S. Office of Personnel Management. Mr. Thompson's role has been Special Agent in charge of conducting Federal Security Clearance Investigations.

For his dedication of 37 years, I offer Mr. Thompson my most sincere congratulations and best wishes for a well-deserved retirement.

RECOGNIZING THE NEED FOR
WORKER RETRAINING SERVICES,
AND ACKNOWLEDGING THE
OPENING OF A WORKSOURCE FACILITY
IN MONROE, WASHINGTON

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. INSLEE. Mr. Speaker, today I would like to acknowledge the importance of worker retraining efforts in my state led by the workforce development councils that are helping Washingtonians get back to work. I would also like to recognize the opening of a new facility in Monroe, Washington that will help more of our neighbors who have been hit hard by this economic downturn get the training they need to successfully re-enter the job market.

Often, employers lack a workforce with appropriate skills and displaced workers lack the means to acquire these skills. That is why worker retraining programs are so important. Reversing the effects of the economic downturn is not an individual mission, but a community challenge, and an important partner helping in this effort are the Washington workforce development councils. Our workforce development councils operate 64 WorkSource centers statewide, where low-income youth and adults, displaced workers, and returning servicemembers access job training, employment counseling, and other services that help put people back to work and provide our employers with the skilled workforce they need to thrive.

Last year alone, more than 364,000 Washington residents sought help through the State's WorkSource centers. The Workforce Development Council of Snohomish County

provided 39,156 people with a total of 528,005 services in 2010. Currently, the main access points for these services are the WorkSource Centers in Everett and Lynnwood, Washington. However, thanks to the generosity of the Society of St. Vincent de Paul—who offered to rent out space in their facility for only one dollar per year—on Tuesday, November 15th a new WorkSource center will open in Monroe, Washington.

This expansion of services to Monroe is important because, currently, displaced workers in the cities and towns to the east of Everett and Lynnwood face yet another barrier to employment: travelling to a WorkSource Center. Now, yet another hard-hit community can begin to rebuild and move forward because the community will now have a headquarters for worker retraining and job market resources.

That's why I am proud to stand up here today and recognize the significance of the WorkSource opening in Monroe, Washington today. I wish all the best to the dedicated staff at the Snohomish County Workforce Development Council, the kind people at St. Vincent de Paul, and the Washingtonians who are persevering through this downturn and now have a strong partner to help them get back on their feet.

TO SUCH NEW FRONTIERS, THE CONGRESSIONAL GOLD MEDAL CEREMONY, NOVEMBER 16TH 2011, AT THE UNITED STATES CAPITOL, IN HONOR OF ASTRONAUTS BUZZ ALDRIN, NEIL ARMSTRONG, MICHAEL COLLINS, AND JOHN GLENN

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor the recipients of the New Frontier Congressional Gold Medal. I submit the following poem written in honor of these recipients:

TO SUCH NEW FRONTIERS

(By Albert Carey Caswell)

To . . .
To Such
New Frontiers . . .
As have all of you've gone so here!
Gone, so boldly forth, all out on your course
. . .
as America's most courageous pioneers!
As all out upon your most heroic ways . . .
All at speed, all in what your fine lives have
so conveyed!
As so boldly forth,
as you would not so heed . . .
All without fear,
to so sow exploration's most brilliant seeds!
All but for our Country Tis of Thee . . .
All of your fine lives,
you were so ready to concede!
All so ready to so pledge indeed!
As The Right Stuff,
came so streaking upon the scene!
As so courageously onward you all so sped
. . .
all at speed!
All out there on that very edge . . .

that edge of death!

All in what your most magnificent lives,
have so said!

As You So Reached For The Stars,
so courageously without fear . . .
so led!

Up to new worlds and dreams,
all in what your fine lives have so deemed
. . .

All in your stead!

All to so reach those most monumental of all
themes!

To Learn,

What Must So Be Learned!

To Touch . . .

What Must So Be Touched!

To See,

What Must So Be Seen!

To Hear,

What Must So Be Heard!

To Feel,

What Must So Be Felt!

To Speak,

What Must So Be Spoken!

To Dream,

What Must So Be Dreamed!

To Stretch . . .

To Ever Expand . . .

To Go So Ever So Forth . . .

To So Glean!

Right To The Very Edge,
of Exploration's Golden Sheen!

To Inspire Us All So Higher!

All So To Dare To Dream!

To Discovery,

and Beyond!

As you've so pushed that envelope,
out past its most outer limits!

As so ever forth,

as you so stayed the course . . .

moving onward and upward,
all up above the clouds!

As you were gone!

While,

streaking across the heavens all through
time so now!

As to all our souls so wed!

Speaking to our hearts and souls,
all in such awe!

To So Save Woman and Mankind,

as so surely we so saw!

As out into the future,

you've so cast your most historic shrouds!

As you so gleamed,

shining so magnificently so all throughout!

To so find the answers,

that which must now so be found!

For only up to such great new heights so
now,

can such hearts of courage full so sound!

Beating long,

and loud!

As to new worlds,

you've all so soared to now!

To places,

where only such hearts of faith so pound!

Whether, the first to walk upon the moon
. . .

or the first American to orbit in space!

As your time upon this earth,

could not so keep up with your explorer's
pace!

As all of your journeys,

have all so been filled with such amazing
grace!

To discovery and beyond,

as all of those most precious seconds past
you so raced!

As it was there . . .

you all so went so boldly forth all in place!

All out upon that path,

where only hearts can roam of faith!

Whether, upon primitive machines of man-
kind . . .

Or to the Moon and back,

while living all out on that thin line!

Riding on that very edge of death so fine!

As all of your most precious gifts of space
exploration . . .

Have so blessed our world and this our na-
tion . . .

As upon Mankind's futures past,

have so all been etched . . .

All in your explorer's quest!

As we so cry too,

all at those most precious lives so lost . . .

Of all of your Brothers and Sisters,

who so paid the price of exploration's cost!

The ones who like you so took those most
heroic paths,

to climb upward to the stars!

Ever steadfast!

To answer that most noble cause of explo-
ration as asked!

All with your journeys so unfurled . . .

The names Aldrin, Armstrong, Collins, and
Glenn . . .

will out into the future forever last!

"One step for man,

one giant leap for mankind" . . .

that which on your watch so came to pass!

As new Stars were so formed,

all by your hearts of exploration so very
warm!

To such magnificent places,

all of us you have taken . . .

With your life's trajectories . . .

your life's paths,

as up to the heavens like a comet's tail so
streaking past!

To all of those new frontiers,

that which you have so opened up so up here!

That which now so lies before us all so very
clear!

As the possibilities seem so endless now,

so here!

For as long as we have such fine sons,

of such courage and faith as all of these ones!
Americans,

who in the name of exploration so shine like
the sun!

Who,

against all odds . . .

almost like God's, will so courageously soar
. . .

To distant worlds, and shores . . .

To find the answers to so explore . . .

Then, the sky has no limit anymore . . .

to such new frontiers as you soar . . .

So on this day as we place!

These gold medals,

around each one of your most courageous
face!

History for you now so holds your place . . .

As something that time,

nor so distance . . .

can now so erase . . .

For as long as we have such bold woman and
men . . .

Who so dare to dream, so then!

And go out towards Exploration's most far-
thest ends . . .

Then, we shall all go so forth Godspeed to
command!

To Such New Frontiers, my friend.

EDEN PRAIRIE HIGH SCHOOL
GIRLS VOLLEYBALL WINS STATE
CHAMPIONSHIP

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. PAULSEN. Mr. Speaker, I rise today to recognize the Eden Prairie Eagles for winning

their first ever Minnesota AAA High School Girls Volleyball Championship on Saturday.

The Eden Prairie Eagles came out strong and played with all their hearts from the very first serve of the match in a hard fought and thrilling five-game series.

The Eagles ultimately surged ahead to take the final game 22-20 and win the Championship.

The Eden Prairie Eagles have shown what it truly means to be student-athletes. Having exuded remarkable dedication and a strong work ethic that our entire community can be proud of, it is my pleasure to congratulate them all on an inspiring season and victory.

Go Eagles!

CONGRATULATIONS TO ERNEST LOVATO

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. LUJÁN. Mr. Speaker, I rise today to recognize Mr. Ernest Lovato, a resident of Kewa Pueblo, formerly Santo Domingo Pueblo, New Mexico for being awarded an Honorary Doctorate of Humane Letters degree from Bacone College on May 7, 2011.

Mr. Lovato was nominated by Dr. Robert J. Duncan, Jr., President and Professor of Religion, as a 1957 Bacone Alum, 1982–1984 Bacone Trustee and for his services as former Governor of Kewa Pueblo. Ernest has been outstandingly active in his community and served as Governor of Kewa Pueblo in 1989, 1990, and 2002.

Bacone College is a private four-year liberal arts college in Muskogee, Oklahoma and was founded in 1880 as an Indian University by Professor Almon C. Bacone, a missionary teacher. With the help of the American Baptist Home Mission Society in the Cherokee Baptist Mission at the Tahlequah, Indian Territory, Bacone College was established.

Bacone College has strong historic ties to various tribal nations including the Cherokee Nation and the Muscogee Creek Nation. When the College started Professor Bacone enrolled three students and was the sole faculty member. By the end of the first semester he had twelve students, and by the end of the first year the student population was fifty-six and the faculty numbered three.

Bacone College continued to grow, relocated to its present location in 1885 and now serves over nine hundred students.

I want to extend congratulations and recognition to Mr. Ernest Lovato, an outstanding New Mexican, on being awarded an Honorary Doctorate of Humane Letters degree from Bacone College.

TRIBUTE TO THE NATIVITY OF OUR LORD CATHOLIC SCHOOL

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. FITZPATRICK. Mr. Speaker, I would like to take this opportunity to congratulate the Na-

tivity of Our Lord Catholic School in Warminster, Pennsylvania for receiving the 2011 National Blue Ribbon School of Excellence Award. In 1982, the National Blue Ribbon Schools Program was launched by the U.S. Department of Education in an effort to identify the best school leadership and teaching practices in America. Today, the National Blue Ribbon Schools Program recognizes both public and non-public schools where students and faculty excel. As one of only fourteen schools in the Commonwealth of Pennsylvania to receive this award, it is certainly a testament to the quality of education that the Nativity of Our Lord Catholic School provides.

An educated workforce is the backbone of a strong economy and a prosperous society. Therefore, it is essential that we equip our students with the tools they need to become successful employers and employees in the future. The Nativity of Our Lord Catholic School is a model of the type of excellence that all schools should aspire to. It is an institution that prepares our children to be future leaders and scholars, and I am proud to honor it today.

I am extremely grateful of the hard work and dedication of the administrators, faculty, students, and parents who are involved with the Nativity of Our Lord Catholic School. A few individuals that I would like to personally recognize are Father Angelo R. Citino, Principal Roselee Maddaloni, and Vice Principal Laura Clark, for their continued efforts in providing an environment for excellence.

Congratulations once again to the Nativity of Our Lord Catholic School for winning the National Blue Ribbon School of Excellence Award. Thank you for all that you do for the Bucks County community, it is an honor to be your representative in the United States Congress.

EDEN PRAIRIE HIGH SCHOOL BOYS SOCCER WINS STATE CHAMPIONSHIP

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. PAULSEN. Mr. Speaker, I rise today to recognize this year's Minnesota AA High School Boys Soccer Champions, the Eden Prairie Eagles. Aside from having one of the best academic programs in Minnesota, the Eden Prairie School District is now home to boys state soccer champions for the second time since 2002.

Despite going up against an undefeated team, the Eagles struck early, scoring their first goal in the fourth minute of the championship game. The Eden Prairie Eagles kept up the pressure, and were relentless on offense, putting up 14 shots on goal and winning the game 3-1.

Congratulations to the whole team on an incredible season, I'm sure you will all look back proudly on your accomplishments in the years to come. Congratulations also to coach Vince Thomas for his leadership on and off the field.

Go Eagles!

HONORING THE 40TH ANNIVERSARY OF THE CLOSE-UP FOUNDATION

HON. JAMES LANKFORD

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. LANKFORD. Mr. Speaker, today I rise in honor of the Close-Up Foundation on their 40th Anniversary. Since 1971, Close Up has educated over 750,000 students and teachers in the democratic process through their Washington-based civic education programs and classroom publications.

Close-Up provides students and teachers from diverse backgrounds all over the country with the opportunity to use the institutions and historical sites of our nation's capital as a backdrop for their lectures, small group discussions, and interactions with key policy experts. The programs are designed to enrich students' knowledge of the basic concepts and institutions of American constitutional government and develop a practical understanding of the processes of the democratic political system and the role of its citizens. They leave each student with a better understanding of the complex policy issues that surround our country every day.

As a 10th grader on my first trip to Washington, D.C. with the Close-Up Foundation, I had an opportunity to experience the benefits of the program firsthand. The inner workings of democracy and the legislative process fascinated me. The information and education I received during my visit as a student provided me with the foundation to be an active member of my community and engage in the civics process.

I rise today in appreciation of the Close-Up foundation on their 40th Anniversary and thank them for the opportunity they have provided to hundreds of thousands of students from across our great nation. I look forward to meeting with the many more students that will visit our nation's capital in the future.

HONORING MARRAKECH, INC. ON ITS 40TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Ms. DeLAURO. Mr. Speaker, I am proud to stand today to join the many who have gathered to celebrate the 40th anniversary of Marrakech, Inc., a wonderful organization dedicated to providing an array of services to persons with disabilities. This is a remarkable milestone for this very special organization.

Marrakech was founded in 1971 with the establishment of the first halfway house in Connecticut for women with mental retardation. What began as a pilot program has grown into a respected organization and recognized leader in the development of innovative programs and services for people with challenging behaviors, families with complex needs, youth who are at risk, and people without disabilities who are unemployed and underemployed.

Marrakech, Inc. began as a crusade to prove a point, the brainchild of two young Yale undergraduates, Susan Waisbren and Francie Brody. It was all because of a young woman named Valerie Chain who Susan had met through Yale Big Brothers/Big Sisters. Susan and Francie came to know Valerie's friends as well. They soon realized how capable these young New Haven women with mild mental retardation were, and how they would thrive in a halfway house. Thus began their mission of creating an environment which would highlight the talents of these women and promoted their ability to self direct their lives. Marrakech House opened as a summer pilot program and eight young women, including Valerie, spent the summer in a sublet, supervised apartment on Crown Street. Forty years later, Marrakech, Inc. subscribes to a practice that assures that each person who is referred for services has a highly individualized service plan.

One of Marrakech, Inc.'s goals has always been normalization, achieving a level of independence that would allow all people to become more a part of the community. Susan once said, "Normalization does not mean merely adjusting to society's norms. It means educating the community to expand its definition of 'normal.'" Yet, after the first summer of Marrakech, she added, "We never really wanted normalization. We wanted something better. Too often, normalcy in our society means conformity and compromise. We strove for consciousness, tolerance, and imagination."

In its forty year history, Marrakech has transformed the lives of thousands. For all of the good work that they are doing in our community and in the lives of their clients, I am proud to rise today to extend my sincere congratulations to Marrakech, Inc. on their 40th anniversary. I have no doubt that this extraordinary organization will only continue to enjoy great success in all of their endeavors on behalf of our community.

IN RECOGNITION OF MS. JEANNE
M. FOX

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Ms. Jeanne M. Fox, Commissioner at New Jersey Board of Public Utilities. Ms. Fox is the recipient of The Arthur E. Armitage, Sr. Distinguished Alumni Award, presented by the Rutgers School of Law-Camden Alumni Association. The award will be presented at the Distinguished Alumni Awards Celebration. Her continuous outpouring of service and dedication to the residents of New Jersey is undoubtedly worth of this body's recognition.

Jeanne Fox was first appointed to the New Jersey Board of Public Utilities (NJBP) on January 15, 2002, and was later reconfirmed for a second term on March 16, 2009. She currently holds the prestigious title of Commissioner and has previously served as NJBP President. NJBP has regulatory jurisdiction over telephone, electric, gas, water, wastewater and cable television companies. Through her role at NJBP, Ms. Fox has worked to ensure that consumers have access to safe and reliable services at reasonable rates. Under Commissioner Fox's leadership, the NJBP became a leader among states in developing clean energy policies and promoting renewable energy and energy efficiency. Prior to her appointment to NJBP, Ms. Fox served as a Regional Administrator of the United States Environmental Protection Agency (EPA) as Commissioner and Deputy Commissioner of the New Jersey Department of Environmental Protection and Energy. She also remains an active member with various

organizations, including the National Association of Regulatory Utility commissioners (NARUC) as a member of the Board of Directors, Chair of the Committee on Energy Resources and the Environment and member of the electric Power Research Institute's Public Advisory Council on Smart Grid.

Jeanne Fox graduated cum laude from Douglass College, Rutgers University, and received a Juris Doctor from the Rutgers University School of Law-Camden, where she was a classmate and a close personal friend of mine. Since graduation, Ms. Fox has remained an engaged member of the Rutgers University Alumni Federation, the Associate alumnae of Douglass College and a Rutgers University alumni Trustee for two terms. She currently serves on the boards of the Girl Scouts of Central and Southern New Jersey and has served as President of the National Women's Political Caucus. Ms. Fox remains a valued member of the Women's Political Caucus of New Jersey Executive Board, providing valuable experience as its past President. The organization remains dedicated to increasing women's participating in the political process and increasing the number of progressive women in elected and appointed office. Jeanne's exceptional record of service and leadership continues to resonate with constituents throughout New Jersey.

Mr. Speaker, once again, please join me in congratulating Jeanne Fox upon receiving The Arthur E. Armitage, Sr. Distinguished Alumni Award presented by the Rutgers School of Law-Camden Alumni Association. Her unyielding leadership and contributions has proven beneficial to residents of my district and throughout New Jersey.

HOUSE OF REPRESENTATIVES—Wednesday, November 16, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MARCHANT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 16, 2011.

I hereby appoint the Honorable KENNY MARCHANT to act as speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

NEW ROUTE FOR STALLED KEYSTONE XL PIPELINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, in today's Reuters report, "Secretary of State Hillary Clinton Wednesday urged claimants to the South China Sea not to resort to intimidation to push their cause in the potentially oil-rich waters, an indirect reference to China ahead of a regional leaders' summit."

Why are we concerned about crude oil in dangerous places of the world? It is because we do not have North American energy security, hence the whole Keystone XL pipeline debate.

And we have good news on that front. Two days ago, from Lincoln, Nebraska, another Reuters article says, "Nebraska and TransCanada agreed on Monday to find a new route for the stalled Keystone XL pipeline that would steer clear of environmentally sensitive lands in the State."

Why is that important? Energy security, expediting the permitting process, 20,000 new jobs immediately, private capital, Caterpillar mining trucks, Marathon Oil refinery.

If you live in the Midwest States of Missouri, Illinois, Indiana, Ohio, and Michigan, this oil goes directly to refineries and that, which decreases our reliance on imported crude oil and makes us safe and secure and it creates jobs.

Keystone XL is a no-brainer. This administration needs to get off the dime and move this process.

BAKED GOODS, PIZZA, AND SODA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Last December, an item caught my eye in the Harper's Index: the rank of baked goods, pizza, and soda as sources of calories for American children—drum roll, please—number one, number two, number three. That's how our children get most of their calories; first from baked goods, then from pizza, then from soda. No wonder we have a national epidemic of obesity for our children with lifetime health care consequences, starting with diabetes and then heart disease. It's why the military is concerned that only one in four young people qualify for military service, with obesity being a major factor in that disqualification.

I salute First Lady Michelle Obama in her efforts to spotlight healthy eating, to help families give their children more nutritious choices. But we should start with what we are feeding the 31.6 million children in our schools. The administration has taken some small but important steps with the Federal partnership of this largest food program in the country to refine what the standards are for delivering this important service to our children.

Well, the battle has taken a new turn, where Congress is poised to intervene to make sure that pizza continues to count as a vegetable and that we protect more French fries on the tray. Overturning this simple, commonsense adjustment for rules—which food nutrition experts and child advocates strongly support—is going to be buried in the Agriculture appropriations bill coming forward. The people who defend inflicting this on our children site issues of cost, waste, and nutrition. Well, you don't need calorie-laden pizza crust to deliver nutrients, and waste is not a product of giving people healthy choices.

I invite anybody to come with me, visit Abernethy School in Portland, Or-

egon, where parents, students, and faculty have combined to have an innovative food program where kids grow food themselves. They prepare it. They study it. They're healthier and happier. Come to the University of Portland, where Bon Appetit, an innovative food service supplier by providing more choices and healthier choices, has cut food waste 70 percent.

But the cost argument is the most bogus. We're talking arguably about perhaps as much as 14 cents a meal, less than \$1.4 billion for a year. That is less than Congress has decided that it will pay Brazilian cotton farmers because we don't have the gumption to end illegal cotton subsidies to American farmers. We could produce \$25 billion to \$30 billion in savings from direct payments, usually to large agribusiness interests; or, if we stop the obscene process of giving more to crop insurance agents than to farmers, reform crop insurance, we could yield another \$8 billion to \$12 billion. This is entirely within our capacity. If the House goes along with this travesty, shame on us.

The need to protect our children's health has never been clearer. The costs have never been more manageable. Indeed, this will more than pay for itself in savings for lifetime costs of health care. It will damage people's health and shorten lives. The "ketchup as vegetable" debacle of the Reagan era will look tame and sane by comparison. I strongly urge the House to reject this ill-advised initiative.

PASS THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. LANCE) for 5 minutes.

Mr. LANCE. Mr. Speaker, as of November 14, 2011, the United States national debt is \$14.973 trillion, according to the Department of the Treasury. With pending security auctions this month, it is inevitable that the national debt will reach the unprecedented level of \$15 trillion in the coming weeks. When the national debt reaches \$15 trillion, it means the U.S. debt-to-GDP ratio will reach 99.7 percent, and our debt will equal \$47,900 for every living American.

Since President Obama took office in 2009, the debt has gone up by \$4.3 trillion. In the last 50 years, the Federal Government has only managed to balance its budget five times, most recently with President Clinton, a Democrat, and Republican control of the

United States House of Representatives and Senate.

Washington now borrows approximately 40 percent of every dollar it spends. Foreign investors hold half of our Nation's public debt and one-third of overall debt, not only from China, but from Japan, Great Britain, Saudi Arabia, and other places as well.

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Admiral Mullen, the recently retired chairman of the Joint Chiefs of Staff, has rightly called the national debt "the single biggest threat to our national security."

While we have made significant strides in reducing the cost of government over the last few months, much more needs to be done. The primary focus of this Congress and our new leadership has been to restore fiscal sanity and fiscal restraint to the Federal Government. We must remember that the money in the Treasury is not our money but it is the people's money, and we are charged with being good stewards of that money.

There is only one way to ensure that future Congresses and Presidents, regardless of party, are unable to return to the reckless, out-of-control spending of the past, and that is to pass a balanced budget amendment to the United States Constitution. This week, Congress will vote on a balanced budget amendment to the Constitution for the first time in 16 years.

In 1995, following passage by the House of Representatives, the United States Senate came within one vote of sending a version of the balanced budget amendment to the States for ratification. Since then, our total national debt has almost tripled. Today's proposal is nearly identical with the one that passed the House of Representatives with 72 Democratic votes in 1995.

Amending our Constitution should not be taken lightly. I will support the balanced budget amendment because I believe it is the right thing to do to help get our Nation's fiscal house in order. I would have preferred that the balanced budget amendment include a spending cap, but we need Democratic Members to achieve the necessary two-thirds majority required for a constitutional amendment to be sent to the States for ratification. That is why the amendment we will be considering almost mirrors the 1995 text.

Before coming to Congress, I served in the New Jersey State Legislature, where I successfully sought reforms to ensure that our State government was responsible with the people's money. In 2008, the people of New Jersey passed by State constitutional amendment to require voter approval for all issuance of State borrowing. I am proud to be able to do my part here in Washington as well. Most States, including New Jersey, are required to balance their State budgets. If the Federal Govern-

ment continues to spend what it does not have, the balanced budget amendment would provide a much needed safeguard to restrict future spending.

As someone who tries to be a student of American history, I know that a balanced budget amendment is not a new idea. Thomas Jefferson was a strong proponent of the idea. He said: "I wish it were possible to obtain a single amendment to the Constitution. I would be willing to depend on that alone for the reduction of the administration of our government." He was referring to a balanced budget amendment. Those were wise words when spoken, and they are wise words today.

Passing a balanced budget amendment would also help move us closer to much needed economic certainty that our Nation desperately needs to boost the economy and help create jobs.

When I was a boy and a young man, the fundamental issue confronting the Nation was the threat of the Soviet Union and international communism, the focus of evil in the modern world, as President Reagan said.

The fundamental issue confronting the Nation in the 21st century is fiscal responsibility. Will our children live in a diminished America? Will the promise of America that each generation does better than the generation before it continue to exist? Will we continue to lead the world, or will leadership pass to China or India or to some other place?

This is the great issue confronting the people of the United States, and it is the great issue confronting us here in Congress. Let us get our fiscal house in order. Let's pass a balanced budget amendment to the Constitution of the United States.

HONORING LANCE CORPORAL NICKOLAS DANIELS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, today I rise with a heavy heart to honor and recognize Marine Lance Corporal Nickolas Daniels. Lance Corporal Daniels of Elmwood Park, Illinois, was tragically killed November 5 at the age of 25 while on patrol in the Helmand province of Afghanistan.

I want to pass on my deepest condolences to Nick's family and those who knew him and share with them the thanks of a grateful Nation.

Nick attended Elmwood Elementary School and graduated from St. Patrick High School in 2004, where he was an all-conference linebacker in football.

Mr. Daniels, after going back to St. Pat's to coach football, joined the Marines in 2010 to help achieve his goal of one day becoming a police officer. Nick was well known and respected throughout the St. Pat's community. He was a very funny, lighthearted person who

would do anything for those around him. Not only was Nick a dedicated coach, but, most importantly, he was a loving son and grandson, an incredible mentor to his younger sister and brothers, and a loving and devoted fiancé. I've been told that Nick poured his heart into everything he did and always wanted to make sure that his friends and family were taken care of.

A decorated marine receiving multiple citations and a role model in his community, Nickolas Daniels was, and will remain, a shining example of the best this country has to offer.

We can never repay Nick or his family for what they have given to this country, but his sacrifice will forever be remembered by those he fought to protect.

As I thought about what to say today, I realized the inadequacy of words in any such effort. I was reminded that this feeling was shared by an American President who attempted to console a family that had lost five sons in battle during the Civil War, but he captured the essence of the loss as he wrote:

"I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save.

"I pray our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

"Yours, very sincerely and respectfully, Abraham Lincoln."

SUPPORTING RIGHT-TO-CARRY LAWS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, today the House will consider H.R. 822, a long overdue measure to ensure that States recognize the concealed weapons permits issued by other States.

This very simple measure has unleashed a firestorm of protests from the political left. I noted one polemicist, who obviously has not read the Constitution, wax eloquently of the constitutional violation of States' rights enshrined in the 10th Amendment. What nonsense. Article IV of the Constitution could not possibly be more clear: "Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof."

It is precisely this article that requires one State to recognize driver's licenses or birth certificates or arrest warrants issued by another State. Without it, we are not a Union but merely a loose confederation.

Well, then we're told this is dangerous and risky to allow honest and law-abiding citizens to exercise their lawfully issued permits in other States. Upon what basis do they make this claim? Certainly not upon any empirical data.

The impact of right-to-carry laws, that is, laws that require the issuance of a concealed weapon permit to any law-abiding citizen, has been studied extensively, and the vast preponderance find that crime rates have fallen in those States after they've adopted such laws. No credible study has ever found that the enactment of such laws has produced an increase in crimes or suicides or accidental deaths.

Overall, States with right-to-carry laws have 22 percent lower violent crime rates, 30 percent lower murder rates, 46 percent lower robbery rates, and 12 percent lower aggravated assault rates as compared to the rest of the country. Indeed, right-to-carry laws have been so successful that no State has ever rescinded one.

So, if the left can't make a rational case on constitutional grounds or on empirical grounds, what is the problem? I suspect it comes down to what Ronald Reagan once called this irreconcilable conflict between those who believe in the sanctity of individual freedom and those who believe in the supremacy of the State.

Years ago, I had the honor to work for the legendary chief of the Los Angeles Police Department, Ed Davis. During his 8½ years as chief of the LAPD, crime dropped in Los Angeles even while, during the same period across the rest of the Nation, it was ballooning by more than 50 percent. Chief Davis founded Neighborhood Watch. He was an ardent opponent of laws that restrict ownership of firearms by honest citizens. His successful philosophy was predicated on the principle that, as he put it: "It's not the responsibility of the police department to enforce the law. That is the job of every citizen. The police department is there to help."

□ 1020

As citizens, we're an integral part of the laws that we enact. That doesn't mean we act as vigilantes, but it does mean that each of us has an inalienable right to defend ourselves and our families from violent predators with whatever force is necessary. And if we see a child being molested or a woman being robbed or an old man being beaten, we have a moral responsibility to intervene to the extent that we can.

A concealed weapon in the hands of honest and law-abiding citizens makes

us all safer. Simply knowing that there are responsible citizens among us capable of responding with force is itself a powerful deterrent to crime. That's the well-documented experience of every State with a right-to-carry law. But a society in which honest and law-abiding citizens are disarmed by their government is a society in which the gunman is king.

This is a truth that ought to be self-evident, but it is lost at the altar of the authoritarian left, which seems to concentrate all power in government at the expense of the people. Perhaps the best test of the self-evident nature of that truth is illustrated in a full-page newspaper ad I once saw that offered a cut-out sign, which in 150-point type said: "There are no guns in this house." The caption under it asked, "Would you post this sign in your front window?"

THE STOCK ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. WALZ) for 5 minutes.

Mr. WALZ of Minnesota. Mr. Speaker, I rise today to urge and implore my colleagues to support the STOCK Act, the Stop Trading on Congressional Knowledge Act, and I ask also that Speaker BOEHNER bring this bill to the floor for a vote immediately.

On Sunday night on CBS, their news program "60 Minutes" highlighted the potential problem of insider trading on Capitol Hill. Unlike all other Americans and investors, Members of Congress and their staff are not held legally responsible for profiting from nonpublic information they gain from their official position serving the public. This is absolutely outrageous and strikes at the heart of the democracy.

When I first came to Congress and sat down with the author of this bill originally, Congressman Baird, and he started explaining to me what this was about, I, as most Americans, was shocked to believe it wasn't already a bill. Why would you allow the breach of trust of the American public to believe that their Member of Congress could potentially be trading on information to enrich themselves? It's not the point of, is it happening? The point is if the potential lies there.

At the heart of every relationship is trust. If the trust is violated, everything that comes after that is a moot point. And this might be the greatest understatement ever: the American public is understandably frustrated with all the bickering and gridlock here. They don't trust institutions, they don't trust their banker, they don't trust corporations, and they don't trust Congress. If you thought we couldn't go any lower than a 9 percent approval rating, just have the people who watch "60 Minutes" vote now and see where they're at.

This legislation is a very big step in the right direction. It's about restoring the faith and trust in Congress and the work of democracy. Ronald Reagan was right. We've heard about President Reagan several times today. Trust but verify. That's what this piece of legislation is about. We want to work with Speaker BOEHNER and get this bill moving. And let me tell you, it's very simple on what it does. The bill would prohibit insider trading on Capitol Hill. It will remove loopholes and any confusion about what's right, wrong, legal or illegal. No insider trading by Members of Congress and their staff, period. If you do it, you break the law and you will be held accountable. It's common sense.

The STOCK Act would prohibit Members of Congress and Congressional staff from using nonpublic information obtained through their official duties for personal gain in the stocks in the commodities markets. It would also prohibit private individuals and firms who attempt to mine such information from public officials to use it for insider trading. Specifically, the bill is simple and short and says this: It requires that the SEC and the CFTC write rules that ban using congressional, nonpublic information to make trades. It changes the House ethics rules to specifically ban Members and staff from using nonpublic information to make trades. It changes House disclosure rules to require Members and staff who already file financial disclosures to disclose trades of \$1,000 or more in a timely fashion, in addition to the annual disclosures. And it requires political intelligence firms to register like lobbyists. These are the people who come to the Hill and use their connections to talk to people, try and understand what piece of legislation is moving, what's the potential for a potential government contract, and then they go back and sell the information that's given to investors.

That breach of trust, that potential to undermine our financial systems, is a cancer on the system. It weighs on the American public's trust of their finance, of corporations, of Congress and undermines the democracy. These people can still come here but register just like lobbyists.

Let's make sure that transparency and the disinfectant of sunshine shines on this. There is no room in this institution for even the perception of wrongdoing. Every Member of Congress must be held to a higher standard. It doesn't infringe upon their rights to legally trade, it doesn't infringe upon their rights—their American rights—to work hard, be smart, make good investments, and profit from that. What it does prohibit is an unfair playing field that penalizes those that play by the rules. And like so many of my colleagues and millions of middle class Americans, I myself am a public school

teacher. I spent 24 years in the National Guard. I tried to do what was right by my family and my neighbors. I tried to play by the rules, with the great understanding that the American Dream was you play by the rules, you work hard, and you will benefit from that.

This piece of legislation ensures that the American people know that we, as their representatives in this sacred House of the people, are playing by the exact same rules, not worrying about enriching ourselves, not worrying about gaming the system, and making sure that their needs are put first. And as I said, it's not whether it happens or not, it's whether the perception is there. I urge my colleagues and Speaker BOEHNER, move this to the floor and let's vote for it.

THE HOLOCAUST RAIL JUSTICE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TURNER) for 5 minutes.

Mr. TURNER of New York. Mr. Speaker, the tragedy of the Holocaust is etched deep within our minds. All of us have heard the stories of human experiments, tortures, and mass execution. As the entrance to the Holocaust Museum here in Washington says, "Never again," and others have said, "Never forget."

Sadly, we were provided with a powerful reminder this past week in my district that anti-Semitism is very much in our midsts. Seventy-three years later to the day, the events of Kristallnacht, the "night of broken glass," were replayed in my district. Cars were burned and anti-Semitic scrawlings left on property.

Today we know the consequences of inaction. It was as true then as it is today. We know that hatred is out there, and we are all too familiar with its ability to spread like a cancer. Ten million people died at the hands of the Nazis, including 6 million Jews. This indiscriminate murder is beyond comprehension. It is unfathomable. And while Hitler and his Nazi henchmen coordinated this horrific event, they were not alone, and others who aided, abetted, and profited from this crime should be held accountable.

This morning, I will be joining my colleague, ILEANA ROS-LEHTINEN, chairman of the House Foreign Affairs Committee, who is holding a hearing on two important pieces of legislation which would make and hold accountable those entities that aided in the Holocaust. The Holocaust Rail Justice Act would make the French-owned rail company, SNCF, which transported Jews in appalling conditions from France to Germany, liable for damages.

I am proud to be a cosponsor of this bill. For a generation, Holocaust victims and survivors have been denied

justice through a legal loophole barring lawsuits against sovereign entities. The rail company, SNCF, has hidden behind this legal veil as a way to escape liability, even though SNCF's trains, tracks, and employees were used.

There's no excuse for any person or entity that played any role in the Holocaust. The Nuremberg trials made clear that it is not enough that "we were following orders." It is not enough today to say that SNCF did not engineer the atrocities. SNCF facilitated it, and they should be held accountable for their part.

□ 1030

Chairman ROS-LEHTINEN has introduced another measure which will enable Holocaust survivors and heirs and beneficiaries of Holocaust victims to obtain compensation for insurance policies which were taken by Nazi-run governments. This bill would provide a legal forum for victims to have their claims heard—which is small compensation for the atrocities of the Holocaust—so that the words "never again" are more than just words.

NAMING NEW FEDERAL COURTHOUSE IN BUFFALO FOR ROBERT H. JACKSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. HIGGINS) for 5 minutes.

Mr. HIGGINS. Mr. Speaker, on November 28 a new Federal courthouse will open in western New York. Located on historic Niagara Square in Buffalo's central business district, the 10-story structure will be home to the United States Court for the Western District of New York.

The striking profile of the courthouse is a reminder that Buffalo's future is connected to its unique architectural heritage. As we draw inspiration for our future from this impressive building, I can think of no name more fitting to grace it than one from our past, that of western New York's only Supreme Court Justice, Robert H. Jackson.

Jackson was born and raised near Jamestown, New York. He spent the first 42 years of his life in western New York and for a time lived on Johnson Park, which is in the shadow of the new courthouse, and he practiced law at the historic Ellicott Square Building in downtown Buffalo. He was a prominent local attorney, and in 1934, President Roosevelt called him to public service in Washington.

After stints as Assistant Attorney General for Tax and Antitrust, Jackson was appointed U.S. Solicitor General. He personally argued more than 30 cases before the Supreme Court on which he would later sit. Louis Brandeis, who was a Supreme Court Justice at the time, said of Jackson that he

was so good he "should be Solicitor General for life." But Jackson was soon tapped to head the Justice Department as United States Attorney General. He was instrumental in helping President Roosevelt formulate America's national security policies as the United States headed toward inevitable involvement in World War II.

In 1941 Roosevelt appointed Jackson to the United States Supreme Court. He remains to this day the only Supreme Court Justice from western New York. He served on the Court for 13 terms and took part in several important decisions, none bigger than the landmark *Brown v. Board of Education*, which prohibited segregation.

Justice Jackson was known on the Court for personally authoring thoughtful and compelling opinions. The leading constitutional scholar Laurence Tribe called Jackson "the most piercingly eloquent writer ever to serve on the United States Supreme Court."

In 1945 President Truman asked Jackson to take a leave from the Court to serve as the United States Chief Prosecutor at the International Military Tribunal, the Nuremberg Trials. Jackson was the chief prosecutor of the Nazi war criminals and was responsible for achieving consensus among the allies on the design and implementation of the trials. Some believe that the year Jackson spent away from the Court cost him a chance of being elevated to Chief Justice, but Jackson argued that Nuremberg was the most important work of his life.

True to his western New York roots, immediately upon returning from Europe, Jackson took a train to Buffalo to address the University of Buffalo's centennial. He spoke eloquently of the subjects of war, international law, and the need for countries to work together for peace.

Robert Jackson died in 1954 and is buried at Maple Grove Cemetery in Frewsburg, New York, not far from his childhood home. The Federal Judges and the United States Attorney of the Western District of New York have endorsed the naming of the courthouse in Jackson's honor. Chief Judge William Skretny called him "the most distinguished jurist and most acclaimed legal mind to come out of the Western District." And Senior Judge John Curtin said of Jackson, "I think we should pick someone from the court family in western New York. I can't think of a better choice."

Mr. Speaker, Justice Jackson's story is uniquely American and it's uniquely western New York. I will soon introduce legislation to name our new courthouse for Robert H. Jackson, and I invite my colleagues to join to support this effort.

KEYSTONE XL PIPELINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker, before spending last weekend in Hawaii and now jetting off to Australia and Indonesia, President Obama was crisscrossing our country on his "We Can't Wait" for Congress to act tour. Along the way, he found the time to issue Executive orders that circumvent the will of Congress. His justification for this end run around Congress? America can't wait for Congress to act to create jobs.

If our President was really interested in creating jobs, he would not have caved in to election-year politics, which was precisely what he did last Friday when he punted on approval of the proposed Keystone XL pipeline until well after next fall's election.

When completed, the Keystone XL pipeline will bring nearly 1 million barrels of oil per day to the United States from Canada. Support for this pipeline is wide and varied, including major United States labor unions who understand the project will create thousands of American jobs and reduce our reliance on Middle Eastern oil. We will have greater energy security, which means greater national security. That's a win-win-win-win for America.

There is no dispute that building the pipeline will create 20,000 direct American construction jobs and spin off over 100,000 indirect jobs in the good 'ol USA. Unfortunately, the President is putting personal political needs before the needs of out-of-work Americans. He is blowing an opportunity to ensure a stable energy supply from a country that likes us while creating jobs right here in America.

The Environmental Protection Agency and the State Department have spent extensive time reviewing the impact of this pipeline. Early proposals were revised to address EPA and stakeholder concerns. After years of study, a decision was supposed to be made this fall by President Obama. Apparently, it was a tough decision for our President. He had to choose between two groups within his political base—labor unions and jobs or environmental activists and no jobs.

There are times when the American people expect leadership, leadership which requires making tough decisions. Regrettably, last Friday, our President caved in to environmental and Hollywood activists as they surrounded the White House in opposition to the Keystone pipeline. He chose to postpone a final decision on the Keystone XL pipeline until January 2013. His reason? The administration needed to consider alternative routes for the pipeline that avoided aquifers in Nebraska.

But the saga doesn't end there. Yesterday, TransCanada, the builder of the pipeline, directly addressed President

Obama's concerns by announcing they would reroute the pipeline to avoid the Nebraska aquifers. Problem solved. American people win; right? No. It took a few hours for the administration to announce that the goalposts were being moved again. Despite proposing a solution to the President's concerns, the administration announced that a final decision would not come until after the Presidential election in 2012. The bottom line: Presidential politics trumped what's best for a nation struggling to recover from the worst recession in history.

America needs a thoughtful leader who places the needs of country over politics. Canada has an abundance of energy they want to sell us, but they won't wait forever, and China is a ready customer. Canadian Prime Minister Harper recently indicated that with this unnecessary delay, Canada must increase its efforts to find a partner to ensure it can supply energy outside the United States and into Asia in particular.

This pipeline will help American families today. We need these jobs today. We need this pipeline today.

□ 1040

The Chicago Bears need a punter. The American people need a leader. President Obama should be that leader and approve this pipeline today.

RESTORING OUR ECONOMY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SCHIFF) for 5 minutes.

Mr. SCHIFF. Mr. Speaker, in the waning months of the Clinton administration, Jason Seligman, a government economist, produced a memo for the White House that speculated on what the effects would be if the United States paid off its national debt by 2012, as many were predicting at the time.

The memo, which was obtained by NPR under the Freedom of Information Act, was never released publicly, and the events of the intervening years have rendered it nothing more than an historical curiosity, but its mere existence is both a stark reminder of what might have been, and an acknowledgment that the great majority of the current debt was built up during the last administration.

In late 2000 no one could have foreseen the 9/11 attacks or the wars that would follow. These certainly contributed to the red ink. But profligacy, poor strategic choices, and political positioning are the real drivers of our burgeoning budget, which was under \$6 trillion at the time of President Clinton leaving office but is now nearly \$15 trillion.

Add in a real estate bubble fueled by too easy credit and an economy that was no longer focused on creating and

making things here in America, and the challenge facing us comes into even more clear focus.

In one week, the bicameral supercommittee is due to present its plan to Congress to rein in our out-of-control finances and restore the responsible stewardship of our economy that prevailed at the end of the Clinton administration, when government ran surpluses for four straight years. A mere month after the supercommittee presents its plan, just before Christmas, we will either bless its work or face the real prospect of painful across-the-board cuts beginning in 2013.

I have long supported a realistic approach and urged the supercommittee to go big and consider the full range of government spending in making cuts. However, I also know that we cannot put our fiscal house in order solely through spending cuts, and that the government is going to have to find a way to increase the revenue flowing into the Federal Treasury.

While the choices we will confront in the next few weeks will be difficult, they're only the beginning of a process that must result in a new economic paradigm that will guide Congress and the administration in the coming years, when we'll be forced to adjust to a much more competitive global environment even as we work to put the economic downturn of the past 3 years behind us.

As the current wave of pessimism surrounding the work of the supercommittee demonstrates, this will not be an easy task, nor will it be accomplished quickly. If we are to succeed, and success is an absolute imperative, I believe that we'll need a new set of long-term strategies and policies to accomplish five principles.

First, the U.S. is going to have to become a manufacturer again. We should be proud that many of the world's iconic consumer products, like Apple iPhones, for example, were designed and developed here. But much of the benefit to our economy is lost because these products are too often manufactured overseas. American workers are not benefiting from the manufacture of Apple's category-leading smartphone.

We need to return to an economy where American workers are involved in the full life cycle of a product, from concept, through design and testing, and on to manufacture and marketing. To do that, I believe that we need to inject some certainty into our corporate tax structure, as well as create a regulatory structure that protects workers, consumers, and the environment, but not in a way that is arbitrary or capricious.

Second, we need to ensure that small business remains the catalyst for the American economy. Capitalism, by its very nature, is highly competitive, and most new businesses fail. While government cannot change that central truth

about a market economy, we can foster a climate that makes it easier to succeed by ensuring access to capital, targeted tax incentives, by creating a supportive infrastructure, and devising a regulatory framework that offers American business the best chance of success.

Third, we're in a global war for talent, and we must reorient our immigration structure to attract the most promising people from around the world. It is no longer a given that a young Indian or Chinese entrepreneur will want to move to the U.S. if given the chance. Combined with the disquieting trend that American universities are not producing enough home-grown talent in science, technology, engineering, and mathematics, we face a daunting challenge. In coming days, I'll be introducing legislation that will make it easier for foreign-born graduates in select STEM fields to stay in this country by starting a new business here and hiring American workers.

Fourth, America cannot compete with the developing world in terms of wages, but a highly skilled work force, buttressed by a revitalized world class infrastructure that reduces the time and expense of getting goods to market and fosters innovation, will keep us competitive. That's why I support investments in infrastructure and education that will lay the groundwork for a newly competitive America while addressing the current unemployment problem acting as a drag on our economy.

Working together on these objectives, we can restore the middle class dream that hard work and perseverance will give the average American the chance to live comfortably. As President Clinton once observed, there's nothing wrong with America that cannot be cured by what is right with America.

NATIONAL ADOPTION WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. BRADY) for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, thank you for the time to talk about something near and dear to my heart, families.

This week is National Adoption Week, and as adoptive parents of two wonderful boys, my wife, Cathy, and I know how blessed an adoptive family is. Will, our 13-year old, and Sean, who will tell you he's almost 10, are the light of our lives. They're the gifts that give our lives a purpose and a joy we never knew before.

It's a privilege for me to serve the people of the Eighth District of Texas, but it is my highest privilege to be called Dad because two women in two difficult circumstances in two different States made the difficult but life-changing choice to give Cathy and I the greatest gift of all, a family.

This weekend marks the 12th annual National Adoption Day, where judges will open their courts for very special cases, and tens of thousands of children become a part of these forever families.

In my home State of Texas, there are nearly 30,000 children in foster care, and half of them could be adopted tomorrow. I hope that every American who has ever thought about sharing their blessings with a child thinks about these children who just want a seat at a Thanksgiving table they can call their own.

I ask every American, do you have room for one more at your table? If just 1 in 500 of the Americans who were polled recently and said they'd be open to adopting a foster child did so, no foster child would only have dreams of a forever family; they would have that seat at the Thanksgiving Day table.

Right now the average wait for a foster child to find a forever family is over 2½ years. To a child, that seems like forever. And thousands age out of the system every year, never having found a home. In the greatest Nation on God's green earth, we can do better by these kids, one by one, town by town.

A loving, forever family and home not only makes a powerful difference in the lives of these children, I can promise you the joy and love you'll get back will change your family. Being an adoptive parent is a gift. Every day is a present. The love you share comes back to you because adoptions make families. It made mine. Maybe it can make yours as well.

HOME BIRTH CONSENSUS SUMMIT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to recognize an event of critical importance to all current and future childbearing families in this country.

For 3 days in October, a national summit of maternity care stakeholders met in Warrenton, Virginia, to discuss the status of home birth within the greater context of maternity care in the United States. That meeting marked the first time a multidisciplinary group of maternity care providers, consumers, and industry leaders came together to determine what the U.S. maternity care system could do to make home birth the safest and most positive experience possible for moms and babies.

Given the significant controversy over the appropriateness of home birth within the groups represented at the summit, the fact that this conversation took place at all is historic. The goal of the meeting was not to debate the rightness or wrongness of home birth, but rather to discuss the support, care, consultation, collaboration,

and referrals necessary to protect moms and babies in all birth settings.

According to CDC's most recent figures, in 2008, approximately 28,500 home births took place in the United States. While this number represents less than 1 percent of all births in our country, the last available statistics tell us that between 2004 and 2008, the number of women giving birth at home increased by 22 percent.

□ 1050

Without compromising quality of care, women want and expect to have choices for childbirth, including birth setting. Women and families are ill-served when maternity care professionals allow conflict between disciplines to supersede collaboration. The safety of birth in all settings must be the utmost priority.

The delegates who met in Virginia were charged with finding common ground to move the issue of safe home birth beyond professional differences and toward consensus building. The result of their effort was a consensus document released on November 1 of this year. This important document sets out nine essential statements of agreement about the ideal system to promote the safest and most positive birth outcomes across all birth settings.

While I will be submitting the entire document into the RECORD, I want to highlight the following key points agreed upon by all of the delegates at the summit:

First, all childbearing women in all maternity care settings should receive respectful, women-centered care, including opportunities for shared decisionmaking to help each woman make the choices that are right for her;

Second, physiological birth is valuable for women, babies, families, and society, and appropriate intervention should be based on the best available evidence to achieve optimal outcomes for mothers and babies;

Third, collaboration within an integrated maternity care system is essential for optimal outcomes, and when necessary, all women and families planning a birth center or home birth have a right to a respectful, safe, and seamless consultation, referral, transport, and transfer of care;

Fourth, all health professionals who provide maternity care in all settings should have a license that is based on national certification that includes defined competencies and standards for education and practice; and

Fifth, in order to foster effective communication and collaboration across all maternity disciplines, all students and practitioners involved in maternity and newborn care must learn about each other's disciplines and maternity care in all settings.

Additionally, the consensus document calls for medical liability system reform, a compulsory process with collection of patient data in all birth settings, the elimination of disparities of

care, and increased consumer participation.

The Home Birth Consensus Summit document is an important first step in protecting and supporting all childbearing families across all birth settings, but the discussion must not stop there. I encourage all professional organizations representing providers of maternity care and newborn care and all childbirth advocacy groups to affirm the consensus statement and commit to working together toward its realization. Mothers and babies in this country deserve nothing less.

HOME BIRTH CONSENSUS SUMMIT

OCTOBER 20–22, 2011

COMMON GROUND STATEMENTS

The following statements reflect the areas of consensus that were achieved by the individuals who participated in the Home Birth Consensus Summit at Airlie Center in Warrenton, Virginia, from October 20–22, 2011. These statements do not represent the position of any organization or institution affiliated with those individuals.

STATEMENT 1

We uphold the autonomy of all childbearing women. All childbearing women, in all maternity care settings, should receive respectful, woman-centered care. This care should include opportunities for a shared decision-making process to help each woman make the choices that are right for her. Shared decision making includes mutual sharing of information about benefits and harms of the range of care options, respect for the woman's autonomy to make decisions in accordance with her values and preferences, and freedom from coercion or punishment for her choices.

STATEMENT 2

We believe that collaboration within an integrated maternity care system is essential for optimal mother-baby outcomes. All women and families planning a home or birth center birth have a right to respectful, safe, and seamless consultation, referral, transport and transfer of care when necessary. When ongoing inter-professional dialogue and cooperation occur, everyone benefits.

STATEMENT 3

We are committed to an equitable maternity care system without disparities in access, delivery of care, or outcomes. This system provides culturally appropriate and affordable care in all settings, in a manner that is acceptable to all communities.

We are committed to an equitable educational system without disparities in access to affordable, culturally appropriate, and acceptable maternity care provider education for all communities.

STATEMENT 4

It is our goal that all health professionals who provide maternity care in home and birth center settings have a license that is based on national certification that includes defined competencies and standards for education and practice.

We believe that guidelines should allow for independent practice, facilitate communication between providers and across care settings, encourage professional responsibility and accountability, and include mechanisms for risk assessment.

STATEMENT 5

We believe that increased participation by consumers in multi-stakeholder initiatives

is essential to improving maternity care, including the development of high quality home birth services within an integrated maternity care system.

STATEMENT 6

Effective communication and collaboration across all disciplines caring for mothers and babies are essential for optimal outcomes across all settings.

To achieve this, we believe that all health professional students and practitioners who are involved in maternity and newborn care must learn about each other's disciplines, and about maternity and health care in all settings.

STATEMENT 7

We are committed to improving the current medical liability system, which fails to justly serve society, families, and health care providers and contributes to: inadequate resources to support birth injured children and mothers; unsustainable health care and litigation costs paid by all; a hostile health care work environment; inadequate access to home birth and birth center birth within an integrated health care system; and, restricted choices in pregnancy and birth.

STATEMENT 8

We envision a compulsory process for the collection of patient (individual) level data on key process and outcome measures in all birth settings. These data would be linked to other data systems, used to inform quality improvement, and would thus enhance the evidence basis for care.

STATEMENT 9

We recognize and affirm the value of physiologic birth for women, babies, families and society and the value of appropriate interventions based on the best available evidence to achieve optimal outcomes for mothers and babies.

TRIBUTE TO MEL HANCOCK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise to pay tribute to a great American who passed away last week, my friend, Mel Hancock.

Mel served in this body from 1989 to 1997. He could have easily been re-elected, but he had pledged to serve only 8 years, and he kept his word.

Mel served the people of southwest Missouri with great honor and distinction. He was one of the most down-to-earth people ever to sit in Congress, and I can assure everyone that Washington never changed Mel Hancock one bit. He was one of the most conservative Members here, and if everyone had voted as he did, we certainly would not be in the astounding hole we are in today.

Mel was a very successful small business man. Early in his career, he was a salesman for International Harvester and actually lived in my hometown of Knoxville for a year and a half in 1954 and 1955. I told him once I was glad he moved back to Missouri so I could be in Congress. Of course, it was 33 years later when we both first ran.

Mel was 59 when first elected and was the oldest freshman of those who were

elected in 1988. All of the new Members very quickly grew to respect and look up to him.

In Missouri, Mel had started a business installing security cameras in banks. He started with very little, worked very long hours, and saw the American Dream come true in his own life. He saw that as government grew bigger and bigger, it took away more and more of our freedom and really hurt the middle class and those in small business. He believed that Big Government really helped only those who worked for the government and very wealthy Big Government contractors.

So he took on the establishment in Missouri with what came to be called the "Hancock Amendment." This was an amendment to limit property taxes, and he really just started out as one man taking on the government and its contractors. But he won, and Missouri was a better place for it. The people had more control over their own money.

One quick story. I doubt that Mel hardly ever went to a movie, but one night he and I were invited to the world premier of "Air Force One," a movie starring Harrison Ford. It was a Hollywood-type opening with bright lights and a long red carpet. Most people came in tuxedos and long dresses, many in limousines. At that time, because I did not drive long distances in Washington, I drove a very cheap chocolate brown K-car that I had bought used from a rental company. The passenger door made a horrible, very loud sound when it opened. I do not believe I ever saw Mel laugh as hard as when the attendant opened his door of that little brown car, making the loud noise, so Mel and I could walk in our very ordinary suits down that long red carpet. He loved the fact that we were among the very few who had not come in tuxedos and limousines.

There's an old saying about "being country before country was cool." That was Mel. Mel was possibly the first Tea Party person in the best sense of those words many years before there was the Tea Party of today. Mel ran for Congress on the slogan of "Give 'em Mel." When he won, he became a gift to this Nation and to his people.

Mel was assigned to the very prestigious Ways and Means Committee. Most former members of that committee become lobbyists or highly paid consultants. But it was no surprise to me that, when he left, he went home to be with his family and the people of Missouri and never came back. He was a kind, honest, hardworking American who helped thousands of people.

Mel Hancock loved his wife, Shug, and his children, and he loved his country. He made this Nation a better place by all that he did in his good life.

HIRING HEROES ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. AL GREEN) for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, America continues to be the land of the free because America continues to be the home of the brave. I think it most appropriate that this House take up legislation today that will include the Hiring Heroes Act.

This legislation is exceedingly important because our brave heroes, our troops, go to distant places, and they risk their limbs and their lives to protect great and noble American ideals. They do not ask why. When the clarion call comes, they respond by going to their various assignments and doing their jobs.

When they leave home, they many times will leave home a wife that is with child. Many of their children are born while they are in distant places protecting our great and noble American ideals. They will leave behind them children who are about to take their first steps. They never get to see the first step or hear the first words spoken.

When a troop goes to war, that troop has that family with him or her. A family goes to war, not directly, but always indirectly, with the troop that goes to war.

And they do their jobs. They have done their jobs in Afghanistan. They have done their jobs in Iraq. And they will continue to do their jobs.

But it is sad to note that of those veterans who have done their jobs in Iraq and Afghanistan, 12.1 percent of them are unemployed. This is not a partisan issue. This issue transcends the lines that generally separate us. If they can go to distant places and risk their limbs and their lives for us to do their jobs for us, we have to provide jobs for them when they come home.

This is about doing the right thing for people who answer the clarion call to serve without reservation or equivocation. They merit jobs when they come home. This is why I'm proud that this House will take up legislation that will accord tax credits to businesses that hire our veterans.

□ 1100

If a business hires a veteran who has been unemployed for 4 weeks, there is a \$2,400 tax credit available. If that veteran has been unemployed for 6 months, there is a \$5,600 tax credit that's available. If the unemployed veteran has been unemployed for 6 months and has a service-connected disability, there is a \$9,600 tax credit available to the business.

This is the business of America: putting our veterans to work.

This piece of legislation merits our consideration for other reasons as well. The legislation will allow approximately 100,000 veterans of wars of other

eras to be helped with job training and other programs. This piece of legislation is the least a grateful nation can do for those who answer the clarion call to serve in distant places.

I am honored to say I will vote for the legislation. I believe in our country. I believe in the American service people—the troops that go to distant places. I want to make sure that they have every opportunity to recapture what they lost when they left their homes, left their jobs for years on end. If they can leave their jobs here and make sacrifices for us, we've got to make sacrifices here so that they can have jobs when they return home. America will continue to be the land of the free as long as we continue to make sure that we have jobs for those who are brave enough to serve us in distant places.

God bless America and God bless our troops.

JUDGE RUSTY LADD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. NEUGEBAUER) for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, I rise today to honor and remember the Honorable Judge Rusty Ladd—a great man, a tireless public servant, and an advocate for the homeless.

Larry Brown "Rusty" Ladd passed away Friday, September 30, 2011, and he will be missed by all who knew him. I was privileged to know Judge Ladd, and I know the legacy he leaves behind will not soon be forgotten by his family, his friends, or his community, and especially Irene and the children.

Rusty was born in Breckenridge, Texas, on August 8, 1952, as the oldest son of a cotton ginner. He graduated from Lubbock Christian College in 1975 with a degree in Biblical Studies, and joined the police force in 1977. In 1988, he graduated from Texas Tech Law School and started his own practice as a defense attorney in Dallas. He then moved back to West Texas as a prosecutor in Amarillo and Plainview. In 1996, he continued his practice in Lubbock as assistant and then deputy district attorney at the Lubbock County District Attorney's Office. In 1999, Rusty assumed the judge's bench of the Lubbock County Court-at-Law No. 1.

When he took the bench, he said, "I'm a new judge, and in taking the bench, I'm going to be able to fulfill my oath to defend the laws of the State in an absolutely fair and impartial way." He was true to his word—serving fairly and impartially, compassionate when possible and firm when necessary.

Rusty showed kindness not only in the courtroom but also on the streets of Lubbock. He opened his heart to the homeless in the Lubbock community, serving on the homeless committee of the Lubbock City Council since 2010 and volunteering through Carpenter's

Church. Rusty dedicated his time and effort to serving the poor and the marginalized.

"The thing a homeless person misses the most is not food or shelter," Ladd said. "It's a genuine relationship with somebody that's got a stable life going on." His Christ-like attitude toward the poor is inspiring, and I hope and pray that we can continue the selfless acts that he initiated.

Mr. Speaker, please join me in extending my sincere thanks to Judge Rusty Ladd for leaving this world a better place than he found it. I am truly honored to recognize his accomplishments. He will certainly be missed, but he will never be forgotten by those who knew him and were touched by his life.

EMERGENCY UNEMPLOYMENT
COMPENSATION EXTENSION ACT
OF 2011

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY) for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to express my strong support for the Emergency Unemployment Compensation Extension Act of 2011.

This legislation will extend unemployment insurance one additional year, preventing 6 million people across our Nation, as well as thousands of Nevadans, from losing their unemployment benefits.

This is especially important in my home State of Nevada, which continues to struggle with the highest unemployment rate in the Nation. Nevada's unemployed need good-paying jobs that can't be shipped overseas. That's why I'm focused like a laser on creating clean energy jobs and cracking down on the Chinese Government's unfair trade practices that are cheating Nevadans out of thousands of good-paying jobs.

But Nevadans also need relief in their job search. What they don't need is name-calling. Unfortunately, that's what they're getting in Washington. In fact, one of our Representatives had the nerve to suggest that unemployment insurance is creating a Nation of hobos. Hobos? Mr. Speaker, no one wants to be unemployed. No one wants to be out of work. No one wants to be called a hobo.

No one has ever come up to me and said, SHELLEY, Congresswoman, I love being unemployed. Life on unemployment is such a picnic.

No, they're not saying that. They say, SHELLEY, Congresswoman, I want a job. Find me a job. I want to work so I can take care of my family.

Mr. Speaker, Nevada's unemployed are not hobos. They're unemployed through no fault of their own, and they're desperate—desperate—to find a job. They can't afford not to work, and they can't afford the kind of elitist and

insulting attitude representing them in Congress. They need all of us in the House and the Senate working day and night to fix our economy and to put people back to work. They don't have time for ideological battles about killing Medicare by turning it over to private insurance companies. They don't have time for vote after vote protecting taxpayer giveaways to big oil companies.

It's time to get serious about creating jobs, and it's time we get serious about extending critical unemployment insurance for families in Nevada and across our Nation. I ask my colleagues to join me in support of this much-needed bill.

GENERAL ELECTRIC

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. "General Electric, the Nation's largest corporation, had a very good year in 2010."

These were the opening words of a March 24 New York Times article. The article continued to explain that GE paid zero taxes in the U.S. in 2010. Meanwhile, the Congressional Research Service found that the October 2008 issue of China Taxation magazine published top corporate taxpayers in the commercial services sector. The Beijing subsidiary of GE was No. 32.

While we don't yet have the data regarding GE's tax payments in China for 2010, it is noteworthy that GE, an American company, paid no Federal taxes in its home country last year while being honored for being a significant source of tax revenue to China—China with its horrific human rights abuses, persecution of people of faith, censorship of the press, cyberespionage, support of rogue regimes—like President Bashir of Sudan, where there is genocide taking place—and its increasingly aggressive military posture.

This should give the Congress pause. It is particularly alarming in the midst of economic troubles at home, but my concern does not end there.

U.S. companies like GE are increasingly sending American jobs to China. General Electric's health care unit recently announced it was moving the headquarters of its 115-year-old x-ray business from Wisconsin to Beijing. Ironically, the head of President Obama's Council on Jobs and Competitiveness is GE chairman Jeffrey Immelt. Meanwhile, half of GE's workforce is overseas. He is creating jobs, but he is creating jobs in China.

In addition to national security ramifications, GE's posture toward China has economic implications here at home.

□ 1110

This week I wrote Defense Secretary Leon Panetta, urging him to conduct a

national security review of the recently announced joint venture between General Electric, GE, and the Chinese firm AVIC to develop avionics systems for jets. This partnership is troubling for a number of reasons, including the rapid advances in Chinese aeronautics and space programs and the unprecedented Chinese threat from cyberattacks and espionage. Yet according to an August Washington Post article, GE has dismissed concerns about providing the People's Liberation Army with advanced avionics technology. Lorraine Bolsinger, chief executive of GE Aviation Systems, said, "We are all in, and we don't want it back."

Wow. Is this true? They don't want it back? They want to give technology to the People's Liberation Army? Statements like this fail to acknowledge reality.

According to a November 4 article from The Washington Post, the administration's Office of the National Counterintelligence Executive has issued a warning that, "Chinese actors are the world's most active and persistent perpetrators of economic espionage."

Prolific Chinese espionage is having a real and corrosive effect on job creation. Given the breadth and scope of this espionage, which is well documented by the U.S. intelligence community, GE's public assertion that they will be able to fully protect sensitive technology lacks credibility. Should the GE-AVIC joint venture proceed, there is no question that the sensitive technology involved will be completely compromised by the People's Liberation Army.

GE has a proud tradition as an American company, and it's past time for companies like GE to bring the jobs back to America. To date, there have been no plans from this administration to do just that; but when the House takes up the mini-bus appropriations bill later this week, that will change. I've worked to include provisions to help bring back manufacturing jobs to the U.S. from China and other countries. This can help State and local governments better compete for these jobs.

American workers are among the most skilled in the world. American ingenuity is our greatest strength. We can and must compete. It is time to bring the jobs home.

BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. MCCAUL) for 5 minutes.

Mr. MCCAUL. Mr. Speaker, I rise today in support of the balanced budget amendment to the Constitution.

Our debt burden in this country is so heavy, it is no longer simply a financial issue; it is a moral issue. We have spent and spent, racking up astronom-

ical debt that will dampen the American Dream for our children and grandchildren. If we continue on this path, we will guarantee that future generations will have unsustainable tax burdens, monstrous inefficient bureaucracies, and a lifestyle so diminished that it will no longer resemble the America that we all know and love.

That is not what our Founding Fathers had in mind when they formed this great Nation. In fact, in 1798, Thomas Jefferson wrote, "I wish it were possible to obtain a single amendment to our Constitution. I mean an additional article taking from the Federal Government the power of borrowing." Thomas Jefferson could never in his wildest dreams have imagined that our debt would one day top \$14 trillion, threatening our very way of life. And unfortunately, this is a problem that only gets worse—every year that we produce a budget, our spending grows.

Ronald Reagan had it right when he said, "No government ever voluntarily reduces itself in size. A government program is the nearest thing on Earth we'll ever see to eternal life." And that was back in the 1980s when our debt was a fraction of what it is now.

Our debt has grown so out of control that it not only saddles future generations with our irresponsibility, but it poses a national security threat to our country today. Former chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, recently stated that our increasing debt is the biggest threat we have to our national security. We are playing with fire. And it is time to stop, and it is time to do the right thing.

Not only do 49 States have balanced budget amendments, but Americans all across the country have to balance their household budgets. It is time for Congress to do the same and balance America's checkbook.

Some of our friends on the other side of the aisle agree. In a recent letter to House Members, the gentleman from Oregon (Mr. DEFazio) asked his colleagues to buck their leadership and vote for the balanced budget amendment. He said, going against it is a "strategic mistake," and I agree. His party's leadership evidently disagrees. And a recent headline in USA Today says it all: "House Dems will Block Balanced Budget Amendment." Unfortunately, they will be on the wrong side of history.

It is time for us to take a stand and do the right thing. Let's stand on the side of our children and our grandchildren and on the side of Jefferson and Reagan and with those who believe that the safety and security of our country should come before our short-term, insatiable appetite for ever-increasing government spending. The time is now. Let's support the balanced budget amendment and put an end to

the fiscal insanity that threatens this great country.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of all the universe, we give You thanks for giving us another day.

On this day we are mindful of our shared inheritance from a great ancestor of faith, who was called by You to leave his home and go to a place he would be shown by You.

Bless the Members of this people's House and their Senate colleagues, who honor our pioneers of space exploration this day with the Congressional Gold Medal. We thank You for the spirit of exploration that You have placed within us, and which our great Nation and, most especially, some of our most heroic citizens have utilized to expand the horizons of human longing and possibility through space travel.

In these difficult times in our history, most notably for our fellow citizens struggling to make ends meet, may the Members of this House imagine solutions that might seem to be as unreachable as the Moon once was thought to be and work together to obtain the common goal of a working and prosperous America.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. WALBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. WALBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 20 requests for 1-minute speeches on each side of the aisle.

WE MUST CUT GOVERNMENT SPENDING NOW

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, according to the Department of the Treasury, as of November 14, 2011, the national debt had reached \$14.973 trillion, and will reach \$15 trillion in the coming days. This is an economic threat to American families.

Since the President took office in 2009, the deficit has increased by a record \$4.3 trillion. In order to protect America's future, we must be serious about cutting runaway spending, and we must act now to promote small businesses to create jobs.

House Republicans have sent to the Senate for consideration nearly 90 bills to encourage jobs. This legislation dealt directly with limiting spending, terminating failing housing programs, and encouraging job growth and job creation. It's time for the liberals in the Senate and the President to do the same.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. Our sympathy to the family of Steve Kodman, assistant solicitor of Aiken, Barnwell, and Bamberg.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3010

Mr. BACA. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIVE AMERICAN HERITAGE MONTH

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, I rise to honor the contributions of America's first people in recognition of Native American Heritage Month. Throughout history, Native Americans have made countless advances for our Nation and our society and our culture.

The constitutional separation of powers we have in our government is based on the structure of the Iroquois nation. Jim Thorpe brought home two Olympic gold medals in 1912. Navajo code-talkers helped us win the Pacific campaign in World War II. Ira Hayes became a national hero, raising the flag at Iwo Jima. Jim Plunkett is one of only four men to win both the Heisman Trophy and the Super Bowl MVP award.

As a Member of Congress, I've introduced a bill to establish Native American Day in California. And in 2009 I introduced legislation signed by President Obama designating the Friday after Thanksgiving as Native American Heritage Day.

We must never take for granted the rich history and culture of our first Americans. This November, I encourage everyone to honor the contributions of our tribal communities and recognize Native American Heritage Month.

BACK-DOOR REGULATION

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, I rise today to express my opposition to the new guidelines from the administration that restrict marketing certain food and beverage products toward children. Instead of principles, these guidelines should be treated as what they really are: unnecessary regulations.

As introduced by the administration, these rules falsely claim to be voluntary. For the first time in our Nation's history, the food and beverage industry and advertising businesses will be forced to completely alter the way they promote even their healthiest products.

Great Michigan companies like Kellogg's, that already make nutritious products, will be harshly affected. Stripping Tony the Tiger off the cereal boxes isn't going to make children healthier. What it will do is tack on another burdensome regulation for Kellogg's and other companies to deal with, destroy an American icon, and cost jobs.

Guidelines with this type of power should not circumvent the normal rule-making process, including review by the OMB. These guidelines should be withdrawn immediately by the administration.

EXTEND UNEMPLOYMENT INSURANCE

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Madam Speaker, last year unemployment insurance kept over 3 million people, including 1 million kids, out of poverty. These benefits are due to expire, and without an

extension, more than 300,000 Californians will lose this lifeline.

Extending unemployment insurance is the smart thing to do. It creates jobs. People spend their benefits, they buy gasoline, groceries, put people to work in the communities, send their kids to school.

People scraping by on unemployment aren't looking for a handout. These are people who have been working for a long time. They are employable. There just aren't jobs, and they're out there looking to find one. We should help them. They're not looking for a handout, they're looking for a hand up.

Are we going to tell them we had money for wars and bank bailouts, tax cuts for millionaires, and not for workers? I don't think so.

A constituent frustrated at the gridlock in Congress wrote, "America, wake up before it's too late. Our political system doesn't work."

Let's all work together and prove this constituent of mine wrong.

SEND SURPLUS MILITARY EQUIPMENT TO BORDER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, in the vast, wide open, rugged, desolate hinterland, southern border regions between the safer legal ports of entry, the cartels smuggle people and drugs into the United States. State and local officials do what they can to help the Feds protect these areas, but they are simply outmanned and out-equipped.

Madam Speaker, the Border Patrol needs help from local officials. Millions of pieces of equipment will soon return from Iraq. This includes UAVs that could be used as eyes in the sky for the border defenders. This equipment could fill in the massive gaps in surveillance of remote areas of the border.

I've introduced the SEND Act that would send UAVs, HUMVEES, and night surveillance equipment to our border governments. Washington could partner with border States to protect America. Sending surplus military equipment to the southern border will give Americans a return on their investment by enhancing our national security.

The American people have invested billions of dollars in equipment used to secure Iraq. Now it's time to use this same equipment to secure the United States.

And that's just the way it is.

□ 1210

HIRING OUR VETERANS

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. As a daughter of a Korean war veteran, I firmly believe

that we have a responsibility to better insure that our Nation's veterans find work when they return home.

To me, veterans, especially post-9/11, are struggling to find employment. We can and must do better. Last week, I introduced the Hiring Our Veterans Act to strengthen current law that I introduced and championed successfully in 2007 and again in 2009, which provided a tax credit to employers to hire unemployed veterans.

Today, the House of Representatives, in a bipartisan way, will pass legislation that builds on this effort and expands job opportunities for our veterans. It will expand the maximum tax credit available to employers who will hire disabled veterans who have been unemployed for 6 months, and it strengthens the hiring tax credit to benefit both short-term and long-term unemployed veterans.

This is a huge victory for our brave men and women and their families who have sacrificed so much for our Nation and our freedom. And as we wind down two wars, it is our duty and our honor to support our veterans and better insure that they have good, stable jobs when they return to home.

McKEE FOODS

(Mr. WOMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOMACK. Madam Speaker, I rise today to honor McKee Foods, a company in my district best known for its Little Debbie snack cakes.

McKee Foods is a role model for companies across the country. It is a company committed to excellence—excellence in customer service, excellence in the treatment of its employees, and excellence in finding a better way, which, by the way, is McKee's motto.

In 1982, the company built a plant in Gentry, Arkansas. Today, the plant is the lifeblood of the community. It employs more than 1,500 people who take pride in their work, who are loyal to their company, and who believe in service to their community.

McKee has been best known for developing innovative processes to improve its operations and become a better corporate citizen. That's why the company's recent announcement that its Gentry plant produces zero landfill waste comes as no surprise.

Two years ago, McKee's plant management team and employees came together and challenged themselves to be better stewards of the environment by producing zero landfill waste. True to form, the plant teamed up with local recycling companies and put in place new processes to achieve this goal.

Madam Speaker, I congratulate McKee Foods for its accomplishment. It is a tribute to the dedication of the company's leadership and its employees.

JULIE MICHELSON

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. I rise today to honor Rhode Island's former attorney general, Julius Michelson. Julie passed away at his home this past Saturday.

Julie Michaelson was a brilliant and caring man, deeply committed to social justice and equality. He was an accomplished lawyer and a distinguished public servant who served our country both abroad and at home.

Julie was a first lieutenant in the Army in World War II. A passionate defender of justice, he also served as general counselor to the Rhode Island AFL-CIO, a State senator in Rhode Island, and State attorney general.

Julie is credited with playing a key role in the passage of our State's fair housing law, which prohibits discrimination in access to housing.

I had the pleasure of knowing Julie as a friend, a colleague, and a neighbor. His role in the community and his commitment to justice was unmatched. He made the world a better place.

I offer my sincere condolences to Rita and the entire Michelson family. Julie Michelson will be greatly missed.

KEYSTONE XL PIPELINE

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Madam Speaker, this is a tale of two jobs programs.

In the first, the government moves to put \$500 million in loans in a private company. These loans are supposed to build a factory and create what the Vice President calls permanent jobs. The President tours their facilities, the Secretary of Energy lauds the company, top White House officials show an interest in the project, OMB worries are overruled, and the money is handed out. A year later, the company is bankrupt and all of the government money is lost.

In the second tale, a private company wants to build a pipeline that would create 20,000 jobs directly and a hundred thousand jobs indirectly. They don't need a single dime of government money. In fact, they're paying the bill for significant government environmental reviews of the project. Even though their project is declared safe by the State Department, they're ordered to perform another year of environmental studies.

Solyndra and Keystone XL—we have a White House that is eager to waste the public's money on one failing company but stands in the way of another company who doesn't need a dollar from the American taxpayer. Go figure.

EXTEND UNEMPLOYMENT INSURANCE

(Mr. LEVIN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. LEVIN. More than 400 unemployed Americans have shared their story with us in the last 2 weeks. Here they are. They illustrate in no uncertain terms the urgent need for Congress to extend Federal unemployment insurance through 2012. Without action, 2 million Americans will lose their benefits by February, as shown in this chart. Two million Americans like Phil from Clinton Township. He wrote to us with a resolve common among the stories that we've received, and I quote:

"I am by no means unintelligent. I am by no means lazy. And I am by no means giving up. Without unemployment benefits, I will not be able to pay my bills (including my cell phone so I may receive calls from potential employers) and finding something to eat will become increasingly difficult."

Congress has never allowed the Federal program to expire with the unemployment rate as high as it remains today, and we must not start now. We must act now.

BALANCED BUDGET AMENDMENT

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute.)

Mr. HUIZENGA of Michigan. Madam Speaker, I rise today to ask the American people to let their voice be heard. Our crushing national debt and our out-of-control spending is something that has been made aware of for so many, but it is time to do something about it.

As part of the House Republican plan for America's job creators, we have a stated goal: to pay down America's unsustainable debt burden and start living within our means.

Madam Speaker, when I served in the Michigan Legislature, we had to live under that same requirement of a balanced budget according to the Michigan Constitution. It made for some very, very difficult decisions.

But you know what, Madam Speaker? The American people are not only ready, they are asking for this reasonable step to be made for us to insert this balanced budget amendment into the United States Constitution as well. They need to do it in their own lives. It's time government do it as well with theirs.

Living within our means is a requirement in their lives. It is a requirement for a vast majority of the State governments. It's time that the Federal Government do that as well.

It's time for your voice to be heard. And, frankly, Madam Speaker, it's time for the American people to hold accountable those who will not listen.

VETERANS AND JOBS

(Mrs. CAPPS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CAPPS. Last week we celebrated Veterans Day, a time to remember those who have served our country and their families. As a nation, we must live up to our obligations and responsibilities to care for our servicemen and -women from the moment they join up and throughout their lives. And we have done this through the post-9/11 GI Bill and our efforts to strengthen TRICARE.

But now, with over 12 percent unemployment for veterans, there's so much more we must do. And that's why I support the putting veterans to work tax credit for hiring veterans and wounded warriors that will be on the floor today, and it's why I introduced my own legislation to help our military medics transition into civilian EMT jobs so that they can continue their service here at home.

Our commitment to our men and women in uniform doesn't end when they return. It lasts a lifetime. I urge my colleagues to support these bills so we can fulfill our commitment.

BALANCED BUDGET AMENDMENT

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Madam Speaker, this week we will take what I believe is one of the most important votes we will ever cast in the U.S. Congress on adding a balanced budget amendment to the U.S. Constitution.

With our national debt approaching \$15 trillion—more than \$47,900 for every man, woman, and child in this Nation—it's time to get serious about spending. That's why we must succeed where other Congresses have failed and send this amendment to the States for ratification. According to the CBO, the budget submitted by the President earlier this year would, at no time over the next 10 years, bring the annual deficit below \$748 billion.

This balanced budget amendment would require Washington to live within its means just exactly like families do, cities, counties, States do every day. It simply says that spending cannot exceed revenues unless three-fifths of each Chamber approves.

Forty-eight States, including my home State of Tennessee, already have a balanced budget amendment. This is just common sense. I urge my colleagues to support this amendment and the principles that it represents: Spend less than you take in.

LOCAL FARMS, FOOD, AND JOBS ACT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Madam Speaker, when I moved to Maine 40 years ago and started a little organic farm, growing and selling healthy food locally was out of the mainstream. It was something that the back-to-the-land crowd was into, but here in Washington the government was pushing farmers to, in the words of Agriculture Secretary Earl Butz, "Get big or get out."

It turns out that kind of thinking wasn't good for family farms, it wasn't good for rural communities, and it wasn't good for our Nation's health. That's why I've introduced a bill that is intended to make it easier for farmers to sell food locally and regionally, make it easier for schools to buy healthy local food and easier for us to rebuild the local and regional food systems.

Over 100 organizations and 53 of my colleagues have endorsed the Local Farms, Food, and Jobs Act, a package of reforms to the farm bill that will help move our Nation's food policy in the right direction.

Everywhere I go, people just want to know that the food they put on their table is healthy, fresh, and good for their family. This bill will help make that easier for American families.

□ 1220

FOOD MARKETING RESTRICTIONS

(Mr. GIBSON asked and was given permission to address the House for 1 minute.)

Mr. GIBSON. I rise to share my disappointment with the recent proposal by the administration to restrict food and beverage marketing. Like many Members of this body, I am concerned about the rise in childhood obesity. However, the proposed guidelines will do little to address the issue. In particular, I am concerned that this proposal blatantly contradicts existing Federal nutrition standards.

Under the administration's food marketing restrictions, many healthy products could no longer be advertised or marketed, including most soups, breads, cereals, yogurts, and most cheeses. These unreasonable standards impact products that are considered healthy by the administration's school lunch program, WIC program, and new dietary guidelines.

Any proposal to regulate food should be based upon sound nutritional standards and common sense. We should let science, not politics, lead the way. The first step is to complete the study originally requested by Congress, and then we'll go from there.

ARMY STAFF SERGEANT ARI CULLERS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Madam Speaker, I rise today to honor the service and sacrifice of Army Staff Sergeant Ari Cullers, who lost his life on October 30, 2011, while serving in Kandahar province in Afghanistan.

Sergeant Cullers was born 28 years ago in New London, Connecticut, and later moved with his family to Waterford, where he attended school and graduated from Waterford High School in 2001. As his principal, Don Macrino, said, "He was a hard worker at school, but when he got into the service, I think that was a place where he felt he could really make his mark."

He joined the Army in 2004 and was deployed twice to Afghanistan—the first tour in December 2008—and returned again this year in March before he perished a few weeks ago.

Ari Cullers' passing reminds us of the sacrifices that have been made and that continue to be made by our military overseas. Last Thursday, the day before Veterans Day, there was a huge outpouring of support from Waterford's townspeople, who lined the streets. They knew Ari; his mother, Robin; and his brother, Jacob, who himself has served a tour of duty in Iraq. There were many there who did not know Ari but who wanted to pay respect for his sacrifice and service.

I ask my colleagues to join them in honoring Ari Cullers' life and service to our Nation and in extending our condolences to his family.

SANDY PERL

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Madam Speaker, I rise today to congratulate Sandy Perl for receiving the AJC's prestigious Judge Learned Hand Human Relations Award. The Learned Hand Award is presented to leaders in the legal profession who display the highest principles and ideals of humanitarianism and betterment of the community.

In both his professional and community activities, Sandy Perl has shown that he carries on in this proud tradition. A native of the 10th District of Illinois, Sandy has served in a number of leadership roles at his firm and is consistently recognized as one of the top lawyers in his industry.

But what makes Sandy stand out for this well-deserved recognition is his commitment to civic and charitable causes. Through his active leadership in organizations such as the Jewish Federation and the Golden Apple Foundation, which recognizes excellence in teaching, and through his work on global issues with the Chicago chapter of the AJC and with the American Israel Public Affairs Committee, Sandy has dedicated himself to improving his community and fighting for important causes worldwide.

I want to congratulate my friend Sandy Perl on this tremendous honor, the Learned Hand Award.

PASSING THE AMERICAN JOBS ACT

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. It has been 45 weeks since the Republican Party took control of this House, and they still haven't passed a serious jobs bill. In fact, it's just the opposite. They've blocked proposals that will put millions back to work—to play political games while people are hurting and to attack the President's job instead of creating jobs.

Last week, we honored those who have fought to protect our country, many of whom are returning to a tough job market. That's why, this week, my office held a veterans' job seminar in St. Louis. When our troops return home, they deserve our promises kept.

The American Jobs Act will get more than 1 million Americans back to work—teachers, firefighters, police, construction workers. It will encourage small businesses to grow and hire.

Next week, we will celebrate Thanksgiving—a holiday that brings families and communities together. As well next week, I hope those in this people's House, who have so clearly lost touch, will hear loud and clear from the people they represent and will come back with renewed focus to pull together in order to tackle the common challenges we face as a Nation.

SMALL PROGRESS IN THE SENATE ISN'T SUFFICIENT

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, I was pleased to see that last week the Senate finally followed the House and passed one of our pro-growth bills; but while repealing the 3 percent withholding tax is a step in the right direction, it's not enough. We've sent them more than 20 other bills, each of which would stimulate job creation and a pro-growth environment.

These aren't ideological bills. They're commonsense pieces of legislation that were passed with bipartisan support. They would get government bureaucrats off the backs of small businesses and enable the private sector to invest and grow their businesses, putting Americans back to work and getting our economy moving again.

I hope the Senate will listen to the American people and pass the 20 bills that we've sent to them.

POST OFFICE CLOSURES

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, I rise today to express my deep concern about the closure of post offices across this country.

For decades, the post office has sustained and created American jobs in every corner of this country. Closing these vital institutions will not only hurt our economy, but it will devastate American families who rely on these jobs.

The closing of thousands of post offices will adversely affect minorities who live in low-income neighborhoods; it will affect the elderly, who need post offices within walking distance in order to send letters to their families; and it will affect small business owners who use the U.S. Postal Service as a way to conduct business. Additionally, rural communities, the hardest hit by the economic downturn, will see the greatest number of closures, causing their communities to further suffer.

It has been reported that if 10,000 of the smallest post offices were closed the postal service would only save 1 percent of its total yearly budget. Furthermore, the United States Postal Service branch closings would mean that approximately 5,000 postal employees would lose their jobs.

If we are serious about economic recovery, we must save post offices, which provide jobs to thousands of Americans; and we must make the necessary reforms to strengthen our postal service.

THE SENATE MUST PASS REPUBLICAN JOBS BILLS NOW

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Madam Speaker, I have breaking news for President Obama and Senate Democrats:

House Republicans have passed more than 20 bills that would create much needed jobs, but the Democrat-controlled Senate won't even consider them.

The hardworking people of eastern and southeastern Ohio are ready to get back to work. In fact, they've been ready. So I'm serious about creating and protecting jobs now. That's why I was proud to introduce the Coal Miner Employment and Domestic Energy Infrastructure Protection Act, which would prevent the Obama administration from enacting more job-killing regulations.

This administration's war on America's coal industry will be devastating to eastern and southeastern Ohio. Up to 27,000 direct and indirect coal jobs are at risk from the administration's

proposed rewrite of the stream buffer zone rule—and that's just one regulation.

This bill is part of the House Republican jobs plan that you can find at jobs.gop.gov. I urge the Senate to get to work and to pass these important bills now.

MR. DANIEL FOSTER AND LACK OF BENEFIT DISBURSEMENT FROM DEPARTMENT OF VETERANS AFFAIRS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. I rise today to recognize Mr. Daniel Foster, the recipient of a Silver Star and a Purple Heart, and who is a veteran of both Iraq and Afghanistan. However, he has waited more than 1 year to receive his benefits that he both deserves and has earned, because the Department of Veterans Affairs has lost his benefit application over and over and over, person by person.

As a result of this carelessness with Mr. Foster's files, he was unable to receive his VA benefit checks for the last year, and he was not able to pay the mortgage on his disabled father's home in Costa Mesa, California, where he resides with his father. Now the home is scheduled to be foreclosed on November 23, the day before Thanksgiving.

Mr. Foster does not reside in my district, but he came and asked for help. I am happy to say that Representative ROHRBACHER, Mr. Foster's Representative, has now opened a case on his behalf. As a member of the House Armed Services Committee, I work every day to ensure that our veterans receive the benefits they need and deserve. So I will continue to follow Mr. Foster's case and will encourage veterans in my district who are experiencing these types of difficulties to please contact us at our Garden Grove office.

□ 1230

HONORING THE CORPUS CHRISTI VETERANS BAND

(Mr. FARENTHOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARENTHOLD. Madam Speaker, it is my honor to recognize the Corpus Christi Veterans Band, under the direction of Ram Chavez, for being awarded Advocate of the Year by Corpus Christi Mayor's Committee for Veterans Affairs. The Corpus Christi Veterans Band performs all around the Coastal Bend to honor and pay tribute to America's military troops and veterans.

The Corpus Christi Veterans Band has been performing for over 20 years

at various ceremonies, receptions, tributes, and funerals and has demonstrated sincere dedication to honoring south Texas veterans. Their flag ceremony is one of the most moving performances I have ever attended. The men and women of the band personally fund their group to inspire patriotism and remind Americans of the courage and sacrifices that our servicemen and -women make to keep this great Nation free.

Their constant dedication and support of our veterans, our community, and our Nation is one that every American can learn from. I'm proud to represent such a fine group of American patriots, the Corpus Christi Veterans Band.

POLLUTING AIR AND WATER WILL NOT CREATE JOBS

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, under pressure from the American people, the Republican majority in this House is running around with 15 or 20 bills that they claim to be jobs bills which, of course, they are not. If you look at them, you will see that they are bills that allow polluters to dirty our waters and to fill our air with toxins.

Now, the Bureau of Labor Statistics, which actually studies this stuff, asks employers, Why are you not hiring? Why have you gotten rid of people? Nowhere in those answers do we hear the words "too much regulation." It's a canard. Bruce Bartlett, conservative economist and member of the Reagan administration, said that the Republican Party is taking advantage of the need for jobs to push a deregulatory agenda.

It is time to get serious about jobs and not try to fool the American people that filling our water with toxins and making our air polluted is somehow good for this country or good for jobs.

OCCUPY WALL STREET PROTESTS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, 8 days from now is Thanksgiving. We're all going to sit down to a nice plump turkey and enjoy ourselves.

Well, not everybody. All across this Nation, we're seeing people protest. They're young people, middle-aged people, and older people—even parents with kids—and these folks are mad. They're seeing Wall Street companies profit after getting us into the economic mess we have; and, at the same time, they're among the millions of people in this country who are unem-

ployed, that are still without a job. There are four people looking for every job out there. It's not easy. And Congress, the Republicans, are sitting on their hands again. We're coming up to the end of the year.

I want my Republican colleagues to take notice: If you continue to push the unemployed and struggling Americans and, instead, focus on tax breaks for corporations and the wealthy, the Occupy movement will be in your districts, on your doorsteps next November. Unemployment benefits should be extended immediately.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

(Mr. PETERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERS. I rise today in support of H.R. 3345, an act to continue the current Federal unemployment programs through next year. If Congress doesn't act by the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. Tens of thousands of Michiganders will lose their benefits by February. These benefits are their lifeline for necessities like groceries, utilities, and rent or mortgage payments. Once these families can no longer pay for basic necessities, it will create a ripple effect, costing nearly a million U.S. jobs nationwide.

Poverty is at its highest level since 1993, and middle class household incomes are at their lowest level since 1997. Unemployment benefits have kept over 3 million Americans, including 1 million children, out of poverty last year. And now the Republicans are willing to let these necessary benefits expire.

Madam Speaker, as we approach the holiday season and millions of Americans are worried about paying their rent, I urge my colleagues to support this bill and keep millions of Americans out of poverty.

TAKING CARE OF VULNERABLE AMERICANS

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. My colleagues, some of you may have read that the protesters at Wall Street are now being subjected to attacks by the police and law enforcement for loitering and other violations. There is no question in anyone's mind that the right to free speech has restrictions and it's not an open end and we have to be considerate of the people who are adversely affected. But there is also a moral issue, in addition to the constitutional issue, that no one

can challenge that these protesters have brought to the attention of the American people: the fact that we have a moral obligation to take care of those people who are vulnerable, take care of those people who are sick, take care of the people that are aged and our children, not just before birth but after birth. The fact that we are talking about turning these questions over to 12 Members of Congress—it's not just unconstitutional; it is immoral.

So I'm calling on the spiritual leaders of our country: Don't leave this vacuum. Bring in the Catholics and Protestants and all the religions to say there's something wrong with the formula that we have for the poor.

UNEMPLOYMENT INSURANCE EXTENSION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Madam Speaker, recently Atlanta Magazine gave a voice to the jobless in America. The words of one person speaks for millions. "Unemployment dehumanized the real person," one American writes. "You lose the essence of your identity and value. You become a number, a label, a resume, a failure, a defect, desperate, poor, and separated from society. Being unemployed is to be silently disrespected, on par with being homeless, mentally ill, or addicted."

Today we speak for millions of Americans who will be pushed to the edges of our society, locked out and left behind, if we fail to act.

The jobless in America elected us so that they would have a voice in these debates. They are not points on a graph or numbers on a page. They are human beings. We must not abandon the people of this Nation. We must pass the unemployment insurance extension and do it without delay.

Wake up, Congress. Wake up, and do what is right.

LACK OF JOBS, NOT LACK OF DESIRE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. As families gather this next week for Thanksgiving, some 6 million Americans will be left wondering whether they will be able to secure a job before their Federal unemployment coverage expires. They are people like Jesse, a retired Navy veteran in San Antonio who has applied for over 300 jobs unsuccessfully.

Sadly, some Republicans continue to blame the unemployment problem on the unemployed, even though there are about four people for every job opening in America today. Too many remain jobless, not for lack of wanting to work, but for a lack of work.

Let's continue to encourage more job creation. But for those who lack a job, we also must preserve the lifeline of extended unemployment benefits. It's only the turkey that ought to be carved at Thanksgiving, not the unemployed's ability to share in the bounty of America.

□ 1240

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, today the House considers the National Right-to-Carry Reciprocity Act. I'm a proud cosponsor of this bill because it will protect Americans' Second Amendment rights by allowing citizens who have a valid permit to carry a firearm in any State in the country with a concealed carry law. The Second Amendment applies to law-abiding citizens all across America, and this reciprocity act will protect Americans' rights as they travel throughout the country.

Law-abiding citizens in western Pennsylvania should be allowed to exercise their constitutional rights even when they leave the Commonwealth's borders. All Americans have an individual right to bear arms that is protected by the Constitution.

I urge my colleagues to support the Second Amendment and vote for the National Right-to-Carry Reciprocity Act.

JOB CREATION

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Madam Speaker, first of all, I want to join with my colleague from Rhode Island, Mr. CICILLINE, in extending my condolences to the family of Julius Michaelson, former attorney general of Rhode Island, a dedicated public servant, someone who truly made a difference to the people of our State. He made a difference, and he will be greatly missed.

Madam Speaker, next week Americans will be celebrating Thanksgiving with their families. Unfortunately, far too many will be preoccupied with the uncertainty of being unemployed and finding ways just to put food on the table.

Our country currently has a 9 percent unemployment rate, and there are four unemployed workers for every open job right now. In my home State of Rhode Island, our unemployment rate continues to hold steady above the national average at 10.5 percent.

Madam Speaker, where is the urgency on job creation? The House just

returned from its 11th scheduled recess of the year. With only 45 days left until the end of the year, the Republican-led House has failed to take any meaningful action to spur job creation this year.

Our constituents deserve better than this. The American people are demanding more than this. Congress must put partisan politics aside and focus on growing our economy and creating new job opportunities and getting this country back on track. It is our obligation to do this, and we need to do it now.

DETROIT JOBS TRUST FUND

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Madam Speaker, I am very concerned about reports that the city of Detroit may be running out of money as early as April of next year.

One of the problems Detroit is facing is that too many of our tax dollars are going to pay off debt owed by the city and owed by the schools at the very time we need to put more police officers, more firefighters, and more emergency medical providers on the street; at a time when we need to hire more school teachers and open more schools that will truly educate and graduate our young people.

That's why I'm urging this Congress, this House specifically, to adopt the Detroit Jobs Trust Fund. And I want to thank you personally, Madam Speaker, for the leadership and vision in supporting this legislation which would allow Federal tax dollars paid by Detroiters to be invested in Detroit, invested to cut taxes to make our streets safer and our schools stronger. This will not only help put Detroiters back to work; it will help our country because when you rebuild Detroit, you renew America.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1303

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 1 o'clock and 3 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

3% WITHHOLDING REPEAL AND JOB CREATION ACT

Mr. CAMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike title II and insert the following:

TITLE II—VOW TO HIRE HEROES

Sec. 201. Short title.

Subtitle A—Retraining Veterans

Sec. 211. Veterans retraining assistance program.

Subtitle B—Improving the Transition Assistance Program

Sec. 221. Mandatory participation of members of the Armed Forces in the Transition Assistance Program of Department of Defense.

Sec. 222. Individualized assessment for members of the Armed Forces under transition assistance on equivalence between skills developed in military occupational specialties and qualifications required for civilian employment with the private sector.

Sec. 223. Transition Assistance Program contracting.

Sec. 224. Contracts with private entities to assist in carrying out Transition Assistance Program of Department of Defense.

Sec. 225. Improved access to apprenticeship programs for members of the Armed Forces who are being separated from active duty or retired.

Sec. 226. Comptroller General review.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

Sec. 231. Two-year extension of authority of Secretary of Veterans Affairs to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses.

Sec. 232. Expansion of authority of Secretary of Veterans Affairs to pay employers for providing on-job training to veterans who have not been rehabilitated to point of employability.

Sec. 233. Training and rehabilitation for veterans with service-connected disabilities who have exhausted rights to unemployment benefits under State law.

Sec. 234. Collaborative veterans' training, mentoring, and placement program.

Sec. 235. Appointment of honorably discharged members and other employment assistance.

Sec. 236. Department of Defense pilot program on work experience for members of the Armed Forces on terminal leave.

Sec. 237. Enhancement of demonstration program on credentialing and licensing of veterans.

Sec. 238. Inclusion of performance measures in annual report on veteran job counseling, training, and placement programs of the Department of Labor.

Sec. 239. Clarification of priority of service for veterans in Department of Labor job training programs.

Sec. 240. Evaluation of individuals receiving training at the National Veterans' Employment and Training Services Institute.

Sec. 241. Requirements for full-time disabled veterans' outreach program specialists and local veterans' employment representatives.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

Sec. 251. Clarification of benefits of employment covered under USERRA.

Subtitle E—Other Matters

Sec. 261. Returning heroes and wounded warriors work opportunity tax credits.

Sec. 262. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 263. Reimbursement rate for ambulance services.

Sec. 264. Extension of authority for Secretary of Veterans Affairs to obtain information from Secretary of Treasury and Commissioner of Social Security for income verification purposes.

Sec. 265. Modification of loan guaranty fee for certain subsequent loans.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

Sec. 301. One hundred percent levy for payments to Federal vendors relating to property.

Sec. 302. Study and report on reducing the amount of the tax gap owed by Federal contractors.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

Sec. 401. Modification of calculation of modified adjusted gross income for determining certain healthcare program eligibility.

TITLE V—BUDGETARY EFFECTS

Sec. 501. Statutory Pay-As-You-Go Act of 2010.

TITLE II—VOW TO HIRE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the "VOW to Hire Heroes Act of 2011".

Subtitle A—Retraining Veterans

SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who partici-

pate in the program established under paragraph (1) may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

(5) begins on or after July 1, 2012.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—

(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

(2) DETERMINATION OF ELIGIBILITY.—

(A) DETERMINATION BY SECRETARY OF LABOR.—

(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in

accordance with the terms of the agreement required by subsection (h).

(B) **DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.**—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

(f) **EMPLOYMENT ASSISTANCE.**—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

(g) **CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.**—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

(h) **JOINT AGREEMENT.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

(2) **APPEALS PROCESS.**—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

(i) **REPORT.**—

(1) **IN GENERAL.**—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The total number of—
(i) eligible veterans who participated; and
(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

(B) Data related to the employment status of eligible veterans who participated.

(j) **FUNDING.**—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than \$2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

(k) **TERMINATION OF AUTHORITY.**—The authority to make payments under this section shall terminate on March 31, 2014.

(l) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

Subtitle B—Improving the Transition Assistance Program

SEC. 221. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

“(c) **PARTICIPATION.**—(1) Except as provided in paragraph (2), the Secretary of Defense and

the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

“(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the participation requirement of paragraph (1) with respect to—

“(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries' articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

“(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit's imminent deployment.”.

(b) **REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.**—Section 1142(a)(2) of such title is amended by striking “may” and inserting “shall”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 222. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) **STUDY ON EQUIVALENCE REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Labor shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

(2) **COOPERATION OF FEDERAL AGENCIES.**—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) **REPORT.**—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) **TRANSMITTAL TO CONGRESS.**—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

(5) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

(b) **PUBLICATION.**—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

(1) made publicly available on an Internet website; and

(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

(c) **INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.**—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member's participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(d) **FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.**—

(1) **TRANSMITTAL OF ASSESSMENT.**—The Secretary of Defense shall make the individualized assessment provided a member under subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) **USE IN ASSISTANCE.**—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

(e) **EFFECTIVE DATE.**—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 223. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) **TRANSITION ASSISTANCE PROGRAM CONTRACTING.**—

(1) **IN GENERAL.**—Section 4113 of title 38, United States Code, is amended to read as follows:

“§4113. Transition Assistance Program personnel

“(a) **REQUIREMENT TO CONTRACT.**—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

“(b) **FUNCTIONS.**—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

“(1) Counseling.

“(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

“(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

“(4) Other related information and services under such section.

“(5) Such other services as the Secretary considers appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

“4113. Transition Assistance Program personnel.”.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act.

SEC. 224. CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

Section 1144(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “public or private entities; and” and inserting “public entities;”;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5), the following new paragraph (6):

“(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

“(A) private sector culture, resume writing, career networking, and training on job search technologies;

“(B) academic readiness and educational opportunities; or

“(C) other relevant topics; and”.

SEC. 225. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.”.

SEC. 226. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program (TAP) and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

SEC. 231. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071

note) is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

SEC. 232. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking “who have been rehabilitated to the point of employability”.

SEC. 233. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.—

(1) IN GENERAL.—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking “A person” and inserting the following:

“(a) IN GENERAL.—A person”; and

(B) by adding at the end the following new paragraph:

“(b) ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.—

(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

“(A) the person is described by paragraph (1) or (2) of subsection (a); and

“(B) the person—

“(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

“(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

“(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

“(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

“(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person’s rights to regular compensation under a State law when—

“(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person’s base period; or

“(B) such person’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

“(3) In this subsection, the terms ‘compensation’, ‘regular compensation’, ‘benefit year’, ‘State’, ‘State law’, and ‘week’ have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.”.

(2) DURATION OF ADDITIONAL REHABILITATION PROGRAM.—Section 3105(b) of such title is amended—

(A) by striking “Except as provided in subsection (c) of this section,” and inserting “(1) Except as provided in paragraph (2) and in subsection (c),”; and

(B) by adding at the end the following new paragraph:

“(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of

the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.”.

(b) EXTENSION OF PERIOD OF ELIGIBILITY.—Section 3103 of such title is amended—

(1) in subsection (a), by striking “in subsection (b), (c), or (d)” and inserting “in subsection (b), (c), (d), or (e)”; and

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

“(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

“(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.

(d) COMPTROLLER GENERAL REVIEW.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the training and rehabilitation under chapter 31 of title 38, United States Code; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the review and any recommendations of the Comptroller General for improving such training and rehabilitation.

SEC. 234. COLLABORATIVE VETERANS’ TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

“§4104A. Collaborative veterans’ training, mentoring, and placement program

“(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

“(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

“(1) collaborate with—

“(A) the appropriate disabled veterans’ outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans’ employment representatives (in carrying out the functions described in section 4104); and

“(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

“(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

“(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

“(1) information describing how the organization will—

“(A) collaborate with disabled veterans’ outreach specialists and local veterans’ employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

“(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

“(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

“(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

“(d) REPORTS.—(1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

“(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall—

“(A) conduct an assessment of the performance of the grant recipients, disabled veterans’ outreach specialists, and local veterans’ employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

“(i) veterans who applied for training under this section;

“(ii) veterans who entered the training;

“(iii) veterans who completed the training;

“(iv) veterans who were placed in meaningful employment under this section; and

“(v) veterans who remained in such employment as of the date of the assessment; and

“(B) submit to the appropriate committees of Congress a report that includes—

“(i) a description of how the grant recipients used the funds made available under this section;

“(ii) the results of the assessment conducted under subparagraph (A); and

“(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$4,500,000 for the period consisting of fiscal years 2012 and 2013.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Veterans’ Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

“(B) the Committee on Veterans’ Affairs and the Committee on Education and Workforce of the House of Representatives; and

“(2) the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.”.

(b) CONFORMING AMENDMENT.—Section 4103A(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting “and facilitate placements” after “intensive services”; and

(2) by adding at the end the following:

“(3) In facilitating placement of a veteran under this program, a disabled veterans’ outreach program specialist shall help to identify job opportunities that are appropriate for the veteran’s employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

“4104A. Collaborative veterans’ training, mentoring, and placement program.”.

SEC. 235. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENTS TO COMPETITIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 21 of title 5, United States Code, is amended by inserting after section 2108 the following:

“§2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles

“(a) VETERAN.—

“(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a veteran defined under section 2108(1) for purposes of making an appointment in the competitive service, if the individual—

“(A) meets the definition of a veteran under section 2108(1), except for the requirement that the individual has been discharged or released from active duty in the armed forces under honorable conditions; and

“(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

“(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be discharged or released from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

“(b) DISABLED VETERAN.—

“(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a disabled veteran defined under section 2108(2) for purposes of making an appointment in the competitive service, if the individual—

“(A) meets the definition of a disabled veteran under section 2108(2), except for the requirement that the individual has been separated from active duty in the armed forces under honorable conditions; and

“(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

“(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be separated from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

“(c) PREFERENCE ELIGIBLE.—Subsections (a) and (b) shall apply with respect to determining whether an individual is a preference eligible under section 2108(3) for purposes of making an appointment in the competitive service.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2108 of title 5, United States Code, is amended—

(i) in paragraph (1), in the matter following subparagraph (D), by inserting “, except as provided under section 2108a,” before “who has been”; and

(ii) in paragraph (2), by inserting “(except as provided under section 2108a)” before “has been separated”; and

(iii) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or section 2108a(c)” after “paragraph (4) of this section”.

(B) TABLE OF SECTIONS.—The table of sections for chapter 21 of title 5, United States Code, is amended by adding after the item relating to section 2108 the following:

“2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.”.

(b) EMPLOYMENT ASSISTANCE; OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code; and

(B) the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 236. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to members of the Armed Forces on terminal leave work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) REPORT.—Not later than 540 days after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives an interim report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 237. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

(a) IN GENERAL.—Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking “may” and inserting “shall”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Assistant Secretary shall” and inserting “Assistant Secretary for Veterans’ Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,”;

(ii) by striking “not less than 10 military” and inserting “not more than five military”; and

(iii) by inserting “for Veterans’ Employment and Training” after “selected by the Assistant Secretary”; and

(B) in paragraph (2), by striking “consult with appropriate Federal, State, and industry officials to” and inserting “enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and”; and

(3) by striking subsections (d) through (h) and inserting the following:

“(d) **PERIOD OF PROJECT.**—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.”.

(b) **STUDY COMPARING COSTS INCURRED BY SECRETARY OF DEFENSE FOR TRAINING FOR MILITARY OCCUPATIONAL SPECIALTIES WITHOUT CREDENTIALING OR LICENSING WITH COSTS INCURRED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF LABOR IN PROVIDING EMPLOYMENT-RELATED ASSISTANCE.**—

(1) **IN GENERAL.**—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, complete a study comparing the costs incurred by the Secretary of Defense in training members of the Armed Forces for the military occupational specialties selected by the Assistant Secretary of Labor of Veterans' Employment and Training pursuant to the demonstration project provided for in such section 4114, as amended by subsection (a), with the costs incurred by the Secretary of Veterans Affairs and the Secretary of Labor in providing employment-related assistance to veterans who previously held such military occupational specialties, including—

(A) providing educational assistance under laws administered by the Secretary of Veterans Affairs to veterans to obtain credentialing and licensing for civilian occupations that are similar to such military occupational specialties;

(B) providing assistance to unemployed veterans who, while serving in the Armed Forces, were trained in a military occupational specialty; and

(C) providing vocational training or counseling to veterans described in subparagraph (B).

(2) **REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall submit to Congress a report on the study carried out under paragraph (1).

(B) **ELEMENTS.**—The report required by subparagraph (A) shall include the following:

(i) The findings of the Assistant Secretary with respect to the study required by paragraph (1).

(ii) A detailed description of the costs compared under the study required by paragraph (1).

SEC. 238. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking “clause (1)” and inserting “paragraph (1)”; and

(2) in paragraph (5), by striking “and” at the end;

(3) in paragraph (6), by striking the period and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(7) performance measures for the provision of assistance under this chapter, including—

“(A) the percentage of participants in programs under this chapter who find employment before the end of the first 90-day period following their completion of the program;

“(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

“(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

“(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

“(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.”.

SEC. 239. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: “Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.”; and

(2) by amending subsection (d) to read as follows:

“(d) **ADDITION TO ANNUAL REPORT.**—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

“(A) an analysis of the implementation of providing such priority at the local level;

“(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

“(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

“(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.”.

SEC. 240. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) **IN GENERAL.**—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such training.

“(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.”.

(b) **EFFECTIVE DATE.**—Subsection (d) of section 4109 of title 38, United States Code, as added by subsection (a), shall apply with re-

spect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 241. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) **DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.**—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) **ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.**—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(b) **LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.**—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) **ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.**—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.”.

(c) **CONSOLIDATION.**—Section 4102A of such title is amended by adding at the end the following new subsection:

“(h) **CONSOLIDATION OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND VETERANS' EMPLOYMENT REPRESENTATIVES.**—The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if—

“(1) the Governor determines, and the Secretary concurs, that such consolidation—

“(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

“(B) does not hinder the provision of services to veterans and employers; and

“(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.”.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

SEC. 251. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting “the terms, conditions, or privileges of employment, including” after “means”.

Subtitle E—Other Matters**SEC. 261. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.**

(a) **IN GENERAL.**—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))” and inserting “(\$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), \$14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and \$24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))”.

(b) **RETURNING HEROES TAX CREDITS.**—Subparagraph (A) of section 51(d)(3) of the Internal Revenue Code of 1986 is amended—

- (1) by striking “or” at the end of clause (i),
- (2) by striking the period at the end of clause (ii)(II), and
- (3) by adding at the end the following new clauses:

“(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

“(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.”

(c) **SIMPLIFIED CERTIFICATION.**—Paragraph (13) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) **CREDIT FOR UNEMPLOYED VETERANS.**—

“(i) **IN GENERAL.**—Notwithstanding subparagraph (A), for purposes of paragraph (3)(A)—

“(I) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (ii)(I) or (iv) of such paragraph (whichever is applicable) if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date, and

“(II) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (iii) of such paragraph if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

“(ii) **REGULATORY AUTHORITY.**—The Secretary may provide alternative methods for certification of a veteran as a qualified veteran described in clause (ii)(II), (iii), or (iv) of paragraph (3)(A), at the Secretary’s discretion.”

(d) **EXTENSION OF CREDIT.**—Subparagraph (B) of section 51(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

- “(B) after—
- “(i) December 31, 2012, in the case of a qualified veteran, and
- “(ii) December 31, 2011, in the case of any other individual.”

(e) **CREDIT MADE AVAILABLE TO TAX-EXEMPT ORGANIZATIONS IN CERTAIN CIRCUMSTANCES.**—

(1) **IN GENERAL.**—Subsection (c) of section 52 of the Internal Revenue Code of 1986 is amended—

(A) by inserting “(1) **IN GENERAL.**—” before “No credit”, and

(B) by adding at the end the following new paragraph:

“(2) **CREDIT MADE AVAILABLE TO QUALIFIED TAX-EXEMPT ORGANIZATIONS EMPLOYING QUALIFIED VETERANS.**—For credit against payroll taxes for employment of qualified veterans by qualified tax-exempt organizations, see section 3111(e).”

(2) **CREDIT ALLOWABLE.**—Section 3111 of such Code is amended by adding at the end the following new subsection:

“(e) **CREDIT FOR EMPLOYMENT OF QUALIFIED VETERANS.**—

“(1) **IN GENERAL.**—If a qualified tax-exempt organization hires a qualified veteran with respect to whom a credit would be allowable under section 38 by reason of section 51 if the organization were not a qualified tax-exempt organization, then there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during the applicable period an amount equal to the credit determined under section 51 (after application of the modifications under paragraph (3)) with respect to wages paid to such qualified veteran during such period.

“(2) **OVERALL LIMITATION.**—The aggregate amount allowed as a credit under this subsection for all qualified veterans for any period with respect to which tax is imposed under subsection (a) shall not exceed the amount of the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during such period.

“(3) **MODIFICATIONS.**—For purposes of paragraph (1), section 51 shall be applied—

“(A) by substituting ‘26 percent’ for ‘40 percent’ in subsection (a) thereof,

“(B) by substituting ‘16.25 percent’ for ‘25 percent’ in subsection (i)(3)(A) thereof, and

“(C) by only taking into account wages paid to a qualified veteran for services in furtherance of the activities related to the purpose or function constituting the basis of the organization’s exemption under section 501.

“(4) **APPLICABLE PERIOD.**—The term ‘applicable period’ means, with respect to any qualified veteran, the 1-year period beginning with the day such qualified veteran begins work for the organization.

“(5) **DEFINITIONS.**—For purposes of this subsection—

“(A) the term ‘qualified tax-exempt organization’ means an employer that is an organization described in section 501(c) and exempt from taxation under section 501(a), and

“(B) the term ‘qualified veteran’ has meaning given such term by section 51(d)(3).”

(3) **TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.**—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) **TREATMENT OF POSSESSIONS.**—

(1) **PAYMENTS TO POSSESSIONS.**—

(A) **MIRROR CODE POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) **OTHER POSSESSIONS.**—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary of the Treasury as being equal to the loss to that possession that would have occurred by reason of the amendments made by this section

if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit in effect after the amendments made by this section.

(2) **COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.**—The credit allowed against United States income taxes for any taxable year under the amendments made by this section to section 51 of the Internal Revenue Code of 1986 to any person with respect to any qualified veteran shall be reduced by the amount of any credit (or other tax benefit described in paragraph (1)(B)) allowed to such person against income taxes imposed by the possession of the United States by reason of this subsection with respect to such qualified veteran for such taxable year.

(3) **DEFINITIONS AND SPECIAL RULES.**—

(A) **POSSESSION OF THE UNITED STATES.**—For purposes of this subsection, the term “possession of the United States” includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) **MIRROR CODE TAX SYSTEM.**—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) **TREATMENT OF PAYMENTS.**—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 262. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “May 31, 2015” and inserting “September 30, 2016”.

SEC. 263. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.”

SEC. 264. EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.

Section 5317(g) of title 38, United States Code, is amended by striking “September 30, 2011” and inserting “September 30, 2016”.

SEC. 265. MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) **IN GENERAL.**—Section 3729(b)(2) of title 38, United States Code, is amended—

- (1) in subparagraph (A)—

(A) in clause (iii), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (iv), by striking “November 18, 2011” and inserting “October 1, 2016”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”;

(B) by striking clauses (ii) and (iii);

(C) by redesignating clause (iv) as clause (ii); and

(D) in clause (ii), as redesignated by subparagraph (C), by striking “October 1, 2013” and inserting “October 1, 2016”;

(3) in subparagraph (C)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(4) in subparagraph (D)—

(A) in clause (i), by striking “November 18, 2011” and inserting “October 1, 2016”; and

(B) in clause (ii), by striking “November 18, 2011” and inserting “October 1, 2016”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the later of—

(1) November 18, 2011; or

(2) the date of the enactment of this Act.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

SEC. 301. ONE HUNDRED PERCENT LEVY FOR PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) **IN GENERAL.**—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 302. STUDY AND REPORT ON REDUCING THE AMOUNT OF THE TAX GAP OWED BY FEDERAL CONTRACTORS.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Treasury, or the Secretary's delegate, in consultation with the Director of the Office of Management and Budget and the heads of such other Federal agencies as the Secretary determines appropriate, shall conduct a study on ways to reduce the amount of Federal tax owed but not paid by persons submitting bids or proposals for the procurement of property or services by the Federal government.

(2) **MATTERS STUDIED.**—The study conducted under paragraph (1) shall include the following matters:

(A) An estimate of the amount of delinquent taxes owed by Federal contractors.

(B) The extent to which the requirement that persons submitting bids or proposals certify whether such persons have delinquent tax debts has—

(i) improved tax compliance; and

(ii) been a factor in Federal agency decisions not to enter into or renew contracts with such contractors.

(C) In cases in which Federal agencies continue to contract with persons who report having delinquent tax debt, the factors taken into consideration in awarding such contracts.

(D) The degree of the success of the Federal lien and levy system in recouping delinquent Federal taxes from Federal contractors.

(E) The number of persons who have been suspended or debarred because of a delinquent tax debt over the past 3 years.

(F) An estimate of the extent to which the subcontractors under Federal contracts have delinquent tax debt.

(G) The Federal agencies which have most frequently awarded contracts to persons notwithstanding any certification by such person that the person has delinquent tax debt.

(H) Recommendations on ways to better identify Federal contractors with delinquent tax debts.

(b) **REPORT.**—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report on the study conducted under subsection (a), together with any legislative recommendations.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

SEC. 401. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) **IN GENERAL.**—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:

“(iii) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

(c) **NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.**—

(1) **ESTIMATE OF SECRETARY.**—The Secretary of the Treasury, or the Secretary's delegate, shall annually estimate the impact that the amendments made by subsection (a) have on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) **TRANSFER OF FUNDS.**—If, under paragraph (1), the Secretary of the Treasury or the Secretary's delegate estimates that such amendments have a negative impact on the income and balances of such trust funds, the Secretary shall transfer, not less frequently than quarterly, from the general fund an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of such amendments.

TITLE V—BUDGETARY EFFECTS

SEC. 501. STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

I come to the floor today in support of permanently repealing the onerous, job-killing 3 percent withholding law. During House action last month, this legislation garnered more than 400 votes for repeal and passed, as amended, with an overwhelming 95 votes in the Senate last week.

The legislation, which has been championed by Ways and Means Health Subcommittee Chairman WALLY HERGER and our Democrat colleague EARL BLUMENAUER, is supported by President Obama and makes clear that when we work together, we can find bipartisan solutions to the laws and regulations that stifle job creation. This legislation does just that and frees up valuable resources businesses can use for hiring.

In addition to the provisions in the House-passed 3 percent withholding bill, the Senate amendment contains a variety of veterans-related provisions—a group of Americans clearly deserving of our support.

Finally, the Senate amendment retains another provision passed by this House with bipartisan support and authored by one of the newest members of the Ways and Means Committee, Representative DIANE BLACK. Mrs. BLACK's legislation modifies the income definition for determining eligibility for exchange subsidies, Medicaid, and the Children's Health Insurance Program, conforming the definition of income in the Democrats' health care law to the standards used by other Federal low-income programs such as food stamps and public housing. In doing so, taxpayers save \$13 billion, and Medicaid funds will not be diverted away from serving America's low-income families.

Madam Speaker, today we can take the final step and send this deficit-reducing and job-creating legislation to the President's desk. I urge my colleagues to vote “yes” on the Senate amendment to H.R. 674, and I look forward to seeing the President sign this bill into law.

I ask unanimous consent that the gentleman from California (Mr. HERGER) control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

I believe this bill will pass with overwhelming support. Nearly everyone agrees that the 3 percent withholding provision should be repealed. It was a misguided approach when it was enacted by the last Republican Congress and it is misguided now. That is why

we tried to repeal it earlier and ultimately delayed its implementation. Its repeal, however, should not be claimed as a significant jobs bill. As economist Mark Zandi has said, "I don't think it's meaningful in terms of jobs. It's more trying to clean up something that needs cleaning up."

The veterans provisions added by the Senate are a real jobs bill. They are a useful start in helping those who have loyally served our Nation find work, and I would hope all of us support them, including the tax credits to encourage businesses to hire veterans.

Most on our side support these provisions, and they were included in the President's jobs proposal. But no one should consider these modest steps as a substitute for action on the President's comprehensive jobs plan, which Republicans have so far blocked.

The President's jobs plan includes a payroll tax cut that would save the average family \$1,500 a year. It includes tax credits for hiring the long-term unemployed, payroll tax cuts for hiring, and incentives to invest. It includes an infrastructure bank, and \$75 billion to build roads and schools. That's a jobs agenda that could help many of the 14 million Americans who are still looking for work. Picking out two of the smaller pieces of that agenda and saying you've acted on the President's jobs bill is really disingenuous. The 3 percent withholding repeal and the veterans provisions are things we should do, but we must do much more.

□ 1310

Millions are counting on us to do more. So passage of this bill today represents a challenge to the majority in this House. End your blockade of comprehensive jobs legislation as proposed by the President of the United States.

I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 674. Members of this House are well aware of why the 3 percent withholding tax must be repealed. It threatens to destroy the cash flow of thousands of small businesses that sell goods and services to the government agencies and impose additional costs on cash-strapped State and local governments.

Today I want to talk about the big picture and why this is so important for job creation. Americans are hurting. Nearly 14 million are unable to find work, and millions more are stuck in part-time jobs, even though they would like to work more. We are now well into the fourth year of this downturn, and many Americans are increasingly discouraged about the long-term future of our economy.

America's job creators are hurting too. Today, thousands of small business owners will sit down, look over their books, and try to discern what

the future holds. They are uncertain about whether there will be sufficient demand for their goods and services. They are uncertain about how Europe's fiscal crisis will affect our economy and whether we will do what is needed to address our own debt crisis before it's too late. And they're uncertain about the direction of government policy, whether Washington will continue to hand down new taxes and regulations that stifle economic growth.

The 3 percent withholding tax is an example of the kind of government policies that discourage job creation. When small business owners are evaluating whether their investments will allow them to make a living, it matters if a new tax is going to cut off their cash flow in just over a year.

Repealing this tax is one important step. It sends a message to America's job creators that jobs are our number one priority and that Congress is committed to undoing policies that stand in the way of restoring prosperity.

I reserve the balance of my time.

Mr. LEVIN. I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), a distinguished member of our committee.

Mr. LEWIS of Georgia. Madam Speaker, the most important task we face today is helping Americans get back to work. People stop me all over metro Atlanta and tell me how long they've been looking for work, how many applications they have filled out, how many resumes they have sent.

And with the unemployment rate for Iraq and Afghanistan veterans over 12 percent, Senator TESTER's amendment is a good start. It is a necessary start. These are people who want to work, who need to work. They don't want a handout; they want a job.

These men and women put on that uniform to serve and protect our country. We can and must do more to honor their service. It is simply the right and good thing to do.

Now, I must say, Madam Speaker, that I strongly object to the Republican effort to stain a bipartisan bill with a partisan poison pill, making it more difficult for America's seniors to get private health insurance and Medicaid. It is not right, it is not fair, and it is not just.

Mr. HERGER. Madam Speaker, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACK), who has been instrumental in working on this legislation and coming up with savings that we can do to see that it is paid for.

Mrs. BLACK. Thank you, Chairman HERGER.

Madam Speaker, I would like to begin by saying that I am extremely proud that my legislation is part of this very worthy, bipartisan jobs package.

Congress can and should work together to find common ground and forward solutions-based legislation like

what we are considering right here. Today the House will pass a package that not only creates more certainty for small business, encourages hiring of our Nation's veterans, but is also paid for, thanks to my legislation, that repeals a costly glitch in the health care law. And this is more than deficit neutral. This legislation will save billions of dollars.

I've spoken on the floor of the House previously about my cost-saving legislation that is now part of this package. When the Affordable Care Act was passed, few realized that this legislation contained a loophole that would allow middle class Americans to receive Medicaid benefits. The new income formula that determines eligibility for government subsidized health insurance, the Modified Adjusted Gross Income, or MAGI, deviated from other Federal assistance programs, failing to include Social Security benefits as income.

Under the health care law, a married couple with an annual income of over \$60,000 could qualify to receive Medicaid benefits. Let me put it in more stark terms. Changing the income formula could result in individuals whose incomes are up to 400 percent of the poverty level receiving Medicaid. This is unacceptable. I very strongly believe that it is our duty to ensure that the very scarce Medicaid resources are there for those in most need.

Again, let me state that the Affordable Care Act income formula for Medicaid, CHIP, and exchange subsidies deviated from the eligibility requirements for other Federal assistance programs. Supplemental Social Security Income; Supplemental Nutrition Programs, known as food stamps; Temporary Assistance for Needy Families; and public housing all include the entire Social Security benefit as income.

My legislation, now a part of this package, adds Social Security benefits back into the equation, realigning Medicaid with the other programs and stopping these improper payments before they occur.

Closing the loophole in Medicaid will save \$13 billion over 10 years according to the Congressional Budget Office. And by adding my legislation into this package that includes the 3 percent withholding repeal and the veterans tax deductions, this package will save vital tax dollars.

Madam Speaker, I'd like to take a moment to praise other sections of this bill. And on the heels of Veterans Day, I cannot think of a better time for Congress to step forward and help our veterans get to work. As a wife, mother, and daughter of veterans, I know how important it is that we support those brave men and women who fought for our country.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HERGER. I yield the gentlewoman 1 additional minute.

Mrs. BLACK. I thank the gentleman.

I hope that this bipartisan, bicameral veterans legislation is just the beginning of more veterans bills getting passed by Congress.

Veterans who return home to us and seek work should be able to find it. With our economic recovery sluggish, at best, my colleague Mr. HERGER's 3 percent withholding repeal will go a long way to create more certainty for small business. Taxing business at 3 percent is something we cannot afford.

I look forward to this legislation and the entire package being signed into law by the President as soon as possible. We should not have to wait for these commonsense, bipartisan solutions to go into effect.

Mr. LEVIN. Madam Speaker, it is now my real pleasure to yield 2 minutes to the gentleman from California (Mr. FILNER), a gentleman who has worked so hard on veterans issues.

Mr. FILNER. Thank you, Mr. LEVIN, and I appreciate the time. And thank you, Mr. HERGER, for bringing us this bill.

I rise in support of H.R. 674. Every day I get phone calls and letters from veterans telling me how rewarding their service was and what an invaluable experience they received in the military. But they are confused as to why potential employers don't value their time and service and why they get rejection letters for jobs they are qualified to perform.

These veterans are highly skilled individuals who are ready to make an immediate impact to any job. Veterans bring real-world experience to any company and, unfortunately, employers fail to see this value.

In August of this year, the President proposed a comprehensive plan to decrease the veteran unemployment rate. Part of his plan includes a tax credit for employers, and I'm happy to see that Senator MURRAY included this in H.R. 674. It would provide a tax credit for firms that hire certain unemployed veterans, and these tax credits are a win for veterans and a win for the companies. The credits will incentivize struggling businesses that need to increase their work force to hire veterans while getting a tax deduction.

□ 1320

The bill also provides veterans with training, mentoring, and placement services and allows for the appointment of honorably discharged veterans to the civil service. I'm happy to see H.R. 674 move forward because it will provide individualized assessments for servicemembers in the Transitional Assistance Program, increase access to apprenticeship programs for separating servicemembers, provide authority to the VA to provide services to servicemembers with severe injuries, and many other positive programs that will help veterans.

The President's message was clear. We must fight for our servicemembers and veterans by enacting legislation that will help veterans get jobs.

I hope that all of my colleagues will join me in supporting H.R. 674.

Mr. HERGER. Madam Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MILLER), the chairman of the Veterans' Affairs Committee.

Mr. MILLER of Florida. I thank the gentleman for yielding.

As chairman of the House Veterans' Affairs Committee, I do stand today in the strongest possible support of the Senate amendment to H.R. 674, which includes the provision of the bipartisan and bicameral VOW to Hire Heroes Act of 2011.

This bill contains many provisions of H.R. 2433, the Veterans Opportunity to Work Act, or the VOW Act, which was introduced in July and passed the House by an overwhelming majority just last month.

The VOW Act honors the 1 percent of Americans who, as veterans, have signed a blank check in the amount of up to and including their lives and payable to the other 99 percent of Americans. In return for that investment, too many of them, veterans of every working age generation, are finding themselves unemployed or seriously underemployed due to the current economic downturn. Unfortunately, today's economy has eliminated millions of jobs, many of which will unfortunately never return.

Regardless of the reason, nearly one million veterans need help in acquiring the skills needed for today's job market. That is what the VOW to Hire Heroes Act will do in a very comprehensive and cost-effective manner.

There are millions of jobs going unfilled right now because employers can't find workers with the right skills. I'm proud that a major provision of the VOW to Hire Heroes Act will give nearly 100,000 veterans a chance to gain the new skills that are in demand for today's jobs. And these jobs are not just in high-tech fields. Many are in the trades. Many are in fields that cannot be moved overseas, like transportation. And this bill helps provide the training needed to complete and compete for these types of jobs without adding new programs.

In fact, the two major provisions of this bill essentially recycle two existing well-regarded education and training programs, the Montgomery GI Bill and the Vocational Rehabilitation and Employment Program. That will make use of existing staff and current regulations.

As I said, this Act takes a comprehensive approach. For those just leaving the service, this bill would vastly improve the Transition Assistance Program, or TAP, as it's known, by adding personal skills assessment and improved skills crosswalks into civilian occupations.

The bill would also begin the process of working with the States to help standardize occupational licensing and credentialing, a major bottleneck that often wastes millions of dollars spent on our military training.

For the disabled veterans who have completed VA's Voc Rehab and Employment Program and who have exhausted their unemployment benefits, the bill would offer up to an additional year of vocational rehabilitation.

Madam Speaker, I want to thank the chair of the Senate Committee on Veterans Affairs, Senator PATTY MURRAY, for her insight in including the vocational rehabilitation benefits as part of the compromise bill. I have two final points. The first is, this bill is paid for both mandatory and discretionary. We have worked with the veteran services organizations in order to find the pay-for provisions, and they understand the urgency to help veterans become employed, and I thank them for their support of this legislation.

Secondly, Madam Speaker, I would like to thank Chairman CAMP. I know his plate is full right now, and I thank him most sincerely for helping bring this to the floor.

Mr. LEVIN. Madam Speaker, I yield 2 minutes to a very distinguished member of our committee and a cosponsor of the amendment that we now add to the original bill, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. It is a pleasure to be on the floor with my partner on this legislation, the gentleman from California (Mr. HERGER), being able to see it finally brought to fruition. It was actually made a little better with the inclusion of these important provisions for our veterans.

I am hopeful that we will act with dispatch and approve it unanimously. But I hope we can also focus on what this chapter represents. It was something, in terms of working with the gentleman from California, moving this through Congress, that it seemed to me that there are three elements that we ought to focus on going forward.

First and foremost, that same spirit that has resulted in being able to fix and improve this legislation ought to be focused on how we rebuild and renew America. Because so many of the businesses and governments that were going to be pounded with this 3 percent withholding are struggling to deal with challenges that they face.

There are hundreds of thousands of veterans that could potentially be at work rebuilding and renewing America. We are in a precarious position in terms of our competitiveness internationally, with problems of congestion, pollution. I am hopeful that this same spirit focused here can be focused on this major effort to rebuild and renew America that can help revitalize the economy while it improves our communities.

Second, we need to take a hard look at flaws in how we score legislation. This piece of legislation that we were looking at, part of the challenge was to have some sort of offset because it was going to "cost government money." Well, as a practical matter that is not the case because the CBO rules never take into account how much it would cost to implement it. And as a result of the hearings with Mr. HERGER, with the small business Committee, with a whole range of sources, I am absolutely confident that it would have cost the Federal Government far more to implement it than it ever would have collected.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional minute.

Mr. BLUMENAUER. We need to make sure going forward we don't have these aberrations that cause us to go through these gyrations for something that on its face really is not going to yield the economic results.

Finally, I hope we can work together in the same sort of spirit, evidenced working with Mr. HERGER, Chairman CAMP, Ranking Member LEVIN, to deal with the broader picture of how we're going to solve the long-term problems of our budget deficit and our flawed revenue system. We can reform our system, give a balanced program that both reforms and raises revenues, that changes how we do business. I'm convinced that this is within the capacity of those of us in Congress, and today's positive vote on this legislation is a little indication of how it can be done.

Mr. HERGER. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. STUTZMAN), the chairman of the Veterans' Affairs Subcommittee on Economic Opportunity.

Mr. STUTZMAN. I thank the chairman for yielding.

Madam Speaker, jobs for America's veterans has become a popular topic over the past few weeks. The VOW to Hire Heroes Act is a vital first step in meeting our responsibilities to that 1 percent of Americans mentioned by VA Committee Chairman MILLER in his remarks.

For those who are in the middle of their civilian working life, gaining new skills is often problematic due to a lack of resources to fund education and training, while recently discharged veterans have the post 9/11 GI Bill's generous resources to acquire the skills now in demand. Therefore, I believe the most important provision in the VOW to Hire Heroes Act offers 99,000 unemployed veterans between the ages of 35 and 60 the resources to acquire those new skills.

To my colleagues, the veterans provisions in this bill are worthy of your support, and I urge you to join me in voting "yes" on the VOW to Hire Heroes Act.

The Amendment to H.R. 674, includes the VOW to Hire Heroes Act of 2011, which reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 112th Congress: H.R. 2433, as amended, (House Bill); and S. 951, as reported (Senate Bill).

H.R. 2433, as amended, passed the House on October 12, 2011. S. 951 was reported favorably out of the Senate Committee on July 18, 2011.

The Committees have prepared the following explanation of certain provisions contained in the amendment to H.R. 674, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bill and the Senate Bill are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

SUBTITLE A—RETRAINING VETERANS

VETERANS RETRAINING ASSISTANCE PROGRAM

Current Law

In general, educational assistance under the Montgomery GI Bill (Chapter 30 of title 38 United States Code (U.S.C.)) is limited by section 3031 of title 38, U.S.C., to ten years following a servicemember's last discharge from active duty in the Armed Forces.

Senate Bill

The Senate Bill contains no similar provision.

House Bill

Section 101 of H.R. 2433, as amended, would provide an opportunity for unemployed veterans ages 35 to 60 to gain new skills through a temporary expansion of eligibility for an existing education and training benefit, the Montgomery GI Bill (MGIB). This section would allow these veterans to enroll in courses at community colleges and technical training schools for up to 12 months. Education payments would be administered under the rules governing the existing MGIB and would only be payable to veterans enrolled in education or training courses that lead to an associate degree, certificate, or similar qualification, in a high growth occupation as determined by the U.S. Department of Labor (DOL).

This section would authorize the DOL and the U.S. Department of Veterans Affairs (VA) to enroll up to 100,000 unemployed veterans beginning June 1, 2011, through March 31, 2014. Veterans would be eligible to receive the monthly MGIB benefit that is in effect for up to 12 months. Payments under this section would terminate after March 31, 2014. In addition to the above mentioned age requirement, the veteran must have been discharged under conditions other than dishonorable, be unemployed as determined by the Secretary of Labor with special consideration given to those who have been unemployed for at least 26 consecutive weeks and have no eligibility for other education programs administered by VA. The House Bill includes a provision requiring program participants to certify attendance on a monthly basis as is done under the existing MGIB. This provision was included to minimize overpayments to enrollees who do not complete their course of training. This section would require DOL and VA to submit a report to the Committees on veteran participants and their employment status after participation.

Compromise Agreement

Section 211 of the Compromise Agreement generally follows the House's position except that 99,000 unique beneficiaries would be authorized under the agreement. The agreement removes any of the special considerations for eligibility listed in the House provision to simplify the administration of the program. It also directs VA and DOL to jointly carry out this program with a memorandum of agreement that includes provisions to create an appeals system for denied applicants. To provide VA and DOL with the time necessary to administer this section, a July 1 effective date is established. The Committees believe that DOL, through the state employment agencies, is the most appropriate intake point for unemployed veterans to apply for this grant program. DOL is also the appropriate entity to determine that an applicant is unemployed and whether they are currently or had been a participant in any other job training programs. Following these determinations, DOL would forward the application to VA. VA would then determine an applicant's veteran status and eligibility for other education programs administered by VA under title 38 U.S.C. and title 10 U.S.C. The Compromise Agreement also provided up to \$2 million in assistance to VA for use on information technology systems. This is the amount estimated by the Congressional Budget Office to develop and maintain information technology systems to support this section. Finally, the Compromise Agreement includes the Senate Committee on Health, Education, Labor and Pension and the House Committee on Education and the Workforce in the list of committees that would receive the final report on implementation of this section.

The Committees understand that many veterans are in need of the assistance provided under section 101, and urge DOL and VA to come to an agreement on the administration of the program quickly so it can be fully implemented and ready to process applications by the mandated July 1, 2012 start date.

SUBTITLE B—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE

Current Law

Section 1144 of title 10, U.S.C., establishes an interagency program known as the Transition Assistance Program (TAP), which offers basic training on veterans benefits, job hunting skills, and other related subjects. TAP is delivered via a partnership between the U.S. Department of Defense (DOD), DOL's Veterans' Employment and Training Service (VETS), VA, and the U.S. Department of Homeland Security (DHS). TAP includes a wide variety of employment-related training lessons as well as a VA benefits briefing, and the Disabled Transition Assistance Program for wounded or injured servicemembers. Under current law, DOD and DHS are required to encourage servicemembers to participate in TAP, but are not required to mandate their participation. Only the U.S. Marine Corps has elected to require its members to participate in TAP.

Senate Bill

Section 6 of S. 951, as reported, would amend section 1144 of title 10, U.S.C., to require mandatory participation in TAP for all servicemembers with limited exceptions. These exceptions would be set forth by the Secretaries of DOD and DHS in consultation with VA and VETS.

House Bill

Section 202 of H.R. 2433, as amended, would amend section 1144(c) of title 10, U.S.C., to require mandatory participation in TAP with limited exceptions. The exceptions would allow for enlisted servicemembers who are in the pay grades of E-8 and above, and officers in pay grades, O-6 and above to be exempt from mandatory participation. Also, a servicemember would be exempt if there is a documented operational requirement that prevents attendance, or if the servicemember submits a written plan, which receives written approval from the servicemember's commanding officer, and the servicemember declines in writing to participate in TAP based on planned post-service employment or acceptance to an education program.

Compromise Agreement

Section 221 of the Compromise Agreement reflects the Senate position with minor modifications, and includes a provision to exempt servicemembers from TAP if they possess a specialized skill that is needed to support a unit's imminent deployment.

It is the Committees' intent that, in light of this effort, all servicemembers participate in at least the most basic components of TAP and that waivers not be granted except for those who are extraordinarily qualified or for those for whom TAP would be unnecessary or inappropriate due to other extraordinary circumstances.

INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR

Current Law

Under current practice, DOD provides some assessment of servicemembers' skills related to their military occupational specialty (MOS); however, the comparison of military-acquired skills and civilian requirements is not sufficiently robust or detailed, and is not sufficiently inclusive of other training and skills, beyond MOS-related skills, which may qualify a servicemember for civilian employment. The result is many servicemembers who separate from active duty are unable to effectively translate their military experience to an equivalent civilian skill-set.

Senate Bill

Section 9 of S. 951, as reported, would require VA, DOD, and DOL to jointly select a contractor to conduct a study to identify any equivalencies between the skills developed by members of the Armed Forces through various MOSs and the qualifications for various positions of civilian employment in the private sector. This section would also require Federal Government departments and agencies to cooperate with the contractor.

Following completion of the study, the contractor would be required to submit a report to VA, DOD, and DOL. In turn, the section would direct the Departments to jointly submit to Congress the report, along with such comments on the report as the Departments jointly consider appropriate.

This section would also require DOD to ensure that each member of the Armed Forces participating in TAP receives an individualized assessment of the various positions of civilian employment for which such member may be qualified as a result of the member's MOS. DOD would be required to transmit the individualized assessment to VA and DOL for use by either Department when providing employment related assistance during the member's transition from military service to a civilian career.

House Bill

The House Bill contains no similar provisions.

Compromise Agreement

Section 222 of the Compromise Agreement reflects the Senate position with minor modifications. Under the study required under subsection (a), the Compromise Agreement would require that DOL be the lead agency in implementing the study required under that subsection. The Committees believe that DOL is already the lead agency under TAP, and the study would be better suited to be completed by them and have VA and DOD only consult with DOL on its contents where appropriate. The Compromise Agreement also expands the range of military experiences to be considered in the study to include not only the servicemember's MOS, but also non-resident training programs, attaining higher ranks, and other experiences. The compromise also includes the Department of Education in the list of federal agencies that shall cooperate with the study required under subsection (a). In subsection (d) the Committees have amended the original provision to require DOD to make the individualized assessment of each servicemember available electronically to both DOL and VA so they can use this assessment in any future employment related assistance they provide the servicemember. It is the Committees' view that this assessment should be stored as part of the servicemember's "e-benefits" account. E-benefits is a new online system being developed by VA and DOD as an online repository of servicemembers' and veterans' records. This portal will allow the veteran to easily access this assessment so it can assist them with their transition to civilian life after discharge.

TRANSITION ASSISTANCE PROGRAM CONTRACTING

Current Law

Under section 4113 of title 38, U.S.C., Disabled Veteran Outreach Program Specialists (DVOPS) and Local Veteran Employment Representatives (LVER) are authorized to teach most TAP courses in the United States. DVOPS and LVERs are state employees funded by VETS to provide employment services to veterans. The section also provides the option for VETS to contract with instructors to teach TAP. VETS has used this option to contract for overseas TAP instruction as well as at a limited number of locations in the United States.

Senate Bill

The Senate Bill contains no similar provision.

House Bill

Section 201 of H.R. 2433, as amended, would amend section 4113 of title 38, U.S.C., to require VETS to contract for all TAP instruction. This change would not only ensure quality instruction for all servicemembers but it would allow DVOPS and LVERs to focus on their primary mission, which is to provide intensive employment services to disabled veterans and meet with employers to discuss the advantages of hiring veterans. The provision would require implementation of this provision within two years of enactment.

Compromise Agreement

Section 223 of the Compromise Agreement follows the House Bill.

CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE

Current Law

Section 1144(d) of title 10, U.S.C., lists the types of personnel and organizations that

DOL can use in the teaching or facilitating TAP classes. These groups include DVOPS and LVERs, both civilian employees and uniformed members of the Armed Forces, employees of the Veterans Benefits Administration, and representatives of veterans service organizations. The section also allows DOL to enter into contracts with public or private entities to teach all or portions of TAP.

Senate Bill

The Senate Bill contains no similar provision.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 224 of the Compromise Agreement would amend section 1144(d) of title 10, U.S.C., to clarify that when DOL enters into contracts with private entities that they have experience in teaching courses on private sector culture, resume writing, career networking, and training on job search technologies, or in academic readiness and educational opportunities. It is the Committees' view that when DOL contracts for TAP services pursuant to section 223 of the Compromise Agreement they should ensure that the contractors have pertinent expertise in providing quality services to TAP participants. The Committees also recognize that many servicemembers are using their Post-9/11 GI Bill benefits soon after they are discharged, and believe that having TAP instructors provide more information on the type of educational choices that are available to these servicemembers is an effective way to increase use of the Post-9/11 GI Bill and to encourage educational choices that are in line with the servicemember's career goals or intents.

IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED

Current Law

Under section 1144 of title 10, U.S.C., TAP furnishes career counseling, assistance in identifying employment and training opportunities, help in obtaining such employment and training, and other related information and services to members of the Armed Forces who are being separated from active duty, and the spouses of such members. However, it is not explicit what types of training are authorized to facilitate a servicemember's transition.

Senate Bill

Section 14 of S. 951, as reported, would amend section 1144 of title 10, U.S.C., by adding at the end a new subsection that would authorize DOD and DHS to permit a member of the Armed Forces eligible for assistance under the section to participate in a pre-apprenticeship program or an apprenticeship program.

Such a program would be required to be registered under the Act of August 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) The section would also authorize DOD and DHS to permit an eligible member to participate in a pre-apprenticeship program that provides credit toward a program registered under the Act of August 1937. Any such apprenticeship or pre-apprenticeship program would be required to provide participating servicemembers with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.

House Bill

The House Bill contains no similar provision.

Compromise Agreement
Section 225 of the Compromise Agreement follows the Senate Bill.

REPORT ON THE TRANSITION ASSISTANCE PROGRAM

Current Law

There is currently no statutory requirement for the Comptroller General to complete a study on TAP.

Senate Bill

Section 7(b) of S. 951, as reported, would require DOL to enter into a contract with a private entity for audits of TAP. Such audits would be required to measure the effectiveness of TAP, and the contractor would be required to report on the findings of the audit and make recommendations, which DOL would be required to implement, to improve TAP.

House Bill

Section 205 of H.R. 2433, as amended, requires that within one year of enactment that the Comptroller General of the United States conduct a review of TAP and its effectiveness.

Compromise Agreement

Section 226 of the Compromise Agreement generally follows the House Bill in that it requires a review to be completed by the Comptroller General. However the agreement requires that the study be completed within two years of enactment.

SUBTITLE C—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT

TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES

Current Law

Under section 1631 of the Wounded Warrior Act (title XVI of Public Law (P.L.) 110-181), VA's authority to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses will expire on December 31, 2012.

Senate Bill

Section 2 of S. 951, as reported, would amend section 1631(b)(2) of the Wounded Warrior Act by extending through December 31, 2014, VA's authority to provide rehabilitation and vocational benefits to certain severely wounded active-duty servicemembers in the same manner as provided to veterans.

House Bill

The House Bill contain no similar provision.

Compromise Agreement

Section 231 of the Compromise Agreement follows the Senate Bill. It is the view of the Committees that a two-year extension of VA's authority is necessary to ensure that severely wounded active-duty servicemembers have continued and uninterrupted access to rehabilitation and vocational benefits.

EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY

Current Law

Under section 3116 of title 38, U.S.C., VA is authorized to make payments to employers for providing on-job training to veterans who have been rehabilitated to the point of employability to promote the development and establishment of employment and training for veterans who have participated in VA's vocational rehabilitation and employment programs. VA provides these benefits to veterans with service-connected disabilities to enable them to obtain suitable employment.

Senate Bill

Section 3 of S. 951, as reported, would amend section 3116 of title 38 U.S.C. by striking the requirement that veterans be rehabilitated to the point of employability before VA is authorized to make payments to employers for providing on-job training.

House Bill

The House Bill contain no similar provision.

Compromise Agreement

Section 232 of the Compromise Agreement follows the Senate Bill. This change will enable VA to incentivize employers to provide training and employment opportunities to a broader number of veterans and allow veterans to obtain on-job training and experience while they are still in rehabilitation.

TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW

Current Law

Under sections 3102 and 3103 of title 38 U.S.C., veterans who have a service connected disability rating of at least 20 percent and have an employment handicap or have a disability rating of at least ten percent and have serious employment handicap are eligible for vocational rehabilitation benefits. Eligible veterans are entitled, generally, to 48 months of benefits during the 12-year, post discharge period. These limitations can be extended under certain circumstances.

Senate Bill

Section 4 of S. 951, as reported, would amend section 3102 of title 38, U.S.C., to entitle certain veterans, who have completed a rehabilitation program, as set forth under chapter 31, to up to 24 months of additional vocational rehabilitation and employment benefits if they meet certain requirements.

Under section 4, a person who has completed a chapter 31 rehabilitation program would be entitled to an additional rehabilitation program if the person meets the current requirements for entitlement to a chapter 31 rehabilitation program and has, under State or Federal law, exhausted all rights to regular unemployment compensation with respect to a benefit year, has no rights to regular compensation with respect to a week, is not receiving compensation with respect to such week under the unemployment compensation laws of Canada, and begins such additional rehabilitation program within six months of the date of such exhaustion. Under this section, a person would be considered to have exhausted rights to regular unemployment compensation under State law when no payments of regular unemployment compensation may be made under such law because the person has received all regular unemployment compensation available based on employment or wages during a base period, or such person's rights to compensation have been terminated by reason of the expiration of the benefit year.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 233 of the Compromise Agreement follows the Senate Bill. The Committees realize that many veterans who were rehabilitated have had difficulty in finding and maintaining employment. The Committees understand that unemployed service-connected veterans who have passed their current eligibility for vocational rehabilitation benefits could benefit from additional vocational rehabilitation and employment services while seeking meaningful employment. The agreement limits the amount of assist-

ance to 12 months, provides an effective date of June 1, 2012 and a sunset date of March 31, 2014. In addition, the agreement includes a review of the program and its outcomes by the Government Accountability Office (GAO). It is the intent of the Committees that enrollment in this program be considered a last resort for unemployed and disabled veterans who have exhausted other federal training and unemployment benefit resources.

COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM

Current Law

Under Chapter 41, of title 38, U.S.C., the Department of Labor is authorized to provide job counseling, training, and placement services to veterans.

Senate Bill

Section 8 of S. 951, as reported, would amend chapter 41 of title 38, U.S.C., by inserting after section 4104 a new section, 4104A, which would require DOL to award grants to eligible non-profit organizations to provide training and mentoring for eligible veterans who seek employment. Under this provision, DOL would award grants to not more than three organizations, for contract periods of two years.

The section would require DOL to ensure that the recipients of such grants collaborate with the appropriate DVOPS and LVERs, and the appropriate State Workforce Investment boards and local boards for the areas to be served by the grant recipients. DOL would also be required to ensure that grant recipients facilitate placement in employment that leads to economic self-sufficiency for veterans who have completed training.

To be eligible for such grants, a non-profit organization would be required to submit an application to DOL. The application must include information describing how the organization will engage in the collaboration discussed herein, provide training that facilitates job placement for veterans, and provide mentorship for each veteran receiving training.

Section 8 would also require DOL to prepare and submit to the House and Senate Veterans' Affairs Committees a report that describes the process for awarding grants, the recipients of such grants, and the collaboration described herein. DOL would provide this report not later than six months after the date of enactment of the Hiring Heroes Act of 2011.

Additionally, not later than 18 months after the date of enactment, DOL would be required under this section to conduct an assessment of the performance of the grant recipients, DVOPS, and LVERs in carrying out activities under this section. Section 8 also would authorize appropriations of \$4,500,000 for each of Fiscal Years 2012 and 2013.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 234 of the Compromise Agreement generally follows the Senate Bill with the addition of the Senate Committee on Health, Education, Labor, and Pension and House Committee on Education and Workforce to the list of Committees that DOL is required to submit the assessment required under subsection (d)(2).

APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE

Current Law

Chapter 33 of title 5, U.S.C., sets forth the examination, certification, and appointment

process for individuals seeking to enter the civil and competitive services in the Executive branch. The Veterans Recruitment Act authorizes non-competitive appointment for eligible veterans to positions up to the GS-11 level, or equivalent. The Veterans Employment Opportunities Act (VEOA) can be used to appoint those entitled to veterans' preference or veterans who have at least 3 years of active military service to permanent positions in the competitive civil service. Under sections 2108 and 3309(1) of title 5, U.S.C., a veteran must have a disability rating to establish ten-point preference eligibility for a service-connected disability.

Senate Bill

Section 10 of S. 951, as reported, would amend chapter 33 of title 5, U.S.C., by creating a new section, 3330d, which would allow the head of an Executive agency to appoint an honorably discharged servicemember to a position in the civil service, without regard to certain civil service authorities, within the 180 days following such member's separation from service.

Section 10 would also require the Office of Personnel Management (OPM) to designate agencies to establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty and to ensure such programs are coordinated with TAP. Each designated agency would be required to consult with OPM and act through its Veterans Employment and Placement Office (VEPO) in order to establish the employment assistance program, which would include assistance to members of the Armed Forces seeking employment with that agency. Under the program, the agency would also provide servicemembers with information regarding its employment assistance program and would promote the recruitment, hiring, training and development, and retention of such servicemembers and veterans by the agency. If a designated agency does not have a VEPO, the agency would be required to select an appropriate office of the agency to carry out the employment assistance program.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 235 of the Compromise Agreement generally follows the Senate Bill with modifications. The Committees expect that enactment of this section would further support servicemembers' seamless transition from the Armed Forces into the civil service by granting veteran preference prior to discharge. The Committees also recognize that certain servicemembers are unable to receive a ten-point preference because of VA's lengthy claims processing system and achieving the ten-point preference granted to disabled veterans will smooth the transition to civilian life.

The agreement strikes all of subsection (a) of S. 951, as reported, regarding agency authority to directly appoint veterans within 180 days of separation from the military and inserts new language that amends section 2108 of title 5, U.S.C., that allows a servicemember to submit paperwork to Federal hiring managers to certify that they expect to be discharged under honorable conditions. This certification would allow the hiring manager to consider the servicemember as a veteran who qualifies for veteran preference for the purpose of a competitive appointment to a civil service job. A similar certification would be authorized for disabled veterans. Servicemembers would be permitted

to submit these certifications to hiring managers within 120 days of their discharge. Section 235(b) of the Compromise Agreement follows subsection 10(b) of S. 951, as reported.

A seamless transition from military service to a Federal job opening benefits not only servicemembers, but also the Federal Government. It means that a servicemember can potentially leverage the skills he or she gained while on active duty and apply them as a member of the civil service. The Federal Government benefits from hiring veterans as it allows the Federal Government to continue to receive services from individuals in whom the Federal Government has already invested resources for training. Additionally, this allows the Federal Government to employ individuals with a proven history in Federal service.

DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE

Current Law

There is no current statute that provides outside work experience to members of the Armed Forces on terminal leave.

Senate Bill

Section 12 of S. 951, as reported, would authorize DOD to establish a pilot program to assess the feasibility and advisability of providing to certain servicemembers on terminal leave work experience with civilian employees and contractors of DOD. The program would facilitate a covered servicemember's transition from active duty into the civilian labor market.

Under this section, an eligible servicemember would be any individual who (1) is a member of the Armed Forces; (2) DOD expects to be discharged or separated from service in the Armed Forces and is on terminal leave; (3) DOD determines has skills that can be used to provide services to DOD that are considered critical to the success of its mission; and (4) DOD determines might benefit from exposure to the civilian work environment in order to facilitate the individual's transition from service in the Armed Forces to employment in the civilian labor market. The pilot program would be carried out during the two-year period beginning on the date of the commencement of the pilot program.

Not later than 540 days after the date of the enactment of this section, DOD would be required to submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate, and to the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives, a report on the pilot program. The report would include the findings of DOD with respect to the feasibility and advisability of providing such work experience to qualifying servicemembers.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 236 of the Compromise Agreement generally follows the Senate Bill. The Committees believe these servicemembers could benefit from being given access to outside work experience while technically still on active duty. The Committees hope this opportunity will better prepare the servicemember for their transition to civilian life.

ENHANCEMENT OF DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSING OF VETERANS

Current Law

Under current law, section 4114 of title 38, U.S.C., DOL, through the Assistant Secretary of Veterans Employment and Train-

ing (ASVET), is authorized to carry out a demonstration project on credentialing for the purpose of facilitating the seamless transition of servicemembers from active duty to civilian employment. The section provides for the selection of not less than ten MOSS for purposes of the demonstration project. The selected specialties must involve a skill or set of skills required for civilian employment in an industry with high growth or high worker demand.

After selection of the ten MOSS, DOL is required to consult with Federal, State, and industry stakeholders to identify requirements for civilian credentials, certifications, and licenses that require a skill or set of skills also required by an MOS selected under this section. DOL must analyze these requirements to determine which may be satisfied by the skills, training, or experience acquired by servicemembers with the applicable MOS.

Following this determination, DOL is required to cooperate with the appropriate government and industry stakeholders to reduce or eliminate any barriers to providing a civilian credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with an MOS selected under this section that satisfies the Federal and State requirements for the credential, certification, or license.

This program was never carried out because funding for the pilot program was authorized only by using unobligated funds for the administration of job counseling, training, and placement services for veterans under section 4106 of title 38, U.S.C.

Senate Bill

Section 13 of S. 951, as reported, would amend section 4114 by mandating that DOL carry out the demonstration project on credentialing. Section 4114 would also be amended to require that the ASVET act in consultation with the Assistant Secretary for Employment and Training when selecting the specialties. The number of specialties to be selected would also be reduced from ten to five.

The section would also strike subsections (d) through (h) of section 4114, concerning a task force, consultation, contract authority, and duration of the program described under current law. New subsection (d) would require the demonstration project to be carried out within a two-year period beginning on the date of the enactment of this section.

Section 13 would also require, not later than 180 days after the enactment of the Senate Bills, which the ASVET, in consultation with DOD and VA, study the costs incurred by DOD to train servicemembers for MOSS compared to those incurred by VA and DOL for employment-related assistance to veterans. The study would include an analysis of the costs incurred by VA to provide educational assistance to veterans regarding civilian credentialing and licensing and the costs associated with assistance, vocational training, and counseling to unemployed veterans who were trained in an MOS.

Within the 180-day period after the enactment of the Senate Bill, the ASVET would also be required to submit to Congress a report on the study carried out. Required provisions of the report would include the findings of the Assistant Secretary with respect to the study and an estimate of the savings that would be realized by VA and DOL if DOD were to tailor its MOS training(s) to satisfy Federal, State, and/or local requirements for certain credentials, certifications, or licenses.

House Bill

Section 301 of H.R. 2433 amends section 4114 of title 38, United States Code, to reauthorize the demonstration project and direct the DOL to conduct a study in cooperation with an association of state governors on five to ten military occupations to determine barriers to transitioning those skills to civilian employment and authorizes \$180,000 per year to fund the program through September 30, 2014, and sets reporting requirements.

Compromise Agreement

Section 237 of the Compromise Agreement contains provisions from both the Senate and House Bills. Subsection (a) generally follows the House Bill by reauthorizing the demonstration project and requires that the study be conducted in cooperation with an association of state governors. The agreement also limits the number of MOS's to be studied to not more than five. Subsection (b) of this section adopt a modified version of the Senate Bill by removing the language that assumes that the Federal Government would experience savings if DOD were to tailor its MOS training(s) to satisfy Federal, State, and/or local requirements for certain credentials, certifications, or licenses.

DOD has the largest training program in the world, training servicemembers in hundreds of occupations. While many of these occupations center on combat-related duties, the vast majority train servicemembers in support roles, many of which are closely related to skills required in civilian occupations.

Despite that close relationship, the Committees have found that servicemembers find it difficult to transition directly into equivalent civilian occupations. There are many reasons for this, but chief among those reasons is the plethora of vastly differing State laws and regulations that directly impede that transition.

The Committees believes that it is vital to engage the States in an effort to standardize laws and regulations, even on a limited basis, in an effort to smooth servicemembers' transition to civilian employment and retain the value of taxpayer investment in the military training program. The Committees also recognize that an unregulated transition for some specialties may not be achievable, but expects DOL to select military specialties ranging from those that are easier to transition from, to those that are more difficult.

INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR

Current Law

Under Section 4107(c) of title 38, U.S.C., VETS is required to provide Congress with an annual report on the activities of the VETS and some performance measure on the state grant program that provides funding for DVOPS and LVERs. VETS is required under the report to provide the number of veterans who were served by states and various other demographic information.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 302 of H.R. 2433, as amended, amends section 4107(c) by adding a new paragraph that requires that VETS submit, in its annual report to Congress, certain employment/education/training-related data for veterans placed in jobs by DVOPS and LVERs under the State Grant Program.

Compromise Agreement

Section 238 of the Compromise Agreement generally follows the House Bill. VETS cur-

rently funds the salaries and expenses of DVOPS and LVERs at a cost of over \$165 million per year. Unfortunately, there is little statistical accountability built into the system to determine if this funding, objectively, leads to effective results. Changes include modifying the timeline of when VETS needs to follow up with the veteran on their employment status and earnings. These modifications were made to better align this section with DOL's current reporting of performance data from states. The Committees hope this section will provide much needed transparency on this critical program and help promote more effective services to unemployed veterans.

CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR TRAINING PROGRAMS

Current Law

Section 2 of the Jobs for Veterans Act, P.L. 107-288, required DOL to give veterans, and certain spouses of veterans, priority of service in all DOL training programs for which the veteran or spouse would otherwise qualify. DOL's interpretation of this requirement is to use the proportion of representation of veterans in training programs versus the general veteran population as a basis for determining that the priority of service requirement of section 4215 of title 38, U.S.C., is met.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 239 of H.R. 2433, as amended, would amend section 4215 of title 38, U.S.C., to clarify the law to ensure that veterans are indeed receiving the priority of service envisioned in P.L. 107-288. The section also requires a new section to the VETS annual report, required under section 4107(c) U.S.C., which will track this priority of service at the local level. The section also clarifies that DOL may not use the proportion of representation of veterans in training programs vs. the general veteran population as a basis for determining that the priority of service requirement of section 4215 of title 38, U.S.C., is met.

Compromise Agreement

Section 309 of the Compromise Agreement follows the House Bill. The Committees note that there are at least 24 job training programs operated under the Workforce Investment Act (WIA) for which veterans should have priority. Based on DOL statistics, it appears that DOL interprets the priority of service requirement to be met if veterans and other covered persons are shown to be participating in a DOL training program at a percentage roughly equal to the percentage of veterans in the general population (around nine to ten percent). The Committees believe such a proportion-based approach fails to meet both the letter and spirit of the law. While DOL indicates that veterans comprise about eight percent of WIA participants, most WIA programs fall well short of the rate. Therefore, the Committees believe that priority of service must be quantified using the number of qualified veteran applicants and the number trained relative to the total program participants.

EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE

Current Law

Section 4109 of title 38, U.S.C., establishes the National Veterans Employment and Training Services Institute (NVTI) to provide standardized training to DVOPS and

LVERs in how to assist veterans and disabled veteran in obtaining meaningful employment. However, there is no statutory requirement that DVOPS and LVERs satisfactorily complete the course of training or that the employing State agency be informed of an employee's performance at NVTI.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 304 of H.R. 2433, as amended, would require that at the completion of their training at NVTI, each trainee would be required to take a final examination based on the training at NVTI. The results of this examination would then be sent to the organization or group that sponsored the trainee's attendance at NVTI.

Compromise Agreement

Section 240 of the Compromise Agreement follows the House Bill with a small modification that the results of the examination be provided to the organization or group that sponsored the trainee's attendance at NVTI, but that the results not be listed as passing or failing. However, the Committees strongly believe that the information provided to the state or agency should indicate whether the student's performance on the exam meets minimum standards and that a minimal grade should be included. Under the Compromise Agreement the requirements of the section shall not be enforced until 180 days following the passage of the Compromise Agreement.

REQUIREMENTS FOR FULL-TIME DISABLED VETERANS OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS EMPLOYMENT REPRESENTATIVES

Current Law

There is no current statutory requirement that full time DVOPS and LVERs only provide services to veterans and not non-veterans.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 305 of H.R. 2433, as amended, amends sections 4103A and 4104 of title 38 U.S.C., to require that full-time DVOPS and LVERs perform only duties related to providing employment assistance to veterans. Section 305 also requires that VETS conduct regular audits to ensure compliance with these requirements and authorizes VETS to reduce the amount of assistance paid to a state to fund DVOPS and LVERs if the state is not in compliance with this section.

Compromise Agreement

Section 241 of the Compromise Agreement generally follows the House Bill. The Committees continue to hear that unemployment center managers divert DVOPS and LVERs to non-veterans related work. This practice obviously negatively impacts the amount of time that veterans unemployment specialists can spend on serving veterans. The agreement amends the provision to ensure that DVOPS and LVERs are allowed to provide, minor, non-substantive support to non-veterans. The Compromise Agreement also gives Governors the option of consolidating DVOP and LVER positions into one job as long as they certify to DOL that no services to veterans will be reduced as part of the consolidation. The Committees expect VETS to provide clear guidance to the states as to what constitutes minor, non-substantive services. The agreement further requires that DOL approve of Governor's consolidation plan. The Committees believe that in a

time of fiscal restraint, flexibility in providing service to veterans so long as services do not deteriorate is appropriate. For example, at smaller employer center there may be only one part-time DVOP and one part-time LVER. This provision would permit the consolidation of those two positions into one, thereby reducing administrative overhead while not affecting quality of service to veterans.

SUBTITLE D—IMPROVEMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA

Current Law

Section 4303 of title 38 U.S.C., for the purposes of the protections under the Uniformed Services Employment and Reemployment Right Act (USERRA), defines ‘benefit,’ ‘benefit of employment,’ or ‘rights and benefits’.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 401 of H.R. 2433, as amended, would expand the definition of ‘benefit,’ ‘benefit of employment,’ or ‘rights and benefits’ to include the right not to suffer workplace harassment or the creation of a hostile work environment by including, ‘the terms, conditions, or privileges of employment,’ to conform USERRA with the Supreme Court’s decision in *Mentor Savings Bank vs. Vinson*, 477 U.S. 57, 63–66 (1986) and DOL’s request for such change in its annual report on USERRA.

Compromise Agreement

Section 251 of the Compromise Agreement follows the House Bill.

SUBTITLE E—OTHERS MATTERS

EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES

Current Law

P.L. 101–508, the Omnibus Budget Reconciliation Act of 1990, reduced VA pension for certain veterans in receipt of Medicaid-covered nursing home care to no more than \$90 per month, for any period after the month of admission to the nursing care facility. This authority expired on September 30, 1992, but has been extended several times, most recently through May 31, 2015, in the Veterans’ Benefit Act of 2010.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 507 of H.R. 2433, as amended, would amend section 5503(d)(7) of title 38 U.S.C., to extend the authority for limitation of VA pension to \$90 per month for certain beneficiaries receiving Medicaid-covered nursing home care from May 31, 2015.

Compromise Agreement

Section 262 of the Compromise Agreement follows the House Bill, except that the limitation would be extended until September 30, 2016 and not May 31, 2016.

REIMBURSEMENT RATE FOR AMBULANCE SERVICES

Current Law

Under section 111 of title 38, U.S.C., VA is authorized to reimburse certain veterans for their transportation by ambulance to and from VA medical facilities based on the ‘actual necessary expense.’

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 504 of H.R. 2433, as amended, would amend section 111(b)(3) of title 38, U.S.C., by adding a new subparagraph (C), which would authorize VA to pay the lesser of the actual amount charged by the ambulance provider or the applicable amount in the Medicare fee schedule for ambulance services, unless VA has entered into a contract for such transportation with the provider.

Compromise Agreement

Section 263 of the Compromise Agreement follows the House Bill.

EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES

Current Law

Section 6103(1)(7)(D)(viii) of title 26, U.S.C., authorizes the release of certain income information by the Internal Revenue Service (IRS) or the Social Security Administration (SSA) to VA for the purposes of verifying the incomes of applicants for VA needs-based benefits. Section 5317(g) of title 38, U.S.C., provides VA with temporary authority to obtain and use this information. Under current law, this authority expires on November 18, 2011.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

The House Bill does not contain a similar provision.

Compromise Agreement

Section 264 of the Compromise Agreement extends the authority under section 5317(g) to authorize the release of certain income information by IRS or the SSA to VA for the purposes of verifying the incomes of applicants for VA needs-based non-service connected pension benefits through September 30, 2016. The Committees note that this extension was also included in section 3(c) of H.R. 2349, as amended, which passed the House on October 11, 2011, and section 708 of S. 914, as reported by the Senate Committee on June 29, 2011.

MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS

Current Law

Section 3729(b)(2) of title 38, U.S.C., sets forth a loan fee table that lists funding fees to be paid by beneficiaries, expressed as a percentage of the loan amount, for different types of loans guaranteed by VA. Funding fee rates have varied over the years, but with one exception, have remained constant since 2004. All funding fee rates are set to be reduced on November 18, 2011.

Senate Bill

Section 15 of S. 951 would amend the fee schedule set forth in section 3729(b)(2) of title 38 U.S.C., by extending VA’s authority to collect certain fees and by adjusting the amount of the fees. Specifically, the section would amend-section 3729(b)(2)(B)(ii) by striking ‘January 1, 2004, and before October 1, 2011’ and inserting ‘October 1, 2011, and before October 1, 2014,’ and by striking ‘3.30’ both places it appears and inserting ‘3.00.’

The section would also amend section 3729(b)(2)(B)(i) by striking ‘January 1, 2004’ and inserting ‘October 1, 2011’ and by striking ‘3.00’ both places it appears and inserting ‘3.30.’ The section would also strike clause (iii) and re-designate clause (iv) as clause (iii). Clause (iii), as redesignated, would be amended by striking ‘October 1, 2013’ and inserting ‘October 1, 2014.’

House Bill

Section 501 of H.R. 2433, as amended, would amend the fee schedule set forth in section

3729(b)(2) of title 38 U.S.C., by extending VA’s authority to collect certain fees and by adjusting the amount of the fees. Specifically, the section would amend section 3729(b)(2)(A)(iii) and 3729(b)(2)(A)(iv) by striking ‘November 18, 2011’, and inserting ‘October 1, 2017’.

The section would also amend section 3729(b)(2)(B)(i) by striking ‘November 18, 2011’ and inserting ‘October 1, 2017’. The section would also strike clauses (ii) and (iii) and re-designate clause (iv) as clause (ii). Clause (ii), as re-designated, would be amended by striking ‘October 1, 2013’ and inserting ‘October 1, 2017.’ The section would also amend section 3729(b)(2)(C)(i) and 3729(b)(2)(C)(ii) by striking ‘November 18, 2011’ and inserting ‘October 1, 2017’. Finally, the section would also amend section 3729(b)(2)(D)(i) and 3729(b)(2)(D)(ii) by striking ‘November 18, 2011’ and inserting ‘October 1, 2017’.

Compromise Agreement

Section 265 of the Compromise Agreement follows the House Bill except that instead of inserting ‘October 1, 2017’ for the various extensions the agreement inserts ‘October 1, 2016’.

TITLE V—BUDGETARY EFFECTS

STATUTORY PAY-AS-YOU-GO ACT OF 2010

Current Law

P.L. 111–139, the Statutory Pay-As-You-Go Act (PAYGO Act), requires that most new spending is offset by spending cuts or added revenue elsewhere.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 507 of H.R. 2433, as amended, contains language required by the PAYGO Act in order for the estimate of budgetary effect from the House Budget Committee to be used by the Office of Management and Budget on PAYGO scorecards.

Compromise Agreement

Section 501 of the compromise agreement follows the House Bill.

□ 1330

Mr. LEVIN. I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Madam Speaker, I spoke in favor of repealing the 3 percent withholding provision when it passed the House just last month, and I am pleased the Senate has not only passed it but has added important provisions to help our brave men and women in uniform find work when they return home.

The amended bill provides retraining assistance to unemployed veterans as well as tax credits to businesses that hire unemployed veterans, which is a segment of our population that has been especially hard-hit by our sluggish economy. An estimated 12 percent of veterans who have served since the attacks of September 11 are unemployed. This is far above the national average and is not what our Nation’s heroes deserve.

Our servicemembers have gone above and beyond for their country, and this legislation is one way for Congress to honor their sacrifice and to help them succeed here at home. I strongly support this legislation and urge my colleagues to vote in its favor.

Mr. HERGER. Madam Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. MULVANEY), the chairman of the Small Business Subcommittee on Contracting and Workforce.

Mr. MULVANEY. Last week I came to this floor and stood in the well and called upon the Senate to do something, which was to take up this bill—this bill that had passed out of our subcommittee with tremendous bipartisan support and that passed out of this House with bipartisan support. It's something that went practically unnoticed nationwide, especially in the media.

I ask the Senate to simply take this bill up because it was not only something that the House had supported on a bipartisan basis, but it was something that was actually part of the President's jobs bill as well. So, in the name of doing the right thing, I come to the House floor to thank the Senate for actually doing that. While they're at it, they might want to take this opportunity to take up the other 19 jobs bills that we've sent them over the course of the last several months.

The Senate has done the right thing here. They've taken up a bill that the House has sent them, a bill that will actually give people the opportunity to go back to work. What has happened is that both parties have come together to try and figure out ways to give folks exactly that opportunity. That same possibility exists another 19 times over in the Senate. The Senate has done the right thing with this bill by passing it and by sending it back to us. It's going to become law now.

I call upon the Senate to please do the right thing again and take up the 19 bills that we have sent over so that we will have the opportunity to do this again before the end of the year.

Mr. LEVIN. Madam Speaker, I yield myself 15 seconds.

The problem is that the 19 bills weren't real jobs bills. So now what the Senate has sent us back is an addition that is a real jobs bill, though not comprehensive.

I now yield 2 minutes to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for his leadership, not only on the committee but in so many ways in this Congress, and for yielding me time.

Madam Speaker, I rise in strong support of H.R. 674 and of the President's veterans jobs bill.

The 3 percent withholding repeal is very important on its own. This was an important bill that will help small business contractors who would have experienced significant cash flow problems for day-to-day operations had the withholding tax gone into effect. It also provides important tax credits to encourage more employers to hire our veterans who are out of work. Well

over 12 percent of our returning veterans are out of work. This bill provides additional education and job training for veterans to gain additional skills and to be successful in an increasingly competitive job market, and it takes important steps to help ease the transition between military service and the civilian workforce.

I am pleased that we are working together to repeal this tax burden and help our veterans in a comprehensive way during these tough economic times. I am pleased that this portion of the President's jobs bill is being enacted today. I thank all who are supporting it.

Mr. HERGER. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LEVIN. I now, with pleasure, yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the distinguished gentleman for yielding.

Madam Speaker, I would like to thank the Democratic and Republican leadership in both the House and the Senate for their timely consideration of the VOW to Hire Heroes Act of 2011.

As the House sponsor of the Hiring Heroes Act provisions that are in the bill, I would also like to thank the chairmen and ranking members of the House and Senate Veterans' Affairs Committees for their outstanding work on this jobs measure, as well as to thank the chairs and ranking members of the House Ways and Means Committee.

Just as this Nation has a responsibility not to leave our soldiers behind on the battlefield, we also have an obligation not to forget our veterans when they return home.

Last month the unemployment rate for veterans who fought in Iraq and Afghanistan was 12 percent. The youngest of veterans, ages 18 to 24, had a 30 percent unemployment rate in October. Among African American veterans aged 18 to 24, the jobless rate is a striking 48 percent. These numbers, Madam Speaker, are unacceptable. H.R. 674 allows us to honor our veterans by ensuring that they have the resources and the tools they need to find suitable and sustainable employment.

I urge my colleagues to support H.R. 674 and to provide our Nation's veterans with the employment opportunities that they need and so rightly deserve.

Madam Speaker, as the House sponsor of the Hiring Heroes provisions in this bill, I would be remiss if I did not also thank House Veterans' Affairs Committee Chair JEFF MILLER; House Veterans' Affairs Committee Ranking Member BOB FILNER; Senate Veterans' Affairs Committee Chair PATTY MURRAY; and Senate Veterans' Affairs Committee Ranking Member RICHARD BURR for their outstanding work on this comprehensive 1 veterans' jobs measure.

Last week as America celebrated Veterans' Day, patriots all across our great nation hon-

ored our brave veterans with parades, luncheons, and other ceremonies of remembrance. The many sacrifices members of our Armed Services have made for the freedoms we currently enjoy certainly warrants a national day of recognition and so much more.

Our patriotic service members have been instrumental in building and defending our democracy. We, as a nation, have a responsibility to pay tribute to them and preserve the memory of their service in our history and in our hearts and minds.

Just as this nation has a responsibility not to leave our soldiers behind on the battlefield, we also must not forget our veterans when they return home. In many respects, our soldiers need our help even more when they receive their discharge papers and return to civilian life.

Last month, the unemployment rate for veterans who fought in Iraq and Afghanistan was 12.1 percent versus 9.1 percent for the U.S. overall. The youngest of veterans, age 18 to 24, had a 30.4 percent unemployment rate in October, an increase from 18.4 percent a year earlier. Among black veterans age 18 to 24, the jobless rate is a striking 48 percent. These numbers are unacceptable.

H.R. 674 allows us to honor our veterans by ensuring they have the resources and tools they need to find suitable and sustainable employment.

This wide-ranging legislation combines key components of President Obama's American Jobs Act, Chairman MILLER's Veterans Opportunity to Work Act, and the Hiring Heroes Act. I sponsored the bipartisan Hiring Heroes Act in the House and Senator PATTY MURRAY introduced the measure in the Senate.

The bipartisan Hiring Heroes Act provisions included in this legislation will ensure that all service members transitioning to civilian life receive the job training skills they need to find a job. This legislation allows service members to begin the federal employment process prior to separation in order to facilitate a smooth transition from the military to jobs at the Departments of Veterans Affairs, Homeland Security, and other federal agencies in need of our veterans.

This bill also makes the Transition Assistance Program—an interagency workshop coordinated by the Departments of Defense, Labor and Veterans Affairs—mandatory for service members moving on to civilian life. This initiative helps veterans secure 21st Century jobs by providing resume writing workshops, job search techniques, interview tips, and career counseling.

Other provisions in the VOW to Hire Heroes Act will provide nearly 100,000 unemployed veterans with up to one-year of additional Montgomery GI Bill benefits to qualify for jobs in high demand sectors. In addition, the legislation provides tax incentives of up to \$5,600 for hiring veterans, and up to \$9,600 for hiring disabled veterans, if the veteran has been looking for work for six months or longer.

Madam Speaker, we have an obligation to ensure our veterans land on their feet when they come home and help them find good paying jobs to support their families. These heroes have risked the most for our country. They shouldn't be coming home to unemployment checks. That's why providing this support to our nation's veterans is simply the right

thing to do, and I look forward to voting in favor of this comprehensive veterans' employment initiative.

I urge my colleagues to support H.R. 674 and to provide our nation's veterans with the employment assistance opportunities that they need and so rightly deserve.

Mr. HERGER. I continue to reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself the balance of my time.

It can be stated very briefly.

The unemployment rate for veterans is beyond acceptance, and these bills hopefully will help. We need to pass more comprehensive legislation so that everybody has a chance at a job. For those who are unemployed and looking for work, we need to act so that, by next February, 2 million people will not be left without unemployment insurance.

But again, these provisions added by the Senate, provisions that were part of the President's bill, will help to address this simply inappropriate, unacceptable, unsatisfactory rate of employment and reemployment for people who have served our country so loyally and so well. So I support this bill and urge its passage.

I yield back the balance of my time.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

Today we have an opportunity to encourage job creation by repealing a tax that's looming over small businesses and also to improve economic opportunities for the men and women who have risked their lives and limbs to serve our country in the Armed Forces.

I urge a strong bipartisan vote for this legislation, and I yield back the balance of my time.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, November 14, 2011.

TO THE MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million members and organizations of every size, sector, and region, strongly urges you to support H.R. 674 as amended, which would fully repeal the burdensome 3% Withholding Tax mandate enacted in Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222).

H.R. 674 was approved with overwhelming bipartisan support in the U.S. Senate last week. The Senate passed bill adds language to make a technical clarification regarding the existing federal levy program in order to conform to congressional intent and directly address tax delinquency. H.R. 674 originally passed in the U.S. House of Representatives by a vote of 405 to 16 and is supported by the Administration. Given the substantial bipartisan, bicameral support for repealing the 3% withholding tax mandate, the Chamber urges the House to expeditiously approve H.R. 674 as amended to give greater certainty to those impacted.

Unless repealed before it takes effect on January 1, 2013, the 3% Withholding Tax will have a dramatic, negative impact on millions of honest taxpaying businesses as well

as state and local governments. Under this provision, the Internal Revenue Service (IRS) was given new broad sweeping authority to hold hostage 3% of nearly every transaction between the public and private sector—giving the federal government an interest free loan on the backs of many honest taxpayers. This mandate is also anti-stimulus in the sense that it removes money from local economies and sends it to the IRS.

Additionally, the profit margin for many businesses is often less than 3%, meaning that the withholding tax will create significant cash flow problems for day-to-day operations as well as draining capital that could be used for job creation and business expansion. The 3% Withholding Tax will also drive opportunities away from small businesses as governments look to consolidate their purchasing with larger companies to make it less onerous to comply with the mandate. During these difficult economic times, Congress should be pursuing policies that encourage, not hamper, business growth and job creation in the private sector.

The U.S. Chamber of Commerce strongly supports H.R. 674 as amended, to fully repeal the 3% Withholding Tax, and urges you to approve this important legislation and send it to the President for his signature.

Sincerely,

R. BRUCE JOSTEN.

GOVERNMENT WITHHOLDING
RELIEF COALITION,
Washington, DC, November 14, 2011.

TO THE MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: The Government Withholding Relief Coalition and its member organizations strongly urge you to vote for H.R. 674 as amended, bipartisan legislation to fully repeal the burdensome 3% Withholding Tax mandate enacted in Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222).

On November 10, 2011, the U.S. Senate emphatically endorsed repeal by approving H.R. 674 as amended by a vote of 95 to 0. The Senate amendment clarifies the existing federal levy program in order to conform to congressional intent and directly address tax delinquency. The Government Withholding Relief Coalition supports this targeted approach that, unlike the 3% Withholding Tax, will not negatively affect honest taxpayers and state and local governments. The underlying bill to repeal the 3% Withholding Tax mandate passed in the U.S. House of Representatives by a vote of 405 to 16 last month. The Administration has endorsed repealing this onerous burden as well. Given the overwhelming bipartisan, bicameral support and the endorsement of the Administration, we call on the House to act expeditiously to approve H.R. 674 as amended to give certainty to those impacted—businesses, doctors, farmers, state and local governments and colleges and universities.

Unless repealed before it takes effect on January 1, 2013, the 3% Withholding Tax will have a dramatic, negative impact on millions of honest taxpaying businesses as well as state and local governments, health care providers, farmers and colleges and universities. The profit margin for many businesses is often less than 3%, meaning that the withholding tax will create significant cash flow problems for day-to-day operations as well as draining capital that could be used for job creation and business expansion. This mandate is also anti-stimulus in the sense that it removes money from local economies and sends it to the IRS.

The mandate is already proving costly and will increase exponentially as the implementation deadline moves closer. If this mandate is not repealed, it will cost companies and governments at all levels substantial amounts of money just to prepare to comply with this unnecessary and unfortunate tax provision. These exorbitant expenditures will be at the expense of hiring new employees, expanding businesses, and providing government services at a time when neither the public nor private sector can afford such unnecessary costs.

The Government Withholding Relief Coalition, which represents all sectors of the economy, believes it is imperative that the 3% Withholding Tax be fully repealed to limit the damaging impacts to our economy. We appreciate bipartisan efforts to repeal it and strongly encourage you to vote for H.R. 674 as amended, to fully repeal the 3% Withholding Tax once and for all.

Sincerely,

Government Withholding Relief Coalition.

Aeronautical Repair Station Association; Aerospace Industries Association; Air Conditioning Contractors of America; Air Transport Association; Airports Council International-North America; America's Health Insurance Plans; American Ambulance Association; American Bankers Association; American Bus Association; American Clinical Laboratory Association; American Concrete Pressure Pipe Association; American Congress on Surveying and Mapping; American Council of Engineering Companies; American Dental Association; American Gas Association; American Health Care Association; American Institute of Architects; American Institute of Certified Public Accountants; American Logistics Association; American Medical Association.

American Moving and Storage Association; American Nursery and Landscape Association; American Road & Transportation Builders Association; American Society of Civil Engineers; American Society of Landscape Architects; American Subcontractors Association; American Supply Association; American Traffic Safety Services Association; American Trucking Associations; Armed Forces Marketing Council; Associated Builders and Contractors; Associated Equipment Distributors; Associated General Contractors of America; Association of Management Consulting Firms; Association of National Account Executives; Association of School Business Officials International; Baltimore Washington Corridor Chamber; Biotechnology Industry Organization; Business and Institutional Furniture Manufacturers Association; CTIA-The Wireless Association™; California Association of Public Purchasing Officers.

Coalition for Government Procurement; Coalition of Higher Education Assistance Organizations; Colorado Motor Carriers Association; Computing Technology Industry Association; Construction CPAs/Consultants Association (CICPAC); Construction Contractors Association; Construction Employers' Association of California; Construction Financial Management Association; Construction Industry Round Table; Construction Management Association of America; Design Professionals Coalition; Edison Electric Institute; Electronic Security Association; Engineering & Utility Contractors Association; Federation of American Hospitals; Financial Executives International; Finishing Contractors Association; Gold Coast Hispanic Chamber of Commerce; Government Finance Officers Association; Hawaii Transportation Association.

Heating, Airconditioning & Refrigeration Distributors International; IPC—Association Connecting Electronics Industries; Independent Electrical Contractors, Inc; International City/County Management Association; International Council of Employers of Bricklayers and Allied Craftworkers; International Foodservice Distributors Association; International Municipal Lawyers Association; Large Public Power Council; Management Association for Private Photogrammetric Surveyors; Mason Contractors Association of America; Massachusetts Motor Transportation Association; Mechanical Contractors Association of America; Medical Group Management Association; Messenger Courier Association of the Americas; Miami Dade County; Mississippi Trucking Association; Modular Building Institute; Motor Transport Association of Connecticut; Munitions Industrial Base Task Force; National Asphalt Pavement Association.

National Association for Self-Employed; National Association of College & University Business Officers; National Association of Counties; National Association of Credit Management; National Association of Educational Procurement; National Association of Energy Services Companies; National Association of Government Contractors; National Association of Manufacturers; National Association of Minority Contractors; National Association of State Auditors, Comptrollers and Treasurers; National Association of State Chief Information Officers; National Association of State Procurement Officials; National Association of Surety Bond Producers; National Association of Water Companies; National Association of Wholesaler-Distributors; National Automobile Dealers Association; National Beer Wholesalers Association; National Corn Growers Association; National Council for Public Procurement and Contracting; National Defense Industrial Association.

National Electrical Contractors Association; National Electrical Manufacturers Association; National Emergency Equipment Dealers Association; National Federation of Independent Business; National Institute of Governmental Purchasing; National Italian-American Business Association; National League of Cities; National Mining Association; National Precast Concrete Association; National Propane Gas Association; National Office Products Alliance; National Railroad Construction & Maintenance Association; National Ready Mixed Concrete Association; National Roofing Contractors Association; National School Transportation Association; National Small Business Association; National Society of Professional Engineers; National Society of Professional Surveyors; National Utility Contractors Association; National Wooden Pallet and Container Association.

New Jersey Chamber of Commerce; North-American Association of Uniform Manufacturers & Distributors; North Coast Builders Exchange; Office Furniture Dealers Alliance; Oregon Trucking Association; Owner Operator Independent Drivers Association; Petroleum Marketers Association of America; Plumbing-Heating-Cooling Contractors—National Association; Printing Industries of America; Professional Services Council; Regional Legislative Alliance of Ventura and Santa Barbara Counties; Retail Energy Supply Association; Santa Rosa Chamber of Commerce; Security Industry Association; Service Disabled Veteran Owned Small Business Council; Sheet Metal and Air Conditioning Contractors National Association, Inc.; Shipbuilders Council of America; Small

Business & Entrepreneurship Council; Small Business Legislative Council.

South Carolina Trucking Association; TechAmerica; Tennessee Trucking Association; Textile Rental Services Association of America; The Association of Union Constructors; The Distilled Spirits Council of the U.S.; The Financial Services Roundtable; U.S. Chamber of Commerce; United States Telecom Association; Utah Trucking Association; Veterans Business Institute; Veterans Entrepreneurship Task Force; Water and Wastewater Equipment Manufacturers Association; Women Construction Owners & Executives; Women Impacting Public Policy.

Mr. KIND. Madam Speaker, I rise today in support of H.R. 674, the Three Percent Withholding Repeal and Job Creation Act.

The Three Percent Withholding Repeal and Job Creation Act repeals a burdensome tax law that President Bush and Congressional Republicans passed in 2006. Fortunately, the law has never gone into effect because Democrats have fought it for years, and the Senate was successful in voting to repeal it last week. Estimates project that the tax actually costs more to implement than it raises in new revenue. Thus, it only hurts our local businesses, especially in an underperforming economy, by restricting cash flow and causing administrative headaches. Eliminating such a barrier will allow our businesses to better use their assets to grow and hire, which is exactly what our economy needs right now.

Currently, many contractors and small businesses are strapped for cash and doing everything they can to keep their doors open. In addition to repealing a burdensome tax, the Three Percent Withholding Repeal and Job Creation Act also provides incentives to grow our stagnant economy by helping businesses all over the country hire unemployed veterans. Because veterans returning from Iraq and Afghanistan are facing 12.1 percent unemployment, the Three Percent Withholding Repeal and Job Creation Act contains critical veterans' jobs initiatives that will not only incentivize hiring, but will spur economic growth by putting veterans back to work and investing in small businesses that are struggling in this stagnant economy.

In a fiscally responsible way, the Three Percent Withholding Repeal and Job Creation Act provides meaningful tax incentives to hire 45,000 unemployed veterans in 2012 and 54,000 each in 2013 and 2014. It not only helps veterans who have been unemployed for more than six months, but also those who have been unemployed for over four weeks. Businesses are further incentivized to hire veterans returning to the workforce with service-connected disabilities after six months of looking for a job.

In addition to providing incentives to hire veterans, the Three Percent Withholding Repeal and Job Creation Act provides transition assistance through a mandatory program for servicemembers returning to civilian life. Such a vital program will assist returning servicemembers in securing 21st Century jobs through career counseling and resume-writing workshops.

By helping our veterans transition back to civilian life and by creating opportunities for them to obtain meaningful employment, we show our thanks for their selfless service to our country. Furthermore, we instill faith in our

local businesses to grow and hire by providing them support and resources to get through this tough economic time.

This bill is one small but important step in upholding our commitment to support the troops that have proudly defended our Nation. I'm proud to support this legislation for our veterans and our small businesses and government contractors.

Mr. DINGELL. Madam Speaker, today the House is considering legislation that will repeal the onerous requirement that federal, state, and local government entities withhold three percent of payments to government contractors. H.R. 674 will also take the first step in passing a piece of the President's American Jobs Act, by providing tax credits for businesses that hire unemployed or disabled veterans, and will help provide servicemembers who are leaving the service with job training and other skills necessary for starting a career outside of the military.

While I support these initiatives, I am disappointed that my friends in the House and Senate are pairing two bipartisan pieces of legislation with legislation that will change the intent of the Affordable Care Act and roll back eligibility for middle-class Americans to qualify for tax credits in the new Health Insurance Exchanges or Medicaid and CHIP.

As a veteran myself, I want nothing more than to help veterans to find gainful employment after the military and I believe that as we draw near the end of our engagement in Iraq and Afghanistan the need for this assistance is paramount. I will also gladly help my colleagues on the other side of the aisle to repeal their own three percent withholding requirement which we have delayed year after year. What I do not support is how we will pay for this repeal—on the backs of middle class Americans who as a result may find themselves paying more for their health care.

This legislation will add Social Security income back into the calculation of the Modified Adjusted Gross Income or MAGI for purposes of determining eligibility for the premium tax credits in the exchange and for Medicaid and CHIP. Some have suggested that excluding nontaxable Social Security benefits in the MAGI definition was a glitch. This is not so. The Affordable Care Act used the definition of MAGI that excluded nontaxable Social Security benefits because it is typical when determining eligibility for tax benefits.

Changing the MAGI definition to add Social Security income back in will make 500,000 to 1 million people ineligible for Medicaid and CHIP and ineligible for premium tax credits. This will impose high costs for health care on low-income and middle-income families, early retirees and the disabled, and consequently could shift them out of Medicaid coverage or require increased out-of-pocket costs for health coverage. This goes against the very intent of the Affordable Care Act.

Madam Speaker, I oppose the sort of legislating that is before us today as I believe each chamber should be allowed to work its will on separate items, rather than be forced to accept bad policy sandwiched between pieces of bipartisan legislation. This goes against the pledge to openness and transparency my Republican colleagues have claimed to support. While I will lend my support to the legislation

before us, I cannot continue to accept such abuses of procedure.

Mr. BRADY of Texas. Madam Speaker, I rise in support of H.R. 674, repealing the requirement that all levels of government withhold 3 percent of payments owed to their contractors throughout the United States.

If not repealed, small businesses operating on the slimmest of margins would see their operating budgets once again taking a hit from the Federal Government.

It is important to remember that our neighbors and friends work at these businesses.

Their jobs depend on these businesses having the necessary cash flow to pay their wages so they can raise their families and pay their bills.

And we, as a country, are depending on these same businesses to create new jobs which will help our unemployed friends and neighbors, and move our economy forward.

I am also supportive of simplifying the process for employers to hire our unemployed and disabled veterans through the Work Opportunity Tax Credit program. The one-year extension and simplification will help bring more certainty to the hiring process for our job creators looking to hire veterans who have more than proven their worth to anyone looking for productive employees.

A vote in support of H.R. 674 is a vote to remove impediments to American job creation and expand opportunities for our veterans. I urge my colleagues to support the bill.

Mr. VAN HOLLEN. Madam Speaker, three weeks ago, this House passed legislation to repeal the 3% withholding rule for contractors doing business with the federal government and an adjustment to the formula used to calculate Medicaid and tax credit eligibility under the Affordable Care Act.

Today's bill—sent back to us by the Senate—packages these two initiatives with the Veterans Hiring Tax Credit contained in the American Jobs Act and several other provisions designed to support veterans looking for work.

Madam Speaker, it's about time. Finally, if only in a small way, we are moving legislation to accelerate job creation in this Congress. With unemployment rates for today's returning veterans hovering above 12%, these steps are the least we can take to support our service members transitioning to civilian life. Frankly, I would go further and complete consideration of the rest of the American Jobs Act without further delay.

As regards the rest of the legislation, it is no secret that I would prefer savings from the adjustment to the Affordable Care Act formula be repurposed to other pressing health care needs. That being said, I support the adjustment and have long been a cosponsor of the bill to repeal the onerous 3% withholding requirement.

Accordingly, I will cast a "yes" vote for today's legislation.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 674. The provisions contained in this amended legislation are a long time coming and I am pleased to see this body finally consider a measure that will have a tangible effect for Americans who are unemployed and underemployed. More importantly, these measures will help a particular group of

Americans who I think we all agree deserve our full support: our Nation's veterans. Right now, men and women returning stateside from Iraq and Afghanistan face an unemployment rate of over 12 percent. Nearly a quarter of a million of recently returned veterans are jobless. This is unconscionable. If we can give our men and women the tools they need to succeed in combat, then certainly we must help them succeed when they return home. Moreover, veterans make excellent employees—I know because I have two working for me. Helping our veterans find jobs will put some of the finest men and women in the country into the American workforce. It's a win-win situation.

This measure provides tax credits for businesses who hire veterans—up to \$5,600 if the veteran has been out of a job for more than six months. It also provides a \$9,600 tax credit if the veteran has a service-connected disability. It expands Montgomery G.I. benefits for education and training opportunities for older veterans. And it includes provisions to encourage separating service members to seek employment in civilian federal service.

Madam Speaker, it is worth noting that many of these are measures that President Obama proposed in the American Jobs Act. I am pleased that we are considering these specific provisions today, but dozens of other provisions in the Jobs Act would help put an even greater number of veterans back to work: small business tax cuts, supporting teachers and first responders, rebuilding and expanding our infrastructure. We must do more, and by advancing the proposals currently idling in this body, we can do more.

I urge my colleagues to join me in supporting this measure to help put our Nation's veterans back to work.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 674.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HERGER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1340

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 822.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 463 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 822.

□ 1341

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Chairwoman, I yield myself such time as I may consume.

H.R. 822, the National Right-to-Carry Reciprocity Act of 2011, was introduced by Mr. STEARNS of Florida and Mr. SHULER of North Carolina and is cosponsored by 245 Members of Congress on both sides of the aisle. This landmark legislation recognizes the importance of the Second Amendment and makes it easier for individuals with concealed carry permits to travel to other States. Forty-nine States now allow concealed carry permits, and 40 of these States also extend some degree of reciprocity to permit holders from other States.

This bill simply applies the States' reciprocal agreements nationwide. This legislation requires States that currently allow people to carry concealed firearms to recognize other States' valid concealed carry permits, much like States recognize driver's licenses issued by other States. The bill recognizes the right of States to determine eligibility requirements for their own residents.

State, local, and Federal laws and regulations regarding how, when, and where a concealed firearm can be carried that apply to a resident will apply equally to a nonresident. For example, many States bar individuals from carrying firearms in a bar, at a sporting event, or in a State park. Under this legislation, all of these restrictions will apply to nonresidents as well.

H.R. 822 also addresses concerns regarding the ability of law enforcement agencies to confirm the validity of an out-of-state concealed carry permit. The bill requires a person to show both a valid government-issued identification document, such as a license or passport, and a valid concealed carry license or permit.

State law enforcement agencies can verify the validity of an out-of-state

concealed permit through the Nlets system. Nlets is available to law enforcement officials in all 50 States 24 hours a day, 7 days a week. Data from the FBI's annual Uniform Crime Report shows that right-to-carry States, or those that widely allow concealed carry, have 22 percent lower total violent crime rates, 30 percent lower murder rates, 46 percent lower robbery rates, and 12 percent lower aggravated assault rates, as compared to the rest of the country.

Opponents of this bill have noted that some States would be required to recognize concealed carry permits issued by States with different standards of eligibility. However, 40 States already grant reciprocity to other States, including to States with different eligibility requirements. The States would not do this if different eligibility requirements were a concern.

The Second Amendment is a fundamental right to bear arms that should not be constrained by State boundary lines. Opposition to this legislation comes from those who believe concealed carry permit holders often commit violent crimes, which is demonstrably false, or from those who want to restrict the right of law-abiding citizens to bear arms. This legislation enhances public safety and protects the right to bear arms under the Second Amendment. I urge my colleagues to support H.R. 822.

Madam Chairwoman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I yield myself such time as I may consume.

Members of the House, the measure that we have under consideration today is a very curious one in that there is some misunderstanding of what the constitutional right to carry loaded, hidden guns in public is really all about.

I would begin our discussion pointing out that under the proposal before us, a concealed firearm permit issued by any State would be valid in every State that allows a concealed carry provision. So, for example, a visitor to my home State of Michigan would be allowed to carry a loaded, hidden weapon in public, even if he has not met the minimum requirements to do so mandated by our State law.

Different States have enacted different requirements for carrying concealed weapons within their borders. And although Federal law prohibits individuals with Federal convictions from possessing a weapon, 38 of our States have chosen to deny concealed carry licenses to individuals with convictions for certain misdemeanor offenses.

I would like to start our discussion off with the fact that there are so many members of law enforcement, so many members of the government, so

many members of our editorials—please consider with me, my colleagues in the House, that every major law enforcement organization in the United States of America opposes the measure that is on the floor today, H.R. 822. Every single organization. These organizations include the International Association of Chiefs of Police; the Major Cities Chiefs Association, which includes the 56 largest cities in the United States of America; the Police Foundation; the National Latino Peace Officers Association; and the National Organization of Black Law Enforcement Executives.

□ 1350

We have letters from 600 mayors of the cities in the United States. The National Network to End Domestic Violence has sent us letters. There have been editorials in the New York Times, the Washington Post, and the St. Petersburg Times, and they have all submitted letters.

I conclude my opening remarks by observing that there is no constitutional right to carry loaded, hidden guns in public. One of the things I hope we will be able to persuade you on is that the Supreme Court case of 2008, entitled, *District of Columbia v. Heller* is the case that the majority of the Court ruled, and Justice Scalia wrote this decision, that while the Second Amendment protects the right of law-abiding citizens to use arms in defense of their home and bans on carrying in public were presumptively lawful, it went on to say that the question held that prohibitions on carrying concealed weapons were lawful under the Second Amendment, that the prohibitions were lawful; and Justice Scalia's majority decision in that landmark case rendered 3 years ago stated the Second Amendment is not unlimited and not a right to keep and carry any weapon whatsoever in any manner whatsoever or for whatever purpose. I cite the Supreme Court decision 128 2783 of 2008, the *District of Columbia v. Heller*.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chairwoman, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a senior member of the Judiciary Committee.

Mr. CHABOT. I thank the chairman for yielding.

Madam Chairman, the Second Amendment to the United States Constitution states: "The right of the people to keep and bear arms shall not be infringed."

In this modern age when it is very common for people to travel to work or for pleasure, it has really become routine, and the National Right-to-Carry Act is a commonsense solution to adapt to today's needs.

This legislation allows people with valid, State-issued permits or licenses

to carry a concealed firearm in any other State that has essentially the same laws. To be clear, this legislation does not create a national licensing scheme or agency. It does not supersede the laws for firearms use in any other State.

The right of self-defense is a fundamental one and has been recognized in law for centuries. The Second Amendment dictates that the appropriate way to fight crime is to target criminals, not law-abiding gun owners. Today we have an opportunity to clearly recognize the right to bear arms for our citizens and to allow law-abiding citizens to exercise freedom without restrictive barriers. Let's take that opportunity today.

Mr. CONYERS. Madam Chairman, I am pleased to recognize the former chair of the Constitution Subcommittee of the House Judiciary Committee, JERRY NADLER of New York, for as much time as he may consume.

Mr. NADLER. I rise in strong opposition to H.R. 822, what the Brady Campaign correctly calls the "Packing Heat on Your Street" bill.

America is in dire economic straits. Millions of people are out of work. Our growth rate is anemic. People are clamoring for Congress to pass legislation to grow the economy and help create jobs. And so what is the House of Representatives doing? This august body is considering gun legislation. The disconnect between the Republican House majority and the American people is beyond belief. It is no wonder that Congress' approval rating is 13 percent, according to the latest Gallup Poll.

Not only are we wasting our time on this issue, what the bill does should scare every American. This bill, as amended by the Judiciary Committee, would let a person with a concealed-carry permit issued by one State take his or her weapon into any other State of which they are not a resident, regardless of the laws of that other State. State laws on both gun possession and concealed carry would be overridden. This bill takes away the right of the citizens of each State to set their own gun control policy. For a Republican House majority that supposedly believes in States' rights, this bill is shocking. So, for example, some States require firearms training or require people to be 21 years old to have a concealed-carry permit. All such rules would be tossed aside by this new Federal mandate.

I tried to protect States by filing an amendment with the Rules Committee which would have created an exception to the bill to let States enforce laws against persons convicted of sex offenses against minors from possessing guns or having concealed weapons. That amendment was not made in order. I guess it was more important to

satisfy the gun lobby than it is to make sure our kids are protected from violent predators.

To the extent States want to allow their citizens to enter into other States with concealed weapons, they can do so by entering into reciprocity agreements, and many States have done so. But why would we force those that have not, which have chosen to end reciprocity agreements due to lax standards of another State, why would we force them to accept the concealed-carry permit of every other State?

Because any permit would suffice, this bill will create a race to the bottom, with whatever State has the most permissive concealed-carry rules setting national policy. In some States you don't even have to be a resident to get a concealed-carry permit. This lowest common denominator approach will only lead to more people carrying more hidden weapons—packing heat on your street. Knowing there are more concealed handguns all around does not make me feel safer.

Lastly, I want to address the constitutional argument. In *Heller*, the Supreme Court held there is a Second Amendment right for persons to bear arm. Nowhere did the Court say, however, that there is an unlimited national right to carry a concealed handgun. In fact, Justice Scalia recognized the legality of reasonable limits on the Second Amendment. I can't imagine a more reasonable restriction for States to impose than those which govern who can carry a concealed firearm in their own States.

I ask that Members reject this deeply flawed and dangerous bill.

Mr. SMITH of Texas. Madam Chairwoman, I yield 3 minutes to the gentleman from Arizona (Mr. FRANKS), the chairman of the Constitution Subcommittee.

Mr. FRANKS of Arizona. I thank the chairman.

Madam Chair, H.R. 822, initially introduced by Mr. STEARNS of Florida and Mr. SHULER of North Carolina and supported by more than half of my colleagues in the House of Representatives, would allow people with a valid permit or license to carry a concealed handgun in any other State that permits concealed carry. This is a policy akin to allowing licensed drivers from one State to drive their car in another State so long as they obey the local laws.

Madam Chair, clearly the constitutional right to defend oneself and one's family should not be limited to only when you are at home. Criminals have always preferred unarmed victims. Conversely, law-abiding citizens capable of defending themselves and their fellow citizens demonstrably save innocent lives.

To give one of countless examples, in 2007, a man in Colorado named Matthew Murray wrote online: "All I want

to do is kill and injure as many Christians as I can." Murray then went on a shooting rampage, first killing two young students at a missionary training center outside Denver; and then at a gathering of over 7,000 people in and around the New Life Church in Colorado Springs, Colorado, with a rifle and a backpack full of ammunition, Murray entered the church and opened fire, killing two sisters. Murray was ultimately stopped and killed by Jeanne Assam, a church member and volunteer security guard who once worked in law enforcement and who had a concealed-carry permit. Apart from this armed hero's actions, many more innocent citizens would have died that day.

H.R. 822 includes a number of provisions intended to retain the States' ability to regulate firearm use in their own States and increase public safety. Nothing in the bill affects a State's ability to set the eligibility requirements for its own residents, nor does it affect any State laws or regulations regarding how, when, or where concealed firearms can be carried. It also requires people who want to take advantage of the Federal grant of reciprocity to be properly permitted or licensed by a State to carry a concealed weapon and to be able to produce both the permit or license and a government-issued identification document.

□ 1400

To reiterate Chairman SMITH's comments, studies have shown that concealed-carry laws are very good public policy for our country. Madam Chair, the NRA has estimated, based on FBI crime report data, that right-to-carry States, which widely allow concealed-carry, have 22 percent lower violent crime rates, 30 percent lower murder rates, and 46 percent lower robbery rates than States that prohibit or greatly restrict concealed-carry. H.R. 822 will help further extend this trend.

With that, Madam Chair, I urge my colleague to support this bill.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank the gentleman for yielding.

Mr. Chairman, for all of the talk of States' rights in this Chamber, H.R. 822 obliterates the rights of State governments to pass their own gun rules and protect their own citizens from illegal gun violence. In my own State of Florida, we have a right-to-carry law, but we require those who seek such concealed permits to prove basic competency.

To protect our families, we deny concealed-carry permits to those convicted of felonies, to those committed to mental institutions, or those with a history of illegal drug use. H.R. 822 denies Floridians the right to protect their own families and set their own standards. If Floridians wanted gun

laws as lax as those in Utah, they would adopt their own.

I'm disappointed the Rules Committee blocked my own amendment to amend this bill to ensure that individuals with concealed weapons could only cross lines into States that maintain a national law enforcement database. Without a database system accessible 24 hours a day with criminal background information on individuals holding concealed weapons permits from other States, Florida's law enforcement will be unable to adequately protect the public under this bill. It is the safety of our communities and our families that are at risk as a result.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. STEARNS), the writer, author, and creator of this legislation.

Mr. STEARNS. I would say to my colleague, I'm from Florida, and I'm supporting this bill. In fact, I'm the proud sponsor of this bill, ladies and gentlemen. I have sponsored this legislation since the 105th Congress—that's almost 14 years ago—because I believe it's long overdue that we take action to enhance the fundamental right of self-defense for all law-abiding citizens of this country.

I want to thank Mr. TRENT FRANKS from Arizona for his assiduous and hard work in pushing this through the full committee and subcommittee, and I also thank Chairman LAMAR SMITH for his efforts, too.

My colleagues, the right—the simple right—to defend yourself and your loved ones from a criminal is fundamental. And it's not extinguished when you simply cross a State border. This bill recognizes this important fact by establishing the interstate recognition of concealed-carry permits in much the same way driver's licenses are recognized.

Now under this legislation, lawfully issued carry permits will be recognized in all States that also issue carry permits. There are now 49 States that issue these permits. Most of these States also recognize permits issued from at least some other States, while some States recognize all valid permits issued by any State. But herein, simply, lies the problem. The nonuniformity of the laws regarding reciprocity makes it difficult for law-abiding permit holders to know for sure if they are obeying the law as they travel from State to State. While preserving the power of the States to set the rules on where concealed firearms can be carried, this legislation will establish interstate carry permit recognition in the 49 permit issuing States. So this legislation will simply make it easier for law-abiding permit holders to know that they are simply in compliance with the law when they carry a firearm as they travel this wonderful country of ours.

Now consider the outcome if States administered driver's licenses as they

currently do carry permits. Drivers would have to stop at the State line to determine whether their license was valid before proceeding. Each State would recognize some licenses but, of course, not all of them. Some States would insist that others have precisely the same requirements for issuance of a license before offering reciprocity. And the status of such reciprocity would be constantly changing, literally day to day.

So that is the reality of the current State reciprocity agreements for carry permits today. And only the Congress can remedy this interstate muddle. Our Union is a strong one, and we are proud to be citizens of a Nation who need not present papers to cross internal boundaries. But the holders of carry permits must indeed today worry whether their permits are valid before they can safely venture out of their home State while exercising a fundamental right. Our system of federalism beckons this body to remedy this disparity in due process and equal treatment under the law.

Mr. Chairman, over the past 20 years, 17 States have passed right-to-carry laws. In each of these States, opponents of firearms ownership have made dire predictions of mayhem in the streets if we simply dared to allow law-abiding citizens to carry a firearm for their own self-defense. But in each case, these predictions were proven to be completely false. In fact, during that period, violent crime has dropped 51 percent to a 46-year low—1991 to 2011—and these are according to the FBI Uniform Crime Reports. Statistics don't lie in this case. They are actually showing violent crime has dropped, and this is one of the reasons.

Mr. Chairman, this legislation will not strip States of the ability to prohibit dangerous persons from carrying a firearm. Federal law already prohibits a convicted felon or someone shown to be a danger from the mere possession of a gun, and the carry regulations set up in each State will apply to all permit holders, both residents and nonresidents. This bill does not set up a Federal carry permit system or establish any Federal regulations of concealed-carry permits. That power remains with the States. Additionally, this legislation does not include any new Federal gun laws, nor does it call for additional Federal regulation of gun ownership. In fact, it does not allow for new Federal regulation, for it amends the part of the Gun Control Act that allows only such regulation as is necessary, and in this case none.

The Acting CHAIR (Mr. SIMPSON). The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. STEARNS. My colleagues, this legislation simply guarantees citizens' constitutional rights as affirmed by two Supreme Court cases, *D.C. v. Hell-*

er and *McDonald v. Chicago*, which simply ruled the Second Amendment is an individual right.

This bill will allow law-abiding citizens who already have valid carry permits to carry firearms when they travel to protect themselves and to protect their families. These are people who have proven themselves to be among the most responsible and safe members of our communities, and we should not deprive them of this fundamental right when they simply cross a State border.

I urge my colleagues to support this important legislation. It's a long time in coming, I'm pleased it's on the floor, and I look forward to its passage.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

I want to just say to my dear friend from Florida, CLIFF STEARNS, you cannot compare licensing concealed-carry permits to driver's licenses, and that's why this idea of yours, with all due respect, has never been passed by the Congress before. The reason is that no States have the same way to automatically check a driver's license for concealed-carry.

The Acting CHAIR. The time of the gentleman has expired.

□ 1410

Mr. CONYERS. I yield myself 15 additional seconds.

You cannot compare a carrying concealed weapons check with a driver's license because they are checkable. A concealed-carry weapon, there are States that don't even permit the information to be revealed from their database. So you're making a huge error that I hope can be corrected.

With that, Mr. Chairman, I yield 1 minute to the distinguished gentlelady from California (Ms. CHU), a member of the Judiciary Committee.

Ms. CHU. This bill is a blatant attempt to override and weaken States' laws on an issue that could endanger people's lives. It hurts my home State of California, which developed laws to protect residents by developing criteria on those who could carry concealed-carry weapons. With this bill, that all goes away.

This bill is so bad that it even allows drug dealers convicted of selling drugs to minors to carry a concealed weapon. California would not allow it because such permits can only go to those of good moral character. But under this law, we would have to accept the concealed weapon permit for every other State that allows weapons to these drug dealers. I offered an amendment in the Judiciary Committee to stop this, but those on the other side of the aisle voted it down.

With this bill, a person who endangers the lives of our children will be allowed to carry a concealed loaded gun nationwide, and you would be powerless to stop it. It is the individual States that are in the best position to

determine how to best protect its citizens.

I strongly urge my colleagues to vote "no" on this dangerous bill.

Mr. SMITH of Texas. Mr. Chairman, first I would like to yield 15 seconds to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Chair, I just would suggest to my friend, the gentleman from Michigan, that he is correct, one cannot compare this strictly with people and driver's licenses. The fact is, first of all, driving a car is not a fundamental right to defense as enshrined in our Constitution. Secondly, cars kill many more people than guns. And, third, we don't usually defend ourselves with cars.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. As a former chairman of the Ohio Senate judiciary committee, I helped lead the fight to pass the first concealed-carry law in the State of Ohio. And I can tell you, even with this law and this right, as one of the thousands of Ohioans with a concealed-carry permit, I understand the need to reinforce our Second Amendment rights by resolving the confusion and the problems that exist when traveling between States.

The National Right-to-Carry Reciprocity Act does just that; it allows Ohioans and others with valid CCW permits issued by their home State to concealed-carry while visiting any of the 49 States where it's not expressly prohibited.

H.R. 822 is not a Federal takeover. The bill preserves States' rights by requiring residents to comply with their home State's rules for getting a permit. The bill also maintains reciprocity agreements the States have already entered into with other States.

The bill simply strengthens and protects our constituents' Second Amendment rights, and that's why I've cosponsored this legislation and look forward to its passage.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

I just want, when we decide how we're going to cast our vote on this bill, to realize you cannot compare a concealed-carry weapon permit with a driver's license. The States do not have the ability, they do not have the automated machinery to do that. Many will not even release this information; it's considered a private matter. Concealed-carry permit information cannot be revealed in many States.

I now yield 3 minutes to the former chairman of the Subcommittee on Crime, a distinguished member of the Judiciary Committee, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Chairman, H.R. 822 will harm public safety. That's why law enforcement organizations such as the International Association of Chiefs of Police, the Major Cities Chiefs Association, and many other law enforcement organizations oppose this bill.

This bill would allow people to use their concealed weapons permit in any State in the Union without regard to the standards and requirements of those other States. This bill even allows people who are ineligible to get a concealed weapons permit in their home State to go out of State and get a permit and use that permit anywhere in the country except their home State.

Some States have minimum standards for those who may be eligible to carry a concealed weapon. For example, some States require firearms training and others deny permits to those who are under 21 or those with certain convictions for assaulting police officers, selling drugs to kids, sex offenses against children, or domestic violence. Standards such as these would be overridden by this bill because permits from States without these standards would have to be recognized.

Now, many States already recognize concealed weapons permits from other States. My home State of Virginia recognizes many States' concealed weapons permits, but it requires a 24-hour verification. And for this reason, many States do not enjoy reciprocity with Virginia because 24-hour verification is not available. In fact, one State, Colorado, doesn't even maintain a statewide database, so there can be no out-of-state verification. As has been indicated, a driver's license, any time of day, you can verify the validity of a driver's license. But the concealed weapons permit, many States do not have 24-hour verification.

In overriding the ability of States to control the carrying of concealed weapons by nonresidents, this bill would create a situation where the weakest State laws essentially become the national law. We would be creating a race to the bottom with our public safety laws.

Consideration of this legislation has been a challenge because apparently many people in this body believe that if more people carried guns, the crime rate would go down. Reliable studies, however, point out that the possession of a firearm is much more likely to result in the death of a family member or a neighbor than being used to thwart a crime.

This bill will undermine public safety. We should let the States decide whether or not or under what conditions to allow people who are in their State to carry concealed handguns. I urge my colleagues, therefore, to vote against this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. I thank the gentleman for yielding.

Mr. Chairman, rights do not come from the government. We are, in the words of the Declaration of Independence, "endowed by our Creator with certain unalienable rights."

Mr. Chairman, the right to self-defense goes deep and cannot be taken away. The right to self-defense is the cornerstone for the Second Amendment. It is also the foundation for concealed-carry laws across this country.

I am proud that my home State of Indiana has established a responsible process for obtaining a lifetime permit. Today, 49 States have some sort of right-to-carry law.

Mr. Chairman, this bill ensures that permit holders in Indiana like myself can exercise our right to self-defense when our families travel across our great country. If you follow the law, your permit from one State will be honored by another.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Ladies and gentlemen, forgive my passion on the discussion of this subject, but almost 300 young people of African American decent are injured or killed by gunfire from age 15 to 24 every week.

With that, I yield 2 minutes to my colleague, the gentleman from Illinois (Mr. QUIGLEY), a distinguished member of Judiciary.

Mr. QUIGLEY. Mr. Chairman, I rise in opposition to this measure.

I too offered an amendment which failed in committee. My amendment would have prevented individuals convicted of assaulting a police officer or impersonating a police officer from carrying concealed loaded guns. Several States that allow permits also deny them to those who have assaulted or impersonated cops. The law enforcement officials of these States have decided that that is what's best for their communities. This bill will wipe those protections away and then will go further.

May I remind my friends here who are citing the Constitution as their nexus for this law that the right to keep and bear arms in the interest of self-defense of a person at home is not unlimited.

□ 1420

As the Justices wrote in *District of Columbia v. Heller*, the right is not a right to keep and carry any weapon whatsoever in any manner whatsoever for whatever purpose. And, frankly, that's what the National Right-to-Carry Reciprocity Act purports.

So if we're interpreting the 14th Amendment, deeming the Bill of Rights applicable to the States in this manner as to the right to bear arms,

then doesn't that argument also dictate that each State interpret other States' decisions on other laws and statutes in the same manner?

Does this mean that States should acknowledge abortion rights from one State to the next?

Does this mean that States should acknowledge alcohol laws from one State to the next?

Does this mean that States should acknowledge marrying licenses from one State to the next, particularly when it comes to same-sex marriage?

I have a feeling that many of my friends here today would answer those questions with a simple "no." You see my trouble with today's premise, then.

I urge my colleagues to oppose this bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. I rise today in favor of H.R. 822. The right to bear arms is a staple of our Constitution as a basic American right, and we should continue to protect it while making sure our laws remain efficient.

I am one of 268,000 permit holders in North Carolina. This is not only a rights issue; more importantly, it is a safety issue. As millions of American families know, there is no greater threat to our families than the ability to protect. We must protect our families, and it cannot stop at States' borders.

H.R. 822 also does not impact State laws governing how concealed firearms are possessed or carried. Again, it does not jeopardize the States' rights.

I call on my colleagues to support this important piece of legislation.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

There are, my colleagues, over 65 million handguns in the United States; and nearly 100,000 people in America every year are shot or killed with a firearm.

I now yield 2 minutes to our distinguished Judiciary colleague, a former magistrate from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in opposition to this dangerous bill, the National Right-to-Carry Reciprocity Act. The 10th Amendment of the Bill of Rights of the United States Constitution provides as follows: "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people."

Mr. Chairman, this bill would override the laws of almost every State by forcing them to accept concealed-carry gun permits from every other State, even if the permit holder would not be allowed to carry a handgun in the State where he or she is traveling. This is ridiculous. Each State should decide who may carry a concealed, loaded gun

within their borders; and the Federal Government should respect the States' rights to do so.

The irony here is that my friends on the Tea Party Republican side of the aisle claim to respect States' rights, but then they rush this legislation to the House floor, which tramples over States' rights.

These Tea Party Republicans claim they want to create jobs for the millions of unemployed Americans in our Nation, but they are not focusing on creating jobs. Instead, they're bowing down to the National Rifle Association by moving this piece of special interest legislation forward.

I urge my colleagues to oppose this dangerous bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. KLINE), the chairman of the Education and Workforce Committee.

Mr. KLINE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong, strong support of H.R. 822, the National Right-to-Carry Reciprocity Act. This bill provides important protections for gun owners, and its time is past due.

As a retired marine and avid outdoorsman, I'm an experienced firearms owner and user. I hold a concealed-carry permit in the State of Minnesota, and I believe individuals have the right to keep and bear arms for the protection of their home, property, family and person. They have that right.

Unfortunately, there have been a lot of mischaracterizations surrounding this legislation. I've heard a lot of it here today. To be clear, this bill does not create a Federal licensing or registration system. It does not create Federal standards, or infringe on the ability of States to make laws for a carry permit, and it does not negatively affect States that have permit-less carry systems.

Mr. Chairman, this bill will protect law-abiding gun owners from current confusion caused by the wide array of State laws and preempt the threat of frivolous lawsuits they could face simply by traveling outside of their home State. National Right-to-Carry Reciprocity provides critical recognition that the Second Amendment rights of our constituents do not end when they cross State lines, and this will enhance public safety.

I urge my colleagues to stand for the Second Amendment and to stand for the rights of responsible gun owners who engage in gun safety, and I urge them to support H.R. 822.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to our dear friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, the first reason this bill should be defeated is that it usurps State authority and replaces it with a lowest-common-denominator Federal directive.

This is a radical piece of legislation. In fact, today 43 States are not in compliance with this law; 38 States today prevent people from carrying concealed weapons if they have certain dangerous misdemeanor criminal convictions; 35 States require the completion of a short gun safety program.

The Commonwealth of Virginia has weakened its gun laws over the past 2 years, allowing concealed guns in bars and renewal of permits by mail. I disagree with these actions, but I would never question the general assembly's authority to make these decisions.

But this bill makes our State legislature's judgment irrelevant. This is a Federal power grab coming from a majority that claims to be a defender of States' rights.

The second reason that this bill should be defeated is that our law enforcement professionals oppose it. The International Association of Chiefs of Police, the Major Cities Police Chiefs Association, the Virginia Association of Chiefs of Police all oppose this bill. Why? Because they know that it will be nearly impossible for police to verify the validity of 49 different carry permits, placing officers in potentially life-threatening situations.

Some States don't even keep verifiable databases of those who have been issued concealed-carry permits. Law enforcement is trying to curb illegal gun smuggling, but this bill allows traffickers with concealed-carry permits to transport firearms into destination States and present an unverifiable permit if stopped by police.

This is a blatant legislative overreach, presumably because it was next on the NRA's legislative wish list.

We should defeat this bill, Mr. Chairman.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS of Arkansas. I rise today in strong support of H.R. 822.

If you get a driver's license in Arkansas, it's recognized in every State in the country. And if you have a concealed-carry permit, the same rules should apply. Our Second Amendment rights to own and bear arms are universal, and our laws should reflect that as best they can.

The National Right-to-Carry Reciprocity Act would allow every American citizen with a valid concealed-carry permit to carry a concealed firearm in all States that allow them for lawful purposes.

Let me be clear: If your State bans concealed firearms, then this law will not affect that ban. This bill does not change any State laws about when and where you can carry a concealed firearm. This bill does not create a new Federal licensing system. It simply reinforces our Second Amendment rights and makes the laws more fair for law-abiding gun owners.

As a strong supporter of the Second Amendment, I believe we must pass the National Right-to-Carry Reciprocity Act now, and I urge my colleagues to join me in voting for the bill.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

□ 1430

Mr. PASCRELL. I had to make a choice on this bill, whether I would support a disputable constitutional issue about whether you can by law carry a concealed weapon or move towards the other side to those who oppose this.

Now, who opposes this legislation besides me? Mayors Against Illegal Guns, the International Association of Chiefs of Police, the Major Cities Chiefs Association, and the Police Foundation oppose this bill. Doesn't this mean anything to you at all? Doesn't it? Or does it?

I prefer community policing than try to put more guns into the hands of those people who we don't even know are going to be trained to even use them. That's my preference, Mr. Chairman.

This means my home State of New Jersey—this is not Idaho, this is not Montana—in fact, we have the most densely populated State in the Union. There is a different culture. When Clinton argued on behalf of gun possession when he was the President of the United States, he always made this point about the cultural differences in different parts of the country. And we respect that.

I'm not against the Second Amendment. I support the Second Amendment. But I don't want those folks in the street who out-arm and out-gun our police officers.

The Acting CHAIR (Mr. SIMPSON). The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 15 seconds.

Mr. PASCRELL. Twelve thousand fewer police officers we have in this country; 12,000 fewer police officers in our streets. We should be worried about that as a priority rather than this as a priority.

So I made the decision. The evidence is like this against doing this. We haven't had any legislation which took away one gun in the past 20 years from anybody in this country—not one. So we have made the perception being that we want to take guns away from people.

How dare you even say it. Protect our police. Don't vote for this.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. The right to keep and bear arms is a real simple phrase. Some people have only negative thoughts. When the words "gun"

or “firearm” are heard, thoughts immediately turn to criminals; but that’s the problem because the debate we’re having today isn’t about criminals. It’s about the rights of law-abiding citizens to bear arms for self-defense.

Look, Illinois is the only State without concealed-carry, but I’d argue we already have concealed-carry. There are people that are killed in Chicago very often by guns that are already concealed but not concealed by law-abiding citizens. Illinois is the only State that doesn’t allow any form of it legally.

I want H.R. 822 to be a clear sign to the Governor of Illinois that now is the time to join the rest of the country in allowing citizens the right to conceal a firearm on their person. We hear so much about if we allow people to carry guns, more people are going to be killed. But that flies in the face of statistics.

After 2008, there was a record number of guns purchased, but we saw crime drop almost everywhere, bar none.

My point is that law-abiding citizens in this country are not the problem. Illinois needs to join the rest of the country in supporting conceal-carry for its citizens. And I believe that this is a sign that it’s time to do so now.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentledady from Florida (Ms. WASSERMAN SCHULTZ), a former member of the Judiciary Committee.

Ms. WASSERMAN SCHULTZ. I rise in opposition to H.R. 822, the National Right-to-Carry Reciprocity Act.

This ill-conceived bill is yet another distraction from what should be the most pressing concern of this Congress, putting Americans back to work.

What’s more disturbing is that this bill jeopardizes public safety by mandating that States honor even the most lax concealed-weapon laws of other States. The gentleman from Illinois is incorrect: this is about criminals.

For my constituents in south Florida, gun control is a serious issue. Miami-Dade County has one of the highest rates of gun violence in the country. In the entire State of Florida, there are almost 800,000 permits for concealed firearms. Florida’s process for issuing concealed-carry licenses is problematic enough, and I would certainly not suggest foisting it on any other State that has stronger safeguards that protect its citizens. But this bill will do exactly that.

For States that require age minimums or safety training before getting a concealed-weapons permit or that prohibits certain violent offenders from getting a permit in the first place, that all goes out the window if this bill is passed into law. What we get in return is the worst of the worst, a lowest-common-denominator of all of the State laws.

For example, in just one 6-month period in 2006, Florida gave concealed-

carry licenses to more than 1,400 individuals who had pleaded guilty or no contest to felonies, 216 of them had outstanding warrants, 128 of them had active domestic violence injunctions. And under this bill, other States will be mandated to honor these permits. They will be mandated to allow Florida’s self-admitted felons to carry concealed weapons in their States.

This is why the Nation’s leading law enforcement organizations strongly oppose this bill. It’s also opposed by more than 600 members of the bipartisan Mayors Against Illegal Guns, including many of my local mayors of both parties in south Florida.

Why would this bill be a higher priority than creating jobs? This is the 11th straight month of this Congress, and the House majority still has no jobs agenda.

Regardless of how Americans feel about guns, the overwhelming majority would agree that gun policy is not a higher priority than job creation is right now.

I urge my colleagues to vote “no” on this bill, and I urge my friends across the aisle to stop putting American lives at risk and start putting them back to work.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. COBLE), the chairman of the Courts Subcommittee of the Judiciary Committee.

Mr. COBLE. Mr. Chairman, I rise in support of H.R. 822.

Conceal-and-carry permits may be one of the most scrutinized permits for gun owners to receive. Unfortunately, the manner in which these permits are recognized by various States is confusing and inconsistent. H.R. 822 will help resolve this dilemma, Mr. Chairman.

For example, in my home State of North Carolina, conceal-and-carry permits from South Carolina and Georgia are recognized, but not permits from New Mexico.

Meanwhile, New Mexico readily recognizes conceal-and-carry permits from North Carolina. If enacted, there would be no discrepancy over which permits are valid. Another reason for supporting H.R. 822 is that it protects State sovereignty. States are not required to issue conceal-and-carry permits, and State laws regarding the use and ownership of firearms are explicitly preserved.

I firmly believe that the Second Amendment confirms a constitutional right for individuals to own a firearm, Mr. Chairman. I also believe that ownership and use of a firearm carries a special level of personal responsibility.

This bill promotes both of these ideals; and if enacted, it will help make America safer, which probably explains why this bill has 245 cosponsors.

I thank the chairman for yielding.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the dis-

tinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, this is another great example of legislation in search of a problem. Driven by ideological fervor of its sponsors rather than by any practical approach to safety, H.R. 822 would amend existing Federal law to establish a national standard for carrying concealed firearms.

As the sponsors well know, these matters have long been the province of the States. It’s fascinating how quickly the majority ignores the 10th Amendment when the gun lobby comes calling. Why needlessly create a conflict, or should I say a shootout, between the Second and the 10th Amendments?

Passage of the Law Enforcement Officers Safety Act of 2004, which I voted for, and which permits qualified law enforcement officers to carry concealed firearms across States, makes this essentially redundant and unnecessary.

The bill before us would have the effect of overriding New Jersey’s own laws in this area, which police officers and hunters and other citizens tell me work well and keep our citizens safe.

□ 1440

Ask our law enforcement officers. They’ll tell you New Jerseyans live well within our gun safety laws. We don’t need more lax laws.

Now, others have said today—but maybe it’s worth repeating—that this body should be focusing on creating jobs, not passing ideologically driven, special interest legislation that would endanger public safety, subvert the constitutional order, and go against the interests and the declared recommendations of law enforcement officers all across the U.S.

The Acting CHAIR. The Chair would inform the managers that the gentleman from Texas has 9¼ minutes remaining and that the gentleman from Michigan has 2½ minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I strongly support the Second Amendment. For that reason, I signed on to the amicus briefs in the Heller case and in the McDonald v. City of Chicago case, upholding the right to bear arms as an individual and constitutional right. I believe that. At the same time, as the former attorney general of California, I continue to have a deep and abiding commitment to preserving States’ rights in the manner that the Founders envisioned the notion of federalism.

Under the 10th Amendment, it is obvious that the Constitution allocates what are known generally as police powers to the States to protect public safety and health. That’s why I object to some of our legislation to expand the Federal role in tort law and in marriage law, because it’s not just those

things you necessarily agree with, but it's tougher when it's those things you may disagree with that are left to the States. Some people have talked about licenses here. You don't have a right to take your license to practice medicine or law to the next State. We have not required that. We allow States to do that.

Here is the other thing.

My State is one of the most liberal. We have too liberal a law with respect to concealed weapons, but the only way the liberal State legislature in California will respond to this is by following Illinois, because it's the only way they can get a limit, as they see it, on these sorts of things.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 15 seconds.

Mr. DANIEL E. LUNGREN of California. My suggestion is, those who are concerned about it in my State might have to worry about this because our legislature will now be tempted to get rid of all concealed-weapons permits because, unfortunately, under this legislation, that's the only thing they can do to police the eligibility of those who get concealed-weapons permits.

So this does cut both ways, and at least I think we ought to understand that States' rights is a legitimate argument here on this floor.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. I would like to thank my colleague from Florida (Mr. STEARNS) for introducing the bill before us today.

Mr. Chairman, I support this bipartisan legislation for two reasons. One, I believe that our gun laws should ensure that a responsible, law-abiding individual is able to exercise his Second Amendment right to carry firearms. Two, this bill simplifies what is now a piecemeal system of existing reciprocal agreements among the States.

There are millions of concealed-carry permit holders in this country, including thousands in my State. They comply with State law to gain a State permit so that they can legally carry weapons for self-defense. By passing this bill, we will ensure that, when they travel to other States, they will be able to exercise their right to self-defense while away from home. This bill does not create a federal licensing or registration system. It does not allow a concealed-weapon permit holder to carry a concealed weapon in States like Illinois, which do not allow concealed carry.

I think that addresses the criticism of this legislation that it would override a State's ability to determine who can carry concealed weapons within that State's borders. Permit holders who want to take their weapons with them to another State are required to

be aware of and abide by that State's rules.

As a strong supporter of Second Amendment rights, I support this legislation, and I urge its adoption.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the chairman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 822, the National Right-to-Carry Reciprocity Act.

This bill is about freedom. It's about the Constitution and our Bill of Rights. This bill is about the Second Amendment right. As with all of the amendments contained in the Bill of Rights, these were born out of our experiences with King George and out of a desire to prevent such abuses of power in our Republic. Indeed, at the outset of hostilities during the Revolution, the British Army marched to Concord to confiscate our guns and extinguish our freedoms.

The Founders put the Second Amendment in the Bill of Rights to assure our right to keep and bear arms and safeguard our liberty. At least in my district, this is a nonpartisan bill. Republicans, Democrats and independents alike support the Second Amendment and hold dear our Bill of Rights.

The premise of H.R. 822 is very simple. If a citizen is permitted to carry a concealed weapon in one State, other States that have a concealed-carry law will honor and recognize it, supporting and strengthening the Second Amendment. I urge my colleagues to support it.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding and for his leadership on this issue.

Mr. Chairman, I rise today in strong support of H.R. 822, the National Right-to-Carry Reciprocity Act of 2011.

This bipartisan bill has 245 cosponsors, and it enhances Americans' right to self-defense by enabling millions of permit holders to exercise their right to self-defense while traveling outside their home States.

The Second Amendment is in the United States Constitution, and we are all taking an oath in this body to uphold the United States Constitution, including rights under the Second Amendment. The 10th Amendment is certainly an important right as well, but it does not trump the right or the responsibility of this body to protect rights under the Second Amendment.

Forty-nine States have laws that permit their citizens to carry a concealed firearm in some fashion or another. Unlike driver's licenses, however, concealed-carry permit holders in one State are not always authorized to carry their firearms when traveling outside their home States.

H.R. 822 remedies this problem by granting concealed-carry permit holders reciprocity between States. The firearm owner must abide by all applicable State laws when carrying in a foreign jurisdiction. This bill affirms that the Second Amendment protects the fundamental individual right to keep and bear arms and that the States cannot unreasonably infringe upon that right.

In *McDonald v. Chicago*, the Supreme Court concluded that the due process clause of the 14th Amendment incorporates the Second Amendment right recognized by the Supreme Court in the *District of Columbia v. Heller*.

This bill does not create any kind of Federal bureaucracy that may concern some people. It simply extends to them their Second Amendment rights when they travel in other States. H.R. 822 recognizes that right, and I urge my colleagues to support this measure.

The Acting CHAIR. The gentleman from Texas has 4¼ minutes remaining. The gentleman from Michigan has 2¼ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank the gentleman for yielding.

I love the Second Amendment. I got my first gun from Santa Claus when I was 6 years old. The first handgun I ever fired wasn't my dad's or my uncle's or my grandfather's—it was my mother's. I got my first concealed-carry application filled out as a freshman in law school. I lived in a bad neighborhood and needed it for self protection. I've had it for the last 20 years. I love the Second Amendment.

But if the Second Amendment protects my rights to carry my concealed weapon from State to State to State, I don't need another Federal law that says, yeah, I really mean it. It's already protected. If the Second Amendment doesn't protect my right to carry a concealed weapon from State to State to State, then the Ninth and 10th Amendments leave that responsibility to individuals and the States to regulate on their own.

I came to Congress to protect freedom. I don't believe the Second Amendment was put in the Bill of Rights to allow me to shoot targets. I don't believe the Second Amendment was put in the Bill of Rights to allow me to hunt for deer and turkey. I think the Second Amendment was put in the Bill of Rights so that I could defend my freedom against an overbearing Federal Government.

I don't want the Federal Government in any issue of the law where the Constitution does not require it.

And it does not require it here.

Don't tell me it's an Interstate Commerce Clause issue; we dismiss that on my side of the aisle regularly. Don't

tell me it's necessary and proper; we dismiss that on our side of the aisle regularly. And don't tell me it's full faith and credit because we dismiss that on our side of the aisle regularly.

□ 1450

The temptation to legislate is great. The temptation is great. I absolutely believe in the intent of this legislation. I want the right to carry from coast to coast. Georgia has already orchestrated reciprocity agreements with 25 States. We've got 24 more to go. The Second Amendment exists so that we can keep and bear arms to defend ourselves against government, no matter how well-intended. Rather than arms, I ask my colleagues to use their voting cards today to defend us against the overreach of the Federal Government, no matter how well-intended.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

I have listened to this debate. This is a reciprocity vote that allows me to carry my weapon, as I have carried it for the last 50 years, from one State to another as long as I have a permit and they do also.

But more than that, I am a little bit resentful when I hear on the floor that this is "the will of the NRA." Now, I am proud to have been a lifetime member of the NRA—since I could vote. I am a member today. I participate in their board meetings, and I am proud of that organization. It is probably one of the leading organizations. But to cast that in the form of "they are not the people of America" is wrong. The greatest strength the NRA has is its members. There is talk about how strong they are as a lobbying group. The lobbying group is the citizen, the citizen that wants to carry his arm, as permitted, across State lines, as they do with a driver's license.

This is a good piece of legislation. I'm glad we are having this discussion. There can be differences of opinion. But don't take it away from myself to go from Alaska with my permit and go into the other 48 States, I believe it is, that have permits and I can't use my permit. That's wrong. Let's vote for this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. ADAMS), a member of the Judiciary Committee.

Mrs. ADAMS. I rise in support of H.R. 822.

As a former law enforcement officer and a State representative, I have dealt with issues relating to our Second Amendment right.

It's interesting when I hear some of the blurring between gun purchasing and a concealed-carry permit. I have done both. And as a law enforcement officer, I would like to know, if some-

one would tell me, "Hey, I have a concealed-carry permit and I have a weapon," rather than finding it either by accident or having it pointed at me. So I stand in great support of this piece of legislation. I do believe that it is good legislation. It will not harm the people, as I have heard here on the floor.

And I have heard that we aren't working on jobs. Well, I beg to differ that issue because we have passed over 20 bills sitting in the Senate that have not been heard that would relate to jobs. So, yes, we are working on jobs and the economy, and we also are working on other issues that are brought to us from our constituents.

I stand in great support of H.R. 822. Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

H.R. 822 is important legislation that recognizes that Americans' ability to exercise their fundamental constitutional rights should not disappear at their State's border. The parade of horrors that have been alleged by some of my colleagues on the other side of the aisle are simply not true. Federal law already prohibits felons, domestic abusers, and illegal drug users from possessing a firearm. This legislation does not change that. If a person is prohibited from possessing a firearm under Federal law, they cannot carry a concealed weapon under this bill.

The arguments we have heard so often today against this legislation are against guns in the hands of violent criminals generally, not against legally permitted concealed weapons. Concealed-carry laws have shown that concealed weapons actually lower violent crime rates in a jurisdiction. H.R. 822 simply permits law-abiding Americans to take their Second Amendment rights with them when they travel.

I urge my colleagues to support this bipartisan piece of legislation, and I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Chair, I rise today in strong opposition to H.R. 822, the National Right-to-Carry Reciprocity Act of 2011.

By forcing each state to recognize every other state's concealed carry permits, this legislation would create serious safety challenges for communities and law enforcement officials across the country. Further, it seriously infringes upon individual states' rights to set minimum standards based on local needs and concerns.

This legislation has been called the "lowest common denominator approach" to public safety. Currently, states use widely varying criteria to determine who is allowed to carry a concealed firearm. At least 38 states prohibit individuals convicted of certain dangerous misdemeanor crimes from obtaining concealed carry permits; 35 states require completion of a gun safety program or other proof of competency in order to receive a permit; at least 36 states have age restrictions; and 29 states will not award concealed carry permits to alcohol abusers.

Forcing national reciprocity would allow individuals who would be denied a permit in their

home state to apply for a permit in a less restrictive state. It jeopardizes the safety of police officers making routine stops, who may not have the resources to verify the validity of an unfamiliar, out-of-state concealed carry permit.

Mr. Chair, right now states can determine their own concealed carry regulations. They can choose to enter into reciprocity agreements with other states, and they can choose to end those agreements. They can choose to only allow residents of the state to obtain concealed-carry permits, or they can opt to issue licenses to both residents and non-residents. They can choose, as Illinois has so sensibly done, not to allow concealed carry at all.

Different states have different crime fighting concerns and priorities, and this legislation is a dangerous attempt to override state laws. I urge my colleagues to join me in opposing this bill.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in strong support of H.R. 822, the National Right-to-Carry Reciprocity Act of 2011.

This important, bipartisan, legislation reinforces fundamental rights enshrined in the U.S. Constitution by allowing any person with a valid, state-issued concealed firearm permit to carry a concealed firearm in any state that issues concealed firearm permits.

As an avid hunter and outdoorsman, and as a lifetime member of the National Rifle Association, I can share with personal experience the frustration of my fellow hunters and outdoorsmen the absurdity of having to know which states recognize visiting permit holders from other states and which states that do not.

Our country should not force its law-abiding citizens to check in their fundamental right to self-defense at the state line.

The National Right-to-Carry Reciprocity Act would clarify this matter by requiring states that allow concealed carry to recognize each other's permits, similar to how states recognize each other's driver's licenses.

Right-to-carry laws also help deter crime. Presently, 40 states have right-to-carry laws. Based on crime data from the FBI, right-to-carry states have 22 percent lower total violent crime rates in comparison to the rest of the country.

In my home state of Texas, violent crime has dropped 20 percent and the murder rate has dropped 31 percent, since the enactment of its right-to-carry law in 1996.

This legislation is also in-line with recent rulings found by the U.S. Supreme Court. In 2008 in *District of Columbia v. Heller* and again in 2010 in *McDonald v. City of Chicago*, the high court found the right to possess a firearm for self-defense cannot be infringed.

I am a proud co-sponsor of the bill and have co-sponsored similar legislation in previous Congresses.

I call on my colleagues on both sides of the aisle to stand up in support of the U.S. Constitution and the millions of hunters and outdoorsmen in our country and vote in favor of this bill.

Mr. WAXMAN. Mr. Chair, I rise in strong opposition to H.R. 822, the National Right-to-Carry Reciprocity Act.

I share the view of many Californians that states have a responsibility to enact common-sense measures to keep deadly weapons out

of the hands of children, criminals and individuals with a history of serious mental illness. I am appalled that this bill would supersede reasonable state standards and subject California to weaker and oftentimes dangerous gun laws of other states.

As the leading Democrats on the Judiciary Committee stated in their dissenting views to this bill:

H.R. 822, the 'National Right-to-Carry Reciprocity Act of 2011,' is a dangerous bill that would override the laws of almost every state by obliging each to accept concealed handgun carry permits from every other state, even if the permit holder would not be allowed to carry or even possess a handgun in the state where he or she is traveling. The law tramples federalism and endangers public safety.

For example, in California, we believe—and it is the law—that if you're a convicted sex offender, you should lose your right to own a gun. But under this bill, an individual in California convicted of misdemeanor sexual battery could carry a firearm.

In California, it is the law that gun owners should have some basic training to ensure guns are stored safely and away from children. But under this bill, individuals with no knowledge of how to handle a firearm could keep and carry a gun in California.

In California, we believe—and it is the law—that gun owners should have a clean criminal record. But under this bill, a man convicted of multiple counts of domestic violence could walk the streets of California with a concealed handgun.

This is not a trivial issue. In January 2008, a Florida man, Michael Leopold Phillips, killed his wife and then turned the gun on himself, committing suicide. Mr. Phillips had a long history of spousal abuse; he had been arrested on three occasions for domestic violence, and an ex-wife had issued a restraining order against him years earlier. But Florida has some of the most relaxed gun laws in the country, and Mr. Phillips was granted a concealed carry permit by the state even though he had documented history of abusing women.

I believe that California should have every right, with the full force of our laws behind them, to keep guns out of the hands of people like Mr. Phillips.

The Republican leadership likes to preach its fidelity to the overarching principle of states' rights—but this bill shows their fidelity to states' rights is subject to a test of political convenience. When it comes to a state's right to decide how to protect its citizens from gun violence, the Republican leadership has ceded its principles to the gun lobby.

This bill is an affront to federalism and an assault on public safety. I urge my colleagues to vote no on this dangerous legislation.

Mr. TOWNS. Mr. Chair, I rise in strong opposition to the National Right-to-Carry Reciprocity Act, which preempts the laws of almost every state by obliging each to accept concealed handgun carry permits from every other state, even if the permit holder would not otherwise be allowed to carry or even possess a handgun in the state where he or she is traveling. Presently America's economy is struggling. Many of our citizens are devastated by unemployment and crime rates are an

issue of national concern. Therefore, extending handgun laws simply does not seem logical.

I am greatly perturbed by the negative ramifications that this bill will have on individual state's abilities to protect their citizens from gun violence. For example, states such as Arizona, California, Connecticut, Delaware, Florida, Hawaii, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Nebraska, New Jersey, Nevada, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Wisconsin, and Wyoming require gun safety training as a requirement to obtain a concealed carry permit. North Dakota requires certain permit applicants only to pass an open book exam to satisfy its requirement. My state, New York prohibits carrying by individuals younger than 21 years of age. H.R. 822 eliminates the authority of states to select who may be eligible to carry a concealed loaded gun in public. Who can decide the best protective policies for each state besides the officials elected to represent it?

Additionally, H.R. 822 can potentially endanger the lives of our valued law enforcement officers who strive to protect our citizens. Out of state carrying permits are extremely difficult to verify since a national permit database does not exist and officers tend to have difficulties establishing the validity of these particular permits. Such an impediment can lead to an escalating situation during traffic stops or other high risk situations that could end fatally. Law enforcement officers work diligently to ensure that streets are safe for our citizens but H.R. 822 makes this task more difficult in numerous ways for these esteemed officers. It is our responsibility to protect these law enforcement officials who put their lives at risk on a daily basis to ensure the safety of our citizens.

Supporting this bill will indubitably reverse the efforts by officials in New York to reduce already challenging crime rates. Supporting this bill will jeopardize the safety of my constituents, New York residents and citizens nationwide. Our constituents depend on us to maintain a safe country for them and the generations after them. Voting in support of this bill will put all of our lives at risk. I urge my colleagues on both sides of the aisle to vote "no" on this Bill.

Mrs. MILLER of Michigan. Mr. Chair, my home state of Michigan is one of 49 in the nation that currently has a law that allows individuals to receive a license to carry a concealed weapon.

Some warned that right-to-carry laws would lead to an increase in crime, but the facts bear out that just the opposite is true. Violent crime has gone down substantially across the nation as more and more states instituted right-to-carry laws.

When criminals know that law abiding citizens have the ability to defend themselves they have to think twice before victimizing people. This legislation simply allows those who have gotten the training to receive a permit to carry in their home state to use that permit in other states.

The bill also requires that concealed weapons permit holders abide by the local laws in the state where they choose to exercise this right and thus is not a federalization of gun laws.

Just as another state cannot deny drivers license holders from Michigan the ability to

drive in that state, they should not deny concealed carry permit holders from Michigan the right to carry.

I urge my colleagues to join me in supporting this legislation that strengthens the Constitutional rights of all Americans.

Mr. FARR. Mr. Chair, I am strongly opposed to the National Right to Carry Reciprocity Act of 2011. This misguided bill is unworkable in practice and will compromise officer safety and public security. Furthermore, this bill flagrantly treads on the rights of states to legislate and enforce public security within their own states.

It is very troubling that at the very time where we all have the responsibility to be more aware of our public security, my colleagues have introduced a bill that values Wild West "shoot 'em up" swagger over reasonable measures to protect public safety.

This bill will make it easier for criminal gun traffickers to travel to gun markets across the country with loaded weapons, without concern for any police scrutiny. Gun traffickers who have concealed carry permits would be able to bring cars or backpacks full of loaded guns into destination states and simply present their permit if stopped. As a practical matter, to arrest the traffickers, law enforcement would have to observe them in the act of selling guns. Far too many U.S.-purchased weapons make it into the hands of criminals in Latin America, and H.R. 822 would only exacerbate this problem.

Mr. Chair, while I support gun rights for law abiding citizens for sport and collection, I simply cannot support this bill.

I hope my colleagues will join with me and the California Police Chiefs Association, along with other national law enforcement organizations, to defeat this misguided and destructive legislation.

Mr. VAN HOLLEN. Mr. Chair, I rise to oppose the severely flawed H.R. 822, the National Right-to-Carry Reciprocity Act.

This bill would make it difficult for states and local governments to enforce their firearms laws and puts the safety of the public and law enforcement at risk. State and local regulations of firearms vary dramatically. Some states have no standards for carrying a firearm beyond the minimum federal requirements. In Maryland, alcoholics and drug addicts, those convicted of certain crimes, or those with a propensity for violence or mental instability, among other things, may not obtain a permit to carry a firearm. This bill would require Maryland to accept concealed carry gun permits from other states even when the permit is not in compliance with Maryland law.

Since there is no national database for concealed carry licenses, it is difficult for states to authenticate conceal carry licenses from out of state. This is one of the reasons Maryland currently does not recognize any out-of-state permits. The inability to quickly and accurately verify the validity of out of state concealed carry permits creates additional risk for law enforcement officers. William McMahon, the President of the Maryland Chiefs of Police Association, recently called this legislation "dangerous and unacceptable."

I urge my colleagues to join me in opposing this misguided bill.

Mr. GINGREY of Georgia. Mr. Chair, I rise today in strong support of H.R. 822, the National Right-to-Carry Reciprocity Act of 2011,

which was introduced by my good friend, Representative CLIFF STEARNS from Florida. H.R. 822 is a sorely needed, commonsense reform to the enforcement of the concealed firearms permitting process. For too long, law-abiding citizens have been forced to struggle with conflicting and often confusing state laws. When traveling, many gun owners are sometimes forced to choose between safety and obeying the incompatible laws of another state, even if they have a valid permit in their home state.

In practice, the current system makes the permitted carrying of a concealed weapon legal on one side of an arbitrary line on a map and illegal on the other. Mr. Chairman, it makes no more sense for a state to deny the concealed-carry permit of another state than it would to deny a drivers license in the same scenario. This is simply another example in a long line of bureaucratic infringements on individuals' abilities to exercise their constitutionally protected Second Amendment rights.

Mr. Chair, I commend Mr. STEARNS for his leadership on this issue. The Founding Fathers envisioned a country in which the government existed in order to ensure the rights to "Life, Liberty, and the Pursuit of Happiness," not to create a litany of rules and regulations that ultimately hinders the pursuit of any of them.

Mr. Chair, the American people are demanding a country in which they can freely exercise the rights guaranteed to them in the United States Constitution, and I believe H.R. 822 is a terrific step in the right direction. I urge my colleagues to support the Second Amendment's rights of law abiding citizens everywhere and vote in favor of H.R. 822.

Mr. CONNOLLY of Virginia. Mr. Chair, after a decade in which 10 to 12 thousand Americans were murdered with guns every single year, the House is considering legislation to protect criminals' ability to carry concealed weapons. This reckless legislation almost certainly would add to our gun homicide rate, which is already 19.5 times higher than other developed countries. This bill will likely add to the gun violence death toll, which totals over 1 million Americans since 1968.

H.R. 822, the National Right-to-Carry Reciprocity Act, could open the door for criminals or terrorists to use fraudulent concealed weapon permits from other states. As the Virginia State Police wrote in a letter that I will submit for the record, state police in one state frequently are unable to verify a concealed carry permit from another state. For those states where verification is possible, in many cases states have already established reciprocity. It would be reckless, however, to establish a uniform reciprocity standard under which our police cannot verify many concealed carry permits. Can we risk the possibility that a violent criminal or a terrorist could be pulled over yet be allowed to continue on their way because the police officer is unable to check the validity of a concealed carry permit? Regardless of our respective positions on concealed carry laws, I would hope that we can at least legislate in a manner that preserves the ability of police to protect our communities from violent criminals.

Finally, it is ironic that the self-appointed defenders of states' rights would negate public safety laws across America through Congress-

sional fiat. This bill effectively negates any concealed carry laws in states for out of state residents in a gross abuse of Congressional power which endangers our communities and first responders.

This destructive legislation only will add to the death toll that has already caused so much grief in communities like Northern Virginia. I urge my colleagues to vote against it.

Mr. HURT. Mr. Chair, today, I rise in support of H.R. 822, the National Right-to-Carry Reciprocity Act offered by my colleagues, Representatives STEARNS and SHULER. I want to thank them for their leadership on this legislation, which protects the basic second amendment freedoms that are so important to central and southside Virginians.

This bipartisan bill would allow valid state-issued concealed firearm carry permits to be honored by any state or U.S. territory that allows concealed carry, requiring that each state recognize another's carry permits, just as they recognize each other's drivers' licenses.

Currently, 49 of 50 states, including the Commonwealth of Virginia, have laws permitting concealed carry in some fashion. Additionally, over half of those states—25 of those 49—already honor the Virginia concealed carry permit.

This legislation, which has overwhelming support in the House—from representatives from 48 states and both sides of the aisle—would allow central and southside Virginians to utilize their carry permits in all of the 49 states that allow concealed carry.

The constitutional right to keep and bear arms and the ability to defend one's self are fundamental liberties which were protected by our founding fathers. H.R. 822 recognizes that these basic liberties should not be constrained by borders or boundaries, and does so without hindering states' authority to set criteria for their own residents, and without affecting state laws that regulate how concealed firearms are carried.

I am proud to cosponsor this legislation as I continue to work to protect our second amendment freedoms for those in Virginia's 5th District and across the country, and I urge my colleagues to join with me in supporting passage of this bill.

Ms. MCCOLLUM. Mr. Chair, I rise in strong opposition to H.R. 822 because it threatens to undermine our states' ability to enforce their own gun laws and endangers the safety of our citizens, especially those that serve in law enforcement.

If this legislation passes, it would mean that the Republican-controlled Congress will automatically give anyone the right to carry a concealed, loaded weapon into Minnesota's neighborhoods. This reckless bill is opposed by mayors, governors, domestic violence prevention advocates, and major law enforcement organizations, including the Minnesota Chief of Police Association. As members of our law enforcement community will attest, the best way to prevent gun violence is to keep guns off the street and out of the hands of criminals. Gun traffickers routinely take advantage of gun show loopholes and negligent background checks to divert guns from the legal market into the criminal market. This legislation makes it even more difficult to trace illegal guns and keep them out of the hands of those

that could inflict harm on our Minnesota law enforcement officers, families, and friends.

H.R. 822 takes away Minnesota's right to police its own communities and enforce its own stringent gun laws. As with every state and municipality across the country, Minnesota has developed its laws to adequately meet the needs of its residents. This legislation unfairly forces states with strict gun laws to recognize conceal-and-carry permits issued by any other state, even if those states' permit requirements are lax in comparison. This is unjust and ultimately dangerous, especially for communities faced with high crime rates.

The sobering statistics from the U.S. Census report speak volumes: of the 129,741 murders that were reported between 2000 and 2008, nearly two-thirds of the victims were killed by a firearm. Equally frightening is the deadly role firearms play in domestic violence incidents. According to the American Journal of Public Health, abused women are five times more likely to be killed by their abuser if the abuser owns a firearm. Research also shows that between 1990 and 2005, firearms were used to kill more than two-thirds of spouse and ex-spouse homicide victims. These numbers are tragic. Instead of empowering our local law enforcement officers to prevent such heinous acts, H.R. 822 ties their hands by making it harder to determine whether someone carrying a gun is doing so illegally. I oppose this legislation in order to preserve the safety of our communities and prevent the gun violence that has claimed hundreds of innocent lives.

Ms. RICHARDSON. Mr. Chair, I rise today in strong opposition to H.R. 822, the proposed National Right-to-Carry Reciprocity Act of 2011. I call on my colleagues to join me in rejecting this ill-considered and unwise legislation which will effectively force all states to accept the lowest-common-standard in concealed carry laws. Passage of this bill is reckless and undeniably a threat to public safety.

This law would add an unnecessary burden on police officers who risk their lives every day in traffic stops and other risky situations. It would make it nearly impossible for them to be able to determine whether the guns they encounter are legal or not.

The very likely and viable threats posed to public safety if this legislation passes are egregious. This legislation will do away with the strict gun laws each state has established according to its constituent composition and needs and empower dangerous individuals to carry concealed, loaded guns in states where they would not qualify for a local permit.

California has one of the most stringent gun laws in the Nation, and there is a reason for that. California had the highest number of gun murders in the Nation last year, 1,257, which is 69 percent of all murders that year and equivalent to 3.37 per 100,000 people in the state.

A very real example of what this legislation will do is a person convicted of domestic violence and not allowed to possess, let alone carry a concealed weapon in California, can cross state lines into a state that does not have the same restrictions, receive a permit for a gun, then cross states lines back into California and exact revenge against his victim.

Proponents against gun laws and restrictions constantly chime, "Guns don't kill people. People kill people." That may be the case, but a person with a gun can kill another much more easily than a person without one. FBI crime statistics based on reports to FBI bureau and local law enforcement show that in 2010, the latest year for which detailed statistics are available, there were 12,996 murders in the U.S.; of those, 8,775 were caused by firearms.

This dangerous bill will allow a resident of a state with strict concealed weapon permitting standards to simply go to and obtain a permit in a state with minimal standards, then head back home and carry a concealed weapon in a state that would have never allowed him to do so in the first place.

If ever you needed a concrete example of why this is such an ill-conceived and dangerous piece of legislation for both the public and law enforcement, consider the recent testimony of Philadelphia Police Commissioner Charles Ramsey before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. The Police Commissioner testified that in 2005, a man named Marqus Hill had his concealed carry permit revoked by Philadelphia Police after he had been charged with attempted murder. Mr. Hill later traveled to Florida, got a new permit despite his record, used his Florida permit to carry a loaded gun into Philadelphia, and later shot a teenager thirteen times in the chest, killing him in the street.

Mr. Chair, the ramifications of such legislation do not stop there. It would also make it easier for gun traffickers to move loaded guns through urban city streets where police officers are already having a difficult time combating crime and violence. It will be nearly impossible for police to verify the validity of 49 different carry permits.

Policing our streets and confronting the risks inherent in even routine traffic stops is already perilous enough. Ambiguity as to the legality of firearm possession could lead to confusion among police officers that could result in catastrophic incidents. Congress should be working to make the job of law enforcement officers more, not less, safe.

Today, states establish standards for carrying concealed, loaded handguns in public places that include criteria beyond an applicant's ability to pass a federal background check. For example, at least 38 states prevent people convicted of certain violent crimes from obtaining carry permits, 14 states require applicants to demonstrate good character to obtain a carry permit, and about half of states grant law enforcement discretion to deny a permit. The National Right-to-Carry Reciprocity Act would gut these standards and empower dangerous individuals to carry concealed, loaded guns in states where they would not qualify for a local permit.

We see firsthand the tragedies that can unfold when guns end up in the hands of criminals, the seriously mentally ill, domestic violence offenders and other dangerous people. Let us not forget the tragedy earlier this year in Tucson, Arizona. Statistics show that every year, more than 12,000 gun murders are committed in big cities and small towns throughout the United States.

States and localities should have the right to determine who is eligible to carry firearms in their communities. It is essential that state, local and tribal governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities.

H.R. 822 is a dangerous piece of legislation that will create a very real threat to public safety. In opposing this reckless piece of legislation, I stand with the people of my home state of California. I stand with domestic violence prevention advocates. I stand with law enforcement across the Nation and our local police who risk their lives every day to protect the public. I will vote against H.R. 822 and I urge all members of the House to do likewise. For the foregoing reasons I urge my colleagues to reject H.R. 822 and allow states to continue to decide for themselves and set their own standards regarding who can carry hidden, loaded guns in their communities.

Mr. KIND. Mr. Chair, I rise today in strong support of the National Right-to-Carry Reciprocity Act, H.R. 822. Not only am I a proud cosponsor of this legislation but I am also a firm and committed supporter of Second Amendment rights. This legislation will ensure further protection of this vital right by allowing law abiding citizens to carry concealed weapons across state lines.

On November 1st of this year, Wisconsin became the 49th state to implement a concealed carry law. The first day the law went into effect, the Wisconsin State Department of Justice website had 400,000 hits and residents had downloaded 83,000 applications. It is clear that Wisconsinites were eager to take advantage of this new law. Given the strong interest this law has garnered in my state and in other states throughout the country, I believe that it is only logical to extend this right across state lines.

The bill allows law-abiding gun owners with valid state-issued concealed firearm permits or licenses to carry a concealed firearm in any other state that also allows concealed carry. In all actuality, with all but one state allowing concealed carry, this legislation doesn't break that much new ground. In fact, for the majority of states that have had concealed carry laws on the books for some time now; they have been recognizing permits from other states for years. As can be the case, the state by state approach has caused confusion. This legislation will eliminate any uncertainty by putting in place simple and concise federal policy.

This is a widely supported bill with 245 bipartisan House cosponsors. Given the strong support here in Congress and the increased interest in states throughout the country, it is my hope that the Senate will follow our lead and pass this legislation. It would be a great victory to have this become law this year.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Right-to-Carry Reciprocity Act of 2011".

SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) *IN GENERAL.*—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

"§926D. Reciprocity for the carrying of certain concealed firearms

"(a) Notwithstanding any provision of the law of any State or political subdivision thereof (except as provided in subsection (b)), a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a valid identification document containing a photograph of the person, and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce, in any State, other than the State of residence of the person, that—

"(1) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

"(2) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

"(b) The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

"(c) In subsection (a), the term 'identification document' means a document made or issued by or under the authority of the United States Government, a State, or a political subdivision of a State which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals."

(b) *CLERICAL AMENDMENT.*—The table of sections for such chapter is amended by inserting after the item relating to section 926C the following:

"926D. Reciprocity for the carrying of certain concealed firearms."

(c) *EFFECTIVE DATE.*—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 3. GAO AUDIT OF THE STATES' CONCEALED CARRY PERMIT OR LICENSING REQUIREMENTS FOR NON-RESIDENTS.

(a) *The Comptroller General of the United States shall conduct an audit of—*

(1) the laws and regulations of each State that authorize the issuance of a valid permit or license to permit a person, other than a resident of such State, to possess or carry a concealed firearm, including a description of the permitting or licensing requirements of each State that issues concealed carry permits or licenses to persons other than a resident of such State;

(2) the number of such valid permits or licenses issued or denied (and the basis for such denials) by each State to persons other than a resident of such State; and

(3) the effectiveness of such State laws and regulations in protecting the public safety.

(b) *Not later than 1 year after the date of enactment of this Act, the Comptroller General*

shall submit to Congress a report on the findings of the study conducted under subsection (a).

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112-283. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. WOODALL

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-283.

Mr. WOODALL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 25, strike "that—" and insert "that does not have in effect an agreement with the State that issued the license or permit providing for reciprocal treatment of such licenses or permits issued by the 2 States, and that—".

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Georgia (Mr. WOODALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. Mr. Chairman, I yield myself such time as I may consume.

The amendment I have introduced today, because I have such appreciation for the goal of H.R. 822, says: Understanding what we are trying to get is reciprocity across the Nation for all of those States and for all of those citizens that have already labored in the vineyards to achieve reciprocity, let's leave those State agreements in place. If we must take more Federal responsibility, let's not take it from those areas where the States are working, where the process is working. If you live in my next-door neighbor State, in Alabama, you already recognize 22 other States' permits; in Georgia, we recognize 23; in Florida, to our south, 33. The system is working today. Legislatures are working out these agreements today. If we must expand the size and scope of the Federal reach in the gun law legislation, let's not trample on those agreements that already exist to achieve this goal that so many share.

I absolutely support the goal of H.R. 822, which is to ensure that all Americans have concealed-carry reciprocity across the Nation. That is already happening today, Mr. Chairman, through State legislatures, through State attorneys general, through State Governors negotiating these agreements.

My amendment would leave those agreements in place and preserve the rights of States to continue to legislate and regulate in this area.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

This amendment undercuts the uniform eligibility standard that forms the foundation of this legislation. The underlying bill allows individuals with valid State-issued permits to carry a concealed firearm in all other States that also authorize concealed carry. This Second Amendment right to bear arms is, therefore, limited by this amendment.

Forty-nine States authorize concealed carry, and 40 of those States have reciprocity agreements with all or some of the other concealed-carry States. But these agreements vary from State to State, creating a patchwork of laws that limits reciprocity, creates confusion for gun owners, and undermines the Second Amendment. The amendment offered by the gentleman from Georgia keeps this patchwork in place by exempting States with reciprocity agreements from the bill. The amendment prevents individuals from taking advantage of nationwide concealed-carry reciprocity unless the State they reside in has a separate agreement with the State they wish to travel to.

While I appreciate my colleague's dedication to the concept of States' rights, I think it is misapplied to this legislation. H.R. 822 upholds States' rights in several important ways:

First, it does not apply to those jurisdictions that prohibit concealed carry, such as Illinois and the District of Columbia;

Second, the bill does not affect a State's right to set eligibility requirements for its own residents;

Third, H.R. 822 does not impact State laws governing how concealed firearms are possessed or carried within the various States. All State, Federal, and local laws that prohibit, for example, carrying a concealed handgun in a public building or a place of worship apply equally to any nonresident concealed-carry holder; and

Fourth, this legislation does not create any authority for the Federal Government to regulate concealed-carry permits. No Federal agency has any role in the implementation or oversight of this bill which is left, rightfully, up to the States. But, most importantly, this bill respects and protects an individual's right to bear arms while they are traveling.

In two recent decisions, the U.S. Supreme Court affirmed that the Second Amendment endows individuals with

the right to keep and bear arms, and this right is based in large part on the right to defend one's self. Americans don't need to simply defend themselves in their homes. They must also be able to defend themselves outside their homes and while traveling to other States.

□ 1500

Eighty percent of violent crime occurs outside the home, according to the Justice Department. Americans cannot fully be empowered to defend themselves if they are prevented from exercising all their Second Amendment rights. H.R. 822 advances the Second Amendment right to bear arms, and I regret, I believe this amendment infringes upon that right.

For these reasons, I oppose the amendment, and I reserve the balance of my time.

Mr. WOODALL. Mr. Chairman, in closing, I thank the chairman of the committee for his work on these issues. I agree with so much of what he had to say, that it is absolutely true that the merit of this legislation is that it eliminates the patchwork of reciprocity agreements that go on across this country. And the price we pay for eliminating that patchwork is trampling upon the work of the States.

Now, I'm a freshman in this House, Mr. Chairman, and I think small government conservatives in previous Congresses have lost their way, particularly during the Bush administration. They went along with a huge expansion of government regulation, with the very best of intentions. They went along with the huge expansion of the size of government, with the very best of intentions. They increased the regulatory burden of the Federal Government, with the very best of intentions. And this bill today is brought with the very best of intentions. But when previous Congresses have gone along with the very best of intentions, personal freedom and liberty have been eroded, even with the very best of intentions.

Mr. Chairman, the only thing that happens if the Woodall amendment passes today is that agreements that already exist for reciprocity, and any future agreements made for reciprocity, will be held supreme over a unified Federal standard. I ask my colleagues, my Republican colleagues and my Democratic colleagues, isn't it worth it? Isn't sacrificing a uniform framework worth it to protect the rights of State legislatures and the work of citizens across this country that they have put in to protect, preserve, and promote Second Amendment rights across this Nation.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. SMITH of Texas. I yield 30 seconds to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman, for yielding me this time.

Mr. Chairman, I rise in support of Congressman WOODALL's amendment. I would point out that currently States have the ability to enter into reciprocity agreements with other States. This legislation, should it pass, would take that ability away. It would mandate that there be this reciprocity agreement, and that's usurpation of States' rights.

I have no problem with the Second Amendment, by the way, and the NRA is a lobbying organization which is quite powerful here in Washington, DC.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

The whole point of this bill is to allow those who have concealed-carry permits to freely carry their weapons into other States that also have and recognize concealed-carry permits.

If we were to accept this amendment, in my judgment, we would be infringing upon the Second Amendment. I feel that the Second Amendment should be enforced. We ought to interpret it broadly. We ought to allow individuals to take advantage of their Second Amendment rights, travel freely from one State to another without restrictions except for the restrictions that are required locally by their State and local governments.

I mentioned awhile ago that one recognition of State prerogatives that we have in the bill is that, for example, if one State does not allow individuals who have concealed-carry permits to go into a public building or a sports event or some other type of location, they are not going to be allowed to do so even if they have a concealed-carry permit from out of State.

So, once again, we need to respect the right that is given to us by the Second Amendment in a complete, full way. We need to allow individuals with concealed-carry permits to travel freely from State to State. This underlying bill does that, with one exception: the State of Illinois does not recognize concealed-carry permits. You would not be able to carry a weapon into that State. But except for that one State, we need to embrace the Second Amendment in every way that we can practically, recognize the Supreme Court has done the same thing, and allow individuals to travel with those concealed-carry permits.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Georgia will be postponed.

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-283.

Mrs. MCCARTHY of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 25, strike "that—" and insert "that has in effect a law providing that the provisions of this section shall apply with respect to the State, and—"

The Acting CHAIR. Pursuant to House Resolution 463, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank my colleague from Michigan (Mr. CONYERS) for working with me on this issue. I rise totally in opposition to H.R. 822.

It saddens me, but it does not surprise me, that we're here having this debate today. H.R. 822 is an unnecessary and seriously flawed piece of legislation. This bill overrides the decisions of States and forces them to recognize concealed-carry gun permits from every other State.

Almost every State currently allows carry permits, but States differ substantially in regards to their permitting requirements. They have different minimum age requirements. Some States require safety training before receiving a permit, and some States bar people convicted of certain crimes. These different requirements have been put in place by the elected legislatures of the States who did so with an understanding of the specific needs of their communities. H.R. 822 erases all of that and creates an unworkable system.

Under this bill, States with strong gun safety laws, such as New York, California, and Massachusetts, would allow out-of-State visitors, potentially as young as 18, to walk down our streets armed and dangerous. There are States in our Nation that don't require a background check before issuing a concealed-carry permit. There are States in our Nation that don't require any firearm training before letting people walk around with a concealed weapon. These are decisions that those States made for themselves. I don't want those decisions imposed upon the communities I represent, and neither should anybody else.

Also, police officers would be faced with the task of attempting to determine the authority of permits from 48 other States on the fly and in poten-

tially tense situations. Simply put, this bill is anticomunity, antisafety, and antipolice.

And, finally, the bill attempts to solve a problem that simply does not exist. Many States have chosen to enter into these agreements with other States to honor each other's concealed-carry permits. Nothing is stopping a State from recognizing a permit from any other State. The fact that States have not done so represents a deliberate choice to only enter into agreements with States that they feel have the proper approach to issuing concealed-carry permits.

The Federal Government should not be second-guessing the decision of the States in this matter. It saddens me but does not surprise me. We are here today discussing not how to make Americans safer and reduce gun violence, but, instead, we're talking about how to weaken our gun laws and considering a bill that takes local decisions out of the hands of local officials.

The gun manufacturing lobby will try to say otherwise, but I fully support the Constitution, as my colleague mentioned before. I believe in the rights afforded in the Second Amendment, and I support law-abiding gun owners. In the absence of a perfect, nonviolent society, however, we must make laws to protect the public. I know this firsthand. After all, it was a man with a concealed handgun that took the life of my husband and gravely wounded my son on the Long Island Railroad back in 1993.

Now, you may hear arguments today about interstate commerce as a justification for this bill, but this bill has nothing to do with interstate commerce. This bill is simply about the Federal Government overriding the States' laws about who can carry a concealed weapon.

You may also hear comparisons to State-issued driver's licenses, which are recognized nationwide. But if we want to compare guns to cars, as the gun lobby often likes to do, let's have this conversation. Cars and their use are among the most heavily regulated consumer products and activities in the United States due to the safety risk they pose.

One thing that does surprise me, though, is why so many supporters of this bill who have been so vocal about defending States' rights in the past are now choosing, in this instance, to trample on States' rights.

□ 1510

Federalism dictates that some things should remain with the States and some things should be addressed at the national level.

Going back to the matter of interstate commerce, I'm sure all Americans would love to see the House address interstate commerce in a more direct way, which is getting Americans

back to work and growing the economy. We should be talking about how to create jobs and prepare the next generation to succeed in the global economy. Instead, we're talking about how to trample on States' rights, weaken gun laws, and make America less safe, all to please our country's powerful gun lobby. So, as I said, it saddens me, but it does not surprise me that we're having this debate today.

I have an amendment under which States would be required to proactively opt-in to the agreements called for by H.R. 822. The intent of this amendment is to require that States affirmatively pass legislation enacting the provisions of H.R. 822 before the bill can go into effect in that State. This would restore States' rights, something I believe in.

I urge my colleagues to support this amendment and oppose H.R. 822.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

This amendment frustrates the basic purpose of H.R. 822. It requires that States pass legislation to implement the bill's provisions.

The Supreme Court, in two recent cases, has recognized a fundamental individual right to bear arms that is largely based on the right to defend oneself and one's family. Over 80 percent of violent crime occurs outside of one's home, according to the Department of Justice. This means that for the right to bear arms in self-defense to have any meaning, law-abiding citizens with permits should be able to carry firearms outside of their homes and sometimes across State boundaries.

Under current law 40 States have established a patchwork of reciprocal agreements that can be confusing for concealed-carry permit holders to navigate. H.R. 822 provides uniformity to our concealed-carry laws by creating nationwide reciprocity for concealed-carry permit holders. By contrast, this amendment allows States to opt out of H.R. 822's Federal grant of reciprocity. And it provides that only States that choose to pass laws implementing the legislation must recognize out-of-state concealed-carry permits. This amendment would, in effect, just continue the status quo and so would be of no help to individuals with concealed-carry permits.

Since 2004 police officers have enjoyed the right to use a concealed-carry permit to take a firearm across State lines. And, in 2010, President Obama signed legislation to include other law enforcement personnel who could take advantage of this ability. It is ironic that some of these groups now

want to deny this same right to law-abiding citizens with concealed-carry permits.

According to a 2009 Zogby poll, 83 percent of those polled said they supported concealed-carry laws—83 percent. Over 4 million Americans across the country have qualified for a concealed-carry permit. They, most likely, endorse this legislation.

I appreciate the gentlewoman from New York's mentioning States' prerogatives, and I hope she will express the same sentiments about other pieces of legislation. H.R. 822 retains the States' ability to regulate firearms in their own States by making clear that all State regulations regarding how a firearm is carried continue to apply to both residents and nonresidents, and by keeping in place the State's own permitting process.

I urge my colleagues to join me in opposing this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mrs. MCCARTHY of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-283.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 1, insert "(A)" after "(1)".

Page 6, line 4, strike "(2)" and insert "(B)".

Page 6, line 5, strike the period and insert "; and".

Page 6, after line 5, insert the following:

"(2) provides for the issuance of such a license or permit, and requires the applicant for such a license or permit to complete and submit the application to the State in person."

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

My amendment would exempt States from right-to-carry reciprocity when the State does not require individuals to apply for and complete a carry permit application at their local law enforcement station.

The United States Congress should never be in the business of stripping States of the right to make their own decisions about whether to recognize other States' permits. States have put forward a considerable amount of time trying to determine just what is best for their citizenry in reference to safety. By overriding State-based concealed-carry laws and forcing States to recognize concealed-carry permits from every other State, we're putting our State and local law enforcement in grave danger.

Two nights ago the sheriff in my county and I discussed this matter. I might add he is a Republican sheriff who is a friend of mine. We discussed this matter, and we concluded that it's going to be very difficult to get people to want to become police officers. Not only are they being attacked in reference to their organizing efforts, but now we are going to make it difficult for them to do their jobs.

This amendment closes a loophole that would otherwise be created by H.R. 822.

Almost every State allows concealed-carry in some form, but States differ in how they implement their concealed-carry policies, including having, as has been mentioned, different age requirements, training requirements, and excluding individuals guilty of certain crimes. One of these major discrepancies is addressed in this amendment and would force a State wishing to enforce H.R. 822's State reciprocity requirement to make certain carry permit applications are completed at an individual's local law enforcement station.

In my home State of Florida, concealed-carry permits may be granted to nonresidents, and all applicants are allowed to apply by mail. It is so easy that a staffer in one of our offices was able to complete the form in less than 30 minutes. If H.R. 822 passes, residents and nonresidents of Florida would be able to apply by mail from almost anywhere in the country and use their concealed-carry permits throughout the country.

Mr. Chairman, gun violence continues to grow at astounding levels in the United States. When the Surgeon General was Mr. Satcher, he called it an epidemic and even said that it was a health crisis so many people were killing each other with weapons.

Mr. CONYERS. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for his amendment. I rise in support of it and observe that last year, over 70 percent of Utah's concealed-carry permits were issued to nonresidents. I commend the gentleman.

Mr. HASTINGS of Florida. I thank the gentleman from Michigan.

Mr. Chairman, the last thing we need is to tell sovereign States that they are no longer free to make the decision to require an in-person interview when making a gun permit determination. At least 10 States grant law enforcement broad discretion to deny permits to carry concealed, loaded guns based on an applicant's record or other factors. Fourteen other States grant law enforcement more limited discretion. In addition, at least 14 States require applicants to show good moral character. Many of these States require applicants to present themselves in person for interviews. For example, applicants in New York must complete an in-person interview to receive their carry permit.

By contrast, Utah applicants, as has been pointed out by the ranking member, can submit their application by mail and can complete the fingerprinting and firearm safety training requirements outside of the State. In comparison, Utah's driver's license application specifically requires, and rightly so, that applicants submit the application in person, that it be notarized, and that the employee initial the application upon submission. Utah also grants permits to nonresidents, potentially allowing individuals nationwide to apply for a permit by mail.

□ 1520

Supporters of H.R. 822 claim that concealed-carry permits should be treated like driver's licenses. My amendment, however, points out that this is yet another instance of my friends' hypocrisy. First-time drivers applying for licenses in Utah and Florida must appear in person and pass a written and road test.

While Utah and Florida are free to make the decision that they will not require in-person appearances for concealed carry permit applicants, it should not be the job of Congress to impose this decision on other states.

Mr. Chair, H.R. 822 is a dangerous bill, and quite frankly will do nothing to create a single job across the nation.

Americans are hurting, they want jobs, and to be able to provide for their families.

I urge my colleagues to support my amendment, which will help to close a dangerous loophole created by H.R. 822.

I yield back the balance of my time. Mr. CHABOT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

This amendment would effectively gut the bill, though the intent is actually somewhat unclear.

As written, the amendment allows a visitor to carry a handgun under the provisions of the bill only in States that require applications to be completed and submitted in person; however, few States have such a requirement for nonresidents.

This amendment would create unnecessary confusion. For example, Florida accepts applications by mail, but the State of Washington does not. If this amendment were adopted, a Virginia resident who held a valid permit could carry a handgun in Washington, which requires everyone to apply in person, but not in Florida, which has no concerns about issuing permits by mail.

It is possible that the amendment was intended to allow interstate carry under the bill's provisions only for holders of permits that were issued in person. The problem is that isn't how the amendment is drafted. If it were, it would still effectively gut the bill because so few States require in-person application.

The fact is that any application or fingerprinting requirements for a resident or a nonresident to obtain a concealed-carry permit are in addition to all the other requirements, including a national instant-background check that the applicant must go through first to legally purchase the gun.

Despite what some opponents of H.R. 822 would have you believe, not everyone who owns a gun is a criminal. And, in fact, there is overwhelming evidence to show that concealed-carry laws have resulted in lower crime rates in most States. Typically, most criminals don't bother with legally purchasing a gun and then making sure they have a valid permit before they carry it concealed; they just do it. That's why we call them criminals.

I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-283.

Ms. JACKSON LEE of Texas. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 1, insert "(A)" after "(1)".

Page 6, line 4, strike "(2)" and insert "(B)".

Page 6, line 5, strike the period and insert "and".

"(2) maintains a complete database of all permits and licenses issued by the State for the carrying of a concealed handgun, and makes that database available to law enforcement officers from all States 24 hours a day."

Page 6, after line 5, insert the following:

The Acting CHAIR. Pursuant to House Resolution 463, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I am hoping that there will be no Member that will oppose a common-sense amendment that allows our law enforcement officers to be more protected.

One might think, as I point to this picture of a nurse giving a young man an immunization shot and the young man squinting, that I would be more in tune with this legislation to have a law enforcement officer or a policeman dressed in their uniform.

I put a child here because I wanted to emphasize the fact that, can we have any disagreement that if we put our law enforcement officers in jeopardy, many of them leave behind families. Or I might use as an example this young child is squinting in pain from immunization. That won't harm them, but a person recklessly having stolen maybe someone's gun that comes with the national concealed law, the right-to-carry law, may not have a squinting child but, rather, a dead child.

Let me give you an example of the legislation or the amendment that I have in real time. A North Harris police officer in 2008 had a traffic stop. Before he went to this individual that he was stopping, he dutifully went to a dispatcher, a database to find out who this might be. Tragically, it was not soon enough because a gun was taken and he was shot dead. He leaves behind a wife and two children, albeit the fact that I have a child here, because I'm simply trying to create a simple amendment to this bill that will protect our law enforcement.

What does my amendment do? It ensures that a comprehensive database is created to provide a listing of individuals from each State who possess permits and licenses to carry concealed weapons. This amendment would also require that the concealed-weapons database be available to law enforcement officers in all States 24 hours a day. Thank goodness, because of Federal funding, many of our law enforcement officers have their laptops, many of them even their iPads, and so this database is a simple process.

It is interesting or it should be known that 36 States are especially adversely impacted by this bill because 36 States do not grant any reciprocity. Twenty-seven States recognize concealed-carry permits from only select States. So a 24-hour database, I believe, would do what Republicans and Democrats say they want to do: protect law enforcement officers.

Failing to implement a national system that would allow law enforcement officials to check the status of individuals who are legally allowed to carry a concealed gun will result in a routine situation, such as a traffic stop, becoming a life-threatening situation. If an officer discovered a gun during a routine traffic stop, the officer might quickly and accurately determine this guy is legal as to whether the driver or lady possesses a valid out-of-state permit.

Oh, yes, we can offer reciprocity, but does the officer on the street walk around and look at the car that's coming across the border of their State and a sign says, We have reciprocity, I am from such and such, I'm okay. It is nearly an impossible task for the officer to verify the validity of 48 different carry permits—are we going to have a national carry permit—in the middle of what could be a tense situation.

Even if that person is legally carrying it based upon the permit from another State, according to the majority's report on this bill, only 18 States maintain an electronic database of concealed-carry permits that are immediately accessible to other law enforcement agencies. Seven States cannot provide any real-time access to this basic information to out-of-state agencies, and two States do not even maintain a database for their own purposes. This amendment gives our local law enforcement a plausible chance to verify whether out-of-state concealed-carry permits are legitimate.

Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman has 1 minute remaining.

Ms. JACKSON LEE of Texas. I yield to my ranking member on this amendment.

Mr. CONYERS. I thank the gentlelady for yielding. And I am in full support of the logical and rational approach that she is taking in supporting a database.

I plead with my colleagues to join us in a bipartisan sense to support an amendment that would create a comprehensive mechanism so that all permits and licenses for carrying concealed weapons would be available on a 24-hour-a-day basis. I congratulate the gentlelady on her amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman for his kindness.

Who can oppose such a simple amendment, particularly when it is noted that some States do not have this electronic database?

The officer who went to his dispatcher, who was doing the right thing, he lost his life. He left behind children. Do we want squinting children getting an immunization shot or getting shot?

I ask my colleagues to support this amendment.

Mr. Chair, I rise today in support of my amendment #4 to H.R. 822, the "National

Right-to-Carry Reciprocity Act of 2011." My amendment ensures that a comprehensive database is created to provide a listing of individuals from each State who possess permits and licenses to carry concealed weapons. This amendment would also require that the concealed weapons database be available to law enforcement officers in all States 24-hours a day.

Failing to implement a national system that would allow law enforcement officials to check the status of individuals who are legally allowed to carry a concealed gun could result in a routine situation, such as a like traffic stops, becoming life-threatening situation.

If an officer discovered a gun during a routine traffic stop, the officer must quickly and accurately determine whether the driver possesses a valid out-of-state permit. It is a nearly impossible task for the officer to verify the validity of 48 different carry permits, in the middle what could be a tense or dangerous situation.

According to the Majority's report on this bill, only 12 states maintain an electronic database of concealed carry permits that are immediately accessible to other law enforcement agencies. 7 states cannot provide any real time access to this basic information to out-of-state agencies, and 2 states do not even maintain a database for their own purposes.

This amendment gives state and local law enforcement a plausible chance to verify whether out-of-state concealed carry permits are legitimate.

Consider for a moment, a police officer in Houston, Texas has just pulled someone over for speeding. The driver, who is a resident of Missouri, gives the officer a concealed carry permit from Utah, which is a state that grants concealed carry permits to nonresidents. Under our current system it is impossible for the officer in Houston to instantly confirm whether or not the driver from Missouri has a valid right to carry a concealed weapon.

State and local law enforcement should always be aware of who is carrying loaded, hidden guns in their communities. A local sheriff or police chief would benefit from knowing how many people carrying a concealed weapon have entered their jurisdiction from out-of-state, and who those people are.

My amendment would give the officer the ability to garner this information from a comprehensive database; this would allow the officer to have an advantage when approaching a vehicle with a potentially armed driver.

As it stands officers would have to distinguish between real and fake carry permits issued not only by their own state, but by every state. And in many cases, officers would have to determine whether a person is entitled to carry a gun, which would depend on their state of residence and is nearly impossible to verify quickly.

The comprehensive database provides the officer with an information safety net, although my amendment will not address the significant flaws in this legislation; this is an attempt to ensure that law enforcement officers have an additional tool at their disposal.

In addition, state authorities would also have information on whether or not the individuals applying for licenses in their state have ever had a license revoke in a different state.

Under this bill, local law enforcement will have a difficult time verifying out-of-state permits in real time. Pass this amendment to give our local law enforcement officials a fighting chance.

A comprehensive database would save lives, as state officials could use this database to determine whether they would be issuing a permit to an individual, who may have had their permit revoked in another state.

THE STORY OF MARQUS

In 2005, a man named Marqus had his concealed carry permit revoked by Philadelphia Police after he had been charged with attempted murder. During the revocation hearing, he attacked an officer.

After this incident Marqus was able to attain a new permit from Florida despite his record of violence. He then used his Florida permit to carry a loaded gun in Philadelphia.

Marqus who under Philadelphia law regained his right to carry a concealed weapon in Philadelphia only because of a reciprocity agreement with the state of Florida, would eventually, use this right to carrying a concealed weapon to shoot a teenager in the chest thirteen times killing him in the streets of Philadelphia. Philadelphia did its job, they revoked a license of a violent individual.

Florida if they had access to the type of database I am proposing today may have reconsidered issuing a license to Marqus. However, if Florida continued to issue licenses to individuals that a state, such as Texas, did not agree believe have licenses. Under the current law the State of Texas would be able to revoke their reciprocity agreement. H.R. 822 takes away the States ability to determine how to best protect their citizens from those who they have determined should not be allowed to carry concealed weapons.

Currently, each state has its own eligibility standards. Those criteria include determining the following: At least 38 states, including Texas, prevent people from carrying concealed weapons if they have certain dangerous misdemeanor criminal convictions beyond domestic violence misdemeanors, which prohibit gun possession under federal law.

Over 50 percent of states, including Texas, require those seeking permits to complete a safety training program, many of these programs include live fire training, or other proof of competency prior to the issuance of a carry permit. As well as, and age restriction such as prohibiting anyone

Although it is often argued that guns do not kill people, people kill people. Well, it can also be said we should not make it any easier to put a powerful and lethal weapon in the hands of those who have histories of violence and abuse.

Every sheriff and police officer in the country would have to honor concealed carry permits from all 50 states but first they would need to be able to verify the validity of each state's different type of permit. Knowing local laws and recognizing when someone is breaking them already keeps our law enforcement busy. But H.R. 822, as written, would not give police a way to ensure out-of-state permits were valid or up to date.

Some state permits look as simple as a library card, and would be just as easy to forge. A national database would result in a uniform

approach on who has a valid permit to carry a concealed weapon. The fact that each state has its own requirements is indicative of how complex this issue really is and with one measure Congress would eliminate the right of States to set their own public safety laws. If this measure passes every state will be compelled to honor every other State's permit to carry concealed and loaded guns, regardless of how different each state's standards or criteria to secure a permit may be.

States should have the right to know whether the individuals carrying concealed weapons have valid permits or licenses to carry or possess concealed weapons. This measure would require that one central database be created, which encompasses the information of each person from each state who has a current, valid permit or license to carry or possess a concealed handgun—and requires that this comprehensive database be accessible to law enforcement in any state 24 hours a day.

I believe that an amendment creating a comprehensive listing of licensed individuals from each State, in one main location that is accessible at any time of day is a necessary tool that will protect the public and the safety of law enforcement officers.

I yield back the balance of my time.

Mr. GOWDY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. Mr. Chairman, I yield myself such time as I may consume.

This amendment seeks to require States to maintain a database of all concealed-carry permits that would be accessible to law enforcement officers 24 hours a day. This amendment, aside from being a version of NCIC for law-abiding citizens, is unnecessary for a number of reasons.

The State-issuing authority already maintains a database of concealed-carry permits, and a number of States make these databases accessible to law enforcement through the Nlets System, which law enforcement in all 50 States can use to determine whether someone visiting from another State is carrying a valid concealed permit. This system is available to law enforcement officers 24 hours a day, 7 days a week.

Law enforcement officers can also contact other States to determine whether a person has a criminal background, a warrant out for their arrest, or other information that will help determine whether someone poses a safety threat to themselves or the general public.

□ 1530

But the fundamental flaw of this amendment is that it continues to place conditions and restraints on law-abiding citizens all the while ignoring the obvious, which is that people intent on doing harm do not register their firearms nor call ahead to report their travel schedule.

No database has yet been created which can determine whether a person

with a firearm intends to use it in a criminal matter, whether the firearm is carried illegally or not, so officers are trained to be careful in every situation and have the authority to take necessary precautions to ensure the safety of those on the scene of an investigative stop.

This amendment, as is true with many other amendments that we have and will consider today, is premised on the flawed view that concealed-carry permit holders pose a threat to public safety. People intent on committing illegal acts will not go to the trouble of obtaining a concealed-carry permit, and statistics back that up.

I oppose the amendment, Mr. Chairman, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Chair understands that amendment No. 5 will not be offered.

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-283.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 14, after the period insert the following: "Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State shall be subject to any law of the State that limits the eligibility to possess or carry a concealed handgun to persons who have received firearm safety training that includes a live-fire exercise."

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of my amendment to this dangerous bill, the National Right-to-Carry Reciprocity Act.

My amendment is about protecting a State's right to decide who may carry a concealed, loaded handgun within its borders. It would require the possession of or carrying of a concealed handgun in a State be subject to that State's law regarding firearm safety training, including live-fire exercise.

Currently, at least 34 States require applicants to complete a firearm safety training course or present proof of equivalent experience in order to obtain a concealed-carry permit; 19 States require live-fire instruction to obtain a carry permit. However, some States only require minimal training such as an Internet-only instruction. Even worse, however, are the States that do not require any firearm training to obtain a concealed-carry permit.

This bill would override State laws and require States to allow out-of-State residents to carry loaded, concealed weapons in public, even if they have not met basic licensing or training requirements mandated for carrying in that State. This does not make any sense.

By federally mandating recognition of all out-of-State concealed handgun permits, H.R. 822 would allow individuals who do not meet a State's live-fire firearm training standards to carry concealed weapons within their borders and prohibit States from ever restricting carrying by those individuals.

According to the Violence Policy Center, since May 2007, at least 385 people, including law enforcement officers, have been killed by individuals with concealed-carry permits. None of these incidents involved self-defense. Some of these incidents included mass shootings—the most recent occurring in July at a child's birthday party at a Texas roller rink—claiming the lives of 89 innocent victims. This illustrates why States should have the right to determine who is eligible to carry firearms within their borders. They know what is best for their communities.

This bill is all about the National Rifle Association and its needs, not about the American people and putting them back to work. Congress should not put its stamp of approval on this dangerous and misguided legislation.

States that require a person to demonstrate that they know how to use a firearm or meet minimum training standards before obtaining a concealed-carry permit should not be forced to allow out-of-State visitors to carry concealed weapons if they do not meet that State's concealed licensing requirements, especially if a State requires that individuals undergo live-fire training to ensure they know how to properly operate a firearm. This is common sense.

This is a commonsense amendment, and it will keep Americans safe. It simply would require the possession or carrying of a concealed handgun in a State be subject to that State's law regarding firearm safety training, including live-fire exercises.

I urge my colleagues to support this amendment and oppose the underlying bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

This amendment allows States to prohibit nonresidents from carrying a concealed firearm if they did not take part in a firearm safety class that included a live-fire exercise as part of the permitting process. This amendment would, for the first time ever, insert the Federal Government into the State's concealed-carry permitting process. H.R. 822, by contrast, protects each State's ability to set its own eligibility requirements for concealed-carry permits.

Thirty-seven States require some degree of firearms training. The gentleman from Georgia's home State, interestingly, does not require any training and, thus, under this amendment, its citizens would not be able to enjoy the Federal grant of reciprocity provided by H.R. 822.

The States carry out their training requirements in a number of ways. Some States allow applicants to certify their proficiency through classroom training, while other States recognize prior military or police service to meet these requirements. Virginia, for example, provides eight different ways to meet the training requirements.

This amendment is silent on a number of important issues. Is prior military or law enforcement service sufficient to meet the live-fire requirement? Does an applicant need to go through this training each time they renew their permit or is it sufficient to have completed a course the first time they applied? These ambiguities give us more reason to oppose this amendment.

We know that concealed-carry laws do reduce crime. A study by John Lott and David Mustard found that when concealed-carry laws went into effect, murders fell by over 7 percent and rapes and aggravated assaults fell by 5 and 7 percent, respectively. These findings have been confirmed by 18 other studies, but none have found that concealed carry increases crime.

The benefit of concealed-carry laws should not be measured only by the instances of self-defense, but also by the number of crimes that are prevented from occurring in the first place.

I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

The Acting CHAIR. The gentleman from Georgia has 1 minute remaining.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman.

I agree wholeheartedly with my colleague from Texas, Chairman SMITH. This legislation does, in fact, insert the Federal Government into State licensing of firearms, and it does it in a big way. It actually eviscerates the States'

ability to regulate how or the qualifications for applicants to be able to receive a concealed-carry permit.

As I stated earlier, 34 States require applicants to complete a firearms safety training course; unfortunately, Georgia does not. But that does not mean that that is right or proper. I believe that other States can certainly have a more conscientious approach to gun licensing, and certainly States have had a right to do that, and I want to preserve that right.

With that, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. SMITH of Texas. Mr. Chairman, I am glad that the gentleman from Georgia agrees with me that this amendment does insert the Federal Government into the States' concealed-carry permitting process. I would simply say that that admission and the fact that that is the case is enough reason to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1540

AMENDMENT NO. 7 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-283.

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 14, after the period insert the following: "Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State under this section shall be subject to any State law limiting the eligibility to possess or carry a concealed handgun to individuals who have attained 21 years of age."

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Chairman, I yield myself such time as I may consume.

Before I came to Congress, I was a member of the Tennessee Senate for probably an inordinate amount of years before I graduated to this august body. It took me 24 years to matricu-

late. But during those 24 years, I worked on much important legislation to help the people of Tennessee.

One of the things I helped the people in Tennessee with is I wrote the Right to Carry bill in Tennessee. The fact is this was a difficult bill to pass; it was a difficult bill to craft. There were people with different opinions of what should be in the bill, and we debated it. We went back and forth on what should be in it. We took votes and certain things passed and certain failed, and we came up with a bill we thought was a good bill.

I always felt that people who could take a gun and have enough vision and calmness of hand and hit a target at some pace, not have a criminal record, and pass a written test of limited challenge, should have a right to carry a gun. In fact in Tennessee, very few people with the right to carry a gun have committed crimes and used their guns improperly.

But the fact is we worked on this law and we had certain restrictions, and one of the restrictions is you had to be 21 years of age, the same age that you have to be to buy a beer or to drink. And 36 other States came to that same decision that you should be 21 before you can get a permit to carry a gun.

Eight States have differed: Alabama, Delaware, Indiana, Iowa, Maine, Montana, New Hampshire, and South Dakota. So you've got a southern State in there, you've got an eastern State, a couple of Big Tens, a couple out in the Big Sky world, and some in the east. And they decided you only had to be 18, those eight States.

This bill, if passed, would tell the citizens in those 37 States and the legislators in those 37 States that argued and determined that 21 was the right age that it would be the right age in your State for the people who are residents of your State, but if somebody from one of those other eight States came into your State and was less than 21, they could carry a gun when your citizens couldn't. Because their State decided 18 was sufficient, your laws made no difference; and you'd have teenagers carrying guns in States that had determined that it was not the appropriate age.

Twenty-one is the right age to drink, and I'm not submitting that it should be less at this time, but the fact is the brain doesn't really develop to a certain extent until you're out of your teens; and that is why much of the crime and the violent crime is committed by people 18 to 20. They are only 5 percent of the population, but 20 percent of the homicides in violent crime are committed by people from 18 to 20. And if you pass this bill, you'll have people 18 to 20 going into States and having a right to carry a gun when the citizens of that State won't have it. That makes no sense.

In 2007, the most recent year in which we have data, there were 13,000 people

who lost their lives in this country to accidents involving alcohol; but there were 31,000 people, over twice as many, who lost their lives because of gunfire.

It doesn't make sense that we would not only trample on the laws of the different States but also the work of the legislators such as me who worked hard within the legislative bodies, within the give-and-take of Senate and House and conference committees to come up with what we thought was the policy of our State to have that overridden by the folks here in this United States House of Representatives, the Senate would be concurring, to pass a bill to say your laws make no difference, and 18- and 19- and 20-year-olds from Alabama and South Dakota and Maine and New Hampshire are going to be able to come in your State and carry a gun when your citizens won't be able.

It should be up to each of the States to decide that, and what we're getting to is the lowest common denominator, which isn't right.

So the fact is these laws should be left up to the States. The States right now can have reciprocity agreements. Tennessee didn't have one when we passed our bill in 1996, but in 2003 they got one. But the State of Tennessee decided on its reciprocity, not the United States Congress. And States have reciprocity agreements, and they're all going to be overridden. Some are more liberal than others—Tennessee is the most liberal—but other States have got restrictions. They're all going to be set aside because of this.

I would hope that the Members who come from the 37 States that require your citizens to be 21 would not allow people under 21 to come into your State and have teenagers who are most likely to commit crimes with guns to come into your State with a concealed-carry permit.

Mr. CONYERS. Will the gentleman yield?

Mr. COHEN. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Your experience in your State legislature and your legal experience really have impressed me that your amendment, and we haven't talked about this today on H.R. 822, is extremely important. I hope my colleagues will join with you.

Mr. COHEN. I thank the gentleman.

I yield back the balance of my time.

Mr. GOWDY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. Mr. Chairman, I yield myself such time as I may consume.

This amendment prohibits persons who are legally permitted to carry a concealed weapon between the age of 18 and 21 from taking advantage of H.R.

822's grant of reciprocity. We continue to believe, Mr. Chairman, that adults who reach the age of 18—which is the age of majority for well nigh everything in this country, save alcohol—are capable of being responsible just as 19-year-olds and 20-year-olds are. They can vote. More importantly, they can serve in the military where they are highly trained to handle firearms in very critical situations.

Fewer than 10 States allow people under 21 to receive a concealed-carry permit. One State allows this if a weapon is necessary for the person's job, such as law enforcement, and another if a person gets permission from law enforcement.

This amendment eliminates the current practice of many States, including the amendment sponsor's home State of Tennessee, recognizing concealed-carry permits of nonresidents between the ages of 18 and 21, even though their own residents must be 21 to conceal carry.

In fact, 14 States recognize all valid permits issued by any States, including those States that permit persons between the ages of 18 and 21. As many as 10 additional States recognize 18-year-old permit holders from other States with which they have reciprocity.

Mr. Chairman, America trusts our brave men and women under the age of 21 to volunteer for duty and to defend our country. What this amendment says, however, is you can carry a gun and defend this country overseas, but you can't carry a gun and defend yourself once you get back. This is not consistent with the Second Amendment, nor is it reflective of our views with respect to what 18-year-olds can and should be permitted to do. What is good enough to defend the foundations of this Republic and us, I hasten to add, should be sufficient to defend oneself.

Mr. COHEN. Will the gentleman yield?

Mr. GOWDY. I yield to the gentleman from Tennessee.

Mr. COHEN. I thank the gentleman for yielding.

Based on your argument, you would think that the state that the laws of the 37 States have that limit gun permits to people that are 21 should be abolished. Why does your legislation not go further and trample on the States' rights and say that you can only have a limitation of age 18 and say that you cannot have a limitation of age 21?

Mr. GOWDY. The only thing that this debate today has given me cause for celebration for is I now know my colleagues on the other side of the aisle are familiar with the concept of States' rights because I have not heard them talk about it for the first 11 months.

Do you suppose Tennessee should have a different version of the First Amendment or the Fourth Amendment

or the Fifth Amendment or the Eighth Amendment? So why are we treating the Second Amendment like it is in the constitutional trash heap?

Mr. COHEN. No. What I'm saying to you, sir, is your belief is obviously that the Second Amendment is an individual right so that the States that have laws that say you have to be 21, those laws should be abolished and we should limit it to 18.

For the record, I have talked about States' rights on medical tort liability, and I've talked about States' rights on medical marijuana.

Mr. GOWDY. Reclaiming my time, the gentleman from Tennessee is right. He has from time to time mentioned States' rights, which puts him in a very lonely position on his side of the aisle.

With that, I yield back the balance of my time.

□ 1550

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-283.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 21, strike the close quotation marks and the following period.

Page 6, after line 21, insert the following:

“(d) A person may not, under this section, carry or possess a concealed handgun in a State, unless the person provided at least 24 hours notice to the designated law enforcement agency of the State of the intention of the person to carry or possess a concealed handgun in the State.”.

The Acting CHAIR. Pursuant to House Resolution 463, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank you for your courtesies, and I am delighted to have seen my good friend engage in a dialogue and a colloquy with my friend from Tennessee. Maybe I might even get the same courtesies because this is a very important

issue that also deals with constitutional questions.

I am back with my young man who is getting his immunization shot, with a nurse looking over him, because I want people to know that this is about family, that it's about the fact as to whether or not we make a statement on behalf of protecting law enforcement, of protecting our families, and not fall upon the spear of the Second Amendment and the National Rifle Association.

To my ranking member and dear friend, even the supercommittee is not without ghosts riding through. I understand they had a deal, and then Mr. Norquist comes riding through. Whenever we want to talk about getting together on guns and the Second Amendment, the NRA comes riding through. So we've got the NRA, and we've got Mr. Norquist, and we can't ever get any bipartisanship because the ghosts keep riding through.

My amendment is a very simple one, and it speaks, again, to protecting the lives of our officers, and what it says is having the State have a designated entity, a designated agency, that requires an individual coming into another State with a concealed-carry permit to provide at least 24 hours advance notice to law enforcement agencies of their intention to carry or possess a concealed handgun in another State. States must retain their ability to know which individuals are allowed under this newly proposed bill to possess and carry a concealed weapon.

Now, my friend did not engage with me in a dialogue, the gentleman, I believe, from South Carolina.

But just imagine a trooper with a traffic stop on, say, for example, I-45 in the State of Texas—it could be I-95 in Maryland—at 3 a.m. The car has a Colorado license plate, and the driver supplies a Colorado driver's license. The State trooper goes back to his car, and he can instantly validate this person is from Colorado with respect to the license plate and the license. Upon returning to the car, the trooper notices that the driver has a concealed weapon on his hip. The driver hands over his Colorado concealed-carry permit. The trooper has no ability to determine the validity of that permit. Therefore, if that person had been required to notify a State agency in Texas or in Maryland, that information might be readily accessible.

I heard a comment about the NLET process. You can go to the NLET. Only 12 States have allowed electronic access to their concealed-carry databases known as NLET. It does not respond, in essence, to the other 38 States.

My friends, we are recklessly passing a bill that we think is sorely needed. It does not in any way have anything to do with jobs. It doesn't have anything to do with protecting innocent children. It has nothing to do with making

sure our law enforcement is safe. I am simply adding an amendment that would make it better. When you're coming into our State, let's let our law enforcement know, and let's provide safety to the American people.

I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. Mr. Chairman, I yield myself such time as I may consume.

This amendment is based on the premise that any person who possesses a gun, including an American who legally purchases a gun and obtains a concealed-carry permit, is a criminal and must seek permission to exercise his or her constitutional rights. It would be nice, indeed, if we could get those who harbor criminal intentions to call ahead of time and inform local law enforcement of their plans. It would, in fact, be ideal if they would let us know which store they were going to rob, which home they were going to invade, which car they intended to steal.

That typically doesn't happen, Mr. Chairman, and to require law-abiding citizens to call ahead is mind-boggling.

Do we have to call ahead when we plan to assert our First Amendment rights? Do we have to call ahead and inform States we're traveling through of our intention to rely upon our Fourth Amendment rights? What about Miranda? Do we call ahead and reserve our Miranda reservations? Do we need to tell them which road we'll be traveling on, Mr. Chairman—and who do they call and what do they tell them when they call? Do they describe the gun? Do they tell them what caliber?

What is law enforcement supposed to do with this information? Does anyone really think criminals ever call ahead and announce their intentions? What happens if a person fails to provide notice, Mr. Chairman? What is the designated law enforcement agency expected to do with this information—maintain a database of all entering nonresidents and track the person's movements inside the State?

Should a nonresident with a concealed-carry permit engage in criminal activity within the State, is the State then liable for not preventing it?

Would a person who lives in Maryland but works in Virginia be required to call every day, Mr. Chairman?

What if it's an emergency trip—the birth of a grandchild? A sickness in the family? Do we just postpone our trip so we can meet the requirements of this amendment or do we sacrifice our right to travel in self-defense because we didn't call quickly enough?

This is a practical nightmare. It's a constitutional abomination. I urge my colleagues to oppose it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 1½ minutes remaining.

Ms. JACKSON LEE of Texas. I'm so glad my dear friend rose to speak to the new phenomenon of apples and oranges.

My friends, I am not coddling criminals. We know this is a distinctive bill that is not addressing the question of criminals who come to do us harm. What we are suggesting is that guns kill, and we are suggesting that people use guns to kill.

On that lonely, dark road at 3 a.m., when that trooper identifies your driver's license but can't identify whether or not you have a legitimate concealed-weapon permit to carry, then we are asking for you to have help. We're asking for there to be 24-hour notification. I am sure there will be the possibility of waivers, but don't tell me that a law enforcement entity, once known that they can go to the documentation that has the notification that someone is coming in from another State with a concealed weapon, will not find it useful. In fact, it will help this law enforcement officer tell this individual carrying legally. On your way, sir; On your way, ma'am. Thank you. Or, in essence, we might catch someone who has a concealed weapon and a permit from another State, but that person is rushing across the State to get away from a wife or a husband and has been in a violent domestic abuse or a domestic violence altercation.

So let me just say, for all of the laughs, guns kill, and it is a shame that we allow the ghost of the NRA to ride into this place and just smack down common sense. Save the lives of children because guns kill. Save the lives of law enforcement officers who leave behind children, because guns kill. Don't fool around with the NLET process, which doesn't even work. Let's notify. I ask for the support of my amendment.

Mr. Chair, I rise today in support of my amendment No. 8 to H.R. 822, the "National Right-to-Carry Reciprocity Act of 2011." My amendment ensures that any person seeking to possess a concealed weapon in a state other than the state that issued the concealed carry permit must provide at least 24 hours advance notice to law enforcement agencies of their intention to carry or possess a concealed handgun in another State.

States must retain their ability to know which individuals are allowed, under this newly proposed bill, to possess and carry concealed weapons within their borders. This measure would require an individual to notify out of state law enforcement, 24 hours in advance, of their intention to possess or carry a concealed weapon into the borders of a State in which those individuals are not licensed.

In its current form, the bill will have a difficult time verifying out of state permits in real time, endangering their lives, and the lives of the public. State and local law enforcement must always be aware of who is carrying loaded, hidden guns. This information will give law

enforcement a fighting chance as they protect their communities.

I believe that an amendment requiring prompt and adequate notification to law enforcement officials regarding an out of state individual's intention to carry a concealed weapon is necessary to protect the safety of the public and to protect the safety of the men and women who protect the public.

According to the Majority's report on this bill, only 12 states maintain electronic databases of concealed carry permits that are immediately accessible to other law enforcement agencies. 7 states cannot provide any real time access to this basic information, and 2 states do not even maintain databases.

Currently, there are several states that have implemented time requirements to ensure the safety of their citizens when dealing with a variety of weapons. This amendment will create a standard that is sure to provide law enforcement with the information desperately needed to keep the public safe from unknown harms.

This is a fundamental states rights issue. The measure before us today takes away a state's right to set their own criteria for determining who should be allowed to carry a fire arm within their borders.

Texas has robust handgun concealed carry laws and these laws would only undermine the criteria established by my home state. This measure would bolster the protections that Texas and many other states seek to implement to protect their citizens from gun violence. Texas standard to attain a permit is currently higher than current federal law and the requirements of a number of other states.

As it stands Texas already honors the permits of 39 other states; which only emphasizes that this can be address at the state level. One of my main concerns is that the lives and safety of men and women working in the line of duty will be compromised if we fail to effectuate this amendment requiring a 24-hour advance notice of out of state individuals carrying concealed weapons.

Law enforcement officers put their lives on the line for us every day. Since 2009 least 122 law enforcement officers have been shot and killed, with an average of one officer killed by gunfire each week. Since the beginning of 2011, guns have killed at least 30 law enforcement officers. It is important that the very men and women who put their lives on the line are the very men and women who have instant access to information on whether or not the individual they are approaching during a routine traffic stop is armed.

In 2009, Houston Police Officer Timothy Abernathy was shot and killed during a routine traffic stop. An 11 year Veteran of the Houston Police Department, Officer Abernathy stopped a vehicle for a minor traffic violation. This should have been routine, but the suspect shot Officer Abernathy in the head, killing him. Officer Abernathy was 43 years old.

Gun violence is dangerous to all Americans. In 2010, approximately 8,775 people were killed by firearms. 6,000 of those deaths were caused by handguns. In 2010, 152 of those killed by guns were law enforcement officers. Each year, there are approximately 16,000 assaults on police officers, and many of those attacks utilize firearms.

The facts are quite simple. If we are going to ask state and local law enforcement officials

to put their lives on the line every day for the safety of our communities, we owe it to them to know who is carrying a loaded and concealed weapon. Establishing a database of individuals with concealed carry permits could save a life.

I urge my colleagues to support my amendment to H.R. 822 in order to ensure that we act fervently to protect the lives of those who risk their lives for the general public on a daily basis. Again, this amendment will strengthen a State's ability to continue its efforts to protect the safety of its citizens and law enforcement officials.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-283.

Mr. CICILLINE. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 21, strike the close quotation marks and the following period.

Page 6, after line 21, insert the following:

"(d) Subsection (a) shall not apply with respect to the possession or carrying of a concealed handgun in a State on the basis of a license or permit issued in another State, unless the Attorney General of the State, the head of the State police, and the Secretary of State of the State have jointly issued a certification that the laws of both States which provide for the issuance of such a license or permit are substantially similar."

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, I yield myself such time as I may consume.

As a founding member of the bipartisan Mayors Against Illegal Guns, co-chaired by Mayor Menino of Boston and Mayor Bloomberg of New York, I rise today in strong opposition to the National Right-to-Carry Reciprocity Act.

This dangerous legislation threatens public safety by undermining the ability of States and localities to reduce gun violence by limiting the carrying of loaded concealed weapons within their borders.

This bill has nothing to do with honoring the Second Amendment. It, in-

stead, completely dishonors the rights of local communities and State governments to make decisions to protect the well-being and safety of their citizens. This bill prevents States from responding to the unique needs of their communities as they determine the eligibility criteria for carrying a loaded concealed weapon. It instead forces them to accept standards set in other States.

□ 1600

As a result, this bill strips away reasonable limitations properly enacted by States and imposes upon every State, except Illinois, the least restrictive standard in the country for carrying a concealed loaded gun. The implications of this bill are drastic and a radical departure from well-settled practice and law that assigns primary responsibility for public safety to States and localities.

In Rhode Island and in many States like it, this bill would decimate the strong concealed-carry framework developed by duly elected officials within the State. These officials enacted requirements that they believe most effectively prevent dangerous individuals from carrying a concealed firearm within their borders.

Rhode Island does not have any reciprocity agreements recognizing any other State permits; and our heightened standards require applicants to be at least 21 years old, of good character, not an abuser of alcohol, to complete a firearm safety training course that includes a live-fire examination, and to show good cause for needing a concealed-carry permit. To further provide for our unique public safety needs, Rhode Island also grants broad discretion to local law enforcement officials in the process of approving or denying a concealed-carry permit. As a result, Rhode Island ranks among the States with the lowest gun death rates, less than half the national average.

Under this bill, Rhode Island would be forced to recognize concealed-carry permits from all States, regardless of how lax the other States' standards. This would leave my fellow Rhode Islanders subject to the whims of the other States' concealed-carry permits and actually prioritize the rights of out-of-State concealed-carry permit holders over the rights of Rhode Islanders within our own borders. For example, while Rhode Island requires safety training that includes a live-fire exam in order to acquire a concealed-carry permit, there are 10 States that have no training requirements whatsoever. While Rhode Island prevents alcohol abusers from obtaining these permits, only 28 States have such a standard in place.

The commonsense provisions of Rhode Island State law and the laws of

similarly situated States prevent dangerous individuals from carrying loaded concealed weapons. Such protections would be completely undermined by this law. This bill is a clear and undeniable threat to public safety and will facilitate a new path that allows more and potentially dangerous individuals to carry concealed loaded guns within our borders and against our will. This must not be allowed.

Because this bill presents such an indisputable threat to public safety in many States, I have introduced this amendment which would require that, at the very least, prior to granting reciprocity in a State, the attorney general, the head of a State police, and the secretary of State jointly certify that the laws of a nonresident permit holder State are substantially similar to its own. This would provide States an opportunity to preserve adherence to their core requirements that restrict concealed-carry weapons but not allow them to deny permits from States that match their standards. It would, at a minimum, ensure that we respect the decisions and judgments made by local and State governments on this key public safety issue.

The certification process will not be burdensome to States. In fact, some States, including South Dakota and Nebraska, already incorporate this type of process in determining eligibility for engaging in reciprocity agreements with other States.

I urge my colleagues to support my amendment and protect the citizens of this country from the imposition of dangerously lax standards for the carrying of concealed weapons in direct contradiction to the decision of local and State governments charged with protecting the lives and safety of their citizens.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

This is one of three amendments under consideration today that would allow the States to opt out of the nationwide concealed-carry system that H.R. 822 seeks to establish. This undermines the bill's goal of creating national uniformity in our concealed-carry laws.

This amendment provides that every State attorney general, head of police, and secretary of State must certify that the concealed-carry eligibility laws of every other State are substantially similar to their own before the State can participate in this legislation's grant of reciprocity. This is obviously intended to be overly burdensome both to those with concealed-carry permits and to the States themselves. It is also simply a way for State

officials who do not support the Second Amendment right to bear arms to decide that their State will not recognize out-of-State concealed-carry permits.

The amendment also incorrectly assumes that there are critical differences between the States' eligibility requirements, which is simply not the case. Each State has a vested interest in making sure that those with a propensity towards violence are not granted a concealed-carry permit. Every State conducts a thorough background check so that unqualified individuals will not be able to carry a concealed firearm. The eligibility standards used by the States are more similar than not. The fact that there may be small differences among the States' eligibility laws should not allow a State to prohibit the exercise of Second Amendment rights within its boundaries.

Also, Federal and State laws governing the purchase of a firearm must be complied with before a person can even apply for a concealed-carry permit. In order to purchase a firearm or take advantage of the reciprocity extended by H.R. 822, a person convicted of a felony or a domestic violence misdemeanor cannot legally purchase a firearm under Federal law. A person must also be cleared through the Federal Bureau of Investigation's National Instant Criminal Background Check System, or NICS, before they can purchase a firearm.

Data from the FBI's annual Uniform Crime Report show that right-to-carry States, those that widely allow concealed-carry permits, have 22 percent lower total violent crime rates, 30 percent lower murder rates, 46 percent lower robbery rates, and 12 percent lower aggravated assault rates as compared to the rest of the country. This amendment allows the current patchwork of concealed-carry laws to continue and ignores the right to bear arms guaranteed by the Second Amendment.

For those reasons, I oppose this amendment, and I reserve the balance of my time.

The Acting CHAIR. The gentleman from Rhode Island has 30 seconds remaining.

Mr. CICILLINE. Just very quickly, the purpose is not, of course, to overly burden State governments but, instead, to respect the judgments and decisions they've made in weighing the equities and making determinations as to what is the right criteria, to give respect to the duly elected officials in States who have made those judgments. It happens in South Dakota. It happens in Nebraska. It's not unduly burdensome. It's really about respecting the people in State government and in local governments who have the responsibility to protect the public health, safety, and well-being of residents of States.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, if you respect and support the full

right of individuals to enjoy the rights under the Second Amendment to the Constitution to bear arms, you will oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. REICHERT

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-283.

Mr. REICHERT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. ____ . GAO STUDY OF THE ABILITY OF STATE AND LOCAL LAW ENFORCEMENT TO VERIFY THE VALIDITY OF OUT-OF-STATE CONCEALED FIREARMS PERMITS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the ability of State and local law enforcement authorities to verify the validity of licenses or permits, issued by other States, to carry a concealed firearm.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report which contains the results of the study required by subsection (a).

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, I yield myself such time as I may consume.

Today we are considering a national reciprocity law for firearms licenses and permits. I have always supported Second Amendment rights for people to carry and keep firearms.

I come at this from a little bit of a different perspective. I was a police officer for 33 years. I worked the streets for 6 years in a patrol car, SWAT commander, hostage negotiator. I have had guns pointed at me. I have looked down the barrel of a shotgun. I have looked down the barrel of a rifle. I have heard the shots fly by. I have been at the other end of the gun, too. Fortunately, I have not had to fire at anyone, but in protection of the people in my community, I have experienced being at both ends of a firearm.

So I understand and I get the concerns of cops, my brothers and sisters in law enforcement. What we want to make sure today is that those law enforcement officers across this country that protect us—and they're protecting us while we're in the Capitol today—are equipped and prepared to enforce this law.

I have a concern, so my amendment would require that the GAO look into whether or not law enforcement officers are able and have the ability to verify the validity of out-of-State concealed firearms permits and licenses. Within 1 year of enactment, the results of this study will be reported to the House Judiciary Committee and the Senate Judiciary Committee.

Our State and local law enforcement across this country every day put their lives on the line. They put the badge on. They put their uniforms on. They walk out into the street. They go out in their patrol cars and are putting their lives on the line. It's a risk and responsibility that they will gladly accept. They want to come home safely, of course, to their families, but they know the risks when they leave their home. They know the risks when they put on the badge. We owe it to them to ensure the underlying bill does not create any unintended consequences or additional safety concerns.

□ 1610

Right now it is unclear whether every cop in every jurisdiction across this Nation can efficiently determine the validity of concealed-firearms permits. Each State decides how best to store that information and have access to its own concealed-carry permit information, but maybe not that of other States.

Only 12 States right now are participating in a program that allows electronic access to a joint concealed-carry database. In the remaining 38 States, law enforcement officers are required to contact appropriate local officials over the phone or by email. This method is not timely enough and not effective. We must understand how long it takes for law enforcement officers to determine whether or not a State concealed-carry permit is legitimate or fraudulent. This is critical to both the safety of the cops patrolling our neighborhoods and protecting the rights of law-abiding citizens.

This GAO study will help us better understand the impact of national reciprocity for concealed firearms on our Nation's law enforcement and their ability to effectively enforce the law. We must pass this amendment to ensure that our cops have the adequate tools to enforce this law.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. I merely wanted to ask our distinguished colleague from Washington if I understood correctly that the GAO would conduct a study about the ability of the State and local law enforcement to verify the validity of out-of-state concealment after this bill is passed?

I yield to the gentleman.

Mr. REICHERT. I thank the gentleman for yielding.

The question is whether or not this study is tied to the passage of the bill. No, the study is not tied to the passage of the bill. The study will begin upon passage of the bill, and the report must be filed before 1 year is up.

Mr. CONYERS. I see. Could I ask the gentleman why we wouldn't conduct the study in front of the bill rather than after the bill?

Mr. REICHERT. The way that this amendment is presented, it's presented allowing the study to go on as law enforcement encounters this new law and will then know what challenges they face as they look to enforce the law. We won't know all of those things until the law is in place.

Mr. CONYERS. Well, may I suggest that perhaps our responsibility as Federal legislators might be to determine the impact of this proposal on public safety before we pass it, not years later after we pass it.

Would the gentleman concede that that might be the more appropriate path that we normally take?

Mr. REICHERT. Yes, sir. That is what my amendment is intended to do, to gather that information so we can appropriately revise the current policies that may exist in police departments across the country and sheriff's offices across the country.

Mr. CONYERS. I thank the gentleman.

I yield back the balance of my time.

Mr. REICHERT. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. SMITH), the distinguished chairman of the Judiciary Committee.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. SMITH of Texas. Mr. Chairman, I want to thank the gentleman from Washington, a former sheriff himself, for yielding me time; and I appreciate his offering this amendment, which requests a study by the Government Accountability Office on the ability of State and local law enforcement agencies to verify the validity of non-resident concealed-carry permits.

The study requested by the gentleman's amendment will provide additional assurance that nonresident permit information can be verified by law enforcement officers across the country.

I urge my colleagues to support his amendment.

The Acting CHAIR. The question is on the amendment offered by the gen-

tleman from Washington (Mr. REICHERT).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-283 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. WOODALL of Georgia.

Amendment No. 2 by Mrs. MCCARTHY of New York.

Amendment No. 3 by Mr. HASTINGS of Florida.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

Amendment No. 6 by Mr. JOHNSON of Georgia.

Amendment No. 7 by Mr. COHEN of Tennessee.

Amendment No. 8 by Ms. JACKSON LEE of Texas.

Amendment No. 9 by Mr. CICILLINE of Rhode Island.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. WOODALL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WOODALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 283, not voting 10, as follows:

[Roll No. 843]

AYES—140

Ackerman	Cummings	Hoyer
Akin	Davis (CA)	Inslee
Amash	Deutch	Israel
Andrews	Dicks	Jackson (IL)
Baca	Doggett	Jackson Lee
Baldwin	Dold	(TX)
Becerra	Doyle	Johnson (GA)
Berman	Edwards	Johnson, E. B.
Bishop (NY)	Ellison	Keating
Blumenauer	Engel	Kildee
Brady (PA)	Eshoo	King (IA)
Braley (IA)	Farr	King (NY)
Broun (GA)	Fattah	Kucinich
Butterfield	Filner	Langevin
Capuano	Frank (MA)	Levin
Carnahan	Fudge	Lewis (GA)
Carney	Garamendi	Lipinski
Carson (IN)	Gerlach	Loeb sack
Castor (FL)	Gohmert	Lofgren, Zoe
Chu	Gonzalez	Lowey
Cicilline	Green, Al	Lungren, Daniel
Clarke (MI)	Grijalva	E.
Clarke (NY)	Hahn	Lynch
Clay	Hanabusa	Maloney
Cleaver	Harris	Markley
Clyburn	Hastings (FL)	McCarthy (NY)
Cohen	Hinchey	McCollum
Connolly (VA)	Hinojosa	McDermott
Conyers	Hirono	McGovern
Crowley	Holt	McNerney

Meehan	Rangel	Thompson (CA)	Roskam	Shuler	Turner (OH)	Clarke (MI)	Jackson (IL)	Price (NC)
Miller (NC)	Reyes	Thompson (MS)	Ross (AR)	Shuster	Upton	Clarke (NY)	Jackson Lee	Quigley
Miller, George	Richardson	Tierney	Ross (FL)	Simpson	Walberg	Clay	(TX)	Rangel
Moore	Rothman (NJ)	Tonko	Roybal-Allard	Slaughter	Walden	Cleaver	Johnson (GA)	Richardson
Moran	Ruppersberger	Towns	Royce	Smith (NE)	Walz (MN)	Clyburn	Johnson, E. B.	Richmond
Nadler	Sánchez, Linda T.	Tsongas	Runyan	Smith (NJ)	Waters	Cohen	Keating	Rothman (NJ)
Neal		Van Hollen	Rush	Smith (TX)	Webster	Connolly (VA)	Kildee	Roybal-Allard
Oliver	Sanchez, Loretta	Velázquez	Ryan (OH)	Southerland	West	Conyers	King (NY)	Ruppersberger
Pallone	Schakowsky	Visclosky	Ryan (WI)	Speier	Westmoreland	Crowley	Kucinich	Sánchez, Linda T.
Pascarell	Schiff	Walsh (IL)	Scalise	Stark	Whitfield	Cummings	Langevin	Sarbanes
Pastor (AZ)	Scott (VA)	Wasserman	Schilling	Stearns	Wilson (SC)	Davis (CA)	Larson (CT)	Sanchez, Loretta
Payne	Scott, David	Schultz	Schock	Stivers	Wittman	Davis (IL)	Lee (CA)	Schakowsky
Pelosi	Serrano	Watt	Schrader	Sullivan	Wolf	DeGette	Levin	Schiff
Perlmutter	Sewell	Waxman	Schwartz	Sutton	Womack	DeLauro	Lewis (GA)	Schwartz
Pingree (ME)	Sherman	Welch	Schweikert	Terry	Woolsey	Deutch	Loebsock	Scott (VA)
Polis	Sires	Wilson (FL)	Scott (SC)	Thompson (PA)	Yoder	Dicks	Loftgren, Zoe	Scott, David
Price (NC)	Smith (WA)	Woodall	Scott, Austin	Thornberry	Young (AK)	Doggett	Lowey	Serrano
Quigley	Stutzman	Yarmuth	Sensenbrenner	Tiberi	Young (FL)	Dold	Maloney	Sherman
			Sessions	Tipton	Young (IN)	Doyle	Markey	Sires
				Turner (NY)		Edwards	Matsui	Slaughter
						Engel	McCarthy (NY)	Speier
						Eshoo	McDermott	Stark
						Farr	McGovern	Sutton
						Fattah	McNerney	Thompson (CA)
						Filner	Meeks	Thompson (MS)
						Frank (MA)	Miller (NC)	Tierney
						Fudge	Miller, George	Tonko
						Garamendi	Moore	Towns
						Gonzalez	Moran	Tsongas
						Green, Al	Murphy (CT)	Van Hollen
						Grijalva	Nadler	Velázquez
						Gutierrez	Napolitano	Visclosky
						Hahn	Neal	Wasserman
						Hanabusa	Oliver	Schultz
						Hastings (FL)	Pallone	Waters
						Himes	Pascarell	Watt
						Hinojosa	Pastor (AZ)	Waxman
						Hirono	Payne	Welch
						Holt	Pelosi	Wilson (FL)
						Honda	Perlmutter	Woodall
						Hoyer	Peters	Woolsey
						Inslee	Pingree (ME)	Yarmuth
						Israel	Polis	

NOES—283

Adams	Duncan (TN)	LaTourette
Aderholt	Ellmers	Latta
Alexander	Emerson	Lee (CA)
Altmire	Farenthold	Lewis (CA)
Amodei	Fincher	LoBiondo
Austria	Fitzpatrick	Long
Bachus	Flake	Lucas
Barletta	Fleischmann	Luetkemeyer
Barrow	Fleming	Lujan
Bartlett	Flores	Lummis
Barton (TX)	Forbes	Mack
Bass (CA)	Fortenberry	Manzullo
Bass (NH)	Fox	Marchant
Benishkek	Franks (AZ)	Marino
Berg	Frelinghuysen	Matheson
Berkley	Gallegly	Matsui
Biggert	Garrett	McCarthy (CA)
Bilbray	Gibbs	McCauley
Bilirakis	Gibson	McClintock
Bishop (GA)	Gingrey (GA)	McCotter
Black	Goodlatte	McHenry
Blackburn	Gosar	McIntyre
Bonner	Gowdy	McKeon
Bono Mack	Granger	McKinley
Boren	Graves (GA)	McMorris
Boswell	Graves (MO)	Rodgers
Boustany	Green, Gene	Mica
Brady (TX)	Griffin (AR)	Michaud
Brooks	Griffith (VA)	Miller (FL)
Brown (FL)	Grimm	Miller (MI)
Buchanan	Guinta	Miller, Gary
Bucshon	Guthrie	Mulvaney
Buerkle	Gutierrez	Murphy (CT)
Burton (IN)	Hall	Murphy (PA)
Calvert	Hanna	Myrick
Camp	Harper	Napolitano
Campbell	Hartzler	Neugebauer
Canseco	Hastings (WA)	Noem
Cantor	Hayworth	Nugent
Capito	Heck	Nunes
Capps	Heinrich	Nunnelee
Cardoza	Hensarling	Olson
Carter	Herger	Owens
Cassidy	Herrera Beutler	Palazzo
Chabot	Higgins	Paulsen
Chaffetz	Himes	Pearce
Chandler	Hochul	Pence
Coble	Holden	Peters
Coffman (CO)	Honda	Peterson
Cole	Huelskamp	Petri
Conaway	Huizenga (MI)	Pitts
Cooper	Hultgren	Platts
Costa	Hunter	Poe (TX)
Costello	Hurt	Pompeo
Courtney	Issa	Posey
Cravaack	Jenkins	Price (GA)
Crawford	Johnson (IL)	Quayle
Crenshaw	Johnson (OH)	Rahall
Critz	Johnson, Sam	Reed
Cuellar	Jones	Rehberg
Culberson	Jordan	Reichert
Davis (IL)	Kelly	Renacci
Davis (KY)	Kind	Ribble
DeFazio	Kingston	Richmond
DeGette	Kinzing (IL)	Rigell
DeLauro	Kissell	Rivera
Denham	Kline	Roby
Dent	Labrador	Roe (TN)
DesJarlais	Lamborn	Rogers (AL)
Diaz-Balart	Lance	Rogers (KY)
Dingell	Landry	Rogers (MI)
Donnelly (IN)	Lankford	Rohrabacher
Dreier	Latham (WA)	Rokita
Duffy	Larson (CT)	Rooney
Duncan (SC)	Latham	Ros-Lehtinen

NOT VOTING—10

Bachmann	Giffords	Schmidt
Bishop (UT)	Emerson	Shimkus
Burgess	Meeks	
Gardner	Paul	

□ 1644

Mr. ROSKAM, Ms. MATSUI, Ms. LEE of California, Ms. BROWN of Florida, Messrs. CANTOR, HONDA, and WEST-MORELAND changed their vote from “aye” to “no.”

Messrs. JACKSON of Illinois, CLY-BURN, BRADY of Pennsylvania, CARNEY, Ms. WASSERMAN SCHULTZ, Messrs. TIERNEY, VAN HOLLEN, OLVER, KING of New York, SHERMAN, BLUMENAUER, FARR, DAVID SCOTT of Georgia, GEORGE MILLER of California, WAXMAN, PERLMUTTER, KEATING, ISRAEL, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, and Ms. TSONGAS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIR (Mrs. CAPITO). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 147, noes 274, not voting 12, as follows:

[Roll No. 844]

AYES—147

Ackerman	Bishop (NY)	Capuano
Amash	Blumenauer	Carnahan
Andrews	Brady (PA)	Carney
Baldwin	Braley (IA)	Carson (IN)
Bass (CA)	Brown (FL)	Castor (FL)
Becerra	Butterfield	Chu
Berman	Capps	Cicilline

Adams	Cole	Graves (MO)
Aderholt	Conaway	Green, Gene
Akin	Cooper	Griffin (AR)
Alexander	Costa	Griffith (VA)
Altmire	Costello	Grimm
Amodei	Courtney	Guinta
Austria	Cravaack	Guthrie
Baca	Crawford	Hall
Bachus	Crenshaw	Hanna
Barletta	Critz	Harper
Barrow	Cuellar	Harris
Bartlett	Culberson	Hartzler
Barton (TX)	Davis (KY)	Hastings (WA)
Bass (NH)	DeFazio	Hayworth
Benishkek	Denham	Heck
Berg	Dent	Heinrich
Berkley	DesJarlais	Hensarling
Biggert	Diaz-Balart	Herger
Bilbray	Dingell	Herrera Beutler
Bilirakis	Donnelly (IN)	Higgins
Bishop (GA)	Dreier	Hinchey
Black	Duffy	Hochul
Blackburn	Duncan (SC)	Holden
Bonner	Duncan (TN)	Huelskamp
Bono Mack	Ellmers	Huizenga (MI)
Boren	Emerson	Hultgren
Boswell	Farenthold	Hunter
Boustany	Fincher	Hurt
Brady (TX)	Fitzpatrick	Issa
Brooks	Flake	Jenkins
Broun (GA)	Fleischmann	Johnson (IL)
Buchanan	Fleming	Johnson (OH)
Bucshon	Flores	Johnson, Sam
Buerkle	Forbes	Jones
Burgess	Fortenberry	Jordan
Burton (IN)	Fox	Kelly
Calvert	Franks (AZ)	King (IA)
Camp	Frelinghuysen	Kingston
Campbell	Gallegly	Kinzing (IL)
Canseco	Garrett	Kissell
Cantor	Gerlach	Kline
Capito	Gibbs	Labrador
Cardoza	Gibson	Lamborn
Carter	Gingrey (GA)	Lance
Cassidy	Gohmert	Landry
Chabot	Goodlatte	Lankford
Chaffetz	Gosar	Larsen (WA)
Chandler	Gowdy	Latham
Coble	Granger	LaTourette
Coffman (CO)	Graves (GA)	Latta

NOES—274

Lewis (CA)	Paulsen	Schweikert	Carney	Honda	Pingree (ME)	Kinzinger (IL)	Neugebauer	Schilling
Lipinski	Pearce	Scott (SC)	Carson (IN)	Hoyer	Polis	Kissell	Noem	Schock
LoBlundo	Pence	Scott, Austin	Castor (FL)	Inyee	Price (NC)	Kline	Nugent	Schrader
Long	Peterson	Sensenbrenner	Chu	Israel	Quigley	Labrador	Nunes	Schweikert
Lucas	Petri	Sessions	Ciциlline	Jackson (IL)	Rangel	Lamborn	Nunnelee	Scott (SC)
Luetkemeyer	Pitts	Sewell	Clarke (MI)	Jackson Lee	Reyes	Lance	Olson	Scott, Austin
Luján	Platts	Shuler	Clarke (NY)	(TX)	Richmond	Landry	Owens	Sensenbrenner
Lummis	Poe (TX)	Shuster	Clay	Johnson (GA)	Rothman (NJ)	Lankford	Palazzo	Sessions
Lungren, Daniel	Pompeo	Simpson	Cleaver	Johnson, E. B.	Roybal-Allard	Larsen (WA)	Paulsen	Sewell
E.	Posey	Smith (NE)	Clyburn	Keating	Ruppersberger	Latham	Pearce	Shuler
Mack	Price (GA)	Smith (NJ)	Cohen	Kildee	Sánchez, Linda	LaTourette	Pence	Shuster
Manzullo	Quayle	Smith (TX)	Connolly (VA)	Kucinich	T.	Latta	Peterson	Simpson
Marchant	Rahall	Smith (WA)	Conyers	Langevin	Sanchez, Loretta	Lewis (CA)	Petri	Smith (NE)
Marino	Reed	Southerland	Crowley	Larson (CT)	Sarbanes	Lipinski	Pitts	Smith (NJ)
Matheson	Rehberg	Stearns	Cummings	Lee (CA)	Schakowsky	LoBlundo	Platts	Smith (TX)
McCarthy (CA)	Reichert	Stivers	Davis (CA)	Levin	Schiff	Long	Pompeo	Southerland
McCaul	Renacci	Stutzman	Davis (IL)	Lewis (GA)	Scott (VA)	Lucas	Posey	Stearns
McClintock	Reyes	Sullivan	DeFazio	Loeb sack	Schwartz	Luetkemeyer	Price (GA)	Stivers
McCotter	Ribble	Terry	DeGette	Lofgren, Zoe	Scott (VA)	Luján	Quayle	Stutzman
McHenry	Rigell	Thompson (PA)	DeLauro	Lynch	Scott, David	Lummis	Rahall	Sullivan
McIntyre	Rivera	Thornberry	Deutsch	Maloney	Serrano	Lungren, Daniel	Reed	Terry
McKeon	Roby	Tiberi	Dicks	Markey	Sherman	E.	Rehberg	Thompson (PA)
McKinley	Roe (TN)	Tipton	Doggett	Matsui	Sires	Mack	Reichert	Thornberry
McMorris	Rogers (AL)	Turner (NY)	Dold	McCarthy (NY)	Slaughter	Manzullo	Renacci	Tiberi
Rodgers	Rogers (KY)	Turner (OH)	Doyle	McCollum	Smith (WA)	Marchant	Ribble	Tipton
Meehan	Rogers (MI)	Upton	Edwards	McDermott	Speier	Marino	Richardson	Turner (NY)
Mica	Rohrabacher	Walberg	Ellison	McGovern	Stark	Matheson	Rigell	Turner (OH)
Michaud	Rokita	Walden	Engel	McNerney	Sutton	McCarthy (CA)	Rivera	Upton
Miller (FL)	Rooney	Walsh (IL)	Eshoo	Meeks	Thompson (CA)	McCaul	Roby	Walberg
Miller (MI)	Ros-Lehtinen	Walz (MN)	Farr	Miller (NC)	Thompson (MS)	McClintock	Roe (TN)	Walden
Miller, Gary	Roskam	Webster	Fattah	Miller, George	Tierney	McCotter	Rogers (AL)	Walsh (IL)
Mulvaney	Ross (AR)	West	Filner	Moore	Tonko	McHenry	Rogers (KY)	Walz (MN)
Murphy (PA)	Ross (FL)	Westmoreland	Frank (MA)	Moran	Towns	McIntyre	Rogers (MI)	Webster
Myrick	Royce	Whitfield	Fudge	Nadler	Tsongas	McKeon	Rohrabacher	Welch
Neugebauer	Runyan	Wilson (SC)	Garamendi	Napolitano	Van Hollen	McKinley	Rokita	West
Noem	Rush	Wittman	Gonzalez	Neal	Velázquez	McMorris	Rooney	Westmoreland
Nugent	Ryan (OH)	Wolf	Green, Al	Oliver	Visclosky	Rodgers	Ros-Lehtinen	Whitfield
Nunes	Ryan (WI)	Womack	Grijalva	Pallone	Wasserman	Meehan	Roskam	Wilson (SC)
Nunnelee	Scalise	Yoder	Gutierrez	Pascrell	Schultz	Mica	Ross (AR)	Wittman
Olson	Schilling	Young (AK)	Hahn	Pastor (AZ)	Waters	Michaud	Ross (FL)	Wolf
Owens	Schock	Young (FL)	Hanabusa	Payne	Watt	Miller (FL)	Royce	Womack
Palazzo	Schrader	Young (IN)	Hastings (FL)	Pelosi	Waxman	Miller (MI)	Runyan	Woodall
			Himes	Perlmutter	Wilson (FL)	Rush	Ryan (OH)	Yoder
			Hinojosa	Peters	Woolsey	Miller, Gary	Ryan (WI)	Young (AK)
			Hirono		Yarmuth	Mulvaney	Scalise	Young (FL)
			Holt			Murphy (PA)		Young (IN)
						Myrick		

NOT VOTING—12

Bachmann	Giffords	McCollum
Bishop (UT)	Kaptur	Paul
Ellison	Kind	Schmidt
Gardner	Lynch	Shimkus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1648

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS
OF FLORIDA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Florida (Mr. HASTINGS)
on which further proceedings were
postponed and on which the ayes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 148, noes 277,
not voting 8, as follows:

[Roll No. 845]

AYES—148

Ackerman	Berman	Brown (FL)
Andrews	Bishop (NY)	Butterfield
Baldwin	Blumenauer	Capps
Bass (CA)	Brady (PA)	Capuano
Becerra	Braley (IA)	Carnahan

NOES—277

Chabot	Gingrey (GA)
Chaffetz	Gohmert
Chandler	Goodlatte
Coble	Gosar
Coffman (CO)	Gowdy
Cole	Granger
Conaway	Graves (GA)
Cooper	Graves (MO)
Costa	Green, Gene
Costello	Griffin (AR)
Courtney	Griffith (VA)
Cravaack	Grimm
Crawford	Guinta
Crenshaw	Guthrie
Critz	Hall
Cuellar	Hanna
Culberson	Harper
Davis (KY)	Harris
Denham	Hartzler
Dent	Hastings (WA)
DesJarlais	Hayworth
Diaz-Balart	Heck
Dingell	Heinrich
Donnelly (IN)	Hensarling
Dreier	Herger
Duffy	Herrera Beutler
Duncan (SC)	Higgins
Duncan (TN)	Hinchey
Ellmers	Hochul
Emerson	Holden
Farenthold	Huelskamp
Fincher	Huizenga (MI)
Fitzpatrick	Hultgren
Flake	Hunter
Fleischmann	Hurt
Fleming	Issa
Flores	Jenkins
Forbes	Johnson (IL)
Fortenberry	Johnson (OH)
Fox	Johnson, Sam
Franks (AZ)	Jones
Frelinghuysen	Jordan
Galleghy	Kelly
Garrett	Kind
Gerlach	King (IA)
Gibbs	King (NY)
Gibson	Kingston

NOT VOTING—8

Bachmann	Kaptur	Schmidt
Gardner	Paul	Shimkus
Giffords	Poe (TX)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1654

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from Texas (Ms. JACKSON
LEE) on which further proceedings were
postponed and on which the ayes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 139, noes 284,
not voting 10, as follows:

[Roll No. 846]

AYES—139

Ackerman	Baldwin	Becerra
Andrews	Bass (CA)	Berman

[Roll No. 847]

AYES—144

Bishop (NY)	Hastings (FL)	Pelosi	Kind	Murphy (PA)	Scalise		
Blumenauer	Himes	Perlmutter	King (IA)	Myrick	Schilling		
Brady (PA)	Hinojosa	Peters	King (NY)	Neugebauer	Schock		
Braley (IA)	Hirono	Pingree (ME)	Kingston	Noem	Schrader	Ackerman	Green, Al
Brown (FL)	Holt	Price (NC)	Kinzinger (IL)	Nugent	Schweikert	Andrews	Grijalva
Butterfield	Honda	Quigley	Kissell	Nunes	Scott (SC)	Baldwin	Gutierrez
Capps	Hoyer	Rangel	Kline	Nunnelee	Scott, Austin	Bass (CA)	Hahn
Capuano	Inslee	Richardson	Labrador	Olson	Sensenbrenner	Becerra	Hanabusa
Carnahan	Israel	Richmond	Lamborn	Owens	Sessions	Berman	Hastings (FL)
Castor (FL)	Jackson (IL)	Rothman (NJ)	Lance	Palazzo	Shuler	Bishop (NY)	Himes
Chu	Jackson Lee	Roybal-Allard	Landry	Paulsen	Shuster	Blumenauer	Hinchev
Cicilline	(TX)	Rush	Lankford	Pearce	Simpson	Brady (PA)	Hinojosa
Clarke (MI)	Johnson (GA)	Sánchez, Linda	Larsen (WA)	Pence	Smith (NE)	Braley (IA)	Hirono
Clarke (NY)	Keating	T.	Latham	Peterson	Smith (NJ)	Brown (FL)	Holt
Clay	Kildee	Sanchez, Loretta	LaTourette	Petri	Smith (TX)	Butterfield	Honda
Cleaver	Kucinich	Sarbanes	Latta	Pitts	Smith (WA)	Capps	Hoyer
Clyburn	Langevin	Schakowsky	Lewis (CA)	Platts	Southerland	Capuano	Inslee
Cohen	Larson (CT)	Schiff	LoBiondo	Poe (TX)	Stearns	Carnahan	Israel
Connolly (VA)	Lee (CA)	Schwartz	Loeb sack	Polis	Stivers	Carney	Jackson (IL)
Conyers	Levin	Scott (VA)	Long	Pompeo	Stutzman	Carson (IN)	Jackson Lee
Crowley	Lewis (GA)	Scott, David	Lucas	Posey	Sullivan	Chastor (FL)	(TX)
Cummings	Lipinski	Serrano	Luetkemeyer	Price (GA)	Terry	Johnson (GA)	Johnson, E. B.
Davis (CA)	Lofgren, Zoe	Sewell	Luján	Quayle	Thompson (CA)	Johnson, E. B.	Keating
Davis (IL)	Lowey	Sherman	Lummis	Rahall	Thompson (PA)	Clarke (MI)	Kildee
DeGette	Lynch	Sires	Lungren, Daniel	Reed	Thornberry	Clarke (NY)	Kucinich
DeLauro	Maloney	Slaughter	E.	Rehberg	Tiberi	Clay	Langevin
Deutch	Markey	Speier	Mack	Reichert	Turner (NY)	Cleaver	Larson (CT)
Dicks	Matsui	Stark	Manzullo	Renacci	Turner (OH)	Cohen	Lee (CA)
Doggett	McCarthy (NY)	Sutton	Marchant	Reyes	Upton	Connolly (VA)	Levin
Dold	McCollum	Thompson (MS)	Marino	Ribble	Walberg	Conyers	Lewis (GA)
Doyle	McDermott	Tierney	Matheson	Rigell	Walden	Crowley	Lofgren, Zoe
Edwards	McGovern	Tonko	McCarthy (CA)	Rivera	Walsh (IL)	Cummings	Lowey
Ellison	Meeks	Towns	McCaul	Roby	Walz (MN)	Davis (CA)	Lynch
Engel	Miller (NC)	Tsongas	McClintock	Roe (TN)	Webster	Davis (IL)	Maloney
Eshoo	Miller, George	Van Hollen	McCotter	Rogers (AL)	Welch	DeGette	Markey
Farr	Moore	Velázquez	McHenry	Rogers (KY)	West	DeLauro	Matsui
Fattah	Moran	Visclosky	McIntyre	Rogers (MI)	Westmoreland	Deutch	McCarthy (NY)
Filner	Murphy (CT)	Wasserman	McKeon	Rohrabacher	Whitfield	Dicks	McDermott
Frank (MA)	Nadler	Schultz	McKinley	Rokitka	Wilson (SC)	Doggett	Doyle
Fudge	Napolitano	Watt	McMorris	Rooney	Wittman	Edwards	Ellison
Garamendi	Neal	Waxman	Rodgers	Ros-Lehtinen	Wolf	Engel	Engel
Green, Al	Oliver	Wilson (FL)	McNerney	Roskam	Womack	Eshoo	Farr
Grijalva	Pallone	Woolsey	Meehan	Ross (AR)	Yoder	Fattah	Filner
Gutierrez	Pascarell	Yarmuth	Mica	Ross (FL)	Young (AK)	Frank (MA)	Fudge
Hahn	Pastor (AZ)		Michaud	Royce	Young (FL)	Garamendi	Gonzalez
Hanabusa	Payne		Miller (FL)	Runyan			
			Miller (MI)	Ruppersberger			
			Miller, Gary	Ryan (OH)			
			Mulvaney	Ryan (WI)			

NOES—284

Adams	Cassidy	Gibbs
Aderholt	Chabot	Gibson
Akin	Chaffetz	Gingrey (GA)
Alexander	Chandler	Gohmert
Altmire	Coble	Gonzalez
Amash	Coffman (CO)	Goodlatte
Amodei	Cole	Gosar
Austria	Conaway	Gowdy
Baca	Cooper	Granger
Bachus	Costa	Graves (GA)
Barletta	Costello	Graves (MO)
Barrow	Courtney	Green, Gene
Bartlett	Cravaack	Griffin (AR)
Barton (TX)	Crawford	Griffith (VA)
Bass (NH)	Crenshaw	Grimm
Benishek	Critz	Guinta
Berg	Cuellar	Guthrie
Berkley	Culberson	Hall
Biggert	Davis (KY)	Hanna
Billirakis	DeFazio	Harper
Bishop (GA)	Denham	Harris
Bishop (UT)	Dent	Hartzler
Black	DesJarlais	Hastings (WA)
Blackburn	Diaz-Balart	Hayworth
Bonner	Dingell	Heck
Bono Mack	Donnelly (IN)	Heinrich
Boren	Dreier	Hensarling
Boswell	Duffy	Herger
Boustany	Duncan (SC)	Herrera Beutler
Brady (TX)	Duncan (TN)	Higgins
Brooks	Ellmers	Hinchev
Broun (GA)	Emerson	Hochul
Buchanan	Farenthold	Holden
Bucshon	Fincher	Huelskamp
Buerkle	Fitzpatrick	Huizenga (MI)
Burgess	Flake	Hultgren
Burton (IN)	Fleischmann	Hunter
Calvert	Fleming	Hurt
Camp	Flores	Issa
Campbell	Forbes	Jenkins
Canseco	Fortenberry	Johnson (IL)
Cantor	Fox	Johnson (OH)
Capito	Franks (AZ)	Johnson, E. B.
Cardoza	Frelinghuysen	Johnson, Sam
Carney	Gallely	Jones
Carson (IN)	Garrett	Jordan
Carter	Gerlach	Kelly

NOT VOTING—10

Bachmann	Kaptur	Waters
Bilbray	Paul	Woodall
Gardner	Schmidt	
Giffords	Shimkus	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1657

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 281, not voting 8, as follows:

NOES—281

Adams	Canseco	Flake
Aderholt	Cantor	Fleischmann
Akin	Capito	Fleming
Alexander	Cardoza	Flores
Altmire	Carter	Forbes
Amash	Cassidy	Fortenberry
Amodei	Chabot	Fox
Austria	Chaffetz	Franks (AZ)
Baca	Chandler	Frelinghuysen
Bachus	Coble	Gallely
Barletta	Coffman (CO)	Garrett
Barrow	Cole	Gerlach
Bartlett	Conaway	Gibbs
Barton (TX)	Cooper	Gibson
Bass (NH)	Costa	Gingrey (GA)
Benishek	Costello	Goodlatte
Berg	Courtney	Gosar
Berkley	Cravaack	Gowdy
Biggert	Crawford	Granger
Billbray	Crenshaw	Graves (GA)
Billirakis	Critz	Graves (MO)
Bishop (GA)	Cuellar	Green, Gene
Bishop (UT)	Culberson	Griffin (AR)
Black	Davis (KY)	Griffith (VA)
Blackburn	DeFazio	Grimm
Bonner	Denham	Guinta
Bono Mack	Dent	Guthrie
Boren	DesJarlais	Hall
Boswell	Diaz-Balart	Hanna
Boustany	Dingell	Harper
Brady (TX)	Dold	Harris
Brooks	Donnelly (IN)	Hartzler
Broun (GA)	Dreier	Hastings (WA)
Buchanan	Duffy	Hayworth
Bucshon	Duncan (SC)	Heck
Buerkle	Duncan (TN)	Heinrich
Burgess	Ellmers	Hensarling
Burton (IN)	Emerson	Herger
Calvert	Farenthold	Herrera Beutler
Camp	Fincher	Higgins
Campbell	Fitzpatrick	Hochul

Holden	McMorris	Royce	[Roll No. 848]	Herger	McKeon	Ross (FL)
Huelskamp	Rodgers	Runyan		Herrera Beutler	McKinley	Royce
Huizenga (MI)	McNerney	Ruppersberger	AYES—150	Higgins	McMorris	Runyan
Hultgren	Meehan	Ryan (OH)		Hochul	Rodgers	Ryan (OH)
Hunter	Mica	Ryan (WI)	Ackerman	Holden	Meehan	Ryan (WI)
Hurt	Michaud	Scalise	Andrews	Huelskamp	Mica	Scalise
Issa	Miller (FL)	Schilling	Baldwin	Huizenga (MI)	Michaud	Schilling
Jenkins	Miller (MI)	Schock	Bass (CA)	Hultgren	Miller (FL)	Schock
Johnson (IL)	Miller, Gary	Schrader	Becerra	Hunter	Miller (MI)	Schrader
Johnson (OH)	Mulvaney	Schweikert	Berkley	Hurt	Miller, Gary	Schweikert
Johnson, Sam	Murphy (PA)	Scott (SC)	Berman	Issa	Mulvaney	Scott (SC)
Jones	Myrick	Scott, Austin	Bishop (NY)	Jenkins	Murphy (PA)	Scott, Austin
Jordan	Neugebauer	Sensenbrenner	Blumenauer	Johnson (IL)	Myrick	Sensenbrenner
Kelly	Noem	Sessions	Brady (PA)	Johnson (OH)	Neugebauer	Sessions
Kind	Nugent	Sewell	Braley (IA)	Johnson, Sam	Noem	Sewell
King (IA)	Nunes	Shuler	Brown (FL)	Jones	Nugent	Shuler
King (NY)	Nunnelee	Shuster	Holt	Jordan	Nunes	Shuster
Kingston	Olson	Simpson	Honda	Kelly	Nunnelee	Simpson
Kinzinger (IL)	Owens	Smith (NE)	Hoyer	Kind	Olson	Smith (NE)
Kissell	Palazzo	Smith (NJ)	Inslee	King (IA)	Owens	Smith (NJ)
Kline	Paulsen	Smith (TX)	Israel	King (NY)	Palazzo	Smith (TX)
Labrador	Pearce	Southerland	Jackson (IL)	Kingston	Paulsen	Smith (WA)
Lamborn	Pence	Stearns	Carson (IN)	Kinzinger (IL)	Pearce	Southerland
Lance	Perlmutter	Stivers	Castor (FL)	Kissell	Pence	Stearns
Landry	Peterson	Stutzman	Chu	Kline	Peterson	Stivers
Lankford	Petri	Sullivan	Cicilline	Labrador	Petri	Stutzman
Larsen (WA)	Pitts	Terry	Clarke (MI)	Lamborn	Pitts	Sullivan
Latham	Platts	Thompson (CA)	Clarke (NY)	Lance	Platts	Terry
LaTourette	Poe (TX)	Thompson (PA)	Clay	Landry	Poe (TX)	Thompson (PA)
Latta	Polis	Thornberry	Cleaver	Lankford	Polis	Thornberry
Lewis (CA)	Pompeo	Tiberi	Clyburn	Larsen (WA)	Pompeo	Tiberi
Lipinski	Posey	Tipton	Cohen	Latham	Posey	Tipton
LoBlundo	Price (GA)	Turner (NY)	Connolly (VA)	LaTourette	Price (GA)	Turner (NY)
Loeback	Quayle	Turner (OH)	Conyers	Latta	Quayle	Turner (OH)
Long	Rahall	Upton	Crowley	Lewis (CA)	Rahall	Upton
Lucas	Reed	Walberg	Cummings	LoBlundo	Reed	Walberg
Luetkemeyer	Rehberg	Walsh (IL)	Davis (CA)	Long	Rehberg	Walsh (IL)
Luján	Reichert	Walz (MN)	Davis (IL)	Lucas	Reichert	Walz (MN)
Lummis	Renacci	Webster	DeFazio	Luetkemeyer	Renacci	Webster
Lungren, Daniel E.	Ribble	West	DeGette	Luján	Ribble	Welch
Mack	Rigell	Whitfield	DeLauro	Lummis	Rigell	Whitfield
Manzullo	Rivera	Wilson (SC)	DeMunnick	Lungren, Daniel E.	Rivera	Wilson (SC)
Marchant	Roe (TN)	Wittman	Edwards	Mack	Roe (TN)	Wittman
Marino	Rogers (AL)	Wolf	Ellison	Manzullo	Rogers (AL)	Wolf
Matheson	Rogers (KY)	Womack	Engel	Marchant	Rogers (KY)	Womack
McCarthy (CA)	Rogers (MI)	Woodall	Eshoo	Marino	Rogers (MI)	Woodall
McCaul	Rohrabacher	Yoder	Farr	Matheson	Rohrabacher	Yoder
McClintock	Rokita	Young (AK)	Fattah	McCarthy (CA)	Rokita	Young (AK)
McCotter	Rooney	Young (FL)	Finer	McCaul	Rooney	Young (FL)
McHenry	Ros-Lehtinen	Young (IN)	Frank (MA)	McClintock	Ros-Lehtinen	Young (IN)
McIntyre	Roskam		Fudge	McCotter	Roskam	
McKeon	Ross (AR)		Garamendi	McHenry	Ross (AR)	
McKinley	Ross (FL)			McIntyre		

NOT VOTING—8

Bachmann	Gohmert	Schmidt
Gardner	Kaptur	Shimkus
Giffords	Paul	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1701

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. COHEN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Tennessee (Mr. COHEN)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 150, noes 276,
not voting 7, as follows:

NOES—276

Adams	Campbell	Fitzpatrick
Aderholt	Canseco	Flake
Akin	Cantor	Fleischmann
Alexander	Capito	Fleming
Altmire	Cardoza	Flores
Amash	Carter	Forbes
Amodei	Cassidy	Fortenberry
Austria	Chabot	Fox
Baca	Chaffetz	Franks (AZ)
Bachus	Chandler	Frelinghuysen
Barletta	Coble	Gallely
Barrow	Coffman (CO)	Garrett
Bartlett	Cole	Gerlach
Barton (TX)	Conaway	Gibbs
Bass (NH)	Cooper	Gibson
Benish	Costa	Gingrey (GA)
Berg	Costello	Gohmert
Biggart	Courtney	Goodlatte
Bilbray	Cravack	Gosar
Bilirakis	Crawford	Govdy
Bishop (GA)	Crenshaw	Granger
Bishop (UT)	Critz	Graves (GA)
Black	Cuellar	Graves (MO)
Blackburn	Culberson	Green, Gene
Bonner	Davis (KY)	Griffin (AR)
Bono Mack	Denham	Griffith (VA)
Boren	Dent	Grimm
Boswell	DesJarlais	Guinta
Boustany	Diaz-Balart	Guthrie
Brady (TX)	Dingell	Hall
Brooks	Donnelly (IN)	Hanna
Broun (GA)	Dreier	Harper
Buchanan	Duffy	Harris
Bucshon	Duncan (SC)	Hartzler
Buerkle	Duncan (TN)	Hastings (WA)
Burgess	Ellmers	Hayworth
Burton (IN)	Emerson	Heck
Calvert	Farenthold	Heinrich
Camp	Fincher	Hensarling

NOT VOTING—7

Bachmann	Kaptur	Shimkus
Gardner	Paul	
Giffords	Schmidt	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 1705

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from Texas (Ms. JACKSON
LEE) on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 299, not voting 11, as follows:

[Roll No. 849]

AYES—123

Ackerman	Green, Al	Pascrell
Bass (CA)	Grijalva	Pastor (AZ)
Becerra	Hahn	Payne
Berman	Hanabusa	Pelosi
Bishop (NY)	Hastings (FL)	Peters
Blumenauer	Hinojosa	Pingree (ME)
Brady (PA)	Hirono	Price (NC)
Brown (FL)	Holt	Quigley
Capps	Honda	Rangel
Capuano	Hoyer	Richardson
Carnahan	Israel	Richmond
Castor (FL)	Jackson (IL)	Rothman (NJ)
Chu	Jackson Lee	Roybal-Allard
Cicilline	(TX)	Rush
Clarke (MI)	Johnson (GA)	Sánchez, Linda
Clarke (NY)	Keating	T.
Clay	Kildee	Sanchez, Loretta
Cleaver	Kucinich	Sarbanes
Clyburn	Langevin	Schakowsky
Cohen	Larson (CT)	Schiff
Connolly (VA)	Lee (CA)	Scott (VA)
Conyers	Levin	Serrano
Crowley	Lewis (GA)	Sherman
Cummings	Lofgren, Zoe	Sires
Davis (CA)	Lowe	Slaughter
Davis (IL)	Lynch	Speier
DeGette	Maloney	Stark
DeLauro	Markey	Sutton
Deutch	Matsui	Thompson (MS)
Dicks	McCarthy (NY)	Tierney
Doggett	McCollum	Tonko
Doyle	McDermott	Towns
Edwards	McGovern	Tsongas
Ellison	Meeks	Van Hollen
Engel	Miller (NC)	Velázquez
Eshoo	Miller, George	Wasserman
Farr	Moran	Schultz
Fattah	Nadler	Waters
Filner	Napolitano	Waxman
Frank (MA)	Neal	Wilson (FL)
Fudge	Olver	Woolsey
Garamendi	Pallone	Yarmuth

NOES—299

Adams	Cantor	Fleming
Aderholt	Capito	Flores
Akin	Cardoza	Forbes
Alexander	Carney	Fortenberry
Altmire	Carson (IN)	Foxx
Amash	Carter	Franks (AZ)
Amodei	Cassidy	Frelinghuysen
Austria	Chabot	Gallely
Baca	Chaffetz	Garrett
Bachus	Chandler	Gerlach
Baldwin	Coble	Gibbs
Barletta	Coffman (CO)	Gibson
Barrow	Cole	Gingrey (GA)
Bartlett	Conaway	Gohmert
Bass (NH)	Cooper	Gonzalez
Benishek	Costa	Goodlatte
Berg	Costello	Gosar
Berkley	Courtney	Growdy
Biggart	Cravaack	Granger
Bilbray	Crawford	Graves (GA)
Bilirakis	Crenshaw	Graves (MO)
Bishop (GA)	Critz	Green, Gene
Bishop (UT)	Cuellar	Griffin (AR)
Black	Culberson	Griffith (VA)
Blackburn	Davis (KY)	Grimm
Bonner	DeFazio	Guinta
Bono Mack	Denham	Guthrie
Boren	Dent	Hall
Boswell	DesJarlais	Hanna
Boustany	Diaz-Balart	Harper
Brady (TX)	Dingell	Harris
Braley (IA)	Dold	Hartzler
Brooks	Donnelly (IN)	Hastings (WA)
Broun (GA)	Dreier	Hayworth
Buchanan	Duffy	Heck
Bucshon	Duncan (SC)	Heinrich
Buerkle	Duncan (TN)	Hensarling
Burgess	Ellmers	Herger
Burton (IN)	Emerson	Herrera Beutler
Butterfield	Farenthold	Higgins
Calvert	Fincher	Himes
Camp	Fitzpatrick	Hinche
Campbell	Flake	Hochul
Canseco	Fleischmann	Holden

Huelskamp	Meehan	Ruppersberger
Huizenga (MI)	Mica	Ryan (OH)
Hultgren	Michaud	Ryan (WI)
Hunter	Miller (FL)	Scalise
Hurt	Miller (MI)	Schilling
Inslee	Miller, Gary	Schock
Issa	Moore	Schrader
Jenkins	Mulvaney	Schwartz
Johnson (IL)	Murphy (CT)	Schweikert
Johnson (OH)	Murphy (PA)	Scott (SC)
Johnson, E. B.	Myrick	Scott, Austin
Johnson, Sam	Neugebauer	Scott, David
Jones	Noem	Sensenbrenner
Jordan	Nugent	Sessions
Kelly	Nunes	Sewell
Kind	Nunnelee	Shuler
King (IA)	Olson	Shuster
King (NY)	Owens	Simpson
Kingston	Palazzo	Smith (NE)
Kinzinger (IL)	Paulsen	Smith (NJ)
Kissell	Pearce	Smith (TX)
Kline	Pence	Smith (WA)
Labrador	Perlmutter	Southerland
Lamborn	Peterson	Stearns
Lance	Petri	Stivers
Landry	Pitts	Stutzman
Lankford	Platts	Sullivan
Larsen (WA)	Poe (TX)	Terry
Latham	Polis	Thompson (CA)
LaTourette	Pompeo	Thompson (PA)
Latta	Posey	Thornberry
Lewis (CA)	Price (GA)	Tiberi
Lipinski	Quayle	Tipton
LoBiondo	Rahall	Turner (NY)
Loeb sack	Reed	Turner (OH)
Long	Rehberg	Upton
Lucas	Reichert	Visclosky
Luetkemeyer	Renacci	Walberg
Lujan	Reyes	Walden
Lummis	Ribble	Walsh (IL)
Lungren, Daniel	Rigell	Walz (MN)
E.	Rivera	Watt
Mack	Roby	Webster
Manzullo	Roe (TN)	Welch
Marchant	Rogers (AL)	West
Marino	Rogers (KY)	Westmoreland
Matheson	Rogers (MI)	Whitfield
McCarthy (CA)	Rohrabacher	Wilson (SC)
McCaul	Rokita	Wittman
McClintock	Rooney	Wolf
McCotter	Ros-Lehtinen	Womack
McHenry	Roskam	Woodall
McIntyre	Ross (AR)	Yoder
McKeon	Ross (FL)	Young (AK)
McKinley	Royce	Young (FL)
McNerney	Runyan	Young (IN)

NOT VOTING—11

Andrews	Gutierrez	Schmidt
Bachmann	Kaptur	Shimkus
Barton (TX)	McMorris	
Gardner	Rodgers	
Giffords	Paul	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1708

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. CICILLINE
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.
The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 277, not voting 10, as follows:

Roll No. 850

AYES—146

Ackerman	Green, Al	Pastor (AZ)
Andrews	Grijalva	Payne
Baldwin	Gutierrez	Pelosi
Bass (CA)	Hahn	Peters
Becerra	Hanabusa	Pingree (ME)
Berman	Hastings (FL)	Price (NC)
Bishop (NY)	Himes	Quigley
Blumenauer	Hirono	Rangel
Brady (PA)	Holt	Reyes
Braley (IA)	Honda	Richardson
Brown (FL)	Hoyer	Richmond
Butterfield	Inslee	Rothman (NJ)
Capps	Israel	Roybal-Allard
Capuano	Jackson (IL)	Ruppersberger
Carnahan	Jackson Lee	Rush
Carney	(TX)	Sánchez, Linda
Carson (IN)	Johnson (GA)	T.
Castor (FL)	Johnson, E. B.	Sanchez, Loretta
Chu	Keating	Sarbanes
Cicilline	Kildee	Schakowsky
Clarke (MI)	Kucinich	Schiff
Clarke (NY)	Langevin	Schwartz
Clay	Larson (CT)	Scott (VA)
Cleaver	Lee (CA)	Scott, David
Clyburn	Levin	Serrano
Cohen	Lewis (GA)	Sherman
Connolly (VA)	Lipinski	Sires
Conyers	Loeb sack	Slaughter
Crowley	Lofgren, Zoe	Speier
Cummings	Lowe	Stark
Davis (CA)	Lynch	Sutton
Davis (IL)	Maloney	Thompson (CA)
DeGette	Markey	Thompson (MS)
DeLauro	Matsui	Tierney
Deutch	McCarthy (NY)	Tonko
Dicks	McCollum	Towns
Doggett	McDermott	Tsongas
Dold	McGovern	Van Hollen
Doyle	McNerney	Velázquez
Edwards	Meeks	Visclosky
Ellison	Miller (NC)	Wasserman
Engel	Miller, George	Schultz
Eshoo	Moore	Waters
Farr	Moran	Watt
Fattah	Nadler	Waxman
Filner	Napolitano	Welch
Frank (MA)	Neal	Wilson (FL)
Fudge	Olver	Woolsey
Garamendi	Pallone	Yarmuth
Gonzalez	Pascrell	

NOES—277

Adams	Burgess	Dreier
Aderholt	Burton (IN)	Duffy
Akin	Calvert	Duncan (SC)
Alexander	Camp	Duncan (TN)
Altmire	Campbell	Ellmers
Amash	Canseco	Emerson
Amodei	Cantor	Farenthold
Austria	Capito	Fincher
Baca	Cardoza	Fitzpatrick
Bachus	Carter	Flake
Barletta	Cassidy	Fleischmann
Barrow	Chabot	Fleming
Bartlett	Chaffetz	Flores
Barton (TX)	Chandler	Forbes
Bass (NH)	Coble	Fortenberry
Benishek	Coffman (CO)	Foxx
Berg	Cole	Franks (AZ)
Berkley	Conaway	Frelinghuysen
Biggart	Cooper	Gallely
Bilbray	Costa	Garrett
Bilirakis	Costello	Gerlach
Bishop (GA)	Courtney	Gibbs
Bishop (UT)	Cravaack	Gibson
Black	Crawford	Gingrey (GA)
Blackburn	Crenshaw	Gohmert
Bonner	Critz	Goodlatte
Bono Mack	Cuellar	Gosar
Boren	Culberson	Growdy
Boswell	Davis (KY)	Granger
Boustany	DeFazio	Graves (GA)
Brady (TX)	Denham	Graves (MO)
Brooks	Dent	Green, Gene
Broun (GA)	DesJarlais	Griffin (AR)
Buchanan	Diaz-Balart	Griffith (VA)
Bucshon	Dingell	Grimm
Buerkle	Donnelly (IN)	Guinta

Guthrie	Marchant	Rogers (MI)
Hall	Marino	Rohrabacher
Hanna	Matheson	Rokita
Harper	McCarthy (CA)	Rooney
Harris	McCaul	Ros-Lehtinen
Hartzler	McClintock	Roskam
Hastings (WA)	McCotter	Ross (AR)
Hayworth	McHenry	Ross (FL)
Heck	McIntyre	Royce
Heinrich	McKeon	Runyan
Hensarling	McKinley	Ryan (OH)
Herger	McMorris	Ryan (WI)
Herrera Beutler	Rodgers	Scalise
Higgins	Meehan	Schilling
Hinchey	Mica	Schock
Hochul	Michaud	Schrader
Holden	Miller (FL)	Schweikert
Huelskamp	Miller (MI)	Scott (SC)
Huizenga (MI)	Miller, Gary	Scott, Austin
Hultgren	Mulvaney	Sensenbrenner
Hunter	Murphy (CT)	Sessions
Hurt	Murphy (PA)	Sewell
Issa	Myrick	Shuler
Jenkins	Neugebauer	Shuster
Johnson (IL)	Noem	Simpson
Johnson (OH)	Nugent	Smith (NE)
Johnson, Sam	Nunes	Smith (NJ)
Jones	Nunnelee	Smith (TX)
Jordan	Olson	Southerland
Kelly	Owens	Stearns
Kind	Palazzo	Stivers
King (IA)	Paulsen	Stutzman
King (NY)	Pearce	Sullivan
Kingston	Pence	Terry
Kinzinger (IL)	Perlmutter	Thompson (PA)
Kissell	Peterson	Thornberry
Kline	Petri	Tiberi
Labrador	Pitts	Tipton
Lamborn	Platts	Turner (NY)
Lance	Poe (TX)	Turner (OH)
Landry	Polis	Upton
Lankford	Pompeo	Walberg
Larsen (WA)	Posey	Walden
Latham	Price (GA)	Walsh (IL)
LaTourette	Quayle	Walz (MN)
Latta	Rahall	Webster
Lewis (CA)	Reed	West
LoBiondo	Rehberg	Westmoreland
Long	Reichert	Whitfield
Lucas	Renacci	Wittman
Luetkemeyer	Ribble	Wolf
Lujan	Rigell	Womack
Lummis	Rivera	Woodall
Lungren, Daniel	Roby	Yoder
E.	Roe (TN)	Young (AK)
Mack	Rogers (AL)	Young (FL)
Manzullo	Rogers (KY)	Young (IN)

NOT VOTING—10

Bachmann	Kaptur	Smith (WA)
Gardner	Paul	Wilson (SC)
Giffords	Schmidt	
Hinojosa	Shimkus	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. WESTMORELAND) (during the vote). There is 1 minute remaining.

□ 1712

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. CAPITO) having assumed the chair, Mr. WESTMORELAND, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may

carry concealed firearms in the State, and, pursuant to House Resolution 463, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CICILLINE. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CICILLINE. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cicilline moves to recommit the bill H.R. 822 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 5, after line 3, insert the following:

SEC. ____ LIMITATIONS ON RECIPROCITY FOR CHILD SEX OFFENDERS, DOMESTIC VIOLENCE OFFENDERS, AND KNOWN OR SUSPECTED TERRORISTS.

(a) IN GENERAL.—Section 2 of this Act shall not apply to a person—

(1) who has been convicted in any court of a sex offense against a minor;

(2) who has been subject within the past 10 years to a court order which restrained the person from harassing, stalking, or threatening a spouse, family member, an intimate partner, or a child of an intimate partner; or

(3) whom the Attorney General determines is known or reasonably suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism.

(b) DEFINITIONS.—In subsection (a):

(1) INTIMATE PARTNER.—The term “intimate partner” has the meaning given that term in section 921(a)(32) of title 18, United States Code.

(2) TERRORISM.—The term “terrorism” means international terrorism (as defined in section 2331(1) of title 18, United States Code) and domestic terrorism (as defined in section 2331(5) of such title).

Mr. GOWDY (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. Madam Speaker, with nearly 14 million unemployed

Americans and our Nation's economy continuing to struggle, it is disheartening that we stand here today divided, engaging in heated debate about expanding the ability of people to carry concealed weapons and ignoring the most important issue confronting our country, the jobs crisis. We're debating an effort to undermine the ability of States to protect residents from the scourge of gun violence, and we have before us a bill that will effectively preclude States from limiting who can carry a concealed weapon within its borders and for what purpose.

While many of my colleagues and I are seriously opposed to the passage of the underlying bill, there still remains an opportunity for us to find common ground. There's a chance for us to unite around a reasonable and commonsense amendment which would prevent the privileges in this bill from being extended to some of the most dangerous individuals into in our society, individuals who have or intend to inflict great harm upon our communities and our Nation.

Let me be clear, this is the final amendment, and passage of this amendment will not kill the bill. It will be incorporated into the final language and be immediately voted upon.

While many of us may disagree with the underlying intent of this bill, it's hard to imagine anyone would disagree that there are certain individuals that should not be afforded the right to carry concealed, loaded weapons across State lines. It's hard to imagine that anyone would advocate for preserving a path for terrorists, child sex offenders, stalkers, and domestic abusers to transport a loaded gun into another State. Yet these glaring loopholes are present in the underlying bill. And if my amendment is not passed by this body, this dangerous and appalling pathway for violence will remain.

For far too long, terrorism has inspired fear in our country and threatened the happiness and safety of our citizens. While we continue to live in a world that requires constant vigilance and full awareness of the danger of future terrorist attacks, there is not a single provision in H.R. 822 that would prevent suspected or known terrorists who acquire concealed-carry permits in one State with lax regulations from carrying that same concealed loaded weapon into another State with more stringent regulations.

In addition, many current States' concealed-carry laws do not sufficiently protect victims of domestic violence. A 2007 investigation found that Florida's licensing system had granted concealed-carry permits to more than 1,400 people who had pleaded guilty or no contest to a felony, 128 people with active domestic violence injunctions, and six registered sex offenders.

In fact, in 2010 Gerardo Regalado, a man who had a record of violent behavior against women, was able to obtain

a concealed-handgun permit in Florida. He then went on to commit the worst mass killing in Hialeah, Florida's history when he killed his estranged wife and three other women at a local restaurant. H.R. 822 will force other States to recognize Florida's concealed-carry permits, the same permit held by Gerardo Regalado.

Finally, there are no protections in H.R. 822 to prevent individuals convicted of a sex offense against a minor from carrying a concealed loaded gun into a State whose requirements might have otherwise prevented that individual from acquiring a concealed-carry permit. Child sex offenders, individuals who create unimaginable lasting harm in our communities, should not be allowed to continue to perpetuate fear in the hearts of our children and families. H.R. 822 will force other States to recognize permits issued to these individuals who pose danger to our children. All too often, guns legally end up back in the hands of criminals, and nothing in this underlying bill would impede child sex offenders or domestic violence offenders from carrying their loaded concealed guns across State lines.

In the simplest of terms, my amendment would preclude child sex offenders, domestic violence offenders, and known or suspected terrorists from enjoying the privilege of concealed-carry reciprocity authorized in the underlying bill. We owe this commonsense amendment to our brave law enforcement officials and first responders, who bear the greatest responsibility in protecting us from terrorist attacks.

□ 1720

We owe this to our Nation's children, whose innocence is threatened by dangerous individuals who prey on them. We owe this to the victims of abuse, who deserve some consolation that the law will not send their abusers legally armed into another State to continue stalking, threatening, and perpetuating abuse.

Now is the time for our Chamber to unite. Let's demonstrate to the American people that we can use common sense and come together to do what is right. While there is no question that the Second Amendment embodies the right to bear arms, our citizens also enjoy the right to be free from the terror of gun violence.

I urge all Members to support this motion.

Mr. GOWDY. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. Thank you, Madam Speaker.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

Members are reminded to not traffic the well while another Member is under recognition.

Mr. GOWDY. Madam Speaker, the Second Amendment to our Constitution was drafted, debated, and ratified in precisely the same manner as the First Amendment, the Fourth Amendment, the Fifth, the Sixth, and other amendments our colleagues on the other side of the aisle hold sacrosanct.

And consistent with this belief that liberty and the right to arm one's self are inextricably linked, it is settled law that our Constitution protects the right to travel. It protects the right to self-defense. It protects the right to defend the lives of others. Not once, Madam Speaker, but twice the Supreme Court has held the right to keep and bear arms is a fundamental individual right. And those rights do not know any geographic boundary. Our right to defend ourselves does not ebb and flow with the vicissitudes of our travel or because we transverse a State line.

Despite the fact that these rights are protected in the Constitution, there are still those who seek to treat the Second Amendment as a constitutional second-class citizen. Sometimes those efforts to denigrate the constitutional status of the Second Amendment are overt and sometimes they are obscure. And as much as we appreciate the renewed—and I'm sure short-lived—in-fatuation with States' rights embraced by some of our colleagues on the other side, let me ask you simply this:

What limits are you willing to accept with regard to the First Amendment? Does your State want reporters to have to pass a test so they can exercise their First Amendment? Do you want 50 different versions of freedom of religion?

What about the Fourth Amendment? Is one State free to dispose of the exclusionary rule because it doesn't agree with it? Do we have 50 different versions of what is a reasonable search and seizure?

What about the Fifth Amendment? Do we have 50 different versions of Miranda?

What about the Eighth Amendment? Are there 50 different versions of cruel and unusual punishment?

We are delighted, Madam Speaker, to have our colleagues rediscover the beauty of the 10th Amendment and the concept of State rights. Eventually, we hope the same for the Second Amendment.

This motion to recommit is offered to jettison the underlying bill and further relegate the Second Amendment to a constitutional scrap heap. All of these amendments were dealt with in committee, and the matters of State law classifications are just that, State law. The fact that certain State legis-

latures refuse to protect their citizens does not mean this body will refuse or abdicate its responsibility to defend the Second Amendment.

This bill, H.R. 822, has 245 cosponsors, more than half the Members of this body, and it enjoys that wide and diverse support because it is emblematic of our forefathers' genius. They gave us the fundamental right to travel. They gave us the fundamental right to protect ourselves. They gave us the fundamental right to protect others. And they gave us the fundamental obligation to defend liberty.

I urge my colleagues to oppose this motion, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CICILLINE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage, if ordered, and the motion to suspend the rules on H.R. 674.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 9, as follows:

[Roll No. 851]

AYES—161

Ackerman	DeLauro	Kucinich
Andrews	Deutch	Langevin
Baldwin	Dicks	Larsen (WA)
Bass (CA)	Doggett	Larson (CT)
Becerra	Doyle	Lee (CA)
Berkley	Edwards	Levin
Berman	Ellison	Lewis (GA)
Bishop (NY)	Engel	Lipinski
Blumenauer	Eshoo	Loebuck
Brady (PA)	Farr	Lofgren, Zoe
Braley (IA)	Fattah	Lowey
Brown (FL)	Filner	Lujan
Butterfield	Frank (MA)	Lynch
Capps	Fudge	Maloney
Capuano	Garamendi	Markey
Cardoza	Gonzalez	Matsui
Carnahan	Green, Al	McCarthy (NY)
Carney	Grijalva	McCollum
Carson (IN)	Gutierrez	McDermott
Castor (FL)	Hahn	McGovern
Chu	Hanabusa	McNerney
Ciilline	Hastings (FL)	Meeks
Clarke (MI)	Higgins	Miller (NC)
Clarke (NY)	Himes	Miller, George
Clay	Hinchey	Moore
Cleaver	Hinojosa	Moran
Clyburn	Hirono	Murphy (CT)
Cohen	Holt	Nadler
Connolly (VA)	Honda	Napolitano
Conyers	Hoyer	Neal
Costa	Inslee	Olver
Courtney	Israel	Pallone
Crowley	Jackson (IL)	Pascarell
Cuellar	Jackson Lee	Pastor (AZ)
Cummings	(TX)	Payne
Davis (CA)	Johnson (GA)	Pelosi
Davis (IL)	Johnson, E. B.	Perlmutter
DeFazio	Keating	Peters
DeGette	Kildee	Pingree (ME)

Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney

Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry

Bachmann
Dreier
Gardner

Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland

NOT VOTING—9

Giffords
Kaptur
Pawl

Schmidt
Shimkus
Shuster

Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lujan
Lummis
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan

Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)

Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—263

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann

Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack

Manzullo
Marchant
Marino
Matheson
McCarty (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1743

Ms. HOCHUL changed her vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 272, noes 154, not voting 7, as follows:

[Roll No. 852]

AYES—272

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor

Capito
Cardoza
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores

Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinchey
Hochul
Holden
Huelskamp
Huizenga (MI)

Ackerman
Amash
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (IA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo

NOES—154

Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
King (NY)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey

Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascarelli
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano

Sherman	Tonko	Waters
Sires	Towns	Watt
Slaughter	Tsongas	Waxman
Speier	Turner (NY)	Welch
Stark	Van Hollen	Wilson (FL)
Sutton	Velázquez	Woodall
Thompson (CA)	Visclosky	Woolsey
Thompson (MS)	Wasserman	Yarmuth
Tierney	Schultz	

NOT VOTING—7

Bachmann	Kaptur	Shimkus
Gardner	Paul	
Giffords	Schmidt	

□ 1751

Mrs. MCCARTHY of New York and Mr. CUMMINGS changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

3% WITHHOLDING REPEAL AND JOB CREATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 853]

YEAS—422

Ackerman	Bishop (UT)	Cardoza
Adams	Black	Carnahan
Aderholt	Blackburn	Carney
Akin	Blumenauer	Carson (IN)
Alexander	Bonner	Carter
Altmire	Bono Mack	Cassidy
Amash	Boren	Castor (FL)
Amodei	Boswell	Chabot
Andrews	Boustany	Chaffetz
Austria	Brady (PA)	Chandler
Baca	Brady (TX)	Chu
Bachus	Braley (IA)	Ciilline
Baldwin	Brooks	Clarke (MI)
Barletta	Broun (GA)	Clarke (NY)
Barrow	Brown (FL)	Clay
Bartlett	Buchanan	Cleaver
Barton (TX)	Bucshon	Clyburn
Bass (CA)	Buerkle	Coble
Bass (NH)	Burgess	Coffman (CO)
Becerra	Burton (IN)	Cohen
Benishkek	Butterfield	Cole
Berg	Calvert	Conaway
Berkley	Camp	Connolly (VA)
Berman	Campbell	Conyers
Biggert	Canseco	Cooper
Billbray	Cantor	Costa
Bilirakis	Capito	Costello
Bishop (GA)	Capps	Courtney
Bishop (NY)	Capuano	Cravaack

Crawford	Honda	Murphy (PA)
Crenshaw	Hoyer	Myrick
Critz	Huelskamp	Nadler
Crowley	Huizenga (MI)	Napolitano
Cuellar	Hultgren	Neal
Culberson	Hunter	Neugebauer
Cummings	Hurt	Noem
Davis (CA)	Inslee	Nugent
Davis (IL)	Israel	Nunes
Davis (KY)	Issa	Nunnelee
DeFazio	Jackson (IL)	Olson
DeGette	Jackson Lee	Olver
DeLauro	(TX)	Owens
Denham	Jenkins	Palazzo
Dent	Johnson (GA)	Pallone
DesJarlais	Johnson (IL)	Pascarell
Deutch	Johnson (OH)	Pastor (AZ)
Diaz-Balart	Johnson, E. B.	Paulsen
Dicks	Johnson, Sam	Payne
Dingell	Jones	Pearce
Doggett	Jordan	Pelosi
Dold	Keating	Pence
Donnelly (IN)	Kelly	Perlmutter
Doyle	Kildee	Peters
Dreier	Kind	Peterson
Duffy	King (IA)	Petri
Duncan (SC)	King (NY)	Pingree (ME)
Edwards	Kingston	Pitts
Ellison	Kinzinger (IL)	Platts
Ellmers	Kissell	Poe (TX)
Emerson	Kline	Polis
Engel	Kucinich	Pompeo
Eshoo	Labrador	Price (GA)
Farenthold	Lamborn	Price (NC)
Farr	Lance	Quayle
Fattah	Landry	Quigley
Filner	Langevin	Rahall
Fincher	Lankford	Rangel
Fitzpatrick	Larsen (WA)	Reed
Flake	Larson (CT)	Rehberg
Fleischmann	Latham	Reichert
Fleming	LaTourette	Renacci
Flores	Latta	Reyes
Forbes	Lee (CA)	Ribble
Fortenberry	Levin	Richardson
Fox	Lewis (CA)	Richmond
Frank (MA)	Lewis (GA)	Rigell
Franks (AZ)	Lipinski	Rivera
Frelinghuysen	LoBiondo	Roby
Fudge	Loeb	Roe (TN)
Gallegly	Lofgren, Zoe	Rogers (AL)
Garamendi	Long	Rogers (KY)
Garrett	Lowe	Rogers (MI)
Gerlach	Lucas	Rohrabacher
Gibbs	Luetkemeyer	Rokita
Gibson	Lujan	Rooney
Gingrey (GA)	Lummis	Ros-Lehtinen
Gohmert	Lungren, Daniel	Roskam
Gonzalez	E.	Ross (AR)
Goodlatte	Lynch	Rothman (NJ)
Gosar	Mack	Roybal-Allard
Gowdy	Maloney	Royce
Granger	Manzullo	Runyan
Graves (GA)	Marchant	Ruppersberger
Graves (MO)	Marino	Rush
Green, Al	Markey	Ryan (OH)
Green, Gene	Matheson	Ryan (WI)
Griffin (AR)	Matsui	Sánchez, Linda
Griffith (VA)	McCarthy (CA)	T.
Grijalva	McCarthy (NY)	Sanchez, Loretta
Grimm	McCaul	Sarbanes
Guinta	McClintock	Scalise
Guthrie	McCollum	Schakowsky
Gutierrez	McCotter	Schiff
Hahn	McDermott	Schilling
Hanabusa	McGovern	Schock
Hanna	McHenry	Schrader
Harper	McIntyre	Schwartz
Harris	McKeon	Schweikert
Hartzler	McKinley	Scott (SC)
Hastings (FL)	McMorris	Scott (VA)
Hastings (WA)	Rodgers	Scott, Austin
Hayworth	McNerney	Scott, David
Heck	Meehan	Sensenbrenner
Heinrich	Meeks	Serrano
Hensarling	Mica	Sessions
Herger	Michaud	Sewell
Herrera Beutler	Miller (FL)	Sherman
Higgins	Miller (MI)	Shuler
Himes	Miller (NC)	Shuster
Hinche	Miller, Gary	Simpson
Hinojosa	Miller, George	Sires
Hirono	Moore	Slaughter
Hochul	Moran	Smith (NE)
Holden	Mulvaney	Smith (NJ)
Holt	Murphy (CT)	Smith (TX)

Smith (WA)	Towns	Welch
Southerland	Tsongas	West
Speier	Turner (NY)	Westmoreland
Stark	Turner (OH)	Whitfield
Stearns	Upton	Wilson (FL)
Stivers	Van Hollen	Wilson (SC)
Stutzman	Velázquez	Wittman
Sullivan	Visclosky	Wolf
Sutton	Walberg	Womack
Terry	Walden	Woodall
Thompson (CA)	Walsh (IL)	Woolsey
Thompson (MS)	Walz (MN)	Yarmuth
Thompson (PA)	Wasserman	Yoder
Thornberry	Schultz	Young (AK)
Tiberi	Waters	Young (FL)
Tierney	Watt	Young (IN)
Tipton	Waxman	
Tonko	Webster	

NOT VOTING—11

Bachmann	Hall	Ross (FL)
Duncan (TN)	Kaptur	Schmidt
Gardner	Paul	Shimkus
Giffords	Posey	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1800

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112-290) on the resolution (H. Res. 467) providing for consideration of the conference report to accompany the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3086

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3086.

The SPEAKER pro tempore (Mr. FLEISCHMANN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3004, de novo;
H.R. 2660, de novo;
H.R. 2415, de novo;
H.R. 1791, de novo.

**PRIVATE FIRST CLASS
ALEJANDRO R. RUIZ POST OFFICE BUILDING**

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3004) to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the "Private First Class Alejandro R. Ruiz Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**TOMBALL VETERANS POST
OFFICE**

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2660) to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**TROOPER JOSHUA D. MILLER
POST OFFICE BUILDING**

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2415) to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**ALTO LEE ADAMS, SR., UNITED
STATES COURTHOUSE**

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1791) to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**GOP JOBS OFFENSIVE: ROLLING
BACK JOB-KILLING REGULATIONS**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Thank you, Mr. Speaker.

We're all glad to be back in the capital city to talk about the regulations that are drowning our country, and we have got some legislation that's going to try to do something about that.

I see that some of my colleagues are here to join me in talking about these things. I've been on the floor of this House now for the last 18 months explaining to people how these regulations are killing jobs in this country. And really what it cuts down to what we need to turn this country around, we don't need big stimulus spending. That didn't work. We tried that. We don't need the government to tell us how to run our business. We need the people to be able to run their business with the government getting out of the way.

And so we have today several bills that we think are going to be very important to tell us just exactly how we can make sense out of this overwhelming amount of regulations.

Thousands of regulations just this year have been proposed, many of which will kill hundreds of thousands of jobs across the country.

I have two of my colleagues that are here. I will first recognize my friend from Kentucky—I think he has some-

where to go—to tell us a little bit about a solution that he has proposed.

Mr. DAVIS of Kentucky. Thank you, Judge CARTER. I appreciate your holding this tonight and your flexibility in allowing me some time to share as we've talked about before at times on the floor various aspects of the growth of the regulatory State.

The issue is not being against regulation or for regulation. The issue is having transparency and accountability. We've seen in this administration and the last administration, the administration before that, an ever-increasing reach in agencies where they're stretching the law, whether it's the Clean Air Act of 1972 that's being stretched to proportions far beyond the original intent of Congress or issues related to the Clean Water Act that stretch beyond the bounds of science, to unfunded mandates in No Child Left Behind from the last administration. We can think of a wide variety of these issues.

For me, I think the American public wakes up when it hits them in the pocketbook, when it hits you and me in the pocketbook. In our case, you probably experienced the same thing in Texas.

The year that I was sworn into Congress, a consent decree was forced upon our local community for nearly a billion dollars in storm water compliance that was not only beyond the needs of the community, it was beyond the economic capability of the community to comply.

That was based on a rule issued by an interpretation of a law that had been passed 8 years before in a different Congress, in a different political climate. And again, our citizens, the citizens of the Fourth District of Kentucky, citizens of districts across the United States, had no recourse but to comply with this.

One of my constituents walked in as we wrestled with different aspects of not limiting regulation but providing accountability, providing the opportunity for the voters, our citizens, to be able to hold the government accountable for what it does, walked in and said to me, "JEFF, why can't you guys vote on this?" And we had a revelation in a different way to come back and address the issue of regulatory transparency.

Standardization is important, but it needs to be at a place that the American people agree with and support and is practicable from the standpoint of cost. And the economic cost is often not incurred in this. We have towns across the United States, across the Ohio Valley whose compliance cost with just that regulation alone is more than what the budgets of the communities are on an annual basis. It's unreasonable, and there is no recourse.

So we went back and we researched and found a portion in the Congressional Review Act of 1995 that we suggested changing. And to the shock of many of my constituents, only one regulation has ever been repealed in the history of the Congress. That was the Clinton-era ergonomics rule that had the House, the Senate, and a President who would sign that.

□ 1810

So you have to get, in effect, a majority in the House, a supermajority in the Senate, and then have a Chief Executive who is willing to change that or to prevent that regulation from going into effect.

What we wanted to do was something a little bit different. It's done in industry; it's done in business. In effect, it's done in virtually all competitive sports, where, if something gets out of bounds or out of expectation, the game stops. In production, on the assembly line, when the red light comes on, the line stops, and people have to take an extra look at what the issue is. In this case, what we wanted to do was have a simple process to restore transparency and congressional accountability of what the executive branch does, which was the genesis of the REINS Act. It's really a very simple thing.

The REINS Act stands for Regulations from the Executive in Need of Scrutiny. It's H.R. 10 in this Congress. The number on the chart up there was from the last Congress, H.R. 3765. Basically, what it does is it requires Congress to approve all new major rules so that "major rule" is defined as one that has \$100 million or more in cumulative economic impact across our country.

What our bill will do is really very simple.

Once a rule comes to the end of its 60-day comment period, it would have to come back up to Capitol Hill for a stand-alone, up-or-down vote under a joint resolution in the House, in the Senate, and then be signed by the President of the United States. It's making the point that for any major rule, a rule that reaches into the pocketbooks of all hardworking, taxpaying Americans, they have a right to be able to hold their elected Representatives and Senators accountable for the position that they take on that direct economic impact.

For me, I think it's fine. There are times that America will stand up and say, Yes, we agree with this, and this is the right thing to do. There are other times, particularly in hard economic times like today, when the last thing that we want to do is increase that regulatory burden, that out-of-pocket cost on America's citizens.

To give you an idea of this, the cost in 2009 alone for the compliance of regulation on our economy was \$1.75 trillion. If some significant portion of that

regulatory process were streamlined, that would be creating jobs and, ultimately, more taxpayers.

Mr. CARTER. Let me point out that the \$1.75 trillion is more than the entire income tax for that year that was collected by this country. So, when you talk about a burden, it's more than the entire tax burden of our Nation for that year.

Mr. DAVIS of Kentucky. I think the gentleman has a great point. In fact, it comes down, I think, to about \$10,000 for every man, woman, and child in the United States of America for the cost of regulatory compliance.

To your point, why it's so critical now is that we've seen agencies in the last administration and in this administration that have gone into overreach. Most importantly, what we saw happen in the last Congress was a Democratic supermajority in the House, in the Senate, with a liberal Democratic President, who was out to keep his campaign promises. I can respect that. The American people spoke in that election, but they also spoke in the election that followed last year in that they did not agree with the overreach, be it legislative or on the regulatory side; and they made a change, certainly, in this body.

The administration proceeded at that point to attempt to enact cap-and-trade rules—an energy tax on every American—by regulation. When the Congress in a Democratic supermajority could not pass those bills in order to send them to the President's desk, they were intent on doing it by executive order.

It's the same thing that we see happening potentially with the card check-forced unionization bill. It could not pass in the last Congress, so we see attempts to move that by regulation. There are issues with unfunded mandates on our schools. We're even seeing an extension of that inside the Department of Education, which further hamstrings already strapped local school districts. It could not get through the United States Congress, so we're seeing attempts to do that by regulation.

What the REINS Act would simply do is say, Stop, Mr. President. Stop, Cabinet Secretary. You have to have the advice and the consent of the representatives of the American people before you're going to move for something that's going to hit us that hard. We have 197 cosponsors on the bill so far. Two hearings were held on this in the Judiciary Committee. It was passed out of the Judiciary Committee 2 weeks ago. We had a markup in the Rules Committee to go over some technical pieces inside of the bill regarding the timelines on vote triggers. It passed out of the Rules Committee; and we're looking for a vote here, hopefully in the very near future, to see it passed and sent over to the United States Senate.

I appreciate what the gentleman from Texas is doing to champion this move to not only awaken the American people to the huge economic impact of overregulation, but to present a wide variety of legislative fixes that you and many of our colleagues have authored to stem this tide of overreach of the government and to allow our economy to stand up in energy, in manufacturing, and agriculture. With that, I thank you.

Mr. CARTER. I thank the gentleman from Kentucky for the work you've done on the REINS Act.

This is a good bill. This needs to be passed by Congress. I hope that our colleagues over on the Senate sides, when they grab ahold of this, get excited about it and realize that regulations impose more burdens on the American people than this Congress does. In many instances, they come to us and say—Why did you pass this law that puts this burden on us?—when the real issue is they don't understand that it was done by regulations, by people who were not elected, unlike the Members here. We have to answer to our boss, and our boss is the American people. Unfortunately, with regard to these regulations done by the executive branch agencies, I guess the only boss they have to answer to is the President.

In many instances, they're even independent of the President. Some of these regulations are not thought out in the real world. They're, in fact, thought out in the minds of somebody who sits at a desk and just thinks, This has got to be a good idea. Sometimes these good ideas overwhelm us in costs and, quite frankly, interfere with our lives.

So we've been talking about this. The American people are talking about it. When you go home, they want to know, What are you going to do about allowing the businesspeople to have an idea of what the playing field is going to look like? because these regulations are changing the rules every time we look up.

This leads us into what, I think, is another excellent piece of legislation that I'm proud to be a part of. My friend from Wisconsin (Mr. RIBBLE) is the actual originator of this bill, and I jumped on it with him because I thought it was a good idea.

So I'm going to yield to my friend and let him have a chance to explain this to you and what his idea was and why we both got into this mess of trying to make it clear for those who would make our economy grow, just exactly what the playing field looks like.

Mr. RIBBLE. I want to thank my friend from Texas. Thank you so much for allowing me to join you on the floor today.

I spent my entire adult life running my own business, so this is something

that I've had the opportunity—or maybe the misfortune—to deal with firsthand. I found it interesting that, just a few weeks ago, on October 25, Politico ran an article which said right here: "Regulations: Top Issue for Small Businesses." In fact, they cite a Gallup Poll that, indeed, 41 percent of small business owners said that government was somehow related to the biggest problem facing their companies. More small business owners view the costs of complying with government regulations as a bigger problem than any other issue.

I've heard this time and time again.

Just recently, I was up in northern Wisconsin, in Rhinelander, Wisconsin, where three other Members of Congress and myself held an all-day session with the timber industry. We invited Chief Tidwell, from the U.S. Forest Service, to come in to talk about harvesting timber in our national forests. I had a timber manager come up to me who harvests timber up in the Wisconsin North Woods.

She said to me, Congressman, I want to show you something. If I do a timber sale here that's regulated by one of the counties here in northern Wisconsin, this is the contract that I have to fill out to harvest timber. That's the county contract.

Then she said, But do you know what, Congressman? If the State of Wisconsin manages that timber sale, the contract gets about twice as long, and I have to manage that contract. However, if the Federal Government manages the timber sale, this is the contract that we have to fill out for the Federal Government.

There are pages and pages and pages of bureaucrat red tape just to allow them to harvest timber that's owned by the taxpayer.

So I thought, after hearing a lot of these things and after having run my business, that maybe what this country needs more than anything—and I certainly support Congressman DAVIS' REINS Act. I think it's exactly the right thing to do. But I'll take it a little step further.

You and I together put together a bill called the Regulatory Moratorium and Jobs Preservation Act. This bill simply does one thing. It says that the government can't promulgate any new rules until unemployment goes below 7.8 percent, because you and I know full well, in talking to all the businesses in our own districts, that unemployment and regulatory environment are connected. They're linked together.

□ 1820

Now I will have colleagues from the other side of the aisle say to me, Well, Congressman, you know full well that this is all about demand, that demand is causing the problem; and without demand, people aren't going to hire. And I would say back that every single page

of regulation, every single page of trying to comply, every single page has to be responded to by some business owner, and that means that response will have a direct cost to it.

As you pile on cost after cost after cost, there have been 24,000 new rules promulgated on the American business owner since 2004, nearly 1 million pages of new regulations. Every single page, page after page after page, adds costs. And every single time the cost of any good or service goes up, there are fewer customers that can afford that product, so demand must go down. So every time we add a new regulation, costs go up, demand goes down.

Finally, we've come to a new end game here with over 9 percent unemployment. So we wanted to connect our bill to unemployment so that we can show the American people, prove to the American people the empirical evidence that if we would put a hold on new rules and regulations, if we would inject certainty in this regulatory environment where business owners knew what future costs were going to be, they could measure future costs because they know that government won't promulgate a new rule, they will begin to hire again. That new confidence will be there, a new certainty will be there, and unemployment will go down.

Then, here's what I suspect will happen: As unemployment goes down, the American people will demand from Congress that we extend this rule until unemployment reaches 6 percent, or we get to full employment as we find this out.

Now, this rule does not remove a single safety net. This rule does not remove anything that's already there. I have heard people say, Well, you are just trying to destroy the environment, as if I don't want to breathe clean air, as if I don't want to drink clean water, as if I want my grandchildren to swim in lakes and streams that are polluted. It's ridiculous on its face. I want to breathe clean air like every American. I want to drink clean water like every American. I want to eat safe food like every American. And this bill will do nothing to remove any of those protections whatsoever. What it will do, though, is stop the administration from, by executive fiat, creating rules and regulations that haven't been created by this Congress. It will stop.

I was listening as my colleague from Kentucky was speaking, and I was struck by something. I was struck by this: Article I, section 1 of the United States Constitution says, "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Now, that word "all," three simple letters, is pretty inclusive. "All," it means all of them. And what the REINS Act does, it says that any rule that gets promul-

gated, the Congress, the duly elected Representatives of the citizens of the United States, get to say whether that makes a law or not. We get to say because the Constitution gave us, the Members in this body and the Members in the U.S. Senate, the authority to execute legislative power, not some Federal agency. And this REINS Act will reel it in.

My bill and your bill, Representative CARTER, will extend this control by the Congress, and it will simply return the power back to our legislative, duly elected Members of Congress.

Mr. CARTER. Reclaiming my time, you just said a magic word that I want to repeat—"responsibility." Our Founders designed our form of government so that we defined rights in our Bill of Rights, but it also points out where the responsibility lies. And I would argue that these creations of regulatory acts, it allows people to avoid being responsible. They pass a law in Congress for the timber industry, and they give the authority to a branch of the executive to write rules to implement that legislation, and it allows this Congress to hide from those regulations. It's one of the reasons I've been talking up here for a year and a half now about regulations.

We all know our rights. It's time for those of us who have accepted a position of responsibility to be responsible. And when an unknown bureaucrat in a cubbyhole somewhere in the vast jungle of offices in this town can write a regulation that affects the very lives of American citizens—and he's going to get his paycheck. Nobody elected him. He's not going to get fired. You don't get run off for writing that regulation. He has been assigned to do rules and regulations. He doesn't take responsibility for it. He's hiding as a bureaucrat back there as civil servant.

It's time for the Congress to step back up, based on the Articles of the Constitution that you just read, and take our responsibility. And then those of us who answer to the people every 2 years and every 6 years—they're our bosses. They're the people who have hired us for this job. And when they have one of these regulations, they have somebody they can go to and say, You need to be responsible for implementing the regulatory moratorium and for stopping these regulations. They are killing us.

Let me just give you some examples real quickly that we've gathered on just some stuff that—these are current events. This is like looking back at current events for the last 6 or 8 months.

EPA greenhouse gas regulations, the potential job loss as a result of those regulations, 1.4 million jobs; new utility regulations, 1.4 million jobs; offshore oil and gas lease delays, 504,000 jobs; offshore drilling permitorium—they say they are going to introduce

permits, but then they just don't ever get right around to doing it—430,000 jobs; reclassification of coal ash as hazardous—it affects this area right here—316,000 jobs; the new boiler regs that are coming out, 60,000 jobs; the Alaska drilling delays, 57,000 jobs; the new cement kiln regulations, 15,000 jobs. Just that little block adds up to 4,182,000 jobs that regulations are going to add to the unemployment rolls at a time when we have got unemployment at 9 percent.

And, by the way, I like the concept that you introduced and explained to me: Go back to what the unemployment was at the time that this administration came into being, 7.8 percent. I think that's more than reasonable.

Mr. RIBBLE. I couldn't agree more. As a matter of fact, unemployment has never been lower since the day President Obama was sworn into office.

I'm a freshman Member of Congress. I had the privilege of sitting in this Chamber for the President's State of the Union address. And the President said in that State of the Union address that he was going to ask for a regulatory review of the executive branch. He wanted to know what they were going to be doing, and he would make jokes about some of the ridiculous regulations.

And what we've done now—we've got one more President who's followed the traditions of dozens of Presidents who have ordered another study. In the meantime, the American people suffer while we study something that we already know. This is not so much about whether the government can create jobs. It's about whether the government is obstructing job creation, which is exactly what's happening. And that's why we decided to pick that number.

Mr. CARTER. I think that's creative thinking. We need to get unemployment below 7.8 percent. But it's a good point to start, and it gives us an opportunity to target what I honestly believe and a lot of economists agree with: The real solution to this situation we're in with our country right now is to get Americans back to work.

The President believes one more stimulus. The last one didn't work. The massive spending, the trillions of dollars of additional debt we've accumulated in the last 3 years didn't quite work. It wasn't quite big enough. We need to do it just one more time. And this time it will push it over the top. Well, I just don't think that the American people are buying it. They're watching the current events of today, where we loan money to companies that didn't have a concept that was going to pay for itself, and they're going broke; where we threw money at a problem instead of putting some common sense into the problem.

□ 1830

As a businessman, you nailed it. And you were one. For a while in my life I

was a small businessman. You've got to know what's around the corner. You can't hire somebody if there's unknown around the corner. Because when you hire them, you get around the corner, you might have to fire them because that unknown is going to make it to where it's not profitable for you to have this person who you hope will make your business more profitable. They would make it less profitable.

People don't seem to understand around here. They think people hire people because somebody gives them a tax incentive or there's some incentive. Somebody gives them a little extra money this month. No, you hire someone to make your business more profitable. It's about prospering in your business. If you don't need somebody to prosper your business, you're not going to hire them. And all of the incentives in the world aren't going to make you hire somebody that doesn't make your business work. Whether you're a little bitty business or the biggest business in the world, that's the way it works.

So the reality is, as they plan—and, you know, there was a time, I read an article on this, there was a time when business planning was relatively short term. In fact, one of the things that came out of the Great Depression was the concept of long-term planning, both short-term, mid-term, and long-term planning for a businessman because you needed to know not only what was around the next 2 years, or the next 5 years. You needed to know around at least the next 10 years.

That's one of the reasons why when we have these tax bills that we have passed that will just end on a certain day, well, if you know it's going to end, you have to plan around it. You plan to avoid it, but when that drop-dead date comes up like we've got on the Bush tax cuts they call them around here, businessmen are looking at those and asking: What's that going to mean to my bottom line? I don't know, so I'm not hiring. I'm not expanding my business. I'm not building a building because I don't know what that means. Unknown regulations in the minds of regulators could change my world, could absolutely shake my world.

So this—and right at this time in this economy, when the number one thing you hear from every businessman you talk to is the unknown, whether it be the new financial regulations which have made financing unknown, whether it be the hidden tax increases in the health care bill, or whether it be regulations that we don't understand that we were surprised to get, we don't know what's going to happen, so we're not doing anything. We're sitting with our hands in our pockets, hope there's a little money in those pockets while we sit there, and we're not doing anything until we know what is going on. That's why this moratorium is perfect—perfect.

Mr. RIBBLE. I think there is something salient here that we really need to hit on. We, you and I, believe, as do many of our colleagues and, more importantly, small business owners and large business owners alike believe that this type of bill will actually increase employment. The very interesting point about this is it doesn't cost the taxpayer a penny. What this will cause is businesses that have now been putting their money in the bank and have been holding it because of fear, we will unleash that money back into the private sector to create jobs and get this economy going, and not a single penny of taxpayer dollars will be expended as a result of this. This is a simple thing.

You know, since the President talked to us back in January, over 70,000 pages have been added to the Federal Register. Seven thousand pages. 539 rules have been deemed significant under Executive Order 12866. Stop and think about these numbers: 116.3 million hours of annual paperwork burden being added. And all of this continues to create that uncertainty. Why would you as a business owner spend any money when you have no clue what that future cost will be.

And just recently, I was talking to some friends of mine in my district at Thilmany Pulp and Paper Company in Kaukauna, Wisconsin, the hometown where my roofing company is; and they were sharing with me their concerns about the EPA clean-air ruling and a new rule called Boiler MACT. They said if that rule was promulgated, Wisconsin's paper industry would be decimated. But what is really most troubling is the fact that this is a revision of a rule that they just put in place a few years ago. So the entire paper industry in Wisconsin had to upgrade their boilers, spend millions of dollars of investment; and then a few years later the EPA came back and said, whoops, we made a mistake, we need to move the bar up again.

And rightfully so, these business owners are calling their Congressman. This time it's me. I'm sure you've heard from them in your own district, asking: Well, if we spend another \$50 million or \$60 million, what assurance do we have that the EPA won't move the bar next year? And then we have to spend it again and again and again. At what point is clean air clean air? And that's the problem.

I'll tell you, it would be very simple, when you start talking in the millions and millions of dollars, it's very simple to lose thousands and thousands of jobs. This is exactly where our national economy is at right now. There has been an onslaught of regulations dumped on the American entrepreneur.

Let's talk a little bit about access to credit. I've been very critical about the Dodd-Frank bill. I understand the intent was to get at Wall Street, and I

appreciate the intent of getting at the things that caused our economic crisis back in 2008.

But what actually happened is it got at Main Street. So small business banks in my hometown of Appleton, they are now spending money and investing money and hiring regulatory analysts when they ought to be hiring commercial lenders. You know, most jobs created in this country are created by small businesses. But in reality, it's really small businesses under 5 years old, businesses that need access to credit.

I often wonder would someone like Steve Jobs be able to emerge in this type of environment today, building computers in his garage. I'm sure there's some rule against that now. You can't imagine. I chuckled the other day when I saw a famous television host on MSNBC standing with her hard hat by the Hoover Dam saying we need big projects like this; we need big thinking like this. Franklin Roosevelt ushered in these great programs to create jobs and generate energy. This was the boom day of the American mind. I had to chuckle thinking there'd be no way with the current EPA that you could ever, ever build the Hoover Dam today. It just wouldn't happen. The environmental rules alone wouldn't allow for it.

Mr. CARTER. Absolutely. You'd be dealing with the EPA. You'd be dealing with fish. You'd be dealing with the situation on endangered species, and that's clear down to the microscopic animals that you can't even see. All that. There's no way the Hoover Dam would get built like that.

There was a thing on the History Channel, I guess it was the night before last that I watched, about the building of the Alaskan highway. We had gone to war with Japan, and everybody looked at the United States and said my gosh, the Aleutian Islands, a part of the Alaskan—at that time Alaskan Territory, they're right close to the Japanese, and they're probably going to invade those islands. And how are we going to get materials, supplies, and men up to Alaska? There was no road between the United States and Alaska.

Nobody checked a single regulatory act. Nobody did anything but say: Get every bulldozer we've got and head for the border. We're cutting a road straight up through Canada. We'll design it on the way up there. We'll direction it on the way up there. They took off and they built a road. It was a gravel road, but it was the first road that connected the lower 48 to Alaska.

I looked at that thing and I said: My gosh, they wouldn't have gotten a mile and a half before they would have been enjoined by every kind of group on God's green Earth in this country under the present regulations we have in place, not even expanded regulations which are getting worse, the present regulations.

So when the President made that famous statement now that I've enjoyed very much, he laughed and said that I found out shovel-ready today is not really shovel-ready. And it's exactly the same regulations we're talking about here that keep it from being shovel-ready.

We're building about a 21-mile stretch of highway in my home county—trying to build one. We've been at it for 8 years. The money's in place. Section 1 has got bulldozers sitting on the ground because section 1 has been approved, and we're still trying to get 21 miles of road built through regulations.

I will say now, after a little work on our part, some regulators are being pretty reasonable, and we want to thank them for it. But the days of the Hoover Dam and the Alaskan highway will never come back, not with the regulatory environment we have here. What we're trying to do is not let this thing expand any further. We're not trying to kill species. We're not trying to mess up the air, like you said, or the water. We're trying to say we've got a good situation in place.

□ 1840

By the way, Mr. President, if it's a national security issue or a national emergency, submit it to us. Tell us what the emergency is. Let's visit with it, and if that's the case, this Congress will be reasonable. If we need review of the courts and the individuals need review of the courts, we provide that in here. It's very respectful of other people's consideration on these rights. For a small bill, there's a lot of good thinking in this bill.

Let me just read you something. This came out in the Columbus Dispatch. This is a quote from there:

Obama's massive intrusions into the heart of the Nation's economy have not helped: Buying auto manufacturers and running roughshod over bankruptcy law and investor rights in the process, taking over the sixth of the economy devoted to health care, imposing a new regulatory regime on the financial sector and spending hundreds of billions of borrowed dollars with no very great benefit.

Add to this the recent actions of the Democrat-controlled National Labor Relations Board. Perhaps its most damaging move has been to bring legal action against aircraft manufacturer Boeing Company for building a manufacturing plant in South Carolina. The NLRB seeks to punish a company for creating new jobs, at a time when unemployment is more than 9 percent and the Nation's economic growth barely registers.

The chilling effect on other companies that are considering building new plants is incalculable.

These moves have cowed, usurped, paralyzed or blocked the private-sector decision-making that is necessary to get the Nation moving again.

That's a quote from the Columbus Dispatch on 9/5/11, this year. And that's a perfect statement of a big picture of the regulatory burden that's made the

papers. But you can have just as much trouble with one bug. So, as we deal with this, we've got to have something that says King's X until we get this economy back rolling.

I will once again yield to my friend, and you tell me if you've got other things you want to talk about.

Mr. RIBBLE. I thank the gentleman for yielding.

I just thought it would be interesting, the President was in here just a few weeks ago with his jobs bill, and I was struck—I actually came into the Chamber with the intent of not really being critical but to try to find out what is it that we could agree on so we could maybe, for the good of the American people, move those things forward. But I was struck that the President didn't mention energy a single time.

Now, we've lost millions of jobs in the energy sector. Just recently, the President decided to punt on Keystone, the TransCanada pipeline which would have created thousands of jobs by even the lowest estimate, thousands of high-paying union jobs. Fully, labor was supportive of it, and he decided to kind of punt on that and not let jobs.

It seems like the President's jobs plan is really at the regulatory agencies where, since he's been sworn into office, employment has increased 13 percent. While the private sector is shedding millions of jobs, the President has decided to hire thousands of people at Federal regulatory agencies. Now, I guess it is may be so they can implement the 3,573 new rules that have been put in place since January 2010.

We have to get to a place where we understand the connection between employment, the connection between costs and jobs, and just American competitiveness. How in the world can we have businesses compete in this day and age when there's a constant onslaught from the Federal Government?

I thought I might read a quote from CNBC. We asked several CEOs leading up to the President's speech what bold steps President Obama could take to reduce the 9.1 percent unemployment rate. John Schiller, chairman and CEO of Energy 21 said:

If the government would get out of the way from a regulation standpoint and let us, 21, do what we do good, you'll see us continue to hire and grow this economy. I think that's a message from across the board.

And I believe it is a message. For some reason, it just doesn't seem like the executive branch fully understands how this economy actually works. Obstacle after obstacle after obstacle, layer upon layer of new rules and regulations, and each one of them hurting job growth and employment in this country.

David Park, President and CEO of Austin Capital, said:

Regulations have companies running scared. They are coming at businesses, and some new regulations are already taking a

toll while others will soon. This could be a real deterrent to future entrepreneurs.

And since most jobs are created by entrepreneurial companies under 5 years old, the difficulty of actually even forming and starting a company today is burdensome, and it's hugely complex, all because of this endless stream of control and regulations as if Washington, D.C., as if you and I, Judge, have all the answers. We don't have the answers. The answers are found in the private sector. The answers are found in the citizens of this great country.

Recently, we passed a bill just the other day on ballast water. I sit on the Transportation Committee, and I noticed while reading the bill that the Federal Government was going to promulgate rules for ballast water for ships that come into the United States and traverse throughout the Great Lakes. Now, my home is in Appleton, Wisconsin, just near Lake Michigan, just south of Green Bay, Wisconsin.

We have the Port of Green Bay there, and the concern was—I was reading the bill—that the Federal Government exempted themselves, that they were creating a whole new level of bureaucracy, red tape and rules that they were going to promulgate on private shipping companies but not on themselves. So a Federal science ship or an EPA vessel could traverse the whole globe and not have to manage ballast water the same way that everybody else did. So I added an amendment, and this body passed it, that said that if the Federal Government is going to promulgate rules on private shipping companies, they have to live by those same rules themselves. It's high time that the Federal Government begins to treat the government the same way they treat the private sector. I think if we start doing that type of thing, some of these problems will begin to go away.

Mr. CARTER. That's good common sense. Thank you for doing that. We appreciate it.

Congressman RIBBLE, I understand you have some support for this bill in the Senate. Would you like to tell us a little bit about that?

Mr. RIBBLE. Yes. There's a companion bill that is going through the Senate right now. It's the identical piece of legislation. It was crafted by Senator RON JOHNSON, a colleague of mine from the great State of Wisconsin. We thought it would be good for us to do a project together. We talk quite often, and the idea of attaching the moratorium to unemployment was Senator JOHNSON's idea. I thought it was a terrific idea. And he now has a companion piece of legislation. He told me that there are more than 20 cosponsors in the U.S. Senate.

And this bill now has over 70 cosponsors here in the House of Representatives, and it continues to move forward. I'm very optimistic that we're

going to be able to pass this bill through this Chamber and send it on over to the United States Senate where I hope reason will rule the day, that they will see this doesn't remove a single safety, it doesn't restrict any safety or put something out of the way that's currently in place. It just says let's give the American entrepreneur, the American job creator, some breathing space. Let's give them some room to just have some certainty for the time being, until unemployment starts to get going and the engine of our economy starts moving again.

And I hope that, and I challenge the United States Senate, after we send this piece of legislation over to them, that with most haste that they go ahead and pass it. And if they can't pass it, let's for sure let the U.S. Senate have a chance and Members of that Chamber to vote on it. They kind of have a method over there where they can protect Members from having to make tough decisions. They just table a piece of legislation and don't even vote on it. And I would challenge the Senate majority leader that when we send H.R. 2989 over there, that they would actually bring it to a vote, and let's have our U.S. Senate stand up and say whether they agree with this or not and have them go officially on the record about whether they believe that regulations are a problem in this economy or not.

Mr. CARTER. And when the American people hear that once again we've got over 20 bills that could have done something to turn this economy around that have been tabled, I hope they will ask themselves, Why did the Senate table my job? Because everything's about jobs. When you table a piece of legislation, you're tabling somebody's job.

□ 1850

One of the things that a lot of people don't understand—and that's just because they don't think about it; once they start thinking about it, they can understand it—that they hear something like the pipeline. I happen to have spent every summer of my life from the time I was 15 until I graduated from law school working on pipelines. I have worked on pipelines in Texas, Louisiana, and overseas in the Netherlands in Europe, and in Belgium. So I'm an old laborer on the pipeline. When you hear "pipeline," you think the pipeline of the pipeline. But the number of people involved in laying a pipeline and the number of assorted jobs you don't even think about that are involved in that are overwhelming. In many instances, you've got to cut roads out to where the pipeline is going to be. So you've got road builders involved, you've got gravel haulers, and in some instances asphalt layers, if the farmer will let you.

You've got the pipe. The pipe industry is making pipe. The welders are

welding the joints. The people that are surveying are surveying the project. The heavy machinery is digging the ditch. Many individuals are cleaning the ditch with hand shovels because it's got to be a certain way, or you get a process which can cause the pipe to have an electrical charge on it. Engineers are engineering it; scientists are studying it. The product that's going to flow down that pipeline is being tested so that you see what stress levels you're going to have. It creates jobs, not just a pipe; but there are hundreds and hundreds of industries that are tied to just laying a pipeline.

If you're drilling an oil well, the same thing. Those offshore drill rigs, you know who got hurt bad on that? The guys that feed those people out there on those rigs and the helicopter pilots that fly the food out there. I mean, it shut down restaurants and closed down helicopter businesses in the gulf coast when we had the moratorium. We forget those little guys that are providing those services for the big ExxonMobil or some other platform out there. But in reality, there's thousands of small businesses connected to any major project like that.

A minimum number of jobs for that construction on the pipeline, it's been estimated, is 25,000 jobs. I can tell you, unless the world has changed a whole lot since I was a kid, it's the best-paying job for a laborer that I could find in the State of Texas for a kid my age. I worked until I was 26 years old on those things in the summertime, and it still was the best-paying part-time job I could find anywhere in the State of Texas, or even better, in Europe.

So the point being that there is a domino effect when there is a big project like this, or the lumber industry you were describing in your State, or the shipping industry on the Great Lakes. It's not just ships that are involved in the shipping industry. It's hundreds of other professions that are involved in the shipping industry.

And when we start thinking about that concept, when you go out and hit the big guy—people around this country have got this idea that big guys, big things are bad, and they don't realize that it takes hundreds and sometimes thousands of little guys to keep the big guy's project going. They're all making a living and they're all raising their families and having their homes based upon that project. This is the concept of what capitalism does and free enterprise does for our country.

And when the regulators stop something like that pipeline, or when they put a moratorium on it until after the election so you don't have to talk about it during election time, that hurts little guys as well as big guys. And it's a wrong concept. We've got to make this country once again prosper, and it takes a lot of things to make it prosper. So we're just asking for the

government not to be one of the hindrances. And I think that's what makes this a great bill.

We're just about out of time. I want to thank you for joining me and explaining the bill and allowing me to be an original cosponsor with you on this bill so we can work this together. I will do everything within my power to assist you in getting this bill to this floor and passed through this House; and hopefully Senator JOHNSON will get it done over in the Senate, and we'll help him where we can. And it will be good for America to say time out, time out on these regulations.

Mr. Speaker, I yield back the balance of my time.

RIGHT TO VOTE UNDER ATTACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, thank you for recognizing me, and I thank the Democratic leader, Ms. PELOSI, for giving me this time. I thank my colleagues for listening and for joining me in a few minutes. But I am also very sorry to be here in a certain respect. I'm sorry because I stand here tonight to talk about threats to the right of American citizens in States across this great country to go to the polls and cast a ballot in our elections.

The single most fundamental aspect of our democracy—or any democracy—is the right to vote, and that right is under attack. Mr. Speaker, there is no right mentioned more often in the Constitution than the right to vote. In the past 207 years we have amended the Constitution 15 times. Seven of those amendments—almost half of the amendments—over the last two centuries are about protecting, in the words of the 14th Amendment, the right to vote.

Minorities, women, adults over 18 years of age, poor citizens, and of course citizens of our Nation's Capital—at least if only for the Presidential election—all of these groups' right to vote has been enshrined in our Constitution. That's why it is so troubling to see dozens of States passing laws that will make it harder for citizens of the United States to vote. Whether by denying them the opportunity to vote after church on Sunday

before the election day—perhaps because they cannot take time off work on election Day—or requiring them to spend time and money to procure a birth certificate and a photo ID, the only thing that these laws will do is to weaken our democracy. They are just plain wrong.

Hopefully, I will be joined by some of my colleagues. But I do want to spend a little bit of time explaining to the American public and to my colleagues what this is all about. And I'm going to start off by the photo ID voter requirement which is being passed obviously out of the legislature in the State of Texas and to be enacted for the 2012 election.

What is it exactly? Well, people will say, you mean, you just have to have a photo ID? It is not just any photo ID; it has to be one that meets all the requirements of a particular State's laws. So you would say, well, how onerous could that possibly be? As I've said, it is not just any government-issued photo ID that will be accepted on election day. It has certain requirements. So, much to my surprise, I recently found out that basically my identification and my voting card that all Members of Congress use would not be sufficient, would not meet the requirements in the great State of Texas. But it should not come as any surprise, because if you are a veteran and you have a photo ID that allows you to go to the Audie Murphy Memorial Veterans Hospital in San Antonio, Texas, in my district, that photo ID will not suffice under Texas law. If you're a student in one of our State-supported institutions that has your photo on there, has your name, all that information, that is not going to meet the requirements in the State of Texas.

So you would ask, why would we pass these laws? What is the need? What is the requirement? Because we all know, whether you're in the State legislature or in this great House of Representatives at the Federal level, we don't pass unnecessary laws. So there must be a purpose behind these photo ID laws as well as other laws that are restricting the rights of individuals to exercise the right to vote.

It is to stop fraud. The photo ID, its whole purpose is to stop people from impersonating an eligible voter.

□ 1900

Now, you would say, so that must be happening across this great country and that's why we need this law. People are impersonating other people. People that shouldn't be voting might be impersonating an eligible voter. So let's discuss that, the reason for the photo ID in these many States.

I'm going to give you the example of the State of Kansas. The secretary of state pushed an ID law on the basis of a list of 221 reported instances of voter fraud. This all was supposed to have oc-

curred in Kansas since the year 1997. So from 1997, for about 13 years, there were 221 reported instances of voter fraud. When the newspaper, the *Wichita Eagle*, looked into the local cases cited by the secretary of state, they found almost all of them were honest mistakes. None were attempted to be perpetrated by someone impersonating someone who they were not.

A great example of that, and I have to read you the excerpt from the *Wichita Eagle* of October 29, 2010:

Republican Kris Kobach, who has built his campaign for secretary of state around the issue of voter fraud, raised the specter of the dead voting in Kansas.

Kobach said in a news conference Thursday that 1,966 deceased people were registered to vote in Kansas.

"Every one of those 1,966 identities is an opportunity for voter fraud waiting to happen," he said. Furthermore, he said, some were still casting ballots. He gave an example of one person—Alfred K. Brewer, a Republican, registered in Sedgwick County with a birth date listed of January 1, 1900. Brewer, according to the comparison of Social Security records and Kansas voter rolls, had died in 1996 yet had voted in the August primary, Kobach said.

Reached Thursday at his home where he was raking leaves, Brewer, 78, was surprised some people thought he was dead.

"I don't think this is heaven, not when I'm raking leaves," he said.

Those are example after example. No one can give you a specific example of voter fraud based on someone impersonating someone who they should not be on Election Day.

Now, between the years 2002 and 2007, a major Department of Justice, at the Federal level of course, had a probe into voter fraud. The result was failure to prosecute a single person for going to the polls and impersonating an eligible voter. Zero prosecutions. After tremendous amounts of manpower, time, energy, and money, nothing happened.

Now, the Brandon Center for Justice, the cases for voter fraud, what is it? So if you have a law that is addressing a particular offensive-type behavior that obviously hurts this great Republic of ours, such as voter fraud, surely we must have demonstrated, tangible, verifiable cases out there.

The Washington Post, in an editorial, was looking at the number of alleged voter fraud. And these are not all predicated on voter ID. It could be some other type of fraud that's being perpetrated. But if you took all of the cases that have ever been alleged, this is the percentage of the total votes cast of those that might be suspect; because you've got to remember, there's going to be a price we're going to pay for this law, and that is it's going to disenfranchise the eligible voter in pursuit of the phantom illegal voter.

In Missouri, if you took all of their complaints, it would amount to, when compared to the total voter turnout, 0.0003 percent. In New York, it would amount to 0.000009 percent. In New Jersey, it would be 0.0002 percent.

So where is the voter fraud? What are we trying to address in passing these laws by the different State legislatures?

We had a recent occurrence, and this was not even a voter ID case, but this is where the secretary of state in Colorado, Mr. Gessler, was dropping voters from the voting list and not forwarding ballots for voting based on that particular voter not having voted in 2010. It didn't matter if they voted previously to that. If they did not vote in 2010, then they were dropped from the rolls.

And what was the reason for that? Well, there's potential voter fraud, potential of fraud. But they could not—that secretary of state, when they finally went to court, could not address, could not demonstrate, could not offer into evidence one case of voter fraud, not one. Based on his suspicions or conjecture.

In 2006, in the great State of Texas, my home State, the Texas attorney general had a press release, and it was entitled, "Let's Stamp Out Voter Fraud in Texas." Sounds good. Sounds like a good thing to do. He could not name one, not one single case of fraud that would have been stopped by a voter ID law in the State of Texas.

I would yield at this time to my colleague, the great Representative from the great State of New Jersey, RUSH HOLT, for such time as he may consume.

Mr. HOLT. I thank my friend from Texas, and I thank him very much for setting aside some time for this important issue.

You know, more than a century ago, the Supreme Court described the right to vote as the most fundamental right in our government because it is the preservative of all other rights. Indeed, that's true. And many years later, half a century ago, President Lyndon Johnson said that "the vote is the most powerful instrument ever devised by man for breaking down injustice."

The vote is the lifeblood of self-government, and it's one of the most powerful ways that citizens can affect change. The integrity of the electoral process is fundamental to ensuring that the voice of the people is heard.

I often say that a self-governing country such as ours works only if you believe it does. And we must make sure that every American knows that every vote counts, that every vote will be counted and that, you know, recognizing how complicated—it's not as simple as we would all like to believe—how complicated it is, that we, at the Federal level and at the State level, are doing everything we can to protect the franchise, to protect the franchise of each citizen to cast his vote. And it's not just that we want to protect this as a right; it's something we should desire for the sake of our country, that we get the diversity of opinion.

Well, what's happening right now is in State after State there's legislation that's intended to exclude some opinions, exclude some individuals, exclude some groups. Of course, this is something this country has seen in the past and worked diligently—yes, through Federal law—to correct. It was known as a poll tax. There were also literacy tests, quite clearly intended to exclude African Americans from not just their right to vote, but from their obligation and their privilege of voting.

What happens if laws are enacted to diminish the integrity and the accessibility of the ballot box for particular sectors of society? What happens if those disenfranchised voters typically vote for candidates representing one party?

Well, I came of age in the throes of the civil rights movement, when our colleague Representative JOHN LEWIS, then a young man who had been tapped by Martin Luther King, Jr. to become a leader in the movement, was beaten. I often say he's the only Member of this Chamber who had his skull cracked, literally, to try to earn the right for everyone, every citizen to vote.

In the aftermath of those bloody confrontations, Congress said there is a role for the Federal Government. The Voting Rights Act of 1965 was passed, and it's made an enormous difference.

But we can't sit back. We can't rest because right now, in State after State, there is effort to exclude some people. If you require people to jump through a lot of hoops, maybe not a lot of money, but spend some money, to me, that's a poll tax.

□ 1910

That is illegal, unconstitutional. We thought we had gotten away from it. We thought we had gotten away from so-called literacy tests where people had to jump through some truly unreasonable hurdles in order to vote, where prospective voters were quizzed to ask how many bubbles there are in a bar of soap. Hurdles that could not be crossed.

Well, you know, it sounds reasonable when you say you don't want anyone who's not eligible to be showing up to vote. But where are those people? In State after State, these ID requirements are put in place to deal with a problem that doesn't exist, and millions of Americans are being excluded from voting in order to deal ostensibly with this problem of fraud at the polling place.

Now, I don't doubt that in some ways, subtle or otherwise, there is some fraud. But I have not heard of a single immigrant coming across the border, walking through the desert of our southern States so that they could sneak in and cast a ballot some place.

There are tough laws and severe penalties for people who vote fraudulently

in the name or address that is intended to deceive. But very few people have been caught doing that. There are very few examples of prosecutions or apprehensions or, for that matter, even suspicions of this happening. And yet all of these laws that are being passed are ostensibly to deal with that problem. It's a problem that doesn't exist in nearly 5 million Americans by estimates from such people as the Brennan Center of the law school at NYU. Five million people might be excluded from this.

So I thank my friend from Texas for engaging in this discussion tonight. Indeed, this is the right that preserves all other rights. What could be more important? It is cynical, it is disingenuous, it is un-American what people are doing in a very systematic way to exclude large groups of people from voting to solve a problem, an imaginary problem that's been trumped up. I believe it's been trumped up just so that they could exclude large numbers of people from voting.

I thank my friend for raising this critically important question.

Mr. GONZALEZ. I thank my colleague from New Jersey, and I appreciate his words of encouragement here to address what is going on in this country as we speak. As a matter of fact, there are other laws that are awaiting legislative action in different States.

I return still because I think people have a legitimate and good faith question about what are these laws supposed to address. And it's supposed to be about fraud. Mr. Speaker, let me address the claim of fraud once more.

There is no voter fraud that is going to be stopped by denying a 96-year-old woman in Tennessee her voter ID card because her last name doesn't match the name on her birth certificate, and she doesn't have a copy of her marriage certificate showing the change. There is no voter fraud that will be stopped by denying Floridians the right to vote after church on Sunday before election day.

Is that because there is no fraud? Not really. Fraud isn't about voters going to polls when they're not eligible. It's about the two individuals in the State of Maryland who were indicted earlier this year for organizing deceptive robocalls to keep voters from the polls. It's about the robocalls last month in the State of Ohio telling people that the election was on a Wednesday. This is about the group in Houston, Texas, that just hosted a man who said that registering the poor to vote is un-American and "like handing out burglary tools to criminals." That's the fraud that's really perpetrated on Americans today.

It's an old story of keeping people away from the polls when we should be encouraging them to vote. These new voter ID laws and law curtailing early

voting or election day registration won't stop this kind of fraud, and the kind of fraud that would stop simply does not exist.

The previous administration, as I noted earlier, nearly broke the civil rights division of the Department of Justice in its quest to find this kind of voter fraud that voter ID would stop. They couldn't find any because it does not happen. But these laws will have a powerful effect. They will deny millions of Americans the right to participate in this democracy.

So we know what the law is. We know what it is intended to address, but doesn't really exist which is that kind of fraud. But what is the cost?

Mr. Speaker, all of us in this Chamber understand that when we pass legislation, we always look at the cost-benefit aspect of it. In other words, does the good really outweigh the bad? Is it worth the investment because there's going to be some consequence. In this case, it would not pass any kind of scrutiny if we really look at what it's going to cost Americans and how it's going to benefit Americans.

Now, the NAACP in a brief from November 1 of this year cited the following information: 11 percent of eligible voters in this country, 11 percent of eligible American citizen voters, 21 million strong, don't have updated State-issued photo IDs. So who's going to be impacted? Potentially 21 million eligible American citizen voters.

But of that 21 million, 25 percent will be African Americans, 14 percent are families or individuals that earn less than \$35,000 a year, 18 percent will be seniors over the age of 65. But even 20 percent will be individuals between the ages of 18 and 29.

So I was asking a colleague, why do we do the analysis? What is the benefit and what is the cost? And many times we'll say, well, the cost is beneficial because it's worth that kind of investment if we get any kind of return.

Let me point out the fallacy of these laws when we actually apply the test because when we talk about numbers, they are mere numbers in the abstract; but these are real American voters that will be denied their right to vote when they go to that polling place and are informed that they need a State-issued photo ID.

There is no more fundamental right than that of voting, and a barrier that stops 1 percent of the people from voting is not acceptable merely because 99 percent of the people are still able to vote. Think of that proposition.

□ 1920

You simply are saying, well, if we just deny 1 percent, 2 percent, 3 percent, or 5 percent, you still have 90-something percent of the population, of the registered and eligible voters, who are still going to be able to vote. But think in terms if that were your vote

or if that were a family member's vote. Every vote is precious in this country, and there is no evidence to support that what you're addressing is a widespread problem that will disenfranchise many, many thousands—hundreds of thousands and even millions—of American voters. That's what we're facing here today. That's what the analysis shows.

So, even if the lies of any scrutiny would show that this is ill-conceived, it will not produce the result that you're seeking because the problem that you're trying to remedy does not exist. There is a price that will be paid, and the price will be paid by many disproportionately—by seniors and minorities and by those who may not be in the upper economic scales of this country.

It is now my honor to yield such time as he may consume to my colleague from the great State of Florida, who can tell us many things about the Florida experience, Congressman TED DEUTCH.

Mr. DEUTCH. I thank my friend for yielding, and I thank him for the opportunity to come and join with him tonight to address an issue of great concern to many Americans.

We're here tonight because Republican State legislatures across the Nation are passing laws to make it harder for people to exercise their right to vote. The story they tell is one of rampant voter fraud that threatens the integrity of our elections and the very foundation of our democracy. It's a scary story. Imagine—just imagine—mobs of illegally registered voters entering our poll booths and hijacking our elections.

However, there is something far scarier than the story that's being told—and that's the reality. It's the reality that our electoral system is not under siege by voter fraud but, instead, by an historically deliberate and ongoing effort to suppress the votes of America's minorities, seniors, students, and other traditionally Democratic voters.

Now, while this is a nationwide trend, there is no question that the recent voting law passed in Florida takes the cake for radically infringing on voting rights. Ask any Floridian. Florida doesn't have a history of voter fraud. Florida has a history of voter suppression. This is a State that didn't ratify the 19th Amendment, guaranteeing women the right to vote, until 1969. This is the State where, in 2000, Secretary of State Katherine Harris eliminated 57,000 votes, mostly of minorities, simply because their names resembled those of persons convicted of crimes. They were wiped from the voting rolls. Now, our current Governor, Governor Scott, wasn't in Florida in 2000 when George Bush's legal team fought to stop counting the votes, when Katherine Harris certified election results without including the re-

count from my own Palm Beach County, and when the Supreme Court stopped a manual recount of votes. Florida is the State where thousands of seniors, whom I am so privileged to represent today, headed to the polls on election day in 2000 and never had their voices heard.

That was hard work. It was hard work silencing the voices of the voters. HB 1355, the Florida election law, the voter suppression law, makes it child's play.

Florida is the State where, in 2008, when Governor Charlie Crist extended early voting hours, Republican officials decried the fact that better access to voting would likely cost them the election. Now Florida is the State that is serving as a model for Republican legislatures across the country that are looking for ways to suppress turnout at the polls.

HB 1355 eliminates the ability of voters to update their addresses or names at the polls due to marriage, divorce, or even military base relocation. Those voters now have to cast provisional ballots, which will likely go uncounted.

HB 1355 also cuts early voting from 14 days to 8 because of the fact that the United States of America is one of the few democracies in the world where not declaring election day a national holiday is simply not restrictive enough.

HB 1355 also allows absentee ballots to be arbitrarily tossed out of elections because of poor handwriting. The men and women I represent who may suffer from Parkinson's disease or arthritis or from the aftereffects of a stroke will have their votes thrown out because their quivering hands make their signatures look sloppy.

Perhaps most disturbing is how HB 1355 cripples the ability of third-party groups, like the Boy Scouts and the League of Women Voters and the NAACP, to run voter registration drives. In fact, any third party, including high school civics teachers, that offers to help students register to vote must turn in the registration forms within 48 hours or face fines.

By passing HB 1355, Florida has provided States across the country with a blueprint for the voter suppression of minorities, seniors, students, and other Democratic voters.

The voter fraud bogeyman may be a scary story, but it cannot compare to the very real and very blatant voter suppression efforts of Republican legislatures across America. Perhaps, because they know they can't win fairly, they need to suppress voters, not because of imaginary voter fraud, but because of real Americans—real Americans who have seen the true colors of a Republican agenda that ends Medicare, that slashes education, that eliminates jobs, and that limits economic opportunity for working families. Real Americans have had enough, and they have the right to express themselves by

exercising the most basic, the most fundamental right in our Nation—the right to vote.

I thank you for organizing this opportunity tonight for us to make very clear to all who are watching that we won't let them take that right away.

Mr. GONZALEZ. I thank my colleague from Florida.

At this time, I yield to a dear friend and colleague who is also from the great State of Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ, for such time as she may consume.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

It's really wonderful that the gentleman from Texas has organized this opportunity to have Members come to the floor and highlight our concerns and our commitment to protect the fundamental right and the very bedrock of our Democratic principles—the right to vote.

I am pleased to stand with so many of my colleagues who all share my deep concern over the organized, insidious effort now underway in many States to disenfranchise millions of Americans and to silence their voices in our democracy. These efforts are purported to combat so-called rampant voter fraud; yet no investigative effort to date has found voter fraud to be a major problem in our Nation, so no one should fall for this ruse. As my colleague from Florida just outlined, every American should understand and be concerned about the political disenfranchisement that is going on in many States, including in my home State of Florida. State legislatures are attempting to impose voting restrictions that are the modern day equivalent of poll taxes and literacy tests.

Now, let me be clear. The foundation of our participatory democracy, of our democratic society, is rooted in the right to vote, in the right to choose our elected leaders, to have representation in government, to have input on the major policies of the day—the right to have our voices heard. That's why more than 250 years ago we threw off the shackles of the British Empire that denied American colonists representation in Parliament.

The fight toward universal suffrage has been long and arduous, but it is a fight worth fighting. As May Wright Sewall, a leader of the women's suffrage movement in 19th century America, said:

Universal suffrage is the only guarantee against despotism. Just as those who came before us have fought to gain and retain the right to vote, we, too, must stand vigilantly against those who seek to limit it. Each time I cast a ballot, I am reminded that it is a right not to be ignored. Less than a century ago, the women who came before us were denied the right to have their voices heard. Women during that time were confronted by a wealth of ar-

guments against our right to suffrage. Women did not want the vote or women were already represented by their husbands or—one of my favorites—a woman's place is in the house.

□ 1930

Well, I would agree with that last statement, if we're talking about the House of Representatives, with the note that a woman's place is also in the Senate, the Governor's office, and in all seats of government. The women who fought for my right to vote were beaten, jailed, ostracized, and tormented. But still, they kept on and persevered because they knew that the women of our great Nation should not be deprived this fundamental right. So, no, we will not stand by and allow anyone's voting rights to be threatened, not on our watch. And many of our colleagues also know this fight too well.

Despite the passage of the 14th and 15th Amendments, giving citizens equal protection under the law and the right to vote regardless of their race, African Americans still faced more than a century of overt voter suppression. And while we made huge gains with the Voting Rights Act of 1965, a seminal moment in our Nation's history where we declared that truly no election law can deny or abridge voting rights because of race or color, we cannot afford to sit back and just declare the fight over.

The struggle for universal suffrage is not over. We cannot allow State legislatures to drag our Nation backwards in what is nothing more than a political quest to protect their governing majority's interests.

A little more than 10 years ago, Florida experienced election day turmoil that reminded us all how important it is to remain on guard against disenfranchisement. The many irregularities that occurred in my home State during the 2000 elections were a painful reminder of how rights can be denied.

The Commission on Civil Rights report on the 2000 election in Florida found “widespread voter disenfranchisement.” As Commissioner Chairperson Mary Frances Berry stated at the time, “It is not a question of a recount or even an accurate count, but more pointedly the issue is those whose exclusion from the right to vote amounted to a ‘no count.’”

In the last year, scores of States, including Florida, have passed laws restricting access to the polls. A recent Brennan Center report found that these changes in State voting laws will likely suppress the vote of more than 5 million voters nationwide. We need look no further than my own home State of Florida to see the threat against universal suffrage. The Florida law passed last spring restricts both voter registration and voting opportunities. It was championed by Governor Rick Scott and passed by the Repub-

lican-led legislature which has overwhelming majorities in both the House and the Senate.

First, it restricts the ability of non-partisan organizations or individuals from helping citizens register to vote. It fines people in groups up to \$1,000 per voter if registration isn't turned in within 48 hours. Just the other day, a teacher was sanctioned and is now being prosecuted because she didn't turn in her students' voter registrations within the new amended time frame that voter registration cards have to be turned in. And now she is being subjected to a significant fine per vote.

As a result of this law, the League of Women Voters, a champion of non-partisan voting rights for over seven decades, has suspended its voter registration operations in Florida because they can't take the risk to think that they would be bankrupted by this absolutely unfair, terrible law.

Second, the Florida law rolls back early voting opportunities, including the Sunday before an election. It eliminates voting on the Sunday before an election. And I can tell you firsthand how important weekend early voting is for the thousands of seniors who live in my district and for millions all across the State.

Also in 2008, African Americans and Hispanics, who together make up roughly one-quarter of Florida voters, accounted for more than half of all voters on the final Sunday of early voting. So do we think it's a coincidence that that group of voters, which voted overwhelmingly for Democratic candidates, now suddenly has their right to vote on that particular Sunday removed from them?

As far as we have come in our society in broadening the scope of civil rights, we cannot afford to revert to a time when it was acceptable to limit the rights of a select few. We are not meant to have a government of some people, by some people, for some people. I hope my colleagues will join me in ensuring that we uphold President Abraham Lincoln's democratic ideal of government for all the people, elected by all the people.

I thank the gentleman from Texas for the opportunity to speak tonight.

Mr. GONZALEZ. I thank my colleague from Florida.

At this time, Mr. Speaker, I would like to enter into colloquy with my colleagues from Florida and New Jersey. I guess I'm just going to pose the question: So what if just a few people are denied access to the ballot box? It's just a few. And after all, we're trying to see if there's any kind of provable, tangible fraud going on. Now, they haven't been able to prove any fraud based on identification, of course. But you pointed out in your remarks what happened in Florida in 2000.

How many votes in Florida actually determined who was going to be President of the United States of America?

Ms. WASSERMAN SCHULTZ. 537.

Mr. GONZALEZ. And we've already touched on estimates of how millions of eligible American citizen voters don't have a current State-issued ID. The number is in the millions. And in Florida, it was less than 600 votes.

I don't know the experience in New Jersey. But it would seem—and I went over this earlier, and I don't know if my colleagues were here—we passed laws in this Chamber, and we always try to demonstrate that we're trying to remedy a situation that is true in existence. And the manner in which we do it—we look at cost benefits. We can't prove fraud; but I can assure you, we can prove beyond a shadow of a doubt that people will be denied access to the polls.

Mr. HOLT. I thank my friend from Texas.

The history of America has been a history of expanding the franchise, the opportunity, the right to vote. And it's based on this principle that we often talk about in this Chamber but maybe don't pay enough attention to, which is the principle of equality under the law. We're not just saying that. Yes, everybody can vote—well, unless you are disabled, and you can't get into the polling place. Or everybody can vote except, well, if you're 75 years old, 85 years old, you are no longer driving, and you have let your driver's license expire, and, no, you haven't gotten down to the Department of Motor Vehicles to get another one. Or we'll let everybody vote—well, as long as you pay a tax or if your grandfather voted or if you can cross these hurdles.

Our history has been a history of saying everybody is equal under the law. And we don't put artificial hurdles in place. The 15th Amendment said you can't deny African Americans the right to vote. In 1915, the Supreme Court said, The grandfather clauses are unconstitutional, which would outlaw exemptions from literacy requirements for voters whose grandfathers had been eligible to vote at the time of the Civil War.

The 19th Amendment said women can vote. The 23rd Amendment said citizens of the District of Columbia could vote in Presidential elections. The 24th Amendment outlawed poll taxes. And in 1965, as I referred to earlier, in the aftermath of the march across the Edmund Pettus Bridge in Selma, the Voting Rights Act was passed, which prohibits discrimination on the basis of race or language-minority status. It prohibits the use of suppressive tactics in various poll tests.

I could go on. The 18-year-old vote, the Americans with Disabilities Act, which requires equal access to voting places, the National Voter Registration Act, the "Motor Voter Act," these are

all based on the principle of equality under the law.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. HOLT. I would be happy to yield.

Ms. WASSERMAN SCHULTZ. Thank you.

In answer to the gentleman from Texas' question, what's wrong with it, is this is supposed to be a country that affords everyone—regardless of any category that you fall into—the opportunity to vote. The voter suppression laws that have been passed by Republican legislatures, championed by Republican Governors across the country, have systematically targeted specific groups of individuals based on their propensity to vote differently than the legislators who support those laws would like to see them vote.

In other words, they are essentially blocking access to the polls for people who vote against their interests, against Republican interests. Blocking anyone's access to the polls is unacceptable to begin with, but insidiously trying to influence the outcome of an election through systematically changing the law to prevent people who are likely to go to the polls to vote for your opponent is the most heinous form of antidemocratic policy. I mean, it's the kind of policy that you would see in countries that we abhor, countries that we criticize.

□ 1940

For example, let's take the photo ID laws, and we have a photo ID law in Florida. There are photo ID laws across the country. You may have told the story about the 96-year-old woman from Tennessee. I'm sure you've already talked about that this evening. If you look at the statistics, which you may have gone over as well, 11 percent of Americans don't have a photo ID—11 percent. Twenty-five percent of African Americans don't have a photo ID, and I don't know the number, I was looking for the statistic for Hispanics.

It is unacceptable to say that the only way you can identify somebody is by requiring them to carry a photo identification in order to vote. That's just ridiculous. Modern technology today allows for signature matches. All of our supervisors of elections have the signatures on file either in the old-fashioned way, written on a piece of paper, or scanned into a computer where they can match the signatures. That's how they have done it for many years in Florida until they imposed the photo ID law. All photo ID laws are an obstacle in the path of an individual who is more likely to go and vote for someone who is not a Republican. I'm sorry, elections should be won fair and square.

Mr. HOLT. And continuing to answer the gentleman's question: Who cares? Why does it matter? My friend from Florida has talked about how millions

can be disenfranchised, excluded by the photo ID laws. Additionally, State after State has made it more difficult to conduct voter registration drives. So people who are eligible, who should be voting, are prevented from or hindered in their registration. And hundreds of thousands, we expect, would be excluded because of registration drives. And there are other restrictions, too, that I will talk about in a moment.

Ms. WASSERMAN SCHULTZ. I just want to tell a story on that very specific restriction. We had the Republican secretary of state in Florida recently ask the attorney general to start assessing \$50 fines for each of the 76 voter registration applications that were submitted by a high school teacher in Santa Rosa County. There was no indication of foul play. The applications were of individuals who appeared to be eligible Florida voters. They were high school kids who were 18 and were eligible to vote. But because Florida has changed the law under the Republican voter suppression law that requires registration to be turned in within 48 hours, and it used to be 10 days, this teacher got fined because she was trying to help her students register to vote and didn't get them in under the new time limit.

Mr. HOLT. So I ask the gentlelady, how many other patriotic Americans are going to be deterred from asking their friends, their neighbors—in this case, maybe students—from registering for fear that they'll be prosecuted if they don't dot the I's just right?

Ms. WASSERMAN SCHULTZ. Exactly. The League of Women Voters in my State, Mr. HOLT, has registered voters in Florida for seven decades and suspended their voter registration activity after this law passed because they can't take the risk. The organization would become bankrupt. Can you imagine, the League of Women Voters no longer registers people to vote in the State of Florida.

Mr. HOLT. And then in other States—who cares, my friend asks—in other States, they're making it harder to cast absentee ballots. So that's going to exclude people.

You know, you don't have to be a conspiracy theorist to see behind this a purpose of exclusion. This is not, Oh, we're just trying to clean up the procedures here to make sure that it's all neat and tidy. No, this is deliberate exclusion.

Mr. GONZALEZ. Well, the curious thing, and I know the gentlelady from Florida has already pointed it out, there is no doubt that certain segments of voters are being targeted. This isn't an even application whose consequences will be felt across equally all sectors or segments of the voting population. We know what is really going on, and it is an asserted, directed effort. And some people may find it exceedingly hard to believe that that's

what these laws will actually accomplish rather than the lofty goal of somehow eliminating, addressing voter fraud when we've already stated that you don't have any demonstrable evidence that the fraud is occurring.

Now, I do want to say in Texas, we just had this new photo ID law passed, and so I went to the Secretary of State's Office and I went to the Department of Public Safety which is charged and tasked with the duty of providing this election ID, photo ID. Now, this is the amazing thing. The Department of Public Safety in the State of Texas has not been appropriated one extra dollar for this added burden. They are not going to have extended hours. They are going to have the regular hours. They're not going to have any mobile units of any type. They will continue using their existing facilities which are already taxed to the limit by individuals who are going in there just for regular business.

Now, this is the State of Texas. You may not believe this, but I think Florida is a pretty big State. New Jersey, not as big. But you can have a distance of 100 miles from some of our towns to the nearest DPS office. Now, why would that be important? You don't have a Texas driver's license, so that tells you you're going to have to get someone to drive you to the DPS station. And then you're going to be in the same line. Maybe they'll queue it a little differently, whatever it is, but I'll tell you now, the Texas experience is no different than most other States where you stand in line for inordinate amounts of time. If we're talking about the elderly, if we're talking about those who have some sort of a physical handicap, they can still go out and vote because they're so proud of the right to vote that they've been exercising for 60-plus years.

I would yield to the gentlelady from Florida.

Ms. WASSERMAN SCHULTZ. Thank you.

Because in some States it's equally as bad. It is certainly bad enough in Texas they're not putting more funding in to make sure those people have more access to get those photo IDs. But in some States, because of the budget cuts, they're systematically, in communities that have large African American populations and large Hispanic populations, shutting down driver's license offices, so it's even harder for those communities to go and get a photo ID.

This has been insidious. The disturbing thing about this is that it's clear that these Republican legislatures, led by Republican Governors, just don't think that they can win an election on the merits. And so they need an insurance policy because, in the event voters actually decide that no, Republicans aren't interested in creating jobs, no, they're not inter-

ested in getting the economy turned around, and, gee, maybe I'd like to actually go to the polls and vote for the candidate of my choice, they are using the insurance policy of voter suppression laws to make sure that people who are likely to go to the polls and vote for someone other than them can't do it. It's un-American. It's unacceptable.

Mr. GONZALEZ. I believe we still have at least 5 minutes, and I surely wanted to reference an article that was written by our colleague from Georgia, JOHN LEWIS. Mr. HOLT, I think, has already referred to Mr. LEWIS' illustrative career in the civil rights movement and such, but I would like to read the last couple of paragraphs because coming from JOHN LEWIS it is special because he's lived the worst of times and he knows that it's been a progression, a slow one, and we're not there yet. To somehow return to those old days under the guise of some sort of voter fraud, which again has not been demonstrated, we know the cost is going to far exceed the benefits.

This is what he said:

These restrictions purportedly apply to all citizens equally. In reality, we know that they will disproportionately burden African Americans and other racial minorities, yet again. They are poll taxes by another name.

The King Memorial reminds us that out of a mountain of despair we may hew a stone of hope. Forty-eight years after the March on Washington, we must continue our work with hope that all citizens will have an unfettered right to vote. Second-class citizenship is not citizenship at all.

We've come some distance and have made great progress, but Dr. King's dream has not been realized in full. New restraints on the right to vote do not merely slow us down. They turn us backward, setting us in the wrong direction on a course where we have already traveled too far and sacrificed too much.

□ 1950

Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. JOHNSON of Ohio). The gentleman has approximately 5½ minutes remaining.

Mr. GONZALEZ. I'd like to yield time to each of my colleagues as we close out the Special Order.

I would first recognize the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

So, as efforts are made to put hurdles in the way to require proof that is difficult or expensive to get, that is, if offices are closed, and open periods for absentee ballots are shrunk, and early voting is discontinued as it has been in some States—in fact, Florida, Georgia, Ohio, Tennessee, and West Virginia have succeeded enacting bills that reduce early voting—all of this serves only to reduce the dignity of Americans by saying the principle of equality applies except for some people, some people as I said, who might have physical disabilities or might be elderly or might be low income.

But, more than that, it deprives us of a working democracy. The reason, the history of America has been a history of expanding the franchise so that we could have a more stable, productive democracy. We want everyone to vote. It makes this a richer country in every way.

I thank the gentleman for setting aside this time. I can't think of a more important topic to be debated in this great Chamber.

Mr. GONZALEZ. I thank my colleague for his participation and his words.

I would yield to my colleague from Florida.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding, and thank you for the opportunity for calling us together on this very important topic. I just want to close out my time very briefly by saying to the gentlemen from Texas and New Jersey that we are not going to lay down and just allow these laws to stand, that there are civil rights organizations, as we speak, pursuing these laws because we know that they are violations of people's, of individuals' constitutional rights.

We know they are violations of the Voting Rights Act of 1965. We know that the Justice Department is reviewing many of these laws because they have to be precleared under the Voting Rights Act of 1965. So people should know that while we are here expressing grave concern, we are certainly not only using our voices to fight these insidious laws; we are standing up for the franchise, standing up for the right to vote and making sure that, as Democrats, we go to bat to make sure every eligible voter has an opportunity to cast their vote for the person that is the individual that they want to represent them in this representative democracy. We are standing against individuals who try to fix the outcome of elections by blocking people's access to the polls.

Mr. GONZALEZ. I thank my colleague from Florida, I thank the Speaker, and I yield back the balance of my time.

Mr. BACA. I want to recognize my colleagues, Mr. HOYER and Mr. GONZALEZ, for organizing this special order hour.

The United States is the land of opportunity, and it functions on the premise that every American citizen has natural given rights outlined in our Constitution.

Maybe the most important of these rights is the right to make our voices heard in the voting booth.

Unfortunately, some states in our great nation have passed laws that actively work to suppress this sacred right.

The Republican leadership in Wisconsin, Kansas, South Carolina, Tennessee, and Texas have all passed measures that drastically change Voter-ID requirements.

In Wisconsin—elderly and disabled voters will no longer be able to use their Social Security identification to vote.

In Texas—student IDs will no longer be recognized at the polls.

These types of measures have the potential to impact 5 million voters in the United States.

Those impacted are most likely to be the youth, minority, elderly, disabled, and low-income voters.

Some claim that the reason for such measures is to combat “voter fraud.” But there is absolutely no evidence to prove this theory true.

Since October 2002—86 individuals have been convicted of federal crimes relating to election fraud, while over 196 million ballots have been cast in federal general elections.

Voter fraud is exceedingly rare, and when it does happen, it's doesn't occur at the polls through impersonation.

It happens through misinformation about polling locations, voter roll purges, or even ballot stuffing and electronic voting system manipulation.

There are 21 million Americans who do not have government-issued photo identification. They do not deserve to have their rights stripped away from them.

This number includes 18 percent of the elderly, 16 percent of Latinos, 25 percent of African American, 20 percent of young people, and 15 percent of people who earn under \$35,000 yearly.

These misguided laws clearly create a disproportionate burden on racial minorities, seniors, young people, and low-wage workers.

The fees to obtain an ID can range from \$20 to \$100, and the costs of getting the required paperwork such as birth certificates, passports or naturalization papers can be costlier.

Many foreign-born Americans—who are legally allowed to vote—lack papers such as birth certificates required to obtain a driver's license or state ID.

These laws go against the fundamental foundations of our democracy.

They are unconstitutional and violate a citizen's right to voice their opinion through the form of a ballot.

Every citizen should easily be able to have their say in an election.

These laws are voter suppression—plain and simple—and we will no longer stand for it.

Many compare these laws to the poll taxes adopted by Southern states to discourage African-Americans from voting after the Civil War.

Have we really reverted back to this mentality?

We've made so much progress as a nation of equality for all, but these laws are making us take a step backwards.

Simply put, this is a threat to our democratic process.

Our right to vote should not be determined by any political agenda.

Many countries around the world do not have the universal right to vote as we have here.

Americans are able to speak freely, and write about their issues or concerns without fear of being reprimanded.

Politically, they voice their opinions through the vote, and stripping or limiting that natural born right is in complete violation of how I can be here today.

It is an infringement on our democracy.

I know that if we come together—we can and will do better than this.

Again—I thank Whip HOYER and CHC Chairman GONZALEZ for organizing this special order.

INTEGRITY IN GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it is always my privilege to be recognized to address you here on the floor of the House of Representatives. And I find it a bit ironic that I'm watching the Representatives from Florida, New York and Texas speak to the Speaker pro tem just previous to you about the election situation. I'm thinking about the 2000 election when it was reported—not substantiated to my satisfaction—but reported that as many as 25,000 people from New York voted both in New York and in Florida either for a President from Texas or one from Tennessee where the Speaker pro tem momentarily ago was from. That's a bit of an irony as I listen to this discussion that's going on about the election process here in the United States.

And I think there's too little concern on the part of my colleagues whom I do respect and appreciate and count as friends in many respects. I think there's too much focus on how you get more warm bodies to the polls as many times as possible and not enough on the legitimate vote.

Now as I listened, the gentleman from Texas said there's no demonstrable evidence that fraud is occurring. I would disagree. I think convictions are demonstrable evidence, and the convictions particularly in Troy, New York, of election fraud. I have seen it in the State of Iowa in a fashion that didn't result in convictions, but I have conviction that it happened. We have paid too little attention to election fraud in the case that I mentioned of people voting in the State of New York and in the State of Florida. If they do both, they surely can't be lawfully voting in each of the States. They may not be lawfully able to vote in either State, but voting in both States.

And how does that happen, Mr. Speaker? This is an unexamined subject matter on the part of my colleagues from the other side of the aisle. How does it happen that people can vote someplace where they don't reside? How does it happen that people can vote when they're not citizens? How does it happen that they can vote when they're not qualified to vote? How does it happen that they can vote in more than one jurisdiction for the same election, not necessarily simultaneously, but possibly simultaneously?

And I can answer those questions to some degree how that is, Mr. Speaker. It works this way: the voter registra-

tion lists within the States are not integrated among the States. And so if an individual is registered to vote in New York, they can also be registered to vote in Florida, or any adjoining State for that matter, New Jersey, Connecticut, you name it. All we have to do is go in and register in one State and go register in the other State.

In fact, in my own State, it was the case—and probably is not still the case—that the voter registration list does not integrate itself county to county in a definitive way. If John Doe registers to vote in Washington County and goes over to register to vote as John M. Doe in Jefferson County, there's two registrations there, and John Doe can vote in both counties, both by absentee.

In fact, in my State where there's 99 counties, it's possible to vote in 99 counties simultaneously by absentee. If you just simply register yourself to vote, put up an address that is perhaps a false address, but an address of someone else, and if the voter registration is unique in any way—the initial could change, it could be “John,” it could be “Jonathan,” the middle name can change, and that's all it would take. The same person could vote multiple times in a State. Now think how many times that can happen when they're crossing the State lines.

No one has yet calculated how many times an individual could vote in the United States if they really wanted to game the system. And we do hear credible stories of buses taking people across the State lines and buses taking people from precinct to precinct to vote multiple times. And who have been the advocates for same-day registration? Who have been the advocates for lowering the integrity of the vote itself? It's been the people on the other side of the aisle. It's been the Democrats.

The things that Republicans bring to establish credibility and integrity in the vote are undermined by the Democrats on the other side of the aisle, Mr. Speaker. And why? Because they say that people are disenfranchised from their vote. And I would argue that legitimate voters, American citizens who respect the law and vote one time, one place in their legal residence, are watching their vote be canceled out by illegitimate votes. That happens in this country. Because we don't have convictions for people voting in multiple locations for the same election isn't an indication that it doesn't happen. We do have some convictions.

We don't have large numbers of convictions as the gentleman from Texas may have implied but not specifically said. And the reason for that is because our voting laws are so open, so lax, and so insecure that it's nearly impossible to get a conviction.

For example, in the State of New Mexico, if I were working the voting

booths as an election worker in New Mexico, and I opened the polls up at, say, 8 o'clock in the morning, and I'm sitting there for the list of people that come in, and they say, I'm John Doe, I'm Jane Doe, I'm Jim Smith, if one of them walks in and says, I'm STEVE KING and I live at the address where I live, and I have not yet voted, I am compelled, even as an election worker, to let that false and fraudulent individual vote under my name. It's against the law in New Mexico and other States to challenge an illegitimate voter even when you know that they are illegitimate, even to the extent that they allege they are the person who is checking them off the list. They still have to let them vote, and they can't challenge them.

□ 2000

That's how open these laws are. That's the kind of thing that you have promoted, the kind of thing that you won't defend, the kind of thing that I will yield to if you've got a defense for opening up and eroding the integrity of the vote in the United States.

And many of these are State laws, I recognize that, but we give direction and leadership. We have the HAVA Act, the Help America Vote Act, that opened it up even more. And I think the gentleman from New York, who spoke within the last half hour—and I do agree on this. There should be a paper trail so we can audit the votes that are cast. Now, we've agreed on that. We've worked together on that cause. We have not arrived at that as far as a conclusion for this Congress is concerned that can be passed into law, but I think there should be a paper trail. And the gentleman from New York and I are in conceptual agreement on that, Mr. HOLT. I appreciate that push. I do think it's out of the right spirit of his head and his heart, but it might also be from suspicion that the people that produce the electronic voting machines—they may be Republicans, they may be Democrats, and that seems to color our judgment. Mine is. Don't give anybody a chance to cheat. And don't let the electronic voting machines be offered in such a way that some programmer can jiggle the machine to give an advantage to either party.

I think of the election situation that took place in Florida in the year 2000. I spent 37 days focusing on that. I was the chairman of the Iowa State Senate State Government Committee. It was my job to see to it that Iowa didn't become a Florida, the fiasco in Florida. So, therefore, I chased all the way through the Internet, everything that I could find, all the research that I could come up with on the election processes State by State, 37 days of focus. And then after that, not quite as focused, but I followed through on legislation which passed the Iowa Senate, and I

discovered a significant amount of election fraud in this country. This is in the year 2000, well before the American public had heard of ACORN. I found, I believed, a significant amount of election fraud.

There were a pair of brothers in Florida that had done research on election fraud in Florida, the Collier brothers, both of them now passed away. They've written a book on this and did a video on it, as I recall. And part of that video was walking into the maintenance shop where they took care of the machines that counted the punch-card ballots, the notorious punch-card ballots that were prevalent in Florida in the year 2000. And they have the video of the former election commissioner, who had retired from that and handed it over of course to his successor and gone to work maintaining the vote-counting machines, the machines that you would feed in a stack of punch-card ballots and it would run through, and the machine would read it and it would spit the number out the other side. And on that video—and it was available at the time. I don't know if it's available now. The man walked through his shop and pulled out of the drawer a gear. And he said, here's how we do this, we just grind one tooth off of this gear, and then every time 10 ballots go through it kicks an extra one in on our side. On videotape, there it was. And of course they got nervous afterwards and tried to do what they could to suppress it.

Those kinds of things have gone on in America. They have gone on in Florida. They've gone on in other States. And the people that advocate for or defend more open election laws and process are, whether they realize it or not, enabling election fraud in this country. I want it to be as clean as possible, as legitimate as possible. I don't want a single qualified vote to be canceled out by an unqualified vote, let alone one that's designed to be fraudulent. I don't want buses going across State lines loaded with people that are in there to do same-day registration to vote and disappear.

We had voters in Iowa that registered from a hotel room where the campaign had out-of-State workers. People don't live in hotels in these kinds of neighborhoods. It may happen in the inner city. It doesn't happen in a hotel in the neighborhoods I'm talking about in Iowa. These are people that come and stay a couple days, or 4 or 5 days, maybe a week, and they're gone again. These are folks that have a home of their own. It isn't a residence. When you register to vote from a hotel, where they didn't have a single guest that stayed longer than 2 weeks in the last year, we're pretty sure that if that's the hotel where they put their campaign workers that came from out of State, it's a pretty good bet that those votes that were registered in

that hotel are votes from people that are not legitimate to vote within that precinct, within that district, or probably, in almost each of those cases, within the State.

Here's another one, the statement made by the gentleman from Texas: If you have no Texas driver's license, you have to get someone to take you to the polls. Well, is that person a recluse? Don't they have an opportunity for an absentee ballot? Do they ever go to town, for example? And if they do, can't they time their trip to the grocery store to go on election day and vote?

And the concern about the primary part of this, yes, I think there are some fraudulent primaries that take place, and there are some that are stacked up that I'd like them revisited. I'd like to see the Granite State revisit their primary process that lets people go to the polls and vote and—say the Democrats go to the polls and vote in the Republican primary. We in Iowa have a caucus system for our President, and there we require that they be registered either as Democrats or Republicans. They have to pick one or the other. And they don't get to switch sides that easily, although it is possible in the State of Iowa.

But here's what needs to happen in this country. We need to have voter registration lists that are free of duplicates, free of the deceased, and free of felons where the law applies. And they need to be certified to be citizens, not a motor-voter law that people go in that don't speak English, that get their driver's license and then they ask them a question, check this box, check that box. If they don't understand English, they don't know what they're saying yes to. They don't realize that they are under penalty of perjury if they claim to be a citizen and they are not. And so they will say yes; they get the nod; now they're registered to vote. Now a noncitizen—quite often illegal—is in a position to cast a ballot.

And we saw 537 votes be the difference in the State of Florida in the year 2000 on who would be the President of the United States; the Commander in Chief and the leader of the free world decided by 537 votes in the State of Florida. Now, every time they recounted those votes in Florida, I think that Republicans on this side and Democrats on this side will agree that it came back to that same number. And if you've got some other narrative, again, I'll yield to you, you can tell me what your narrative is. But the consensus now, after all this analysis, is we've got a legitimate vote there. George Bush was not the appointed President; he was the elected President. But it was very, very close in the year 2000 and it did pivot on Florida. But how far apart would that election have been if one could actually know which of the votes were fraudulent and which were not?

The last time I came to the floor I heard the minority whip come to the floor and make the statement that we didn't have evidence—again, as we've heard from the gentleman from Texas—no demonstrable evidence that fraud is occurring. And the gentleman from Maryland's statement was close to that, although not exact. I'd argue the opposite. We have ACORN—ACORN that admitted to more than 400,000 fraudulent voter registrations, more than 400,000 confessed-to fraudulent registrations.

This is the acorn that I carry in my pocket, Mr. Speaker. I carry it in my pocket every day to remind me what happens to this country if we let organizations like ACORN or advocates that seek to diminish the integrity of the vote take over. If they do that, then they erode the faith of the American people in the election. You can have fraudulent elections, but as long as we believe that they're legitimate, the American people are going to accept the results because we do have great faith in this constitutional Republic, which is guaranteed to us from Article IV, Section 4 of the Constitution, by the way, shall guarantee a republican form of government.

But this country respects the election process, and that's why we accept the results of the election process. And if we lose faith in the election process, legitimate or not, then the very bedrock that the foundation of our country—the Constitution—sets on crumbles and the Constitution itself crumbles, and we crumble into some form of anarchy because we will have lost our integrity in our election process.

Now, is it too much to ask that if someone goes to the polls that they would bring with them a picture ID? I wonder if any of those folks have ever gotten on an airplane or if they've ever gone to rent a movie and they're asked for an identification to support their credit card when they rent a movie. That's not too much to ask. I've never heard anyone come to this Congress and say: I demand my civil liberties. I demand that I be able to rent a movie without any identification, without any credit card. Why can't we just do that on my word? I'll walk in and sign this paper that says, I'm Joe Blow and I live at 100 Exotic Avenue and I want to rent an exotic movie, and I don't want to have to have identification to do that. We've never had anybody ask for that this Congress. They know they don't have a civil right to do business in this country without identification.

□ 2010

If the merchant requires that identification, they willingly supply it. And yet to choose the next leader in the free world, the Commander-in-Chief, the President of the United States, the advocates that have stood on the floor have said to the effect of, anybody that

walks up there and attests that they are a living, breathing human being and that they live somewhere, they can vote and they can register on the spot, and they can vote and they can walk away not showing any identification whatsoever. And in some cases it just takes someone to attest to that they are the individual that they say they are.

So they don't really even need to misrepresent themselves. They can walk up and say, I'm Joe Blow, I want to vote here, and I live in this precinct. They sometimes will lie about where they live, but they can actually say who they are. And then they can walk to the next precinct and say, I'm Joe M. Blow, and then I'm Joe N. Blow at the next precinct and O. Blow and P. Q. R, right on down the line. They could put a number in for their middle name and vote in 99 counties in the State of Iowa, and they can do it in many of the other States as well.

We do not have the integrity in our election process that we need. I know that it's being gamed. I also know that we're not getting the convictions and the prosecutions because we don't have the structure in place even to get those convictions because we've eroded the integrity to the point where there's not a basis there to bring that kind of a prosecution.

But then we watch George Soros invest in the campaigns of multiple secretaries of state across the country. And where was it? Swing States. And what happened in those close elections where George Soros was a campaign contributor?

We know what happened. Those real close elections, in the last minute votes showed up that were surprises, and the election turned. We have at least one Senator down the aisle in my neighborhood that arrived in that fashion, Mr. Speaker.

And so I am disturbed about the results of these elections if they do not reflect the actual will of the American people, the actual will of the people within the jurisdiction that should be voting for those candidates; and I believe we need to enhance the integrity of the ballot.

I would shorten the terms that a person could be asking for an absentee ballot, and I would tighten the conditions and so that if it's reasonable for you to vote in person on election day, do so. These elections should not be a drawn out, 45- or 90-day absentee ballot affair. The more we do the absentee ballots, the more we cast our ballots from afar, the more likely it is we're voting for a candidate who's passed away during the campaign, and the less likely it is we will know all the things we need to know to make a reasoned judgment about that candidate.

In fact, at spots we have elected a United States Senator who was, who had passed away in a tragic plane acci-

dent. And I regret that that happened, but the people went to the polls and voted to elect that person who was passed away.

I'm for a voter registration system that's free of duplicates, deceased and, where the law applies, felons. I'm for a picture ID, a government-issued picture ID that has legitimacy, and I'm opposed to motor voter. I'm opposed to satellite voting, and I'm opposed to same-day registration.

And all of these components of the election process, I add to that again, there needs to be a paper trail for the ballots. Let's have integrity. Let's have a certification that they be citizens from the secretaries of state of each of the States. And then, if we don't have enough integrity in our ballots, something's got to happen where we crunch the databases of the voter registration against those of the other States to find out how many duplicates there really are. And there would be many.

So I have less faith in this than most of the American public does; and if they had the exposure to what I've had the exposure to, I would submit, Mr. Speaker, that there wouldn't be the confidence in this election process that the American public has; and that lack of confidence might result in a different kind of a result here within this Congress and within the States. I think that they would impose more integrity in the ballot process.

And so I didn't come here to speak about that. I listened to the gentlelady and the gentleman that spoke in the previous period and felt that I had to express the other viewpoint. I actually came here, Mr. Speaker, to talk about how we transform this economy here in the United States.

And being from Iowa, I've listened to the economic proposals of each of the Presidential candidates. I listened to them make their pitch for their vision for America. And I said last January, February, March and on throughout the summer, clear into August, at least, that we don't have a Presidential candidate on the Republican side of the aisle that's put together an economic recovery plan. Yes, they have pieces. Yes, they have components, and they do tweak it around the edges, and they'll argue that one piece or another is what it takes to bring our economy back around to where it belongs.

Well, I've watched this economy devolve downward, and it has. It's a deep trough. But worse than the deep trough is the length of this trough that we're in. And it is an economic fact that if you look at the patterns of economic growth and decline throughout the history of the free market world, one will see that whenever there has been a Keynesian economic theory applied, the more vigor with which it is applied, the longer is the trough for a recovery.

If one will look at the grandest experiment of Keynesian economics we

had seen up till this point it was Franklin Delano Roosevelt's new deal that he unleashed on the American people, starting at the beginning of his term. The Stock Market crashed in October of 1929, and we saw Herbert Hoover caught up in the throes of that climactic shift economically that was a global trend.

Herbert Hoover had—everything he'd touched had turned to gold up to that point. He believed that he could steer government to solve the problem. Well, he went to work to try to steer government, and it went the other way on him.

Cool Cal Coolidge had a pretty good handle on it earlier, in the previous century, and that was: Don't just stand there, do nothing, because the free market system will recover itself.

Well, instead we had Smoot-Hawley; we had trade protectionism. We had then the New Deal that flowed out of Franklin Delano Roosevelt. We had billions of dollars that ultimately were spent throughout that period of time, at least in today's dollars. And the CCC camps, the WPA programs, the TVA, the list went on and on and on that came out of Roosevelt. Throw another plan at it, throw some more money at it, borrow some money, grow the Federal Government and put money into the hands of people. And if you do that, the theory was, according to John Maynard Keynes, who was the most influential economist of his time, and his curse lingers on us in this Congress today, that if you would get money into the hands of people, they would spend it and that would stimulate the economy and the economy would recover. In other words, we could spend ourselves into prosperity, according to John Maynard Keynes.

Now, Franklin Delano Roosevelt bought into the Keynesian economic theory with more vigor than George W. Bush bought into the Henry Paulson stimulus plan, or should I say the TARP plan. \$700 billion tossed in there to pick up toxic debt was the plan. But back in the thirties it was FDR's plan to follow Keynes' directive, which was put money into the hands of people and get them to spend and you'll stimulate the economy, because they believed that our economy was consumer-driven.

Well, Mr. Speaker, every Keynesian experiment that I know of in history, and that includes Roosevelt's New Deal, it includes the Japanese, and it absolutely includes Barack Obama's economic stimulus plan, plans his approach to this.

And by the way, the President, President Obama has told us directly, face-to-face, that he believes that Roosevelt lost his nerve; that he should have spent a lot more money in the thirties; that because he lost his nerve and didn't spend more it brought about a recession within a depression, and un-

employment went up because Roosevelt didn't borrow and spend enough government money.

Well, I know what it's like to compete with a government that has more money than the private sector has. I know what it's like to try to hire somebody off of unemployment. I know what it's like to train employees, put them on a benefits plan, and have them finally in a place where they can be a full-time employee that can yield a return on the work that they're doing and you can count on them being to work every day, and look at how their career is laid out working for your company, and have the Federal Government or the State government, or the county government, or even the city government come in and outbid you for those services.

And how do they do that?

Well, they do that by looking around and thinking, here's this trained employee. What's it take to get them? And they will up the ante until they can hire this trained employee, and inevitably that employee will take the offer of the higher paycheck and a benefits package that competes or exceeds the one that you can offer from the private sector and go to work for the government where they don't have the responsibility, where they don't have to work as hard, where the hours are more predictable, where the risk of employment is less and it's more stable.

I recognize that. But better wages and better benefits and all of those comforts that come with a government job work against the private sector.

□ 2020

And so private sector employers then find themselves faced with having to go out and hire more help and train more help and see that those employees roll over into the government employment.

The real downside, though, is this. Where does the government come up with the money to pay more wages and pay better benefits, which they have been increasingly doing over the last generation? By raising taxes. The government raises taxes. It raises taxes to get the revenue to bid against the private sector. And then the government comes out and makes an offer that says we're going to extend unemployment benefits out to 99 weeks.

Now, it makes it harder yet for the private sector to recover because they're competing with the government's offer, the government's offer to hire employees away or the government's offer to pay people not to work. And where does that money come from? This Federal Government borrows it.

This Federal Government borrows it. It borrows it from the Chinese, borrows it from the Saudis, borrows it from multiple countries around the world. And about 50 percent of it, to be fair, comes from investors within the

United States domestic funds that are invested into U.S. Treasury bills, for example.

So a government that believes that it can stimulate an economy by stimulating consumption and completely ignores the part of the equation that requires that there be production for the economy to function. And I would point out that if no one is producing any food, clothing, or shelter, if no one is producing any transportation links out there in the private sector, if no one is making available any of the recreational facilities that will attract those dollars, there's not production. If there's not production, there's no place for anyone to spend their money.

This economy is production-driven, not consumption-driven. And we must, to grow out of this economic situation that we're in, we must produce goods and services that have a marketable valuable, both domestically and abroad. When we do that, and we will eventually do that, this country will grow out of this problem that we are in.

But we must get government off of our back. We must keep a competitive tax rate for the rest of the world. We must reduce our regulations. We must stimulate our entrepreneurs.

And this Republican side of the aisle has now for about 3 years been saying, Where are the jobs? Mr. President, where are the jobs?

Well, I've heard that echo many times in this Chamber and across through the media outlets in the country.

But I would submit that there is something else out there that's required before there will be any jobs, and that's the prospect of profit. Investors, employers, entrepreneurs must have a prospect for profit before they will invest their money or put their time in or take the risk of hiring employees, especially with ever more regulations, especially with ObamaCare pouring down over everything that we do. We are not going to get to a recovery until investors, entrepreneurs, and employers can see an opportunity for profit and begin to realize that profit because you can't write paychecks for employees from deficit spending very long. You must have profit in order to pay employees.

So if there's going to be jobs, and we want Americans to go to work, you must have profit in order to fund the wages. And I don't know why I don't hear that from anybody else. It's as if this word "profit" is a dirty word. No, it is a very good thing. America is a country that has to build itself on profit, on free enterprise, capitalism.

I just took a look in my desk drawer today. There are flash cards in there that were published in 2008. These are the flash cards that enable one to be trained for naturalization here in the United States. So if you want to become an American citizen, and you

come to America legally, get yourself a green card, and what you do is you have to take the test. And part of that test is, what's the economic system? Free enterprise capitalism. That's on the test. It's a little head's up, Mr. President. I hope you could pass that test.

Mr. Speaker, I appreciate your attention, and I yield back the balance of my time.

UNITED STATES POSTAL SERVICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 30 minutes.

Mr. BLUMENAUER. I appreciate the opportunity to be here this evening sharing some observations.

It is, of course, always interesting to have shared the floor with my good friend from Iowa listening to his view of the universe, and even wincing a little bit as I hear him talk about the vilified public employees, where they don't have to work as hard and they get lots more money than the private sector.

It's interesting that most independent studies suggest that for many categories of public employees, they are not above the market. And it's sort of a fantasy land, I think, to have this disdain that was overwhelmingly rejected in Ohio when voters had a chance to put a stamp of approval on the fairly radical agenda of Governor Kasich, our former colleague here in the House of Representatives. Things, by the way, that Kasich and his fellow traveler, Governor Walker in Wisconsin, didn't talk about during the election.

But turning their guns on public employees, voters in Ohio had a chance to give their verdict. And it's interesting that they overwhelmingly repudiated this notion, the lack of value of public employees, the fact that they're slackers, laggards, and that what they do is not worthy of public support.

It wasn't the public health nurse, the firefighter, the teacher, the marine, the person in the Navy that almost wrecked the economy. Many of these people are providing essential services. They are extraordinarily hardworking, and I'm happy to invite my friend from Iowa to come meet some very hardworking public employees in Iowa and in Portland, Oregon.

I think those generalizations are really very unfortunate. It's feeding what we see in terms of the back-and-forth now. It's actually why there are people who have been motivated by the Occupy Wall Street movement.

But I'm here tonight to deal with one very specific focus that I think needs some more attention, and that has to do with the Postal Service.

You know, this is one of the areas today where people are zeroing in. You

will hear some talk of folks that would feel much better if we just privatize the Postal Service, get out of the business. Let the private sector provide this service to American households and commerce and we'll all be better off.

I think it's important for us to take a step back and look at some of the facts and look at some of the consequences.

You know, the United States Postal Service has a long and storied career. It's the second oldest Federal agency. In fact, the predecessor was actually created by the Continental Congress, and Ben Franklin was the Postmaster there just as he was America's first Postmaster.

The Postal Service is one of those activities that maybe some of my colleagues on the floor kind of overlooked when they had this great ceremony of reading the Constitution early in the session, and then proceed to act as though they really aren't paying attention to the Constitution.

Well, article I, section 8, explaining the Congress' powers, one of them specifically is to establish post offices and post roads.

This was one of the unique institutions that helped bring America together, and it is still bringing America together today. It is in fact a vast and sprawling enterprise. It employs more people than the entire auto industry in the United States, what we used to call the Big Three. It's the second largest nonmilitary employer in this country. It has more installations than Wal-Mart, Starbucks, and McDonald's put together, even though a number of them have been closed over the years.

There's a reason that we have made this investment for 235 years. There's a reason that there are hundreds of thousands of dedicated employees. There is a reason why we have the broad sweep, and that is this critical element of holding our country together.

It is a backbone of commerce. We talked today about the economy of the future. E-commerce is a large and growing area. It relies upon the Postal Service for much of its efficiency, and I will talk a little bit about that later.

□ 2030

It's also a tremendous resource for the American public. Before I get back to my home in Portland, I can drop my tax payment in the mail here in Washington, D.C., for 44 cents, with great confidence that that's going to arrive in a timely fashion and that my bill will be paid.

I think it's interesting to look at the large national direct mail marketing industry that involves advertising and shipping worth billions of dollars a year. Again, it is very important to a large number of Americans. In fact, some of my colleagues who would just turn the Postal Service over to provide

this activity for the American public, like to UPS, like to FedEx, actually rely on the Postal Service for that last connection. There is actually an important partnership between these carriers and the Postal Service.

Now, there is no doubt that if we completely privatized, turned it over, got it out of the way that there would be some people who would benefit. People who live in very large cities and people who are big businesses that can negotiate certain types of services may actually see a little bit of rate reduction, and they may be able to tailor the service to their needs. For them, the free market may provide a modest benefit—maybe—but the more important question is:

What would happen for the rest of America, the other 99 percent, particularly rural and small town America?

Does anybody think that you would be able to send a letter from the Florida Keys to Nome, Alaska, for 44 cents if, all of a sudden, government weren't there providing that universal service? A mandate?

I don't think so.

We would also lose the personal touch that is cherished by so many. We are hearing the outcries now. I hear it in Oregon where there are dozens of communities that are being considered to lose their postal service. Every rural and small town American community will feel that bite—higher costs, less service, loss of jobs, loss of community identity, loss of connectivity.

I would urge some of my colleagues to take the time to listen to rural postmasters and letter carriers about the role that they play in these far-flung parts of America. They are an important part of the local economy. It is a place where community members gather. There are opportunities for them to be in touch with loved ones and to be in touch via the magic of e-commerce. They have far more choices and opportunities.

Before we jettison that element, I think it is important to consider how important that is to our national infrastructure—and that's what it is. It is not just, arguably, the largest source of nonmilitary, family-wage jobs in America. I don't think Walmart is necessarily the criterion that most people want for family-wage jobs, for health care and retirement benefits. There was a time when that's what most people in the middle class, if not took for granted, at least aspired to, and most of us growing up in post World War II America saw that. Even people with limited education who were willing to work hard and be able to follow through, they had that. Well, more and more the norm is that that is unusual.

I hope that we don't reach the point where we lower the standard. Two-thirds of a million family-wage jobs with decent retirement security, with decent benefits, with people who are

providing an essential service is important, but it's the infrastructure that ties America together that, I think, is even more important.

Now, there are many things that are involved with the Postal Service that are hidden away that people simply don't pay any attention to.

In part, I guess I would just reference the exemplary service that is provided by most postal employees. In fact, I know a number of postal employees who are highly regarded by the people on their routes—they are recognized on their birthdays; they get Christmas presents; people look forward to them; they rely on the service; they appreciate it. Postal employees are involved with a wide range of activities in terms of helping people with their income tax reforms, food drives, checking on housebound friends and neighbors. When something is amiss, it's often a postal employee who understands it first.

I think it is important that we take a deep breath and look at the service that's provided, that we look at what difference it makes for America, that we look at what it means as an example of where we're going as a country.

I think one of the items that should be acknowledged is that this so-called crisis that we are facing is much like the summer's debt ceiling crisis in that it's manufactured—in the same way that we were always going to pay the debts that the United States had already incurred. But some people were raising doubts. They created a political firestorm. It encouraged the downgrade in the eyes of some, in one rating agency, of the United States debt. We were, in fact, going to pay our bills, but it is possible to manufacture a crisis.

The post office is facing a continuation of a theme that has plagued its existence ever since Washington decided to trap the United States Postal Service between being a business and government control—business demands, government control. Back when the Postal Service ceased being a formal government agency, there were certain conditions that were negotiated because, for years, the post office was a government agency. The public benefit that was recognized was taken into account. There is no question that the post office provided subsidized mail service.

Some people remember the 3-cent stamp. Some people remember—I guess there aren't many people who remember now—that the Postal Service helped launch the aviation industry in this country in 1918 when airmail service began between New York City and Washington, D.C. The post office was a part of helping create that part of our infrastructure. The post office helped with the development of the transcontinental railroad service that served cities large and small. There was a synergy that was involved there.

Then, in 1970, the Postal Reorganization Act changed the post office from being a department of the Federal Government to being an independent agency. It created a board of governors. It authorized the Postal Service to borrow from the public, and it phased out the government appropriation for operations. By 1982, that public benefit, that national connection, was entirely eliminated. There are also other items that were involved with that negotiation. At the time, there were hundreds of thousands of employees, past and current, who were part of a Federal employee retirement system and its successor system that followed on in the eighties.

□ 2040

Their retirement was a responsibility of the Federal Government. It had been a responsibility for the Federal Government for over 180 years.

Well, there were negotiations at that time about how much the Postal Service would have to pick up in terms of that liability, even though it was a longstanding responsibility of the Federal Government and the way the post office operated. There was a very significant payment that the new post office paid into the old retirement systems by virtue of employees who were Federal employees.

Well, you could make the argument that you want to completely privatize it and cut it loose, but that was a longstanding Federal obligation. A deal was cut; a number was picked. And it was, I think, arguably a pretty generous deal on the part of the Federal Government, on the part of Congress in terms of what they were forcing the post office to pay.

It's not unlike what has happened more recently when the post office has been required—unlike other businesses or government agencies—to prefund health payments for future employees. Tens of billions of dollars have been extracted from the Postal Service and current operations to deal with something that's going to be far in the future, something that, again, as I say, the Federal Government doesn't do; private employers don't do.

You can argue about how everybody would be better off if that happened, but it is an example of creating an artificial crisis. And these tens of billions of dollars that were extracted in the early deal or the tens of billions of dollars that are now flowing because of the 2006 act have destabilized the Postal Service at a time when it's clear that the Postal Service, itself, is stressed.

Revenues have dropped for a variety of reasons. In part, there's E-commerce. There are a number of things that we routinely now email that we would have mailed even a couple of years ago. And, of course, with the bubble bursting in the economy, its near

meltdown, we have seen economic activity decline. So the post office has faced some \$20 billion in lost revenue over the last 4 years; and it's something that, in fact, needs to be addressed.

But we ought to understand what the dynamic is, that by forcing the post office to prefund its future health care payment benefits for the next 75 years in an astonishing 10-year time frame was something that was calculated to stress the Postal Service, even if the economy hadn't collapsed. You know, without the provisions of that 2006 legislation, the Postal Service would be operating at a surplus, even with the challenges today.

Well, there are interesting pieces of legislation that are floating around. I must confess, I am a little partial to looking at some of the proposals that are coming forward that would help take the post office off life support and allow us to move on to addressing these larger issues. There are certain variations that Congress could have dealt with in the past, policy questions. Should it cost the same to mail a letter from here to the White House as it does from Key West to Nome, Alaska? Can we have some variability in pricing? That is a legitimate question. There may be some arguments for doing that.

But the Congress over the years has hamstrung the post office, on one hand arguing that it should not have public support, it should operate like a business; and then turning around and denying the Postal Service the flexibility that private business has in terms of setting rates, differential rates.

In terms of moving into certain product lines, in an enterprise that we value that has this vast infrastructure that is in place, hundreds of thousands of dedicated employees, over 30,000 locations, a tradition of service, and connectivity to America 6 days a week, we would think maybe give them a little opportunity to be creative. Well, what we have found is that there is very little interest in allowing them to actually operate like a business.

I do hope that my colleagues, as they look at the reform proposals that are coming forward and look at whether or not we're going to give them some flexibility to use the resources they already have and not penalize them with draconian and unrealistic requirements, take a look at what these proposals' impact will have on rural and small-town America. You know, not everybody has access to high-speed Internet that make email and reading your favorite magazine online very difficult. There are 26.2 million Americans that still lack access to broadband services, with over three-quarters of those people living in rural areas.

I mentioned that in my State of Oregon, there are over 40 post offices that are listed for possible closure. People

should think about those impacts. Over half of the people in these communities are located more than 10 miles from the next nearest post office; some are as far as 33 miles away. What are the impacts of having customers drive an hour round trip to visit the nearest post office? Is that reasonable? It's a little frustrating for me that, as we have looked at some of these impacts, the attention that is paid to rural and small-town America has not been, I think, given its due.

One of the areas is the proposal of eliminating 6-day service. Let's consider how important Saturday mail delivery is for communication, marketing, and mailers, utilized by millions of citizens across the country, again, especially in rural areas. There are millions of Americans now who are using the Postal Service to deliver prescription medications, a service that relies on moving the mail 6 days a week, not lying dormant in mail processing facilities for 2, 3 days or, depending on how holidays will fall, maybe longer. It will have negative impacts on people being able to sign for packages if they're not home during the week. Think about these details.

Think about what's going to happen if you eliminate Saturday delivery for the post office. Customers are likely to see private carriers charge much higher surcharges to have them deliver that option or drive long distances to pick up their mail after renting out a private post office box for that purpose. Saturday service distinguishes the product line that we allow the Postal Service to have and I think further diminishes their ability to be more self-supporting. Of course, eliminating the 6-day service is going to eliminate 80,000 middle class jobs.

And they do so with some real question about how much of the savings is actually going to occur. The Postal Regulatory Commission was set up as part of this mechanism to establish an independent post office. They do some outstanding work. There are some really bright people. The Regulatory Commission found that the Postal Service has miscalculated the potential savings by about \$1.4 billion a year when they talk about eliminating 6-day service.

□ 2050

They found that the Postal Service additionally failed to account for nearly half a billion in lost revenue that would come from cutting back Saturday service. And as the president of Hallmark noted in a congressional hearing last year, such reductions in service could lead to a death spiral where service reductions and a declining consumer base are self-reinforcing.

The Postal Commission found that eliminating 1 day of mail service would cause 25 percent of all first class and priority mail to be delayed, often by 2 days. This has serious consequences

that ought to be, I think, examined carefully before we move forward in this direction.

This is not to suggest, Mr. Speaker, that the post office should be immune. Like any business or government agency, we all, in these difficult times, in changing circumstances, need to consider new ways of doing business. And my conversations with people in the Postal Service, with men and women who work there, postal supervisors, letter carriers, the postmasters, they all have ideas. They all are interested in being part of a solution, and I hope that Congress approaches this in the same fashion.

Last but not least, part of this infrastructure that ties this together needs to be looked at in a broad context. We have all been deeply concerned about national security in the aftermath of 9/11, the anthrax situation we had here and potential pandemics where there are health crises—how are we going to deal with people quickly in times of need to get them information, to check on people, to distribute potential medicines? You know, the Postal Service with two-thirds of a million employees, a nationwide network of over 30 facilities, people who have equipment, who have know-how, knowledge of the community, the same way they help people with the right tax forms or immigration, could also be a resource in time of natural disaster, epidemic, or terrorism.

Let's think big. Let's think fairly. Let's not have an artificial crisis. Let's deal meaningfully with this critical resource that America has developed over the last 235 years, not scapegoat the employees, not scapegoat the management and have Congress be able to have it both ways, saying treat it like a business but not giving them the flexibility. I think it's time to take a deep breath, look at the resource and what it means for America, particularly rural and small town.

Thank you, Mr. Speaker, for the opportunity to share some observations on this important topic, and I yield back the balance of my time.

BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, we are living in interesting times. As I understand it, that's a bit of a Chinese curse: May you live in interesting times. Well, we're here, not exactly as perhaps the Founders would have hoped, where we would have an executive branch that just declares, without consulting Congress, that he's going to commit American military to an action without knowing really who he's helping in Libya, without knowing exactly what's

going to happen once we finish helping them, and without knowing just how much we're going to suffer and just how much our closest allies, like Israel, are going to suffer after this President unilaterally, without consulting Congress, commits our most valuable asset, American lives, not to mention the Treasury and American equipment.

For those who have ears and those who have eyes, they understand that when the President says, Oh, but we're not to worry, eventually we'll turn it over to NATO, and then has a grandiose announcement we're turning it over to NATO, that actually the United States military is 65 percent of NATO's military, because there's supposed to be a regular order to things. And, in fact, Republicans ran last year saying we're going to get back to regular order. One of the things we went through for the preceding 4 years with the Democratic majority and Speaker PELOSI in charge was the Democratic majority came to the House floor over and over with bills that had not gone through committee process, and then they were brought to the floor with no opportunity to make any amendments whatsoever.

Well, one of the things we have done this year, we've had lots of amendments. We've had an incredibly open process on the floor compared to what had happened the preceding 4 years when there were more closed rules than there had been in the history of the country, meaning no input, basically shutting out almost half of America that Republicans represented. It was "our way and no highway." That's not the way regular order was supposed to go.

And we were assured by our own leadership, of course, that, once we had the majority, it was back to regular order. And then over and over, big things had to be dealt with. Not that they couldn't have been foreseen. It could be reasonably foreseen that a continuing resolution was going to have to occur. And lo and behold, it came upon us in the spring as if it had never been contemplated, and we were told there was no time for regular order on these things. We just have to do it. Can't have amendments. Can't cut off funding for ObamaCare even though we cut off funding for some other things that otherwise would be considered legislating; but since it was part of the bill as it came directly from committee, we were told it was okay. So the Rules Committee waived any point of order objections. Now, that's inside baseball; but the bottom line is, even though we have done a better job of allowing amendments here on the floor, we still haven't gotten back to regular order. We have gone from one crisis to another crisis and have had to tell America, gee, this is another crisis so we don't have time to go through regular order.

As I understand it, tomorrow most likely, possibly Friday, we're going to have a balanced budget amendment brought to the floor. It was part of the debt ceiling agreement that was negotiated the end of July, the end of the summer session before the August recess. We were going to have a vote on a balanced budget amendment, but there was no specification as to what balanced budget amendment it would be.

Well, along the lines of the so-called regular order, we have had a balanced budget amendment. We've had hearings on it. We've had it marked up out of subcommittee, committee, and it came to the full Judiciary Committee and we had a long, protracted markup. In other words, markup is simply the hearing where anybody can bring any amendment and we have debate, full debate, and anybody on the committee who has any amendment they want to bring to that bill, they can bring it to the bill. That's regular order. We had that in committee on the balanced budget amendment. And our good friend from Virginia who has been such a long-suffering valiant warrior for a balanced budget amendment, it was his bill, House Joint Resolution 1.

□ 2100

I had an amendment to that resolution that actually changed the cap on spending from 20 percent of gross domestic product to a cap of 18 percent of the gross domestic product, and that amendment passed.

That's regular order. That's how you do it. Some of us had amendments that didn't get passed, but we still had the chance to bring them to speak on them, debate on them, have every other Member on the committee who wished to speak on every amendment be heard. Those things make for long, drawn-out hearings, and that's what we had. That's called regular order. That's because everybody who is involved can have input. And that's what we had.

After that long, protracted process, we voted out of committee, affirmatively bringing out of committee, voting out of committee with a majority of those on the committee voting for the ultimate product. After that long, arduous debate and voting process, we voted out of committee a balanced budget amendment.

Now I'm given to understand the Rules Committee has taken up a different balanced budget amendment, and we're told we didn't need to go through regular order for that. We're bringing a balanced budget amendment that did not come out of committee and that was not voted out of committee.

And, gee whiz, it reminds me a great deal of the outlandish hearings that the Energy and Commerce Committee had when they came forth with a 1,000-page health care bill in the last Con-

gress. And there was a lot of strong-handedness that brought that bill out of committee, and it was clear from the polls that that was not what America wanted. But, then, by the time Speaker PELOSI, Leader REID down the Hall, and President Obama had their say, that 1,000-page bill that was voted out of committee turned into, ultimately, a 2,000-page bill.

And that came to the floor not under regular order, because it just appeared. Nobody knew who had written it. But when we took the majority, we were going to do better. America would be able to see the debates, listen to the debates, see who was taking what position, see who was pushing what amendments, see what got voted out of committee and would have some confidence that that would be what would come to the floor.

Well, this week we're going to take up a balanced budget amendment that didn't come out of committee, but we're told we've got to vote for it because it's another crisis. We've got to. It doesn't have a spending cap on it, not even the 20 percent of GDP that was amended down to 18 percent—none of that. Regular order would mean that we bring something to the floor that was voted out of committee.

At some point, we have got to get back to regular order which was promised to the American people if they would put us back in charge. And it's good politically for both parties because each side gets to show in committee and here on the floor what amendments they're pushing for. They pushed for them in committee and pushed for them here on the floor. So by the time a law gets passed, it's been fully debated and talked about.

That was one of the problems with the last majority. They were shoving bills down our throats, down America's throats, without any real debate. And that's how you could get a comment from a Speaker like, gee, we've got to pass the bill to find out what's in it. That's because it never went through a subcommittee process, a committee process, came to the floor without full and open amendment debates. No, we just bypassed all that.

And one of the things that has hurt this country and has hurt this Congress is we haven't gotten back to regular order like we were supposed to. We've done a lot better, a whole lot better, because of all the amendment debate. But we haven't gotten back to regular order.

So we're going to bring a balanced budget amendment to the floor that's different from the one that was fully debated, have a full opportunity for amendment at committee; but we're not going to have that opportunity on the floor. No, sir, not going to have it. We're told we can't have a spending cap in the one we're going to have on the floor. Why? Well, not because the com-

mittee voted it down—they didn't; not because the body voted not to have it here in Congress, but because we're told that what came out of committee cannot be what comes to the floor.

I recall people previously saying that regular order makes for better law and allows the House to work its will. Well, how is it that we're not going to be taking up the balanced budget amendment that came out of committee? That's regular order. That's the House working its will. What staff member decided that we weren't going to get to have a spending cap that we could debate and vote on?

We know that staff members had a lot to do with ObamaCare, or the President's health care bill, because there's a provision in there that exempted the Speaker's staff from having to be under ObamaCare when all the rest of us were going to have to be under it, including Members. So you kind of figure they must have staff writing that one.

Well, what staff member decided that we couldn't bring to the floor the balanced budget amendment that came through regular order out of committee? That balanced budget amendment was fully debated, a full opportunity to amend in committee, but regular order means we would have that same opportunity with the whole body here. Well, who was it, a staff member? Who was it that just decided we can't do what the body decided was the will of the committee and the will of the House? Who intervened? I really don't know.

The right thing to do would be to bring the balanced budget amendment with the spending cap. Now, there were all kinds of amendments addressing the spending cap. Some folks didn't want it. They lost. There was the provision for a supermajority to raise taxes on that bill that was voted out of committee. Well, that's not in the balanced budget amendment. Why? I don't know why. We're told we're bringing to the floor a balanced budget amendment that appeared, and we didn't have anything to do with bringing it out of committee. We were told that we've got to pass this one because it's the only one that has a chance to pass, even though the Senate says they're going to bring it down, even though we've got Democratic leadership saying they're going to bring it down.

If people on the other side of the aisle in the House and the majority in the Senate say they're going to bring it down, then why aren't we bringing to the floor a balanced budget amendment that a majority voted for and debated and amended and voted down amendments and passed it out to come to the floor in that order?

How is it that we're trying, once again, in the House, as a majority, to strive to pass a bill to hit a mark that we think maybe there might be some chance that the Senate may pass as

well, when we're told that it's not everything we believe in, but we're not going to get everything we believe in because we're going to try to do something the Senate will do?

□ 2110

Well, if we've been told repeatedly that the Democrats are not going to assist, that the Senate is going to vote it down, then why not bring to this floor what we believe in our hearts as a majority ought to be passed?

It's going to make it real confusing a year from now in November for voters when the Republican majority in the House is going to have to go back, as the Founders envisioned, and face our constituents, and even though we were in the majority, we didn't bring to the floor the things that we believed in; we brought to the floor things we were hoping maybe the Senate would agree to go along with.

We're bringing to the floor what's called a minibus that's going to have some appropriations in it, but actually, it went through the conference process. Yet the underlying bill that passed out of the House was not a bill that a majority in the House really thought would be the best; it was a bill that we thought maybe the Senate would pass. So we compromised with ourselves in the majority in the House, thinking if we compromised with ourselves in the House that maybe the Senate would vote through just what we passed. But no, they didn't; they compromised with us further after we compromised with ourselves trying to hit the mark that we thought they would pass.

So it goes to conference committee and we're further required to compromise with ourselves. What was the sense of that? And now we have to vote on a bill, an appropriations bill where we didn't even start out hitting the mark we thought was best, but, rather, hitting the mark that we thought, gee, maybe the Senate would pass? It's going to be confusing to voters because we're going to say, Here are the things we believe in, next year in November, and they're going to say, Why didn't you pass that? And apparently the response is supposed to be, Well, because we were trying to pass something we thought the Senate would pass. And the voters are going to respond, Well, what about the principle you told us in November of 2010 you were going to stand on?

And unless we get back to the regular order in this body, we're going to be in trouble, because we need to be able to show the voters in America we passed in the House what we believed with all our hearts was best for America. We were going to cut spending, so we cut spending. We cut over \$4 trillion over 10 years. We ought to be able to tell the American public that, but instead we have to tell them, Well, no, we were trying to hit a mark that

wasn't too high because we were hoping the Senate would just pass it without the need for a conference. That's why it will be confusing to voters. Well, I know you're saying that you believed in those things, but that's not what you passed.

It's time to start passing what we as the majority in the House believe is right and force the Senate to pass what they think is right. The big giveaway spending bills, force them to pass those. Don't come down here and compromise with ourselves and have a spending bill that we think—even though it spends more than we think is appropriate—we think, gee, maybe the Senate will go along because that looks to the American public like we're just like the Democratic-controlled Senate. But if we stand firm on principle in this body and we say, Here's what we believe in; here's what went through regular order; here's what was passed out of the Judiciary Committee; here's the balanced budget amendment, and we took it to the floor and we have wide open amendments, wide open debates, the American public could see this body at work, and we would pass what we believe is right for America and then force the Senate to pass what they believe is right for America and not continue to give the Democrat majority—who want to spend like crazy—in the Senate, we keep giving them cover because we won't stand on what we believe and pass that here in the House. That's what we ought to be doing.

And that balanced budget amendment ought to be the one that came out of the Judiciary Committee. It ought to have a spending cap. It ought to have a supermajority in order to raise taxes. That was on that bill. Oh, it was debated. There were efforts to strike that part out. There were a lot of amendments—some to strike things like that out, some to put other things in, some to make it weak. But we fought those off successfully in committee and we came out of committee with a good, strong balanced budget amendment, and that's what ought to come to the floor, not the weak-kneed one we're going to get. Because a balanced budget amendment with no cap on spending unfortunately looks like a prescription for spiraling-upward taxes; because we've seen even with a conservative majority in the House, it's just tough to cut spending because we're told we've got to spend to get the Senate to go along with these bills.

It's time to take the tough stands. America's in trouble. It's in big trouble. And as we fight these battles, it doesn't help to have people jumping on a bandwagon that really wasn't the bandwagon they showed themselves to really believe in previously. And by that, I'm talking about Secretary Panetta, Secretary of Defense. He wrote this scathing letter talking about how

if the sequestration occurs, hundreds of billions are cut from defense, it could mean the loss of—I believe it was a couple hundred million of our military, which is a little ironic coming from the current Secretary of Defense, because the people on this side of the aisle believe in a strong defense. We all believe that it is our number one job to provide for the common defense, because if we don't do that, all these other things just go away and we're overtaken by people that want to bring down our way of life.

But if you look to what Secretary Panetta was participating in back in the Clinton administration, you get a little better look at what really was believed at the time. You know, we've had President Clinton and those touting his time as President claiming, gee, he's the one President that actually cut the Federal workforce. No, he didn't. He cut the military. He didn't cut the Federal workforce. He cut the military. That's the only area he cut. And we paid a massive price after 9/11 because we had to gear back up because we once again found having a strong defense is important. Reagan tried to warn us about that. He said people don't get attacked because they're perceived as being too strong. They get attacked when people perceive them as being weak. And that's how we were perceived.

But let's see, in January of 1993, when now-Secretary of Defense Panetta started as a part of the Clinton administration, there were 1,761,481 members of the United States military. In July of 1994, Secretary Panetta started as the Chief of Staff for President Clinton, and that continued through January of 1997. So let's take a look. From the time Secretary Panetta started as a part of the Clinton administration, we went from 1,761,481 members of the military to, in January of '97 when he left the Clinton administration, 1,457,413 members. That's a 304,068 drop in members of the military while he was part of the Clinton administration. Seems to fall a little bit on deaf ears when you have a Secretary crying about cuts to the military when he presided over a far more draconian cut to that same military when he was in charge or was part of the Clinton administration.

□ 2120

The problem is, we can't afford massive cuts to our defense. And at the very time they're okay with that, the President goes down to Australia and says we're going to commit some troops down here too. We've got troops this President's committing all over the place, without any regard, like in Libya or Egypt, to the outcome of what is being done, what's going to happen at the end. And we're going to pay a severe price.

We need to stand for a solid defense. And if we get back to a regular order in

this body, where things are voted out of subcommittee, after full chance to amend, voted out of the full committee, with full chance to amend and debate, brought to the floor as they come out of committee, and fully debated, and fully amended here on the floor, America will see who stands for what, and it will be easier for the voters in the next election, and it will be easier for all of us to tell what it is the American voters are wanting because they will have had a clear view of just exactly what they're getting.

I really enjoyed Mark Levin's book, *Liberty and Tyranny*. I think it ought to be a textbook. Let me just finish with this quote from Ronald Reagan that Mark puts in his book:

How can limited government and fiscal restraint be equated with lack of compassion for the poor? How can a tax break that puts a little more money in the weekly paychecks of working people be seen as an attack on the needy? Since when do we in America believe that our society is made up of two diametrically opposed classes, one rich, one poor, both in a permanent state of conflict and neither able to get ahead except at the expense of the other? Since when do we in America accept the alien and discredited theory of social and class warfare? Since when do we in America endorse the politics of envy and division?

That's what the President's preaching right now. It needs to stop. It's time to provide for the common defense, get back to regular order in this body, and the country will be better off for it.

With that, Mr. Speaker, I yield back the balance of my time.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on November 15, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 2447. To grant the congressional gold medal to the Montford Point Marines.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 17, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacteriophage of *Clavibacter michiganensis* subspecies

michiganensis; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0538; FRL-8891-3] received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3870. A letter from the Principal Deputy, Department of Defense, transmitting Report to Congress on Impact of Domestic Violence on Military Families, pursuant to Public Law 111-84, section 569 (123 Stat. 2315); to the Committee on Armed Services.

3871. A letter from the Principal Deputy, Department of Defense, transmitting a letter authorizing Brigadier General Scott M. Hanson, United States Air Force, to wear the insignia of the grade of major general; to the Committee on Armed Services.

3872. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8203] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3873. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — TARP Conflicts of Interest (RIN: 1505-AC05) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3874. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to various countries, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3875. A letter from the NACIQI Executive Director, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2011, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

3876. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Compliance Date Regarding the Test Procedures for Walk-In Coolers and Freezers and the Certification for Metal Halide Lamp Ballasts and Fixtures [Docket No.: EERE-2011-BT-CE-0050] (RIN: 1904-AC58) received October 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3877. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 23), pursuant to 43 U.S.C. 1596; to the Committee on Natural Resources.

3878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Iowa; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision [EPA-R07-OAR-2011-0470; FRL-9484-5] received October 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 PM_{2.5} Standards [EPA-R09-OAR-2009-0366; FRL-9482-9] received October 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3880. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Regulation of Fuel and Fuel Additives: Alternative Test Method for Olefins in Gasoline [EPA-HQ-OAR-2008-0558; FRL-9482-1] received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Testing of Certain High Production Volume Chemicals; Third Group of Chemicals [EPA-HQ-OPPT-2009-0112; FRL-8885-5] (RIN: 2070-AJ86) received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; 2008 San Joaquin Valley PM_{2.5} Plan and 2007 State Strategy [EPA-R09-OAR-2010-0516; FRL-9482-2] received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3883. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-44, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3884. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: Alignment of Regulations With Current Practices [Docket No.: 110321207-1206-01] (RIN: 0691-AA78) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3885. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 12-11 informing of an intent to sign the Project Arrangement; to the Committee on Foreign Affairs.

3886. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities, pursuant to Public Law 102-511, section 508(a); to the Committee on Foreign Affairs.

3887. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period June 1 through July 31, 2011 pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

3888. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2011, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

3889. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a letter regarding the dredged material disposal for the Mid-Chesapeake Bay Island Ecosystem Restoration Project; to the Committee on Transportation and Infrastructure.

3890. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a recommendation for the authorization of the Cedar River, Cedar Rapids, Iowa flood risk reduction project; to the Committee on Transportation and Infrastructure.

3891. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Giannangeli Wedding Fireworks, Lake St. Clair, Harrison Township, MI [Docket No.: USCG-2011-0721] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3892. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, Wrightsville Channel; Wrightsville Beach, NC [Docket No.: USCG-2011-0629] (RIN: 1625-AA08) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3893. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corporate Party on Hornblower Yacht, San Francisco, CA [Docket No.: USCG-2011-0690] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3894. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "26th Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year (FY) 2009"; to the Committee on Transportation and Infrastructure.

3895. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule-Compliance Date Amendment for Farms [EPA-HQ-OPA-2011-0838; FRL-9481-4] (RIN: 2050-AG59) received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amount for CY 2010 [CMS-8043-N] (RIN: 0938-AQ14) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3897. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the second periodic Report to Congress on Infrastructure Needs in the Department of Energy's Aging Defense Nuclear Facilities; jointly to the Committees on Energy and Commerce and Armed Services.

3898. A letter from the Assistant Attorney General, Department of Justice, transmitting legislative proposals; jointly to the Committees on Veterans' Affairs, Financial Services, the Judiciary, House Administration, and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 2405. A bill to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health prepared-

ness and countermeasure development, and for other purposes, with an amendment (Rept. 112-286). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2937. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, with an amendment (Rept. 112-287, Pt. 1). Ordered to be printed.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 585. A bill to amend the Small Business Act to provide for the establishment and approval of small business concern size standards by the Chief Counsel for Advocacy of the Small Business Administration (Rept. 112-288). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with an amendment (Rept. 112-289, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with an amendment (Rept. 112-289, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Ms. FOX: Committee on Rules. House Resolution 467. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112-290). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LANKFORD (for himself, Mr. ISSA, Mr. KELLY, Mr. MEEHAN, and Mr. PIERLUISI):

H.R. 3433. A bill to amend title 31, United States Code, to provide transparency and require certain standards in the award of Federal grants, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MCCOLLUM (for herself and Mr. ELLISON):

H.R. 3434. A bill to authorize a replacement for the lift bridge in Stillwater, Minnesota with necessary taxpayer protection measures to promote fiscal responsibility; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Ms. BASS of California, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Mr. BUTTERFIELD,

Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Illinois, Ms. DELAURO, Ms. EDWARDS, Mr. ELLISON, Ms. ESHOO, Mr. FILNER, Mr. GRIJALVA, Ms. HAHN, Mr. JACKSON of Illinois, Ms. LEE of California, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. NORTON, Ms. PINGREE of Maine, Mr. RANGEL, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. THOMPSON of California, Mr. TOWNS, Mr. WALZ of Minnesota, Ms. WOOLSEY, Mr. HONDA, Mr. HEINRICH, Mr. SCOTT of Virginia, Ms. WATERS, Mrs. MALONEY, Mrs. LOWEY, Ms. MOORE, Mr. GUTIERREZ, Mr. BACA, Mr. KUCINICH, Ms. DEGETTE, and Mr. ANDREWS):

H.R. 3435. A bill to amend title 10, United States Code, to improve the prevention of and response to sexual assault in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. DEFAZIO (for himself, Mr. SCHRADER, and Mr. BLUMENAUER):

H.R. 3436. A bill to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, and to provide additional protections for Rogue River tributaries, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mr. KISSELL, Mr. WATT, Ms. LEE of California, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. GRIJALVA, Ms. DELAURO, Mrs. EMERSON, Ms. MOORE, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. SCOTT of Virginia, Ms. FUDGE, Mr. THOMPSON of Mississippi, Ms. CLARKE of New York, Mr. CARSON of Indiana, Mr. RANGEL, Mr. CLARKE of Michigan, Ms. NORTON, Ms. WATERS, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Mr. CLEAVER, Mrs. CHRISTENSEN, Ms. SEWELL, Mr. MILLER of North Carolina, Mr. BISHOP of Georgia, Mr. COHEN, Mr. RUSH, Mr. PAYNE, Mr. CUMMINGS, Mr. MCGOVERN, Mr. PRICE of North Carolina, Mr. FARR, Mr. CLAY, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Ms. RICHARDSON, Mr. PASTOR of Arizona, Mr. MEEKS, Ms. EDWARDS, Ms. BASS of California, Mr. DAVID SCOTT of Georgia, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Mr. RICHMOND, Ms. WILSON of Florida, Mr. CONYERS, and Mr. FATTAH):

H.R. 3437. A bill to direct the Secretary of Agriculture to establish the Eva M. Clayton Fellows Program to provide for fellowships to conduct research and education on the eradication of world hunger and malnutrition, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3438. A bill to require the Department of Defense to meet the annual goal for participation in procurement contracts by small business concerns owned and controlled by veterans with service-connected disabilities; to the Committee on Armed Services, and in

addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. MCINTYRE):

H.R. 3439. A bill to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran if the President determines that the Central Bank of Iran has engaged in certain transactions relating to the proliferation of chemical, biological, or nuclear weapons or support for acts of international terrorism; to the Committee on Foreign Affairs.

By Mr. FLAKE (for himself, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. AKIN, Mr. POMPEO, Mr. BROWN of Georgia, Mr. HUNTER, Mr. FARENTHOLD, Mr. GALLEGLY, Mr. HULTGREN, and Mr. WALSH of Illinois):

H.R. 3440. A bill to provide for certain oversight and approval on any decisions to close National Monument land under the jurisdiction of the Bureau of Land Management to recreational shooting, and for other purposes; to the Committee on Natural Resources.

By Mr. FLEISCHMANN:

H.R. 3441. A bill to repeal the Department of Energy's weatherization assistance program; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. JACKSON LEE of Texas, and Mr. FRANK of Massachusetts):

H.R. 3442. A bill to amend title XVIII of the Social Security Act with respect to payment for partial hospitalization services under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself and Mr. WESTMORELAND):

H.R. 3443. A bill to reform the H-2A program for nonimmigrant agricultural workers, and for other purposes; to the Committee on the Judiciary.

By Mr. KINGSTON (for himself and Mr. WESTMORELAND):

H.R. 3444. A bill to amend the Internal Revenue Code of 1986 to clarify eligibility for the child tax credit; to the Committee on Ways and Means.

By Mr. LOEBSACK:

H.R. 3445. A bill to provide priority consideration to local educational agencies that establish high quality entrepreneurship education programs for secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself, Mr. HOLT, Mr. KILDEE, Mr. GRIJALVA, Mr. BORDALLO, Mrs. NAPOLITANO, Mr. PIERLUISI, and Mrs. CHRISTENSEN):

H.R. 3446. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal on-shore and offshore lands that are subject to a lease for production of oil or natural gas under which production is not occurring, and for other purposes; to the Committee on Natural Resources.

By Mr. QUIGLEY:

H.R. 3447. A bill to require proprietary institutions of higher education to derive not

less than 10 percent of such institutions' revenues from sources other than veterans' education benefits or funds provided under title IV of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. RENACCI (for himself, Mr. CARNEY, and Mr. WELCH):

H.R. 3448. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for dividends received from a controlled foreign corporation by any corporation that has increased wages or placed property in service for the year; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. CRITZ, Mr. MANZULLO, Ms. KAPTUR, Mr. GARAMENDI, Mr. JONES, Mr. MURPHY of Connecticut, Mr. JOHNSON of Georgia, and Mr. KISSELL):

H.R. 3449. A bill to direct the Secretary of Defense to develop a defense supply chain and industrial base strategy, and for other purposes; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H.R. 3450. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to assist communities in complying with environmental requirements, to authorize the use of penalty amounts collected under laws administered by the Environmental Protection Agency to finance the grants, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of

Texas (for herself, Ms. JACKSON LEE of Texas, Ms. LEE of California, Ms. BORDALLO, Mr. JACKSON of Illinois, Ms. CLARKE of New York, Ms. BASS of California, Mr. SABLAN, Mr. PIERLUISI, Ms. FUDGE, Mr. RANGEL, Mr. MCGOVERN, Mr. SMITH of Texas, Mr. NORTON, Mr. ANDREWS, Mr. ISRAEL, Ms. BROWN of Florida, Mr. MEEKS, Ms. WILSON of Florida, Mr. GRIJALVA, Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, Mr. CLEAVER, and Ms. RICHARDSON):

H. Con. Res. 88. Concurrent resolution honoring Brigadier General Hazel Winifred Johnson-Brown, the first African-American woman to hold the rank of General in the United States Armed Forces; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri:

H. Res. 468. A resolution expressing support for the designation of a "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses; to the Committee on Small Business.

By Mr. ROE of Tennessee:

H. Res. 469. A resolution expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act is unconstitutional; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, Natural Resources, House Administration, Rules, and Appropriations, for a period to be

subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LANKFORD:

H.R. 3433.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Ms. MCCOLLUM:

H.R. 3434.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers."

By Ms. SPEIER:

H.R. 3435.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. DEFazio:

H.R. 3436.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BUTTERFIELD:

H.R. 3437.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the Constitution, Congress has the power to collect taxes and expend funds to provide for the general welfare of the United States. Congress may also make laws that are necessary and proper for carrying into execution their powers enumerated under Article I.

By Mr. FILNER:

H.R. 3438.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper to execute these powers.

By Mr. FLAKE:

H.R. 3439.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, grants Congress the power to regulate commerce with foreign nations.

By Mr. FLAKE:

H.R. 3440.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. FLEISCHMANN:

H.R. 3441.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3442.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. KINGSTON:

H.R. 3443.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

The Congress shall have Power . . . To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States

By Mr. KINGSTON:

H.R. 3444.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LOEBSACK:

H.R. 3445.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the Constitution which grants Congress the power to provide for the general Welfare of the United States.

By Mr. MARKEY:

H.R. 3446.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. QUIGLEY:

H.R. 3447.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is found in Article I, Section 8 of the United States Constitution.

By Mr. RENACCI:

H.R. 3448.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Article I, Section 8, Clause 18: "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers,

and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. RYAN of Ohio:

H.R. 3449.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, Clause 14; To make Rules for the Government and Regulation of the land and naval Forces.

Article 1, section 8, Clause 18; To make all Laws which shall be necessary and proper for 'carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. YOUNG of Alaska:

H.R. 3450.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. GINGREY of Georgia and Mr. BOUSTANY.

H.R. 265: Ms. LEE of California.

H.R. 266: Ms. LEE of California.

H.R. 267: Ms. LEE of California.

H.R. 303: Mr. ROE of Tennessee.

H.R. 329: Mr. TONKO.

H.R. 374: Mr. FINCHER and Mr. BOUSTANY.

H.R. 436: Mr. JOHNSON of Illinois and Mr. FITZPATRICK.

H.R. 531: Ms. ZOE LOFGREN of California, Mr. SCHRADER, and Mr. DEFazio.

H.R. 631: Mr. CONYERS.

H.R. 692: Mr. ROHRBACHER.

H.R. 708: Mr. GERLACH.

H.R. 718: Mr. MILLER of North Carolina,

Mr. McCOTTER, Mr. RIGELL, and Mr. TOWNS.

H.R. 719: Mr. OLSON.

H.R. 721: Mr. NEUGEBAUER, Mr. McCAUL, Mr. BROWN of Georgia, Mr. MCHENRY, Mr. CALVERT, Mr. FRANKS of Arizona, Mr. GARRETT, and Mr. BARTON of Texas.

H.R. 812: Mr. CARNAHAN, Mr. MANZULLO, and Ms. BORDALLO.

H.R. 835: Ms. HAYWORTH and Ms. HAHN.

H.R. 885: Mr. CARNAHAN.

H.R. 890: Mr. CHABOT.

H.R. 972: Mr. GARY G. MILLER of California.

H.R. 1050: Mr. WITTMAN.

H.R. 1081: Mr. SCHIFF and Mr. LANCE.

H.R. 1092: Mr. MCCOTTER.

H.R. 1148: Mr. DEFazio, Mr. PETERSON, Mr. COURTNEY, Mr. KISSELL, Mrs. MALONEY, Mr. FILNER, Mr. ELLISON, Mr. ROSS of Florida, Ms. SPEIER, Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. HIGGINS, Mr. MCGOVERN, Mr. LOBIONDO, Mr. SMITH of Washington, Mr. POLIS, Mr. REHBERG, Mr. HOLDEN, Mr. CONYERS, and Mr. LARSEN of Washington.

H.R. 1164: Mr. JONES and Mr. DUNCAN of Tennessee.

H.R. 1175: Mr. MICHAUD.

H.R. 1182: Mr. AMASH and Mr. ROONEY.

H.R. 1219: Ms. LORETTA SANCHEZ of California and Mr. KEATING.

H.R. 1221: Mr. FORBES, Mr. VISCLOSKEY, and Mr. LOBIONDO.

H.R. 1288: Mr. ALTMIRE.

H.R. 1295: Mr. JACKSON of Illinois.

H.R. 1297: Mr. AMODEI.

H.R. 1307: Mr. JONES and Mr. DUNCAN of Tennessee.

H.R. 1330: Mr. ANDREWS.

H.R. 1351: Mr. GRIFFITH of Virginia.

H.R. 1385: Mr. MEEHAN and Mr. MARINO.

H.R. 1417: Ms. CLARKE of New York.

H.R. 1449: Mr. COURTNEY.

H.R. 1513: Ms. HANABUSA, Mr. JOHNSON of Illinois, Ms. ROYBAL-ALLARD, and Mr. McDERMOTT.

H.R. 1546: Mr. DENT.

H.R. 1558: Mrs. BONO MACK.

H.R. 1571: Mr. DUFFY.

H.R. 1580: Mr. DESJARLAIS and Mr. WHITFIELD.

H.R. 1639: Mr. DAVIS of Kentucky and Mr. BRADY of Pennsylvania.

H.R. 1653: Mr. YARMUTH and Mr. ROSS of Florida.

H.R. 1661: Mr. CICILLINE.

H.R. 1697: Mr. BROOKS.

H.R. 1738: Mr. MCINTYRE, Mr. MCNERNEY, Mr. FRANK of Massachusetts, and Mr. ROE of Tennessee.

H.R. 1755: Mrs. MILLER of Michigan.

H.R. 1815: Mr. PIERLUISI and Mr. JONES.

H.R. 1834: Mr. WOMACK and Mr. KISSELL.

H.R. 1897: Ms. FUDGE, Mr. RAHALL, Mrs. CAPPS, and Mr. ISRAEL.

H.R. 1903: Ms. BROWN of Florida.

H.R. 1905: Mr. BENISHEK, Mr. KINGSTON, and Ms. NORTON.

H.R. 1941: Mr. COURTNEY and Ms. BALDWIN.

H.R. 2051: Mr. LATTA.

H.R. 2069: Mr. TONKO.

H.R. 2070: Mr. PALAZZO and Mr. JONES.

H.R. 2105: Mr. YOUNG of Alaska and Mr. HULTGREN.

H.R. 2182: Mr. McCAUL and Mr. CASSIDY.

H.R. 2214: Mr. COHEN, Ms. JENKINS, Mr. ROSS of Florida, Mr. WEBSTER, Ms. HERRERA BEUTLER, Mr. KINZINGER of Illinois, Mr. KING of Iowa, and Mr. RIBBLE.

H.R. 2299: Mr. THOMPSON of Pennsylvania.

H.R. 2304: Mr. SCALISE.

H.R. 2335: Mr. BERG and Mr. ISSA.

H.R. 2367: Mr. GALLEGLY.

H.R. 2412: Mr. FRANK of Massachusetts.

H.R. 2414: Mr. HULTGREN.

H.R. 2499: Ms. TSONGAS.

H.R. 2505: Mr. LANCE, Mr. DAVIS of Illinois, and Mr. LATHAM.

H.R. 2508: Ms. HANABUSA, Mr. COSTA, and Mr. FALCOMAYAGA.

H.R. 2528: Mr. BRADY of Texas.

H.R. 2538: Mrs. BONO MACK.

H.R. 2541: Mr. WALBERG.

H.R. 2557: Mr. ELLISON.

H.R. 2559: Mr. STARK.

H.R. 2580: Mr. CRITZ.

H.R. 2600: Mr. FARENTHOLD, Ms. HAYWORTH, Mr. KINZINGER of Illinois, Mr. CLARKE of Michigan, and Mr. HECK.

H.R. 2632: Mr. BRADY of Pennsylvania.

H.R. 2674: Mr. JOHNSON of Ohio.

H.R. 2697: Mr. MATHESON.

H.R. 2733: Mr. MCGOVERN and Mr. JONES.

H.R. 2772: Mr. MCINTYRE.

H.R. 2815: Mr. DEUTCH.

H.R. 2827: Mrs. BIGGERT and Mr. RIBBLE.

H.R. 2866: Mr. DAVIS of Illinois.

H.R. 2885: Mr. NUNNELEE and Mr. HECK.

H.R. 2893: Mr. ROSS of Florida.

H.R. 2900: Mr. LAMBORN and Mr. HUNTER.

H.R. 2918: Mr. BOREN, Mr. KELLY, and Mr. MANZULLO.

H.R. 2945: Mr. CHABOT.

H.R. 2966: Ms. HIRONO.

H.R. 2967: Mr. PASCRELL.

H.R. 2970: Mr. LEVIN.

H.R. 2982: Ms. GRANGER.

H.R. 2992: Mr. MANZULLO and Mr. KELLY.

H.R. 3012: Mr. THOMPSON of Pennsylvania.

H.R. 3057: Mrs. ELLMERS, Mr. GRAVES of Missouri, Mr. JOHNSON of Illinois, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, and Mr. JOHNSON of Ohio.

H.R. 3059: Mr. PAULSEN.

H.R. 3066: Mr. SMITH of Nebraska.
H.R. 3087: Mr. GRIJALVA.
H.R. 3096: Mr. YOUNG of Alaska.
H.R. 3097: Mr. POE of Texas and Mr. CALVERT.
H.R. 3142: Mr. MANZULLO, Mr. COBLE, Mr. GINGREY of Georgia, and Mr. MCINTYRE.
H.R. 3151: Mr. FRANK of Massachusetts, Mr. ISRAEL, and Mr. HINCHEY.
H.R. 3158: Mr. LATHAM and Mr. REHBERG.
H.R. 3162: Mr. BONNER and Mr. REED.
H.R. 3168: Mr. CAMPBELL, Mr. KING of Iowa, Mr. WEST, and Mr. BURTON of Indiana.
H.R. 3178: Mr. CONYERS, Mr. CUMMINGS, Mr. FARR, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. LIPINSKI, Ms. MCCOLLUM, Mr. MORAN, Ms. SCHAKOWSKY, Mr. STARK, Ms. LEE of California, Mr. PAYNE, and Mr. ELLISON.
H.R. 3180: Ms. BORDALLO, Mr. WOMACK, Mr. CARTER, Ms. JACKSON LEE of Texas, and Mr. BARTLETT.
H.R. 3187: Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. BILBRAY, Mrs. BONO MACK, Mr. MCCARTHY of California, and Mr. DIAZ-BALART.
H.R. 3193: Mr. BILBRAY, Mr. ROE of Tennessee, and Mr. GOHMERT.
H.R. 3200: Mr. MCNERNEY and Mr. LOEBSACK.
H.R. 3210: Mr. YOUNG of Alaska, Mr. HUNTER, Mr. MANZULLO, and Mr. PAULSEN.

H.R. 3211: Mr. KLINE.
H.R. 3243: Mrs. LUMMIS and Mr. NUNNELEE.
H.R. 3245: Mr. JONES.
H.R. 3250: Ms. SEWELL, Ms. MOORE, Ms. NORTON, Mrs. CHRISTENSEN, Ms. JACKSON LEE of Texas, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DAVIS of Illinois.
H.R. 3264: Mr. AMASH.
H.R. 3266: Ms. BORDALLO, Mr. ACKERMAN, Mr. DOGGETT, Ms. LEE of California, and Mr. FRANK of Massachusetts.
H.R. 3286: Ms. TSONGAS and Ms. MATSUI.
H.R. 3288: Ms. SCHAKOWSKY and Mr. KEATING.
H.R. 3323: Mrs. HARTZLER.
H.R. 3324: Mr. FRANK of Massachusetts.
H.R. 3339: Mr. ROSKAM.
H.R. 3349: Mr. RYAN of Ohio.
H.R. 3350: Mr. RYAN of Ohio.
H.R. 3351: Mr. RYAN of Ohio and Mr. LATTA.
H.R. 3356: Mr. GRIFFITH of Virginia.
H.R. 3365: Mr. BLUMENAUER.
H.R. 3379: Mr. YOUNG of Alaska and Mrs. LUMMIS.
H.R. 3388: Mr. CICILLINE.
H.R. 3402: Ms. HAHN and Mr. MCGOVERN.
H.R. 3405: Ms. BROWN of Florida.
H.R. 3409: Mr. STIVERS and Mr. HARRIS.
H.R. 3410: Mr. KELLY.

H.R. 3425: Mr. SCOTT of Virginia and Mr. GRIJALVA.
H.J. Res. 78: Mr. HINCHEY and Mr. McDERMOTT.
H.J. Res. 80: Mr. MORAN.
H.J. Res. 83: Mr. SHERMAN.
H.J. Res. 85: Mr. NUGENT, Mr. CRAWFORD, Mr. HARPER, Mr. WALSH of Illinois, Mrs. LUMMIS, Mr. GUINTA, Mr. HUIZENGA of Michigan, Mr. MARCHANT, Mr. WALBERG, Mr. RIBBLE, Mr. ROE of Tennessee, Mr. FRANKS of Arizona, Mr. BROOKS, Mr. BARTLETT, Mr. LAMBORN, and Mr. BILBRAY.
H. Res. 98: Mr. FLEMING, Mr. WALSH of Illinois, Mr. MARCHANT, Mr. RIBBLE, and Mr. FRANKS of Arizona.
H. Res. 111: Mr. ROYCE.
H. Res. 374: Mr. KLINE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3010: Mr. BACA.
H.R. 3086: Mr. THOMPSON of Pennsylvania.

SENATE—Wednesday, November 16, 2011

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O Mighty God, the giver of grace and mercy, we bless Your holy Name.

Today, empower our lawmakers to walk in Your will and follow Your leading. Give them clean hearts and renew a right spirit within them. Teach them to serve You as You deserve, to give and not to count the cost, to strive and not to heed the wounds, to toil and not to seek for rest, to labor and not to ask for any reward except that of knowing they are doing Your will.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 16, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morn-

ing business for 1 hour. The majority will control the first half and the Republicans the final half. Following morning business, the Senate will resume consideration of H.R. 2354, the Energy and Water appropriations bill. We will continue to work on an agreement for the bill and notify Senators when votes are scheduled.

We have a lot of work to do in the next few days. We cannot have the Defense authorization bill eat up a lot of time after we get back from the recess we will have for Thanksgiving. So everyone should understand that we are going to move forward on the Defense authorization bill. It may not be tomorrow, it may not be the next day, but we have to do it before Thanksgiving. So I hope everyone understands. I know everyone wants to get home for Thanksgiving—we all do—but we have an obligation here.

In the Christmas period; that is, after Thanksgiving, we will have just a few weeks to get everything done. As important as the Defense authorization bill is, we can't eat days and days of that time in December. We have to finish that bill now. I know that won't be easy, so I would hope that people understand, if they have an idea that they are going to stop us from moving forward on the bill, on the motion to proceed, we are going to get that done and more. So that might mean we have to work past Thursday, past Friday, and if we have procedural obstacles on that very important legislation, it will mean we will have to work the weekend and into next week. So I want to make sure everyone understands that. So all Senators who are watching and listening, and especially the staff, just make sure you have alternate reservations to leave Washington.

LIFESAVING REGULATION

Mr. REID. Democrats and Republicans don't agree on much these days, although I had a meeting with some veterans groups earlier today, and I indicated to them that maybe they are going to bring us some good luck because we were able to pass part of the President's jobs bill—the veterans employment—with an overwhelming majority. That was really good news, and I hope that is the beginning of some good days ahead of us.

We do agree Congress must do something about the unemployment crisis we face. We have 14 million Americans out of work. There is no more pressing issue facing Congress or the country than jobs. Our plan, the Democrats' plan to address this problem, has been

very straightforward. We have advocated for policies that will create jobs by investing in what makes this country great—our infrastructure, our education system, and our innovative workforce. Despite Republican obstructionism, we have continued to fight for middle-class jobs, bringing to the Senate floor bill after bill designed to bring Americans back to work.

I met yesterday with the Business Roundtable, a stellar organization with the finest business executives we have in America today. I told them that I know they are all doing well financially, and I went over what we had proposed a week or so ago; that is, we need to do something about infrastructure that is deteriorating.

I said we were able to put forward a piece of legislation that said: Let's spend \$50 billion creating hundreds of thousands of jobs. We would not punish millionaires and billionaires. What we would do is, people fortunate enough to make \$1 million in a given year, we would say that on any money they make over \$1 million, they would have to pay a surtax of seven-tenths of 1 percent. I said: Does anybody out here think that is an onerous suggestion? Nobody raised their hand because it isn't. But on a straight party-line vote, it failed.

So we are going to continue to fight for middle-class jobs, bringing to the Senate floor bill after bill, as we have done, and we will bring some more in the future to put Americans back to work.

The Republicans have taken a different approach. I talked about it yesterday. They have advocated a wholesale repeal of so-called job-killing regulations. We know and we were able to show yesterday that of the jobs that have been lost, about three-tenths of 1 percent have been because of regulations. Does that mean all regulations are perfect? Of course not. That is why the Obama administration—as did the Bush administration, as did the Clinton administration—had a review of what regulations are onerous and we should change or get rid of. So we understand that. For Republicans, that is their job-creating mantra: Get rid of regulations. It doesn't work. They say that rolling back everything from limits on air pollution to rules that keep our worksites safe will create jobs and revive our economy. The problem is it is just not true.

Business leaders and economists of every political stripe agree that this GOP mantra is a falsehood. A respected academic adviser to two Republican Presidents called this myth spread by

Republicans to cover up their woeful lack of meaningful work plans to create jobs “nonsense” and “made up.” I talked about him in some detail yesterday.

The evidence, in fact, shows that government safeguards have little impact, if any, on employment. The Bureau of Labor Statistics study found that last year only three-tenths of 1 percent of layoffs were caused by regulation. That is according to executives who ordered those layoffs. Nearly 85 times as many jobs were lost last year because of the slow economy.

But rather than work with us to turn this weak economy around, creating hundreds of thousands, if not millions of jobs, Republicans spent 11 months fighting Democratic policies that would have created these jobs. Meanwhile, they spent these past 11 months focused on killing regulations that make America safer, healthier, more efficient, and more productive.

For example, Republicans want to halt updates to the Clean Air Act. Since its passage 40 years ago during the Presidency of Richard Nixon—do you know why President Nixon and the Congress got kind of interested in that? In Ohio, the Cuyahoga River kept catching fire. The river started burning, they would put it out, and it would start burning again. So President Nixon and others felt that maybe we should do something about the Clean Water Act. We also, during that same period of time, did something about the Clean Air Act, and the Clean Air Act alone has reduced emission of key pollutants by 70 percent, while the economy has grown by some 200 percent during that same period of time. Long-planned updates to the law would reduce emissions of mercury, acid gases, and other life-threatening pollutants into the air, saving lives.

Last year alone, the Clean Air Act saved the lives of more than 160,000 Americans, and it prevented 86,000 emergency room visits and 13 million lost workdays. This is money in the bank for all of us when we can save lives, prevent emergency room visits, and keep people working and not being sick. The Clean Air Act has prevented hundreds of thousands of cases of heart disease, chronic bronchitis, and asthma.

It is wonderful that we have helped clean the air, but we also have medicines that help. I can remember as a little boy going out to visit a woman who lived on the outskirts of Searchlight—that is really a couple miles out of the main part of Searchlight—and I have never forgotten this. She had asthma, and my mom went out to see if there was anything she could do to help. There wasn't a thing she could do to help. This woman was in such a state of distress. She said, “I can't breathe,” and she was making horrible noises that I have never forgotten. So

things are better. One reason they are better is because of medicines but also cleaner air.

The Clean Air Act has prevented hundreds of thousands of cases of heart disease, as I have indicated, chronic bronchitis, and asthma, and last year alone it saved American companies and consumers \$1.3 trillion by reducing medical costs and increasing productivity.

Of course, all these benefits come with a price tag, but for every dollar spent complying with the Clean Air Act, this Nation saves \$30 in emergency room bills, lost work days, and environmental cleanup. And repealing the law of the Clean Air Act wouldn't make the costs go away. Instead, it would shift them from corporations to consumers. Complying with environmental safeguards is one of the costs of doing business in the United States. It is a part of being a good corporate citizen. That is why two-thirds of voters say that scientists at the Environmental Protection Agency, not politicians in Congress, should set pollution standards. Seventy-one percent of voters, including the majority of Republicans, support the stronger environmental protections that are attacked by congressional Republicans. Eighty percent of voters believe those safeguards will improve public health and air quality.

There is plenty of evidence that smart, fair regulations save lives and communities lots of money and also consumers lots of money. There is more evidence that stronger watchdogs could have prevented disasters such as the 2008 financial crisis or the West Virginia mining accident that killed 21 people last year. Simply repeating the fiction that regulations kill jobs doesn't make it a fact. But even if there is one ounce of truth in the fable, there are many ways to steer the economy out of the ditch and create jobs that don't risk American lives.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

EPA REGULATORY RELIEF ACT

Mr. McCONNELL. Today, I would like to begin once again by focusing on a piece of jobs legislation that Republicans in the House have recently passed with significant bipartisan support and by calling on the Democratic majority in the Senate to follow the lead of the House Republicans by taking up this legislation and passing it right here in the Senate.

The legislation I would like to highlight is H.R. 2250, the EPA Regulatory Relief Act. This legislation passed the House overwhelmingly last month. Forty-one Democrats supported it over

in the House. Senator COLLINS has introduced a similar bill here in the Senate. It has strong bipartisan support.

Most Americans are probably aware by now that the Obama administration is crushing businesses across the country with a mountain of redtape and new regulations that it imposes outside of the legislative process. When asked about their challenges, small business owners now rank these regulations at the very top of the challenges they face.

One of the chief offenders is the EPA, and one of the most potentially damaging regulations this redtape factory has proposed relates to the boilers that are used by just about every manufacturer or institution in this country that doesn't get the power it needs from standard utilities.

Right now, EPA wants to force anybody with an industrial-sized boiler to change their facilities to comply with a burdensome new regulation that, according to one study, could put 230,000 jobs at risk.

So here is what Senator COLLINS has in mind that the EPA Regulatory Relief Act would do about all of this problem. Here is what it would do to protect jobs right here in America:

First, Senator COLLINS' bill would provide more time for EPA to issue regulations for industrial, commercial, and institutional boilers, process heaters, and incinerators. This is the time EPA itself has indicated it needs in order to collect more data and analysis and to finalize the rules, so it gives EPA what it says it needs. More specifically, it would provide EPA 15 months from the date of the bill's enactment to repropose and finalize the new boiler rules, which I want to emphasize the EPA has actually already requested at this time. This bill would also extend the compliance deadlines from 3 to 5 years, which would allow companies adequate time to comply with the new standards and install the required equipment.

Crucially, this bill would also direct the EPA to ensure that the new rules are achievable and realistic. We all recognize the vital role the EPA plays in keeping the air we breathe and the water we drink clean and safe. We also need to get some commonsense limits on its actions, and that means putting in place laws that protect Americans against the kind of regulatory overreach that too many unelected bureaucrats in Washington seem to live for these days, especially in these challenging economic times.

As I said, this bill has a lot of support not only from Republicans but from Democrats here in the Senate. In fact, 12 of the bill's cosponsors are Democrats. Like me, they understand and appreciate how these new rules would adversely affect jobs and manufacturing in this country, and they want to work with us to do something about

it. So this is the perfect example of an issue on which the two parties actually agree. The perfect example.

Senator RON WYDEN supports this bill because it directs the EPA to go back to the drawing board and craft boiler rules that are more in line with what is realistic from mills and factories, he said. Senator WYDEN argues that the EPA itself has admitted its boiler rules need to be fixed.

Here is how Senator LANDRIEU put it over the summer:

With manufacturing being one of our bright spots in our economic recovery, we cannot afford to jeopardize the industry's health and the high-paying jobs it supplies to this country. This legislation will give the EPA the time extension it needs to craft a balanced approach that not only keeps our environment clean, but also our economy strong . . .

This legislation is supported by the American Forest and Paper Association, the National Association of Manufacturing, the U.S. Chamber of Commerce, the National Federation of Independent Business, the Business Roundtable, the Biomass Power Association, and around 300 other business groups. Too many jobs are at stake for the Senate not to act on this legislation that has actually already passed the House. I have previously mentioned an Ohio paper mill where 200 jobs are at stake as a result of this rule. The American Forest and Paper Association says 700,000 jobs in the paper industry alone are also at risk.

The Republican House has done its job. Now it is time for the Senate to act. Let's take up the EPA Regulatory Relief Act, pass it, and send it on down to the President for his signature.

If Democratic leaders cannot agree to take up and pass legislation the two parties actually agree on, then what will they agree to pass? Let's follow the House's lead and show the American people we can work together on this commonsense, bipartisan bill to protect jobs in American manufacturing.

TRIBUTE TO THE REVEREND GENE HUFF

Mr. MCCONNELL. Madam President, today I pay tribute to a good friend of mine, and a man who has been a good friend of the Commonwealth of Kentucky for decades. Whether as a State legislator, a pastor, an evangelist, a radio station operator, or as a dedicated and loving family man, the Rev. Gene Huff of London, KY, has been a good and faithful servant in his community for many years. He has my respect as a model Kentuckian.

Gene Huff was born October 6, 1929. Before he was 20 years old, he had heard the call to preach and began traveling Kentucky as an evangelist. His wife of nearly 60 years, Ethel, recalls the first time she laid eyes on

Gene when he came to preach at her church.

"On March 13, 1949, he came to Newport, Kentucky, to preach his first revival at age 19," Ethel remembers.

It was my home church. I had never seen or heard a teenager preach before, so when I first saw Gene, I wondered what he would be able to tell us. He was so young-looking to be a preacher. But I loved his broad, friendly smile and wonderful voice from the very start. And to my surprise, he really could preach!

At that first meeting Ethel was a 16-year-old church pianist. She must have been smitten with the handsome 19-year-old preacher. They dated for 3 years and were married on July 4, 1952. That same year Gene found a permanent home as a preacher when he became the first pastor at the First Pentecostal Church in London, KY, the church that would eventually become his home for three decades. From 1955 to 1963, he followed some other pursuits, including serving as pastor at the Upper Colony Holiness Church and Carmichael Community Church in London, and at the Deer Park Christian Assembly of God Church in Cincinnati.

He also worked for a time as a public school teacher and a tutor. But in 1963, Gene returned to pastor at the First Pentecostal and remained in that capacity until 1989.

Many Kentuckians have also come to know Gene through his life-long experience in politics. He was first elected to the Kentucky House of Representatives in 1967. In 1971, he won a seat in the Kentucky Senate representing the 21st district and served there until 1994.

I worked with Gene in his legislative capacity over the years and can truly say the people of the 21st district could not have asked for a more dedicated, loyal, or hardworking senator. Gene was always true and faithful to his convictions in the State senate. He was the leader of efforts to oppose a lottery coming to Kentucky. Although he was ultimately unsuccessful, I know he was proud of waging that fight. He would eventually rise to serve as both the minority caucus chairman and minority floor leader and as the ranking Republican on the Appropriations and Revenue Committee for 14 years. In 2000, he was inducted into the 5th District Lincoln Club Hall of Fame.

Gene continued to serve as a pastor while serving his constituents in Frankfort. In 1974, inspired by his son, Marty, who had seen a presentation on a bus ministry, Gene found four schoolbuses for his church to buy and fix up, and he began running these buses across the region to bring people in to hear him preach at First Pentecostal. They named the four buses Matthew, Mark, Luke, and John. Before the bus service began, Gene's Sunday school had an average attendance of around 150. Within three months over 400 people were attending Gene's services.

Gene traveled even farther than the back roads of Kentucky when it came to spreading the word. In the 1980s, while serving as a State senator, Gene successfully got a resolution passed to assist persecuted Christians in Romania. Shortly afterwards, Gene traveled to Romania to see the situation there himself firsthand. What he saw so moved him that he began an entirely new phase of foreign missions in ministry. Gene would go on to make 28 trips to Romania, and he and Ethel traveled to 33 countries. In 1990 they formed the Good News Outreach missions organization to support their work in foreign missions. Here's how Ethel puts the effect these trips have had on her and Gene: "Involvement and support of foreign missions has been a beautiful addition to the tapestry of our lives."

As if all this service to both congregants and constituents were not enough, Gene succeeded in many other pursuits as well. He has installed air conditioners and furnaces, repaired washing machines, rebuilt cars, worked in home construction, worked at a car dealership and an ice cream shop, and hauled hay, coal, lumber, and watermelons. He once worked as a travel agent for KLM Airlines. In the 1970s he became part owner of an airplane and earned his pilot's license. On the day he resigned from the State senate in 1994, Gene and Ethel raised a 50,000-watt tower for WYGE, a Christian radio station which he continued to operate until 2007. I remember doing two interviews with Gene on WYGE.

Gene played a key role in seeing the brand-new, state-of-the-art St. Joseph-London Hospital completed, an acute-care hospital that serves a population of over 50,000 in four counties. When construction for the new facility came to a crossroads a few years ago, it was Gene who brought the community together on a Thanksgiving weekend to lobby for the hospital's completion. I am sure he is proud to see the new hospital and its award-winning cardiovascular services up and running.

Gene Huff is not only a well-rounded man but a well-educated one as well. He enrolled in Sue Bennett Junior College in London in the fall of 1952, beginning a pursuit of higher education that would continue over a period of 25 years. He finished Sue Bennett in 1954 and earned a bachelor's degree from Union College in Barbourville, KY, in 1960. His master's degree was earned at Morehead State University in Morehead, KY, in 1976. He also earned an educational specialist degree there in 1977. He pursued further graduate work at the University of Kentucky. In 1999 Gene was awarded an honorary doctor of public education degree from Union College.

Gene turned 82 years old a month ago, and I certainly hope he took the happy occasion of his birthday to look

back proudly at a life filled with achievement. The number of lives he has touched, whether through his preaching, his public service or his warm and steady presence among family and friends cannot be counted.

I had the pleasure of talking to Gene on the phone a few days ago and we got to reminisce about old times. I wanted him to know I was thinking of him and that I am proud of him for his decades of service to his community, to the Commonwealth of Kentucky, and to God.

It is an honor to come to Washington to represent Kentuckians such as the Rev. Gene Huff. I am sure no one could be prouder of Gene than his wife, Ethel; their five children, Arlene, Martin, Marsha, Anna Marie, and Jeanie; their 19 grandchildren, their 7 great-grandchildren, and many other beloved family members and friends.

I would ask my Senate colleagues to join me in recognizing Rev. Gene Huff for his lifetime of accomplishment. Kentucky is honored to call him one of our own, and I am honored to call him my friend.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak therein for 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. WHITEHOUSE. Madam President, I wish to ask unanimous consent that the Senator from Montana, Mr. TESTER, the Senator from Louisiana, Ms. LANDRIEU, and the Senator from Connecticut, Mr. BLUMENTHAL, and I have unanimous consent to engage during majority morning business time in a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PELL GRANTS

Mr. WHITEHOUSE. We have just passed through a very significant landmark in this country which is that student debt, the burden of college loan debt Americans have to carry, broke

through \$1 trillion. That is \$1 trillion in debt. And because of the laws that have been set up to favor the banks, in particular in this Congress, the debt is not dischargeable in bankruptcy. That is a \$1 trillion burden on folks who required loans to get through college that they can never shake off that is going to stay with them for their lives, for as long as it takes to pay it down even when things don't work out for them. So it is a very significant milestone when it hits \$1 trillion of this particular kind of very onerous debt.

One of the responses to it is the Pell grant.

The Pell grant helps people who can't afford college have the chance to go to college. It helps them pay their way through college, and it does so without leaving that burden of debt behind. It is named after Senator Claiborne Pell of Rhode Island, a Senator and a man who was very important to me in my life and in my development as a political figure in Rhode Island. He was a very dear friend and went almost inexplicably out of his way for me on many different occasions. I am deeply indebted to him. But I am also extremely proud to represent Rhode Island in the Senate and to represent a State that produced Senator Claiborne Pell and, particularly as we face this massive burden of debt, to come to the floor to participate in this colloquy in support of the Pell grant.

I will turn to my colleague, Senator TESTER, in one moment. First, I wish to say how important this is to individual people who wouldn't have the chance otherwise. I was at the University of Rhode Island just a few weeks ago. I met a woman named Amber, who is 29 years old. She is not the standard "come out of high school and go on to college" student. She is actually a mom. She has two kids. She works full time and she goes to school full time and she is the mother of two kids. This is a very busy person and a very energetic and capable person. The only way she can make things work in her life and enable her to be a full-time mom, a full-time employee, and a full-time student is because the Pell grant that she gets bridges the gap between what she can earn, what she can borrow, what she has to pay, and gives her the chance to move into the college-educated status.

As we know from looking at this recession we are in right now, there are two economies in America. There is an economy for college-educated people—an economy in which the top unemployment rate is below 5 percent—and then there is the economy for people who have not had the benefit and the good fortune of a college education, for whom unemployment is nearly twice as high and for whom the suffering brought on by the Wall Street meltdown and the subsequent recession has been much more acute.

I will turn now to Senator TESTER. I appreciate so much that he has come to join us today to help our colleagues, I hope, come to the realization that cutting Pell grants as we face our debt and our deficit problem would be a wild mistake, a terrible mistake, would undercut the progress we are trying to make, and would be one of the worst places to go for spending cuts. Even though I admit we need to make them, the Pell grant is the wrong place to look.

I yield to my distinguished colleague, Senator TESTER.

Mr. TESTER. Madam President, I thank the Senator from Rhode Island. We appreciate his leadership on the issue of Pell grants. I very much appreciate the opportunity to address Pell grants and what they mean to not only our young people and to the folks who are being retrained to find different lines of work with the economic slowdown but also to our economy in general overall.

If we are going to go to an institution of higher learning at this point in time, it takes money. If Pell grants are reduced or potentially even taken away, as some want, it takes away that opportunity. It takes away that opportunity for upward mobility within our society, within the economy. Without education, if a person is born poor, that person is liable to stay poor. Without education, if a person wants to improve their quality of life, it becomes much more difficult.

When I meet with students, both traditional and nontraditional, around the State of Montana, the first question they ask me or one of the first questions is, What is the Federal Government doing to make college affordable? Because if one is unfortunate enough to be born without economic means, these Pell grants are critically important to be able to allow people—students, young people, folks who need to be retrained—to go to college and get that training, thereby adding to our economy and enabling them to get a better job and potentially become business owners and down the line.

Why is this important? It is because Pell grants have been under attack in the House.

H.R. 1 would cut \$5.7 billion from Pell grants and 1.7 million students would have been denied access to education because of that cut. Some people in the House even call Pell grants 21st century welfare. It couldn't be further from the truth.

Then, after H.R. 1 was put down in the Senate in a bipartisan way, the House passed the Labor-HHS bill which cut \$8 billion from Pell grants, thereby eliminating Pell grants for folks who are going to school less than half time. That eliminates a good portion of the nontraditional students because a lot of these folks are trying to make a living, trying to support a family, and

trying to improve themselves in the economic strata of this world. Some of them have been laid off.

There is an individual, for example, in western Montana who had a tile business, with 27 years' experience in the tile and stone business. He had a family, and because of the economic downturn and because of, quite frankly, physical limitations in a business that is very difficult, he had to find a different line of work. Work had dried up and, quite frankly, the back was getting weak. So he was able to get a Pell grant, go back to school on a part-time basis, and study for a job where there was a job once he got out in the culinary arts—something he had wanted to do and something that would allow him to support his family. Without those Pell grants, he would have possibly been on workers' comp or potentially making far less money.

So when the Pell grants come forward in the House and they do things such as cut Pell grants, either their amount or eliminate the numbers available to our students across this country, traditional and otherwise, we are basically doing bad things to the economy, cutting the economy down because, quite honestly, the affordability issue is critically important as we move forward and people go to get retrained and move themselves up in the economic strata.

The other issue, finally, is the importance to Indian Country. With the tribal colleges, the Pell grants are used to a great extent there. Why is this important? In Montana, in Indian Country, the unemployment rate is very high—70 percent and higher—on many of the reservations around Montana. Quite honestly, if we are going to dig into the unemployment rate across this country, whether it is Indian reservations or wherever, education is a key component to making that happen. Pell grants are a key component to giving access to our students, both traditional and nontraditional.

As we move forward, we need to understand that for men and women alike, young people and middle-aged, who need the training to be able to get good jobs, Pell grants are a critical component of that.

With that, I kick it back to the Senator from Rhode Island.

Mr. WHITEHOUSE. I thank the Senator. As my colleague knows, we have a very distinguished colleague from the Senate who has now gone on to be the Secretary of the Interior of the United States, Ken Salazar. I see former attorney general and now Senator BLUMENTHAL from Connecticut has joined us for this colloquy, and he knows Ken Salazar was the attorney general of Colorado, an attorney general with both of us. Ken grew up on a farm in Colorado that, until his generation, didn't have running water and didn't have electricity. His generation

was the first generation to go to college. When I got here, he was a Senator and his brother was a Congressman. It never would have happened if it hadn't been for the Pell grant. It was the Pell grant that allowed those boys, from a faraway corner of Colorado, who were eighth-generation Americans, to be the first generation that got their foothold in college and were able to propel themselves from that to remarkable leadership of our country. It shows what ordinary Americans are capable of when the Pell grant gives them that launching pad.

I appreciate that the Senator from Montana brought up the effects on Indian Country as well.

I know Senator BLUMENTHAL wishes to say a few words.

Mr. BLUMENTHAL. Madam President, I wish to thank my colleague from Rhode Island for organizing this colloquy, and the Senator from Montana has been a tireless advocate of opportunity for all the people of the United States and particularly his State. So I am honored to follow my colleague from Montana in this discussion.

Claiborne Pell, whose name is on the grant, is an example of how an individual can make a difference in this institution. His contributions have left a legacy not only for himself and the State of Rhode Island but also for the entire country in advancing the cause of higher education and putting it on the map in the American understanding of how critically important it is and how it is evermore important today for the United States to compete in the global economy. It is important for individuals to compete within the United States. It is important for middle-class people to continue to have viable, healthy families. In fact, the Pell grant is important to the economic health and even the viability of our middle class. The failure to fund it and support it will endanger educational opportunities for middle-class Americans across the country.

What we know about the modern economy is that more and more, a high school education alone means less and less. High school is vitally important but, economically, it is not enough. That is reflected in an overwhelming—almost an avalanche—of statistics and studies. The most recent issue last Friday by Georgetown University Center on Education shows clearly and dramatically that Americans who have only a high school education are less likely to have a good income and a good economic status.

Workers who had a high school diploma alone, in 1973, were qualified for 72 percent of jobs—much more than two-thirds. Today, people who have only a high school diploma are qualified for only 44 percent of the jobs available. In 2018, that number will drop to 37 percent. That set of numbers

is more than just a statistic, it is human lives and families and income—dollars in people's pockets they can spend in our economy. It affects particularly women who more and more shoulder the largest burden of changes in our educational requirements and have been hit the hardest in the unemployment crisis we face. In our advancing economy, employers need highly skilled individuals. More and more, what I hear as I go around the State of Connecticut is there are jobs available, but there aren't people with the skills to fill them. When we talk about a Pell grant and college degrees, we are not talking about only a 4-year diploma, we are talking about an associate's degree that enables somebody to run a computer on an assembly line or do welding or the other kinds of practical skills that enable people to fill those jobs, enable America to compete, and enable employers to compete successfully.

In 2018, only one-third of the jobs available to noncollege-educated workers will provide a living wage. That is a statistic that ought to be a wake-up call to the Congress and to Washington. I think it is reflected not just in the overall picture but in the individual human stories that both my colleagues expressed in their remarks and that I hear from people who not only have benefitted from Pell grants but who hope to benefit from them, including educators who believe they are vital to the future of American education.

I wish to cite a few this morning and quote first from a letter I received from Norma Esquivel, who lives in Greenwich, CT, and who said to me in her letter:

I recently received news regarding the possible elimination of the Pell Grant. As a recipient of the Pell Grant, the mere thought of losing such an essential feature of my financial aid package is devastating. . . . I was brought up in a Latino household where the lack of money was often a catalyst for stress and hopelessness. Neither of my parents could afford to attend college. My father worked as a janitor and is currently retired due to his debilitating Parkinson's disease while my mother is a housewife.

She goes on to talk about how her parents gave her the hope and aspiration to attend college and how she is now doing it at Sarah Lawrence because of the Pell grant.

Gena Glickman, who is the president of Manchester Community College, writes to me about the students whom she meets and she sees every day who benefit from these programs. She says:

Pell grants not only help low-income and first-generation students to access postsecondary education and training, they enable them to complete degrees and certificates.

Senator WHITEHOUSE has given us this statistic that is astonishing and alarming: \$1 trillion of debt that our students now bear—larger than the amount Americans owe on their credit

cards, I believe, and threatening not only their futures but all of our economic futures and the viability of our economy.

I would like to ask my colleague from Rhode Island whether and how much funding is projected to be necessary for the continued viability of this program and for America and Americans to compete in the global economy?

Mr. WHITEHOUSE. I say to Senator BLUMENTHAL, one of the things that has taken place is that the value to the individual student of the Pell grant has actually declined quite a lot over the years since it was first initiated.

When the first Pell grants came out, they paid for nearly three-quarters of the typical 4-year public college tuition; 72 percent of that tuition. Now they are down to 32 percent; less than one-third. So there is a lot of room to increase what we can spend on Pell grants. I think it is pretty clear from what the Senator has said and from what Senator TESTER has said that once someone is college educated, they step into a different economy with a top unemployment rate through this awful recession of below 5 percent, they step into a whole new set of opportunities, and they step into opportunities that have a higher income potential for them, all of which redounds back to the benefit of our country in higher revenues, in a stronger economy, and in more innovation and economic development.

So we are going in the wrong direction is the way I would respond, and it is time, instead of doing what the Republicans in the House have suggested, which is to go even further in the wrong direction, even potentially eliminating this grant, calling it welfare, for Pete's sake—remember Amber. This is a woman with two children, working full time and going to school and what enables her to tie that together—the last piece, the keystone in the arch—is the Pell grant. You call that welfare? This is a welfare recipient? I do not think so. But that is the kind of attack these things are under, and it is not just institutions like Connecticut is famous for and Rhode Island is famous for—super high-end institutions that are internationally renowned—but it is also basic community colleges and technical colleges, places where people can get a solid career.

I know Senator TESTER wants to say a few words about that and then Senator LANDRIEU.

Mr. TESTER. Yes, I do. I thank Senator WHITEHOUSE.

We have talked about the unemployment rate and job opportunities for people who get higher education. I was talking to a welding shop in Fort Benton, MT. Fort Benton is in the north central part of the State. The oil play in the east has been having some im-

pacts even in that area of the State. This welding shop that is in Fort Benton—I talked to the fellow, and he had some issues he wanted to talk to me about.

I said: What is one of the biggest things you have to deal with right now?

He said: Right now, I could hire a half a dozen welders. I could hire them tomorrow. The work is out there for them to do.

When we talk about getting this economy going again and getting things moving, it is so critically important we not only talk about the 4-year colleges that develop our entrepreneurs and businesspeople but we also talk about the community colleges, the technical colleges, the tribal colleges that do a great job developing a well-trained workforce.

With that, I will kick it over to Senator LANDRIEU.

Ms. LANDRIEU. Madam President, I am so happy to join my colleagues who have done a beautiful job this morning expressing the importance of Pell grants to not only the individuals and their families but to the economic vitality of our Nation. I thank Senator WHITEHOUSE, who has taken up this as a cause. We need a champion for Pell grants.

I am here to help him and to help Senator TESTER, who stepped forward to be a leader as well, to say to them that when I go back to my State and check—the Senator from Connecticut knows this—when I go back to my State, what I hear is: Senator, without Pell grants, I could not make this happen. Senator, without Pell grants, my parents could not afford it.

It is not the whole part of tuition, but I think, as Senator WHITEHOUSE has said, it is the keystone, it is the cornerstone, it is the centerpiece, it is the foundation of what our students—and some of our students who are parents who are raising two and three children, holding down one or two jobs—we cannot pull that out from underneath them, I say to the Senator. We just cannot do it.

Secondly, I would say I know we have to find a way to balance our budget. I just left the Go Big Conference. I am one of the ones who is standing in the middle, hoping we can come up with not a \$1.2 trillion solution but a \$4 trillion solution. This is tough. This is hard. But one of the things that should not be on the chopping block is Pell grants, not because it is a government program—we have to cut back government programs—this is the seed corn. This is the seed corn, I say to the Senator, for our future vitality as a nation. We need to be sending more kids to college, not less. We need to be producing more engineers, not less; more mathematicians. This is our basic grant program.

So I just wanted to come to the floor and join you all. I say to the Senator,

I want to personally give you letters from people—children and adults—from my State. I have a letter from a student from Tulane University, a letter from a freshman named Arais at Loyola University, and a letter from a young man named David, who attends Louisiana Tech University. These letters speak for themselves. I will put them in the RECORD, but, I say to the Senator, I wish to also actually give them to you because I want you to be able to hear from students from Louisiana as well as Rhode Island, and I tell the Senator that I want to join the Senator in this movement to not throw out the seed corn while we are trimming the hedges.

Madam President, I ask unanimous consent that the letters I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR LANDRIEU, I am a third-year pre-medical student at Tulane University with a major in Cell and Molecular Biology and minors in Spanish and Business. . . .

I am in support of the Pell Grant because I would like to continue my education at Tulane. . . . I've watched my parents struggle over the years just to enroll me into private schools to ensure that I receive a good education, and I seek to follow their honorable example. Their financial hardships have inspired me to pursue an improved lifestyle. I hope to take these obstacles and utilize them for what they're worth, applying persistence, dedication, and passion towards my ultimate goal of attaining a medical degree.

I love being challenged by my classes and having the opportunity to represent my hometown of New Orleans in an extraordinary way, and Tulane allows for both of these things. I know that with the help of the Pell Grant, I can continue to study at Tulane University and someday be of great service to my family and community. . . .

Sincerely,

CONCERNED COLLEGE STUDENT.

DEAR SENATOR LANDRIEU, My name is Arais and I am a freshman at Loyola University New Orleans. I am majoring in accounting and music industry studies. . . . The Pell grant makes it possible for me to go to Loyola, a university that has a much higher graduation rate than the other schools I was considering. The Pell grant also helps my family avoid the burden of loans. I'm so grateful for the opportunity.

Sincerely,

ARAIAS.

DEAR SENATOR LANDRIEU, My name is David. I attend Louisiana Tech University. I major in Business-Marketing. I would like to create my own products and put them on the market. The Pell grant makes a huge difference, because without it I would not be able to afford the classes required for me to receive my degree. Without the Pell grant, my plan would not be what it is today actually, and thanks to the Pell grant, I will guarantee success out of what I was given. I'm so thankful for the Pell!

Sincerely,

DAVID.

Ms. LANDRIEU. I hope people understand there are differences in some

government programs. This is a partnership between the Federal Government and our own individual citizens, a partnership with them and a partnership with the universities, saying: We believe in you. We believe in the future of our country and this is our investment and it should not be cut.

I am sure the Senator from Connecticut hears this in Connecticut.

Mr. BLUMENTHAL. I thank the Senator. If the Senator will yield?

Ms. LANDRIEU. Yes.

Mr. BLUMENTHAL. I agree wholeheartedly with everything the Senator has just said so eloquently about the importance and the partnership of the Pell grants, and I would like to again ask a question to my colleague from Rhode Island, whom I thank, by the way, for organizing this colloquy. His leadership on this issue has been so instrumental, carrying on the great legacy and tradition of Senator Pell.

Isn't it a fact, I ask Senator WHITEHOUSE, that throughout its history, the Pell Grant Program has enjoyed strong bipartisan support; there has been nothing partisan or Republican or Democratic about advancing American higher education in this way?

Mr. WHITEHOUSE. Yes. That is a great point, I say to the Senator. One of the unfortunate aspects of the current condition we have in Washington, DC, is that a party that has long supported Pell grants—it has long enjoyed bipartisan support—has suddenly, after—what has it been, 30 years of support for the Pell grant—has suddenly walked away from it, has suddenly decided: No, we have a new agenda. Helping people who cannot otherwise afford college to have a chance to go to college, without carrying that trillion-dollar burden of debt and to be able to move up into the college-educated economy and into the opportunities and potential that creates, that is not what we are interested in any longer. We are interested in other things.

Clearly, they are interested in protecting the tax breaks for people making over \$1 million. We tried to get jobs legislation through here. It was paid for with a tiny tax only on the dollars over \$1 million that people earning over \$1 million earn. On the first million dollars, there is no difference. The second million dollars is where it started to kick in. No, no. We stopped jobs legislation over that. But when it comes to a kid who cannot afford college, that is a program they suddenly want to take a whack at. I think it is regrettable because there is a long history of very honorable, sincere, and enthusiastic Republican support for the Pell grant. Frankly, there is nothing Democratic or Republican about an American young person having the chance to begin to climb the ladder of success. That is a common American dream. That is common to both parties. Yet now, in this strange environ-

ment we now have to inhabit in Washington, this other party has decided: No, we are walking away from that.

In the House, they tried to knock more than \$1,750 out of the average grant. They would have put nearly 5,800 students in Rhode Island off the Pell grant. When we hear from people such as Amber, who would not be able to do it but for that—this group I spoke with at URI was so impressive. We had regular students who were right in line. We had the nontraditional students, such as Amber, who had their kids. We had faculty who years ago had gotten their Pell grants and now they are teaching others. They have made a career in academia as a result of that first foothold they got in higher education through the Pell grants. How one would want to cut it at that point by that much, when we have these people—it is just enough to make it possible for them. When we cut it by over \$1,750 for a lot of those kids, for a lot of those working moms, it means: No, we are pulling, as the Senator said, the rug out from under them. They do not get that chance.

We all win when young Americans step forward. Everybody in America wins when young Americans reach their full potential and create industries and do a great job and save lives as surgeons or nurses or EMTs and pay revenues through their taxes through their successes to support our great country.

Ms. LANDRIEU. I would say this program is one of the most effective antiwelfare programs in the country that we fund in Washington. A student from Xavier University wrote in. This student is a first-year student majoring in biology, in premed. This is an African-American Catholic University—the only one in the country and it produces more premed students and more doctors than almost the largest.

Madam President, I know we have just 1 minute. I ask unanimous consent for 1 more minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President is the product of a single-family home and was the only individual employed in her household. So as she is going to school, she is also employed, supporting the whole household, basically keeping them off other government programs that might not be as effective.

The Senator's, leadership is to be commended. I thank him for it.

I am going to submit more of these specific stories from specific students and families for the RECORD so people understand this is not politics. This is just trying to do what is smart for our country and to do what is right for these young people who are trying so hard.

Madam President, I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL STORIES FROM LOUISIANA STUDENTS

Student A from Xavier University is a sophomore, majoring in chemistry/pre-pharmacy. During the last two years of high school, she became homeless. She relied on friends and grandparents until she found an apartment during the end of her senior year of high school. Then she worked two jobs to keep a roof over her head. As a student without parental assistance or scholarship funding, she receives \$5,500 per year. She would be unable to remain in college without Pell Grant assistance.

Student B from Xavier University is a first-year student majoring in biology/premed with the goal of becoming a specialized surgeon. She is the product of a single-parent home, and was the only individual employed in her household before enrolling at Xavier. She has paid the balance of her tuition and expenses but still owes Xavier \$3,000. This amount must be paid before she can take her final exams. If she loses her Pell Grant, she would owe an additional \$5,500. She is the first person in her family to attend a four-year college. Receiving the Pell Grant helped make that possible.

Student C from Loyola University at New Orleans is a first-year visual arts student. He had a 3.0 GPA at the midterm of his first semester. He is a work-study student in graphic arts and has to spend a lot of his earned money on art supplies. He receives the full Pell Grant, \$5,550 per year. Without these funds, his mom would not be able to afford to send him to Loyola, or likely to any 4-year university. His mom is his primary next of kin—she is not employed and currently lives in a shelter.

Student D from Loyola University at New Orleans is a sophomore pursuing biochemistry. She is from Mississippi and wants to be a doctor or biomedical engineer. She has a work study job on campus. She receives the full Pell Grant, \$5,550 per year, and could not afford to be there otherwise.

Ms. LANDRIEU. I thank the Senator.

Mr. WHITEHOUSE. Madam President, I will yield the floor with appreciation to my colleagues, Senator LANDRIEU, Senator TESTER, and Senator BLUMENTHAL, for coming together to urge our colleagues to support the Pell grant.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, is it time to begin the Republican time?

The ACTING PRESIDENT pro tempore. Yes.

Mr. ALEXANDER. Madam President, will you let me know when I have used 4½ minutes?

The ACTING PRESIDENT pro tempore. Yes.

Mr. ALEXANDER. Thank you, Madam President.

BOILER MACT RULE

Mr. ALEXANDER. Madam President, last week during the debate on clean

air, in which I opposed overturning a rule that allows dirty air from other States to blow into Tennessee, costing us jobs, and hurting our health, I said: Why should we be picking on a good rule when the Environmental Protection Agency is a happy hunting ground of unreasonable regulations.

I just wish to take a moment to talk about perhaps the foremost of those unreasonable regulations, which we call the boiler MACT rule. This is a regulation that will force thousands of industrial boilers around America to install the maximum available control technology on their boilers. This is important in order to clean the air of such pollutants as mercury.

That is a good idea. What is a bad idea is EPA only gives 3 years for companies to install this technology, a time frame that is completely unrealistic. This is not like a lot of the other clean air laws and rules that have been around for years; this is an unexpected new rule on thousands of industrial boilers which are essential to our manufacturing jobs in America.

First, there is not enough time to comply with the rule, and second, EPA used a flawed methodology in determining what fuels could be used. As a result, little businesses and big businesses all over America are going to be forced to spend hundreds of millions of dollars trying to comply with this rule instead of spending that money on creating jobs.

That is just not one Republican Senator saying this. We have 12 Democratic Senators and a number of Republican Senators who have introduced legislation. Senator COLLINS is the leader of this effort. I am a part of it. So is Senator WYDEN, Senator PRYOR, and Senator LANDRIEU. What we are saying is, let's give the EPA enough time to fix the rule. Fifteen months is what EPA has asked for. Let's give the EPA additional authority to use the correct methodology so they can write a rule that makes some sense and does not act as though it is delivered from Mars or Venus or some other planet, and then let's give the industries enough time to comply with the rules, instead of 3 years, which is what the rule suggests, we will give them 5 years.

Let me try to give some sense of the impact of this unworkable rule. Its estimates that this rule will result in a loss of 340,000 jobs nationwide. We just passed, in a bipartisan way, three trade agreements which the President said would create 250,000 jobs. It took us 3 years to do that. It was something Republicans and Democrats agreed on. We thought that was a big step forward. Yet here we are allowing this agency to go forward with an absolutely unworkable rule that will cost 340,000 jobs. In my State of Tennessee, the cost to businesses is \$530 million.

I have talked to owners of small businesses who are facing a \$1 million cost

to try to implement this unworkable rule on their boilers. They have told me they will close their plants. They cannot possibly afford it comply with this rule in this short of a time period.

I have talked to large industries that are affected. Eastman Chemicals is one, they've been in Tennessee forever. It is as an important part of our State as the Great Smoky Mountains are. Thousands of Tennesseans work there. This is what they say: They are going to spend more than \$100 million over and above the work they have already planned in order to bring five Eastman boilers into compliance with the EPA regulations.

This is a company with \$7 billion in revenue. They are going to survive. But some jobs will not. Instead of creating jobs with that money; they will just be trying to comply with an unworkable government regulation. The majority leader said on the floor: Regulations don't cost jobs. Here is a prime example that shows unworkable regulations do cost jobs. And 12 Democratic Senators and at least as many Republican Senators agree on that. We have a bipartisan way to fix this rule. The House, in an overwhelming bipartisan vote, agreed with us by passing similar legislation.

I want to call this Collins-Alexander-Wyden-Pryor-Landrieu legislation to the attention of the public, to the attention of the Senate, and say, there are some regulations that are before us that need to be changed. They are costing jobs. This is not Republican rhetoric or Democratic excuses. It is Republicans and Democrats saying to the EPA: We want to give you the authority to write a good rule. We want you to fix the rule. We want a clean air standard. We do not want to change the end result of the rule, but we want to give you enough time to write the rule. We want you to be able to use the correct method in writing this rule so companies can comply. And we want to give companies enough time to install these technologies so they can make reductions in these harmful pollutants.

The ACTING PRESIDENT pro tempore. The Senator has used 4½ minutes.

Mr. ALEXANDER. This is a rare piece of legislation, something we agree on across the aisle, that could immediately save 340,000 jobs, that keeps the clean air rule the EPA has proposed, but simply gives them time to write it properly, the authority to write it properly, and businesses the opportunity to comply with it within a reasonable period of time.

I hope we will adopt it.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for

the quorum call be rescinded, and Senator COONS and I be allowed to engage in a colloquy for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AGREE ACT

Mr. RUBIO. Madam President, we are going to start today by talking about job creation in America. I wish to turn it over to Senator COONS to begin this conversation about a very important piece of legislation we filed jointly yesterday.

Mr. COONS. I thank the Senator.

Senator RUBIO and I have come to floor today to talk about our shared experiences. In my home State of Delaware, over the 1 year I have been a Senator—and over the years before that, I served in county government—I have heard from hundreds, even thousands, of families and individuals looking for work, deeply hurt and challenged by the ongoing slow economic recovery. Folks have come to us asking for opportunities for assistance, for promise and hope.

In reality, I think what is causing some real concern in this country, in my State and most likely in yours, Madam President, and most likely in Senator RUBIO's as well, is a broadly shared concern that we here in the Capitol, we in Congress, are not capable of getting past the partisan politics and making real progress in tackling the job-creating challenges before us.

Let me, if I could, quote from a couple of letters I have received from Delawareans in the last few months. Lawrence from Milford wrote my office: Congress needs to stop the political arguing and take positive action to make America and our economy strong again.

Janet from Wilmington wrote: I am the owner of a very small business. I have been in business 29 years and I have never seen it as tough as it is today.

Joseph in Smyrna summed it all up in a letter he wrote: Our economy needs jobs now.

Delaware is a great place to grow a business, to raise a family, to achieve success. But we have the toughest economy we have seen in generations. The folks we represent expect us to act, and they expect us to find ways to work together and to get past the partisan divide that has made it so difficult for us to make progress.

I ask the Senator what sorts of things has he heard from his constituents in Florida, and how has that motivated the Senator to act?

Mr. RUBIO. Let me point out a couple of things before we begin; that is there are a lot of issues in this process we are not going to agree on. There is an ideological divide about a lot of major issues—the role of government,

how do we get the economy growing again, and what government can do about it. The people of America recognize that. They recognize that issues of that magnitude ultimately are solved at the ballot box. You elect people. People run for office on their competing visions of government's role, and you decide those elections. We are going to have one in November of 2012.

But what do we do over the next 12 months? Do we stand around and do nothing and continue to bring up pieces of legislation from both sides of the aisle that we know are going to fail, just to make political points, or do we actually begin to act? There are a lot of reasons why I think we need to act.

I want to share with you an e-mail I received from Stephanie, who lives in Vero Beach. It breaks your heart. I think it is very typical of the ones Senator COONS probably has gotten, and I bet you all of the other Members of this institution have gotten.

She writes: I am not sure who to turn to with this question. I am a true Floridian. I was born and raised in Florida. As you know, the unemployment rate is horrible and I had to file for unemployment benefits for the first time ever. And I was just informed that I exhausted my benefits. Where do I turn for help? There are no jobs available. I have searched for a job daily and get excuses such as: You don't have enough experience, or you are overqualified, or I am suggested to go back to school. How am I going to go back to school if I have no money to pay for school or have no job and no money to pay my bills.

It goes on to outline other problems. But at the end it says: Many people like myself have nowhere to turn. Hopefully you can help me or at least suggest what I can do. Thank you for your time.

There is the voice of real desperation, of real people in the real world who want to work, have always worked, and cannot find a job. This is the No. 1 issue in America. There are a lot of issues floating around here and they are important issues. But this is the No. 1 issue in America of everyday, hard-working people who cannot find a job.

Can government create jobs for them? In government. But, by and large, there are things government can do to help create an environment for job creation. So what we have done is we have sat down and we have analyzed what things we have agreed on. There are things that are the President's plan, that are also in the Republicans' plan that the House has passed, that our colleagues have filed. What we came up with is this piece of legislation that Senator COONS is going to describe in a moment.

It is literally sitting down. It is a collection of bills we have agreed on.

What people want to know is, I understand you are going to have arguments about the things you disagree on, but why are you arguing about the things you agree on?

Maybe this is a good segue for Senator COONS to start describing some of the measures that are in this bill, the things we agree on, the things we can act on and do right now to help people such as Stephanie and people in your home State and people in every one of the States in this country who are struggling to find a job and are looking for some ray of hope that this process here in Washington has an understanding about what they are going through and are actually willing to do something about.

Mr. COONS. We together yesterday announced the introduction of the AGREE Act, the American Growth Recovery Entrepreneurship and Empowerment Act, which conveniently spells out "agree." The core principle, as Senator RUBIO described, was for a real Republican and a real Democrat to look through all of the different ideas that have been put out there, in the President's jobs bill, by the President's Council on Jobs and Competitiveness, by Members of the Senate and the House from both parties, that we could come to agreement on, and to put them into a bill packaged to assemble all of these ideas and to put them out and hopefully we will pick up cosponsors, hope it will pick up steam, and hope we can demonstrate to the American people, to the families Senator RUBIO and I have heard from in letters and e-mails and tweets, who have expressed real concern.

The basic big-picture proposals in this bill are, first, extending tax relief for small businesses. There are three different provisions that have already been in law but that would be extended by this bill: for capital gains exclusions for 5-year investments in qualified small businesses, for accelerated depreciation, and for increased expensing, all of which would help small businesses invest in growth; encouraging cutting-edge research and innovation by making permanent the R&D tax credit, and by adding something to it that I think has real potential, an added incentive for companies that invent something here to manufacture it here; another, commonsense regulatory relief for fast-growing businesses that seek to go public; another, an idea originally championed by Senator CASEY, providing incentives through the Tax Code for veterans to become franchise owners and entrepreneurs; reducing some immigration barriers that prevent highly skilled workers who studied here from staying here; and now the last point, protecting American businesses from intellectual property theft, strengthening our ability to prevent counterfeit goods from coming into American markets by fixing a

small but real barrier to effective border protection against counterfeiting.

All of these provisions are provisions that have already enjoyed bipartisan support in other settings. We have simply assembled them together, put them into a commonsense package, and want to move them forward.

I ask Senator RUBIO, what sort of response has our action gotten so far from people in Florida, around the country, who might have contacted the Senator about this initiative?

Mr. RUBIO. It has been a very positive response, and I will tell you why, for a couple of reasons. No. 1 is, every time people open a newspaper or turn on the television, what they get from Washington is bad news. A week ago, in a speech I gave, I said it resembles professional wrestling to them. It seems as though there are people from the Republican side and Democratic side who go on TV and scream at each other about what is happening. People watch it. And they get it, that there are differences between us. But is there anything—don't we all live in the same country? Are we not seeing the same economic conditions? What are the things we can work together on? Why are we not hearing that?

Let me tell you the impact in the real world of all of that bad news. The impact is that people get scared. So imagine for a moment, you are a job creator. You have got some money to invest this year. You have to decide, do I leave it in the bank or do I take this money and use it to grow my business?

Well, the safe thing to do is to leave it in the bank. But what job creators and entrepreneurs want to do is to create new jobs. They want to grow their businesses. Who does not want to grow their business? Who does not want to add customers? Now you have to make a decision. Is now the right time to grow my business or the wrong time?

One of the things people look at is the political climate. Are the people in charge of government—in Washington especially? That is the one that gets the most attention. How are they working? Are they getting things done? Is it positive or negative things that are happening?

As much as the measures here are meaningful—and we are not claiming this solves all our economic problems, but they are meaningful—if you are a small business looking to invest next year in buying capital investment for your business, there is an incentive to extend the tax credits to help you do that. More importantly, they will be able to open the newspaper and read that Republicans and Democrats came together and passed a piece of legislation on which they agreed.

I don't think you can underestimate or, quite frankly, really measure the kind of psychological impact that could have on job creators—to actually have some optimism that the future

will be better, that tomorrow may be better than today. That, as much as anything else, is critical. All of us in public service, particularly those of us who serve in this institution—the Senate is a big deal. People pay attention to what we say here, to the good stuff and the bad stuff. They pay attention to what we do here and to what we fail to do here. I think it is important for all of us to recognize that our actions have consequences and the way we speak and comport ourselves in these debates. I think we need to recognize that some of the rhetoric and noise that has been made over the last 6 months to a year has hurt job creation because it has created negativity around the economics of this country.

We have an opportunity, with the passage of legislation such as this, to send a message on the things on which we agree; we can get things done. That is the impression I have gotten from people, which is a little bit of a surprise, but it is a sense of optimism that before this year is out, we will be able to pass legislation that is meaningful and bipartisan. Is that the same reaction the Senator from Delaware has gotten?

Mr. COONS. That is right. I have gotten immediate response from Twitter, e-mail, et cetera, in my office account. I got a tweet from Jason, who wrote:

Kudos . . . for introducing jobs-creating legislation. Good to see detailed plans rather than partisan bickering.

Another tweet said this:

If AGREE is a jobs act that can get passed, I, an American that cares about the unemployed, say "thanks."

Mary June from Delaware City wrote:

I think it is great to see a bipartisan approach to solving the jobs crisis in the United States. Thank you for getting past party lines and coming together to provide commonsense solutions.

Maria from Middletown wrote:

I think it is time for both parties to come together as you and Senator Rubio have to bring our country back to where we have people working again and families striving to achieve the American dream. The same dream that I had when I was growing up. The dream I thought my sons and granddaughter were going to live. The business as usual in Washington has to stop, and through this bill you will both prove to your fellow Senators that if you all work together, anything is possible.

To be clear, as Senator RUBIO said, there are real differences, real things that divide the parties. There is time ahead before the election to resolve those fundamental differences in values, approach, and priorities. But, while we can, we should come together with commonsense proposals that demonstrate to the American people that we can take ideas, Republican and Democrat, House and Senate, put them in a package and pass them on to the President, because 12 months is too long to wait.

As we all wait for the outcome of the supercommittee this week, I know confidence is one of the major issues we have concerns about—confidence in the marketplace, the confidence to take risks and invest, and the confidence to grow. In my view, this bill, this initiative shows that both parties can and do have confidence in American inventors, American investors, our veterans, and America's entrepreneurs.

I am grateful for a chance to work on this. I ask the Senator, what is the next step and where do we go from here?

Mr. RUBIO. The next step is to get as many people in this Chamber and in the House to sign on to this legislation and to get this done. We are open to suggestions about how to improve it. Maybe there are some things that should be in there. Maybe there are questions involving particular measures. We are open to suggestions. We need to get the ball rolling. Our time is about to run out.

I want to recognize that one of the ways to lose credibility is to exaggerate. The differences between our parties about the role of government, about the Tax Code, and about the debt situation are real. We will debate those. To my friends on the right and left—both sides—we have real differences, and this is the place to deal with it. We are blessed to live in a republic where we can debate our points of view as to the role of government. We do agree on certain issues, and we should work on that.

Today is an open invitation to our colleagues to join us, look at this bill, analyze it, and see if there is something you would like to add or maybe that we left out that should be in there. The more the merrier. To those who think there are things that maybe should be changed or improved in this bill, we are open to that as well. We want to get this done and deliver something to the American people as soon as possible that shows that here in Washington, DC, we can agree. I believe that would be a positive first step in the right direction.

Our time has expired.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, what is the parliamentary status now?

The ACTING PRESIDENT pro tempore. The Senate is still in morning business. The Republicans control 6 minutes 25 seconds.

Mr. ALEXANDER. Madam President, we will yield back the Republican time so that we can move ahead and report the bill.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2354, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Reid amendment No. 957, in the nature of a substitute.

Reid amendment No. 958 (to amendment No. 957), to change the enactment date.

Reid amendment No. 959 (to amendment No. 958), of a perfecting nature.

Reid amendment No. 960 (to language proposed to be stricken by amendment No. 957), to change the enactment date.

Reid amendment No. 961 (to amendment No. 960), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Appropriations, with instructions, Reid amendment No. 962, to change the enactment date.

Reid amendment No. 963 (to (the instructions) amendment No. 962), of a perfecting nature.

Reid amendment No. 964 (to amendment No. 963), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, it is my understanding that Senator BINGAMAN would like to speak on an amendment he has filed and Senator MURKOWSKI may well come down to speak on that, which is fine.

I will yield to Senator BINGAMAN to do that now.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I appreciate the opportunity to speak briefly about an amendment Senator MURKOWSKI and I have filed.

There is a provision in the Energy and Water appropriations bill, which we are considering in the Senate, that we would like to see stricken or deleted from the bill. It is a provision in the legislation that mandates the sale of \$500 million worth of oil from the Strategic Petroleum Reserve, or SPR, as it is called. The bill also ends the Royalty-in-Kind Program. That part I am not disputing at this point.

The language in the bill that we are concerned about is on page 41. It says in that part of the bill:

Notwithstanding various other provisions, the Secretary of Energy shall sell \$500 million in petroleum product from the reserve not later than March 1 of 2012, and shall deposit any proceeds from such sales in the general fund of the Treasury.

In the words of the Department of Energy:

The Strategic Petroleum Reserve exists, first and foremost, as an emergency response tool the President can use should the United States be confronted with an economically threatening disruption in oil supplies.

The SPR is our Nation's insurance policy against oil supply disruptions, and keeping it well stocked and operational is important to our energy security. I believe that is a view shared by Democrats and Republicans.

The SPR became filled to its maximum capacity of roughly 727 million barrels for the first time in its history in the year 2009.

The President, in the budget he submitted—the 2012 budget—proposed a sale of oil from the SPR that would generate \$500 million in revenue for the Federal Treasury. The administration explained that because the SPR was at maximum capacity, it needed to sell off some oil for operational purposes. They needed extra space in the SPR in order to move oil around within the system and to refurbish some of the underground salt caverns in which the oil is stored.

However, this past June, there was an emergency drawdown, and there was a sale of 30 million barrels of SPR oil. I understand that the emergency sale generated more than \$3 billion. This indicates to me that more than six times the amount of oil that the President thought was necessary to be sold for operational reasons has now been sold.

Clearly, the President's proposal from February to create a little free space in the SPR is no longer necessary. The concern we have is that the SPR sale provision in this legislation remains part of an appropriations bill, and the sale is no longer necessary for operational purposes; it is simply a way of generating revenue.

I hope my colleagues will consider the long-term implications of using our strategic oil stocks just to generate revenue for the operation of government on a weekly and monthly basis. I believe this is a bad precedent. I believe we should reject this part of the legislation, and if the opportunity presents itself to offer the amendment, I will urge our colleagues to join us in deleting this provision and ensuring that future revenue-generating sales of SPR oil not be accomplished or proposed simply to pay the ordinary operating bills of the various agencies covered by the legislation.

I know my colleague from Alaska is expected to come to the floor in the next few minutes and give her views on this same legislation that she and I are cosponsoring, the amendment I have just spoken about. Until then, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I thank Senator BINGAMAN for his comments. He has been an excellent chair of the committee.

It is our understanding that these points were never brought to the committee. However, I am told the Energy Department has told my staff that the budget request is valid due to the Department's need for operational flexibility.

I want everybody to know that the floor is open. If you filed an amendment, please come down to speak on it. If you want to file one, please do so as quickly as possible. The floor is open for amendments.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, I have come to the floor this morning to discuss a provision in the Energy and Water appropriations bill that apparently Senator BINGAMAN has just spoken to. This would require the sale of \$500 million worth of oil from our Nation's Strategic Petroleum Reserve or we call it the SPR. I do believe this is an inappropriate use of our limited emergency stockpiles, and I think it would also set a dangerous and an unsustainable precedent for the future.

As I understand it, the administration first requested this sale in its fiscal year 2012 budget proposal and justified it by asserting there was an integrity issue in one of the caverns where the SPR oil was stored. We heard this discussion before the Energy Committee some months ago. He asserted the sale was necessary because DOE had to drain the oil in that cavern to perform some repairs that were apparently necessary.

The House Appropriations Committee subsequently authorized the sale in its version of the bill which was then released in June. At that point in time, based upon DOE's representation, I guess it was kind of hard not to argue the sale was not justified. But then events took a different course. Several weeks later, as part of a coordinated effort with the IEA to increase global supplies, the President chose to sell about six times more crude from the SPR than the House had originally contemplated.

Whether one supported that sale or not, I think it would have been reasonable to assume or to expect the administration would sell the crude from the cavern that needed the repairs. They needed to get that out so they could do the necessary repairs. So when an unannounced sale comes along, one would

think they would take the oil from that cavern, thereby solving at least one of the problems and obviating the need of a future maintenance-related sale. Enough oil has now been sold from our emergency reserves to fill not one but six troubled caverns.

The only justification that can remain now is the need for more cash. We need more money. Given that background, I would encourage the Senate to consider that selling \$500 million worth of our emergency oil reserves right now simply to help offset other appropriations is akin to cashing out our insurance policy in order to cover the cost of a mortgage we can't afford in the first place.

The SPR was designed to be that emergency safety net, if you will, or like an insurance policy. Remember, there is a very good reason why we have this insurance policy in the first place. Congress created the SPR in the aftermath of the oil embargo back in the 1970s to serve as a safety net in the event we were to see a major supply disruption. Given the volatility that continues to churn the global markets, our strategic stockpile is arguably more important today than ever before. As long as we maintain a large volume of oil within the SPR, we will ensure Americans have some level of protection against future disruptions. If we decide not to take the long view, we face the very real risk of being forced to spend more tomorrow to repurchase the oil that is being sold today.

One may ask: How likely is any kind of a future disruption? I would say the odds are still higher than we would like. Our Nation remains roughly 50 percent dependent on foreign oil, importing close to 9 million barrels a day at the cost of hundreds of billions of dollars a year. The world, as we know, is not exactly stable. Large volumes of Libyan oil remain offline. Iran continues to provoke its neighbors, raising the specter of future attacks. Saudi Arabia's leadership is aging rapidly, leaving the door open to perhaps future unrest and upheaval. China, India, and many of the other countries are rapidly expanding their oil consumption and, in the meantime, forging close relationships with major suppliers that can be leveraged in times of emergency.

Here at home, the Federal Government continues to hinder the development of new supplies that would improve our energy security and reduce the need for a strategic reserve. We have seen development halted or delayed in Alaska in the northern part of the State, in the Rocky Mountain West, and a number of other areas. The new 5-year leasing plan for offshore development does take a few small steps, but it keeps both the Atlantic and the Pacific coasts under a de facto moratorium through at least 2017. The administration has also delayed its decision

on the Keystone XL pipeline. We just saw that news this week. This would have carried significant volumes of Canadian oil. Again, that is oil from an ally, from a neighbor, that would have brought that into this country.

The result is, we are not doing, in my opinion, nearly enough to reduce our dependence on foreign oil, so we still need a Strategic Petroleum Reserve, and we cannot treat it as a national ATM that can be tapped when the money is tight. That is not the reason we should have or the way to utilize the SPR.

I wish to share a quote from a witness who testified before the Energy Committee earlier this year. His name is Kevin Book. He is a real expert on energy policy, and I think he made quite an impression on our committee. He encouraged us to seek alternatives to petroleum, but he also said:

Selling oil out of the Strategic Petroleum Reserve to pay for efficiency gains and alternative fuels could seriously diminish U.S. energy security without necessarily delivering financial benefits.

For anybody who might be interested, I am happy to provide a copy of his testimony. I think it was quite useful in understanding why this approach is not appropriate at this point in time.

As we seek to pay for legislation that comes before us—whether it is this appropriations bill or something else—I continue to believe one of our best paths forward is to produce more of our own abundant resources and then put the resulting Federal revenues to good use. Instead of selling our emergency oil and risking future dilemmas, we should, instead, put policies in place that expand and that accelerate the pace at which we develop our immense natural resources.

Right now, Alaska has about 40 billion barrels of oil that are just waiting to be tapped for the good of the Nation. I keep saying we have money that is buried in the ground up there. If we harness those resources and more of the resources in the Gulf of Mexico and the Rocky Mountain West, we would be dramatically increasing our energy security, we would create tens of thousands of new jobs, and generate billions and billions of dollars year after year that could be applied to both deficit reduction and the development of new energy technologies.

I would encourage the Senate to support any amendment that strikes the SPR provision in this bill and encourage us, instead, to focus on the development of a more viable long-term energy policy.

With that, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE SUPERCOMMITTEE

Mr. SESSIONS. During the summer, Democrats and Republicans in Congress, as Americans well remember, had a big fight over trying to reduce spending as we approached the Nation's debt limit.

As we know, the product of that fight was a leadership-brokered deal that promised long-term savings in discretionary spending of around \$900 billion over 10 years, not just in 1 year. It also created the Supercommittee, which has been meeting in secret to find another \$1.2 trillion in possible savings. We hope they do and they should, frankly, find more in savings. Whatever they come up with must be voted on in the Senate without any amendment and cannot be altered in any way. This is concerning to me. Virtually every deal we have seen this year has been filled with promises of savings, but when we analyze them, the savings are not nearly as real as promised. So we do not need another plan with tax hikes that never go away and promises of spending cuts that do not materialize or are not continued.

Indeed, the debt limit deal, which produced the Budget Control Act this summer, claims to contain a spending cap, but that is not accurate. It is a phony cap. The cuts that matter most are, in many respects, those that of course take place right away. But, after all of the bickering and drama, we ended up with a deal that cut discretionary spending by only a paltry \$7 billion from the fiscal year 2011 discretionary budget. To put this number in perspective, the total outlays for 2011 are \$145 billion greater than 2010, and our deficit is nearly \$1.3 trillion—\$1,300 billion deficit. We are talking about promising a \$7 billion reduction in spending. Nevertheless, \$7 billion in discretionary cuts, at least, is real and a small step, in the right direction; right?

We are supposed to spend \$1,043 billion this year. That is \$7 billion less from the \$1,050 billion in discretionary spending from last year. Unfortunately, this is one more empty promise, because the legislation was rushed through—this Budget Control Act—in the eleventh hour at the fifty-ninth minute. Nobody, at that time, knew there was a gimmick in it.

Here is how it worked: The Budget Control Act created a cap adjustment for disaster relief funding. It took a 10-year average for emergency spending and estimated that to be \$11.3 billion for 2012. But, this \$11.3 billion in the Budget Control Act is a new fund, and it is spent by regular appropriations, not by 60 votes—as in the past for emergency spending—and it is above the \$1,043 billion figure. So the truth is, the bill is not and never was \$1,043 bil-

lion, as promised, a limit on spending to that amount, but \$1,054 billion. Therefore, spending for discretionary accounts this year will be larger than last year.

The writers of the Budget Control Act went even further. They changed the Senate rule in this bill that was passed at the fifty-ninth minute of the eleventh hour to eliminate the 60-vote rule even for emergency spending, creating another loophole. So a 60-vote point of order—which has been used here over the years to challenge a designation as emergency spending—has been stripped as part of a bill denominated as a Budget Control Act, so the new fund can be spent—this \$11.3 billion—at any time as a normal appropriation, as if it were within the budget and without a 60-vote requirement. This eliminates the pressure to stay within the budget to offset annual disaster spending as a number of us have been attempting to do in recent years.

For instance, if you have \$2 billion in disaster spending as part of a specific appropriation, instead of eliminating \$2 billion in waste somewhere else in order to keep your total spending within the budget, you have free access to the \$11 billion fund and do not have to worry about offsetting a penny. You also do not need a vote for disaster funding approval. As a result, this little offset issue has grown as a tribute to the effectiveness of Senator TOM COBURN, who has been fighting to offset so-called emergency spending designations. The 60-vote requirement to pass the emergency bill gave him some leverage and ability to challenge the spending and challenge the appropriators in order to find offsets for the new spending. Instead of calling this the Budget Control Act, we should call it the Coburn control act. This is not a step forward for us.

The real spending cap now is \$1,054 billion, \$4 billion more than we spent last year. You only need to go through an emergency designation process if you want to spend even more than that, but you do not need 60 votes even for that. The irony here is that there was widespread belief, in this Chamber, that we needed to tighten the emergency spending designation, because it was being abused.

To give one unbelievable example, the Senate counted \$210 million in the routine funding for the census as emergency spending. The census is in the Constitution and is required to be conducted every 10 years. How in the world can we say this is unexpected emergency spending? It is as routine as anything can possibly be. It was done because otherwise spending would be needed to have been cut by \$200 million somewhere else. The Budget Control Act has succeeded in actually weakening the standard for emergency spending and creates one more loophole for the spender.

Again, the effect of the \$11 billion fund is that it effectively nullifies the cap we were promised. The appropriating committee will have no incentive to achieve savings when they can spend every penny of the \$1,043 billion base budget all while knowing there is still another \$11 billion to be spent when they exhaust the first allotment. The evidence of this is before our very eyes. To date, in one form or another, seven appropriations bills have come before the Senate floor. Four of them have been voted on and passed. The Energy and Water bill is before us this week. We should have been considering each of these bills individually and doing our due diligence, but we haven't. They have been moved through in groups. But, I am glad this legislation, the Energy and Water bill, will be considered on its own, and not bundled with others as a mini-bus or omnibus as the Washington parlance goes. The bad news is that the seven bills we have seen on the floor have already increased spending by \$9 billion. We are well on our way to using every cent of the \$11 billion fund, with no effort to achieving savings elsewhere to stay under budget.

The Energy and Water bill on the floor now increases spending by \$1 billion. That may seem small in Washington terms, but it is the reason we are going broke. A billion here, a billion there, pretty soon it is a great deal of money. If we can't, honestly, even reach the paltry goal of \$7 billion in savings, how on Earth can we tackle our \$15 trillion debt?

Or consider food stamps. Federal welfare spending is now about \$700 billion a year. It is more than \$900 billion a year when you count state obligations or contributions to the same programs. Food stamps are the fastest growing major item in the welfare budget. They have quadrupled in 10 years. The Food Stamp Program is one of 18 federal nutritional support programs in the budget—1 of 18. The number of people receiving food stamps has climbed from about 1 in 50, when the program went national, to almost 1 in 7 today.

Some of the more than 45 million people receiving food stamps exceed the program's eligibility requirements. They have higher income or higher assets than you are supposed to have to qualify. But, they received the benefits because they get them as a reciprocal benefit for other Federal benefits they get. If they qualify for one program, they are then categorically entitled to the Food Stamp Program even though they do not meet the basic requirements. And reports of fraud and abuse are widespread.

We were promised recommendations by the chairwoman of the Agriculture Committee, Senator STABENOW, for how the supercommittee could achieve savings in the agriculture budget of which food stamps is the largest com-

ponent of the entire agriculture budget, by far, dwarfing other expenditures, such as aid to farmers. They were supposed to arrive, the Senator promised, by November 1, but as of now, we are still waiting.

The sad truth is our Democratic-led Senate has not met its responsibility to help this Nation confront its most serious threat, and that is the debt we have. It is the greatest economic danger of our time, as we have repeatedly been warned. If we ultimately fail to control Federal spending, which has nearly doubled in 10 years, we will experience a debt crisis that leads to loss of jobs, loss of growth, and loss of economic opportunity. Such a crisis will hurt those with less income the most. It is our duty to stop the occurrence of this very preventable tragedy.

Instead of the irresponsible spending favored by the political class, it is time for Washington to be more accountable, to focus on the middle class. That means creating jobs through the private sector, producing more American energy, keeping our wealth at home, making the government lean and productive, a servant of the American people, confronting our dangerously rising debt, which threatens our economy and jobs, adopting a globally competitive tax code, upholding the rule of law and trade, eliminating unwise, damaging regulation, and finally, delivering the good people of this country the honest and responsible budget they deserve.

We have a long way to go. I am disappointed we cannot even comply with the intent of the Budget Control Act passed this summer.

I thank the Chair.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHAINED CPI

Mr. BROWN of Ohio. Mr. President, the supercommittee we all talk about—and it meets mostly in secret—is putting out plans and ideas to deal with the deficit—some, I am sure, good; some a little less good. I am concerned about one thing the supercommittee has been talking about—the stories that have come out that I know about, and that is something called the chained Consumer Price Index.

I know that many conservative politicians in this body and down the hall in the House of Representatives have advocated that we change the Con-

sumer Price Index to something called the chained Consumer Price Index.

The way the Consumer Price Index is calculated is especially important for senior citizens because their Social Security cost-of-living adjustment—called the COLA—is predicated on how the cost of living is calculated.

Right now, the cost-of-living adjustment is based on the Consumer Price Index-W, which means it is determined by wages, the cost of living for people in the workplace. It is not determined by the cost of living for retirees even though it affects what retirees get in their cost-of-living adjustment.

That sounds like a lot of words, but here is what that means. It means that when you figure the average increase in the cost of living for the American people—and you are only looking at those who are employed, so they are more likely to be in their twenties, their thirties, their forties, their fifties, maybe in their early sixties or a little older. So if you are only looking at that, the cost of health care is a less significant cost for them in their daily expenses and their monthly expenses and their annual expenses than for someone who is retired.

So I am going to introduce legislation soon that will change the Consumer Price Index-W—wages—to the Consumer Price Index-E, for elderly. The reason is because if you are 70 years old, your cost of living is much more fueled by the cost of health care than if you are 30 years old.

I know Senator MIKULSKI has been a real leader in this, and she is one of the immediate prime cosponsors of our legislation. She has had a terrific record here in the Senate, the senior Senator from Maryland, in fighting for fair play, a fair, strong Social Security and Medicare system, against these plans from conservatives around here to take Social Security and turn it over to Wall Street, to take Medicare and turn it over to the insurance companies.

But our legislation would make it fairer so that seniors would actually have a cost-of-living adjustment based on their cost of living. What is wrong with that? Instead, conservatives around here want to go the other direction, which would reduce the cost-of-living adjustment by this thing called a chained CPI.

The way this chained CPI works in a nutshell is this: If your cost of living is \$100 a week, and the chained—instead of eating beef, you could save money by changing to chicken. So they are saying, under this chained CPI, that you should change to chicken and save X number of dollars so your costs would be less.

What this would mean—and I want to read you some statistics—if they get their way, if anti-Social Security conservatives around here get their way, it will mean that senior citizens will get significantly less than they would

under the way it works now, let alone the way that we want to change it to, that Senator MIKULSKI and I want to change it to, this CPI-E. It would mean that seniors, by the age of 85, would be getting about \$1,000 less in their Social Security. That is just not something we can do.

Here are the exact numbers. Under the chained CPI, a typical 65-year-old would get \$136 less today than they would get under the CPI as calculated today. A typical 75-year-old—this is calculated each year, so it is a little bit like the reverse of compounding interest—a typical 75-year-old would get \$560 less a year. A typical 80-year-old would get \$984 less per year. A typical 95-year-old would get \$1,392 less a year.

So what conservative politicians around here want to do—I know you have been on the right side of this, Mr. President, from Minnesota your whole career and before you came to the Senate too—what the conservatives want to do is cut the cost-of-living adjustment even more.

The last 2 years, there was no COLA, there was no cost-of-living adjustment for seniors. What conservative politicians—the ones on the supercommittee who want to do the chained CPI—what they are arguing is that you should have gotten a cut; that instead of no COLA, you should have gotten even less; that this way we do the COLA now is too much money for seniors.

Social Security is not part of the budget deficit. It is not the problem. It does not need fixing. Of course, we always need to make sure Social Security is viable, and it will be for decades in the future. We can make some minor adjustments. But in the name of cutting the budget, cutting Social Security cost-of-living adjustments really affects poor seniors and middle-income seniors. We know that in my State of Ohio and the Presiding Officer's State of Minnesota, Social Security—more than half of the people in my State get more than half of their income from Social Security. So we have no business cutting Social Security.

My legislation would actually be a fairer reflection of the cost of living and is preferable to what some people in this body and some people in the House of Representatives and in the supercommittee want to do—the so-called chained CPI. It is a terrible idea, the chained CPI. It is not fair to our seniors. It is not fair to our country. It is something that should be rejected out of hand.

Then, as we figure this out and move forward, we should think about, do we want to do the CPI-E based on the elderly cost of living, not the CPI-W, based on a 35-year-old's cost of living and how that is reflected.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING LLOYD G. JACKSON

Mr. MANCHIN. Mr. President, I rise to speak about an honorable, dedicated public servant and a good friend from West Virginia whom we lost last month on October 29.

Lloyd G. Jackson was a true West Virginian, born in our southern coalfields in a small town in Lincoln County on May 30, 1918. Throughout his 93 years, Lloyd Jackson always answered the call of service—whether it was for our great Nation or for the beautiful people of West Virginia.

Lloyd is the type of person who was well thought of by everyone who met him. From my own personal experience with Lloyd, I can say that I had the utmost respect for his humanitarian approach to every problem, most importantly for his professionalism.

Lloyd's love for country and deep commitment to public service started when he was a young man and enlisted in the U.S. Army in 1941, during World War II. Before he left the military, Lloyd rose to the rank of master sergeant.

After returning from war, Lloyd's commitment to his beloved family and public service continued. He pursued and expanded his family's oil and gas business, and through his business he created good-paying jobs and touched the lives of countless West Virginians.

In 1946, he was elected to serve in the West Virginia State Senate, representing his home region of Boone, Lincoln, and Logan Counties. That same year a man well known to this body, Senator Robert C. Byrd, was elected to the West Virginia House of Delegates, and joined Lloyd Jackson in the West Virginia Senate in 1950. The two became lifelong friends. For nearly 25 years, Lloyd Jackson represented the people of the southern part of our State with the utmost distinction. Lloyd was known for his leadership qualities as a State senator, and he took an active role in national legislative organizations, such as the National Council of State Legislatures and the Council of State Government.

His peers recognized his leadership abilities and made him president of the West Virginia Senate. As Senate president, Lloyd demonstrated true characteristics of a dedicated public servant—leadership, passion, commitment, and persistence.

Lloyd G. Jackson will forever be remembered for his many years of unwavering service to the Mountain State and its people. However, Lloyd will also be remembered for his passion and dedication to his community and for touching the lives of so many. He

was a faithful member of the Central United Methodist Church in Hamlin. Lloyd was a loving husband of nearly 63 years to Pauline and a caring father of two children, Suzanne Rabin of Eugene, OR, and Lloyd II of Hamlin, WV, and a proud grandfather of Lloyd III of Hamlin and Ryan of Palo Alto, CA.

Gayle and I are keeping his wife Pauline and the entire Jackson family in our hearts and prayers. While we know that Lloyd Jackson is gone, his legacy of public service and compassion for the people of West Virginia will live in our hearts forever.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

AMENDMENTS NOS. 973 THROUGH 976

Mr. BLUNT. Mr. President, I want to talk about the four amendments I filed on this bill. I will say right upfront, all four are supported by my Missouri colleague, Senator McCASKILL, so they are bipartisan amendments. Two of them would deal with a property ownership issue created by an infringement by Federal regulators, by FERC. They both deal with a private power generating dam that was built in 1931. It created a lake called Lake of the Ozarks, and over the years private property owners have constructed literally thousands of homes that on this map beside me are impacted. The houses are the red dots. The other areas in there are thousands of buildings of one kind or another on a lake that is one of the most used lakes in the country. Some people go to those houses on the weekend and a lot of people live there all the time. This is their home.

Since the 1950s, the Lake of the Ozarks has been the most visited lake by boaters in the Midwest. It is a lake that is not owned by the Federal Government. Tourism at this lake totals about \$200 million annually. Because of this tourist industry there is lots of private investment.

In 2004, Ameren Electric, the current owner of the lake—it was built, again, in the 1930s by Union Electric, which later became Ameren Electric—applied to FERC to renew their license to generate power at Bagnell Dam, which is the dam that was built to impound the water that created the Lake of the Ozarks. This application also made sure that virtually all of the homes and structures would no longer be subject to the Federal Energy Regulatory Commission, but FERC rejected this request. The result has been a back and forth between Ameren and FERC and the property owners for the past 7 years.

This finger-pointing by everybody involved—except the property owners, who simply think they own the property—has been nothing short of outrageous and it has left property values, businesses, tourism, tax revenues, and jobs in question. FERC has taken its role too far. FERC is acting as though they are the Corps of Engineers and somehow the taxpayers of America own this property instead of the taxpayers who actually are the individual taxpayers who own the property.

On every acre of land covered by water, taxes have been paid. Property taxes have been paid on that land since the first dream that this lake would be created—so 80 years of taxpayer money. This is not a Corps of Engineers work where the Corps of Engineers can say we own the lake, we own the shoreland, we are going to decide what you are going to do. FERC has taken its role too far and it is engaging in a pattern of enforcing shoreline management rules.

My first amendment would simply modify the Federal Power Act by changing the definition of what could be considered a “project purpose.” Currently, FERC recognizes public recreational use of land but not private ownership. We would not say they could no longer recognize public recreational use of land, but we would say that they have to recognize private ownership. If FERC, at a lake such as this, can decide access to the land, why can't FERC or some other Federal agency drive by a farmer's farm and say: That is a nice pond out there. I will bet it has some fish in it. Why don't we ensure that everybody who wants to have access to that farmer's pond has access to that farmer's pond?

Maybe I should not suggest that. Maybe some Federal agency would hear that and say: It is water, it is pleasant, people ought to be able to enjoy it; everybody ought to be able to enjoy it just like the people who own the property and build the property and do their work.

My amendment would stop FERC from putting the commission's policy preferences above those of ratepayers and private landowners in licensing this dam.

My second amendment would simply redraw the boundaries of the Lake of the Ozarks to reflect the 662-foot contour as necessitated by changing water levels over the past 80 years. It would limit FERC's ability to issue an order to remove structures in what they now consider a project boundary until that boundary has been more finally settled. It would limit FERC's ability to reject applications as long as power generation is still preserved.

The purpose of FERC is to see that a power generating dam generates power. It is not to control everything that is behind that dam. That is not the job of FERC. In fact, let me leave those two

amendments with a few stories of Missouri homeowners who shared their stories with me about how FERC and FERC's actions affected their lives.

This is a 30-year-old house that these homeowners have paid property taxes on for 30 years. In fact, you can see this large pine tree in front of this house. It was a seedling when they started paying property taxes, and that is a big tree. They paid property taxes the whole time. It is their first home. It is their only home. They have been informed that they are within the Bagnell Dam boundary, meaning they risk losing their house. In fact, it is one of 17 homes in this subdivision facing the same problem.

In another home, Fred and Barbara Lowtharp purchased this home 15 years ago. It was built 35 years ago. These are not new homes that somebody has just put on this property in the last couple of years and FERC has come in and said you made a mistake. This is a 35-year-old home that the current owners have lived in for 5 years. Barbara shared this with me on Facebook. She said:

We have been paying taxes and upkeep on our homes and new homes have been built around us within the last 2 years with permits and titles. These homes are not cabins. The majority of us live here year round.

This is according to the owner:

We have our money invested in these properties in good faith when we bought them, going through the right procedures and thinking you are a property owner for over 16 years, then being told your deed isn't worth the paper it is written on is something that you cannot understand how this can happen in the U.S.A.

This is the Facebook note continued: “Really feel bullied by the FERC agency and Ameren.”

We owe it to the citizens involved to see that the Federal Government doesn't come in and just simply take their property. It is not fair. Imagine, you get a new job somewhere, this is your home, you cannot sell your home and buy a new home because FERC suddenly decided, after 16 years of paying taxes, that your land is not owned by you even though the county tax collectors thought it had been owned by you the whole time.

Let me discuss quickly the other two amendments that deal with flood control. The Missouri and Mississippi Rivers have both been impacted dramatically by flooding this year. In Holt County alone, there was an astonishing 165,000 acres under water, most of it for 3 and 4 months. In Birds Point in the boot heel of Missouri, another 130,000 additional acres of farmland is under water. In total, we had over 400,000 acres, 600 square miles—something about the size of the entire State of Rhode Island—under water during parts of this year. Vital transportation corridors have been closed, highways washed out, businesses shut down and people have been dealing with this now for months.

My first amendment, amendment No. 976, cuts the bureaucratic redtape if all you are doing is putting back something that was there before the flood. If you are rebuilding a levee, if you are putting back things that were there before the flood, to rebuild levees or locks or dams that were damaged by the flood, you should be able to do it. You should not have to go through all kinds of studies to decide if the levee that you are putting back as it was and where it was can be there again. This is the only chance we have to get these structures back in place before the 2012 flooding season starts.

Of course, in 2012 it would not have to be a flood of this size to create great problems if the levee is already gone. That is what that amendment would do. It gives the Corps the tools they need to restore flood protection to the 2011 levels, hopefully before the 2012 runoff season begins.

I want to talk about amendment No. 975, which restricts funding of the Missouri River Fish and Wildlife Recovery Program to \$22 million. This still leaves a lot of money for that program, but it takes the other money that has been available for that program all year and makes it available to meet the critical flood control crisis.

We have already spent more than \$616 million on that program. This is essentially a program that is one of the big projects where the government buys land from willing sellers who want to let it become more of a wetland or a wildlife reserve, something such as that. I am not saying that willing sellers should not be able to do that, but I am saying for right now \$22 million—not something more like \$72 million—is enough.

In fact, we have had citizens in some of these counties call the Corps to be told truthfully: No, we don't have sufficient funds to restore the flood protection you are eligible for, but we could buy your farm. Imagine if you are on the other end of that call and you have a family farm and you are calling to find out what you can do about the levee or what you can do to get flood protection back, and they say: We cannot do anything about the levee, but we could buy your farm. If you want to go back to the kitchen table and decide if you want to sell out, the taxpayers of America have plenty of money to buy your farm, but, no, we don't have money to restore the levee that was protecting your farm just a few days ago. That is not acceptable.

That is why Senator McCASKILL and I are cosponsoring all four of these amendments. We recognize that these issues are critically important in our State. In fact, the last two amendments are critically important in the seven States that start in Montana and end in St. Louis, MO, that are impacted by flooding in all seven of those States this year.

I hope we are able to consider these amendments, and I hope my colleagues will join me in trying to do what is right for the people we were sent here to work for.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

(The remarks of Mr. HATCH and Mr. BARRASSO pertaining to the introduction of S. 1880 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BARRASSO. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I rise to speak in support of amendment No. 1045 to H.R. 2354, which is the Energy and Water appropriations legislation. This amendment rebalances funding for the fossil energy research and development account in the U.S. Department of Energy from within the existing budget. I want to point out that this action results in no additional spending. It is simply an adjustment within the existing budget.

You may have heard recently about the tremendous progress we are making in the State of North Dakota when it comes to oil and gas development. We are also developing many of our other energy resources as well. Over the past decade, through a comprehensive energy plan called Empower North Dakota that we have put together, we have advanced all of our energy resources in tandem, and we have done it with good environmental stewardship. That includes coal, wind, biofuels and, of course, oil and gas.

In a little more than a decade, North Dakota has grown from the ninth to the fourth largest oil and gas-producing State in the country, having surpassed oil-producing States such as Oklahoma and Louisiana. If our current estimates are on target, we will soon pass California and become the third largest oil-producing State in the Nation. That growth is the product of a pro-growth legal, tax, and regulatory environment that we have built with the right kind of pro-business policies. At the same time we have, as I said, developed a comprehensive approach and

a comprehensive energy policy called Empower North Dakota. In addition, we have put in place cutting-edge research, which has also been a very important part of our energy strategy for the State. It was new technologies and methods such as directional drilling that brought the innovative research over the past decade to tap the abundant petroleum reserves of the Bakken formation and other shale formations in North Dakota's oil patch. Directional drilling has not only enabled the recovery of oil in hard-to-reach vertical layers of shale, but it has also enabled multiple well bores to be drilled from a single pad. The result is more oil but also a much smaller environmental footprint. That is good for the energy industry, that is good for the environment, and that is good for American workers, with tremendous job creation, and, of course, for our consumers.

My amendment would redirect research dollars within the budget of the fossil energy research and development provision in this appropriations bill, and that would include \$5 million that would be provided for in the natural gas technologies research and development, and also \$10 million would be provided for unconventional oil or fossil energy technology development. Both of these research and development areas are very critically important, not only for more energy development but again for doing it in an environmentally sound way.

Because this \$15 million is offset with funds from within the fossil energy research and development budget, it results in no additional expenditure to the account. Obviously with our deficit and our debt, that is very important. What the amendment will do is empower research into the next generation of petroleum and natural gas technologies to produce more energy, again, with better environmental stewardship.

This amendment will fund research in a range of important areas, including using carbon dioxide to enhance oil recovery in mature oilfields and reducing the environmental impact of natural gas and oil development. Notably, this research will continue to drive and develop new technologies for gas purification to achieve near zero atmospheric emissions, an economic as well as an environmental goal.

In short, this is the kind of research that will help to increase our supplies of domestic energy, reduce our reliance on foreign energy and foreign sources, and hold down the cost of foreign energy for American consumers and American businesses—all with better environmental stewardship.

This amendment will help us do all of these things and much more, and I ask for my colleagues' support.

Also, while I have the floor, I wish to express my support for two other

amendments to H.R. 2354. These include amendment No. 975 and also amendment No. 976. I am pleased to have cosponsored both of these amendments with Senator ROY BLUNT of Missouri.

As you are well aware, there has been extensive flooding along the Missouri River over the course of this past year, all the way from Montana and North Dakota and the upper basin, down through the State of Missouri and the other lower basin States. As a result, we have been working hard with our citizens to recover from that flooding.

One of the things we have pressed the Corps of Engineers to do as aggressively as they can is to provide more flood protection so we not only help our citizens recover from the flooding this year, but so we can do all that we can to prevent flooding next year. At the same time we are pressing them to take all of the preventive measures they can to reduce lake levels, reduce reservoir levels so we have adequate room and protection to prevent flooding next year, we are also working within their budget to make sure they have the resources to address these needs.

Amendment No. 975 essentially takes \$50 million that is within the Corps of Engineers' budget that is now used for the Missouri River recovery program—meaning things such as building sandbars and some of the riparian areas along the river. Currently there is a total of \$72 million in that Corps of Engineers account. What we are doing is saying that \$50 million of that should be made available so they can utilize it to enhance flood protection. This is a critical need right now. They are working diligently to repair dams, dikes, and levees.

We are pressing for them to do more in terms of preparing as far as water levels throughout the upper and lower basin, and at the same time we are providing assistance in their budget by giving them the flexibility to use dollars where they need them to enhance flood protection. This is \$50 million within their budget that can now be used to enhance flood protection, and I strongly urge my colleagues to support amendment No. 975 to H.R. 2354, again, giving the Corps of Engineers needed flexibility to provide flood protection that is so important to the people along the Missouri River in the upper basin and lower basin.

Amendment No. 976 essentially provides that same flexibility and assistance. Essentially it eliminates the red-tape. It prevents the Corps from having to get new permits, new licenses, or new approvals as they work to repair and restore levees, locks, and dams. So as they work along the Missouri River—the entire length of the Missouri River—to restore those flood protection measures—whether it is a levee, a lock, dike, or dam, whatever it

might be—we are waiving those requirements to get new permits and new licenses and new approvals so they can get that work done now, this year, and be prepared for next year.

Again, the flooding has been devastating and extensive along the Missouri River. In my home State, it is not just the Missouri River but along the Souris River, as well as other areas. The Red River and Cheyenne had a terrible time with flooding. We need to take the kind of steps that will help our people recover but will also help us prepare for the future so we don't face these types of floods next year or any other year in the future.

Again, I encourage support from my colleagues on these very important amendments.

I thank the Chair for this time.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON'S SPENDING ADDICTION

Mr. DEMINT. Madam President, I was just listening to the news in my office, and I heard the report that the United States has gone over \$15 trillion in debt. Of course, that is just our short-term debt. It doesn't really include our unfunded liabilities, which some estimate to be \$100 trillion. But, nonetheless, \$15 trillion is the size of our total economy—a condition that would mean certain bankruptcy for almost any business.

All of us in these Chambers have stood in awe, I guess, looking across the Atlantic at Greece and Italy and some of our European trading partners, and it seems amazing to us that despite their terrible fiscal condition, the politicians in Greece cannot even cut spending. They talk about cutting it, but the government employees are out in the street demonstrating, and one just has to think, can't they see what is happening? Why do they want to keep spending? It is like there is an addiction.

But here we are in the land of the free, the city on the hill for the world as far as the country that sets the example for free markets and free enterprise—a country that has fought wars to keep the rest of the world free—and here we are in a situation where we have to borrow well over \$100 billion every month just to keep the lights on in this place, just to keep our country going.

All year long, we have been having these public showdowns about how we need to cut spending. We have threatened government shutdowns over the continuing resolutions and over in-

creasing the debt limit. One would think that by this point we would be cutting spending to some degree. We have established this supercommittee, supposedly to deal with our huge deficits. Yet we are passing spending bills this week—today—that increase spending versus last year. Last year, we spent 5 percent more than the year before.

In reality, in some ways, our country is worse off than Europe because we have Federal debt, we have State debt, we have municipal debt, we have counties declaring bankruptcy, we have States approaching bankruptcy, and yet we continue to spend more now than we did last year. After all of the fuss and fighting and brinkmanship and supercommittees, we can't seem to cut anything here. In fact, we are increasing spending.

The goal of the supercommittee is not to cut spending; it is not to cut our debt at all. The goal of the supercommittee is to reduce the amount we are going to borrow over 10 years—maybe reduce it from \$10 trillion to \$8 trillion or \$9 trillion.

We are not even on the same page with reality right now. We have increased spending so dramatically over the last few years—we have added \$4 trillion to our debt since President Obama came into office, we passed a \$1 trillion stimulus, and we passed ObamaCare, adding trillions of dollars in spending.

Instead of talking about cutting, the debate now seems to be, how can we take more from the American people in taxes to feed our addiction? We have focused our guns on those very people who create our jobs and create most of the opportunity in our country, people who are already paying the largest portion of national taxes of any country in the world because we have shifted so much of the tax burden onto the top income earners. We are blaming them for the wealth gap when, in fact, the real blame for the wealth gap comes from the government taking so much out of the private sector, regulating with such a heavy hand, and having the second highest corporate tax rate in the world.

The problem with the middle class is not those who are making too much money; it is a Federal Government that doesn't understand that the more we spend and borrow, the fewer jobs there are going to be in our country today. Yet that is the big argument here. Instead of cutting spending, we are actually talking about taking more from hard-working American taxpayers and bringing it in here and giving it to the people who have created that \$15 trillion in debt. How could anyone make sense of that?

It is really pretty amazing, after all the promises we have made to the American people, that we are watching our debt go up like this—passing \$15

trillion—and we still can't talk about any substantive cuts.

Let me give one example of something that makes so much sense. Over the last two decades, we have seen welfare spending increase nearly 300 percent. There are 77 means-tested welfare programs, and over the last couple of decades, since welfare reform, the spending has increased nearly 300 percent. That is more than the combined increase of Social Security and Medicare. It is more than the increases in education or in defense. Are we helping people? Not at all. We have more people in poverty than we ever have had, and we are discouraging self-sufficiency while encouraging dependency on government.

In the last 4 years alone, we have nearly doubled what we are paying for food stamps, from \$40 billion to \$80 billion in this year's budget. If all we did was return welfare spending to 2007 levels, we could save almost \$2.5 trillion over the next 10 years. That is twice the goal of the supercommittee in cuts. But are we even thinking about it? Is it even on the table? Absolutely not, because the one thing I have seen with this place is we are very good at getting bipartisan agreement on increasing spending in areas of need, but we seldom see bipartisan agreement on any cuts. Would we look at responsible caps on welfare spending? Not even a chance. It is not even on the table with the supercommittee discussions.

With Medicaid alone, if we return spending to 2007 levels, we could save more than the goal of the supercommittee of \$1.2 trillion, but we are not willing to discuss cuts.

I think it is a sad day for America that we are plowing past \$15 trillion, pretending to be responsible to the American people, while last week and this week and on into the rest of the year, we are going to be passing spending bills that spend more than we spent last year. At the same time, we are supposedly in a recession, Americans are tightening their belts, many are out of work, and what we are talking about here is, let's continue to spend and take more from hard-working, tax-paying Americans so we can keep our spending addiction going here in Washington.

It is utterly irresponsible, what we are doing. All the President can do is point at those whom he calls millionaires, who are generally the people who are creating the jobs, running the small businesses, and having the most to do with creating the investment that makes our economy grow, and try to blame them for the problems we create here in Washington.

It is time we keep our promises to the American people. I know it is hard for some in these Chambers to cut spending because dependency on government often means a dependable vote for many politicians. It is time we look

at the future and the debt that we are loading onto ourselves, our children, and our grandchildren. This country will not survive the types of policies we are producing here in Washington today.

This supercommittee should look at real cuts in spending. If our Democratic colleagues are not willing to go along with responsible spending caps on programs such as welfare, then we need to walk away from the table and take our case to the American people and tell them what is really the truth, which is that the elections in 2012 may be our last chance to turn this around. We cannot keep spending at this level and keep taking more and more from the private sector, from the job producers in our country, bringing it here to Washington, and spending it on wasteful programs that are fraught with fraud and duplication and not even ever consider cutting any of them.

Last week, Dr. COBURN had a couple of amendments to an appropriations bill that had some very small cuts to what had been deemed wasteful, ineffective programs. On one of his amendments, he only got 13 votes. So this is clearly a bipartisan problem.

We need to cut spending. Washington has a spending problem, it does not have a low-tax problem. It is time we focus our attention on reducing the size and scope of the Federal Government and having it live within constitutional boundaries. We need to eliminate programs that are wasteful, return others to the States, and trim our budget to the point where we can pay for what we are spending so that we will not keep adding trillions and trillions of dollars of debt on to our country and our citizens and our next generation.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Madam President, I ask unanimous consent that I may speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. AKAKA are printed in today's RECORD under "Morning Business.")

Mr. AKAKA. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we started out this week hoping we could complete a minibus—that means to do what we did a couple weeks ago and complete three appropriations bills at the same time. We had three good subjects. We had the underlying bill, Energy and Water. We moved from that and added to that Financial Services and Foreign Operations. We were unable to get a consent agreement that we could treat the package of bills the same way we treat other appropriations bills; that is, you cannot legislate on an appropriations bill and there have to be germane amendments offered. I was disappointed that we didn't get that agreement. I accept that.

The best news out of this is that, with the underlying bill, we have two of the finest Senators the Senate has ever had, Senators FEINSTEIN and ALEXANDER. They are knowledgeable, easy to work with, and they understand that legislation is the art of compromise. They have done a wonderful job in the last 24 hours, working down the amendments. We have a number of amendments on the Republican side—a finite list—and we should have a Democratic list very quickly. We need to work it down a little more.

I appreciate very much the good work of Senator ALEXANDER and Senator FEINSTEIN. The normal process would be to pull the bill. We are not going to do that. We are going to leave the bill on the calendar so we can move to it in a minute's notice, really. We will keep it around, and we hope to be able to move to that soon. We are going to have some down time, and anytime we do that, we should be able to finish this bill in a day or day and a half once we get the amendments worked out.

This will give us the opportunity to move to the Defense authorization bill. I indicated to Senators LEVIN and MCCAIN well over a month ago that I would move to this bill. Not everything is worked out in it, but that is nothing unusual. It is a huge bill. Senators LEVIN, MCCAIN, LINDSEY GRAHAM, and others have worked hard to try to work out one of the problem areas we have had, and significant progress has been made. It really doesn't matter.

I have spoken to one Democratic Senator, and he still isn't very happy about some information that is in that bill. I told him he could offer an amendment quickly and try to assert his position.

UNANIMOUS CONSENT AGREEMENT—S. 1867

Mr. REID. Mr. President, I ask unanimous consent that following morning business tomorrow, Thursday, November 17, 2011, the Senate proceed to the consideration of Calendar No. 230, S. 1867, which is the Defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is important to announce to the Senate because of this that there will be no rollcall votes tonight.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

COMMEMORATING THE 60TH ANNIVERSARY OF THE UNITED STATES-AUSTRALIA ALLIANCE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 324, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 324) commemorating the 60th Anniversary of the United States-Australia alliance.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas the United States Government enhanced its relationship with the Governments of Australia and New Zealand with the signing of the Australia-New Zealand-United States (ANZUS) Treaty on September 1, 1951, and subsequently engaged in annual, bilateral Australian-United States Ministerial (AUSMIN) consultations between the Australian Ministers of Foreign Affairs and Defence and the United States Secretaries of State and Defense, including a meeting in San Francisco in September 2011 that commemorated the 60th anniversary of the United States-Australia alliance;

Whereas the alliance remains fundamental to the security of Australia and the United States and to the peace, stability, and prosperity of the Asia-Pacific region, and is one dimension of a broad and deep relationship between the two countries that encompasses robust bilateral strategic, intelligence, trade, and investment relations based on shared interests and values, a common history and cultural traditions, and mutual respect;

Whereas numerous visits by Presidents of the United States, including this week by President Barack Obama, and by the Australian Prime Minister to the United States, including in 2011 when Prime Minister Julia Gillard addressed a Joint Session of Congress, have underscored the strength and closeness of the relationship;

Whereas members of the United States and Australian armed forces have fought side-by-side in every major conflict since the First World War, with the commitment to mutual defense and security between the United States and Australia being longstanding and unshakable, as was demonstrated by the joint decision to invoke the ANZUS Treaty in the aftermath of the September 11, 2001, terrorist attacks;

Whereas the Governments of the United States and Australia continue to share a common approach to the most pressing issues in global defense and security, including in Afghanistan, where about 1,550 Australian Defence Force personnel are deployed, and in response to natural disasters and humanitarian crises, such as in Japan following the earthquake and subsequent tsunami in March 2011;

Whereas Secretary of State Hillary Clinton recently stated, "We are expanding our alliance with Australia from a Pacific partnership to an Indo-Pacific one, and indeed a global partnership. . . . Australia's counsel and commitment have been indispensable. . . .";

Whereas Secretary of Defense Leon Panetta recently remarked that "the United States has no closer ally than Australia. . . . [We] affirm this alliance, affirm that it remains strong, and that we are determined to deepen our security cooperation even further to counter the threats and challenges that we face in the future. . . .";

Whereas the Governments of the United States and Australia agreed to set up a Force Posture Working Group at the November 2010 AUSMIN to examine options to align respective force postures consistent with the national security requirements of both countries and to help positively shape the regional security environment;

Whereas the United States and Australia committed in a Joint Statement on Cyberspace during the 2011 AUSMIN meeting to consult together and determine appropriate options to address any threats;

Whereas the Government of Australia is a major purchaser of United States military resources, approximately 50 percent of Australia's war-fighting assets are sourced from the United States, and the Government of Australia has plans to spend a substantial sum over the next 10–15 years to update or replace up to about 85 percent of its military equipment;

Whereas, on September 29, 2010, the Senate provided its advice and consent to ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, signed at Sydney, Australia, September 5, 2007, which will facilitate defense trade between the two nations and enhance interoperability between military forces;

Whereas the Governments of the United States and Australia support open, transparent, and inclusive regional architectures to preserve and enhance peace, security, and prosperity in the Asia-Pacific region;

Whereas the Governments of the United States and Australia cooperate closely in regional and global forums, as evidenced by Australia's support for the United States as the host this month of the Asia-Pacific Eco-

nomic Cooperation forum in 2011 and the United States' support for Australia to host the G–20 in 2014;

Whereas the United States and Australia elevated their trade relationship through the Australia-United States Free Trade Agreement that entered into force on January 1, 2005, and exports of United States goods to Australia have risen by 53 percent since that time, totaling \$21,900,000,000 in 2010;

Whereas the United States is Australia's largest destination for foreign investment, helping create jobs for United States workers, with Australian companies employing more than 88,000 people directly in the United States;

Whereas the Governments and people of the United States and Australia work closely to advance and support human rights, the rule of law, and basic freedoms worldwide;

Whereas the Governments and people of the United States and Australia work jointly and separately to support democracy, economic reform, and good governance in the Pacific Islands, Southeast Asia, South and Central Asia, the Middle East, and North Africa, among other areas of the world; and

Whereas the Governments of the United States and Australia are working through their respective aid agencies (USAID and AusAID) and also exploring opportunities for collaboration across a wide variety of areas: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 60th Anniversary of the United States-Australia alliance and takes this opportunity to reiterate the enduring significance of this historic friendship that serves as an anchor of peace, stability, and prosperity in the Asia-Pacific region and in the world;

(2) supports United States efforts to strengthen military, diplomatic, trade, economic, and people-to-people cooperation with Australia, including initiatives to positively shape the evolving strategic and economic environment that connects the Indian and the Pacific Oceans; and

(3) urges close consultation between the Governments of the United States and Australia in preparation for the East Asia Summit to be chaired by Indonesia on November 19, 2011, and encourages other, new forms of cooperation with the Government and people of Australia that strengthen regional architectures to enhance peace, security, and prosperity in the Asia-Pacific region.

EXPRESSING SUPPORT FOR NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 302 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 302) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 302

Whereas there are approximately 408,000 children in the foster care system in the United States, approximately 107,000 of whom are waiting for families to adopt them;

Whereas 56 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas in 2010, nearly 28,000 youth "aged out" of foster care by reaching adulthood without being placed in a permanent home;

Whereas everyday, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though "Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years";

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, more than 35,000 children have joined forever families during National Adoption Day;

Whereas in 2010, adoptions were finalized for nearly 5,000 children through 400 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas the President traditionally issues an annual proclamation to declare the

month of November as National Adoption Month, and National Adoption Day is on November 19, 2011: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

Ms. LANDRIEU. Mr. President, the resolution just approved by unanimous consent is a very important resolution that Senator GRASSLEY and I are proud to support, along with Senator INHOFE and others. It is a resolution recognizing that this Saturday is National Adoption Day.

I am happy to report that on this Saturday, there will be over 3,500 children who will be adopted into permanent families.

This day was started about 10 years ago by some very enterprising organizations, and the Senate and the House of Representatives have been helping to promote the concept of National Adoption Day for many years now, maybe as many as 10. We sure have been working to help highlight this special day. It was started by nonprofit organizations to highlight the fact that we have orphans in the United States.

People don't believe this, but there are over 100,000 children in our foster care system between the ages of 0 and 21, who are in our foster care system, whose parents' rights have been terminated for good reason—maybe terrible or gross abuse or neglect. Those parents are unable or unwilling to raise their biological children. These children need a forever family, a relative to step up, a cousin or an aunt or a grandmother to step up, or they need someone in the community to step up and say: You can be a part of our family.

People don't stop needing families when they are 21 years old. They age out of the foster care system, unfortunately, at 21 despite the good work we have done here to extend that time from 18 to 21. Unfortunately, every year 25,000 children age out of our foster care system, as the Senator from Iowa knows—he has been a phenomenal leader on foster care reform—without ever having been adopted.

When you are 25 or 24 or 23 and you are trying to apply for your first job, it would be nice to have a mother, father, grandmother, or a grandfather to call and ask: How do I dress? What should I say? Does my resume look OK? These children don't have that. When you are engaged, it would be nice to be able to call a parent and say: Can you help with the expense of the wedding or can you be there for me? These children don't have that. That is what National Adoption Day is about, highlighting the fact that there are children in our

foster care system—beautiful, strong, intelligent children who need a forever family. We are doing our best to promote adoption for them.

Not only in our system in the United States, but sadly there are around 163 million children around the world living outside of family care. We think that number is conservative because we have reason to believe that even those who do a lot of counting are not really counting all the children in orphanages. The number is probably larger than that.

It sounds overwhelming—and it can be at times—to think about our goal to try to find a home for every one of these children. But just to put in perspective the U.S. numbers, it is 107,000 children. But the good news is that we have 300,000 churches in America alone—not counting synagogues or mosques. Mr. President, you can easily do that math. If just one family out of every three churches adopted one of these children in foster care, we would not have any more orphans in America.

That is why we are promoting this today and this week, National Adoption Month and National Adoption Day. You don't have to be perfect or wealthy; you just have to have a big heart and step up and be willing to add this blessing to your family. So many families have been blessed by adoption. As many people know, our family has been blessed by adoption.

This day is to commemorate National Adoption Day. In fact, I said 3,500, but it is 4,500 children who will be adopted on this day, and 5 will be adopted in New Orleans, LA. I thank Judge Ernestine Grey and all of the judges for their good work to make that possible. We want to finalize these adoptions in all 50 States.

Saturday, we will celebrate families who adopt and encourage others to adopt children from foster care, build stronger collaborations among local adoption agencies, and, again, raise awareness about the 107,000 children who are waiting. Many of these children, despite our laws that mandate an 18-month wait period, maximum, sometimes wait more than 3 years.

In conclusion, let me just say we need to do more. We can do more. I wish to highlight for the record two wonderful organizations that, in my mind, have been going above and beyond the call of duty.

One is the Dave Thomas Foundation Wendy's Wonderful Kids Program. They are a great example of just one organization that is doing great work to find homes for children who are considered “unadoptable” or “hard-to-place” simply because they are 7 or 8 or 10 or 12 and not 1 or 2. They are “too old” to be adopted. I never thought I would hear the words “too old” when referring to a child who is 7, 8, 10, or 12, but that is what people think. They have worked hard—Wendy's Wonderful

Kids—and have come up with a new approach, a better approach. They have had extraordinary success in piloting a new child focus recruitment plan and finding 2,500 children permanent homes since 2004. Rita Soronen, executive director of Dave Thomas Foundation, is a leader, and Wendy's Wonderful Kids is a great example.

Let me just put into the RECORD another organization that has a gallery right here, the National Heart Gallery, which has an exhibit here at the Capitol in the Russell Senate Rotunda. The National Heart Gallery is another very organic, nonprofit, community-based movement. They took beautiful portraits of these children to show their personalities and life. When people are looking at their portraits, they could be pulled in by the beauty and true reflection of the child's personality. So the National Heart Gallery is another wonderful organization, and I want to recognize those two. There are many others.

In conclusion, I thank the Senator from Iowa. He and I chair the foster care caucus together. It has been a pleasure working with him. We look forward to another great year ahead. We have had some success—actually, a great deal of success—in promoting adoption out of foster care and reforming the foster care system. It is a pleasure to work with Senator GRASSLEY.

I yield the floor to my colleague.

THE PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I appreciate the kind words of the Senator from Louisiana. Likewise, it is a pleasure not only to work with her, but the two of us have been able, on most foster care and adoption issues, to find a broad coalition of Senators. Many people don't have permanence because of the lack of adoption or because of faults within the foster care system. These Senators are very interested in bringing changes in legislation that makes that permanence and stability more a fact and creates a better quality life for these young people. I thank Senator LANDRIEU for her leadership.

I likewise, as she has, rise to honor National Adoption Month. I will take a few minutes to discuss my support for S. Res. 302 and for policies that promote and encourage adoption.

For years, I have championed efforts to increase awareness of adoption and help streamline the process for families who open their hearts and homes to children who have no other family. S. Res. 302 helps promote national awareness of adoption and the children awaiting families, celebrates children and families involved in adoption, and, lastly, encourages the people of the United States to secure safety, permanency, and well-being for all children.

As cofounder and cochair of the Senate Caucus on Foster Youth, I have taken a keen interest in helping children who find themselves in the foster

care system. In the United States today, more than 400,000 children live in the foster care system. Many of these children have been welcomed into adoptive homes. However, over 105,000 of those in foster care are still waiting to be adopted.

According to the Administration of Children and Families in my home State of Iowa, more than 4,700 kids entered the foster care system last year, a total of 6,500 kids were in my State's foster care system in 2010.

Foster youth simply desire to have what so many of us were blessed to have; that is, a home with caring, loving parents and siblings. In other words, in a short statement, they want permanency. They want stability. Too many older children in foster care, especially those with special needs, are often the ones who wait the longest to leave foster care. These kids are less likely than younger children to find what we refer to as "forever homes."

While research shows that 40 percent of the Americans have considered adopting, many are reluctant because they are unsure of the adoption process. They have inaccurate perceptions about the children who are eligible to be adopted. Some believe children in foster care are there because of delinquency and other behavioral problems. The unfortunate fact is most children who are in foster care are there because they are abused, neglected or abandoned. These vulnerable children desperately need a family structure. They need parents who serve as positive role models, helping them become bright and successful members of their community.

While progress is being made to increase adoption, there is always more work to be done. Helping in this process are numerous agencies and non-profit organizations that work tirelessly to find worthy American families who want to be adopting parents. In Iowa, one such agency is Four Oaks Family and Children Services of Cedar Rapids, IA. Four Oaks has had a recruiter working with Wendy's Wonderful Kids since 2005.

Wendy's Wonderful Kids is an innovative program of the Dave Thomas Foundation for Adoption, named after the late American business icon who founded Wendy's Restaurants. The foundation's mission is to promote adoption. It recently released a report about the success of the Wendy's Wonderful Kids Program. Specifically, the program is more focused on hard-to-place children. Recruiters work with children to find them the most appropriate placement. This program is a success story.

Congress has also adopted and acted on legislation. In 2008, I was part of a bipartisan effort to pass the Fostering Connections to Success and Increasing Adoption Act of 2008. This new law represented the most significant and most

far-reaching improvement in child welfare in over a decade. It provided additional Federal incentives for States to move children from foster care to adoptive homes. It included legislation that I had introduced to make it easier for foster children to be permanently cared for by their own relatives, including grandparents, aunts and uncles, and to stay in their home communities. That, of course, is one way of bringing about greater stability.

Provisions in the law also made all children with special needs eligible for Federal adoption assistance. Previously, that assistance had been limited to children who were removed from very low-income families. The law broke new ground by establishing opportunities to help kids who age out of the foster care system at age 18 by giving their respective States the option to extend their care and by helping them pursue education or vocational training.

In late 2009, Senator MARY LANDRIEU and I formed the Senate Caucus on Foster Youth to give older youth in and out of care and their families a place where their voices could be heard. We wanted foster youth to be part of this legislative process. By hearing from young people and from their families who have experienced the foster care system firsthand, congressional leaders will become more aware of the issues facing young people and their families.

The caucus has and will continue to generate new ideas to prevent negative outcomes and create new opportunities for success. We wanted to focus on helping young people when they age out of the foster care system, typically at age 18. As many as 29,000 children age out every year without ever having found adoptive placement. Without the security of a family, they often end up homeless, end up incarcerated or end up maybe addicted to drugs. Children who age out of the system enter adulthood without knowing what it was like to be raised having their own families because they were under the State's supervision. In a sense, the State was their family, and that is not much of a family. They missed out on having a mom and a dad and maybe brothers and sisters to grow up with and to learn from and with whom they would have relationships for the rest of their life. They missed out on a very important part of childhood that they will never know, one that too many of us take for granted.

They are thrown into the world and forced to take care of themselves. They struggle to pay bills, to find and hold a job, and to simply make ends meet.

That is why adoption awareness is so very important and hence the resolution we are talking about. Since the First National Adoption Day in 2000, more than 35,000 children have joined "forever families" during National

Adoption Day. In 2010 alone, adoptions for almost 5,000 children were finalized through 400 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico.

These are impressive numbers—numbers that make us proud of the work being done to help foster children get the proper care. But there is always more work to be done. I have said that twice but can't say it too many times. It is through awareness such as this that we can help the work to continue.

In passing S. Res. 302, this body will make an important statement about our collective support for the needs of foster children. It recognizes the families who took the giant leap to open their homes to other children. National Adoption Month is about kids who need a home, it is about kids who just want a mom and a dad, it is about helping children who are victims of neglect and abuse, and it is about giving children living in foster care the ability to live their dreams.

We need to keep working together to break down the barriers to adoption so every child feels the relief of a solid family. I am proud to support the many kids who wait for permanency and stability but, more importantly, I want to salute the many organizations that are helping to make their dreams come true.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEBATE ON GUN CONTROL

Mr. GRASSLEY. Mr. President, because of the attack against Congresswoman GIFFORDS, there has been some legislation introduced for more gun control. We are going to have to take a good look at that piece of legislation, as we have unanimously passed legislation after the tragic shooting in Virginia Tech in April of 2007. I am not going to deal directly with that specific piece of legislation, but I wish talk about some of the general approaches to gun control that are being discussed.

Getting back to Virginia Tech, the national debate surrounding updating Federal gun laws gained national attention following the tragic shooting at Virginia Tech and now, of course, has come up again because of the attack against Congresswoman GIFFORDS.

Following the terrible tragedy at Virginia Tech, Congress passed the National Instant Criminal Background

Check System. That goes by the acronym of NICS, N-I-C-S, so I will be referring to the national instant criminal background check by that acronym.

This bill, as I said, passed the House and the Senate by unanimous consent and was signed into law by President Bush. Despite the strong bipartisan support the NICS Improvement Act had, the improvement act was not a perfect piece of legislation and is a good example of why we need to be very careful when we legislate to avoid unintended consequences. So I am raising some of these issues in regard to the possible consideration of legislation that has been introduced because of the terrible attack on Congresswoman GIFFORDS.

For example, in the next bill it actually—with unintended consequences but still doing it—stripped thousands of veterans and their beneficiaries of their second amendment rights simply because they had a fiduciary appointed on their behalf. Oftentimes, a fiduciary is appointed simply for managing disability compensation pensions or survivor benefits.

Under an interpretation by the Department of Veterans' Administration, veterans who have a fiduciary appointed are often deemed "mentally defective," and are then consequently reported to the FBI's NIC system and consequently prohibited from purchasing a firearm.

Under the NICS Improvement Act—and that was a bipartisan bill—with unintended consequences, this happened: Around 114,000 veterans and their beneficiaries have been automatically denied their second amendment rights.

It is a terrible irony that veterans, who have served their country on the battlefield, who have been entrusted with our national security and have been provided firearms by their very government, are the same people the NICS Improvement Act harmed by taking away their second amendment rights, all without a hearing or formal adjudication.

We honored and celebrated Veterans Day last Friday. Yet, we are possibly going to be debating new legislation to restrict the second amendment rights of citizens without fixing the unintended consequences of our last major gun law, the NICS Improvement Act.

While the horrific events in Tucson are still fresh in our memories, as we discuss new gun control laws we also need to move forward on bipartisan legislation, such as the Veterans Second Amendment Protection Act, introduced by a bipartisan couple, Senator BURR and Senator WEBB. This bill would fix the unintended consequences to thousands of veterans caused by the NICS Improvement Act.

A hearing we had this week offered me an opportunity to discuss illegal firearms tracking and the govern-

ment's efforts to stop it. At the forefront of this is the Department of Justice's failed operation called Fast and Furious, where the ATF knowingly allowed illegal purchasers to buy guns. The more we learned about Fast and Furious, the more we have discovered that senior Justice Department officials knew or should have known about these nearly 2,000 guns ending up in the hands of criminals, including the drug cartels in Mexico.

At the first House oversight hearing on Operation Fast and Furious, multiple ATF agents testified that fear spread through the Phoenix field division every time there was news of a major shooting event. So that brings us back to the tragedy for Congresswoman GIFFORDS.

Specifically with regard to the Congresswoman's shooting one agent said:

There was a state of panic, like, . . . let's hope this is not a weapon from that case.

And "that case" was the Fast and Furious case, where our government decided to encourage licensed gun dealers to illegally sell guns to straw purchasers with the idea that we would follow them across the border. But there wasn't any following. So it was an effort doomed to failure in the first place. The Fast and Furious operation was failed in concept, in design, and in execution.

As the Attorney General said last week, before our Judiciary Committee: It should never have happened. And the Justice Department officials who knew about this program, including those who allowed false statements to Congress, need to be held accountable.

I thought it was fitting that late last week, Attorney General Holder finally wrote to the family of Agent Terry, the person who was murdered with two of these Fast and Furious guns found at the murder scene. This is the very same Attorney General who had an opportunity to apologize to the Terry family when he was asked by Senator CORNYN, Have you apologized to the Terry family? The Attorney General said, No. He said, Would you like to apologize now? That is what Senator CORNYN asked him. He gave an answer, but it wasn't an apology. So we have a letter late last week going to the Terry family. In his letter, he stated he was sorry for their loss, although he refused to take responsibility for the Department's role in Agent Terry's death.

At the root, then, of Fast and Furious—and a lot of rhetoric surrounding gun control legislation—have been the gun trafficking statistics provided by ATF. These unclear statistics have fueled the debate and contributed to undertaking such a reckless operation as Fast and Furious.

For example, in 2009, both President Obama and Secretary of State Clinton stated that 90 percent of the guns in Mexico were from the United States. But that statistic later changed to 90

percent of the guns that Mexico submitted for tracing to the ATF were from this country. This year, that number has become 70 percent of the guns submitted by the Mexican Government for tracing were from the United States. All the different percentages beg the question, what are the real numbers?

Articles discussing the 70-percent number misrepresent the facts, as I pointed out in a letter to then-ATF Acting Director Melson in June of this year.

First, there are tens of thousands of guns confiscated at crime scenes annually in Mexico. The Associated Press stated that in 2009, over 305,424 confiscated weapons were locked in vaults in Mexico. However, the ATF has acknowledged to my staff, in a briefing on July 29, 2011, that ATF does not have access to the vault in Mexico described in that story.

ATF also acknowledges that only a portion of the guns recovered in Mexico are actually submitted to the United States for tracing. In a November 8, 2011 court filing, the chief of ATF's firearms operation division made a declaration saying—now, remember, this is in a court filing:

It is important to note, however, that ATF's eTrace data is based only on gun trace requests actually submitted to the ATF by law enforcement officials in Mexico, and not on all of the guns seized in Mexico.

That court filing further states that:

In 2008, of the approximately 30,000 firearms that the Mexican Attorney General's Office informed ATF that it had seized, only 7,200, or one quarter, of those firearms were submitted to ATF for tracing.

So if Mexico submits only 25 percent of the guns for tracing, then the statistics could be grossly inaccurate one way or the other.

The discrepancies in the numbers do not stop there. ATF also informed my staff that the eTrace-based statistics could vary drastically by a single word's definition.

We have an example of different definitions. The 70-percent number was generated using a definition of U.S.-sourced firearms. That happens to include guns manufactured in the United States or imported through the United States. Thus, the 70-percent number does not mean that all guns were purchased at a U.S. gun dealer and then smuggled across the border; it could simply mean that the firearm was manufactured in the United States.

So when my staff asked ATF, how many guns traced in 2009 and 2010 were traced to U.S. gun dealers, the numbers were quite shocking in comparison to the statistics we previously heard. For 2009, of the 21,313 guns recovered in Mexico and submitted to tracing, only 5,444 were sourced to a U.S. gun dealer. That is around 25 percent.

For 2010, of the 7,971 guns recovered in Mexico submitted for tracing, only

2,945 were sourced to a U.S. gun dealer. That is only 37 percent, a far cry from 70 percent or 90 percent that we have been hearing over a long period of time, not to mention that the guns in 2009 and 2010 from gun dealers could include some of the nearly 2,000 firearms that were walked as part of our own Justice Department's Operation Fast and Furious.

We need clearer data from ATF and from Mexico. Mexico needs to open the gun vaults and allow more guns to be traced, not just the ones the Mexican Government selects. We need to know if military arsenals are being pilfered as a source—as media articles have claimed the State Department points to in diplomatic cables.

When it comes to the diplomatic cables, I sent a letter to—actually it was yesterday—Secretary of State Clinton seeking all diplomatic cables discussing the source of arms from Mexico, Central America, and South America. I believe this information is relevant to Congress, given that I discovered in a July 2010 cable, as part of my Fast and Furious investigation, that cable titled, "Mexico Weapons Trafficking—The Blame Game," seeks to dispel myths about weapons trafficking. Among other things, the State Department authors discussed what they perceived as "Myth: An Iron Highway of Weapons Flows from the U.S."

These cables are vitally important to Congress's understanding of the problem. Further, given that they appear in documents that ATF submitted to Congress as part of Fast and Furious, there should be no reason for the State Department to withhold them as part of our legitimate oversight, even if they are classified.

There is a lot more to be said about the specific problems with the legislation that might be coming before the Judiciary Committee as a result of Congresswoman GIFFORDS' tragedy. We have to ask a lot of questions to flush out some of these serious problems. We don't want to happen in this legislation what happened in the NICS Improvement Act when 114,000 veterans were denied their second-amendment rights and, consequently, avoid these unintended consequences. We should not be legislating away any constitutional rights people have under the second amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

MEDICARE

Mr. WHITEHOUSE. Mr. President, I am not going to speak very long tonight, and I am not going to speak very formally either. But I did want to come back to the Senate floor and make a point again that I have made repeatedly here on the Senate floor before; that is, there is a path to reform of our health care system that will improve the quality of care for patients, will improve the experience of care for patients, will improve the outcomes of care for patients and for our Nation, and will lower costs for our country.

The reason I come to raise that point again is that the Senate is now awash with rumors that the 12 Members of Congress—Senators and Congressmen—who have been tasked with trying to create a solution to our deficit problem are going to cut Medicare benefits by hundreds of millions of dollars. That is, as best I can tell, only a rumor. I certainly cannot vouch for it being true. Indeed, I hope it is not true.

The time I wish to spend this evening is to remind my colleagues it is a very unfortunate and mistaken path to take to follow the road of benefit cuts at a time when the road to reform is so promising in terms of the win-win of better care at lower cost.

It is not just me saying this. The President's Council of Economic Advisers has said the annual savings that could be accomplished with health care delivery system reform, without reducing anybody's quality of care or access to care—indeed, I would hypothesize actually improving quality of care—is \$700 billion a year in the American health care system.

The President's Council of Economic Advisers is not alone in that opinion. The Institute of Medicine has just said it is around \$770 billion a year. A few years back, the New England Healthcare Institute said it was \$850 billion a year. And the Lewin Group, which is a fairly well respected health care consultancy here in Washington, as well as George Bush's Treasury Secretary, Secretary O'Neill, have both agreed annual savings could be \$1 trillion a year—all by improving the quality of care and the coordination of care.

I do not know if it is exactly going to be \$700 billion or \$1 trillion, but my point is, there is a big savings target out there that everyone from President Obama's Council of Economic Advisers, to George Bush's Treasury Secretary, to a lot of very well thought of groups in between, including our National Institute of Medicine, all agree on. So I think that makes it a very important target to pursue in this discussion.

It is not just me in believing, at this potential split in the road, we should work and fight very hard to make sure we are taking the right path and we do not go down the easy-to-score but unnecessary and unhelpful path of benefit

cuts, which singles out seniors in Medicare and does nothing about the underlying costs of the system and makes it the wrong road to follow when we have a well illuminated path that can move us toward a better, more efficient delivery system that provides better quality health care, better outcomes, fewer hospital-acquired infections, better coordinated care, stronger electronic health records—all of the things that will support a truly modern health care system that can be the envy of the world.

That is the choice we have. I think it would be a terrible mistake to go the benefit cuts route instead of the reform route, and it is not just me who says that. George Halvorson is the chief executive officer, the CEO, of Kaiser Permanente. Kaiser Permanente is one of the biggest health care systems in the country. It provides health care in many States, and George Halvorson is a very serious individual who knows his stuff in health care. He would not be the CEO of that big company if he did not.

Here is what he said the other day:

There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country. And that's wrong. It's so wrong, it's almost criminal. It's an inept way of thinking about health care.

That is not me. That is the CEO of Kaiser Permanente.

There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country and that's wrong. It's so wrong, it's almost criminal. It's an inept way of thinking about health care.

Yet that is the direction that it looks like we may be taking, the inept direction. I had a hearing in the HELP Committee—the Presiding Officer, Senator BENNET of Colorado, is a member of that HELP Committee—and we had some very interesting witnesses. Because the path toward savings through reform is not just a HELP Committee path, this is not something that some academic has constructed and maybe if you take that path things will work, this is a path that major corporations, major health systems, major hospitals in this country are already walking. They are already walking down that path.

Kaiser is one of them. Blue Shield of California is another. Intermountain out in the West is a third. Mayo, Geisinger, Gundersen Lutheran—there are a number along the East Coast. These are companies that have determined this is the right path, and they are walking that path.

Two folks were there from such companies. One was Dr. Gary Kaplan, who is at the Virginia Mason health system in Seattle, WA. Despite its name, Virginia Mason, it is actually in Seattle, WA, on the other coast. He pointed out

that they went through a quality management transformation in their hospital with a cultural transformation, with a process transformation.

As a result, they have made significant improvements. Just in one back pain reform process they did with 2,000 patients, they calculated they have already saved \$1.7 million on 2,000 back pain patients, and those patients are happier with the new regime, the less-expensive regime, than before because they are getting better quality care.

He testified they saved \$11 million in planned capital investment, reduced inventory costs by \$2 million through supply chain expense reductions, reduced staff walking distance by 60 miles per day, reduced labor expenses and overtime and temporary labor by half a million dollars in just 1 year, reduced professional liability insurance premiums by 56 percent, reduced their self-insured retention fund by 70 percent, reduced the time it takes to report lab tests by more than 85 percent, and improved their medication distribution, reducing errors, reducing the time when a patient first calls Virginia Mason's breast clinic with a concern to the time they receive a diagnosis from 21 days to 3 days, and many patients receive their results on the same day.

These are the kind of improvements that have put Virginia Mason at the front end and make them, according to the Leapfrog Group, one of the top hospitals in the country. They are walking the walk of improving the quality of their operations, improving the quality of care and saving money by doing so.

The other witness was Greg Poulsen from Intermountain. He described two examples. One was a sepsis program for people who are admitted to the hospital suffering from sepsis throughout their system. Sepsis is a dangerous condition. Sepsis, on average, has a 40-percent mortality rate. So 4 out of 10 people with sepsis die of it. They have reduced the 40-percent mortality rate from sepsis to 5 percent—from 4 in 10 dying to 1 in 20 dying. Did it cost a lot of money to do that? Was that a big investment they had to make? Did it cost the taxpayers a lot to save those lives? No. What they found is they saved \$10 million with that improvement.

Similarly, they have a diabetes program that has been described by the former CEO of the Mayo Clinic as the diabetes program he would go to if he were sick with diabetes that has "the best outcomes and lowest costs in the country."

They saved \$5 million a year on diabetes treatment by going to better health care providing. There is a problem, as he pointed out. That \$10 million they saved is actually a revenue loss. Because when they saved money by not having unnecessary care, by not having complications, by having things be more efficient and streamlined, what they did was they reduced their billing

to the insurance companies, and it is actually the insurance companies, it is the payers who saved the \$10 million.

What the providers spend is a revenue loss. So we have our system upside down in that respect, and that is one of the ways we need to reform our system. A third witness who was there was a Rhode Islander. His name is Chris Koller. We have a unique office in Rhode Island, an office of health insurance commissioner. He is the only health commissioner in the country. Also, I tease him that he is the tallest insurance commissioner because he is unusually tall, but that is easy because he is the only one.

But he has done a very good job of bringing our hospitals and insurance companies together to try to focus on the ways we can deliver care better. One way is through prevention and primary care. It turned out that in Rhode Island, the amount of every health care dollar that was spent on primary care was 5.9 percent. So every \$1 spent on health care in Rhode Island, less than 6 cents, went to primary care, went to your regular family doctor and the basic health care providers. Less than 6 cents out of every \$1.

The insurance companies have more overhead than that, administering the system. The costs of administration of the health care system is more than the primary care providers get out of the system. That is another sign that the system is upside down. He is encouraging them, and they have agreed, to step up the spending on primary care by 1 percent a year for 5 years. We believe that is going to make a very substantial cost savings because there is so much that a primary care provider can handle without having to go to a specialist, without having to go to the emergency room, without the condition getting worse because they could not find you, by simply making primary care more accessible and more available.

So the additional expense for primary care should bring down system costs overall and having it designed more intelligently.

I will close with a few words from the witness, Dr. Kaplan, who said that through the work they have been doing on reform and efficiency, he said: "We have demonstrated that the path to higher quality, safer care is the same path to lower costs."

He actually said that if we could get more transparency to the system about who is doing a better job and who is not, what the outcomes are for different hospitals, that basically where we are right now in the delivery system reform provisions that were in the Accountable Care Act, he described them as one of the last chances of a market-based system.

This is somebody who is in this business all the time and is actually running a hospital that is actually pro-

ducing results. This is a person who is steeped in the reality of health care, and contrary to what we hear in the cartoon version that infects Washington, where ObamaCare is socialized medicine and is a step away from market-based care, this practitioner says the potential of the Accountable Care Act, as I see it, is one of the last chances of a market-based system.

It could actually lead to a market, whether it was Medicare and Medicare Advantage as parts of Medicare or the commercial sector, that we would actually be able to understand what we are buying and what we are paying for.

That is the kind of commonsense transformation we need. You remember, Dr. Kaplan said: We have demonstrated the path to higher quality, safer care is the same path to lower costs.

Gary Paulsen, Intermountain, and other organizations have shown that improving quality is compatible with lowering costs. Indeed, high-quality care is generally less expensive than substandard care, and the primary challenge for us and the main reason more organizations do not adopt the high-value model discussed in the hearing that we held is the underlying fee-for-service payment system which predominates, of course, in the United States. We pay doctors for doing more, not for doing better. We pay doctors for doing more things to you rather than getting you well.

Because we do that, we have the results we have. When you look at that mess, you can say, OK, we are going to leave all that alone. We are not going to follow the path that Intermountain, that Gundersen, Lutheran, that Virginia Mason has proven, that Kaiser has argued for and proven, that so many systems around the country are doing, you can say, we are going to forget all that. We are going to leave it in place. We are going to leave it a mess, and we are just going to cut benefits away from seniors, from our elderly, from the people who need care the most, from the people who paid into the system, from the people who do not have a chance to recover, very often from people who are not in a position to direct their own care and make effective choices if they are the very elderly on Medicare or worse, the Medicare-Medicaid dual eligibles.

We are going to go after those people. We are going to cut their benefits, and we are not going to take the trouble to follow the path the professionals who are doing this are already showing is a path that leads to saving, is a path that leads to a better health care system, is a path that leads us out of the difficult position of being the only country in the world that spends 18 percent of our GDP on health care, of being the most inefficient country in the world in health care by a 50-percent margin. The next closest country in

terms of inefficiency in health care is about 12 percent of GDP. We are at 18. Why is it necessary that America has to be the most inefficient health care provider in the world of all the countries we compete with by a factor of nearly 50 percent? That is half again worse than the most inefficient competitor we face. It makes no sense to be in that position.

There is enormous room for improvement. The path to that improvement is clear. It is already being walked by serious and responsible institutions that have set this as their corporate goal. That is where we should go. I will close again by repeating George Halvorson's exhortation. He is one of the great health care leaders in this country. He is a savvy corporate manager. He runs an enormous health care corporation. This is not an idle opinion of his.

There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country and that's wrong. It's so wrong, it's almost criminal. It's an inept way of thinking about health care.

Those are CEO George Halvorson's words, not mine.

I hope that they ring through this body and we don't make the mistaken decision to go after Medicare benefits and instead take the positive path of reform and improvement.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FAMILY CAREGIVER MONTH

CARE & COMFORT

Ms. SNOWE. Mr. President, November marks National Family Caregiver Month, a chance to thank those who provide care for our loved ones in their time of need. According to the most recent census data, my home State of Maine has the oldest population in the United States, and therefore I am acutely aware of the tremendous role wonderful, compassionate individuals play as caregivers. Today I rise to commend and recognize Care & Comfort, a small business that successfully helps to fill the need for high-quality health care professionals in Maine.

Care & Comfort, headquartered in the central Maine city of Waterville, specializes in care for elderly and special needs individuals. Within their home health division, Care & Comfort provides nursing services, caring compan-

ions, in-home care, and long-term care. Throughout various other divisions, the company offers outpatient therapy, behavioral health and community support services, children's case management service, home and community support services for children, adult community support, and home modifications. As a company which strives "to provide the best possible care to clients and families across Maine," Care & Comfort not only helps its clients through its high quality customer service, it also serves as a community resource on health care for the entire Maine community.

In 1991, Susan Giguere started Care & Comfort with just two employees after realizing the lack of home health solutions in Maine following her mother's illness. In order to expand her business, Susan applied for and received guaranteed loans from the Small Business Administration, SBA. The first loan Susan obtained was for \$100,000 in 1996, and the second for just over \$330,000 in 2000. These loans allowed her company to grow from two employees to 475 staff members. As a result, this August Care & Comfort was named to the SBA 100 list, which features 100 small businesses that have created at least 100 jobs since receiving SBA assistance. This honor is richly deserved, as the company has vividly demonstrated the tenacity and strength found in so many of our Nation's small businesses in these challenging economic times.

Care & Comfort now helps 890 home health and 748 mental health clients out of five regional offices located across the State. Furthermore, this small business goes above and beyond the call of duty to routinely give back to the community through volunteer efforts and charitable donations. Their hard work, along with exceptional staff, has led to several accolades for the company including awards from the SBA, two Fleet Bank Awards for Community Service, and an award from Kennebec Valley Community College.

Care & Comfort has assisted many families through difficult times. Therefore, it is only fitting that we celebrate this firm's successes, as they have simultaneously helped support our loved ones and created numerous jobs throughout Maine. I am proud to extend my congratulations to Susan Giguere and everyone at Care & Comfort for their tremendous efforts and offer my best wishes for continued success.

FURTHER REVISIONS TO THE ALLOCATION PROVIDED FOR FISCAL YEAR 2012 TO THE COMMITTEE ON APPROPRIATIONS AND THE BUDGETARY AGGREGATES FOR FISCAL YEAR 2012

Mr. CONRAD. Mr. President, I previously filed committee allocations

and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Today, I am further adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the Chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate will be considering the conference report to H.R. 2112, the Consolidated and Further Continuing Appropriations Act of 2012. That conference report includes funding designated for disaster relief. In total, the amount of such designations is lower than amounts passed by the Senate earlier this month. Consequently, I am lowering adjustments made previously to the allocation to the Committee on Appropriations and to the aggregates by a total of \$847 million in budget authority and \$79 million in outlays.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES

[Pursuant to section 106(b)(1)(C) of the Budget Control Act of 2011 and section 311 of the Congressional Budget Act of 1974]

\$s in millions—	2011—	2012
Current Spending Aggregates:—		
Budget Authority—	3,070,885—	2,984,245
Outlays—	3,161,974—	3,047,268
Adjustments:—		
Budget Authority—	0—	—847
Outlays—	0—	—79
Revised Spending Aggregates:—		
Budget Authority—	3,070,885—	2,983,398
Outlays—	3,161,974—	3,047,189

FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS

[Pursuant to section 106 of the Budget Control Act of 2011 and section 302 of the Congressional Budget Act of 1974]

\$s in millions—	Current allocation/limit	Adjustment—	Revised allocation/limit
Fiscal Year 2011:—			
General Purpose Discretionary Budget Authority—	1,211,141—	0—	1,211,141
General Purpose Discretionary Outlays—	1,391,055—	0—	1,391,055
Fiscal Year 2012:—			
Security Discretionary Budget Authority—	814,744—	0—	814,744
Nonsecurity Discretionary Budget Authority—	364,281—	—847—	363,434
General Purpose Discretionary Outlays—	1,328,004—	—79—	1,327,925

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS

[Pursuant to section 106 of the Budget Control Act of 2011]

\$ in billions	Program integrity	Disaster relief	Emergency	Overseas contin- gency operations	Total
H.R. 2112, the Consolidated Appropriations and Further Continuing Appropriations Act, 2012 (Conference Report)					
Budget Authority	0.000	-0.847	0.000	0.000	-0.847
Outlays	0.000	-0.079	0.000	0.000	-0.079
Memorandum 1: Breakdown of Above Adjustments by Category:					
Security Budget Authority	0.000	0.000	0.000	0.000	0.000
Nonsecurity Budget Authority	0.000	-0.847	0.000	0.000	-0.847
General Purpose Outlays	0.000	-0.079	0.000	0.000	-0.079
Memorandum 2: Cumulative Adjustments (Includes Previously Filed Adjustments):					
Budget Authority	0.893	7.741	0.000	126.544	135.178
Outlays	0.774	1.590	-0.007	63.568	65.925

ADDITIONAL STATEMENTS

REMEMBERING EMORY FOLMAR

• Mr. SHELBY. Mr. President, today I wish to pay tribute to Mr. Emory McCord Folmar, who passed away on Friday, November 11, 2011. Emory lived a life dedicated to service to his country, holding many military and civic leadership roles, and was a true inspiration to many. I am glad to have known such a remarkable individual and fellow public servant.

Emory Folmar was born on June 3, 1930, in Troy, AL. He graduated from the University of Alabama with his B.S. in business and was a member of Sigma Alpha Epsilon fraternity. Emory's career in the military began at the University of Alabama as well. During his college years he served as a cadet colonel of the Army ROTC. Upon graduating, Emory attended parachute training and instructors' schools and was assigned to the 11th Airborne Division of the 2nd Infantry Division of the Army. During his years of service in the military, Emory received the Silver Star, the Bronze Star, and the Purple Heart during his service in the Korean war. He was a brave defender of the United States of America and continued his dedication to the military throughout his career as a public servant.

In 1954, Emory moved to Montgomery, AL, where he began a successful construction business with his brother, James Folmar and Henry Flynn. His political career began in 1975 as president of the City Council District 8, and then he served as mayor of Montgomery from 1977 to 1999. As mayor, Emory made great strides in developing the downtown area and improving Montgomery's infrastructure. Staying true to his military roots, Emory worked hard for the wellbeing of Maxwell and Gunter Air Force Bases, which are vital to our national security and to Alabama's economy.

Additionally, Emory worked on the Presidential campaigns of Ronald Reagan and George H.W. Bush and ran for Governor of the State of Alabama in 1982. He has earned the respect and admiration of his colleagues, who have referred to him as the "grandfather of the State's modern Republican Party."

Emory is loved and will be missed by his wife, Anita Pierce Folmar, two children, Wilson Bibb Folmar III and Margaret Folmar Dauber, and many more family members and friends. My thoughts and prayers are with them as they mourn the death of a wonderful husband, father, friend, community leader. He was a role model to many, and the citizens of Alabama and of Montgomery are very fortunate to have benefited from his commitment to public service as mayor for 22 years.●

MESSAGE FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3949. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Fresh Peaches Grown in California; Termination of Marketing Order 916 and the Peach Provisions of Marketing Order 917" (Docket No. AMS-FV-11-0018; FV11-916/917-4 FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3950. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service,

Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Christmas Tree Promotion, Research, and Information Order" (Docket No. AMS-FV-10-0008-FR-1A) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3951. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Christmas Tree Promotion, Research, and Information Order, Referendum Procedures" (Docket No. AMS-FV-10-0008-FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3952. A communication from the Acting Administrator of the Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports; Corrections" (Docket No. AMS-CN-11-0026C; CN-11-002) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3953. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office of Management and Budget's report of the estimated cost of assets purchased under the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-3954. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC-3955. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2012-2017"; to the Committee on Energy and Natural Resources.

EC-3956. A communication from the Commissioner, Social Security Administration, transmitting, a legislative proposal relative to requiring participation in the Enumeration at Birth (EAB) program; to the Committee on Finance.

EC-3957. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Head Start Designation Renewal System" (RIN0970-AC44) received in the Office of the President of the Senate on November 10, 2011; to the

Committee on Health, Education, Labor, and Pensions.

EC-3958. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Office of Inspector General and the Director's Semiannual Report to Congress on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3959. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Records Reproduction Fees" (RIN3095-AB71) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3960. A communication from the Inspector General of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3961. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's Commercial and Inherently Governmental Activities for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3962. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of Defense (DoD) Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-3963. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption for 2010; to the Committee on the Judiciary.

EC-3964. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fee for Filing a Patent Application Other than by the Electronic Filing System" (RIN0651-AC64) received in the Office of the President of the Senate on November 13, 2011; to the Committee on the Judiciary.

EC-3965. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice before the Board of Patent Appeals and Interferences in Ex Parte Appeals" (RIN0651-AC37) received in the Office of the President of the Senate on November 13, 2011; to the Committee on the Judiciary.

EC-3966. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Federal Voting Assistance Program's 2010 Post-Election Survey Report; to the Committee on Rules and Administration.

EC-3967. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting,

pursuant to law, an addendum to a certification, transmittal number: DDTC 11-098, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-3968. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-081, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-3969. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-042, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-3970. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed retransfer of major defense equipment involving the retransfer of four (4) C-27J1 Spartan Aircraft from Alenia Aeronautica S.p.A. to the Government of Mexico in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3971. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for the manufacture and assembly related to the Phalanx Close-In Weapon Systems and Land Based Phalanx Weapon Systems in the amount of \$25,000,000 or more; to the Committee on Foreign Relations.

EC-3972. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to proposed amendments to parts 120, 123, 124, 126, 127, and 129 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio (for himself, Ms. MIKULSKI, and Mr. MERKLEY):

S. 1876. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act; to the Committee on Finance.

By Mr. CASEY (for himself and Mrs. BOXER):

S. 1877. A bill to amend the Child Abuse Prevention and Treatment Act to require

mandatory reporting of incidents of child abuse or neglect, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 1878. A bill to assist low-income individuals in obtaining recommended dental care; to the Committee on Finance.

By Mr. MENENDEZ:

S. 1879. A bill to ensure that States have enacted criminal statutes that require individuals to report child abuse to law enforcement or child protective agencies; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE):

S. 1880. A bill to repeal the health care law's job-killing health insurance tax; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. BAUCUS):

S. 1881. A bill to establish an integrated Federal program to respond to ongoing and expected impacts of climate variability and change by protecting, restoring, and conserving the natural resources of the United States and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. VITTER, Mr. MERKLEY, and Mr. BROWN of Ohio):

S. 1882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. WEBB):

S. Res. 324. A resolution commemorating the 60th Anniversary of the United States-Australia alliance; considered and agreed to.

By Mr. PORTMAN (for himself and Mr. BROWN of Ohio):

S. Res. 325. A resolution recognizing the 2012 World Choir Games in Cincinnati, Ohio, as a global event of cultural significance to the United States and expressing support for designation of July 2012 as World Choir Games Month in the United States; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. BROWN of Ohio, Mr. CRAPO, Mr. LEAHY, Mr. LUGAR, and Mr. UDALL of New Mexico):

S. Res. 326. A resolution designating Thursday, November 17, 2011, as "Feed America Day"; considered and agreed to.

By Mrs. SHAHEEN (for herself, Mr. COLLINS, Mr. BEGICH, Mr. CONRAD, Mr. KIRK, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. Res. 327. A resolution supporting the goals and ideals of American Diabetes Month; considered and agreed to.

By Mrs. SHAHEEN (for herself and Mr. MORAN):

S. Res. 328. A resolution designating the week of November 14 through 20, 2011, as "Global Entrepreneurship Week/USA"; considered and agreed to.

By Mr. AKAKA (for himself, Mr. REID, Mr. BARRASSO, Ms. CANTWELL, Mr.

CRAPO, Mr. FRANKEN, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. TESTER, and Mr. UDALL of New Mexico):

S. Res. 329. A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States; considered and agreed to.

By Mr. CRAPO (for himself, Mr. RISCH, Mr. BINGAMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mr. BENNETT):

S. Res. 330. A resolution designating January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the above ground nuclear weapons testing; considered and agreed to.

By Mr. KIRK (for himself, Mr. MANCHIN, Mr. BEGICH, Mr. CONRAD, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. WARNER):

S. Res. 331. A resolution expressing the sense of the Senate that Congress should "Go Big" in its attempts toward deficit reduction; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 481

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 497

At the request of Ms. MIKULSKI, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 497, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 1034

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1034, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and

to provide for a common cost-of-living adjustment, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1268

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 1268, a bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from Montana (Mr. TESTER), the Senator from Colorado (Mr. UDALL), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1374

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1374, a bill to direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services.

S. 1610

At the request of Mr. JOHANNES, his name was added as a cosponsor of S.

1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

At the request of Mr. BARRASSO, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1610, supra.

S. 1676

At the request of Mr. THUNE, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1756

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1756, a bill to extend HUBZone designations by 3 years, and for other purposes.

S. 1770

At the request of Mrs. GILLIBRAND, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Oregon (Mr. MERKLEY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1770, a bill to prohibit discrimination in adoption or foster case placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1853

At the request of Mr. SANDERS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1853, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 1856

At the request of Mr. DEMINT, the names of the Senator from Oklahoma

(Mr. COBURN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1856, a bill to prohibit Federal funding for lawsuits seeking to invalidate specific State laws that support the enforcement of Federal immigration laws.

S. 1862

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1862, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1866

At the request of Mr. COONS, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. RES. 297

At the request of Mr. MENENDEZ, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 297, a resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding.

S. RES. 301

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Res. 301, a resolution urging the people of the United States to observe October 2011 as Italian and Italian-American Heritage Month.

S. RES. 302

At the request of Ms. LANDRIEU, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Res. 302, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 939

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 939 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the

fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 975

At the request of Mr. BLUNT, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 975 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 976

At the request of Mr. BLUNT, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of amendment No. 976 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 979

At the request of Mr. BEGICH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 979 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 980

At the request of Mr. WEBB, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 980 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1009

At the request of Mrs. HAGAN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1009 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE):

S. 1880. A bill repeal the health care law's job-killing health insurance tax; to the Committee on Finance.

Mr. HATCH. Mr. President, I want to thank my good friend from Wyoming, Senator BARRASSO, for his work on this and other issues related to the President's health law. He is a leading orthopedist, and I have nothing but respect for him. As a former medical liability defense lawyer defending doc-

tors, nurses, hospitals, and other health care providers, I appreciate good doctors, and this is one good doctor. He and Dr. COBURN are two of the best people I have known and are a credit to their profession.

I thank him for his work on this and other issues related to the President's health care law. He has been tireless in his careful analysis and fair criticism of the health spending law, and I believe we are in agreement on that bill's fundamental flaw.

The President and his allies repeatedly promised that the health law would decrease costs. That is not going to happen. The so-called Affordable Care Act is going to, in fact, drive up the cost of coverage.

Among the biggest reasons for this inflationary impact are the taxes that will be imposed on the American people to pay for the lost \$2.6 trillion in new spending. At the top of the list of senseless cost-increasing taxes is the law's tax on health insurance. It is not clear to me how the cost of health insurance will decrease by taxing it.

Many people probably don't even know this tax exists. Like most of the taxes in ObamaCare, its implementation was conveniently delayed until after the 2012 Presidential election. But this tax is coming. It is going to hurt employers and employees. It is going to be a drag on our economy, and it is going to depress wages.

I am glad to be standing here with Senator BARRASSO as we introduce the Jobs and Premium Protection Act, a bill that repeals this onerous and counterproductive tax on American workers and job creators. The President speaks about the need for Congress to do something about jobs. Well, we would go a long way toward creating the conditions for job growth by passing this legislation.

Unemployment in this country remains a full-blown crisis. Millions are out of work, and the 9-percent unemployment rate doesn't begin to capture the full extent of our jobs deficit. We need policies that will encourage businesses to invest and expand. Yet the health law's insurance tax does just the opposite. According to a recent analysis, in just the first 10 years, the insurance tax would impose \$87 billion in costs on businesses and their employees. Revenue that could be spent on higher wages, new hires, and capital investment—increasing jobs and growing the economy—will instead go to pay this tax. And that is just the start. In the second decade, this tax will cost businesses and their employees \$208 billion.

It is important to understand how this insurance tax will work. Starting in 2014, the health insurance companies will have to pay a tax based on their net premiums written in the fully insured market. This is the market where 87 percent of small businesses

purchase their health insurance. It is the market where the self-employed and uninsured go to purchase insurance.

So who will pay this tax? Someone has to pay it. Contrary to the talking points that all too often come out of this administration, all of these new mandates and regulations are not free. Someone has to foot the bill. Ultimately, it will be those least able to afford it who are paying it. Primarily small businesses—and their employees—will be responsible for paying this tax. When the cost of coverage goes up due to this tax, employees will pay for it in lower wages or higher health care costs.

According to a recent study, the average employee with a family plan will see his or her take-home pay reduced by \$5,000 over the next decade because of this tax. The American people should remember that statistic the next time they hear their liberal supporters of the health care law talk about wage stagnation or income inequality.

The costs of this tax will be felt by citizens even beyond those small businesses. The factories that lose orders because their customers' health care costs are going up will pay for this tax. Those searching for work will feel it too, because money that could go to new wages for new employees will instead go to pay for this tax and increased health care costs for existing employees.

This tax will hit wide swaths of the American economy, with millions of businesses and individuals impacted. A study by the National Federation of Independent Business shows this tax alone will lead to a loss of 125,000 to 249,000 jobs between now and 2021.

The legislation we are introducing today will help to reverse this trend. Ultimately, all of Obamacare must be repealed. I am fully committed to uprooting it in its entirety. It undermines our Constitution and it undermines personal liberty. It exacerbates the Nation's debt crisis by creating and expanding entitlement spending, and it also undermines our economy, destroying existing jobs and preventing the creation of new ones.

The people of Utah and people all over the United States need a jobs agenda. Repeal of the health insurance tax through the Jobs and Premium Protection Act we are introducing today would do much to address the scourge of unemployment and get our economy moving again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, first, I wish to congratulate and thank my colleague, the senior Senator from Utah, Mr. HATCH, for his continued leadership on the issue of health care. As the ranking member of the Finance

Committee, he has been a stalwart and strong supporter in efforts to get for the American people the health care they need, from the doctor they want, at a price they can afford, and amazing in his fight against what this body, what the House of Representatives, and what the President have forced onto people all across this country, which, to me, has been bad for patients, bad for the providers of those patients—the nurses and doctors who take care of them—and terrible for taxpayers.

That is why week after week I come to the floor to give a doctor's second opinion about the health care law, and why I am so pleased to be here with my colleague today to join in the introduction of this piece of legislation.

As people all around the country know—those who listened to the many speeches given during the debate on health care—the President and Democrats in Washington promised the American people this trillion dollar health care spending law would lower health insurance premiums. That is what the President promised, that health insurance premium costs would go down. Well, the American people have now had 19 months to review what is in the health care law, and they are finding that the President and the Washington Democrats sold them a bill of goods.

On September 27 of this year, the Kaiser Family Foundation issued its annual survey of employer-sponsored health insurance premiums. The report showed that employer-provided health insurance premiums rose—went up, not down—\$1,303 for an average family last year alone. Remember—and we do—that the President repeatedly promised his health care law would reduce the average annual family premium by \$2,500. Yet the exact opposite of what the President promised has occurred. The Kaiser Family Foundation report shows significant premium increases, not savings as the President promised.

Not only are premiums continuing to climb, but the President and Washington Democrats paid for their health care spending law by imposing billions of dollars in new taxes on American business and American consumers. Independent experts agree these taxes only serve to increase an individual, a family, or a small business's cost to buy medical coverage. Specifically, section 9010 of the health care law creates a new \$60-plus billion tax on health insurance plans starting in 2014.

The health care law slaps this tax on all health insurance companies based on net premiums in what is called the fully insured market. This means the tax an insurance company must pay is equal to the percent of their market share. The larger the insurance company's market share, the higher their annual health insurance tax becomes. The aggregate tax in 2014 is \$8 billion and climbs to \$11.3 billion in 2015 and

2016, eventually reaching over \$14 billion in 2018. After that, the law mandates the health insurance tax grow by premium inflation. More inflation, higher taxes.

Former Congressional Budget Office Director Douglas Holtz-Eakin released a study in March of this year estimating the health insurance tax could exceed \$87 billion between 2014 and 2020. Some on the other side of the aisle want to message this tax as a "health insurance fee." I would say to my friends all across this country, Do not be fooled. This new tax directly hits small business.

The Joint Committee on Taxation makes it clear the insurance tax will be borne by consumers in the form of higher prices, by owners of firms in the form of lower profits, by employees of those firms in the form of lower wages, or by other suppliers to the firms in the form of lower payments.

Remember, this tax only hits health insurance companies that sell their products in the fully insured market. As we have learned, and heard earlier on the Senate floor, 87 percent of small businesses buy their health insurance in this fully insured market.

The fully insured market is also the place that uninsured individuals and the self-employed go when they need to purchase medical insurance. Insurance companies selling plans to individuals and small businesses are the ones that are hit with the tax. The new tax doesn't hit large, self-insured businesses. Ultimately, uninsured individuals, small businesses, and their employees are the ones who are going to end up paying this unfair tax. This new punitive tax will add hundreds of dollars to family and small business insurance premiums every year.

The Wyoming Blue Cross Blue Shield Association tells me that a Wyoming family of four will see a premium increase because of this tax of over \$300 in 2014. In 2018, that same Wyoming family of four will see over a \$500 premium increase as a result of the tax. These premium increases will have been passed through to consumers as a direct result of this health care law's tax component—what the President and the Democrats in this body have foisted on the American public.

Additionally, the Holtz-Eakin March 2011 study proves the health insurance tax will raise premiums by as much as 3 percent or nearly \$5,000 for a family of four over the next decade. What American family, I ask you, can afford to see their take-home pay reduced by \$5,000 over the next decade thanks to the President's new tax. The Nation's unemployment rate stands at 9 percent. There are 14 million Americans, people across our country, unemployed and looking for work. Struggling American families cannot bear the brunt of President's Obama's new tax.

A recent study by the National Federation of Independent Business found

this health insurance tax will force the private sector to shed somewhere between 125,000 and 249,000 jobs between now and 2021. More than half of those losses will fall on the backs of small businesses.

Two million small businesses across this country cannot afford President Obama's new tax. Twenty-six million workers, who get their insurance through their employer, cannot afford President Obama's new tax. And the 12 million people who buy health insurance plans on their own in the individual market cannot afford President Obama's new tax. That is why today we introduce legislation called the Jobs and Premium Protection Act.

I introduced this bill along with my friend, the ranking member of the Senate Finance Committee, Senator HATCH. Our legislation is simple and straightforward. It eliminates the health care law's punitive tax on every individual, family, and small business that chooses to do the right thing and buy health insurance. Unbelievably, the health care law punishes individuals and punishes small businesses, the very two groups who find buying health insurance at an affordable price extremely challenging. Why would the Federal Government implement policies that make it harder by imposing a tax on the products these individuals buy?

Some must believe that insurers will simply be able to absorb the tax. Well, experts tell us that assumption is false. Here is what the nonpartisan Joint Committee on Taxation said in a letter to Senator JOHN KYL in June of this year:

We expect a very large portion of the insurance industry fee to be passed forward to purchasers of insurance in the form of higher premiums.

A very large portion, they say. Then they go on to say:

Eliminating this fee would decrease the average family premium in 2016 by \$300 to \$400.

Isn't that what we want, to lower the cost of insurance for individuals? This is the way to do it.

Finally, the Joint Committee on Taxation letter confirms the following:

Repealing the health insurance industry fee would reduce the premium prices of plans offered by covered entities by 2 to 2½ percent.

This ill-conceived discriminatory tax must be eliminated. It must be stopped well before it starts to impact individuals, families, and small businesses. Our bill is a critical piece of pro-business legislation. It has the support of organizations such as the National Federation of Independent Business, the U.S. Chamber of Commerce, Blue Cross Blue Shield Association, and America's health insurance plans.

I urge colleagues on both sides of the aisle who are concerned about the cost of insurance for families of America, who are shocked and surprised, some in

disbelief, that what the President promised the American people—of a reduction in premiums—isn't true, and who want to try to in a little way right that wrong to do so by cosponsoring and supporting the Jobs and Premium Protection Act.

I thank the Chair and the ranking member of the Senate Finance Committee, Senator HATCH—especially Senator HATCH—for his leadership and for joining me in introducing this legislation today. The time has come to eliminate a bad policy that not only increases health insurance costs but also negatively impacts America's job creators.

By Mr. BINGAMAN (for himself, Mr. VITTER, Mr. MERKLEY, and Mr. BROWN of Ohio.

S. 1882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today with Senators VITTER, MERKLEY, and BROWN of Ohio to introduce the Fair and Immediate Release of Generic Drugs Act of 2011. The FAIR GENERxICS Act is an important step in addressing the root cause of the growing cost of healthcare—the delay of generic drugs entering the market. This legislation has broad support from consumer advocates, the generics industry, and experts including: AARP, Apotex generics manufacturer, Families USA, U.S. PIRG, Consumers Union, Consumer Federation of America, Center for Medicare Advocacy, the National Legislative Association on Prescription Drug Prices, Alliance for Retired Americans, and Community Catalyst.

According to the Kaiser Family Foundation, prices for brand-name prescription drugs have continued to outpace inflation. Overall spending on prescription drugs also has increased sharply. In 2008 spending in the U.S. for prescription drugs was \$234.1 billion, nearly 6 times the \$40.3 billion spent in 1990. Generic drugs can be an important source of affordable prescription drugs for many Americans. On average, generic drugs are four times less expensive than name brand drugs.

Pay-for-delay patent settlements brand and generic pharmaceutical manufacturers, however, are delaying timely public access to generic drugs, which costs consumers and taxpayers billions of dollars annually. In 2010 the Federal Trade Commission reported 31 such settlements, a 60 percent increase since 2009, and in 2011 FTC reported 28 such settlements. Many experts and consumer advocates have called for legislation to address this problem and ensure access to affordable medicines for all Americans.

The FAIR GENERxICS Act of 2011 addresses the root cause of anti-competi-

tive pay-for-delay settlements between brand and generic pharmaceutical manufacturers—the unintended, structural flaw in the Hatch-Waxman Act that allows “parked” exclusivities to block generic competition. By doing so, the legislation ensures consumers will benefit from full and fair generic competition at the earliest, most appropriate time.

The legislation would prevent “parked exclusivities” from delaying full, fair, and early generic competition by modifying three key elements of existing law. First, the legislation would grant the right to share exclusivity to any generic filer who wins a patent challenge in the district court or is not sued for patent infringement by the brand company. The legislation also maximizes the incentive for all generic challengers to fight to bring products to market at the earliest possible time by holding generic settlers to the deferred entry date agreed to in their settlements. Finally, in order to create more clarity regarding litigation risk for pioneer drug companies and generic companies, the legislation requires pioneer companies to make a litigation decision within the 45 day window provided for in the Hatch-Waxman Act.

As a result of these changes, companies who prevail in their patent challenges and immediately come to market may be the sole beneficiary of the 180 day exclusivity period. In addition, companies will understand litigation risk before launching generic products.

Taken in concert these changes will ensure that generic markets are opened as they were originally envisioned under the Hatch-Waxman exclusivity periods; and will generate significant savings for the U.S. consumers, the Federal Government, and the American health care system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fair And Immediate Release of Generic Drugs Act” or the “FAIR Generics Act”.

SEC. 2. 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING FIRST APPLICANT STATUS.

(a) AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) IN GENERAL.—Section 505(j)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)) is amended—

(A) in clause (iv)(II)—

(i) by striking item (bb); and

(ii) by redesignating items (cc) and (dd) as items (bb) and (cc), respectively; and

(B) by adding at the end the following:

“(v) FIRST APPLICANT DEFINED.—As used in this subsection, the term ‘first applicant’ means an applicant—

“(I)(aa) that, on the first day on which a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) is submitted for approval of a drug, submits a substantially complete application that contains and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) for the drug; and

“(bb) that has not entered into a disqualifying agreement described under clause (vii)(II); or

“(II)(aa) for the drug that is not described in subclause (I) and that, with respect to the applicant and drug, each requirement described in clause (vi) is satisfied; and

“(bb) that has not entered into a disqualifying agreement described under clause (vii)(II).

“(vi) REQUIREMENT.—The requirements described in this clause are the following:

“(I) The applicant described in clause (v)(II) submitted and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) or a statement described in paragraph (2)(A)(viii) for each unexpired patent for which a first applicant described in clause (v)(I) had submitted a certification described in paragraph (2)(A)(vii)(IV) on the first day on which a substantially complete application containing such a certification was submitted.

“(II) With regard to each such unexpired patent for which the applicant described in clause (v)(II) submitted a certification described in paragraph (2)(A)(vii)(IV), no action for patent infringement was brought against such applicant within the 45 day period specified in paragraph (5)(B)(iii); or if an action was brought within such time period, such an action was withdrawn or dismissed by a court (including a district court) without a decision that the patent was valid and infringed; or if an action was brought within such time period and was not withdrawn or so dismissed, such applicant has obtained the decision of a court (including a district court) that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity, and including a settlement order or consent decree signed and entered by the court stating that the patent is invalid or not infringed).

“(III) If an applicant described in clause (v)(I) has begun commercial marketing of such drug, the applicant described in clause (v)(II) does not begin commercial marketing of such drug until the date that is 30 days after the date on which the applicant described in clause (v)(I) began such commercial marketing.”

(2) CONFORMING AMENDMENT.—Section 505(j)(5)(D)(i)(IV) of such Act (21 U.S.C. 355(j)(5)(D)(i)(IV)) is amended by striking “The first applicant” and inserting “The first applicant, as defined in subparagraph (B)(v)(I).”

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) apply.

SEC. 3. 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING AGREEMENTS TO DEFER COMMERCIAL MARKETING.

(a) AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) LIMITATIONS ON AGREEMENTS TO DEFER COMMERCIAL MARKETING DATE.—Section 505(j)(5)(B) of the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 355(j)(5)(B)), as amended by section 2, is further amended by adding at the end the following:

“(vii) AGREEMENT BY FIRST APPLICANT TO DEFER COMMERCIAL MARKETING; LIMITATION ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—

“(I) AGREEMENT TO DEFER APPROVAL OR COMMERCIAL MARKETING DATE.—An agreement described in this subclause is an agreement between a first applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, (aa) not to seek an approval of its application that is made effective on the earliest possible date under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, (bb) not to begin the commercial marketing of its drug on the earliest possible date after receiving an approval of its application that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or (cc) to both items (aa) and (bb).

“(II) AGREEMENT THAT DISQUALIFIES APPLICANT FROM FIRST APPLICANT STATUS.—An agreement described in this subclause is an agreement between an applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, not to seek an approval of its application or not to begin the commercial marketing of its drug until a date that is after the expiration of the 180-day exclusivity period awarded to another applicant with respect to such drug (without regard to whether such 180-day exclusivity period is awarded before or after the date of the agreement).

“(viii) LIMITATION ON ACCELERATION.—If an agreement described in clause (vii)(I) includes more than 1 possible date when an applicant may seek an approval of its application or begin the commercial marketing of its drug—

“(I) the applicant may seek an approval of its application or begin such commercial marketing on the date that is the earlier of—

“(aa) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which the commercial marketing could begin on an earlier date; or

“(bb) 180 days after another first applicant begins commercial marketing of such drug; and

“(II) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which commercial marketing could begin on an earlier date, shall be the date used to determine whether an applicant is disqualified from first applicant status pursuant to clause (vii)(II).”

(2) NOTIFICATION OF FDA.—Section 505(j) of such Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

“(11)(A) The holder of an abbreviated application under this subsection shall submit to the Secretary a notification that includes—

“(i)(I) the text of any agreement entered into by such holder described under paragraph (5)(B)(vii)(I); or

“(II) if such an agreement has not been reduced to text, a written detailed description of such agreement that is sufficient to disclose all the terms and conditions of the agreement; and

“(ii) the text, or a written detailed description in the event of an agreement that has not been reduced to text, of any other agreements that are contingent upon, provide a contingent condition for, or are otherwise related to an agreement described in clause (i).

“(B) The notification described under subparagraph (A) shall be submitted not later than 10 business days after execution of the agreement described in subparagraph (A)(i). Such notification is in addition to any notification required under section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

“(C) Any information or documentary material filed with the Secretary pursuant to this paragraph shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this paragraph is intended to prevent disclosure to either body of the Congress or to any duly authorized committee or subcommittee of the Congress.”

(3) PROHIBITED ACTS.—Section 301(e) of such Act (21 U.S.C. 331(e)) is amended by striking “505 (i) or (k)” and inserting “505 (i), (j)(11), or (k)”.

(b) INFRINGEMENT OF PATENT.—Section 271(e) of title 35, United States Code, is amended by adding at the end the following:

“(7) The exclusive remedy under this section for an infringement of a patent for which the Secretary of Health and Human Services has published information pursuant to subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act shall be an action brought under this subsection within the 45-day period described in subsection (j)(5)(B)(iii) or (c)(3)(C) of section 505 of the Federal Food, Drug, and Cosmetic Act.”

(c) APPLICABILITY.—

(1) LIMITATIONS ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—The amendment made by subsection (a)(1) shall apply only with respect to—

(A) an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) apply; and

(B) an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)(1)) executed after the date of enactment of this Act.

(2) NOTIFICATION OF FDA.—The amendments made by paragraphs (2) and (3) of subsection (a) shall apply only with respect to an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)(1)) executed after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—COMMEMORATING THE 60TH ANNIVERSARY OF THE UNITED STATES-AUSTRALIA ALLIANCE

Mr. KERRY (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas the United States Government enhanced its relationship with the Governments of Australia and New Zealand with the signing of the Australia-New Zealand-United States (ANZUS) Treaty on September 1, 1951, and subsequently engaged in annual, bilateral Australian-United States Ministerial (AUSMIN) consultations between the Australian Ministers of Foreign Affairs and Defence and the United States Secretaries of State and Defense, including a meeting in San Francisco in September 2011 that commemorated the 60th anniversary of the United States-Australia alliance;

Whereas the alliance remains fundamental to the security of Australia and the United States and to the peace, stability, and prosperity of the Asia-Pacific region, and is one dimension of a broad and deep relationship between the two countries that encompasses robust bilateral strategic, intelligence, trade, and investment relations based on shared interests and values, a common history and cultural traditions, and mutual respect;

Whereas numerous visits by Presidents of the United States, including this week by President Barack Obama, and by the Australian Prime Minister to the United States, including in 2011 when Prime Minister Julia Gillard addressed a Joint Session of Congress, have underscored the strength and closeness of the relationship;

Whereas members of the United States and Australian armed forces have fought side-by-side in every major conflict since the First World War, with the commitment to mutual defense and security between the United States and Australia being longstanding and unshakable, as was demonstrated by the joint decision to invoke the ANZUS Treaty in the aftermath of the September 11, 2001, terrorist attacks;

Whereas the Governments of the United States and Australia continue to share a common approach to the most pressing issues in global defense and security, including in Afghanistan, where about 1,550 Australian Defence Force personnel are deployed, and in response to natural disasters and humanitarian crises, such as in Japan following the earthquake and subsequent tsunami in March 2011;

Whereas Secretary of State Hillary Clinton recently stated, "We are expanding our alliance with Australia from a Pacific partnership to an Indo-Pacific one, and indeed a global partnership. . . . Australia's counsel and commitment have been indispensable. . . .";

Whereas Secretary of Defense Leon Panetta recently remarked that "the United States has no closer ally than Australia. . . . [We] affirm this alliance, affirm that it remains strong, and that we are determined to deepen our security cooperation even further to counter the threats and challenges that we face in the future. . . .";

Whereas the Governments of the United States and Australia agreed to set up a Force Posture Working Group at the Novem-

ber 2010 AUSMIN to examine options to align respective force postures consistent with the national security requirements of both countries and to help positively shape the regional security environment;

Whereas the United States and Australia committed in a Joint Statement on Cyberspace during the 2011 AUSMIN meeting to consult together and determine appropriate options to address any threats;

Whereas the Government of Australia is a major purchaser of United States military resources, approximately 50 percent of Australia's war-fighting assets are sourced from the United States, and the Government of Australia has plans to spend a substantial sum over the next 10-15 years to update or replace up to about 85 percent of its military equipment;

Whereas, on September 29, 2010, the Senate provided its advice and consent to ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, signed at Sydney, Australia, September 5, 2007, which will facilitate defense trade between the two nations and enhance interoperability between military forces;

Whereas the Governments of the United States and Australia support open, transparent, and inclusive regional architectures to preserve and enhance peace, security, and prosperity in the Asia-Pacific region;

Whereas the Governments of the United States and Australia cooperate closely in regional and global forums, as evidenced by Australia's support for the United States as the host this month of the Asia-Pacific Economic Cooperation forum in 2011 and the United States' support for Australia to host the G-20 in 2014;

Whereas the United States and Australia elevated their trade relationship through the Australia-United States Free Trade Agreement that entered into force on January 1, 2005, and exports of United States goods to Australia have risen by 53 percent since that time, totaling \$21,900,000,000 in 2010;

Whereas the United States is Australia's largest destination for foreign investment, helping create jobs for United States workers, with Australian companies employing more than 88,000 people directly in the United States;

Whereas the Governments and people of the United States and Australia work closely to advance and support human rights, the rule of law, and basic freedoms worldwide;

Whereas the Governments and people of the United States and Australia work jointly and separately to support democracy, economic reform, and good governance in the Pacific Islands, Southeast Asia, South and Central Asia, the Middle East, and North Africa, among other areas of the world; and

Whereas the Governments of the United States and Australia are working through their respective aid agencies (USAID and AusAID) and also exploring opportunities for collaboration across a wide variety of areas: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 60th Anniversary of the United States-Australia alliance and takes this opportunity to reiterate the enduring significance of this historic friendship that serves as an anchor of peace, stability, and prosperity in the Asia-Pacific region and in the world;

(2) supports United States efforts to strengthen military, diplomatic, trade, economic, and people-to-people cooperation with Australia, including initiatives to posi-

tively shape the evolving strategic and economic environment that connects the Indian and the Pacific Oceans; and

(3) urges close consultation between the Governments of the United States and Australia in preparation for the East Asia Summit to be chaired by Indonesia on November 19, 2011, and encourages other, new forms of cooperation with the Government and people of Australia that strengthen regional architectures to enhance peace, security, and prosperity in the Asia-Pacific region.

SENATE RESOLUTION 325—RECOGNIZING THE 2012 WORLD CHOIR GAMES IN CINCINNATI, OHIO, AS A GLOBAL EVENT OF CULTURAL SIGNIFICANCE TO THE UNITED STATES AND EXPRESSING SUPPORT FOR DESIGNATION OF JULY 2012 AS WORLD CHOIR GAMES MONTH IN THE UNITED STATES

Mr. PORTMAN (for himself and Mr. BROWN of Ohio) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 325

Whereas the World Choir Games, the largest choral competition in the world, takes place every 2 years, is known as the "Olympics of choral music", and has the goal of uniting people from all countries through singing in peaceful competition;

Whereas, from July 4 through July 14, 2012, Cincinnati, Ohio, will be first city in the United States to host the World Choir Games;

Whereas the Seventh World Choir Games are expected to include more than 400 choirs from more than 70 countries, 20,000 official participants, including performers, event officials, delegations, and international jury members, and up to 200,000 spectators;

Whereas choirs will compete in 23 different musical genres evaluated by an impartial international jury of choral music experts;

Whereas the genres of barbershop and show choir will be added as competition categories for the first time in recognition of their popularity in the United States;

Whereas the uniting of the people of the world through singing in peaceful competition in the United States in 2012 affirms the commitment of the United States to global cultural awareness, understanding, and appreciation; and

Whereas it is appropriate to designate July 2012 as World Choir Games Month in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the global significance of the Seventh World Choir Games to be hosted in Cincinnati, Ohio, from July 4 through July 14, 2012;

(2) recognizes Interkultur, the Cincinnati Organizing Committee for the Seventh World Choir Games, the Cincinnati USA Convention and Visitors Bureau, the city of Cincinnati, and the State of Ohio for their efforts to secure and host the World Choir Games;

(3) expresses appreciation to all people of the world who will participate in the World Choir Games, either in competition or as visitors, and to all of the volunteers who will welcome the participants and other visitors to the United States;

(4) supports the designation of July 2012 as World Choir Games Month in the United States; and

(5) renews the commitment of the United States to world peace and friendship and increasing global cultural understanding through singing in peaceful competition.

SENATE RESOLUTION 326—DESIGNATING THURSDAY, NOVEMBER 17, 2011, AS “FEED AMERICA DAY”

Mr. HATCH (for himself, Mr. BROWN of Ohio, Mr. CRAPO, Mr. LEAHY, Mr. LUGAR, and Mr. UDALL of New Mexico) submitted the following resolution; which was considered and agreed to:

S. RES. 326

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 48,000,000 people in the United States, including 16,200,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2011, as “Feed America Day”; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 17, 2011, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE RESOLUTION 327—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BEGICH, Mr. CONRAD, Mr. KIRK, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mrs. FEINSTEIN, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 327

Whereas according to the Centers for Disease Control and Prevention (referred to in this preamble as “CDC”), nearly 26,000,000 people of the United States have diabetes and 79,000,000 people of the United States have pre-diabetes

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas each day, approximately 5,082 people are diagnosed with diabetes;

Whereas in 2010, the CDC estimated that approximately 1,900,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults of the United States and 26.9 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates as many as 1 in 3 American adults will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African, Asian, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was \$174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was \$218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

SENATE RESOLUTION 328—DESIGNATING THE WEEK OF NOVEMBER 14 THROUGH 20, 2011, AS “GLOBAL ENTREPRENEURSHIP WEEK/USA”

Mrs. SHAHEEN (for herself and Mr. MORAN) submitted the following resolution; which was considered and agreed to:

S. RES. 328

Whereas research has shown that between 1980 and 2005 the majority of jobs in the United States were created by entrepreneurs and the young companies of those entrepreneurs;

Whereas the economy and society of the United States, as well as the country as a whole, have greatly benefitted from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week/USA is an initiative to celebrate the innovators and job creators who launch startups that bring ideas to life, drive economic growth, and improve human welfare;

Whereas Global Entrepreneurship Week/USA helps existing and aspiring entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2010, more than 445,896 individuals participated in the more than 3,200 entrepreneurial activities held in the United States alone during Global Entrepreneurship Week;

Whereas, in 2010, more than 1,300 partner organizations participated in Global Entrepreneurship Week/USA, including startup accelerators, business incubators, chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2011, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 14 through 20, 2011, as “Global Entrepreneurship Week/USA”; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

SENATE RESOLUTION 329—RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING THE HERITAGES AND CULTURES OF NATIVE AMERICANS AND THE CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

Mr. AKAKA (for himself, Mr. REID of Nevada, Mr. BARRASSO, Ms. CANTWELL, Mr. CRAPO, Mr. FRANKEN, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. TESTER, and Mr. UDALL of New Mexico) submitted the following resolution; which was considered and agreed to:

S. RES. 329

Whereas from November 1, 2011, through November 30, 2011, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2011 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as “Native American Heritage Day” in accordance with the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

SENATE RESOLUTION 330—DESIGNATING JANUARY 27, 2012, AS A NATIONAL DAY OF REMEMBRANCE FOR AMERICANS WHO, DURING THE COLD WAR, WORKED AND LIVED DOWNWIND FROM NUCLEAR TESTING SITES AND WERE ADVERSELY AFFECTED BY THE RADIATION EXPOSURE GENERATED BY THE ABOVE GROUND NUCLEAR WEAPONS TESTING

Mr. CRAPO (for himself, Mr. RISCH, Mr. BINGAMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 330

Whereas on January 27, 1951, the first of years of nuclear weapons tests was conducted at a site known as the Nevada Proving Ground, located approximately 65 miles northwest of Las Vegas, Nevada;

Whereas the extensive testing at the Nevada Proving Ground came just years after the first ever nuclear weapon test, which was conducted on July 16, 1945, at what is known as the Trinity Atomic Test Site, located approximately 35 miles south of Socorro, New Mexico;

Whereas many Americans who, during the Cold War, worked and lived downwind from nuclear testing sites (referred to in this preamble as “downwinders”) were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing, and some of the downwinders sickened as a result of the radiation exposure;

Whereas the downwinders paid a high price for the development of a nuclear weapons program for the benefit of the United States; and

Whereas the downwinders deserve to be recognized for the sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate January 27, 2012.

SENATE RESOLUTION 331—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD “GO BIG” IN ITS ATTEMPTS TOWARD DEFICIT REDUCTION

Mr. KIRK (for himself, Mr. MANCHIN, Mr. BEGICH, Mr. CONRAD, Mrs.

HUTCHISON, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 331

Whereas the Government of the United States has reached record levels of debt, with total debt outstanding exceeding \$14,970,000,000,000;

Whereas the publicly held debt of the United States has reached 67 percent of Gross Domestic Product and is projected to increase to 100 percent by 2021;

Whereas the Congressional Budget Office estimated the deficit for fiscal year 2011 at approximately \$1,300,000,000,000;

Whereas the outlook on the deficits and debt of the United States has caused the Nation's long-term credit rating to be downgraded for the first time in history by at least one Nationally Recognized Statistical Rating Organization, and its credit rating could potentially be downgraded again;

Whereas the Budget Control Act of 2011 has empowered the Joint Select Committee on Deficit Reduction to propose significant and important reductions to the deficit, and failure to secure sufficient reductions will trigger substantial cuts in critical areas;

Whereas the presidentially appointed National Commission on Fiscal Responsibility and Reform has created a framework to reduce the Federal deficit by approximately \$4,000,000,000,000;

Whereas numerous budget experts, leading political figures, and independent groups of differing political ideologies have advocated for a “Go Big” strategy for deficit reduction; and

Whereas 45 United States Senators have previously supported the goal of achieving greater deficit reduction: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should pass a deficit reduction measure that—

(1) includes enough deficit reduction to stabilize the Federal debt as a share of the economy, put the debt on a downward path, and provide fiscal certainty;

(2) reduces the deficit by at least \$4,000,000,000,000 over 10 years in order to reassure financial markets;

(3) encompasses the principles of reform, shared sacrifice, and compromise;

(4) uses established, bipartisan debt and deficit reduction frameworks as a starting point for discussions;

(5) focuses on the major parts of the budget and includes long-term entitlement reforms and pro-growth tax reform;

(6) is structured to grow the economy in the short, medium, and long terms to create jobs in the United States and increase United States competitiveness;

(7) builds a foundation of investor confidence that preserves the United States dollar and Federal debt securities as the global standard of safety and stability;

(8) works to include the American public and the business community in a broader discussion about the breadth of the issues, challenges, and opportunities facing us; and

(9) includes tax reform that guarantees deficit reduction and economic growth to rebuild America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1018. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him

to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1019. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1020. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1021. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1022. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1023. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1024. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1025. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1026. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1027. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1028. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1029. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1030. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1031. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1032. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1033. Mr. JOHNSON, of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1034. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1035. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1036. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1037. Mr. CARDIN submitted an amendment intended to be proposed to amendment

SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1038. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1039. Ms. STABENOW (for herself, Mr. DURBIN, Mr. LEVIN, Mr. KOHL, Mr. BROWN of Ohio, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1040. Mr. SANDERS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1041. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. BLUNT, Mr. THUNE, Mr. HELLER, Mr. WEBB, Mr. MANCHIN, Mr. GRAHAM, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1042. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1043. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1044. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1045. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1046. Mr. KOHL (for himself, Ms. STABENOW, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1047. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1048. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1049. Mr. BAUCUS (for himself, Mr. ROBERTS, Mr. BINGAMAN, Mrs. MCCASKILL, Ms. CANTWELL, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. PRYOR, Mr. TESTER, Mrs. MURRAY, Mr. MORAN, Mr. CRAPO, Mr. JOHNSON of South Dakota, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1050. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1051. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1052. Mr. COATS (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1053. Ms. LANDRIEU (for herself and Mrs. GILLIBRAND) submitted an amendment

intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1054. Mr. BROWN of Ohio (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1055. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1056. Mr. WICKER (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. ROBERTS, Mr. PAUL, and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1057. Mr. WHITEHOUSE (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 303, honoring the life, service, and sacrifice of Captain Colin P. Kelly Jr., United States Army.

SA 1058. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1059. Mr. COONS (for himself, Mr. CASEY, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1060. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1061. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1018. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 7 _____. None of the funds made available by this Act for fiscal year 2012 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

SA 1019. Mr. BINGAMAN submitted an amendment intended to be proposed

by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the last proviso of the matter under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL ENERGY REGULATORY COMMISSION" under the heading "DEPARTMENT OF ENERGY" of title III, strike "a State" and all that follows through the period at the end and insert "avoided cost determined under section 210(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) may differ by technology to take into account the requirement of a State that a utility purchase electric energy generated by specified technologies."

SA 1020. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title IV of division A, in the matter under the heading "OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS" under the heading "INDEPENDENT AGENCIES", strike "\$1,000,000" and insert "\$3,000,000".

SA 1021. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 40, strike line 23 and all that follows through page 41, line 4, and insert the following:

NAVAL PETROLEUM AND OIL SHALE RESERVES

None of the funds appropriated or otherwise made available by this Act shall be used to carry out naval petroleum and oil shale reserve activities.

SA 1022. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 39, strike line 21 and all that follows through page 40, line 22, and insert the following:

FOSSIL ENERGY RESEARCH AND DEVELOPMENT (INCLUDING RESCISSION)

None of the funds appropriated or otherwise made available by this Act shall be used to carry out fossil energy research and development activities under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.). *Provided*, That of prior-year balances, \$187,000,000 are hereby rescinded: *Provided further*, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111-5 or designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

SA 1023. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 19 and all that follows through page 38, line 13.

On page 42, strike lines 13 through 16.

On page 47, strike lines 1 through 5.

On page 66, between lines 2 and 3, insert the following:

SEC. 3. None of the funds appropriated or otherwise made available by this Act shall be used to carry out—

(1) energy efficiency and renewable energy activities in carrying out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including FreedomCAR and Fuel Partnership programs;

(2) activities of the Energy Information Administration; or

(3) the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

SA 1024. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading "GENERAL PROVISIONS—DEPARTMENT OF ENERGY", add the following:

SEC. _____. None of the funds made available by this Act may be used to process, administer, or finalize any loan issued under the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) for the purposes of manufacturing advanced high-strength steel.

SA 1025. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TRANSPARENCY IN JUDGMENT PAYMENTS.

(a) DISCLOSURE OF PAYMENTS.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

"(d)(1) Not later than 30 days after the payment of a final judgment, award, or compromise settlement under this section, the Secretary of the Treasury shall publish electronically (including on a dedicated, publicly accessible Web site), in a manner consistent with applicable Federal privacy law—

"(A) the agency responsible for the payment;

"(B) a citation to the provision of law under which the claim was made;

"(C) the amount to be paid;

"(D) the amount of any interest to be paid;

"(E) the amount of any attorney fees to be paid; and

"(F) for any case filed in a court—

"(i) the case number for the case that resulted in the judgment, award, or settlement; and

"(ii) the court in which the case was filed.

"(2) The information published under paragraph (1) shall contain separate sections for claims filed in court and administrative claims.

"(3)(A) The Secretary of the Treasury shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and the Committee on Oversight and Government Reform of the House of Representatives a quarterly report that contains—

"(i) any information published under paragraph (1) during the preceding quarter; and

"(ii) a confidential appendix that includes, for each case or claim described in clause (i), the identity of the plaintiff, counsel for the plaintiff, and the defendant.

"(B) A report under subparagraph (A) shall be exempt from disclosure under section 552 of title 5. For purposes of section 552 of title 5, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552."

(b) LITIGATION MANAGEMENT.—

(1) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

"§ 613. Litigation management

"(a) Each agency, in consultation with the Attorney General of the United States and consistent with applicable Federal privacy law, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives an annual report describing—

"(1) any civil action filed or pending against the agency or any employee of the agency; and

"(2) any settlements entered by or final judgments entered against the agency or any employee of the agency.

"(b) The report required under subsection (a) shall include—

"(1) a summary of—

"(A) the number of civil actions filed, pending, or settled;

"(B) the number of civil actions for which more than 36 months have passed since the date the action was filed;

"(C) the number of claims—

"(i) made under a statute or regulation; and

"(ii) alleging a violation of a statute or regulation;

"(D) the number of judgments entered for and against the agency;

"(E) the number of settlements or consent decrees involving the agency;

"(F) the number of judgments entered under seal;

"(G) the number of settlements or consent decrees involving a confidentiality agreement or order;

"(H) the total amount of all judgments, settlements, and attorney fees paid by or on behalf of the agency; and

"(I) the total number of agency rulemakings or other actions commenced due to a judgment or settlement;

"(2) for each filed or pending civil action, a summary of the action that—

"(A) describes—

"(i) the nature of the action;

"(ii) the cause of action asserted, including specific statutory references;

"(iii) the nature and amount of relief requested;

“(iv) whether the plaintiff is a party to any other litigation against the agency;

“(v) whether a claim for attorney fees has been made, and if so, the statutory basis for the claim;

“(vi) the date the action was filed; and

“(vii) whether more than 36 months have passed since the date the action was filed; and

“(B) identifies—

“(i) the court, the presiding judge, and the case number; and

“(ii) the plaintiff and counsel for the plaintiff; and

“(3) for each settlement or final judgment, except a settlement or final judgment described in paragraph (4), a summary of the civil action that includes—

“(A) the nature of the civil action;

“(B) the amount of the payment or other relief granted or agreed;

“(C) the amount of attorneys fees paid; and

“(D) the nature of any rulemaking or other agency action commenced due to the settlement or judgment; and

“(4) for each settlement or final judgment involving a judgment under seal or a confidentiality agreement or order—

“(A) the parties to the settlement or final judgment; and

“(B) each cause of action alleged in the complaint.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding at the end the following:

“613. Litigation management.”.

SA 1026. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

SEC. 3 _____. Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committees on Appropriations of the House of Representatives and the Senate and post on the public Internet website of the Department of Energy a report describing all recipients of assistance (including grants, contracts, direct loans, loan guarantees, and cooperative agreements) from the Department during the 5-year period ending on the date of enactment of this Act that have filed for bankruptcy or were declared bankrupt, including the name of recipients, the amount of assistance, the date (by year) of receipt of assistance, and the date on which recipients filed for bankruptcy or were declared bankrupt.

SA 1027. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5 _____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to carry out the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

SA 1028. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5 _____. There are rescinded all remaining unobligated balances made available for the temporary program for rapid deployment of renewable energy and electric power transmission projects under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516).

SA 1029. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. _____. A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

SEC. _____. None of the funds made available by this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. _____. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2012 for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and a description of the contracting procedures relating to that conference, including—

(i) whether contracts were awarded on a competitive basis for that conference; and

(ii) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

SA 1030. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5 _____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to carry out any activity directed specifically or non-competitively for algae-based biofuels.

SA 1031. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5 _____. Notwithstanding title III of division A, none of the funds made available by this Act shall be used to promulgate any regulation establishing energy-efficiency standards for televisions.

SA 1032. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5 _____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used by the Office of Fossil Energy to carry out any energy research relating to fossil fuels, except that nothing in this section affects the responsibilities of the Secretary of Energy relating to national petroleum reserves.

SA 1033. Mr. JOHNSON, of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title II of division A, at the end of the sections under the heading “GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR”, add the following:

SEC. _____. Any funds available to carry out the Ogala Sioux Rural Water Supply System established under section 3(a) of the Mni Wiconi Project Act of 1988 (Public Law 100-516; 102 Stat. 2566) shall also be available for the Secretary of the Interior to plan, design, construct, operate, maintain, and replace the Ogala Sioux Rural Water Supply System within the entire boundary of the Pine Ridge Indian Reservation, including the tract of land in the State of Nebraska set aside as part of the Pine Ridge Indian Reservation by the Executive order dated February 20, 1904.

SA 1034. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID, to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 4, insert “, including any engineering and technical studies the Secretary determines to be necessary to estimate future storm-related releases of sediment deposited behind dams,” after “activities”.

SA 1035. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, beginning on line 13, strike “\$58,024,000, to remain available until expended” and insert “\$68,000,000, to remain available until expended: *Provided*, That of the funds made available under this title, each account under this title (except the accounts under this heading) shall be reduced by the pro rata percentage required to reduce the total amount provided under this title by \$9,976,000”.

SA 1036. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 15, insert “, including repairs required for structural safety,” after “repairs”.

SA 1037. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 13, strike “funds;” and insert “funds: *Provided further*, That, not later than 120 days after the date of enactment of this Act, the General Services Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed report, by project, for the construction projects included in the fiscal year 2011 project plan for the Federal Buildings Fund submitted to Congress on June 20, 2011, on the use of funds provided under this Act for each project in fiscal year 2012, the future cost to complete each project, the added costs incurred for delays associated with each project, and the estimated number of construction and related jobs unfilled because of the delays associated with completion of each project;”.

SA 1038. Mr. CARDIN submitted an amendment intended to be proposed by

him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ SURETY BONDS.

(a) **MAXIMUM BOND AMOUNT.**—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “(1)” and all that follows and inserting the following: “(1)(A) The Administration may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed \$5,000,000.

“(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed \$10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.”.

(b) **DENIAL OF LIABILITY.**—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

“(e) **REIMBURSEMENT OF SURETY; CONDITIONS.**—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

“(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

“(2) the total contract amount at the time of execution of the bond or bonds exceeds \$5,000,000;

“(3) the surety has breached a material term or condition of such guarantee agreement; or

“(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).”;

(2) by striking subsection (k); and

(3) by adding after subsection (i) the following:

“(j) **DENIAL OF LIABILITY.**—For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.”.

(c) **SIZE STANDARDS.**—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended—

(1) by striking paragraph (9); and

(2) adding after paragraph (8) the following:

“(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term ‘small business concern’ means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.”.

SA 1039. Ms. STABENOW (for herself, Mr. DURBIN, Mr. LEVIN, Mr. KOHL, Mr.

BROWN of Ohio, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1 ____ ASIAN CARP.

(a) **DEFINITIONS.**—In this section:

(1) **HYDROLOGICAL SEPARATION.**—The term “hydrological separation” means a physical separation on the Chicago Area Waterway System that—

(A) would disconnect the Mississippi River watershed from the Lake Michigan watershed; and

(B) shall be designed to be adequate in scope to prevent the transfer of all aquatic species between each of those bodies of water.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(b) **EXPEDITED STUDY AND REPORT.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) expedite completion of the report for the study authorized by section 3061(d) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1121); and

(B) if the Secretary determines a project is justified in the completed report, proceed directly to project preconstruction engineering and design.

(2) **FOCUS.**—In expediting the completion of the study and report under paragraph (1), the Secretary shall focus on—

(A) the prevention of the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins, including through permanent hydrological separation of the Great Lakes and Mississippi River Basins; and

(B) the watersheds of the following rivers and tributaries associated with the Chicago Area Waterway System:

(i) The Illinois River, at and in the vicinity of Chicago, Illinois.

(ii) The Chicago River, Calumet River, North Shore Channel, Chicago Sanitary and Ship Canal, and Cal-Sag Channel in the State of Illinois.

(iii) The Grand Calumet River and Little Calumet River in the States of Illinois and Indiana.

(3) **EFFICIENT USE OF FUNDS.**—The Secretary shall ensure the efficient use of funds to maximize the timely completion of the study and report under paragraph (1).

(4) **DEADLINE.**—The Secretary shall complete the report under paragraph (1) by not later than 18 months after the date of enactment of this Act.

(5) **INTERIM REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) interim milestones that will be met prior to final completion of the study and report under paragraph (1); and

(B) funding necessary for completion of the study and report under paragraph (1), including funding necessary for completion of each

interim milestone identified under subparagraph (A).

SA 1040. Mr. SANDERS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 13, strike the period at the end and insert “: *Provided further*, That of the funds made available under this heading to carry out building technology activities, \$10,000,000 shall be made available to carry out geothermal heat pump research, development, and deployment activities.”.

SA 1041. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. BLUNT, Mr. THUNE, Mr. HELLER, Mr. WEBB, Mr. MANCHIN, Mr. GRAHAM, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay compensation for senior executives at the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation in the form of bonuses, during any period of conservatorship for those entities on or after the date of enactment of this Act.

SA 1042. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Except as provided in subsection (b), none of the funds made available by this division may be used to purchase new passenger motor vehicles.

(b) This section shall not apply to the purchase of new passenger motor vehicles that will be used primarily for national security, law enforcement, public transit, safety, or research purposes.

(c) Not later than 30 days after the last day of fiscal year 2012, the head of each agency or department receiving funds under this division shall submit a report to Congress that contains—

(1) a complete inventory of the vehicles owned, permanently retired, or purchased by the agency or department during fiscal year 2012; and

(2) the total cost of the agency's or department's vehicle fleet during fiscal year 2012, including costs for vehicle maintenance, fuel, storage, purchasing, and leasing.

SA 1043. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Propane Education and Research Act of 1996 (15 U.S.C. 6401 et seq.) is repealed.

SA 1044. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel of the Department of Energy to oversee the Propane Education and Research Council established under section 4(a) of the Propane Education and Research Act of 1996 (15 U.S.C. 6403(a)).

SA 1045. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 10, after “direction:”, insert the following: “ *Provided further*, That, of the amount made available under this heading (other than for program direction), \$5,000,000 shall be available for natural gas technologies, \$10,000,000 shall be available for unconventional fossil energy technologies:”.

SA 1046. Mr. KOHL (for himself, Ms. STABENOW, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, under the heading “GENERAL PROVISIONS—DEPARTMENT OF ENERGY”, add the following:

SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

“(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) COVERED WATER HEATER.—The term ‘covered water heater’ means—

“(I) a water heater; and

“(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

“(ii) FINAL RULE.—The term ‘final rule’ means the final rule published under this paragraph.

“(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

“(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

“(i) the energy factor descriptor for water heaters established under this subsection; and

“(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

“(D) EFFECT OF FINAL RULE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

“(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

“(E) CONVERSION FACTOR.—

“(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

“(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

“(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

“(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

“(v) PERIOD.—Subclause (E) shall apply during the period—

“(I) beginning on the date of publication of the conversion factor in the Federal Register; and

“(II) ending on April 16, 2015.

“(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

“(i) does not have a residential use and can be clearly described in the final rule; and

“(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

“(G) OPTIONS.—The descriptor set by the final rule may be—

“(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

“(ii) the thermal efficiency and standby loss descriptors in use as of that date;

“(iii) a revised version of the thermal efficiency and standby loss descriptors;

“(iv) a hybrid of descriptors; or

“(v) a new approach.

“(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

“(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

“(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

“(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

“(i) was manufactured prior to the effective date of the final rule; and

“(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.”.

SA 1047. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “CONSTRUCTION, GENERAL” under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY”, strike “Inland Waterways Trust Fund” and insert “Inland Waterways Trust Fund: *Provided*, That the funding level for each Continuing Authorities Program authority shall not be less than the amounts specified in the table on page 32 of Senate Report 112-75, except that \$15,000,000 shall be made available to carry out activities described in that table as Flood Control Projects (section 205)”.

SA 1048. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

SEC. 3 _____. The Secretary of Energy may authorize—

(1) the operation and maintenance of a Strategic Petroleum Reserve metering station and related equipment that is underutilized (as defined in section 102-75.50 of title 41, Code of Federal Regulations (or successor regulations)) on behalf of a private sector party; and

(2) the collection of a fee for the conduct of services described in paragraph (1) consistent with chapter 4 of the Atomic Energy Act of 1954 (42 U.S.C. 2051 et seq.) in an amount sufficient to cover the costs to the Federal Government of operation and maintenance described in paragraph (1).

SA 1049. Mr. BAUCUS (for himself, Mr. ROBERTS, Mr. BINGAMAN, Mrs. MCCASKILL, Ms. CANTWELL, Mr. NELSON, of Nebraska, Mr. HARKIN, Mr. PRYOR, Mr. TESTER, Mrs. MURRAY, Mr. MORAN, Mr. CRAPO, Mr. JOHNSON, of South Dakota, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. During fiscal year 2012, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term “payment of cash in advance” shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SA 1050. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading “GENERAL PROVISIONS—DEPARTMENT OF ENERGY”, add the following:

SEC. _____. None of the funds made available by this Act may be used by the Secretary of Energy to issue loan guarantees that, in any circumstances at the time of, or subsequent to, the issuance of the loan guarantee, make the Secretary subordinate to other financing.

SA 1051. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 313. (a) Notwithstanding any other provision of law, the Secretary of State shall transfer \$321,000,000 of amounts appropriated or otherwise made available for the Department of State by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012, to the Secretary of Energy for the National Nuclear Security Administration for weapons activities.

(b) The Administrator for Nuclear Security shall allocate the amount transferred under subsection (a) to the weapons activities of the National Nuclear Security Administration that the Administrator, in consultation with the Secretary of Defense, determines to be the highest priority.

SA 1052. Mr. COATS (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and

related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1 _____. None of the funds made available by this Act shall be expended to carry out any Federal action that would involve or lead to any hydrological separation between the Great Lakes and the Mississippi River Basins.

SA 1053. Ms. LANDRIEU (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division A, add the following:

SEC. _____. The Secretary of Energy shall use \$2,000,000 for the support of the U.S.-Israeli energy cooperative agreement to be derived by transfer from the funds made available by this Act for salaries and expenses of the Department of Energy necessary for departmental administration under the heading “DEPARTMENTAL ADMINISTRATION”, so that the total amount made available under that heading is \$235,623,000 and the amount made available from the general fund is not more than \$123,740,000.

SA 1054. Mr. BROWN, of Ohio (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 10, insert “*Provided further*, That not less than \$25,000,000 shall be used for the research, development, and demonstration of solid oxide fuel cell systems:” after “program direction:”.

SA 1055. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5 _____. Notwithstanding title III of division A, none of the funds made available by this Act or previous Acts, making funds available for Energy and Water, shall be used to promulgate any regulation establishing energy-efficiency standards for televisions.

SA 1056. Mr. WICKER (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. ROBERTS, Mr. PAUL, and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such

fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 527. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

SA 1057. Mr. WHITEHOUSE (for Mr. NELSON, of Florida) proposed an amendment to the resolution S. Res. 303, honoring the life, service, and sacrifice of Captain Colin P. Kelly Jr., United States Army; as follows:

In the preamble, amend the fourth and tenth clauses by striking "December 10, 1941" and inserting "December 9, 1941".

SA 1058. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I (under the heading "CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY"), add the following:

SEC. 1. In addition to any other funds made available under this Act, the Chief of Engineers shall use \$1,250,000 to carry out activities under the heading "GENERAL INVESTIGATIONS" under the heading "CORPS OF ENGINEERS—CIVIL" to be derived by transfer from the funds made available by this Act under the heading "GENERAL EXPENSES" under the heading "CORPS OF ENGINEERS—CIVIL", so that the total amount made available under the heading "GENERAL EXPENSES" is \$183,750,000 and the total amount made available under the heading "GENERAL INVESTIGATIONS" is \$126,250,000.

SA 1059. Mr. COONS (for himself, Mr. CASEY, and Mr. TOOMEY) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 17, after "Public Law 104-303;" insert "of which \$30,000,000 shall be made available to carry out ongoing work relating to navigation, \$13,000,000 shall be made available to carry out ongoing work relating to environmental restoration or compliance projects, \$35,000,000 shall be made available to carry out ongoing work relating to environmental infrastructure projects, and \$3,000,000 shall be made available to carry out the Aquatic Plant Control Program;"

SA 1060. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, line 15, insert "Provided further, That none of the funds made available under this heading or under any other provision of law, may be used to promote or support the operations of Radio Marti or TV Marti" before the period at the end.

On page 242, line 21, strike "including to Cuba,".

SA 1061. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division C, add the following:

SEC. 7088. None of the funds appropriated or otherwise made available by this division may be obligated or expended to implement new programs or expand existing programs of the International Pacific Halibut Commission until the Secretary of State determines that the Commission has sufficient funds available to cover the overhead costs of the Commission.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 16, 2011, at 9 a.m. to conduct a hearing entitled "Weeding Out Bad Contractors: Does the Government Have the Right Tools?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 16, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on November 16, 2011, at 9:30 a.m., to conduct a hearing entitled "Management and Structural Reforms at the SEC: A Progress Report."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and

Transportation be authorized to meet during the session of the Senate on November 16, 2011, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Weathering Change: Need for Continued Innovation in Forecasting and Prediction."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Val Molaison, a fellow in Senator TESTER's office, be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Adam Christensen, a congressional science fellow assigned to my office, be granted floor privileges during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Miles Chiotti, an intern from Senator GRASSLEY's office, have floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 50TH ANNIVERSARY OF THE COMBINED FEDERAL CAMPAIGN

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 229, S. Res. 296.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 296) commemorating the 50th anniversary of the Combined Federal Campaign.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 296) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 296

Whereas the Combined Federal Campaign was established pursuant to Executive Order 10927 (26 Fed. Reg. 2383) signed by President John F. Kennedy on March 18, 1961;

Whereas the Combined Federal Campaign is the only authorized charitable fundraising

campaign for Federal employees, employees of the United States Postal Service, and members of the armed forces;

Whereas the Combined Federal Campaign operates in more than 119 localities throughout the United States, Puerto Rico, the United States Virgin Islands, and overseas military installations;

Whereas more than 20,000 nonprofit charitable organizations participate annually in the Combined Federal Campaign;

Whereas the men and women of the Federal Government, the United States Postal Service, and the Armed Forces have contributed approximately \$7,000,000,000 to local, national, and international charities over the past 50 years, making the Combined Federal Campaign the largest and most successful workplace charitable drive in the world; and

Whereas commemorating the 50th anniversary of the Combined Federal Campaign will thank public servants whose generous contributions over the years have helped to feed hungry children, cure disease, comfort the sick and dying, protect the environment and natural resources of the United States, and offered hope to people and communities across the United States and worldwide: Now, therefore, be it

Resolved, That the Senate:

(1) commemorates the 50th anniversary of the Combined Federal Campaign;

(2) commends public servants of the United States for their unyielding dedication, generosity, and spirit of charitable giving;

(3) calls upon the new generation of Federal employees, employees of the United States Postal Service, and members of the Armed Forces to participate annually in the Combined Federal Campaign;

(4) encourages all Federal employees, employees of the United States Postal Service, and members of the Armed Forces to continue their philanthropic efforts for the betterment of the less fortunate; and

(5) urges the people of the United States to observe the 50th anniversary of the Combined Federal Campaign with appropriate ceremonies and activities.

EXPRESSING SUPPORT FOR IMPROVEMENT REGARDING RECYCLED MATERIALS IN THE UNITED STATES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. Res. 251 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 251) expressing support for improvement in the collection, processing, and consumption of recycled materials throughout the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 251

Whereas maximizing the recycling economy in the United States will create and sustain additional well-paying jobs in the United States, further stimulate the economy of the United States, save energy, and conserve valuable natural resources;

Whereas recycling is an important action that people in the United States can take to be environmental stewards;

Whereas municipal recycling rates in the United States steadily increased from 6.6 percent in 1970 to 28.6 percent in 2000, but since 2000, the rate of increase has slowed considerably;

Whereas a decline in manufacturing in the United States has reduced both the supply of and demand for recycled materials;

Whereas recycling allows the United States to recover the critical materials necessary to sustain the recycling economy and protect national security interests in the United States;

Whereas recycling plays an integral role in the sustainable management of materials throughout the life-cycle of a product;

Whereas 46 States have laws promoting the recycling of materials that would otherwise be incinerated or sent to a landfill;

Whereas more than 10,000 communities in the United States have residential recycling and drop-off programs that collect a wide variety of recyclable materials, including paper, steel, aluminum, plastic, glass, and electronics;

Whereas, in addition to residential recycling, the scrap recycling industry in the United States manufactures recyclable materials collected from businesses into commodity-grade materials;

Whereas those commodity-grade materials are used as feedstock to produce new basic materials and finished products in the United States and throughout the world;

Whereas recycling stimulates the economy and plays an integral role in sustaining manufacturing in the United States;

Whereas, in 2010, the United States recycling industry collected, processed, and consumed over 130,000,000 metric tons of recyclable material, valued at \$77,000,000,000;

Whereas many manufacturers use recycled commodities to make products, saving energy and reducing the need for raw materials, which are generally higher-priced;

Whereas the recycling industry in the United States helps balance the trade deficit and provides emerging economies with the raw materials needed to build countries and participate in the global economy;

Whereas, in 2010, the scrap recycling industry in the United States sold over 44,000,000 metric tons of commodity-grade materials, valued at almost \$30,000,000,000, to over 154 countries;

Whereas recycling saves energy by decreasing the amount of energy needed to manufacture the products that people build, buy, and use;

Whereas using recycled materials in place of raw materials can result in energy savings of 92 percent for aluminum cans, 87 percent for mixed plastics, 63 percent for steel cans, 45 percent for recycled newspaper, and 34 percent for recycled glass; and

Whereas a bipartisan Senate Recycling Caucus and a bipartisan House Recycling

Caucus were established in 2006 to provide a permanent and long-term way for members of Congress to obtain in-depth knowledge about the recycling industry and to help promote the many benefits of recycling: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for improvement in the collection, processing, and consumption of recyclable material throughout the United States in order to create well-paying jobs, foster innovation and investment in the United States recycling infrastructure, and stimulate the economy of the United States;

(2) expresses support for strengthening the manufacturing base in the United States in order to rebuild the domestic economy, which will increase the supply, demand, and consumption of recyclable and recycled materials in the United States;

(3) expresses support for a competitive marketplace for recyclable materials;

(4) expresses support for the trade of recyclable commodities, which is an integral part of the domestic and global economy;

(5) expresses support for policies in the United States that promote recycling of materials, including paper, which is commonly recycled rather than thermally combusted or sent to a landfill;

(6) expresses support for policies in the United States that recognize and promote recyclable materials as essential economic commodities, rather than wastes;

(7) expresses support for policies in the United States that promote using recyclable materials as feedstock to produce new basic materials and finished products throughout the world;

(8) expresses support for research and development of new technologies to more efficiently and effectively recycle materials such as automobile shredder residue and cathode ray tubes;

(9) expresses support for research and development of new technologies to remove materials that are impediments to recycling, such as radioactive material, polychlorinated biphenyls, mercury-containing devices, and chlorofluorocarbons;

(10) expresses support for Design for Recycling, to improve the design and manufacture of goods to ensure that, at the end of a useful life, a good can, to the maximum extent practicable, be recycled safely and economically;

(11) recognizes that the scrap recycling industry in the United States is a manufacturing industry that is critical to the future of the United States;

(12) expresses support for policies in the United States that establish the equitable treatment of recycled materials; and

(13) expresses support for the participation of households, businesses, and governmental entities in the United States in recycling programs, where available.

HONORING THE LIFE, SERVICE, AND SACRIFICE OF CAPTAIN COLIN P. KELLY, JR., UNITED STATES ARMY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 303 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 303) honoring the life, service, and sacrifice of Captain Colin P. Kelly, Jr., United States Army.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to; the Nelson amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 303) was agreed to.

The amendment (No. 1057) was agreed to as follows:

(Purpose: To amend the preamble by modifying a date)

In the preamble, amend the fourth and tenth clauses by striking "December 10, 1941" and inserting "December 9, 1941".

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 303

Whereas Captain Colin P. Kelly, Jr., was born in Madison, Florida, in 1915 and graduated from that community's high school in 1932;

Whereas Captain Kelly attended the United States Military Academy at West Point, New York, graduating in 1937 and was assigned to a B-17 bomber group;

Whereas Captain Kelly was stationed in the Philippines as a B-17 pilot in the Army Air Corps when the United States came under Japanese attack on December 7, 1941;

Whereas, on December 9, 1941, when Clark Field in the Philippines was attacked by Japanese forces, Captain Kelly and his 7 crew members, Lieutenant Joe M. Bean, Second Lieutenant Donald Robins, Staff Sergeant James E. Halkyard, Technical Sergeant William J. Delehanty, Sergeant Meyer S. Levin, Private First Class Willard L. Money, and Private First Class Robert E. Altman, were sent to locate and sink a Japanese Aircraft Carrier, one of the first bombing missions of World War II;

Whereas the crew, commanded by Captain Kelly, located Japanese warships operating off the Luzon Coast, and during the mission successfully hit a large Japanese warship;

Whereas on the return flight to Clark Field, the B-17 came under attack by 2 enemy aircraft and was critically damaged;

Whereas Captain Kelly ordered his crew to bail out while he remained at the controls;

Whereas Captain Kelly continued to operate the controls as the 6 surviving crew members bailed out and parachuted safely to the ground, despite remaining under fire during the descent;

Whereas the B-17 crashed near Clark Field, killing Captain Kelly, who had remained at the controls so his crew had time to evacuate the aircraft;

Whereas Captain Kelly was posthumously awarded the Distinguished Service Cross for his heroic actions on December 9, 1941; and

Whereas the Four Freedoms Monument in Madison, Florida was commissioned by President Franklin D. Roosevelt and dedi-

cated in Captain Kelly's memory in 1943: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Captain Colin P. Kelly, Jr., as an Army officer and pilot of the highest caliber, upholding the Army's core values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage;

(2) commends Captain Kelly for his service to the United States during the first days of World War II; and

(3) honors the sacrifice made by Captain Kelly, giving his own life to save the lives of his crew.

DESIGNATING NOVEMBER 17, 2011, AS FEED AMERICA DAY

SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

DESIGNATING THE WEEK OF NO- VEMBER 14 THROUGH 20, 2011, AS GLOBAL ENTREPRENEURSHIP WEEK/USA

RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING HERITAGES AND CULTURES OF NATIVE AMERICANS AND CONTRIBU- TIONS OF NATIVE AMERICANS TO THE UNITED STATES

DESIGNATING JANUARY 27, 2012, AS NATIONAL DAY OF REMEM- BRANCE FOR AMERICANS WHO WORKED AND LIVED DOWNWIND FROM NUCLEAR TESTING SITES DURING THE COLD WAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 326, S. Res. 327, S. Res. 328, S. Res. 329, and S. Res. 330.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. AKAKA. Mr. President, as chairman of the Committee on Indian Affairs, I am sponsoring a resolution, co-sponsored by Majority Leader REID, Vice Chairman BARRASSO, and several members of the committee, designating November as Native American Heritage Month and November 25 of this year as Native American Heritage Day.

This resolution recognizes the contributions of Native Americans. We see the influence of the Iroquois Confederacy on the Founding Fathers of our country as they drafted the Constitution. And today, Native American contributions in modern agriculture, medicine, music, language, and art are undeniable. In that tradition of service, Native Americans have had the highest representation, per capita, in our

Armed Forces in every war since World War II.

As a veteran of World War II and as a Native Hawaiian, I celebrate the heroic work of the Code Talkers, and the countless American military victories that were achieved in both World Wars with the unbreakable military code founded on indigenous languages and cultures.

As we reflect on Native American Heritage Month, it is important to remember our history and the promises we made. It is time to account for those promises, kept and unkept.

As a nation, we were built on the highest principles. Our Founding Fathers embraced equality, liberty, and justice and incorporated them into the very fabric of our Constitution. They contemplated the unique role of indigenous peoples in our country, and acknowledge their sovereignty in article I, section 8 of the Constitution.

The Founding Fathers set a high standard. As Americans and as Members of this body, it is our duty to continue to legislate policies in keeping with our founding principles. For this reason, I applaud President Obama's recent commitment of U.S. support for the United Nations Declaration on the Rights of Indigenous Peoples—an international standard that I have been championing for more than a decade.

In the Committee on Indian Affairs, I held an oversight hearing on domestic policy implications of the declaration. We found that while the United States is a world leader in recognizing and protecting the rights of indigenous peoples, there is more work to do. The rights of self-determination and self-governance contained in the declaration are American ideas, ones we have embraced as official Federal policy for more than 45 years. I am committed to working with my colleagues to enact legislation that gives real meaning to the high principles expressed in the United Nations Declaration on the Rights of Indigenous Peoples.

In the United States, November—Native American Heritage Month—is a time when we reflect and give thanks. I encourage my fellow Americans to learn more about the Native peoples of this land and celebrate Native American Heritage Day on the day after Thanksgiving.

As we honor the contributions of Native Americans, let us recommit ourselves to the high principles of self-determination and self-governance and strive for what is "pono," just and right, for all, including our first Americans.

Mr. WHITEHOUSE. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and that any statements related to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 326

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 48,000,000 people in the United States, including 16,200,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2011, as “Feed America Day”; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 17, 2011, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

S. RES. 327

Whereas according to the Centers for Disease Control and Prevention (referred to in this preamble as “CDC”), nearly 26,000,000 people of the United States have diabetes and 79,000,000 people of the United States have pre-diabetes

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas each day, approximately 5,082 people are diagnosed with diabetes;

Whereas in 2010, the CDC estimated that approximately 1,900,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults of the United States and 26.9 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates as many as 1 in 3 American adults will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African, Asian, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was

\$174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was \$218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

S. RES. 328

Whereas research has shown that between 1980 and 2005 the majority of jobs in the United States were created by entrepreneurs and the young companies of those entrepreneurs;

Whereas the economy and society of the United States, as well as the country as a whole, have greatly benefitted from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week/USA is an initiative to celebrate the innovators and job creators who launch startups that bring ideas to life, drive economic growth, and improve human welfare;

Whereas Global Entrepreneurship Week/USA helps existing and aspiring entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2010, more than 445,896 individuals participated in the more than 3,200 entrepreneurial activities held in the United States alone during Global Entrepreneurship Week;

Whereas, in 2010, more than 1,300 partner organizations participated in Global Entrepreneurship Week/USA, including startup ac-

celerators, business incubators, chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2011, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 14 through 20, 2011, as “Global Entrepreneurship Week/USA”; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

S. RES. 329

Whereas from November 1, 2011, through November 30, 2011, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished

themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2011 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as “Native American Heritage Day” in accordance with the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

S. RES. 330

Whereas on January 27, 1951, the first of years of nuclear weapons tests was conducted at a site known as the Nevada Proving Ground, located approximately 65 miles northwest of Las Vegas, Nevada;

Whereas the extensive testing at the Nevada Proving Ground came just years after the first ever nuclear weapon test, which was conducted on July 16, 1945, at what is known as the Trinity Atomic Test Site, located approximately 35 miles south of Socorro, New Mexico;

Whereas many Americans who, during the Cold War, worked and lived downwind from nuclear testing sites (referred to in this preamble as “downwinders”) were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing, and some of the downwinders sickened as a result of the radiation exposure;

Whereas the downwinders paid a high price for the development of a nuclear weapons program for the benefit of the United States; and

Whereas the downwinders deserve to be recognized for the sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate January 27, 2012.

ORDERS FOR THURSDAY, NOVEMBER 17, 2011

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand adjourned until 10 a.m. on Thursday, November 17, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in

the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate proceed to the consideration of S. 1867, the Department of Defense Authorization Act, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, we expect to receive the conference report, which contains the continuing resolution, from the House tomorrow. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Thursday, November 17, 2011, at 10 a.m.

EXTENSIONS OF REMARKS

STRUTHERS PRESBYTERIAN CHURCH CENTENNIAL

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. RYAN of Ohio. Mr. Speaker, I rise today to congratulate Struthers Presbyterian Church for celebrating its 100th anniversary this past Sunday, November 13, 2011.

In 1804, the Struthers Presbyterian Church was formed in the log cabin home of Richard McConnell. In 1910, construction of the current Struthers Presbyterian Church began in order to accommodate a growing congregation.

Harold Milligan Sr. became a member of the church in 1922 and has watched the church grow over his lifetime. One of his fondest memories of the church was during World War II when the church held "Bonds for Building" dinners to support the war effort. The church continues to help the community grow and prosper. It has acted as a meeting place for many local organizations including Alcoholics Anonymous, Boy and Girl Scout Troops, and the Rotary Club. The congregation puts together welcome baskets for new city residents, they give hand-made fleece blankets to the Akron Children's Hospital, they coordinate food banks for those in need, and they organize clothing drives during the holidays.

I wish the church 100 more bountiful years of service to our community and thank the congregation for their generosity and commitment to the residents of Struthers.

IN RECOGNITION OF THE LIFE OF FORMER MAYOR EMORY FOLMAR

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mrs. ROBY. Mr. Speaker, I rise today in remembrance of a former Montgomery, Alabama Mayor, Emory Folmar, for his selfless dedication and commitment to our Alabama community. An elected official, decorated war veteran, successful business owner, and loving husband and father, Mayor Folmar lived a long and fruitful life filled with many accomplishments. Not only did I have the privilege to know him as the Mayor of my hometown, but also personally as an elder within Trinity Presbyterian Church, and as a close friend of my family.

Mayor Folmar was born in Troy, AL, and moved to Montgomery when he was fourteen years old. While earning a degree in business at the University of Alabama, Mayor Folmar also served as Cadet Colonel of the Army Reserve Officers' Training Corps (ROTC).

Through ROTC, he received a Regular Army commission and went to Ft. Benning, GA, for parachute training and instructors' schools. Shortly after, he married Anita Pierce in 1952, his surviving wife of over 50 years.

That summer, Mayor Folmar deployed to Korea, where he later received the Silver Star, the Bronze Star, and the Purple Heart for his heroic service. Additionally, at the rank of Lieutenant, he received the French Croix de Guerre, an award bestowed to individuals who distinguish themselves by acts of heroism involving combat with enemy forces.

After Korea, Mayor Folmar was assigned to Ft. Campbell, KY, as an Airborne Jump Master until 1954. He then returned to Montgomery, joining his brother in construction and sales for a government-issue loan funded housing in the Cloverland neighborhood. The Folmar brothers' business eventually grew to include large commercial shopping center construction throughout the Southeast.

In 1975, Mayor Folmar entered the political arena by running for city council in 1975, where he was elected President of the Montgomery City Council and eventually became Mayor from 1977 until 1999. Among his many other political accomplishments, he ran for governor in 1982; served as campaign chairman for Ronald Reagan's finance committee in 1980; state chairman for Reagan in 1984; and chairman for Bush-Quayle in 1988 and 1992. After retiring from politics, he worked as a business consultant and was appointed Commissioner to the Alabama Beverage Control Board by Governor Bob Riley in 2003.

Mr. Speaker, I ask that my colleagues rise today to join me in remembrance of Mayor Emory Folmar. I personally am blessed and honored to call Mayor Folmar a role model and dear friend. The citizens of Montgomery will forever remember the Mayor for many years to come and the influential legacy he left behind.

IN HONOR OF THE OHIO STATE UNIVERSITY MARCHING BAND DIRECTOR DR. JON WOODS UPON HIS RETIREMENT

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. TIBERI. Mr. Speaker, I along with Congressman STEVE STIVERS rise today to honor and recognize the Ohio State University Marching Band director Dr. Jon Woods upon his retirement.

As a former member of the marching band, I had the extraordinary opportunity of learning from and getting to know Dr. Woods. To this day, I am honored and blessed to call Jon a good friend. Issuing remarks about a man that has meant so much to me and every Buckeye around the world gives me great pleasure.

The Ohio State Marching Band remains one of the most well-recognized college bands in the country. Its artistry, accuracy and sound has earned the band the informal title of "The Best Damn Band in the Land." Observing the band in action fills Buckeye fans with immense pride and captivates an audience in a way unlike any other live event. Most Ohio State supporters credit much of the band's success and acclaim today to the efforts of Dr. Woods. Since his arrival, Jon has upheld the band's traditions, while also employing new and innovative techniques that have helped the band sustain so many years of unrivaled superiority.

After several decades, the Ohio State Marching Band and the entire university has benefitted from the supreme expertise and visionary leadership of Dr. Woods. He has become a cornerstone of Ohio State, and, through his legendary work, has etched his name into the school's storied history. I along with Congressman STIVERS and the entirety of the Ohio State community will greatly miss his presence. His passion for our beloved school and his years of commitment to the band have left him with an enduring legacy.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 842, I was unable to make the vote. Had I been present, I would have voted "yea."

HONORING MAYOR ROBERT HISON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. LEVIN. Mr. Speaker, I rise today to recognize my friend and colleague in public service, Mayor Robert Hison of Saint Clair Shores, Michigan, as he retires after 27 years of devoted and talented service on the City Council. I have deeply enjoyed working with Mr. Hison on a number of significant issues to help serve our mutual constituents.

Mr. Hison had a lengthy and successful career at Detroit Diesel Corp, retiring in 2004 after 38 years of service. He was appointed to Saint Clair Shores City Council in 1984, was reelected several times and ran for mayor in 2004, and has served the last 7 years in that capacity.

Although the position of mayor is part-time in St. Clair Shores, Mr. Hison believed it was a full-time responsibility. He devoted himself to the work and was visible everywhere throughout the city. He made it his goal to improve

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the city's financial future and under Mr. Hison's leadership, the City of Saint Clair Shores has continued on a path of sound financial footing despite immense economic challenges.

The City of St. Clair Shores is fortunate to be located next to Lake St. Clair, one of the most biologically diverse ecosystems in North America and a vital resource for fishing, boating, swimming, and other recreational activities. Lake St. Clair is not the largest body of water in the Great Lakes system, but no body of water is more important. During his tenure on the City Council and especially as Mayor, Mr. Hison has worked to restore Lake St. Clair and address longstanding environmental problems that threatened the health of this vital natural resource. In particular, he has worked closely with my office and the Environmental Protection Agency to begin to address the PCB contamination that was discovered in the Ten Mile Drain adjacent to the Lake in 2002.

In addition, while serving as Mayor, Mr. Hison went beyond serving his community and lent his talents to the entire Southeast Michigan area by taking on several leadership roles with the Southeast Michigan Council of Governments (SEMCOG). He served as chair of both the Data Center and Finance & Budget Committees before being elected as vice chair of SEMCOG in 2007 and later chair in 2010. In 2010 he was nominated by SEMCOG for the open Region IX seat on the National Organization of Regional Councils (NARC) Board which serves Michigan and Ohio.

Mr. Speaker, I ask my colleagues to join me in recognizing the dedicated public service of Robert Hison and his numerous achievements. I am so pleased to join with the entire community in paying tribute to his achievements, thanking him for years of talented service. I am confident he will continue to play an important role in the community where he is so highly thought of, in addition to enjoying a bit of retirement with his wife Nancy.

INTRODUCTION OF THE SMITHSONIAN AMERICAN LATINO MUSEUM ACT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. BECERRA. Mr. Speaker, I rise today to introduce with Congresswoman ILEANA ROS-LEHTINEN (FL-18) the Smithsonian American Latino Museum Act—a companion bill that is also being introduced today in the U.S. Senate by our colleagues Senator ROBERT MENENDEZ (NJ), Senate Majority Leader HARRY REID (NV) and Senator MARCO RUBIO (FL).

The Smithsonian American Latino Museum Act we introduce today advances the work of the National Museum of the American Latino Commission—a 23-member bipartisan, congressionally authorized commission of experts that investigated the potential creation of a museum. Through an exhaustive process that involved consultations with national experts, forums in 8 cities (Chicago, Albuquerque, Austin, Miami, St. Paul, Los Angeles, New York City, and San Juan, Puerto Rico), and com-

munication via several online platforms that engaged tens of thousands of supporters, the commission generated valuable input regarding the feasibility of an American Latino museum in Washington, DC.

Over the past 18 years the call has grown stronger and stronger to establish such a museum on our National Mall that shares the rich and full story of what it means to be an American. The effort to create the American Latino Museum dates back to 1993, when a Smithsonian Task Force on Latino Issues formally called for the creation of a national museum dedicated to sharing the story of Latinos' historic, cultural and artistic contributions to the U.S. I was proud to introduce the legislation in 2003 that created the National Museum of the American Latino Commission. Five years later, in 2008, Congress passed the bill and it was signed by President George W. Bush. Once appointed by Congress and President Barack Obama, the Commission began its work in 2009 with the support of the Department of Interior and Secretary Ken Salazar. The Commission's final 2011 report and recommendations can be viewed at <http://www.americanlatinomuseum.gov>.

The bill we are introducing responds to the Commission's call for the creation of a national museum in Washington, DC that illuminates the American story for the benefit of all" by preserving, presenting and interpreting American Latino history, art, cultural expressions, and experiences. Specifically, the bill:

(1) Establishes within the Smithsonian Institution a museum to be known as the "Smithsonian American Latino Museum."

(2) Designates the museum's site as the Arts and Industries Building on the National Mall, at 900 Jefferson Drive Southwest in Washington, DC.

(3) Authorizes the Smithsonian Board of Regents to prepare a plan of action for the museum, as referred to in the May 2011 Report to Congress submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino, in consultation with the Secretary of Interior, the Commission of Fine Arts, the National Capital Planning Commission and federal and local agencies.

(4) Authorizes the Regents to identify and evaluate viable funding models for both the construction and operation of the museum, within 18 months after the bill is enacted.

(5) Authorizes the Regents and Secretary of the Interior to enter into an agreement that allows for the planning, design and construction of an underground annex facility, in a manner harmonious with and to protect the open space and visual sightlines of the Mall.

Today marks a key moment in our effort to ensure that the contributions of Americans of Latino descent receive the respect and recognition earned by a patriotic community of Americans who have served this nation since its inception and now number over 50 million. I look forward to working with my colleagues to pass this bill and to supporting the Smithsonian Institution in an important new chapter of its work to increase understanding of the American experience.

HONORING DALLAS SYMPHONY ORCHESTRA MUSIC DIRECTOR JAAP VAN ZWEDEN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Mr. Jaap van Zweden, Dutch conductor and music director for the Dallas Symphony Orchestra. Mr. Van Zweden has been named 2012 conductor of the year by Musical America after joining the Dallas Symphony Orchestra as music director just 4 years ago, beginning with the 2008–09 season.

Announced at the annual Musical America Awards, conductor of the year looks to recognize artistic excellence and achievement in the arts. Mr. Van Zweden has demonstrated mastery in both of these aspects, as evident in his most impressive and diverse career over the years.

Before joining the Dallas Symphony Orchestra, Mr. Van Zweden had worked with the Chicago Symphony, the Philadelphia and Cleveland Orchestras, and the Los Angeles Philharmonic, among many others all across the world. Mr. Van Zweden currently also serves as chief conductor and artistic director of the Netherlands Radio Philharmonic and Chamber Orchestras as well as chief conductor of the Royal Flemish Philharmonic Orchestra of Belgium.

The DSO is truly privileged to have such a talented and accomplished artist to lead their musical program. As a member of the Congressional Arts Caucus, I am always looking for ways to enrich our creative capacity in Dallas and throughout the Nation. Drawing talent from outside the district is just one method for achieving this noble objective.

Mr. Speaker, it is important that we continue to honor the individuals who contribute so much cultural value here at home. Artistic and musical inspirations such as Jaap van Zweden have a positive impact on our communities and I commemorate anyone who chooses to enrich the lives of others by using their talents toward the betterment of society.

IN RECOGNITION OF RENÉE AND ROBERT BELFER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mrs. MALONEY. Mr. Speaker, I rise to honor Renée and Robert Belfer for their foresight and generosity in advancing medical research and countless other worthwhile charitable and non-profit causes. Partners in marriage and philanthropy for more than half a century, Renée and Robert Belfer are being honored this month by the internationally renowned Weill Cornell Medical College for more than two decades of leadership at the Medical College and at an affiliated institution, New York-Presbyterian Hospital.

This month, a groundbreaking ceremony is being held for the new Belfer Research Building of the internationally renowned Weill Cornell College of Medicine. Its construction was made possible by an extraordinarily generous \$100 million donation by Renée and Robert Belfer. The Belfer Research Building will be a state-of-the-art 18-story facility on Manhattan's East Side that will more than double the Weill Cornell College of Medicine's existing research space and enhance its position at the cutting edge of new medical research and discoveries.

The remarkable record of support provided by Renée and Robert Belfer and their family has helped medical researchers and doctors develop enduring solutions to some of today's most pressing and prevalent health problems. In 1980, Arthur Belfer, the father of Robert Belfer, established the R.A. Rees Pritchett Professorship of Microbiology at Weill Cornell Medical College with a gift of \$1 million. In 1991, Robert and Renée Belfer and his two sisters and their husbands, Selma and Lawrence Ruben and Anita and Jack Saltz, donated \$1.5 million to endow the Rochelle Belfer Professorship in Medicine at the College, and seven years later, the families contributed \$4 million to endow the College's Arthur B. Belfer Professorship in Genetic Medicine and provide funding for its Arthur and Rochelle Belfer Gene Therapy Core Facility. With an \$8 million gift to the College of Medicine in 2005, Robert and Renée Belfer established The Arthur and Rochelle Belfer Institute of Hematology and Medical Oncology, named in honor of his parents. The Institute is advancing critical research in fields such as solid tumor biology, cancer genomics and proteomics. Renée and Robert Belfer have also devoted financial support to programs in women's health, and in 2003 donated \$1 million to create the Anti-Bioterrorism Project.

Renée and Robert Belfer have truly distinguished themselves on a multitude of fronts. A graduate of Vassar College, Mrs. Belfer is devoted to education and the arts, serving on the Board of Trustees of the Metropolitan Museum of Art; as a Director of the Lincoln Center for the Performing Arts; as an Overseer of the Albert Einstein College of Medicine; an Executive Board Member of the American Friends of the Israel Museum; and a Member of the Chairman's Circle of the Central Park Conservancy, among the numerous illustrious non-profit institutions she and her husband have supported vigorously over the years. A graduate of Columbia College and Harvard Law School, Robert Belfer is a titan in the world of business, enjoying a long career at the Belco Petroleum Corporation, where he rose to become Chairman, and currently serving as Chairman of Belfer Management LLC, a private firm specializing in the energy, real estate and financial services sectors. He has been an extraordinary supporter of a wide variety of renowned educational and non-profit institutions, serving as a Member of the Board of Overseers and the Executive Committee of the Weill Cornell Medical College; on the Visiting Committee of Harvard University's Kennedy School; a Trustee of the Dana Farber Cancer Institute; a Member of the Board of Governors of the American Jewish Committee and the Weizmann Institute of Science; and

former Chair and current Member of the Board of Trustees and Executive Committee of the Albert Einstein College of Medicine. Together, he and his wife established the Robert and Renée Belfer Family Foundation, which has unstintingly bestowed generous support on worthwhile institutions like the Weill Cornell College of Medicine. They raised children, Rachelle (Malkin), Laurence, and Elizabeth, and have five grandchildren.

Mr. Speaker, I request that my esteemed colleagues join me in paying tribute to Renée and Robert Belfer for their significant and enduring contributions to the civic life of our nation.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 841 I was unable to make the vote. Had I been present, I would have voted "nay."

IN HONOR OF THE OHIO STATE UNIVERSITY'S MARCHING BAND AND THE 75TH YEAR ANNIVERSARY OF "SCRIPT OHIO"

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. TIBERI. Mr. Speaker, I rise today to honor and recognize "The Best Damn Band in the Land!"

In my opinion, there are not many more electrifying and time-honored traditions in college sports than The Ohio State University Marching Band's presentation of "Script Ohio." Throughout the country, it would be hard to find a college football fan that has not personally witnessed or been told the tale of this truly remarkable exhibition of music in motion. This year marks the 75th anniversary since former band director Eugene Weigel developed this storied ritual, and today "Script Ohio" continues to bring immense pride to the university and Buckeyes all over the world.

To me, attending an Ohio State football game and observing the band's elegance and precision remains a breathtaking experience. Along with other lifelong supporters of the school, I consider watching "Script Ohio" a considerably moving event, one that warms the heart of any Buckeye. The flowing spelling of those four letters stands as a monument to our state and an appreciation that all Ohioans cherish. As the band takes the field, fans throughout The Horseshoe, whatever colors they wear, quickly realize the significance of the spectacle they are witnessing.

As a former member of the band I have had the honor of forming "Script Ohio" countless times. My time with the band remains one of the most memorable and thrilling experiences in my life. One of my fondest memories is personally watching the legendary Ohio State Football Coach Woody Hayes dotting the "i"

before a game. Only a handful of non-band members have ever been given the opportunity to take part in such a prestigious event. Seeing Woody honored that way was a testament to his legacy and Ohio State's respect for tradition and honor.

It deeply pleases me to speak on behalf of something that continuously fills me with pride: The Ohio State University Marching Band. Congratulations on the 75th anniversary of Script Ohio. Go Bucks!

RECOGNIZING MINNIE'S FOOD PANTRY 4TH ANNUAL THANKSGIVING DINNER GIVEAWAY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to recognize Minnie's Food Pantry, a 501(c)(3) agency in the Third Congressional District of Texas that provides nutritious food, free of charge, to families in underserved communities. With the community's outpouring of financial donations and food collections, Minnie's Food Pantry is one of the largest pantries in Collin County.

Founded in 2008 by Cheryl "Action" Jackson to honor her mother Minnie Hawthorne-Ewing, the organization has partnered with individuals, businesses and farmers to alleviate hunger and build community relationships. This year, Minnie's Food Pantry is hosting the 4th Annual Thanksgiving Dinner Giveaway "From Our Table to Yours."

Just this year alone, Minnie's Food Pantry has fed over 23,000 people. This Thanksgiving, Minnie's Food Pantry will provide a complete meal for more than 1,200 local families.

I am pleased to recognize Minnie's Food Pantry, along with its Board of Directors, for its invaluable contribution to combat hunger in Collin County. It is an honor and a privilege to represent this fine organization. It is organizations like Minnie's that make North Texas a great place to call home.

To Minnie Ewing and the great folks of Minnie's Food Pantry, God bless you, best wishes for wonderful things to come, and Happy Thanksgiving!

HONORING THE LIFE AND ACHIEVEMENTS OF ROBERT LEE MATHIS

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. KISSELL. Mr. Speaker, I rise today to honor the life of Robert Lee Mathis, who recently passed away at the age of 77. Robert was the first African American to be elected to public office in Concord, North Carolina, and led a life of service dedicated to his community and his country.

A native of Cabarrus County, Robert Mathis joined the U.S. Navy after school where he

served our nation honorably. Robert volunteered to put his life on the line in order to protect the American people and American values. He continued to live his life with this same kind of selflessness even after his military service came to an end.

Upon returning to Cabarrus County, Robert Mathis was elected to the Concord Board of Alderman, where he served for more than 15 years. Robert was the first African American to be elected to public office in Concord, making his election a landmark achievement for African Americans in my district. Even as Robert was holding local office and making history, this was still not enough. Robert was additionally a board chairman for the nonprofit Logan Daycare Center and an active member of the First Christian Church in Concord. He wrote a book about his life that was published in 2010 titled *I Made the Best of It*.

Such an upstanding, dedicated local leader will be missed by his friends, family, and community. Robert is survived by his wife, four children, nineteen grandchildren, and thirteen great-grandchildren. My thoughts and prayers go out to them in this time of deep loss; I hope the memories and principles that Robert Mathis lived his life by bring them comfort. Robert will be missed by his community and his country. I am honored to be able to recognize the life of such a selfless, upstanding individual as Robert Lee Mathis today before Congress and our great nation.

PAYING TRIBUTE TO THE NORA CRONIN PRESENTATION ACADEMY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. HINCHEY. Mr. Speaker, I rise today to honor and salute the Nora Cronin Presentation Academy in the City of Newburgh, New York as this Catholic school for low-income girls prepares to dedicate its permanent home on November 21, 2011.

I am delighted to add my voice to those recognizing the Nora Cronin Presentation Academy on this important and wonderful milestone. The Academy was organized in 2003 and officially founded in 2004 by the Presentation Sisters of the Blessed Virgin Mary to offer a high quality educational alternative to young girls in the struggling City of Newburgh, which remains one of the most economically distressed communities in the State of New York. With strong support from the local community, the Academy was established through the vision and dedicated efforts of Sisters Nora Cronin, Joan Mary Gleason, Yliana Hernández, Ann Marie McMahon, Carol Melsopp, and Helen Marie Raynor, and Associate Jackie Martinez. The Academy was renamed in honor of Sister Nora following her passing in 2004.

Under the diligent leadership of its Principal, Sister Yliana, the Academy accepted its first class of fifth grade students in 2006–2007 and has grown steadily as the first class advanced and new classes entered the school. Originally housed in temporary locations in New Windsor and at another location in the City of New-

burgh, the Academy purchased and redeveloped a long-neglected historic property at 69 Bay View Terrace in the City of Newburgh. The Dedication of the Academy's new permanent home is a testament to the commitment and leadership of the Presentation Sisters as well as the generosity and hard work of the Academy's Board of Directors and many local supporters.

As a result of this inspiring effort, dozens of underprivileged young girls in the City of Newburgh will have the opportunity to receive an incredible education in a supportive and safe environment. I congratulate and offer my gratitude to all those who make the Academy and the Dedication possible, and I wish the students and faculty of the Nora Cronin Presentation Academy the very best in the coming years.

A TRIBUTE TO JIM AND MEGAN WHITE

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. FITZPATRICK. Mr. Speaker, today I rise to recognize two outstanding Pennsylvanians, Jim and Megan White, who are being presented the Barry Award by the American Catholic Historical Society. The Barry Award is named after Commodore John Barry, the "Father of the American Navy." John Barry was a Philadelphia Irish mariner who served as a Captain in the Navy during the Revolutionary War and subsequently received 'Commission Number One' in the Navy from President George Washington on June 4th, 1794. His military service to a young nation was instrumental in establishing the legacy of a strong Navy that we still enjoy today. The Barry Award is awarded to an American who, by their character and their contributions to church, community and professional accomplishments, has distinguished themselves. By all accounts, Jim and Megan White have exceeded these expectations, serving church and community with distinction. As a Member of Congress representing Pennsylvania, I am proud to join you in honoring them.

Jim and Megan White are an example of servant leaders who are committed to serving their local community. A devoted couple, they are loving parents to five children; whom they have taught to never back down in the face of popular opinion; and to always do what their heart and soul directs them. Megan has devoted countless hours at parish food and clothing drives and is also a member of the Woman's Auxiliary of St. Edmond's Home for Children. She provides constant support for her children and husband in all their endeavors.

Jim is a member of Legatus, the Knights of the Holy Sepulchre, Knights of Malta, Pennsylvanians for Human Life, and the Catholic Philopatrian Literary Institute. He is the President of J. J. White Inc., a family business founded by his great-grandfather in 1920. His business is the largest contracting employer in the Mid-Atlantic Region.

I am privileged to recognize Jim and Megan's commitment and selfless dedication

to others. The White's exemplify the values that make Pennsylvania a great place to live and raise a family. I congratulate them on this honor and commend the American Catholic Historical Society for selecting Jim and Megan White for the Barry Award.

IN RECOGNITION OF NEIL ARMSTRONG UPON RECEIVING THE CONGRESSIONAL GOLD MEDAL

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mrs. SCHMIDT. Mr. Speaker, in 1900, Orville and Wilbur Wright left Dayton, Ohio for Kitty Hawk, North Carolina to begin testing the first manned aircraft. Little did they know in less than 70 years, another individual from Ohio would be making aviation history yet again.

Mr. Speaker, we will gather today in the Rotunda to recognize the historic accomplishments of Neil Armstrong—along with three other extraordinary men: Buzz Aldrin, Michael Collins, and John Glenn.

I, like most Americans, remember watching television in awe that July evening as Neil Armstrong took "one small step for man, one giant leap for mankind" onto the moon.

While the accomplishments of the Apollo program would not have been possible had it not been for those that came before it—including the Mercury and Gemini programs—we must recognize those pioneers, like Neil, who selflessly volunteered their lives for the pursuit of knowledge to go where no one had gone before.

Mr. Speaker, I urge my colleagues in joining me in congratulating my constituent, Neil Armstrong, as well as Buzz Aldrin, Michael Collins, and John Glenn upon receiving the Congressional Gold Medal.

HONORING TECHNICAL SERGEANT LUIGGE ROMANILLO UPON RECEIPT OF THE DISTINGUISHED FLYING CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Technical Sergeant Luigge Romanillo upon his award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in the Armed Forces who distinguishes him or herself "by heroism or extraordinary achievement while participating in an aerial flight."

On May 4, 2010, Sergeant Romanillo flew a high-risk Medical Evacuation mission to extract wounded coalition forces engaged by over one-hundred insurgents near Baghram Airfield in Afghanistan. The confined landing

area left the cargo door nearly five feet off the ground as hostile insurgents fired from less than 200 meters away. The aircraft received small arms damage to several control surfaces as Sergeant Romanillo and his teammate stepped off the aircraft toward the patients amid the firefight.

Under a storm of enemy bullets, Sergeant Romanillo led his team in recovering the patients. Once in the aircraft, he administered life saving treatment to his patient who had suffered a gunshot wound. The actions of Sergeant Romanillo and his team led to the successful evacuation of two wounded coalition soldiers and repatriation of two killed in action.

It was my honor and privilege to recognize Sergeant Romanillo at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation he has so selflessly served. Sergeant Romanillo has the respect and gratitude of all Americans.

HONORING JOHN FREDERICK
KENSETT AND THE HUDSON
RIVER SCHOOL OF PAINTING

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. HIMES. Mr. Speaker, I rise today to call attention to a recent event in the Capitol Visitors Center. Two paintings, "Discovery of the Hudson River" and "Entrance into Monterey" by Albert Bierstadt, have been placed in the Capitol complex after years in the Members' staircase in the House. These works are part of the Hudson River School of painting, a movement that influenced not only American art, but our culture and environment as well.

The Hudson River School was dedicated to an accurate depiction of landscapes, particularly emphasizing the untouched beauty of the land. Ultimately, these beautifully represented panoramas helped influence the environmental conservation movement and were used in 1916 to support the creation of the National Park Service.

John Frederick Kensett, a member of this first indigenous American school of painting, has ties to my district. Born in Connecticut, John Frederick Kensett worked as an engraver before traveling to Europe and the American West to study and paint. However, he is best known for the works he did upon his return to my state. The light-filled landscapes of the coast of Contentment Island became Kensett's signature.

Kensett's contributions to both art and culture are lasting. He was chosen by President Buchanan to serve on the only United States Capitol Art Commission to supervise the decorations of this very building during renovations in 1859. He also assisted with the foundation of the Metropolitan Museum of Art in New York City, which continues to be one of the most prominent cultural institutions in the United States. Inspired by the Hudson River School's founder, Thomas Cole, Kensett was commonly seen as Cole's successor as the leader to this important movement.

I encourage everyone to make time to appreciate these paintings and the legacy of the Hudson River School.

PERSONAL EXPLANATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. VAN HOLLEN. Mr. Speaker, due to my responsibilities related to the Joint Select Committee on Deficit Reduction, I missed the vote on final passage of H.R. 2838, the Coast Guard and Maritime Transportation Act. Had I been able to vote, I would have voted "no."

IN CELEBRATION OF THE
MONTFORD POINT MARINES RE-
CEIVING THE NATION'S HIGHEST
CIVILIAN HONOR—THE CONGRES-
SIONAL GOLD MEDAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. RANGEL. Mr. Speaker, as a veteran myself in a so-called "Forgotten War" in American history, I know what it is like to come home and feel unrecognized. The Montford Point Marines for too long have been unsung heroes. These men fought abroad to preserve our freedom and democracy, then came home and had to fight for their civil liberties.

On the eve of 11-11-11, the United States Senate passed legislation, which the United States House of Representatives voted unanimously 422-0 to honor the Montford Point Marines with the nation's highest civilian honor, the Congressional Gold Medal. These truly great American men fought in some of the bloodiest battles of World War II—the first Black Marines in the Navy. After 70 years, they have finally received the honor they deserve for a legacy we must not forget to pass on to our future generations.

At the time of their military service, discrimination and violence toward Blacks in America were rampant. Black Marines were sent to untraditional boot camps; they were segregated and instead received training at Montford Point, a facility at Camp Lejeune, North Carolina.

One of these heroic men is my beloved brother, the Honorable David N. Dinkins, who is also the first African American and 106th Mayor for the City of New York. He recounted some obstacles he and his comrades faced in an interview: "Italian and German prisoners of war, some of them were guarded by Black soldiers. They were treated better than those people who were protecting our country; soldiers and Marines." My brother David further stated, "During training, Black Marines were often kicked, slapped, could not eat until the whites had finished, and were routinely passed over for promotions."

He even heard stories of some Black Marines following orders to march into a river where they soon drowned. Despite their hardships, the Montford Point Marines proved to be a solid force within our military, just as capable as any group of white Marines. Originally organized to serve as a temporary surge

in manpower, the Blacks trained at Montford Point comprised roughly 10 percent of the Marine Corps strength during the war and were to be disbanded after hostilities ended.

Montford Point Marines won praise from several white officers for their heroism during the seizure of Okinawa and at Iwo Jima. They were even sent to Nagasaki to clean up after the atomic bomb was dropped. Documented by the Montford Point Marine Association, much of that heroism occurred with the 51st Defense Battalion, which arrived at Saipan in the Mariana Islands to support the 2nd and 4th Marine Divisions of V Amphibious Corps. While they were assisting the combat units, one of their own, Private First Class Leroy Seals of Brooklyn, New York, was shot and died the next day of his wounds. The Montford Point Marines picked up their rifles that day, fought back the Japanese, and even destroyed one of the Japanese machine guns from the beachhead perimeter side-by-side with the white combat units. In February 1945, a group from the 51st landed on Iwo Jima with the 5th Division, 28th Regiment. The combat regiment came ashore and it seemed that taking Iwo Jima would be a cakewalk. The Japanese, however, had planned an ambush. They (the Japanese) had placed guns on either side of Mount Suribachi and were firing at will onto the Marines on the island. The Black Marines of the 8th Ammunition Company landed during the second or third wave and somehow they kept ammunition in the hands of the combat units throughout this deadly firefight. Repeatedly the Black Marines delivered the much-needed ammunition. Though the Japanese actually shot two trucks from under one of the drivers, he kept coming back. Combat Marines who thought they had seen everything cheered this young, Black Marine from their foxholes. The Montford Point Marines knew their job was to keep the combatants supplied and they did so with great valor and at great expense to their company. The Japanese soon saw this and began to make their assault on the Ammo Company as well as the combat Marines. The Montford Point Marines rose to the occasion by fighting off these attacks as they continued their supply missions. This is the courage and stamina that lead Admiral Nimitz, Commander of the Fleet in the Pacific to say, "On Iwo Jima, in the ranks of all the Marines who set foot on that Island uncommon valor was a common virtue."

Those early Montford Point Marines were the catalyst for the great presence of African Americans in the Marine Corps. By the time that camp was closed for recruit training in 1949, over 21,000 recruits were trained and molded there. In July of 1948, President Harry S. Truman issued Executive Order No. 9981, ending segregation in the military altogether. In September of the following year, Montford Point was deactivated, ending the legacy of inequality.

Twenty years following World War II, during August 1965, a group of enterprising Marine veterans and active duty Marines from Philadelphia organized a reunion. The purpose was to renew old friendships and share experiences of former comrades who received recruit training at Montford Point Camp, Camp Lejeune, and New River, North Carolina. This group, chaired by then Master Gunnery Sergeant, Brooks E. Gray, USMC, held a meeting

in Philadelphia, Pennsylvania, and formulated and developed plans for a National Reunion. The response was overwhelming and 400 Marines from all over the country convened at the Adelphia Hotel in Philadelphia. In 1966, the Montford Point Marine Association, Inc. received its Charter and founder Brooks E. Gray became the Association's first National President.

Next year, the Marine Corps will officially begin teaching all their servicemen and servicewomen about the Montford Point Marines. There is a museum dedicated to their service located at Camp Gilbert H. Johnson in Jacksonville, North Carolina. The Montford Point Marines Association continues to work tirelessly to preserve their stories, which serve as a reminder of the struggles behind us and the challenges ahead. In order to truly appreciate their legacy, we must continue sharing this story.

Sunday, November 6, the New York Metropolitan Chapter of the Montford Point Marine Association honored the 69th Anniversary of the original Montford Point Marines and the 44th Anniversary of the New York Chapter at the elegant Antun's Caterers in Queens, New York. The New York Chapter also acknowledged the 236th Birthday of the United States Marine Corps and honored their National Convention Award recipients.

Mr. Speaker, I ask you to join my colleagues and a very grateful nation as we congratulate my dear friend James Maillard, President of the New York Metropolitan Chapter and the Montford Point Marine Association as we finally pay tribute to our courageous first Black Marines.

HONORING CAPTAIN HUNG D. NGUYEN UPON RECEIPT OF THE AIR MEDAL WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Captain Hung D. Nguyen upon his award of the Air Medal with Valor.

The Air Medal was established by Executive Order in 1942 to honor any person serving in the Armed Forces who distinguishes him or herself by "meritorious achievement while participating in aerial flight."

On August 9, 2009, Captain Hung D. Nguyen was copilot on one of the ships sent to recover five Afghan soldiers seriously wounded in Kandahar, Afghanistan. Through intense small arms and rocket propelled grenade fire, Captain Nguyen was able to load four of the five wounded soldiers on his aircraft.

Captain Nguyen's calm demeanor and leadership while providing time critical navigation and communications, identifying the landing zone, and directing the pilot to perform evasive maneuvers saved sixteen lives and two aircraft.

It was my honor and privilege to recognize Captain Hung D. Nguyen at a ceremony while I was home in my district. The outstanding

heroism displayed deserves great recognition by the entire United States, the nation he has so selflessly served. Captain Hung D. Nguyen has the respect and gratitude of all Americans.

IN MEMORY OF ROLLIN POST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, Ms. PELOSI, Ms. ESHOO and I rise in the memory of Rollin Post, a distinguished journalist, beloved husband, and proud father and grandfather, great American, and dear friend.

Rollin was a radio reporter and then television journalist in California for more than four decades, spending most of his career in the San Francisco Bay Area. He was, quite simply, the best at his craft. He died on October 3 at the age of 81 after suffering from Alzheimer's disease.

We also rise today to mourn the death of Rollin's wife, Diane Opley Post. After 57 years of a remarkable marriage, Diane survived her husband's death by only a month. She died peacefully at their residence in Corte Madera, California on November 6 at the age of 82. Diane, and her engagement in many important civic activities, will be fondly remembered.

We will miss Diane and Rollin for their friendship. And we offer our sympathy to their three children and five grandchildren and we thank them for having shared their parents with us for so many wonderful years.

Rollin was born in New York City in 1930 and received his undergraduate degree in political science from the University of California, Berkeley in 1952. He started as a radio reporter for the CBS affiliate in Los Angeles in 1954, switched to television in 1957, and moved to the Bay Area in 1961 where he spent more than 40 years working for three television stations—KPIX, the CBS affiliate, KQED, a public television station, and KRON, the NBC affiliate.

Rollin represented the best of political journalism. His deep understanding and knowledge of the issues and the California electorate were unparalleled. His analysis of state and national events truly informed his viewers. When "gotcha" journalism became the norm in his industry, Rollin stayed true to his beliefs about what it took to be a really good journalist.

Rollin informed himself before his interviews, asked his questions, and then asked them again if he didn't feel they had been properly answered. He was very tough but he was fair. He respected his viewers by holding politicians to high standards. Rollin was a man of high integrity, and his love of journalism and politics showed in every broadcast.

Our country is poorer today in the absence of his excellent reporting.

We ask our colleagues to join us in remembering Rollin Post and in honoring him for his efforts as a journalist to keep our country informed, its politicians honest, and the journalistic profession serious.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 840, I was unable to make the vote. Had I been present, I would have voted "yea."

COMMENDING THE SERVICE OF CORPORAL TYLER SOUTHERN TO THE UNITED STATES OF AMERICA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor Corporal Tyler J. Southern of the United States Marine Corps. Cpl. Southern is a real American hero who nearly died on the battlefield, losing both of his legs, one of his arms as well as part of the other arm, and a hand. On November 20, 2011, Corporal Southern is tandem jumping with Team X.T.R.E.M.E. and Jeremy Soles into FedEx Stadium to kickoff the game between the Washington Redskins and the Dallas Cowboys. I ask that this poem by Albert Caswell be placed in the CONGRESSIONAL RECORD in Cpl. Southern's honor.

LOOK ABOVE

Look!
Look above!
As it's there you will find America's Greatest of all loves!
Look above!
At our sons and daughters, who so go off to war . . .
Armed but with only their most magnificent hearts and souls, to all of our Freedoms to so insure!
So very fine and so very pure . . . with such courage, and such might . . . And such faith so evermore!
Look above, at such Strength In Honor . . . All at the ones who America so loves!
As it's there you will find, the true sum of the meaning of the word love!
Such selfless sacrifice . . . such brilliant of all lights, coming down to you now from above!
The ones who bring such tears to the angels eyes, so high above!
The ones who go off to war, and come back home without arms and legs no more!
And who now so lie, all in such soft cold quiet graves . . .
Who with their Mothers and Fathers tears, our freedom's are so paved!
Teaching us all so how to behave!
So look above, and it's there you will find and so see the meaning of the word patriotism this day!
Coming down to us all in this way . . .
And take comfort, all in that we have such men as Tyler Southern on this very day!
Marines, whose fine hearts shall never wave!
Who so gave up his strong arm and fine legs!
Ooo Rah . . . JAR HEAD! 'Oh what your most magnificent life has so said!
And take comfort, all in his most magnificent shades of green!
All because of The Army, Navy, Air Force, Coast Guard,

And The United States Marines! We All Now
So Live In Peace!
And as you lay your head's down to sleep, all
in your hearts and souls so ever
keep . . .
A warm spot for all of these . . . Heroes so
very deep!
And for all of those families who now so
weep!
And look above and thank them all, all in
your hearts of love to keep!
Men Tyler who are First To Fight, whose
fine heart ignite!
And take comfort in knowing of, America's
Greatest of All Loves!
Now Look, Look Above!

HONORING LIEUTENANT COLONEL
GEORGE G. DONA, MAJOR MARY
O. JENNINGS HEGAR, SENIOR
MASTER SERGEANT STEVE R.
BURT, AND TECHNICAL SER-
GEANT TIEJIE A. JONES UPON
RECEIPT OF THE DISTINGUISHED
FLYING CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Lieutenant Colonel George G. Dona, Major Mary O. Jennings Hegar, Senior Master Sergeant Steve R. Burt, and Technical Sergeant Tiejie A. Jones upon their award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in the Armed Forces who distinguishes him or herself "by heroism or extraordinary achievement while participating in an aerial flight."

On July 29, 2009, Lieutenant Colonel George G. Dona, Major Mary O. Jennings Hegar, Senior Master Sergeant Steve R. Burt, and Technical Sergeant Tiejie A. Jones evacuated three United States soldiers injured when their convoy was attacked near Kandahar Airfield, Afghanistan. Colonel Dona and Major Hegar were injured when a bullet pierced their aircraft's window, injuring Major Hegar's arm and Colonel Dona's leg. Despite the heavy fire, the pararescue team departed the aircraft to assist with the medical evacuation. However, the aircraft was forced out of the landing zone. After several minutes airborne, Major Hegar and Colonel Dona voluntarily risked their lives to return and rescue their patients and pararescuemen from the ambush.

While still under attack, Sergeant Jones assisted with loading the casualties and Sergeant Burt aided the pilots during takeoff to keep the aircraft functional. Due to fuel loss from the number one engine, the crew had to land less than two miles away. Sergeant Burt administered first aid and assisted in the transfer of patients to another aircraft. Their bravery saved three patients and ensured the survival of the crew.

It was my honor and privilege to recognize Lieutenant Colonel George G. Dona, Major Mary O. Jennings Hegar, Senior Master Sergeant Steve R. Burt, and Technical Sergeant

Tiejie A. Jones at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation they have so selflessly served. Lieutenant Colonel George G. Dona, Major Mary O. Jennings Hegar, Senior Master Sergeant Steve R. Burt, and Technical Sergeant Tiejie A. Jones have the respect and gratitude of all Americans.

PERSONAL EXPLANATION

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I was unavoidably detained from November 1 until November 15, as I was attending to family matters surrounding the birth of my son.

A TRIBUTE TO JOLENE KOESTER,
PRESIDENT OF CALIFORNIA
STATE UNIVERSITY, NORTH-
RIDGE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. SHERMAN. Mr. Speaker, I rise today to honor the extraordinary leadership and service of Dr. Jolene Koester. Dr. Koester began her appointment as the fourth president of California State University, Northridge on July 1, 2000, one of the largest campuses in the 23-campus California State University system. In May 2011, she announced her plans to step down as president at the end of December 2011 and subsequently retire from The California State University.

California State University, Northridge is a vibrant, diverse university community of more than 36,000 students served by 4,000 faculty and staff. The University plays an indispensable role in the San Fernando Valley as an intellectual, cultural and economic driver.

Under her leadership, the University has improved graduation rates, received record levels of fundraising, and become known for its culture of collaboration. Dr. Koester's vision and determination led to the development of the Valley Performing Arts Center at California State University, Northridge—the first world-class concert hall for nearly 2 million residents of the San Fernando Valley. During her tenure, she has increased the overall stature of Cal State Northridge, resulting in improved visibility and relationships in the San Fernando Valley and Los Angeles.

Known nationally for her leadership in the area of higher education, Dr. Koester is a member and past chair of the Board of Directors for the American Association of State Colleges and Universities. Dr. Koester serves the greater Los Angeles community on the boards of directors for the Los Angeles Area Chamber of Commerce, the Valley Economic Alliance, and the Valley Industry and Commerce Association. She also is a board member of the Los Angeles World Affairs Council and the Los

Angeles Jobs and Economy Committee. She has received numerous awards and recognitions for her leadership in the Los Angeles region.

Prior to her appointment at Cal State Northridge, Dr. Koester served as provost and vice president for Academic Affairs at California State University, Sacramento. Before her service as provost, she held other executive positions in the academic affairs division at Sacramento State, and was a faculty member there, as a professor of communication studies, since 1980. She earned a Bachelor's of Arts from the University of Minnesota in 1970, a Master's of Arts in communication arts from the University of Wisconsin-Madison in 1971, and a Ph.D. in speech communication from Minnesota in 1980.

Mr. Speaker, I wish to extend my heartfelt gratitude to Dr. Koester for her commitment to furthering the excellence of California State University, Northridge. She is an extraordinary leader whose legacy will succeed her for decades to come.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today for the first time our national debt has surpassed \$15 trillion dollars. Currently, our national debt is \$15,033,607,255,920.32.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,395,181,509,626.52 since then. This debt and its interest payments we are passing to our children and all future Americans.

HONORING SENIOR MASTER SER-
GEANT LARRY I. HIYAKUMOTO
AND STAFF SERGEANT JOSHUA
M. WEBSTER UPON RECEIPT OF
THE DISTINGUISHED FLYING
CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Senior Master Sergeant Larry I. Hiyakumoto and Staff Sergeant Joshua M. Webster upon their award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in the Armed Forces who distinguishes him or herself "by heroism or extraordinary achievement while participating in an aerial flight."

On June 27, 2010, Senior Master Sergeant Larry I. Hiyakumoto and Staff Sergeant Joshua M. Webster participated in eight non-stop

Casualty Evacuation missions near Bagram Airfield, Afghanistan. They rescued and treated wounded personnel for nearly seven straight hours.

On one mission, Sergeant Webster was hoisted down from the helicopter while Sergeant Hiyakumoto manned the aircraft's machine gun. While braving enemy fire, Sergeant Webster pulled a wounded soldier to safety. Sergeant Hiyakumoto then began to treat the soldier for multiple broken bones and traumatic head injuries. Sergeant Hiyakumoto and Sergeant Webster ultimately saved thirteen United States soldiers and coalition forces.

It was my honor and privilege to recognize Senior Master Sergeant Larry I. Hiyakumoto and Staff Sergeant Joshua M. Webster at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation they have so selflessly served. Senior Master Sergeant Larry I. Hiyakumoto and Staff Sergeant Joshua M. Webster have the respect and gratitude of all Americans.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 839, I was unable to make the vote. Had I been present, I would have voted "yea."

ENCOURAGE AMERICANS TO LISTEN TO OUR COMBAT VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. FILNER. Mr. Speaker, I have recently introduced a resolution that encourages every American to spend Veterans Day as a national day of listening to the experiences and stories of our nation's combat veterans, H. Res. 456.

With more than 1.7 million veterans who have served tours of duty in the most recent conflicts in Iraq and Afghanistan, a whole new generation of heroes has returned home from war and started the transition from military life to civilian life. These veterans have joined the ranks of the nearly 22 million military veterans in the United States.

These honorable men and women who have served in our armed forces have experienced unique and sometimes incomprehensible things while serving our country and as they have returned home. We owe them an immense debt of gratitude—and we can express our appreciation by asking about and listening to their experiences.

My resolution, H. Res. 456, calls upon all Americans to observe Veterans Day by offering to listen with respect and without judgment to the stories of combat veterans from all conflicts. Veterans often feel less isolated and suffer less when they are offered the chance to have ordinary, civilian citizens simply listen to them recount their experiences serving their country.

I invite my colleagues to join with me and encourage all citizens to honor the service of our nation's veterans this Veterans Day by listening to them share the stories of their military service.

INTERAGENCY WORKING GROUP (IWG) GUIDELINES

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. GOODLATTE. Mr. Speaker, I rise today to express my deep concern over the draft guidelines by the Interagency Working Group (IWG) on Food Marketed to Children. These guidelines would state that food must meet certain nutritional standards to be marketed to children. Quite frankly, these guidelines are so draconian that the advertising of nearly all foods to children and adolescents would be banned. This ban would include thousands of healthy products that could no longer be marketed to children, including most soups, cereals, yogurt, bread, and cheese—all foods determined beneficial for participants in the Supplemental Nutrition Program for Women, Infants and Children (WIC). It is shocking that the Federal Government would be working to limit the advertising of foods like low fat and fat free dairy products which play a vital role in the diets of children and adolescents.

While I have strong concerns about nutritional products that would be affected by the IWG's marketing guidelines, it is important to note how far reaching these guidelines are. The IWG defined marketing to include packaging, point of sale displays, text messages, sponsorships, philanthropic activity, and even the shape of food. These guidelines would limit the ability of companies to sponsor a sporting event or to partner in a charitable activity because it could be seen as marketing to children. Does the Federal Government really want to be telling a company that they can't be involved in their communities in these ways? This will be harmful to the communities while doing little to benefit children's nutritional health.

The IWG guidelines are just another example of excessive government red tape. I urge the IWG to withdraw this proposal.

HONORING MAJOR THOMAS W. KEEGAN UPON RECEIPT OF THE DISTINGUISHED FLYING CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Major Thomas W. Keegan upon his award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in

the Armed Forces who distinguishes him or herself "by heroism or extraordinary achievement while participating in an aerial flight."

On June 29, 2009, Major Keegan led a two-ship formation near Bastion Forward Operating Base in Afghanistan on an urgent medical evacuation into the hostile Helmand Province. The ship formation, call sign Pedro35 flight, had four missions that day, the first and second of which were to a point of injury where a British vehicle had overturned into a canal. While on approach to the site, Major Keegan noted friendly armored personnel carriers firing outbound from his three o'clock position. In response, Major Keegan broke his aircraft through multiple gun patterns directly between the enemy compound and origin of fire and the defenseless aircraft on the ground conducting evacuation operations.

Major Keegan's heroism and willingness to highlight himself, aircraft, and crew to draw enemy fire away from the patients and vulnerable aircraft allowed the flight to successfully extract a wounded British soldier. Major Keegan's actions directly contributed to the widespread acclaim of the Pedro operation, giving much needed peace of mind to troops conducting ground combat operations.

It was my honor and privilege to recognize Major Keegan at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation he has so selflessly served. Major Keegan has the respect and gratitude of all Americans.

RECOGNIZING DPU AND AUSIB FOR HOSTING HISTORIC INDO- U.S. EDUCATION CONCLAVE 2011

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to recognize Dr. P.D. Patil and the DPU University of which he is Chancellor for his visionary leadership in partnering with Mr. Sanjay Puri of the Alliance for U.S.-India Business (AUSIB), and with the State Legislative Leaders Foundation (SLLF), to host the Indo-U.S. Education Conclave 2011, a first-of-its-kind global educational event to be held in Pune, India from December 5–7, 2011.

This event brings together prominent thinkers from the fields of education, politics and business for purposes of promoting the highest standards of education, value systems and governance. The Summit aims to build partnerships between Indian and American universities in line with the Obama-Singh 21st Century Knowledge Initiative (OSI) launched last year.

Given the importance of this first Indo-U.S. Education Conclave, I want to publicly commend Dr. Patil who I had the privilege of hosting in Washington, D.C. I am well aware of what Dr. Patil has done for the rising generation and, in tribute of his work and mission, I have honored him in the CONGRESSIONAL RECORD because I share his vision of education.

Education isn't just about collecting and distributing knowledge. Education is about the

development of character and the acquisition of truth. Education is about offering one's best to the world and I thank Dr. Patil for offering his best to us.

I also commend Mr. Puri for his work. As President Obama has stated, the U.S.-India partnership is "one of the defining relationships of the 21st century," and having worked with Mr. Puri for more than a decade, I can assure my colleagues that the U.S.-India relationship is stronger because of his advocacy for and on behalf of India and Indian Americans. His passion for education and his relationships with key Members in the House and Senate will ensure the success of the Obama-Singh Knowledge Initiative.

Once more, I thank DPU, AUSIB, and the SLLF for expanding cultural, economic, educational and political ties between the two largest democracies in the world. These organizations deserve our support for expanding the presence of American universities across India, a country that sends more students to the USA than any other country in the world.

IN SALUTE OF THE 369TH VETERANS' ASSOCIATION HARLEM HELLFIGHTERS—A CONGRESSIONAL RECOGNITION IN CELEBRATION OF VETERANS DAY 11-11-11

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. RANGEL. Mr. Speaker, as a veteran of the Korean War, known today as the "Forgotten War", I am honored with great American pride and democracy to salute all my fellow comrades, buddies and all of the officers and members of The 369th Veterans' Association on this very special day as we celebrate Veterans Day 11-11-11.

First organized in 1916 as the 15th New York National Guard Infantry Regiment and manned by black enlisted soldiers with both black and white officers, the U.S. Army's 369th Infantry Regiment, popularly known as the "Harlem Hellfighters," was the best-known African American unit of World War I. Federalized in 1917, it prepared for service in Europe and arrived in Brest in December. The next month, the regiment became part of the 93rd Division (Provisional) and continued its training, now under French instructors. In March, the regiment finally received its Federal designation and was reorganized and reequipped according to the French model. That summer, the 369th was integrated into the French 161st Division and began combat operations.

Dubbing themselves "Men of Bronze," the soldiers of the 369th were lucky in many ways compared to other African Americans in 1918 France. They enjoyed a continuity of leadership, commanded throughout the war by one of their original organizers and proponents, Colonel William Hayward. Unlike many white officers serving in the black regiments, Colonel Hayward respected his troops, dedicated himself to their well-being, and leveraged his political connections to secure support from New Yorkers.

Spending over six months in combat, perhaps the longest of any American unit in the war, the 369th suffered approximately fifteen hundred casualties but received only nine hundred replacements. Unit histories claimed they were the first unit to cross the Rhine; they performed well at Chateau-Thierry and Belleau Wood, earning the epithet "Hell Fighters" from their enemies. Whereas African American valor usually went unrecognized, well over one hundred members of the regiment received American and/or French medals, including the first two Americans—Corporal Henry Johnson and Private Needham Roberts—to be awarded the coveted French Croix de Guerre.

The most celebrated man in the 369th was Pvt. Henry Lincoln Johnson, a former Albany, New York, rail station porter, who earned the nickname "Black Death" for his actions in combat in France. In May 1918, Johnson and Pvt. Needham Roberts fought off a 24-man German patrol, though both were severely wounded. After, they expended their ammunition, Roberts used his rifle as a club and Johnson battled with a bolo knife. Johnson was the first American to receive the Croix de Guerre awarded by the French government. By the end of the war, 171 members of the 369th were awarded the Legion of Honor. During the war the 369th's regimental band (under the direction of James Reese Europe) became famous throughout Europe. It introduced the until-then unknown music called jazz to British, French and other audiences, and started an international demand for it.

At the end of the war, the 369th returned to New York City, and in February 1919, paraded through the city. Thousands lined the streets to see them: the parade began on Fifth Avenue at 61st Street, proceeded uptown past ranks of white bystanders, turned west on 110th Street, and then swung on to Lenox Avenue, and marched into Harlem, where black New Yorkers packed the sidewalks to see them. The parade became a marker of African American service to the nation, a frequent point of reference for those campaigning for civil rights. In the 1920s and 1930s, the 369th was a regular presence on Harlem's streets, each year marching through the neighborhood from their Armory to catch a train to their annual summer camp, and then back through the neighborhood on their return two weeks later.

In World War II, the formation was organized as the 369th Antiaircraft Artillery Regiment, and served in Hawaii and along the West Coast. The Harlem Hellfighters have served in every major conflict since its inception, including Desert Storm, Iraqi Freedom, and the War on Terrorism in Afghanistan. The unit survives today under the command of Colonel Reginald Sanders as the 369th Sustainment Brigade Battalion of the New York Army National Guard.

As a veteran myself in a so-called "Forgotten War" in American history, I know what it is like to come home and feel unrecognized. On the eve of 11-11-11, the United States Senate passed legislation, which the United States House of Representatives voted unanimously 422-0 to honor the Montford Point Marines with the nation's highest civilian honor, the Congressional Gold Medal. These truly great American men fought in some of the

bloodiest battles of World War II—the first Black Marines in the Navy. After 70 years, they have finally received the honor they deserve for a legacy we must not forget to pass on to our future generations.

Mr. Speaker, I ask you to join my colleagues and a very grateful nation in very special congressional salute to my dear friend General Nathaniel James, Retired, National President and all of the officers and members of The 369th Veterans' Association, Inc. as we celebrate our Veterans Day 11-11-11.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 838, I was unable to make the vote. Had I been present, I would have voted "yea."

HONORING LIEUTENANT COLONEL RHYS W. HUNT, 2ND LIEUTENANT ANDREW S. HEDIN, AND CHIEF MASTER SERGEANT JASON R. RED UPON RECEIPT OF THE DISTINGUISHED FLYING CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Lieutenant Colonel Rhys W. Hunt, 2nd Lieutenant Andrew S. Hedin, and Chief Master Sergeant Jason R. Red upon their award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in the Armed Forces who distinguishes him or herself "by heroism or extraordinary achievement while participating in an aerial flight."

On August 9, 2009, Lieutenant Colonel Rhys W. Hunt, 2nd Lieutenant Andrew S. Hedin, and Chief Master Sergeant Jason R. Red participated in a heroic mission near Kandahar Airfield in Afghanistan. Colonel Hunt flew the lead aircraft, PEDRO 15, in an effort to save five critically wounded American soldiers from an ongoing firefight. A Navy SEAL Team, call sign JAGUAR 09, was taking heavy fire by a larger force of Taliban fighters. The team, including their five wounded, was holed-up in a walled compound and needed immediate evacuation.

Despite the potential of enemy fire, Lieutenant Hedin supervised the loading of four of the wounded before the aircraft cabin ran out of space. Colonel Hunt directed his wingman to begin an approach to load the final patient, but as PEDRO 15 began its climb out of the zone, it came under fire so intense that both Lieutenant Hedin and Colonel Hunt felt the concussion from the blast. Lieutenant Hedin engaged an enemy squad, temporarily suppressing the threat. Chief Red took tactical

lead of the aircraft, calling a break in the opposite direction. Putting himself in grave danger, Chief Red then directed the gunnery pattern by positioning himself almost completely out of the aircraft in order to maintain visual contact with the enemy. This allowed Colonel Hunt and Lieutenant Hedin to protect their vulnerable wingman by attacking the enemy squad from multiple directions. The crew's immense bravery and superb airmanship saved the lives of 16 people and two aircraft.

It was my honor and privilege to recognize Lieutenant Colonel Rhys W. Hunt, 2nd Lieutenant Andrew S. Hedin, and Chief Master Sergeant Jason R. Red at a ceremony while I was home in my district. The outstanding heroism displayed by these men deserves great recognition by the entire United States, the nation they have so selflessly served. They have the respect and gratitude of all Americans.

PERSONAL EXPLANATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. VAN HOLLEN. Mr. Speaker, due to my responsibilities related to the Joint Select Committee on Deficit Reduction, I missed the vote on the rule of H. Res. 463, the National Right-to-Carry Reciprocity Act. Had I been able to vote, I would have voted "no."

CONGRATULATING THE RUN: MOVING NATURAL MEDICINE FORWARD

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. HIMES. Mr. Speaker, I rise today to congratulate the participants of a 3,250 mile race across the United States organized to promote natural health care options. Called The Run, this is the first-ever endurance event organized to raise awareness about naturopathic medicine. The race will conclude tomorrow, Thursday, November 17, at the University of Bridgeport.

Through a four month, ninety city journey, The Run: Moving Natural Medicine Forward has endeavored to promote the causes of natural medicine, including the benefits of sustainable, quality holistic health care and the importance of healthy lifestyle management and health maintenance. By running an average of 30 miles per day, Dr. Dennis Godby and his family have helped bring attention to the urgent need to transform our nation's health.

I wish the best of luck to Dr. Godby, his family and team, and the students and faculty at the University of Bridgeport's School of Naturopathic Medicine as they work to improve the health of our country.

INTRODUCTION OF THE INCORPORATION TRANSPARENCY AND LAW ENFORCEMENT ASSISTANCE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to introduce the Incorporation Transparency and Law Enforcement Assistance Act. The bill would require the states to obtain information about the true ownership of the corporation, when incorporation papers are filed with the state.

As some have put it, this bill is a "no-brainer." And it is fairly straightforward: it would require that the person creating the corporation state the "beneficial owner" of the corporation and provide some form of identification.

Although this is as straightforward as it sounds, the implications for law enforcement are broad reaching. Criminal organizations are infamous for using shell corporations, both foreign and domestic to open bank accounts, launder money, perpetrate fraud, and finance terrorism. And it isn't difficult for them to do. Virtually no states require people applying to create corporations to provide the identity of the corporate owner. In fact, 48 of 50 states, except for Alabama and Alaska, allow for the unfettered creation of an anonymous corporate entity. As a result, just about anyone can easily manipulate the system to fund criminal activity.

Here is an example from an investigation in New York by the Manhattan District Attorney. The office announced investigations involving the movement of funds through banks in New York by entities controlled by the Iranian Military. In at least two cases, domestic shell companies were opened in two different states to further secret Iranian interests. Through a New York shell company, individuals working on behalf of the government of Iran were able to move funds to secret accounts held in offshore jurisdictions. Shockingly, the offshore government was able to give the Manhattan DA more information about the ownership of the New York entity than the state of New York could.

Although the DA does not contend that requiring a declaration of beneficial ownership would have stopped this activity, it would have at least been a piece of evidence to go on. And if the declaration of beneficial ownership had been required but falsified, it would have been an extra tool for law enforcement to shut down the entity and prosecute the perpetrators.

The bill I am introducing today will provide the kind of transparency that law enforcement needs to investigate financial crimes. However, it is narrowly drafted so that it is not overly burdensome on either states or incorporating entities. In fact, most corporations would be exempt from the bill's requirements including companies that are already regulated by federal banking regulators and companies that are over 20 employees and \$10 million in revenue.

This bill is meant to capture beneficial ownership information from companies that are

able to escape regulation and oversight through other federal entities.

Senator LEVIN has already introduced a similar bill in the Senate, and President Obama was the lead sponsor when he was a U.S. Senator.

In a recent CNN editorial, Global Witness stated, "Setting a standard for collecting information about the true owner of a company would level the playing field between the states while preventing terrorists, drug traffickers and kleptocrats from hiding behind corporate secrecy."

The bill is supported by numerous law enforcement associations, including the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Association of Assistant United States Attorneys, the National Narcotic Officers' Associations Coalition, the United States Marshals Service Association, and the Association of Former ATF Agents.

I urge my colleagues to support this important legislation.

HONORING MAJOR MATHEW C. WENTHE AND TECHNICAL SERGEANT JOSEPH R. KENNEY UPON RECEIPT OF THE AIR MEDAL WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Major Mathew C. Wenthe and Technical Sergeant Joseph R. Kenney upon their award of the Air Medal with Valor.

The Air Medal was established by Executive Order in 1942 to honor any person serving in the Armed Forces who distinguishes him or herself by "meritorious achievement while participating in aerial flight."

On June 29, 2009, Major Mathew C. Wenthe and Technical Sergeant Joseph R. Kenney conducted multiple urgent medical evacuation missions into the Babaki area of the Helmand Province in Afghanistan. During their flights to the site where a British vehicle was overturned into a canal, their aircraft maneuvered through small arms fire and rocket propelled grenades.

Without regard for their own personal safety, Major Wenthe and Technical Sergeant Kenney reengaged the enemy compound from where they had just been attacked. They exhibited bravery by putting themselves in danger to draw enemy fire to protect another aircraft on the ground.

It was my honor and privilege to recognize Major Mathew C. Wenthe and Technical Sergeant Joseph R. Kenney at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation they have so selflessly served. Major Mathew C. Wenthe and Technical Sergeant Joseph R. Kenney have the respect and gratitude of all Americans.

CONGRATULATING PROFESSOR
JAMES MAY, RECIPIENT OF THE
2011 PROFESSOR OF THE YEAR
AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Professor James May for being named the 2011 Professor of the Year by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching. This distinguished recognition is the only national award for excellence in undergraduate teaching and mentoring.

May is a professor of English as a Second Language at Valencia Community College's East Campus, and is highly regarded for his innovative and zealous approach to education. He is dedicated to providing his students with the tools they need to succeed in his courses, creatively incorporating mobile devices and online tools such as Google docs and YouTube into classroom instruction. In an effort to share his concepts with other educators, May authors a website where he provides tips on how teachers can effectively connect with their students.

This is not May's first award or recognition. He was also honored by the Florida Association of Community Colleges and named their 2010 Professor of the Year.

On behalf of the citizens of Florida's 8th Congressional District, I congratulate Professor James May for his hard work, determination, and leadership. His enthusiasm and investment in Florida's students is most deserving of the 2011 Professor of the Year Award.

DUTCH AMERICAN HERITAGE DAY

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. HUIZENGA of Michigan. Mr. Speaker, today we recognize Dutch American Heritage Day, a day that honors the strong friendship between our two countries and the many contributions of Americans of Dutch descent.

It was the Netherlands who first officially recognized the flag of the newly formed United States of America on this day in 1776, and later, The Hague would become the first American Embassy in the world.

Today, the United States and the Netherlands share a very robust economic relationship. The Netherlands is the third-largest investor in the U.S. Between exports and this investment, our partnership helps to generate over 700,000 jobs in the U.S. In 2010, the Netherlands ranked seventh among all the trading partners the U.S. exports goods to.

The Netherlands has been a strong ally as well. Dutch troops fought beside Americans in occupied territory during World War II and in conflicts since, as well as serving together in peacekeeping missions across the world.

The contributions of many great Dutch-Americans have helped shape U.S. history, including three presidents, Martin Van Buren, Theodore Roosevelt, and Franklin D. Roosevelt, as well as numerous cultural figures, including Thomas Edison, Humphrey Bogart, Walter Cronkite, and, more recently, General David Petraeus.

While a destination for many immigrant settlers, the Dutch have left an influential mark on the Second District of Michigan, both economically and culturally. From cities and villages with Dutch namesakes like Borculo, Drenthe, Holland, and Zeeland, to traditions like the Tulip Festival and Sinterklaas parade, Dutch settlers have shared their heritage proudly with their neighbors.

Today we celebrate not only a common heritage, but also a friendship that has helped shape America since its birth.

We are thankful for the contribution of Dutch-Americans not only in West Michigan, but throughout the United States, and look forward to a strong partnership for years to come.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 837 I was unable to make the vote. Had I been present, I would have voted "yea."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 17, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 30

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.

SR-418

DECEMBER 1

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine deficit reduction and job creation, focusing on regulatory reform in Indian country.

SD-628

DECEMBER 6

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Express Scripts/Medco merger.

SD-226

DECEMBER 7

9:30 a.m.

Homeland Security and Governmental Affairs

To hold a joint hearing with the House Committee on Homeland Security to examine homegrown terrorism, focusing on the threat to military communities inside the United States.

HVC-210

DECEMBER 8

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine opportunities and challenges to address domestic and global water supply issues.

SD-366

HOUSE OF REPRESENTATIVES—Thursday, November 17, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. POE of Texas).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 17, 2011.

I hereby appoint the Honorable TED POE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

HONORING THE LIFE OF DR. ETHEL HARRIS HALL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Ms. SEWELL) for 5 minutes.

Ms. SEWELL. Mr. Speaker, I rise today to honor the life and legacy of Dr. Ethel Harris Hall, who passed away last Saturday at the age of 83. Dr. Ethel Hall was one of Alabama's premier educators and one of our Nation's strongest advocates for children. She was the first African American to serve on the Alabama State Board of Education, and she was the first African American and the longest-serving vice chairman of the board of education. She served as the State board of education's vice president for 10 years and presided over meetings in the absence of the Governor. Dr. Ethel Hall retired 10 months ago after serving on the Alabama State Board of Education for 24 years.

Dr. Ethel Hall was born to Harry and Fannie Mae Harris on February 23, 1928. The Harris family lived in Morgan County, Alabama, and due to the limited educational opportunities in their area, they sent their daughter to live with her grandparents in Jefferson County so she could attend school in north Birmingham.

She attended Parker High School in Birmingham until she moved back home with her parents to attend Council Training School, a laboratory high school of Alabama A&M. She graduated valedictorian of her high school class and then attended Alabama A&M University, where she graduated with a Bachelor of Science degree cum laude in 1948.

Dr. Ethel Hall went on to obtain master's degrees from the University of Chicago and Atlanta University. She taught in the Hale County, Jefferson County, and Birmingham city school systems, and later became the first African American faculty member of the University of Montevallo. Dr. Ethel Hall continued to further her education by attending the University of Alabama where she earned a Doctorate of Social Work in 1979. She later taught in the School of Social Work at the University of Alabama.

After decades of teaching, Dr. Ethel Hall entered politics, and she was elected the first African American member of the Alabama State Board of Education on January 19, 1987. She went on to serve six terms before becoming vice chair in 1994. Dr. Ethel Hall served on the State board of education for 24 years and was named vice president emerita.

Dr. Hall served on the State board of education during many of its tumultuous battles over issues such as funding levels in schools, teacher testing, accountability standards for schools, and academic standards for students. In making these tough decisions, she also remained principled, putting Alabama's children first.

Dr. Ethel Hall wrote about her long career in education in a recently published autobiography, "My Journey: A Memoir of the first African American to Preside Over the Alabama Board of Education."

I rise today to remember Dr. Ethel Hall on the floor of the United States Congress as a trailblazing Alabamian, a gifted teacher, and a strong advocate for the education of our Nation's children.

Dr. Hall was a mentor to so many educators throughout the State of Alabama and this Nation, including my own mother, Mrs. Nancy Gardner Sewell. Through her numerous mentoring relationships, Dr. Hall encouraged teachers to use their talents to positively affect the lives of the students they taught. Not only did she lead by example; she also trained and mentored the next generation of educational leaders.

Indeed, my generation owes pioneers like Dr. Hall a debt of gratitude. Dr. Ethel Hall sowed the seeds for the opportunities that now flourish for so many. I know that I stand on the shoulders of many great giants like Dr. Ethel Hall.

On election night, November 2, 2010, several trailblazing Alabama women made the trip to Selma, Alabama, to be there when I was elected. I will never forget that Dr. Ethel Hall was one of them. Her presence meant so much to me, more than she will ever know. It was her light that guided the path that led me to become Alabama's first African American Congresswoman.

Dr. Ethel Hall was the epitome of a servant leader. She led by example and was motivated by a driving passion that all children deserve a quality education.

Dr. Hall was preceded in death by her husband of 55 years, Mr. Alfred Hall. She is survived by two children, Donna and Alfred, and a host of family and friends who will miss her dearly.

Today, I ask my colleagues in the United States House of Representatives to join me in celebrating the life and legacy of this extraordinary Alabamian. Let Dr. Hall's life stand as a testament to the courage and strength of one individual's ability to shape the lives of so many. We should be renewed by her love of learning and recommit ourselves to providing the resources that our Nation's greatest advocate—its children—need. I ask that we all pay tribute and homage to Dr. Ethel Hall.

HONORING FORMER CONGRESSMAN MEL HANCOCK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. LONG) for 5 minutes.

Mr. LONG. Mr. Speaker, there once was a man named Mel, and when he stepped to this microphone, he'd give 'em Mel.

I rise today to recognize a former Member of this body and a friend and mentor, Congressman Mel Hancock. He would sign all of his letters or emails, whatever he'd sign, with the same thing: "Yours for better but less government." That's what Mel believed.

When Senator Jim Talent first came to this body, he asked Mel to help him vote. He said: Mel, can you show me how to use the voting machine here?

Mel said: Sure, Jim, come over here. You see, if you want to vote "no," you push the red button. And if you have a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

conflict, you can't vote on an issue, you push the yellow button for "P" for "present." And he turned and walked off.

Senator Talent said: Hey, Mel, what's the green button?

Mel turned around and said: I don't know, never used it.

Mel died peacefully in his home in his sleep on November 6 in Springfield, Missouri. Mel was a champion of limited government. Mel knew that our Founding Fathers understood the corrupting influence of power on the human character, which is why they championed personal freedom, the idea that a government by the people and for the people should preserve liberty for future generations. Like our Founders, Mel was a wise man, a good man, who worked tirelessly to defend people's liberty. Mel was a true Ozarkian.

He was born in Cape Fair, Missouri, in 1936. He graduated from college and enlisted in the Air Force in 1951 where he would serve in active duty until 1953. Following active duty, Mel stayed in the Air Force Reserves until 1965 where he attained the rank of first lieutenant.

After military service, Mel went into business, co-founding a security system equipment leasing company. However, Mel's dedication to his country did not end with his military service. As a businessman and a voter, Mel was upset with the way things were being done in the State of Missouri and Washington, DC. In 1977, Mel founded the Taxpayer Survival Association—I can still see the bumper sticker today with a lifesaver on it, like you'd throw off of a boat or a ship—a not-for-profit organization dedicated to advancing a constitutional amendment to limit taxes. He was a one-man show. He would go around Missouri getting signatures. You might see him up in Kansas City standing in a parking lot in front of a mall in a rainstorm getting people to sign his tax-and-spending amendment petition to put on the ballot.

Through his hard work, the "Hancock amendment" was added to the Missouri Constitution in 1980. Mel used its passage to continue his advocacy for responsible government and for the rights of individuals to be free from overburdensome government.

Mel's convictions took him to Congress in 1988 where he represented southwest Missouri for 8 years. I always called Mel the reluctant Congressman. He didn't want to be a Congressman; he didn't want to come to Washington, DC, but he was just pulled in that direction by people who said: Mel, you've got to go. You've got to do it.

□ 1010

I am honored to now occupy that same Congressional seat, Missouri 7.

During his time in Congress, from 1988 to 1996, Mel worked at the House

Ways and Means Committee to advance the cause of liberty. He also championed a balanced budget amendment, his signature issue, and I'm proud to say we're going to vote on a balanced budget amendment this week.

Mel retired from Congress in 1996. He didn't retire because he couldn't win another election, but because he had promised the people of southwest Missouri that he would not serve more than four terms in office. With Mel, a promise made was a promise kept, something that Washington would do well to learn today. And I am honored to now occupy that same congressional seat, Missouri 7.

Now, over 30 years since the passage of the Hancock amendment, our current budget problems reveal just how right Mel was. We would not have a \$15 trillion debt or massive runaway government spending if we had a Hancock amendment on a national level.

Mel was much beloved by his many neighbors, friends, and family in Missouri's Seventh District and was one of my mentors. Our thoughts and prayers are with his wife, Sug, whom Mel always referred to as the Boss, his sons, Lee and Kim, and his daughter, Lu Ann, and their families.

Mel will be missed, but the legacy that he has created and the ideas that he championed will continue. His legacy will forever be a part of Missouri through the Hancock amendment and his service to his constituents. Mel meant the world to me, and I will continue to champion the ideas that he dedicated his life fighting for.

CREATE JOBS AND REDUCE THE DEFICIT THROUGH LARGE-SCALE INFRASTRUCTURE INVESTMENTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. HIGGINS) for 5 minutes.

Mr. HIGGINS. Mr. Speaker, we are approaching the deadline for the supercommittee to propose a debt reduction plan. Most economists are in agreement on what we need to do: in the long term, reduce the debt by at least \$4 trillion over 10 years through a mix of added revenue and reduced spending. And in the short term, make immediate investments to create jobs and to reduce unemployment.

I encourage the supercommittee not to ignore the second of those priorities because now is the perfect time to create jobs by making large-scale investments in American infrastructure. Since World War II, every economic contraction was followed by a period of economic expansion; but although economists tell us the recession has ended, we have had no economic expansion. Unemployment remains at 9 percent, and economic growth is projected to be moderate at best. The reason our economy is taking so long to recover is because this recession was more severe

than any since the Great Depression, something that seemingly few in government, finance, or academia realized at the time.

Because of the historic severity of this recession, American households, local and State governments—even European governments—find themselves in debt like never before. Consequently, consumer demand is and will be depressed while households and governments reduce spending. And when demand falls, businesses don't hire. It is that simple.

Some believe this period of decreased demand will last 5 to 7 years. A policy of fiscal austerity will make matters only worse. We only have to look back at the United States in 1937, Japan in the 1990s, and Europe last year and this year to understand that when consumers are not spending, the worst thing a government can do is stop spending itself.

The New America Foundation report makes the case that investing \$1.2 trillion over the next 5 years in rebuilding our infrastructure will create 22 million jobs—22 million jobs over a 5-year period. That is more than the 22 million jobs that were created under President Clinton. And the job creation of the 1990s raised so much revenue that our Federal budget reached record surplus. Times were so good that we were debating, at that time, the implications of repaying the entirety of the Nation's debt. The lesson is that the greatest debt-and-deficit reduction tool is job creation. That is why the supercommittee must include significant job creation components in its recommendations.

Let me add, Mr. Speaker, that our infrastructure is sorely in need of massive investment. Our roads, bridges, airports, energy grid, and water infrastructure are all in horrible condition. The World Economic Forum ranks America 23rd in infrastructure quality. The American Society of Civil Engineers gives our infrastructure a D grade. Transportation for America reports that there are 63,000 structurally deficient bridges in our country—including 99 in my community in western New York. The Chamber of Commerce has said that unless we repair our infrastructure, we will suffer \$336 billion in lost growth over the next 5 years.

To my colleagues who believe that we can't afford to make investments at this time, I say we can't afford not to. Delaying the repair or replacement of infrastructure by just 2 years can increase the cost of doing those repairs by a factor of five.

I also note that we just spent \$62 billion nation-building in Iraq and \$73 billion nation-building in Afghanistan. There was no objection then to borrowing to finance that nation-building, nor should there be objection now when we're proposing to do nation-building right here at home.

And given the current economic conditions, financing American infrastructure projects will never be cheaper. Interest rates are extremely low, the cost of labor and materials are low due to lack of demand, and the equipment is cheap because it is idle. Repairing and expanding our infrastructure is work that we need to do to stay globally competitive, and it will never be cheaper to do it than it is today. Quite simply, there is much work to be done, and a lot of Americans need to do work. Now is the best time to do that.

Mr. Speaker, a large scale, \$1.2 trillion, 5-year investment in infrastructure would create 27 million American jobs that cannot be shipped overseas. It will reduce unemployment, it will reduce the deficit and, in the end, we will have an infrastructure our country needs and our country deserves.

PANCREATIC CANCER RESEARCH AND EDUCATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MEEHAN) for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I rise today in support of H.R. 733, the Pancreatic Cancer Research Education Act. Oftentimes, we talk about numbers, Mr. Speaker, but often there's the occasion to actually talk to the people who are behind the bills. One of the most moving experiences I have had is to have had a visit to my office by a young woman by the name of Sienna Gonzalez, who visited with her mother and her family. You see, Sienna's mother is a victim of pancreatic cancer; and Sienna is on a mission, along with many of her friends, to help people fight to find a cure for pancreatic cancer.

She took a lead by urging so many of her friends and colleagues in her classroom, and I hold in my hand just one of the volumes of hundreds upon hundreds of letters that came and were so moving.

The facts speak for themselves: 43,000 Americans will be diagnosed with pancreatic cancer; 36,000 will die just this year; and the life expectancy after announcement of that is about 3 to 6 months. I think the words are better said, however, by some of the students.

People are losing a lot of friends and family, writes Aly, because of this horrible, horrifying disease. We are trying to help. Did you know that this disease is one of the few cancers for which survival has not improved substantially? In over 40 years, survival rates have not changed. The average life span after diagnosis is 3 to 6 months. Please use more of your research money to help these people if you can. Thank you.

That's just one of the hundreds of letters.

I want to express my deep appreciation of Dr. Timothy Quinn, the super-

intendent of the Methacton School District; Mrs. Melissa Gora, the principal; but, mostly, the hundreds and hundreds of students who have taken the time to ensure that their voices are heard. As they said: pancreatic cancer: know it, fight it, end it.

Thank you for your role in making sure that my colleagues understand the importance of this great challenge and the opportunity that we have to fight for those with pancreatic cancer.

□ 1020

FIRST TROOP PHILADELPHIA CITY CAVALRY'S 237TH ANNIVERSARY

Mr. MEEHAN. Mr. Speaker, I rise to honor the First Troop Philadelphia City Cavalry on the occasion of their 237th anniversary. This volunteer cavalry troop was the first of its kind organized in the defense of our country during the American Revolution. Through those hard-fought years is where the original members forged concepts of service and a body of tradition which is kept alive today by its current members.

The First Troop Cavalry is a private military organization whose membership is comprised of members of the Pennsylvania Army National Guard who serve with A Troop 1st Squadron, 104th Cavalry in the 28th Infantry Division. Many of their members have served overseas, including Afghanistan and Iraq. Their service to our country is immeasurable, and we should all be extremely thankful.

POVERTY AND UNEMPLOYMENT IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, I rise again to really beat the drum about the ongoing crisis of poverty and unemployment in America.

On November 6, the Associated Press reported that we have crossed a terrible threshold. More job seekers now in America have run out of unemployment benefits than are receiving them. Simply put, the majority of Americans who are struggling to find a job are no longer getting unemployment benefits.

We need to extend unemployment benefits and we need to do it now, not just for those who are about to run out, but for the millions of Americans whose benefits ran out a long time ago—the millions who ran out of time to establish their careers, the millions who ran out of time to safeguard their families' futures, and the millions who ran out of time to ignite the fires of the American Dream.

Congressman BOBBY SCOTT and I have a bill, H.R. 589, which will give millions of families just a little more time to find a good job, to make a secure home, and would provide a bridge over troubled waters while our Nation and the economy recovers.

Extending benefits for the 99ers is the right thing to do for millions of Americans who were laid off through no fault of their own. They watched as corporations took over their government and ran the economy into the ground. They watched as the banks raided the Nation's treasury and lined their pockets with massive bonuses while millions of Americans lost their jobs. They watched as our Nation's future was traded away for needless wars and tax cuts for billionaires.

Mr. Speaker, the American people are sick and tired. They don't want to watch anymore. They don't want to wait anymore. They have run out of time.

Nearly 50 million Americans are already living in poverty, struggling to feed their families and keep a roof over their heads. Countless millions more are living on the edge. They are desperately trying to stay one step ahead of disaster, living from paycheck to paycheck and waiting for the other shoe to drop.

The American people really have run out of patience. They don't want to hear that the most powerful nation in the world is broke. They don't believe it when they are told that we can't afford Medicare or Medicaid or Social Security or unemployment benefits when we are spending \$1 trillion on wars halfway around the world. They don't want to hear empty promises from Republicans in Congress about taking responsibility to ensure that the poor in America have "food in their stomachs and they have a roof over their head," even while they pass bills that slash affordable housing programs and cut nutrition funding for women and children, a program which is very important.

Americans know that the rich should pay their fair share and that working men and women of America deserve more. They don't want this generation to be the first generation of Americans who won't do better than the last one. Americans want to move ahead, and they want those who have benefited the most from our economy to pay what they owe to the 99 percent of the American people who are the real engines of our economy and the heart of our democracy. The generation that is marching in the streets right now is asking what went wrong in the pursuit of the American Dream.

So let's pass H.R. 589 and give Americans a little more time to land that job that gets their family back on their feet. You know, when you run out of unemployment benefits after 99 weeks, that's it. That's it. So we must extend unemployment benefits, but we also need to extend, as our bill says, at least an additional 14 weeks so that those who have hit the 99-week wall have some form of survival until we can figure out a way to create jobs.

So we must pass the American Jobs Act to reinvest in the future of this

country and build up our roads and bridges, repair our sewer lines, and build 21st century schools for all of our students.

Let's put America back on track with American jobs, American manufacturing, American ingenuity, and American leadership toward a brighter tomorrow for all Americans.

We must build these ladders of opportunity. We have to remove these barriers and obstacles. And let me tell you, not having a job is a huge barrier and a huge obstacle to reigniting the American Dream.

And so we must extend unemployment benefits, but we must not forget that there are those who have had 99 weeks who are no longer even eligible for unemployment benefits. And as the AP article says, we now have over 2 million people who won't even be eligible for unemployment compensation. That's 2.2 million people that won't even be eligible even if we extend unemployment benefits.

So let's work to try to figure out how to, one, create jobs, but to provide some safety net for those who really do want to work. And people want to work.

[From the Associated Press, Nov. 6, 2011]

MOST UNEMPLOYED AMERICANS ARE NO LONGER RECEIVING UNEMPLOYMENT BENEFITS

WASHINGTON, DC.—The jobs crisis has left so many people out of work for so long that most of America's unemployed are no longer receiving unemployment benefits.

Early last year, 75 percent were receiving checks. The figure is now 48 percent—a shift that points to a growing crisis of long-term unemployment. Nearly one-third of America's 14 million unemployed have had no job for a year or more.

Congress is expected to decide by year's end whether to continue providing emergency unemployment benefits for up to 99 weeks in the hardest-hit states. If the emergency benefits expire, the proportion of the unemployed receiving aid would fall further.

The ranks of the poor would also rise. The Census Bureau says unemployment benefits kept 3.2 million people from slipping into poverty last year. It defines poverty as annual income below \$22,314 for a family of four.

Yet for a growing share of the unemployed, a vote in Congress to extend the benefits to 99 weeks is irrelevant. They've had no job for more than 99 weeks. They're no longer eligible for benefits.

Their options include food stamps or other social programs. Nearly 46 million people received food stamps in August, a record total. That figure could grow as more people lose unemployment benefits.

So could the government's disability rolls. Applications for the disability insurance program have jumped about 50 percent since 2007.

"There's going to be increased hardship," said Wayne Vroman, an economist at the Urban Institute.

The number of unemployed has been roughly stable this year. Yet the number receiving benefits has plunged 30 percent.

Government unemployment benefits weren't designed to sustain people for long stretches without work. They usually don't have to. In the recoveries from the previous

three recessions, the longest average duration of unemployment was 21 weeks, in July 1983.

By contrast, in the wake of the Great Recession, the figure reached 41 weeks in September. That's the longest on records dating to 1948. The figure is now 39 weeks.

"It was a good safety net for a shorter recession," said Carl Van Horn, an economist at Rutgers University. It assumes "the economy will experience short interruptions and then go back to normal."

Weekly unemployment checks average about \$300 nationwide. If the extended benefits aren't renewed, growth could slow by up to a half-percentage point next year, economists say.

The Congressional Budget Office has estimated that each \$1 spent on unemployment benefits generates up to \$1.90 in economic growth. The CBO has found that the program is the most effective government policy for increasing growth among 11 options it's analyzed.

Jon Polis lives in East Greenwich, R.I., one of the 20 states where 99 weeks of benefits are available. He used them all up after losing his job as a warehouse worker in 2008. His benefits paid for groceries, car maintenance and health insurance.

Now, Polis, 55, receives disability insurance payments, food stamps and lives in government-subsidized housing. He's been unable to find work because employers in his field want computer skills he doesn't have.

"Employers are crying that they can't find qualified help," he said. But the ones he interviewed with "weren't willing to train anybody."

From late 2007, when the recession began, to early 2010, the number of people receiving unemployment benefits rose more than fourfold, to 11.5 million.

But the economy has remained so weak that an analysis of long-term unemployment data suggests that about 2 million people have used up 99 weeks of checks and still can't find work.

Contributing to the smaller share of the unemployed who are receiving benefits: Some of them are college graduates or others seeking jobs for the first time. They aren't eligible. Only those who have lost a job through no fault of their own qualify.

The proportion of the unemployed receiving benefits usually falls below 50 percent during an economic recovery. Many have either quit jobs or are new to the job market and don't qualify.

Today, the proportion is falling for a very different reason: Jobs remain scarce. So more of the unemployed are exhausting their benefits.

Federal Reserve Chairman Ben Bernanke has noted that the long-term unemployed increasingly find it hard to find work as their skills and professional networks erode. In a speech last month, Bernanke called long-term unemployment a "national crisis" that should be a top priority for Congress.

Lawmakers will have to decide whether to continue the extended benefits by the end of this year. If the program ends, nearly 2.2 million people will be cut off by February.

Congress has extended the program nine times. But it might balk at the \$45 billion cost. It will be the first time the Republican-led House will vote on the issue.

BRING OUR TROOPS HOME

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, thank you very much.

I again will keep coming to the floor twice a week when we're in session to talk about bringing our troops out of Afghanistan. Bin Laden is dead, and we need to start thinking about, as the lady said before me, let's think about what America needs and not what Afghanistan needs. And that brings me to this point of the talk I want to give today, Mr. Speaker.

On February 16, 2011, then-Secretary of Defense Gates testified before the House Armed Services Committee, which I serve on, and I'd like to read his comments:

"By the end of this calendar year, we expect less than 100,000 troops to be deployed in both of the major post-9/11 combat theaters, virtually all of those forces being in Afghanistan. That is why we believe that, beginning in fiscal year 2015"—and that's important, Mr. Speaker. "That is why we believe that, beginning in fiscal year 2015, the United States can, with minimal risk, begin reducing Army active duty end strength by 27,000 and the Marine Corps by somewhere between 15,000 and 20,000. These projections assume that the number of troops in Afghanistan would be significantly reduced by the end of 2014, in accordance with the President's strategy."

Mr. Speaker, I read that because I read the same statement to the new Secretary of Defense, Mr. Panetta, whom I have great respect for, and I asked him, Do you have the authority to change those timelines? He said no, because this is what the President has agreed to.

Well, Mr. President, I'm calling on you to reconsider. Because beside me is a poster, and beside that poster is a flag-draped coffin coming off of a plane at Dover. And the headlines in the Greensboro paper said, "Get Out." It is time to bring our troops home. They've done everything they've been asked to do.

And that reminds me, a few weeks ago, I went to Walter Reed at Bethesda—it's the new consolidated military hospital here in Washington—and I saw four marines from my district, Camp Lejeune. Three of the four had lost both legs. The one that had not lost both legs was a lance corporal who asked me, with his mom in the room, Congressman, why are we still in Afghanistan? And I looked into the young man's face and I said, I don't know why we're still there. You all have won many, many battles, and it's time to bring you home. And the only thing he said, Mr. Speaker, was, Thank you.

That brings me to a letter that I received from a retired marine down in my district about a year ago. He said, "I am writing this letter to express my concern over the current Afghanistan war. I am a retired marine officer with 31-plus years of active duty."

Let me go down in the letter because there is another point I want to make.

“Our senior military leaders in Afghanistan continue to say that we are making progress, but at what cost to our country? This war is costing the United States billions of dollars a month to wage and we still continue to get more young Americans killed. The Afghanistan war has no end state for us. I urge you to make contact with all the current and newly elected men and women in Congress and ask them to end this war and bring our young men and women home.”

□ 1030

“If any of my comments will assist you in this effort, you are welcome to use them and my name.”

Mr. Speaker, I don't know why we are—we've got this debt crisis facing our country, and yet we've got a corrupt leader in Afghanistan named Karzai that one day likes America, and the next day he hates America; and we send him \$10 billion a month, and it's borrowed money from the Chinese.

And yet we're going to say to the American people we're going to cut the programs for little children; we're going to cut the programs for senior citizens. But Mr. Karzai, you'll get your \$10 billion.

And that brings me toward the end of my comments, Mr. Speaker. I contacted a marine general who's been a very dear friend of mine for a number of years, and he sends me questions to ask in committees to the Secretary of Defense and others who might be testifying.

But something that has always stuck with me is what he closes this email with—and I have many emails—“What do we say to the mother and father or the wife of the last marine killed to support a corrupt government and a corrupt leader in a war that cannot be won?”

That is the question. And I hope the American people will call on Congress, both parties, to bring our troops home before 2014.

Mr. Speaker, I close by asking God to please bless our men and women in uniform, ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families who've given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate that we will do what is right in the eyes of God for His people, and I ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God for His people.

And three times I ask, God please, God please, God please continue to bless America.

Let's bring our troops home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their re-

marks to the Chair and not to a perceived audience.

SMART SECURITY: PROTECTING AMERICA BY RELYING ON THE VERY BEST OF AMERICAN VALUES

The SPEAKER pro tempore (Mr. REED). The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, every one of us in this Congress believes that keeping the Nation safe, as well as providing benefits to our veterans as promised, is our very top priority. It's a question, however, of just how do we do that. And a decade of war and military occupation is not the best way.

Whenever spending cuts are on the agenda, as they are right now with the supercommittee racing to meet its deadline, military and defense programs continue to get a pass. Why should the Pentagon get a blank check while safety-net programs have to look for “change in the couch cushions” to keep their programs going?

It's time for the Pentagon to share in the sacrifice, especially since it's been so generously funded over the years, a 50 percent increase in the DOD budget over the last decade, bigger in real dollars today than it was at the height of the Cold War.

Ending the war in Afghanistan would save at least \$10 billion a month—actually, it's more like 12 now—to say nothing of the lives we would save and the injuries that would be avoided.

But I think we should go further in cutting the base Pentagon budget. Just to give a few examples, I'm a longtime advocate of eliminating the V-22 Osprey aircraft. It's a program that, if we eliminated it, would save \$10 billion, and it's a program that is notorious for cost overruns and for huge safety concerns.

And we can dramatically reduce the Nation's nuclear arsenal. Why do we need—I ask you this—why do we need 5,000 warheads when just one is enough to destroy life on Earth?

We can wring huge savings out of the system by fundamentally changing how we think and how we deal with national security. For pennies on the dollar we can keep America safe by implementing a smarter security policy, by supporting a civilian surge over a military surge.

My SMART Security platform, which is H. Res. 19, would make war a very last resort and adopt a different posture toward the rest of the world. It's not isolationism. When I say I want to bring our troops home from Iraq and Afghanistan, I'm not saying we abandon those countries. I'm saying we must engage them in a different way. That means investing in their people and their capacity to lead lives free of deprivation and despair.

So instead of weapons systems, let's invest more on development in humanitarian aid, more on maternal health programs, more on mosquito nets to prevent malaria, more on education, health care, microlending, et cetera, et cetera.

You know what would promote our national security, Mr. Speaker, like nothing else is a genuine, well-funded commitment to eradicating poverty and malnutrition in the developing world. Instead of invasions and occupations, SMART Security emphasizes diplomacy. It emphasizes the civilian surge, multilateralism, and peaceful conflict resolution.

It also calls for more investment in energy independence, nuclear non-proliferation, democracy promotion, and civil society programs abroad. Isn't that a better way to combat terrorism than sending 100,000 troops to a part of the world known for widespread anti-American sentiment?

We must stop equating national security with armed aggression because that's how we ended up with out-of-control Pentagon budgets and an ever more dangerous world. In fact, Mr. Speaker, military force has been proven to oftentimes undermine our security instead of enhancing it.

SMART Security protects America because it relies on the very best of American values, moral leadership, compassion, our commitment to peace and freedom. It costs pennies on the dollar. It is efficient and fiscally responsible.

So let's bring our troops home, cut the Pentagon budget, and implement SMART Security now. Then we can have real cost savings in the United States.

And, Mr. Speaker, that's just the way it is.

PFC CODY NORRIS—TEXAS SOLDIER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, halfway around the world, in the desert of the sun and the valley of the gun, the American warrior stands fighting the forces of the enemy.

But one such soldier returns from battle to America with a flag-draped coffin. He is Cody Norris, Army private first class, a machine gunner in the infantry, just 20 years old, barely an adult, but still an all-American man.

For the Norris family in La Porte, Texas, Cody was a son and a little brother. He died in a gun battle last week in Afghanistan for our country. He was the 38th warrior in my area of Texas to give his life for his country.

Cody grew up in La Porte. He graduated from La Porte High School just last year, but he quickly volunteered for the United States Army in October.

In high school, Cody loved to restore old military trucks. He restored a 1952 Dodge M-37 Army truck and drove it to school. He was a member of the Junior ROTC Color Guard at La Porte High School. But this year, his former classmates and peers in the Color Guard honored his life.

He was assigned to the 2nd Battalion, 34th Armor Regiment, 1st Heavy Brigade Combat Team, 1st Infantry Division at Fort Riley, Kansas, before deploying to Afghanistan. It was his first deployment in Afghanistan.

October 1 marked his 1-year anniversary in the United States Army. Cody was killed in Kandahar province last week on November 9 when the enemy forces attacked his unit with small-arms fire.

Kandahar province in Afghanistan has been called the birthplace and fateful home of the notorious Taliban. It is a dangerous part of the world. I've been to Afghanistan several times, and the sun is unbearable in the summer and the cold is brutally piercing in the winter. And our soldiers fight on, undeterred, tenaciously focused.

They go to battle in a land seemingly cursed by God. Our military in Afghanistan go where others fear to tread and the timid are not found.

When I spoke to Cody's mother, Teresa Denise Norris, she told me Cody marched to the beat of his own drum. He didn't care what others thought of him; he did what he thought was right.

She said Cody was proud to be a soldier and that their family believes in the red, white and blue; and they all love this country. That pride is carried through in Cody's older brother, Michael Norris. He's a cadet in his last year at the United States Military Academy at West Point.

□ 1040

The Norris family is a soldier's family. Cody's Facebook page is filled with heartfelt messages from his friends, classmates, and fellow soldiers. It is evident how much he made people laugh in his very young life.

Cody wrote on his Facebook in the "About Me" section, "I'm in the Army and I am an infantryman. I love what I do as my job and my dream in life, and no one can take that away from me. I am trained by the best, and I will be the best I can. Wanna do all I can for the ones I love and my country—to keep us all free, even if it means death, so that every American can live their dreams out as well."

Cody loved what he did. He loved his country. He was selfless, and he was an American patriot.

For his service in the United States Army, Cody has been awarded the Army Commendation Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with two campaign stars, and the NATO Medal and the Combat Infantry Medal.

Cody Norris was a part of the rare breed, the American breed—soldiers who take care of the rest of us and watch for the evildoers who would bring us harm. They prove their commitment to America by giving their lives for this Nation.

General George Patton said of the fallen soldiers, "Let us not only mourn for the men who have died fighting, but let us be grateful to God that such men ever lived."

Mr. Speaker, we are grateful to Private First Class Cody Norris and that he lived. He was a Texan, a soldier, an American Warrior.

And that's just the way it is.

NATIONAL ADOPTION DAY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BASS) for 5 minutes.

Ms. BASS of California. Mr. Speaker, I rise today in recognition of the 12th Annual National Adoption Day this Friday, November 18. As we prepare for Thanksgiving festivities with loved ones, many of us take for granted our opportunity to spend time with family and friends. But for thousands of foster youth around the country, celebrating a holiday with a permanent family remains out of reach.

In the United States today there are more than 400,000 children in foster care, some waiting years to be adopted by a permanent, loving family. Although the number of youth without a home seems discouraging, there is hope.

This week, in recognition of National Adoption Day, an unprecedented number of courts in 400 communities throughout the country will open their doors to finalize the adoption of thousands of children from the foster care system.

National Adoption Day is a nationwide effort to raise awareness of children in foster care who are eligible and waiting for adoption, as well as to celebrate families that have been chosen to make a lasting difference in the life of a child through adoption or relative-based care.

Since 2000, more than 35,000 children have been adopted through National Adoption Day activities. This year, nearly 5,000 adoptions will be finalized. In California alone, my home State, 500 youth will be adopted through these special events.

While the number of children in foster care has significantly decreased over the past decade, the number of adoptions has remained unchanged. Youth often wait years in foster care before finding a permanent family through adoption. During their time in foster care, children are moved from home to home, changing schools, losing friends, coping with separation from siblings, and wondering if they will ever have anyone to call Mom or Dad again.

What's worse is that nearly 28,000 youth age out of foster care each year never having been adopted, often going through life alone without the support systems children with permanent families have, not to mention sharing holiday traditions or a family meal.

As the cochair of both the Congressional Coalition on Adoption and the Foster Youth Caucus, I look forward to continuing to work in a bipartisan fashion to identify solutions to improve the quality of life for our Nation's most vulnerable children.

National Adoption Day reminds us that it is our responsibility and in our best interest to find solutions to ensure children have the opportunity to live in a safe and loving home. Nearly 48 million Americans have considered adopting from foster care, according to a recent national survey. If just one in 500 of these adults adopt, all the 107,000 children in foster care waiting for adoption would have permanent families to help create Thanksgiving traditions of their own.

In closing, in this spirit of giving thanks, I'd like to express sincere gratitude to all of the adoptive parents, relative caregivers, and child welfare caseworkers. Their commitment to improving the lives of today's youth is truly commendable.

BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Missouri (Mrs. HARTZLER) for 5 minutes.

Mrs. HARTZLER. Washington has a problem. It spends more than it brings in, and it has been doing that for a long time. That's why we are over \$15 trillion in debt. That's over \$46,000 of debt for every American man, woman, and child. Washington is currently borrowing 36 cents out of every dollar it spends, and under President Obama, our national debt has increased 34 percent. That's the fastest increase in the debt under any U.S. President in history.

Our government is digging a hole it might never get out of. We don't have the money, yet Big Government hasn't been able to restrain itself and keeps putting more and more of its spending on a credit card—our children's credit card.

Our national debt-to-GDP ratio rivals that of countries like Ireland, Portugal, and Greece, which are facing sovereign debt crises. Soon our Nation's Federal debt will equal our GDP. It is a losing proposition. It's like someone's total credit card debt equaling the total amount of income that they bring in each year.

And so what do people do? If they do that at home, unfortunately a lot of people go and get another credit card and they borrow money from that to pay the minimum on the first credit

card. But then they have to go and get another credit card to pay the minimum on that one to pay the minimum on that one. It doesn't work. It spirals down and down until finally it ends in bankruptcy. It's unsustainable.

Most American families understand that. They live within their means. Washington should, too.

I grew up watching my mom and my dad wrestle with balancing the budget on our family farm. They would sit down around the kitchen table at the start of the year and develop a cash flow projection for the upcoming year listing the expenses that would be necessary to put in the crops and projecting the anticipated yields and prices to see how we were going to fare and to ensure that we didn't go over budget.

Then my parents would monitor it throughout the year to see how it was doing. My mother would spend hours with her pencil erasing and adjusting the budget as conditions changed either up or down. They used to make my sister and me sit down and participate in the process with them. And I can tell you, as a child, we weren't that thrilled with this tedious task because sometimes it would take hours. But now I'm thankful that they did, and they had the foresight to teach us the importance of balancing a budget.

I conveyed that importance to my students when I used to teach personal family finance as a home economics teacher. I told the students that when you budget, the expenses shouldn't be more than the income. They got it. Washington should, too.

Now we have the opportunity this week to bring the common sense and the business sense of American families and American small businesses to Washington to force it to live within its means by passing the balanced budget amendment. I firmly believe that this constitutional amendment is the best way to restrain the out-of-control Federal spending of Big Government. Forty-nine States have some form of a balanced budget requirement, and it works for them. I know it works for Missouri, and I believe it will work in our Nation's capital, too.

When I was a Missouri State representative, we budgeted according to the revenue projection given us and designed our budget to match the income. If we didn't have the money, we didn't spend it. Because of that, Missouri is on sound financial footing. Clearly, Washington is not because it has failed to balance its budget.

Passing the balanced budget amendment will force Washington to cut up these credit cards and to start living within its means. Families are tightening their belts at home to make ends meet. Our Federal Government needs to do likewise.

President Ronald Reagan understood the importance of the balanced budget

amendment. He said, "Only a constitutional amendment will do the job. We've tried the carrot, and it failed. With the stick of a balanced budget amendment, we can stop government squandering, overtaxing ways, and save our economy."

□ 1050

That's why I am excited about this historic vote that we're going to take tomorrow, and I urge all of my colleagues, Republicans and Democrats, to get behind this commonsense provision that will set us back on the path to a strong financial footing. Now is the time to stop the reckless course that we are on and get things right. I look forward to applying the cash-flow knowledge I learned around the kitchen table as a child to our Federal budget. It worked at home. It's time to make it work in Washington.

REFLECTIONS OF A LIFE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. AL GREEN) for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, there are unsung heroes and heroines among us. These are the persons who overcome great challenges just to do the ordinary. They're not born into plenty—they're often born into poverty—but they have lives that are rich in that they overcome great obstacles in life just so that they can be of benefit to the lives of others.

One such heroine was born on January 26, 1934. She passed last week on November 9, 2011. Her story is one that I would hope we would remember simply because it exemplifies the life of a person who met challenges, who did everything that was required, who played by the rules—and sometimes these persons go unnoticed.

Lola Mae Bolton Davis was born in Anderson, Texas, to Arllie Pratt Sanders and Charlie Bolton. She was their second born. She attended Allen Farm School up to the eighth grade. She joined Rockwest Baptist Church.

At the age of 16, she moved to Houston, Texas, where she acquired her first job as a housekeeper. At the age of 18, she met the love of her life, Ruben George Davis, Sr. A year later, they had their first child, Pamela. She went on to attend Franklin Beauty School. Eventually, she opened her own business, and it was known as the Lola Davis Beauty Nook. She later had three additional children—Ruben, Paula and Renwick.

She was hired by Texas Instruments in 1969. While she was working there, she received her GED. Later, she received her associate's degree from Houston Community College. She enrolled at Texas Southern University and graduated with a degree in education. She taught in the Houston Independent School District.

Mind you, this is a person who dropped out of high school, who received a GED, who went on to get an associate's degree, who got her degree in education, and now she's teaching in the Houston Independent School District.

She was known as "Grandma Davis" to her students. Her son Ruben became a constable in Harris County. He is still a constable, but is now in Fort Bend County. Her children have done well.

She played by the rules. She did not receive all of the awards that one might receive who has excelled and made a great contribution by way of an invention or maybe made a great contribution of having been elected to public office, but she did do this—she was a good citizen who did the right thing: took care of her family and produced offspring who have done well.

So, today, I salute her as an unsung heroine. Thank God for the many unsung heroes and heroines who are at the very foundation of what makes this Nation great. God bless you.

God bless the United States of America, and God bless our unsung heroes and heroines.

LET US PASS A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. GARRETT) for 5 minutes.

Mr. GARRETT. Mr. Speaker, I rise today to speak in favor of a balanced budget amendment, and some would say it's the only solution to our current fiscal crisis.

Statesmen throughout the history of our Republic have stressed the importance of fiscal responsibility, but it's the voice of Thomas Jefferson that, I think, we must pay particular attention to.

Thomas Jefferson bore the burden of debt throughout his entire life, and some historians have argued that Jefferson's personal experiences influenced his thinking about the public debt as well. Jefferson inherited a significant amount of debt at the young age of 31, and some say his own spending added to that and worsened his financial condition personally during his life. When he died, he, unfortunately, passed his debt on to his descendants, which is exactly what this Federal Government is doing now to future generations today.

So, if the Federal Government says that it's so concerned about the welfare of our children and the next generation and the next generation, then we should be taking the time right now to address this staggering public debt that our children and our grandchildren will stand to inherit if our leaders here in Congress fail to have the courage to—what?—cut spending

and to balance our budget and to live within our means.

Jefferson had a moral message to the future public servants in this regard. He believed that those who are entrusted by their constituents to represent them, as he said, “shall consider themselves unauthorized to saddle posterity with our debts and are morally bound to pay them ourselves.”

Jefferson expanded on this message in a letter he wrote to James Madison in 1798. He said, “Neither the representatives of a nation, nor the whole nation itself assembled, can validly engage debts beyond what they may pay in their own time.”

Still writing to Madison, he explicitly endorsed a balanced budget amendment, stating, “With respect to future debts, would it not be wise and just for a nation to declare in its constitution that neither the legislature nor the nation, itself, can validly contract more debt than it may pay within its own age.”

So what would Jefferson think about where we are in this country today?

The CBO, the Congressional Budget Office, has projected that maintaining all of our current spending would eventually require that the middle class in this country would have to have a tax rate of almost two-thirds of all their income—63 percent—and that the small businesses in this country would have to see their tax rates skyrocket up to 88 percent in order to cover all the spending.

These numbers have a real impact on the lives of individuals, on families, and on businesses. So, if Congress were then to keep on spending and have to raise taxes as much as the CBO has prescribed, Congress would do what? Congress would basically doom our families to a crushing tax burden, and this would smother the ability of businesses to expand and, therefore, to create jobs.

See, the economics of all this is very clear. If we refuse to address our spending problems, tax rates are going to have to rise, and they will rise in such a manner that would commit future generations to a tax burden to pay for—what?—the spending of today.

So we now, as often is the case, stand at a crossroads. We can continue to do as we have done in the past, which is to overspend and borrow and put this burden on our children, or we can do something else. We can demonstrate our commitment to a balanced budget by making it the supreme law of the land in this country.

Let me conclude then with a final quote from Jefferson:

“To preserve the people’s independence, we must not let our government load us up with perpetual debt. We must make our selection between economy and liberty or profusion and servitude.”

So let’s make Jefferson’s dream a reality. Let us pass a balanced budget amendment.

MF GLOBAL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, thank goodness some Americans continue to analyze the real causes of job loss and turmoil in our economy. While all eyes are on Europe, the problem just isn’t in Greece.

On October 31, U.S.-based MF Global Holdings, Limited filed for chapter 11. It reportedly is the eighth largest bankruptcy in U.S. history. Its failure, like the crash in 2008, revolves around the actions of money traders using slick instruments called “credit derivatives.” As analysts try to piece together what happened at MF Global, one word seems to keep popping up: fraud.

I would like to include in the RECORD a few recent articles on the Wall Street perpetrators of this crisis.

[From Reuters, Nov. 7, 2011]

FRUSTRATION MOUNTS FOR MF GLOBAL CLIENTS

(By Lauren Tara LaCapra)

The sudden collapse of MF Global Holdings Ltd is leaving some small and independent futures traders angry and frustrated.

Customers of the bankrupt firm are starting to complain about getting checks that bounced, having requests to transfer funds denied and receiving inaccurate account statements.

The growing litany of woes is adding to the tasks for the receiver assigned to liquidate MF Global and causing some investors to voice concern about the basic plumbing of the financial services system.

Steve Meyers, an independent futures trader in Florida, said he asked for \$500,000 from his MF Global account to be wired back to him on October 28 because he was concerned about the firm filing for bankruptcy.

The money never was wired.

Instead, on November 2, Meyers received several checks from MF Global that were dated October 28. By the time he went to deposit the checks, MF Global had filed for bankruptcy on October 31 and the checks were not honored for payment.

Between himself and several clients he manages money for, Meyers said he has several millions of dollars still tied up with MF Global.

“I am sitting with hundreds of thousands of dollars in returned checks,” said Meyers. “I just think the industry has suffered irreparable damage from this.”

Other clients of the firm led by former New Jersey Governor Jon Corzine are telling similar stories.

Chris Ries, who co-manages a commodities brokerage and grain dealer in Iowa that cleared trades through MF Global, said several clients had checks bounce even though they deposited them before MF Global’s bankruptcy on October 31.

The situation has been made worse, he said, because customers’ account balances appear as though they received the cash even though the checks did not clear.

“Eventually it may all get cleared up,” said Ries, “but for now, accounts with bounced checks don’t reflect the balance that they should.”

Missing \$600 Million

Some clients’ checks were drawn on an MF Global account held at a Harris Bank branch

in Illinois. Harris Bank is a subsidiary of Bank of Montreal.

Jim Kappel, a spokesman for Harris, said the bank began denying payment and returning checks on November 1, at the direction of the bankruptcy trustee. While some checks might have been dated before October 31, he said, they were likely debited at a later date.

Clients’ issues with bounced checks come as MF Global and its regulators continue to hunt for \$600 million in client money that has gone missing. It is not clear if some of the bounced checks are part of the unaccounted money.

It appears MF Global began issuing checks to customers seeking funds—instead of wiring the money—as a way to buy some time for the firm, which was hoping to arrange a last-minute sale to Interactive Brokers, some of the customers say. The deal fell apart last Monday when the issue of the missing customer money arose.

A week later, regulators have yet to provide an answer on what became of the missing \$600 million, although some money has been located in an account with JPMorgan Chase.

Brokers who cleared through MF Global say they have been allowed to move some of their money to new firms, but not all of it. They have been waiting for guidance from the trustee or regulators on when they will get access to all of their funds.

Frustration

MF Global’s trustee, James Giddens, had frozen 150,000 accounts when the firm filed for bankruptcy protection.

On Monday, Giddens said \$1.5 billion worth of client money had been transferred to other firms. But the trustee and CME Group Inc, which regulates futures exchanges, have held back some \$1 billion in customer funds as they search for the missing money, angering clients who can trade again but are still frozen out of their excess collateral and cash.

“We can understand the frustration of customers,” Kent Jarrell, a spokesman for the trustee, told Reuters. “That is why we are working around the clock to facilitate the transfer and return of customer assets. Unfortunately, this will take time as we conduct our independent and thorough investigation and maximize the estate for all stakeholders in a fair process.”

Some traders who tried to move their money from MF Global to other clearing firms or banks even before the company went belly-up have also been left in the lurch.

One independent options trader in Chicago said he placed a wire request on the morning of October 28 to transfer \$1.25 million from MF Global to JPMorgan Chase.

The transfer never occurred.

An MF Global representative said JPMorgan rejected the transfer because of errors in the account number, the trader said, but upon double-checking the wire request form he found no mistakes. The funds have remained frozen at MF Global since its bankruptcy, he said.

“We pretty much have zero clarity,” said the trader, who did not want to be identified. “I have a feeling the wire instructions probably just got lost in the turmoil.”

□ 1100

In a recent posting, attorney William Black describes the failure of our justice system to investigate “accounting control fraud as a systemic risk that underlies the damage still being done.”

The collapse of MF Global has garnered massive attention, partly because Jon Corzine sat at its helm. Mr.

Corzine is a former chief executive officer of infamous Goldman Sachs. He is also a former U.S. Senator and former Governor of New Jersey. Mr. Corzine's firm even held a special status as a primary dealer at the New York Federal Reserve. That's like the Good House-keeping stamp of approval. Mr. Corzine isn't the only former government leader whose cozy relationship with the financial services industry is being publicly questioned.

Former Speaker of this House Newt Gingrich appears to have had a significant financial relationship with Freddie Mac, one of the mortgage industry giants led by its management into financial ruin. Freddie Mac played a key role in the financial meltdown. As countless American families have lost their homes, Freddie Mac assumed the toxic assets that were handed to it from the banks. And it is now under conservatorship of the Federal Government, living off the taxpayer dime. Mr. Gingrich is apparently \$1.8 million richer, though he claims he isn't sure how much Freddie paid him.

I now see why Congress has consistently failed to investigate what happened at Freddie Mac along with Fannie Mae to determine exactly what decisions, by whom—by whom and when led to this financial ruin. I have a bill to do just that. H.R. 2093, the Fannie Mae and Freddie Mac Commission Act. It's well past time to pass it, and I invite Members to join me in this effort.

The allegations against MF Global are serious. Mr. Corzine's firm had essentially placed a \$6.3 billion bet on the sovereign debt of several European governments. After its most recent quarterly returns showed almost \$200 million in losses, MF Global's stock lost 67 percent of its value. But this is not just a case of an investment firm being lured by the higher returns of riskier bonds. CME Group, Inc., who audited MF Global's accounts, found that Mr. Corzine's company violated key requirements to keep its accounts separate from its clients'. The details are still being sorted out, but as much as \$600 million appears to be missing from customer accounts.

The financial press is reporting a staggering amount of malfeasance in the days before MF Global filed for bankruptcy. In an apparent effort to buy themselves time, MF Global sent checks instead of wiring money. The checks turned out to be bogus. There are stories of requests to transfer funds being denied and even inaccurate account statements being issued. Even more egregious are accounts of people receiving bounced checks, going back and finding that their accounts were also altered inappropriately. If this isn't fraud, what is?

What should concern all of us is the knowledge that fraud is not limited to a case here or there. In the financial

services sector, fraud has become systemic. In 2009, the FBI testified before the House Judiciary Committee, "The current financial crisis has produced one unexpected consequence: It has exposed prevalent fraud schemes that have been thriving in the global financial system. These fraud schemes are not new, but they are coming to light as a result of market deterioration."

This isn't the first time our country has seen a massive crime wave in the financial services industry. In the 1980s, it was the savings and loan crisis, and the FBI responded with a staff of 1,000 agents and forensic experts based in 27 cities. That crisis was much smaller than what we are seeing today, yet today the FBI only has a couple hundred agents able to investigate. I have a bill, H.R. 1350, that asks that number to be increased by 1,000. I ask my colleagues to help cosponsor it, and let's bring some reason and prudence back to the financial markets of our country and let's exact real justice for the American people.

THE VIRGIN CRISIS: SYSTEMATICALLY
IGNORING FRAUD AS A SYSTEMIC RISK

(By William K. Black)

One of the most revealing things about this crisis is the unwillingness to investigate whether "accounting control fraud" was a major contributor to the crisis. The refusal to even consider a major role for fraud is facially bizarre. The banking expert James Pierce found that fraud by senior insiders was, historically, the leading cause of major bank failures in the United States. The national commission that investigated the cause of the S&L debacle found:

"The typical large failure [grew] at an extremely rapid rate, achieving high concentrations of assets in risky ventures. . . . [E]very accounting trick available was used. . . . Evidence of fraud was invariably present as was the ability of the operators to "milk" the organization." (NCFIRRE 1993) Two of the nation's top economists' study of the S&L debacle led them to conclude that the S&L regulators were correct—financial deregulation could be dangerously criminogenic. That understanding would allow us to avoid similar future crises. "Neither the public nor economists foresaw that [S&L deregulation was] bound to produce looting. Nor, unaware of the concept, could they have known how serious it would be. Thus the regulators in the field who understood what was happening from the beginning found lukewarm support, at best, for their cause. Now we know better. If we learn from experience, history need not repeat itself" (George Akerlof & Paul Romer. "Looting: the Economic Underworld of Bankruptcy for Profit." 1993: 60).

The epidemic of accounting control fraud that drove the second phase of the S&L debacle (the first phase was caused by interest rate risk) was followed by an epidemic of accounting control fraud that produced the Enron era frauds.

The FBI warned in September 2004 that there was an "epidemic" of mortgage fraud and predicted that it would cause a financial "crisis" if it were not contained. The mortgage banking industry's own anti-fraud experts reported in writing to nearly every mortgage lender in 2006 that:

"Stated income and reduced documentation loans speed up the approval process, but

they are open invitations to fraudsters." "When the stated incomes were compared to the IRS figures: [90%] of the stated incomes were exaggerated by 5% or more. [A]lmost 60% were exaggerated by more than 50%. [T]he stated income loan deserves the nickname used by many in the industry, the 'liar's loan'" (MARI 2006).

We know that accounting control fraud is itself criminogenic—fraud begets fraud. The fraudulent CEOs deliberately create the perverse incentives that that suborn inside and outside employees and professionals. We have known for four decades how these perverse incentives produce endemic fraud by generating a "Gresham's" dynamic in which bad ethics drives good ethics out of the marketplace.

"[D]ishonest dealings tend to drive honest dealings out of the market. The cost of dishonesty, therefore, lies not only in the amount by which the purchaser is cheated; the cost also must include the loss incurred from driving legitimate business out of existence." George Akerlof (1970).

Akerlof noted this dynamic in his seminal article on markets for "lemons," which led to the award of the Nobel Prize in Economics in 2001. It is the giants of economics who have confirmed what the S&L regulators and criminologists observed when we systematically "autopsied" each S&L failure to investigate its causes. Modern executive compensation has made accounting control fraud vastly more criminogenic than it once was as investigators of the current crisis have confirmed.

"Over the last several years, the subprime market has created a race to the bottom in which unethical actors have been handsomely rewarded for their misdeeds and ethical actors have lost market share. . . . The market incentives rewarded irresponsible lending and made it more difficult for responsible lenders to compete." Miller, T. J. (August 14, 2007). Iowa AG.

Liar's loans offer what we call a superb "natural experiment." No honest mortgage lender would make a liar's loan because such loans have a sharply negative expected value. Not underwriting creates intense "adverse selection." We know that it was overwhelmingly the lenders and their agents that put the lies in liar's loans and the lenders created the perverse compensation incentives that led their agents to lie about the borrowers' income and to inflate appraisals. We know that appraisal fraud was endemic and only agents and their lenders can commit widespread appraisal fraud. Iowa Attorney General Miller's investigations found:

"[Many originators invent] non-existent occupations or income sources, or simply inflat[e] income totals to support loan applications. Importantly, our investigations have found that most stated income fraud occurs at the suggestion and direction of the loan originator, not the consumer."

New York Attorney General (now Governor) Cuomo's investigations revealed that Washington Mutual (one of the leaders in making liar's loans) developed a blacklist of appraisers—who refused to inflate appraisals. No honest mortgage lender would ever inflate an appraisal or permit widespread appraisal inflation by its agents. Surveys of appraisers confirm that there was widespread pressure by nonprime lenders and their agents to inflate appraisals.

We also know that the firms that made and purchased liar's loans followed the respective accounting control fraud "recipes" that maximize fictional short-term reported income, executive compensation, and (real) losses. Those recipes have four ingredients:

1. Grow like crazy
2. By making (or purchasing) poor quality loans at a premium yield
3. While employing extreme leverage, and
4. Providing only grossly inadequate allowances for loan and lease losses (ALLL) against the losses inherent in making or purchasing liars loans

Firms that follow these recipes are not “gamblers” and they are not taking “risks.” Akerlof & Romer, the S&L regulators, and criminologists recognize that this recipe provides a “sure thing.” The exceptional (albeit fictional) income, real bonuses, and real losses are all sure things for accounting control frauds.

Liar's loans are superb “ammunition” for accounting control frauds because they (and appraisal fraud) allow the fraudulent mortgage lenders and their agents to attain the unholy fraud trinity: (1) the lender can charge a substantial premium yield, (2) on a loan that appears to relatively lower risk because the lender has inflated the borrowers' income and the appraisal, while (3) eliminating the incriminating evidence of fraud that real underwriting of the borrowers' income and salary would normally place in the loan files. The government did not require any entity to make or purchase liar's loans (and that includes Fannie and Freddie). The states and the federal government frequently criticized liar's loans. Fannie and Freddie purchased liar's loans for the same reasons that Merrill, Lehman, Bear Stearns, etc. acquired liar's loans—they were accounting control frauds and liar's loans (and CDOs backed by liar's loans) were the best available ammunition for maximizing their fictional reported income and real bonuses.

Liar's loans were large enough to hyper-inflate the bubble and drive the crisis. They increased massively from 2003–2007.

“[B]etween 2003 and 2006 . . . subprime and Alt-A [loans grew] 94 and 340 percent, respectively.

The higher levels of originations after 2003 were largely sustained by the growth of the nonprime (both the subprime and Alt-A) segment of the mortgage market.” “Alt-A: The Forgotten Segment of the Mortgage Market” (Federal Reserve Bank of St. Louis 2010).

The growth of liar's loans was actually far greater than the extraordinary rate that the St. Louis Fed study indicated. Their error was assuming that “subprime” and “alt-a” (one of the many misleading euphemisms for liar's loans) were dichotomous. Credit Suisse's early 2007 study of nonprime lending reported that roughly half of all loans called “subprime” were also “liar's” loans and that roughly one-third of home loans made in 2006 were liar's loans. That fact has four critical implications for this subject. The growth of liar's loans was dramatically larger than the already extraordinary 340% in three years reported by the St. Louis Fed because, by 2006, half of the loans the study labeled as “subprime” were also liar's loans. Because loans the study classified as “subprime” started out the period studied (2003) as a much larger category than liar's loans the actual percentage increase in liar's loans from 2003–2006 is over 500%. The first critical implication is that it was the tremendous growth in liar's loans that caused the bubble to hyper-inflate and delayed its collapse.

The role of accounting control fraud epidemics in causing bubbles to hyper-inflate and persist is another reason that accounting control fraud is often criminogenic. When such frauds cluster they are likely to drive serious bubbles. Inflating bubbles optimize the fraud recipes for borrowers and pur-

chasers of the bad loans by greatly delaying the onset of loss recognition. The saying in the trade is that “a rolling loan gathers no loss.” One can simply refinance the bad loans to delay the loss recognition and book new fee and interest “income.” When entry is easy (and entry into becoming a mortgage broker was exceptionally easy), an industry becomes even more criminogenic.

Second, liar's loans (and CDOs “backed” by liar's loans) were large enough to cause extreme losses. Millions of liar's loans were made and those loans caused catastrophic losses because they hyper-inflated the bubble, because they were endemically fraudulent, because the borrower was typically induced by the lenders' frauds to acquire a home they could not afford to purchase, and because the appraisals were frequently inflated. Do the math: roughly one-third of home loans made in 2006 were liar's loans and the incidence of fraud in such loans was 90%. We are talking about an annual fraud rate of over one million mortgage loans from 2005 until the market for liar's loans collapsed in mid-2007.

Third, the industry massively increased its origination and purchase of liar's loans after the FBI warned of the developing fraud “epidemic” and predicted it would cause a crisis and then massively increased its origination and purchase of liar's loans after the industry's own anti-fraud experts warned that such loans were endemically fraudulent and would cause severe losses. Again, this provides a natural experiment to evaluate why Fannie, Freddie, et alia, originated and purchased these loans. It wasn't because “the government” compelled them to do so. They did so because they were accounting control frauds.

Fourth, the industry increasingly made the worst conceivable loans that maximized fictional short-term income and real compensation and losses. Making (or purchasing) liar's loans that are also subprime loans means that the originator is making (or the purchaser is buying) a loan that is endemically fraudulent to a borrower who has known, serious credit problems. It's actually worse than that because lenders also increasingly added “layered” risks (no downpayments and negative amortization) in order to optimize accounting fraud. Negative amortization reduces the borrowers' short-term interest rates, delaying delinquencies and defaults (but producing far greater losses). Again, this strategy maximizes fictional income and real losses. Honest home lenders and purchasers of home loans would not act in this fashion because the loans must cause catastrophic losses.

To sum it up, the known facts of this crisis refute the rival theories that the lenders/purchasers originated/bought endemically fraudulent liar's loans because (a) “the government” made them (or Fannie and Freddie) do so, or (b) because they were trying to maximize profits by taking “extreme tail” (i.e., an exceptionally unlikely risk). The risk that a liar's home loan will default is exceptionally high, not exceptionally low. The known facts of the crisis are consistent with accounting control frauds using liar's loans (in the United States) as their “ammunition of choice” in accordance with the conventional fraud “recipe” used that caused prior U.S. crises.

It is bizarre that in such circumstances the automatic assumption of the Bush and Obama administrations has been that fraud isn't even worth investigating or considering in connection with the crisis. It is as if millions of liar's loans purchased and resold as

CDOs largely by systemically dangerous institutions are an inconvenient distraction from campaign fundraising efforts. Instead, we have the myth of the virgin crisis unsullied by accounting control fraud. Indeed, contrary to theory, experience, and reality, the Department of Justice has invented the faith-based fiction that looting cannot occur.

Benjamin Wagner, a U.S. Attorney who is actively prosecuting mortgage fraud cases in Sacramento, Calif., points out that banks lose money when a loan turns out to be fraudulent. “It doesn't make any sense to me that they would be deliberately defrauding themselves,” Wagner said. Wagner's statement is embarrassing. He conflates “they” (referring to the CEO) and “themselves” (referring to the bank). It makes perfect sense for the CEO to loot the bank. Looting is a “sure thing” guaranteed to make the CEO wealthy. “Looting” destroys the bank (that's the “bankruptcy” part of Akerlof & Romer's title) but it produces the “profit” for the CEO. It is the deliberate making of masses of bad loans at premium yields that allows the CEO to profit by looting the bank. When the top prosecutor in an epicenter of accounting control fraud defines the most destructive form of financial crime out of existence he allows elite fraud to occur with impunity.

As embarrassing as Wagner's statement is, however, it cannot compete on this dimension with that of his boss, Attorney General Holder. I was appalled when I reviewed his testimony before the Financial Crisis Inquiry Commission (FCIC). Chairman Angelides asked Holder to explain the actions the Department of Justice (DOJ) took in response to the FBI's warning in September 2004 that mortgage fraud was “epidemic” and its prediction that if the fraud epidemic were not contained it would cause a financial “crisis.” Holder testified: “I'm not familiar myself with that [FBI] statement.” The DOJ's (the FBI is part of DOJ) preeminent contribution with respect to this crisis was the FBI's 2004 warning to the nation (in open House testimony picked up by the national media. For none of Holder's senior staffers who prepped him for his testimony to know about the FBI testimony requires that they know nothing about the department's most important and (potentially) useful act. That depth of ignorance could not exist if his senior aides cared the least about the financial crisis and made it even a minor priority to understand, investigate, and prosecute the frauds that drove the crisis. Because Holder was testifying in January 14, 2010, the failure of anyone from Holder on down in his prep team to know about the FBI's warnings also requires that all of them failed to read any of the relevant criminology literature or even the media and blogosphere.

In addition to claiming that the DOJ's response to the developing crisis under President Bush was superb, Holder implicitly took the position that (without any investigation or analysis) fraud could not and did not pose any systemic economic risk. Implicitly, he claimed that only economists had the expertise to contribute to understanding the causes of the crisis. If you don't investigate; you don't find. If you don't understand “accounting control fraud” you cannot understand why we have recurrent, intensifying financial crises. If Holder thinks we should take our policy advice from Larry Summers and Bob Rubin, leading authors of the crisis, then he has abdicated his responsibilities to the source of the problem. “Now let me state

at the outset what role the Department plays and does not play in addressing these challenges" [record fraud in investment banking and securities].

"The Department of Justice investigates and prosecutes federal crimes. . . ."

"As a general matter we do not have the expertise nor is it part of our mission to opine on the systemic causes of the financial crisis. Rather the Justice Department's resources are focused on investigating and prosecuting crime. It is within this context that I am pleased to offer my testimony and to contribute to your vital review." Two aspects of Holder's testimony were preposterous, dishonest, and dangerous.

"I'm proud that we have put in place a law enforcement response to the financial crisis that is and will continue to be is aggressive, comprehensive, and well-coordinated."

DOJ has obtained ten convictions of senior insiders of mortgage lenders (all from one obscure mortgage bank) v. over 1000 felony convictions in the S&L debacle. DOJ has not conducted an investigation worthy of the name of any of the largest accounting control frauds. DOJ is actively opposing investigating the systemically dangerous institutions (SDIs).

Holder's most disingenuous and dangerous sentence, however, was this one:

"Our efforts to fight economic crime are a vital component of our broader strategy, a strategy that seeks to foster confidence in our financial system, integrity in our markets, and prosperity for the American people." Yes, the "confidence fairy" ruled at DOJ. It is the rationale now for DOJ's disgraceful efforts to achieve immunity for the SDIs' endemic frauds. The confidence fairy trumped and traduced "integrity in our markets" and "prosperity for the American people." Prosperity is reserved for the SDIs and their senior managers—the one percent.

PUT AMERICA BACK ON A PATH TO PROSPERITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. AUSTIN SCOTT) for 5 minutes.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today to talk about passing a balanced budget amendment today. I will tell you, there's been a global debate most recently over the finances of the world. And even in Europe, in the eurozone, Merkel and Sarkozy are proposing that balanced budget amendments be a part of the constitutions of those countries that make up the eurozone. It's not often that you will find me agreeing with President Sarkozy. He is certainly not the great leader that Benjamin Netanyahu is. But on this one, I do believe that he was right to come out of his foxhole and support the balanced budget amendments.

Every year, our Americans sit down at the kitchen table, pencil and paper in hand, and balance their budgets in their households. Every American business owner will tell you that they cannot continually deficit spend the way this country has well over the last decade.

Mr. Speaker, the people of Georgia's Eighth Congressional District are hard-

working and responsible people. They expect the same of their government leaders. They work each day to ensure that the future remains bright for their children and grandchildren, and they sent me here to do the same.

The work that will be required by the balanced budget will not be easy, but Americans are counting on us. They are counting on us to make tough decisions and put America back on a path to prosperity. Passing the balanced budget amendment is the first step to that.

THE TROJAN HORSE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Wisconsin (Ms. MOORE) for 5 minutes.

Ms. MOORE. Later on today we will be considering the so-called balanced budget amendment. And while I join my colleagues in sharing the view that we need to gain control of our national debt, I rise to commiserate our loss of a balanced perspective on what we, as elected Representatives of the people of the United States of America, regard as assets and liabilities on our American Government balance sheet. I am appalled, Mr. Speaker, at our loss of perspective on what good government really means as we balance our policy priorities in this moral document, our budget.

Mr. Speaker, we have perverted the concept of a healthy balance sheet as we worship at the feet of a religion that tones that government should be limited and, perhaps, have no role in the health, welfare, and safety of the American people.

Balancing the budget sounds so simple, so appealing, but that's not a truthful description of what this balanced budget amendment would do. This amendment is nothing more than a Trojan horse hiding the Republicans' true ambition, which is requiring major cuts to vital programs, dramatically shrinking the legitimate role of government, and enshrining this agenda in the United States Constitution.

A balanced budget? A balance sheet contains both assets and liabilities.

I would submit, Mr. Speaker, that it is a perversion of our American values to see our children, our future, as mere liabilities; our students, who need the government to invest in their higher educations, as mere liabilities; our communities, the economic engines of our economy who may be subjected to natural disasters such as hurricanes and other liabilities, who need to rebuild modern transportation systems, to see these as mere liabilities; and American folks, who need to breathe clean air and drink clean water, as mere liabilities on the Federal Government balance sheet.

According to an analysis released this week by the Center on Budget and

Policy Priorities, the amendment we are considering today would force cuts to all programs by an average of 17.3 percent by 2018. And if revenues are not raised, which there seems to be an anathema to doing that, all these programs will be cut by the same percentage. Social Security cut by \$184 billion in 2018 alone; Medicare cut by \$117 billion in 2018; Medicaid and the Children's Health Insurance Program cut by \$80 billion in 2018.

We have constructed a balance sheet where our people are not viewed as assets. Our American universities, our students, the next generation of inventions and innovators are seen as welfare recipients when we provide them with Pell Grants. Seniors who have earned retirement security are now seen as a drain on our system. These seniors who built our economy through their ingenuity and sweat, Medicare and Social Security for them is seen as socialism.

Mr. Speaker, we have heard the constant drumbeat demanding that we severely restrain the benefits and the rights we provide to our seniors and our people. And what do we regard as our assets on our balance sheet? Our bloated, cold war-era military buildup.

And what kind of balance sheet, Mr. Speaker, expends trillions of dollars on tax breaks to millionaires and expatriate corporations and treats revenue loss needed for the legitimate operation of the government like assets?

□ 1110

This is a balance sheet reminiscent of a corporate raider that strips down all of the assets and leaves the company limping lifeless in the dust.

What kind of country lauds a balanced budget that achieves this balance on the backs of children, students, working class families, the disabled, the hungry, the infirm, the elderly, the environment, victims of natural disasters, and wounded veterans returning to unemployment and a jobless economy? Is this a balanced budget, Mr. Speaker, or is this our unbalanced priorities?

Mr. Speaker, I thank you for your indulgence in listening to me today.

THE ABLE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. CRENSHAW) for 5 minutes.

Mr. CRENSHAW. Mr. Speaker, I just wanted to make my colleagues aware of some legislation that I filed this week, along with 28 original cosponsors, Democrats and Republicans. The legislation was filed in the Senate, as well, so it's a bipartisan, bicameral effort. It's going to be known as the ABLE Act, Achieving a Better Life Experience. This is legislation that will paint a brighter future, make a brighter pathway for individuals with disabilities to meet the uncertainties that they face.

I think we all recognize that individuals with disabilities, be it autism, be it Down's syndrome, they face tremendous challenges today. They face struggles, both financial struggles and personal struggles, that most of us can't even imagine. And they face those struggles without the advantage that our Tax Code offers for a lot of people in our society.

For instance, if you want to save for college, you can set up a tax-free savings account. The proceeds grow tax free, and you can use those moneys to pay your college tuition. If you want to save for retirement, you can set up a tax-free savings account. Those proceeds grow tax free, and you can use those dollars in your retirement years. If you want to save for medical insurance premiums, you can set up a health savings account and that account has tax advantages. And yet there are no vehicles like that for individuals with disabilities.

You can imagine, there are real-world examples where individuals with disabilities, they receive certain government benefits; but if they accumulate more than \$2,000 of assets in their own name, then they're penalized. We have examples of individuals who have had to say "no" when somebody wanted to give them a birthday check, to say "no" when somebody said I'd like to help you with your housing.

We have to ask ourselves, is this any way to treat those among us who are the most disadvantaged? Of course it's not. The answer is, no. That's why we have created this legislation. That's why we proposed this ABLE Act. It's very simple; it's very straightforward. It's understandable. What it does is allow individuals with disabilities to set up a tax-free savings account as long as those proceeds are used for qualified expenses like maybe special equipment, maybe educational needs, maybe transportation or housing. It's only fair that we make our Tax Code deal with the injustice that goes on today. It's trying to make that Tax Code more fair to treat everyone more equal.

I think those of us who are more fortunate have an obligation to help those who are less fortunate. So, Mr. Speaker, I urge my colleagues to take a look at this. Again, it is bicameral, bipartisan; and it shows that we can work together to meet the needs of those among us who need our help. It is much needed and it's long overdue, and I hope we can pass it this year.

TRIBUTE TO GLEN A. KEHREIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Glen Kehrein, a neighbor, a good friend, and one of the most dedicated, committed, and fo-

cused individuals that I've ever known. He was founder and CEO of Circle Urban Ministries in Chicago, Illinois. A few days ago, Glen Kehrein passed away, but he leaves a legacy that will live for many, many years to come.

More than 30 years ago, Glen and his family and a circle of a few friends moved into the Austin community of Chicago which was undergoing rapid change from a predominantly white community to what is now a more than 95 percent black, or African American, community. With his circle of friends, Glen organized Circle Urban Ministries, which has lasted for more than 30 years and has become one of the most effective faith-based urban redevelopment organizations in the Nation.

Under Glen's leadership, programs in health care, legal assistance, housing rehabilitation, management, youth outreach, leadership development, homelessness, ex-offender reentry, food distribution, and education are bringing hope and help to thousands of people each year.

Glen coauthored an award-winning book with a black minister and friend of his, Reverend Raleigh Washington, entitled "Breaking Down Walls," a model of reconciliation in an age of racial strife. He has traveled extensively to speak on the topic of racial reconciliation and has been a frequent guest on television and radio. He has been a contributing author of three other books about inner-city life and work, and has written many other articles for publication.

Glen has a B.A. in Bible theology from the Moody Bible Institute and a B.A. in sociology from Wheaton College. Except for a brief 2-year period while studying at Wheaton College, Glen; his wife, Lonnie; and their three children have lived in the Austin community for more than 30 years. In 1997, he was recognized for his contributions by becoming the first American to be awarded a Doctorate of Peacemaking from Westminster College. In receiving this honor, he joined the ranks of previous grantees: Nobel Laureate Mairead Maguire of Northern Ireland; Mrs. Leah Rabin, wife of the slain prime minister of Israel; and the Grand Mufti of Egypt, Dr. Muhammad Sayed Tantawi, the highest authority on Islamic law in Egypt.

Glen is a legend in our community. His family, neighbors, friends, and community will truly miss him; and may he rest in peace.

PROTECTING CHILDREN FROM SEXUAL ABUSE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. RUSH) for 5 minutes.

Mr. RUSH. Mr. Speaker, earlier this month some of our darkest fears came to light. As parents and mentors of young children, we were horrified to

hear and read about news allegations of a sexual abuse scandal involving the Penn State University football program.

In piecing the news together, there were clues and red flags along the way, suggesting that the allegations are regrettably and probably true. Based on what is known now, it is also not inconceivable that the horrible actions alleged to have occurred at Penn State could have just as easily occurred at any other major collegiate sports program in the country.

□ 1120

What this sad and tragic episode affirms is that the abuse of children is real and alive in the sports world today. And it is just as alive and real in collegiate sports as it could be in any institutional system that has commonalities with big-time college sports.

A little more than a week ago, even before the news of this scandal broke, I hosted two collegiate sports roundtables here in our Nation's Capitol. I invited sports journalists, economists, parents of former big division athletic scholarship recipients, and current professionally qualified basketball players and former collegiate student athletes to speak openly.

They were asked what they thought about some of the NCAA's new proposed reforms, like compensating student athletes with a stipend and increasing academic accountability of student athletes who play in Bowl Conference Series tournaments. The roundtables dispelled some of the widely held myths about the manner in which the colleges go about recruiting high school athletes. They also corrected some persistent misunderstandings about what and how much NCAA athletic scholarships and medical insurance cover. And they did an excellent job of exposing hardships that student athletes and their families face for being unable to come up with the extra money to pay the differences in the medical costs and the costs of these athletic scholarships.

The roundtables sadly affirmed that, just as the scandal does, the business of college sports is not beneath using—and can even thrive upon, in too many instances—collusion, corruption, and cover-ups.

As part of its core purpose, the NCAA says its mission is to "integrate intercollegiate athletics into higher education so that the educational experience of the student athlete is paramount." But, unfortunately, I must say that I am highly suspicious of this creed, in that the NCAA system culture has increasingly become more shadowy and exceedingly exploitative. Exploitation maximizes revenues for colleges and conferences. Exploitation also helps member conferences and athletic programs hide behind flimsy

excuses that doing more to support student athletes financially would be unprincipled and unacceptable.

Mr. Speaker, as a Nation, we must hear the voices of young victims, pray for their healing, and dedicate ourselves to doing all that we can to end outrageous abuse of vulnerable children. We, as Members of Congress, have two primary responsibilities: one, to protect our Nation against foreign enemies, and, two, to protect our children.

God bless America, and God bless our children.

THE FAIR TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. Mr. Speaker, it's always nice to come to the House floor after someone has just said "God bless America." It makes me feel good, sir, and I want to associate myself with those remarks.

Candidly, I'm a little worried about what happens here in this country. Mr. Speaker, I know you have the pleasures I do of seeing all the folks from across America who come here to see the procedures that go on here on the House floor, and I know folks often wonder and probably ask you, Mr. Speaker, Where is everybody? What's going on? Well, of course, with the exception of those of us on the House floor, everybody is in their office watching on the closed-circuit TV so you can multitask and do it all. I came down here to bring words to those folks who are watching on TV.

But really, Mr. Speaker, it's about the youngest folks we have in the country. It's about the economy that you and I are going to leave to the next generation of Americans. And we can do things here in this House today that guarantee a better economy in the years to come. Right now—right now—I don't tweet. I don't use Twitter. I'm not that interesting that I have something to say to folks every moment of the day, but if I were tweeting, I would say that right now in the Joint Economic Committee there's a hearing on fundamental tax reform, asking the question can tax reform boost investment and job creation? And the answer is absolutely, it can.

Here, in this country, what we tax, we destroy. Think about that. The power to tax is the power to destroy.

Mr. Speaker, when I go to speak to high school students, I say, okay, I've got a \$20-an-hour job working in my congressional office. Who wants to come work for me? Everybody raises their hand. I said, I'm going to need to tax you about \$19 an hour on that, so you're only going to get to take home 1. Who wants to come work for me? And all the hands go down. The hands go down because they don't want to

work for \$1 an hour. They want to keep what they earn.

The power to tax is the power to destroy. Today, in this country, we tax income. We are the only Nation in the OECD that does not have a consumption tax. We tax income. And when you tax income, which is productivity, you destroy productivity.

I have a proposal that is the most widely cosponsored fundamental tax reform proposal in either the House or the Senate, and it's called the Fair Tax. It's H.R. 25 here on the House side. And I have the great pleasure of working with so many of my colleagues to push that bill forward. It abolishes the income tax in favor of a consumption tax.

Now, when we're in a tough economy like this, folks say, But Rob, I'm cutting back on my consumption. Would we still be able to bring in the revenue that we need with a consumption tax? Well, I bring charts. What you see here in the blue line is personal consumption, and what you see in the red line is personal income. The red line represents what we tax in the income tax, and the blue line represents what we would tax in the consumption tax. And what you see are two things. Number one, they are roughly the same—roughly the same.

Yes, we can tax consumption and bring in the same revenue we get today by taxing income, but when they're different, it's because the volatility of the income is greater than the volatility of consumption. When you tax income, all you get to tax is income. When you tax consumption, you end up taxing income, plus savings people are spending, plus borrowing that they're doing. It's a much more stable tax.

Why is that important? Mr. Speaker, what you know in your time here in the House, as I know from my time here in the House, is that if you give this House more money, we're going to spend it. I don't want to spend it. I wish we wouldn't. And I'm going to vote "no," but I'm going to lose.

If you tax something that's volatile, in the boom years, the money comes pouring in. Do you think we save it for a rainy day? We don't. We spend it. And then when the down year comes, folks are accustomed to a high spending level. What do we do? We borrow it from our children and our grandchildren and spend it anew.

Having a stable income stream that doesn't have the highs and doesn't have the lows will lead to a better Federal budgeting process. And taxing consumption, which is what we take out of the economy, instead of taxing the income, which is what we put into the economy, will grow it;

Mr. Speaker, a few years ago, the Joint Tax Committee here did a study and said, How would we evaluate consumption tax? We don't even have a model for it. How would we do it if we

did away with the income tax and brought in the consumption tax? They brought in economic groups from the left and the right. Of course they disagreed about absolutely everything, those groups from the left to the right, all the way across the spectrum, except for one thing, Mr. Speaker. Every single economic model and group agreed that if we moved to a consumption tax from today's income tax, America's economy would grow faster.

Mr. Speaker, every dollar we can grow, every job we can create, they matter today. And I encourage folks to take a look at H.R. 25, the Fair Tax, as a mechanism for making that happen.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 30 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Martin R. Springer, Trinity Lutheran Ministries, Edwardsville, Illinois, offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit, amen.

Almighty God, grant Your blessings to our land. Thank you for the freedoms that are ours as Americans. Help us to be mindful of the principles on which it was founded: freedom and equality, justice and humanity. Grant Your blessings to the Members of the United States House of Representatives, that they may serve our Nation with honesty and integrity and they may seek Your guidance as they make these important decisions that affect us all.

Protect all who serve in the Armed Forces of this land. Bless their families during times of military deployment and give Your peace to those whose loved ones have paid the ultimate price in the defense of liberty. Protect our Nation from terrorist threat.

Hear these prayers and grant us Your peace, which passes all understanding. These things we pray in the name of Jesus Christ our Lord.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana (Mr. DONNELLY) come forward and lead the House in the Pledge of Allegiance.

Mr. DONNELLY of Indiana led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND MARTIN R. SPRINGER

The SPEAKER. Without objection, the gentleman from Illinois (Mr. JOHNSON) is recognized for 1 minute.

There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor our guest chaplain, Pastor Marty Springer, who has served as both an example of his faith and civic duty.

Pastor Springer was raised in southern California, the youngest son of Marshall and Doris Springer. After graduating from high school, he worked in a bank while attending junior college and joined the United States Air Force in December of 1982. During his time serving on active duty, he was selected for the honor of serving in the Office of Presidential Protocol at Andrews Air Force Base during the Presidency of President Ronald Reagan.

He entered the Air Force Reserve in 1986 and also took a civil service position at Scott Air Force Base where he was the director of personnel for an Air Force telecommunications agency responsible for all aspects of manpower, personnel, and training. During Operations Desert Storm and Desert Shield, Pastor Springer was recalled to serve in active duty and received the Air Force Achievement Medal for his service.

After 15 years of service to his Nation, Pastor Springer was called to serve God and entered Concordia Seminary in St. Louis in 1977. After graduating, Pastor Springer was ordained as a pastor of the Lutheran Church—Missouri Synod in 2000.

He received his first call to Saint John Evangelical Lutheran Church and School in Chester, Illinois. His service to his church and his community, including his work as chairman of the Chester Veterans Memorial Committee, earned him the honor of Outstanding Citizen of Chester in 2001.

Today, Pastor Springer serves as senior pastor of Trinity Lutheran Ministries of Edwardsville, Illinois, where he oversees a church, Christian day school, and a day school center. He has completed three mission trips to Kazakhstan, Haiti, and Honduras and is

working to complete his clinical pastoral education at Alexian Brothers Medical System in St. Louis.

Pastor Springer has been a model of service for his community, his church, and his Nation; and it's truly my honor, Pastor, to join my colleagues in welcoming you as our guest chaplain. It's a privilege to represent you, and it's a privilege that you're here today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

BALANCED BUDGET AMENDMENT

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Mr. Speaker, I rise today in support of a balanced budget amendment to our Constitution.

For 24 years, I ran my own small business with my wife. We had to balance our budget every month and every year. I've also raised three boys with my wife, and we've had to balance our budget as a family in order to live within our means.

I believe the United States Constitution is one of the greatest documents ever written, and I don't take amending it lightly. However, we must curb the voracious appetite of the Federal Government and get our fiscal House in order.

We passed the \$15 trillion mark in our national debt yesterday, and we are seeing other countries around the world succumb to their debt. We must fix our debt crisis before it's too late.

I am proud to be a cosponsor of this balanced budget amendment to our Constitution, and I urge all of my colleagues to vote in favor of House Joint Resolution 2. Our kids and grandkids are depending on it.

SANCTITY OF VEGETABLES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Congress seems determined to undermine recent nutrition standards proposed by the Obama administration. It's shameful that we are poised to intervene to make sure that pizza continues to count as a vegetable and that we protect the privileged status of French fries on the lunch tray.

The problem we have in front of us is the institution of vegetables has been weakened in this country, and the effort to redefine it on this vast social experiment that we have going on, re-

defining vegetables differently than they have ever been defined by mankind before. This effort of this vast social experiment, the early data that we see from other places harms the institution of the family, the raising of the next generation, and is harmful to the future of the Republic.

BALANCED BUDGET AMENDMENT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. You know, this month the national debt will reach the unprecedented level of \$15 trillion. That's nearly \$48,000 per American.

Under President Obama, the national debt's increased faster than any other U.S. President in history. Now more than ever, it's time to get our Nation's fiscal house in order to prevent another big, fat Greek catastrophe.

The American people have made it abundantly clear that Congress should balance the Federal budget just like families and business owners across the country have to do every single day. A balanced budget amendment is the solution we need to break Washington's reckless spending habit.

I implore the President and my colleagues in the Senate to join the House in passing the balanced budget amendment and send it to the States. We can't endure this any longer, and we need to fix it. Americans want, need, and deserve to know we're going to live within our means just as they all live within their means.

PRESERVE MEDICARE AND SOCIAL SECURITY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak in strong opposition to cuts in Medicare and Social Security.

In these last few days and the most important days that we face, I challenge the supercommittee to put politics aside and to work together to come up with a balanced, bipartisan deal that will strengthen and preserve our Nation's most successful health care and anti-poverty health programs.

Cross-the-board cuts, which will result from the supercommittee's failure to work together, will do nothing more than increase health care costs to seniors and the disabled and weaken our already vulnerable economy.

I have received countless phone calls, stacks of letters, boxes of cards from concerned constituents all over north Texas who wait in fear to hear the fate of their economic future. I urge the supercommittee to reject any policies that will result in higher costs for our Nation's sick and elderly.

BALANCED BUDGET AMENDMENT

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Mr. Speaker, last week a constituent from Washingtonville, New York, wrote this to me:

"I balance my family budget, so please explain to me why we don't have the will to balance the Federal budget? Pass a balanced budget amendment and future generations will be far better off. If not, we will have left them our errors."

Another one of my constituents—his first name is Joseph—and Joseph, I want to assure you that I agree with you completely. These are my sons. This is my family. These are Will and Jack. Together, as our distinguished colleague from Texas just told us, they owe nearly \$100,000 to the national debt as of today. They had no part at all in creating it.

Every dollar that the Federal Government spends has 40 cents in debt. That is unconscionable intergenerational theft. It must stop, and we must stop it this week. I urge all of our colleagues across the aisle to pass the balanced budget amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their remarks to the Speaker and not to a perceived viewing audience.

□ 1210

A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

(Mr. DONNELLY of Indiana asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY of Indiana. Mr. Speaker, I rise in strong support of the balanced budget amendment to the Constitution.

The fact is for too long Washington has not made the necessary and tough decisions that need to be made to get our budget deficit under control. Working families in Indiana know all too well the importance of balancing their budgets even when times are tight. Just as Hoosier families must make tough decisions about how to manage their budgets, so, too, must we in Congress make those tough choices about where to invest and what to cut.

I have always supported a balanced budget amendment because it is another important tool that can be used to help get our fiscal house in order. Having a balanced budget amendment in place is crucial to the country going beyond speaking about tough decisions and actually making them. I am aware this will not be easy and that tough decisions that affect many people will have to be made to match our revenues with our spending priorities. We have to live within our means.

We are facing significant fiscal challenges, and the American people expect us to come together on a bipartisan basis and to do something that will more effectively deal with them.

BALANCED BUDGET AMENDMENT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today we begin debate on H.J. Res. 2, the balanced budget amendment. This resolution is similar to the amendment that nearly passed the Congress over 15 years ago. I can only imagine how much improved our current fiscal situation would be today if the amendment would have passed then. In that time, we have seen the national debt increase from just over \$5 trillion then to more than \$15 trillion now.

This rapid rise in public debt endangers our currency and creates deep economic uncertainty. For some of that time, we had a balanced budget; and we did it with a government divided between the political parties. It was not easy to negotiate, but we made it happen. We need to get back to balanced budgets and go further to pay down our debt. A balanced budget amendment will require us to take that action.

We cannot endlessly pile up debt. That is a recipe for disaster, and we have to turn things around. To help us accomplish that, we need a constitutional amendment ratified by the American people.

H.R. 3346, THE EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. This past week, I joined with Congressman LLOYD DOGGETT and with many other Democratic colleagues to introduce the Emergency Unemployment Compensation Extension Act.

If Congress fails to pass this bill by the end of the year, Americans who have lost their jobs not by any fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have lost their benefits, and by the end of 2012, six million will have, which includes 34,600 Tennesseans.

Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to where it is now—9 percent. This extension not only will help the unemployed, but it will also promote economic recovery.

The Congressional Budget Office has declared that unemployment benefits are "both timely and cost-effective in spurring economic activity and em-

ployment." The Economic Policy Institute has estimated that preventing UI benefits from expiring could prevent the loss of over 500,000 jobs. They are timely, targeted and temporary—the best way to stimulate our economy. In addition, there are benefits for the States that are having problems with their unemployment insurance programs and with certain extensions there.

I urge the Republicans to join with us in passing this Emergency Unemployment Compensation Extension Act.

BALANCED BUDGET AMENDMENT

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, the big spending policies of the Obama administration have failed America. Millions of Americans have lost their homes, their jobs—and even their hopes for a brighter future. Our economy has stalled, and the American people are looking for solutions.

This week, the House will vote on a balanced budget amendment. It is an honest and bipartisan solution to the problem of overspending that threatens our economic recovery and prevents job creation. Forty-nine States, including Colorado, comply with a balanced budget amendment. Spending cuts, caps and promises, though helpful, are only temporary. A balanced budget is permanent.

When the Federal Government starts living within its means, the Nation's job creators will have the confidence to create more jobs. That certainty is essential to restoring our economy and putting Americans back to work. In an otherwise bleak economy, a balanced budget amendment is our brightest ray of hope.

OUR RIGHT TO VOTE IS UNDER ATTACK

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, our right to vote is under attack. Photo ID laws on the books in nearly a dozen States, including in my home State of Georgia and pending in 35, are most troubling.

Proponents say State-issued photo ID laws prevent voter fraud, but in-person voting fraud has not been a significant problem throughout the years. The problem was that too many people went to vote for President Obama. An estimated 21 million people do not have current government-issued photo IDs. The numbers are even higher for blacks and Hispanics and other minorities. The Texas legislature passed one of the worst laws whereby a concealed-weapon permit qualifies as a voter ID while

a student ID does not. The Justice Department should vigorously challenge these voter ID laws.

Nothing is more fundamental, ladies and gentlemen, than our right to vote. We must reject any attempts to curb citizens in the exercise of their right.

SUPPORTING THE PASSAGE OF A BALANCED BUDGET AMENDMENT

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, today the House is scheduled to consider House Joint Resolution 2. This bill proposes a balanced budget amendment to the Constitution. I am a very proud cosponsor of this legislation.

Earlier this year, the Texas Legislature called on Congress to propose and submit to the States a balanced budget amendment. I am pleased that the House is taking the first step today to fulfill this request by Texas and other States. As a former city council member and mayor and State representative, I was always required to present a balanced budget.

We must act now before we further ruin the economic futures of our children and grandchildren. We cannot ignore our fiscal situation any longer. The Federal Government should balance its budget.

I strongly urge my colleagues to join me today in voting in favor of this resolution.

SUPPORT THE STOCK ACT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, it has been 4 days since the CBS News program "60 Minutes" ran a troubling piece on insider trading in this very House. Mr. Speaker, you and I and our colleagues are the only people in this august body today who are exempt from insider trading rules.

How do we expect the public to take us seriously about anything we do when there is the belief that people here are enriching themselves from the knowledge they gain on the job? Even the perception of wrongdoing undermines the trust in the democracy.

The good news is that Ms. SLAUGHTER, myself, and now 55 of our colleagues have joined together to put an end to this practice. The STOCK Act that I rise and encourage my colleagues to join us on would stop trading on congressional knowledge. It would put Congress on the same playing field of every teacher, firefighter, small business owner, and investor. Then we can get down to the business of making America right—by creating jobs. I encourage my colleagues to join me.

□ 1220

BREAK THE CYCLE OF RECKLESS SPENDING

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, I rise today in favor of House Joint Resolution 2 and sending a balanced budget amendment to the United States Senate and to the States. Congress has nobly, yet unexpectedly, tried seven times to stop the increasingly massive growth in our national debt. At the first attempt in 1985, with the Gramm-Rudman-Hollings Act, our national debt was \$2 trillion, or \$8,700 for every American. Today our national debt is \$15 trillion, \$48,500 for every American, higher than it has ever been in American history. Our current spending environment has failed to create jobs and is threatening our standard of living and our national security.

While the Founding Fathers could not foresee a nation this stricken with debt, they did recognize the danger to our prosperity and instilled a constitutional process that gives us the flexibility to deal with this crisis. As Thomas Jefferson said: I place economy among the first and most important republican virtues, and public debt as the greatest of dangers to be feared.

Congress has a rare opportunity to break the cycle of reckless spending that has taken us to this current fiscal breaking point and ensure the fiscal financial stability and prosperity for our children and our grandchildren. I urge adoption of the resolution.

SANTA BARBARA COUNTY VETERAN TREATMENT COURT

(Mrs. CAPPs asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPs. Mr. Speaker, I rise to recognize the opening of Santa Barbara County's first veteran treatment court. Last week our country came together to remember and pay respect to our veterans, and I was humbled and honored to participate in memorial services honoring our veterans, 50,000 of whom live on California's central coast. Their sacrifice is never forgotten, just as our work to support them is never finished. And that's why I support this new innovative and collaborative treatment court in my congressional district, which will better serve our veterans, especially those struggling with substance abuse, mental health issues, or other disorders. This veterans court fills a critical gap in care for our veterans by helping former servicemembers who are struggling and in pain.

Mr. Speaker, it's our duty to serve those who have served us so gallantly.

Our veterans have sacrificed and shown their unquestioning commitment to this country; and veteran treatment courts, like the one in Santa Maria, provide another straightforward way for us to better serve them. So I urge my colleagues to join me in recognizing Santa Barbara County for taking this critical step in supporting our veterans by establishing this veteran treatment court.

THE BALANCED BUDGET AMENDMENT

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, every month Americans sit down at kitchen tables or computers to balance their checkbooks and bank accounts to ensure their spending doesn't overwhelm their way of living. I've been at that kitchen table for those discussions. Now the United States Congress is finally coming to the table to have a similar discussion with the American people.

By passing a balanced budget amendment to the Constitution, we tell the American people we are serious about putting our financial house in order. No longer will we overpromise and overspend at the expense of trillions of dollars and our children's future.

This week I will stand with my colleagues to support a notion that seems foreign within the beltway, that we cannot spend more than we take in. The fact that this is a radical concept in Washington, D.C., demonstrates just how out of touch this town has become and how far we have to go. But getting to where we need to be won't occur without the critical step we take this week to pass a balanced budget amendment. This action puts us in line towards economic recovery, sustainability, and, above all else, with the needs and priorities of the American people.

I urge my colleagues to support the balanced budget amendment.

WELCOMING ESPN TO HOUSTON

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to welcome ESPN's College GameDay to the campus of the University of Houston. This is the first time in the history of that show that the University of Houston and the city of Houston has been given this honor.

The University of Houston Cougars, led by Heisman hopeful Case Keenum, is the highlighted game, as the 10-0 Cougars face the SMU Mustangs this Saturday. The Cougars will push for an undefeated season and potential at-large BCS bowl opportunity.

The University of Houston has a long, storied tradition of athletic success, including 55 NCAA individual championships and 17 NCAA team titles, 19 college football bowl appearances, five NCAA men's basketball Final Fours, and a trip to the College World Series.

The University of Houston has received the Tier-One research university distinction from the Carnegie Foundation. The University of Houston is one of only three Carnegie-designated Tier-One public research universities in Texas.

The University of Houston is also known as a first-generation school, for many of the students are the first in their families to attend college. Our undergraduates choose from 120 majors and minors. The University of Houston also offers 139 master's, 54 doctoral, and three professional degree programs.

The University of Houston is the second most ethnically diverse major research university in the United States. Students come from as many as 137 nations and from across the Nation.

As a proud alumnus of the University of Houston, I salute the successes of the athletic and academic programs and welcome ESPN to our campus today.

JOBS FAIR

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, we've heard some of the partisan comments this morning, and I think America is tired of that. America needs jobs now, and they're looking at us to work together.

There's been a lot of discussion and debate around job creation and economic recovery—rightly so. But I believe we all want to put America back to work, Democrats and Republicans together. We all want that. We must work together now to make that happen. Just because we have different ideas doesn't mean we can't work together.

ADAM SMITH and I, both from Washington State, in fact, next week will be putting together a jobs fair that we call Helping Identify Real Employment in America. We're going to do that together, a Democrat and a Republican. There will be 75-plus different vendors, different businesses who have jobs, actually have jobs waiting. We're going to match employees with employers, bring them together so they can find jobs. And our hope is that before Christmas, before Thanksgiving, ADAM SMITH and I can get some people back to work and energize their families and help energize our community.

Mr. Speaker, I urge all of us in this House to do the same—work together to identify jobs.

BIPARTISAN JOB FAIR IN WASHINGTON STATE

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Washington. I rise in support of a bipartisan effort to create jobs.

Just as Congressman REICHERT said, he and I are hosting a job fair next week. At a time when unemployment is over 9 percent in this country, when our economy desperately needs to put people back to work, I think this is the way we need to do it, in a bipartisan manner. At the end of the day, we're not going to have any job creation bills that aren't bipartisan because of the nature of Congress.

I applaud Congressman REICHERT for working with me on this idea, and it's really a very good idea in terms of job creation.

Yes, there's huge unemployment, but less well known is there are actually employers out there that have jobs that are trying to find people to fill them. Matching the skills necessary with those jobs is critical. And that's what the HIRE America job fair that we're going to do next week in Kent is all about—bringing in 75 employers that actually have jobs available, with unemployed people looking for work, to match them up, to try to put people to work to get this economy moving again. It's a great idea.

I thank Congressman REICHERT for working with me to do this. It's bipartisan. And it's focused on the number one most important issue this country faces, getting Americans back to work and getting our economy moving.

NATIONAL DEBT HITS \$15 TRILLION

(Mr. YODER asked and was given permission to address the House for 1 minute.)

Mr. YODER. Mr. Speaker, yesterday was another landmark day in Washington's borrow-and-spend legacy. The national debt now stands at a staggering \$15 trillion. This comes at a time when our economy is struggling, the unemployment rate is high, and Americans are tightening their belts and doing more with less. It remains clear that the Washington theory of borrowing and spending to create wealth and grow jobs simply is a fraud on the American people.

Both political parties know that this staggering debt is a cancer on the future of our Nation and something we can no longer ignore. I ask my colleagues to join together and save the future of this country, to stop the suffocating debt and spending. Let's pass a constitutional amendment that requires a balanced budget, that prohibits Congress from borrowing from the future, and let's pass a legacy of

prosperity and wealth to the next generation.

INCOME TAX RETURN IDENTITY THEFT

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Mr. Speaker, there is a growing problem across America involving identity theft and tax fraud. This new kind of criminal will steal Social Security numbers and then file for a fraudulent tax return.

The City of Tampa Police Department recently uncovered a multi-million-dollar fraud scheme, lost monies to the taxpayers. So Congressman RICH NUGENT and I, a Republican colleague from Florida, have been working together to tackle this problem.

I intend to file a bill this week that would, one, give local law enforcement the tools it needs to be an effective participant with the IRS in these tax fraud investigations. Right now Federal law doesn't allow local law enforcement to be an active participant. And, two, for folks that have their identities stolen, often months and months and months go by before the IRS is able to fix their return and their credit, and we've got to do that. It's leaving them hanging for months.

So I encourage my colleagues to join in our efforts to tackle tax fraud and this criminal enterprise.

□ 1230

LISTEN TO AMERICA'S JOB CREATORS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, if the Obama administration is serious about helping create jobs for the American people, then it should start by listening to America's job creators. House Republicans understand the importance of freeing our Nation's businessmen and entrepreneurs from the confidence-killing threat of higher taxes and more regulations so that they can invest, grow, and hire again.

This means protecting job creators from needless tax burdens. This means reforming Federal spending. This means supporting a fairer, flatter and simpler Tax Code. This means stopping job-killing regulations that constrain employers from hiring more workers.

On each of these issues, House Republicans have already acted. Following our Plan for America's Job Creators, we've passed more than 20 job-creation bills so far this year.

The path to new jobs has been paved by House Republicans. It's long past time for Senate Democrats and President Obama to follow our lead and enact these jobs bills.

GETTING AMERICANS BACK TO WORK

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER. Mr. Speaker, in the past few days, many Americans have contacted me through Facebook and Twitter with their thoughts, and their message was very clear: They want jobs, and they want them now. On behalf of these Americans, I urge the leaders of the House to respond by passing major legislation that will create high-paying jobs.

They write to me: "I hope you mean living-wage jobs that are meaningful, filled with dignity, and generated locally."

"Job creation begins at home. Close the loopholes that send jobs overseas and make it tougher to bring the profits and products back here."

"An additional suggestion would be to fund a Works Program Administration modeled after the first one implemented by Franklin Roosevelt, a new deal for the new millennium."

"We need to stop the manufacturing drain going out of the country, revisit the WPA to jump-start the economy, and fix our aging infrastructure."

"Heck, we need someone to clean weeds out of sidewalks. We need an energy policy and concrete plans to accelerate the use of renewables. Too much of our fuel costs end up in our trade imbalance."

These are the words from my constituents that I'm glad to share with you as we work very hard to get Americans back to work at meaningful jobs.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 467 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 467

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the cus-

tomary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 467 is a closed rule providing for consideration of H.R. 2112, the Consolidated and Further Continuing Appropriations Act, also known as the mini-bus.

Mr. Speaker, this conference report was approved by the conference committee on a wide bipartisan basis with all but one of 38 House and Senate conferees signing off on the report. The bill contains a continuing resolution to avoid a government shutdown and continue Federal operations until December 16, 2011, or until Congress completes the remaining nine FY 2012 appropriations bills. It is important to highlight that this CR is a clean extension and includes no new funding provisions.

In accordance with the Budget Control Act, this conference report upholds the overall discretionary spending level of \$1.043 trillion and includes \$2.3 billion in disaster relief funding, which falls under the disaster designation cap set by the act.

The Agriculture agencies and programs in this bill will receive a total of \$136.6 billion in both discretionary and mandatory funding, a reduction of \$4.6 billion from the President's request based on the administration's midsession review. Discretionary funding in the legislation totals \$19.8 billion, a reduction of \$350 billion below last year's level and a cut of \$2.5 billion from the President's request.

It is important to note that mandatory food and nutrition programs within the Department of Agriculture—including SNAP, also known as food stamps, as well as child nutrition—are funded at \$98.6 billion. This funding will allow all individuals and families who meet the programs' criteria for aid to receive all the benefits available to them, and includes \$3 billion in reserve funds in case of unanticipated increases in participation or food price increases.

Additionally, school lunch and school breakfast programs will receive \$18.2 billion in mandatory funding in the agreement. This funding will help low-income students with free or reduced-price meals at schools in every community in the Nation.

The conference agreement includes provisions to prevent overly burdensome and costly regulations and pro-

vide greater flexibility for local school districts to improve the nutritional quality of meals in the national school lunch and school breakfast programs. Without these provisions, the cost of these important programs would balloon by an additional \$7 billion over the next 5 years, leaving States and local school districts in the lurch.

The WIC program is funded at \$6.6 billion. This funding will provide supplemental foods, as well as nutritional and other preventative health services, to low-income participants.

I am pleased to report that the bill places restrictions on the implementation of a Grain Inspection and Packers and Stockyards Administration, GIPSA, proposed rule that would have allowed harmful government interference in the private market for livestock and poultry.

The Commerce, Justice, and Science section of the conference report includes a base total of \$52.7 billion, a decrease of \$583 million below last year's level, and a decrease of almost \$5 billion below the President's request.

The conference agreement includes numerous provisions that protect the Second Amendment right to keep and bear arms. Three of these protections are made permanent law beginning in fiscal year 2012. These three provisions prohibit the Department of Justice from consolidating firearms sales records, electronically retrieving the records of former firearms dealers, and maintaining information on persons who have passed firearms background checks. The conference agreement also contains numerous 1-year firearms protections and new language prohibiting DOJ from requiring imported shotguns to meet a sporting purposes test.

The bill extends important provisions related to Guantanamo Bay, including a prohibition on the transfer or release of any detainee into the U.S. and a prohibition on the acquisition or construction of any new prison to house detainees. Under no circumstances should we endanger our communities by allowing some of the most dangerous people in the world to set foot on American soil.

The conference agreement includes important provisions to protect unborn human life, including a ban on abortion funding for Federal prisoners and a conscience protection for prison employees, and a prohibition on the Legal Services Corporation funds for organizations that engage in abortion-related litigation.

The Transportation, Housing and Urban Development section of the conference report includes a base total of \$55.6 billion, representing a decrease of \$19.4 billion below the President's request.

□ 1240

The conference agreement provides \$500 million for National Infrastructure Investments, commonly referred to as

the TIGER program, and includes language prioritizing rail, highway, and transit projects that improve or expand existing systems.

The conference agreement provides \$39.9 billion for the Federal highway program, which is the annual spending level set by the latest Surface Transportation Extension Act.

The agreement provides \$1.66 billion for the Federal Highway Administration's Emergency Relief program, which assists States in rebuilding Federal highways that were damaged by major natural disasters such as Hurricane Irene and the flooding of the Missouri River.

Included in the conference agreement is \$12.5 billion for the FAA. The agreement provides \$3.35 billion for airports and \$2.7 billion for facilities and equipment. Language is included to restore the Block Aircraft Registry Request program, or BARR, and to prohibit future changes to the program. Also included is \$878 million for FAA Next Generation funding to ease congestion and reduce air traffic delays.

The legislation includes a total of \$37.3 billion for the Department of Housing and Urban Development, a decrease of \$3.8 billion below last year's level and \$4.7 billion below the President's request.

The bill does not extend the increased maximum loan limits for Fannie Mae and Freddie Mac. These entities have been under public scrutiny for their questionable business practices and use of billions in Federal bailout funds, some of which have been used for extravagant management bonuses. The bill does allow an increase in the conforming loan limits to the Federal Housing Authority, FHA, which is subject to greater congressional scrutiny and oversight.

Mr. Speaker, I am appreciative of the members of the conference committee and cognizant of the tough jobs they had to get to this bipartisan agreement coming to the floor for consideration. It is for this reason that I urge my colleagues to support the rule, and I reserve the balance of my time.

Ms. SLAUGHTER. I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is a sad day for the House of Representatives—another demonstration that the House has failed to meet its basic responsibility to the American people. The new budget year began over 6 weeks ago, but not a single routine appropriations bill, not a single one, has been enacted. Instead, we are considering a massive \$100 billion hodgepodge of unrelated programs and agencies all crammed into a single bill that no Member of the House saw before this week.

In fact, most of the provisions in this bill have never been considered by the House at any time in any form. Let me

repeat that. A massive \$100 billion bill, most of which has never been considered by the House, brought up for a single, all-or-nothing vote under a completely closed process. And what's worse, we will be back here in a few weeks with another massive omnibus bill to keep the rest of the government open. As I said, Mr. Speaker, this is a sad day for the House.

Fortunately, there is one hint of good news in this mess. The bill does reject some of the absurd cuts proposed on the other side of the aisle. For example, the bill does not contain proposed cuts that would have denied 700,000 women, infants and children valuable nutritional supplements or defunded the COPS program.

But those welcome steps are not enough to make this a good bill. I am especially disturbed by the unwise and shortsighted cuts to programs important to America's role as a competitive global power. High-speed and intercity passenger rail, for example, gets no funding under this agreement. The bill allows the country to maintain Amtrak at its current state, but does nothing to help us keep pace with countries like China and Germany, who have already built a rail infrastructure that will expand their economies well into the 21st century. If our country hopes to remain a global superpower in the 21st century, we have to do more to invest in our country than the meager steps that we are taking today.

Especially in tough economic times like these, we need to rebuild our infrastructure, to be educating our children, and creating jobs for the millions of unemployed. Instead of the Band-Aid measure we are considering today, we have to truly begin to invest in our future and ensure that we not only survive, but that we thrive, in the century to come.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I just want to say to my colleague from New York that I think the American people are beginning to realize that government spends money; it doesn't invest money.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts, a member of the Committee on Rules, Mr. MCGOVERN.

Mr. MCGOVERN. I thank my ranking member for yielding to me.

Mr. Speaker, there are some good things in this minibus. I'm especially pleased with the funding levels for the SNAP and the WIC programs, which will ensure that hungry people have access to nutritious food during these tough economic times. And I regret very much that those programs were under attack by the Republican majority in this House, but in this minibus, those levels are adequate. And I'll likely support the final passage of this bill.

But, Mr. Speaker, for the life of me, I can't understand why policy riders were allowed to be included in the final bill. Some were even airdropped in the dark of night without being considered by either the House or the Senate. Most troubling, the underlying bill includes a special carve-out for Maine and Vermont to allow 100,000-pound trucks on their interstate highways for the next 20 years.

Mr. Speaker, current law allows only trucks up to 80,000 pounds to travel on interstates—and for good reason. Bigger, heavier trucks are an enormous safety threat. Oversized rigs are more likely to be involved in crashes, not to mention that it's unnerving to see one in your rearview mirror bearing down on you on the highway. And if the safety risks are not convincing enough as to why heavier trucks are a bad idea, consider the economic arguments. We're here talking about deficit reduction, and already bigger trucks don't pay their fair share for the damage they incur on our roads and our bridges. An 80,000-pound truck only pays 80 percent of its damage costs, and a 97,000-pound truck would pay only half of the damage it causes.

Our Nation's infrastructure is crumbling, and the highway trust fund is woefully underfunded. Where are we going to get this money to repair our infrastructure? And the Maine and the Vermont exemptions will only make this problem worse.

And it also starts us down a slippery slope of allowing other States to ask for special weight-limit exemptions. We'll end up with a patchwork of truck-size and truck-weight laws that will make the business of transporting goods by truck across State lines a confusing mess.

Mr. Speaker, there were no hearings—none, zero—no hearings held in the House on the Maine and Vermont exemption. The House didn't even consider a Transportation Appropriations bill. So to be making such a major policy change without thoughtful consideration and vigorous debate is absurd.

I would remind my colleagues that there's bipartisan opposition to increasing truck size and truck weight. I have a bill to freeze truck size and truck weight at 80,000 pounds across the entire national highway system, and it has 60 bipartisan cosponsors. The issue of increasing truck size and weight needs to be fully understood and debated before making any long-term policy changes. I strongly oppose the Maine and Vermont policy rider in this appropriations bill; and I regret very, very much that this was included without the appropriate hearings, without the appropriate oversight, and without doing it out in the open so people could understand what the policy implications are by making this exemption.

Ms. FOXX. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Colorado, a member of the Committee on Rules, Mr. POLIS.

Mr. POLIS. I thank the gentlelady from New York.

Mr. Speaker, I have to voice my opposition to an insidious provision that has been added to this bill at the last minute by agribusiness and the frozen food industry, and that is a change that allows pizza to be counted as a vegetable. They started with French fries; now they've moved on to pizza. This language equates pizza with vegetables and weakens otherwise good school nutrition standards.

This false equivalency harkens back to the ludicrous labeling of ketchup as a vegetable made infamous 30 years ago by President Ronald Reagan. Again, this bill's actual language requires crediting of tomato paste—again, crediting of tomato paste from page 90 of this bill—as a vegetable under the school lunch program to be subsidized by taxpayers as a vegetable.

□ 1250

I had a family from my district, from Eagle County, Colorado, in my office earlier this morning and I asked the mom, I said, When your kid is eating, do you count pizza as his vegetable? And she said, No. And parents across the Nation agree.

Pizza can be incorporated into a healthy diet. I eat pizza. Most of my constituents eat pizza. But when we're talking about taxpayer subsidies for healthy vegetables, to make sure that they're available for kids on the side of pizza, making sure there's some broccoli, making sure there's some spinach, making sure there's something healthy for them to eat at the school lunch counter, pizza alone—particularly pizza with no vegetables on it, just tomato paste—it's common sense that it's not a vegetable. What's next? Are Twinkies going to be considered a vegetable?

Rather than having a deliberative effort, we have special interests inserting these provisions into these bills, contrary to the public health. And we wonder why Congress is so unpopular nationally. No one can help but to look at us and scratch their heads when we say that french fries count as a healthy, nutritious vegetable, that pizza counts as a healthy, nutritional element.

You know, poor children's health is something we all have a stake in. Not only are the kids and the families affected, but we're all affected. The costs of Medicaid and Medicare, government spending, rising obesity rates. The empty calories in french fries are not equal to truly nutritious vegetables like carrots, spinach, lettuce, broccoli, cucumbers.

I know it's hard to get kids to eat vegetables. I have a 9-week-old. He hasn't been weaned yet, so we haven't had to deal with that yet. But you

know what? You don't define vegetables down. You don't call a Twinkie a vegetable. You don't call pizza a vegetable. What you do is you have to make sure that kids know how to incorporate healthy food into their diet so they can grow up strong and keep all of our costs down and make sure to keep America healthy.

Mr. Speaker, this bill has many important provisions, but I feel it's critical to highlight the ludicrous definition that Congress is giving by redefining nutrition down and providing taxpayer subsidies for unhealthy food in our schools.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Our colleagues across the aisle often try to distract from what are the real issues facing our country and get into the weeds, and bills like this give them a perfect opportunity to do that. But when I'm home every weekend and talk to my constituents, what they're concerned about is they have incredible outrage with the inaction of the liberal Democrat-controlled Senate.

My constituents are aware of the many bills that the House has passed but which are stalled in the Senate, and many of these bills deal directly with promoting jobs, which remains the prevailing issue of so many Americans.

Our colleagues are upset about the quality of the free lunches that we provide. Well, we have more people in poverty and getting free lunches because the Democrat-controlled Senate refuses to work with the Republicans in the House to set an environment where more jobs can be created and fewer people would be dependent on food stamps and be dependent on getting free breakfast and free lunches in the schools.

My constituents understand the colossal failure of the Obama stimulus bill and the general policies that existed when the Democrats were in control of the House for 4 years. My constituents understand that government can create jobs only for more government bureaucrats. And those bureaucrats must justify their existence by creating more regulations that wind up killing more private sector jobs.

The liberal Democrat elites in Washington keep asking for one Republican jobs bill. Well, Mr. Speaker, we've passed at least 20 jobs bills that help the private sector—the only sector of our economy that can actually create real jobs through growth in their businesses.

The liberals keep buying into the false theory that government will create millions of jobs. The reality is that, unless we provide the private sector with an environment that is conducive to job creation, jobs will be very hard to come by.

Mr. Speaker, Republicans have been listening to our constituents, and we're acting to provide private business own-

ers and entrepreneurs with the tools that they need to create jobs. However, the bills we pass and send over to the Senate just sit there and nothing is done with them.

Mr. Speaker, we could reduce the number of children, again, on free and reduced lunches by creating jobs and getting people out of poverty in this country. That's what we should be focused on right now. We could solve a lot of the problems in this country by doing that.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Ohio, a member of the Committee on Appropriations, Ms. KAPTUR.

Ms. KAPTUR. I thank the ranking member, Congresswoman SLAUGHTER, for her incredible work and rise today, Mr. Speaker, to support the rule for fiscal year 2012 appropriations for agriculture, transportation, training and justice.

Technically—or maybe untechnically—this bill is called the “mini-bus.” I completely commend the conferees for including language based on legislation we introduced directing additional resources for the Federal Bureau of Investigation's White-Collar Crime Division for Wall Street financial crime prosecution.

Moreover, with the Federal deficit requiring our rigor, this mini bill makes difficult cuts, but also provides support for those most hurt by the current recession. Let me state for the record that the trillions of dollars of deficit being racked up in this country come from some pretty clear sources: first of all, two wars—the longest wars in American history, lasting over a decade now; also, the cost of unemployment to this economy caused by Wall Street malfeasance; and, finally, looking back, the tax cuts for the rich enacted during the last Bush administration that continue to rack up mounting deficits every year. It's very clear what's happening to cause the deficits. And then with the rising deficit, the cost of added interest is included in the debt total.

This bill meets the spending caps set in the Budget Control Act compromise and includes a clean continuing resolution to prevent a government shutdown, which would only further hurt our economy.

With over 15 percent of Americans living in poverty now, our moral responsibility as a Congress must be to help our fellow citizens weather this storm—which they didn't create. Thus this bill maintains funding for key programs, such as for food for needy children and poor women who are pregnant, for food commodities for food banks across this country that are strapped with rising need, and for food sustainment for the unemployed.

In particular, this bill includes language, based on legislation I authored,

to allow the FBI to hire hundreds of new agents to fully investigate white-collar crime in the financial services sector. People across Ohio, from Toledo to Cleveland, are hurting because of the recklessness of Wall Street. Those who broke the law in order to get rich at the expense of everybody else should be prosecuted to the fullest extent of the law. I commend the conferees for including my language to help provide the FBI with the necessary resources to investigate those who are responsible.

I urge my colleagues to support the rule and the underlying bill, which is quite balanced despite the very difficult choices that they had to make.

Ms. FOXX. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentlelady from New York for her kindness in yielding. I thank the hard work of the Appropriations Committee. I thank the gentlelady from Virginia for managing. And I thank Mr. DICKS as well for accepting the challenge in these very difficult times.

It's not a happy time to come to the floor and indicate that this is what we have to do, but it's important to acknowledge some challenges that we still have. And those challenges are: the many food programs that have to be capped in spite of the numbers of people who are hungry in this country; the dumbing down of food resources, in particular, as my colleague from Colorado mentioned, listing tomato paste and french fries as vegetables; and then an issue that I hope that I will be able to continue to work on with the U.S. Department of Agriculture, and that is food deserts, where there are pockets in rural and urban centers where we have no food access, good healthy food, vegetables.

But I am glad that the New Starts, under the transportation bill, includes the north and southeast lines for the city of Houston, creating jobs, putting people to work, and improving mobility, some \$94,616,000.

□ 1300

I am also delighted that TIGER grants are in at \$500 million, but disappointed in the community planning, that we have lost some \$830 million for community block grants, \$1.6 billion below the President. That's where we help rebuild communities and jobs.

The Legal Services Corporation that I've been a supporter of and actively was on our local board, board of directors, now has been reduced by \$348 million; but it has been reduced, which creates what we call the justice gap.

I also am concerned about providing more developmental training for our law enforcement that covers our Federal sectors. In particular, I am con-

cerned about the police in the Supreme Court and the Chief of Police there, and the concern for the lack of professionalism and the need for training.

I believe that in the Capitol Police scenario, there is an orderly process of the Chief, the Sergeant-at-Arms, and we work wonderfully together with these outstanding men and women. It's a shame for those who have to protect the other body of government, the Supreme Court, to have individuals who do not recognize IDs, are not professional in their handling of their business. And I will be raising this issue with the Department of Justice and relating it to the funding which I think is necessary to either provide them with more funding or to put more stringent guidelines in their hiring policies and the way they train people.

So I rise today to say that I am glad that we will have the government open, and that we have funded agriculture programs, not at the best; we've funded infrastructure. But we can do more. And I believe we should not adhere to any cuts going forward, and I hope the supercommittee will not do that. I ask for support of the underlying bill.

Ms. FOXX. Mr. Speaker, I would advise my colleague from New York that I have no requests for time. I do have some more comments that I will make that I am reserving until a little bit later in the time.

I continue to reserve the balance of my time.

Ms. SLAUGHTER. I am prepared to close.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, although I'm encouraged that we were able to reverse some of the most severe cuts proposed, I am disappointed that our budget process has come to this, \$100 billion packed with provisions that the House has never considered. Therefore, on process, I urge a "no" vote on the rule.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, the rule before us today allows us to proceed to the general debate of a bill that encompasses three major appropriation measures. I want to thank the conferees for their work on this agreement.

As we move forward with the debate, we must keep in mind the dire fiscal situation that our country is in, and we must continue to work in a fiscally responsible manner.

With that, I urge my colleagues to vote for this rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 466 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 466

Resolved, That it shall be in order at any time through the legislative day of November 18, 2011, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States. Debate on such a motion shall be extended to five hours.

SEC. 2. The Chair may postpone further consideration of a motion considered pursuant to this resolution to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS) pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule, House Resolution 466. The rule provides for consideration of what may be the very single most significant piece of legislation that I've had the opportunity to vote on since coming to this body over 10 months ago.

This rule is what allows the House of Representatives to move forward and vote on H.J. Res. 2, a balanced budget amendment to the United States Constitution.

My resolution that we're considering here today suspends the rules and allows the House to vote on H.J. Res. 2. I'm sure that some of my colleagues may be concerned we're moving to consider the balanced budget amendment under suspension of the rules for fear it would somehow limit debate.

I agree with them. Amending the United States Constitution is not to be taken lightly. This is why the rule provides for 5 hours of debate on this vital issue, because, you see, Mr. Speaker,

what we're doing here today is something that should be discussed, something that must be discussed.

We're fundamentally challenging the way Washington works. And you know what? It's about time. It's about time we had real conversation about how our Nation spends its money. It's about time that we made the Federal Government budget the way I did when I was a sheriff of a county in Florida.

It's about time that we balance the Federal checkbook the way American families do every day. It's about time. That's what I think and, more importantly, that's what the majority of the American people think.

The mere fact that we're here today is a failure of leadership. For decades, Washington politicians have kicked the can down the road, choosing deficit spending over fiscal responsibility, choosing frivolous pork projects, wasteful programs, and easy answers over making tough decisions and cutting back. Republicans did it when they were in power, and Democrats did it when they were in power too. Nobody is blameless in getting us to where we are today.

But the days of finger-pointing are over. We don't have the luxury of time to look back and play the blame game. We need to move forward and find a solution to get us out of the hole that we're already in. A balanced budget amendment is a vital part of doing just that.

Yesterday, the United States surpassed \$15 trillion in debt. Let me say that again: we're now \$15 trillion in debt. While recognizing this sad landmark, I can't help but think about the fact that this didn't have to be the way it is.

In 1997, the House of Representatives passed a balanced budget amendment. Unfortunately, the Senate failed to pass this amendment by one vote. One vote, Mr. Speaker, one vote that would separate us from a road towards fiscal responsibility to where we are today. So here we go again, 14 years later, having the same debate.

I can't stand here today without thinking about my three sons. With a debt of \$15 trillion, each of my boys owes over \$48,000 in national debt. It means the children and grandchildren of each and every person in this room owes \$48,000 to the Federal Government, \$48,000 that they didn't spend, that they didn't ask for, and that they now are saddled with by a government of excesses.

Only one Senator stood between where we are now and \$15 trillion in debt and where we could have been. So today I stand up in support of this rule and support H.J. Res. 2. I stand up for my kids, my future grandkids, and for all Americans who are saddled with that \$48,000 in debt from the day that they're born.

□ 1310

I stand up for giving Congress a second chance, a chance to get it right this time. Unfortunately, I understand the Democratic leadership is whipping against this.

Mr. Speaker, I don't know how else to say this. This simply baffles me. Thanks to the whipping efforts of the Democratic leadership, there are Members in the House who voted for the balanced budget amendment in 1997 who now say they're going to oppose it. In fact, two members of the Democrats' three-person leadership team voted for the 1997 amendment.

I've only been here in D.C., like I said, for a little over 10 months, but of all of the inexplicable things I've seen since coming to Congress, this just stumps me more than just about anything else I've seen here. What could these Members have been seeing between 1997 and today that makes them say, Yeah, you know what? Spending is right on target. Let's just stick with the status quo. It's dumbfounding.

It's often said the definition of insanity is to do the same thing over and over and over again and expect a different outcome. I don't understand how anybody can argue that we can continue to spend the way we do and expect to free ourselves from this monstrous, burdensome debt. We need to break the cycle. We've got to hold Congress' feet to the fire now and into the future. A balanced budget amendment is the change away from the status quo and back to sanity.

I don't think I can say it better than Congressman DEFazio said in his letter to his Democratic colleagues when he wrote that Democrats who walk away from sincere bipartisan effort will have let the American electorate down. If any of us walk away from this effort, we will have let all Americans down.

We've been working without a budget, this greatest Nation, for over 900 days now. Continuing resolutions and debt ceiling increases are not the answer. Supercommittees and sequestration is not the answer. Enough's enough.

Today we have a clear choice: whether you want to change the status quo or you don't; either you believe that the government must operate responsibly on a balanced budget or you don't; either you want to rescue our Nation, ourselves, our children, and our children's children from crippling debt or you don't.

I would like to close with the words of Ronald Reagan, who once said this: "The congressional budget process is neither reliable nor credible. In short, it needs to be fixed. We desperately need the power of a constitutional amendment to help us balance our budget."

Now, that is presidential leadership.

With that, I encourage my colleagues to vote "yes" on the rule, "yes" on the

underlying legislation, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend for yielding the time, and I yield myself such time as I may consume.

What we have before us today should not be called the balanced budget amendment. What it should be called is the unbalanced budget amendment because that is what this bill is—unbalanced. It upends prudent fiscal policies, makes a mockery of congressional authority, and does nothing to address the economic struggles of millions of Americans.

This proposed amendment no more balances the budget than passing legislation to declare the tooth fairy as real. Saying it out loud doesn't make it true. What this proposal says, instead, is that Congress needs to enact legislation that balances the budget. It doesn't tell us how to do it, just what we must do.

Well, if we could do that, Mr. Speaker, we wouldn't need a constitutional amendment telling us to do it, would we? If Congress could enact legislation that balanced the budget, it could do that without a constitutional amendment requiring a balanced budget. Merely imposing a mandate within the Constitution does not mean that Congress will be able to fulfill it.

With this kind of circular reasoning, we could go back and forth until the next election and never have to spend one more minute on creating jobs to improve the economy. But that is exactly what my colleagues on the other side want.

They've been in the majority for nearly a year now in the House of Representatives and have failed to put forth any kind of plan to create jobs and improve the well-being of millions of Americans, unless you count reaffirming "In God We Trust" as the national motto, weakening the Environmental Protection Agency, or watering down gun safety laws.

I was here in 1995 when this body passed a balanced budget amendment. And let us not forget that under President Clinton and, yes, Speaker Newt Gingrich, we did manage to balance the Federal budget and leave a hefty surplus for President Bush. But then President Bush and the Republican Party squandered that surplus on two wars. And people should never forget that. They squandered it on tax cuts for the richest Americans, and they squandered it on unpaid-for prescription drug benefits, leaving a big old doughnut hole that we've been talking about ever since.

Now the Republicans in this body are so extremist that they refuse to consider any tax increases of any kind on even the best off of us in America. Instead, they're leaving it up to the struggling middle class and poor people to bear the burdens of the Republican

Party's free-spending ways over the last decade. And I wish I had the time to really lay all of that out.

In fact, Mr. Speaker, the Republican Party's intransigence makes this amendment's voting requirements particularly unbalanced. This proposal requires a two-thirds vote, 290 votes here in the House, to pass an increase in the debt ceiling. Do you know what the definition of insanity is, as said by my friend? Repeating the same thing over and over again. And real crazy insanity is just doing it over and over and over and over again and expecting the same result. Or as Ronald Reagan put it, "There you go again."

The Republican majority wants to enshrine in the Constitution a permanent hostage crisis for our economy. This supermajority requirement for basic economic management will ensure that we will, on a regular basis, bring our economy to the brink of collapse. Just look at the Republican's performance over the debt ceiling vote. I don't have any confidence that they'll act rationally just because there's a constitutional amendment telling them to do so. That is why this proposal is unbalanced.

By mandating so many onerous, supermajority votes, this amendment guarantees permanent gridlock in the budgeting process. And without the inclusion of a general emergency waiver, this amendment imperils our national security. Let me repeat that. Without the inclusion of a general emergency waiver, this amendment imperils our national security by creating a scenario in which Congress cannot agree whether or not to vote on funding for national emergencies such as a military conflict.

Mr. Speaker, this unbalanced proposal does not even include a clear enforcement mechanism. I asked about that at the Rules Committee, and I got an answer that I still don't understand.

Making the balanced budget a constitutional requirement means that budget disputes would be solved by America's court system. This body has already failed to pass a balanced budget when the power of the purse is already our constitutional obligation. How can we be expected to pass one when each and every provision is also subject to years of litigation?

The Republican majority wants to hand off our constitutional obligations to the Federal courts that will have the power to raise revenue. No less an authority than Judge Robert Bork made a statement regarding that.

□ 1320

He opposed a balanced budget constitutional amendment, declaring "the result would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results."

Celebrated late-Professor Archibald Cox of Harvard Law School predicted "there is a substantial chance, even a strong probability, that Federal courts all over the country would be drawn into its interpretation and enforcement."

Since my friend used President Reagan, the former Solicitor General to President Reagan, Professor Charles Fried, has testified "the amendment would surely precipitate us into subtle and intricate legal questions, and the litigation that would ensue would be gruesome, intrusive, and not at all edifying."

The former Attorney General to President George H. W. Bush, William Barr, opined that judicial power could be invoked "to address serious and clear-cut violations."

The Republican majority wants to hand off our constitutional obligations to these courts that will then have the power to raise revenue, impose taxes, cut spending, and reform major government programs.

I guess, if that's the case, we can all just go home now, Mr. Speaker.

This body has previously considered balanced budget amendments on numerous occasions, initiated by both Democrats and Republicans. The majority party has always ensured sufficient floor time for debate and to allow the minority to offer alternatives; but here we are in a situation where the proposal before us was never marked up in committee, never had a hearing, and, in fact, was drafted late this past Thursday night by some mysterious tweaking of H.J. Res. 1 that became H.J. Res. 2. This version was changed in secret and was filed with last-minute surprises that fundamentally changed the nature of the legislation and will come under a procedure that doesn't even allow a motion to recommend.

This is no way to amend the Constitution.

By all means, Mr. Speaker, if we want to balance the budget, let's not do it on the backs of the hardest hit in America. I don't need a constitutional amendment to tell me that balancing the budget without raising taxes on those of us who are best off in this country is unbalanced.

Where Americans need the Federal Government to support the economy, Republicans are trying to strangle it. Where Americans need us to put politics aside, Republicans are bringing forward legislation written in secret. Where Americans need this Congress to focus on economic issues, Republicans are insisting that we vote on God and gays and guns. We don't need to be voting on God and gays and guns. What we need are some guts to tell the American people that, yes, we can do this and that we can't wait any longer for those who are waiting for us to create jobs.

Now the Republican majority wants to pass a constitutional amendment to tell us that we have to balance the budget every year in a way that no individual, State or local government or business does: no borrowing, no trust funds, no way to plan for long-term projects like highway construction, national defense, and public schools.

This amendment guarantees budgetary gridlock forever and moves budget decisions to the Federal courts, not to Congress. This proposed amendment locks into the Constitution the most far right of the Republican Party's policies, forcing future generations to reap the pain imposed by the callous disregard for the least among us—the ones who need the most help.

Mr. Speaker, as of yesterday, there were 273 national organizations that oppose H.J. Res. 2, the balanced budget amendment. It's too lengthy to place into the RECORD or to put forward, but some of them are among the most celebrated organizations in our country.

I also would recommend to the membership an article written by the American Constitution Society for Law and Policy, a nonpartisan group that discusses how unnecessary this particular provision is, and it ends with the following paragraph:

The threat a balanced budget amendment would pose to our constitutional order is unavoidable. Congress, of course, remains free to enact a balanced budget if it believes this is sound economic policy. It also remains fully equipped to institute effective controls to ensure restraint and balance in the budgeting process. Therefore, there is no sufficient reason to incur the dramatic risks that the balanced budget amendment would entail for our Constitution and our Nation.

This is not a balanced budget amendment, Mr. Speaker—but it is an unbalanced one.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield such time as he may consume to the gentleman from California, the chairman of the august Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation to both of my friends from Florida who serve on the Rules Committee.

This is a very, very important debate. It's a debate that we haven't had since January of 1995, which is the last time that the House of Representatives had a vote on the issue of a balanced budget amendment to the U.S. Constitution.

Back in 1995, when we had just won our majority, Mr. Speaker, I was one of the enthusiastic supporters, one of the two-thirds of the House of Representatives who voted in favor of the constitutional amendment requiring a balanced budget. I felt very strongly at the time that as we looked at the fiscal challenges that we as a Nation faced

that the only thing that we could do to achieve a balanced budget would be to have an amendment to the U.S. Constitution that would call for that.

Mr. Speaker, I have changed my mind. I have changed my mind, and I will be voting against the constitutional amendment calling for a balanced budget.

Now, this is not something that I have done lightly. My friend from Spring Hill was absolutely right when he said that looking at the tough challenge of amending the Constitution is something that needs to be addressed; but I will say that I agree with a number of the arguments that were put forward by my friend from Fort Lauderdale and with a lot of the arguments put forward by my friend from Spring Hill. At the end of the day, I concluded that we should not amend the U.S. Constitution in calling for a balanced budget.

I said I've changed my mind, and I am reminded of a statement that was made by our former colleague, the mentor of our friend JEB HENSARLING, who is working tirelessly to ensure that we get our fiscal house in order with the work of the Joint Select Committee. His mentor was Phil Gramm—a Democrat, then a Republican—who served in the House and the Senate. Phil Gramm once said that ours is one job where you can never admit to having learned anything.

Mr. Speaker, I believe that I've learned something, and I'd like to take just a few minutes to explain why it is that I've come to the conclusion that I have.

I said at the outset that I believed when I cast that vote in January of 1995 in favor of a balanced budget amendment to the Constitution that it was the only way that we would be able to achieve a balanced budget. I was wrong. Two short years later, we balanced the Federal budget. We balanced the Federal budget, and that went on for several years. It went on until 2001.

My friend was talking about the fact that we had two wars. We've got to remember that it took literally billions and billions of dollars to deal with national security issues, like establishing the Department of Homeland Security and many other things that were very, very costly; but what I found, Mr. Speaker, is that we were able to balance the Federal budget without touching that inspired document, the U.S. Constitution.

Now, James Madison in Federalist No. 58, I believe, gave the real description of the power that lies here in the House of Representatives. He said that the power over the purse is the most complete and effectual weapon that can empower any group of elected representatives of the people.

We in this institution, Mr. Speaker, have the power of the purse. We have the power of the purse, and we proved

in the late 1990s that we have the will to balance the Federal budget without touching that inspired document, the U.S. Constitution. Those were the words of James Madison in Federalist No. 58, that the power over the purse is the most complete and effectual weapon on that elected representatives have.

□ 1330

Now some people point to Thomas Jefferson who famously, in a letter to John Taylor written November 26, 1798, talked about how it was essential for us to have a single amendment to the Constitution that would call for a balanced budget. Well, I've got to say, Mr. Speaker, it appears that Thomas Jefferson obviously learned something as well, because 5 short years later, in the third year of the first term of his Presidency, he embarked on the largest deficit expenditure to take place since the Revolutionary War. It was not a war expenditure. It was not any kind of emergency expenditure. It was the 1803 Louisiana Purchase. And that was a decision that Thomas Jefferson made that most of us inferred led to a change in his position from the November 1798 letter that he wrote to John Taylor.

As we look at some of the other arguments—my friend from Fort Lauderdale went through the Fried, Barr, Archibald, Bork arguments on the court. I think it's important for us to look at not just that part of it, but we also need to look at the enumerated powers provision in the U.S. Constitution. I believe that not only could we create, as these brilliant jurists said, a real problem within the court structure, but what we create is a transfer of power from the first branch to the third branch of government, something that is completely contrary to Article I, section 7 of the U.S. Constitution, where the power lies right here in the United States House of Representatives. Why? Because most have said that if we were to get into these protracted legal battles, this could end up in the court, and we could have, several years from now, a court deliberating over a budget that had passed, again, literally years before.

So, as we look at these arguments, Mr. Speaker, I will tell you that I will take a backseat to no one when it comes to our commitment to get our fiscal house in order. I do happen to believe that our former colleague Jack Kemp was right when he said we shouldn't have to worship at the altar of a balanced budget; but we all know that with this \$15 trillion figure that my friend from Spring Hill pointed to, we need to do everything we can to reduce that debt and our annual deficit. But it's important for us to focus on economic growth. And that's why I congratulate those on the Joint Select Committee who are working on that, and I believe that that's something that we need to do.

But having a balanced budget does not guarantee job creation and economic growth. Yes, of course having a degree of fiscal solvency goes a long way towards generating a climate that can make that happen; but we need to have pro-growth economic policies, and fiscal restraint is only one of those tools. That's why I believe that, as we look at the challenges that lie ahead, I don't want to say to the American people that I'm going to protect you from your future leaders that you are going to elect.

The American people deserve the Congress that they elect. I personally think they deserve better than some of what we have had here over the past several years. Right now we all know we've got a 9 percent approval rating. But the American people cannot have Representatives who say, We are going to say to you that you can't have the leaders that you elect do what you think is right. Maybe there is another Louisiana Purchase out there, and that decision is something that should be made by leaders.

I believe in very carefully amending the Constitution. And I will say that I have always been troubled by some who argue that the level of your commitment to a public policy issue is based only on your willingness to amend the Constitution to implement it. Well, I think that's silly. I think that's ridiculous. I think that someone can be passionately committed to an issue like saying we shouldn't burn the American flag and yet be willing to say it shouldn't be enshrined in the U.S. Constitution. I feel the same way about the issue of a balanced budget.

I'm proud to have voted to bring about these kinds of spending cuts. I'm proud to have done everything possible to try to reduce the size and scope and reach of the Federal Government. I do think that a lot of work has to be done. And my friend from Spring Hill, again, correctly pointed to the fact that both sides have responsibility for increases in spending. But I think we can come together. I think we can have the will to do this.

Even if we pass a balanced budget amendment to the Constitution, we all know very well we're not going to balance the budget overnight with a \$15 trillion debt and now multitrillion-dollar deficits. We're not going to do it overnight. But we have to get ourselves on that road, and I'm convinced that we can. And I don't think that amending the Constitution is going to do anything to help us get there.

So I do support the rule, and I think the rule—by the way, I should say to my friend—is one that was used when the Equal Rights Amendment passed the House of Representatives. The argument was made that somehow having this done under suspension of the rules is not fair. There's going to be 5 hours of debate. There's going to be an opportunity to do this.

I've had the opportunity to say my peace. I know that I'm in the minority in my party. I know that there's not a lot of enthusiastic support on my side. I know that there are many Democrats who are going to be supporting the amendment to this. So we are going to have a chance to discuss these as we move through today and tomorrow.

I do support the rule and the work of the Rules Committee. We've worked long and hard on this. But at the end of the day, I have come to the conclusion that I have.

With that, Mr. Speaker, I thank my friend for yielding.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I wish to compliment the chairman of the Rules Committee.

Mr. DREIER. Will the gentleman yield?

I don't want to get into any more trouble than I already have. So if the gentleman could withdraw his compliment, I would be very appreciative of that, Mr. Speaker.

Mr. HASTINGS of Florida. I am delighted to withdraw the compliment.

What I wanted you to be able to do, since you had become so enlightened about the balanced budget amendment, was to be equally enlightened with reference to the rules and allow us a motion to recommit.

Mr. Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 639, the Currency Reform for Fair Trade Act, which will help create jobs in the United States by making American-manufactured products more attractive to Chinese consumers.

At this time, I am pleased to yield 3 minutes to my good friend from the State of Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, today we have another triumph for the Republican public relations office. Their job is to hide the fact that the select committee of 12 isn't going to get anything done and their members are going home for Thanksgiving. But what will they talk about? A failure? No. They want to give them something. So this balanced budget amendment—that's why we're out here debating a rule on a job-destroying, poorly thought-out amendment to the Constitution. This House is considering an amendment to the Constitution that did not go through the regular order, is not even the product of any committee debate. It has not been an open and thoughtful process.

Mr. Speaker, the job of this Congress at this time should be creating jobs. For 11 months, the Republicans have talked about it but have done nothing. Now, instead of wasting the people's time with this doomed and irresponsible constitutional amendment, we

should deal with this country's serious economic concerns, one of which is the Chinese currency manipulation and how it hurts American businesses and our workers. It's time for this House to vote on the Currency Reform for Fair Trade Act.

The Speaker needs to stop standing in the way of this important legislation. We've been discussing this issue with the Government of China for more than 8 years. American manufacturers should not be forced to compete against a 28 percent discount on imports from China, all because of China's predatory currency practices. This legislation will help to provide meaningful relief to U.S. companies and our workers who are injured by the currency manipulation of China.

This is a bipartisan measure. The China currency bill passed the House last year with a strong majority of Republicans. The majority of the House has cosponsored this bill, including 62 Republicans, and we can't get it up.

□ 1340

The Senate has already passed a similar bill with a strong bipartisan vote. The Speaker is the one who has his foot on it because he's got his foot on the Rules Committee, and they won't bring it out.

American workers expect every one of us on both sides of this aisle to fight against China's predatory trade policies and to fight for American workers. We should be fighting for the American economy rather than pandering to the Republican base with this terrible attempt to use the Constitution as a partisan playground and a way to hide from the American people that we're not doing what they sent us here to do, which was to create jobs.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SCOTT), a Rules Committee member.

Mr. SCOTT of South Carolina. Let me first thank Sheriff NUGENT from Florida. Sheriff, you're doing a fantastic job with this rule, and I thank you for leading this important debate.

Mr. Speaker, I would like to ask a simple question of my friends who oppose the whole concept of a balanced budget amendment: What makes us, the Federal Government, any different than the State and local governments who have to abide under a simple balanced budget concept? But more importantly, what makes us any different than the 74 percent of Americans in a CNN poll who simply say a balanced budget amendment is in the best interests of the citizens of this country?

Simply put, Washington needs to stop this runaway train of spending. So often, too often even, it seems that this town has lost sight of the fact that taxpayer dollars don't just appear from some magical piggy bank but rather are paid by hardworking American

families. We have a duty to spend these dollars wisely. And, unfortunately, in this town that simply doesn't happen very often at all. The last 3 years, not the last 30 years, not the last three decades, but the last 3 years we have seen the largest increase in the debt of this Nation, in the history of this Nation, and it is very clear that a constitutional amendment is the strongest option we have today to ensure that this doesn't happen again.

How can we expect to create a proper environment for job creation when we can't even keep the Federal Government's checkbook in balance? How does the current administration think we can continue to force small businesses to completely revamp their budgets under an onslaught of burdensome regulations while Washington does not have to do the same thing?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield the gentleman an additional 30 seconds.

Mr. SCOTT of South Carolina. It simply doesn't make sense. We should get this work done. We should get this fixed today. I will say as part of the majority-making class of 2010, with 86 out of the 87 freshmen on the Republican side supporting some form of the balanced budget amendment, we should move forward now. The American people demand it, and they should get it.

Mr. HASTINGS of Florida. Mr. Speaker, my friend on the Rules Committee, the gentleman from Massachusetts (Mr. McGOVERN), I'm sure has views that are similar to mine. I yield to him 3½ minutes at this time.

Mr. McGOVERN. Mr. Speaker, my friends on the other side of the aisle claim to be about fiscal prudence; that they are here to get our fiscal house in order; that a balanced budget amendment is the only way to do so. Once again, Mr. Speaker, my friends on the other side of the aisle are wrong. The right way to balance the Nation's budget is by making good, solid, smart policy, something the Republicans have proven to be incapable of over the past decade.

President Bush was handed a gift by President Bill Clinton. He was given a budget surplus. And instead of crafting a smart, long-term fiscal plan, he blew it in a couple of big spending sprees in the first few months of his term, with a lot of help from congressional Republicans. Let me be as clear as I can be. You don't squander a surplus on tax cuts for the rich, and you don't put two wars on your credit card. You certainly don't do those two things at the same time. But that's exactly what the Republicans did, and they drove this economy into a ditch with unpaid tax cuts and unpaid wars. And now they want to amend the Constitution with a balanced budget amendment. You've got to be kidding.

What's worse, the Republican leadership has decided to break their transparency pledge. Not only are they thumbing their nose at their own rules, they are actually bringing a bill to the floor that has never been read, amended, or voted on in a committee. That's right, Mr. Speaker. Despite all of their rhetoric, this balanced budget amendment was never marked up in committee. And, even worse, it was changed without a vote before it came to the Rules Committee. Even though there has been no official consideration of this specific bill by the Judiciary Committee, something this new Republican Congress promised to do, the sponsor of this bill had the audacity to say that this bill and the changes made in the dark of night were supported by the committee.

And if this process weren't bad enough, these changes actually allow war funds to be exempt from the balanced budget amendment. These wars have gone on too long, and they should be paid for. They should have been paid for from day one. That's a mistake we should learn from instead of repeating. We have already spent \$1.3 trillion on the wars in Iraq and Afghanistan. That's \$1.3 trillion that's unpaid for, \$1.3 trillion on our grandchildren's credit cards.

Mr. Speaker, I oppose these wars. I want them to end now. But if you support them, the least you can do is pay for them. And yet the Republicans are repeating their same mistakes. And I shouldn't be surprised. This is the party that decries government spending, but turns to FEMA with outstretched hands in times of need. This is the party that says the Recovery Act doesn't work, but shows up at ribbon cuttings for projects paid for by the Recovery Act. And now this is the party that says we should balance the budget, but we shouldn't pay for the wars that increase our debt.

Mr. Speaker, the fiscal hypocrisy takes my breath away. This is a bad bill being brought up under a bad process. Vote "no" on the rule and vote "no" on the bill.

Mr. NUGENT. I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Michigan, the ranking member of the Committee on Ways and Means, Mr. LEVIN.

Mr. LEVIN. Mr. HASTINGS has indicated that if we vote down the previous question, we will bring up H.R. 639.

It's a fact that China's currency manipulation is hurting U.S. businesses and workers. According to a recent study, imports from China account for 25 to 50 percent of the manufacturing jobs we have lost over the past decade. That's 1 million to 2 million jobs, and our trade deficit with China continues to grow.

An important factor in this picture is currency manipulation. American manufacturers are forced to compete against an estimated 25 percent discount on imports from China due to that manipulation. That's on top of China's massive subsidies and other policies.

Dr. Fred Bergsten, who heads the Peterson Institute, says that elimination of China's undervalued currency would create a million jobs mainly in manufacturing, and that manipulation is by far the largest protectionist measure adopted by any country since the Second World War—and probably in all history.

Meanwhile, the Chinese government is pushing production of high-end manufacturing products that compete head on with American products—high-tech products, solar panels, wind turbines, automobiles, aircraft, and others.

This is a bipartisan measure. A majority of the House, 230 Members, have cosponsored the bill, including 62 Republicans. The time has come for action. Eight years of talk have yielded meager results. American workers and businesses cannot wait any longer, and the U.S. economy cannot wait any longer. The time is now for action.

Defeat the previous question.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, would you be kind enough to tell me how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 9 minutes remaining. The gentleman from Florida (Mr. NUGENT) also has 9 minutes remaining.

Mr. HASTINGS of Florida. Thank you very much, Mr. Speaker.

I am very pleased to yield 2 minutes to my good friend, the gentlewoman from Ohio (Ms. KAPTUR).

□ 1350

Ms. KAPTUR. I thank my able colleague from Florida, Congressman HASTINGS, for yielding and rise in support of Congressman CRITZ's effort here to focus attention on this whole issue of Chinese currency manipulation. When Congress passed permanent most-favored-nation status with China over my objection, we were told by supporters of the agreement that trade with China would create jobs, more economic opportunity and trade surpluses for our country. Well, if you look at the numbers, you'll see since that was passed what's happened is we've got more and more and more and more trade deficits every year, totaling in 2010 over \$273 billion. With Chinese currency manipulation, that's almost an inflated number because it would be cut in half, it would be cut substantially if goods were marked to their true value, not their inflated value.

China has never opened up its market. That's why we get these huge

trade deficits. And they aggressively use government intervention through currency manipulation to rig the markets. We know they're the largest intellectual property thief, they counterfeited their goods, and they use industrial policy to promote and protect Chinese industries at the expense of American jobs and factories. Some call these tactics market Leninism because we see state-managed capitalism in China locking down on industry after industry.

Regions like the one I represent in northern Ohio have been especially hard-hit as production shifted from the coasts of the Great Lakes to the shores of China. We can see this draining of wealth from the United States. Last year, our trade deficit again was over a half-trillion dollars globally, and with China, they had over half of that trade deficit.

If you look at the trade data, we're on track to send at least as many jobs to China this year. You can see the jobs being shipped to China in every community in this country. Even scrap metal is being sent over there, for heaven's sake.

Economists tell us that every trillion dollars in trade deficit translates into 14,000 lost American jobs. If we could get the currency manipulation issue solved, we could bring some of those jobs back to this country.

It's time for China to play on a level playing field.

Mr. NUGENT. Mr. Speaker, I just want to make sure that everybody that may be watching this at home understands we are talking about a balanced budget amendment.

I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. I would have my friend to know that we also are talking about the previous question, for which at this time I am pleased to yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman from Florida for yielding.

Mr. Speaker, I had prepared remarks that I was going to talk about to defeat this previous question so that we could bring the Chinese currency manipulation bill to the floor. But we've been talking about this on a weekly basis. We've been talking about this on the floor of the House on a weekly basis. And I think back to 10 months ago when Speaker BOEHNER made the statement that the House works best when it's allowed to work its will.

This same bill passed the House last year overwhelmingly. A similar bill passed the Senate earlier this year overwhelmingly. This bill has broad bipartisan support. Sixty-two Republicans are cosponsors of this bill. Four months ago, I brought a discharge petition, which is now just 30 signatures shy of forcing this bill to the floor. It

needs Republican help. I'm imploring the Speaker to bring this bill to the floor of the House.

This is so important. As Congressman LEVIN said earlier, we're talking about jobs. I did a telephone town hall last evening. The topic of discussion was jobs. Everyone wants to know when are we going to put our heads together and work to get this country back to work? Milling jobs. Manufacturing jobs. This is an issue that everyone knows about and everyone can agree on. We just want to level the playing field. This is giving this country the teeth it needs to go after countries such as China that manipulate their currency and hurt American manufacturing companies.

This is about locking arms with the American public and moving forward. So I urge those Republicans, those 62 that are on H.R. 639, anyone can see those names, anyone can call and say, you need to support this bill. You need to support the discharge petition, get on it, let's talk about this. You can't hide behind the Speaker any longer. We're going to continue this fight day in and day out, week in and week out. I urge defeat of the previous question so that we can talk about jobs for the American people.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman from Florida.

Mr. Speaker, the underlying resolution has to do with a balanced budget amendment, which most Americans might say "yea" to, but this is a *deja vu* because we debated this so many years ago, and it was found that a balanced budget amendment for the Federal Government will not work with all of the restraints and necessities of serving the American people.

But Mr. CRITZ's bill and the idea of correcting the currency manipulation of China will work. It will create jobs. The World Trade Organization cannot help. All the negotiations with China will not help. I would love for them to stand up and be counted in the world family so that we can continue to churn the economy, which all of us would benefit from. But as the euro crumbles and possibly the dollar will step in—I opposed the euro many years ago—we've got to get a currency that responds to all of us. Decent pay for a decent day's work—that does not happen when you have a manipulation of product cost so that some products are so much cheaper than the ones made by Americans.

We are not envious, and we are not jealous, but this resolution or Mr. CRITZ's bipartisan effort can move forward if we vote "no" on the previous

question, and then we can begin to help create jobs. And we might say to the supercommittee that we thank you for your service, but we can go into 2012 deliberatively and thoughtfully looking at a plan that raises revenue and cuts the areas that do not leave the vulnerable along the highway of despair.

I support Mr. CRITZ's effort. I want to move beyond the supercommittee and fund this government and create jobs in the way that the people elected us to do.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I would advise my friend from Florida that I am going to be the last speaker, and if he is ready to close, I will go forward doing same.

Mr. NUGENT. Yes.

Mr. HASTINGS of Florida. I thank the gentleman.

Mr. Speaker, this unbalanced amendment does not belong in our Constitution. It enshrines far-right ideology and makes a mockery of congressional authority to set forth the Nation's fiscal policy. This hardly belongs in the same company as freedom of speech, the abolition of slavery, and a woman's right to vote. This proposal does not balance the budget; it only demands that Congress do so, and yet it does not provide a mechanism to enforce that rule.

So in a situation of partisan gridlock, the Federal budget might very well end up in the courts. This is no way to govern. If this Congress could balance the budget, we wouldn't need a constitutional amendment to tell us to do so. But the fact remains that the Republican majority has steadfastly failed to set forth legislation that will create jobs and grow this economy.

Given their inflexibility, a balanced budget constitutional amendment hardly seems like the magic wand Republicans claim it will be. This Congress needs to be serious about the real causes of economic hardship in this country. Focusing on God, gays, and guns and not having the guts to tell people we're not doing anything to create jobs, that isn't going to keep people in their homes, and it isn't going to help Americans obtain quality health care and education.

These are the critical issues facing our Nation. Wasting our time—and that's exactly what this is, it's going nowhere fast—wasting our time with political gimmicks like an unbalanced constitutional amendment is just that, wasting our time.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment to the rule in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so we can debate and pass real jobs legislation today, not little old stuff that is appealing to the right wing of the people who are pushing nothing more than symbolism and talking about it being in our United States Constitution. I urge a "no" vote on the rule, and I yield back the balance of my time.

□ 1400

Mr. NUGENT. Mr. Speaker, I want to thank my good friend from Florida for a lively debate. The issue, though, that has sort of gotten muddled is about a balanced budget amendment, not about anything else that you've heard about on the floor. It is about a balanced budget amendment.

But just to remind everybody, when we talk about jobs, we've passed over 21 jobs bills that are currently sitting idle in the Senate. So I don't know what else you can do, except it gets kind of frustrating that we send great pieces of legislation over to the Senate and nothing happens.

We've heard a lot of debate here about a balanced budget amendment, pros and cons. You're going to hear 5 hours of debate in the very near future about the pros and cons of a balanced budget amendment.

This Congress has done things that are amazing. We used emergency funding to fund the census. Now, I know the census probably snuck up on everybody around here, but I don't understand why you had to use emergency funding to do that.

You know, we talk about the Clinton years. We talk about budget surpluses and how quickly they disappeared. But remember one thing: Part of the Clinton surpluses also hollowed out our force, which required us to put our servicemen and -women at risk for way too long. Some of them weren't allowed to retire through stop-loss, and others had to serve 15 months in combat positions because we had hollowed out our force.

Patrick Henry once said the Constitution is not an instrument for the government to restrain the people; it's an instrument for the people to restrain the government. Today we start building upon those restraints. A balanced budget amendment is more of an instrument to check bloated government, a government that wants to be everything to everyone.

Today we're borrowing 40 cents on every dollar we spend. We're writing checks that we can't cash, hoping future generations will be able to figure out how to get out of this mess on their own. This spending is just unsustainable.

I wasn't happy with the Budget Control Act, but I voted for it simply so we

could vote today on a rule to allow us to vote on a balanced budget later this week so we can fundamentally change where we're going.

After 10 months in Congress, I'm convinced that there are not enough people in Washington with the determination, the dedication, nor the fortitude to make the tough decisions for the good of this country. The Constitution has saved us in the past, and it can save us in the future. A balanced budget amendment would give Americans a reason to believe that more efficiently and effectively than any other proposal I've heard of.

One of the things I hear consistently back home is that you all have made decisions in Congress that have put us so far into debt. Our unborn children are facing a debt of \$48,000 for every child who's born this year. How can we stand up and look at people and say this Congress can fix it on its own? How can we look people in the eye and say, You know what. Just give us another chance; we've done so well over the last 30 years.

I don't believe that the American people believe that we can do that, and I think that's why they're asking for fundamental changes. I think it's why they're asking us to step forward and do the right thing, Mr. Speaker, not kick the can down the road anymore.

I have the utmost respect for our chairman and for my good friend from Florida (Mr. HASTINGS), but I adamantly disagree. I think that we've had a change in government because there's a necessary need for a change in government. I think that you can't continue to do the status quo, because if we do, we're just going to wind up \$15 trillion in debt today, \$20 trillion in debt 2 years from now. When does it end, Mr. Speaker?

So I encourage my colleagues on both sides of the aisle to support this strongly bipartisan legislation.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 466 OFFERED BY MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 639) to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the

bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amend-

ment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. DOLD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on the adoption of House Resolution 466, if ordered, and adoption of House Resolution 467.

The vote was taken by electronic device, and there were—yeas 243, nays 173, not voting 17, as follows:

[Roll No. 854]

YEAS—243

Adams	Calvert	Fincher
Aderholt	Camp	Fitzpatrick
Akin	Campbell	Flake
Alexander	Canseco	Fleischmann
Altmire	Cantor	Fleming
Amash	Capito	Flores
Amodel	Cardoza	Forbes
Austria	Carter	Fortenberry
Bachus	Cassidy	Fox
Barletta	Chabot	Franks (AZ)
Barrow	Chaffetz	Frelinghuysen
Bartlett	Chandler	Galleghy
Barton (TX)	Coble	Gerlach
Bass (NH)	Coffman (CO)	Gibbs
Benishek	Cole	Gibson
Berg	Conaway	Gingrey (GA)
Bilbray	Costa	Gohmert
Bilirakis	Cravaack	Goodlatte
Bishop (UT)	Crawford	Gosar
Black	Crenshaw	Gowdy
Blackburn	Culberson	Granger
Bonner	Davis (KY)	Graves (GA)
Bono Mack	Denham	Graves (MO)
Boren	Dent	Griffin (AR)
Boswell	DesJarlais	Griffith (VA)
Boustany	Diaz-Balart	Grimm
Brady (TX)	Dold	Guinta
Brooks	Dreier	Guthrie
Brown (GA)	Duffy	Gutierrez
Buchanan	Duncan (SC)	Hall
Bucshon	Duncan (TN)	Hanna
Buerkle	Ellmers	Harper
Burgess	Emerson	Harris
Burton (IN)	Farenthold	Hartzler

Hastings (WA) McHenry
Hayworth McKeon
Heck McKinley
Hensarling McMorris
Herger Rodgers
Herrera Beutler Meehan
Huelskamp Mica
Huizenga (MI) Miller (FL)
Hultgren Miller (MI)
Hunter Miller, Gary
Hurt Mulvaney
Issa Murphy (PA)
Jenkins Myrick
Johnson (IL) Neugebauer
Johnson (OH) Noem
Johnson, Sam Nugent
Jones Nunes
Jordan Nunnelee
Kelly Olson
King (IA) Palazzo
King (NY) Paulsen
Kingston Pearce
Kinzinger (IL) Pence
Kissell Peterson
Kline Petri
Labrador Pitts
Lamborn Platts
Lance Poe (TX)
Landry Pompeo
Lankford Posey
Latham Price (GA)
LaTourette Quayle
Latta Reed
Lewis (CA) Rehberg
LoBiondo Reichert
Long Renacci
Luetkemeyer Ribble
Lummis Rigell
Lungren, Daniel Rivera
E. Roby
Mack Roe (TN)
Marchant Rogers (AL)
Marino Rogers (KY)
Matheson Rohrabacher
McCarthy (CA) Rooney
McCaul Ros-Lehtinen
McClintock Ross (AR)
McCotter Ross (FL)

NAYS—173

Ackerman Doyle
Andrews Edwards
Baca Ellison
Baldwin Engel
Bass (CA) Eshoo
Becerra Farr
Berkley Fattah
Berman Filner
Bishop (NY) Frank (MA)
Blumenauer Fudge
Brady (PA) Garamendi
Braley (IA) Gonzalez
Brown (FL) Green, Al
Butterfield Green, Gene
Capps Grijalva
Capuano Hahn
Carnahan Hanabusa
Carney Hastings (FL)
Carson (IN) Heinrich
Castor (FL) Higgins
Chu Himes
Cicilline Hinchey
Clarke (MI) Hinojosa
Clarke (NY) Hochul
Clay Holden
Cleaver Holt
Clyburn Honda
Cohen Hoyer
Connolly (VA) Inslee
Cooper Israel
Costello Jackson (IL)
Critz Jackson Lee
Crowley (TX)
Cuellar Johnson (GA)
Cummings Johnson, E. B.
Davis (CA) Kaptur
Davis (IL) Keating
DeFazio Kildee
DeGette Kind
DeLauro Kucinich
Deutch Langevin
Dicks Larsen (WA)
Dingell Larson (CT)
Doggett Lee (CA)
Donnelly (IN) Levin

Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard

Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—17

Bachmann
Biggert
Bishop (GA)
Conyers
Courtney
Gardner
Garrett
Giffords
Hirono
Lucas
Manzullo
Napolitano
Paul
Rogers (MI)
Rokita
Roskam
Shimkus

□ 1430

Messrs. HEINRICH, ROTHMAN of New Jersey, CLARKE of Michigan, and Mrs. MALONEY changed their vote from “yea” to “nay.”

Messrs. HULTGREN, PETERSON, and Mrs. NOEM changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. GARRETT. Mr. Speaker, on rollcall No. 854, had I been present, I would have voted “yea.”

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 854 in order to attend an important event in my district. Had I been present, I would have voted “nay” on the Motion on Ordering the Previous Question on the Rule providing for consideration of motions to suspend the rules.

The SPEAKER pro tempore (Mr. DOLD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 169, not voting 16, as follows:

[Roll No. 855]

YEAS—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)

Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
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 Lofgren, Zoe Perlmutter Sherman
 Lowey Peters Sires
 Luján Pingree (ME) Slaughter
 Lynch Polis Smith (WA)
 Maloney Price (NC) Speier
 Markey Quigley Stark
 Matsui Rahall Sutton
 McCarthy (NY) Rangel Thompson (CA)
 McCollum Reyes Thompson (MS)
 McDermott Richardson Tierney
 McGovern Richmond Tonko
 McNerney Rothman (NJ) Towns
 Meeks Roybal-Allard Tsongas
 Michaud Ruppertsberger
 Miller (NC) Rush Van Hollen
 Miller, George Ryan (OH) Velázquez
 Moore Sánchez, Linda Visclosky
 Moran T. Walz (MN)
 Murphy (CT) Sanchez, Loretta Wasserman
 Nadler Sarbanes Schultz
 Neal Schakowsky Waters
 Olver Schiff Watt
 Owens Schrader Waxman
 Pallone Schwartz Welch
 Pascrell Scott (VA) Wilson (FL)
 Pastor (AZ) Scott, David Woolsey
 Payne Serrano

NOT VOTING—16

Bachmann Giffords Paul
 Biggart Gohmert Roskam
 Bishop (GA) Hirono Shimkus
 Courtney Lucas Yarmuth
 Gardner Manzullo
 Garrett Napolitano

□ 1439

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GARRETT. Mr. Speaker, on rollcall No. 855, had I been present, I would have voted “yea.”

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 855 in order to attend an important event in my district. Had I been present, I would have voted “nay” on H. Res. 466—Rule providing for consideration of motions to suspend the Rules.

CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 467) providing for consideration of the conference report to accompany the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 262, nays 156, not voting 15, as follows:

[Roll No. 856]
 YEAS—262

Garrett Myrick
 Gerlach Neugebauer
 Gibbs Noem
 Gibson Nugent
 Gingrey (GA) Nunes
 Gohmert Nunnelee
 Goodlatte Olson
 Gosar Owens
 Gowdy Palazzo
 Granger Pascarell
 Graves (GA) Paulsen
 Graves (MO) Pearce
 Griffith (AR) Pence
 Griffith (VA) Peterson
 Grimm Petri
 Guinta Pitts
 Guthrie Platts
 Hall Poe (TX)
 Hanna Pompeo
 Harper Posey
 Harris Price (GA)
 Hartzler Quayle
 Hastings (WA) Reed
 Hayworth Rehberg
 Heck Reichert
 Hensarling Renacci
 Herger Ribble
 Herrera Beutler Rigell
 Brooks Huelskamp Rivera
 Broun (GA) Huizenga (MI)
 Buchanan Hultgren
 Bucshon Hunter
 Buerkle Hurt
 Burgess Inslee
 Burton (IN) Issa
 Calvert Jenkins
 Camp Johnson (IL)
 Campbell Johnson (OH)
 Canseco Johnson, Sam
 Cantor Jones
 Capito Jordan
 Carney Kaptur
 Carter Keating
 Cassidy Kelly
 Chabot King (IA)
 Chaffetz King (NY)
 Chandler Kingston
 Coble Kinzinger (IL)
 Coffman (CO) Kissell
 Cole Kline
 Conaway Labrador
 Cooper Lamborn
 Costa Lance
 Cravaack Landry
 Crawford Lankford
 Crenshaw Latham
 Culberson LaTourette
 Davis (CA) Latta
 Davis (KY) Lewis (CA)
 Denham LoBiondo
 Dent Long
 DesJarlais Luetkemeyer
 Diaz-Balart Lummis
 Dicks Lungren, Daniel
 Dold E.
 Donnelly (IN) Mack
 Dreier Marchant
 Duffy Marino
 Duncan (SC) Matheson
 Duncan (TN) McCarthy (CA)
 Ellmers McCaul
 Emerson McClintock
 Farenthold McCotter
 Farr McHenry
 Fattah McIntyre
 Fincher McKeon
 Fitzpatrick McKinley
 Flake McMorris
 Fleischmann Rodgers
 Fleming Meehan
 Flores Mica
 Forbes Michaud
 Fortenberry Miller (FL)
 Foxx Miller (MI)
 Frank (MA) Miller, Gary
 Franks (AZ) Mulvaney
 Frelinghuysen Murphy (CT)
 Gallegly Murphy (PA)

NAYS—156

Ackerman Baca
 Andrews Baldwin
 Bass (CA)
 Becerra

Berkley Higgins
 Bishop (NY) Himes
 Blumenauer Hinchey
 Brady (PA) Hinojosa
 Braley (IA) Hochul
 Brown (FL) Holden
 Butterfield Holt
 Capps Honda
 Capuano Hoyer
 Carnahan Israel
 Carson (IN) Jackson (IL)
 Castor (FL) Jackson Lee
 Chu (TX)
 Cicilline Johnson (GA)
 Clarke (MI) Johnson, E. B.
 Clarke (NY) Kildee
 Clay Kind
 Cleaver Kucinich
 Clyburn Langevin
 Cohen Larsen (WA)
 Connolly (VA) Larson (CT)
 Conyers Lee (CA)
 Costello Levin
 Critz Lewis (GA)
 Crowley Lipinski
 Cuellar Loeb sack
 Cummings Lofgren, Zoe
 Davis (IL) Lowey
 DeFazio Luján
 DeGette Lynch
 DeLauro Maloney
 Deutch Markey
 Dingell Matsui
 Doggett McCarthy (NY)
 Doyle McCollum
 Edwards McDermott
 Ellison McGovern
 Engel McNerney
 Eshoo Meeks
 Filner Miller (NC)
 Fudge Miller, George
 Garamendi Moore
 Gonzalez Moran
 Green, Al Nadler
 Green, Gene Neal
 Grijalva Olver
 Gutierrez Pallone
 Hahn Pastor (AZ)
 Hanabusa Payne
 Hastings (FL) Pelosi
 Heinrich Perlmutter

NOT VOTING—15

Bachmann Gardner Napolitano
 Biggart Giffords Paul
 Bishop (GA) Hirono Roskam
 Cardoza Lucas Schock
 Courtney Manzullo Shimkus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1446

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 856 in order to attend an important event in my district. Had I been present, I would have voted “nay” on H. Res. 467—Rule providing for consideration of the Conference Report to H.R. 2112—Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act.

PERSONAL EXPLANATION

Ms. HIRONO. Mr. Speaker, on rollcall Nos. 854, 855, and 856, had I been present, I would have voted “nay” on all the above.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Speaker, I missed rollcall Nos. 854, 855, and 856. Had I been present, I would have voted “aye.”

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2112.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 467, agreed to earlier today, I call up the conference report on the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 467, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 14, 2011, at page 17145.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 5 minutes.

I rise today to present the conference report on H.R. 2112, the Consolidated and Further Continuing Appropriations Act of 2012. The House passed H.R. 2112, the bill making appropriations for the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on June 16. The bill has since been amended to include the Commerce-Justice-Science and the Transportation-HUD appropriations bills as well as a continuing resolution to keep the rest of the government operating until December 16.

With the help of our ranking member, the gentleman from Washington, NORM DICKS, we successfully negotiated with our Senate counterparts to craft this agreement, which is the first appropriations conference report to hit

this floor since 2009. This report is the next step in meeting the spending targets set by the Budget Control Act, which will save the taxpayers billions and help continue the effort to bring the Nation's deficit under control. In fact, this bill keeps us on track to cut regular discretionary spending by \$98 billion compared to the President's fiscal year 2012 request and some \$47 billion below the fiscal year 2010 level.

When all appropriations work this year is completed, it will be the second year in a row that we have reduced total discretionary spending, a remarkable and historic achievement. Yet while we've made significant cuts, we were also able to fund important priorities, such as food and drug safety, Federal law enforcement, agricultural and scientific research, trade, infrastructure, and economic growth. Additionally, we're helping communities, States, businesses, and families deeply affected by a record-breaking year of destructive natural disasters and catastrophes.

□ 1450

We scrubbed the information from the agencies and were able to reduce the disaster spending in this bill by \$850 million compared to the Senate-passed bill. These funds are only for disaster assistance and do not grow the baseline budgets or the scope of the Federal agencies.

This bill, Mr. Speaker, is the next step in breaking the status quo of excess Federal spending that's throwing our budgets out of whack.

Our House conferees thoroughly examined each and every program and agency to ensure that we are reducing spending wherever possible. In this bill, this includes terminating wasteful, poorly planned and controversial programs such as high-speed rail, NOAA's Climate Change Office, and the Livable Communities program. In fact, Mr. Speaker, we have terminated 20 programs for a savings of \$456 million.

This legislation also reins in executive branch overreach by including several important policy items. These provisions kill job-killing regulations that create economic uncertainty and limit government involvement in issues of life and liberty, including several pro-

visions protecting human life and the Second Amendment right to keep and bear arms.

Finally, this legislation includes a continuing resolution that will keep the remainder of the government operating until December 16, allowing us an appropriate amount of time, I think, to finish negotiations on the remaining nine appropriations bills so that we will have all 12 out of the way, leaving the Appropriations Committee clear sailing in January to bring to the floor of the House 12 separate appropriations bills.

I'm very pleased that we were able to reach agreement on this bill. It has become all too rare a thing in this Congress to come to an agreement such as this, and I'm proud to say that this conference report was approved by all but one of the 38 House and Senate conferees from both parties, which goes to show us we work best when we work together. While there are no doubt items where Members might disagree in the bill, there are many achievements in this bill of which we can be justly proud.

However, we could not have done this without the tremendous help from our ranking member, NORM DICKS, as well as the dedicated conferees on both sides of the aisle from both Chambers. Chairman WOLF, Chairman KINGSTON, Chairman LATHAM, Ranking Members FARR, FATTAH, and OLVER, as well as our dedicated staff, have worked tirelessly over the last few weeks to bring this bill to completion, and they have all of our sincere thanks and appreciation for a job well done.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. I yield myself an additional 1 minute.

I am proud, Mr. Speaker, that your Appropriations Committee is presenting to you the first Appropriations Conference Report since 2009 and the first conference report of this Congress. Your Appropriations Committee is working.

In closing, I strongly urge my colleagues to support this bill. It's vital we pass this bill to prevent a government shutdown, rein in overzealous

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012
H.R. 2112 (H.Rept.112-284)
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

TITLE I - AGRICULTURAL PROGRAMS				
Production, Processing, and Marketing				
Office of the Secretary.....	5,051	5,883	4,550	-501
Office of Tribal Relations.....	498	1,015	448	-50
Healthy Food Financing Initiative.....	---	35,000	---	---
Executive Operations:				
Office of Chief Economist.....	12,008	15,196	11,177	-831
National Appeals Division.....	14,225	15,254	12,841	-1,384
Office of Budget and Program Analysis.....	9,417	9,436	8,946	-471
Office of Homeland Security.....	1,496	4,272	1,321	-175
Office of Advocacy and Outreach.....	1,422	7,000	1,209	-213
Office of the Chief Information Officer.....	39,920	63,579	44,031	+4,111
Office of the Chief Financial Officer.....	6,247	6,566	5,650	-597
Subtotal, Executive Operations.....	84,735	121,303	85,175	+440
Office of the Assistant Secretary for Civil Rights....	893	895	848	-45
Office of Civil Rights.....	22,692	24,922	21,000	-1,692
Office of the Assistant Secretary for Administration..	804	820	764	-40
Agriculture buildings and facilities and rental				
payments.....	(246,476)	(255,191)	(230,416)	(-16,060)
Payments to GSA.....	178,113	164,470	164,470	-13,643
Department of Homeland Security.....	13,473	13,800	13,800	+327
Building operations and maintenance.....	54,890	76,921	52,146	-2,744
Hazardous materials management.....	3,992	5,125	3,592	-400
Departmental Administration.....	29,647	35,787	24,165	-5,482
Office of the Assistant Secretary for Congressional				
Relations.....	3,869	4,041	3,576	-293
Office of Communications.....	9,480	9,722	8,065	-1,415
Office of Inspector General.....	88,548	90,755	85,621	-2,927
Office of the General Counsel.....	41,416	46,058	39,345	-2,071
Total, Departmental Administration.....	538,101	636,517	507,565	-30,536
Office of the Under Secretary for Research, Education,				
and Economics.....	893	911	848	-45
Economic Research Service.....	81,814	85,971	77,723	-4,091
National Agricultural Statistics Service.....	156,447	165,421	158,616	+2,169
Census of Agriculture.....	(33,139)	(41,639)	(41,639)	(+8,500)
Agricultural Research Service:				
Salaries and expenses.....	1,133,230	1,137,690	1,094,647	-38,583
National Institute of Food and Agriculture:				
Research and education activities.....	698,740	708,107	705,599	+6,859
Native American Institutions Endowment Fund.....	(11,880)	(11,880)	(11,880)	---
Extension activities.....	479,132	466,788	475,183	-3,949
Integrated activities.....	36,926	29,874	21,482	-15,444
Hispanic-Serving Agricultural Colleges and				
Universities Endowment Fund.....	---	(10,000)	---	---
Total, National Institute of Food				
and Agriculture.....	1,214,798	1,204,769	1,202,264	-12,534
Office of the Under Secretary for Marketing and				
Regulatory Programs.....	893	911	848	-45
Animal and Plant Health Inspection Service:				
Salaries and expenses.....	863,270	832,706	816,534	-46,736
Assistance, goods, or services (user fees) NA	---	(141,000)	---	---
Buildings and facilities.....	3,529	4,712	3,200	-329
Total, Animal and Plant Health Inspection				
Service.....	866,799	837,418	819,734	-47,065

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012

H.R. 2112 (H.Rept. 112-284)

(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Agricultural Marketing Service:				
Marketing Services.....	86,538	94,755	82,211	-4,327
Standardization activities (user fees) NA.....	(65,000)	(66,000)	(66,000)	(+1,000)
(Limitation on administrative expenses, from fees collected).....	(60,947)	(62,101)	(62,101)	(+1,154)
Funds for strengthening markets, income, and supply (Section 32):				
Permanent, Section 32.....	1,065,000	1,080,000	1,080,000	+15,000 M
Marketing agreements and orders (transfer from section 32).....	(20,056)	(20,056)	(20,056)	---
Payments to States and Possessions.....	1,331	2,634	1,198	-133
Total, Agricultural Marketing Service program...	1,213,816	1,239,490	1,225,510	+11,694
Grain Inspection, Packers and Stockyards Administration:				
Salaries and expenses.....	40,261	44,192	37,750	-2,511
Limitation on inspection and weighing services....	(47,500)	(50,000)	(49,000)	(+1,500)
Office of the Under Secretary for Food Safety.....	811	828	770	-41
Food Safety and Inspection Service.....	1,006,503	1,011,393	1,004,427	-2,076
Lab accreditation fees.....	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing....	6,193,419	6,303,410	6,068,601	-124,818
Farm Assistance Programs				
Office of the Under Secretary for Farm and Foreign Agricultural Services.....	893	911	848	-45
Farm Service Agency:				
Salaries and expenses.....	1,208,290	1,357,065	1,198,966	-9,324
Equal Credit Opportunity claims (leg. proposal)...	---	40,000	---	---
(Transfer from Food for Peace (P.L. 480)).....	(2,806)	(2,812)	(2,500)	(-306)
(Transfer from export loans).....	(354)	(355)	(355)	(+1)
(Transfer from ACIF).....	(304,977)	(313,173)	(289,728)	(-15,249)
Subtotal, transfers from program accounts.....	(308,137)	(316,340)	(292,583)	(-15,554)
Total, Salaries and expenses.....	(1,516,427)	(1,713,405)	(1,491,549)	(-24,878)
State mediation grants.....	4,177	4,369	3,759	-418
Grassroot source water protection program.....	4,241	---	3,817	-424
Dairy indemnity program.....	876	100	100	-776 M
Subtotal, Farm Service Agency.....	1,217,584	1,401,534	1,206,642	-10,942
Agricultural Credit Insurance Fund (ACIF) Program Account:				
Loan authorizations:				
Farm ownership loans:				
Direct.....	(475,000)	(475,000)	(475,000)	---
Guaranteed.....	(1,500,000)	(1,500,000)	(1,500,000)	---
Subtotal.....	(1,975,000)	(1,975,000)	(1,975,000)	---
Farm operating loans:				
Direct.....	(950,000)	(1,050,090)	(1,050,090)	(+100,090)
Unsubsidized guaranteed.....	(1,500,000)	(1,500,000)	(1,500,000)	---
Subsidized guaranteed.....	(122,343)	---	---	(-122,343)
Subtotal.....	(2,572,343)	(2,550,090)	(2,550,090)	(-22,253)
Indian tribe land acquisition loans.....	(3,940)	(2,000)	(2,000)	(-1,940)
Conservation loans:				
Guaranteed.....	---	(150,000)	(150,000)	(+150,000)
Indian Highly Fractionated Land Loans.....	---	(10,000)	(10,000)	(+10,000)
Boll weevil eradication loans.....	(100,000)	(60,000)	(100,000)	---
Total, Loan authorizations.....	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
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Loan subsidies:				
Farm ownership loans:				
Direct.....	32,804	22,800	22,800	-10,004
Guaranteed.....	5,689	---	---	-5,689
Subtotal.....	38,493	22,800	22,800	-15,693
Farm operating loans:				
Direct.....	57,425	59,120	59,120	+1,695
Unsubsidized guaranteed.....	34,880	26,100	26,100	-8,780
Subsidized guaranteed.....	16,886	---	---	-16,886
Subtotal.....	109,191	85,220	85,220	-23,971
Indian Highly Fractionated Land Loans.....	---	193	193	+193
Individual Development Accounts.....	---	2,500	---	---
Total, Loan subsidies.....	147,684	110,713	108,213	-39,471
ACIF administrative expenses:				
Salaries and expense (transfer to FSA)....	304,977	313,173	289,728	-15,249
Administrative expenses.....	7,904	7,920	7,904	---
Total, ACIF expenses.....	312,881	321,093	297,632	-15,249
Total, Agricultural Credit Insurance Fund... (Loan authorization).....	460,565 (4,651,283)	431,806 (4,747,090)	405,845 (4,787,090)	-54,720 (+135,807)
Total, Farm Service Agency.....	1,678,149	1,833,340	1,612,487	-65,662
Risk Management Agency, Administrative and operating expenses.....	78,842	82,325	74,900	-3,942
Total, Farm Assistance Programs.....	1,757,884	1,916,576	1,688,235	-69,649
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Corporations				
Federal Crop Insurance Corporation:				
Federal crop insurance corporation fund.....	7,613,232	3,142,375	3,142,375	-4,470,857 M
Commodity Credit Corporation Fund:				
Reimbursement for net realized losses.....	13,925,575	14,071,000	14,071,000	+145,425 M
Hazardous waste management (limitation on expenses).....	(5,000)	(5,000)	(5,000)	---
Total, Corporations.....	21,538,807	17,213,375	17,213,375	-4,325,432
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Total, Title I, Agricultural Programs.....	29,490,110	25,433,361	24,970,211	-4,519,899
(By transfer).....	(328,193)	(336,396)	(312,639)	(-15,554)
(Loan authorization).....	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
(Limitation on administrative expenses).....	(113,447)	(117,101)	(116,101)	(+2,654)
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TITLE II - CONSERVATION PROGRAMS				
Office of the Under Secretary for Natural Resources and Environment.....	893	911	848	-45
Natural Resources Conservation Service:				
Conservation operations.....	870,503	898,647	828,159	-42,344
Watershed rehabilitation program.....	17,964	---	15,000	-2,964
Total, Natural Resources Conservation Service...	888,467	898,647	843,159	-45,308
Total, Title II, Conservation Programs.....	889,360	899,558	844,007	-45,353
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DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012
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TITLE III - RURAL DEVELOPMENT				
Office of the Under Secretary for Rural Development...	893	911	848	-45
Rural Development:				
Rural development expenses:				
Salaries and expenses.....	191,603	234,301	182,023	-9,580
(Transfer from RHIF).....	(453,474)	(411,779)	(430,800)	(-22,674)
(Transfer from RDLFP).....	(4,931)	(4,941)	(4,684)	(-247)
(Transfer from RETLP).....	(38,297)	(39,959)	(36,382)	(-1,915)
Subtotal, Transfers from program accounts.	(496,702)	(456,679)	(471,866)	(-24,836)
Total, Rural development expenses.....	(688,305)	(690,980)	(653,889)	(-34,416)
Rural Housing Service:				
Rural Housing Insurance Fund Program Account:				
Loan authorizations:				
Single family direct (Sec. 502).....	(1,121,406)	(211,416)	(900,000)	(-221,406)
Unsubsidized guaranteed.....	(24,000,000)	(24,000,000)	(24,000,000)	---
Subtotal, Single family.....	(25,121,406)	(24,211,416)	(24,900,000)	(-221,406)
Housing repair (Sec. 504).....	(23,360)	---	(10,000)	(-13,360)
Rental housing (Sec. 515).....	(69,512)	(95,236)	(64,478)	(-5,034)
Site loans (Sec. 524).....	(5,052)	---	---	(-5,052)
Multi-family housing guarantees (Sec. 538)	(30,960)	---	(130,000)	(+99,040)
Multi-family housing credit sales.....	(1,448)	---	---	(-1,448)
Single family housing credit sales.....	(10,000)	---	(10,000)	---
Self-help housing land develop. (Sec. 523)	(4,966)	---	(5,000)	(+34)
Farm Labor Housing (Sec.514).....	(25,724)	(27,288)	(20,791)	(-4,933)
Total, Loan authorizations.....	(25,292,428)	(24,333,940)	(25,140,269)	(-152,159)
Loan subsidies:				
Single family direct (Sec. 502).....	70,060	10,000	42,570	-27,490
Housing repair (Sec. 504).....	4,413	---	1,421	-2,992
Rental housing (Sec. 515).....	23,399	32,495	22,000	-1,399
Multi-family housing guarantees (Sec. 538)	2,994	---	---	-2,994
Site development loans (Sec. 524).....	293	---	---	-293
Multi-family housing credit sales.....	555	---	---	-555
Farm labor housing (Sec.514).....	9,853	9,319	7,100	-2,753
Self-help land dev. housing loans (Sec523)	288	---	---	-288
Total, Loan subsidies.....	111,855	51,814	73,091	-38,764
Farm labor housing grants.....	9,854	9,873	7,100	-2,754
RHIF administrative expenses (transfer to RD).....	453,474	411,779	430,800	-22,674
Total, Rural Housing Insurance Fund program. (Loan authorization).....	575,183 (25,292,428)	473,466 (24,333,940)	510,991 (25,140,269)	-64,192 (-152,159)
=====				
Rental assistance program:				
Rental assistance (Sec. 521).....	948,704	900,653	900,653	-48,051
New construction (Sec. 515).....	2,026	3,000	1,500	-526
New construction (Farm Labor Housing).....	2,994	3,000	2,500	-494
Total, Rental assistance program.....	953,724	906,653	904,653	-49,071
Rural housing voucher program.....	13,972	16,000	11,000	-2,972
Multi-family housing revitalization program	14,970	---	2,000	-12,970
Multifamily housing preservation revolving loans..	998	---	---	-998
Total, Multi-family housing revitalization..	29,940	16,000	13,000	-16,940
Mutual and self-help housing grants.....	36,926	---	30,000	-6,926
Rural housing assistance grants.....	40,319	11,520	33,136	-7,183

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Rural community facilities program account:				
Loan authorizations:				
Community facility:				
Direct.....	(290,526)	(1,000,000)	(1,300,000)	(+1,009,474)
Guaranteed.....	(167,747)	---	(105,708)	(-62,039)
Total, Loan authorizations.....	(458,273)	(1,000,000)	(1,405,708)	(+947,435)
Loan subsidies and grants:				
Community facility:				
Direct.....	3,856	---	---	-3,856
Guaranteed.....	6,613	---	5,000	-1,613
Grants.....	14,970	30,000	11,363	-3,607
Rural community development initiative....	4,990	8,400	3,621	-1,369
Economic impact initiative grants.....	6,986	---	5,938	-1,048
Tribal college grants.....	3,964	---	3,369	-595
Total, RCFP Loan subsidies and grants....	41,379	38,400	29,291	-12,088
Subtotal, grants and payments.....	118,624	49,920	92,427	-26,197
Total, Rural Housing Service.....	1,677,471	1,446,039	1,521,071	-156,400
(Loan authorization).....	(25,750,701)	(25,333,940)	(26,545,977)	(+795,276)
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Rural Business-Cooperative Service:				
Rural Business Program Account:				
(Guaranteed business and industry loans).....	(889,111)	(822,900)	(822,886)	(-66,225)
Loan subsidies and grants:				
Guaranteed business and industry subsidy..	44,899	52,500	45,341	+442
Grants:				
Rural business enterprise.....	34,930	29,874	24,318	-10,612
Rural business opportunity.....	2,478	7,483	2,250	-228
Delta regional authority.....	2,973	---	2,900	-73
Total, RBP loan subsidies and grants.....	85,280	89,857	74,809	-10,471
Rural Development Loan Fund Program Account:				
(Loan authorization).....	(19,181)	(36,376)	(17,710)	(-1,471)
Loan subsidy.....	7,385	12,324	6,000	-1,385
Administrative expenses (transfer to RD).....	4,931	4,941	4,684	-247
Total, Rural Development Loan Fund.....	12,316	17,265	10,684	-1,632
Rural Economic Development Loans Program Account:				
(Loan authorization).....	(33,077)	(33,077)	(33,077)	---
Limit cushion of credit interest spending....	(207,000)	(241,794)	(155,000)	(-52,000)
(Rescission).....	-207,000	-241,794	-155,000	+52,000
Rural cooperative development grants:				
Cooperative development.....	7,908	8,924	5,800	-2,108
Appropriate technology transfer				
for rural areas	---	2,800	2,250	+2,250
Cooperative research agreement.....	---	300	---	---
Value-added agricultural product				
market development.....	18,829	20,367	14,000	-4,829
Grants to assist minority producers.....	3,456	3,463	3,000	-456
Total, Rural Cooperative development grants.	30,193	35,854	25,050	-5,143
Rural Microenterprise Investment Program Account:				
(Loan authorization).....	---	(8,700)	---	---
Loan subsidy.....	---	2,850	---	---
Grants.....	---	2,850	---	---
Total, Rural Microenterprise Investment.....	---	5,700	---	---

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Rural Energy for America Program				
(Loan authorization).....	(10,785)	(10,645)	(6,491)	(-4,294)
Loan subsidy.....	2,495	2,788	1,700	-795
Grants.....	2,495	34,000	1,700	-795
Total, Rural Energy for America Program.....	4,990	36,788	3,400	-1,590
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Total, Rural Business-Cooperative Service.....	-74,221	-56,330	-41,057	+33,164
(Loan authorization).....	(952,154)	(911,698)	(880,164)	(-71,990)
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Rural Utilities Service:				
Rural water and waste disposal program account:				
Loan authorizations:				
Direct.....	(898,263)	(770,000)	(730,689)	(-167,574)
Guaranteed.....	(75,000)	(12,000)	(62,893)	(-12,107)
Total, Loan authorization.....	973,263	782,000	793,582	-179,681
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Loan subsidies and grants:				
Direct subsidy.....	76,917	73,788	70,000	-6,917
Guaranteed subsidy.....	---	190	1,000	+1,000
Water and waste revolving fund.....	497	497	497	---
Water well system grants.....	993	993	993	---
Colonias and AK/HI grants.....	68,600	65,000	66,500	-2,100
Water and waste technical assistance.....	19,110	19,000	19,000	-110
Circuit rider program.....	14,700	14,000	15,000	+300
Solid waste management grants.....	3,434	4,000	3,400	-34
High energy cost grants.....	11,976	---	9,500	-2,476
Water and waste disposal grants.....	331,717	311,510	327,110	-4,607
Total, Loan subsidies and grants.....	527,944	488,978	513,000	-14,944
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Rural Electrification and Telecommunications Loans				
Program Account:				
Loan authorizations:				
Electric:				
Direct, 5%.....	(100,000)	(100,000)	(100,000)	---
Direct, FFB.....	(6,500,000)	(6,000,000)	(6,500,000)	---
Guaranteed underwriting.....	(500,000)	---	(424,286)	(-75,714)
Subtotal, Electric.....	(7,100,000)	(6,100,000)	(7,024,286)	(-75,714)
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Telecommunications:				
Direct, 5%.....	(145,000)	(145,000)	(145,000)	---
Direct, Treasury rate.....	(250,000)	(250,000)	(250,000)	---
Direct, FFB.....	(295,000)	(295,000)	(295,000)	---
Subtotal, Telecommunications.....	(690,000)	(690,000)	(690,000)	---
Total, Loan authorizations.....	(7,790,000)	(6,790,000)	(7,714,286)	(-75,714)
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Loan subsidies:				
Electric:				
Guaranteed underwriting.....	699	---	594	-105
RETLP administrative expenses (transfer to RD)	38,297	39,959	36,382	-1,915
Total, Rural Electrification and				
Telecommunications Loans Program Account..	38,996	39,959	36,976	-2,020
(Loan authorization).....	(7,790,000)	(6,790,000)	(7,714,286)	(-75,714)
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Distance learning, telemedicine, and broadband program:				
Loan authorizations:				
Broadband telecommunications.....	(400,000)	---	(212,014)	(-187,986)
Total, Loan authorizations.....	(400,000)	---	(212,014)	(-187,986)
Loan subsidies and grants:				
Distance learning and telemedicine:				
Grants.....	32,435	30,000	21,000	-11,435
Broadband telecommunications:				
Direct.....	22,276	---	6,000	-16,276
Grants.....	13,379	17,976	10,372	-3,007
Total, Loan subsidies and grants.....	68,090	47,976	37,372	-30,718
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Total, Rural Utilities Service.....	635,030	576,913	587,348	-47,682
(Loan authorization).....	(9,163,263)	(7,572,000)	(8,719,882)	(-443,381)
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Total, Title III, Rural Development Programs....	2,430,776	2,201,834	2,250,233	-180,543
(By transfer).....	(496,702)	(456,679)	(471,866)	(-24,836)
(Loan authorization).....	(35,866,118)	(33,817,638)	(36,146,023)	(+279,905)
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TITLE IV - DOMESTIC FOOD PROGRAMS				
Office of the Under Secretary for Food, Nutrition and Consumer Services.....	811	828	770	-41
Food and Nutrition Service:				
Child nutrition programs.....	12,042,407	18,770,571	18,150,176	+6,107,769 M
Competitive grants.....	---	5,000	---	---
School breakfast program grants.....	---	10,000	1,000	+1,000
Childhood Hunger challenge grants.....	---	25,000	---	---
Transfer from section 32.....	5,277,574	---	---	-5,277,574 M
.2 Percent (rescission) (discretionary).....	-48	---	---	+48
Total, Child nutrition programs.....	17,319,933	18,810,571	18,151,176	+831,243
Special supplemental nutrition program for women, infants, and children (WIC).....	6,734,027	7,390,100	6,618,497	-115,530
Supplemental nutrition assistance program:				
(Food stamp program).....	65,206,790	68,173,308	77,401,722	+12,194,932 M
Reserve.....	---	5,000,000	3,000,000	+3,000,000 M
Center for Nutrition Policy and Promotion.....	---	1,500	---	---
Grants to States and technical assistance.....	---	9,000	---	---
.2 Percent (rescission) (discretionary).....	-97	---	---	+97
Total, Food stamp program.....	65,206,693	73,183,808	80,401,722	+15,195,029
Commodity assistance program:				
Commodity supplemental food program.....	175,697	176,788	176,788	+1,091
Farmers market nutrition program.....	19,960	20,000	16,548	-3,412
Emergency food assistance program.....	49,401	50,000	48,000	-1,401
Pacific island and disaster assistance.....	1,068	1,081	1,000	-68
IT modernization and support.....	---	1,750	---	---
Total, Commodity assistance program.....	246,126	249,619	242,336	-3,790
Nutrition programs administration.....	147,505	170,471	138,500	-9,005
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Total, Food and Nutrition Service.....	89,654,284	99,804,569	105,552,231	+15,897,947
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Total, Title IV, Domestic Food Programs.....	89,655,095	99,805,397	105,553,001	+15,897,906
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DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012

H.R. 2112 (H.Rept.112-284)

(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS				
Foreign Agricultural Service				
Salaries and expenses.....	185,628	229,730	176,347	-9,281
(Transfer from export loans).....	(6,452)	(6,465)	(6,465)	(+13)
Total, Salaries and expenses.....	192,080	236,195	182,812	-9,268
Food for Peace Title I Direct Credit and Food for Progress Program Account, Administrative Expenses Farm Service Agency, Salaries and expenses (transfer to FSA).....	2,806	2,812	2,500	-306
Food for Peace Title II Grants: Expenses.....	1,497,000	1,690,000	1,466,000	-31,000 150
Commodity Credit Corporation Export Loans Program Account (administrative expenses): Salaries and expenses (Export Loans):				
General Sales Manager (transfer to FAS).....	6,452	6,465	6,465	+13
Farm Service Agency S&E (transfer to FSA).....	354	355	355	+1
Total, CCC Export Loans Program Account.....	6,806	6,820	6,820	+14
McGovern-Dole international food for education and child nutrition program grants.....	199,101	200,500	184,000	-15,101 150
Total, Title V, Foreign Assistance and Related Programs.....	1,891,341	2,129,862	1,835,667	-55,674
(By transfer).....	(6,452)	(6,465)	(6,465)	(+13)
=====				
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Food and Drug Administration				
Salaries and expenses, direct appropriation.....	2,447,021	2,730,910	2,497,021	+50,000
Prescription drug user fees.....	(667,057)	(856,041)	(702,172)	(+35,115)
Medical device user fees.....	(61,860)	(67,118)	(57,605)	(-4,255)
Animal drug user fees.....	(19,448)	(21,768)	(21,768)	(+2,320)
Generic animal drug user fees.....	(5,397)	(5,706)	(5,706)	(+309)
Tobacco product user fees.....	(450,000)	(477,000)	(477,000)	(+27,000)
Food and Feed Export Certification user fees.....	---	(12,364)	(12,364)	(+12,364)
Food Reinspection fees.....	---	(14,700)	(14,700)	(+14,700)
Voluntary qualified importer program fees.....	---	(36,000)	---	---
Subtotal (including user fees).....	(3,650,783)	(4,221,607)	(3,788,336)	(+137,553)
Mammography user fees.....	(19,318)	(19,318)	(19,318)	---
Export certification user fees.....	(10,400)	(10,400)	(11,667)	(+1,267)
Voluntary qualified importer program fees.....	---	---	(71,066)	(+71,066)
Subtotal, FDA (with user fees).....	(3,680,501)	(4,251,325)	(3,899,387)	(+209,886)
FDA New User Fees (Leg. proposals):				
Generic drug review user fees.....	---	(40,122)	---	---
Reinspection fees.....	---	(14,108)	---	---
International express courier import fees.....	---	(5,338)	---	---
Subtotal, FDA new user fees (Leg Proposals)	---	(59,568)	---	---
Buildings and facilities.....	9,980	13,055	8,788	-1,192
Total, FDA (w/user fees, including proposals)...	(3,690,481)	(4,323,948)	(3,899,175)	(+208,694)
Total, FDA (w/enacted user fees only).....	(3,690,481)	(4,264,380)	(3,899,175)	(+208,694)
Total, FDA (excluding user fees).....	2,457,001	2,743,965	2,505,809	+48,808
=====				

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012
H.R. 2112 (H.Rept.112-284)
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<hr/>				
INDEPENDENT AGENCIES				
Commodity Futures Trading Commission 1/.....	202,270	308,000	205,294	+3,024
Financial regulation user fees (leg proposal).....	---	(117,000)	---	---
Farm Credit Administration (limitation on administrative expenses).....	(59,400)	(62,000)	(61,000)	(+1,600)
	=====	=====	=====	=====
Total, Title VI, Related Agencies and Food and Drug Administration.....	2,659,271	3,051,965	2,711,103	+51,832
	=====	=====	=====	=====
TITLE VII - GENERAL PROVISIONS				
Limit fruit and vegetable program (Sec.726(15)).....	-117,000	-114,478	-133,000	-16,000
Section 32 (rescission) (Sec.726(15)).....	---	---	-150,000	-150,000
Forestry Incentives program (Sec.722) (rescission)....	---	---	-6,017	-6,017
Great Plains Conservation (Sec.722) (rescission).....	---	---	-547	-547
Supplemental Nutrition Assistance Program				
Employment and Training (rescission) (Sec.723).....	-15,000	---	-11,000	+4,000
Limit Conservation stewardship (Sec.726(1)).....	-39,000	-2,000	-76,516	-37,516
Limit Dam Rehab (Sec.726(2)).....	-165,000	-165,000	-165,000	---
Limit Environmental Quality Incentives program (Sec.726(3)).....	-350,000	-342,000	-350,000	---
Limit Farmland Protection program (Sec.726(4)).....	---	---	-50,000	-50,000
Limit Grasslands reserve (Sec.726(5)).....	---	-50,000	-30,000	-30,000
Limit Wetlands reserve (Sec.726(6)).....	-119,000	-9,000	-200,000	-81,000
Limit Wildlife habitat incentives (Sec.726(7)).....	---	-12,000	-35,000	-35,000
Limit Voluntary Public Access program (Sec.726(8))....	---	---	-17,000	-17,000
Limit Biomass Crop Assistance program (Sec.726(14))...	-134,000	---	-28,000	+106,000
Limit Bioenergy Program for Advanced Biofuels (Sec.726(9)).....	---	---	-40,000	-40,000
Limit Rural Energy for America (Sec.726(10)).....	---	---	-48,000	-48,000
Limit Microenterprise investment program (Sec.726(11))	---	---	-3,000	-3,000
Limit Crop Insurance Good Performance (Sec.726(12))...	-25,000	---	-25,000	---
Limit Agriculture management assistance (section 1524) (Sec.726(13)).....	---	-5,000	-5,000	-5,000
Hardwood Trees (Reforestation Pilot Program) (Sec.727)..	639	---	600	-39
Geographic Disadvantaged farmers (Sec. 724)	1,996	---	1,996	---
Agricultural Research Service, Buildings and and facilities (rescission).....	-229,582	-223,749	---	+229,582
Broadband loan balances (rescission).....	-39,000	---	---	+39,000
NIFA, Buildings and Facilities (rescission) (Sec.722)..	-1,037	-1,037	-2,490	-1,453
Wildlife Habitat Incentives unobligated (rescission)...	---	-10,188	---	---
Water Bank Act unobligated (rescission).....	---	-745	---	---
NRCS expired accounts (rescission).....	-13,937	---	---	+13,937
Outreach for socially disadvantaged farmers (rescission).....	-2,137	---	---	+2,137
Rural community advancement program (rescission).....	-993	---	---	+993
Agriculture Marketing Services (rescission).....	-717	---	---	+717
Common Computing Environment (rescission).....	-3,111	---	---	+3,111
Animal and Plant Health Inspection Service (APHIS)				
Buildings and Facilities (rescission).....	-629	---	---	+629
Agriculture Buildings and Facilities (rescission).....	-45,000	---	---	+45,000
Animal and Plant Health Inspection Service (APHIS) (rescission).....	-10,887	---	---	+10,887
Broadband grants (rescission).....	-25,000	---	---	+25,000
Export credit (rescission).....	-331,000	---	---	+331,000
Trade Adjustment Assistance for for Farmers (Sec.729) (rescission).....	---	---	-90,000	-90,000
OA0 (rescission) (Sec.722).....	---	---	-4,000	-4,000

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012
H.R. 2112 (H.Rept.112-284)
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Ocean freight (rescission) (Sec.722).....	---	---	-3,235	-3,235
P.L. 480 Title I (rescission) (Sec.722).....	---	---	-2,336	-2,336
Foreign Currency Program (rescission) (Sec.722).....	---	---	-273	-273
Export credit (rescission) (Sec.722).....	---	---	-20,237	-20,237
Water Bank (Sec.748).....	---	---	7,500	+7,500
Sec.735:				
Emergency Conservation Program (Disaster Relief)....	---	---	122,700	+122,700
Emergency Forest Restoration (Disaster Relief).....	---	---	28,400	+28,400
Emergency Watershed Protection (Disaster Relief)....	---	---	215,900	+215,900
	=====	=====	=====	=====
Total, Title VII, General provisions.....	-1,664,395	-935,197	-1,118,555	+545,840
Grand total 1/.....	125,351,558	132,586,780	137,045,667	+11,694,109
Appropriations.....	(126,276,588)	(133,064,293)	(137,123,802)	(+10,847,214)
Rescissions.....	(-925,030)	(-477,513)	(-445,135)	(+479,895)
Disaster relief 2/	---	---	(367,000)	(+367,000)
(By transfer).....	(831,347)	(799,540)	(790,970)	(-40,377)
(Loan authorization).....	(40,517,401)	(38,564,728)	(40,933,113)	(+415,712)
(Limitation on administrative expenses).....	(172,847)	(179,101)	(177,101)	(+4,254)
	=====	=====	=====	=====

1/ Includes CFTC funding for FY2011
provided in Financial Services and General
Government Appropriations Act

2/ Budget Control Act 2011 (Sec.251(b)(2)(D)/PL112-25)

RECAPITULATION

Title I - Agricultural programs.....	29,490,110	25,433,361	24,970,211	-4,519,899
Mandatory.....	(22,604,683)	(18,293,475)	(18,293,475)	(-4,311,208)
Discretionary.....	(6,885,427)	(7,139,886)	(6,676,736)	(-208,691)
Title II - Conservation programs (discretionary).....	889,360	899,558	844,007	-45,353
Title III - Rural development (discretionary).....	2,430,776	2,201,834	2,250,233	-180,543
Title IV - Domestic food programs	89,655,095	99,805,397	105,553,001	+15,897,906
Mandatory.....	(82,526,771)	(91,943,879)	(98,551,898)	(+16,025,127)
Discretionary.....	(7,128,324)	(7,861,518)	(7,001,103)	(-127,221)
Title V - Foreign assistance and related programs (discretionary).....	1,891,341	2,129,862	1,835,667	-55,674
Title VI - Related agencies and Food and Drug Administration (discretionary).....	2,659,271	3,051,965	2,711,103	+51,832
Title VII - General provisions (discretionary).....	-1,664,395	-935,197	-1,118,555	+545,840
	=====	=====	=====	=====
Total 1/.....	125,351,558	132,586,780	137,045,667	+11,694,109

1/ Includes CFTC funding for FY2011
provided in Financial Services and General
Government Appropriations Act

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted

TITLE I - DEPARTMENT OF COMMERCE				
International Trade Administration				
Operations and administration.....	450,106	526,091	465,000	+14,894
Offsetting fee collections.....	-9,439	-9,439	-9,439	---
Direct appropriation.....	440,667	516,652	455,561	+14,894
Bureau of Industry and Security				
Operations and administration.....	68,862	79,845	69,721	+859
Defense function.....	31,279	31,342	31,279	---
Total, Bureau of Industry and Security.....	100,141	111,187	101,000	+859
Economic Development Administration				
Economic Development Assistance Programs.....	245,508	284,300	220,000	-25,508
Disaster relief category.....	---	---	200,000	+200,000
Subtotal.....	245,508	284,300	420,000	+174,492
Salaries and expenses.....	37,924	40,631	37,500	-424
Total, Economic Development Administration.....	283,432	324,931	457,500	+174,068
Minority Business Development Agency				
Minority Business Development.....	30,339	32,322	30,339	---
Economic and Statistical Analysis				
Salaries and expenses.....	97,060	112,937	96,000	-1,060
Bureau of the Census				
Salaries and expenses.....	258,506	272,054	253,336	-5,170
Periodic censuses and programs.....	891,214	752,711	635,000	-256,214
Total, Bureau of the Census.....	1,149,720	1,024,765	888,336	-261,384
National Telecommunications and Information Administration				
Salaries and expenses.....	40,568	55,827	45,568	+5,000
Public Telecommunications Facilities, Planning and Construction.....	1,000	---	---	-1,000
Total, National Telecommunications and Information Administration.....	41,568	55,827	45,568	+4,000
United States Patent and Trademark Office				
Salaries and expenses, current year fee funding.....	2,090,000	2,678,000	2,678,000	+588,000
Offsetting fee collections.....	-2,090,000	-2,678,000	-2,678,000	-588,000
Total, United States Patent and Trademark Office	---	---	---	---
National Institute of Standards and Technology				
Scientific and Technical Research and Services.....	506,984	678,943	567,000	+60,016
(transfer out).....	(-9,000)	(-9,000)	(-9,000)	---
Industrial Technology Services.....	173,253	237,622	128,443	-44,810
Manufacturing extension partnerships.....	(128,443)	(142,616)	(128,443)	---
Technology innovation program.....	(44,810)	(74,973)	---	(-44,810)
Baldrige performance excellence program.....	---	(7,727)	---	---
Advanced manufacturing technology consortia.....	---	(12,306)	---	---
Construction of research facilities.....	69,860	84,565	55,381	-14,479
Working Capital Fund (by transfer).....	(9,000)	(9,000)	(9,000)	---
Total, National Institute of Standards and Technology.....	750,097	1,001,130	750,824	+727

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
National Oceanic and Atmospheric Administration				
Operations, Research, and Facilities.....	3,179,511	3,377,607	3,022,231	-157,280
(by transfer).....	(90,239)	(66,200)	(109,098)	(+18,859)
Promote and Develop Fund (transfer out).....	(-90,239)	(-66,200)	(-109,098)	(-18,859)
Coastal zone management transfer.....	3,000	---	---	-3,000
Subtotal.....	3,182,511	3,377,607	3,022,231	-160,280
Procurement, Acquisition and Construction.....	1,332,682	2,052,777	1,817,094	+484,412
Pacific Coastal Salmon Recovery.....	79,840	65,000	65,000	-14,840
Fishermen's Contingency Fund.....	---	350	350	+350
Coastal Zone Management Fund.....	-1,000	---	---	+1,000
Fisheries Finance Program Account.....	-6,000	-10,000	-11,000	-5,000
Fisheries Enforcement Asset Forfeiture Fund.....	---	8,000	8,000	+8,000
Offsetting receipts.....	---	-8,000	-8,000	-8,000
Sanctuaries Enforcement Asset Forfeiture Fund.....	---	1,000	1,000	+1,000
Offsetting receipts.....	---	-1,000	-1,000	-1,000
Total, National Oceanic and Atmospheric Administration.....	4,588,033	5,485,734	4,893,675	+305,642
Departmental Management				
Salaries and expenses.....	57,884	64,871	57,000	-884
Renovation and Modernization.....	14,970	16,150	5,000	-9,970
Office of Inspector General.....	26,946	33,520	26,946	---
Enterprise cybersecurity monitoring and operations....	---	22,612	---	---
Total, Departmental Management.....	99,800	137,153	88,946	-10,854
=====				
Total, title I, Department of Commerce.....	7,580,857	8,802,638	7,807,749	+226,892
Appropriations.....	(7,580,857)	(8,802,638)	(7,607,749)	(+26,892)
Disaster relief category.....	---	---	(200,000)	(+200,000)
(by transfer).....	99,239	75,200	118,098	+18,859
(transfer out).....	-99,239	-75,200	-118,098	-18,859
=====				
TITLE II - DEPARTMENT OF JUSTICE				
General Administration				
Salaries and expenses.....	118,251	134,225	110,822	-7,429
National Drug Intelligence Center.....	33,955	25,000	20,000	-13,955
Justice Information Sharing Technology.....	60,164	54,307	44,307	-15,857
Tactical Law Enforcement Wireless Communications.....	99,800	102,751	87,000	-12,800
Total, General Administration.....	312,170	316,283	262,129	-50,041
Administrative review and appeals.....	300,084	332,583	305,000	+4,916
Transfer from immigration examinations fee account	-4,000	-4,000	-4,000	---
Direct appropriation.....	296,084	328,583	301,000	+4,916
Detention Trustee.....	1,515,626	1,595,360	1,580,595	+64,969
Office of Inspector General.....	84,199	85,057	84,199	---
United States Parole Commission				
Salaries and expenses.....	12,833	13,213	12,833	---
Legal Activities				
Salaries and expenses, general legal activities.....	863,367	955,391	863,367	---
Vaccine Injury Compensation Trust Fund.....	7,833	7,833	7,833	---
Salaries and expenses, Antitrust Division.....	162,844	166,221	159,587	-3,257
Offsetting fee collections - current year.....	-96,000	-108,000	-108,000	-12,000
Direct appropriation.....	66,844	58,221	51,587	-15,257
Salaries and expenses, United States Attorneys.....	1,930,135	1,995,149	1,960,000	+29,865
United States Trustee System Fund.....	218,811	234,115	223,258	+4,447
Offsetting fee collections.....	-214,250	-234,115	-223,258	-9,008
Direct appropriation.....	4,561	---	---	-4,561

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Salaries and expenses, Foreign Claims Settlement				
Commission.....	2,113	2,124	2,000	-113
Fees and expenses of witnesses.....	270,000	270,000	270,000	---
Salaries and expenses, Community Relations Service....	11,456	12,967	11,456	---
Assets Forfeiture Fund.....	20,948	20,990	20,948	---
Total, Legal Activities.....	3,177,257	3,322,675	3,187,191	+9,934
United States Marshals Service				
Salaries and expenses.....	1,123,511	1,243,570	1,174,000	+50,489
Construction.....	16,592	15,625	15,000	-1,592
Total, United States Marshals Service.....	1,140,103	1,259,195	1,189,000	+48,897
National Security Division				
Salaries and expenses.....	87,762	87,882	87,000	-762
Interagency Law Enforcement				
Interagency Crime and Drug Enforcement.....	527,512	540,966	527,512	---
Federal Bureau of Investigation				
Salaries and expenses.....	3,385,216	3,358,000	3,376,000	-9,216
Overseas contingency operations (emergency).....	101,066	---	---	-101,066
Counterintelligence and national security.....	4,332,873	4,636,991	4,660,991	+328,118
Subtotal.....	7,819,155	7,994,991	8,036,991	+217,836
Construction.....	107,095	80,982	80,982	-26,113
Total, Federal Bureau of Investigation.....	7,926,250	8,075,973	8,117,973	+191,723
Drug Enforcement Administration				
Salaries and expenses.....	2,305,947	2,354,114	2,347,000	+41,053
Diversion control fund.....	-290,304	-322,000	-322,000	-31,696
Subtotal.....	2,015,643	2,032,114	2,025,000	+9,357
Construction.....	---	10,000	10,000	+10,000
Total, Drug Enforcement Administration.....	2,015,643	2,042,114	2,035,000	+19,357
Bureau of Alcohol, Tobacco, Firearms and Explosives				
Salaries and expenses.....	1,112,542	1,147,295	1,152,000	+39,458
Federal Prison System				
Salaries and expenses.....	6,282,410	6,724,266	6,551,281	+268,871
Buildings and facilities.....	98,957	99,394	90,000	-8,957
Limitation on administrative expenses, Federal Prison Industries, Incorporated.....	2,700	2,700	2,700	---
Total, Federal Prison System.....	6,384,067	6,826,360	6,643,981	+259,914
State and Local Law Enforcement Activities				
Office on Violence Against Women:				
Prevention and prosecution programs.....	417,663	431,750	412,500	-5,163
Salaries and expenses (by transfer).....	---	(23,148)	---	---
Subtotal.....	417,663	454,898	412,500	-5,163
Office of Justice Programs:				
Research, evaluation and statistics.....	234,530	178,500	113,000	-121,530
State and local law enforcement assistance.....	1,117,845	1,173,500	1,162,500	+44,655
Juvenile justice programs.....	275,423	280,000	262,500	-12,923
Salaries and expenses.....	---	271,833	---	---
(transfers out).....	---	(-63,478)	---	---
Subtotal.....	---	208,355	---	---

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Public safety officer benefits:				
Death benefits.....	61,000	62,000	62,000	+1,000
Disability and education benefits.....	9,082	16,300	16,300	+7,218
Subtotal.....	70,082	78,300	78,300	+8,218
Total, Office of Justice Programs.....	1,697,880	1,918,655	1,616,300	-81,580
Community Oriented Policing Services:				
COPS programs.....	494,933	669,500	198,500	-296,433
Salaries and expenses (by transfer).....	---	(40,330)	---	---
Subtotal.....	494,933	709,830	198,500	-296,433
OJP, OVW, COPS Salaries and expenses.....	186,626	---	---	-186,626
Total, State and Local Law Enforcement Activities.....	2,797,102	3,083,383	2,227,300	-569,802
=====				
Total, title II, Department of Justice.....	27,389,150	28,724,339	27,407,713	+18,563
Appropriations.....	(27,288,084)	(28,724,339)	(27,407,713)	(+119,629)
Emergency appropriations.....	(101,066)	---	---	(-101,066)
(by transfer).....	---	63,478	---	---
(transfer out).....	---	-63,478	---	---
=====				
TITLE III - SCIENCE				
Office of Science and Technology Policy.....	6,647	6,650	4,500	-2,147
National Aeronautics and Space Administration				
Science.....	4,935,409	5,016,800	5,090,000	+154,591
Aeronautics.....	533,930	569,400	569,900	+35,970
Space Technology.....	---	1,024,200	575,000	+575,000
Exploration.....	3,800,683	3,948,700	3,770,800	-29,883
Space Operations.....	5,497,483	4,346,900	4,233,600	-1,263,883
Education.....	145,508	138,400	138,400	-7,108
Cross-agency Support.....	3,105,177	3,192,000	2,995,000	-110,177
Construction and environmental compliance and restoration.....	393,511	450,400	390,000	-3,511
Office of Inspector General.....	36,327	37,500	37,300	+973
Total, National Aeronautics and Space Administration.....	18,448,028	18,724,300	17,800,000	-648,028
National Science Foundation				
Research and related activities.....	5,496,011	6,185,540	5,651,000	+154,989
Defense function.....	67,864	68,000	68,000	+136
Subtotal.....	5,563,875	6,253,540	5,719,000	+155,125
Major Research Equipment and Facilities Construction..	117,055	224,680	167,055	+50,000
Education and Human Resources.....	861,034	911,200	829,000	-32,034
Agency Operations and Award Management.....	299,400	357,740	299,400	---
Office of the National Science Board.....	4,531	4,840	4,440	-91
Office of Inspector General.....	13,972	15,000	14,200	+228
Total, National Science Foundation.....	6,859,867	7,767,000	7,033,095	+173,228
=====				
Total, title III, Science.....	25,314,542	26,497,950	24,837,595	-476,947
=====				
TITLE IV - RELATED AGENCIES				
Commission on Civil Rights				
Salaries and expenses.....	9,381	9,429	9,193	-188
Equal Employment Opportunity Commission				
Salaries and expenses.....	366,568	385,520	360,000	-6,568
State and local assistance.....	---	---	---	---
Total, Equal Employment Opportunity Commission....	366,568	385,520	360,000	-6,568

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
International Trade Commission				
Salaries and expenses.....	81,696	87,000	80,000	-1,696
Payment to the Legal Services Corporation				
Salaries and expenses.....	404,190	450,000	348,000	-56,190
Marine Mammal Commission				
Salaries and expenses.....	3,243	3,025	3,025	-218
Office of the U.S. Trade Representative				
Salaries and expenses.....	47,730	51,251	51,251	+3,521
State Justice Institute				
Salaries and expenses.....	5,121	5,131	5,121	---
Total, title IV, Related Agencies.....				
	917,929	991,356	856,590	-61,339
TITLE V - RESCISSIONS				
Emergency steel, oil gas guarantees prgm (rescission).....	-48,000	-43,064	-700	+47,300
NTIA, Information Infrastructure grants (rescission).....	---	-2,000	-2,000	-2,000
NTIA, Public Telecommunications Facilities, Planning and Construction.....	---	---	-2,750	-2,750
NTIA, Spectrum Fund (rescission).....	-4,800	---	---	+4,800
Bureau of the Census (rescission).....	-1,740,000	---	---	+1,740,000
Census, Working capital fund (rescission).....	-50,000	---	---	+50,000
Foreign Fishing Observer Fund (rescission).....	---	-350	-350	-350
Digital TV Transition Public Safety Fund (rescission).....	---	-4,300	-4,300	-4,300
DOJ, Working Capital Fund (rescission).....	-26,000	-40,000	-40,000	-14,000
DOJ, Assets Forfeiture Fund (rescission).....	-495,000	-620,000	-675,000	-180,000
US Marshals Service, salaries and expenses (rescission).....	---	-7,200	-2,200	-2,200
DEA, Salaries and expenses (rescission).....	---	-30,000	-10,000	-10,000
FPS, Buildings and facilities (rescission).....	---	-35,000	-45,000	-45,000
Office of Justice programs (rescission).....	-42,000	-42,600	-55,000	-13,000
Community oriented policing services (rescission).....	-10,200	-10,200	-23,605	-13,405
Violence against women prevention and prosecution programs (rescission).....	---	-5,000	-15,000	-15,000
NASA (rescission).....	---	---	-30,000	-30,000
Total, title V, Rescissions.....				
	-2,416,000	-839,714	-905,905	+1,510,095
Grand total.....				
	58,786,478	64,176,569	60,003,742	+1,217,264
Appropriations.....	(61,101,412)	(65,016,283)	(60,709,647)	(-391,765)
Rescissions.....	(-2,416,000)	(-839,714)	(-905,905)	(+1,510,095)
Emergency appropriations.....	(101,066)	---	---	(-101,066)
Disaster relief category.....	---	---	(200,000)	(+200,000)
(by transfer).....	99,239	138,678	118,098	+18,859
(transfer out).....	-99,239	-138,678	-118,098	-18,859

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<hr/>				
TITLE I - DEPARTMENT OF TRANSPORTATION				
Office of the Secretary				
Salaries and expenses.....	102,481	118,842	102,481	---
Immediate Office of the Secretary.....	(2,626)	---	(2,618)	(-8)
Immediate Office of the Deputy Secretary.....	(984)	---	(984)	---
Office of the General Counsel.....	(20,318)	---	(19,515)	(-803)
Office of the Under Secretary of Transportation for Policy.....	(11,078)	---	(10,107)	(-971)
Office of the Assistant Secretary for Budget and Programs.....	(10,538)	---	(10,538)	---
Office of the Assistant Secretary for Governmental Affairs.....	(2,499)	---	(2,500)	(+1)
Office of the Assistant Secretary for Administration.....	(25,469)	---	(25,469)	---
Office of Public Affairs.....	(2,051)	---	(2,020)	(-31)
Office of the Executive Secretariat.....	(1,655)	---	(1,595)	(-60)
Office of Small and Disadvantaged Business Utilization.....	(1,496)	---	(1,369)	(-127)
Office of Intelligence, Security, and Emergency Response.....	(10,579)	---	(10,778)	(+199)
Office of the Chief Information Officer.....	(13,189)	---	(14,988)	(+1,799)
Subtotal.....	102,481	118,842	102,481	---
National infrastructure investments.....	526,944	---	500,000	-26,944
Multi-year investment initiative.....	---	2,000,000	---	---
Livable communities initiative.....	---	10,000	---	---
Financial management capital.....	4,990	17,000	4,990	---
Cyber security initiatives.....	---	---	10,000	+10,000
Office of Civil Rights.....	9,648	9,661	9,384	-264
Transportation planning, research, and development....	9,799	9,824	9,000	-799
Working capital fund.....	(147,301)	(192,000)	(172,000)	(+24,699)
Minority business resource center program.....	921	922	922	+1
(Limitation on guaranteed loans).....	(18,330)	(18,367)	(18,367)	(+37)
Minority business outreach.....	3,068	3,100	3,068	---
Payments to air carriers (Airport & Airway Trust Fund)	149,700	123,254	143,000	-6,700
Rescission of excess compensation for general aviation operations (Sec. 106).....	---	-3,000	-3,254	-3,254
Total, Office of the Secretary.....	807,551	2,289,603	779,591	-27,960
National infrastructure bank (investment initiative)...	---	5,000,000	---	---
Federal Aviation Administration				
Operations.....	9,513,962	9,823,000	9,653,395	+139,433
Air traffic organization.....	(7,473,299)	---	(7,442,738)	(-30,561)
Aviation safety.....	(1,253,020)	---	(1,252,991)	(-29)
Commercial space transportation.....	---	---	(16,271)	(+16,271)
Finance and management.....	---	---	(582,117)	(+582,117)
Human resources programs.....	---	---	(98,858)	(+98,858)
Staff offices.....	---	---	(200,286)	(+200,286)
NextGen.....	---	---	(60,134)	(+60,134)
Facilities & equipment (Airport & Airway Trust Fund)...	2,730,731	2,870,000	2,730,731	---
Multi-year investment initiative.....	---	250,000	---	---
Research, engineering, and development (Airport & Airway Trust Fund.....	169,660	190,000	167,556	-2,104
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization).....	(3,550,000)	(3,600,000)	(3,435,000)	(-115,000)
(Limitation on obligations).....	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Administration.....	(93,422)	(101,000)	(101,000)	(+7,578)
Airport Cooperative Research Program.....	(15,000)	(15,000)	(15,000)	---
Airport technology research.....	(22,472)	(29,250)	(29,250)	(+6,778)
Small community air service development program...	(6,000)	---	(6,000)	---
Multi-year investment initiative.....	---	(3,100,000)	---	---

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Aviation insurance revolving fund (Sec. 115).....	---	-1,000	---	---
Total, Federal Aviation Administration.....	12,414,353	13,132,000	12,551,682	+137,329
(Limitations on obligations).....	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Total budgetary resources.....	(15,929,353)	(16,647,000)	(15,901,682)	(-27,671)
Federal Highway Administration				
Limitation on administrative expenses.....	(413,533)	(437,172)	(412,000)	(-1,533)
Federal-aid highways (Highway Trust Fund):				
(Liquidation of contract authorization).....	(41,846,000)	(70,414,000)	(39,882,583)	(-1,963,417)
(Limitation on obligations).....	(41,107,000)	(42,025,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---
Multi-year investment initiative.....	---	(27,650,000)	---	---
Emergency relief (disaster relief category).....	---	---	1,662,000	+1,662,000
Rescission of contract authority (Highway Trust Fund).....	-2,500,000	---	---	+2,500,000
Rescission of old demos.....	-630,000	-630,000	---	+630,000
Total, Federal Highway Administration.....	-3,130,000	-630,000	1,662,000	+4,792,000
Appropriations.....	---	---	---	---
Rescissions of contract authority.....	(-3,130,000)	(-630,000)	---	(+3,130,000)
(Limitations on obligations).....	(41,107,000)	(69,675,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---
Total budgetary resources.....	(38,716,000)	(69,784,000)	(41,544,583)	(+2,828,583)
Federal Motor Carrier Safety Administration				
Motor carrier safety operations and programs (Highway Trust Fund) (Liquidation of contract authorization).....	(245,000)	(276,000)	(247,724)	(+2,724)
(Limitation on obligations).....	(245,000)	(276,000)	(247,724)	(+2,724)
Motor carrier safety grants (Highway Trust Fund)				
(Liquidation of contract authorization).....	(310,070)	(330,000)	(307,000)	(-3,070)
(Limitation on obligations).....	(310,070)	(330,000)	(307,000)	(-3,070)
CVISN contract authority (Sec. 131).....	---	---	1,000	+1,000
Rescission of contract authority.....	---	---	-1,000	-1,000
Total, Federal Motor Carrier Safety Administration.....	---	---	---	---
(Limitations on obligations).....	(555,070)	(606,000)	(554,724)	(-346)
National Highway Traffic Safety Administration				
Operations and research (general fund).....	140,146	---	140,146	---
Vehicle safety.....	---	170,709	---	---
Operations and research (Highway Trust Fund)				
(Liquidation of contract authorization).....	(105,500)	(133,191)	(109,500)	(+4,000)
(Limitation on obligations).....	(105,500)	(133,191)	(109,500)	(+4,000)
National driver register (Highway Trust Fund)				
(Liquidation of contract authorization).....	(4,000)	---	---	(-4,000)
(Limitation on obligations).....	(4,000)	---	---	(-4,000)
National driver register modernization.....	3,343	---	---	-3,343
Highway traffic safety grants (Highway Trust Fund)				
(Liquidation of contract authorization).....	(619,500)	(556,100)	(550,328)	(-69,172)
(Limitation on obligations).....	(619,500)	(556,100)	(550,328)	(-69,172)
Highway safety programs (23 USC 402).....	(235,000)	(235,000)	(235,000)	---
Occupant protection incentive grants (23 USC 405)	(25,000)	(35,000)	(25,000)	---
Safety belt performance grants (23 USC 406).....	(124,500)	---	(48,500)	(-76,000)
Distracted driving prevention.....	---	(50,000)	---	---
State traffic safety information system improvement (23 USC 408).....	(34,500)	(34,500)	(34,500)	---
Impaired driving countermeasures (23 USC 410).....	(139,000)	(139,000)	(139,000)	---
Grant administration.....	(18,500)	(18,600)	(25,328)	(+6,828)
High visibility enforcement.....	(29,000)	(37,000)	(29,000)	---
Child safety and booster seat grants.....	(7,000)	---	(7,000)	---
Motorcyclist safety.....	(7,000)	(7,000)	(7,000)	---

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rescission of contract authority	-76,000	---	---	+76,000
Total, National Highway Traffic Safety Admin....	67,489	170,709	140,146	+72,657
Appropriations.....	(143,489)	---	(140,146)	(-3,343)
Rescissions of contract authority.....	(-76,000)	---	---	(+76,000)
(Limitations on obligations).....	(729,000)	(689,291)	(659,828)	(-69,172)
Total budgetary resources.....	(796,489)	(860,000)	(799,974)	(+3,485)
Federal Railroad Administration				
Safety and operations.....	176,596	223,034	178,596	+2,000
Offsetting fee collections.....	---	-40,000	---	---
Subtotal.....	176,596	183,034	178,596	+2,000
Railroad research and development.....	35,030	40,000	35,000	-30
Rail line relocation and improvement program.....	10,511	---	---	-10,511
System preservation.....	---	1,546,000	---	---
Multi-year investment initiative.....	---	2,500,000	---	---
Subtotal.....	---	4,046,000	---	---
Network Development.....	---	1,000,000	---	---
Multi-year investment initiative.....	---	3,000,000	---	---
Subtotal.....	---	4,000,000	---	---
Capital assistance for high speed rail corridors and intercity passenger rail service.....	---	---	---	---
Rescission.....	-400,000	---	---	+400,000
National Railroad Passenger Corporation:				
Operating grants to the National Railroad Passenger Corporation.....	561,874	---	466,000	-95,874
Capital and debt service grants to the National Railroad Passenger Corporation.....	921,778	---	952,000	+30,222
Subtotal.....	1,483,652	---	1,418,000	-65,652
Total, Federal Railroad Administration.....	1,305,789	8,269,034	1,631,596	+325,807
Federal Transit Administration				
Administrative expenses.....	98,713	---	98,713	---
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization).....	(9,400,000)	---	(9,400,000)	---
(Limitation on obligations).....	(8,343,171)	---	(8,360,565)	(+17,394)
Research and technology deployment.....	---	166,472	---	---
Transit Formula Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization).....	---	(10,000,000)	---	---
(Limitation on obligations).....	---	(4,691,986)	---	---
Multi-year investment initiative.....	---	(3,000,000)	---	---
Transit expansion and livable communities (liquidation of contract authorization).....	---	(600,000)	---	---
(limitation on obligations).....	---	(233,514)	---	---
Capital investment grants.....	---	2,235,556	---	---
Multi-year investment initiative.....	---	1,000,000	---	---
Subtotal.....	---	3,235,556	---	---
Operations and safety.....	---	166,294	---	---
Administrative programs.....	---	(129,700)	---	---
Rail transit safety programs.....	---	(36,594)	---	---
Research and University Research Centers.....	58,882	---	44,000	-14,882
Bus and rail state of good repair (liquidation of contract authorization).....	---	(3,000,000)	---	---
(limitation on obligations).....	---	(3,207,178)	---	---
Multi-year investment initiative.....	---	(7,500,000)	---	---
Capital investment grants.....	1,596,800	---	1,955,000	+358,200

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Energy efficiency and greenhouse gas reduction grants.	49,900	---	---	-49,900
Rescission.....	-280,000	---	-58,500	+221,500
Washington Metropolitan Area Transit Authority capital and preventive maintenance.....	149,700	150,000	150,000	+300
Total, Federal Transit Administration.....	1,673,995	3,718,322	2,189,213	+515,218
(Limitations on obligations).....	(8,343,171)	(18,632,678)	(8,360,565)	(+17,394)
Total budgetary resources.....	(10,017,166)	(22,351,000)	(10,549,778)	(+532,612)
Saint Lawrence Seaway Development Corporation				
Operations and maintenance (Harbor Maintenance Trust Fund).....	32,259	33,996	32,259	---
Maritime Administration				
Maritime security program.....	173,652	174,000	174,000	+348
Operations and training.....	151,446	161,539	156,258	+4,812
Rescission.....	---	---	-980	-980
Ship disposal.....	14,970	18,500	5,500	-9,470
Assistance to small shipyards.....	9,980	---	9,980	---
Maritime Guaranteed Loan (Title XI) Program Account:				
Administrative expenses.....	3,992	3,740	3,740	-252
Rescission.....	---	-54,100	-35,000	-35,000
Guaranteed loans subsidy.....	4,990	---	---	-4,990
Subtotal.....	8,982	-50,360	-31,260	-40,242
Total, Maritime Administration.....	359,030	303,679	313,498	-45,532
Pipeline and Hazardous Materials Safety Administration				
Administrative expenses:				
General Fund.....	21,454	21,519	20,721	-733
Pipeline Safety Fund.....	638	639	639	+1
Pipeline Safety information grants to communities.	(998)	(1,000)	(1,000)	(+2)
Subtotal.....	22,092	22,158	21,360	-732
Hazardous materials safety.....	39,020	50,089	42,338	+3,318
Offsetting collections (legislative proposal).....	---	-12,000	---	---
Subtotal.....	39,020	38,089	42,338	+3,318
Pipeline safety:				
Pipeline Safety Fund.....	87,838	93,854	90,679	+2,841
Oil Spill Liability Trust Fund.....	18,867	21,510	18,573	-294
Pipeline Safety Design Review Fund (leg proposal).	---	4,000	---	---
Pipeline Safety Special Permit Fund (leg proposal)	---	500	---	---
Pipeline safety user fees.....	-88,014	-94,493	-91,318	-3,304
Additional Pipeline user fees (leg proposal).....	---	-6,000	---	---
Subtotal.....	18,691	19,371	17,934	-757
Emergency preparedness grants:				
Limitation on emergency preparedness fund.....	(28,318)	(28,318)	(28,318)	---
(Emergency preparedness fund).....	(188)	(188)	(188)	---
Total, Pipeline and Hazardous Materials Safety Administration.....	79,803	79,618	81,632	+1,829
Research and Innovative Technology Administration				
Research and development.....	12,981	17,600	15,981	+3,000
Office of Inspector General				
Salaries and expenses.....	74,964	89,185	79,624	+4,660

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Surface Transportation Board				
Salaries and expenses.....	29,010	31,250	29,310	+300
Offsetting collections.....	-1,250	-1,250	-1,250	---
Total, Surface Transportation Board.....	27,760	30,000	28,060	+300
=====				
Total, title I, Department of Transportation....	13,725,974	32,503,746	19,505,282	+5,779,308
Appropriations.....	(17,611,974)	(33,190,846)	(17,942,016)	(+330,042)
Rescissions.....	(-680,000)	(-57,100)	(-97,734)	(+582,266)
Disaster relief category.....	---	---	(1,662,000)	(+1,662,000)
Rescissions of contract authority.....	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
(Limitations on obligations).....	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
Total budgetary resources.....	(67,975,215)	(128,721,715)	(71,573,982)	(+3,598,767)
=====				
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Management and Administration				
Executive direction.....	26,801	30,408	---	-26,801
Administration, operations and management.....	523,990	530,117	537,789	+13,799
Program Office Salaries and Expenses:				
Public and Indian Housing.....	188,696	189,610	200,000	+11,304
Community Planning and Development.....	96,795	99,815	100,000	+3,205
Housing.....	381,123	397,660	391,500	+10,377
Policy Development and Research.....	19,100	21,390	22,211	+3,111
Fair Housing and Equal Opportunity.....	71,656	70,733	72,600	+944
Office of Healthy Homes and Lead Hazard Control...	7,137	7,167	7,400	+263
Office of Sustainable Housing and Communities.....	---	3,100	---	---
Subtotal.....	764,507	789,475	793,711	+29,204
Total, Management and Administration.....	1,315,298	1,350,000	1,331,500	+16,202
Public and Indian Housing				
Tenant-based rental assistance:				
Renewals.....	16,669,283	17,143,837	17,242,351	+573,068
Tenant protection vouchers.....	109,780	75,000	75,000	-34,780
Administrative fees.....	1,447,100	1,647,780	1,350,000	-97,100
Family self-sufficiency coordinators.....	59,880	60,000	60,000	+120
Veterans affairs supportive housing.....	49,900	75,000	75,000	+25,100
Sec. 811 Mainstream voucher renewals.....	34,930	114,046	112,018	+77,088
Disaster housing assistance program.....	---	50,000	---	---
Homeless vouchers demonstration program.....	---	56,906	---	---
Subtotal (available this fiscal year).....	18,370,873	19,222,569	18,914,369	+543,496
Advance appropriations.....	4,000,000	4,000,000	4,000,000	---
Less appropriations from prior year advances.....	-3,992,000	-4,000,000	-4,000,000	-8,000
Total, Tenant-based rental assistance appropriated in this bill.....	18,378,873	19,222,569	18,914,369	+535,496
Transforming rental assistance demonstration program..	---	200,000	---	---
Public Housing Capital Fund.....	2,040,112	2,405,345	1,875,000	-165,112
Public Housing Operating Fund.....	4,616,748	3,961,850	3,961,850	-654,898
Revitalization of severely distressed public housing..	99,800	---	---	-99,800
Choice neighborhoods.....	---	250,000	120,000	+120,000
Native American housing block grants.....	648,700	700,000	650,000	+1,300
Native Hawaiian housing block grant.....	12,974	10,000	13,000	+26
Indian housing loan guarantee fund program account...	6,986	7,000	6,000	-986
(Limitation on guaranteed loans).....	(919,000)	(428,000)	(360,000)	(-559,000)
Native Hawaiian loan guarantee fund program account...	1,042	---	386	-656
(Limitation on guaranteed loans).....	(41,504)	---	(41,504)	---
Housing Certificate Fund.....	---	50,000	---	---
Rescission.....	---	-50,000	-200,000	-200,000
Total, Public and Indian Housing.....	25,805,235	26,756,764	25,340,605	-464,630

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Community Planning and Development				
Housing opportunities for persons with AIDS.....	334,330	335,000	332,000	-2,330
Community development fund.....	3,500,984	3,781,368	2,948,090	-552,894
Indian CDBG.....	---	---	60,000	+60,000
Disaster relief.....	---	---	300,000	+300,000
(Disaster relief category).....	---	---	100,000	+100,000
Subtotal.....	3,500,984	3,781,368	3,408,090	-92,894
Community development loan guarantees (Section 108):				
(Limitation on guaranteed loans).....	(275,000)	(500,000)	(240,000)	(-35,000)
Credit subsidy.....	5,988	---	5,952	-36
HOME investment partnerships program.....	1,606,780	1,650,000	1,000,000	-606,780
Self-help and assisted homeownership opportunity				
program.....	81,836	---	53,500	-28,336
Capacity building.....	---	50,000	---	---
Homeless assistance grants.....	1,901,190	2,372,000	1,901,190	---
Total, Community Planning and Development.....	7,431,108	8,188,368	6,700,732	-730,376
Housing Programs				
Project-based rental assistance:				
Renewals.....	8,932,100	9,139,672	9,050,672	+118,572
Contract administrators.....	325,348	289,000	289,000	-36,348
Subtotal (available this fiscal year).....	9,257,448	9,428,672	9,339,672	+82,224
Advance appropriations.....	400,000	400,000	400,000	---
Less appropriations from prior year advances.....	-392,885	-400,000	-400,000	-7,115
Total, Project-based rental assistance				
appropriated in this bill.....	9,264,563	9,428,672	9,339,672	+75,109
Housing for the elderly.....	399,200	757,000	374,627	-24,573
Housing for persons with disabilities.....	149,700	196,000	165,000	+15,300
Housing counseling assistance.....	---	88,000	45,000	+45,000
Rental housing assistance.....	39,920	15,733	1,300	-38,620
Rent supplement (rescission).....	-40,600	-6,600	-231,600	-191,000
Manufactured housing fees trust fund.....	15,982	14,000	6,500	-9,482
Offsetting collections.....	-7,000	-7,000	-4,000	+3,000
Subtotal.....	8,982	7,000	2,500	-6,482
Total, Housing Programs.....	9,821,765	10,485,805	9,696,499	-125,266
Appropriations.....	(9,869,365)	(10,499,405)	(9,932,099)	(+62,734)
Rescissions.....	(-40,600)	(-6,600)	(-231,600)	(-191,000)
Offsetting collections.....	(-7,000)	(-7,000)	(-4,000)	(+3,000)
Federal Housing Administration				
FHA - Mutual mortgage insurance program account:				
(Limitation on guaranteed loans).....	(399,200,000)	(400,000,000)	(400,000,000)	(+800,000)
(Limitation on direct loans).....	(50,000)	(50,000)	(50,000)	---
Offsetting receipts.....	-960,000	-4,427,000	-4,427,000	-3,467,000
Proposed offsetting receipts (HECM) (Sec. 210).....	---	-286,000	-286,000	-286,000
Additional offsetting receipts.....	-2,076,000	---	---	+2,076,000
Additional offsetting receipts (Sec. 145).....	-35,000	---	---	+35,000
Additional offsetting receipts (Sec. 238).....	---	---	-59,000	-59,000
Administrative contract expenses.....	206,586	230,000	207,000	+414
Working capital fund (transfer out).....	---	(-72,000)	(-71,500)	(-71,500)
FHA - General and special risk program account:				
(Limitation on guaranteed loans).....	(20,000,000)	(25,000,000)	(25,000,000)	(+5,000,000)
(Limitation on direct loans).....	(20,000)	(20,000)	(20,000)	---
Offsetting receipts.....	-315,000	-400,000	-400,000	-85,000
Credit subsidy.....	8,583	8,600	---	-8,583
Total, Federal Housing Administration.....	-3,170,831	-4,874,400	-4,965,000	-1,794,169

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Government National Mortgage Association (GNMA)				
Guarantees of mortgage-backed securities loan				
guarantee program account:				
(Limitation on guaranteed loans).....	(500,000,000)	(500,000,000)	(500,000,000)	---
Administrative expenses (legislative proposal)....	11,073	30,000	19,500	+8,427
Offsetting receipts (legislative proposal).....	---	-100,000	-100,000	-100,000
Offsetting receipts.....	-720,000	-521,000	-521,000	+199,000
Offsetting receipts (Sec. 145).....	-9,000	---	---	+9,000
Offsetting receipts (Sec. 238).....	---	---	-5,000	-5,000
Proposed offsetting receipts (HECM) (Sec. 210)....	---	-24,000	-24,000	-24,000
Total, Gov't National Mortgage Association....	-717,927	-615,000	-630,500	+87,427
Policy Development and Research				
Research and technology.....	47,904	57,000	46,000	-1,904
Fair Housing and Equal Opportunity				
Fair housing activities.....	71,856	72,000	70,847	-1,009
Office of Lead Hazard Control and Healthy Homes				
Lead hazard reduction.....	119,760	140,000	120,000	+240
Office of Sustainable Housing and Communities				
Sustainable Housing Initiative.....	---	150,000	---	---
Management and Administration				
Working capital fund.....	199,600	243,000	199,035	-565
(By transfer).....	---	(72,000)	(71,500)	(+71,500)
Office of Inspector General.....	124,750	126,455	124,000	-750
Transformation initiative.....	70,858	---	50,000	-20,858
Total, Management and Administration.....	395,208	369,455	373,035	-22,173
(Grand total, Management and Administration)..	(1,710,506)	(1,719,455)	(1,704,535)	(-5,971)
General Provisions				
Rescission of prior year advance (Sec. 236).....	---	---	-650,000	-650,000
Total, title II, Department of Housing and Urban Development.....				
Urban Development.....	41,119,376	42,079,992	37,433,718	-3,685,658
Appropriations.....	(40,881,976)	(43,501,592)	(39,841,318)	(-1,040,658)
Rescissions.....	(-40,600)	(-56,600)	(-431,600)	(-391,000)
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,400,000)	---
Rescissions of prior year advances.....	---	---	(-650,000)	(-650,000)
Offsetting receipts.....	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
Offsetting collections.....	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(by transfer).....	---	72,000	71,500	+71,500
(transfer out).....	---	-72,000	-71,500	-71,500
(Limitation on direct loans).....	(70,000)	(70,000)	(70,000)	---
(Limitation on guaranteed loans).....	(920,435,504)	(925,928,000)	(925,641,504)	(+5,206,000)
TITLE III - OTHER INDEPENDENT AGENCIES				
Access Board.....	7,285	7,400	7,400	+115
Federal Maritime Commission.....	24,087	26,265	24,100	+13
Amtrak Office of Inspector General.....	19,311	22,000	20,500	+1,189
National Transportation Safety Board				
Salaries and expenses.....	97,854	102,400	102,400	+4,546
Neighborhood Reinvestment Corporation.....	232,734	215,300	215,300	-17,434
United States Interagency Council on Homelessness.....	2,675	3,880	3,300	+625
Fannie Mae/Freddie Mac (Sec. 146).....	155,000	---	---	-155,000
Total, title III, Other Independent Agencies....	538,946	377,245	373,000	-165,946

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Grand total (net).....	55,384,296	74,960,983	57,312,000	+1,927,704
Appropriations.....	(59,032,896)	(77,069,683)	(58,156,334)	(-876,562)
Rescissions.....	(-720,600)	(-113,700)	(-529,334)	(+191,266)
Disaster relief category.....	---	---	(1,762,000)	(+1,762,000)
Rescissions of contract authority.....	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,400,000)	---
Rescissions of prior year advances.....	---	---	(-650,000)	(-650,000)
Negative subsidy receipts.....	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
Offsetting collections.....	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(Limitation on obligations).....	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
(by transfer).....	---	72,000	71,500	+71,500
(transfer out).....	---	-72,000	-71,500	-71,500
Total budgetary resources.....	(109,633,537)	(171,178,952)	(109,380,700)	(-252,837)
Discretionary total.....	(55,367,000)	(74,960,983)	(55,550,000)	(+183,000)

I reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

The appropriations bill we will consider today includes within it three bills: Agriculture; Commerce-Justice-Science; and Transportation-HUD, along with a clean continuing resolution covering the remaining nine bills. The CR prevents a government shutdown. It is a simple date change to December 16. No anomalies are added; everything but the date is carried forward from the last CR.

The agreement provides disaster relief of \$2.3 billion, including the full amount needed to address the backlog of eligible disaster repairs for highways, roads, and bridges, and funds to address agricultural disasters.

The conference report also drops controversial riders on Dodd-Frank financial reform, women's health, and climate change.

The minibus restores funding that was cut in the initial House bill to nutrition and food safety programs.

The conference agreement provides \$6.6 billion for the Women, Infants, and Children program, WIC, an increase of \$570 million over the level in the House-passed bill and \$36 million above the Senate level. At this level, WIC can provide for the estimated 700,000 women, children, and infants that would have been turned away under the previous bill. The impact of food prices will still need to be monitored to ensure the program has sufficient funding.

The conference report provides \$177 million for the Commodity Supplemental Food Program, which provides food assistance to particularly vulnerable low-income elderly, as well as mothers and young children. At this level, the program will avoid dropping the 100,000 applicants, as would have been required in the House bill.

The conference agreement restores funding to FDA, \$334 million over the House-passed bill, to allow implementation of the Food Safety Modernization Act, and provides \$1 billion for the Food Safety and Inspection Service, \$32 million over the House level, to maintain the current workforce of meat inspectors.

The agreement restores funding for the COPS programs that were zeroed out in the House-reported bill. COPS grants enable State and local law enforcement agencies to hire and retain police officers, provide equipment to tribal law enforcement agencies, and provide training on community-oriented policing.

The agreement restores much-needed funding for science and innovation. The conference agreement provides \$7 billion for the National Science Foundation, an increase of \$173 million above the FY11 level and the House-reported bill. While we need to be investing much more in basic research at NSF,

the additional funding in the conference agreement is an important step in the right direction.

The conference agreement provides \$924 million for NOAA's Joint Polar Satellite System. While still below the request, the conference level will go farther than either the House or Senate levels in helping to minimize the anticipated satellite data gaps.

The agreement provides funding for NASA's James Webb Space Telescope, which the House had zeroed out. The new telescope will be 100 times more powerful than the Hubble Space Telescope, allowing us to see images of the first glows after the Big Bang and greatly enhancing our scientific understanding of the universe.

Finally, the minibus restores funding for transportation and housing programs. The minibus includes \$12 billion more than the House subcommittee bill for the Federal-aid highway program, consistent with the annual funding levels assumed in the Surface Transportation Extension Act. The bill includes \$10.5 billion for transit programs, \$2.5 billion more than the earlier bill.

The agreement also includes \$1.4 billion for Amtrak capital and operating grants and deletes onerous language from the House subcommittee-passed bill that would have eliminated service on 26 short-distance routes, affecting 15 States and more than 9 million passengers.

The bill includes funding for the TIGER grant program, which will help advance national and regional transportation projects that will benefit both passenger and freight mobility as well as create jobs. This bill will create a lot of jobs.

The conference agreement provides \$45 million in funding for housing counseling assistance. This program provides grant funds to local nonprofit agencies for reverse mortgage, rental, home pre-purchase and foreclosure prevention counseling. This program had been eliminated in 2011.

The Choice Neighborhoods Initiative is funded at \$120 million in the conference agreement. Choice is a grant program to revitalize public housing and blighted private housing in mixed-income neighborhoods. This program provides quality low-income housing, while the vast majority of these funds create needed construction jobs. The House subcommittee bill proposed eliminating the program.

The Interagency Council on Homelessness is funded at \$3.3 million in the conference agreement. The agency was also eliminated in the House subcommittee bill. The Council enhances the Federal response to homelessness by coordination between agencies, addressing duplicative programs, and identifying best practices.

The conference agreement provides \$75 million for the Veterans Affairs Supportive Housing program, equal to

the President's budget request. VASH provides long-term housing to homeless veterans. This is an increase of \$25 million over the FY11 level.

□ 1500

I'm not happy with every single element of this, but I haven't seen a bill around here yet that is perfect. I also want to say that we did not get as good a compromise as we hoped on the Legal Services Corporation. I wish we could do more because there certainly is a justice gap in this country.

I want to commend the chairman and his staff, both the majority staff and the minority staff, who I think worked very well together with the other body in reaching resolutions in a very timely way on these three bills. And I want to commend the chairman for bringing six bills to the floor.

Now, I could make the case that we actually did 18 bills because we had 12 bills in the '11 omnibus, H.R. 1, that took us a whole week, if you remember, to go through 12 separate bills. So 12 and 6 is 18. That's a pretty good day for the Appropriations Committee.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. DICKS. I yield to the chairman.

Mr. ROGERS of Kentucky. And in that H.R. 1, the fiscal year '11 omnibus bill, as you recollect, we had some 500 amendments.

Mr. DICKS. Everybody got a shot.

Mr. ROGERS of Kentucky. Everybody.

Mr. DICKS. I want to commend the chairman for his commitment to regular order and openness, and I hope that next year we can really do all 12 bills. If we can get them done this year in December, then we can focus on the 12 bills for next year and hopefully bring them all to the floor so that Members have a chance to vote. It's important, I think. And I think the fact that so many people wanted to offer an amendment indicates that the membership of the House wants to see an open process. And it's certainly important for the minority, too, to have an opportunity to offer amendments.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the chairman of the Commerce, Justice, Science Subcommittee, a very hardworking chairman who also happens to be a colleague of mine in the class of 1980, the so-called Reaganauts, Chairman FRANK WOLF.

Mr. WOLF. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of this conference report, which includes the fiscal year 2012 Commerce, Justice, Science and Related Agencies Appropriations Act.

I want to thank my colleague and ranking member, the gentleman from Pennsylvania (Mr. FATTAH), for his support throughout this process. I also

want to thank Senate counterparts, Senators MIKULSKI and HUTCHISON, and I also want to particularly thank Chairman ROGERS of the full committee and Ranking Member Mr. DICKS. This was a very, very open process. Also I want to thank the CJS subcommittee staff, including Mike Ringler, Leslie Albright, Stephanie Meyers, Diana Simpson, Colin Samples and Scott Sammis, as well as Todd Culligan in my office, and Darek Newby and Bob Bonner on the minority staff.

Working together, we were able to produce a conference report that reduces discretionary spending in line with the Budget Control Act, while the supercommittee works to control entitlement spending which is the primary driver of our unsustainable debt and reform the Tax Code.

The final CJS bill before the House is \$583 million below—below—fiscal year 2011 and \$4.9 billion, 8.5 percent, below the President's request.

Since Republicans assumed the majority, we have reduced spending by more than \$11 billion for agencies funded in the CJS appropriations bill.

At the same time, the bill also provides funding for a variety of critical national priorities. The conference report fully funds the FBI at \$8.1 billion to protect the Nation from further terrorist attacks. The bill includes important increases for FBI national security programs and the investigation of cyberintrusions.

The bill also makes important progress in the fight against the horrible and pervasive crime of human trafficking. Human trafficking is spreading through this Nation, and this funding bill will also support State and local human trafficking task force activities and victim assistance services. The conference agreement will require—will require—each U.S. Attorney to establish a human trafficking task force.

In the Department of Commerce, the conference agreement includes new initiatives to bring jobs back to America, including a job repatriation task force and a new grant program to enable U.S. companies to bring off-shored activities back to economically distressed regions of this Nation. It is time for these American companies who have gone to China and Mexico to return home, particularly, I may say, GE, who just moved their health care facilities from Wisconsin to Beijing. They should come back to Wisconsin.

The bill also includes important increases for fundamental scientific research. \$7 billion is included for the NSF, an increase of \$173 million. NIST research activities receive an increase of over 10 percent—math, science, physics, chemistry and biology, doing the things that make a difference to create jobs.

Research is a primary driver of innovation, growth and job creation, and

these investments must be preserved, even in times of budgetary austerity.

The conference agreement includes \$17.8 billion for NASA, including funding above the request for America's next generation space exploration system and for cutting-edge technology.

In closing, as other countries are challenging U.S. leadership in space, this conference report includes funding for a comprehensive independent assessment of NASA's strategic direction and agency management to chart a future course that is bold and achievable.

I urge support for the bill.

Mr. DICKS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania, the ranking member of the Appropriations Subcommittee on Commerce, Justice and Science, Mr. FATTAH.

Mr. FATTAH. I thank the ranking member, I thank the chairman of the full committee, and, most importantly, I thank my colleague, Chairman FRANK WOLF. We've had an opportunity to work through the issues on this bill, and he has afforded every courtesy to the minority as we have worked through this. It's been truly a bipartisan effort; and even though there are things that we would make different final calculations on, I think that there's nothing else to be said other than that truly this is a product that reflects both input from the majority and the minority, and I thank Chairman WOLF and Chairman ROGERS for the courtesies extended.

This is a bill that I believe funds the most important agencies of our government in terms of securing our citizens, in terms of innovation and advancement in technology and science, in terms of dealing with the challenges of severe weather, and dealing with our oceans and the navigation of crafts throughout our waterways.

This is a bill that is critically important, and I'm happy to join with others to urge that the House would favorably consider it.

There are a number of things I would want to point out. One is that the conferees, all of us working together, were able to agree with an initiative focused on brain research, on neuroscience; and we've been able to put together a collaborative effort that I think portends a great deal of progress in terms of addressing brain diseases like Alzheimer's and Parkinson's, dementia, and also dealing with the question of wounded warriors. I had a chance to visit the brain research and repair center over at Bethesda. There's much more work to be done.

And also for those interested in education, the whole cognitive development, this is the first-of-its-kind initiative bringing together all of the important agencies of the Federal Government. I thank Chairman WOLF and our colleagues and counterparts in the Senate for their cooperation around this.

Also, we were able to increase our efforts in terms of manufacturing and advanced manufacturing, creating a new grant program to help companies bring technology onto the plant floor. Manufacturing has to be the basis for long-term prosperity and national security for our country.

The investments in science, the National Science Foundation, there is no more important agency anywhere in the world; and we were able to work to fund it at a level that's appropriate, \$7 billion. The investment in NASA, even though \$638 million off of last year's number, when you take out the shuttle costs, it really is a significant statement around a new set of priorities for NASA, and investing in particularly space technology at \$575 million and the investment in the Commercial Crew Program, knowing with a certainty that American private enterprise can help us deal with the ongoing need in terms of lower orbit travel.

We have a lot to be thankful for in the bill. Most important to me, even though it's a very small number, are the efforts around youth mentoring. Our support for the 4,000 Boys and Girls Clubs and the Big Brothers and Big Sisters and other youth mentoring agencies that are funded in the Justice Department is a way to divert young people from ever getting engaged in our criminal justice system, and the funding for the Second Chance Program, which was renewed in this year's appropriations.

□ 1510

There's a lot more that I could say, but I think, needless to say, what is important now is that we move this process forward. And there are disappointments—legal services, there will be another day. As my ranking member said, we're disappointed in the final outcome, but we remain committed to trying to find ways as we go forward to make sure people have access to our court system on civil matters.

I want to thank the ranking member, Chairman ROGERS, and my colleague FRANK WOLF for his great work on this bill, and all of the staff, both on the majority and minority side.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa, chairman of the Transportation and HUD portion of this bill, a very vital part of the bill—the chairman has handled it very, very well—Chairman TOM LATHAM.

Mr. LATHAM. I thank the chairman for yielding time. And I, first of all, want to thank him for the great work, but also Ranking Member DICKS on the full committee; and then a special thank-you to the ranking member on the subcommittee, Mr. OLVER, for all of his hard work. We've worked together as a team on this bill. And I thank the staff on the minority and

certainly the majority staff for all their hard work that they put into this.

This is a great day for two different reasons: one, we're going to get this bill done today; and, number two, it's on the Speaker's birthday, so this will be his present anyway. But I do rise in support of the conference report that's before us today, and I urge my colleagues to support it also. I know it doesn't make everyone happy, but it represents a compromise, and that's what a conference report really is all about.

Overall, the THUD division of the agreement contains \$55.6 billion in discretionary, a number that is \$19.4 billion below the President's request—and again, \$19.4 billion below the President's request.

The agreement provides \$39.9 billion for the annual spending for highways, the number that is contained in the latest extension of the Surface Transportation Act. This level will provide adequate resources for our State highway departments to address their needs.

The THUD division contains various commonsense agreements that are universally important to the Nation. For example, there are increased funds for FAA certification personnel, the individuals who inspect and certify new aircraft to ensure safety and airworthiness.

The HUD portion of the THUD agreement contains \$37.3 billion—about \$4.7 billion below the President's request. There is sufficient funding to renew vouchers for those individuals and families who were in the program last year. The agreement has sufficient funding to keep veterans' housing on a sound footing, and it also has directive language that requires HUD to review veterans' housing utilization rates in Iowa and other rural States and the housing challenges facing veterans in those areas.

Also, under the HUD title, there are funds set aside for homeownership programs that help add housing capacity in rural States. The subject of rural housing capacity has long been a concern in States like Iowa and a concern to an awful lot of Members here in this Congress.

Finally, under HUD Community Development, there is \$400 million that can be used for eligible disaster recovery activities in those areas most impacted by the various disasters of this year. These are funds that can be used for repair and rebuilding activities.

To me, at this point, one of the most important elements of this agreement is the funding for highway and community development disaster repairs. These monies are vitally important for my State and others along the Missouri River, States that suffered enormous damage when the Missouri River flood came this past year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. I yield the gentleman an additional minute.

Mr. LATHAM. The conference agreement contains almost \$1.7 billion in emergency disaster money to repair roads and bridges. These funds will supplement existing Federal, State, and local monies and will be used for repairs and reconstruction.

There are areas where State roads are still under water; thus the emergency repair funding for highways in this agreement is vital to ensuring that Iowa roads and the roads in other States are restored to good working condition.

Important to the emergency highway repair category and contained in the agreement is an important waiver that waives the time line of 180 days from the disaster declaration date so that States can receive 100 percent reimbursement.

All in all, this agreement represents the best we could do under the present circumstances. In the end, we've had to come to make some compromises, but we also have a number of important victories in this agreement.

I would urge all Members to support this conference report.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, the ranking member of the Appropriations Subcommittee on Transportation, Housing and Urban Development, Mr. OLVER.

Mr. OLVER. I thank the ranking member for yielding time.

I rise in support of this conference report. As ranking member on the Transportation and Housing Subcommittee, I first would like to thank Chairman TOM LATHAM for working openly with me throughout the process, and I congratulate him on bringing his first conference report to the floor. Also, I would like to thank staff—for the majority, the subcommittee clerk, Dena Baron, and her excellent staff; and for the minority, Kate Hallahan, Joe Carlile, and Blair Anderson—all for their diligence and hard work in making this a better bill.

Mr. Speaker, this bill contains elements with which I disagree. In particular, I wish CDBG funding was closer to last year's level, and I am disappointed that the bill does not provide funding for the High-Speed and Intercity Passenger Rail Program. Both of these programs are in high demand and would contribute significant value to our communities if funded properly. However, this bill is a reasonable compromise that has improved significantly the Transportation-HUD portion that was marked up in subcommittee.

The agreement ensures that funding for our transportation infrastructure programs is kept stable, allowing the Federal Aviation Administration to

continue modernization of our air traffic control system, providing the Federal Highway Administration with funds needed to maintain our highway network, and providing the Federal Transit Administration with sufficient funding to continue investments to expand our regional transit systems.

I am particularly pleased that the bill provides \$1.4 billion for Amtrak and removes destructive language that would have halted service along 26 routes in 19 States. Annual ridership on those routes has increased, and a congressionally authorized process is already under way to reduce the operating costs of these services.

In addition, the bill provides \$1.66 billion for the Highway Administration's Emergency Relief Program in order to eliminate the of repairs needed as a result of hurricanes, floods, and other natural disasters, as well as \$400 million for emergency CDBG funds. I believe we have a responsibility to provide assistance to States that have endured unanticipated natural disasters without conditioning that assistance on cuts to other programs.

Lastly, I am pleased that this bill reinstates HUD's Housing Counseling Program by providing \$45 million. With foreclosure rates remaining high, the counseling services provided by this program continue to be vital for families who are struggling in the current economy.

Mr. Speaker, this bill is a good product of a bipartisan process, and I urge my colleagues to support it.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia, the chairman of the Agriculture Subcommittee, a very important part of this bill, Mr. KINGSTON.

Mr. KINGSTON. I thank Chairman ROGERS for the time. I've enjoyed working with him and Ranking Member DICKS, and also the ranking member of our Subcommittee on Agriculture, FDA, and Commodity Futures Trading Commission, the gentleman from California, Mr. SAM FARR. We've held 11 hearings, and we've had probably about 25 hours worth of debate on the floor in which over 50 amendments were offered. This bill is a prime example of what can happen when we get back to regular order.

□ 1520

It was an open process, passed by the subcommittee, full committee, and then finally by the House floor. The bill is \$350 million below FY11 in the discretionary portion, and \$2.5 billion lower than the President's request for FY12. It is compliant with the Budget Control Act, and a step to show both regular order, compromise and moving us towards a balanced budget.

I also wanted to point out something, Mr. Speaker, that the mandatory portion of this bill is tremendous. Our discretionary total on agriculture is \$19.77

billion, but the mandatory is \$116.9 billion. School lunch and breakfast and the SNAP program are \$98.5 billion alone. If we do not get control of the mandatory spending, we will never be able to balance the budget.

So I urge all Members of Congress to be cognizant of that and work in the important authorizing committees to do some of the reform.

This bill was successful in eliminating a Federal program that goes back to World War I, the mohair subsidy; and that actually was a program designed to get more wool for the World War I soldiers' uniforms. And Ronald Reagan famously said, if you don't believe in resurrection, try killing a government program. And yet, today, the mohair program does get eliminated.

We also reduced the BCAP program, which was something that our committee has been very concerned about the out-of-control spending on it. We've restrained the CFTC with some important bipartisan language regarding user exemptions and cost-benefit analysis. And we have urged the FDA to stay on its core missions, and we hope that the authorizing committees will look at medical device and drug approval time and transparency so that the FDA can work closer with the providers and the manufacturers rather than in an antagonistic point of view.

We've balanced school safety, inspection, agricultural research with the many demands that are out there. We have worked with Secretary Vilsack, Dr. Hamburg at FDA, and Mr. Gensler at the CFTC; and we've had an open process throughout the year.

So I urge my colleagues to vote for this and pass this bill. But I also wanted to say thank you to the great staff on both sides. Martin Delgado, head clerk on the majority side; along with Tom O'Brien, Betsy Bina, Andrew Cooper and Allie Thigpen and Mike Donal; and then on the minority side, working for Mr. FARR, Martha Foley, Matt Smith, Troy Phillips and Rochelle Dornatt.

CONGRESS OF THE UNITED STATES,

Washington, DC, October 4, 2011.

Hon. GARY GENSLER,
Chairman, U.S. Commodity Futures Trading
Commission, Washington, DC.

Hon. BEN S. BERNANKE,
Chairman of the Board of Governors, Federal
Reserve System, Washington, DC.

Hon. MARY L. SCHAPIRO,
Chairman, U.S. Securities and Exchange Com-
mission, Washington, DC.

Hon. MARTIN J. GRUENBERG,
Acting Chairman, Federal Deposit Insurance
Corporation, Washington, DC.

DEAR CHAIRMEN MARTHA FOLEY, SCHAPIRO, BERNANKE AND ACTING CHAIRMAN GRUENBERG: As authors of the Wall Street Reform and Consumer Protection Act (P.L. 111-203) (Wall Street Reform Act), we commend your work implementing Title VII of this important new law. We have an enormous opportunity to set a new global standard for the operation of an efficient, transparent and well-

regulated derivatives market. It is in a spirit of support for your efforts that we write with suggestions for how to avoid some unintended consequences that could undermine this objective.

As you know, the existing \$600 trillion derivatives market operates as an integrated global market, despite the jurisdictional determinations made in Title VII between the Commodity Futures Trading Commission (CFTC) and the Securities and Exchange Commission (SEC). It is our hope that the two agencies will work closely and collaboratively together and that the new swap regulations can be sequenced and implemented in a logical, coordinated manner that encourages compliance and market competition.

Given the global nature of this market, U.S. regulators should avoid creating opportunities for international regulatory arbitrage that could increase systemic risk and reduce the competitiveness of U.S. firms abroad. Congress generally limited the territorial scope of Title VII to activities within the United States. This general rule should not be swallowed by the law's exceptions, which call for extraterritorial application only when particular international activities of U.S. firms have a direct and significant connection with or effect on U.S. commerce, or are designed to evade U.S. rules. We are concerned that the proposed imposition of margin requirements, in addition to provisions related to clearing, trading, registration, and the treatment of foreign subsidiaries of U.S. institutions, all raise questions consistent with Congressional intent regarding Title VII.

Moreover, U.S. regulators should work with other international regulators to seek broad harmonization of appropriately tough and effective standards. This can be accomplished by an appropriate staging of the adoption or implementation of our rules abroad. Should current harmonization efforts ultimately fail or prove a race to the bottom that would undermine effective regulation, the U.S. would of course reserve the right to proceed to extend the application of its standards to overseas operations.

In addition, as you proceed through the rule-making process, we urge you to respect Congress' intent to protect the ability of end users and pension plans to use swaps in a cost-effective manner. In particular, Congress recognized the need to allow pension funds, states, municipalities and other "special entities" to continue to use swaps by expressly rejecting the imposition of a fiduciary duty for swap dealers that is legally incompatible with their legitimate role as market-makers. The withdrawal of the Department of Labor's rules on a fiduciary duty under ERISA gives the agencies an opportunity to work together to prevent such adverse results. We urge you to work to revise the proposed rules in a way that avoids unintended consequences.

As one of the first countries to propose new financial rules following the 2008 crisis, the world is closely watching what we do. As you revise and finalize the proposed rules, we look forward to working together to support your important work in a way that keeps our financial markets the envy of the world.

Sincerely,

SENATOR TIM JOHNSON,
Chairman, U.S. Senate
Committee on Bank-
ing, Housing, and
Urban Affairs.

CONGRESSMAN BARNEY
FRANK,

Ranking Member, U.S.
House Committee on
Financial Services.

DOVER/SHERBORN PUBLIC SCHOOLS,

Dover, MA, April 13, 2011.

TO WHOM IT MAY CONCERN: As a School Food & Nutrition I support the thrust of the proposed rule. We do need to reduce sodium and fat levels and provide more fruits and vegetables to our students and provide minimum and maximum calorie levels in meals.

At the same time I have concerns regarding their ability to meet the requirements of the proposed rule, especially as the impacts of the regulations are theoretical at this point, having never been piloted or studied in "real world" School Food Authorities (SFAs). I am concerned that the timeframes within the rule are ambitious given the significant changes which will have to be made to school menus that will, at the same time, meet the rule's requirements, while also retaining student participation.

We all share the goal of having all students participate in school lunch programs, and that nothing is done to overtly identify those students who are receiving free or reduced price meals. I have concerns that, while well intended, the revised meal standards themselves run the risk of unintentionally identifying free and reduced price recipients if paid students are inclined to opt for a la carte choices if the revised paid meal is not acceptable. I am also concerned that there may be unintended consequences of these revisions, including children going off campus for less nutritious foods, or bringing brown bag lunches from home that research has shown are less nutritious than school meals.

My Districts been working to increase the use of lower sodium and lower fat foods, as well as working to increase whole grain products in school lunches. Our experience has taught us that making these changes takes time. Revising meal standards often means that new food products have to be developed, and this development takes time. When new food products are introduced at a gradual rate, the likelihood of student and parent acceptance is enhanced. This also provides time for operational adjustments and staff retraining. If new food products and food preparations are introduced at a too rapid rate, our ability to work with and educate students regarding the changes, and to make them part of the process is more difficult. Rapid change can cause participation rates to drop, complaints from students and parents regarding the changing nature of meals to increase, costs to rise more rapidly than can be prudently managed, and the integrity and acceptability of the school food program may be called into question. Recent record high food price increases exceed the cost projections in the proposed rule and is of great concern in a schools attempt to implement these proposed meal pattern revisions. These price increases are also likely to reduce the volume of USDA Foods received by schools, further complicating the management of school meal programs.

It is worth noting that a substantial lead time was provided when the Department updated the WIC Food Package. The WIC Food Package is far more limited than the school meal package, and all of the items contained in the WIC package were commercially available twenty months prior to the mandatory implication of the changed package. The Department received 46,502 comment letters regarding the WIC Food Package modification, and gave twenty months to implement the rule. We understand that substantially more comments are anticipated to be

received regarding the proposed school meal pattern rule. Yet the Department currently plans less time before implementing the rule, with less time for school food program operators to prepare for what will be significant changes. The revision of school meal patterns is certainly a worthwhile and necessary undertaking, but it is far more complex, impacting more operators and recipients. Menus, recipes and products will have to be reformulated. New products will have to be developed and tested for student acceptability. Procurement specifications and related documents will have to be changed. Staff will need to be retrained. Logistical changes will have to be made within front of the house and back of the house operations. This level of change was not the case with the revisions in the WIC package.

For these reasons, I believe it would be prudent to consider delaying the mandatory implementation of the rule until school year 2013-14. The Department could encourage that the revised meal patterns be implemented voluntarily prior to that date, and incentivize the early implementation with the additional reimbursement provided by the Act, just as the Department urged earlier voluntary compliance with the revised WIC food package. SNA also recommends that offer vs. serve be mandated, not discretionary, as part of the final rule when implemented. Mandating the taking of food items will result in plate waste, unnecessary costs creating a perception of wasteful spending in the program, and compromise program integrity.

I think it would prove valuable to our programs that, as was the case with the WIC Meal Package Revision, the rule should be issued as an interim final rule with a comment period following its implementation. An interim final rule would allow the monitoring of the practical consequences and benefits of the revised meal pattern and afford an opportunity to make appropriate modifications should any be warranted.

I do not support states imposing more restrictive meal components and nutritional requirements, and strongly urge the Department to assist us in ensuring consistent national meal standards. State standards that exceed federal standards are often not based on science, increase school meal costs without compensation, complicate administration of this national program, and make it more difficult for industry to provide acceptable products at reasonable prices.

We will expand upon these points throughout the specific comments that follow.

FRUITS AND VEGETABLES

I consistently supported the increased consumption of a variety of fruits and vegetables by children in the school lunch and school breakfast programs. I also support those requirements outlined in the proposed regulation recognizing the availability and utilization of fruits and vegetables in all forms (i.e. fresh, frozen without sugar, dried or canned in fruit juice, water or light syrups). I am skeptical that children will have sufficient time to consume the higher volumes of fruit and vegetables required by the proposed rule. SFAs are concerned that the consequence will be higher food costs for food items that may not be consumed. Requiring children to take a fruit or vegetable serving rather than providing a true offer vs. serve option has the potential to increase plate waste, and convey the wrong impression regarding the acceptability and quality of school meals.

FRUITS AND VEGETABLES AT LUNCH

I support the requirement for vegetables to come from a variety of sources such as dark

green, orange and legumes and support all fruits and vegetables as recognized components of the reimbursable meal. However, I believe that consumption of an array of fruits and vegetables should be encouraged, not prescribed. Instead, the proposed rule should be amended to encourage SFAs to vary vegetable selections for healthier school meals, as is currently done in the HealthierUS School Challenge. In addition I support the following requirements as set forth in the proposed regulation:

Disallowing snack-type fruit or vegetables, such as fruit leathers, fruit strips and fruit drops;

Dried fruit counting as two times the volume;

"Fresh" leafy greens counted at ½ volume (1 cup = ½ cup).

Specific Recommendations and Concerns:

Crediting of Fruit and Grain Components—SFAs support the recognition of fruit and grain components in items such as crisps and cobblers using volume as the measure.

Crediting Salad Bars and Self-Serve Foods—The final rule needs to provide direction for the Crediting of food served at Salad Bars and Self-Serve areas. While FNS has issued policy memos regarding Salad Bars in the National School Lunch Program (including SP 02-2010—Revised, January 21, 2011), the crediting of foods served at Salad Bars and Self-Serve areas is not expressly addressed within the proposed rule.

Crediting of Tomato Paste—SFAs support continuing current tomato paste crediting as outlined in the Food Buying Guide for Child Nutrition Programs at pages 2-3: "Vegetable and fruit concentrates are allowed to be credited on an "as if single-strength reconstituted basis" rather than on the actual volume as served." SNA does not support basing the crediting of tomato paste based on volume served.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California, the ranking member of the Agriculture Appropriations Subcommittee, Mr. FARR.

Mr. FARR. I thank the gentleman for yielding.

I want to thank my co-chair, the chair of the committee who we just heard from, Mr. KINGSTON. We get along very well, and it's wonderful to work with him.

But I'd also like to thank the chair of the committee, Mr. ROGERS, and the ranking member, Mr. DICKS, for letting us do our work in a professional manner, a professional and intellectual manner, which I think is the way we want to have political compromise. You allowed us to do that work, and I think that this report is a good report, and that's why I'm asking my colleagues to support it.

I didn't vote for the original bill; but this conference report is much better, and that's why I urge its support. There are many good things about this bill, especially in comparison to the version that originally passed the House last summer.

I was very pleased that we were able to go to the Senate level for the Food and Drug Administration, which is an increase of about \$334 million over the House bill because to increase the funding of FDA's important work on med-

ical countermeasures, that is very important. Medical countermeasures is critical to America's ability to face down biological, radiological, and other similar widespread public health threats. Without it, we'd be vulnerable to germ warfare. That's why I advocate its robust funding.

I might add, this isn't just science fiction that we see in movies. This is real, and this program is really vital to our future security.

In the USDA, the Department of Agriculture, particularly in the domestic food programs, remember, this is the biggest program in America that deals with the War on Poverty. And it's very good what we've done in here. This prevents hunger, improves nutrition, and grows healthier people in this country.

This conference report actually provides \$36 million more than the Senate level for the WIC, the Women, Infants and Children program. It increases \$570 million over the House bill for low-weight babies and for those kinds of programs that will grow healthier babies, healthier people in this country.

Then there's the Supplemental Nutrition Assistance Program, which we used to call food stamps. Many people may not realize it, but the SNAP program serves 15 percent of our fellow Americans during these difficult times. Fifteen percent of Americans. Over 40 million Americans are now depending on food stamps. That number is up by 7 million people over the last year. Why? Because the economy's downturn has created a lot of hardship for families. That's why the funding level of the SNAP program is so very, very important and why I'm happy that the funding level is a lot more than it was in the original House bill. This is also good news for the working class and distressed families of the United States.

Then we have a program in the Commodities Supplemental Food Program, which is also the Temporary Emergency Food Assistance Program. We've also funded that at a higher level. This is good news because it helps particularly the elderly who have suffered a debilitating life event like a tornado or flood or disaster and they need access to food and nutrition outside of the regular system. I'm so glad we're able to beef up these domestic programs for food assistance.

Then we have the international programs that help our international allies who need food assistance in the Food for Peace program. There's the well-known McGovern-Dole program, which provides donations of agricultural commodities and financial technical assistance for feeding and nutrition projects in low-income countries, countries that suffer from the culture of poverty, which could lead to all kinds of distressed, and certainly even to where we have to send in troops to bail out these countries. So this is a good prevention.

The conference report gave a lot more than what was in the original House level. There's a lot of good in this conference report. But, frankly, I have to say that there's one part that I'm really disappointed with. Under the Dodd-Frank program, we tasked to construct regulations to protect consumers. The President asked for enough money to get the new review process up and running.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. FARR. Thank you very much for yielding.

And we didn't give it enough money to do that. And then in the last thing, we dropped some crazy part into this program, which I think has gotten a lot of negative attention this week and deserves it, and that is that we, without any discussion or going to the rule, it pre-determines that the new regulations on tomato paste and tomato puree and sodium can be part of the school nutrition program. They didn't consult with us. That's wrong, and that shouldn't be done.

But it's a good compromise bill. It's good. It means food for Americans; it means certainty for our farmers. It means help for the hungry around the world. I ask my colleagues to support it.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to a very distinguished member of our committee, Oklahoma's Mr. COLE.

Mr. COLE. I thank the gentleman for yielding.

There are certainly Members on this floor that are a lot more knowledgeable about this particular piece of legislation than I am. I don't serve on any of the relevant subcommittees on appropriations. And so they're going to talk about it in more depth and detail than I ever could.

But I tell you what—and certainly I would be the first to say that we do not have a perfect process. I would have preferred individual bills. I think most of us on the Appropriations Committee would. And we didn't cut as much money as I would have liked to have cut.

Having said those things, I want to really congratulate our chairman and our ranking member for beginning the process of restoring us to regular order. And I want to commend them for bringing in a bill that spent less money than we spent last year, that has important elements in it that protect gun rights and gun ownership; and that, frankly, is a very serious effort to deal in a very responsible way with a large portion of our government and, at the same time, attack our larger physical problems.

Now, we're going to hear a lot of Members over the course of the debate that think that the bill spent too much

money, and others that think that it spent too little money, and others that tell us that it's not perfect in every detail. I would just remind those individuals on both sides of the aisle, we are the House of Representatives. We're not the House of Commons.

□ 1530

Some of our Members sometimes seem to think that all legislative and all executive authority resides here. It doesn't. Our Framers set up a very different system, and we deal with a United States Senate that's controlled by a different political party. And we obviously have a President, our President, but a President of a different political persuasion than the majority of this House, and that necessitates compromise. That necessitates some give-and-take.

I think the process that has been worked, if you will, by the chairman and by the ranking member and by the various subcommittee chairmen and their ranking member counterparts has been a good and productive effort at compromise. And it's achieved real results, and it deserves real, and will have, real and genuine bipartisan support.

So I urge the passage of this important piece of legislation. I thank the chairman. I thank the committees for their hard work. And let's get back to the business of governing the greatest country on the planet. We made a good step here today.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts, the ranking member of the Financial Services Committee, Mr. FRANK.

Mr. FRANK of Massachusetts. I thank the gentleman from Washington.

I urge Members to vote for this bill, although my enthusiasm is tempered. As I contemplate this bill, I think of the words of a former great Member of this body, a former Speaker of the House from my home State, the late John McCormack, who, not wanting to offend House rules, referred to one of his colleagues as someone whom he held in "minimum high regard." That's essentially what I think about this bill.

I thank my colleague from Massachusetts (Mr. OLVER) for the good work he did on an important provision that means a lot to public housing in Massachusetts involving federalization. I appreciate the increase in the FHA being maintained so the people who live in the areas I represent and in California and elsewhere are not discriminated against. So, for that, I am grateful.

But there is a serious flaw in the bill in two areas, or there are two serious flaws in one area each.

The HUD budget is good in that federalization but severely lacking. I regret the fact that we will be spending more on community development and building important institutions in Afghanistan than we are in America.

And even more important is the issue that the gentleman from California (Mr. FARR) mentioned. It is incredible to me that my Republican colleagues brought out of their subcommittee a bill that would give the Commodity Futures Trading Commission less money this year in the coming year than it got this year. Now, the Senate was able to bring it back up to level funding.

Understand, we are talking about derivative regulation. We're talking about AIG. We are talking about a dangerously unregulated operation. We are talking about the thing that has us concerned now about the extent to which there may be a contagion from Europe to America because of derivatives, credit default drops issued by American banks. I think we have a handle on this, but we would do better if we had the bill fully implemented. You can read today in The New York Times about the role of the CFTC trying to straighten out the MF problem.

It is extraordinary that we give the Commodity Futures Trading Commission a new responsibility. Because of prior foolish moves by this Congress and a President, we had not regulated swaps, a very important new form of derivative. They are a dangerous instrument, and they need to be regulated. And this is a wholly new responsibility for the CFTC. And the members of the Appropriations Committee on the Republican side would have given it, if they had their way, less by a significant amount for the next year than this year. We got it up to even.

But let's be very clear: People who do not want to give the CFTC any additional money are basically telling the American people that they think it was just fine what AIG did. It was just fine that we have these unregulated derivatives, that people were able to accumulate debts far beyond what they could pay.

The CFTC was also given, under our legislation, a specific mandate to deal with speculation. I know there were some on the Republican side who think speculation has nothing to do with oil prices and it has nothing to do with food prices, and I think the evidence is clearly to the contrary. People who can tell me that these ups and downs in the oil market are purely because of supply and demand, I await for them to describe to me when Santa Claus arrives.

The fact is that regulating derivatives is an essential part of preventing the problems that we ran into a few years ago and we are now trying to prevent. And level funding the CFTC—and level funding only because our Senate colleagues insisted on overcoming a Republican effort here to give it less money in the current coming year than in the current year—is a terrible act of irresponsibility.

I hope that we will be able soon to remedy this. But I fear that what you

do with this, Mr. Speaker, in this legislation is to open us up to the kind of irresponsible, unregulated financial behavior that led to the greatest crisis we have had in so many years.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, a member of the conference committee, Mr. CARTER.

Mr. CARTER. Mr. Speaker, I rise as a proud member of this conference committee and of this committee.

The Constitution of the United States gives us instructions that we are to watch our treasury and protect it and make sure that the money that we spend out of that treasury is appropriate for the operation of this country. Chairman ROGERS and the three ranking members who have operated in this particular mini-bus have been very noble in that effort.

A commitment was made under the Budget Control Act that we would stay within \$1.043 trillion, and this first start of finishing this appropriations process will see to it that we meet that commitment. Chairman ROGERS has been very, very distinct and positive that he will meet that commitment, and this is the first step to meeting that commitment.

It is important that although this is a noble effort, we have funded what is needed, and we have given an open process both in subcommittee, committee, and on this floor. And by that, we have shown the American people that we are making our promises known, that we are on the route to turning this country around and setting it back on a fiscal track that we can sustain.

I want to commend all who have been involved in this process, both the ranking members and the chairmen, for they have done noble work to come up with this product. And this product is deserving of being supported by every member of this conference and of this entire Congress, and I urge them to support this noble product that has been a tough fight, but we have accomplished it.

Mr. DICKS. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD), whom I've enjoyed working with on these important issues before our committee.

Mr. MICHAUD. I thank the gentleman for yielding.

I rise today in support of a provision in the underlying bill that will move the heaviest trucks traveling in Maine off secondary roads and onto the interstate.

People in the State of Maine already know the benefits of this commonsense provision. That's why it has the support of organizations throughout the State of Maine, such as the Maine Department of Transportation, the Maine Department of Public Safety, the Maine State Police, because they know it's safer to have these trucks on the interstate.

Additionally, letting heavier trucks use the interstate reduces fuel consumption, cuts emissions, reduces travel time, and reduces the competitive disadvantage between Maine and the surrounding States that already have a higher truck weight limit on their interstate.

So I would like to thank my colleagues that supported my efforts to ensure that this provision was included in the final bill, and I would encourage my colleagues on both sides of the aisle to support this bill. I want to thank the chairman and the ranking member for their efforts as well.

Mr. ROGERS of Kentucky. Mr. Speaker, could I ask the remaining time?

The SPEAKER pro tempore (Mr. GRIMM). The gentleman from Kentucky has 11 minutes remaining. The gentleman from Washington has 5½ minutes remaining.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio, a member of the conference committee, Mr. LATOURETTE.

□ 1540

Mr. LATOURETTE. I thank both chairmen for yielding and also for the recognition.

Mr. Speaker, it's like a breath of fresh air has blown through this Chamber. I will tell you what a relief it is.

Congratulations goes to Chairman ROGERS and Ranking Member DICKS and to the subcommittee chairs and the ranking members for getting us to a point that was normal practice for the first 12 years that I was here, which is to do things like have a subcommittee markup. It's where people get to offer amendments—good amendments, bad amendments, in-between amendments—but they were thoughts that they had. We'd debate them; we'd discuss them; and we'd vote on them. The same thing happened in the full committee; the same thing happened on the floor; and we actually had a conference between the House and the Senate. Some people had never been to a conference before because they hadn't been here that long. I had Members come up to me who were new—we have 87, 88 new Republican freshmen, and we even have some sophomores and juniors—who didn't even know what the 5-minute rule was for the discussion of an amendment on the floor.

So everybody in this Chamber understands that sometimes you win and sometimes you lose, but at the end of the day, if you've had a chance to express yourself and to articulate why your position is correct and then it's either accepted or rejected by your colleagues, you can go home and put your head on the pillow and feel pretty good about it.

This product is a result of that.

I'm particularly proud of the piece from the subcommittee that I'm in-

volved in with Mr. LATHAM as the chair and Mr. OLVER as the ranking member. What is remarkable to me is that this wasn't a "my way or the highway" negotiation. There were numbers that were important to some of us and not important to others but that were improved between the House version and the conference report. I would cite, for instance, the highway level.

Now, because no one is willing to make the adult decision about what to do with the income stream at the highway trust fund, it was proposed to be a paltry \$27 billion. However, through negotiation between the House and the Senate, it's now restored to the authorized level in the extension at \$39 billion.

The Community Development Block Grant program as well is recognized in this conference report as being a valuable source of seed money for local communities to add other money and to do good works. Something that is popular and unpopular in certain segments on both sides of the aisle is Amtrak, which is now receiving the money necessary to do its mission.

They've done a good job, and I urge its passage.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to a member of the conference committee, the gentleman from Alabama (Mr. BONNER).

Mr. BONNER. I thank the chairman for yielding me time.

Back home, the American people listen to Members of Congress talk about things that are historic, about things that are important. Today, we're talking about something that's very important. Tomorrow, we'll actually be talking about voting on something that truly is historic. But for the moment, let's focus on, as my friend from Ohio just mentioned, something that this Congress has not seen since 2009, which is a conference report.

That's the American legislative system working. It's where Democrats and Republicans, Senators and Members of the House of Representatives, have come together—to produce a perfect document? Of course not. Conservatives would like to cut more. Liberals would like to spend more.

The fact is that, in this conference report, we cut and terminate 20 programs, saving \$456 million. It responsibly addresses disaster spending, and many States and even more counties and cities had been affected by disasters earlier this year. It also contains a CR that will run until December 16 at fiscal year 2011 levels to allow our committee to complete its work.

It also represents an effort, I would argue, Mr. Speaker, that both House and Senate appropriators, Democrats and Republicans alike, are doing something that is responsible in order to avoid the plague of a government shutdown by reaching agreement that will put our Nation on a more fiscally sustainable path.

Tomorrow, it will be more historic in nature. Yesterday, the debt clock ticked over \$15 trillion. We cannot ignore that threat. Tomorrow, we will bring to the House floor an opportunity for something that Presidents Jefferson and Reagan both envisioned: a balanced budget amendment.

Today's CR, today's minibus appropriations bill, is an important step for the future of this fiscal year and this country that we love and serve. Tomorrow will be an opportunity, for the legacy of future generations not yet born, to do something even more bold.

I thank the chairman for giving me a chance to serve on the committee, and I urge my colleagues to support the report.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Florida, a member of our committee, Mr. DIAZ-BALART.

Mr. DIAZ-BALART. I thank the chairman for this opportunity, and I really congratulate him. This is the first time in many years, since 2009, that we've actually come to the floor with a conference report.

Think about that.

Before, things just kind of came out of the blue, and we were forced to deal with them without having an opportunity to see them and without going through regular order. But this would have not happened without the leadership of our chairman, Chairman ROGERS.

I cannot thank you enough, sir, for, once again, making the people's House do its work and do it in a responsible way.

I also want to commend the ranking member for working hand-in-hand with the chairman.

Look, there is no denying that we are on an unsustainable path of borrowing too much and spending too much. In past appropriations bills, they were judged to be successful by how much more taxpayer money we were spending. I guess Congress felt good because we were spending more money. Well, that has changed dramatically. This bill actually cuts funding. It actually spends less than the previous year's level.

So, again, it is a huge step in the right direction, but it also funds the essential services that the American people depend on.

I want to recognize the work of Chairmen KINGSTON and WOLF, who have balanced the funding for necessary food safety and for, as an example, law enforcement. They also made some very difficult choices—but necessary choices—to reduce spending.

I had the privilege of serving on the Transportation and Housing Subcommittee, and I want to commend Chairman LATHAM for the work that he has devoted to this bill.

On the transportation side, this bill prioritizes rail and transit projects

that improve and expand existing systems. It funds NextGen to help reduce traffic delays, and it funds the Federal highway program. It provides sufficient funding to renew every individual and family voucher, for example, and it includes new oversight reforms at HUD to root out waste, fraud, and abuse, which is such a huge issue.

This conference report prioritizes government spending for vital programs, but it also reduces waste and, again, puts us on a path where we will not bankrupt the United States of America.

I urge my colleagues to join me in supporting this fine piece of legislation. Is it perfect? No. But it's the best piece of legislation and the only one in many, many years that has actually come to the floor through regular process after an amendatory process.

I commend the chairman, and I support the legislation wholeheartedly.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, a member of our committee and a very valued member, Mr. NUNNELEE.

Mr. NUNNELEE. I thank the chairman for yielding.

As a member of this historic freshman class, we came here committed to cutting government spending because we know that cutting government spending is tied directly to increasing job opportunities in this Nation.

This bill does something that has not happened since World War II. For the second year in a row, we are now on the path to cutting government spending, not by the definition traditionally used by Washington, which is cutting the rate of growth, but by the definition of the people of America: actually cutting spending.

We also came here to change the way Washington does business. President Reagan observed that government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we'll ever see on Earth.

This conference report terminates a total of 20 programs from the Federal budget. Now, I wish it would have cut more spending, but when I look at the opportunity to cut 20 programs from our Federal budget—something that rarely happens in this town—I gladly support this conference report.

Thank you, Mr. Chairman, for your work.

Thank you to the ranking member and the minority for working with us to eliminate those 20 programs.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. I thank the chairman for yielding.

Mr. Speaker, I rise in support of the conference report, which includes the CJS approps bill for fiscal year 2012,

and I want to pay a special thanks to Chairman WOLF for his help in working out a very difficult problem.

In 2010, a Federal prison was built in Berlin, New Hampshire, which is in my district. However, due to the lack of funding, the facility has been sitting idle now for a year and a half at a significant cost to taxpayers. So I applaud the inclusion of report language that urges the Bureau of Prisons to begin the activation phase of this prison in Berlin, New Hampshire, and others where construction has been completed but where the facilities currently sit idle.

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Additionally, I would like to thank Mayor Grenier in Berlin for his dogged determination and my colleagues on the Appropriations Committee for their special attention to this very serious problem.

Once opened, this prison will house over 1,000 minimum-security and medium-security adult male offenders. It will produce over 300 jobs for the region and bring \$40 million to the local economy. It is a very worthwhile program. I thank you for being attentive to this issue with me. I urge final passage of the bill.

Mr. ROGERS of Kentucky. May I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 2½ minutes, and the gentleman from Washington has 5½ minutes remaining.

Mr. ROGERS of Kentucky. Mr. Speaker, I am the last remaining speaker on my side, so I will yield to the gentleman.

Mr. DICKS. I yield myself as much time as I may use.

I just want to say that I think that this is a bill that we've worked hard on, we've worked with the other body; and I hope that the Members will support this bill. And I want to remind everybody, this has got the CR in it. We've got to keep the government open. It's clean, as clean as any one that I have seen. So I hope that we can pass this bill with a very strong bipartisan vote. I'm urging my colleagues on the Democratic side to support this bill.

I want to, again, congratulate the chairman and all of our staff for the work that they've done on this bill. It's a good bill. It's not perfect, but it's a lot better than the alternative. And we need to keep moving on these appropriations bills. I hope we can pass the other nine in December, and we have to do that.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of my time.

I want to say a special thanks to my friend from Washington, NORM DICKS, for being a hardworking, cooperative ranking member. We worked together

on this bill, and we will continue to do that. And I also want to thank the staff. You know, they don't get enough thanks. These are the people that do practically all the work, day and night, weekends included, holidays included. So thank you to all of the staff, majority and minority, for producing this work.

Let me close, Mr. Speaker, by emphasizing that this conference report is only the first step toward finishing fiscal '12, and I urge my colleagues to support this conference report.

Let me also remind our colleagues that there are no earmarks in this bill. A lot of people said, you cannot pass a bill without earmarks. Well, this bill has no earmarks, not one, not a single one. It also reduces dramatically Federal spending. And when we finish—and I want my colleagues to hear this plainly and clearly—when we finish all 12 bills, we will be at \$1.043 trillion, not a penny more. We will be at \$1.043 trillion, as provided by the cap under the Budget Control Act. I guarantee that number. I guarantee that number, hear me. So I urge an “aye” vote on this first step towards fiscal sanity.

I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I strongly support a number of provisions in H.R. 2112, the Fiscal Year (FY) 2012 Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act, such as the vital funding for low-income food assistance programs. I must voice my outrage at language included in this legislation which blatantly ignores and imperils the health of this country's school children.

Just days ago, language was inserted into H.R. 2112 which prevents the United States Department of Agriculture (USDA) from implementing important new school lunch standards that are scheduled to go into effect next year. The language also allows pizza, if it has at least two tablespoons of tomato paste, to be defined as a vegetable.

Childhood obesity is a disease effecting 17% children throughout the country. According to the Centers for Disease Control and Prevention, childhood obesity has more than tripled in the past 30 years and in 2008, more than one third of children and adolescents were overweight or obese. Nationally subsidized meals at schools have a responsibility to feed our children healthy and nutritious food. The USDA has developed new school nutrition standards and is ready to implement them. Instead, we are allowing these industries to make and keep our children sick, to put them at risk for serious cardiovascular diseases, type 2 diabetes, stroke, osteoarthritis and several types of cancer.

The needs of special interest groups are being put ahead of the health needs of children across the country. By including these provisions, we are allowing the salt, potato growers and frozen food industries to continue feeding the childhood obesity epidemic. According to the Institute of Medicine, a typical high school lunch contains around 1,600 milligrams of sodium; this is more than half of the daily recommended amount.

One of the largest barriers school nutrition programs face is cost. This is why I have authored a bill that would eliminate the tax deductibility of advertising and marketing of fast food and junk food that targets children. Despite the fact that research shows that marketing and advertising is a primary factor in increasing obesity rates in children, the tax code allows companies to deduct their advertising and marketing costs from tax returns. The government essentially subsidizes childhood obesity. My legislation has the potential to raise billions of dollars to pay for student nutrition programs.

Mr. MARKEY. Mr. Speaker, though the National Oceanic and Atmospheric Administration, NOAA, may not be a household name, Americans rely on this agency every day to provide critical weather information and to support ecologically sustainable and economically vibrant coastal communities. 2011 has been a record year for extreme weather disasters, including floods in the Midwest, extensive drought in Texas, a hurricane in Vermont and a debilitating October snowstorm in New England. The latest insurance analysis finds that the United States has experienced 15 billion-dollar weather disasters thus far in 2011. Despite these substantial costs, the ability to accurately predict and therefore prepare for such events not only prevented additional economic losses, but also saved lives. The funding levels in this bill will support the Joint Polar Satellite System, which provides NOAA with the technology to continue to make timely and accurate weather predictions.

Unfortunately, this bill prevents NOAA from undertaking a budget neutral reorganization to create a Climate Service, which was first proposed by President Bush's administration. Increasingly businesses, communities, and individuals are asking NOAA for climate information so they can make informed long-term decisions that impact the economy, public health, and safety. By continuing to oppose all things 'climate', Republicans have denied NOAA the ability to provide these critical products and services.

This bill also unfortunately reduces funding levels for NOAA's National Marine Fisheries Service to 2005 levels. NOAA is responsible for the conservation and management of fisheries in the United States and adequate funding is needed to protect our iconic American fishing industry. Our fishing industry is a critical component of our national economy. In 2010, the United States landed 8.2 billion pounds of fish valued at \$4.5 billion dollars. We know improved data collection and stock assessments allow NOAA to make better and more timely fishery management decisions. We must continue to push for adequate fisheries science funding, which is critical to supporting our fishermen and coastal communities.

I remain concerned that NOAA's role in climate and fisheries science will be hindered by these funding levels, but will support this bill.

Mr. RYAN of Wisconsin. Mr. Speaker, on Tuesday, the national debt surpassed the \$15 trillion mark. We cannot borrow and spend our way to prosperity. We must get control of spending. While the Appropriations Committee deserves credit for getting an agreement on the three appropriations bills in this measure,

I'm concerned where we are headed on spending based on the use of “disaster” funding and the potential use of temporary mandatory savings to permanently increase the base of discretionary spending. The bill also includes damaging housing policies that contributed, along with many government policies, to recent financial crises and increases the financial exposure of the federal government.

Instead of advancing solutions in the face of this crisis, the President has not put forward a credible budget and the Senate under Democratic leadership has failed to pass a budget in over 930 days. Despite their failure to produce a budget, they are working hard to increase deficit spending.

The House of Representatives actually passed a budget, “The Path to Prosperity,” which would put us on a path to balancing the budget and saving and strengthening critical programs such as Medicare—without resorting to trillion dollar tax hikes that will damage our economy and hinder job growth. We passed the Budget Control Act, BCA, to cut nearly one trillion of dollars in spending and impose statutory caps on future appropriations. Under Chairman ROGER's leadership, we also cut fiscal year 2011 spending to begin to bring spending under control. Today, we consider H.R. 2112, the conference report on three appropriations bills: Agriculture; Commerce, Justice, and Science; and Transportation, Housing and Urban Development.

Republicans control the House, but with the Senate and the White House controlled by leaders who want to increase spending, and not reduce it, our ability to address this problem is limited. I know our Appropriations Committee has worked hard to try to hold the line on spending. Despite the challenges our Appropriations Committee faced, I have serious concerns regarding the precedent it sets for future spending. H.R. 2112 provides a total of \$130.4 billion in new spending, including \$2.3 billion of “disaster relief” funding. Excluding the disaster funding the bills are \$757 million below the levels funded in 2011. Including the disaster relief funding the bills are \$1.6 billion above the 2011 levels. In addition, this bill uses changes in mandatory spending, CHIMPS, which are temporary savings, to offset what I fear will be a permanent increase in the base of non-defense spending.

In the House-passed budget, we set a total limit on appropriations of \$1.019 trillion for FY 2012. In the Budget Control Act, we increased that limit to \$1.043 trillion and got statutory limits on spending for 10 years producing nearly \$1 trillion in spending reductions over 10 years. This bill puts us potentially on a very troubling path. The BCA established a new exception to allow funds Congress designates as being for disaster relief to be added on top of the discretionary caps. There is no mandate to increase spending above \$1.043 trillion. It is entirely in our control. And, there are conceivably circumstances in which a disaster could be of such severity or immediacy that Congress could choose to provide relief funding above and beyond the discretionary caps. But given the seriousness of the Nation's fiscal problems, such funding should be limited to only the most exigent circumstances. Instead, the Administration and Senate Democrats have insisted on using this disaster relief loophole in a way that, if not closely monitored, will

undo the hard-won savings contained in the BCA.

The Budget Control Act language allows for the discretionary cap to be raised by as much as the historical average of past disaster spending, which for fiscal year 2012 would amount to a maximum adjustment of \$11.3 billion. But rather than reserving this breathing space for truly dire emergencies, the Senate took this as an opportunity to stretch this exception to cover a number of programs that are not considered our primary disaster relief programs. The primary means for providing immediate disaster relief is through FEMA's Disaster Relief Fund, DRF, which will be included in a future appropriations bill and for which the Administration requests another \$7 billion. But Senate Democrats have expanded disaster relief to programs such as funding for the Economic Development Administration, Community Development Block Grants, and agricultural grants. This is funding in this one bill alone. My concern is that the Senate and Administration will push the disaster relief exception to add even more funding in future bills, as a means of spending above the caps we agreed to as part of the debt limit.

The bill also includes \$9.1 billion in Changes in Mandatory Program Spending, CHIMPS, that score as savings in the budget year, but that may not actually reduce costs for taxpayers. One provision in this bill related to the Crime Victims Fund creates nominal savings of \$6.6 billion this year, essentially offsetting \$6.6 billion of other spending in the bill. But all of these savings are reversed in 2013. To the Appropriations Committee's credit, this bill makes some progress in reducing the use of these CHIMPS by about \$1 billion compared to last year's bills. But, further vigilance is warranted in the use of such budgetary maneuvers.

Lastly, this bill includes a housing rider increasing conforming loan limits for the Federal Housing Administration. Increasing the federal role in housing markets, in this case by increasing housing subsidies, is bad policy. It increases risk and exposure to the taxpayer, who will have to pay for non-performing loans. Bailouts of Fannie and Freddie have cost taxpayers to date about \$170 billion due to risky loans in their portfolios.

We have to offer real leadership in budgeting if we are to successfully resolve our fiscal challenges. This bill reflects the compromises inherent in divided government and we should recognize it both for the progress it makes and for how much further we have to go.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the conference report containing fiscal year 2012 appropriations for Agriculture, Commerce, Justice, Science, Transportation, Housing, and Urban Development. My support is somewhat tempered, as I find several items to cheer in this agreement and several that are of great concern to me. But recognizing the constraints within which the appropriators were working, I thank and applaud them for their hard work to achieve agreement and bring this bill before us today. In particular, I want to thank Chairman WOLF and Ranking Member FATTAH for their long-time support for research and development and STEM education.

As Ranking Member of the Committee on Space, Science, and Technology, today I limit my remarks to those agencies in this conference report that are within my committee's jurisdiction: NIST, EDA, NOAA, OSTP, NASA, NSF, and certain of FAA's activities.

Let me begin with what I think is one of the bright spots in this conference agreement, and that is the budget for the National Science Foundation. NSF is the only federal agency that supports basic research across the entire range of science and engineering disciplines, continually refreshing both our intellectual capital and the new ideas and technologies that combined serve as the backbone for the creation of new industries and jobs in our nation. The Foundation also plays a critical leadership role in the nation in improving the quality of STEM education at all levels and for all students. Therefore I am quite pleased with the 2.5 percent increase proposed for the Foundation. This is exactly what setting priorities during tough budget times should look like.

Likewise, I am pleased that the Scientific and Technical Research Budget at the National Institute of Standards and Technology is increased by 11 percent. I am also pleased that the agreement maintains funding for the Manufacturing Extension Partnership, MEP, program, but I am very disappointed that the agreement eliminates all funding for the Technology Innovation Program and the Baldrige National Quality Award, and fails to provide any funding for the promising AMTech program.

While I am pleased that the agreement proposes \$17.8 billion for the National Aeronautics and Space Administration, NASA, a strong sign of support within these challenging fiscal times, we must be mindful that the overall program that NASA is being asked to accomplish with these funds has not changed significantly despite yearly reductions in the agency's appropriations. That said, I am pleased that the bill provides funding to maintain the James Webb Space Telescope program on a schedule for launch in 2018 and that the bill provides funding and direction for NASA to pursue a flagship planetary science mission, if it can be scoped so that NASA's costs can be accommodated within appropriated funding levels. While funding for the Space Launch System, SLS, and Multi-purpose Crew Vehicle, MPCV, proposed in this bill is more than requested by the Administration, it is significantly below authorized levels. This downward trend cannot continue. It is vital that the SLS and MPCV stay on track so that we reinstate a U.S. government capability to launch American crews into orbit, provide a back-up crew and cargo transfer capability for the International Space Station, and return the United States to the forefront of the human exploration of outer space beyond low-Earth orbit.

I am pleased that the conference report provides the National Oceanic and Atmospheric Administration, NOAA, with a \$306 million increase above this fiscal year's level. However this increase is insufficient for the many missions that this important agency is being asked to undertake at this time. America has already experienced in this year alone ten extreme weather events with economic costs to

date approaching \$50 billion. The National Weather Service provides weather and climate forecasts and warnings for the United States and maintains the national infrastructure of observing systems that gather and process data worldwide from the land, sea, and air. The Joint Polar Satellite System weather satellite program, a vital component of this mission, must have consistent and sufficient levels of funding in order to provide these much needed products and services. Further, I am disappointed but not surprised that this bill does not support the Administration's efforts to better align the agency to provide reliable weather and climate products and services now and into the future. If left uncorrected, current political efforts to undermine these services will have significant negative economic consequences down the road.

With respect to the Economic Development Administration, EDA, I am pleased that the agreement provides \$5 million in funds for loan guarantees for small- and medium-sized manufacturers, as authorized last year in the America COMPETES Reauthorization Act. And while I am disappointed that the bill does not include a separate line item of funding for the Regional Innovation Strategies program, as also authorized in the America COMPETES Reauthorization Act, I am pleased that the agreement recognizes the importance of EDA's work in regional innovation and encourages it to continue.

However, I am concerned about the budget for the Office of Science and Technology Policy. I fear that the 32 percent cut to OSTP will do significant collateral damage to the formal infrastructure that helps ensure that billions of dollars in federal R&D initiatives are coordinated across the agencies efficiently and effectively. I wish the appropriators would have found another path forward to deal with the disagreements that motivated this cut, and I certainly hope that in the next fiscal year we can see this matter resolved and OSTP made whole again.

Finally, with respect to the FAA, I am encouraged by the conferees' recognition that arbitrary funding reductions imposed earlier by the House Majority were unwise as such cuts negatively affect aviation safety and halt job creation. Furthermore, I appreciate the conferees' support of NextGen air traffic modernization activities because of the importance of NextGen in preventing future gridlock in our skies, while allowing FAA to manage air traffic in a safe and environmentally responsible manner. I agree with the funding level provided to FAA's commercial space regulatory activities, since hearings conducted by the Science, Space, and Technology Committee and its Space and Aeronautics Subcommittee during this session confirmed that commercializing space transportation has not progressed as quickly as expected and thus the need for the additional funding sought in the original FAA budget request was not supportable.

In closing, I once again would like to thank Chairman WOLF, Ranking Member FATTAH, and their colleagues in the House and Senate for all of their work on this agreement, and for their implicit recognition of the critical role that federal investments in R&D and STEM education play in ensuring our nation's long-term health and prosperity.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to debate the conference report on H.R. 2112, containing FY 2012 appropriations. This bill will fund the departments of Agriculture, Commerce, Justice, Transportation, Housing and Urban Development, as well as NASA. Additionally, the bill funds the government through December 16, 2011.

I am pleased to see the conferees were able to restore essential funding for jobs, innovation, food safety, and vital investments in infrastructure. Moreover, the bill has come back from conference free of controversial policy riders that put special interest above the interests of the American people.

The conference report contains key investments in infrastructure that will put Americans back to work. Funding for highway and transit programs has been set at \$39.8 billion for the federal aid highway program, and \$10.5 billion for transit programs, allowing for 400,000 more jobs than the House version of the bill.

I am extremely pleased that the conference agreement includes funding for METRO rail in the Houston, Texas North Corridor (\$94,616,000) and Southeast Corridor (\$94,616,000) for a total of \$189,232. This funding is critical for the regional mobility of the citizens in and around the 18th Congressional District. At a time when cities around the country are struggling with a backlog of transportation projects amidst high unemployment, this funding is critical to improving transportation infrastructure while creating jobs.

Houston, in particular, needs this infrastructure to relieve congestion and provide adequate public transportation. Furthermore, this investment in the city's New Start Transit Project will create jobs for Houstonians who want to work to support their families and improve their communities.

As the Ranking Member of the House Homeland Security Subcommittee on Transportation Security, I understand the vital importance of ensuring the nation has a developed transit system. Houston has been working for over 20 years to bring these New Start Projects to fruition. I have worked tirelessly to secure the necessary funding to complete the METRO RAIL New Start Projects, and I am very pleased this project was included in the conference report.

This legislation also contains \$2.3 billion dollars in funding for disaster relief. Adequate funding for disaster relief is imperative to our nation's emergency preparedness. As a Representative from Texas, I have seen firsthand the necessity for disaster relief funding. During Hurricane Katrina, there were insufficient quantities of generators forced hospitals to evacuate patients. Local governments waited days for commodities like ice, water, MREs, and blue tarps. Evacuees from Texas arrived in Shreveport and Bastrop shelters that were grossly unfit for occupancy, and 2,500 people were forced to use the same shower facility.

Emergency preparedness is only one part of keeping our communities safe. We also need to ensure that our law enforcement agencies have the resources they need to uphold law and order at all times. The Community Oriented Policing Services, COPS, Program for state and local law enforcement will receive \$198.5 million dollars in this legislation, including \$166 million dollars for COPS hiring to put

more police officers on the streets, keeping our citizens safe. As a senior Member of the Homeland Security, I know that strong state and local law enforcement agencies are vital to our national security.

I am also pleased to see funding for the Office of Violence Against Women. The conference agreement includes \$412.5 million dollars for programs to prevent violence against women, and assist victims of violent crime. Across the country there are non profits, community based organizations, and religious groups that are diligently working to address all the issues that arise from domestic violence. One such organization is in my hometown of Houston, TX, the Houston Area Women's Center. Programs such as the Houston Area Women's Center will benefit from the grants made available through this funding.

Throughout the budget and appropriations process, I have been concerned about the adverse effects of spending cuts on minority and underserved populations. I am extremely pleased to see that the Minority Business Resource Center program received \$922,000 dollars in funding to provide loans and capital to invest in minority owned businesses. The conference report also allocates \$3.06 million dollars for minority business outreach. These efforts show a commitment to revitalizing small business and giving everyone the opportunity to make it in America.

This bill represents an investment in America's future by allocating \$4.5 million dollars for the Office of Science and Technology Policy. In the report, the conferees state their support for improvements to the federal Science, Technology, Engineering and Mathematics, STEM, education. STEM education is absolutely imperative for Americans to compete in the increasingly globalized economy. A commitment to improving STEM education is a commitment to our children and our students.

H.R. 2112 also takes steps to further our economic recovery after the 2008 financial crisis. In the wake of the housing crisis, many responsible, hard working Americans lost their homes, not because they neglected to pay their mortgage, but because their rates went up unexpectedly, or because they lost their jobs. In an effort to prevent more families from losing their homes, this bill provides \$45 million dollars for non-profits to advise families on foreclosure prevention.

While I support this measure, I also have some reservations. While I am glad to see the Women, Infants, and Children, WIC, nutrition program funded at \$6.6 billion, \$570 million above the House level, and \$36 million above the Senate level, I am concerned that the Supplemental Nutrition Access Program, SNAP, and child nutrition have been funded at \$98.6 billion, \$2 billion below President Obama's request. Moreover, the decision to render tomato paste and tomato sauce as adequate servings of vegetables undermines efforts to teach children healthy eating habits at a young age.

While the funding levels for SNAP allow all individuals and families that meet the program's criteria for aid to receive benefits, there is nothing in the conference report that addresses the very serious problem of urban food deserts, communities in which residents do not have access to affordable and healthy

food options. Food deserts disproportionately affect African American and Hispanic communities. Fast food restaurants and convenience stores line the blocks of low income neighborhoods, offering few, if any healthy options.

Food deserts have greatly impacted my constituents in the 18th Congressional District, and citizens throughout the state of Texas. Texas has fewer grocery stores per capita than any other state. The U.S. Department of Agriculture, USDA, identified 92 food desert census tracts in Harris County alone. These areas are subdivisions of the county with between 1,000 to 8,000 low income residents, with 33 percent of people living more than a mile from a grocery store.

I am also concerned about the decrease in funding for NASA found in this report. While I am very pleased that NASA's budget does include \$138 million dollars for education, including the Minority University Research and Education Program, I wholeheartedly believe we need to further the space program. The Johnson Space Center in Houston attracts the best and brightest minds in the nation, and we must give them the resources they need. There is no blueprint for great achievement, but allowing for continued exploration of the universe can lead to great discovery.

Despite these reservations, I am pleased to support this measure, and urge my colleagues to do the same.

Mr. CAMPBELL. Mr. Speaker, I rise in support of H.R. 2112, the Consolidated and Further Continuing Appropriations Act, but want to express serious concern over a provision that would only extend some loan limits, and not others, that are guaranteed, in one form or another, by the United States government.

For several months, I have been advocating for a temporary extension, and now a restoration and temporary extension, of the Government Sponsored Enterprise, GSE, conforming and Federal Housing Administration, FHA, loan limits. GSE conforming and FHA loan limits were increased in 2008 to stabilize the housing market during the economic crisis, and fill a gaping void left by retreating private financial institutions. Unfortunately, the housing market remains troubled and the painful cycle of defaults, distressed sales, foreclosures, and price declines has caused a severe delay in our economic recovery. Even now, private lenders remain incredibly risk-averse, hesitating to provide long-term, fixed-rate mortgages to the vast majority of the market. Until Congress decides how to move forward with broad reform to fix our broken housing finance system, we should not dismantle the few remaining support systems that are preventing the housing industry from collapsing further.

For these very reasons, I introduced H.R. 2508, a bill that would have extended both sets of loan limits for two fiscal years after their expiration on October 1, 2011. Doing so would have given certainty to housing and financial market participants and allowed enough time for Congress to thoughtfully consider broad reform legislation. Unfortunately, Congress chose not to act on my legislation, nor implement any other legislation that would have extended the loan limits out.

Since then, I and many of my colleagues in Congress have received countless calls from

frustrated constituents in our districts who are now unable to transact in the housing markets due to the inability to find a private lender willing to finance them. Just yesterday, new data was released on housing market activity in October showing that home sales are down an average of 20 percent in some markets from a year earlier in the segment of the market that was relying on these higher loan limits. In my home district, sales of homes in this market segment fell by 71 percent since September.

As amended by the Senate, H.R. 2112 would have extended both sets of loan limits and mitigated costs to the taxpayer by increasing the guarantee fees assessed on larger loans. However, the compromise made by the Conference Committee to only restore the loan limits for mortgages guaranteed by FHA is a half-measure and one that ignores the tremendous need for restoration of the conforming loan limits. While this is better than no extension of either loan limit, it is not the compromise we should have made. The nature of FHA's guarantee is inherently different than that of the GSEs, the former being more expensive to the taxpayer. Historically, FHA-guaranteed loans have been a narrowly targeted subsidy, a state to which I would like to see FHA eventually return. However, by extending only the FHA loan limits now, we are essentially granting FHA a complete monopoly in this market segment at a time when the FHA is under considerable stress. Independent actuaries have estimated a 50 percent chance that the agency will need a federal bailout of its own in the coming year as it continues to draw down its reserves in a deflating housing market.

It's with this in mind that I will cast my vote in favor of H.R. 2112, but do so with significant reservations.

Ms. KAPTUR. Mr. Speaker, I rise to reluctantly support the Fiscal Year 2012 Appropriations Minibus.

Given current budgetary constraints primarily caused by unnecessary tax cuts for the rich, this bill generally reduces spending but provides additional resources for certain programs that will help create jobs.

For example, the Federal Highway Administration estimates that a \$1 Billion expenditure on highway construction supports 30,000 jobs. The underlying bill provides nearly \$40 Billion for highway construction.

However, the legislation also includes unnecessary riders that will allow corporate packers and processors to continue to manipulate the livestock market to the detriment of our farmers and ranchers.

Funding is withheld from USDA in this bill from implementing a set of Rules that would restore balance and fairness to the livestock marketplace.

Is it fair that the average chicken grower makes 34 cents per bird while the processing corporation makes \$3.23 per bird and this Congress prevents the agency tasked with protecting farmers from doing its job?

It is my sincere hope that USDA implements what remains of the fairness Rule as soon as possible and enforces existing laws to protect farmers and ranchers from corporate abuses.

I urge my colleagues to support the Appropriations Minibus.

Mr. HENSARLING. Mr. Speaker, the legislation before us would increase taxpayer exposure to the housing market by raising conforming loan limits at the Federal Housing Administration (FHA).

Hardworking taxpayers, struggling to make their own mortgage payments, should not be forced to subsidize the purchase of \$729,750 homes. Taxpayers have already spent almost \$200 billion dollars bailing out the Government Sponsored Enterprises (GSEs), Fannie Mae and Freddie Mac—why should they also be forced to subsidize the purchase of costly homes for affluent borrowers through FHA?

If the GSEs with their implicit guarantee were a problem, then expanding FHA with its explicit 100 percent taxpayer-backed guarantee is a larger problem. I fear that raising conforming loan limits at FHA while allowing the GSE limits to remain at current levels will push all new mortgage originations between \$625,500 and \$729,750 into full taxpayer backing through FHA.

To make matters worse, FHA's present financial state is precarious. For the past two years, its single family Mutual Mortgage Insurance Fund (MMIF) has been undercapitalized. This fund, which is supposed to hold sufficient reserves against unexpected future losses on its existing insurance, is statutorily required to maintain a 2% capital cushion. As of FHA's most recent actuarial report, the Agency is currently 88% below their statutorily required minimum capital ratio. To put that number in perspective, FHA is currently more than ten times more leveraged than Lehman Brothers was when it filed for bankruptcy.

Last week, Dr. Joseph Gyourko, an American Enterprise Institute (AEI) scholar and real estate and finance professor at the University of Pennsylvania's Wharton School, released a report suggesting that FHA is underestimating future losses by many tens of billions of dollars. Dr. Gyourko estimated that the recapitalization required will be at least \$50 billion, and likely much more, even if housing markets do not deteriorate unexpectedly.

Dr. Gyourko is not the only one who thinks FHA will need a bailout. In FHA's November 15, 2011, annual report to Congress on the financial status of the MMIF, their independent actuary acknowledged there is a nearly 50% chance they will need a bailout: "With economic net worth being very close to zero under the base-case forecast, the chance that future net losses on the current, outstanding portfolio could exceed current capital resources is close to 50 percent."

Even the Obama Administration has acknowledged a need to scale back taxpayer support for the housing finance system. In its February 2011 report to Congress on options for the future of housing finance, the Administration encouraged Congress to let the elevated loan limits expire. I do not often find myself in agreement with the Obama Administration, but in this instance, we agree that the private sector simply cannot compete with government guarantees. The best way to get private capital in the game is to get the government out.

It is imperative that we work toward comprehensive housing finance reform that will end bailouts and get taxpayers off the hook for bad housing bets. Unfortunately, the under-

lying legislation works against this goal and for that reason, I must oppose the bill.

Mr. RICHMOND. Mr. Speaker, I missed roll-call vote number 857. Had I been present, I would have voted "yes" on rollcall vote number 857, adoption of the Conference Report on H.R. 2112—the Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act.

Mr. Speaker, the conference report is not perfect. I am pleased that it would avert a government shut-down and that the Federal Government can continue to provide services to the American people. Additionally, I am pleased that the conference report provides over \$2 billion for emergency disaster relief. That being said, there are many items contained in the legislation that are troubling. At a time of severe economic challenge in many parts of the country, this bill reduces investments in infrastructure, community policing and federal housing programs. I am hopeful that my colleagues can craft the next slate of appropriations bills with a fundamental understanding that we are experiencing an economic emergency in many parts of the country. I look forward to working with them on the remaining appropriations bills for the current fiscal year and to continuing to work to put our economy back on the right track.

Mr. DINGELL. Mr. Speaker, this is not a perfect bill, but it is certainly worthy of our support. H.R. 2112 represents a fair compromise between both parties and is an example of how we can achieve concrete results for the American people if we roll up our sleeves and get to work. Earlier today, I called on Congress to skip the upcoming planned recess so we can accomplish the business of the American people. Passage of this bill will represent the first step forward in that regard.

There is much to be proud of in this legislation. H.R. 2112 provides \$2.5 billion for the U.S. Food and Drug Administration (FDA), which is \$334 million above the House-passed version of the legislation. This bill will give FDA the necessary resources to continue the implementation of the Food Safety Modernization Act, of which I am the author and will help keep tainted food off of our shelves. We will also restore our commitment to the most vulnerable among us by providing \$6.6 billion for the Women, Infant and Children (WIC) nutrition program, which is \$570 million over the House-passed level.

I have called on my colleagues to pass legislation that will invest in our infrastructure and H.R. 2112 will make small progress in that area. It includes \$500 million for a third round of TIGER grants, which have been critical in helping state and local governments to move forward on large, regional projects that will have significant impacts on their communities. The federal-aid highway program will receive \$39.8 billion, which is \$12.1 billion more than the House proposal, an investment that will result in 400,000 more jobs than what House Republicans supported. This bill will also include \$10.5 billion for transit programs, \$2.5 billion more than the House bill, which means DOT will be able to continue to support projects that help to reduce greenhouse gas emissions and provide commuters with an alternative to their personal vehicles when traveling to work or to run errands. I am, however,

disappointed that this bill contains no funding for high-speed rail. I would remind my colleagues that we are continuing to cede innovative ground on this development to the Chinese, Japanese and French, and it is imperative we do not halt progress on President Obama's vision to create national high-speed rail network.

H.R. 2112 will also invest in innovation by providing an increase of \$173 billion, or \$7 billion, for the National Science Foundation. This investment is critical to ensuring that the United States is supporting high-risk, high-pay-off ideas that the private market cannot or will not invest in. Such innovation will also be supported through an increase in funding for the Manufacturing Extension Partnership, which helps small to medium-sized manufacturers to become more efficient and more competitive in a globalized economy. It also maintains funding for research efforts in the Great Lakes, a national treasure we must preserve and which provides countless opportunities for recreation, conservation, and jobs.

Compromise is never perfect, and quite often neither side is fully satisfied with the outcome. But everyone will need to make sacrifices if we are to adequately address the unfinished business of the American people. And that is what this bill is—unfinished business. H.R. 2112 will ensure that Congress is back here to have the same debate on a different set of appropriation bills on December 16th. If Congress had passed the 12 appropriations bills individually, we would not be debating H.R. 2112 today.

We were elected to be civic leaders who could put public interests before self interests. It is not in America's best interest to sit here refusing to support a bill that does not mirror each of our individual priorities. What is in America's best interest and helps move us forward is to come together today and support a compromise that, while imperfect, gets the job done. I urge my colleagues on both sides of the aisle to serve that purpose by supporting this bill and continue to find ways to make meaningful agreements to pass legislation that will put Americans back to work and help rebuild our economy.

Mr. HOLT. Mr. Speaker, I rise today in support of the Fiscal Year 2012 Conference report for the Agriculture, Commerce-Justice-Science, and Transportation-HUD appropriations bill.

However, I regret the process that brought this bill to the floor. A full one third of this bill, the Transportation-HUD appropriations, has never been considered by the House before. This bill was not written in an open process and members were not allowed to offer amendments to improve the bill.

I am pleased that this bill included the funding I fought for to help our local residents recover and rebuild from the flooding which caused so much destruction in New Jersey. This bill provides \$2.3 billion in needed disaster assistance to ensure Central New Jersey's businesses and home owners have the resources they need to mitigate the damage and put in place preventive measures in advance of future disasters.

Further, this bill rejects the dangerous attempt by House Republicans to end the Community Oriented Policing Services (COPS) and

provides the program with almost \$200 million to help local police departments keep our communities safe despite the local budget constraints. While this represents a steep cut in funding from last year, these funds will help some local departments who are having to make tough decisions about firing police officers for a lack of resources. Going forward, we must do far more to get more cops back on the beat.

In these difficult times, this bill also denies an attempt to reduce funding for the Supplemental Nutrition Assistance Program (SNAP) and the Women, Infants and Children (WIC). SNAP and WIC help our fellow Americans during their most difficult times with some food assistance to help make ends meet. As millions of our fellow Americans are struggling in this difficult economy, this bill provides \$105 billion for domestic food assistance programs, an 18 percent increase from last year, to make sure they are at least able to keep some food on the table.

As a research scientist, I have long supported the important role of federal investment in basic research. I am glad this bill increases funding for the National Science Foundation (NSF) to \$7 billion, an increase of \$173 million. It also provides the necessary funding to continue the development of the James Webb Space Telescope that will allow researchers to find the first galaxies and help create jobs now. Further, this bill provides the U.S. Patent and Trademark Office a 29 percent increase in funding to ensure that our Nation's inventors are able to get their ideas to market and help grow our economy.

I am also pleased that this bill makes needed changes to ensure that the maximum loan limits for the Federal Housing Administration are maintained at a level necessary for areas with high cost housing like we have in New Jersey. With the housing market still weak, this will help provide some necessary stability and support for prospective home owners.

It is unfortunate that this bill freezes funding for the Commodity Futures Trading Commission which is tasked with implementing many of the commonsense Wall Street reforms we approved last year. Without additional funding the CFTC will struggle to prevent future financial crises, and not have the resources needed to fight oil speculation which is increasing the cost of gas at the pump.

Finally, I regret that this bill contains a number of funding restrictions that will limit our Nation's law enforcement officers from combating gun trafficking and prevent sensible regulations from being established to prevent guns from falling into the hands of criminals. Yet again the NRA has been given an early Christmas present with the inclusion of these special giveaways tucked into this bill without a vote or any debate on them.

This is not a perfect bill but it prevents a looming government shutdown. Further, it provides funding increases for a number of critical programs and rejects many of the dangerous cuts contained in the funding bills that the House previously approved. I support passage of this bill despite its pessimistic view of what America can achieve through ambitious funding of the programs covered under the bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of today's appropriations bills, which—

while far from perfect—marks a distinct and bipartisan improvement over the House's original product. Today's bill restores key investments in jobs, innovation and public safety that were eliminated in the original House bills. In addition, we have removed the extreme policy riders on issues ranging from Wall Street reform to women's health. Additionally, in order to give the Appropriations Committees time to complete the rest of their FY 2012 work, H.R. 2112 extends the current Continuing Resolution through December 16, 2011.

This conference report includes the Agriculture-FDA, Commerce-Justice-Science and Transportation-HUD Appropriations bills for FY 2012. Consistent with the \$1.043 trillion cap on discretionary spending for FY 2012 set forth in the Budget Control Act, these three bills contain \$128 billion in discretionary spending, with associated mandatory spending and transportation trust funds bringing the total to \$297 billion. An additional \$2.3 billion is provided for emergency disaster relief.

The final Agricultural-FDA bill provides a total of \$105.6 billion for domestic food assistance programs, including \$80.4 billion for the Supplemental Nutrition Assistance Program, SNAP, and \$6.6 billion for the Women's Infant and Children, WIC, program. This result is \$33 million more than the Senate mark and \$9.3 billion more than the original House bill, which is appropriate given the increased demand for food aid during this economic recovery. The Food and Drug Administration receives \$2.5 billion, which is \$334 million more than the original House level, and will allow FDA to continue implementing the landmark Food Safety and Modernization Act to better protect the estimated 48 million Americans sickened by food-borne illness each year. Of concern in the final Agricultural-FDA bill is misguided language barring USDA from implementing new child nutrition standards and clearly inadequate funding for the Commodity Futures Trading Commission which has been charged with regulating the rampant speculation that helped precipitate the financial crisis. Now is not the time to be under-resourcing our regulatory cops in this demonstrably troubled neighborhood.

The final Commerce-Justice-Science bill allocates \$751 million to the National Institute of Standards and Technology, NIST, including \$128 million for the Manufacturing Extension Partnership Program to provide training and technical assistance to U.S. manufacturers. The National Science Foundation, NSF, receives \$7 billion, or \$173 million above FY 2011, to enhance the basic research necessary to accelerate innovation and enhance U.S. competitiveness. And the National Aeronautics and Space Administration, NASA, is funded at \$17.8 billion, which is a 6 percent increase over the original House level and includes \$529.6 million for NASA's James Webb Space Telescope.

Finally, I'm pleased that the final Transportation-HUD contains \$18.9 billion for Section 8 vouchers and \$9.34 billion for the project-based Section 8 program, as well as \$45 million in housing counseling, which was not funded in FY 2011. Additionally, the THUD title in today's conference report preserves funding for key transit priorities, including

\$10.6 billion for the FTA, \$1.95 billion for New Starts, \$500 million for TIGER grants and \$150 million for the Washington Metropolitan Area Transportation Authority, WMATA. Unfortunately, this bill also mistakenly zeroes out high speed rail funding and cuts Community Development Block Grants by 12 percent.

Mr. Speaker, while I do not agree with every choice made in this legislation, I commend my colleagues on both sides of the aisle for working through these issues on a bipartisan basis in a fiscally constrained environment and bringing this much improved product to the floor today.

The SPEAKER pro tempore. Pursuant to House Resolution 467, the previous question is ordered.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 298, nays 121, not voting 14, as follows:

[Roll No. 857]

YEAS—298

Ackerman	Crawford	Heck
Aderholt	Crenshaw	Heinrich
Alexander	Critz	Higgins
Altmire	Crowley	Himes
Andrews	Cuellar	Hinchee
Baca	Culberson	Hinojosa
Bachus	Cummings	Hirono
Baldwin	Davis (CA)	Hochul
Barletta	Davis (IL)	Holt
Barrow	Davis (KY)	Honda
Bass (CA)	DeFazio	Hoyer
Bass (NH)	DeGette	Hunter
Becerra	DeLauro	Inslée
Benishke	Denham	Israel
Berg	Dent	Issa
Berkley	Deutch	Jackson (IL)
Berman	Diaz-Balart	Jackson Lee
Bilbray	Dicks	(TX)
Bilirakis	Dingell	Johnson (GA)
Bishop (NY)	Doggett	Johnson (OH)
Bishop (UT)	Dold	Johnson, E. B.
Black	Donnelly (IN)	Johnson, Sam
Blumenauer	Doyle	Kaptur
Bonner	Dreier	Keating
Bono Mack	Edwards	Kelly
Boren	Ellmers	Kildee
Boswell	Emerson	Kind
Brady (PA)	Engel	King (NY)
Braley (IA)	Eshoo	Kingston
Buchanan	Farr	Kissell
Butterfield	Fattah	Kline
Calvert	Fitzpatrick	Lance
Camp	Flores	Langevin
Campbell	Forbes	Larsen (WA)
Cantor	Fortenberry	Larson (CT)
Capito	Frank (MA)	Latham
Capps	Frelinghuysen	LaTourette
Capuano	Gallely	Latta
Cardoza	Garamendi	Levin
Carnahan	Gerlach	Lewis (CA)
Carney	Gibbs	Lewis (GA)
Carson (IN)	Gibson	Lipinski
Carter	Gonzalez	LoBiondo
Cassidy	Goodlatte	Loebach
Castor (FL)	Gosar	Lofgren, Zoe
Chandler	Granger	Long
Chu	Graves (MO)	Lowe
Cicilline	Green, Al	Lucas
Clarke (MI)	Green, Gene	Luetkemeyer
Clay	Griffin (AR)	Lujan
Cleaver	Grimm	Lungrén, Daniel
Clyburn	Guthrie	E.
Coble	Gutierrez	Lynch
Cohen	Hahn	Maloney
Cole	Hall	Marino
Conaway	Hanabusa	Markey
Connolly (VA)	Hanna	Matheson
Cooper	Harper	Matsui
Costa	Hartzler	McCarthy (CA)
Costello	Hastings (WA)	McCarthy (NY)
Cravack	Hayworth	McCaul

McCollum	Rangel
McDermott	Rehberg
McGovern	Reichert
McIntyre	Renacci
McKeon	Richardson
McKinley	Rivera
McMorris	Roby
Rodgers	Roe (TN)
McNerney	Rogers (AL)
Meehan	Rogers (KY)
Mica	Rogers (MI)
Michaud	Rohrabacher
Miller (NC)	Rokita
Miller, Gary	Rooney
Miller, George	Ros-Lehtinen
Moore	Ross (AR)
Moran	Rothman (NJ)
Murphy (CT)	Roybal-Allard
Nadler	Runyan
Neal	Ruppersberger
Nunes	Sánchez, Linda
Nunnelee	T.
Olson	Sanchez, Loretta
Oliver	Sarbanes
Owens	Scalise
Palazzo	Schiff
Pallone	Schilling
Pascarella	Schock
Pastor (AZ)	Schrader
Payne	Schwartz
Pelosi	Scott (VA)
Perlmutter	Scott, David
Peters	Serrano
Peterson	Sessions
Pingree (ME)	Sewell
Pitts	Sherman
Platts	Shuler
Price (NC)	Shuster
Quigley	Simpson
Rahall	Sires

NAYS—121

Adams	Grijalva
Akin	Guinta
Amash	Harris
Amodei	Hastings (FL)
Austria	Hensarling
Bartlett	Herger
Barton (TX)	Herrera Beutler
Blackburn	Holden
Boustany	Huelskamp
Brady (TX)	Huizenga (MI)
Brooks	Hultgren
Brown (GA)	Hurt
Bucshon	Jenkins
Buerkle	Johnson (IL)
Burgess	Jones
Burton (IN)	Jordan
Canseco	King (IA)
Chabot	Kinzinger (IL)
Chaffetz	Kucinich
Clarke (NY)	Labrador
Coffman (CO)	Lamborn
Conyers	Landry
DesJarlais	Lankford
Duffy	Lee (CA)
Duncan (SC)	Lummis
Duncan (TN)	Mack
Ellison	Marchant
Fortenberry	McClintock
Fincher	McCotter
Flake	McHenry
Fleischmann	Meeks
Fleming	Miller (FL)
Fox	Miller (MI)
Franks (AZ)	Mulvaney
Fudge	Murphy (PA)
Garrett	Myrick
Greig (GA)	Neugebauer
Gohmert	Noem
Govdy	Nugent
Graves (GA)	Paulsen
Griffith (VA)	Pearce

NOT VOTING—14

Bachmann	Filner	Paul
Biggart	Gardner	Richmond
Bishop (GA)	Giffords	Roskam
Brown (FL)	Manzullo	Shimkus
Courtney	Napolitano	

□ 1619

Messrs. TERRY, POE of Texas, SULLIVAN, YOUNG of Indiana, FLEISCHMANN, Ms. VELÁZQUEZ,

Ms. BUEKLE, and Mr. MILLER of Florida changed their vote from “yea” to “nay.”

Mr. SESSIONS changed his vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 857, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 857 in order to attend an important event in my district. Had I been present, I would have voted “yea” on Adoption of the Conference Report on H.R. 2112—Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act.

Stated against:

Mr. MANZULLO. Mr. Speaker, I missed rollcall No. 857. Had I been present, I would have voted “nay.”

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 466, I move to suspend the rules and pass the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

“ARTICLE—

“SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

“SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

“SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

“SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

“SECTION 5. The Congress may waive the provisions of this article for any fiscal year

in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any such waiver must identify and be limited to the specific excess or increase for that fiscal year made necessary by the identified military conflict.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with the fifth fiscal year beginning after its ratification."

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 466, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 2 hours and 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on House Joint Resolution 2, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Americans want the Federal Government to stop excessive government spending and reduce the Federal deficit. The last time the budget was balanced was during the Clinton administration, when Republicans in Congress passed the first balanced budget in over 25 years. Meanwhile, the Federal debt has climbed from less than \$400 billion in 1970 to over \$15 trillion today.

Mr. Speaker, President Obama has set the wrong kind of new record. The national debt has increased faster under his administration than under any other President in history. America cannot continue to run huge Federal budget deficits. Financing Federal overspending through continued borrowing threatens to drown Americans in high taxes and heavy debt, and it puts a drag on the economy.

The Federal Government now borrows 42 cents for every dollar it spends. No family, no community, no business, no country can sustain that kind of excessive spending. That is the road to insolvency. Unfortunately, this kind of

bad behavior has gone unchecked for so long that it has become the norm. The Federal Government has been on a decades-long shopping spree, racking up the bills and leaving them for future generations.

We need a Constitutional mandate to force both the President and Congress to adopt annual budgets that spend no more than the government takes in. Only a balanced budget constitutional amendment will save us from unending Federal deficits.

Just as both parties have joint responsibility for the deficit, we must jointly take responsibility for controlling the deficit by passing the balanced budget amendment. We came very close to passing this balanced budget amendment in 1995, falling just one vote short in the Senate of the required two-thirds majority. In that Congress, the amendment was supported by Congressman HOYER, now minority whip, Congressman CLYBURN, now Assistant Democratic leader, and Senator JOSEPH BIDEN, now Vice President.

As then-Senator BIDEN stated in support of the balanced budget amendment, "In recent decades we have faced a problem that we do not seem to be able to solve. We cannot balance our budget—or more correctly, we will not. The decision to encumber future generations with financial obligations is one that can rightly be considered among the fundamental choices addressed in the Constitution."

Congress is way overdue to pass a balanced budget amendment, and the American people want it. Polls show that 74 percent are in favor of a balanced budget amendment. It took less than a generation for us to get into this mess, we need a fiscal fix that will now last for generations.

If we want to make lasting cuts to Federal spending, a constitutional amendment is the only solution. It is our last line of defense against Congress' unending desire to overspend and overtax.

Thomas Jefferson believed that "the public debt is the greatest of dangers to be feared." Jefferson wished "it were possible to obtain a single amendment to our Constitution taking from the Federal Government the power of borrowing." It is time that we listened to Thomas Jefferson and passed a constitutional amendment to end the Federal Government's continuous deficit spending. We must solve our debt crisis to save the future.

I want to thank Mr. GOODLATTE, the gentleman from Virginia, for introducing the version of the balanced budget amendment we are considering today and for his tireless work in support of the amendment.

Since the 1930s, dozens of proposals offered by both Democrats and Republicans have called for constitutional amendments to address Federal budget deficits. We have the opportunity

today to take the first step toward making a balanced budget a reality by passing this legislation.

□ 1630

The American people have not given Congress a blank check. Let's demonstrate to the American people that Congress can be fiscally responsible and get our economic house in order. Borrowing 42 cents for every dollar the government spends and setting a new deficit record is not the road to prosperity. Let's put our country first and pass this amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Ladies and gentlemen, this balanced budget constitutional amendment is one that surprises me, and very little surprises me anymore. But for us to be seriously, on this day and this time, considering an amendment to the Constitution of the United States that would destroy jobs, that would drastically cut Medicare and Social Security and give members of the Federal judiciary the right to raise taxes and make spending decisions for us is relatively shocking to me, and I am very much opposed to it.

I want to engage my dear friend, the chairman of the committee, in an exchange of views on this, but let's start off the discussion with this reality. This is not 1995, and that's why so many people that supported the amendment then have changed their minds now, and they will explain this as they go along.

I would like now, Mr. Speaker, to yield to the gentleman from New York, former chairman of the Constitution Subcommittee, JERRY NADLER, for as much time as he may consume.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this misguided attempt to amend our constitution. It is both bad economic policy and bad constitutional policy.

Let's start with the basics. While balancing your budget and paying down your debts is important—and we did that under President Clinton—a balanced budget every year, regardless of the circumstances, even when facing economic crisis, a natural disaster or a terrorist threat, is economically dangerous. We would be risking economic ruin if we enshrined this unyielding rule in the Constitution and shackled future generations to one particular economic policy preference that does not work at all times and in all situations.

In general, the economists tell us, in good times, you should have a balanced budget and pay down the debt. In bad times, when a recession increases demands on government and tax revenues fall, or in emergencies, you need to be able to run a deficit.

The nonpartisan economists at Macroeconomics Advisers, for example, tell us that if this amendment were in effect next year, in fiscal year 2012, it would eliminate 15 million jobs and double the unemployment rate. And this amendment would shackle future generations in such situations.

One thing we can be sure of, this amendment will devastate the economy; destroy Medicaid, Medicare, and Social Security; cripple our government's ability to deal with national emergencies, maintain our vital infrastructure, or deal with new challenges as they emerge.

Let's be clear on what this amendment does not do. It does not require us to balance the budget the way States or businesses or families do. They're not required to spend no more than that year's income. Families borrow money. If they were told you must pay cash—you want to buy a house, pay cash; you want to buy a car, pay cash—they wouldn't have the house, they wouldn't have the car, the standard of living would be much lower.

States borrow money. States have balanced budget amendments generally, but those amendments refer to their operating budgets. They borrow money for their capital budgets to build bridges and roads and highways. The budget of the United States does not make such a distinction, and this balanced budget amendment would say you can never borrow money. You cannot borrow money to build highways, to make investments, to deal with the economy in a recession. It doesn't make sense.

Similarly, we collect payroll taxes to pay for Social Security benefits. We collect gasoline taxes to pay for transportation infrastructure, and we carry over unexpended funds in those trust funds from prior years. Because they were paid in prior years, those revenues would not count, only the expenditures. If you paid \$100 in Social Security taxes in 1960 and drew \$100 of benefits in 2011, the budget would show a deficit of \$100 because the tax was paid in a different year, even though it's the same money. No matter how much money we had put away for a rainy day, we would still be limited to spending no more than that year's tax revenues. No one in this room balances their budget that way.

What happens when you retire and your income drops? Do you not touch your savings because it didn't come in during that year? Of course not. You're not running a deficit when your expenses equals that year's income plus savings.

I know we have a lot of millionaires here, but did anyone pay cash for their home?

But this amendment enshrines crazy bookkeeping and distorted policies into our Constitution. So all the chatter about States and businesses and fami-

lies balancing their budgets is true, but it's irrelevant to what this amendment actually says.

Because this is a constitutional amendment, it would give Federal judges, those same unelected, life-tenured Federal judges my Republican friends always complain about, the power to cut spending and raise taxes. Anyone could bring a lawsuit if the budget doesn't balance, if the estimated receipts, in his opinion, didn't match the estimated tax revenues, and a judge would have to decide whose revenue and expenditure estimates were correct. And if they didn't match in the judge's opinion, the judge would have to decide to increase taxes or to cut expenditures and which expenditures it cut, an unelected judge.

How is that possible? It's possible because, as a constitutional amendment, the courts will have to have the power to enforce it, just as they do the rest of the Constitution.

The Constitution now gives the power to tax in the first instance to the House. All revenue measures must originate here. That's because we are closest to the people—the people's House. This would go as far away from that wise decision as you possibly can by giving that power ultimately to the only part of government that is not elected by the people and that is not accountable at the ballot box—the judiciary.

The courts could also order reduction in spending to enforce a balanced budget. They could slash military spending or Social Security or eliminate disaster relief. The voters and Congress would be powerless to stop such decisions.

Is this really someone's idea of constitutional conservatism?

This amendment isn't limited to a requirement that we balance the budget. It imposes a three-fifths supermajority requirement to raise the debt ceiling. When we considered that in 1995, it never occurred to anyone that any Member of Congress, much less a majority, would consider allowing the United States to default on its debt. It wasn't just considered crazy; it was considered impossible.

Today, unfortunately, we live in a different world. This year, for the first time in American history, we nearly defaulted on the full faith and credit of the United States and, for the first time in our history, saw our top credit rating downgraded, and that was for difficulty in getting a simple majority. A three-fifths majority would make it much more difficult.

Is this balanced budget amendment necessary?

We have been told it's the only way to impose the necessary discipline to force Congress to balance the budget. We know that's not true because we balanced the budget under President Clinton. We turned in four balanced

budgets and ran a surplus. In fact, in 2001, Alan Greenspan, testifying in favor of President Bush's proposed tax cuts, said we had to reduce taxes because we were going to eliminate, pay down the entire national debt in 10 years, and that would be a bad thing, he thought, for various reasons. But that was the danger—we'd pay down and eliminate the national debt.

But President Bush and a Republican Congress succeeded in turning that record surplus into record deficits in record time. They did it with two huge tax cuts, two unfunded wars, a prescription drug benefit that wasn't paid for, and the rejection of the Democratic Congress' pay-as-you-go rule. It was all done off the books.

And I have heard the calumny that it was wild spending by the Obama administration that has brought about our \$15 trillion national debt. Well, the truth of the matter is, if you look at non-defense discretionary spending, everything we do, other than defense and Social Security and Medicare and veterans benefits and interest on the debt, adjusted for population and for inflation, it hasn't gone up by a nickel since 2001.

The fault, dear colleagues, is not in our Constitution; it's in an irresponsible Republican President and an irresponsible Republican Congress. Many of those same Republican Members who saw nothing wrong with busting the budget, who sat quietly when Vice President Cheney said that deficits don't matter, now demand this assault on our founding document instead of delivering the votes for sound fiscal policy.

We should do our jobs, not wreck the Constitution and the economy with snake oil cures like this. I urge a "no" vote.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

I just want to say to the gentleman from Michigan who spoke earlier that I agree with him. Today is not 1995. In fact, the deficit is worse. Since 1995, the deficit has tripled. It's gone from \$5 trillion to \$15 trillion, which is all the more reason to support this balanced budget amendment to the Constitution.

□ 1640

Mr. Speaker, I yield 5 minutes to my friend and colleague from Virginia (Mr. GOODLATTE), the sponsor of this resolution.

Mr. GOODLATTE. I thank the chairman for yielding.

Mr. Speaker, this chart tells the story. We have had a number of opportunities over the years to pass balanced budget amendments to the United States Constitution. It's not my idea; it's not a new idea. But as we've gone through time, we've managed debt. Now, as the chairman just noted, in the last 15 years the debt has tripled.

But looking ahead, this chart, which shows the ratio of our debt to our gross domestic product, and shows that by 2080 it will be nine times the total economic output of our country, indicates that what some on the other side have said simply is not the case.

Congress has not made the tough decisions. We have overpromised the American people, and the fact of the matter is, now we need to have something in the Constitution that the American people expect and demand of us. And that is a balanced budget amendment.

Now, we have lots of different balanced budget amendments that have been proposed in this Congress. I think 18 of them that I've seen thus far. And some ask for more stringent requirements—which I very much like—limiting the ability to balance this budget by putting a heavier burden on the American people through taxes. Capping the amount of money that we spend—certainly something that I also think we need to be cognizant of.

Others have said let's take certain things off the table, like Social Security or capital spending or disaster spending.

This balanced budget amendment, which passed this House with 300 votes, including 72 Democrats, strikes the right balance. It enshrines in our Constitution the principle that we should live within our means but gives future Congresses the flexibility to, in times of national emergency, have some years that are not balanced. That, I think, is a reality that we have to deal with.

But the fact of the matter is that in the last 50 years, since 1961, this Congress has balanced the budget of this Nation six times. It should be the other way around. There are certainly 6 years in those 50 that were crises in which you might say we should not balance the budget this year.

But when the gentleman from New York says that in good times we should pay down the debt, and in tough times we should borrow, that has not been what has happened because most of those 50 years have been good times.

Now, there's another important point to make here. Any amendment to the United States Constitution has to, by its very nature, be bipartisan. It requires a two-thirds majority. And many of my friends on the other side of the aisle have worked very hard to build support on their side of the aisle for this. I especially want to thank PETER DEFAZIO and JIM COOPER. Many Members, the Blue Dogs, have endorsed this balanced budget amendment. But it is necessary to have a bipartisan approach to this.

And you know what? This is a bipartisan problem. There have been Republican Presidents and Democratic Presidents, Republican Congresses and Democratic Congresses that have con-

tributed to those 44 years when we've run deficits.

So now today we come and ask for a bipartisan solution to this problem, a solution that, depending upon the poll, 75 to 80 percent of the American people support.

Congress continues to prove it cannot make the tough decisions on its own. The budget has only been balanced six times in 50 years. The American people know what it means to balance their budgets. They are surprised that the Congress does not have this requirement. State governments do—49 out of 50 States, most of which have it in their constitutions. Local governments have to balance their budgets. Families and businesses have to live within their means, and they can't go more than a few years without living within their means.

But to run up a \$15 trillion debt which, divided by the population of our country, means that the average person today owes more in debt based upon their share of the government's debt than they have in personal income, is a disgrace. This is not only an economic issue. This is not only something that we should be imposing upon future Congresses for economic reasons. This is also a moral issue.

This is wrong to borrow money year after year after year, over a trillion dollars in each of the last 3 years, so that today the average dollar spent by the Federal Government, 42 percent of it, by far the largest share, is borrowed against our children's and grandchildren's future.

And where does that lead us? It leads us to where Europe is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman 1 additional minute.

Mr. GOODLATTE. This chart shows government debt as a percentage of GDP for the United States and five European countries—Spain, Portugal, Ireland, Italy, and Greece. When Greece first got into their problem last year, they were at 120 percent of GDP. That's what their debt totaled. Already just a little over a year later, it is 152 percent of GDP because their economy is shrinking because of irresponsibility on the part of their government.

The United States just this week crossed the 100 percent line. The United States owes as much in debt as we have in the total economic output of this Nation for 1 year.

It is time to put a halt to this, and the best way to do it is to enshrine in our Constitution a principle we all understand, we all live by, and that is you cannot live like this, you cannot live beyond your means year after year after year.

I urge my colleagues on both sides of the aisle to join this bipartisan effort to enshrine in our Constitution a principle sought by the vast majority of the American people.

Mr. CONYERS. Mr. Speaker, I am pleased at this time to recognize the minority leader of the House of Representatives who, ever since she has come to Congress, has worked drastically to save and build on Medicare, Social Security, and to create jobs, the gentlewoman from California, NANCY PELOSI.

The SPEAKER pro tempore. The minority leader is recognized for 1 minute.

Ms. PELOSI. I thank the gentleman for yielding and for his kind words and his great leadership on all of the issues that are important to America's working families.

Mr. Speaker, I came to the floor to talk about the balanced budget constitutional amendment, but before I get into my comments specifically to the amendment, I want to acknowledge that the gentleman from Texas, the distinguished chairman of the committee, Mr. SMITH, has talked about what the deficit was in 1995 and how much bigger it is now and the distinguished maker of this resolution today, Mr. GOODLATTE, talked about the problem of having such a big national debt.

Recognizing those two facts, I want to speak up about them.

First of all, if this were just talking about how we can reduce the deficit, the best way to do that is job creation. We know that.

If we want to talk about what happened in the nineties, we have to reference the fact that under President Bill Clinton, the Reagan-Bush deficit that he inherited he turned around, and five of his last budgets, the Clinton budgets, were in balance or were in surplus. He put us on a trajectory, he and the growth of jobs in our country in the public, and largely in the private sector, took us to a path, a trajectory of \$5.6 trillion in surplus.

Along comes President George W. Bush and in record time, he reversed that. It was the biggest fiscal turnaround in our Nation's history, taking us to a trajectory of over \$5 trillion in deficit, an \$11 trillion turnaround. Two unpaid-for wars said the CBO, the non-partisan Congressional Budget Office. That was because of two unpaid-for wars, the Bush tax cuts, particularly at the high end which did not create jobs, and a giveaway pharmaceutical bill to the pharmaceutical industry.

□ 1650

Those were the three main reasons for the big fiscal turnaround and how we got deeply in debt. I don't remember a lot of complaints coming from the Republican side of the aisle while President Bush was taking us down this path. Mr. GOODLATTE referenced two paths. Well, this is one path that President Bush took us down, so now we have to deal with that because the deficit is a concern to all of us.

We believe that the best way to deal with that is what President Clinton

did, which was to have a great economic agenda to generate jobs. Yet here we are, nearly 320 days into the Republican majority, and they have taken no action on any serious job-creating bills. Here we go again: debating legislation that will not create jobs.

In fact, according to experts, the enactment of this proposed amendment to our Constitution would destroy 15 million jobs, double the unemployment rate, and cause the economy to shrink by 17 percent. As Bruce Bartlett said recently, former economic adviser to President Ronald Reagan and to President George Herbert Walker Bush:

“Even if we were not in an economic crisis and fighting two wars, a rapid cut in spending of that magnitude would unquestionably throw the economy into recession just as it did in 1937.”

This legislation is an attack on our economy, and it is an attack on our seniors. According to the nonpartisan Center on Budget and Policy Priorities, it could result in cuts over 10 years of \$750 billion to Medicare and \$1.2 trillion in cuts to Social Security. These cuts would be devastating to the 40 million seniors who rely on Medicare and Social Security every day. They are even more draconian than the cuts in the Republican budget, which would effectively repeal the Medicare guarantee. And just one week after our Nation celebrated Veterans Day, we are debating potentially cutting \$85 billion over the next 10 years from veterans' benefits.

My colleagues on the other side of the aisle claim this is a clean balanced budget amendment. It is not. Because this proposed amendment to our Constitution will require a supermajority in both Chambers of Congress to raise the debt limit, it puts the full faith and credit of the United States of America in the hands of a minority—this after we went through all of the stress and strain and uncertainty and downgrading of our credit rating when we couldn't even get a majority, and now we're thinking of a supermajority vote for the debt limit increase. Again, that was never a requirement when President Bush was President that there would be a supermajority to raise the debt limit.

This amendment promotes further brinkmanship and uncertainty, enshrining extreme ideology into the Constitution at a time when Americans have been very clear that they expect us to set differences aside and to get to work.

It is our duty as Members of Congress—indeed, we take the oath of office—to be the elected guardians of our Constitution, to protect and defend it, and to do no harm to our founding documents. Yet, if this proposed amendment is adopted, it will have far-reaching and adverse consequences.

Mr. Speaker, I repeat that it was a Democratic President, President Clin-

ton, who balanced the budget in the nineties. Five of his budgets were in balance or in surplus. We can do it again without harming our Constitution, our economy, our seniors, or our veterans. We must start by creating jobs and strengthening our economic growth—a key to reducing the deficit.

It was interesting to me to hear others on the other side of the aisle talk about our children and our responsibility to them. Yes, that's what we said when President Bush was amassing his deficit, but I didn't hear anyone on the other side of the aisle talking about that.

This is about our Constitution. We owe it to the vision of our Founders, to the sacrifice of our men and women in uniform, and to the aspirations of our children to get our economic and fiscal houses in order. This is the exact wrong way to do it. We must reignite the American Dream, and we have work to do on that. So let's get to work to create jobs so that many more people can achieve the American Dream.

I urge my colleagues to vote “no.”

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. FRANKS), who is the chairman of the Constitution Subcommittee of the Judiciary Committee.

Mr. FRANKS of Arizona. I thank the gentleman for yielding.

Mr. Speaker, all financial budgets will eventually balance. The choice faced by those of us in Congress is whether we will balance this budget ourselves through the wise policy before us or whether national bankruptcy and financial ruin will do it for us.

From the very day that Barack Obama walked into the White House, he has, with breathtaking arrogance, absolutely ignored economic and financial reality. It took America the first 216 years of its existence to accumulate the debt that Barack Obama has accumulated in the first 3 years of his Presidency. He has in those short 3 years increased our Federal debt by over \$4 trillion.

Just to put that into perspective, if all of a sudden a wave of responsibility swept through this Chamber and if we stopped all deficit spending today and began to pay installments of \$1 million every day to pay down the over \$4 trillion in new debt that Barack Obama has created in less than 3 years, it would take us more than 10,000 years to pay that off—and that's if we didn't pay one dime of interest in the process.

But you see, we are not paying Mr. Obama's debt down at \$1 million per day; we are going deeper into debt, more than 4,000 times that much, every day under Mr. Obama's own submitted budget and deficit projections.

In an ominous prologue to the vote before us, the national debt surpassed \$15 trillion yesterday.

Mr. Speaker, we have already tried Mr. Obama's way. We have thoroughly

tested Democrat economics 101—the theory that we can tax and deficit spend ourselves into prosperity or, as Vice President BIDEN put it, “We have to spend money to keep from going bankrupt.”

That theory has utterly failed. We cannot repeal the laws of mathematics.

But now the seminal moment approaches when each of us in this body will have the rare opportunity to cast a single vote that could pull this Nation back from the brink of economic cataclysm. For the sake of our children and our children's children, I pray that we do the right thing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that remarks in debate may not engage in personalities toward the President.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the distinguished gentleman from Virginia, JIM MORAN.

Mr. MORAN. I thank the chairman for yielding.

Mr. Speaker, I have to rise in opposition to this balanced budget amendment. I did vote for a similar measure in 1995, but the events over the last 15 years have brought to mind the axiom “fool me once, your fault; fool me twice, my fault.” I could never have imagined back in 1995 the chaos we experienced this summer.

Despite the fact that we only needed to obtain a simple majority vote to raise the debt limit, which we'd raised 17 times during the Reagan administration, that would seem like child's play compared to what we would have to go through if this balanced budget amendment passed.

□ 1700

The events of these last 15 years have proved to us that this bill would have dramatic and dangerous consequences for our economic future. It would force the Federal Government to worsen economic recessions. Since Federal revenues fall while human needs rise in economic downturns, this bill would force spending cuts and tax increases at precisely the point when the economy is reeling, potentially turning a manageable downturn into a depression. Essentially, this bill would forbid countercyclical spending.

Had this amendment been on the books in 2009, for example, we would not have passed the Economic Recovery Act, which proved to be a critical response to the economic catastrophe that followed the financial crisis. One of the reasons that the Recovery Act was necessary is that State balanced budget amendments forced States to rely on Federal funds in order to make up for budget shortfalls that would have prompted cuts right at the time when State economies could least afford them. The Federal Government was effectively borrowing on behalf of

the States that were constitutionally prohibited from doing so; but they desperately needed to in order to maintain their law enforcement, their transportation, and their other responsibilities.

Even in Texas, where Republican Governor Perry and the legislature opposed the Recovery Act, Federal stimulus funds were used to close 97 percent of that State's budget gap. Now that those dollars are gone, many States face a very serious budget crisis.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. MORAN. I thank the gentleman. Furthermore, House Joint Resolution 2 would require a three-fifths majority to raise the debt ceiling. This would only increase the likelihood of a catastrophic debt default like the one we barely avoided this summer.

Given the polarization that we're currently experiencing, I have severe doubts that the required supermajority could be secured either to respond to crises or to raise the debt ceiling. This would give preference to military action over economic crises, requiring only a majority for deficit spending for a war—such as the Iraq war, which was never paid for—but a three-fifths majority to respond to a domestic economic crisis. If this were enacted in 2012, it would require drastic cuts that would have unintended, but dire, consequences for our struggling economy.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MORAN. It's the wrong medicine for today's ailing economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to heed the gavel.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GOWDY), a distinguished member of the Judiciary Committee.

Mr. GOWDY. I thank the gentleman from Texas, Chairman SMITH, for his leadership on this issue and so many others on Judiciary.

Mr. Speaker, when Odysseus was returning from the Trojan War, he was passing the islands where the sirens sang. Many a sailor had succumbed to their sweet melodious sound and died. So Odysseus made his men put wax in their ears, and he made them tie him up to the mast. Against his will, he made them tie him up, and he did it because he lacked the will to restrain himself.

When people take our freedom, we recoil. But when we've proven ourselves to be wholly incapable of exercising that freedom, we should give it up. Congress has proven itself to be hopelessly incapable of balancing the budget. We need to be made to do so because we cannot bring ourselves to make the hard decisions required.

As my colleague and friend, the gentleman from Virginia (Mr. GOODLATTE), who's been a leader on this issue, mentioned in his remarks, six times in 50 years is laughable. You would do better than six out of 50 if you just guessed. Six out of 50 is laughable. We are incapable of balancing our own budget.

And when South Carolina, Mr. Speaker—which does have a balanced budget requirement—was facing tough economic times, we had to cut public safety money to prosecutors. I had to cut and furlough employees who were making \$19,000 a year. I had to furlough prosecutors who had \$100,000 in student loans for 7 days. That's a hard decision to make, but we had to do it for fiscal health.

We need to make hard decisions, even if they're career-ending decisions, in this body; but we have proven ourselves incapable of doing it, so we must bind ourselves, even against our will.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 30 seconds.

Mr. GOWDY. Mr. Speaker, we are \$15 trillion in debt. We need to tie ourselves up before we wreck this Republic.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey, a distinguished leader in the Congress, BILL PASCRELL.

Mr. PASCRELL. I thank the ranking member.

Mr. Speaker, this attempt to change the Constitution of the United States is a real disaster. We all want to make sure we balance the budgets, but to compare our household budget to the national budget is preposterous because we have different responsibilities as a Federal Government.

Alexander Hamilton, who wrote so many of the Federalist Papers—I thought we understand a great leader, a great American. I thought we understood what the responsibilities of government are.

But talking about disasters, what about natural disasters? How would a balanced budget amendment affect how the Congress looks at when there is a tornado in Joplin, a wipe-out and flooding of New Jersey, a hurricane in Florida, wildfires in Texas? The amendment requires this balanced budget amendment—which is a joke to begin with, how you named it. It doesn't balance the budget. And if the amendment ever got through, it would take 7 years to implement. We have people out of work now. But anyway, the amendment requires a supermajority for every emergency spending case of natural disasters.

Let's take my State of New Jersey. FEMA estimates that it will provide \$400 million to help communities and individuals across the State recover and rebuild. Last September, we

couldn't even get a majority, let alone a supermajority, to pass disaster aid unless it was offset with partisan budget cuts. Every State will have to go through that.

I want every State to know—you talk about the States. You talk about their budgets. Isn't it interesting that on January of this year, CBO Director Douglas Elmendorf wrote this: "Amending the Constitution to require this sort of balance raises risks." Listen, my friends, brothers, and sisters: "The fact that taxes fall when the economy weakens and spending and benefit programs increase"—by nature, they have to; people need help, unless we're no longer going to be a first-rate Republic—"when the economy weakens in an automatic way under existing law is an important stabilizing force for the aggregate economy."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. I thank the gentleman.

"The fact that State governments need to work against these effects in their own budgets—need to take action to raise taxes or cut spending in recessions—undoes the automatic stabilizers, essentially, at the State level. Taking those away at the Federal level risks making the economy less stable, risks exacerbating the swings in business cycles."

We did it together, Democrats and Republican, '98, '99, 2000. We did it without an amendment to the Constitution, which will undermine this institution that we so revere right here today.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my friend from California (Mr. HERGER), a member of the Ways and Means Committee.

□ 1710

Mr. HERGER. Mr. Speaker, the American people understand the basic principle that you can't spend money you don't have. They live that reality on a daily basis. Unfortunately, Congress has disregarded this idea, choosing instead to imagine that it could spend money endlessly without harming our economy or standard of living. The result is that we're now an unthinkable \$15 trillion in debt. Some argue that we don't need to amend the Constitution for Washington to do its job.

I'm proud to say that I served on the Budget Committee in the late 1990s when we produced four consecutive balanced budgets. But the sad truth is that this kind of fiscal responsibility has been all too rare in recent years. Ultimately, a balanced budget amendment will force Congress to be serious about addressing the core driver of our debt, which is the out-of-control growth of Federal entitlement spending.

As the President has acknowledged, no taxpayer would be willing to pay the amount required to sustain the exponential growth of entitlements, and no amount of budget gimmicks can hide this serious crisis. A balanced budget is a commonsense idea that governs our personal lives, and it should also be at the heart of how Congress operates. I strongly support the balanced budget amendment, and I urge the House to pass it.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California, JUDY CHU, a member of the Judiciary Committee.

Ms. CHU. Proponents of this bill claim it is about fiscal responsibility, but it is the opposite. This bill makes it impossible, in fact unconstitutional, for the government to save for the future. Under this bill, programs like Social Security or long term Federal highway projects would have to be completely eliminated to comply with the Constitution.

Today, American workers put money into a Social Security trust fund built to pay and save for future benefits. But under this shortsighted constitutional amendment, money coming into the Federal Government must be paid out the same year. That means you can't have a Social Security trust fund, so good-bye Social Security. Good-bye saving for retirement.

Let me tell you how bad this idea is. Let's say for a moment that this was your family's budget. If this constitutional budget amendment applied to you, you would have to spend everything you earned in the same year. No college fund or IRA, no savings account to put a downpayment on a house or, God forbid, to pay for expensive medical treatment. Not only is that ludicrous, it is tragic.

If that weren't bad enough, if this constitutional amendment goes through and no revenues are raised, all government programs will suffer a 17.3 percent cut. That's a \$1.2 trillion reduction in Social Security payments through 2021. That is nearly a 20 percent reduction that would directly hurt current and future retirees and senior citizens for the next decade.

This so-called balanced budget amendment balances overzealous budget slashing on the backs of our senior citizens and future retirees. Does Congress really want to send the message now, in the midst of the worst financial crisis since the Great Depression, that saving responsibly for the future is unconstitutional? Is Congress prepared to abandon millions of Americans now? I, for one, am not. And so I urge my colleagues to oppose this reckless constitutional amendment.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman, and I just want to make it very

clear that some inaccurate assertions have been made about the protection of Social Security and highway trust funds.

The funds can be spent each year, and then any excess funds that need to be retained can be put into a rainy day fund. And so the Social Security trust fund or another type of fund like that is perfectly permissible under this provision. What is not permissible is continuing to run up debt year after year after year, and that is what endangers Social Security and Medicare and important programs for our senior citizens, and that is why this amendment is needed.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW), a member of the Energy and Commerce Committee.

Mr. BARROW. I want to particularly thank the chairman for yielding me time to speak in support of the balanced budget amendment.

Mr. Speaker, I rise in support of the balanced budget amendment, which I've supported since I first came to Congress. We all agree that our Nation's debt is unsustainable. Our economy is struggling, and folks everywhere are struggling to find work. But facts are stubborn things. And it's a fact that balancing the budget is essential if we're going to protect our future and the future of our children and grandchildren. Balancing the budget will also create the long-term stability our economy needs to fully recover.

Amending our Constitution is not something to take lightly. We shouldn't do it on a whim or because it is politically expedient. Amending the Constitution is something that we as a Nation should undertake only when it is truly needed. Unfortunately, Congress has demonstrated time and again that it cannot and will not balance the budget on its own. It is truly needed now.

Nearly every State in the Union has a balanced budget amendment. Families throughout America have to bring their income and outlays into balance, and so can the Federal Government.

Mr. Speaker, this legislation is bipartisan. It is responsible. It is the right thing to do. And I hope my colleagues on both sides of the aisle will join me and the Blue Dog Coalition in supporting the balanced budget amendment.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York, JERRY NADLER.

Mr. NADLER. Mr. Speaker, I have to correct what the distinguished gentleman from Virginia said a moment ago when he said that this amendment would not affect Social Security because Social Security would be paid for by the trust fund. This amendment says the total outlays cannot exceed receipts. Total outlays should include all outlays of the United States Gov-

ernment except for those for repayment of debt principle. That includes Social Security, which the courts have held is not a debt. Therefore, Social Security would have to be paid out of the same amounts, and they would be counted against the overall outlays when calculating whether the budget is in balance, something that's not the case today. It would throw the budget further out of balance and would require deeper cuts.

If this amendment were in effect today, Medicare would have to be cut by \$750 billion, Social Security by \$1.2 trillion, and veterans benefits by \$85 billion through 2021. Despite anything anyone may say on this floor, that's the simple truth about this amendment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlelady from Nevada, SHELLEY BERKLEY.

Ms. BERKLEY. Mr. Speaker, I rise in strong opposition to this dangerous balanced budget constitutional amendment. We all agree that we must get America's fiscal house in order by cutting spending and balancing our budget. Nevada families know this. Families across Nevada are doing it by tightening their belts and making great sacrifices. The United States Government should be able to do the same.

However, this balanced budget amendment is wrong for Nevada and it's wrong for the rest of the country. It would force massive cuts to Social Security, Medicare, and veterans benefits, but big oil companies and corporations that ship jobs overseas aren't asked to sacrifice one penny under this balanced budget amendment. That's just not right. But this is what the American people have come to expect from this Congress.

Washington Republicans supported a radical budget proposal, the Ryan budget, that kills Medicare by turning it over to private insurance companies. Now they are supporting a plan that slashes Social Security and Medicare benefits that seniors rely on. It's a question of priorities.

I strongly believe that we need to get our deficit under control, and I believe that a version of the balanced budget amendment could be one way to achieve that. But I cannot and I will not support a balanced budget amendment that doesn't include ironclad protections for Social Security, Medicare, and veterans benefits. We should not be balancing our Nation's budget on the backs of our seniors and our vets.

This balanced budget amendment may be good politics for some, but it is not good policy for America. I urge my colleagues to join me in voting "no" on this attack on our seniors and our veterans.

□ 1720

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman

from Oklahoma (Mr. LANKFORD), a member of the Oversight and Government Reform Committee.

Mr. LANKFORD. Mr. Speaker, 27 times the United States Constitution has been amended. It's something we do rarely, and it's something that we should think through in the process. We do it only because it is absolutely required and we have common agreement across the House, the Senate, and the American people. This is one of those moments.

If you ask most every American on the street, "Should we balance our budget?" they will nod their head. If you ask them again, "Should we force Congress to balance the budget?" again they will nod their head and say yes, this is something we should do.

There is common agreement across the American people because it's common sense. It's hard to explain to any family or any business why they have to balance their budget but Congress does not. It is the ultimate exemption for Members of Congress that they can spend as much as they want as often as they would like without any retribution.

I hear all the doomsday statements that if we balanced our budget, what would possibly happen if we had to live within our means? It makes me smile and say, just like every business and every family, we have to make hard choices, and we have to do it.

But it's not what doomsday prediction happens if we balance our budget. It is look up across the ocean at what is happening in Europe right now to nations that did not balance their budget, and for some reason, we think as Americans we can run up as much debt as we would like with no consequence. We are fooling ourselves.

The doomsday is coming. We must put a boundary around the United States Congress to be able to balance our budget. In 1995, when this failed by one vote, we will forever regret that if this occurs again. It's time for us to balance our budget once and for all.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Ohio, MARCIA FUDGE.

Ms. FUDGE. I thank you very much, Mr. Chairman.

Mr. Speaker, I rise today to speak in opposition to the balanced budget amendment, H.J. Res. 2. Despite its name, this amendment does not balance the budget. It would have little effect on our deficit but could seriously harm our economy. It would destroy jobs, drastically cut Medicare and Social Security, and unconstitutionally give Federal judges the power to make spending decisions.

And this amendment does not even require a balanced budget every year. What it does it make it easier to cut taxes and more difficult to raise taxes in order to allocate money to important programs that protect our vet-

erans, our seniors, and our most vulnerable. It could also allow Federal judges to have the final say on taxing and spending decisions.

No one knows if amending the Constitution to require a balanced Federal budget will actually reduce the debt. No one knows if it could prevent the debt from growing in the future. What we do know is that when Democrats controlled Congress, PAYGO was effective in reining in spending. And what we do know is that this amendment is not the answer.

If a balanced budget requirement were to go into effect, it would destroy millions of jobs. If the budget were balanced through spending cuts, those cuts would come to about \$1.5 trillion in 2012. This would throw 15 million more Americans out of work, double the unemployment rate to approximately 18 percent, and cause the economy to shrink by 17 percent.

Republicans, as part of their budget proposal, have made it clear they want to cut Medicare, Medicaid, and Social Security. By requiring a balanced budget, these programs would be directly on the chopping block. According to the Center on Budget and Policy Priorities, this amendment could force Congress to cut all programs by an average of 17.3 percent by 2018. If revenues are not raised, Medicare could be cut by about \$750 billion.

Democrats have balanced the budget before, and we will do it again without harming the economy. This amendment is nothing more than a Republican political diversion, and I urge my colleagues to vote "no."

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank the gentleman from Texas.

Mr. Speaker, I have long supported a balanced budget amendment to the Constitution, and I don't take the issue lightly of amending our Constitution, which has endured through strife and dramatic historical shifts with very few amendments. Constitutional amendments should be exceedingly rare, as they have the power to spur sweeping change. But I do believe it is necessary that the same process that guaranteed our hallmark freedoms of speech and religion and freedom from slavery be used to protect our children and future generations from economic collapse.

Most States, including Nebraska, have already enacted balanced budget requirements. My State has to live within its means. The Federal Government needs to do the same.

Mr. Speaker, we are standing at history's door. We can either lead and be bold, making the hard decisions necessary to correct this fiscal trajectory, or stay in our timeworn political lanes, continuing with the status quo that has given our Nation this

unsustainable debt burden. We can do something big for this country and our future and make deficit spending a thing of the past.

This is a significant moment. I urge my colleagues that we pass this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the indomitable gentlelady from Illinois, JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I rise in opposition to the balanced budget amendment. It was just a decade ago that President Clinton left office with not just a balanced budget but a surplus, and we got there by a one-vote margin. No Republican votes whatsoever.

And here we are today, after 8 years and two wars and two tax cuts that were paid for on the credit card and mainly benefiting the wealthy and a devastating recession that could have been prevented had financial regulators not turned a blind eye to Wall Street, and now we're debating an amendment to the Constitution that offers anything but balance.

This amendment would destroy the budget and, in the process, wipe out jobs and eviscerate Social Security, Medicare, Medicaid, extended unemployment benefits, as well as education, cancer research, veterans, bridge repair, and food inspection. You name a program, and this amendment will put it at risk.

A balanced budget amendment could force Congress to cut all programs by an average of 17.3 percent by 2018. This amendment would limit the ability of the Federal Government to respond to national crises, including an economic or natural disaster. It would virtually guarantee that recessions turn into depressions.

This amendment will require a supermajority to raise the debt ceiling—a reckless requirement given how close we came to defaulting earlier this year when just a simple majority was required.

And I'm really tired of hearing Republicans say, well, if States and families must balance their budgets, so should the Federal Government. The States have to balance their operating budgets, but they can still borrow for capital projects. And families have to manage their budgets, but they can do so by incurring debt, home mortgages, student loans, car loans, and payments for medical bills. This amendment blocks the Federal Government from making investments in the same way.

And suppose in 2008, when the deficit seemed manageable, we had a balanced budget amendment. The effect on the economy would be catastrophic. If the 2012 balanced budget were balanced through spending cuts, those cuts, it is predicted by Macroeconomics Advisers—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. Mr. Speaker, I yield the gentlelady an additional 15 seconds.

Ms. SCHAKOWSKY. Macroeconomics, a nonpartisan forecasting firm, said that those cuts would throw about 15 million more people out of work, double the unemployment rate from 9 percent to about 18 percent, and cause the economy to shrink by about 17 percent instead of growing at an expected 17 percent. This amendment will only make the economy worse.

Vote "no."

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Mrs. McMORRIS RODGERS), a member of the Republican leadership.

Mrs. McMORRIS RODGERS. I appreciate the gentleman yielding.

James Madison said that the trickiest question the Constitutional Convention confronted was how to oblige a government to control itself. History records not a single nation that spent, borrowed, and taxed its way to prosperity, but it offers us many, many examples of nations that spent, borrowed, and taxed their way to economic ruin and bankruptcy.

And history is screaming to us a warning that nations that bankrupt themselves aren't around very long because before you can provide for the common defense, promote the general welfare, and secure the blessings of liberty, you have to be able to pay for it.

□ 1730

Today I rise in strong support of the balanced budget amendment. This past weekend, I re-read the 1995 House Judiciary Committee report that accompanied the resolution that passed at that time. Incredibly, the same justifications put forward against the balanced budget amendment in 1995 are the same ones that we hear today.

First, the report highlights a \$4.7 trillion debt in 1995 and discusses the implications of a \$200 billion interest payment. I only wish those were the debt levels that we are responding to today. What this comparison means is that we haven't corrected the government's spending problem on our own.

Our debt has more than tripled and interest payments more than doubled in the last two decades. All we have to show over that time is that we have a spending problem; in fact, we have an addiction. And I don't see that addiction going away unless we pass H.J. Res. 2.

Where would we be today if the balanced budget amendment had passed the Senate in 1997 and it had been sent to the States? I guarantee we would not be facing a total debt of \$15 trillion or a \$450 billion interest payment. And so we must ask ourselves where will we be 5 to 10 years from now without a balanced budget amendment.

I urge my colleagues to stop the cycle of overspending. Support this amendment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the former chair of the Pro-

gressive Caucus, LYNN WOOLSEY, the gentlelady from California.

Ms. WOOLSEY. I thank the ranking member for this time.

Earlier this year, economist Bruce Bartlett, who served in the Reagan and Bush administrations, had this to say about an earlier Republican balanced budget amendment. He said: "It looks like it was drafted by a couple of interns on the back of a napkin." Granted, he was talking about a different version, but I still say that was pretty unfair to interns, who I think could do a lot better than this amendment that we're debating today.

If the balanced budget were in place today, it would cripple the economy and decimate Social Security, Medicare and veterans programs, among many others. The austerity dogma of the Republican majority—their balanced budget fetish—is hurting America, not helping it. We need more Federal dollars pumped into this economy. We need it to stimulate demand and to create jobs. We don't need less.

If you get caught in a rainstorm—I mean, I wouldn't want to be caught in a rainstorm with anybody on the other side of the aisle because I'd be afraid that they'd propose a constitutional amendment banning umbrellas.

Call me old fashioned, Mr. Speaker, but I think amending the Constitution is a pretty big deal. It should be reserved for correcting gross injustices and expanding fundamental rights. For decades, I've been among those pushing for a constitutional amendment that enshrines the notion that women should be treated equally. Republicans want no part of that, but they're eager for a constitutional amendment that shreds the safety net and could cause another recession for our country. No thanks.

Vote "no" on this balanced budget amendment.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. Thank you, Mr. Chairman.

Before I came to this body, I chaired the appropriations committee in the Mississippi Senate. I worked with my counterpart in the other chamber, a Democrat, Chairman Johnny Stringer. We crafted three balanced budgets because Chairman Stringer and I shared a commitment to a principle that you can't spend more money than you take in.

One thing I learned is that there are always more needs and more requests than there are available resources, and that fact causes you to have to make some difficult decisions. We made those difficult decisions in the Mississippi State house. In fact, there are 49 States that require that around the Nation. Municipal, county governments are making those difficult decisions. More importantly, families are

making those decisions sitting around the kitchen table, and small businesses are making those decisions tonight. And if they're willing to live within their means, they have every reason to expect their government in Washington to do the same thing.

This balanced budget amendment has been a dream of leaders in this body since Thomas Jefferson. Sixteen years ago we had bipartisan support and came within one vote of getting it adopted. I welcome the support of those Democrats that are stepping up and giving bipartisan support to this measure. We must have a balanced budget amendment to rein in spending so that we can create jobs.

Mr. CONYERS. Mr. Speaker, STENY HOYER has been working in leadership for many years. He is now our distinguished whip, and I recognize him for 5 minutes.

Mr. HOYER. I thank the chairman for yielding.

Mr. Speaker, in 1995 I spoke on the floor in support of a balanced budget amendment. That was 16 years ago. There's a lot of water over the bridge since that time. I said then and I quote: "I do so because I believe this country confronts a critical threat caused by the continuation of large annual deficits." I believed that then, and I believe it now. And I have voted against tax cuts that weren't paid for, I have voted against Social Security benefits that weren't paid for, and I have voted against other items that weren't paid for. I stand by my 1995 statement today. However, as I've said, events in the last 16 years lead me to oppose today's balanced budget amendment.

Only months after we had that debate, my Republican colleagues shut down the government. In 1997 we passed an amendment with bipartisan agreement reaffirming the 1990 agreement that we would have a PAYGO process in place. And without having passed a balanced budget amendment, we did in fact balance the budget 4 years in a row. Why? Because we paid for what we bought, we didn't cut revenues before we cut spending, and we restrained spending—4 years in a row. I tell my Republican friends, none of you in your lifetime has lived during the course of a President who had four balanced budgets. Were you partially responsible? Absolutely. Were we partially responsible? Absolutely. But what was the lesson? That we didn't need an amendment; we needed the will and the courage.

Without having passed that balanced budget amendment under President Clinton, not only were we able to balance the budget, but we also achieved the only President term in the lifetime of anybody in this Chamber or listening to me that had 4 years of balance and a net surplus—hear me—a net surplus at the end of 96 months as President of the United States. We made it

happen not with a balanced budget amendment, but because we had the will to do so and by following PAYGO rules.

Sadly, I tell my colleagues and the American people, Mr. Speaker, under President Bush, Republicans exploded the deficit and abandoned PAYGO, along with the principle that we ought to pay for what we buy.

We do not have a spending problem or a revenue problem; we have a pay-for problem. The Republican Congress spent enormous sums on two wars, a prescription drug program, and tax cuts without paying for them. If you have the courage of your convictions, you pay for things.

Spending rose at a level nearly twice the inflation rate that Bill Clinton's rose in spending during the 8 years of the Bush administration when Republicans were in charge of everything for 6 years and had a President who could veto anything that we did.

When the financial crisis hit in 2008, President Bush told us that if we failed to act, there would be a high risk of depression.

□ 1740

What did the President's party do? You say you have a three-fifths vote if there's an emergency. President Bush told us that if we did not act there would be a depression and, in fact, we had a vote, and that vote was 205-228, with two-thirds of the President's party voting against the President in what he called a crisis.

That gives me, I tell my friends on the Republican side, no confidence that in time of danger and crisis, that we could summons three-fifths vote. I believed in 1995 we could summon those votes because, frankly, we were a much more bipartisan and, in my opinion, responsible body. But I do not have that confidence today, and I am not prepared to take that risk.

My party, of course, voted with President Bush because we thought there was a crisis. Now, a few days after that, we came back to vote, and we did pass it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I grant the gentleman 1 additional minute.

Mr. HOYER. I tell my friends that even on the second vote, when we did, in fact, pass that bill that President Bush asked us to pass because there was a crisis, he could not summon the majority of your party to support him. Barely three-fifths, notwithstanding the President's assertion of crisis, voted to meet that crisis, with 172 Democrats voting with President Bush in a bipartisan response to crisis.

Earlier this year, again, in control of the House, Republicans brought the government to the brink of shutdown. Over the summer we saw them hold the country hostage by pushing us to the

brink of default, in the first time in my memory, the United States of America to the brink of default.

I have not changed my beliefs about balancing the budget, and I invite all of you to vote with me on paying for things that we buy, not passing those costs along to my children, my grandchildren, and my two great grandchildren. We have shown we can do it. We balanced the budget for 4 years.

Don't talk about it. Just do it. Don't refuse to pay for it. Don't cut taxes and increase spending.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. CONYERS. I grant the gentleman 10 additional seconds.

Mr. HOYER. Don't just preach fiscal responsibility; practice it. It will take no courage to vote for this amendment. But it will take courage to balance our budget by paying for what we buy.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

I just want to point out for the record that all of the balanced budgets enacted during the Clinton administration were, in fact, proposed by a Republican Congress. I happened to be a member of the Budget Committee at the time.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, our Constitution is certainly the greatest governing document ever created by man. It's the bedrock foundation for this, the United States of America, the greatest nation on Earth.

Mr. Speaker, our Founding Fathers, in their genius, provided us with a way to amend the Constitution to deal with a changing world. James Madison, who, of course, is widely seen as the Father of the Constitution, once said that "A public debt is a public curse."

In 1995, this House passed a very similar balanced budget amendment to the one that we are considering today. The amendment received 300 votes in this House, but fell just one vote short in the United States Senate.

Since that time, Mr. Speaker, our national debt has grown by over \$9 trillion, yes, \$9 trillion, including nearly \$4 trillion in new debt in just the last 3 years, and today the debt is over \$15 trillion. And the fact of the matter is that our public debt has become the public curse of which Madison warned us.

The American people understand that this level of debt is not sustainable, and that is why they overwhelmingly support this balanced budget amendment. Today we have a choice, Mr. Speaker. Do we answer the call of the American people and embrace fiscal responsibility, or do we continue the status quo of more spending and more borrowing and more debt?

It's time for this Congress to use the tools our Founding Fathers gave us, Mr. Speaker, to amend the Constitution to save further generations from the shackles of unsustainable debt. I would urge my colleagues to join me in supporting this commonsense amendment to balance our Federal budget.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from St. Louis, Missouri, LACY CLAY.

Mr. CLAY. I thank my friend from Michigan for yielding.

My Democratic colleagues have spoken, and will speak, eloquently on the numbers. They have, or will, correctly point to the millions of jobs the balanced budget amendment would certainly destroy.

However, I want to talk about the personal impact of this irresponsible legislation. For example, Social Security recipients should not be held responsible for Congress' reckless acts. Radically cutting Social Security hurts Americans. Drastically cutting Medicare hurts Americans. Enormous cuts to Defense and Homeland Security measures, to food stamps, to veterans' pensions and Supplemental Security Income for the elderly and disabled hurts Americans. It hurts America and makes us less safe and secure.

And make no mistake. This legislation requires these massive cuts. Some have claimed that these cuts will not be necessary under this legislation, or worse, that they are necessary and good. They claim that cutting benefits to the most vulnerable Americans is good, that destroying jobs, destroying lives is good.

Mr. Speaker, it is not. It is not good. It is not good to balance the budget on the backs of those who can least bear the burden. It is not good to balance the budget by taking away from those who have so little.

This is exactly what the balanced budget amendment would do, and it takes away from medical care for seniors. That means more of our elderly unable to afford their medication, unable to get needed tests and treatments, and more Americans hurting.

It destroys jobs. That means more Americans out of work, more Americans unable to pay their bills, and more American families hurting.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 15 seconds.

Mr. CLAY. You know, Hubert Humphrey said it best. He said, "The moral test of government is how that government treats those who are in the dawn of their life, the children; those who are in the twilight of their life, the elderly; and those who are in the shadows of life, the sick, the needy and disabled."

This reckless legislation fails all tests.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Winston Churchill said that Americans can always be counted on to do the right thing after they've exhausted all other possibilities.

What's interesting about this quote is it actually applies to this institution. What have we tried? We've tried billion-dollar bailouts for auto companies. We've tried billion-dollar bailouts for Wall Street fat cats, not for Main Street. We've done bailouts for automakers. We've thrown money at everything, and we have added so much to our national debt in the last 4 years.

Republicans did it too. It doesn't make it right.

So, are we better off than we were 4 years ago? No. In southwest Washington State, we still have rampant unemployment and joblessness.

I'm no economist. I'm not the distinguished minority leader, whom I respect. I'm just an average American that understands a very simple truth: You cannot spend more than you have.

That's all this amendment does. That's it. We're not cutting Social Security. We're not cutting Medicare. We would not. We're actually protecting those programs by saying, this Federal Government is going to live within the money that it takes from the taxpayers every year, no more, no less.

□ 1750

It's very, very simple. You don't have to be an economist to understand that if you spend more money than you have every year, you have a problem. Our problem is \$15 trillion worth of backbreaking debt. We don't have to look much further than Europe to know that no country can exist under debt like this for too long. We're actually taking steps to protect our poor and vulnerable by putting sideboards around the reckless spending of this Congress.

With this amendment, we're cutting up the credit card that is going to break the backs of the American people and cost us more jobs.

I urge my colleagues to join us in solutions, and bipartisan solutions, that are going to bring an opportunity for America to prosper and succeed. A "no" vote is putting people under and putting politics above. We need to reverse that and put people before politics.

I urge a "yes" vote.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

The gentlelady from Washington, I listened to her very carefully, and she has promulgated one of the greatest misunderstandings in this debate, namely, that the Social Security and Highway Trust Fund are not jeopardized by House Joint Resolution 2 be-

cause section 7 excludes repayment of debt principle from the definition of total outlays.

Now, according to the Center on Budget and Policy Priorities, the balanced budget amendment could result in Medicare being cut by about \$750 billion, Social Security almost \$1.2 trillion, and the veterans' benefits \$85 billion through 2021 if cuts were spread proportionately. So I hope that there will be fewer and fewer of my colleagues trying to assure us that this bill does not jeopardize those programs. This is from the Center on Budget and Policy Priorities.

I yield 3 minutes to the distinguished member of the committee, the gentlelady from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the ranking member of this committee.

Many of us could spend a lot of time on educating the public on just what is occurring. We cherish this little book that has lasted in this Nation for some—more than centuries that we can count. As this document was written, the question was going to ask—or was asked whether it could last. And today, we cite the United States as the longest democracy holding on to a Constitution that provides us with the opportunity to even be here.

But it is important to note that in order to amend the Constitution, the Founding Fathers were so serious about how important an action this would be that they indicated that there should be two-thirds votes from both the House and the Senate and three-quarters of our States. The people of the United States must likewise answer the call.

Frankly, let me make a pronouncement. The American people will not answer this foolish call. They will recognize that whether it's supercommittees or Tea Parties and others that want to detract away from the reasonable approach to budgeting, which is revenue enhancement and serious reform, they know that the way they do their budget is thoughtfulness and not rushing to judgement.

A headline on the markup of our bill in committee, though I know this is not, said: SHEILA JACKSON LEE Can't Slow Down Republican Balanced Budget Amendment Freight Train. That train keeps coming, and in the midst of it, there are bloody bodies left along the wayside.

Our Chairman of the Federal Reserve said we really don't want to just cut, cut, cut. Chairman Bernanke said you need to be a little bit cautious about sharp cuts in every near term because of the potential impact on the recovery. That doesn't at all preclude, in fact, I believe it's entirely consistent with a longer-term program that will bring our budget into a sustainable position.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE of Texas. I thank the gentleman.

So for us to go this route, it means that even in a war, it is a complicated process of a majority vote, even beside the declaration of war; even in an emergency when our soldiers are needing more resources, we have to come to this body and stop and wait for our soldiers to get what their resources are. We have to stop and wait for our veterans to get the resources that they need.

While veterans hospitals are closing, while centers for posttraumatic stress disorder are closing, we will be fiddling around and the freight train of the balanced budget amendment will drive over the veterans, the soldiers, the President who is trying to save this Nation, Homeland Security resources that are needed, because we wanted to be a political grandstanding for a balanced budget amendment.

We balanced a budget in 1993; some suffered politically. We got the budget balanced in 1997; some suffered politically. But the Democrats knew how to do it. Let's come together. Balance the budget and ignore a complicated, ludicrous process that the Founding Fathers said, stop, wait, do the right thing; do your job, not an amendment to the Constitution.

Mr. Speaker, I rise today in strong opposition to the rule for H.J. Res. 2, a "Proposing A Balanced Budget Amendment to the Constitution of the United States." While I support bipartisan efforts to increase the debt limit and to resolve our differences over budgetary revenue and spending issues, I cannot support a bill that unduly constrains the ability of Congress to deal effectively with America's economic, fiscal, and job creation troubles.

In my lifetime, I have never seen such a concerted effort to ransom the American economy in order to extort the American public. While I support bipartisan efforts to increase the debt limit and to resolve our differences over budgetary revenue and spending issues, I cannot support a bill that unduly robs average Americans of their economic security and ability to provide for their families while constraining the ability of Congress to deal effectively with America's economic, fiscal, and job creation troubles.

This bill would put our national security at risk. If our nation is under attack or needs to respond to an imminent threat, the last person I would consider contacting is an accountant. I would expect that this body would act swiftly and this mandate takes away that ability.

We need to change the tone here in Congress. Federal Reserve Chairman Ben Bernanke said it best when he stated recently before the House Committee on Financial Services. "We really don't want to just cut, cut, cut," Chairman Bernanke further stated "You need to be a little bit cautious about sharp cuts in the very near term because of the potential impact on the recovery. That doesn't at all preclude—in fact, I believe it's entirely consistent with—a longer-term program that will bring our budget into a sustainable position."

NATIONAL SECURITY—VETERANS AND MILITARY FAMILIES

I am outraged to find that revisions to this legislation include a provision that will hurt our veterans and military families and seriously compromise our ability to combat terrorism. As a senior member of the Homeland Security Committee, I am deeply concerned about any measure that undermines the men and women of the Armed Forces or the safety and security of the American people.

The Department of Defense, DOD, has already agreed to cut its budget by \$450 billion over the next ten years. The Center for Strategic and International Studies predicts that further budget reductions, including those that would stem from a balanced budget amendment, will cause substantive modification to our defense strategy, capabilities and force structure.

Enacting a balanced budget requirement would severely limit the ability of the Armed Forces to procure the equipment necessary to keep our troops safe, and prepare them for potential combat. A balanced budget amendment would dramatically constrain discretionary budgets, so much so that procurement, research and development, and the acquisition of new technologies would have to be zeroed out of the DOD budget.

These deep cuts to research and development and procurement would threaten the safety of the men and women of the Armed Forces. For example, the constraints caused by a balanced budget amendment would seriously endanger the Marine Corps' V-22 Osprey program, as well as the intended order of 340 F-35B Joint Strike Fighters. The effects of a balanced budget amendment would hinder the Navy's planned expansion from 287 to 320 ships.

This bill will deeply impact the Defense Industrial Base, DIB, a group of companies and contractors that supply equipment and technology to the Armed Forces. The budget reductions caused by a balanced budget amendment would deeply impact modernization and procurement. In fact, Army Secretary John McHugh recently said that to facilitate any further budget cuts, "you'd probably have to take some 50% out of modernization."

The DIB has resulted in the development of the most advanced military force the world has ever seen. However, large cuts in procurement funding would seriously compromise our ability to develop some essential future capabilities. Moreover, the downsizing that a balanced budget requires would leave a large number of highly skilled and professional workers unemployed in an economy unlikely to absorb them for quite some time.

Passing this legislation will not, as many of my colleagues on the other side of the aisle believe, result in a more stable budget. An amendment requiring a balanced budget will render discretionary budgets, particularly the DOD and national security budgets, much less predictable. The Departments of State, Defense and Homeland Security will have to compete for their shares of the national security budget, and furthermore, a likely response to a balanced budget amendment will be an increased reliance on emergency, ad hoc appropriations.

A provision of H.J. Res. 2 requires legislation to spend money that will take the budget

out of balance due to a military conflict or national security need. As it stands, this bill will require a Joint Resolution from both houses of Congress with the specific dollar amount being spent.

In order to spend more than has been appropriated, agencies tasked with defense and national security will need approval from Congress. This increased reliance on emergency appropriations will have detrimental effects on the sound functioning of our defense and national security institutions. The more these institutions are forced to rely on emergency funding, the more unpredictable their budgets will become.

This legislation would allow a military conflict or threat to national security to take the budget out of balance. However, in order to authorize additional funds for military engagement or threats to national security that require action, Congress would need to pass legislation citing a specific dollar amount.

As a senior member of the Homeland Security Committee, I know that the threats against the nation are constantly changing and ever present. We cannot ask those responsible for protecting this nation to ask Congress for a specific amount of money every time there is a threat to our national security that requires action. Should we ever experience another attack on American soil, we cannot expect out first responders to wait for authorization before intervening.

Mr. Speaker, I am incredibly disheartened to see my colleagues on the other side of the aisle champion this legislation, legislation that has so many negative impacts on our veterans and military families. The permanent budget cuts necessitated by a balanced budget amendment would require the DOD to drastically curtail the number of active duty service members, retirement benefits, and health care benefits for veterans and military families.

There are currently 22.6 million veterans living in the United States, and all of them deserve the retirement and health care benefits that were promised to them. In my home State of Texas we have nearly 1.7 million veterans, and 18th District is home to 32,000 of them. Of the 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from the Iraq and Afghanistan. We should not compromise the benefits for one of these patriotic Americans with this harmful legislation.

There has been a theme this Congress of focusing on cutting programs that benefit the public good and for the most at need, while ignoring the need to focus on job creation and economic recovery. Debate of this balanced budget amendment is wasting a tremendous amount of time when we should be focused on paying our nation's bills and resolving our differences.

As I mentioned, a balanced budget is not something that should be mandated in our Constitution, nor something that should be automatically be required every year. In particular, during economic downturns, the government can stimulate growth by cutting taxes and increasing spending. And in fact, the cost of many government benefit programs is designed to automatically increase when the economy is down—for example, costs for food stamps, SNAP, and Medicaid increase when more people need to rely upon them.

These countercyclical measures lessen the impact of job losses and economic hardship associated with economic downturns. The resulting temporary increases in spending could cause deficits that would trigger the balanced budget requirements at the worst possible moment.

A constitutional amendment requiring Congress to cut spending to match revenue every year would both limit Congress's ability to respond to changing fiscal conditions and would dramatically impede federal responses to high unemployment as well as federal guarantees for food and medical assistance.

H.J. Res. 2 would amend the Constitution to require Congress to balance the budget each year. It would also impose new procedural hurdles to raising the debt ceiling, and require the President to submit a balanced budget each year.

The thresholds proposed in H.J. Res. 2 are completely unrealistic. Even during Ronald Reagan's presidency—before the baby boomers had reached retirement age, swelling the population eligible for Social Security and Medicare, when health care costs were much lower—federal spending averaged 22 percent of GDP. This would impose arbitrary limits on government actions to respond to an economic slowdown or recession.

Cutting spending during a recession could make the recession worse by increasing the number of unemployed, decreasing business investment, and withholding services needed to jump-start the economy. As written, this bill would render Social Security unconstitutional in its current form. By capping future spending below Reagan-era levels would force devastating cuts to Medicaid, Medicare, Social Security, Head Start, child care, Pell grants, and many other critical programs.

Only five years in the last fifty has the Federal Government posted an annual budget surplus; all other years the government has been in deficit. Even the House-passed Republican budget resolution, which requires immediate and sustained drastic spending cuts, never reaches balance in the ten-year window required by H.J. Res. 2—indeed, it is not projected to be balanced for several decades, only reaching balance by 2040.

Because this proposal makes it so much harder for Congress to increase revenues than to cut spending, it in essence forces the President to match those same restrictions in his budget. In other words, H.J. Res. 2 is a political ploy designed to force the President to submit a budget that reflects the Republican priorities of ending the Medicare guarantee while cutting taxes for millionaires.

SOCIAL SECURITY & MEDICARE

According to the Center on Budget and Policy Priorities, H.J. Res. 2's balanced budget requirement could result in Medicare being cut by nearly \$750 billion, Social Security almost \$1.2 trillion, and veterans' benefits \$85 billion, through 2021 assuming that the spending cuts would be distributed evenly across the government. These cuts would devastate millions of seniors, veterans, children and the disabled.

These cut would have a devastating effect on the millions of aged, disabled, veterans, children, and others who depend on Social Security. The BBA would have the foreseeable effect of plunging millions of Social Security

beneficiaries into poverty and making for a very bleak future for most others. Over two-thirds of seniors and 70 percent of people with disabilities depend on Social Security for half or more of their income. Close to half—47 percent—of all single (i.e., widowed, divorced, or never-married) women over age 65 rely on Social Security for 90 percent or more of their income.

Seniors are spending more on their health care costs, and Americans in general are making less. The face of poverty is a child's face. If a private employer attempted to do what is being asked of us here today, which would be to use their pension plans in a manner that H.J. Res 2 would deal with Social Security that would be against the law.

Furthermore, the need to raise the debt ceiling has no correlation to whether future budgets are balanced; increases in the debt ceiling reflect past decisions on fiscal policy. And as demonstrated by this year's current disagreement about whether and when to raise the debt ceiling, Congress does not need to impose further barriers to its consideration. Treasury has warned that failing to raise the debt ceiling and the resulting government default, which would be unprecedented, could have catastrophic impacts on the economy. Interest rates would rise, increasing costs for the government and potentially on American businesses and families.

Any cuts made to accommodate a mandated balanced budget would fall most heavily on domestic discretionary programs; the immediate result of a balanced budget amendment would be devastating cuts in education, homeland security, public safety, health care and research, transportation and other vital services.

The Founders purposely made the Constitutional amendment process a long and arduous one. Having a Constitutional balanced budget amendment is not a novel idea. Balanced budget amendments have made it to a floor vote in the Senate five times, and in the House four times, according to CRS. The Senate barely passed a version in 1982, but it failed to gain the necessary two-thirds majority in the House. The House passed a version in 1995, but it failed in the Senate.

Do my Republican colleagues really expect Congress to capriciously pass an amendment altering our Nation's founding document on such short notice; an amendment that will fundamentally change our country without reasonable time for debate; without the opportunity for a hearing or questioning of witnesses; without any reports as to what impact it may have?

By tying the fate of whether the United States pays its debt obligations to the historically prolonged Constitutional amendment process, the Republicans who support this bill have demonstrated, at this critical juncture in American history, that they are profoundly irresponsible when it comes to the integrity of our economy and utterly bereft of sensible solutions for fixing it.

POTENTIAL IMPACT ON MEDICARE

Medicare covers a population with diverse needs and circumstances. Most people with Medicare live on modest incomes. While many beneficiaries enjoy good health, 25 percent or more have serious health problems and live

with multiple chronic conditions, including cognitive and functional impairments.

Today, 43 percent of all Medicare beneficiaries are between 65 and 74 years old and 12 percent are 85 or older. Those who are 85 or older are the fastest-growing age group among elderly Medicare beneficiaries. With the aging and growth of the population, the number of Medicare beneficiaries more than doubled between 1966 and 2000 and is projected to grow from 45 million today to 79 million in 2030.

POVERTY

We are constantly discussing cutting the budget, reducing our debt. Any yet, there has not been a single strong job creating measure purported by my Republican colleagues. Instead time and again there is legislation brought before this body to delay having a real debate on job creation. The poorest among us are being asked to bare the brunt of this legislation; cuts to Medicare, cuts Social Security . . . Who do you think these programs serve? We would be asking the poor to pay more for health insurance, to pay more for medical expenses, to pay more for housing. I ask my colleagues a simple question.

Currently more Americans are in need of jobs than jobs are available. Without focusing on creating jobs and advocating for job growth, what will happen to those individuals who are unable to find work, are seniors, are disabled, are children? What about veterans who find their pensions cut? When all these cuts to essential and vital programs occur in order to support this proposed constitutional mandate, what will happen to these individuals—how will they pay housing, health, and basic life necessities come from?

I am, as we all are, deeply troubled by the report issued by the U.S. Census Bureau. One of every six Americans are living in poverty, totaling 46.2 million people, this highest number in 17 years. In a country with so many resources, there is no excuse for this staggering level of poverty.

Children represent a disproportionate amount of the United States poor population. In 2008, there were 15.45 million impoverished children in the Nation, 20.7 percent of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty, 2.2 million of them children, and that 17.4 percent of households in the state struggle with food insecurity.

In my district, the Texas 18th, more than 190,000 people live below the poverty line. We must not, we cannot, at a time when the Census Bureau places the number of American living in poverty at the highest rate in over 17 years, cut vital social services. Not in the wake of the 2008 financial crisis and persistent unemployment, when so many rely on federal benefits to survive, like the Supplemental Nutrition Access Program, SNAP, that fed 3.9 million residents of Texas in April 2011, or the Women, Infants, and Children, WIC, Program that provides nutritious food to more than 990,000 mothers and children in my home state.

The Census Bureau also reported there are 49.9 million people in this country without health insurance. This is an absolute injustice that must be addressed. We can no longer ignore the fact that nearly 50 million Americans,

many of them children, have no health insurance.

Texas has the largest uninsured population in the country; 24.6 percent of Texans do not have health care coverage. This includes 1.3 million children in the state of Texas alone who do not have health insurance, or access to the health care they need.

It is unconscionable that, despite egregiously high poverty rates, Republicans seek to reduce spending by cutting social programs that provide food and health care instead of raising taxes on the wealthiest in the Nation, or closing corporate tax loopholes.

Balanced budget amendments have made it to a floor vote in the Senate five times, and in the House four times, according to CRS. The Senate passed a version in 1982, but it failed to gain the necessary two-thirds majority in the House. The House passed a version in 1995, but it failed in the Senate.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Mr. Speaker, I've had the honor of serving in both the Army and the Marine Corps, five overseas deployments, two of them in combat.

What has really struck me since I've been in the Congress of the United States and had the honor, as well, to serve on the Armed Services Committee is testimony by former Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, who said the greatest threat to the United States is our national debt. He didn't say it was al Qaeda. He didn't say it was some foreign power of terrorists. He said the greatest threat to the United States is right here. The greatest threat to the United States are the decades of out-of-control spending by the Congress of the United States that is bringing down this country.

We have an opportunity today to change that. We have an opportunity today to put the discipline in place that we are not going to go down the path of Greece.

I would ask the Members of this body to show the same courage and determination that the young men and women show who serve our country in defense of our freedom every day, to do the right thing and to vote for a balanced budget amendment to the United States Constitution.

If not now, when? Let us vote for this. Let us put this country down the right track. And let us not be the greatest threat to the United States.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon, EARL BLUMENAUER.

Mr. BLUMENAUER. I appreciate my friend for the courtesy of permitting me to speak on this.

I am here in honor of the memory of the late, and I think great, United States Senator from Oregon, Republican Mark Hatfield.

When the balanced budget amendment freight train was moving through

Congress in 1995 and a number of people piled on, it passed here overwhelmingly, but it failed in the United States Senate by one vote. The only Republican who voted "no" was Senator Mark Hatfield, who was chair of the Appropriations Committee. He was visited repeatedly by some of the most ardent proponents of a, quote, balanced budget amendment importuning him for special treatment.

□ 1800

Senator Hatfield understood that, had that balanced budget amendment been approved, it would have been an excuse for people to feel like they'd done their job and that they could go about continuing business as usual. He took a lot of heat. He, in fact, offered his resignation to Bob Dole, which would have reduced the number of Senators, and the balanced budget amendment would have passed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. But Senator Hatfield understood that that was wrong. He voted against it. It failed.

And what happened?

We were able to move forward under a Democratic administration to be able to rein in spending. We balanced the budget for 4 consecutive years. What happened was, when the Republicans took over, restraint was lost; deficits skyrocketed; and they put in place tax-cut and spending policies that drive the deficit to this day.

Reject this phony solution. Stand up. Provide a balance of increased revenues and program cuts. Don't pretend something that you're not doing and that's not enforceable as an excuse to avoid our responsibilities.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to a member of the Armed Services Committee, the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. The chairman of the Joint Chiefs of Staff, Mike Mullen, said that our worst enemy was not any foreign power or al Qaeda—rather, that it's our own national debt. That's right. It's official now. Congress has become basically America's worst enemy.

I wish we would take it upon ourselves to cut spending and to balance budgets. We are failing in doing that, and we have failed repeatedly. I wish the supercommittee would come up with a super solution. That does not look likely.

I regret that we are at the stage now where we need a balanced budget amendment, and I regret that we're at the stage of partisanship when, just 10 years ago, 72 Democrats voted for this, including two out of the three top members of our leadership.

We've got to live within our means. The Nation's future is at stake. It's sad

that we have become so lame that we need this crutch, but we need it. America's overspending—our obesity in this body—is so great that we have become America's greatest obesity problem. The balanced budget amendment is the right diet.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. GOODLATTE) control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois, DANNY DAVIS.

Mr. DAVIS of Illinois. A balanced budget amendment to the Constitution represents bad economics and bad social policy. The ability to borrow to help our States and citizens is a critical tool to aid our Nation during economic crisis.

One of the most egregious consequences of this bill is the dangerous cuts to Social Security, Medicaid, Medicare, and other safety net programs that would result. Given the vast deficit that exists due to reckless tax cuts for the wealthy, this bill would achieve balance on the backs of the elderly, the poor, and the disabled.

To achieve balance in the short term, massive reductions to critical safety net programs would have to occur—\$750 billion in cuts from Medicare, \$1.2 trillion from Social Security, and \$85 billion from veterans' benefits through 2021. Dramatic cuts to other safety net protections for citizens, such as food stamps and supplemental security income for the disabled, poor, and the elderly, would almost certainly occur.

To add insult to injury, nonpartisan economists with Macroeconomic Advisers estimate that a balanced budget amendment would eliminate 15 million jobs, increase unemployment to 18 percent, and shrink the economy by 17 percent—catastrophic economic losses at the same time that Federal safety programs to support citizens experiencing such hardships are eviscerated.

This is a terrible piece of legislation. It's a bad bill. I could not, would not, and I don't think anybody should vote for it.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from South Carolina (Mr. DUNCAN), a member of the Natural Resources Committee.

Mr. DUNCAN of South Carolina. I simply ask: Are you better off today than you were \$4 trillion ago?

I say not.

Mr. Speaker, I come to the floor today to discuss the most important issue that we will take up this year, and that is a balanced budget amendment to the United States Constitution.

For much too long, Congress has allowed mountains of debt to pile upon

our children and our grandchildren. We are in debt to the tune of \$15 trillion, and we continue to spend each year in excess of \$1 trillion more than we are bringing in.

In the short time that I have been a Member of Congress, it is evident to me that Washington will never voluntarily make the significant cuts to spending. That's why we need to pass a balanced budget amendment, which would force Washington to do what families and small businesses do each and every year: live within their means and stop the spending insanity. It's common sense not spending more than you have; but maybe that's too simple for those who gain some sort of power by providing services that our Nation cannot afford and by spending money that we don't have.

A balanced budget amendment: the right bill at the right time for America to regain control of its finances.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey, ROB ANDREWS.

Mr. ANDREWS. Mr. Speaker, when Congress doesn't want to do something, it forms a committee. We tried, and that doesn't appear to be working. Then when it doesn't want to do something, it kicks the can down the road and sets up a process where somebody else does the hard thing. That's what we're doing here tonight.

If you want to balance the budget, then vote to tell the Federal-operating Departments to do with 5 or 10 percent less money than they got last year. I'm prepared to do that.

If you want to balance the budget, then save money in the Medicare program by saying Medicare can negotiate prices of prescription drugs the way the VA does, and save billions of dollars on prescription costs. I'm prepared to do that.

If you want to balance the budget, bring the troops home from Afghanistan sooner. Since we have the ability to blow up the world 24 times, let's not pay for weapons that blow it up a 25th time. Let's not have 90,000 troops in Europe and Korea who are defending against an enemy that largely doesn't exist anymore.

If you want to balance the budget, then vote to tell the hedge fund managers and all of these other people who are making all this money that maybe they should just pay a little bit more in taxes into the Federal Treasury.

All the heartfelt, pious speeches tonight won't save \$1, but the things I just talked about would. They're difficult; they're controversial; but they're real. So let's not fool the American public that some process that somebody else someday might follow will balance the budget. If you want to balance the budget, vote to cut spending. You may have ways that I didn't outline. I'd like to hear them. If you

want to balance the budget, then vote for some people who can afford to pay more.

Do something real.

That will create the balanced budget, the confidence, and the jobs the American people need—not just another empty, hollow, meaningless political debate. The right action is to balance the budget, and the right vote on this bill is “no.”

□ 1810

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from North Carolina (Mr. MCINTYRE), the ranking member of the Seapower Subcommittee of the Armed Services Committee.

Mr. MCINTYRE. Mr. Speaker, I rise today in support of H.J. Res. 2, a balanced budget constitutional amendment. With the national debt topping more than \$15 trillion, it is critical that we pass this important legislation to improve our Nation's economic health and national security.

Mr. Speaker, \$48,570, that's the price we're putting on the head of every American, the portion that every man, woman, and child owes today to pay off our Nation's skyrocketing Federal debt. It's often said that our children and future generations will pay for the choices we make today. But the truth is that we're incurring debt at such a rapid pace that we'll begin to pay that price sooner than expected. We'll pay now as well as later. As public debt continues to grow, including borrowing from foreign nations such as China, interest costs alone are soaring into the stratosphere. Our economy, our military strength, and the opportunity for future growth are at risk if this problem is not addressed more quickly. That's why I will stand here today to support H.J. Res. 2, a balanced budget amendment.

Since first coming to Washington in 1997, I have cosponsored legislation that would adopt a balanced budget amendment to the Constitution. This critical legislation would require the Federal Government to balance its budget like most States are required to do. In fact, 49 of the 50 States have some form of a balanced budget requirement. So this is not something novel or unusual. It's something that makes sense. My home State of North Carolina has one of the most stringent requirements to do so.

Let's stand together today for common sense. Let's send a message to the American people that we can keep our fiscal house in order, that we can balance our budget, and we can do the right thing with the American taxpayers' dollars to put our Nation on a path of economic strength and vitality.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to another gentleman from North Carolina, DAVID PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, I rise to oppose the Tea Party Caucus' latest misguided attempt to derail Federal fiscal and economic policy.

I understand the appeal of a simple, sound bite-friendly solution to all that ails us. In fact, some people think that balancing the budget is just a matter of cutting foreign aid and converting to a flat income tax. Many of our colleagues have stoked such nonsense and similar claims that are mathematically impossible. They know very well that balancing the budget through cuts alone would require eliminating every penny of discretionary spending, including the entire Department of Defense. I don't believe that's really what they want.

Why, then, would they vote for this amendment? Well, there is no real risk in establishing a constitutional requirement that can't be enforced. It would likely never, ever produce a balanced budget. In fact, it would make balance harder to achieve. It does absolutely nothing to create jobs or strengthen the economy, and it would put Social Security, Medicare, and Medicaid in real jeopardy. But in the short term, proponents are counting on a political payoff. They will be brandishing their “aye” vote as proof that they're the most fiscally responsible folks in the land. In fact, these emperors have no clothes.

Many of my colleagues seem to have forgotten this, but we balanced the budget once before, not so long ago. It started with the bipartisan vote in 1990 and the subsequent vote by Democrats alone in 1993. Our country not only had a balanced budget, we ran 4 years with surpluses. And we did it without a balanced budget amendment. In fact, if the amendment we're considering tonight had been in place then, these critical agreements would have failed!

The other lesson of the 1990s is that the best cure for budget deficits is a healthy economy. Here, too, the so-called balanced budget amendment would actually make things worse, tying our hands during periods of economic downturn or high unemployment, locking in recessions and making them deeper.

Mr. Speaker, in earlier years, we had some true fiscal conservatives in this body. They knew that raising the revenue needed to invest in our people and secure our economic success was a lot wiser than drawing ideological lines in the sand. They didn't need a balanced budget amendment to take tough votes, to make compromises, or to stand up for the future of our Nation in the face of uncompromising “pledges” demanded by some group or another.

As we watch the “supercommittee” on the brink of failure, I don't know what further proof we need that there isn't a silver bullet in the fight for fiscal security. The real answer—and I be-

lieve colleagues know this very well—isn't a matter of gimmickry; it's about mustering the political will to do the right thing. I understand it's hard to revolt against King Norquist. But any Tea Party worth of its name ought to be prepared to challenge the monarchy, not to do its bidding. I urge my colleagues to vote against this amendment.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to say that the last time that the Congress balanced a budget with a Democratic controlled Congress was 1969, more than 42 years ago.

At this time, it is my pleasure to yield 2 minutes to the gentleman from Michigan (Mr. MCCOTTER), a member of the Financial Services Committee.

Mr. MCCOTTER. I thank the gentleman from Virginia.

I would like to take a quick second to add that in 1969, the Democratic Congress had a Republican President to help them do it.

I rise in support of a constitutional balanced budget amendment. In this debate, we have heard that Social Security, Medicare, and Medicaid will be doomed by a balanced budget amendment. But if we do nothing, those entitlement programs will continue to be doomed by today's fiscal implosion. We have heard that tax hikes will somehow manage to balance the budget all by themselves. But we've heard this talk before, and after all the tax hikes of the past, today we face a fiscal implosion.

We have heard that there was a brief glowing era when a Democratic President and a Republican Congress managed to balance the budget. That is the exception that proves the necessity of a balanced budget amendment because, again, today we are fiscally imploding.

We have heard the differences between how families borrow and how the government borrows, and these are absolutely accurate. When a family borrows money, it is personally liable for that debt. It must prioritize its finances and pay it back with its own money. But today we are fiscally imploding because Big Government is not personally liable for that debt. It does not prioritize, and it can't even pay it back with other people's money.

What is the solution? I believe that Big Government is addicted to spending, so we must turn it over to a higher power called the United States Constitution. Only in this way, when Congress spends your money, will you be allowed in the room to sit over their shoulder and say “no,” because as we know, today's fiscal implosion is here. And under statutory limitations, the Congress has not been able to balance your budget. Go to the highest law of the land, force them to live within your means, and ensure that the doom and gloom we hear about being able to spend less money to help America actually occurs.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlelady from Oakland, California, BARBARA LEE.

Ms. LEE of California. I want to thank the gentleman for yielding and for continuing to fight the good fight on behalf of the American people.

Many of my Republican colleagues have come to the floor to keep telling us that the Federal Government must balance the budget, just like every American family. Well, it sounds like it makes sense to me, but it's nonsense. How would those families and businesses feel about Congress passing a constitutional amendment making it illegal to borrow money to invest in their futures? What if they could not get a mortgage to buy a house? What if they could not get credit to buy a car or get a credit card just to buy some clothes? What if they could not get a loan to grow their businesses? That's what this fundamental change to America's Constitution would do to the entire country. Can you imagine opening up the Constitution to make it impossible for people to invest in their future?

In addition, millions of families across America are taking in less income than they need to survive because of failed Republican economic policies that drove our economy into the ditch. Why would you now want to balance the budget on the backs of these people—seniors, the poor, our children, the most vulnerable? Now that people need a helping hand, Republicans want to tie the hands of government and restrict our budget so that exactly when Americans need more, you want to hurt them more.

□ 1820

This is really a moral disgrace. Let's stop wasting time on ridiculous efforts to amend our Constitution when millions of Americans need jobs now. Let's stop wasting time keeping campaign promises to Republican Tea Party supporters and pass real legislation that will create jobs like the American Jobs Act. Let's stop wasting time when nearly 50 million Americans—mind you, 50 million—in the richest and most powerful country in the world are living in poverty.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady an additional 30 seconds.

Ms. LEE of California. Thank you very much for the 30 seconds, and I just want to remind us all that 50 million Americans are living in poverty in the wealthiest and most powerful country in the world. And millions of job seekers are about to lose their unemployment benefits.

We do not need to radically alter our Nation's founding document to do what is right. We just have to take a balanced approach to reducing our deficits

and balancing our budgets, and you do this by creating jobs.

So let the unwise Bush tax cuts expire, end the wars, cut the bloated and wasteful Pentagon spending, and protect the social safety net that protects millions of Americans.

Mr. GOODLATTE. Mr. Speaker, it is my distinct pleasure to yield 4 minutes to the gentleman from Texas (Mr. HENSARLING), the chairman of the House Republican Conference.

Mr. HENSARLING. I thank the gentleman for yielding, and I thank him for his leadership on the balanced budget amendment.

Mr. Speaker, since the President was elected, our Nation has now seen its first trillion-dollar deficit, its second trillion-dollar deficit, and its third trillion-dollar deficit. The President and the previous Congress have been on a spending spree the likes of which this Nation has never seen before. And yesterday, Americans were greeted with the news that our national debt has now topped \$15 trillion—\$128,000 for every household. We are borrowing almost 40 cents on the dollar, much of it from the Chinese, and sending the bill to our children and grandchildren. In short, there is a debt crisis. The debt is not just unsustainable, it is immoral.

And the American people know that it's because Washington spends too much, not because they are undertaxed. The problem is on the spending side. Now, taxes are temporarily down due to the economy, but they're going to come back. It is spending that is exploding from 20 percent of our economy to 40 percent over the course of the next generation. If that's solved on the taxing side, we'd be the most highly taxed industrialized nation in the world.

Now, the crisis should be solved on the spending side of the equation. I wish we were debating a spending limit amendment to the Constitution. We're not. We had no takers. I know of no takers on the other side of the aisle. So we're debating what is known as the classic balanced budget, the jump ball balanced budget, the clean balanced budget; equal opportunities for spending restraint and tax increases. Now, it's not my preferred policy; yet so many Democrats, Mr. Speaker, will come to the floor and say we need a balanced approach. But the question is: How many believe we need a balanced budget?

Now, we all agree that amending the Constitution is something that should be taken with great reverence, with great deliberation. It is a sacred responsibility.

Mr. Speaker, we know that our Founding Fathers set up a process by which to amend the Constitution, and no less of a Founding Father than Thomas Jefferson said: "I wish it were possible to obtain a single amendment to our Constitution. I would be willing

to depend on that alone for the reduction of the administration of our government; I mean an additional article taking from the Federal Government the power of borrowing."

Forty-nine of 50 States have some form of balanced budget requirement. Every family in America has to balance their budget. Every small business. Should we expect anything less from a great nation?

Sixteen years ago was the last opportunity we had in the United States Congress to vote on a balanced budget. We came within one vote, one vote in the United States Senate. Imagine where we would be today had that one vote made the difference and we had this amendment. It's sad.

I can tell you, Republicans and Democrats can't seem to agree on spending. We can't seem to agree on taxes. But as Americans, can't we at least agree it's past time, past time to stop mortgaging our children's future and bankrupting the greatest Nation in the history of the world?

There is a real crisis, and to paraphrase Winston Churchill: Haven't we now exhausted every other possibility? Isn't it finally time to do the right thing?

Amend the Constitution, save the country, balance the budget.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds.

I hope that those words will help us in the supercommittee that the gentleman from Mississippi is working on night and day.

I now yield 5 minutes to the distinguished gentleman from Virginia, BOBBY SCOTT, the former subcommittee chair of the Crime Subcommittee and a former member of the Budget Committee.

Mr. SCOTT of Virginia. Mr. Speaker, the supporters of this legislation have spoken at length about how nice it would be to balance the budget and how dangerous deficits are. The speeches, there are great speeches about the budget, but the one thing they have not talked about is how the provisions of this legislation will actually help balance the budget.

Now, we had a hearing earlier this month where the former Governor of Pennsylvania talked about the Pennsylvania balanced budget amendment and how their constitutional provision was such a good thing; but he had to acknowledge that other than the title, there is nothing in H.J. Res. 2 that can be found in the Pennsylvania Constitution.

We also found that the gentleman from Arizona had to acknowledge, after he talked about how good the balanced budget amendment works in Arizona, that Arizona was able to balance its budget only because federally borrowed stimulus money provided \$6 billion to Arizona; \$1,000 for every man, woman, and child in that State. And that

wasn't enough. Arizona had to sell their State capitol and supreme court building. That's right, sold their State capitol and supreme court building and leased it back in order to achieve about a billion dollars worth of cash needed that year.

So we should be looking at the provisions of the legislation, not just talking about how nice it is to balance the budget.

One of the provisions is a three-fifths vote to increase the debt ceiling. Last August, the United States lost its AAA credit rating because it looked like we were not going to be able to achieve a simple majority. We should explain how it makes a lot of sense to make that spectacle an annual affair. I think most people would think it would be fiscally irresponsible to enact that provision.

Another provision is a three-fifths vote to pass a budget that's not balanced in a given year. That would cover every budget we considered this year, including the strongest deficit reduction plan, because those budgets are not balanced in the first year.

Now, strong deficit reduction is politically difficult because we're talking about arithmetic. You have to raise taxes and/or cut spending. Now, you can't get a simple majority; we can't even get a simple majority to do that, so why would anyone think that this legislation requiring a three-fifths vote would make it any easier. In fact, that same three-fifths vote will be sufficient to pass new tax cuts and additional spending, making the deficit worse. Last December we passed an \$800 billion tax cut. We got three-fifths for that. But instead of discussing just the title of the resolution, we should be noticing that if this legislation were in effect in 1993, we never would have passed that budget.

We've heard people on the other side of the aisle taking credit for the hard work. I came in in 1993, and we passed a tough budget. There were tough votes. Fifty Democrats lost their seats as a direct result of those votes. The deficit was \$290 billion at that time. In 1995 when the Republicans came in, they passed their little budgets; and rather than sign those budgets, President Clinton let the government get shut down rather than sign those budgets. If they want to take credit, they can take credit for President Clinton vetoing their budgets and shutting down the government.

□ 1830

In 1997, the deficit had gone from 290 down to less than 25 billion, and there were no tough votes on that. The budget was on the way to balancing itself if we hadn't done anything, and so we find out what would have happened if President Clinton hadn't capitulated in 1995.

In 2001, when the Republicans came in with a Republican President and a

Republican Congress, we saw what happened. They passed two tax cuts, fought two wars without paying for them, prescription drugs without paying for them; and rather than, in 2001, when Chairman Greenspan had to answer questions like, What will happen when we pay off the national debt? Are we paying off the national debt too quickly?, it looked like we were on target by 2008 to pay off the entire debt held by the public. Those were the discussions.

The first tax cut was the last time you heard any of that discussion. And as a result of the two tax cuts, two unpaid-for wars and an unpaid-for prescription drug benefit, we ended up in huge deficits. The fact is the 1993 budget never would have passed if we had required a three-fifths vote.

Now we should be focused on the actual effects of the resolution. There's another provision, and that's the provision involving war.

The SPEAKER pro tempore (Mr. YODER). The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman 1 additional minute.

Mr. SCOTT of Virginia. All of the provisions of this budget can be set aside when a declared war is in effect or when the United States is engaged in a military conflict which causes an imminent and serious military threat to national security. That provision ought to scare every two-bit dictator around the world because if we're having trouble getting the three-fifths, all we've got to do is drop a bomb on them, and we can pass a budget with a simple majority.

But we ought to be focused on the provisions of the bill. How would the three-fifths vote, when we can't even achieve a simple majority, help balance the budget? It should be obvious that rather than just talking about how nice it would be to balance the budget, how do these provisions actually make that easier? I think the fact of the matter is if we adopt this resolution, it will be harder, if not impossible, to ever balance the budget, and that's why this resolution ought to be defeated.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to complete the record.

As I said in my remarks earlier, Presidents of both parties and Congresses of both parties have much to explain in terms of the lack of the balanced budgets over the last 50 years. Only six times in 50 years have they been balanced. But here is the record: of the 13 of those 50 years that Republicans controlled the Congress, they only balanced the budget four times. Of the 37 years that Democrats controlled the Congress, during that time, they only balanced the budget twice.

It is now my pleasure to yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I would encourage my colleagues in this body to consider the balanced budget amendment and to support it.

I do rise in support of this amendment because hardworking taxpayers know that out-of-control spending in Washington is killing job creation and economic growth. In less than 3 years, President Obama and his administration have added \$4.3 trillion to our national debt, which is now over \$15 trillion. Astounding. That is \$47,900 for every American. Is it really fair for our children and grandchildren to have to shoulder that kind of debt for programs they don't want and having to pay for it with money they don't have? Is that really fair?

The Obama economy is stifling the ability of small businesses and hardworking taxpayers to achieve their goals and dreams. It is time to rein in wasteful Washington spending. It is time to stop the madness.

We need a permanent solution to the fiscal problems that are plaguing this economy, and the clear and common-sense solution is to pass this balanced budget amendment. It's not a new idea. Every year in my State of Tennessee, our State, cities and counties across our State all balance their budget, and 49 other States do. Passing a constitutional mandate would require Congress to balance the budget every year and legally obligate this body to spend only what it takes in.

We can no longer kick the can down the road. We can't wait to replace Washington's blank check with the checks and balances necessary to provide true fiscal responsibility. Passing the balanced budget amendment is an effective component of accountability and spending control. Washington mandates too much, spends too much, takes too much, and takes our freedom.

Mr. CONYERS. I am pleased to yield 3 minutes to the gentlelady from Florida, Ms. KATHY CASTOR.

Ms. CASTOR of Florida. I thank the gentleman for the time.

I support a balanced budget, and I support a balanced budget amendment; but this version would place a very dangerous straitjacket on our country's ability to address a disaster. I'm very proud to represent the State of Florida. But after a year of devastating tornadoes, floods and fires all across this country, you do not have to hail from the State of Florida to understand the impact of a natural disaster and the importance of our ability to speed assistance to local communities.

This amendment would erect roadblocks to our country's ability to address natural disasters and emergencies. Please recall how many of our GOP colleagues a few months ago sought to stall emergency aid. I will read from a press report from back in August: "Americans who saw their

homes flooded, streets ripped apart and businesses disrupted by last weekend's hurricane are about to face another storm: a new congressional battle. Unless additional disaster aid is appropriated, Federal officials said communities trying to rebuild from natural disasters this year in the Midwest and South will have to wait while funds are diverted to help victims of Hurricane Irene. The recent string of disasters, including a tornado that tore through Joplin, Missouri, and a flood that inundated Minot, North Dakota, is running into the same political buzz saw that nearly forced the government into default over the bitter fight over the debt ceiling this summer."

Delays in emergency aid are unconscionable, and it is terrible for FEMA to have to choose between which American cities and towns can be helped and which ones can't. And the problem with this version of the balanced budget amendment is that it could cause impacted communities to live that nightmare again. It didn't happen after Hurricane Katrina or 9/11 or other disasters, but after the antics of this Republican Congress this past fall, I am very concerned that this version of the balanced budget amendment would allow another irresponsible Congress to block emergency assistance to local communities.

We should not set our country up to be at the mercy of Tea Party hardliners, not at the times when our neighbors and communities need us most.

I relayed my concerns to the House sponsor after he was kind enough to call me directly, and I appreciate that opportunity. Unfortunately, the Republicans did not allow any amendments or revisions, so I intend to file my own version of a balanced budget amendment, a version that seeks to avoid an irresponsible Congress from withholding disaster assistance.

Because this version of the balanced budget amendment is flawed, I urge its defeat.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE), a member of the Transportation and Infrastructure Committee.

Mr. ALTMIRE. Mr. Speaker, I rise in strong support of the balanced budget amendment. Forty-nine of the 50 States are required to balance their budgets. And while I'm certain that State legislatures will agree that it's always a difficult process, somehow they annually meet their obligations while achieving balance. The Federal Government should be able to do it, too.

But States aren't the only place Congress can look to for examples. Every family and every business in America has to balance expenses and income. They have every right to expect the Federal Government to do the same;

but, unfortunately, Congress has let them down time and again.

Mr. Speaker, the time has come to fix the problem. Constitutional amendments to require a balanced budget have been introduced in Congress for the past 75 years. Most recently, in 1995, the House passed a balanced budget virtually identical to the one we're debating today, and it passed this House with bipartisan support, 72 Democrats and 228 Republicans. And because that amendment failed by one vote in the Senate, our national debt has now surpassed \$15 trillion. The situation has only gotten worse, and the stakes today are much higher than 1995.

□ 1840

This vote is an opportunity to prove to the American people that this Congress can work together and that we are finally committed to balancing our budget and putting our country back on fiscally solid ground.

Mr. CONYERS. I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Indiana (Mr. BUCSHON), a member of the Education and Workforce Committee.

Mr. BUCSHON. Mr. Speaker, I rise today in support of the balanced budget amendment to the Constitution. This is an opportunity for the Federal Government to keep our checkbook balanced, just as every American is expected to do.

The House passed a very similar amendment in 1995 when our debt was \$4.86 trillion. Seventy Democrats voted for the amendment, including 11 of my current colleagues. I urge my friends on the other side of the aisle to vote for this amendment now that our debt has tripled to over \$15 trillion.

The President recently said in regards to balancing the budget, "We don't need a constitutional amendment to do that. We don't need a constitutional amendment to do our jobs. The Constitution already tells us to do our jobs—and to make sure the government is living within its means and making responsible choices." Mr. President, I respectfully disagree. Washington, D.C., has not been able to make these choices and is not living within its means. I was elected by the people of Indiana's Eighth Congressional District to help us make that happen.

I'd also like to say that some of Mr. HOYER's comments help us today to outline exactly why Washington, D.C., needs a balanced budget amendment. I thank him for pointing those reasons out. This is not a partisan issue, Mr. Speaker, it's an American issue.

I support this amendment, and I urge my colleagues today to vote "yes" on a balanced budget amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not traffic the

well while other Members are under recognition.

Mr. CONYERS. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. CONAWAY), the chairman of the Agriculture Committee General Farm Commodities Subcommittee.

Mr. CONAWAY. Mr. Speaker, it's already been said tonight that 15 years ago we came within a chigger's whisker of passing a balanced budget amendment and sending it to the States. Imagine how different today's conversations would be had the folks in charge then done that. We'd still be fussing and fighting about what ought to be done, but the argument would be, how do we solve today's problems using today's resources? Instead, we've stacked up another \$9 trillion of future generations of Americans' resources in our quest to solve these problems.

Well, think about what 2026 will look like, 15 years from now. The folks in charge then will be able to take out the projections that we have in place today and compare those to what is actually going on then—if we pass this balanced budget amendment—and say, wow, look how much better off this country is. They'll still be fussing and fighting, but it will be using their resources to fix their problems instead of the model that we've put in place collectively, on both sides of the aisle. There's plenty of blame to go around.

The decisions that will have to be made to balance our budget are no different with or without the balanced budget amendment. They are hard. They are difficult. And I've got \$15 trillion worth of evidence that we're not making those tough decisions without the balanced budget amendment. Technically, we could get it done, but we're not getting it done—and we are on absolutely no path to get that done.

I received today a petition from Jim Keffer, a State representative from Texas, signed by 969 other good Texans, urging me to support this balanced budget amendment.

Mr. Speaker, I would encourage all of my colleagues to think about the future of this country, how much better off will this country be with a balanced budget amendment. This is the only thing that we are contemplating doing over the next 15 years that has a remote chance of fundamentally changing for the better the future that my seven grandchildren face. It is a bleak future they face today. We can fundamentally change that future for the spending efforts of this country with a balanced budget amendment that will force us to do the things that everybody else does.

I urge all of my colleagues on both sides of the aisle to support this balanced budget amendment.

HOUSE OF REPRESENTATIVES,
DISTRICT 60,

Austin, Texas, November 16, 2011.

DEAR CONGRESSMAN CONAWAY, it's time for us to stand together and teach Washington the first lesson in Texas economics: Don't spend more than you make!

We Texans know the importance of fiscal responsibility and how to live within our means, and I'm proud that our state constitution reflects these principles by requiring the state legislature to pass a balanced budget each session. This valuable tool allows us to keep the size of our state government in check and our economy stable and job friendly!

I am grateful that through your leadership and the leadership of our party, Congress now has the opportunity to debate and vote on a proposed constitutional amendment requiring a balanced federal budget like we have here in Texas.

You and I have the high honor of representing the hard working men and women of this great state in our respective governing bodies, and I submit to you the names of close to a thousand concerned citizens urging you to vote in favor of this constitutional amendment.

This is a critical moment for our nation's future economic health and stability, and I encourage you join us and stand together as Texans to demand that Washington follow our lead!

Please vote in favor of the constitutional amendment requiring a balanced federal budget!

I sincerely appreciate your consideration on this matter. We value your leadership, and I look forward to the opportunity to continue working with you on the important issues facing our state and nation.

God Bless America and the Great State of Texas!

STATE REPRESENTATIVE JIM KEEFER,
District 60.

FEDERAL BALANCED BUDGET AMENDMENT PETITION

It's time for Washington to follow our lead and pass a balanced budget amendment.

Sign the petition TODAY!

James Abbott, Floyd Abbott, Robert Abresch, Timothy Ackerman, Peggy Adams, Marza Adams, Cecil L. Adams, Ron Agnew, Francisco Aguilar, Alan Ahlberg, Ronnie Ainsworth, Sharron Albertson, Hale Alderman, Earl Alexander, Dennis Allen, Douglas Allen, Ann Allen, Jack R. Allen, Robert Allen, Brandon Ammons, Linda Amos, Jadell Anderson, Zanna Anderson, Rose Anderson, Belinda Angerer, Steve Angerer, Ky Ash, Ryan Ash.

Juana Ash, Bill Ash, Paul Athas, Evan Autry, Brett Autry, Charles Aycock, Royce Anne Baethge, Caroline Baggett, Judith Bailes, Joy Bailey, Charles Bailey Jr., Martha Baird, Ron Baker, Martha Baker, Sally Baker, Sally Baker, William Baker, Sharon Baker, Walt Baldwin, Juania Ball, Mary Barboza, Andrew Barg, Fawn Barrington, Christopher Barrington, Manuel Barrios, David Barton, Teresa Baty.

John Baumann, Bob Baumgartner, Robert Beadel, Regina Becerra, Carrie Bellamy, Linda Bellomy, Willard Bennett, Jo Bennett, Lewis Bergman, Tom Bernson, Paul Bernstein, Steve Berry, Joni Berry, Bob Berry, Mark Bielamowicz, Robert Bielamowicz, Steven Bilbo, William Binyon, LaVonda Black, Ealy Black, Joel Black, Jonathan Black, Diron Blackburn, Bill Blanchard, C.T. Blomstrom, Daina Blount, Fred Bogar, Chris Boggs.

Melissa Bohannon, A.H. Booth, Theodore Bordelon, Roger Borgelt, James Boswell,

David Boucher, Kathy Bower, Donald Bowne, Boyce Erwin Boyce, Linda Bradford, Randa Bradley, Don R Bradshaw, David Branch, Cara Branch, Dianne Brandt, David Braun, Sherry Breedlove, Mary Breitung, Glenn Breitung, Melvin Brewer, Thomas Brewer, Charlene Brewster, Jim Bright, Janet Bright, Noel Brinkerhoff, Sherry Britton, Jerry Britton, Judy Britton, Eve Brock, Starling Brock Sr., Kevin Brockus, Dale Brooks, Roberta Broussard, Roy Broussard, Linda Brown, Gina Brown, Stan E Brudney, Alana D Brudney, Kimberly Bruton, Jeanene Bryan, Freddie Buchanan, Lesli Buchanan, Terry Buchanan, Greg Buenger, Robert Bullis, Aletha Burgess, Gerald Burgess.

Melissa Burgin, Travis Burke, Paul Burns, Susan Burns, David Butler, Wilma Butler, Angie Button, Carl Byers, Matt Byrd, Larry Byrd, Carol Cahill, Billy Campsey, Mike Canaday, Bob Cantwell, Dorothy Caram, Harold Carnathan, Bryan W Carpenter, David Carroll, Brenda Carroll, Jane Carter, Watt Casey, Dosa Casey, Watt Casey Jr., James Cashion, Gregory Cassidy, Maggie Catherall, Deborah Catsonis, Ruth Cezar, Floyd Chambers, Ira Chambers, Rhonda Chancellor, Jesse Chaney, Barney Chapman, C Dan Chenoweth, Karey Chilson, Sandy Chisholm, Curt Christensen, Willie Christian, Brian Christopher, Danny Clack, Jack L. Clack, Vera Clack, Eugene Clark, James Clark, David Clemens.

Kenny Clement, Calvin Click, Sandra Clinard, Pat Cloud, Carole Cockerham, Darrell Cockerham, Lisa Cody, Bill Cody, Joe Coffey, Betty Cole, Q. Coleman, Glenda Collins, Tom Conley, Janis Connally, Dan Connally, R. Kelton Conner, Michael Cook, Mary Cook, Carol Cook, Suze Cook, Jim Cooley, Robert Cordova, Donald Corley, Edith Corley, Tim Coulter, James Cowan, Jerold Coward, Chris Cox, Chris Cox, Shari Craig, Marsha Cranford, Jerry Criswell, Sharon Crittenden, Leon Crockett, Geri Cronenworth, Ronald Crossman, Jesse Crowell, Carrie Coughl, Sherrie Curry, Sherry Curtis, Dolores Dailey, Barbara Daniel, Richard S Davenport, Thomas Davies, Sherrill Davis, J. Davis.

Betty Davis, Russell Davis, Lana Davis, Ronald Davis, Elizabeth Davis, Willie Davis, Jim Dawson, Amy Day, Harry Deal, Karen Deatherage, Theodore Dickinson, Elaine Dippel, Robert Dixon, Mary Donaldson, Donald Dorenbach, Richard Dormier, Cynthia Dormier, John Dowling, Frank Drake, Wade Driskill, Margaret Dunham, C. Briscoe Dunn, Trevor Dupuy, Diane Durbin, Adam Dwire, Louis Dyess, Amy Dykes, Rick Dykes, Herbert Earnest, Natalie Earnest, Janet Ebersole, Eleanor Edmondson, Mona Edwards, Joseph Edwards, Angela Edwards, Jerry Edwards, Pat Edwards, Cha Edwardson, Joy Ellinger, Tom Elliott, Mark Elliott, Nancy Emmert, Katy Encalade, Bryan Eppstein, Troy Evans, Bettie Evans.

Brenda Evans, Gary Evans, Kirt Fadely, Shirley Faetcha, Al Faetcha, Larry Fann, Frank Farmer, Terry Farquhar, Robert Favor, Annabeth Favor, Linda Ferguson, Clint Ferguson, Jr., Dale Fessenden, Judy Finch, Linda Finkle, James Finley, Jimmy Fisher, Rosemary FitzGerald, Judy Flanagan, Cheryl Flatt, Pat Flatt, Lowell Fletcher, Grace Fletcher, David Fletcher, Sarah Floerke, Naomi Flores, Christopher Flores, Shirley Ford, Shiela Foreman, Allen Foreman, Steve Fortner, Stephen Foster, Susan Fountain, Justin Fowler, Pat Foy, Barbara Francisco, Mark Francisco, M Dawn Frederick, Steven Freeman, Kathie Freeman, Rodger Frego, Judy French, Jere French, Shai Frieze, Claud Fry, Lorine Fuessel.

Linda Fulks, James Fullen, Donald Fuller, Billy Gaddis, Judy Gaddis, Blake Gaines, Garry Galpin, Leonardo Garcia, Gaye Garner, Crystal Gause, Joe Geer, Lee Gibson, DeAnna Giesick, Lawrence Gill, Robert Gillespie, Joy Gillespie, Richard Girouard, Jo Ellen Glasgow, Gtrady Glenn, Delaine Godwin, Gabriele Goins, Daniel Gonzalez, Victor Gooch, Peggi Gooch, Peggy Goodson, Bernelle Goodwin, Billy Goodwin, Joe Gordy, Diane Goutchkoff, Hans Graff, Rosemary Graves, Joneta Griffin, Krista Grimes, Steve Grimes, Sue Grisham, Victor Guevara, Paulette Guion, Vel Gurusamy, Stephen Haas, Ken Hackett, Glenn Haefner, OG Hahn, Ruth Hahn Hahnm, Robbie Hamby, Todd Hamilton, Rick Hamm.

Virginia Hammock, Sam Hampton, Michelle Hanks, Janet Hanna, Michael Hansard, Eli Harden, Amber Hardin, Norval Hardy, Harry Hardy, Tyler Hargrave, John J Hargreaves, LuEtt Hargreaves, Nicki Harle, Terry Harman, William K Harner Jr. Terri Harris, Curtis Harris, Steve Harris, Marilyn Harrison, Karen Hartsfield, James Hasik, Quinton Hayden, Stephen Haynes, Don Hays, Leonard Heathington, Kris Heckmann, Kate Heim, Janice Heiskell, Neil Helfenbein, Sharlene Hetzel, Bob Hieronymus, Amber Higgins, Michael Higgins, Carl Hill, Ann Hill, Waytelle Hill, Deborah Hines, Harry Hingst, Amy Hingst, Jonna Hitt, Jim Hix, Heath Hodges, John Hoffman, C. Suzann Hoffman, Tom Hollaway, Johnny Holcombe, Ralph Hollingshead.

Randy Holson, Carol Holt, Bob Hopkins, Zeda Hopkins, William Horick, Carolyn Houston, Terry Howard, Jane D. Howell, Irene Howell, Glenna Huber, Virginia Huff, Carl Huff, Neal Huffman, Janelle Huffman, Bob Huffman, Ellen Hughes, Alice Hull, Tom Huskey, Bill Hutson, Joe Hyde, Chuck Iannaci, Thomas Imre, Jack Jackson, Robert Jacobs, Treena Jacques, Rodney Jaemsq, Tammy James, Christopher C Jamison, Joe Jessing, Butler Jim, Norwood Johnny, Sheron Johnson, Herma Jean Johnson, Judy Johnson, Keith Johnson, Kim M. Johnson, Martin Johnson, Christine Johnson, Russell Johnston, Dean Johnston, Lori Jolly, Shirley Jones, Judi Jones, Lew Jones, Delnita Jones, Charles Jones, Travis Jones, Marilyn Jones, Thomas Jones, Bettye Jordan, Roger Jordan, Webb Jordan, Louis Jupe, David Kaltenbach, Ronald Karcher, John Kaufmann, Terri Kaufmann, Marvin Kays, Bill Keffer.

Scott Keffer, Leslie Keffer, Ashley Keffer, Charles Keller, Wesley Keller, Brice Kelley, B.R. Kelso, Margaret Kerby, Shirley Keyes, John Keyes, Don Kincaid, Nita King, Dale King, Bill King, Kimberly King, Wanda King, Tracy Kirsch, Daniel Kirsch, Clent Kniffen, Doodie T Knox, Jack L Knox, Sally Koch, Rebekah Kodrin, Louis Kodrin, Lisa Koiner, Doris Konduros, Robert Kostelnik, Leona Ruth Kowis, Sandra Kozak.

Richard Krantz, Judy Krause, Russel Krueger, Elsie Kwok, Dusan Lajda, Dennis Land, Jim Lange, Terry Largent, Ron Latta, Jim Lattimore, Bernice Launius, John Laurance, George Lavender, George Lavender, Jim Law, Jim Law, Catherine Lawson, Ron Lazaro, Donna Leech, Joyce Leidig, Joyce Leidig, Roy Lenoch, Denise Leopard, Thomas LePage, William G. Lewis, Tryon Lewis, Carl Lindberg, Mary Little, Lavada Lockhart, Steve Long Jr., Jorge Lopez, David Lopez, Alice Lott, Pat Lovell, James Lovell, Larry Lowrance, Daniel Luckett, Jerry Luster, Franklin Luttrell, Virginia Lymbery, Robert Lynch, Chris Lyon, Nat Lyons, Walter MacArthur, Hartley Mackintosh, Kerry Magee.

Sandra Magers, Larry Mahand, Wallace Maness, Wallace Maness, Ginger Mangum, Sarita Maradani, Kirk Marchell, Mike Margerum, Ronald Marks, Greg Martin, Carl May, Mitzi Mays, Kay McAfee, James McBroom, Barbara McBroom, Susanne McCaa, Mark McCaig, Kimberly McCleve, Robert McClure, Barbara McCollum, Gary McConnell, Doris McConnell, Stan McCormick, Ron McCormick, Gay McCormick, Roy McCoy, Stan McCracken, James McCutcheon, Bert McDaniel, Tom McDonald, Elizabeth McGill, Patricia McGuire, Dean McIntire, Donald McIver, Denis McKillip, Alex McLean, William McLeod, Lowell McManus, Douglas McNeill, Lee McNutt, MaryAnn Means, Earl Medlin, Sam Mercurio, Sam Mercurio, Sandra Midkiff, Barry Miller.

Rick Miller, Douglas Miller, Dutch Mills, Michael Moehler, Ed Moers, Patty Moncus, Ross Montgomery, Cameron Moore, Frances Moore, James Moore, Jan Moreland, Michael Morgan, Michael Morris, Debbie Morris, Harold Morris, John Morris, Mary M. Morris, Duane Morrison, Karolyn Morrow, John Morton, Pauline Mountain, Rex Moxley, Lawrence Mulholland, Brent Mullin, Tom Munson, Marilyn Murray, Cynthia Myers, Thomas Myers, Myra Myers, Wanda Nall, Vernetta Nance, B. A. Narramore, Stuart Neal, Patricia Neel, Rexford Neely, Elizabeth Nelson, Rick Nelson, Garrett Newman, Sally Nicholas, Jennifer Nicholas, Sue Nicholls, Teri Nine, Tom Noble, Jim Nobles, Malaisae Norfleet, Keats Norfleet.

Michael Norris, Robert Norris, Lynn Norris, Jack Noweare, Kirk Novak, Marilyn Nowell, Wanda O'Leary, Ruby O'Neill, Wyatt Oakley, Glen Oberg, Lisa O'Brien, Darlya Oehler, Claudia Offill, Linda Ogden, William Old, Gloria Olney, Lynard Olson, Stephanie Ooten, Michael Openshaw, Kerry Orr, William Panek, Bob Pannell, Julia Pannell, Phil Papick, Stephen Parker, Robert Parmelee, Charlotte Parrack, Jack Parrott, Tommy Parson, Jerita Parson, James Parsons, Drew Parsons, Tony Pate, Dennis Patience, Penny Patterson, Alan Paul, Nancy Paul, Susan Payne, Stephen Pazak, Al Peabody, Tom Peabody, Julio Pedrego, Danny Pelton, Krystal Pence, Jane Penny, Rick Penny.

Sheilah Pepper, Suzanne Perry-Coomes, Jimmie Perryman, Kevin Peterson, Thomas Petross, Lisa Philbrook, Deborah Phillips, Michael Phillips, Charles Phillips, Joan Phillips, Bob Phillips, Deborah Piacente, Steven Pierce, Burris Pigg, Robert Pigg, Chad Pigott, D. Pinion, Kent Pippin, Kent Pippin, Jack Pirkey, Roy L. Poage, Monti Pogue, Patricia Pokladnik, Lisa Polasek, Coyote Shadow Pons, William Potter, James Potter, Alyda Luann Pratt, William Prazak, Anita Prescott, Glenda Price, Willie Price, Gaylene Price, Allan Price, Gwynn Prideaux, Thomas Pritchard, Jennifer Pruett, Janie Pryor, Justin Pugh, Chris Pumphrey, Dick Pumphrey, James Quintero, Beverly Rackler, Wallace Rackler, Kate Raetz, Robert C. Ramirez.

Francine Raper, Gary Raper, Lonni Raschke, Nancy Ray, Melvin Reams, Jim Reaves, Mary Reid, Lauren Reiter, Kennon Reynolds, Lorrie Rice, Scott Rich, Nita Richardson, James Richey, Wanda Rickaway, Cynthia Ridgeway, Pam Ridlehuber, JackPatty Riley, Jon Rimbey, Juan Riojas, Mark Risley, Mike Rivard, James Roach, Laura Roberts, Joann Robinson, Charles Rodenburg, Doug Roeber, Henry Roeber, Dorris Roeber, Gerald Roehrig, Janice Rogers, Joshua Rogers, Arnold Romberg, Suzy Romberg, Douglas Rood, Grant Ross, Barbara Rozell, Lisa Rubey, Michael Rudnik, Michael Russell, Michael Rutherford, Loyd

Rutledge, John Ryan, Joseph Sadowski, Wayne Sanderson, Frederick Saporosky III, Thomas D. Saunders.

Kathy I. Saunders, Thomas D. Saunders, Barbara Schatz, Dan Scheffel, Cathy Scheffel, Cody Schilling, Thomas Schneider, Jim Schroeder, Charles Schwertner, Gordon Scott, Dennis Scullion, L. Seale, Susan Seider, Leonard Seitz, Chuck Senter, Dennis Sessions, Vicky Sexton, Carter Sharpe, Taylor Sharpe, Ann Shaver, David Shaw, J. Shaw, David Shaw, Karen Shaw, James Shelton, Doris Shields, Doris Shields, Lucy Shipman, James Shipman, Jr., Lawler Shirley, Foster Simmons, Frank Simon, Maurice Simpson, Rose Simpson, Judy Singer, Harold R. Skelton, Paula Skipworth, Tommy L. Sloan, Susan L. Sloan, Harold Smith, Dr. Derek L. Smith, Billy Smith, Colleen Smith, Charles Smith, Sara Smith, Norman Smith, Lynn Smith, C.L. Smith, Joan Smith, Barbara Smith, Gary Smith, Codie Smith, Jonathan Smythe, Dickie Wayne Snider, George Sobata, Elizabeth Solomon, Brad Somers, Bill Spencer, James Squires, Karen Stack, Martha Stalkfleet, Brad Stalkfleet, Ron Stanfield, Sherri Stanfield, Cherri Stanley, Bob Stewart, Betty Stewart, Nancy Stewart, Joe Stewart, Robert Stewart, Stephen Storm, George Strake, Jr., Janice Strunk, Julie Su, Franklin Sullivan, William Sumerford, Kathy Sumerford, Linda Swening, Al Swening, Roy Swift, Jane Swift, Steven Sykes, Jeane Syring, Michael Tabinski, Daniel Tague, Sherri Tally, Joline Tate, Herbie Taylor, Joan Terrell, Janis Terrell, Amy Terrell, Roy Thackerson.

Donna Thackerson, Ray Thompson, John Thompson, Mary Ann Thompson, Bill Thrailkill, Kay Tibbels, Michael Tibbets, David Tickner, Danny Tollison, Richard Tondre, Sandra Tongate, Warren Tongate, Martha Townsend, Amy Traylor, Mark Traylor, Cheryl Troxel, Janelle Truex, Charlotte Tucker, David Tucker, Kathleen Tully, Betty Turner, Beverly Uhlmer, Steven Vandiver, Elizabeth Vannett, Susan Vela, Camille Vela, Colby Vidrine, Michael Vieira, Wilfred Vincent, David Vinyard, Hansel Von Quenzer, Pat Wade, Wilda Wahrenbrock, Joy Waldrep, Milton Waldrep, Aric Waldron, Tena Walker, Joseph Walker, Toby Marie Walker, Letitia Wall, Patsy Wallace, Susan Waller, Doug Walters, Patsy Walton, Mary Ward, Dan Ward.

Regina Watkins, Ken Watson, Dean Watson, Phyllis Weatherston, Stanley Webb, Oren Webb, Susan Webb, Priscilla Weisend, Jo Ellen Welborn, Melissa Welch, Erin Werley, Patsy West, Ronnie Westfall, Lawrence Whaley, Debbie Wharton, Randy Wharton, Kenneth White, Lewis White, Jack Whitele, Leona Whitele, Don Whitney, Jane Whittaker, Lynn Whittington, Matt Wiederstein, Birt Wilkerson, Birt Wilkerson, Jennifer Williams, Larry Williams, Jack Williams, Paul Williams, Jack Wilson, Donna Wilson, Peggy M. Wilson, Betty Wilson, Mark Wilson, Bob Wilson, Gary Wilson, Lawrence Winkler, Gerri Winkler, Tom Wisdom, Marie Wolfe, Richard Womack, Candace Womack, Martha Wong, Betsy Wood, Blake Woodall, Roy Wooten, John T. Wright, Roger Yates, Gene Yentzen, Judy Yentzen, Joseph Yeo, Tammy Youngblood, Byron Youngblood, Carolyn Zapata, Victor Zengerle, Joseph L. Zimmer, Coy Zumwalt.

Mr. CONYERS. Mr. Speaker, it is now my privilege to yield to JESSE JACKSON, Jr., a distinguished Member from Chicago, Illinois, as much time as he may consume.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to H.J. Res. 2, the balanced budget amendment. We do need to responsibly reduce our budget deficits and debt, but the best way to do that is by investing, building, and growing our economy, or through balanced economic growth, not a balanced budget amendment.

What is the most important question to be raised with respect to the BBA? We have serious gaps in our society that need to be narrowed. Economic gaps between the rich and the poor—ask the 99 percent. Social gaps between racial minorities and the majority population. Gender gaps—woman earn 76 cents for the dollar of what men earn. Generational gaps—will Social Security be there for the next generation? Infrastructure gaps—upgrades to roads, bridges, ports, levees, water and sewer systems, high-speed rail, airports and more in order to remain competitive in the world marketplace.

So the most important question, Mr. Speaker, is this: How does the BBA narrow these economic, social, gender, generational, and infrastructure gaps? It won't. It simply exacerbates them. The BBA will permanently establish the United States as a separate and unequal society. The BBA will balance the Federal budget on the backs of the poor, the working class, and the middle class.

The Center on Budget and Policy Priorities and Citizens for Tax Justice say that the BBA would damage our economy by making recessions deeper and more frequent; heighten the risk of default and jeopardize the full faith and credit of the U.S. Government; lead to reductions in needed investments for the future; and favor wealthy Americans over middle and low-income Americans by making it far more difficult to raise revenues and easier to cut programs. And it would weaken the principle of majority rule.

Before this Congress affirms a balanced budget amendment, we need to consider our future—not just the future of America's debt, but America's future. Do we want a future that is bright with promise; a future with innovation; a future with the best schools, the brightest students, and the strongest and healthiest workers? Do we want to continue to lead in the world? My answer is yes.

Mr. Speaker, I respectfully urge my colleagues to vote "no" on this irresponsible and shortsighted amendment.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to answer the question, what do the 99 percent want? Well, CNN asked them in July. The answer was 74 percent favored a balanced budget amendment; 74 percent of men, 75 percent of women, 76 percent of white voters, 72 percent of nonwhite voters, 72 percent of 18- to 34-year-olds, 74 percent of 35- to 49-year-olds, 75 percent of 50- to 64-year-olds, 79 percent of

65 and older voters want a balanced budget amendment to the United States Constitution.

At this time, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. CULBERSON), a member of the Appropriations Committee.

Mr. CULBERSON. Mr. Speaker, I first of all want to thank the Congressman from Virginia. BOB GOODLATTE has been a relentless and tireless advocate for balancing the budget of the United States of America with a constitutional amendment. And we are here tonight debating it because of his perseverance. I want to thank Speaker BOEHNER. I want to thank the people of America for electing a constitutional majority to the House—elections make a huge difference.

We must pass this amendment to the Constitution tonight. The Senate must take a vote on it. And the people of America should hold every Member of Congress accountable for their vote because this is a defining vote on a defining evening for the United States Congress. How much more prosperous would America be today if the Senate had passed this amendment 16 years ago? How much stronger would America be today?

The Chairman of the Joint Chiefs of Staff has said, as has been pointed out earlier, that America's greatest strategic threat is our national debt. What better evidence of that is there than that the people of Europe tonight are facing panic selling of European Union debt. Greece, Italy, and Portugal are all on the brink.

We cannot let America continue down this path. We have an obligation to our children and grandchildren to ensure that the Nation's books are balanced just as every American must do, just as 49 out of 50 States must do, just as every business in America must do.

This is just fundamental common sense. No amount of confusion or distraction on the part of the opponents can divert the country's attention from the simple, commonsense fact that an amendment to the Constitution requiring a balanced budget requires America to live within its means, to spend no more than is brought in by revenue.

□ 1850

My hero, Thomas Jefferson, said, and his words ring so true today in light of the problems we face, that to preserve our independence as Americans, we must not let our rulers load us down with perpetual debt. We must make our choice, America, between economy and liberty and perfusion and servitude.

I want to thank Congressman GOODLATTE for his leadership and perseverance on this vitally important issue. And I'm looking forward to the day, in 15 to 16 years from today, when this amendment passes the Congress, when it passes the States overwhelmingly, so that my daughter and her children will

inherit an America that's more prosperous and more secure because of BOB GOODLATTE and JOHN BOEHNER's leadership in bringing this to the floor tonight so that we will, as a Nation, continue to live within our means.

Mr. CONYERS. I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. MEEHAN), chairman of the Counterterrorism and Intelligence Subcommittee of the Homeland Security Committee.

Mr. MEEHAN. Thank you, Mr. Chairman, for yielding.

One trillion \$1 bills. We're talking about trying to make sense of a trillion dollars. If they were stacked on top of each other, they would reach nearly 68,000 miles into the sky, about a third of the way from the Earth to the Moon. As of yesterday, our national debt was 15 times that \$1 trillion.

Fifteen years ago the balanced budget amendment passed the House with bipartisan support, only to lose by one vote in the Senate. Since that time, our Nation's debt has grown \$9.2 trillion more.

Every day families make tough decisions in order to live within their means. But when it comes to our country's bank account, both parties in Washington simply don't practice these responsible habits.

It is wrong for us to accumulate this mounting debt that we know we're never going to repay. Instead, we expect our children and our grandchildren to do so. It's our obligation to pass on the blessings of liberty, not a crushing debt to our posterity.

A certain way to ensure that is that Congress and the President will not allow the U.S. to be driven further into debt, and that is to pass an amendment to the Constitution forcing our government to balance the budget each year. Promising to make cuts in Federal spending is one thing, but an amendment to the Constitution demanding it is quite another.

A balanced budget would legally force Congress to spend only what it takes in, and it protects taxpayers and small businesses from the threat of higher taxes to cover Washington's spending habits. This will be for a better future for our children and our Nation.

Mr. CONYERS. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. FARENTHOLD), a member of the Homeland Security Committee.

Mr. FARENTHOLD. I thank the gentleman for yielding.

Every month, millions of American families make tough financial decisions about how they'll pay their bills, balance their budget, and make ends meet. They make tough choices and do

without things they want so they can have the things that they need. The American people have to make these tough choices, and we, as their elected leaders, need to do the same thing. America cannot continue to spend more than we take in.

A balanced budget amendment to the Constitution will ensure our grandchildren do not have to deal with the reckless mistakes Congress has already made by overspending and excessive borrowing. Our vote on this amendment will show hardworking American taxpayers who have a hard time balancing their own budgets which Members of Congress get it and who are doing their jobs that they are elected to do.

The current national debt is over \$15 trillion, and that's way too much. Passing a balanced budget is the best way to ensure that we don't spend money we don't have on programs we don't need.

The American people want a government that is responsible and accountable. A balanced budget, like almost every State has, like almost every family lives with, is a key to this responsibility and accountability. It makes our economy stronger and healthier and preserves this great Nation for generations to come.

Mr. CONYERS. Mr. Speaker, how much time remains on each side, please?

The SPEAKER pro tempore. The gentleman from Michigan has 86¼ minutes remaining. The gentleman from Virginia has 91 minutes remaining.

Mr. CONYERS. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. I thank the gentleman from Virginia (Mr. GOODLATTE) for introducing the bill, and I thank the gentleman from Virginia for the time.

You know, I'm part of the Blue Dog Coalition, a group of conservative Democrats, and for 16 years the Blue Dogs have been advocating a balanced budget amendment.

It really shouldn't be about Democrats and Republicans. Since I've been in Congress, I've been here when Democrats controlled Congress and Republicans controlled Congress. I've been here when Democrats controlled the White House and Republicans controlled the White House, and neither party has the best track record on the deficit issue. And that's why I think the balanced budget amendment makes sense, because I think we need a structural requirement that brings everyone to the table and says this is what you've got to do, Democrats or Republicans.

This shouldn't be a partisan issue. This should be an issue about setting a

path forward that creates stability and sends the right message to the American people and to the rest of the world that we know how to live within our means.

Now, I have to say that I wish we had more support on my side of the aisle than we do because, as I said, I don't think it's a Democratic or Republican issue. I think it's an issue that we all ought to be looking at—balancing the books, balancing your budget. Families do it every day. States do it. At least 49 States have a requirement for a balanced budget. I think that this country needs that, too, and I urge all my colleagues to support this amendment and put us on a path to fiscal responsibility.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute to ask the speaker who just finished, if I could gain his attention for a moment. I thank the gentleman for coming back into the well.

Does the gentleman agree with me, in examining this bill, that this bill risks default by the United States by requiring a supermajority to raise the debt limit, which is not the case now? I yield to my friend.

Mr. MATHESON. I think it's the same threshold that requires us to make a decision to deficit spend. It's the same supermajority for that as well. So I think that what we do is we're putting a requirement in where, if you want to default or if you want to raise the debt limit or if you want to deficit spend, it requires a supermajority. But if you want to pass a budget that is within balance, it doesn't require a supermajority. It requires a simple majority, and that's the way the bill is structured.

Mr. CONYERS. Did the gentleman say yes or no to my question?

Mr. MATHESON. I said no.

Mr. CONYERS. That a supermajority is not required to raise the debt limit under this bill?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield myself an additional minute, and I yield to my friend.

Mr. MATHESON. As I said, let's not do apples and oranges here. Let's do apples and apples. If this Congress wants to act in a way to pass a balanced budget, it doesn't require a supermajority. If this Congress wants to make a decision to deficit spend, it can do that with a supermajority, and that's the same requirement as if it wants to raise the debt limit.

By the way, if a simple majority balances the budget, there is no need to raise the debt limit. There's no need to raise the debt limit if we have a balanced budget, and that would be a simple majority to pass a balanced budget each year.

Mr. CONYERS. I want to thank my colleague for answering the question.

I would like now to turn to the gentleman who represents the majority, a

distinguished member of the Judiciary Committee, Mr. GOODLATTE.

The SPEAKER pro tempore. The time of the gentleman has again expired.

□ 1900

Mr. CONYERS. I yield myself 2 additional minutes.

I would like to ask him if he is aware of the fact that H.J. Res. 2 would require a supermajority to raise the debt limit.

I'm pleased to yield to the gentleman.

Mr. GOODLATTE. As the gentleman from Utah correctly noted, it requires the same supermajority of 60 percent to not balance the budget or to raise the debt limit. Quite frankly, if you have a constitutional amendment in place that requires a balanced budget, you're going to generate surpluses most years, and therefore raising the debt limit will occur less and less frequently. But those two requirements are in place in order to have an enforcement mechanism so that Congresses of the future will not do what Congresses of the past have been doing.

Mr. CONYERS. Did the gentleman answer me with a "yes"?

Mr. GOODLATTE. Would the gentleman repeat that question?

Mr. CONYERS. Did the gentleman understand the question?

Mr. GOODLATTE. I understand it and answered it.

Mr. CONYERS. Was the answer "yes" or "no" to my question?

Mr. GOODLATTE. The answer is, yes, it requires a supermajority to raise the debt limit and a supermajority to not balance the budget, which would be an unusual thing in the future because in the last 50 years, it's only been balanced six times.

Mr. CONYERS. Then let me ask my colleague this question: Does it presently require a supermajority to raise the debt limit?

Mr. GOODLATTE. No, there is no such requirement today.

Mr. CONYERS. Thank you. It isn't. And there would be in this bill, would it not?

Mr. GOODLATTE. Absolutely.

Mr. CONYERS. And the gentleman supports a supermajority to raise the debt limit?

Mr. GOODLATTE. Very much so.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Is the gentleman aware that under such a scenario, a budget crisis in which a default becomes a more threat is more likely because the limits placed on the fluidity of the debt ceiling—

The SPEAKER pro tempore. The time of the gentleman from Michigan has again expired.

Mr. CONYERS. I yield myself an additional 3 minutes and continue to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman. My question is of the chairman as well.

Under such a scenario where a three-fifths vote of the House would be permitted to raise the debt limit, a budget crisis in which a default becomes a more threat is obviously more likely. And because of the limits placed on the fluidity of the debt ceiling, that default becomes more likely to occur.

Is it the gentleman's opinion that a small minority within the Congress could indeed hold the entire Nation hostage to such a vote?

Mr. GOODLATTE. I don't agree with that at all. In fact, in the greatest debt limit crisis you might ever say we've had, which was just this summer, close to, if not in excess of, 60 percent of the Members of the House voted to raise the debt limit. So I don't believe that future Congresses would be any more irresponsible. I think future Congresses are likely to be more responsible than prior Congresses because we have not balanced the budget for but six times in the last 50 years.

We have a \$15 trillion debt.

Mr. JACKSON of Illinois. May I reclaim the time?

Mr. Chairman, in the event that Congress fails to act, obviously under this amendment the courts would be empowered to provide remedial orders for when Congress failed to provide a balanced budget. The decisions would then force the courts to be political in nature.

Is it the gentleman's opinion that the judicial branch and that members of the court are in a better position to make judgements about congressional budgets and about the Nation's budgets than Members of Congress?

Mr. GOODLATTE. It's my opinion that Members of the United States Congress will uphold the oath to uphold the Constitution of the United States. And that scenario will be very unlikely to occur; and when it does, judges will, as they historically have on matters involving the internal business of the Congress, exercise judicial restraint.

Mr. JACKSON of Illinois. Respectfully, Mr. Chairman, the courts could then mandate a government shutdown once revenue has been expended, unlike the CRs that Congress passes.

Mr. NADLER. Will the gentleman yield?

Mr. JACKSON of Illinois. I would be happy to yield.

Mr. NADLER. Just two comments.

First of all, going back to what you were discussing a moment ago, the answer to your question is that under this amendment, 40 percent of either House could hold the entire country hostage against the other 60 percent. Sixty percent could want a balanced budget and there may be a necessity for an increase in the debt ceiling, but 40 percent could say no. Forty percent

could hold the country hostage as we saw the country was held hostage this year. With this, it would be much easier to hold the country hostage because the minority, not a small minority, but 40 percent could do it.

Secondly, if the gentleman's answer is correct that the courts would exercise judicial restraint and not make decisions on tax increases or revenue or spending cuts, then there's no point to this whole amendment because you're saying it's unenforceable. Either the amendment is enforced by action of the court or it's not enforced.

The SPEAKER pro tempore. The time of the gentleman from Michigan has again expired.

Mr. CONYERS. I yield myself an additional 3 minutes.

The SPEAKER pro tempore. Does the gentleman from Michigan wish to yield the time to the gentleman from Illinois?

Mr. CONYERS. I would yield time to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman, the distinguished ranking member, and I thank the chairman for his response, but I want to raise a question with Mr. NADLER, a distinguished constitutionalist.

The courts could mandate, therefore, if Congress failed to pass a balanced budget, it could mandate a government shutdown once revenue has been expended; is that correct?

Mr. NADLER. The amendment is silent. All it says is "this will happen." "This must happen." When this must happen in our system of government, if it doesn't, or if someone thinks it's not going to, they go to court and they ask for a court order to make sure it happens.

The court either will—there are two possibilities and only two. One, the court will say, Here's how we'll make an order. We'll raise this tax, we'll lower that expenditure; or the court will say, in which case you have unelected judges making those decisions—and this amendment gives no guidance on how to make those decisions—or the court will say as the gentleman from Virginia just suggested the court would do, the court will exercise judicial restraint and will say this is a political question. We decline to make any order, in which case this amendment is not worth the paper it's written on because it's not enforceable at all.

Either it's enforceable by the court saying increase this tax, decrease that expenditure, or it's not enforceable and it's a total joke. One way or the other.

Mr. CONYERS. I would like to yield to the distinguished gentleman from Virginia, BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

I think one of the things we're forgetting is that during that spectacle last August, the United States lost its

triple A credit rating, and it was a simple majority.

I just think you cannot make a serious case that it is fiscally responsible to increase the likelihood that we would go through that spectacle again.

The other is we talk about a simple majority for a balanced budget or a supermajority for an unbalanced budget. We forget that a serious deficit reduction is technically unbalanced and you need three-fifths to pass a deficit reduction plan. And if you have a question of three-fifths to pass a serious deficit reduction or new tax cuts and new spending totally irresponsible; and if we know we need three-fifths this year to pass a budget, deficit reduction, as you get closer and closer, how are you going to get those extra votes?

Now, the tradition has been you get those extra votes with a little pork here, a little pork there; and rather than buying enough pork to get to a simple majority, you're going to have to give away enough to get to a 60 percent. And so the question is whether the three-fifths vote will make it more likely that you're going to have a serious deficit reduction or a totally irresponsible budget.

In my view, I think the experience is it's hard enough to get a simple majority to pass meaningful deficit reduction. You will never get to three-fifths, so you get your new tax cuts. You get your new spending. I'm going to get another aircraft carrier out of it. I don't know what you want. But we need to get to three-fifths. You get it by more spending and more tax cuts.

Mr. CONYERS. Could I conclude on this side by asking my friend from Virginia (Mr. GOODLATTE) if he shares the view offered by Mr. SCOTT?

Mr. GOODLATTE. No, I very definitely do not share the view offered by my good friend and colleague from Virginia (Mr. SCOTT).

The fact of the matter is the downgrade that we received in the bond ratings was due to the fact that we have a \$15 trillion debt and the Congress has not come to agreement on sufficient reductions in that debt to satisfy the bond rating agencies. A balanced budget amendment to the United States Constitution is exactly what's needed to put that kind of pressure on the Congress to make real and meaningful reductions in our deficits.

The SPEAKER pro tempore. The time of the gentleman from Michigan has again expired.

Mr. CONYERS. Could I get some time from the other side to continue this discussion?

Mr. GOODLATTE. I have a lot of Members who are planning to come tomorrow to debate this issue, and I'm going to have to reserve our time for that purpose.

□ 1910

Mr. CONYERS. The time is already allotted for tomorrow. The time we use

tonight will not be put on tomorrow. We have divided the time up, so you have a few minutes left if the gentleman cares to share it.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SCOTT of Virginia. Can time unused tonight be carried over tomorrow?

The SPEAKER pro tempore. Time unused tonight can be used tomorrow.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from North Dakota (Mr. BERG).

Mr. BERG. I thank the chairman for yielding.

One year ago, as House freshmen, we came out here. We were elected to change how Washington works.

When we arrived in Washington, there was one thing we agreed on, and that was that our country was on an unsustainable path. As I'm here tonight, listening to some of this debate, I'm stunned that the way you get 260 votes is with pork. This is what's wrong with Washington. This is why it has to change.

We know the crisis we're in. We've heard that the \$15 trillion of debt matches our whole country's economy. Fifteen years ago, had we passed a balanced budget amendment, America would be the financial powerhouse of the globe. We would not be comparing ourselves to Greece and comparing ourselves to Europe.

I strongly believe that the one fundamental thing we can do to change the way Washington does business is to have a balanced budget amendment. We wouldn't need this amendment if we actually balanced the budget. We are at a critical stage in our Nation's history, and tomorrow, we have the opportunity to make the future look better—by passing this balanced budget amendment.

This is Congress' opportunity to get it right. We can pass a balanced budget amendment, and we can change the course of our country's future. It's time. Now is the time for a balanced budget amendment.

Mr. CONYERS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 76¼ minutes remaining.

Mr. CONYERS. I yield myself 1¼ minutes, the time allotted us for tonight.

I think the instructive discussion that we've had here tonight illustrates an irreconcilable problem with the requirement that a supermajority is necessary under H.J. Res. 2 to raise the debt limit. It's frequently difficult enough to raise the debt limit with a simple majority, so I'm sure that everyone in this Chamber will realize, by raising the requirement by a considerable figure, it is going to make it nearly impossible to raise the debt limit.

We've just gone through a summer of problems of raising the debt limit by a simple majority. Now, tonight, we are told that we're going to make this a constitutional proposition, which will make it even more difficult.

Just for the record, for the last time, I yield to the gentleman from Virginia for an explanation:

Would you explain to me how raising the debt limit to a supermajority is going to facilitate a more progressive or operative Congress.

Mr. GOODLATTE. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. The goal is to balance the budget and to pay down this enormous national debt of \$15 trillion.

The SPEAKER pro tempore. The time of the gentleman has expired.

Does the gentleman from Michigan seek to yield himself additional time or does the gentleman from Michigan reserve?

Mr. CONYERS. We have no more time.

Mr. GOODLATTE. How much time remains on this side of the aisle?

The SPEAKER pro tempore. The gentleman from Virginia has 88½ minutes remaining.

Mr. GOODLATTE. I yield myself 30 seconds just to say to the gentleman that the only time you're going to need to raise the debt limit is on an occasion when you've already voted by a supermajority to not balance the budget. Therefore, under those circumstances, it seems entirely reasonable to me that you'd also have a supermajority to raise the debt limit.

That, I think, is the key to that provision. It's a discipline in this bill.

Mr. JACKSON of Illinois. Will the distinguished chairman yield for just one question?

Mr. GOODLATTE. I yield to the gentleman.

Mr. JACKSON of Illinois. Mr. Chairman, what is it that qualifies a Federal judge to make a decision about the Federal budget process?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds to respond to the gentleman.

I will just say to the gentleman that the doctrines that the court has imposed upon internal operations of the Congress have historically called for judicial restraint, so it will be very rare, in my opinion, that you will find courts involved in this process. I believe that there is very good material, which we have put into the record in the Judiciary Committee, that would reflect upon just that process. This is something that the Congress has to resolve for itself, and that's why we need it in the Constitution, because the Congress does not resolve it now.

I reserve the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise in strong opposition to H.J. Res. 2, the proposed Balanced Budget Amendment to the Constitution of the United States, and I appeal to my colleagues to join me in rejecting this ill-considered and unwise amendment to the world's greatest national charter.

I oppose the proposed amendment for three principle reasons:

First, it is unfair, since it would roll back Social Security, Medicaid, Medicare, unemployment insurance, nutrition assistance, and other programs with expenditures that fluctuate over time.

Second, it is dangerous, as it would effectively cripple the Federal Government's efforts to respond to economic emergencies like the Great Depression and the present crisis.

Third, it will be nearly impossible to enforce, thus opening the door to judicial activism and intervention involving every act of Congress with a mechanism for raising revenue.

Worse, the proposed amendment, if ratified, would result in an unprecedented transfer of power from the Legislature, the first branch of government, to the Judiciary, the third and least accountable branch.

At first glance, the balanced budget amendment seems like a good idea, but its superficial appeal vanishes when one examines its key provisions closely.

Proponents argue that the Federal Government should be required to balance its budget, spending no more than it takes in, like most American families.

The problem with this analogy is that it is simply untrue. In real life, most families and businesses do not limit expenditures to the amount of revenues. They borrow and take on debt to buy homes, send kids to college, and cope with unexpected emergencies.

Forcibly balancing the federal budget would be like telling families that they are prohibited from borrowing or taking out any loan, ever—no matter how good their credit or how prudent their financing plan may be. It bars the government from taking out loans and enforces cuts on social programs while making tax cuts to the wealthy a permanent fixture.

The passage and ratification of H.J. Res. 2 would mean massive cuts to Medicare, Social Security, and many other programs. Obligations will not be met because there will literally not exist enough money in circulation to pay for them.

The destruction of these programs is the true aim of this legislation. It would force spending cuts by requiring a majority vote of the whole number of each chamber for all legislation imposing or increasing a tax, while requiring only a simple majority of those present to cut out funding for vital social programs.

Moreover, without deficit spending, programs intended to combat economic downturns such as unemployment insurance, Temporary Assistance for Needy Families (TANF), and food stamps would be jeopardized. Known as automatic stabilizers, these programs grow when the economy dips and cushion the blow for those hardest hit by recessions.

Increased outlays for these programs, which have no set budgets since they follow the fluctuations of the economy, will come into direct conflict with a balanced budget amendment, meaning harder times for those without work.

Equally bad is that under H.J. Res. 2, necessary stimulus such as the New Deal legislation of the 1930s or the Recovery Act of 2009 would be nearly impossible to pass. We would have no way to stimulate the economy at critical points to respond to downturns of the business cycle.

The result is that what would otherwise be a mild recession could spiral down into a great depression.

Imagine if the balanced budget amendment was in effect in 2008, when this Nation was on the brink of an economic meltdown. Instead of rescuing the savings of millions and saving the nation's automobile manufacturing industry, the Federal Government would have been busying itself with cutting Social Security, national parks, cancer research, Medicaid, defense, and hundreds of other programs.

That was the Hoover response to the Great Depression which was repudiated by voters and replaced by Roosevelt's New Deal.

Like its variants, H.J. Res. 2 is incredibly vague on how it would be measured and enforced.

There is no way to accurately balance the budget, since the Congressional Budget Office, whose job it is to predict expenditures, is often off by hundreds of billions of dollars a year.

If revenues fall short because of a projection error, the Federal Government could conceivably come to a halt toward the end of the fiscal year and stop paying benefits to Social Security.

I Finally, since it is an amendment to the Constitution, it would ultimately fall to the judiciary to define and implement economic policy. This will burden the courts with issues that are intrinsically political in nature.

H.J. Res. 2 also comes with an escape clause, whereby under a three-fifths vote, the provisions of the amendment may be waived. The Constitution is a statement of fundamental principles, such as free speech and equal protection under the law. The fact the proposed amendment can be waived so easily by Congress reveals that this entire exercise is merely theater intended by the Republican majority to placate its fervent base of Tea Partiers.

H.J. Res. 2 is a terrible idea and would be bad for our country. I urge my colleagues to reject this ill-advised and poorly-conceived amendment to the greatest constitution ever devised.

Mr. BACHUS. Mr. Speaker, families across America have to live within their means and balance their budgets. Sometimes it means making hard decisions and giving up things that you might like but can't afford. For too long, Washington has avoided making those choices. Its practice has not been to control spending but to keep borrowing more and more. For families, this approach results in bankruptcy. For countries, it leads to the financially and socially perilous situation that we are seeing in Greece and other debt-ridden nations. It is very clear that the only sure way to bring long-term fiscal discipline to Washington is to adopt a Balanced Budget Amendment to the Constitution. The Balanced Budget Amendment will provide us with a disciplined framework for the important decisions on entitlement changes and other spending reforms that will be needed to place America on

firmer fiscal ground. Amending the Constitution is not something that should ever be done lightly. But I truly believe that what is at stake here is the financial integrity of our country and the future prosperity of our children and grandchildren. Our parents left us with a stronger America. We do not want to leave them with a weaker one.

Ms. BROWN of Florida. Mr. Speaker, I want to thank the Ranking Member for the time to speak on this horrible legislation. The supposed reason for bringing up this amendment is because this country has taken on a horrible debt over the last 12 years.

Let us not forget how we got in this mess. Institutional memory is in order. When you have your head in the lion's mouth, you ease it out. What happened? How did we get here? When President Clinton left, we were operating with a surplus. But we had 8 years of Bush and two wars and a deficit of \$1.3 trillion.

Do you think this mess started when President Obama was elected? No, it did not.

We have been practicing what I call reverse Robin Hood for 10 years. Nobody remembers what happened here just last December? We gave \$800 billion to not just millionaires, but to billionaires and now you complain that we are broke.

It is all about your priorities.

Under this balanced budget amendment, elderly citizens are not a priority. Medicare, Medicaid and Social Security would have to compete against all other federal spending. A balanced budget would require Congress to cut all programs by an average of 17.3 percent by 2018. If spending cuts are spread proportionately, Medicare would be cut by about \$750 billion, Social Security by almost \$1.2 trillion, and veterans' benefits by \$85 billion.

Transportation infrastructure is not a priority. We know for every billion dollars that we spend, it generates 44,000 permanent jobs. Without transportation infrastructure, we cannot compete on a global level. While private businesses and households borrow all the time to finance capital spending, a balanced budget amendment would prevent federal borrowing to finance any investment expenditures.

Our priorities are out of whack when we cannot agree to protect those who need our help the most: the poor, the working class and the sick.

I am hoping that the American people will wake up. It is shameful that over and over again in the people's House, in the people's House, we attack the people who do not have lobbyists on Capitol Hill. And so I yield back the balance of my time, but I do know that elections have consequences. The American people are watching you.

Do not support this sham of a policy.

Vote no on the Balanced Budget Amendment.

Mr. GENE GREEN of Texas. Mr. Speaker, I oppose this balanced budget amendment. It's not because I support reckless spending, deficit spending, or believe that we don't have a fiscal problem in this country. I oppose this balanced budget amendment because I believe it is a heavy handed approach, which has the potential to harm Social Security and Medicare recipients and will hamstring our Na-

tion's ability to respond to natural disasters, terrorist attacks, and acts of war.

We balanced our budget in the 1990s without a balanced budget amendment to our Constitution and we can do it again. Balancing our budget is good policy, I am even open to the idea of a carefully crafted amendment that will not threaten Social Security and Medicare recipients and not endanger our future national security and emergency preparedness. The proposal before us today does none of this and is just bad policy.

It is true that our Nation's debt has gotten too big and it is projected to expand even more if nothing is done to curtail it. For this reason, I support immediate measures to reduce our debt to a level that is both manageable and sustainable, which will put our country on a path to economic stability and prosperity. I oppose this proposal, but look forward to working with my colleagues, Democrat and Republican, to find better ways to address our fiscal challenges.

Mr. MARCHANT. Mr. Speaker, today the House is scheduled to consider House Joint Resolution No. 2. This bill proposes a balanced budget amendment to the Constitution. I am very proud to be a cosponsor of this legislation. The national debt just climbed above \$15 trillion. We know that Washington should not spend more than it takes in. We know this, but we continue to rack up massive yearly deficits. We need a balanced budget amendment now more than ever.

Before being elected to Congress, I served as a city councilman for 4 years, as a mayor for 2 years, and as a state representative for 18 years. During my entire twenty-four years of combined state and local government service, by law I was always required to have a balanced budget. We should mandate the same requirement for the federal government that most state and local governments have to produce a balanced budget.

Earlier this year, the Texas Legislature called on Congress to propose and submit to the states a balanced budget amendment. I am pleased that the House is taking the first step to fulfill this request made by Texas and other states. I look forward to continuing the fight for its passage and ratification. Our fiscal problems are not getting any easier. We cannot simply continue to kick the can down the road. The longer that we wait only makes our fiscal problems that much more difficult to solve.

We must act now before we further ruin the economic futures of our children and grandchildren. We cannot ignore our fiscal situation any longer. The Federal Government must balance its budget. A balanced budget amendment is the ultimate solution to our current lack of fiscal discipline.

I strongly urge my colleagues to join me in voting in favor of this bipartisan resolution.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 466, further consideration of this motion is postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3094, WORKFORCE DEMOCRACY AND FAIRNESS ACT

Ms. FOXX, from the Committee on Rules (during consideration of H.J. Res. 2), submitted a privileged report (Rept. No. 112-291) on the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

AUTHORIZATION OF CONTINUED PRODUCTION OF NAVAL PETROLEUM RESERVES BEYOND APRIL 5, 2012—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-73)

The SPEAKER pro tempore (Mr. FARENTHOLD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services and ordered to be printed:

To The Congress of the United States:

Consistent with section 7422(c)(2) of title 10, United States Code, I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2012, the expiration date of the currently authorized period of production.

Attached is a copy of the report investigating continued production of the Reserves, consistent with section 7422(c)(2)(B) of title 10. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

BARACK OBAMA.

THE WHITE HOUSE, November 17, 2011.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2112) "An Act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes."

□ 1920

PROGRESSIVE CAUCUS HOUR: THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON LEE of Texas. Mr. Speaker, I am grateful for the opportunity to allow members of the Progressive Caucus to continue this discussion and as well to continue to educate the American public.

It is worth noting that part of the discussion that occurred on the floor of the House is that we have come to this point, if I might say, through a peculiar process. Some might call it hostage-taking, but certainly it is a process that has skewed, if you will, the regular order of this Congress.

This little book, the Constitution of the United States, that can fit into a document of this size, even though it is found in law books and many major large-sized books in the Library of Congress, hopefully convinces the American people of the wisdom of the Founding Fathers. It is noteworthy that they did not include a balanced budget amendment in the first group of amendments called the Bill of Rights. And even as they proceeded, they took the challenge of speaking to any number of issues, the freeing of the slaves in the 13th, 14th, and 15th Amendments, giving the right to vote finally in the 15th Amendment, suggesting that there should be no obstacles to voting. They went on to the 24th Amendment to indicate that there should be no poll tax, the 19th Amendment giving women the right to vote. But never did they feel the necessity to talk about a balanced budget amendment.

The reason, I believe, that they cast their lot on the responsible thinking of Members of Congress is because that is what we are supposed to do. We are supposed to be responsible Members of the United States Congress with no intervening body, no layered approach, no handcuffing of our deliberation. And that's what a balanced budget amendment is all about.

You've just listened to a portion of our debate. We will go on into tomorrow, mind you, taking up 5 hours of time that could be dedicated to coming together around job creation.

The underlying premise of this bill, Mr. Speaker, is that two-thirds of this body, two-thirds of the other body, and three-quarters of the States must consent to a balanced budget amendment. Thank goodness that our Founding Fathers made amending the Constitution so difficult. And that is because they wanted us to be thoughtful. So when we think of the amendments that are in this book, this little book that

starts off with "We, the people," a part of the Declaration of Independence, and then the beginning part of the Constitution says that we have come together "to form a more perfect union," they've made it that challenging so that we could be thoughtful in our moving amendments.

Maybe for those of us who are in certain types of church families, whether it be Baptist or the underlying over-riding general Protestant structure, we know that there are pastors, ministers, reverends, board of trustees, a board, or maybe a deacon board, there is some sort of policy board, and then there is a congregation. The reason why I mentioned the faith community is because we can get very sensitive about how our places of worship are run, how the business part of it is run. And you would wonder how many congregations would welcome the overlay of some outside entity—albeit formed by members—that was over the pastor, that was over the board of trustees, that was over the congregation. That's what we have done and forced ourselves to do with the intervening supercommittee that was put together by the concept of needing to raise the debt ceiling and then adding into it another hot pepper pot, and that is, of course, having to be forced to pass a balanced budget amendment.

I want to refer my colleagues again to a headline in a local paper, SHEILA JACKSON LEE can't slow down the Republican balanced-budget amendment freight train. It's not necessarily because it was my name, but that's just what we have experienced, a freight train.

I have no doubt that there will be a strong vote tomorrow. I am hoping that the debate will generate enough thought to cause many of my colleagues to reflect on whether or not we could, in the regular order, do some of the suggestions that have been made. Taxation of investment transactions, where many who are well vested and who have experienced the bounty of this land would be willing to contribute and to understand how we should move forward. The expiration of the Bush tax cuts, another revenue-generator that would, I believe, increase the opportunities for reducing the debt. Getting rid of the mighty, if you will, bungled opportunity to help seniors, becoming a gigantic handout budgetary fiasco. Medicare part D—ask every senior when you visit them at their senior centers, are they begging for the closing of the doughnut hole? But more importantly, are they trying to get relief from Medicare part D? Give them relief, close the doughnut hole, and you will find a huge amount of money going into the Treasury.

Going back to the Affordable Care Act and implementing the public option and allowing the United States to negotiate the cost of medications, pre-

scription drugs under Medicare—just watch the debt go down, down, down. So I want to recite, as I did on the floor of the House, the words of Chairman Ben Bernanke, the chairman of the Federal Reserve, who indicated to the Committee on Financial Services, We really don't want to just cut, cut, cut. You need to be a little bit cautious about sharp cuts in the very near term because of the potential impact on the recovery. That doesn't at all preclude—in fact, I believe it's entirely consistent with—a longer-term program that will bring our budget into a sustainable position.

Nowhere did he say, Well, why don't you just do a balanced budget amendment with no thinking and not being able to deal with emergencies beyond another vote by the Congress, sometimes a majority, sometimes even longer.

Mr. Speaker, a balanced budget amendment was wrong when our Founding Fathers began to write the Constitution. It was wrong as the Founding Fathers wrote amendment after amendment. It was wrong to think about it in World War II, to think about it in the 1929 financial collapse, to think about it in the conflicts of the 1950s, the Vietnam war or wars thereafter, such as the Persian Gulf, the Iraq war, and, of course, the Afghan war, Kosovo, Bosnia, Albania, Libya, and places where we've been called to act on behalf of the American people in defending our honor and democracy and protecting the vulnerable around the world. It is wrong, wrong, wrong.

What the American people who voted for Members of the United States Congress are asking us to do is what the Progressive Caucus is doing: It is finding a way, first of all, to submit a reasoned budget that has seen a responsible approach to addressing the needs of revenue-raising and belt-tightening. What it is also asking is, as the Progressive Caucus is doing, drafting a major omnibus jobs bill that will incorporate a wide range of initiatives, many not costly initiatives, that will bring about jobs in America not only for those languishing 2 and 3 years unemployed but for our wonderful college graduates and others that are coming out of the institutions of higher learning.

But as Dr. Jeffrey Sachs said, We have even more challenges because, although we all point to college graduates and going to institutions of higher learning, maybe I should wake up America and let you know that we have some of the lowest numbers of college graduation rates probably in the history of America: white males at 34 percent, African Americans somewhere under 20, and Hispanics 11 percent.

So the balanced budget amendment is not going to invest in the human resources of America. It's not going to

answer the question in our competitive reach as we compete around the world. It's not going to respond to the numbers of Ph.D.s that India is now producing, probably in years to come more so than people in the United States, or the number of masters and Ph.D.s in China.

□ 1930

Our reach in competition is way beyond our borders. But everyone knows that America's marketability is our genius in invention and manufacturing, our genius as it relates to prescription drugs, our genius in medical science and medicine, our genius in Silicon Valley and the little Silicon Valleys that are springing up around America.

Our genius, for example, in the MD Anderson Cancer Center located in Houston, Texas, the fourth largest city in the Nation, magnificent research occurring in that institution, seeking a viable 21st-century, 22nd-century cure for this devastating disease, but also branching out for creative thinking in the next generation of research. That is the genius of America. We are not broke, and we're certainly not broke in our genius.

Let us be reminded as we debate the balanced budget amendment that our corporations are flush with cash. Our banks are flush with cash, and countries around the world are eager to have us hold their money in the framework of loans that are being made to us. If they wish to loan to anyone, they are eager to loan to the United States. Why? Because they believe their cash is safe.

So it is important that we are thoughtful in the idea of a balanced budget amendment and why now. Why are we doing a balanced budget amendment in the course of the need to do, as Dr. Sachs has said, long-term, systematic changes in how we do business in the United States of America?

So just take a fact sheet on the question of the balanced budget amendment. It came about because we went to the brink of raising the debt ceiling, something that had been done many times since President Eisenhower, going forward to Presidents thereafter, many times under Bush I, the 41st President of the United States; many times under the 42nd President of the United States, William Jefferson Clinton; many times under the 43rd President of the United States.

And lo and behold, an African American President ascends to the Presidency, voted on by the American people, and the debt ceiling becomes a crisis in the making. And, frankly, the pundits, economists around the world indicated it was not the question of raising the debt ceiling. It was the debacle shown around the world that the Members of Congress were not allowed to get their business in order. They were not allowed to debate this in a

reasoned manner. They were strung and strangled by voices that are driven by outside party politics, in this instance the Tea Party and those who adhere to pledges governed by Mr. Norquist.

So it is important that a constitutional debate be separated from the entrenched political views that would disallow a thoughtful discussion. We could have raised the debt ceiling with a thoughtful discussion; but it came with not strings but laden with heavy steel, bricks tied to our arms and body as we walked slowly and dragged down.

So we have a supercommittee. With great respect for those working, I have the greatest respect for our colleagues and wish them well. We have the requirement of a balanced budget amendment, a constitutional discussion dragged down by the requirement that you're not going to get the debt ceiling raised. You're not going to be able to pay the bills for our seniors and our soldiers on the battlefield if you didn't hang with all of this weight to carry forth an instruction that really is not done thoughtfully.

So here's what we get with the balanced budget amendment. We risk default by the United States by requiring a supermajority to raise the debt limit. It destroys 15 million jobs and doubles unemployment to 18 percent. If enacted in fiscal year 2012, nonpartisan economists with Macroeconomic Advisers, LLC, estimate that enactment of a balanced budget amendment would eliminate 15 million jobs, double the unemployment rate to 18 percent, and cause the economy to shrink by 17 percent.

Remember what I said, dragged down by steel anvils tied to our legs and arms, our ankles, around our necks. This is what we will be doing tomorrow. This is what the vote will entail tomorrow.

It harms seniors by cutting Medicare and Social Security and veterans by reducing their benefits, even though Social Security is solvent until 2035, requiring a thoughtful decision of how we go forward. And even though there are ways to eliminate waste, fraud, and abuse from Medicare without cutting providers, we want to go with a balanced budget amendment which could result in Medicare being cut by about \$750 billion, Social Security \$1.2 trillion, and veterans benefits \$85 million through 2021.

How many of us joined our neighbors in celebrating Veterans Day last Friday? I did. We went to the Veterans hospital and shook the hands of bedridden veterans and promised them, by giving them cards of cheer, that we would not in any way cut their benefits. These cuts will result in draconian cuts, worse than the Ryan GOP budget. It opens the doors for courts to intervene—and the gentleman from Illinois may want to comment on this—in Federal budget decisions by placing the

balanced budget amendment into the Constitution. It will generate enormous—in fact, there will be a line to the courthouse on constitutional challenges on cutting Pell Grants and cutting food stamps and cutting housing and cutting veterans benefits, as I said.

And then, of course, more than 270 organizations representing people that are the most vulnerable have begged us to unshackle the steel anvils from our legs and arms and do the people's business.

I would be happy to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I wanted to ask the gentlelady a question because I think she touched upon a thoughtful comment in her remarks.

I can imagine since every Member of Congress and every candidate for Congress is running for office and they run to uphold the Constitution of the United States, they swear to uphold the Constitution and its various provisions within the context of the debate that we have here on the floor of the Congress. In my district, I run on a campaign to try and provide better housing for my constituents. I run a campaign trying to provide health care for the health care-less, those who don't have health care. I run trying to say that the Federal Government has an obligation to address issues of unemployment and provide jobs. And when the private sector won't invest its money in and on the south side of Chicago, that it should do more. I run my campaigns arguing that people should get involved in the political process because if they vote for me, I can provide them some hope. I will come to the floor of the Congress and have their grievances redressed by the Government of the United States.

Under the balanced budget amendment as proposed by the gentleman from Virginia, it seems to me that anyone running for Congress in the future isn't going to be running making promises or commitments to do anything about the social ills or the gaps that exist within our society. They will be running for office saying, What I guarantee is you cannot have better housing, that you cannot concern yourself about the Federal Government's role in health care, or that the Federal Government should have no role in addressing issues of unemployment. Let the private sector work its way to the south side of Chicago or to Houston, Texas.

The gentlelady's argument seems to suggest that the balanced budget amendment itself changes the framework and the structure of America; and instead of candidates running for office making the case for hope and making the case for change and encouraging the promise of America, it's just the opposite.

Would the gentlelady comment on that, please.

Ms. JACKSON LEE of Texas. The gentleman is eloquent in his analysis. And as an appropriator, the gentleman knows full well the value of regular order. That is that the voices of not only the appropriators, meaning those on the Appropriations Committee, but other Members are able to, in essence, craft the ultimate appropriations, maybe working with a budget, maybe not, based upon the current needs of the American people.

□ 1940

The balanced budget amendment will stand not as a guard at the door of the United States Congress—the doors are to my left. We come in and out. It will literally be a lock and chain on the door because it will say to those who are running for office, in essence, you are powerless. You will either be as other litigants in the courthouse in the third branch of government seeking refuge for your constituents, or you will make at being a Member of Congress and spend most of your time fighting the balanced budget amendment in the courts.

The gentleman is absolutely correct, and I would add to this that, even though they make a way for disasters and wars, even if it is presumed to be under the jurisdiction of the President's executive powers to even expend any dollars, one would have to come to this body to receive a majority vote by this House and a majority vote by the other House.

That means that all branches of government will be under this lock. The President will not be able to act as a President. The Congress will have disagreement as to whether or not it's a war we support or conflict we support or an emergency we support, and, in essence, to the gentleman's very fine point, and as I indicated, we will be clogging the Federal courts on each iota of disagreement dealing with from vast issues of protecting the homeland to the necessity of defending the principles of democracy around the world. And I know there are some probably listening and they are probably applauding because they are saying, I don't want to help anyone anyhow. But some of that help falls back on the safety and security of the American people.

What is going on in Somalia, the frightening devastation of death that we are not acknowledging, might be a cause for the support of the American Government to help in the survival of those people. We will be in a stranglehold from doing that. The crisis in Syria, which I wanted to just make mention of and to ask Dr. Assad, as the Arab League has asked, and as I continue to ask and as my Syrian American neighbors have asked, to step down, which might warrant the United States joining with people of goodwill to help the Syrian people, we will find

ourselves in court for each step of our responsibilities. The oath we take, that will be in conflict with the balanced budget amendment as it is presently written by the gentleman from Virginia.

By the way, if it is not passed as it is, a long-winded process will generate, and I assume that it is the same balanced budget amendment on the other body, but this will be a long, protracted process while we continue to languish and not do the people's bidding. I would rather do the people's bidding than I would want to, again, yield to a process that by its very nature is fractured and does not adhere to the Constitution as relates to having control of the pursestrings, being able to raise armies, being able to provide for the general welfare of the American people.

What are we talking about here? Am I going to have to prosecute a case in the Federal courts on the question of the general welfare of the American people when we will be thwarted here on the floor of the House because of the balanced budget amendment?

I would be happy to yield to my friend.

Mr. JACKSON of Illinois. I thank the gentlelady for yielding, and I'm not so sure that many of the distinguished colleagues appreciate that the distinguished gentlelady from Texas was a jurist before she came to the Congress of the United States. And so we heard from the author of the amendment, the distinguished gentleman from Virginia, that a three-fifths requirement would be required by this House, I believe, to raise taxes.

Now, unlike the Senate, which has a staggered election process, every 6 years is usually the tenure of a Senator, here in the House, Members of Congress run every 2 years. Essentially they're elected a year, then they run a year, then they are elected a year, then they run a year. And I'm finding it nearly impossible to imagine that in the event that revenues are at a shortfall in the Congress of the United States that there will ever be a Congress under the three-fifths requirement as spoken of in this amendment that would ever be willing to raise taxes on wealthy Americans in order to help balance the Nation's budget or to pay for programs. The politics of the way in which Congress is elected, that we serve 2 years, that we essentially serve a year, run a year, serve a year, do politics a year, which is a fundamental tenet of our system and a Constitutional requirement for the House, it just seems to me that inherent in the idea that somehow this Congress is going to have enough political courage in an election year, which, by the way, is every year for Members of Congress, that they're going to be willing to raise taxes in order to help provide for necessary needs of the American people.

As a jurist, would the gentlelady please comment on this idea of a three-fifths requirement in order to move revenue through this building.

Ms. JACKSON LEE of Texas. I want to remind the gentleman, I'm looking at a statement that my office brought to my attention that I was on the floor of the House September 22, 2004. Let me say that I wasn't on the floor of the House. I was in a markup on a proposed balanced budget amendment. And I had in the markup, Mr. JACKSON, an amendment called the "poor children's amendment." In achieving a balanced budget, outlays shall not be reduced in a manner that disproportionately affects outlays for education, nutrition and health programs for poor children. That was called the "poor children's amendment," dated November 22, 2004.

We were dealing with an amendment at that time. It seems like we've done it over and over again. But I want to raise that to say you are very right in your analysis. What that means is that those who would be on the side of saying that we have a crisis with poor children, with nutrition, with the SCHIP program, children's health insurance program which is now merged into our Affordable Care Act, any other programs that deal specifically with the poor—let me just cite this: 2008, 15.45 million impoverished children in the Nation, 20.7 percent of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty. We have the most uninsured.

What it means is that Congresswoman JACKSON LEE would battle it out in the courts. I would leave the floor of the House. I couldn't get the amount increased, and I would challenge the constitutionality of the balanced budget amendment. That would be part of my remedy because I couldn't raise up a three-fifths in this body, which is a supermajority, in essence, a supermajority to do the constitutional right that we have for taxation.

The House has the pursestrings, and that's a constitutional task. We've now changed that simple majority that has been written by our Founding Fathers who were building a nation and said, when building a nation, we don't want to be reckless with spending, but let us have a majority that will allow us to tax ourselves and build a nation. We're now arguing that it will be three-fifths.

And as we have made it your point, a constitutional amendment, as you know that we've gone to courts on the Ninth Amendment, the right to privacy. We are presently in the throngs of the amendments dealing with due process; and out of that 13th, 14th, 15th Amendments came the Voting Rights Act of 1965, Civil Rights Act of 1964. That generates court action. To your point, we will be in court. But I will say this. We will be in court on defense matters as well.

Let me just indicate a point about defense. In order to spend more than has been appropriated, agencies tasked with defense and national security will need approval from Congress. This increased reliance on emergency appropriations will have detrimental effects on the sound functioning of our defense and national security institutions. The more these institutions are forced to rely on emergency funding, the more unpredictable these budgets will become.

This legislation would allow a military conflict or threat to national security to take the budget out of balance. However, in order to authorize additional funds for military engagement or threats to national security that require action, Congress will need to pass legislation citing a specific amount. So the gentleman who was on the floor is very accurate in what the balanced budget amendment will do is kick us off budget if we have an emergency.

Might I just say, as my voice is coming to somewhat of a raspy end, that in addition to being off budget for this Congress, those of us—I see the good speaker, a dear friend from Texas. Those of us who are familiar with State budgets, we know that there is a capital budget, and we don't have one here in the Federal Government. And so we spend, if people would know, monies out of the Federal Government to ensure the infrastructure of America.

□ 1950

Just a few days ago, Texas had articles talking about our water level. Our water is a lifeline for our ranchers, and something has to be done. I expect the legislature will dig deep to address the diminishing water sources and the water shelf that we have to deal with in places where we have to keep our ranchers going.

By the way, ranchers of Texas, I love you; and I am proud to be from Texas where ranching still goes on. You hold on. We have to deal with it; it is a Federal proposition to deal with water all over America. So all of this would be kicked off budget. And I would hope maybe my Texas colleagues would be in the courts with me when they would be denied the right to secure Federal funding to help Texas that is now suffering from enormous deprivation of water because of the drought that we had and some problems that come about through Mother Nature.

May I pause for a moment and ask the Speaker how much time is remaining.

The SPEAKER pro tempore. The gentleman has 28 minutes remaining.

Ms. JACKSON LEE of Texas. Then let me just add a few more points to my commentary on this.

Let me just say that in my district in Texas, more than 190,000 people live

below the poverty line. And I want to take Mr. JACKSON's comments—I will say that he took the words out of our collective mouths in the Congressional Progressive Caucus that this issue of poverty is really unspoken, but is in need of raising the ante. And it's the highest rate in 17 years.

The thresholds proposed in H.J. Res. 2 are completely unrealistic. Even during Ronald Reagan's Presidency, before the baby boomers had reached retirement age, swelling the population eligible for Social Security and Medicare when health care costs were lower, Federal spending averaged 22 percent of GDP. We don't have that low number that was offered in the Judiciary Committee, but it is unrealistic as this country grows.

My friends, the country has gotten larger. We can't have the same percentages that we had under President Eisenhower. Only 5 years in the last 50 has the Federal Government posted an annual budget surplus. All of the years the government has been in a deficit. We must contain it and restrain it. We must raise money. We can do that. We've just got to move the various ghosts of tax pledges and other third-party restraints away from the Halls of Congress and move the blocker of doing intelligent work, and that would be a balanced budget amendment.

So I believe it is crucial, as this debate goes forward, that we understand the Constitution and the American people understand that you pass a balanced budget amendment and you give up the vote that you cherish every 2 years, when you vote for a Member of Congress who is allowed to vote for or against, who will stand on the floor of the House and advocate, under the Constitution of the United States, the authority of this House of Representatives to institute taxes through the discourse of debate and the appropriate use of those taxes to raise up the general welfare of the American Government and people.

With that in mind, I would beseech of you, as I close, to be able to truly understand the Preamble to the Constitution of the United States. Allow me to read this into the RECORD:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I beg of you, my colleagues who will vote tomorrow, have this Constitution in your hand. Posterity can come through the reasonable work. Posterity can come through the thanking of the supercommittee for its work and moving beyond the supercommittee into 2012. Begin to analyze the needs of the American people and vote for revenue and vote for belt-tightening.

Don't take the Constitution and shred it tomorrow, voting for a bal-

anced budget amendment that no Founding Father saw fit to implement, and throwing America's children, veterans, returning soldiers, and seniors into the Federal courthouses of America and depending upon the Federal court system for justice. We can do justice tomorrow. We can join with the Congressional Progressive Caucus long range, but we can do justice tomorrow and reject the balanced budget amendment on behalf of the constitutional rights of the people, and on behalf of the people of the United States of America.

I am happy to yield control of the remaining time to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. JACKSON) is recognized for the remainder of the hour as the designee of the minority leader.

Mr. JACKSON of Illinois. May I inquire of the Speaker how much time remains in the Democratic hour.

The SPEAKER pro tempore. The gentleman will have 25 minutes.

Mr. JACKSON of Illinois. Thank you, Mr. Speaker.

Over the course of this session of Congress, I have given a number of Special Order speeches in order to get across to this body the basic needs of the American people and how the Constitution is the best means of meeting those needs.

In April, I came to the floor and denounced a balanced budget amendment as the end of progress in our society. It would appear that my colleagues on the other side of the aisle didn't pay close attention. Perhaps, as they often do, they blatantly ignored what I believe was the logic and the reason behind my arguments.

Either way, Mr. Speaker, here we are just a few months from my original statement against the BBA and the House leadership has brought a balanced budget amendment to the floor. This week, we will cast our vote on what Ezra Klein referred to in the Washington Post as "the worst idea in Washington."

In a New York Times editorial published on July 4, the dangers of the balanced budget amendment are laid out in plain English—no frills, none of the rhetoric that our constituents fall prey to. As simple as the BBA sounds, requiring the Federal Government to balance its books every year would be like "telling families they cannot take out a mortgage or a car loan or do any other kind of borrowing, no matter how sensible the purchase or how credit worthy they may be."

Worse than just balancing our budget, the amendments that we will see in the coming weeks will force the supermajority to approve any borrowing to

finance spending and cap all spending at under 20 percent of GDP. Additionally, a two-thirds majority would be required to raise taxes, making that process effectively impossible.

Sometimes a meaningful investment leads to greater returns in the long run. The average American can't afford to purchase a car, a house, or an education outright. They need a loan or some arrangement in which they owe money. They might be expected to pay installments at a later date, but the product of that loan could get them to a job interview, in a house, or in a university. A car could get them home after a long night at the office. A car lets them purchase groceries and, in turn, contribute to the success of the car industry. A house provides safety and security for one's family. An education adds to the quality of a person's life and the betterment of society. A loan may not always be the most desirable situation, but no one would deny its necessity.

The chief argument used to sway forlorn Americans to the misguided belief that a BBA would benefit our Nation is this: each and every home has to balance its checkbook every month, so why shouldn't our Federal Government do the same? First of all, let me be clear: you cannot compare the budget of the Government of the United States to the budget of a household. It's simply not realistic.

Aside from that critical flaw, the truth is that while each and every American home must balance its bank account, this doesn't include the mortgage, the car note, or the car loans that haven't been paid back yet. A true balanced budget is unrealistic in almost any scenario.

□ 2000

Lest my words again fall on deaf ears, Mr. Speaker, let's start at the beginning. For my colleagues who did not hear me the first time, this may be a little bit redundant, but I'd like to address the history of the balanced budget amendment. It's been a long road.

In fact, Mr. Speaker, if I weren't so appalled by the nature of this effort, I'd be apt to congratulate my friends across the aisle for never letting go of their dream. I can absolutely relate, as I have a few constitutional amendments myself. I guess the Disney phrase, "Anything can happen when you believe" really did stick with them.

They believed since 1936 when, in reaction to FDR's New Deal, Republican Congressman Harold Knutson of Minnesota introduced the first version of the amendment in 1936. Like many constitutional amendments, this resolution did not receive a hearing or a vote.

During President Dwight D. Eisenhower's first term, the Judiciary Committee of a barely Democratic Senate held its first hearing on this amendment. It, again, did not receive a vote.

After these partial defeats, the BBA supporters shifted their focus to the States. From 1975 to 1980, 30 State legislatures passed resolutions calling for a constitutional convention to propose this amendment directly to the States.

The election of President Ronald Reagan and a Republican Senate in 1980 renewed hopes for the balanced budget amendment passed by Congress. While the Senate did adopt the amendment in 1982, it failed to garner the necessary two-thirds majority in the House. This failure energized conservative groups such as the National Taxpayers Union and the National Tax Limitations Committee to refocus on State action.

In 1982 and 1983 the Alaska and Missouri legislatures passed resolutions supporting the BBA, bringing the total of number of these resolutions to 32, two short of the 34 needed for a convention. However, a growing concern about the scope of a constitutional convention led some States to withdraw their resolutions, re-shifting focus to congressional action.

From 1990 to 1994 Congress would make three additional attempts to codify this amendment. All failed to garner the necessary two-thirds majority. However, the BBA made a comeback when it was included in former Speaker Newt Gingrich's Contract with America. Twenty-six days after taking office, the newly empowered Republican majority adopted the BBA, giving conservatives their first congressional win in a decade. Disappointment awaited in the Senate however, when two separate votes fell short of its adoption. This failure, along with the balanced budget and the balanced budget surplus at the decade's end, sapped any remaining congressional support for the BBA.

There was renewed Republican support for the amendment in 2000, as it was included in the party's platform. The Bush tax cuts, wars in Afghanistan and Iraq, the passage of Medicare Part D, all unpaid for, led to massive deficit spending by Republicans that eventually led them to sweep the balanced budget amendment back under the rug. In fact, by 2004 the Republican party had created such debt and was so embarrassed that they left any mention of a balanced budget amendment out of their platform.

Again, in recent years, with the advent of the Tea Party and the return of extreme fiscal conservatism in the Republican party, there are currently 12 balanced budget amendments in the House and three in the Senate.

Mr. Speaker, we have a troubling national debt and deficit, but the balanced budget amendment is not the solution. I've already addressed for you the chief argument that proponents of the BBA use to draw in more misinformed worshipers of flawed austerity, comparisons to everyday families.

In the same vein of bandwagon fallacies, my colleagues across the aisle have consistently pointed to another entity that is required to balance its books, the States.

Mr. Speaker, I, again, can't continue without pointing out a serious dilemma in comparing the governments of individual States to the Federal Government. Perhaps if our Founding Fathers had seen fit to stick with the Articles of Confederation, this argument might be more legitimate. But at the end of the day we, instead, find ourselves under the guidance of the Constitution of the United States, by which I'm able to stand here before you tonight as an elected official conveying the views of my constituents.

The requirements and expectations of our Federal Government, to the great and continuous dismay of some of my colleagues, are now and forever different from those of the States. The Federal Government is bound to protect, via military force, and provide for the collective security of our Nation; maintain the national currency; determine the scope of the Federal courts; promote and encourage our Nation's scientific and technological advancements via patents; and even regulate trade between the States that make up this great Union. At the end of the day, the States rely on the Federal Government, much like the citizens of the United States.

Alas, Mr. Speaker, since this logic doesn't seem to carry with my conservative friends, I would like to point out a few technical problems with this impressively mature "the States do it" argument. On its face, I'm willing to say this may be true. Nearly every State in the union has some form of a balanced budget requirement. Unfortunately, however, this has not kept them out of debt.

Furthermore, their amendments have restricted their ability to care for their citizens in times of austerity or emergency. Quite frankly, I don't think that's an option for the Federal Government. And in the face of such an emergency, I think every constituent we represent would agree.

According to a Forbes analysis of the global debt crisis in January of 2010, every single State in the country is carrying some form of debt. These debts range from as little as \$17 per capita in Nebraska to \$4,490 in Connecticut.

In fiscal year 2012 approximately 44 States will face revenue shortfalls. Many are desperately looking for ways to declare their State bankrupt. Bankrupt. I say it again, Mr. Speaker, because this proposed amendment would place the Federal Government in an equally unacceptable predicament.

For instance, in Rhode Island, judges and court workers have cut pay and left 53 positions unfilled. This is still not enough to balance their budget. As

a desperate last resort, the chief justice has begun to dispose of cases on backlog. Literally, the judge is tossing them out. Florida is in the same predicament.

This past week I spoke to the Federal courts in the Northern District of Illinois. Federal workers being laid off and furloughed, and men and women who have pensions and long investments in the system being told that the Federal courts in the Northern District of Illinois can no longer sustain themselves. I told them I would bring their message back to this Congress.

If this Congress can spend billions of dollars to fight a war in Afghanistan and Iraq, we can spend billions of dollars on scientific exploration, we can spend billions of dollars to put a man on the Moon, why can't we find the money in this Congress to put a man or a woman on their own two feet right here in America?

My colleagues across the aisle are so concerned about handing our children and grandchildren any amount of national debt that they fail to realize we are setting future generations up for failure. States are already cutting too many services that make the American workforce strong and competitive. Should the Federal Government do the same, our legacy will be an America that is undereducated, ill-equipped to compete on a global level.

What happens to America when both State and Federal Governments can't make the investments in the education our youth need to compete at the global level? When our State and national capitals are both hiding behind balanced budget amendments? What happens to America?

The ones who will suffer won't be the conservatives pushing for this amendment. It will be our poor, our children, our veterans, our elderly, the disabled, the America that doesn't have an interest in corporate tax rates, subsidies for big oil companies, or whether the Federal Government or insurance company underwrites their flood insurance. Everyday America will suffer.

The balanced budget amendment is the wrong key to the doors of prosperity. It fits inside the keyhole, it seems like a perfect match, but it really doesn't open the door. We twist it, we shake it, we fiddle with it, but wind up stripping the lock, doing more harm than good. And at the end of the day, we've moved no further, made no progress from where we started.

A BBA is not going to solve America's deficit crisis. According to the Center for Budget and Policy Priorities, Citizens for Tax Justice, and others, a Federal balanced budget amendment would damage our economy by making recessions deeper and more frequent, heighten the risk of default, and jeopardize the full faith and credit of the U.S. government, lead to reductions in needed investments in the fu-

ture, favor wealthy Americans over middle- and low-income Americans by making it far more difficult to raise revenues and easier to cut programs. It would weaken the principle of majority rule, making balancing the budget more difficult.

And no one, to my satisfaction, not on the Democratic side and not on the Republican side, has explained to me yet what qualifies a Federal judge to intervene in this budget process and make a judgment about what programs to cut.

□ 2010

Do they have degrees in economics? Have they studied programs? Have they studied the needs of constituents around the country? Have they been to Appalachia? Have they been to the barrios, the ghettos, and the trailer parks of our Nation?

What qualifies a Federal judge to determine when someone's benefit or assistance should not be given to them? Nothing qualifies them, and yet this Congress votes tomorrow to change the Constitution of the United States as if their opinion should matter in this particular process.

Mr. Speaker, I want to go into a little bit more detail about these faults because I need my colleagues to understand the level of damage they'll cause if they continue to sugar this bill and force it down the throats of the American people.

First, a balanced budget amendment would damage the economy and make recessions deeper and more frequent. Under a BBA, Congress would be enforced to adopt a rigid fiscal policy requiring the budget to be balanced or in surplus every year regardless of the current economic situation or threat to the Nation's security. A sluggish economy with less revenue and more outgoing expenditures creates a deficit, as we've seen from recent events. A deficit necessitates economic stimulation in order to reverse negative growth.

This is why in the last session of Congress the American Recovery and Reinvestment Act invested in roads, bridges, mass transit, and other infrastructure. It provided 95 percent of working Americans with an immediate tax cut, extended unemployed insurance and COBRA for Americans hurt by the economic downturn through no fault of their own. If Congress were forced to function under a BBA, deficit reduction would be mandated, even more so during periods of slow or stalled economic growth, which is the opposite of what is needed in this situation.

My Republican colleagues have taken to finger-pointing about the stimulus package. Every day I see a commercial laughing about the embarrassing and painful ways it failed to push our economy out of recession. I find it funny

that no one has talked about what would have happened without it.

Here in the Halls of Congress, we're expected to legislate on a vast number of issues; but we always try to take our advice from the experts. And the experts, the economists, told us we should have done more.

The BBA risks making the Nation's recessions more common and more catastrophic for middle class families, senior, veterans, the disabled, the poor. Under such an amendment, Congress is stripped of any power to adequately respond.

Secondly, a BBA would risk default and jeopardize the full faith and credit of the United States. We've already been down this road. We already know how dangerous that turn really is. In August, we teetered on the brink of default playing political games and pointing fingers. We couldn't pass a respectable debt ceiling increase, and we only needed a simple majority to do so.

A balanced budget amendment would bar the government from borrowing funds unless a three-fifths vote in both Houses of Congress permitted a raise in the debt limit. Under such a scenario, we wouldn't have been able to raise the debt limit in the last debate. A budget crisis in which a default becomes a threat is more likely and because of the limits placed on the fluidity of the debt ceiling, that default becomes more likely to occur.

After the chaos we just experienced a few short months ago after the downgrade of our Nation's credit rating, not because of our debt but because of our lack of ability to lead and govern, I would think, Mr. Speaker, that we would try to avoid an identical future situation. A BBA would exacerbate the same issues we saw in the August debt ceiling debacle.

Third, Mr. Speaker, a BBA would lead to reductions in needed investments for the future. Since the 1930s, our Nation has consistently made public investments that improve long-term productivity and growth in education, infrastructure, research and development. These efforts encourage increased private sector investment leading to budget surpluses and a thriving economy.

A balanced budget amendment which requires a balanced budget each and every year would limit the government's ability to make public investments, thereby hindering future growth.

For years, conservatives have abused the debt and the deficit as a springboard from which to argue for smaller government and cuts to programs that serve as social safety nets to the American families. Although we must consider the debt and deficit, the larger and more significant issue is the nature of the debt and what it created.

If you invest \$50,000 in a business, a house, or an education, you can expect

future returns on your investment. If you invest the same \$50,000 in a gambling debt, what is the future return? Both expenditures result in a \$50,000 debt. But only one results in a return that can transform that debt into a long-term asset or gain.

Social investments provide the potential for greater returns in the long run in the same fashion as personal investments. Even small expenditures on social programs lay a foundation for great wealth in the long term. If the Nation chose to invest over a 5-year period \$1.5 trillion in building roads and bridges and airports and railroads, mass transit, schools, housing, health care, we would create a debt. But the increased ability of companies to interact and shift their goods over well-paved and planned roads, the new businesses that would sprout around freshly built or newly expanded airports, the high wages of a student who is well-educated and able to attend college resulting in more tax revenue, the improved productivity of employees at their healthiest would eventually result in greater returns for our country.

The extension of Bush-era tax cuts for corporations and the rich brought about some short-term stimulus for consumer spending; but similar to the Reagan tax cuts, which resulted in record government deficits and debt, the long-term damage outweighs the immediate effects. Reagan's tax cuts for the rich came at the expense of investing in our Nation's need for long-term, balanced economic growth.

The Reagan administration neglected and cut back our Nation's investment in infrastructure, education, health care, housing, job training, transportation, energy conservation, and more.

The inclination of most conservatives in both parties—I'm not picking on Republicans today—in both parties, is to cut the debt by cutting programs for the most vulnerable amongst us—our poor, our children, our elderly, our disabled, and minorities. This approach, however, has proven false too many times. A balanced budget amendment would take us back to this archaic and ineffective system permanently.

Fourth, Mr. Speaker, a balanced budget amendment favors wealthy Americans over middle- and low-income Americans by making it harder to raise revenue and easier to cut programs. Under current law, legislation can pass by a majority of those present and voting by a recorded vote.

The BBA requires that legislation raising taxes must be approved on a rollcall vote by a majority of the full membership of both Houses. Before I even finish this point, Mr. Speaker, I want to make this point: look at the supercommittee. Look at what they're wrestling with. We don't even have a balanced budget amendment. Look at who they're targeting. Look at the emphasis of their cuts.

So instead of a balanced budget amendment in the Constitution, we already see that Congress is ineffective in light of what we've already passed. Imagine if it were a constitutional requirement.

The point is so simple, Mr. Speaker. The BBA would make it harder to cut the deficit by curbing special interest tax breaks of the oil and gas industries and making it easier to reduce programs such as Medicare, Medicaid, Social Security, veterans benefits, education, environmental programs, and assistance to poor children.

Wealthy individuals and corporations receive most of their government benefits in the form of tax entitlements while low-income and middle-income Americans receive most of their government benefits through programs.

As evidenced by the cuts that both parties agreed upon recently, it's far easier to cut social welfare programs than to cut spending on our military or to increase taxes. As long as spending is a political issue, cuts to those programs that assist those with the smallest voice in Washington will always happen first.

Raising taxes, the only option to address a budget deficit aside from cutting programs, is already a burdensome issue. The additional requirements of a BBA further complicate the process of raising taxes. This means the richest Americans will likely keep the benefits they receive from our government via tax cuts.

Meanwhile, the poor, they lose their programs that provide them with housing, with food, with health care, and the means to survive. This will further reinforce the growing gap between the rich, the rest of our society, middle class, working poor, and the destitute alike.

□ 2020

The BBA insists that the total government expenditures in any year, including those for Social Security benefits, not exceed total revenues collected in that same year, including revenues from Social Security payroll taxes. Thus, the benefits of the baby boomers would have to be financed in full by the taxes of those working and paying into the system then. This undercuts the central reforms of 1983.

Finally, Mr. Speaker, the BBA weakens the principle of majority rule and makes balancing the budget much more difficult. Most balanced budget amendments require that, unless three-fifths of the Members of Congress agree to raise the debt ceiling, the budget must be balanced at all times. They also require that legislation raising taxes must be approved on a roll call vote by a majority of the membership.

Mr. Speaker, in no way is this an exhaustive list. I know that my time is up, but this is my second attempt to bring my conservative friends to their

senses. The only parties served by a balanced budget amendment are corporate interests and the wealthy, whom they seem to be serving instead of everyday working Americans.

My answer is "no," Mr. Speaker, to the balanced budget amendment tomorrow. My answer is "yes" if my colleagues agree there is no way that they can pass the balanced budget amendment unless we, ourselves, agree that we must invest, build, and grow this economy and work our way out of this problem as Americans.

Mr. Speaker, I yield back the balance of my time.

GOP DOCTORS CAUCUS: THE EFFECTS OF THE AFFORDABLE CARE ACT ON AMERICA'S HOSPITALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from New York (Ms. BUEKLE) is recognized for 60 minutes as the designee of the majority leader.

Ms. BUEKLE. Thank you, Mr. Speaker.

Here in Washington, we are divided on many issues, but whether we are a Republican or a Democrat, Members of Congress recognize the essential role that our hospitals play in our communities.

Hospitals provide care for the sick, and the clinics provide essential care to many. They are engaged in important medical research, and teaching hospitals are educating doctors and nurses to provide care for future generations. In many districts across the country, including mine, New York's 25th Congressional District, our hospitals are our major employers. They're perhaps the largest single employer a congressional district may have.

The health care sector constitutes nearly 18 percent of the United States' economy, and it is one of the more stable portions of our economy. American hospitals employ more than 5.4 million people; and as hospitals and hospital employees buy goods and services from other businesses, they create additional jobs. The economic impact is felt throughout the community. Hospitals are a vital part of our local and our national economy. In New York State, particularly in my home district, hospitals are the largest single employer.

I want to call your attention to this chart, Mr. Speaker, with data provided by the Hospital Association of New York, which shows the importance hospitals have on my district's local economy. Five hospitals in my district employ over 18,000 people. Together, payroll and purchases in my district alone amount to over \$2.4 billion. They generate over \$100 million in State and local income sales taxes. This is in my

district alone with regard to the economic impact of our hospitals.

Looking at New York State as a whole—and I hope some of my New York colleagues will join me here tonight—the hospitals contribute nearly \$108 billion to our State and our local economies. Mr. Speaker, it is no exaggeration to say hospitals are a mainstay of our New York State economy; so when our hospitals are hurting, the effects extend to the entire community. Our hospitals are under assault. Not only will it affect our local and State economies, but it will also affect access to health care, to some of the most basic services that our hospitals provide to our communities.

I now yield to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. I thank the gentlelady from New York for yielding to me.

Mr. Speaker, as I think most of my colleagues know, Congresswoman BUERKLE is a member of the House GOP Doctors Caucus. There are 21 of us, all health care providers—some doctors, some nurses, some dentists, some psychologists. We've got a really good, diverse group that has—I would hate to say, Mr. Speaker, the total number of years of clinical experience that we all have in the aggregate, but it's several hundred. I have thoroughly enjoyed having Congresswoman BUERKLE as a member of the House GOP Doctors Caucus. She is a Registered Nurse, who has worked for years in hospitals in the New York area.

As she has pointed out, the four hospitals in her district are probably, if not the major employer, one of the major employers; and it's so important to her community, the 25th District of New York. That is so true, Mr. Speaker, across so many of our districts. I happen to be an OB/GYN physician, having practiced in my congressional district, the 11th of Georgia, for some 26 years.

In our hospital system there, in the main town in Cobb County, Marietta, Georgia, where we have lived for the last 36 years, just as in Congresswoman BUERKLE's district, the hospital system is one of the main drivers of the economy—that and the public school system. The hospital systems are employers, and we sometimes forget that.

I think, as a physician, a lot of times I may be guilty of concentrating on issues that mainly affect my colleagues in the medical profession—the practitioners, the MDs; yet Congresswoman BUERKLE is pointing out—and I know she has got a number of posters and slides for us to look at tonight—the devastating effects that the so-called Affordable Care Act—the unaffordable care act, indeed—has had on our hospitals like hers, the four hospitals in the 25th District of New York, and on the WellStar Health System and its, I think, six different facilities

in the metropolitan Atlanta, Cobb County area. It is devastating.

So I really appreciate the opportunity to join with her tonight, along with some of my other colleagues in the House GOP Doctors Caucus, to make sure that people understand that it's not just the doctors and the health providers outside of the hospitals who are suffering because of this unaffordable care act, but it's our hospital systems all across the Nation.

I thank the gentlelady for yielding to me, and I plan to be with her during this next hour.

Ms. BUERKLE. I thank the gentleman from Georgia for being here this evening.

Mr. Speaker, as my colleague mentioned, the President's Patient Protection and Affordable Care Act, which became law in March of 2010, included some welcome provisions, such as allowing people to stay on their parents' insurance until the age of 26 and prohibiting insurers from denying coverage based on preexisting conditions. These positive provisions, which proponents quickly point to when facing criticism, are far outweighed by the negative consequences that the Affordable Care Act has on our providers and the health care system.

These measures could have been accomplished in a much simpler manner. I say to you, Mr. Speaker, so many roads are paved with good intentions, but the unintended consequences are devastating to our hospitals.

As a health care professional, my opposition to the Affordable Care Act has never been solely based on philosophical grounds, but on strategic and tactical ones. Most Americans—myself included and my colleagues here in Congress—recognize that health care needs to be reformed and that health care costs continue to rise. We need to figure this out. We disagree as to what the health care reform should look like. If I thought that the Federal Government could be the necessary agent of change, that would be one thing; but I don't believe the government can change health care.

The Affordable Care Act affects our hospitals and our providers. This is not a Republican or a Democratic issue, but an American one—as access to health care affects every American.

□ 2030

Mr. Speaker, I yield now to the gentleman from Michigan, Dr. BENISHEK.

Mr. BENISHEK. I thank the gentlewoman for yielding to me.

Mr. Speaker, I have spent 28 years as a physician practicing rural medicine, even serving on the board of my local hospital. I am well aware of the great financial difficulties most rural hospitals and clinics experience each year.

Today I was pleased that the State of Michigan celebrated Rural Health Day. On behalf of the thousands of

Michiganders that call small towns and farming communities home, my State's Governor chose to recognize the hospitals and community-based centers that provide for the diverse and unique health care needs of these areas. Tonight I would like to join the State of Michigan in raising awareness about the importance these providers bring to the communities that I represent.

While we recognize the importance of rural health today, I would be remiss if I did not mention one of the great rural health facilities in my district. Many of my colleagues may have visited the Straits of Mackinac during a summer vacation, or perhaps they've seen the Mackinac Island featured on a "Pure Michigan" ad. The Rural Health Clinic in St. Ignace is the single largest employer in the community, supporting not only the local township but, in addition, the 900,000-plus seasonal visitors that depend upon the hospital for services each year.

I recently received a distressing letter from Mr. Rodney Nelson, the CEO of Mackinac Straits Health System. Mr. Nelson is very worried about the impact Medicare cuts may have on his patients, employees, and ultimately the ability to keep the doors to the hospital open. Mr. Speaker, the Mackinac Straits Health System is one of 25 hospitals in my district that is considered either critical access or sole community hospital. Of these, 56 percent are already operating in the red.

Unlike urban areas, my constituents often do not have another option when seeking health care. In the case of the St. Ignace Hospital, the next closest clinic is 50 miles away. What you may not know, Mr. Speaker, is that caring for patients in rural facilities is far more economic than providing urban care. In fact, rural patients cost less to treat in eight of the nine CMS regions.

As my colleagues and I discuss possible ways to trim the budget, I feel it's important to remember that without rural hospitals, many of my constituents would not have access to medical care. A 2 percent reduction in Medicare spending is estimated to cost 389 jobs in my district as a direct result of the cuts to rural hospitals. If this number were raised to 10 percent, the figures would only get worse. At that point, 76 percent of the hospitals would be operating in the red; and the total impact is expected to be nearly \$68 million, with 1,900 jobs affected. Mr. Speaker, I don't need to tell anyone that northern Michigan can't afford to lose another 1,900 jobs.

Mr. Speaker, if we force these cuts, not only will we lose these jobs, but we will lose access to many people's sole source of health care. We are forcing rural patients to travel longer distances to seek more expensive care. This just costs everyone more money.

I urge my colleagues to exercise caution when considering reductions to

Medicare programs, especially those specific to physicians, critical access, and sole community hospitals.

Ms. BUERKLE. I thank the gentleman from Michigan.

Mr. Speaker, we've touched upon it, and I want to continue having this conversation about the effect that the Affordable Care Act is going to have on our hospitals in our Medicare population. Now, Mr. Speaker, you may have heard over and over again from our colleagues from the other side of the aisle, demagoguing our budget proposal that came out in April. They say we want to kill Medicare; we want to kill Social Security; we don't care about our seniors.

Tonight I stand here, Mr. Speaker, and I tell you, and I want to tell the American people, that the Affordable Care Act, in fact, cuts Medicare spending by \$500 billion. Those are actual cuts that are now in the Affordable Care Act, or what is known as the health care law. One of the most negative effects is the result of reductions in hospital Medicare payments and the CMS code, offsetting reductions to hospital payment plans.

I have a chart here, Mr. Speaker. And as I go through my notes, I want it to be clear that you can see 2010 and what happens to Medicare reimbursements, down until 2018. Our hospitals can't sustain these cuts. The five hospitals in my district have come to me, and they said, This Affordable Care Act—and many of these hospitals were big proponents of the Affordable Care Act because they know in our country we need to reform our health care system, we need to make some changes, so they were in support of the law.

But what they didn't realize was this law is going to cut their Medicare reimbursements, which so many of them depend on. It's the mainstay—by 28.6 percent. I've had hospitals in my district say to me, We cannot sustain these cuts. We will go bankrupt. Because you see, Mr. Speaker, it's not only this Medicare, the reduction in these rates, but it also is a series of other cuts which we will get into as the evening proceeds.

I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentlelady for yielding to me.

I wanted to take an opportunity, Mr. Speaker. I have an article from the Atlanta Journal-Constitution, Atlanta's main newspaper—this was several months ago—referencing one of our best hospitals, Piedmont Health Care. The title of the article is "Piedmont Health Care Cutting 5 Percent of Workforce." And this is what Misty Williams of the Atlanta Journal-Constitution says in this op-ed piece:

"Faced with a rising number of uninsured patients and unknown impact of the new health care law"—that would be the so-called Affordable Care Act—

"Piedmont Health Care announced Thursday evening"—this was 5 months ago—"plans to cut 464 jobs as part of an effort to save an estimated \$68 million. Totaling roughly 5 percent of its workforce, the cuts include 171 positions that were vacant or altered because of scheduling changes. Layoffs are coming from across the board, including Piedmont's four hospitals, physician groups, heart institute and corporate division, spokeswoman Nina Day said."

And I quote Ms. Day: "This is heart wrenching. This is not easy stuff when you're talking about people."

"The move is, in part, a reaction to hurdles"—the hurdles that Congresswoman BUERKLE and Congressman BENISHEK were just talking about—"to hurdles many hospitals are facing, including a growing number of uninsured patients, a new State hospital bed tax, anticipated cuts to Medicare reimbursements, and the Medicaid expansion in 2014."

The article goes on, talking more and more about how devastating this would be. And in conclusion—without reading the entire article—I'll finish up and then yield back to my colleague.

The last paragraph of this article by Ms. Williams: "While hospitals will get more insured patients as a result of the Medicaid expansion in 2014, it's a big trade-off with Medicare cuts. State officials have estimated Georgia"—my State—"could add more than 600,000 enrollees to its Medicaid program as a result of this expansion." Again, under ObamaCare. "It's a challenge in time just trying to navigate all of these changes."

Again, it's just so important that we're having the opportunity tonight on behalf of our leadership to tell our colleagues on both sides of the aisle—Congresswoman BUERKLE moments ago said, It's not a Democrat or a Republican issue. It's a people issue. It's a community issue. And it's devastating. And it's sad news that we're bringing to our colleagues, but we need to do that. And the American people need to understand what's coming. The worst has not yet hit.

Ms. BUERKLE. I thank the gentleman from Georgia.

I have spent most of my professional career in the health care industry. I have represented a hospital for a number of years, so I know up close and personal how these issues have affected and will affect our hospitals and our providers. And despite the best intentions of this health care law—whether we disagree with it or we agree with it—despite the best intentions of this health care law, what we are seeing are the unintended consequences.

□ 2040

The fact that our hospitals, our health care providers, will not be able to proceed, will not be able to perform

the services that our communities need and expect and have come to expect. That certainly wasn't the intent of the health care law, but ladies and gentlemen and Mr. Speaker, that's exactly what is happening.

I would like to yield and recognize the gentlewoman from North Carolina.

Mrs. ELLMERS. Thank you, Congresswoman BUERKLE, for holding this Special Order tonight, along with my colleagues on the Doctors Caucus. And thank you, Mr. Speaker, for being here. We are all here because we are health professionals. We know the real world of health care, and we know the real world solutions. It's the reason I'm here in Washington now, that and the fact that I'm concerned about where the future of the country is going for our children.

Many times in our health care practice as a nurse and in my husband's surgery practice as small business owners, over time we have always looked at these issues, whether we're talking about Medicare, whether we're talking about the possibility of having real, good, concrete tort reform, all of these different issues that we've said if we could put these in place, health care could have a much more solid foundation moving forward.

We already know that we have the best health care in the world. But being in the industry, having that small business and understanding where Medicare and Medicaid reimbursements—which were down—were going, you have to ask yourself, how can this continue? How can we provide health care into the future? Well, of course we know that the health care bill was passed in the 111th Congress, and now we are seeing the effects of it. One of the effects, as you've pointed out, are to our hospitals. You know, it's important that we are able to articulate this to the American people, connecting the dots.

When we talk about the importance of why ObamaCare is devastating to physicians, it's because it affects their ability to be reimbursed for their services. When Medicare will be cut—as we know in ObamaCare, it was cut by \$500 billion. Today our seniors are saying to us, we're worried that you're going to cut our benefits. Well, their benefits will not be cut by any of us in Washington. However, because the dollars have been taken out in a significant amount, Medicare will have to say, I don't know what we'll cover. What are we going to cover?

And as we know, again, in the President's health care bill, the 15-person panel has been put in place. This 15-person panel will decide what Medicare will and will not pay for. That will be direct payments to hospitals, not just physicians but hospitals, based on the services that they're providing. And if they decide that a service cannot be paid for, there are penalties that can be assessed.

There are solutions to this issue, and I pointed out one would be significant tort reform. Not only for our physicians, but again for hospitals. Why is that important? Sometimes I'm afraid we don't explain well enough to the American people why something like malpractice reform would help the situation.

Well, we know that in our Nation's hospitals if you go into the emergency room, you're going to receive care whether you can pay for it out of pocket or not, whether you have an insurance card or not, whether you're on Medicare or Medicaid, it doesn't matter. You're going to receive the care. The problem is someone does have to pay for those services because services are rendered. You go into the emergency room, and many tests are ordered. Physicians order more tests out of pure fear for missing something. You can't go into an emergency room and get the good care that you need to get if you cannot identify the problem. So as we know, physicians and hospitals, physicians and doctor's offices, tend to cover all their bases rather than simply relying on the medical education that they have received, the ability to diagnose with just that—with the ability of their practice.

So here we are. We talk about health care costs every day, and the escalating cost of them. A good contributor to that is another piece of the President's health care bill which basically puts a tax on all medical devices. Well, think about the cost for any hospital, any provider. What do we do in hospitals? We do surgery. We provide health care. These are medical devices. These are instruments that have made our lives better and help us live longer, but yet now they will be taxed. This is a tax that will have to be assessed. Someone will have to pay for it. If the effort is truly to decrease the cost of health care, how can we continue by increasing the cost? It doesn't make sense. It doesn't add up.

So again, the importance is for us to connect the dots for the American people; to show that if we are able to pull back on ObamaCare, that we are able to remove it, repeal it, as we have already voted here in the House, then we can make the significant changes.

There is one more point that I would like to touch on, and it has to do with the ability to pay for services. There was a consulting firm, Mercer Consulting Company, and they did a study that shows that 9 percent of employers with 500 or more workers say they are likely to cancel health benefits in 2014 after State-run health insurance exchanges begin offering coverage under the health care law. There again, once again, it will become the government paying for it, which is paid for by the American taxpayers' dollars. We simply cannot continue on this path with health care or any other issue. It has to

come with free-market solutions, and we have those solutions and we are ready to put those in place.

I just, again, want to reassure our seniors who are receiving Medicare now or in the near future that we are doing everything we can to rescue Medicare from the President's health care bill and put those necessary pieces in place so that we can continue those services into the future that they have paid for their entire lives.

I again thank my colleague from New York for holding this Special Order.

Ms. BUEKLE. And I thank the gentlelady from North Carolina for being here this evening.

I would just like to continue on because of my concern, and I know my colleagues have such concerns, about the health and the well-being of their hospitals. As I mentioned earlier, they are the largest employer in my district. We refer to it as "eds and meds." We have a large university there and some colleges, but we also have five hospitals in my district. So our reliance for our local economy and for our State economy is just so very important.

I want to talk a little more about what this health care law is going to do to Medicare and do to our hospitals. There is \$112 billion in reduced market basket updates to hospitals. There is a \$36 billion reduction to Medicare and Medicaid disproportionate share hospital payments.

Now, Mr. Speaker, disproportionate share may sound a little confusing. I'm going to explain what that is. In a district such as mine, we have hospitals that have missions. And I'm sure across the country, many hospitals have missions. They want to make sure that the indigent population, folks who can't afford insurance, who are self-pays or maybe are on Medicaid, that they have access to quality services. So the government says to these hospitals, we understand that Medicaid reimbursements or self-pay patients will not cover your services. So what we're going to do is, we're going to try to make you whole with this disproportionate share. Mr. Speaker, the health care law eliminates the disproportionate share for hospitals, and so hospitals that have a high indigent population or a high number of self-pay patients or those who are on Medicaid, they are not going to get that disproportionate share.

The hospital in my district came down here. It is a large teaching institution. They made a special trip down here to tell me that provision of the health care law will bankrupt them. They probably receive somewhere around \$80 million a year to make them whole because of their mission. And isn't that what we want? We want to make sure—and wasn't that the original intent of the health care law?—to make sure that there was ac-

cessible care for all Americans. But here again we reached the unintended consequences, and the effect that this law is going to have on our hospitals.

□ 2050

There is a \$7.1 billion reduction for readmissions. We will talk about that in a little bit.

Hospitals, and many of the ones in my district, and I know throughout this country, they are heavily dependent on Medicare and Medicaid dollars. And with that narrow margin, Medicare and Medicaid don't even cover their costs. And so there's such a small margin for them to operate that there's really little capacity for improvements. Realistically, hospitals—especially teaching hospitals and hospitals that are treating the underserved—cannot bridge that gap, and they won't be able to bridge that gap because of this new health care law.

Hospitals must be able to invest in their infrastructure. Having such a narrow margin and/or no margin operating in the red, they're not going to be able to do that. They're not going to be able to invest in infrastructure, systems improvements, new techniques to reduce hospital-acquired infections, new models of delivering health care and electronic health records.

And I want to talk about electronic health records because they were mandated in the health care law. The Affordable Care Act mandates that hospitals must move to electronic health records. Now, from a patient safety standpoint, that's a good thing, but getting hospitals up to speed and getting them ready for business has very high IT costs for our hospitals. So, again, you've got this health care law mandating electronic records, and you've got these drastic cuts to our hospitals in their Medicaid and Medicare reimbursements.

I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentlewoman for yielding once again.

Just a few minutes ago, one of our colleagues spoke also about this problem with hospitals, Representative ELLMERS from North Carolina, who knows of what she speaks. She works in an office with her husband, a general surgeon. They see patients every day in the office, but they also have a largely hospital-based practice because it's surgery and you just don't do that in the office. But she had listed some of the things in ObamaCare, in this so-called Affordable Care Act, Patient Protection and Affordable Care Act of 2010, when it was passed a year and a half ago.

We all realized that this was a new entitlement program, Mr. Speaker, and the American people need to understand that it's not about strengthening and saving Medicare for our seniors.

That entitlement program is struggling mightily. And as Representative BUERKLE mentioned, to take \$500-plus billion out of that program to pay for a whole new entitlement program, ObamaCare, for in many cases the young and healthy, and also to put some of the burden of paying for that new entitlement program on the Medicaid program, the safety net program for the poor, it only weakens that program. So you literally gut Medicaid for the poor and the disabled and Medicare for our senior citizens, when both programs need strengthening and saving, not gutting.

It was this whole idea of having Medicare for all, really, or national health care, there are all kinds of euphemisms to describe this, especially, not the least of which is the name of it, the Affordable Care Act. And as I said earlier, Mr. Speaker, and I know my colleague from New York would agree with this, it is the unaffordable care act. And both she and Representative ELLMERS from North Carolina said, look, we know on both sides of the aisle that health care in this country is too expensive, and we need to go about changes that will lower the cost and not hurt the quality. And we can do that.

President Obama keeps denying that there are any ideas and certainly didn't listen to the physicians in this body or the health care providers or physicians and the nurses that said, look, let us come over and sit down and talk with you or any of your folks in the Executive Office of the Presidency and let us explain, because we have—and I said it earlier—several hundred years of clinical experience. We do have some ideas, and we really believe we want to be part of the solution and not part of the problem.

But my colleague who is leading the hour and doing such a great job of it, I know she will agree that I haven't been called, I haven't been invited over. I will ask my colleague and yield back to her and ask her the same question. And I know what the answer will be.

Again, the important thing for our colleagues, Mr. Speaker, to understand, is that the creation of this new program, this new entitlement program so that everybody can get health care, whether they want to buy health insurance or not, is so detrimental to Medicare and Medicaid that I fear for the future of those programs. I really, really do.

That's what it's all about here tonight, to take an opportunity to explain so people really understand the ultimate consequences of this.

Ms. BUERKLE. I thank the gentleman from Georgia.

Mr. Speaker, I want to just emphasize again with regards to this health care law and the fact that this law—and, Mr. Speaker, this is a law, this isn't a budget proposal, this is a law—

guts Medicare by \$500 billion. It should be of concern, Mr. Speaker, to our seniors because this law, in fact in 2014, will begin to gut Medicare. I again would look at this chart and the Medicare reimbursements. There will be no hospitals that will be able to provide health care. If you look at what the trend is for Medicare reimbursements to our hospitals, they cannot continue to exist based on what is set forth in the Affordable Care Act.

I spoke with the CEO of one of our local hospitals, Crouse Hospital in Syracuse, and he spoke with one of my health care staff; and he indicated to us today that Crouse Hospital, one hospital in the district, is facing a projected loss of \$18 million in reimbursement reductions. That number goes to access to care. We can have the most comprehensive health care law on the books, but if we don't have hospitals who are able to provide that care, and we don't have physicians who are able to provide that care, we will have access-to-health-care problems.

Mr. Speaker, earlier I talked about hospital readmission penalties. This is another concern hospitals have to deal with. And tonight we've talked a lot about what the Affordable Care Act will do to hospitals, the effect that it will have on our hospitals, the drastic cuts in Medicare and Medicaid reimbursements and the disproportionate share being eliminated.

But our hospitals are under assault from all sides, and that's part of the difficulty. Maybe they could somehow figure out how to deal with these cuts in the Affordable Care Act; but taken in its totality, our hospitals are having a very difficult time. In fact, as I mentioned earlier, many are concerned that they will be unable to sustain and unable to continue on with their services, given the whole assaults that are coming from all directions.

And this actually is part of the Affordable Care Act. It establishes a punitive policy for our hospitals when they readmit a patient. And I will explain that, Mr. Speaker. Under the health care law, the Affordable Care Act—we call it the Affordable Care Act, we call it ObamaCare, we call it many things—but under this new law that is taking effect gradually, under this to their expected readmission rates, if even more than one readmission occurs—and that readmission means that you discharge a patient, the hospital sends a patient home and then for some reason they have to come back. If that happens with one of three diagnoses within the Medicare scheme, the hospital will be penalized for all of the Medicare reimbursements, not just that one case where there was a readmission, but all of the Medicare reimbursement cases. You can imagine the magnitude and how that will affect Medicare reimbursements.

□ 2100

The other part of this provision in the health care law is that it really doesn't discern between what's avoidable and what's not avoidable readmission. So sometimes a hospital may discharge a patient and it was premature, or something wasn't done and the patient needs to come back. And certainly that should be considered, and we should figure out what went wrong because readmissions are expensive, and so Medicare doesn't want to pay for them. And I understand that. However, some readmissions are unavoidable, and a hospital shouldn't be penalized for an unavoidable readmission; and yet the Affordable Care Act does exactly that.

The Secretary of the Department of HHS, Health and Human Services, which has the authority now to expand what were three diagnoses, now has the authority to expand that list of conditions with regards to readmissions. Hospitals nationwide, Mr. Speaker, are projected to face more than \$7 billion in Medicare reductions over 10 years because of this policy, \$7 billion to our hospitals.

We began this discussion tonight, Mr. Speaker, talking about the importance to our local economies, the employment numbers, what hospitals pay into our community with their purchases and with their employees, the taxes that they give back to the community; and now we're talking about cutting them again because of this policy.

You know, the issue of hospital readmission is complex, and I hope I did a good enough job tonight of explaining it. And while health care providers agree there's always room for improvement across the continuum of care, readmissions occur for many reasons. And punitive action via reduced reimbursements is not only counterproductive, but it's also potentially harmful to our hospitals, to our patients, and to our communities.

Mr. Speaker, as we work hard to make sure our seniors get the Medicare benefits from the system that they have paid into—and, Mr. Speaker, I want to emphasize that over and over again during the course of this hour, our seniors have paid into Medicare, into the health care system all of their life. And now, as they reach the Medicare eligibility age, they deserve to get Medicare coverage that they expect, that they deserve, and that they've paid into.

But this health care law, this \$500 billion cut to Medicare, is going to change that for our seniors. It's not the budget proposal in April that's going to—that was a budget proposal. And you've heard my friends and colleagues across the aisle demagogue our budget proposal in April, saying we want to cut benefits to seniors, Medicare, and Social Security.

The fact is, Mr. Speaker, this health care law, passed into law in 2009, will

devastate Medicare. And our seniors, Mr. Speaker, should be very, very concerned about this Affordable Care Act. Not only will it affect our hospitals—as we've spent so much time talking about tonight—but it will also affect the care and the access to care for our seniors.

Hospitals, Mr. Speaker, already operate on such thin margins, and we talked about this earlier, that for many providers, especially specialized programs, treating patients struggling, say, with substance abuse or helping the developmentally disabled, they will be reduced or they will end those programs. Hospitals cannot operate on such a thin margin and then run the risk of all of these devastating Medicare and Medicaid reimbursements.

Mr. Speaker, I also want to speak tonight a little bit about graduate medical education. As I mentioned earlier, I was an attorney in Syracuse, New York, and I represented a hospital that was a large teaching hospital. And so I know how much they rely on what's called graduate medical education. We often refer to it as GME, sort of the acronym for it, the initials. I'm going to explain what GME is because it's so important to our hospitals. And even hospitals that don't have a medical school attached to them, we'll talk about some of the reimbursements they get because medical students and residents train within these facilities.

Graduate medical education is the training medical school graduates receive either as a fellow or an intern or a resident. Medicare is the largest contributor to the GME. Now, why do I even bring this up? I bring this up because we talked earlier about the many assaults on health care providers, the many assaults that hospitals are concerned about. This is not *per se* in the health care law, so I want to make that clear. But when it comes to cutting, when it comes to finding and helping this terrible national debt that we have that is now \$15 trillion, often we look to Medicare. And one of the areas in Medicare, the low-hanging fruit—whether it's a hospital or a physician—that seems to be the easiest place to go to rather than really looking at our health care system, making it a free market, allowing the market to compete, getting the government out of health care and letting folks buy insurance across State lines. Rather than letting the free market in it, we have the government involved. So Medicare is the largest contributor to this GME.

GME payments, as I mentioned, have been targeted. They've become a target for recommended budget savings. In 2010, the President's Simpson-Bowles Deficit Commission recommended limiting hospitals' GME payments to 120 percent of the national average salary paid to residents in 2010, and reducing another reimbursement the hospitals get, the IME, the indirect medical edu-

cation, by 60 percent, from 5.5 to 2.2 percent.

Mr. Speaker, these two changes—Medicare reimbursement to the GME, Medicare reimbursement to the IME—would reduce Medicare medical education payments by an estimated \$60 billion through 2020, \$60 billion.

Mr. Speaker, these aren't just numbers. These proposed cuts would endanger the ability of teaching hospitals to train physicians. We must face the fact that cuts to graduate education would result in fewer practicing physicians and ultimately reduced access to care, which is getting back to why there was an Affordable Care Act.

I talked about this road paved with good intentions. And now what we are seeing is that our hospitals, our health care providers, and the training of physicians are both going to be significantly and severely impacted to the point where access to health care becomes a problem. And so seniors—not just seniors, but all Americans—will have to begin to deal with the fact that primary care physicians, there won't be as many of them. There will be fewer doctors being trained, and for a number of reasons.

The GMEs and the IMEs going to hospitals, if there is any reimbursement reductions to those, but also the fact that as a physician goes through all those years of training and he goes through 4 years of college, 4 years of medical school, an internship, 3 years of a residency, and then if he's a fellow because he wants to specialize, all of those years, and then they go into practice. And you see what the Affordable Care Act, you see what all these assaults are doing on our Medicare and Medicaid reimbursements to physicians as well as our hospitals.

Hospitals that are primarily teaching hospitals face an additional challenge that could threaten the stability of their institutions. Hospitals that have residents in an approved graduate medical education—again, that GME program—receive an additional payment for a Medicare discharge to reflect the higher cost of care. Because they are a teaching hospital, their cost of care is higher.

The regulations regarding the calculation of this additional payment—and I talked about this earlier—is the indirect medical education. This is all very complicated, but what I want to say and what I want to make clear, Mr. Speaker, is that if these cuts go through, it has been estimated that it will cost GME and IME reimbursements from Medicare \$60 billion.

□ 2110

This could mean a loss of 2,600 jobs and \$653 million in State and local revenue. And, Mr. Speaker, a \$10.9 billion loss to the U.S. economy.

At current graduation and training rates, the Association of American

Medical Colleges projects that the Nation could face a shortage of as many as 150,000 doctors in the next 15 years—150,000 doctors.

We talked about this, and I think whether you're on one side of the aisle or the other, whether you agree with the health care law, we all agree that we want to have, in a country as rich and as generous as ours, we want to have access to health care for all Americans. But if we don't have physicians to provide that care—and this estimate is 150,000 doctors in the next 15 years—a shortage of that many, it will discourage this access to health care and will result in the longer waiting times for patients.

Mr. Speaker, in closing, I want to just emphasize a few points this evening. And it's always an honor to be here on the House floor. It's always an honor to talk to the Speaker. And tonight it's been an honor to be able to address health care.

As a health care professional, I spent years as a nurse and then, as I mentioned, as an attorney representing a hospital. I know that people within the health care profession are dedicated. They have a passion to provide the American people, to provide any people with quality health care, to make sure and ensure that they have quality health care.

Mr. Speaker, the United States of America has the best health care in the world, and so it is so imperative that we preserve this health care system.

My colleague from North Carolina mentioned earlier that we voted to repeal the health care law, the Affordable Care Act, because it's not in the best interest of good health care. And tonight you heard, Mr. Speaker, from several of my colleagues who are health care professionals who dedicated their whole lives to providing medical services to the people in their communities. They care about quality health care. They care about people, and they care that the United States of America has a good health care system.

But we don't believe that good health care, access to health care, reasonable costs within health care, are going to result from the Affordable Care Act. The Affordable Care Act, I want to emphasize this one more time, Mr. Speaker, cuts Medicare to our seniors by \$500 billion. To our seniors, that will be a devastating blow to the services and the access to services that you will have.

But beyond that, it affects how our hospitals can provide care, how our hospitals will be paid, how our doctors and our young doctors will be trained for future generations. This Affordable Care Act may have been the most well-intentioned law, but it is devastating for health care and health care delivery services in the United States of America.

Mr. Speaker, hospitals serve us and our communities. The crafting of the Affordable Care Act was carried out with the good intentions of many, as I said. I don't want to indicate or imply that people didn't have good intentions with this Affordable Care Act, but they approached it from the wrong direction. They put the government in the middle of a physician and the patient, and that can never work.

But good intentions are not enough to excuse legislation which has a terrible and far-reaching, albeit unintended, consequence for all sectors of our society, especially our patients, our doctors, and our hospitals.

Mr. Speaker, I yield back the balance of my time.

HEALTH CARE AND THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. HULTGREN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

One thing we've got plenty of around here is paper, unfortunately. We've got bills, we've got laws that we should have taken up that we haven't.

And when we talk about the health care bill, people know we talk about ObamaCare, whatever the formal name is. Cutting \$500 billion out of Medicare already. That's a done deal. That was rammed through by the majority when Speaker PELOSI was in charge at the behest of our President Obama—\$500 billion in cuts. Our seniors deserve better than that kind of treatment.

Republicans, I don't think we had any Republicans vote for that. But it was driven through against the will of the American people, and against the will of the Republicans. But Democrats had the votes, so they did it—\$500 billion in cuts to Medicare.

So when AARP has all these seniors send in petitions saying, I'm a member of AARP, don't you dare cut anything from Medicare, we try to make sure our seniors know that it was AARP that stood by the President as he cut \$500 billion, and we're glad that they're finally waking up to just what the President and AARP, with AARP's assistance, what they did to seniors.

But if you look at how much money we are spending on Medicare, not to even mention right now Medicaid, just look at how much we're spending on Medicare, and you look at the number of households we have, around 17.5 million Medicare households—this was from 2009. You divide that into the amount of money that we're spending, the Federal Government's spending on Medicare—not even Medicaid, just Medicare: We're spending right at \$30,000 for every household with somebody on Medicare. \$30,000?

Now, for someone who's got bad heart problems or some kind of chronic disease, well, that's not so bad when you consider what all kinds of treatments and medicines they're getting. That's if you look at the bills that are sent out.

If you look at the amount of actual money that are paid for those procedures, or actually paid or reimbursed by insurance companies or the government for that money, it's not near that much for most households, even most households on Medicare.

That's why I was shocked in the not too distant past to find out that in one situation that I'm aware of personally, when there were \$10,000 in bills between the hospital, the physicians, the ambulance, the testing, the people reading the tests, and all that stuff, 2 days of hospitalization, \$10,000. It turns out that the insurance company, the health insurance company resolved all \$10,000 in bills for about \$800.

Well, if we knew exactly how much was being paid to pay for those exorbitant health care bills, we could then finally reintroduce something known as free market principles.

Now, the doctors I talk to, the health care providers I talk to, they wouldn't mind that. Their hands get tired. There are some insurance policies or contracts that health care providers have with some of the health insurance companies that said they cannot charge—that's what I'm told—they can't charge somebody paying cash as little as a health insurance company providing the contract gets out by paying.

You can't have competition in health care until people know how much they're paying for their medicine, for their hospital stay. You've got to know what they're paying.

It was a great thing growing up in a small town in East Texas. I loved the town, Mount Pleasant, Texas.

□ 2120

After I finished 4 years out of the Army from a scholarship at Texas A&M, my wife and I settled in Tyler. We've loved it. It's the only home my kids knew growing up. Been so good to me. But my wife and family, we've all been blessed there.

But in the smaller town I grew up in, everybody knew the doctors. And from time to time we would go to a different doctor. And a lot of the times it was because we found out one upped their price so we would go to another doctor who didn't charge quite as much because they were good. That's called free market competition. We don't have that any more in health care. We've got to get back to it. If we're going to bring the costs down, we've got to get back to it.

People have to know what it costs to go to the doctor. People need to know that their medicine that they see a cost of \$900, that the insurance compa-

nies, when they reimburse for that \$900 prescription, don't pay but a fraction of that. So if somebody can't afford insurance, why should they have to pay \$900 for a prescription drug that a health insurance company wouldn't pay a fraction of that much? We have to get back to having some competition in the cost of things.

So there's one way, really the only way I see we get off this track to total socialized health care that ObamaCare puts us well on down the road toward arriving on, and that would be through greater use of health savings accounts. We're told by some actuarials that if kids in their twenties and thirties start putting money in a health savings account and it grows and it grows because they don't use much at that young age, by the time they're eligible for Medicare, not only would they not want to use Medicare, they wouldn't need it. They'd have so much money built up in their health savings accounts that they didn't get through every year.

I agree with some of the people that I've consulted over the last 4 years on what would be a better plan that if you could have people putting money every month in a health savings account, building that account, then not allow it to be drawn out for something like buying a boat or anything like that, but it has to be for health care, can't be for anything else. Once its dedicated in a health savings account, and it should be allowed to be put in there pre-tax, then it has to be for health care.

Oh, sure, we ought to be able to allow people to donate that to some charity that keeps health savings accounts for the less fortunate, ought to be allowed to gift it or bequeath it to children, to family and help them grow that big nest egg of a health savings account, and then you have a debit card coded to cover nothing but health care costs. And you use that health savings account until you reach the amount of the high deductible that the health insurance policy has, and then the health insurance kicks in. That would help make health insurance so much cheaper for most folks. That's what a lot of us have gone to, and I have myself. It is a lot better deal. It is a lot cheaper.

But to think about, as these numbers indicate from 2009, that every household with someone on Medicare is costing nearly \$30,000, it is just staggering. And that's why instead of continuing to move toward rationed care putting our seniors on lists where they can't get treated very quickly, they have to wait, because let's face it, the way of socialized medicine is rationed care.

And President Obama not only must have known that that was the truth, but he put a man in the position to oversee ObamaCare who had made clear in prior statements that it's not a matter of if we go to rationed care, it

is a matter of when. And then he's the guy that ends up in charge of ObamaCare because obviously this President and the Democratic majority in the last Congress intended—expected—that seniors would be getting rationed care.

How much better to say, you know what seniors, you've got a choice. How about that? We've had so many people on the Democratic side of the aisle talk about it should be people's right to choose. They should have choice. How about in health care? How about giving seniors a chance to choose? You want Medicare? You want to be denied some medicines? You want to have to keep buying that supplemental coverage from AARP? Your choice.

On the other hand, if you want to do something different, we'll put—and I'm flexible on the amount, but it appeared \$3,500 was a good, effective amount for achieving that kind of high deductible and lower cost for the insurance policy. Then we, the Federal Government, will buy you a private health insurance policy that covers everything over \$3,500, and then we will give you cash money in a health savings account, the debit card to go with it that you hold, you use as you see fit, you choose what medicine, you choose what doctor. And if you exhaust the \$3,500, then the insurance kicks in and you've got that coverage.

You don't have to buy supplemental coverage, and I know that would cost AARP hundreds of millions. I get that. And I know they care deeply about retired folks. I get that. But, boy, if retired folks wouldn't have to pay anything for supplemental insurance, seems like that would be a good thing.

We would give them the choice. Let seniors choose what you want. You want control of your own health care and the money to pay the deductible if you get that high and an insurance policy to cover everything beyond that if you go beyond that? You control things? Or do you want to let the government keep telling you what you can and can't get in the way of treatment?

The country is better off when the Federal Government is the referee, not the player, because government's always going to be the referee; but when it's the player and the referee, that's when it's so grossly unfair. Anybody should be able to figure that. That would be so much better for seniors. Give them the choice.

But you know what? This President, Speaker PELOSI, Leader REID, they felt like they knew better for seniors. They felt like it would be better if they did not allow seniors to have a choice. Too bad, seniors. We're going to cut \$500 billion from the amount of money that we're spending on Medicare, and you're about to find out what real rationed care is about once ObamaCare kicks in to the full.

Why not give them a choice? Why not force doctors and health care providers

for the first time in decades to start posting what the cost of health care is? How much at your hospital is a hospital bed in a single room or in a double room with two patients in there? How about showing people that, letting them decide which is cheaper? Because as long as an insurance company or the government is paying all of those costs, people really don't care. That's the way of the world.

That's why in the Soviet Union in 1973 when I asked some farmers in the middle of the morning who were sitting in the shade visiting instead of being out in the field working, and I tried to do it as nicely as possible, spoke a little Russian back then, When is it you work out in the field?

□ 2130

The loudest one said, I make the same number of rubles when I'm in the shade here or if I'm out there, so I'm here.

That's socialism.

When the Federal Government socializes medicine, as ObamaCare is driving us toward—it's just one giant step; we're virtually there—well, then, it changes everything.

People don't really care how much things cost because they're not paying for them. People don't try to go to a less expensive doctor or hospital because they don't care. Somebody else is paying it. Then when they see the bill that says this stay cost \$10,000, they say, Well, gee, I'm glad I'm not paying that. They don't care because they're not paying it. They don't know that there may have been \$200 paid for that hospital bed rather than \$10,000.

People deserve to know what health care costs. As I say, the health care providers—the doctors I talk to—wouldn't mind being able to do that. They would love it if patients could come in and give them a health savings account debit card. Then they don't have to have extra people who are chasing down the new codes and all this information about what the government pays and what the insurance company will or won't pay. We'd get back to a doctor-patient relationship. Wouldn't that be wonderful?

As I've told health insurance companies before at a convention here in Washington, D.C., we need to get the health insurance companies back in the health insurance business and out of the health management business, because if health insurance companies are determined to stay in the health management business where they manage our health care, they're eventually going to have everybody mad at them, and they're going to be run out of business, and there won't be any health insurance companies anymore.

Other than the socialist Federal Government of the United States. I don't want to get there.

We're almost there with ObamaCare.

That's why this body, with the majority of Republicans having taken over this year, voted to repeal ObamaCare.

When it's real health insurance, people pay a small monthly, quarterly, semiannual, annual fee in order to insure against some unforeseen disease or accident down the road—unforeseen because, if they could foresee it, they'd know how much they'd need to save in order to take care of that event that's coming or the disease. You pay an insurance company for something you don't know might happen—maybe it will, maybe it won't.

The thing is, if we went to the place where we allowed those on Medicare to choose—to stay with Medicare if that's what you want, and keep buying that supplemental insurance—or we'll give you the cash in a health savings account and a debit card, then we'll buy the insurance to cover everything over the cash we put in your account for the year, and we'll do that every year.

When I was drafting the bill in the prior Congress, Newt Gingrich was very helpful. He sent a couple of experts to come visit about ideas.

They said, You know, we ought to have an incentive in the bill so that seniors would have an incentive not to spend all the money, all the \$3,500 that's put in their HSAs every year.

So we put in a provision that if someone on Medicare didn't use up all of the \$3,500 in their health savings account, then they got a percentage of that cash money that they could take. No income tax would have to be paid on it. It was just cash money in their pocket at the end of the year in order to encourage them not to waste money from the health savings account by buying stuff they didn't need, because they were going to get a percentage of that if they didn't spend it within the year. Give them incentives. That's what market forces are about: incentives.

Now, if we were to do something like that, then certainly there will be people who are chronically ill. We will always have people who are chronically ill, and those are the people we should help. They can't help themselves. That's what a caring society does.

But when there are people who are able to help themselves, then those are the folks who ought to be able to grow a health savings account over the years so that they don't need any government help by the time they get to the point where they're eligible for Medicare. If they need it, they'll get it. That would finally get us on track to get out of this massive amount of debt that we're in. That's the way to go.

In the meantime, not only is that not something that's occurring, but we're not able to innovate new things that will become law. We're innovating new things, like the alternative to Medicare—the choice we could give seniors—but we know, as the President

has called us—and it really only applies to the other end of the Hall—we've got a do-nothing Senate. It's not the Republicans. They keep clamoring—trying to push, trying to get the Democratic leadership in the Senate to do something to help the economy, to truly do something to help health care, but they're not interested in doing that.

We've got a supercommittee, as it has been dubbed, that we really shouldn't have set up. I have nothing but sympathy for my Republican friends who have been put on that committee because they were put into a position where, unbeknownst to our Republican leadership that negotiated the deal that brought this committee about, the Democrats really don't have anything to push them to reach an agreement.

That appears to be why the Democrats seem to be interested in what PAT TOOMEY had floated out as a framework with the support of his colleagues. They seemed to be interested in it; but, apparently, after consulting with Democratic leadership, they realized, uh-oh, we're told not to work a deal because if we don't work a deal, there will be draconian cuts to our national security, which we don't mind—we've been wanting to do that for years—and then the other cuts will be to Medicare.

Apparently, because of the lack of interest by the Democrats in seeing that there is a deal done, it would appear they don't mind having the cuts to Medicare.

And that's what was puzzling me last week.

After they hear how far backwards Republicans are willing to go on the supercommittee, how is it that the Democrats end up walking away, basically, from what they wanted? So I struggled to try to figure out what it was that would keep them from being desperate to cut a deal with the Republicans because surely they don't want those cuts to Medicare.

Then I realized, well, Democrats are 100 percent totally responsible for the \$500 billion in cuts to Medicare that are contained within ObamaCare. They also know that millions of dollars of Republican campaign money will be spent next year in probably talking about the \$500 billion in cuts that the Democrats solely, on their own, pushed through in ObamaCare and that unless there is at least a couple hundred billion in cuts to Medicare, then at least that amount would result from a failure to pass some kind of bill from the supercommittee.

Unless there's something like that, the \$500 billion that the Democrats cut from Medicare last year is all anybody is going to basically be talking about in the next election.

But if the supercommittee fails and if the House and Senate don't pass what

they've sent, then we've already seen the rhetoric begin: Republicans, they say, are wanting to cut health care; they're wanting to cut Medicare.

So now we see how it's playing out.

□ 2140

Some, apparently, on the Democratic side—not all, but some, apparently the leadership of the Democratic Party—apparently the President—want to see a failure so they can campaign against Republicans saying, No, they didn't want agreement anyway; and look at the cuts to Medicare that they've forced. I don't see any other explanation for the cavalier attitude of the Democratic leadership and not pushing so hard to get an agreement to avoid the massive cuts to Medicare. Even with the massive cuts, it won't be as big a cut as ObamaCare was to Medicare; but it will be enough, apparently, for them to campaign and try to demonize the Republicans.

Apparently tomorrow we're going to vote on a balanced budget amendment. It will either be House Joint Resolution 1 or House Joint Resolution 2. House Joint Resolution 1 has a cap on spending that we can't go above, a percentage of gross domestic product. It requires a supermajority in order to raise taxes. That's House Joint Resolution 1. That's what passed out of committee after a long and exhausting day of debate and amendments.

But we're bringing to the floor joint House Resolution 2. It just says, You've got to balance the budget. I know there are those who say, Well, that would mean that our decisions start being made by the courts. Well, 49 out of 50 States, as I understand it, have a balanced budget requirement in their constitutions. Their courts don't make those decisions. I don't see why it would be otherwise if it was. Under the Constitution, we've got the power to restrict jurisdiction for everybody but the Supreme Court. We could do that if that's what we chose to do.

We're in a mess, because we're not doing the things we promised we would when we ran and got elected to the majority, the very things the Democrats lost the majority in this House because they didn't fulfill. It's time to get serious about our promises.

Everybody is aware of Francis Scott Key who wrote our wonderful National Anthem. As my time runs out, I want to finish tonight with something else that Francis Scott Key said. On February 22, 1812, he said this:

The patriot who feels himself in the service of God, who acknowledges Him in all his ways, has the promise of Almighty direction, and will find His Word in his greatest darkness, "a lantern to his feet and a lamp unto his paths." He will, therefore, seek to establish for his country, in the eyes of the world, such a character as shall make her not unworthy of the name of a Christian nation.

We've got a lot to do if we're going to live up to our commitments, our oaths.

A balanced budget amendment with a spending cap is what we need to do. That's what we passed out of committee in regular order. That's what I would vote for tomorrow. Since that's not coming, then I don't want to push through a balanced budget amendment that requires ever-upward spiraling taxation because, as we've shown this year, without a balanced budget amendment, Congress doesn't have the will to cut spending, not a majority of the House and Senate both.

It's time to live up to the commitments we've made and what we owe our creator, our maker. If we'll do that, we can have another 200 years of greatness as a Nation. If we don't, as Abraham Lincoln said, This Nation will die by suicide. I want it to live and flourish. I want us to keep our commitments.

With that, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and the balance of the week on account of attending an important event in the district.

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of attending the funeral of a family relative.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2112. An act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1412. An act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office".

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on November 16, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 398. To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis

for permanent resident status, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Friday, November 18, 2011, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second, third and fourth quarters of 2011, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM AND HUNGARY, EXPENDED BETWEEN JUNE 29 AND JULY 2, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Cliff Stearns	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary		243.00						243.00
Hon. Vern Buchanan	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary				(³)				
Hon. Ed Whitfield	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary		243.00		(³)				243.00
Hon. Brian Bilbray	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary				(³)				
Hon. Loretta Sanchez	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary		243.00		(³)				243.00
Ed Rice	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary		153.00		(³)				153.00
Sarah Blocher	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary		29.36		(³)				29.36
Jean Carroll	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary		100.00		(³)				100.00
Hon. Sheila Jackson-Lee	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary		243.00		(³)				243.00
Hon. Jim Costa	6/29	6/29	Belgium				(³)				
	6/29	7/2	Hungary		243.00		(³)				243.00
Committee total					1497.36						1,497.36

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

(³) Military air transportation.

HON. CLIFF STEARNS, Chairman, Nov. 2, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TUNISIA, EGYPT, JORDAN, LEBANON, IRAQ, AND IRELAND, EXPENDED BETWEEN SEPT. 24 AND OCT. 3, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Dreier	9/25	9/27	Tunisia		372.00		(³)				372.00
Price	9/25	9/27	Tunisia		282.00		(³)				282.00
Ellison	9/25	9/27	Tunisia		372.00		(³)				372.00
Moore	9/25	9/27	Tunisia		372.00		(³)				372.00
McDermott	9/25	9/27	Tunisia		372.00		(³)				372.00
Smith	9/25	9/27	Tunisia		372.00		(³)				372.00
Leman	9/25	9/27	Tunisia		372.00		(³)				372.00
Lis	9/25	9/27	Tunisia		372.00		(³)				372.00
Hildebrand	9/25	9/27	Tunisia		327.00		(³)				372.00
Lawrence	9/25	9/27	Tunisia		372.00		(³)				372.00
Dreier	9/27	9/29	Egypt		534.00		(³)				534.00
Price	9/27	9/29	Egypt		448.00		(³)				448.00
Ellison	9/27	9/29	Egypt		534.00		(³)				534.00
Moore	9/27	9/29	Egypt		534.00		(³)				534.00
McDermott	9/27	9/29	Egypt		534.00		(³)				534.00
Smith	9/27	9/29	Egypt		534.00		(³)				534.00
Leman	9/27	9/29	Egypt		534.00		(³)				534.00
Lis	9/27	9/29	Egypt		534.00		(³)				534.00
Hildebrand	9/27	9/29	Egypt		489.00		(³)				489.00
Lawrence	9/27	9/29	Egypt		534.00		(³)				534.00
Dreier	9/29	10/1	Jordan		606.00		(³)				606.00
Price	9/29	10/1	Jordan		520.00		(³)				520.00
Ellison	9/29	10/1	Jordan		606.00		(³)				606.00
Moore	9/29	10/1	Jordan		606.00		(³)				606.00
McDermott	9/29	10/1	Jordan		606.00		(³)				606.00
Smith	9/29	10/1	Jordan		606.00		(³)				606.00
Leman	9/29	10/1	Jordan		606.00		(³)				606.00
Lis	9/29	10/1	Jordan		606.00		(³)				606.00
Hildebrand	9/29	10/1	Jordan		561.00		(³)				561.00
Lawrence	9/29	10/1	Jordan		606.00		(³)				606.00
Dreier	9/30	9/30	Lebanon								
Price	9/30	9/30	Lebanon								
Ellison	9/30	9/30	Lebanon								
Moore	9/30	9/30	Lebanon								
McDermott	9/30	9/30	Lebanon								
Smith	9/30	9/30	Lebanon								
Leman	9/30	9/30	Lebanon								
Lis	9/30	9/30	Lebanon								
Hildebrand	9/30	9/30	Lebanon								
Lawrence	9/30	9/30	Lebanon								
Dreier	10/1	10/2	Iraq								
Price	10/1	10/2	Iraq								
Ellison	10/1	10/2	Iraq								
Moore	10/1	10/2	Iraq								
McDermott	10/1	10/2	Iraq								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TUNISIA, EGYPT, JORDAN, LEBANON, IRAQ, AND IRELAND, EXPENDED BETWEEN SEPT. 24 AND OCT. 3, 2011—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Smith	10/1	10/2	Iraq .....	.....	.....	.....	.....	.....	.....	.....	.....
Leman	10/1	10/2	Iraq .....	.....	.....	.....	.....	.....	.....	.....	.....
Lis	10/1	10/2	Iraq .....	.....	.....	.....	.....	.....	.....	.....	.....
Hildebrand	10/1	10/2	Iraq .....	.....	.....	.....	.....	.....	.....	.....	.....
Lawrence	10/1	10/2	Iraq .....	.....	.....	.....	.....	.....	.....	.....	.....
Dreier	10/2	10/03	Ireland .....	.....	267.00	.....	(³)	.....	.....	.....	267.00
Price	10/2	10/03	Ireland .....	.....	181.00	.....	(³)	.....	.....	.....	181.00
Ellison	10/2	10/03	Ireland .....	.....	267.00	.....	(³)	.....	.....	.....	267.00
Moore	10/2	10/03	Ireland .....	.....	267.00	.....	(³)	.....	.....	.....	267.00
McDermott	10/2	10/03	Ireland .....	.....	267.00	.....	(³)	.....	.....	.....	267.00
Smith	10/2	10/03	Ireland .....	.....	267.00	.....	(³)	.....	.....	.....	267.00
Leman	10/2	10/03	Ireland .....	.....	267.00	.....	(³)	.....	.....	.....	267.00
Lis	10/2	10/03	Ireland .....	.....	267.00	.....	(³)	.....	.....	.....	267.00
Hildebrand	10/2	10/03	Ireland .....	.....	222.00	.....	(³)	.....	.....	.....	222.00
Lawrence	10/2	10/03	Ireland .....	.....	267.00	.....	(³)	.....	.....	.....	267.00
Committee total .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	17,262

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. DAVID DREIER, Oct. 24, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, EXPENDED ON OCT. 10, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. David Dreier	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Lois Capps	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Susan Davis	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Gwen Moore	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Maxine Waters	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Donald Payne	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Adam Schiff	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Mazie Hirono	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Yvette Clarke	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Donna Christensen	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Barry Jackson	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
John Lis	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Rachael Leman	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Asher Hildebrand	10/10	10/10	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Committee total .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. DAVID DREIER, Oct. 27, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SWITZERLAND, EXPENDED BETWEEN OCT. 16 AND OCT. 20, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Robert Reeves	10/16	10/20	Switzerland	1,238.15	1,255.68	.....	1,886.00	.....	.....	.....	3,141.68
Thomas Wickham	10/16	10/20	Switzerland	1,238.15	1,265.68	.....	1,886.00	.....	.....	.....	3,151.68
Committee total .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,293.36

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT REEVES, Oct. 27, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Collin Peterson	9/24	9/27	Greece .....	.....	1,012.47	.....	(³)	.....	.....	.....	1,012.47
.....	9/27	9/18	Turkey .....	.....	329.50	.....	(³)	.....	.....	.....	329.50
.....	9/28	9/29	Cyprus .....	.....	351.93	.....	(³)	.....	.....	.....	351.93
.....	9/29	9/30	Turkey .....	.....	390.11	.....	(³)	.....	.....	.....	390.11
Committee total .....	.....	.....	.....	.....	2,084.01	.....	.....	.....	.....	.....	2,084.01

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. FRANK D. LUCAS, Chairman, Oct. 28, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Brooke Boyer	6/26	6/30	Peru		1,037.00						1,037.00
	6/30	7/3	Guatemala		583.00						583.00
Misc. Embassy Costs									343.00		343.00
Misc. Transportation Costs							20.00				20.00
Commercial Airfare							2,404.00				2,404.00
Timothy Prince	6/26	6/30	Peru		1,037.00						1,037.00
	6/30	7/3	Guatemala		583.00						583.00
Misc. Embassy Costs									343.00		343.00
Misc. Transportation Costs							160.00				160.00
Commercial Airfare							2,404.00				2,404.00
Brooke Boyer	7/23	7/26	Korea		908.01						908.01
	7/26	7/28	Japan		337.50						337.50
	7/28	7/31	Guam		787.75						787.75
Misc. Costs (room taxes)									167.55		167.55
Misc. Transportation Costs							336.96				336.96
Commercial Airfare							16,302.46				16,302.46
Megan Rosenbusch	7/23	7/26	Korea		908.01						908.01
	7/26	7/28	Japan		337.50						337.50
	7/28	7/31	Guam		794.30						794.30
Misc. Costs (room taxes)									167.55		167.55
Misc. Transportation Costs							276.96				276.96
Commercial Airfare							17,319.46				17,319.46
Ann Reese	7/22		Travel Day		10.37						10.37
	7/23	7/26	Korea		908.01						908.01
	7/26	7/28	Japan		337.50						337.50
	7/28	7/31	Guam		717.51						717.51
Misc. Costs (room taxes)									167.55		167.55
Misc. Transportation Costs							432.96				432.96
Commercial Airfare							16,441.26				16,441.26
Sarah Young	7/29	7/31	Guam		736.73						736.73
Misc. Transportation Costs							42.50				42.50
Commercial Airfare							16,208.62				16,208.62
Hon. Mario Diaz-Balart	6/29	7/1	Lithuania		604.34						604.34
Misc. Embassy Costs (overtime)									163.24		163.24
Misc. Transportation Costs							488.06				488.06
Commercial Airfare							3,489.70				3,489.70
Hon. John Carter	8/11	8/14	Kuwait		401.95						401.95
	8/13	8/14	Iraq				(³)				
Commercial Airfare							6,776.80				6,776.80
Susan Adams	8/16	8/19	Tanzania		733.00						733.00
	8/19	8/23	Kenya		1,400.00						1,400.00
	8/23	8/25	South Sudan		252.00						252.00
Misc. Transportation Costs							746.96				746.96
Misc. Embassy Costs									1,611.25		1,611.25
Commercial Airfare							9,848.90				9,848.90
Erin Kolodjeski	8/16	8/19	Tanzania		733.00						733.00
	8/19	8/23	Kenya		1,400.00						1,400.00
	8/23	8/25	South Sudan		252.00						252.00
Misc. Transportation Costs							746.96				746.96
Misc. Embassy Costs									1,611.25		1,611.25
Commercial Airfare							9,848.90				9,848.90
Brooke Boyer	8/18	8/20	New Zealand		643.55						643.55
	8/20	8/26	Australia		2,138.04						2,138.04
Misc. Transportation Costs							116.00				116.00
Commercial Airfare							15,794.30				15,794.30
Adrienne Ramsay	8/18	8/20	New Zealand		643.55						643.55
	8/20	8/26	Australia		2,138.04						2,138.04
Misc. Transportation Costs							82.24				82.24
Commercial Airfare							15,794.30				15,794.30
Hon. Harold D. Rogers	8/26	8/29	United Kingdom		1,546.00						1,546.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,691.88						1,691.88
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(— 53.43)		(³)				(— 53.43)
Hon. Norm Dicks	8/26	8/29	United Kingdom		1,546.00						1,546.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,691.88						1,691.88
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(— 58.70)		(³)				(— 58.70)
Hon. Ed Pastor	8/26	8/29	United Kingdom		1,546.00						1,546.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,691.88						1,691.88
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(— 100.00)		(³)				(— 100.00)
Hon. Steve Womack	8/26	8/29	United Kingdom		1,030.00						1,030.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,691.88						1,691.88
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(— 56.00)		(³)				(— 56.00)
William Inglee	8/26	8/29	United Kingdom		1,496.00						1,496.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,445.30						1,445.30
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(— 273.00)		(³)				(— 273.00)
David Pomerantz	8/26	8/29	United Kingdom		1,496.00						1,496.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,445.30						1,445.30
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(— 203.00)		(³)				(— 203.00)
Anne Marie Chotvacs	8/26	8/29	United Kingdom		1,496.00						1,496.00
	8/29	8/31	Germany		833.15						833.15

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011—
Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Misc. Delegation Costs	8/31	9/2	Austria		880.98						880.98
Return of Unused Per Diem	9/2	9/5	Germany		1,445.30						1,445.30
Ben Nicholson					(-360.42)		(³)		4,345.13		4,345.13
Misc. Delegation Costs	8/26	8/29	United Kingdom		1,496.00						1,496.00
Return of Unused Per Diem	8/29	8/31	Germany		833.15						833.15
B.G. Wright	8/31	9/2	Austria		880.98						880.98
Misc. Delegation Costs	9/2	9/5	Germany		1,445.30						1,445.30
Return of Unused Per Diem					(-148.62)		(³)		4,345.13		4,345.13
Misc. Delegation Costs	8/26	8/29	United Kingdom		1,496.00						1,496.00
Return of Unused Per Diem	8/29	8/31	Germany		833.15						833.15
Jeffrey Ashford	8/31	9/2	Austria		880.98						880.98
Misc. Delegation Costs	9/2	9/5	Germany		1,445.30						1,445.30
Return of Unused Per Diem					(-41.45)		(³)		4,345.13		4,345.13
Misc. Transportation Costs	8/29	9/2	Estonia		1,047.40						1,047.40
Commercial Airfare							2,241.60		65.00		2,241.60
Stephanie Gupta	8/29	9/2	Estonia		1,047.40						1,047.40
Misc. Transportation Costs							2,241.60		38.93		2,241.60
Commercial Airfare											38.93
Tim Peterson	9/25	9/28	Belgium		1,541.21						1,541.21
Misc. Transportation Costs	9/28	9/30	Luxembourg		1,040.00						1,040.00
Commercial Airfare							46.37				46.37
Elizabeth C. Dawson	9/25	9/28	Belgium		1,541.21						1,541.21
Misc. Transportation Costs	9/28	9/30	Luxembourg		1,040.00						1,040.00
Commercial Airfare							46.37				46.37
Sarah Young	9/25	9/28	Belgium		1,541.21						1,541.21
Misc. Transportation Costs	9/28	9/30	Luxembourg		1,040.00						1,040.00
Commercial Airfare							46.37				46.37
Committee total					77,131.09		147,495.41		48,129.62		272,756.12

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. HAROLD ROGERS, Chairman, Oct. 28, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Dyess, Mary A.	7/22	7/29	Guam		1,672.50		2,881.06		159.70		4,713.26
Schmidt, Carol J.	7/22	7/29	Guam		1,672.50		2,881.06		710.42		5,263.98
Committee total					3,345.00		5,762.12		870.12		9,977.24

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HAROLD ROGERS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Mike McIntyre	6/25	6/27	Italy		398.00						398.00
	6/27	6/29	Georgia		168.00						168.00
	6/29	6/30	Lithuania		320.20						320.00
	6/30	7/2	Russia								
	7/2	7/3	Portugal		117.00						117.00
Hon. Madeleine Bordallo	6/25	6/27	Italy		398.00						398.00
	6/27	6/29	Georgia		168.00						168.00
	6/29	6/30	Lithuania		302.17						302.17
	6/30	7/2	Russia								
	7/2	7/3	Portugal		117.00						117.00
Catherine McElroy	6/26	6/29	Morocco		307.00						307.00
	6/29	6/30	Algeria		202.88						202.88
	7/1	7/2	France		289.50						289.50
Commercial Transportation							9,504.30				9,504.30
Michele Pearce	6/26	6/29	Morocco		307.00						307.00
	6/29	6/30	Algeria		202.88						202.88
	7/1	7/2	France		376.00						376.00
Commercial Transportation							8,117.00				8,117.00
Paul Lewis	6/26	6/29	Morocco		307.00						307.00
	6/29	6/30	Algeria		202.88						202.88
	7/1	7/2	France		376.00						376.00
Commercial Transportation							8,250.00				8,250.00
Jamie Lynch	8/7	8/9	Japan		668.00						668.00
Commercial Transportation							6,611.00				6,311.00
Jack Schuler	8/7	8/9	Japan		668.00						668.00
Commercial Transportation							6,611.00				6,611.00
Debra Wada	8/7	8/9	Japan		668.00						668.00
Commercial Transportation							6,611.00				6,611.00
John Phillip MacNaughton	8/8	8/9	Japan		334.00						334.00
Commercial Transportation							6,311.00				6,311.00

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011—
Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Peter Villano	8/8	8/9	Djibouti		337.00						337.00
	8/10	8/12	Kenya		682.80						682.80
	8/12	8/12	Uganda								
Commercial Transportation							15,579.00				15,579.00
Paul Arcangeli	8/8	8/9	Djibouti		337.00						337.00
	8/10	8/12	Kenya		682.80						682.80
	8/12	8/12	Uganda								
Commercial Transportation							16,158.42				16,158.42
Mark Lewis	8/8	8/9	Djibouti		337.00						337.00
	8/10	8/12	Kenya		682.80						682.80
	8/12	8/12	Uganda								
Commercial Transportation							16,158.42				16,158.42
Delegation Expenses	8/10	8/12	Kenya				1,074.00		72.46		1,146.46
Roger Zakheim	8/16	8/18	Egypt		534.00						534.00
	8/18	8/19	Italy		144.00						144.00
Commercial Transportation							6,340.00				6,340.00
Jenness Simler	8/16	8/18	Egypt		534.00						534.00
	8/18	8/19	Italy		144.00						144.00
Commercial Transportation							8,289.72				8,289.72
Michael Casey	8/16	8/18	Egypt		534.00						534.00
	8/18	8/19	Italy		144.00						144.00
Commercial Transportation							6,340.00				6,340.00
Delegation Expenses	8/16	8/18	Egypt						173.00		173.00
Michele Pearce	8/15	8/16	Russia		575.35						575.35
	8/16	8/18	Tajikistan		550.84						550.84
	8/18	8/20	Turkey		504.28						504.28
Commercial Transportation							8,662.90				8,662.90
Paul Lewis	8/15	8/16	Russia		575.35						575.35
	8/16	8/18	Tajikistan		550.84						550.84
	8/18	8/20	Turkey		504.28						504.28
Commercial Transportation							9,322.90				9,322.90
Kevin Gates	8/22	8/25	United Kingdom		1,554.00						1,554.00
	8/25	8/27	Estonia		440.00						440.00
Commercial Transportation							4,244.00				4,244.00
Timothy McClees	8/22	8/25	United Kingdom		1,554.00						1,554.00
	8/25	8/27	Estonia		440.00						440.00
Commercial Transportation							4,244.00				4,244.00
Hon. Robert Wittman	9/2	9/3	Philippines		237.00						237.00
	9/3	9/5	South Korea		738.24						738.24
	9/5	9/7	Japan		494.30						494.30
Commercial Transportation							1,318.20				1,318.20
Hon. Madeliene Bordallo	9/2	9/3	Philippines		237.00						237.00
	9/3	9/5	South Korea		738.24						738.24
	9/5	9/7	Japan		494.30						494.30
Commercial Transportation							1,318.20				1,318.20
Hon. Stephen Pallazzo	9/2	9/3	Philippines		237.00						237.00
	9/3	9/5	South Korea		738.24						738.24
	9/5	9/7	Japan		494.30						494.30
Commercial Transportation							1,318.20				1,318.20
Ms. Michele Pearce	9/2	9/3	Philippines		237.00						237.00
	9/3	9/5	South Korea		738.24						738.24
	9/5	9/7	Japan		396.47						396.47
Commercial Transportation							1,322.80				1,322.80
Vickie Plunkett	9/2	9/3	Philippines		181.00						181.00
	9/3	9/5	South Korea		578.24						578.24
	9/5	9/7	Japan		418.00						418.00
Commercial Transportation							1,318.20				1,318.20
Brian Garrett	9/2	9/3	Philippines		181.25						181.25
	9/3	9/5	South Korea		553.71						553.71
	9/5	9/7	Japan		70.46						70.46
Commercial Transportation							1,318.20				1,318.20
Elizabeth Nathan	9/11	9/13	Kuwait		866.52						866.52
	9/13	9/14	Afghanistan								
	9/15	9/17	Pakistan		160.00						160.00
	9/17	9/19	Saudi Arabia		194.00						194.00
Paul Lewis	9/11	9/13	Kuwait		866.52						866.52
	9/13	9/14	Afghanistan								
	9/15	9/17	Pakistan		160.00						160.00
	9/17	9/19	Saudi Arabia		239.00						239.00
Committee total					29,489.09		155,442.46		245.46		185,177.01

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HOWARD P. "BUCK" McKEON, Chairman, Oct. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Virginia Foxx	9/24	9/27	Greece		822.69		(³)				822.69
	9/27	9/28	Turkey		252.74		(³)				252.74
	9/28	9/29	Cyprus		247.84		(³)				247.84
	9/29	9/30	Turkey		338.61		(³)				338.61
Committee total											1,661.88

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. JOHN KLINE, Chairman, Oct. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Michael Burgess	8/12	8/13	Kuwait				10,974.10				10,974.10
	8/13	8/15			111.00				322.19		433.19
Hon. John Shimkus	9/24	9/24	Germany				3,583.50				3,583.50
	9/24	9/28	Lithuania		468.00						468.00
	9/28	9/28	Finland								
Committee total					579.00		14,557.60		322.19		15,458.79

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. FRED UPTON, Chairman, Nov. 1, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Joan Condon	8/8	8/11	Ethiopia		1,134.00						1,134.00
	8/11	8/14	South Sudan		651.00						651.00
	8/14	8/16	Uganda		589.00						589.00
Roundtrip Airfare							10,947.32				10,947.32
Jacqueline Quinones	8/11	8/14	South Sudan		710.00						710.00
Roundtrip Airfare							7,518.72				7,518.72
Peter Quilter	8/16	8/19	Nicaragua		680.00						680.00
Roundtrip Airfare							539.10				539.10
Gregory Simpkins	8/16	8/17	South Africa		392.00						392.00
	8/17	8/21	Madagascar		719.05						719.05
Roundtrip Airfare							10,618.90				10,618.90
Algene Sajery	8/16	8/17	South Africa		392.00						392.00
	8/17	8/21	Madagascar		812.36						812.36
Roundtrip Airfare							10,802.90				10,802.90
Sajit Ghanda	8/21	8/23	India		760.00						760.00
	8/23	8/27	Sri Lanka		858.00						858.00
Roundtrip Airfare							10,059.20				10,059.20
Hon. Eliot Engel	9/2	9/7	Israel		1,317.00				4 11,211.99		12,528.99
Roundtrip Airfare							7,222.95				7,222.95
Jason Steinbaum	9/2	9/7	Israel		1,317.00						1,317.00
Roundtrip Airfare							7,222.95				7,222.95
Matthew Zweig	9/23	10/1	Egypt		746.48						746.48
Roundtrip Airfare							4,502.50				4,502.50
Christina Jenckes	9/23	10/1	Egypt		917.34						917.34
Roundtrip Airfare							4,502.50				4,502.50
Alan Makovsky	9/23	10/1	Egypt		801.00						801.00
Roundtrip Airfare							4,502.50				4,502.50
Robert Marcus	9/23	10/1	Egypt		801.00						801.00
Roundtrip Airfare							4,502.50				4,502.50
Hon. Dan Burton	9/24	9/27	Greece		1,012.41		(³)				1,012.41
	9/27	9/28	Turkey		329.48		(³)				329.48
	9/28	9/29	Cyprus		351.04		(³)				351.04
	9/29	9/30	Turkey		389.99		(³)				389.99
	9/24	9/27	Greece		878.76		(³)				878.76
Hon. Ted Poe							1,130.00				1,130.00
One-Way Ticket											
Hon. Gregory Meeks	9/28	9/29	Cyprus		702.80						702.80
	9/29	9/30	Turkey		389.99						389.99
One-Way Ticket							6,369.00				6,369.00
Sarah Blocher	9/24	9/27	Greece		794.08		(³)				794.08
	9/27	9/28	Turkey		252.26		(³)				252.26
	9/28	9/29	Cyprus		247.84		(³)				247.84
	9/29	9/30	Turkey		368.64		(³)				368.64
Jesper Pederson	9/24	9/27	Greece		1,012.41		(³)				1,012.41
	9/27	9/28	Turkey		329.48		(³)				329.48
	9/28	9/29	Cyprus		351.04		(³)				351.04
	9/29	9/30	Turkey		389.99		(³)				389.99
Brian Wanko	9/24	9/27	Greece		1,012.41		(³)				1,012.41
	9/27	9/28	Turkey		329.48		(³)				329.48
	9/28	9/29	Cyprus		389.99		(³)				389.99
	9/29	9/30	Turkey		389.99		(³)				389.99
Hon. Steve Chabot	9/25	9/27	India		313.35						313.35
	9/27	9/29	Sri Lanka		590.00						590.00
	9/29	10/1	Nepal		391.00						391.00
	10/1	10/2	Bhutan		90.00						90.00
	10/2	10/2	India								
Roundtrip Airfare							9,941.60				9,941.60
Kevin Fitzpatrick	9/25	9/27	India		313.35						313.35
	9/27	9/29	Sri Lanka		595.00						595.00
	9/29	10/1	Nepal		381.00						381.00
	10/1	10/2	Bhutan		85.00						85.00
	10/2	10/2	India								
Roundtrip Airfare							9,182.60				9,182.60
Edward Burrier	9/25	9/28	Senegal		784.00						784.00
Roundtrip Airfare							5,228.50				5,228.50
Gregory McCarthy	9/25	9/28	Senegal		918.81						918.81
Roundtrip Airfare							5,193.50				5,193.50
Kristin Jackson	9/25	9/28	Peru		789.50						789.50
Roundtrip Airfare							727.84				727.84
Hubbell Knapp	9/25	9/28	Peru		789.50						789.50
Roundtrip Airfare							727.84				727.84
Jacqueline Quinones	9/25	9/28	Peru		789.50						789.50
Roundtrip Airfare							727.84				727.84
Committee total					30,349.32		122,170.76		11,211.99		163,732.07

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Delegation expenses.

HON. ILEANA ROS-LEHTINEN, Chairman.

November 17, 2011

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Pedro Pierluis	6/27	6/29	Brussels		794.00		787.50				1,581.50
	6/29	7/1	Israel		932.00		(³)				932.00
	7/1	7/3	Bratislava		472.60		(³)				472.60
Committee total											2,986.10

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. DOC HASTINGS, Chairman, Oct. 28, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DARRELL E. ISSA, Chairman, Oct. 27, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID DREIER, Chairman, Oct. 26, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Margaret Caravelli	8/28	8/30	Italy		348.00		*2,944.00				3,292.00
	8/30	8/31	Switzerland		178.00						178.00
	8/31	9/02	Netherlands		267.00						267.00
Mele Williams	8/28	8/30	Italy		348.00		*2,944.00				3,292.00
	8/30	8/31	Switzerland		178.00						178.00
	8/31	9/02	Netherlands		364.00						364.00
Dahlia Sokolov	8/28	8/30	Italy		348.00		*2,944.00				3,292.00
	8/30	8/31	Switzerland		178.00						178.00
	8/31	9/02	Netherlands		364.00						364.00
Committee total					2,573.00		8,832.00				11,405.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

* Transportation included all legs of trip (roundtrip to Italy, Switzerland, and the Netherlands.)

HON. RALPH M. HALL, Chairman, Oct. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Wally Herger	9/24	9/27	Greece		1,012.61						1,012.61
	9/27	9/28	Turkey		329.48						329.48
	9/28	9/29	Cyprus		335.12						335.12
	9/29	9/30	Turkey		389.99						389.99
Committee total											2,067.20

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Chairman, Oct. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Jefferson Miller	8/6	8/7	Middle East		135.00						
Commercial Aircraft	8/7	8/11	Middle East		112.00						
Tom Corcoran	8/6	8/7	Middle East		135.00		18,916.50				19,163.50
Commercial Aircraft	8/7	8/11	Middle East		112.00						
Carly Scott	8/6	8/7	Middle East		123.00		8,674.50				8,921.50
Commercial Aircraft	8/7	8/11	Middle East								
Robert Minehart	9/25	9/29	Asia		1,480.00		8,674.50				8,797.50
Commercial Aircraft	9/29	10/1									
Judith Boyd	9/25	9/29	Asia		1,480.00		14,883.00				16,363.00
Commercial Aircraft	9/29	10/1									
William Koella	9/25	9/29	Asia		1,480.00		14,883.00				16,363.00
Commercial Aircraft	9/29	10/1									
Hon. Mike Rogers	9/25	9/28	Middle East				7,980.40				7,980.40
Commercial Aircraft											
Michael Allen	9/25	9/28	Middle East				7,980.40				7,980.40
Commercial Aircraft											
Darren Dick	9/25	9/28	Middle East				7,980.40				7,980.40
Commercial Aircraft											
Committee total					5,057.00		104,845.70				109,902.70

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MIKE ROGERS, Chairman, Oct. 31, 2011

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Chris Smith	6/26	7/1	Belgium		1,453.46		1,798.60				3,252.06
Mark Milosch	6/26	7/1	Belgium		1,682.69		1,798.60				3,481.29
Winsome Packer	6/29	7/2	Austria		1,309.29		5,025.50				6,334.79
	9/21	9/24	Bosnia and Herzegovina		662.43		4,756.90				5,419.33
	9/24	9/25	Austria		353.70						353.70
Robert Hand	7/5	7/11	Serbia		1,715.00		4,865.80				6,584.80
Cynthia Efrid	7/7	7/11	Serbia		1,705.00		2,809.80				4,515.80
Alex Johnson	7/5	7/11	Serbia		1,800.00		597.00				2,397.00
	7/1	8/3	Austria		10,584.01						10,584.01
	9/11	9/30	Austria		7,560.00		1,515.40				9,075.40
Hon. Chris Smith			Serbia		252.00						252.00
Hon. Robert Aderholt			Serbia		252.00						252.00
Mark Milosch			Serbia		252.00						252.00
Committee total					29,582.58		23,171.60				52,754.18

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARK MILOSCH, Oct. 28, 2011.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3899. A letter from the Director, Office of Science and Technology Policy, transmitting a letter reporting the views of the Office of Science and Technology Policy regarding the conclusion of the GAO that the Office violated the Antideficiency Act; to the Committee on Appropriations.

3900. A letter from the Acting Under Secretary, Department of Defense, transmitting the termination of the Joint Tactical Radio System Ground Mobile Radio based on growth in the unit procurement costs; to the Committee on Armed Services.

3901. A letter from the Secretary, Department of Defense, transmitting notification that the President approved changes to the 2011 Unified Command Plan; to the Committee on Armed Services.

3902. A letter from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — Struc-

ture and Practices of the Video Relay Service Program; Sprint Nextel Corporation Expedited Petition for Clarification, Sorenson Communications, Inc. Petition for Reconsideration of Two Aspects of the Certification Order; AT&T Services, Inc. Petition for Reconsideration of AT&T [CG Docket No.: 10-51] received October 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3903. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-24, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3904. A letter from the Secretary, Department of Labor, transmitting the Reissued Agency Financial Report for FY 2010; to the Committee on Oversight and Government Reform.

3905. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Draft Strategic Plan: Fiscal Years 2012- 2016; to the Committee on Oversight and Government Reform.

3906. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2010; to the Committee on Oversight and Government Reform.

3907. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for the Southern Distinct Population Segment of Eulachon [Docket No.: 101027536-1591-03] (RIN: 0648-BA38) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3908. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Trademark Technical and Conforming Amendments [Docket No.: PTO-T-2010-0014] (RIN: 0651-AC39) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3909. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on

a petition on behalf of workers from the Piqua Organic Moderated Reactor in Piqua, Ohio to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

3910. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3911. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from W.R. Grace and Company in Curtis Bay, Maryland, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3912. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3913. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Y-12 facility in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3914. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3322-EM in the State of Louisiana, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F/13 Propeller Assemblies [Docket No.: FAA-2010-1270; Directorate Identifier 2001-NE-50-AD; Amendment 39-16788; AD 2005-25-10R1] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3916. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0381; Directorate Identifier 2010-NM-203-AD; Amendment 39-16799; AD 2011-18-17] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0151; Directorate Identifier 2009-NM-205-AD; Amendment 39-16781; AD 2011-17-17] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2011-0474; Directorate Identifier 2010-NM-213-AD; Amendment 39-16802; AD 2011-18-20] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, and -243 Airplanes, Model A330-300 Series Airplanes, and Model A340-300 Series Airplanes [Docket No.: FAA-2011-0387; Directorate Identifier 2010-NM-222-AD; Amendment 39-16804; AD 2011-18-22] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2010-1045; Directorate Identifier 2010-NM-101-AD; Amendment 39-16809; AD 2011-19-04] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes [Docket No.: FAA-2011-0646; Directorate Identifier 2010-NM-224-AD; Amendment 39-16814; AD 2011-20-04] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes [Docket No.: FAA-2011-0221; Directorate Identifier 2010-NM-120-AD; Amendment 39-16805; AD 2011-18-23] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 Series Airplanes) and A310 Series Airplanes [Docket No.: FAA-2011-0647; Directorate Identifier 2010-NM-193-AD; Amendment 39-16812; AD 2011-20-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes [Docket No.: FAA-2008-1118; Directorate Identifier 2007-NM-318-AD; Amendment 39-16792; AD 2011-18-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines [Docket No.: FAA-2010-1055; Directorate Identifier 2010-NE-35-AD; Amendment 39-16801; AD 2011-18-19] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2010-0910; Directorate Identifier 2011-NM-151-AD; Amendment 39-16797; AD 2011-18-15] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the GAO report entitled, "ACQUISITION PLANNING: Opportunities to Build Strong Foundations for Better Services Contracts"; jointly to the Committees on Oversight and Government Reform and Science, Space, and Technology.

3928. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled "Report to Congress on Iran-Related Multilateral Sanctions Regime Efforts" covering the period from February 17, 2011 to August 16, 2011; jointly to the Committees on Foreign Affairs, Financial Services, and Ways and Means.

3929. A letter from the Secretary, Department of Homeland Security, transmitting a legislative proposal to implement a pay reform initiative; jointly to the Committees on Education and the Workforce, Oversight and Government Reform, Homeland Security, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOX: Committee on Rules. House Resolution 470. Resolution providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act (Rept. 112-291). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCKINLEY (for himself, Mrs. CAPITO, and Mr. RAHALL):

H.R. 3451. A bill to designate the Federal Building and United States Courthouse located at 1125 Chapline Street in Wheeling, West Virginia, as the "Frederick P. Stamp, Jr. Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 3452. A bill to provide for the sale of approximately 30 acres of Federal land in Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, to permit the establishment of a minimally invasive transportation alternative for skiers, called "SkiLink", to connect two ski resorts in the Wasatch Mountains, and for other purposes; to the Committee on Natural Resources.

By Mr. BENISHEK (for himself, Mr. RIBBLE, and Mr. HUIZENGA of Michigan):

H.R. 3453. A bill to amend the Endangered Species Act of 1973 to authorize permits for takings of wolves to protect from wolf depredation in States where wolf populations exceed the recovery goals in a recovery plan under that Act; to the Committee on Natural Resources.

By Mrs. ROBY (for herself, Ms. SEWELL, Mr. BACHUS, Mr. BONNER, and Mr. ADERHOLT):

H.R. 3454. A bill to amend the Food Security Act of 1985 with respect to maximum enrollment and eligible land in the conservation reserve program; to the Committee on Agriculture.

By Mr. PALAZZO (for himself, Mr. HOLDEN, Mr. BARTLETT, Mr. THOMPSON of Mississippi, Mr. WESTMORELAND, Mr. LATHAM, Mr. LOBIONDO, Mr. NUNNELEE, and Mr. HARPER):

H.R. 3455. A bill to amend title 10, United States Code, to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff and to reestablish the position of Vice Chief of the National Guard Bureau; to the Committee on Armed Services.

By Ms. HAYWORTH:

H.R. 3456. A bill to authorize the President's request to eliminate the Ready-to-Learn program; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. BISHOP of New York, and Ms. DEGETTE):

H.R. 3457. A bill to require ingredient labeling of certain consumer cleaning products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHOCK (for himself, Mrs. MCMORRIS RODGERS, Mr. HUIZENGA of Michigan, Mr. REHBERG, and Mr. WALDEN):

H.R. 3458. A bill to amend title XVIII of the Social Security Act to ensure the eligibility of eligible professionals practicing in rural health clinics for electronic health records and quality improvement incentives under Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself and Ms. ROS-LEHTINEN):

H.R. 3459. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Transportation and Infrastructure, and

Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. MORAN, and Mr. POLIS):

H.R. 3460. A bill to amend the Internal Revenue Code of 1986 to allow temporarily a reduced rate of tax with respect to repatriated foreign earnings; to the Committee on Ways and Means.

By Mrs. CAPITO (for herself, Mrs. MALONEY, Mr. BACHUS, Mr. SCHWEIKERT, Mr. POSEY, Mr. WESTMORELAND, Mr. RENACCI, Mr. CARNEY, Mr. PEARCE, and Mr. DUFFY):

H.R. 3461. A bill to improve the examination of depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. CLARKE of Michigan (for himself, Mr. BENISHEK, Mr. HUIZENGA of Michigan, and Mr. WALBERG):

H.R. 3462. A bill to require the Secretary of Veterans Affairs to make tuition payments for veterans enrolled in institutions of higher learning who are receiving assistance under the Post-9/11 Educational Assistance Program by not later than the tuition due date for the quarter, semester, or term; to the Committee on Veterans' Affairs.

By Mr. HARPER (for himself and Mr. COLE):

H.R. 3463. A bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself and Mr. COLE):

H.R. 3464. A bill to authorize the Secretary of Education to award grants to promote civic learning and engagement, and for other purposes; to the Committee on Education and the Workforce.

By Mr. INSLEE (for himself, Mr. GRIJALVA, Mr. MARKEY, Ms. DEGETTE, Mr. HINCHEY, Mr. LANGEVIN, Mr. BERMAN, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. SERRANO, Mr. DEFazio, Mr. BLUMENAUER, Mr. CLEAVER, Mr. MORAN, Mr. ANDREWS, Mr. CONNOLLY of Virginia, Mr. WAXMAN, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. LEVIN, Mr. GUTIERREZ, Ms. SLAUGHTER, Mr. NADLER, Mr. CUMMINGS, Ms. TSONGAS, Mr. DOYLE, Mr. LARSON of Connecticut, Ms. SCHWARTZ, Mr. ACKERMAN, Mr. CARSON of Indiana, Mr. STARK, Mr. LIPINSKI, Ms. KAPTUR, Mr. MURPHY of Connecticut, Mrs. NAPOLITANO, Mr. RAHALL, Mr. MCDERMOTT, Mr. HEINRICH, Mr. SCHIFF, Ms. EDWARDS, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. VAN HOLLEN, Mr. GARAMENDI, Mr. LUJAN, Mr. COOPER, Mr. HOLT, Ms. HIRONO, Mr. BRALEY of Iowa, Mrs. CAPPS, Ms. MOORE, Mr. DINGELL, Mr. RYAN of Ohio, Mr. PRICE of North Carolina, Ms. CHU, Mr. ROTHMAN of New Jersey, Ms. WOOLSEY, Mr. WALZ of Minnesota, Ms. LEE of California, Mr. PASCRELL, Mr. MCNERNEY, Mr. JOHNSON of Georgia, Mr. OLIVER, Ms. ESHOO, Mr. ELLISON, Mr. CONYERS, Mrs. MALONEY, Mr. TIERNEY, Mr.

CARNAHAN, Ms. NORTON, Ms. VELAZQUEZ, Mr. FILNER, Ms. SPEIER, Ms. MATSUI, Mr. SCOTT of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. JACKSON LEE of Texas, Mr. QUIGLEY, Ms. ROYBAL-ALLARD, Mr. SMITH of Washington, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Ms. SUTTON, Mr. RANGEL, Mr. SARBANES, Ms. FUDGE, Mr. MCGOVERN, Mr. HIGGINS, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Mr. KILDEE, Mr. DOGETT, Mr. NEAL, Mrs. LOWEY, Mr. CICILLINE, Mr. COHEN, Mr. RUSH, Mr. ISRAEL, Mr. KEATING, Mr. KUCINICH, Ms. RICHARDSON, Mr. CLAY, Mr. TONKO, Mr. SHERMAN, Mr. FATTAH, Mr. JOHNSON of Illinois, Mr. KIND, Mrs. MCCARTHY of New York, and Ms. CASTOR of Florida):

H.R. 3465. A bill to protect inventoried roadless areas in the National Forest System; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. CUELLAR, Mr. GRIMM, Mrs. MCCARTHY of New York, Mr. MEEKS, Mr. POLIS, Mr. HANNA, Mr. MCCAUL, Mr. DAVID SCOTT of Georgia, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. AKIN, Mr. WOLF, Ms. LORETTA SANCHEZ of California, Mr. MCCOTTER, and Mr. BACHUS):

H.R. 3466. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself and Mr. RANGEL):

H.R. 3467. A bill to amend the Internal Revenue Code of 1986 to reform the estate and gift tax; to the Committee on Ways and Means.

By Mr. MEEHAN (for himself and Ms. LINDA T. SANCHEZ of California):

H.R. 3468. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 3469. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage the implementation or expansion of prekindergarten programs for students 4 years of age or younger; to the Committee on Education and the Workforce.

By Mr. RIBBLE (for himself, Mr. PETRI, Mr. MEEHAN, and Mr. AUSTRIA):

H.R. 3470. A bill to remove arbitrary and anticompetitive limitations from the grant program for ICAC Program training; to the Committee on the Judiciary.

By Ms. TSONGAS:

H.R. 3471. A bill to authorize the Secretary of Labor to award grants for the employment of individuals in targeted communities to perform work for the benefit of such communities; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 3472. A bill to prevent forfeited fishing vessels from being transferred to private parties and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR of Florida:

H.J. Res. 89. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KING of Iowa (for himself, Mr. CHABOT, Mr. PAUL, Mr. WALSH of Illinois, and Mr. WESTMORELAND):

H. Res. 471. A resolution amending the Rules of the House of Representatives to require that rescission bills always be considered under open rules every year, and for other purposes; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MCKINLEY:

H.R. 3451.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 17 of the Constitution.

By Mr. BISHOP of Utah:

H.R. 3452.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BENISHEK:

H.R. 3453.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Section 3, Clause 2
The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mrs. ROBY:

H.R. 3454.
Congress has the power to enact this legislation pursuant to the following:
In the U.S. Constitution under Article 1, Section 8, Clause 3, Commerce Clause.

By Mr. PALAZZO:

H.R. 3455.
Congress has the power to enact this legislation pursuant to the following:

Article 1: Section 8 of the Constitution of the United States of America,

“Congress shall have the power . . . To make laws for the government and regulation of the land and naval forces.”

By Ms. HAYWORTH:

H.R. 3456.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. ISRAEL:

H.R. 3457.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 Clause 3 of the United States Constitution, which grants Congress the power “to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.”

By Mr. SCHOCK:

H.R. 3458.
Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 of the United States Constitution.

By Mr. BECERRA:

H.R. 3459.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 17 and Article I, Section 8, clause 18 of the Constitution.

By Ms. BERKLEY:

H.R. 3460.
Congress has the power to enact this legislation pursuant to the following:
Article I, §8 of the United States Constitution.

By Mrs. CAPITO:

H.R. 3461.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3, authorizing Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. CLARKE of Michigan:

H.R. 3462.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 (Necessary and Proper)

The Congress shall have Power *** To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HARPER:

H.R. 3463.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the U.S. Constitution granting Congress the authority to make laws governing the time, place, and manner of holding Federal elections.

Additionally, Amendment XVI to the United States Constitution.

Additionally, since the Constitution does not provide Congress with the power to provide financial support to candidates seeking election to offices of the United States or to U.S. political parties, the general repeal of the presidential election fund is consistent with the powers that are reserved to the States and to the people as expressed in

Amendment X to the United States Constitution.

Further, Article I, Section 8 defines the scope and powers of Congress and does not include this concept of taxation in furtherance of funding campaigns within the delegated powers.

By Mr. HONDA:

H.R. 3464.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution

By Mr. INSLEE:

H.R. 3465.
Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority of Congress to enact this legislation is provided by . . . Article 1, Section 8, Clause 18, which provides that Congress shall have the power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. KING of New York:

H.R. 3466.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1
The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. McDERMOTT:

H.R. 3467.
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Section 8 of Article 1 of the United States Constitution

By Mr. MEEHAN:

H.R. 3468.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to Article I, Section 8, Clause 3 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Ms. NORTON:

H.R. 3469.
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of section 8 of article I of the Constitution.

By Mr. RIBBLE:

H.R. 3470.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the U.S. Constitution.

By Ms. TSONGAS:

H.R. 3471.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8.

By Mr. YOUNG of Alaska:

H.R. 3472.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 3 and Article 1, Section 8, Clause 1.

By Ms. CASTOR of Florida:

H.J. Res. 89.
Congress has the power to enact this legislation pursuant to the following:
Article V of The Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. DESJARLAIS, Mr. FLAKE, Mr. MICA and Mr. DOLD.
 H.R. 23: Mr. INSLEE.
 H.R. 114: Mr. BERG.
 H.R. 139: Ms. ZOE LOFGREN of California, Mr. CARSON of Indiana, Mr. ANDREWS, Ms. DELAURO, Ms. DEGETTE and Mr. KEATING.
 H.R. 303: Ms. ZOE LOFGREN of California.
 H.R. 365: Mr. HOLDEN.
 H.R. 436: Mr. TURNER of New York.
 H.R. 458: Mr. RUSH.
 H.R. 463: Mr. DUNCAN of South Carolina.
 H.R. 487: Mr. GENE GREEN of Texas.
 H.R. 615: Ms. HAYWORTH.
 H.R. 665: Mr. QUIGLEY.
 H.R. 733: Mr. BOUSTANY and Mr. COHEN.
 H.R. 735: Mr. AKIN.
 H.R. 745: Mr. GRIFFIN of Arkansas.
 H.R. 778: Mr. RAHALL, Mr. CUMMINGS, Mr. CONYERS and Ms. BERKLEY.
 H.R. 797: Ms. WOOLSEY.
 H.R. 835: Mr. BARTLETT and Mr. WALBERG.
 H.R. 893: Ms. MCCOLLUM.
 H.R. 998: Mr. INSLEE.
 H.R. 1029: Mr. PERLMUTTER.
 H.R. 1148: Mr. SCHIFF, Mr. CARNEY, Mr. POE of Texas, Mr. HIMES, Mr. GENE GREEN of Texas, Mr. MICHAUD, Mr. FRANK of Massachusetts, Mr. BURGESS, Mr. CHABOT, Mr. HINCHEY, Ms. PINGREE of Maine, Mr. HEINRICH, Mr. WEST, Mr. PETERS, Mr. BASS of New Hampshire, Mr. PRICE of North Carolina and Mr. ACKERMAN.
 H.R. 1164: Mr. WESTMORELAND and Mr. DUNCAN of South Carolina.
 H.R. 1167: Mr. BILIRAKIS.
 H.R. 1173: Mr. SHUSTER.
 H.R. 1175: Ms. SCHWARTZ.
 H.R. 1176: Mr. HIMES.
 H.R. 1193: Mr. ENGEL.
 H.R. 1206: Mr. DAVIS of Kentucky.
 H.R. 1221: Mr. COFFMAN of Colorado.
 H.R. 1281: Mr. LATTI.
 H.R. 1307: Mr. WESTMORELAND and Mr. DUNCAN of South Carolina.
 H.R. 1340: Mr. GUTHRIE.
 H.R. 1352: Mr. WELCH.
 H.R. 1370: Mr. NUNES and Mr. DESJARLAIS.
 H.R. 1386: Mr. ISRAEL, Mr. ELLISON, Mr. CARNAHAN and Ms. SLAUGHTER.
 H.R. 1416: Mr. GRIJALVA.
 H.R. 1426: Mr. DUNCAN of South Carolina, Mr. GERLACH and Mr. FLEISCHMANN.
 H.R. 1449: Mr. HARRIS and Mr. GEORGE MILLER of California.
 H.R. 1489: Mr. PALLONE.
 H.R. 1558: Mr. WHITFIELD.
 H.R. 1633: Mr. AKIN and Mr. BROWN of Georgia.
 H.R. 1639: Mr. CRAWFORD, Mr. MEEHAN, Mr. MARCHANT and Ms. WILSON of Florida.
 H.R. 1648: Mr. WELCH, Mr. RUPPERSBERGER, Mr. MCNERNEY and Mr. INSLEE.
 H.R. 1653: Mr. NEUGEBAUER, Mr. DESJARLAIS and Mr. RIBBLE.
 H.R. 1715: Mr. ROHRBACHER.
 H.R. 1730: Ms. HANABUSA, Ms. BASS of California, Ms. BROWN of Florida, Mr. CICILLINE, Ms. JACKSON LEE of Texas and Ms. WILSON of Florida.
 H.R. 1734: Mr. DUNCAN of South Carolina and Mr. WESTMORELAND.
 H.R. 1738: Ms. WASSERMAN SCHULTZ.
 H.R. 1744: Mr. DUFFY.
 H.R. 1749: Mr. CLEAVER.
 H.R. 1755: Mr. CHANDLER.
 H.R. 1756: Mr. KELLY and Mr. MEEKS.
 H.R. 1798: Mr. DANIEL E. LUNGREN of California and Mr. GARRETT.

H.R. 1815: Mr. HEINRICH, Mr. INSLEE, Mr. MILLER of Florida, Mr. STEARNS, Mr. SIMPSON, and Mr. FALCOMA VEGA.
 H.R. 1834: Mr. ALTMIRE.
 H.R. 1842: Mr. BRADY of Pennsylvania and Mr. BISHOP of New York.
 H.R. 1903: Ms. DEGETTE and Mr. GRIJALVA.
 H.R. 1946: Mr. AUSTIN SCOTT of Georgia.
 H.R. 1971: Mr. AUSTIN SCOTT of Georgia.
 H.R. 2040: Mr. AUSTIN SCOTT of Georgia.
 H.R. 2053: Mr. BENISHEK.
 H.R. 2070: Mr. RIBBLE, Mr. STUTZMAN, Mrs. HARTZLER, Mr. BROOKS, Mr. LANKFORD, Mr. CONAWAY, and Mr. HUIZENGA of Michigan.
 H.R. 2122: Mr. TURNER of New York, Mr. MCCAUL, and Mr. BILIRAKIS.
 H.R. 2131: Mr. ROSS of Arkansas, Mr. BRALEY of Iowa, Mr. SHULER, Ms. HERRERA BEUTLER, Mr. DUNCAN of Tennessee, Mr. GUTHRIE, and Ms. JENKINS.
 H.R. 2137: Mrs. CAPITO.
 H.R. 2226: Mr. ANDREWS.
 H.R. 2288: Mr. BACHUS and Mr. ROONEY.
 H.R. 2299: Mr. MCCLINTOCK.
 H.R. 2334: Mr. DEUTCH and Mr. ANDREWS.
 H.R. 2360: Mr. HOLT.
 H.R. 2446: Mr. DOLD, Mr. COOPER, and Mr. FLEISCHMANN.
 H.R. 2477: Mr. COSTA.
 H.R. 2492: Mr. HAHN and Mr. BARTLETT.
 H.R. 2505: Mr. KIND, Ms. ROYBAL-ALLARD, and Mr. PERLMUTTER.
 H.R. 2514: Mr. BERG.
 H.R. 2580: Mr. SERRANO.
 H.R. 2604: Ms. HAHN.
 H.R. 2617: Ms. PINGREE of Maine.
 H.R. 2672: Mr. KELLY.
 H.R. 2674: Mr. PALAZZO.
 H.R. 2679: Mrs. CHRISTENSEN.
 H.R. 2697: Mr. WESTMORELAND, Mr. MORAN, and Ms. BERKLEY.
 H.R. 2705: Mr. DOGGETT.
 H.R. 2717: Mr. BUTTERFIELD, Mr. PRICE of North Carolina, Mr. KISSELL, Mr. BOSWELL, Mr. PETERSON, Mr. ANDREWS, Mr. SHULER, Mr. CLAY, Mr. BARTLETT, Mr. BOREN, Mr. ALTMIRE, and Mr. COOPER.
 H.R. 2731: Mr. FLORES.
 H.R. 2735: Ms. JENKINS.
 H.R. 2770: Mr. PETERSON.
 H.R. 2787: Mr. ALTMIRE.
 H.R. 2815: Ms. JACKSON LEE of Texas.
 H.R. 2827: Mr. HUIZENGA of Michigan.
 H.R. 2874: Mr. MANZULLO, Mr. MILLER of Florida, and Mr. CASSIDY.
 H.R. 2885: Mr. COFFMAN of Colorado and Mr. CRENSHAW.
 H.R. 2898: Mr. LATTI.
 H.R. 2900: Mr. ROSS of Florida and Mr. AUSTIN SCOTT of Georgia.
 H.R. 2902: Mr. JACKSON of Illinois, Mr. COHEN, Mr. CLARKE of Michigan, and Ms. HAHN.
 H.R. 2914: Ms. SPEIER.
 H.R. 2926: Mr. AUSTIN SCOTT of Georgia.
 H.R. 2948: Mr. SHERMAN.
 H.R. 2949: Mr. CUELLAR.
 H.R. 2950: Mr. CUELLAR.
 H.R. 2962: Mr. GRIJALVA, Mrs. BLACK, Mr. HECK, Mr. HIMES, and Mr. REHBERG.
 H.R. 2966: Mr. MEEHAN and Ms. HANABUSA.
 H.R. 2978: Mr. FINCHER, Mr. WHITFIELD, Ms. JENKINS, Mr. COBLE, and Mr. GOWDY.
 H.R. 2982: Mr. BRALEY of Iowa, Mr. DUNCAN of South Carolina, Mr. BUTTERFIELD, and Mr. CAPUANO.
 H.R. 3020: Mr. GUTIERREZ and Mr. NEAL.
 H.R. 3039: Ms. HANABUSA, Mr. HONDA, and Mr. LOBIONDO.
 H.R. 3059: Mr. COHEN.
 H.R. 3063: Mr. GUTIERREZ.
 H.R. 3096: Ms. HERRERA BEUTLER.
 H.R. 3126: Mr. STARK.
 H.R. 3127: Mr. COBLE.

H.R. 3151: Mr. NADLER and Ms. DELAURO.
 H.R. 3159: Mr. ROHRBACHER.
 H.R. 3178: Mr. BISHOP of New York, Mr. HOLT, Mr. KUCINICH, Mr. SCOTT of Virginia, and Mr. HONDA.
 H.R. 3179: Mr. CRAWFORD and Mr. CAPUANO.
 H.R. 3236: Mr. MORAN.
 H.R. 3268: Mr. RUSH.
 H.R. 3269: Mr. CRAWFORD, Mr. ROSS of Florida, Mr. NEAL, Mr. PIERLUISI, Mr. ADERHOLT, Mr. MILLER of Florida, Mr. BROOKS, Mrs. MYRICK, Mr. HECK, Mr. FINCHER, Mr. CASSIDY, Mr. GERLACH, Mr. MULVANEY, Mr. CRITZ, Mr. GUTHRIE, Mr. FRANK of Massachusetts, Mr. SIMPSON, Mr. RUPPERSBERGER, Mr. WILSON of South Carolina, Mr. SESSIONS, Mr. BOUSTANY, Ms. SCHWARTZ, Mr. STEARNS, Mr. AKIN, Mrs. DAVIS of California, Mr. GINGREY of Georgia, Mr. HANNA, Mr. DESJARLAIS, Mrs. ROBY, Mr. KINZINGER of Illinois, Mr. MCHENRY, Mr. RIBBLE, Ms. HAHN, Mr. MATHESON, Mr. GRIMM, Mr. WALZ of Minnesota, and Mrs. BLACK.
 H.R. 3294: Mr. ROKITA.
 H.R. 3299: Ms. WASSERMAN SCHULTZ.
 H.R. 3327: Mr. TURNER of New York, Mr. HANNA, Mr. LONG, and Mr. RIBBLE.
 H.R. 3359: Mr. JONES, Mr. MCNERNEY, and Mr. FARR.
 H.R. 3362: Mr. GOHMERT.
 H.R. 3364: Mr. LATHAM, Mr. DOYLE, and Mr. BOSWELL.
 H.R. 3373: Mr. LUJÁN.
 H.R. 3381: Mr. PIERLUISI.
 H.R. 3391: Ms. DEGETTE.
 H.R. 3409: Mr. ROE of Tennessee, Mr. BUCHSHON, Mr. KELLY, and Mr. ROGERS of Kentucky.
 H.R. 3410: Mr. DENT and Mr. SCHILLING.
 H.R. 3414: Mr. WALBERG and Mr. MARCHANT.
 H.R. 3421: Mr. MARINO, Mr. ROONEY, Mr. GRIMM, Mr. WEST, Ms. TSONGAS, Mr. HANNA, Mr. NUNES, Mr. FITZPATRICK, Mr. MCKINLEY, Mr. CRENSHAW, Mr. GUINTA, Ms. BERKLEY, Ms. HIRONO, Mr. CALVERT, Mr. MURPHY of Pennsylvania, Ms. JACKSON LEE of Texas, Mr. WALDEN, Mr. THOMPSON of Pennsylvania, Mr. CRITZ, Mr. BROOKS, Ms. ESHOO, Mr. RUNYAN, Mr. GOWDY, Mr. HECK, Mr. WOLF, Mr. HOLDEN, Mr. OLIVER, Mr. KELLY, Mr. ALTMIRE, Mr. ROSS of Florida, Mr. SCOTT of South Carolina, Mr. SULLIVAN, Ms. RICHARDSON, Mr. POLIS, Mr. CRAWFORD, Mrs. ROBY, Mr. PALAZZO, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. SHULER, Mr. LIPINSKI, Mr. WALZ of Minnesota, Mr. DENHAM, Mr. GUTHRIE, Mr. GIBBS, Mr. BISHOP of New York, Mr. BOSWELL, Mr. DUNCAN of South Carolina, Mr. FARENTHOLD, Mrs. CHRISTENSEN, Mr. HUIZENGA of Michigan, Mr. DOYLE, Mr. YARMUTH, Mr. LOEBSACK, Mrs. SCHMIDT, Mr. LUETKEMEYER, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KISSELL, Mr. MCCAUL, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. BERG, Mrs. BLACK, Mr. BENISHEK, Mrs. CAPITO, Mr. CRAVAACK, Mr. DUFFY, Mr. FLEISCHMANN, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. HARRIS, Mr. HURT, Ms. JENKINS, Mr. SIMPSON, Ms. SPEIER, Mr. WALSH of Illinois, and Mr. CONAWAY.
 H.R. 3425: Mr. TIERNEY.
 H.R. 3440: Mr. ROSS of Florida, Mr. DANIEL E. LUNGREN of California, and Mr. YOUNG of Alaska.
 H.J. Res. 28: Mr. HONDA, Mr. ELLISON, Mr. BISHOP of Georgia, Ms. RICHARDSON, Ms. WILSON of Florida, and Mrs. CHRISTENSEN.
 H.J. Res. 29: Mr. ELLISON.
 H.J. Res. 30: Mr. ELLISON.
 H.J. Res. 31: Mr. ELLISON.
 H.J. Res. 32: Mr. ELLISON.
 H.J. Res. 33: Mr. ELLISON.
 H.J. Res. 34: Mr. ELLISON.
 H.J. Res. 35: Mr. ELLISON.

H.J. Res. 36: Mr. GENE GREEN of Texas and Mr. ELLISON.

H.J. Res. 86: Mr. COHEN.

H.J. Res. 87: Mr. CICILLINE, Mr. LANGEVIN, and Mr. YARMUTH.

H. Con. Res. 63: Ms. KAPTUR and Ms. WOOLSEY.

H. Con. Res. 82: Mr. RIBBLE.

H. Res. 295: Mr. ROTHMAN of New Jersey, Mr. LATOURETTE, and Mr. REYES.

H. Res. 298: Mr. POLIS and Mr. TIPTON.

H. Res. 433: Mr. FORBES and Mr. WILSON of South Carolina.

H. Res. 468: Mr. HANNA, Mr. CHABOT, Mr. MULVANEY, Ms. HAHN, Mr. BARTLETT, Mr. COFFMAN of Colorado, Mrs. ELLMERS, Mr. LANDRY, Mr. ROE of Tennessee, Mr. RIGELL, Mr. RICHMOND, Mr. LOEBSACK, Mr. COBLE, and Ms. RICHARDSON.

SENATE—Thursday, November 17, 2011

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal God, let Your peace that passes understanding be felt on Capitol Hill. Remove distracting priorities from the minds of our Senators, leading them to focus on the things that really matter. Take away disturbing doubts, providing them with certitude regarding Your providential power and purpose. Eradicate false ambition, as You make them content to serve You where they are and as they are.

In a special way, guide the supercommittee in its challenging work. And, Lord, as we enter this season of gratitude, make us truly thankful.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 17, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morn-

ing business for 1 hour. The Republicans will control the first half and the majority will control the final half. Following morning business, the Senate will begin consideration of S. 1867, the Department of Defense authorization bill.

We expect to receive the conference report to accompany H.R. 2112, the Agriculture, CJS, and Transportation appropriations bill, which also contains the CR, during today's session. The information I have gotten from the House—and it could change—is that it will be late. I spoke to Senator LEVIN earlier today. It appears we will have to be in session to try to work through some of that bill, anyway, tomorrow, so we may not be able to complete the conference report and the continuing resolution today. We will see what develops as the day goes on.

CBO REPORT

Mr. REID. This week, the non-partisan Congressional Budget Office, known as the watchdog of the Senate, confirmed what Democrats have been saying for months—that the so-called Republican jobs plan isn't much of a plan and it wouldn't create any jobs.

The Congressional Budget Office report analyzed different approaches to spurring economic growth and jobs proposed by both parties. Among the top job creators were Democratic proposals to extend unemployment benefits and cut middle-class taxes. But when the CBO looked at the GOP plan to eliminate safeguards that protect lives, save money, and shield the environment, it concluded that the idea was a flop. The study concluded that the effects of the changes the Republicans propose would be negligible at best and at worst could actually lower economic growth and slow hiring.

Although their plan would have no positive effect on our economy, the Republicans want to gut the safeguards that saved hundreds of thousands of lives just last year alone. Although their plan could potentially slow economic growth, they want to gut the safeguards that save American companies and consumers \$1.3 trillion each year by increasing productivity and reducing medical bills. Nonpartisan experts agree this is not the road to recovery. They also agree with Democrats that putting money back into the pockets of middle-income families and small businesses with tax credits and refunds and extending unemployment benefits is the most efficient way to get Americans working again to turn our economy around. Families who

have more money to spend will pump it back into the economy. Businesses that have more money to spend will hire new workers. At a time where we need to conserve every dollar and get the most bang for the buck, these proposals do more with less.

As we continue to discuss ways to combat high unemployment in the coming months, it would behoove my Republican colleagues to remember that not all proposals are created equally. When we consider our next jobs bill in December, my Republican friends will once again face a choice: We can cling to ideological proposals we know won't work or they can join forces with Democrats to pass proposals we know will create jobs. I hope the Republicans prove to be more interested in getting results than in getting their way.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JOB CREATION

Mr. McCONNELL. Over the past few weeks, I have repeatedly come to the floor to highlight the good work Republicans in the House have been doing in identifying jobs legislation on which the two parties can actually agree. At last count, House Republicans had passed 22 jobs bills which were designed not only to incentivize the private sector to create jobs but which were also designed to attract strong bipartisan support. In other words, House Republicans have been designing jobs legislation that could actually pass. They have been legislating with an eye toward making a difference instead of just making a point.

I have been encouraging the Democratic majority here in the Senate to follow the House's lead, take up these bipartisan jobs bills, pass them here in the Senate, and send them to the President for signature. That way we would actually be helping to create jobs, and we would send a message to the American people that we can actually do something many of them think we don't do enough of around here; that is, work together.

This morning, I would like to call on my Democratic colleagues once again to take me up on the offer. Once we get back from Thanksgiving, let's take up these bipartisan bills that have already passed the House, pass them here in the Senate, and send them down to the

President for signature. We showed we can do it last week when we worked together to pass Senator BROWN's 3 percent withholding bill and Senator MURRAY's Veterans bill. In fact, yesterday the House passed this legislation 422 to 0, sending it to the White House for the President's signature. So I would like to call on the President this morning to invite Senator BROWN down to the White House for the signing ceremony, which would show the American people that cooperation is, indeed, possible when the Senate focuses on bipartisan job-creation solutions.

Let's continue to build off that momentum and do more. Many of the bipartisan House-passed bills already have companion or similar legislation here in the Senate. There is no reason we can't start to take them up as soon as we get back. There is a lot we could do.

Yesterday, I highlighted a bill by Senator COLLINS, the EPA Regulatory Relief Act. It has strong support from both Republicans and Democrats right here in the Senate, including 12 Democratic cosponsors. Let's pass it. The House-passed version of this bill passed overwhelmingly. It got more than 40 Democratic votes. It is supported by more than 300 business groups, including the American Forest and Paper Association, the National Association of Manufacturing, the U.S. Chamber of Commerce, the National Federation of Independent Business, and the Business Roundtable. According to one estimate, this bill could save more than 200,000 jobs and provide greater certainty for businesses that are asking us for it. The EPA has asked for more time. Both parties support it. Let's pass it.

Once we pass that bill, we should take up the four other bipartisan House-passed bills I highlighted last week. These four bills would help businesses raise capital, expand their businesses, and create more jobs. They all passed with bipartisan support over in the House. We have bipartisan companion or similar legislation right here in the Senate. What is the holdup? Let's pass these bills too.

There is the Small Company Capital Formation Act, cosponsored by Senators TESTER and TOOMEY. Its companion legislation got 183 Democratic votes in the House. Let's pass it.

There is the Community Bank Resource Improvement Act, cosponsored by Senators HUTCHISON and PRYOR. Its companion legislation in the House got 184 Democrats. Let's take it up and pass it.

There is the Private Company Flexibility and Growth Act, cosponsored by Senators TOOMEY and CARPER. Let's pass it.

There is the Democratizing Access to Capital Act, sponsored by Senator SCOTT BROWN. A similar bill in the House passed with 407 votes, including 169 from Democrats. Let's pass it.

There is the Access to Capital for Job Creators Act, cosponsored by Senator THUNE. It passed the House with 413 votes, including 175 Democrats. Let's pass it.

And we shouldn't stop there. As I see it, there is no reason we shouldn't take up every one of these bipartisan bills that have already passed the House once we get back and pass them, one by one. They all passed the House on a bipartisan basis. They all help the private sector create jobs. There is no good reason we shouldn't take up all these bills and pass them right here in the Senate because if we can't pass jobs legislation on which we all agree, then what are we going to pass? This should be a layup.

The Republican House has done its job. It is time for the Senate to act. Let's do what the American people expect us to do. Let's take up these jobs bills when we return, pass them, and send them down to the President for signature. Let's do the work we were sent here to do.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

THE FINANCIAL FUTURE

Mr. SESSIONS. Mr. President, once again we find ourselves in a too familiar position. Secret meetings over the financial future of our country are being held as we head toward the final hours—really final minutes as has been the pattern around here—of an agreement that will be produced for us and expected to be passed by a committee of 12. It is less than a week until the deadline and no language has been made public.

The American people should be able to make their voice heard before the committee votes because the truth is, once that vote happens there will be no opportunity to change their product. It will be up or down, the train will have left the station. The bill will, hopefully, be a good bill that can pass but we will not have any opportunity to amend it.

That is not the way Congress was set up to work. I happened to catch, this

morning, a statement by former Secretary of Defense under President Bush and President Obama, Robert Gates. This is a statement he made in an interview:

I think, frankly, the creation of this supercommittee was a complete abdication of responsibility on the part of Congress. It basically says, "This is too hard for us. Give us a BRAC. Give us a package where all I have to do is vote it up or vote it down and I don't have to take any personal responsibility for the tough decisions." So now we are left with this Sword of Damocles hanging over the government, hanging over defense, and if these cuts are automatically made, I think the results for our national security will be a catastrophe.

That is what the former Secretary of Defense said recently.

Admiral Mullen, when asked about this in response to a question I asked him at the Armed Services Committee—the then-Chairman of the Joint Chiefs said, if this sequester takes place:

It has a good chance of breaking us and putting us in a position of not keeping faith with this all volunteer force that has fought two wars. . . . It will impose a heavy penalty on developing equipment for the future, and it will hollow us out.

One of the reasons I am here this morning is to issue a warning and call attention to some matters that I believe are important. People will make many promises about what this deal will be about if it passes and they reach an agreement. Hopefully they will reach an agreement that is one that can be honestly defended and we will all be happy to vote for it. But what we have seen so far indicates that secret deals, while they remain secret, are promoted to be far better than they are when you begin to see what is in them. The devil will always be in the details.

Yesterday on the floor I spoke about the Budget Control Act disaster funding gimmick. Over 10 years, the cumulative cost of this gimmick will be about \$140 billion to the Treasury, including interest. Done with just a few words tucked into the bill, people did not understand the effect of disaster provisions. It came out in the eleventh hour into the final agreement and people voted on it without fully understanding what it meant. So just a few words can dramatically alter the future fiscal situation of our country.

The record of broken promises is long, improvident promises about what a bill would do. Many deals have been proposed that have promised serious spending cuts and minimal tax increases only for the reverse to be actually true.

Let me run down a brief list: The President's budget, submitted earlier this year, was accompanied with the President's claim that it "does not add to our debt." Clearly, one of the most dramatic, erroneous, blatantly false statements ever issued by a President

of the United States. The reality is, that budget would double the debt of the United States in 11 years. That budget would have as its lowest single annual deficit, according to CBO, an annual deficit of \$724 billion with deficits in the years 8, 9, 10 up to \$1 trillion again. It increased spending, it increased taxes, and it increased the debt more than if we had done nothing.

Then the Senate Democrats talked about a budget I called a phantom budget. We have not had one in the Senate for 932 days. So they talked about a budget, and they made some claims, but we never saw it in detail—never saw the detail. But they claimed it had \$2 trillion in spending cuts and \$2 trillion in tax hikes, \$1 of tax hikes for every \$1 of spending cuts.

The President, earlier this year, acknowledged that we should have \$3 of spending cuts for every \$1 of tax increases. Of course, that has been abandoned now. But the reality was that the phantom budget was talked about but never produced—but an outline was produced—actually added, we think, \$2 in tax hikes for every \$1 in spending cuts.

Then, Senator REID, during the effort to raise the debt limit, his revised proposal claimed \$2.4 trillion in deficit reduction. The reality was they were counting \$1.1 trillion in savings from war costs because the CBO assumes that war costs would be the same for 10 years. It was never going to be the same for 10 years. We are always going to bring the war costs down as soon as possible. It is a phony claim that we should reduce spending by \$1 trillion by claiming credit for war costs that we are on a steadfast path and have been to reduce.

The President's supercommittee proposal that he submitted to this committee of 12 claims \$2 in cuts for every \$1 in taxes. But the reality, as we see it, there are no real cuts and 100 percent of the reduction will come from more taxes, more spending, more debt so far. So if this committee proposes a solution and asks us to vote for it, here are some things we should look for and not be happy with, if they are in the bill. The pattern has been—I would say for the promoters of these agreements—to spin them to sound better than they are.

One of the things we should look out for are claims of spending reductions that occur by setting a cap on war spending, as I indicated. The money was never going to be spent. Some are claiming \$1 trillion in savings from that and it should not be counted. Another thing we would look at are front-loaded promises, front-loaded revenue increases, tax increases that occur now along with back-loaded promises of spending cuts in the future—in the out-years then they claim these savings. But the pattern around here is that once a tax increase is passed, it is

there, but a promise of a spending cut in the future very often does not become a reality. We know that. That is the pattern that has put us in such a desperate financial condition today, just that kind of activity. So whatever happens this time, this cannot be part of the process.

We need to watch for a plan that would rely on directions to standing committees in the House and Senate to, at some point in the future, produce legislation that might reduce entitlement spending and/or would raise revenue.

These committees have not followed through on that in the past, and the supercommittee's directions to them, we have to know, are not likely to occur based on history around here. That is the historic reality. Just directing a committee to raise taxes or cut spending does not at all mean they are going to do it.

Another thing we need to watch out for is if the committee makes unrealistic cuts to programs without reforming those programs, such as the current assumed annual cuts that are in law today to health care providers, doctors, and hospitals to cut their reimbursement rates. Congress knows we cannot go forward with those cuts, and they have been avoided every year by borrowing money to pay to avoid very serious cuts to our providers that, if not paid, would quit doing Medicare and Medicaid work. Doctors don't have to do that. It is just at a point we cannot cut providers anymore.

Another thing we need to watch out for is a plan that assumes unrealistic changes to the Congressional Budget Office baseline. One of the things is to assert overly optimistic economic growth projections for the next 10 years. More and more we are hearing that coming out of this recession is going to be a long, tough, slow slog. If we want to spend more money and claim to have a budget that improves our financial situation, one way to do it is to just assume more growth than is actually going to occur, that the experts don't believe will actually occur. If we do that, that is phony accounting. Our numbers may look better today but not as the years go by. That is the kind of thinking that has gotten us in the deep debt hole we are in today.

Another thing to watch out for is the claim that interest savings derived from tax increases are spending cuts. Interest expense—and it is substantial for our country—is a byproduct of spending and taxes. If you drive up debt, our interest payment will go up. If we raise taxes and reduce the deficit, then interest rates drop. We can't count the interest reduction as a spending cut. That is not cutting any real spending. That is just avoiding a future interest growth that would have occurred if we haven't done it. I don't think we should count—and we must

not count—interest reductions either from tax increases or spending cuts as a spending cut.

I would also like to talk about the Defense cuts, briefly. Majority Leader REID said this just yesterday, I believe:

If the committee fails to act, sequestration

That is, automatic cuts—

is going to go forward. Democrats are not going to take an unfair, unrealistic load directed toward domestic discretionary spending . . . and take it away from the military.

In other words, take the cuts away from the military. The automatic cuts that would fall on the military, which are, as Admiral Mullen, the former Chairman of the Joint Chiefs said, will follow us out.

These automatic cuts are odd. Many programs with rising costs are protected from any cuts. Cuts are prohibited against the Medicaid Program and the surging Food Stamp program, but the Defense Department, which is already slated to take \$450 billion in cuts, is facing another \$600 billion in cuts, according to the Department of Defense. It would be a nearly 20-percent net reduction in Defense over the next 10 years. It would be the most severe hammering of the Defense Department, while protecting other programs from any cuts. It is not legitimate. Yet the majority leader is pushing back and saying this is perfectly legitimate. He is not going to have cuts in non-defense discretionary spending. He wants them to fall on the military.

The majority leader's comments suggest that the Defense increases have increased faster than domestic discretionary spending, but nothing could be further from the truth. From fiscal year 2008 to 2011, the Defense budget increased—base budget—by just 10 percent. Meanwhile, education spending surged 67 percent over the 2009 through 2011 period, compared to the previous three year period.

The ACTING PRESIDENT pro tempore. The minority time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have one additional moment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we are at a historic point. I believe this Congress has taken a great risk in turning over to a committee of 12 this responsibility. It is going to be difficult for them to reach an agreement. If they don't, damaging sequestration could occur. If they do reach an agreement, we have to be sure it is an honest agreement that actually achieves what they promised, which is—at a minimum—\$1.2 trillion worth of deficit reductions. We need \$4 trillion—as every expert has said—over 10 years in savings to begin to put this country on the right path. We are nowhere close to that.

I feel like the country is going to have to take some tough medicine. I

hope the committee can help us get there. I do not approve of the process, but hopefully it will work and maybe we will not repeat it in the future.

I thank the Chair.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

UNEMPLOYMENT CRISIS

Mr. REED. I rise to underscore a crucial challenge facing our Nation. There are 14 million Americans who are looking for work. Six million have been unemployed for more than 6 months, and the average length of unemployment is 40 weeks, the longest average in more than 60 years. These are dire circumstances. They must be changed, and we know how to do it. We know how to address our immediate unemployment crisis.

We must enact policies that will put Americans back to work and strengthen our economy. Congress can start by passing the American Jobs Act. The American Jobs Act is a blueprint for boosting our economy. It contains policies that most Americans, and virtually all economists, agree government should do in order to help our economy grow.

It would provide relief to the middle class. It would help small businesses grow and hire. It would invest in our Nation's bridges and roads and schools, help stabilize our housing market and provide aid to States so teachers and first responders can stay on the job.

Congress must also renew basic policies such as Federal unemployment compensation programs that have been a lifeline to the unemployed, their families, businesses and to States and economies throughout this Nation. If we do not extend unemployment benefits by the end of the year, 2 million Americans will lose their benefits by February 2012. This would be disastrous for them and for the local businesses that depend upon these people being able to still go out and get a cup of coffee or go out and buy the essentials of life. It would be disastrous for States that, again, depend on that type of economic activity in our national economy.

This is why I joined several of my colleagues to introduce the Emergency Unemployment Compensation Extension Act of 2011. If Federal support for unemployment benefits is not extended, the economy could lose \$72 billion in economic activity, endangering up to 560,000 jobs nationwide—in my State the estimate is 2,300 jobs would be lost—simply because we will again shrink demand as people who are relying on just getting by with an unemployment check no longer even have that—those few dollars—to get by.

These proposals should be non-partisan and in the past they have indeed garnered both Democratic and Re-

publican support. Unfortunately, in the midst of the deepest and longest unemployment crisis our Nation has faced since the Great Depression, too many of our Republican colleagues have chosen simply to delay and to deny the reality of millions of Americans who are looking for work, underemployed, struggling to get by day to day.

In January 2008, before the economic crisis took hold, the unemployment rate was 5 percent. It ultimately peaked at 10.1 percent nationally in October of 2009. This massive, sudden drop in employment was precipitated by one of the worst financial crises we have ever seen in the history of the country. This crisis was caused by excessive risk taking by financial institutions, lax regulations and, in the minds of so many Americans, out and out greed.

Since that 10.1-percent high of unemployment in October of 2009, the unemployment rate has trended downward, but not fast enough. The national unemployment rate has hovered around 9 percent since January of this year. The fact remains that the economy is generating more jobs than it was under the policies of President Bush, particularly in the last year of his administration, but it is still not generating enough jobs. As we saw with the most recent unemployment report, businesses are hiring despite some strong headwinds, particularly the economic dangers from Europe. In October, the economy added 80,000 jobs and the unemployment rate came down from 9.1 percent to 9 percent. That is the right direction, but not the right speed, not the right momentum, not the right response to this crisis. The economy still has 6.6 million fewer jobs than at the beginning of the 2007 recession, and the rate of job growth is, as I said, simply too slow. Adding 80,000 jobs keeps us a bit afloat, but it doesn't allow us to have the momentum to move the economy forward, which we need.

If we continue to see sluggish job growth with an average 125,000 payroll jobs added per month—and that is the pace this year—it will take us an additional 52 months—not weeks—52 months to get back to the prerecession levels of payroll employment. If we pick up job growth—say to 200,000 jobs per month, which is, again, exceeding the current pace, but not the kind of spectacular pace we need—it still will take an additional 33 months to get back to pre-Bush recession levels in employment. This persistently high unemployment rate and anemic growth have correctly been described as a national crisis.

But more important than the findings of economists and those who are studying the policy effects of this is the damage that this crisis is inflicting upon the families and communities of America. Combined with the fact that middle-class families have not seen a real increase in their family income in

10 years, and now they have seen this high unemployment, this is a double whammy. At the same time, some essentials such as food and fuel have become more expensive. We cannot overstate the difficulty that so many families are seeing: 10 years, effectively, without any real growth in their income, increased prices in essentials, and a job market that is weak, at best, although slightly improved.

That is why what we have to do here is literally get Americans back to work, to give them not only the resources but the confidence that the days ahead will be much better. This crisis requires the full attention of Congress, as well as action, not just discussion. We cannot afford further inaction. We cannot again indulge in a period of time where we were borrowing to pay for two major conflicts.

I note my predecessor from Alabama talking about the military budget. Since 2001, we have fought two major conflicts in Iraq and Afghanistan and we have not raised the revenue to support those efforts. We have put them on the backs of future generations of Americans and on the backs of Americans today who are facing this job crisis. We have to work, to put people to work, to end this problem.

Unfortunately, I fear that, as I have said before, many of my Republican colleagues are simply engaged in delay, which might be politically expedient, but it is not helping the families of America.

Economists who are studying this economy, both national and international, have been emphatic that we have to put policies in place to get people back to work. Many of these policies are encapsulated in the American Jobs Act, which has been repeatedly rejected by my colleagues on the other side. They voted down two parts of the bill we pulled out, one being the Teachers and First Responders Back to Work Act that would have created or protected 400,000 education jobs, kept thousands of police and firefighters on the job, and helped local communities as they are struggling to keep afloat.

They also rejected the Rebuild America Jobs Act, which would have made an immediate investment of \$50 billion in our highways, transit systems, railways, and aviation infrastructure. Frankly, I don't know any American in any part of this country who does not get the idea that we have to begin and continue to reinvest in our infrastructure. Every American can point to a bridge that is failing. They can point to congestion on the highways. They can point to projects that are so necessary not only for the long-term activity of the country but for the immediate employment of our citizens.

The rejection of these efforts is based on one simple fact: that we are asking the wealthiest Americans to pay for these initiatives. No longer are we

going to put it on the back of future generations as we have with a decade of foreign conflicts and other programs such as the Medicare Part D expansion. We are trying to be fiscally responsible not only to propose ways to put people to work but also to pay for those measures now. That is what my colleagues object to. They seem to be more concerned about that 1 percent that is talked about than the rest of Americans who need work—not just directly, but their communities need the work so they can prosper along with the Nation.

All of this delay has been accompanied by their proposals, but their proposals always seem to rely upon austerity: We will have to cut more and more and more. But I don't think this single-minded focus on austerity is going to lead to the kind of growth we need. In fact, there are many analysts and economists who argue that the austerity measures being suggested are counterproductive to growing the economy; that, in fact, they lead to higher unemployment and lower wages.

For example, a recent IMF study talking about the consequences of pursuing an agenda focused on austerity found that an austerity program that curbs the deficit by 1 percent of GDP reduces real income by about .6 percent and raises unemployment by .5 percent. So the notion that we can simply cut our way to employment growth is not substantiated by fair-minded analysis.

For example, again, Gus Faucher of Moody Analytics examined the most recent proposal offered by my colleagues Senators MCCAIN and PAUL and said that the Republican proposal wouldn't address the causes of the current weakness in the short term and in fact it would be harmful.

The Congressional Budget Office looked at a broad range of policies from both parties and concluded that reducing taxes on business income and repatriation of foreign income are the most ineffective and inefficient tools for growing jobs. These two measures seem to lead the list of the proposals on the other side of the aisle. Also, the idea of providing more tax breaks to corporations and the wealthy to create jobs is not supported by the record. Bush-era tax breaks for the wealthiest resulted in mediocre growth for our economy and declining wages for the middle class over the period of 2001 to 2008, 2009.

Instead of bringing forth or supporting issues that will actually put Americans to work, my colleagues on the other side want to reframe the issue. They want to talk about burdensome regulations, and this argument doesn't stand up, either.

Mr. President, let me conclude by making a point which I think is very important, because this notion of simply striking away all the regulations and we will have this miraculous

growth in employment is not substantiated by careful analysis.

Since 2007, the Bureau of Labor Statistics has tracked reasons behind mass layoffs. Among the reasons an employer can cite for layoffs is "government regulation." The data shows that government regulation accounted for a minuscule .2 percent of layoffs. These are the managers and leaders of these companies checking the box as to what is causing them to lay off people. Instead, employers cite a lack of demand as a reason for 39 percent of the layoffs in 2008 to 2010. Indeed, if regulations are driving unemployment, one would expect to see job losses and high unemployment rates in sectors of the economy where regulation has increased, such as the financial services sector. However, in the financial services sector, the unemployment rate is much lower than the national average. In fact, it is at 5.8 percent. Meanwhile, domestic financial firms have posted extraordinary record profits in the first two quarters of 2011. So this notion that eliminating regulations is going to miraculously solve our problems is not substantiated by the evidence we are collecting.

What we need to do is put people back to work. The programs in the American Jobs Act will do that. I hope that will be recognized and accepted so we can move quickly to pass it.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PRICE INDEX FOR ELDERLY CONSUMERS ACT

Mr. BROWN of Ohio. Mr. President, first of all, I appreciate Senator REED's comments about the state of this economy and what the supercommittee is doing and the direction we need to go on all of these tax issues and all of these spending issues. He is so right.

We know several things about Social Security. We know it has been around for 75 years. We know if we do things right here in Congress, it will be around for another 75 years. We know it makes a huge difference in the lives of our citizens and our constituents in Oregon, in Ohio, in Rhode Island, and all over this country. We know that more than half of seniors in my State who are on Social Security get more than half of their income from Social Security, and it plays such an important role in their lives. We also know that until recently, there was not a cost-of-living adjustment for seniors. We know that over the last 2 years, even though the President and the majority in the Senate—the Democrats in

the Senate and in the House—voted for a \$250 one-time payment for seniors to help them deal with the increase in costs of their health care—except for that, we know that Social Security beneficiaries in this country didn't get a cost-of-living adjustment for 2 years.

We also know—and the Presiding Officer, the Senator from Oregon, is working with Senator MIKULSKI from Maryland and me on legislation to fix this. We also know the cost-of-living adjustment is, pure and simple, understated because the cost-of-living adjustment seniors usually get—never quite enough to keep up with their expenses—is based on the cost of living for a working person, for someone in his fifties or forties or in her thirties or twenties.

For someone who is working full time, their cost-of-living increase is different than a senior's cost-of-living increase because if a person is 70 years old, they are much more likely to have higher health care costs than if they are 30 years old.

So, historically in this country, we do a Consumer Price Index-W, "wages"—CPI-W. It is based on a 30- or 40- or 50-year-old who is working full time, their cost of living. We are not basing it on the cost of living of a senior citizen who consumes, if you will, much higher health care, who has much higher health care costs.

That is what the legislation Senator MERKLEY and Senator MIKULSKI and I are working on: CPI-E, Consumer Price Index for the Elderly, reflecting their real costs. Why should a senior's cost-of-living adjustment be based on a 30-year-old's cost of living instead of a 70-year-old's cost of living? That is clearly why we need the change.

We also know another thing about Social Security. We know some conservative politicians in this institution—mostly Republicans, not quite entirely—we know some conservative politicians in this institution want to change the Consumer Price Index the other way, to make it even smaller.

For 2 years in a row, there was no increase, no COLA, no Consumer Price Index increase, no extra dollars to keep up with burgeoning health care costs for seniors. We know that did not happen for 2 years. There are people in this institution—many of whom have never supported Social Security to begin with all that much, frankly, to be honest—who want to see a smaller cost-of-living adjustment. It is something called chained CPI. I will not go into the details about how it works, but it basically says to seniors: Whatever you are spending money on—if you are buying apples, for instance, then you could buy bananas. My staff says bananas are cheaper. We had an argument about that, whether bananas are cheaper per calorie and per weight and all that. But, nonetheless, they say to seniors, under this chained CPI thing—some

conservative think tank, some corporate-funded, insurance company, drug company-funded think tank, I assume, came up with this bizarre idea of CPI chained—they say to seniors: You can pay less for things because you can do substitutions of food—from beef to chicken or from apples to bananas or from something to something—and save money.

Most seniors have already made those substitutions in their buying habits because they are already squeezed because the cost-of-living adjustment has not kept up with their health care costs. That is the whole point. So instead of our moving to reduce the cost-of-living adjustment, going to this chained Consumer Price Index, chained CPI, we should move away from CPI-W, based on wages, to CPI-E, meaning what elderly people's costs are as their health care goes up.

It will mean several hundred dollars in the monthly benefit a senior receives. Let me give those numbers, and then I will wrap up.

For the average person who retired in 1985, that person would get about an \$887 increase, if it was the way Senator MERKLEY and Senator MIKULSKI and I want to change Social Security. That CPI, that increase, would then go up a little bit over time, so seniors would, in fact, be able to keep up with their health care costs. That is the importance of this change. That is the importance of our legislation. We cannot go the other way, chained CPI.

The last point I will make is, these conservatives who do not much like Social Security—some of them are Presidential candidates, I might add—they will say: We cannot afford this. The budget deficit is not because of Social Security. It is because of a bunch of other factors. Social Security is not part of this budget deficit. We know how to do minor changes to fix Social Security long term and take care of seniors and their health care needs and their increased costs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I am pleased to rise this morning to support the adoption of a consumer price index for Social Security that would accurately reflect the costs our senior citizens actually face.

I am delighted to join the Presiding Officer, Senator BROWN of Ohio, in this effort, along with Senator MIKULSKI of Maryland. Social Security is a promise, a bond between our government and our senior citizens.

Our senior citizens have worked hard their whole life and paid into Social Security every step of the way. They expect Social Security will be there for them when they retire.

Over the past few years, I have heard from many Oregon seniors who are making ends meet on a fixed income. They ask me: Why is it we are not getting a cost-of-living adjustment, a COLA? Because our costs are rising. They have been deeply disturbed to know, with these fixed incomes and these rising costs, they are being squeezed in the middle.

I explain to them in these townhalls it is because the COLA is calculated not on what seniors face in their costs but upon what a broad cross-section of working people face. They tell me: Senator, that is different than the costs we face. We are at a different point in our lives. Health care becomes a huge component. They tell me: I can tell you, Senator, health care costs are not going down.

Some in this Chamber are coming forward with a proposal that would make it even harder for our seniors. It would use a new calculation: not this standard "cross-section of America COLA" we are currently using but what is referred to as a chained CPI. That chained CPI says: If the price of this goes up, you can buy that. Actually, what it does is go in the wrong direction in terms of accurately reflecting the costs our seniors face in retirement.

If we take someone who is 65 today and we look down the road, by the time they are 75, this chained CPI would cost them \$560 per year—roughly a month's rent. By the time the average 85-year-old has their payment calculated, the chained CPI would cost them \$984 per year; the average 95-year-old: \$1,392 per year.

At a time when the best off Americans are paying less than ever before, it is simply wrong to shift costs on to our seniors and the most vulnerable in our society.

There is an alternative. It is called the CPI-E. The Consumer Price Index for our seniors or elderly. I prefer to think of it as the CPI-E for "experienced." Our most experienced citizens face different costs than the rest of us. The CPI-E would track inflation specifically based on the basket of goods those aged 62 and older are purchasing.

It is simply a fairer and more accurate way to calculate the benefits for our seniors. If their costs are rising slower than the overall costs for society, it would reflect that. If their costs are rising higher than the overall pace of inflation, then that would be reflected. Either way, it is fair.

We have to ensure we are keeping our promise to our senior citizens in a way that accurately reflects the reality of living in this country. This bill for the CPI-E or Consumer Price Index for the

experienced is the best way to achieve that.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1867, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the Republican leader is on the floor. He is going to offer an amendment. The one on this side is not ready. There has been an agreement, and I ask unanimous consent that Senator MCCONNELL be allowed to lay down his amendment. When the one on the Democratic side is laid down, which will be momentarily, it will be considered the first amendment in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

AMENDMENT NO. 1084

Mr. MCCONNELL. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. KIRK, proposes an amendment numbered 1084.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran)

At the end of subtitle C of title XII, add the following:

SEC. 1243. IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

“(h) IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.—

“(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall—

“(A) prohibit the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted any financial transaction with the Central Bank of Iran; and

“(B) freeze and prohibit all transactions in all property and interests in property of each such foreign financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) on a foreign financial institution for engaging in a transaction with the Central Bank of Iran for the sale of food, medicine, or medical devices to Iran.

“(3) APPLICABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) applies with respect to financial transactions commenced on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

“(B) PETROLEUM TRANSACTIONS.—Paragraph (1) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

“(4) WAIVER.—

“(A) IN GENERAL.—The President may waive the application of paragraph (1) with respect to a foreign financial institution for a period of not more than 60 days, and may renew that waiver for additional periods of not more than 60 days, if the President determines and reports to the appropriate congressional committees every 60 days that the waiver is necessary to the national security interest of the United States.

“(B) FORM.—A report submitted pursuant to subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

“(5) FOREIGN FINANCIAL INSTITUTION.—For purposes of this subsection, the term ‘foreign financial institution’ includes a financial institution owned or controlled by a foreign government.”.

Mr. McCONNELL. Mr. President, I am offering this amendment on behalf of the Senator from Illinois, MARK KIRK, because the time has come for our country to sanction the Central Bank of Iran.

It has become commonplace for political leaders to state that an Iranian regime armed with nuclear weapons is unacceptable. President Obama has stated that an Iranian regime armed with a nuclear weapon is unacceptable. Unfortunately, the Iranian regime has not been deterred from conducting ac-

tivities relevant to the development of such an explosive device.

The report of the IAEA of November 8, 2011, makes clear that Iran has worked on the development of an indigenous design of a nuclear weapon, including the testing of components, and that Iran has yet to answer all of the IAEA's questions concerning the military dimensions of Iran's nuclear program.

Last month, the world learned of the Quds Force plot to assassinate the Ambassador of Saudi Arabia to the United States.

Iran remains undeterred, and the United States is left with fewer options for dealing with the Iranian nuclear program as time elapses.

This amendment by Senator KIRK from Illinois would add to the current sanctions against Iran by targeting the central bank of that country. This, in my judgment, is one of the few remaining actions, short of an embargo of Iranian shipping and military intervention, to slow or end the Iranian nuclear program. It is worth supporting and pursuing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of the Senate Armed Services Committee, I am pleased to bring S. 1867, the National Defense Authorization Act for fiscal year 2012, to the Senate floor. The Armed Services Committee approved the bill by a unanimous vote of 26 to 0. This is the 50th consecutive year that our committee has reported a defense authorization act. Every previous bill has been enacted into law.

I would like to thank all of the members and the staff of the Senate Armed Services Committee for the commitment they have shown to the best interests of our men and women in uniform as we have developed this legislation. Every year, we take on tough issues, and we work through them on a bipartisan basis consistent with the traditions of our committee. I particularly thank Senator MCCAIN, our ranking minority member, for his strong support throughout the process. The unanimous committee vote in favor of this legislation would not have been possible without his cooperation and support.

We were delayed in getting this year's bill to the Senate floor by two issues that have arisen since the time the Armed Services Committee approved the first version of this bill, S. 1253, in late June.

First, Congress enacted the Budget Control Act of 2011, which mandated deep reductions in discretionary spending, including defense spending. The initial bill reported by the Armed Services Committee would have cut the President's budget request for national defense programs by more than \$6 billion. The Budget Control Act, which

was adopted after our initial bill was reported, requires an additional \$21 billion in reductions.

Second, the administration and others expressed misgivings about the detainee provisions in the initial bill, although the provisions in our initial bill represented a bipartisan compromise that was approved by the committee on a 25-to-1 vote. Many of these concerns were based on misinterpretations of the language in that bill; nonetheless, we have worked hard to address these concerns.

First, relative to the additional \$21 billion in budget cuts, we consulted closely with the Department of Defense before identifying these cuts. We believe the reductions we decided upon can be accomplished without an adverse impact on our troops or their vital mission, and without significant increase in risks to our national security.

The committee report which accompanied the initial bill, Senate Report 112-26, did not address these cuts but is otherwise applicable to this bill as well. So the new cuts are not addressed in that Senate report because these new reductions came after that Senate report was made.

For this reason, I ask unanimous consent that a summary of the cuts be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Second, the new bill would modify the detainee provisions to address concerns and misconceptions about the provisions in our initial bill. In particular, the new bill first modifies section 1031 of the bill, as requested by the administration, to assure that the provision that provides a statutory basis for the detention of individuals captured in the course of hostilities conducted pursuant to the 2001 authorization for use of military force, the AUMF, to make sure that those provisions and that statutory basis are consistent with the existing authority that has been upheld in the courts and neither limits nor expands the scope of the activities authorized by the AUMF.

It also modifies sections 1033 and 1034 of the bill, as requested by the administration, to impose 1-year restrictions rather than permanent limitations on the transfer of Gitmo detainees to foreign countries and on the use of Department of Defense funds to build facilities in the United States to house detainees who are currently at Gitmo.

We were unable to agree to the administration's proposal to strike section 1032, the provision that requires military detention of certain al-Qaida terrorists subject to a national security waiver. We did, however, adopt a number of changes to the provision. In particular, we modified the provision so that it clarifies that the President

gets to decide who makes the determinations in coverage, how they are made and when they are made, ensuring that executive branch officials will have flexibility to keep any covered detainee in civilian custody or to transfer any covered detainee for civilian trial at any time.

Second, we clarify that there is no interruption of ongoing surveillance and intelligence-gathering activities or of ongoing law enforcement interrogation sessions. There have been misstatements, misimpressions, and misinterpretations of the provisions of our bill relative to those issues. We clarify them to make sure it is clearly understood by this body and the American people that—repeating, it is the executive branch, it is determined by the President, the people he appoints who will make determinations of coverage, how they are made, when they are made, so that it ensures the flexibility that the executive branch wants to keep any covered detainee in civilian custody or to transfer any covered detainee for civilian trial at any time.

It has been suggested that ongoing surveillance and intelligence-gathering activities by law enforcement people would be interrupted, or that their interrogation might be interrupted. It is very explicitly clear in this bill that there is no such interruption, there is no such interrogation session interruption or surveillance interruption or intelligence-gathering activities interruption. The process to make sure that doesn't happen is in the President's hands.

The administration officials reviewed the draft language for this provision the day before our markup and recommended additional changes. We were able to accommodate those recommendations, except for the administration request that the provision apply only to detainees who are captured overseas. There is a good reason for that. But even here, the difference is relatively modest, because the provision already excludes all U.S. citizens. It also excludes all lawful residents of the United States, except to the extent permitted by the Constitution. The only covered persons left are those who are illegally in this country or who arrive as tourists or on some other short-term basis, and that is a small remaining category, but an important one, because it includes the terrorists who clandestinely arrive in the United States with the objective of attacking military or other targets here.

Contrary to some statements I have seen in the press, the detainee provisions in our bill do not include new authority for the permanent detention of suspected terrorists. Rather, the bill uses language provided by the administration to codify existing authority that was adopted by both the Bush administration and the Obama administration and that has been upheld in the Federal courts.

Moreover, the bill requires for the first time that any detainee who will be held in long-term military custody anywhere in the world would have access to a process that includes a military judge and a military lawyer.

I want to repeat that. For the first time, this bill provides that, in determining a detainee's status, the detainee will have access to a lawyer and to a military judge. That is not the case now. Nor would the bill preclude the trial of terrorists in civilian courts, as some have erroneously asserted. As a matter of fact, it is the contrary. The bill expressly authorizes the transfer of any military detainee for trial in the civilian courts at any time. An amendment that eliminated that authority was defeated in the Armed Services Committee on a bipartisan 19-to-7 vote during the markup of the initial bill.

The bill would not require the interruption of ongoing surveillance operations or ongoing law enforcement interrogations of suspected terrorists, as some have incorrectly asserted. The opposite is the case, as I have said, because we have included language in the bill that specifically precludes those possibilities.

The bill also provides that the President, not Congress, will decide who makes determinations of whether a detained person is in the narrow class covered, and the President will decide how and when these determinations are made.

The bill would not require that al-Qaida terrorists who are captured on American soil be transferred to military custody, because it includes an easily effectuated national security waiver. With this waiver authority, executive branch officials may keep any detainee in civilian custody or move any detainee to civilian custody if they choose to do so.

That provision provides the executive branch flexibility to choose the most appropriate course of action for al-Qaida terrorists whom we capture, including detention in civilian custody. That was the intent of the original language, and it has been clarified in the bill before us. I recognize that the administration remains unsatisfied with this provision, but we have gone a long way to address their concerns.

What about the dollar provisions in this bill? The bill we bring to the floor today would authorize \$662 billion for national defense programs—\$27 billion less than the President's budget request, and \$43 billion less than the amount appropriated for fiscal year 2011. I am pleased we were able to find these savings without reducing our strong commitment to the men and women of our Armed Forces and their families, and without undermining their ability to accomplish their important national security missions. In this time of fiscal problems for our Nation, every budget must be closely ex-

amined to identify savings, and the Department of Defense budget is no exception.

This bill contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on the battlefield, and make the investments we need to meet the challenges of the 21st century, and provide for needed reforms in the management of the Department of Defense.

First and foremost, the bill before us continues the increases in compensation and quality of life our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world.

For example, the bill would authorize a 1.6-percent across-the-board pay raise for all uniformed military personnel and extend over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and Reserve military personnel.

The bill provides that annual increases in TRICARE Prime enrollment fees in future years will not exceed the percentage increase in retired pay. The bill authorizes \$30 million in supplemental impact aid and related education programs for the children of servicemembers. The bill authorizes service Secretaries to carry out programs to provide servicemembers with job training and employment skills training to help prepare them for the transition to private sector employment. It authorizes the service Secretaries to waive maximum age limitations to enable certain highly qualified enlisted members who served in Iraq or Afghanistan to enter the military service academies.

The bill also includes important funding and authorities needed to provide our troops the equipment and support they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan.

For example, the bill fully funds the President's request for \$3.2 billion for the development, testing, production, and sustainment of the MRAP vehicles and new MRAP all-terrain vehicles, which are needed to protect our troops against improvised explosive devices.

The bill authorizes \$11.2 billion to train and equip the Afghan National Army and the Afghan police, the funding level recommended by the commander of U.S. Central Command after consultation with the commander of U.S. and coalition forces in Afghanistan. The purpose here is to grow the capability of those Afghan security forces to prepare them to take over increased responsibility for Afghanistan's security as we begin reductions in U.S. forces.

The bill provides \$400 million for the Commanders' Emergency Response

Program in Afghanistan and \$400 million for the Afghanistan Infrastructure Fund to support projects that enhance the counterinsurgency campaign.

The bill extends the authority of the Department of Defense to conduct a program for the reintegration of former insurgent fighters into Afghan society.

The bill establishes a new Joint Urgent Operational Needs Fund to allow the Department to rapidly field new systems in response to urgent operational needs identified on the battlefield, and it provides the Central Command—CENTCOM—commander new contracting authorities needed to stop the flow of money through U.S. contracts to persons who are actively opposing U.S. forces in Afghanistan.

The bill also contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill would address shortcomings in the Department of Defense's management of operating and support costs, which are estimated to constitute 70 percent of the lifecycle costs of major weapons systems.

The bill freezes DOD spending on contract services at fiscal year 2010 levels and requires the Department of Defense to take a number of commonsense steps to achieve savings in this area.

The bill adds \$32 million for the Department of Defense's corrosion prevention and control and requires implementation of the recommendations of a recently congressionally mandated report on corrosion control on the F-22 and F-35 programs.

The bill improves the management of defense business systems by strengthening the authority of the Department of Defense's chief management officers in the investment review process and ensures that this process covers existing systems as well as new ones.

The bill also adds \$43 million to enable the Department of Defense IG to provide more effective oversight and to help identify waste, fraud, and abuse in defense programs, especially in the area of procurement.

In light of the budget constraints we face this year, the committee worked hard to keep funding increases of any kind to a minimum. We added the following items: \$66 million for unfunded requirements identified by military leaders, \$90 million for investments in programs such as the DOD IG and corrosion control that have high payback rates, \$63 million for critical investments in intelligence and cyber security improvements, \$497 million for increased funding needed to ensure the efficient execution of ongoing Department of Defense programs, and \$270 million for a handful of broad-based competitive programs needed to help us keep our leadership in military technology.

I continue to believe it would be wrong for us to give up the power of the purse given Congress in the Constitution. I don't believe the executive branch has a monopoly on good ideas. In fact, I think we are more often receptive to creative new ideas that can lead to advances in the national defense than the defense bureaucracy is. Nonetheless, there are no earmarks in this bill.

Finally, I would like to discuss four major issues in the bill that were the subject of extended debate in the course of our markup this year.

First, this bill includes provisions that would require sound planning and justification before we spend more money for Marine Corps realignment from Okinawa to Guam and on tour normalization in Korea. These provisions follow detailed oversight that Senators WEBB, MCCAIN, and I have conducted over the past years. In particular, the bill prohibits the expenditure of funds for Marine Corps realignment from Okinawa to Guam until we receive an updated force laydown and a master plan detailing construction costs and schedule of all projects necessary to carry it out.

The bill requires the Department of Defense to study moving Marine Corps aviation assets currently at Marine Corps Air Station Futenma to Kadena Air Base, and the feasibility of relocating some or all Air Force assets currently at Kadena Air Base, rather than building a replacement facility at Camp Schwab that is unrealistic and unaffordable.

The bill prohibits the obligation of funds for tour normalization on the Korean Peninsula until the Secretary of the Army provides Congress with a master plan, including all costs and schedule projections to complete the program, and the Director of Cost Assessment and Program Evaluation performs an analysis of alternatives justifying the operational need.

The Department of Defense current plans for Okinawa, Guam, and Korea were developed years ago in a different fiscal environment and are projected to cost billions of dollars more than anticipated. At a time of tight budgets, we owe it to the Department of Defense and to the taxpayers to insist on a close examination and strong justification before we proceed.

Second, the committee adopted an amendment to strike all funding for the Medium Extended Air Defense System, MEADS. In February, the Department of Defense announced that after investing more than \$1.5 billion in the MEADS Program, the program remained a high risk and the additional funding needed to field the system was unaffordable. However, the Department declined to terminate the program because the memorandum of understanding with our allies on which the program is based commits us to contin-

ued funding even if we withdraw from the program. For this reason, the Department requested over \$400 million in funding for the continued development of a system that it has no intention of fielding. The committee amendment eliminates this funding. We recognize that under the memorandum of understanding, our decision not to fund this program could require the United States to pay for a program in which it is no longer a participant. However, the committee concluded that the course proposed by the Department is untenable and that the Department should explore all options with our allies before continuing to fund a program which we no longer need.

Third, our committee members share both a deep concern about the rising cost of the Joint Strike Fighter Program, on which we are now projected to spend more than \$1 trillion—which includes operation and sustainment costs—and a strong belief that the Department of Defense must take strong action to contain these costs.

The committee unanimously adopted an amendment requiring that the next JSF contract be entered on a fixed-price basis and that the contractor assume full responsibility for all costs above the target cost specified in the contract. This amendment puts the contractor on notice that we have lost patience with continued overruns on the program and we are determined to protect the taxpayer from further cost increases, without unnecessarily jeopardizing the heavy investment we have already made in the program by prematurely terminating the program. Senator MCCAIN has taken, really, the active lead in this effort, and it is a very critically important effort for our taxpayers.

Finally, the bill includes a bipartisan compromise regarding detainee matters—as I have made reference to before—that would address a series of important issues that relate to detainees. It is worth summarizing the detainee-related provisions in the bill.

First, the bipartisan compromise would codify the military's existing detention authority, as stated by both the administration of President Bush and the administration of President Obama and approved in the courts.

Second, the bill would require military detention for a core group of detainees who are part of al-Qaida—or an associated force that acts in coordination with or pursuant to the direction of al-Qaida—and who participate in planning or carrying out attacks or attempted attacks against the United States or its coalition partners. That is a defined core group of detainees.

This provision includes a national security waiver and includes language expressly authorizing the transfer of detainees for trial in civilian courts. It

continues the conditions on the transfer of Gitmo detainees to foreign countries, including certification requirements to be met before a transfer may take place. Contrary to what some have said, this provision does not prohibit transfers from Gitmo. In fact, it is less restrictive of such transfers than legislation passed in the last Congress and signed by the President. In particular, this year's provision includes a national security waiver that is designed to address concerns expressed by the Secretary of Defense about a similar restriction which was included in last year's authorization and appropriations act.

The bill contains the same limitation on the use of Department of Defense funds to build facilities in the United States to house Gitmo detainees that has been included in past authorization and appropriations acts. This provision applies only to Department of Defense funds. It does not prohibit the use of Department of Justice funds that might be needed in connection with a transfer for the purpose of a criminal trial, and it does not prohibit the closure of Gitmo.

The provision requires the Department of Defense to issue procedures addressing ambiguities in the review process established for Gitmo detainees. The provision clarifies but does not overturn the Executive order issued by the President earlier this year.

The provisions require the Department of Defense to establish procedures for determining the status of detainees, including, as I indicated before, for the first time, a military judge and a military lawyer for a detainee who will be held in long-term military custody.

The bill clarifies procedures for guilty pleas in trials by military commission. This provision would require a separate trial on the penalty, with a unanimous verdict needed to impose the death penalty. So while a death penalty could be imposed by a commission, the detainee would have no assurance of that result, for those detainees who want that assurance so they can make themselves martyrs.

As I have already indicated, these provisions have been substantially modified as a result of extensive discussion with administration officials. We did not make every change requested by the administration, although we adopted many of them—probably most of them—and made additional changes to address specific concerns raised by administration officials.

Mr. President, as we are here today, we have over 96,000 U.S. soldiers, sailors, airmen, and marines on the ground in Afghanistan, with 23,000 more remaining in Iraq. While there are issues on which we may disagree, we all know we must provide our troops with the

support they need as long as they remain in harm's way.

Senate action on the national defense authorization bill for fiscal year 2012 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we as a nation stand behind them and appreciate their service.

We look forward to working with our colleagues to promptly pass this important legislation. And as I yield the floor, I again want to thank Senator MCCAIN and all the members of our committee for their hard work on this bill, as well as our staffs for their extraordinary capability. But I want to thank personally Senator MCCAIN for everything he has done to make it possible for us to get to the floor at this time.

EXHIBIT 1

SUMMARY OF \$21 BILLION IN ADDITIONAL CUTS RESULTING FROM SECOND MARKUP OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

AIRLAND SUBCOMMITTEE

Army Programs: The bill would cut an additional \$2.8 billion in Army Procurement and \$800 million in RDTE. This includes over \$1 billion in reductions proposed by the Army, and over \$2 billion for programs that had unjustified or excessive growth, misaligned schedules, fact of life changes including terminations, or other management challenges. These recommended reductions include \$518.7 million for the Joint Tactical Radio System, \$224.0 million for Warfighter Information Network-Tactical, \$172.5 million for Ground Soldier System-Nett Warrior, and \$157.3 for HMMWV recapitalization programs. The bill would also transfer over \$600 million from the base request to the overseas contingency operations accounts for capabilities directly or closely related with military operations in Iraq and Afghanistan such as increased ISR, mine protected vehicles, armoring kits, and base defense and force protection systems.

Navy Programs: The bill would cut an additional \$724.5 million in Navy Procurement and \$55.9 million in RDTE. This includes \$532.1 million for programs that had unjustified or excessive growth, misaligned schedules, fact of life changes including terminations, or other management challenges. These recommended reductions include \$163.5 million for the E-2D Advanced Hawkeye, \$159.9 million for spares and repair parts, \$69.9 million for AMRAAM, and \$99.7 million for the F/A-18E/F Hornet.

Air Force Programs: The bill would cut an additional \$910.2 million in Air Force Procurement and \$596.0 million in RDTE for programs that had unjustified or excessive growth, misaligned schedules, fact of life changes including terminations, or other management challenges. These recommended reductions include \$145 million for the A-10, \$120 million for AFNET, \$103 million for initial spares and repair parts, and \$101 million for the AMRAAM. The bill would also transfer \$87.2 million from the base request to the overseas contingency operations accounts for activities directly or closely related with military operations in Iraq and Afghanistan such as war consumables.

EMERGING THREATS AND CAPABILITIES SUBCOMMITTEE

Program Delays and Under-Execution: The bill would reduce funding for science and technology and information technology by \$216 million due to excessive program growth and program delays; reduce funding for U.S. Special Operations Command by \$135 million due to unjustified growth and items already funded in recent reprogramming actions; reduce funding for counter-drug programs by \$128 million based on a DOD assessment that this funding is excess to need; reduce funding for counter-proliferation programs by \$43 million due to slow execution; reduce funding for the Joint IED Defeat Organization (JIEDDO) by \$85 million based on unjustified program growth; and reduce funding for the Chemical and Biological Defense Program by \$40 million due to under-execution and program delays.

PERSONNEL SUBCOMMITTEE

Military Personnel Funding: The bill would reduce funding for military personnel by \$100.6 million, by taking an additional \$42.6 million in unobligated balances and using updated CBO estimates for savings attributable to a change in the calculation of hostile fire pay.

Defense Health Care: The bill includes a \$330.0 million cut to private sector care under the Defense Health Program, based on an assessment of historical under execution rates for private sector care.

Military Spouse Career Advancement Accounts (MyCAA): The bill reduces funding for the program by \$120 million. This reduction was offered by the Department of Defense because although the President's budget request included \$190 million for the program, DOD has indicated that as a result of its redesign of the MyCAA program, only \$70 million is needed for execution in fiscal year 2012.

READINESS SUBCOMMITTEE

Military Construction: The bill would cut an additional \$527 million in military construction funding. This includes three domestic projects valued at \$83.1 million, the largest of which the Technology Center's Third Floor Fit Out, valued at \$54.6 million does not need funding because NSA has indicated that it has sufficient unobligated balances to complete the project. The balance of the cuts are for: (1) overseas military construction projects in areas that are subject to an ongoing strategic review (including five projects in EUCOM valued at \$179.6 million); (2) planning and design funds rendered unnecessary due to previous cuts; and (3) programs that are not fully budgeted for in the FYDP.

Operation and Maintenance: The bill would cut an additional \$3.1 billion in operation and maintenance funding. This includes \$1.5 billion in reductions proposed by the military services; \$315 million for ammunition account cuts based on inefficient ammunition management and recommendations from the military services; \$294 million for excess growth in service contractors and civilian employees; and \$258 million in the OCO accounts for a transfer of Coast Guard support to the Department of Homeland Security.

Transfers to Overseas Contingency Operations Funding: The bill would transfer to OCO accounts \$4.9 billion of operation and maintenance funding for activities closely associated with military operations in Iraq and Afghanistan, including MRAP vehicle sustainment, body armor sustainment, overseas security guards, theater security packages, depot maintenance and readiness funding in support of combat operations, and

CENTCOM headquarters public affairs. Most of these activities have previously been funded from OCO accounts.

SEAPOWERSUBCOMMITTEE

Navy Programs: The bill would cut an additional \$234.4 million in Navy Procurement and \$496.7 million in RDTE for programs that had unjustified or excessive growth, misaligned schedules, fact of life changes including terminations and a Navy-requested realignment of the VXX Presidential Helicopter program, or other management challenges. The recommended reductions include \$120 million for JTRS, \$70 million for the Future Unmanned Carrier-Based Strike System, \$63 million for ship contract design and live fire T&E, and \$58 million for the Standard Missile.

Marine Corps Programs: The bill would make additional reductions of \$101.0 million in Procurement, Marine Corps due to slow program execution or contract award delays.

Air Force Programs: The bill would cut an additional \$108.6 million in Air Force Procurement for unnecessary post production funding for the C-17 program and \$45.9 million in RDTE for programs that had contract delays or where the programs were being rephased.

STRATEGICSUBCOMMITTEE

Space: The bill would reduce funding for space programs by \$233 million due to slow execution in the development of the Family of Advanced Line of Sight Terminals (FAB-T) used in conjunction with the Advanced Extremely High Frequency (AEHF) satellite system; by \$300 million by dropping authorization for the long term lease of a commercial satellite by the Defense Information Systems Agency due to a lack of an analysis of alternatives; and by \$105 million in connection with delays in contract awards associated with GPS systems under development.

Department of Energy: The bill would reduce funding for environmental cleanup at former atomic weapons production sites by \$356 million due to slow program execution; reduce the NNSA nonproliferation program by \$168 million due to cost overruns for a pit disassembly facility to produce mixed oxide fuel, which is now developing a new program base line; and for NNSA program management by \$45 million due to an excessive rate of growth.

Missile Defense: The bill would reduce funding by \$55 million for the procurement of Standard Missile-3 Block IB missiles due to a test failure which requires an investigation, correction, and retest, delaying production (an additional \$260 million of funding would be moved from procurement to the R&D account to facilitate the fixes); and reduce funding for the Terminal High Altitude Area Defense (THAAD) missile defense system by \$120 million to reflect the reality of slower production rates due to delays in the program. A few joint or Army programs would be reduced by \$47 million for under-execution.

Intelligence Funding: The bill includes a number of reductions to the Military Intelligence Program because of late contract awards, slow execution rates, program delays, and changes in programs since markup; it also includes reduced funding for the National Intelligence Program reflecting cuts agreed to by the two intelligence committees.

GENERAL PROVISIONS

Troop Reductions in Afghanistan: The bill would reduce OCO funding by \$5.0 billion due to the President's decision to withdraw the 33,000 U.S. surge force from Afghanistan,

with 10,000 to be withdrawn by December 2011 and the remaining 23,000 to be withdrawn by next summer. The Department of Defense has informed us that the \$5.0 billion is no longer needed as a result of the planned Afghanistan troop reduction.

Afghanistan Security Forces Fund: The bill would reduce funding for the Afghanistan Security Forces Fund (ASFF) to \$11.2 billion, a \$1.6 billion reduction from the President's request. The Commander, U.S. Central Command, has determined that FY2012 ASFF funding can be reduced by \$1.6 billion because of efficiencies and cost avoidances achieved by the NATO Training Mission in Afghanistan in its plans for building and sustaining the Afghan Army and Police.

AMENDMENT NO. 1092

(Purpose: To bolster the detection and avoidance of counterfeit electronic parts)

Mr. LEVIN. Mr. President, pursuant to a unanimous consent request which was previously entered into on this matter, I send to the desk an amendment on behalf of myself and Senator McCain.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for himself and Mr. McCain, proposes an amendment numbered 1092.

Mr. LEVIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LEVIN. Mr. President, I call for regular order with respect to the amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. LEVIN. Is it now pending first in line?

The PRESIDING OFFICER. It is now pending first in line.

Mr. LEVIN. I thank the Presiding Officer, and I want to make one quick comment about this amendment.

This is a bipartisan amendment that addresses the massive issue created by counterfeit parts getting into the defense supply system. It is something our staffs have investigated heavily.

Senator McCain and I are introducing this bipartisan amendment. We hope it has strong support in this Senate. It will address a critically important issue we have now seen in the defense supply system with millions of counterfeit parts—mainly from China—getting into our defense system and threatening the security of our troops, the effectiveness of their mission, and costing the taxpayers a heck of a lot of money.

The PRESIDING OFFICER. The senior Senator from Arizona is recognized.

Mr. McCain. Mr. President, I ask unanimous consent to engage in a brief colloquy with the chairman, Senator Levin.

The PRESIDING OFFICER. (Mrs. Hagan). Without objection, it is so ordered.

Mr. McCain. First of all, I wish to thank the Chairman for the long years of work we have had together. This is the culmination of this year's work which is coming to the floor after great difficulty and a lot of obstacles. I want to thank the Senator again for the spirit of bipartisanship, which is a long tradition in the committee which was practiced by our predecessors. Obviously, we know on occasion that we have differences of views, and sometimes we—especially I—express those in perhaps a passionate manner. But the fact is, at the end of the day, we continue to come together and work together for the good of this Nation's security.

The reason I ask the Senator is because I think our colleagues ought to understand the context of this bill. First of all, it is a new bill, and it has a reduction of some \$20 billion in authorization in order to keep with the Budget Control Act, a total now of a \$27 billion reduction, which is a significant amount of money. It seems to me our colleagues should understand this \$9.8 billion cut in defense procurement, \$3.5 billion cut in research, development, test, and evaluation, \$1.6 billion cut in military construction, \$6.7 billion in overseas—these are significant reductions already in what we had originally envisioned as necessary for our Nation's defense capability.

I would ask the chairman, these are painful decisions we had to make. For those who somehow believe it is business as usual in the Department of Defense and on the Defense authorization, it simply is not correct. We have already made significant reductions, I ask my colleague.

Mr. Levin. I agree with my friend from Arizona. We literally worked months to get to the first reduction which was in our original bill. Then when the Congress adopted the Deficit Reduction Act, which required additional reductions, these are very difficult decisions to make because they in many cases will increase risks which we don't want to increase but nonetheless have got to accept some additional degree of risk on some of our programs in order to do the fiscally responsible thing. I agree with my friend.

Mr. McCain. Could I ask my colleague, also, two more points. One is that we also have planned for an additional well over \$400 billion reductions in the next decade, and those will again entail at some point an increase in risk. So in that context, I would appreciate again an expression of the chairman's view of a Draconian cut that would take place as a result of sequestration. The Secretary of Defense has testified before our committee of the "devastating effects," as have our military leaders.

Mr. Levin. These cuts that would result from sequestration are massive

not just in defense but also in non-defense discretionary areas. The purpose of that threat is to hopefully prevent it from taking place, as with any other kind of a sword of Damocles held over people's heads—our heads—that if we don't reach some kind of an agreement with our special committee, the group of 12 that is working so hard to come up with a reduction that will meet the requirements of the bill, we would then have a sequestration, across-the-board cuts, which are not the rational way to budget, are massive, Draconian—to use the word which the Senator from Arizona quoted. And that is true in both defense and non-defense. But, again, the purpose of having that sequestration process in place is, hopefully, an incentive so that it doesn't take place.

Mr. MCCAIN. Finally, I would ask the chairman, we have met the requirements of the Appropriations Committee with this additional \$20 billion reduction in this “new” legislation. Then it seems it would be only appropriate that the Appropriations Committee meet the provisions of authorization that are in the authorization bill.

In other words, I am told there are some differences in the Appropriations Committee's bill as far as what the authorizing committee's responsibilities are. I hope the Appropriations Committee would address those differences in deference to our role as authorizers.

Mr. LEVIN. That is always our hope. It doesn't work out the way we wish frequently, but it is always our hope that the way it should work—at least theoretically—around here is that should be what the appropriators do. That has not worked out that way in I don't know how many recent years. The Senator and I have had some discussions about that. When I first got here, many years ago, that was an issue which had not been resolved. But I think what the Senator sets out is the hope that the appropriators would look at our authorizations and follow our authorizations.

Mr. MCCAIN. I thank the Senator from Michigan.

I finally wish to comment. I am more than hoping. I intend to identify those areas of difference between the authorizing committee and the Appropriations Committee, and fully expect the appropriating committee—unless there is some overriding reason—to conform with the authorization bill.

Again, I thank Senator LEVIN and his staff for the work we are doing. And I thank the leadership. I thank Senator REID for bringing the bill to the floor. I know he has a lot of important priorities, but I believe it is very important that we continue an over half-century tradition of the Senate taking up, passing, and then finally seeing enacted into law the Defense authorization bill.

I think it is a valid statement to say that there is no greater priority the

people's representatives have than to take every measure we can possible to ensure the security of our Nation and the men and women who serve in it. This legislation is the result of literally thousands of hours of discussion, debate, hearings, input to make sure we do the very best job we can to protect our Nation.

As I mentioned earlier, with the committee's action earlier this week we have ensured that our authorization top line of \$526 billion for the base Defense budget complies with the budget allocation levels adopted by the Senate Appropriations Committee for fiscal year 2012.

We have worked with the administration over the past several weeks to address their concerns with the detainee provisions in our bill. We understand the administration is still not satisfied with the committee work. We have made many clarifications, modifications at the request of the administration to the detainee provisions as they were reported from the committee in June. As a result, we were able to report out the bill again this week with an overwhelming bipartisan vote of 26 to 0.

We will be glad to continue our discussions with the administration. I am grateful the administration reached out to us and that because of that discussion in negotiations with Mr. Brennan and others from the White House we were able to make some changes. I regret they haven't been sufficient to overcome their objections, but we will continue to work with them. This is a very important issue.

Obviously, our collective goal is to make sure that members of terrorist organizations, specifically al-Qaida, do not return to the fight, and that we make sure we are able to treat al-Qaida members who are captured in keeping with international law, but at the same time in keeping with the priority interests of America's national security. So I understand there will be an amendment on that issue or amendments. We look forward to debating and discussing that aspect.

Whatever additional concerns that may remain with the detainee provisions should be dealt with, as they will be, through debate and amendment. But, importantly, all of the aspects of this bill are of such vital importance to supporting the men and women of our Armed Forces and their families. We have already started to work on amendments that we know our colleagues are preparing to offer on this bill, and I encourage all my colleagues to file their germane amendments as quickly as possible.

Obviously, I repeat, the legislation is extremely important to our Nation's defense and the men and women in uniform. I know all of my colleagues appreciate that fact.

I would hope that this year, unlike in recent previous years, we will not add

to this bill policy riders that are not relevant to the bill.

The committee bill before the Senate is the culmination of 11 months of hard work conducted through 71 hearings and meetings this year on the full range of national security priorities and issues. This tradition of deliberative review and oversight is typical of what the Defense authorization bill has provided our Nation's military for over 50 years, without fail. The committee's priorities this year and every year start with our bipartisan commitment to improve the quality of life for the men and women of the all-volunteer force—active duty, National Guard, and Reserves—and their families, through fair pay, improved policies, benefits commensurate with the sacrifices of their service, and by addressing the needs of the wounded, ill, and injured servicemembers and their families.

To do these things, this bill authorizes a 1.6-percent across-the-board pay raise for all members of the uniformed services, authorizes pay incentives for recruitment and retention of our most highly skilled and highly sought-after men and women, and improves the Uniformed Code of Military Justice to more effectively respond to accusations of certain types of misconduct. This bill provides essential resources, training, technology, equipment, and force protection our military needs to succeed in their missions, including authorizing a 6-percent increase in funding for our enormously important professional and dedicated special operations forces who play such a large role in our counterterrorism operations worldwide, and over \$2.4 billion for the Department of Defense counter-improvised explosive device activities. I cannot overemphasize the importance of the timely funding of these counter-IED funds given the increase in the use of this kind of attack against our troops, first in Iraq and now in Afghanistan.

The bill enhances the capability of our military and that of our allies to conduct counterinsurgency operations, including the authority to provide support to those aiding U.S. Special Operations in combating terrorism in Yemen and East Africa, authorization of \$400 million for the Commanders Emergency Response Program—known as CERP—in Afghanistan, and authorization of \$11.1 billion to train and equip the Afghan security forces for the security of the Afghan people.

The bill strengthens and accelerates nuclear nonproliferation programs while maintaining a credible nuclear deterrent, reducing the number of nuclear weapons, and ensuring the safety, security, and reliability of the nuclear stockpile, the delivery systems, and the nuclear infrastructure. In this regard, the bill authorizes \$1.1 billion to continue development of the Ohio-class

submarine replacement program to modernize the sea-based leg of the nuclear triad of delivery platforms. It improves our ability to counter nontraditional threats, focusing on terrorism and cyber warfare; in part by requiring DOD to acquire and incorporate capabilities for discovering previously unknown cyber attacks and establishing a new Joint Urgent Operational Need Fund to allow the Department to rapidly field new systems in response to battlefield requirements. It authorizes DOD to immediately void a contract if a contractor has been determined by the commander, U.S. Central Command, to be actively opposing U.S. forces in Afghanistan.

A related provision would provide enhanced audit authority to assist in the enforcement of this provision. It authorizes over \$13 billion for new construction of critical facility projects that have a direct impact on the readiness and operations of our military while also providing much needed construction jobs in a struggling economy.

In contrast to these enhancements and new authorities, the committee also had to make some very difficult decisions. The President's budget request of \$553 billion was cut by nearly \$27 billion in recognition of the difficult budget situation our country faces. These difficult funding reductions include: \$10 billion cut in the operation and maintenance accounts for the military services used to fund readiness and training activities. This was done mainly by scaling back the growth in service contracts while also reducing certain accounts for daily operating activities and training; a \$9.8 billion cut in defense procurement accounts for programs that had more money than could be efficiently put under contract this year and programs that were not able to meet production milestones; a \$3.5 billion cut in the research, development, test and evaluation accounts by examining the performance of hundreds of programs and identifying those that showed excessive cost growth or a lack of performance; \$1.6 billion in cuts in military construction projects, mostly at overseas locations, to allow for a review of our U.S. military force posture worldwide. In addition, the bill cuts \$6.7 billion from the President's budget request of \$118 billion for overseas contingency operations, known as OCO, due to a forecast of reduced operations in Afghanistan during 2012.

These cuts are the first step in what will be an extremely critical debate on the right amount of defense spending over the next 10 years. We will need to make some very difficult decisions that will undoubtedly increase risk as we decide whether to continue or terminate costly and, in some cases, troubled and overdue programs. We will need an informed and honest debate on which defense requirements and capa-

bilities most effectively and efficiently protect the full range of our Nation's interests.

As such, this committee's review and curtailment of troubled, wasteful or unnecessary programs is not only essential to ensure proper stewardship of taxpayer funds but also stays true to the intent of preserving funds for war fighter priorities. Along these lines, this bill proposes to cut: \$452 million for the Enhanced Medium Altitude Reconnaissance and Surveillance System due to program delays; \$192 million from related Brigade Combat Team Modernization projects due to a program termination by the Army; \$200 million for the Joint Tactical Radio System due to program delays; \$406 million for the Medium Extended Air Defense Systems, known as MEADS, which is a high-risk joint program for air defense with Germany and Italy which the Army has decided not to deploy operationally; \$519 million for the Joint Tactical Radio System, called JTRS, as a result of program execution and cost concerns; \$244 million for Warfighter Information Network-Tactical; \$173 million for Ground Soldier System-Net Warrior; \$157 million for HMMWV recapitalization programs; \$108 million for unnecessary postproduction funding for the C-17 Program; \$233 million due to slow execution in the development of the family of Advanced Line Of Sight Terminals used in conjunction with the Advanced Extremely High Frequency Satellite System; \$300 million by curtailing authority for long-term lease of a commercial satellite by the Defense Information Systems Agency due to a lack of an analysis of alternatives; \$105 million in connection with delays in contract awards associated with GPS systems under development.

Even after this long list of cuts to troubled programs, I would have liked to have done more.

I wish to point out that in the days when we were increasing defense spending, it was one thing not to be in sync with the appropriations committee. In the days of reductions in defense spending, it is absolutely vital that the Appropriations Committee follow the guidance and authorization of the authorizing committee. I intend to do everything in my power to make sure that happens.

An example of what I would have liked to have seen more of is the Joint Strike Fighter or the F-35 Programs. I offered an amendment during the committee's markup that would have put the program on a 1-year probation if the costs under the fixed-price contract for the fourth lot of early production aircraft grew by more than 10 percent over their target cost by the end of the year. My goal was to send a strong, simple, and powerful message to the Pentagon and to Lockheed Martin, a message that we will no longer con-

tinue down the road of excessive cost growth and schedule slips on this program just because other alternatives are hard to come by.

We now are faced with a prospect of the first \$1 trillion weapons system in history, which it certainly was not originally designed to be.

As it turned out, the amendment did not go forward as a result of a tie vote in committee. An alternative provision offered by Chairman LEVIN will instead require that the fifth lot of early production F-35 aircraft be procured under a fixed-price contract and that Lockheed Martin bear the entire responsibility for any cost overrun other than certain limited costs needed to make specific changes that the government requests. Because I feel it is essential to use fix-price contracts for large Pentagon weapons programs, I supported the chairman's amendment during the markup and I support it now.

Today, as we speak, the Pentagon is negotiating with Lockheed Martin on who will bear the cost of changes to the design and manufacturing of the aircraft that could come down the road as a result of thousands of hours of flight testing that lie ahead. In this sense, the excessive overlap between development and production that is called concurrency is now coming home to roost. The Defense Department quite rightly says it will not sign any contract for the next lot until Lockheed Martin agrees to pay a reasonable share of these concurrency costs, and Lockheed Martin doesn't want to bear the risk of new discoveries.

Let me be clear. I strongly support the Department of Defense position. I think it reflects exactly the congressional view reflected in our markup. As we agree to buy more early production jets while most of the development testing has yet to be done, Lockheed Martin must be held increasingly accountable for cost overruns that come as a result of wringing out necessary changes in the design and manufacturing process for this incredibly expensive aircraft.

How does this legislation affect pending negotiations? It means on the next production lot, Congress expects the Department to negotiate a fixed-price contract that requires Lockheed Martin to assume an increased share of any cost overruns. It requires a ceiling price for that lot that is lower than the previous contract for the last lot purchased. It ensures a shared responsibility for reasonable concurrency cost increases.

In other words, the deal we negotiate on this next production lot must be at least as good, if not better, than the deal we negotiated under the previous one. Otherwise, we are moving in the wrong direction and it will only be a matter of time before the American people and the U.S. Congress lose faith

in the F-35 Program, which is already the most expensive weapons program in the history of this country.

I look forward to having the opportunity to address this and other significant national security policies related to detainee policies, cyber operations, Iranian aggression, Pakistan, acquisition reform, and the way we buy space programs and launch services, further limiting the use of fixed-price contracts for procurement, reducing the cost of military health care, counterfeit parts, and the future of our military in the face of major budget reductions.

On the issue of counterfeit parts, I commend the initiative of the chairman to address this critical issue. The proliferation of counterfeit parts threatens the safety of our men and women in uniform, our national security, and our economy. We cannot risk a ballistic missile interceptor missing its target or a helicopter pilot unable to fire his or her weapons or display units failing in aircraft cockpits or any other system failure, all because of a counterfeit electronic part. Nor can we keep affording the hundreds of thousands, even millions, of dollars to fix the systems they penetrate.

Our committee has been conducting an investigation for the past year, and we will have an amendment—there is one already pending—as a result of this outstanding work.

I also plan to offer amendments that will start us on the course of an updated plan for U.S. military forces in the Pacific theater. The current plan to move 8,700 marines, 9,000 family members from their current bases on Okinawa to Guam is now estimated to require spending between \$18 and \$23 billion on Guam to build up its capabilities as a permanent base. This is an increase of well over \$10 billion from the original estimate. I believe the pricetag will continue to rise. As a result, I, along with Chairman LEVIN and Senator WEBB and other colleagues, view this program as unworkable, unaffordable, and an unnecessary strain on the relations between our government and the Government of Japan. Recognizing this strain, both the Armed Services Committee and the Military Construction and Veterans Affairs' Committee of the Appropriations Committee have stopped funding Guam military construction projects until the Department of Defense provides a master plan and considers alternatives that may provide the needed Marine forward presence at much less expense.

Let's face it, we simply are at a level we cannot afford under the present plan. I also understand our relations with Japan are very important in this whole move. We cannot send a signal that America is leaving the area. In fact, I was very pleased to see the agreement the President of the United States signed with the Prime Minister

of Australia just yesterday that provides for a joint operating base in Australia. But we must understand the delicacy of our relations with the Government and people of Japan, especially in the time of rising concern about some of the behavior that has been exhibited by the Chinese.

I believe we need to take advantage of this pause to convene a congressional commission of experts in Asian affairs, with multilateral input, to review our national security interests in the Pacific region over the next 30 years and charter that commission to propose a posture for our military forces that will both strengthen our traditional alliances while offering opportunities for cooperative efforts with emerging partners and allies to solidify our mutual interests in the region.

In the face of the doubt about the scope and timing of the Pacific realignments, we also need to ensure that this pause in potentially unnecessary spending is extended in 2012 to the use of defense funds to activities that have no direct impact on military functions or missions on Guam, such as the purchase of civilian school buses and an artifact repository and a mental health clinic on Guam. While these projects may have legitimate value to the Government of Guam to address current needs for citizens of Guam, they simply are not my idea of top defense priorities in the fiscal environment we face.

In addition, despite the efforts of Congress to ban earmarks and special interest projects, this bill contains almost \$850 million in authorizations of funding for items and programs not requested by the administration. The full Senate needs to consider the merits of these unrequested spending items and to determine whether they are top defense priorities in today's fiscal environment.

The bill also cuts \$330 million for private sector care under the Defense Health Program, based on an assessment of historical underexecution rates. This is the first step in an important progress in helping the Department of Defense control spiralling health care costs. It is the other challenges we face in this bill where we could have and should have done more.

Secretary Panetta, speaking at the Woodrow Wilson Center, said:

The fiscal reality facing us means we also have to look at the growth in personnel costs, which are a major driver of budget growth and are, simply put, on an unsustainable course.

The Secretary concludes:

If we fail to address [these costs], then we won't be able to afford the training and equipment our troops need in order to succeed on the battlefield.

Providing the Department with the authority to adjust Tricare PRIME enrollment fees based on a realistic index of national health expenditures per capita, as the administration re-

quested, would have been the right thing to do. Instead, this bill limits all future enrollment fee increases to the cost-of-living adjustment for military retired pay.

Military retirees and their families deserve the best possible care and nothing less in return for a career of military service. But we cannot ignore the fact that health care costs will undermine the combat capability and training and readiness of our military if we don't begin to control the cost growth now. Our committee report reflects the desire of the committee to review options for phasing in more realistic future adjustments beginning in fiscal year 2014, and that is exactly what we must do.

I wish to emphasize a point here. I am solemnly aware of the commitment this Nation has made to the men and women who have served in the military regarding health care and benefits. This Nation has made promises for many years and has endeavored to keep those promises. But we are faced with a set of dire circumstances regarding the long-term viability of entitlement programs that threatens to undermine a whole range of promises we have made to every American.

I am also keenly aware that in this unprecedented fiscal crisis facing this country, providing for our national defense is the most important responsibility that our or any government has. It is our Nation's insurance policy. And in a world that is more complex and threatening than I have ever seen, we cannot allow arbitrary budget arithmetic to drive our defense strategy in spending. We have to look at every program to determine what risks we can afford to take without risking the lives and welfare of those brave young Americans who volunteered to serve in the military.

As such, some of the defense cuts being discussed—particularly as a result of sequestration—would do grave harm to our military and our Nation's security. The immediate impact of a sequester, according to Secretary Panetta, who previously served as chairman of the House Budget Committee and Chief of Staff to President Bill Clinton, could be a 23-percent across-the-board cut to our Nation's defense programs. Shipbuilding and construction contracts would have to be curtailed. Civilian personnel and contractors would have to be furloughed. The end results of these cuts after 10 years would be “the smallest ground force since 1940, the smallest number of ships since 1915, and the smallest Air Force in its history.” The United States would face “substantial risk of not being able to meet our defense needs.”

Defense spending is not what is sinking this country into fiscal crisis, and if the Congress and the President act on that flawed assumption, they will create a situation that is truly

unaffordable—the decline of U.S. military power and a hollow military. We cannot let this happen. Despite a significant decline in defense spending, the growing threats we face around the world demand a strong and resolute U.S. military that continues as the first line of protection for peace, freedom, justice, and democracy around the world.

I have had the privilege of a long career in public service, but in all my years I don't think I have ever seen a geopolitical environment as complex and as multidimensional as the one we face today. This will only increase in the years to come. The rise of China is one of the most seminal events in world history, but it is not an isolated occurrence. Other nations across the Asia-Pacific—most notably India—are also growing rapidly and using their newfound wealth to enhance their comprehensive national power, especially new military capabilities.

The challenge for the United States is this: How do we, as a historic Pacific power, use the next few years—despite the necessary cuts that will have to be made in our defense spending—to make smart, strategic investments that set us up to shape the future of the coming Pacific century? That means a more geographically dispersed and operationally resilient regional force posture. It means developing new operational concepts, such as the Defense Department's AirSea Battle concept, which aims to enable us to operate effectively in an anti-access and area-denial environment. It means taking advantage of the many opportunities we face to enhance the capabilities and interoperability of our alliances and partnerships. And perhaps most of all, it means making some difficult and at times painful choices about where we can go, what we do, and what we can do without. We all must take responsibility for these choices.

When we talk about our increasing focus on the Asia-Pacific region, what this does not mean and cannot mean is a lack of commitment to the broader Middle East. After all, the United States still has a capacity to do at least two things at once, and we cannot afford to allow that to change.

The Middle East and north Africa are undergoing perhaps the most consequential period of upheaval since the collapse of the Ottoman Empire. Governments with long patterns of authoritarian control—some of them our partners—are falling under the popular pressure of millions of citizens who desire dignity, freedom, and opportunity. Our old and dear ally Israel faces a more tumultuous and potentially threatening position than it has in decades. At the same time, new regional leaders, such as Turkey and Qatar and the UAE, are playing a more confident and assertive role in shaping the events of the region despite the failure of

leadership that led us to the full withdrawal of U.S. troops in Iraq. The success of that country remains a critical national security interest of the United States. We must remain committed to Iraq's success and stability. And all the while, the Iranian regime continues to threaten the security of the region and that of the United States.

Amid all of these complicated and important global trends, it is absolutely vital that the Members of this body be allowed to engage in a fulsome and serious debate about the vital national security interests contained in this bill. I hope there will be a generous opportunity to offer amendments and debate them. I am confident we can do this while still moving diligently and quickly along.

We have given the majority leader the commitment that we will work to ensure Senate consideration of this bill on an expedited basis. This Chamber must have the opportunity to complete this bill and then send it to the conference with the House. We need to have a conference report before the end of the year.

We cannot continue to place critical authorizations in appropriations bills or continuing resolutions because we cannot get the Defense authorization bill done in a timely manner. As an example, this bill includes extensions for several important counternarcotics authorities that expired at the end of fiscal year 2011. The expiration of these authorities has had a direct impact on DOD efforts to combat illicit trafficking networks where proceeds often directly fund the activities of terrorists and other criminal organizations that pose a significant threat to U.S. security interests. Timely passage of the Defense authorization bill will ensure that these counternarcotics missions can continue in places such as Afghanistan, Colombia, and along our southern border.

I, for one, am not proud of the 9-percent approval rating in the performance of Congress determined by various polls. They are right—we need to do more for the American people. I hope we can reverse this downward trend in our approval by tackling the critical national security challenges facing this country in an efficient and effective manner.

I look forward to working with Senator LEVIN to pass this bill as quickly as possible and get it into law for the benefit of our military and our country. I would ask our colleagues—as we usually do—to get their amendments to us so we can have them considered and have as prompt action as possible on them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me thank my friend from Arizona for his great work on this bill and the way in which he and our

members, our brothers and sisters on the committee, including the Presiding Officer, worked so well together on a bipartisan basis and the way our staffs worked together. We are now in a position where we can consider amendments, as the Senator from Arizona said, pending the receipt of amendments for our consideration.

I yield the floor.

Mr. MCCAIN. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the McCain-Levin amendment No. 1092.

Mr. MCCAIN. I think that is the Levin-McCain amendment.

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. I would like to discuss that amendment. This amendment is a result of the effort made by our committee staff and other members of the committee to identify a very serious problem that can affect our Nation's security; that is, the counterfeiting of critical components that end up in our defense systems—in some cases, helicopters; in some cases, aircraft; in some cases, missiles—literally every high-tech aspect of our Nation's defense systems.

We traced, in hearings under Senator LEVIN's leadership, the way in which, through different shell companies, these parts that originate in China that are counterfeit end up, through various establishments and then by our major parts suppliers, in our weapons systems. There already have been occasions where there have been system failures, and there have also been situations which have inhibited or reduced readiness and further capabilities. So far, thank God, it has not resulted in any casualties or deaths, but there is very little doubt that this counterfeiting poses a serious threat. According to our findings, some 70 percent of these counterfeit parts come from China.

It has to be stopped. We don't know, to tell my colleagues the truth, if all the parts of this amendment will stop it because it is a huge money-making business, but I think this initial amendment will move us in the right direction to try to bring at least under some control the flow of these counterfeit parts into our Nation's defense.

So I hope that with the help of my colleagues we could adopt this amendment as rapidly as possible and move on to the next one. I know of no one who objects to it. I know there are other members of the committee who were involved in the examination of this situation, and perhaps they would like to come and speak on it. But I would recommend to the chairman that we move on this amendment as quickly as possible.

Mr. LEVIN. Madam President, I thank the Senator from Arizona. I very

briefly described this amendment before, but I will take a few minutes now to describe it in some greater length because it is very significant. It is going to totally change the way we buy replacement parts for our weapons systems to avoid the absurdity that we have so many counterfeit parts, including used parts, where we need new parts on these weapons systems.

The investigative staff of our committee looked at just a slice of the Defense chain for getting replacement parts. In that one slice of that supply chain, they identified 1,800 examples of where counterfeit parts were in our weapons systems. There were 1,800 different examples, but they involve millions of parts.

What happens here is that these used computers that originate from China, which are called e-waste, are sent back to China where they are pulled apart. The electronic parts are then washed, frequently in a stream—and there are pictures of these parts being washed in streams—dried out in the open, and then they go mainly to one place in China, Shantou. The surfaces of these parts are then sanded down, new surfaces are put on them, and a number is placed on them to make them look like new parts. Then, those parts, through various ways, get into the supply chain. That is what we have to stop.

This is dangerous for our troops. It jeopardizes their missions. We believe we are losing approximately 11,000 American jobs that would be making these parts if they weren't counterfeited overseas. That is just one estimate by the Semiconductor Industry Association. Our semiconductor manufacturers suffer about \$7.5 billion in lost revenue. So there is a safety issue and a mission threat issue here, first and foremost, but this is also an unnecessary and unfair blow to the American economy and to American jobs.

This is what this amendment does. We are requiring the Secretary of Homeland Security to establish a program of enhanced inspection of electronic parts imported from any country that is determined by the Secretary of Defense to be a significant source of counterfeit parts in the DOD supply chain.

This amendment requires the Department of Defense and its suppliers to purchase electronic parts from original equipment manufacturers and their authorized dealers, or from trusted suppliers who meet established standards for detecting and avoiding counterfeit parts. It establishes requirements for notification, inspection, testing, and authentication of electronic parts that are not available from such suppliers.

It requires the Department of Defense and DOD contractors who become aware of counterfeit parts in the supply chain to provide written notification to the Department of Defense inspector general, the contracting offi-

cer, and the Government-Industry Data Exchange Program—GIDEP—or a similar program designated by the Secretary of Defense.

The amendment would authorize Customs to share information with original component manufacturers from electronic parts inspected at the border to the extent needed to determine whether an item is a counterfeit.

It requires large Department of Defense contractors to establish systems for detecting and avoiding counterfeit parts in their supply chains, and it authorizes the reduction of contract payments to contractors who fail to develop adequate systems.

The amendment requires the Department of Defense to adopt policies and procedures for detecting and avoiding counterfeit parts in its own direct purchases, and for assessing and acting upon reports of counterfeit parts from Department of Defense officials and DOD contractors.

The amendment authorizes the suspension and debarment of contractors who repeatedly fail to detect and avoid counterfeit parts or otherwise fail to exercise due diligence in the detection and avoidance of counterfeit parts.

The amendment also includes a bill Senator WHITEHOUSE introduced that was passed out of the Judiciary Committee to toughen criminal sentences for counterfeiting military goods or services.

Finally, the amendment requires the Department of Defense to define the term "counterfeit part" which is a critical and long overdue step toward getting a handle on the problem.

We also make it clear that it is the supplier of the counterfeit part who is going to pay for its replacement, and not the taxpayers of the United States.

This amendment touches the jurisdiction of two or three other committees, so we have sent this amendment to the other committees to try to clear this amendment. The Judiciary Committee is one, and I think Homeland Security is another, and I believe the Finance Committee is the third. We are hoping we can get prompt, positive response, but obviously we want to make sure those other committees are consulted and that they concur. If not, we would have to then make changes in the amendment, probably, in order to accommodate what those concerns are. But there are some jurisdictional issues here which we are currently working out.

I had an opportunity this morning, with Senator MCCAIN, to talk to Senator LEAHY, who was before our committee introducing a nominee, to alert him to the fact that we had this amendment which touched on the jurisdiction of his committee. I hope by now the language of the amendment has been shared with the staffs of those three committees—and I think I have them all—but we intend to do exactly that.

Mr. MCCAIN. Madam President, will the Senator yield for a question?

Mr. LEVIN. Surely.

Mr. MCCAIN. Is it not also true that as the Senator mentioned, and I wish to emphasize, that Senator WHITEHOUSE's Combating Counterfeiting Military Act is a part of this bill, so that would hopefully satisfy at least the Judiciary Committee? I see the distinguished Senator from Iowa here. He does not intend to address this issue, but I hope we can get the committees of jurisdiction involved in this as quickly as possible. I think this is an issue we should not delay too much longer.

Mr. LEVIN. Well, we do need to consult with those committees. That is underway. I am hopeful the committees and their leaders will take a prompt look at this and see if there is any problem with the language from the perspective of their committees.

Mr. MCCAIN. If the chairman will further yield briefly, so we will not voice vote this until we get the signoff of the relevant committees; is that correct?

Mr. LEVIN. That is correct.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

CONSTITUTIONALITY OF PPACA

Mr. GRASSLEY. Mr. President, I am pleased the Supreme Court has agreed to hear the arguments in three cases challenging the constitutionality of the health care reform law Congress passed 2 years ago. I appreciate that the Obama administration asked the Supreme Court to hear this question. In light of the importance of these cases, I have written to Chief Justice Roberts asking him to provide live audio and video coverage of the oral arguments.

The constitutionality of the health care law was the subject of a hearing in the Judiciary Committee last February. Regrettably, the Judiciary Committee would not hold such a hearing until after the bill became law. Those who voted for that law should have given these constitutional questions more attention before they voted for the bill. Today I wish to discuss the issues that are presented in the cases, focusing primarily on the constitutionality of the individual mandate and another recent appellate court ruling on that topic.

When Congress passed this law last year, we were told it would be very popular and truly and clearly constitutional. Neither is true. Polls show that the law remains unpopular. The law's individual mandate provision requires nearly all Americans who do not otherwise have health insurance to purchase

such insurance or to pay a monetary penalty. That provision also raises serious constitutional questions about the scope of congressional power to regulate interstate commerce.

Normally, the Supreme Court grants only 1 hour for oral argument. Here, the constitutional questions associated with the bill are so difficult that the Supreme Court has decided to devote 5½ hours to oral argument. The answers to the questions are not clear. Besides considering the commerce clause question, the Court will also hear oral arguments on three other questions. The first is severability: Will the remainder of the law stand if the individual mandate is struck down? Normally, the Court does not even consider severability until it has decided that a part of a statute is, in fact, unconstitutional. The fact that at least four Justices have voted to hear arguments on this question should cause uneasiness among those who are confident that the law is constitutional. The second issue is the constitutionality of the law's expansion of the Medicaid Program upon the States. The third is whether procedurally the law can be challenged in the courts before it actually takes effect.

There is always the possibility that after all the briefs, all the arguments, and all the public expectations, the Supreme Court will finally resolve whether the health care law is, in fact, constitutional. Conversely, the Court could determine that it is too soon for it to rule on the issue because the law hasn't fully gone into effect.

Before the Supreme Court agreed to hear these cases, the U.S. Court of Appeals for the DC Circuit ruled that the individual mandate was within the constitutional power to regulate interstate commerce. That court concluded that this result followed from existing Supreme Court decisions. It also ruled that Congress could, therefore, require private individuals to purchase any product that Congress chose. The majority opinion was written by Judge Laurence Silberman.

I respect Judge Silberman, but I strongly dispute his ruling and I wish to take this opportunity to outline my disagreements with Judge Silberman.

I think Judge Silberman has selectively read Supreme Court decisions. For instance, he noted that no Supreme Court has ever held the commerce clause authority is limited to people who are currently engaging in an activity that involves interstate commerce, but it is equally true that no Supreme Court case has ever held that the commerce clause covers people who are not engaging in an activity and may never do so in the future. It is not clear why Judge Silberman focused only on the first formulation and did not consider the second. This omission is even more peculiar when compounded by his omission of the Su-

preme Court's repeated skepticism of congressional claims that it can exercise a power that it never before discovered in more than 200 years of our constitutional history. The Court has always been wary when a new power is claimed.

Judge Silberman recognized that the power claimed here to require that the purchase of a product or service is novel, but he did not continue with the next step that the Supreme Court would have taken. Instead, the judge concluded that the argument against the power was equally novel.

I think it is common sense no one would have made such an argument if Congress had not claimed this power. For instance, when the Supreme Court in the *Plaut* case ruled that Congress could not reinstate a statute of limitations once it had expired, it pointed out that Congress had never done that. It did not belittle the argument against the practice by characterizing it, as Judge Silberman did, as novel. In fact, the argument against the novel claimed power won.

Judge Silberman stated that Congress cannot regulate noneconomic behavior based on a weak link to interstate commerce. He ruled that Congress cannot regulate intrastate economic activity that in the aggregate does not substantially affect interstate commerce. Agreeing with Judge Silberman, so far so good. But then he found that decisions whether to purchase health insurance do affect interstate commerce. However, the Supreme Court has never ruled that Congress can regulate decisions—in other words, thoughts—on whether to purchase a good or service. The Court for decades has referred to the power of Congress to regulate activities that affect interstate commerce.

Since Congress cannot regulate noneconomic activities or intrastate economic activities that have no combined effect on commerce, then it follows naturally that Congress cannot regulate at all inactivity—such as refraining from buying a product.

Judge Silberman considered the “activity” argument and, in my mind, he repeated an earlier error. He concluded that no Supreme Court case had ever said that existing activity was necessary for Congress to exercise its power to regulate interstate commerce.

But it is just as true that many Supreme Court cases have described the kinds of activities Congress may regulate under the commerce clause. Judge Silberman could have as accurately found that no Supreme Court case has ever held that Congress has the power to regulate commerce in the absence of an activity.

Another way Judge Silberman selectively read the Supreme Court precedents is that he could have struck down the individual mandate consistent with all Supreme Court precedents.

This point was confirmed in the Judiciary Committee hearing we held in February. I asked the witnesses whether the Supreme Court could strike down the individual mandate without overruling any of these precedents. The Republicans' witnesses both responded that the Court could do so. The Democrats' witnesses identified no cases that would have to be overturned. So not only is the individual mandate unconstitutional, but the Supreme Court could strike it down without overturning any of its precedents.

Judge Silberman disagreed. He said the mandate here is close to the facts of *Wickard v. Filburn*, a famous 1942 Supreme Court decision that broadly read the powers of Congress to regulate interstate commerce. The Court then upheld the second Agricultural Adjustment Act. Under that law, a farmer could be penalized for growing wheat on his own farm even for the use of his own family and livestock. He could not grow that wheat if he exceeded his wheat quota. The homegrown wheat substituted for the wheat the farmer otherwise would have had to purchase on the open market, so the Court concluded that would depress the price of wheat when combined with the actions of similar farmers all across the country. So, obviously, in *Filburn*, that farmer affected interstate commerce. That may not make sense to us today, but it made sense in 1942, and it is still a precedent.

Judge Silberman, however, ruled that the regulation at issue in that case is very similar to the individual mandate, which is an inactivity if you decide not to purchase it, and that any activity involved in the *Wickard* case was incidental to simply owning a farm.

I take issue with that. The *Wickard* case differs conceptually from the individual mandate. Farmer *Filburn*, in 1942, could avoid the regulation by ceasing to farm, by no longer engaging in the regulated activity. In fact, that is true in all of the cases Judge Silberman cited. A person can avoid laws penalizing cultivation of marijuana by not cultivating marijuana. A person can avoid laws criminalizing child pornography by not downloading child pornography. A person can avoid public accommodation regulations by not operating a public accommodation. Those are activities Congress can constitutionally regulate under the commerce clause.

But that is not the case with the individual mandate. You cannot avoid being subject to that mandate. If you exist, if you are alive, an individual in this country, you are regulated. And, of course, that is not the situation with respect to any other decisions Judge Silberman cited. It is why he is, respectfully, wrong to find that the infringements on liberty are the same in those cases as they are in the individual mandate. The liberty of avoiding the regulation was preserved in the

laws at issue in those cases. Liberty would prevail because you did not have to abide by the law if you were not in that business, but not so with the individual mandate under the health care reform bill.

Moreover, I disagree with Judge Silberman's assertion that it is for political reasons and not constitutional ones that it took until 2010 for Congress to conclude that the Constitution allows it to force people to buy goods or services. If this power truly existed, Congress would have exercised it frequently and long ago.

Why would Congress pass tax incentives to encourage people to buy hybrids if Congress could simply order you or anybody else to buy hybrids? Why would Congress give strong incentives for farmers not to grow wheat so as to keep the price up when it could force people—the consumer—simply to buy wheat? Why could it not raise the price of beef by requiring vegetarians to purchase it, so long as it did not require them to eat that beef? Why would Congress take the political heat for raising taxes when it could order some people to pay third parties for goods and services?

Even more sinister, Members of Congress could use this supposed power under the commerce clause to entrench ourselves in office. Congress could require that the goods and services Americans must purchase be limited to those providers who contribute to the political party of the Members. Or it could prohibit purchases from those providers who contribute to the other political party. It could require people to buy houses or cars or other products in areas where that political party has its base of support. Sounds a little bit like Mussolini's Italy, doesn't it?

Before the Supreme Court's Lopez decision, there were people who believed Wickard v. Filburn, since 1942, gave Congress the ability to regulate anything Congress chose to regulate. Then, in the Lopez case, the Supreme Court ruled that the commerce clause did not permit Congress to regulate the possession of handguns near schools. At the time, there was widespread fear among liberals that the power of Congress to regulate interstate commerce would be jeopardized. Those fears did not materialize. Similarly, today, people such as Judge Silberman again believe that Wickard v. Filburn gives Congress the ability to regulate nearly anything it chooses and, therefore, the individual mandate must be upheld. I do not agree.

Where I give Judge Silberman credit—and if you knew the man, you would know this is his character—is in his intellectual honesty. Unlike the Obama administration, Judge Silberman recognizes the truth. If Congress can force people to buy health insurance, he admits, it can force people to buy any goods or services. It can regu-

late inactivity because it can affect interstate commerce. This is consistent with the opinion of the Congressional Budget Office, which wrote in a 1994 memorandum that "a mandate-issuing government" could lead "[i]n the extreme" to "a command economy, in which the President and the Congress dictated how much each individual and family spent on all goods and services. . . ." That is not the America our Constitution writers envisioned.

At the oral arguments in the DC Circuit, the judges asked the Obama administration lawyer if Congress could require Americans to buy broccoli, or to buy cars to keep General Motors in business, or to set up mandatory retirement accounts in place of Social Security. The lawyer weaseled an answer, saying that "It would depend." That is not a principled position on the nature of the supposed powers of Congress, which has no limit.

Judge Silberman is a former Ambassador to what used to be Yugoslavia. He understands the difference between a command economy and a free market economy. What his decision implicitly states is that Wickard v. Filburn permits Congress to enact a command economy with no individual economic freedom whatsoever. But our Constitution provides protections for private property and for contracts. It establishes some form of a free market system. Judge Silberman's interpretation may imply that Wickard v. Filburn was wrongly decided and should be overturned, but I do not believe it is necessary to overrule that decision, any more than it was necessary to reverse the Filburn case when they decided the Lopez case.

Apart from cases, we need to go back to the basics. We should consider first principles in evaluating the constitutionality of the individual mandate in the health care reform bill. The people are sovereign in our country. The government serves the people, not the other way around. That is enforced through our Constitution. And that Constitution gives Congress just limited powers.

In the Federalist Papers, James Madison wrote that the powers of the Federal Government are few and are defined, and the powers of the States are many and are undefined. Although there is much more interstate commerce in today's economy than there was in 1787, the power is still limited. If Congress can require Americans to purchase goods and services that Congress chooses, without a limiting principle, then there is no limited Federal Government. There would be no issue that Congress could not address at the Federal level. There would be no range of State powers that the Federal Government cannot usurp. And there would be no individual economic autonomy that the Federal Government must respect.

Surely, the Constitution would not have been ratified if Americans had understood it to permit such a result.

The upcoming Supreme Court decisions on the constitutionality of the individual mandate are important, not only for the fate of that provision but for their effect on the powers of the Federal Government and for the very survival of individual economic activity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1084

Mr. KIRK. Mr. President, I wish to speak on the pending amendment. I rise in support of the Kirk-Manchin-Heller and Blunt amendment regarding Iran. What we know with regard to Iran is that they have persecuted 330,000 Baha'is in their country, registered their houses, kicked their kids out of university, made sure that they can do no business with the Iranian Government.

We know Iran is the chief sponsor of the terrorist group Hezbollah that has had a grip on southern Lebanon. We know Iran jumped the Shiite divide to also support the terrorist group called Hamas in the Sunni community.

We know Iran has been a state sponsor of terror as certified by Presidents Carter, Reagan, Bush, Clinton, Bush, and Obama.

We know Iran recently sentenced an Iranian actress to 90 lashes for appearing in an Australian movie without a headdress.

We know Iran recently arrested 70 of its fashion designers, for crimes I cannot even imagine that they would have committed.

But, most importantly, we know the International Atomic Energy Agency has certified that now Iran has enriched uranium far beyond what it needs to run a civilian reactor program; that Iranian military personnel have been involved in acquiring information on the design of nuclear weapons; that the Iranians are working on the details of a warhead for their Shahab-3 missile that fits all of the profiles of a nuclear weapon.

Finally, we know, according to the Attorney General of the United States, Eric Holder, that Iran and its Iranian Revolutionary Guards Quds force established a bomb plot with the Mexican cartel, the Zetas, to blow up a Georgetown restaurant, to kill a number of Americans, even talked about possibly killing Senators, in an effort to assassinate the Saudi Arabian Ambassador to the United States here in Washington, DC.

I think it is clear with this bipartisan amendment that we all recognize we are at a turning point and that we need new sanctions against Iran. Without crippling sanctions, I believe we have then turned the international community on the path toward war,

likely between Iran and our allies, in Israel.

This would cause a needless loss of life. It would lead to higher energy prices for the West, an increase in instability in Europe when we can least afford it. Therefore, we need to level crippling sanctions, especially against the Iranian center of gravity, the Central Bank of Iran.

The Central Bank of Iran is the principal funder of the Ahmadinejad regime itself. It is probably the source of funds so substantially provided to terrorist groups by Iran to Hamas and Hezbollah. It is the Central Bank of Iran that is supporting operations in Afghanistan and Iraq against our allies there.

It is the Central Bank of Iran that is the principal underlying financial support for the Iranian nuclear program, and the Central Bank of Iran that is the paymaster for the Iranian Revolutionary Guards force, especially their Quds force. Likely the money that was planned for the Zetas to carry out the bomb plot in Washington, DC, had its origin point with the Central Bank of Iran.

That is why 92 Senators, Republicans and Democrats, despite these partisan times, have joined to say we should level this crippling sanction against the Central Bank of Iran.

I thank the 92 Senators who signed the Schumer-Kirk letter. Indications are that the Obama administration is going to take further actions on the Central Bank of Iran. This amendment lays out the full roadmap for what we should do.

What does the amendment do? It is patterned after the bipartisan amendment adopted under the authorship of Democratic California Congressman HOWARD BERMAN, unanimously adopted in the House Foreign Affairs Committee, that says for any business, if you do business with the Central Bank of Iran, you cannot do business with the United States of America.

We know that world financial arrangements and especially oil markets are complicated instruments, so under this bipartisan amendment we have a 180-day timeclock to make sure that especially key allies and friends of the United States can unhook from Iranian oil and the financial ties that bind them to Iran. This is particularly important for Turkey, for Sri Lanka, for Italy, and for Greece, who would all use that time under this amendment to unhook from Iran.

In this, I think we are going to have a very willing partner in the Government of Saudi Arabia, recently obviously focused on, because the Iranians tried to kill their Ambassador to the United States. I will be meeting with that Ambassador tomorrow. I think this amendment lays the groundwork not just to work with Israel, not just to work with Saudi Arabia, but our allies, to collapse the Central Bank.

Without action, I think we turn the Middle East and especially the Persian Gulf toward war. That is why we should take every nonmilitary action possible to avoid that conflict, to collapse the Central Bank of Iran.

There are a number of bipartisan heroes in this story—Senator LIEBERMAN, who has been a key actor on these issues and a partner with me on many of these issues; Senator GILLIBRAND also who has helped out; obviously Senator SCHUMER, who was the coauthor of the 92-Senator letter on the Central Bank of Iran; Senator MENENDEZ, who also has an outstanding idea on creating an Iranian oil-free zone; and obviously my bipartisan partner on this and best friend in the Senate, Senator MANCHIN, who joined me on this effort.

Together, we can have a clear statement about what has happened with the IAEA and the Iranian nuclear program, with their record on human rights, with their record on support for terrorism and, most importantly, according to the Attorney General, with a brazen attempt to attack the United States directly with this bomb plot.

I urge Members of this Chamber to vote for this amendment, which is now pending to the National Defense Authorization Act, because it puts a clear statement forward, levels the toughest nonmilitary sanction we had, helps reduce the chance for war or market and oil instability and higher prices, and has such a strong bipartisan pedigree behind it.

I yield the floor.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, as a member of the Senate Armed Services Committee and as the ranking member of the Readiness Subcommittee, I wish to speak for a few moments and comment on the National Defense Authorization Act.

I will begin by thanking the majority leader for honoring his commitment to bring the National Defense Authorization Act to the floor for debate, amendment, and passage. As Leader REID pointed out this morning, this would have been the first time in a half century in which we would not have passed a national defense authorization bill. In the midst of two wars, with our brave sons and daughters and husbands and wives fighting in Iraq and Afghanistan, with our country facing a serious threat from radical Islamist terrorists, that would have been unacceptable.

I very much thank Chairman LEVIN and Ranking Member MCCAIN for their

leadership. In this era that has been characterized by gridlock and partisanship in Washington, the Armed Services Committee has represented a welcome exception. The Senate Armed Services Committee has a long-enjoyed, well-deserved reputation for professionalism and bipartisanship as we work across party lines to support our troops and their families who sacrifice so much for our country to keep us safe.

This bipartisan spirit is reflected by the fact that the Armed Services Committee unanimously reported the initial Defense authorization bill out of committee this summer, and did so again this week, after reducing the authorization levels consistent with the requirements we need to meet, in light of the fiscal crisis our country faces, and after revising the detainee compromise to take into consideration some of the administration's concerns.

This year, once again, the quality of Senator LEVIN's and Senator MCCAIN's leadership is reflected in the quality of the legislation the Armed Services Committee has produced. This bill will ensure that our war fighters have what they need to accomplish their missions, protect themselves, and defend our country.

I am especially proud of the work of the Readiness Subcommittee. It has been a pleasure to work with Chairman MCCASKILL. Our committee made significant, well-informed reductions that achieve taxpayer savings without endangering our military readiness.

However, going forward, I wish to raise one issue. We have to guard against excessive cuts to our readiness accounts that will leave our troops and our Nation less prepared for future contingencies. In light of the supercommittee meeting in Washington, we have to come to an agreement to avoid what Secretary Panetta has described as catastrophic and a deep concern for our national security if those sequestration cuts occur.

I am particularly pleased key provisions of the Brown-Ayotte "no contracting with the enemy" legislation are included in the bill. This provision will make it easier for the Defense Department, contracting officials in Central Command area operations, to void contracts with contractors that, unfortunately, in some instances, have funneled taxpayer dollars to our enemies.

Let me conclude by saying that, again, I very much appreciate the leadership and bipartisan nature of the work done on the Armed Services Committee. This is a very important bill that I am very glad we are going to take up and fully debate in the Senate. I certainly urge my colleagues to pass this bill.

AMENDMENT NO. 1065

Ms. AYOTTE. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1065.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Ms. AYOTTE], for herself, Mr. MCCAIN, and Mr. REED, proposes an amendment numbered 1065.

Ms. AYOTTE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to the force structure for strategic airlift aircraft)

At the end of subtitle C of title I, add the following:

SEC. 136. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking “October 1, 2009” and inserting “October 1, 2011”; and

(2) by striking “316 aircraft” and inserting “301 aircraft”.

Ms. AYOTTE. Mr. President, the amendment I have just offered to the Defense authorization bill is an amendment that Senator REED from Rhode Island is joining me in sponsoring.

The amendment itself would allow the Air Force to reduce its strategic airlift aircraft inventory to what they need to meet our readiness needs. It would save \$1.2 billion of taxpayer money in the next few years, without compromising the readiness we need to protect our Nation.

Our Nation's strategic air fleet provides global air mobility to the U.S. military. As GEN Raymond Johns, commander of the Air Force Air Mobility Command, said in his statement in a hearing before the Armed Services Committee, where we had this amendment addressed:

The strategic airlift is a national asset allowing America to deliver hope, to fuel the fight, and to save lives anywhere in the world within hours of getting the call.

In order to meet this need, the United States uses C-5s and C-17s as their strategic airlift capability, and current Federal law sets the Air Force's minimum number of strategic aircraft at 316. However, the Air Force and the administration—when the Department of Defense submitted their budget request, they made very clear that we don't need to keep the minimum requirement at 316 to meet the needs of our country; that only a minimum requirement of 301 aircraft are needed to meet the strategic airlift capacity requirements of our country. The requirement to maintain the bottom-line limit of 316 is a situation where Congress is requiring the Air Force to maintain planes it does not need to protect the readiness of our country. So it was the Air Force that wanted this amendment to be brought forward to ensure we can save taxpayer dollars—over \$1 billion.

This is very important at a time when we are asking our military, as a result of the Budget Control Act, over the next 10 years, to reduce spending by close to \$450 billion. So they have to look at areas where we are spending money we don't need or where we are maintaining assets we do not need to meet our readiness.

That is why I brought this amendment forward. It is a commonsense amendment that I am so pleased Senator REED has joined me on. I hope my colleagues will support it in this time of great fiscal challenges. But the need remains ever present to protect our national security against those who would want to harm Americans and our allies for what we believe in.

We have to allow the Air Force and our Armed Forces to make sensible decisions on where they need to put resources to protect our country. That is what this amendment does. I will say we had a full hearing in the subcommittee of the Armed Services Committee on the strategic airlift aircraft requirement. The military testified uniformly that reducing the number of the strategic airlift from 316 to 301 would put us in a very strong position to meet every contingency that we can anticipate going forward, including multiple contingencies around the world, as well as homeland events.

This area has been studied very carefully. It will allow us to continue to protect our country, but again, will save \$1.2 billion in taxpayer money over the next few years.

I urge my colleagues to support this amendment.

Mr. MCCAIN. Will the Senator yield for a question?

Ms. AYOTTE. I will yield to the Senator.

Mr. MCCAIN. Is it correct that the U.S. Air Force not only supports this but considers it one of their very high priorities?

Ms. AYOTTE. Yes, this is a very high priority of the Air Force, because in this difficult time when they are making reductions, this is an area where they can meet our national security needs. Yet Congress has actually asked the Air Force to maintain more planes than it needs. So this is a commonsense provision that is very important to our Air Force.

Mr. MCCAIN. In these times of very difficult budgetary decisions that are having to be made, is it not true also the President's budget in 2011 had included a plan to retire 17 C-5As in 2011 and 5 in 2012?

Ms. AYOTTE. Yes. Actually, this amendment I am bringing forward is consistent with the administration's budget request they submitted for the Congress's consideration. So this is a situation where, after a careful hearing we had before a subcommittee of the Armed Services Committee, and after the administration had submitted its

request, and after the Air Force asked for this, it makes complete sense that we would allow them to reduce this strategic airlift capacity.

Mr. MCCAIN. May I ask if any State where these aircraft are presently stationed would lose that mission or whether the older C-5s would convert to new C-17s? Is that pretty much the conclusion the Senator would draw from the Air Force plan?

Ms. AYOTTE. This is not going to be a diminishment for States. This is just going to be a right-sizing of the fleet.

What I am concerned about is if we don't pass amendments such as this, where the administration has asked for it, where all of the data supports that we don't need to keep the level at 316, and where we can save \$1.2 billion by doing it, how can we then ask our military to make significant reductions if we don't allow them to take such commonsense action such as this?

Mr. MCCAIN. I thank the Senator from New Hampshire, and I hope we can dispose of this amendment. I don't know if a recorded vote would be required by any of the Members, but I hope we can voice vote it.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank the Senator from New Hampshire for not only her comments about the committee work and myself and Senator MCCAIN personally, but I want to tell her, and tell anyone within the sound of my voice, what a valuable member of our committee she is. She is someone who is there all the time, and I very much value the input she gives to us because of her regular presence at our hearings and our meetings. So I thank her for that as well as her comments.

I also thank her for this amendment. It is a good amendment. I understand from my staff, and from what the Senator said as well, there was a hearing held specifically on this subject, and that Senator REED, as chairman, made a commitment to hold that hearing, as I understand it. He is a cosponsor of the amendment of Senator AYOTTE. As far as I can see, it is a good amendment, a sound amendment, and it does what Senator MCCAIN said, as well as what the Senator from New Hampshire has said. It avoids spending money on something we can't afford to spend money on.

I don't know of any objection on this side, and I support the amendment.

Ms. AYOTTE. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Arizona.

Mr. MCCAIN. Is it true we are trying to clear the amendment on both sides at the moment?

Mr. LEVIN. I don't know of an objection on this side. As far as I am concerned, if there is no further debate, the Presiding Officer can put the question.

Mr. MCCAIN. I ask the Chair to put it to a vote.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1065) was agreed to.

Ms. AYOTTE. I thank the chairman.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the chairman, Senator LEVIN, and the ranking member, Senator MCCAIN, for the immensely important work they have done on the bill we are considering, S. 1867, the National Defense Authorization Act. It is a massively important bill, a big bill, and I want to focus on one part of it—a seemingly small section but a vitally important provision of the bill—that enables our Department of Defense to more effectively counter improvised explosive devices, known as IEDs, which have been a major source of attacks against United States and coalition forces in the wars of Iraq and Afghanistan and threaten not only our troops there but all around the world as well as our coalition partners.

I thank particularly one of my colleagues, Senator BOB CASEY, who has been a champion of these efforts against the IEDs or roadside bombs for some time. He has been a relentless and tireless leader in this effort and has included me and others, and I am proud to join him in seeking more effective measures.

This summer saw the highest volume of IED incidents ever recorded in Operation Enduring Freedom, approximately 1,800 a month. That is a staggering and alarming number, and they continue. These devices are deadly and devastating, killing and maiming our troops and causing loss of limbs, traumatic brain injury, posttraumatic stress, and other horrific injuries that are the signature wounds of the ongoing wars. In fact, roadside bombs cause 60 percent of all casualties in Afghanistan. They are the hidden killers in this war.

I speak with the urgency of an elected official whose State citizens are at risk and who are returning with these signature wounds of war and whose lives and limbs can be preserved if we act effectively. I speak as a citizen who has visited the hospitals and the troops who have come back. We have all visited our constituents and their families, their loved ones, their friends and neighbors who have been victims of these terrible weapons of destruction.

Most IEDs in Afghanistan, in fact more than 80 percent, are made with

materials originating in Pakistan. There is no magic bullet or panacea to solving this problem or addressing the challenge. It will take a comprehensive fight. Both the provisions contained in the Foreign Operations appropriations bill with regard to Pakistan and the vital force protection equipment in the Defense authorization bill are essential to shutting down the sources of bomb-making materials in Pakistan. They include steps to interdict bomb-making materials at the border and to provide the armor and force protection against the IED threat.

Roadside bombs in Afghanistan are typically made with calcium ammonium nitrate, a very common fertilizer. It is a seemingly innocent product but capable of detonation when processed and packaged in these roadside bombs and then placed in areas where our troops go. This fertilizer from Pakistan accounts for more than 80 percent of the IEDs in Afghanistan. Every day bags of this fertilizer are smuggled to Afghanistan from Pakistan, sometimes hidden in the convoys of goods that cross the open 1,500-mile border. The fertilizer pellets are boiled down and the material is put in a package or container with an explosive detonator that is often linked to a simple trigger system—something such as a tripwire buried in the sand awaiting the tire of a passing vehicle or the foot of an American soldier on patrol. At this moment, thousands of our soldiers and Marines have been injured. Thousands of these bombs are buried in Afghanistan soil and, sadly, many more will be planted in the coming weeks and months.

Again, my colleague from Pennsylvania, Senator CASEY, has been a leader in the Senate and, indeed, led a bipartisan group of Senators, including myself, in writing to the Secretary of State to request a greater diplomatic effort by our government to encourage Pakistan to stem the flow of bomb-making materials into Afghanistan. Then, in August, we went on an official trip, a CODEL, to take the message straight to the Government of Pakistan. We met with the most senior leaders of Pakistan and we urged stronger action against the misuse of everyday materials by terrorist groups in making the bombs that kill and maim our troops in Afghanistan. We took this message to officials of Pakistan at the highest level, and they responded with a plan that is supposedly being implemented.

The fact is, stronger measures are needed. We need a crackdown and a shutdown on the bomb-making materials, the fertilizer, and the calcium ammonium nitrate that is transported and smuggled across the border so that it can be made into bombs and maim and kill troops from Connecticut and from across the country—troops who are innocent victims—and the people of Pakistan and Afghanistan themselves who have become victims.

We saw firsthand how our troops seek to protect themselves from these IEDs. In fact, at a sand-swept compound in Helmand Province in Afghanistan our congressional delegation saw the most common types of protective practices and devices, including how our soldiers and marines wear body armor, lie face down in the dirt and drag a 10-foot pole with a hook on the end on the ground to look for the telltale signs of an IED. Other measures range from the use of dogs that sniff out bombs to huge armor vehicles and more advanced technology. But even with the most effective and advanced means of detection and disarming bombs, body armor is still essential to protecting our troops.

Pakistan's plan to address the IED smuggling supply chain, which is a threat to its own people as well as our soldiers and marines, has yet to prove effective. The plan addresses border security, regulation of fertilizer materials, and promoting public awareness of the threat posed by these IEDs. But we cannot rely on Pakistan's goodwill to ensure this important work is given the priority it requires.

There can be no ambiguity, no doubt, no uncertainty in our relationship with Pakistan, and that is why I support the even stronger measures Senator CASEY has championed in a process he has suggested that would withhold any assistance if verification cannot be accomplished. The Pakistanis need to prove with action, not mere plans or conferences, that they are stemming and stopping the flow of fertilizer. They need to prove more than good will or good intentions but effective action to stem and stop the flow of all of the bomb-making materials across the border.

We also must support efforts by the Department of Defense to procure and deploy body armor and equipment, such as this bill does, that protects all our troops in harm's way. We are all familiar with the force protection development such as enhanced ceramic plates and redesigning vehicles with V-shaped hulls to deflect blast impact. These advances, make no mistake, came at great expense in terms of blood and treasure to our Nation. We learned how to properly equip our troops in some respects for these measures. But even as the end of Operation Enduring Freedom is now in sight, the requirement to develop even better protection continues and it must be relentless and tireless.

We cannot abandon our efforts. We simply cannot abandon this fight to protect our troops in the field. The lessons learned will serve to honor our commitment to ensure that the brave men and women who protect our freedom and protect our safety and security have the best protection we can provide them.

Enhanced ballistic armor, including underwear protection—or blast boxers—are essential to combatting the threat of roadside bombs. When an IED detonates against dismounted troops, it blasts sand and fragments that shred skin, literally tears apart the skin of our troops. Covering their legs and groin area with flexible armor can prevent amputation of a limb or worse.

I have asked and been informed about delivery of this equipment. To date, 165,000 of the tier 1 sets of blast protection have been delivered into theater. The Marine Corps received 15,000 sets of tier 2-level protection, delivered 4 days ahead of schedule. By the middle of next month, the Army will also receive its complete requirement of tier 2-level sets.

This armor was adapted from one of our allies, British forces, and the Army has now established domestic production of the equipment. I am hopeful that additional types of protection will also be processed and produced and sent and I hope it will be expeditiously.

When I learned of this lifesaving equipment and the challenges involved in delivery, I wrote to the Department of Defense urging swift delivery of the body armor. I was joined by colleagues Senators CASEY, BENNET, and WHITEHOUSE. I am hopeful this program will be an example of our body armor procurement system working effectively. I am hopeful it will set an example and provide a model for this body armor being provided expeditiously, as it is needed. I look forward to our passing the Defense authorization bill, which continues these efforts to supply body armor and equipment needed for troops in Afghanistan.

This bill provides also for the equipment needed to interdict IEDs, from the small backpacks carried by our troops to UAVs to giant Buffalo vehicles. Interdiction also requires the right specialized equipment to detect materials to make those IEDs as they are smuggled across the porous Afghan-Pakistan border. This effort also requires training and awareness of both our military personnel and our allies in this fight. As of September 2011, the Afghan border police had 20,852 personnel. This growth is encouraging.

But the border police have problems with endemic corruption, and they are effective only to the extent that our special forces augment this effort. Our special forces, our special operators, should be encouraged and enabled to continue this effort. Interdiction is an integral part to larger efforts to understand battles based in this region. Force alone can't solve this problem. We need better intelligence and the right detection equipment, combined with the efforts of our special forces. It must be truly a comprehensive effort, as the Defense authorization bill clearly recognizes. We need to show all who live on both sides of this border that

the cost of supplying the ingredients of these bombs that kill and maim our troops is too high for them, just as it is too high for us to tolerate.

Let me again thank chairman Senator LEVIN and ranking member Senator MCCAIN for their recognition of this problem. Our Nation has spent more than \$½ trillion in support of the war in Afghanistan. We have sustained more than 2,800 coalition casualties. An Afghanistan that is stable and self-sufficient certainly is our goal, and it depends upon the tactical success of these efforts.

IEDs remain the weapon of choice of our enemy. Should we not learn to successfully counter the threat of IEDs, we will see this asymmetrical threat repeated on the battlefield, wherever our troops are deployed around the world.

Given the enormity of this challenge, I urge my colleagues to remain committed to this goal, remain true to this strategy, and counter these IEDs. We must authorize both our foreign operations expenses and this bill and I thank my colleagues for their truly bipartisan support of these efforts.

I yield the floor.

Mr. CARDIN. As to the floor privileges, Mr. President, let me just comment how valuable these Navy fellows are in our offices. I am very grateful for LCDR Knisley's service in my office, and I know Senator WICKER feels the same.

LCDR Shane Knisley will be leaving my office next month, and I wish to thank him very much for the service he has provided in the Senate.

UNANIMOUS CONSENT REQUEST—EXECUTIVE
CALENDAR

Mr. CARDIN. Mr. President, in a moment, I am going to be asking unanimous consent that the Senate take up to confirm the nomination of Ken Kopocis to be Assistant Administrator for the Office of Water for the Environmental Protection Agency.

Before I make that unanimous consent request, I wish to just take a moment to say a few words about this nominee and the process that has taken place in Senate.

I have known Ken Kopocis since I was first elected to Congress in 1986 and have worked personally with him on a number of water-related issues. Ken has extensive background in water policy and legislative issues, having worked at the Congress for 25 years. I worked with him first when I was in the House of Representatives. I know the Presiding Officer also, when he was in the House, remembers the good work Ken did for the House of Representatives. He has now worked, of course, in the Senate.

He has played a role in crafting and defending numerous pieces of environmental legislation, including the Clean Water Act. At a time when there are so many controversial issues concerning

water issues in the Congress, I think it is important we have someone at the helm who has the confidence of Senators on both sides of the aisle.

I have the honor of chairing the Subcommittee on Water and Wildlife in the Environment & Public Works Committee. Ken Kopocis enjoys the confidence of all the members of our committee.

When his nomination was considered in the Environment & Public Works Committee back in July—that is when we took it up—Ken was praised by both Republicans and Democrats alike. Most of my colleagues have had the opportunity to work with him, and they are enthusiastic about his credentials and his levelheaded bipartisan approach to every issue.

It is time the Senate take up this confirmation. It is the right thing to do.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 403, that the nomination be confirmed with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, reserving the right to object. There are still questions that need to be answered and information that needs to be provided by Mr. Kopocis.

I am concerned about the depth of his past involvement to change the scope of the Clean Water Act beyond congressional intent. To me, this nominee still needs to explain his views on public and stakeholder input on regulations he would be in charge of and explain his understanding—his understanding—of the role of Congress versus the role of the Environmental Protection Agency in terms of who makes the laws in this country.

Until those issues are clarified, I do not believe it is appropriate for this nominee to move forward.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I ask for regular order.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. CARDIN. Mr. President, I am going to yield the floor in just a moment.

Let me say to my friend from Wyoming, I am going to do my best to make sure the Senator gets all the information he needs. I wish to make sure every Senator has all the information they need. I think this is a very important position to be filled. Mr.

Kopocis has the qualifications and confidence. I wish to make sure that is done as quickly as possible. I respect my colleague's views, and I will work to make sure he gets all the information he needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is my understanding that the Senator from Colorado, Mr. UDALL, is coming over to propose an amendment and I hope that will happen momentarily and I hope Members will be prepared with other amendments that we can dispose of this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise this afternoon in support of the fiscal year 2012 national defense authorization bill.

As ranking member on the Seapower Subcommittee, I wish to thank both Chairman LEVIN and Ranking Member MCCAIN for their leadership. It is somewhat of an achievement in actually getting the bill to the floor at this time, and I appreciate their determination.

As we approach the Thanksgiving holiday next week, I would like to take a moment to honor the men and women of our Armed Forces. We are grateful for their service, and our thoughts and prayers are with those now deployed at sea and ashore. My own State of Mississippi is home to many brave servicemembers. Their sacrifices are matched, of course, by those of their families who have supported them day in and day out as they selflessly serve this country.

As ranking member of the Seapower Subcommittee, I have had the pleasure of working with my friend Senator REED of Rhode Island, who is chairman of that subcommittee. We both worked to ensure that this bill meets a wide range of procurement, sustainment and research and development needs for the Navy and the Marine Corps.

Our deliberations were informed by, among other things, a series of hearings we held that addressed force structure and modernization for the Department of the Navy. This process has resulted in a bill that contains provisions which will deliver important capabilities and support our sailors and marines.

The bill before us is supportive of the President's shipbuilding budget request and contributes to the continued vitality of our shipbuilding industrial base which is very important. At a time when we are concerned about job creation, the last thing we want to do is let our industrial base be chipped away.

The fiscal year 2012 shipbuilding budget funds new construction for various types and classes of ships, includ-

ing an aircraft carrier, amphibious ships, submarines, and large and small surface combatants, totaling more than \$15 billion.

From our discussions during the Seapower Subcommittee meetings, it has become abundantly clear that members are concerned about challenges in maintaining fleet capacity among many classes of ships and the capability gaps that exist that have a real effect on the sailors who crew these ships. From amphibious ships to aircraft carriers to destroyers and to submarines, our Navy must maintain an adequate balance among all classes of ships to ensure our Navy can execute these responsibilities.

Through classified briefings we have received from senior officials in the Navy and in the intelligence community, the Seapower Subcommittee also is well aware of the imminent and emerging threats facing our sea services. America must maintain its capability to project power and uphold our obligations to our friends and allies throughout the world. This means robust investment in seapower, and I am heartened that this bill contains such an investment.

With the Deficit Reduction Committee's recommendations due to Congress in less than 1 week, I know all my colleagues agree that cutting our deficit and reducing our national debt responsibly is a must. Failing to act will put the burden on our children and grandchildren. We must make tough decisions now on spending because our current track is unsustainable.

I hope the Deficit Reduction Committee is able to come to an agreement on spending priorities because the alternative is unacceptable cuts in national defense. We must remember that national defense is solely a Federal responsibility. Failure to reach consensus would have grave consequences for our military. Marine Corps Commandant GEN James Amos cautioned about such cuts earlier this week.

In conclusion, I believe the national defense authorization bill reaffirms our commitment to national security and to our men and women in uniform.

I urge my colleagues to act quickly on this important piece of legislation, and once again I thank and commend my friends, Chairman LEVIN and Ranking Member MCCAIN.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I come to the floor to comment

on the NDAA, the bill in front of us today. I want to start my remarks by acknowledging the leadership of Chairman LEVIN and Ranking Member MCCAIN. Under their tutelage and leadership the committee has worked tirelessly to craft a Defense Authorization Act that provides our Armed Forces with the equipment, the services, the training, and the overall support they need to keep us safe while they themselves are being protected. I thank the chairman and ranking member, my colleagues, and, most important, the wonderful staff that works for us for their diligence and dedication to this important work.

I also come to the floor to speak out against a proposed change that I think would alter what has been a very effective set of terrorist detention policies and procedures. I believe to make those changes would complicate our capacity to prosecute the war on terror and call into question the principles we as Americans hold dear.

I filed an amendment, No. 1107, that would take a look at what is proposed in the NDAA. We have a solemn obligation to pass the National Defense Authorization Act. But we also have a solemn obligation to make sure those who are fighting the war on terror have the best, most flexible, most powerful tools possible. I have to say again, and I will say it more than two times in my remarks, I am worried these changes we are about to push through would actually hurt our national security.

I am a proud member of the Senate Armed Services Committee. As I have implied, and I want to be explicit, I understand the importance of this bill. I understand what it does for our military, which is why, in sum, what I am going to propose with my amendment is that we pass the NDAA without these troubling provisions but with a mechanism by which we can consider what is proposed and perhaps at a later date include any applicable changes in the law.

We need to hear from the Department of Defense, our intelligence community, and the administration more broadly on what our men and women in the field actually need to effectively prosecute the war on terror, especially before we change detainee policies that are already working. As I am saying, I have serious concerns about the detainee provisions that have been included in the bill.

In my opinion, and in the opinion of many others—and I will share those opinions and insights with my colleagues—these provisions disrupt the capacity of the executive branch to enforce the law, and they impose unwise and unwarranted restrictions on our ability to aggressively combat international terrorism. In so doing, they inject legal uncertainty and ambiguity that may only complicate the military's operations and detention practices.

I am not the only one who has serious concerns. The Secretary of Defense has urged us to oppose these new provisions. Both chairmen of the Intelligence and Judiciary Committees strongly oppose them. The President's team is recommending a veto. These are people whose opinions should be carefully considered before we put these new proposals into our legal framework.

In the Statement of Administration Policy the White House states:

We have spent 10 years since September 11, 2001, breaking down the walls between intelligence, military and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult.

Those are striking words that should give us all pause as we face what seems to me a bit of a rush to submit these untested and legally controversial restrictions on our ability to prosecute terrorists.

I ask unanimous consent to have the entire Statement of Administration Policy printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. UDALL of Colorado. Mr. President, these are complex issues that have far-reaching consequences for intelligence, civilian law enforcement agencies, and our intelligence community as they work to keep Americans safe from harm. Despite this fact, the Department of Defense and the national security staff, as far as I know, had little opportunity to review or comment on the final language in the provisions. As a result, these provisions restrained the "Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available."

That quote comes directly from a letter addressed to the Armed Services Committee from Secretary Panetta. I think we all know that before he held the job he has now, Secretary of Defense, Mr. Panetta, was the Director of the CIA. He very well knows the threats facing our country, and he knows we cannot afford to make mistakes when it comes to keeping our citizens safe.

I also ask unanimous consent that Secretary Panetta's letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. UDALL of Colorado. Mr. President, the provisions I am speaking to are well intended. I have much admiration for my colleagues who propose them, but I think we need to take some more time to consider the ramifications. The United States, our country,

can currently choose from several options when prosecuting terrorists. That flexibility has allowed us to try, convict, and imprison hundreds of terrorists, and it allows the government to select the venue that will provide the highest likelihood of obtaining a conviction. The current detention provisions in the bill we are debating would strip away that flexibility and potentially impair our capacity to successfully prosecute and convict terrorists. It is not clear to me why, after 10 years of successfully prosecuting terrorists and preventing another 9/11-like attack, why we would want to limit our options while our enemies are constantly adapting their tactics and expanding their efforts to do us harm.

In a recent op-ed in the Chicago Times, a bipartisan group of three former Federal judges, including William S. Sessions, who was also the appointed Director of the FBI under President Reagan, said it best when describing these provisions:

Legislation now making its way through Congress would seek to over-militarize America's counterterrorism efforts, effectively making the U.S. military the judge, jury and jailer of terrorism suspects to the exclusion of the FBI and local and State law enforcement agencies. As former Federal judges, we find this prospect deeply disturbing. Not only would such an effort ignore 200 years of legal precedent, it would fly in the face of common sense.

And I ask unanimous consent that op-ed be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. UDALL of Colorado. I also point out these provisions raise serious questions as to who we are as a society and what our Constitution seeks to protect. One section of these provisions, section 1031, could be interpreted as allowing the military to capture and indefinitely detain American citizens on U.S. soil. Section 1031 essentially repeals the Posse Comitatus Act of 1878 by authorizing the military to perform law enforcement functions on American soil. That alone should alarm my colleagues on both sides of the aisle. But there are other problems with these provisions that must be resolved.

These detainee provisions are unnecessary, counterproductive, and potentially harmful to our counterterrorism efforts. I know I have said this a couple of times already, but it feels as though they are being rushed through in a manner that does not serve us well. The Department of Defense has had little input. There have been no hearings. Earlier this week the changes were presented to us in the Armed Services Committee just hours before we were asked to vote on them. These are just too important a set of questions to let them pass without a thorough review and far greater understanding of their effect on our national security and our

fight against terrorism. It feels to this Senator that we are rushing hastily to address a solution in search of a problem. We ought to hear from the Department of Defense, the intelligence community, our colleagues, and other relevant committees before we act. Do we believe this Congress—again, let me underline that after 10 years of successfully prosecuting the war on terror—should substitute its views for that of our Defense, intelligence, and Homeland Security leadership without careful analysis?

I recently received a letter signed by 18 retired military leaders in opposition to these provisions. The letter states that: "Mandating military custody would undermine legitimate law enforcement and intelligence operations crucial to our security at home and abroad." I could not agree more.

I would ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. UDALL of Colorado. We are already trying and convicting terrorists in both civilian courts and under military commissions. The provisions that are in this bill would require the DOD to shift significant resources away from their mission, to act on all the fronts all over the world, and they would become a police force and jailer. This is not what they are good at. This is not what we want them to do. I think it has potentially dangerous consequences because we have limited resources and limited manpower. We would not lose anything by taking a little bit more time to discuss and debate these provisions, but we could do real harm to our national security by allowing this language, unscrutinized, to pass, and that is exactly what our highest ranking national security officers are warning us against doing.

This is a debate we need to have. It is a healthy debate, but we ought to be armed with all of the facts and expertise before we move forward. The least we can do is take our time, be diligent, and hear from those who will be affected by these new limitations on our ability to prosecute terrorists.

It concerns me that we would tell our national security leadership—a bipartisan national security leadership, by the way—that we would not listen to them and that Congress knows better than they do. It doesn't strike me that that is the best way to secure and protect the American people. That is why I have filed amendment No. 1107. I think it is a commonsense alternative that will protect our constitutional principles and beliefs while also allowing us to keep our Nation safe. The amendment has a clear aim, which is to ensure we follow a thorough process and hear all views before rushing forward with new laws that could be harmful to our national security.

What is in the amendment? It is straightforward. Specifically the amendment would require that our Defense, intelligence, and law enforcement agencies report to Congress with recommendations for any additional authorities or flexibility they need in order to detain and prosecute terrorists. In other words, let's not put the cart before the horse or fix something that is not broken. Let's first hear from the stakeholders as to what laws they believe need to be changed to give them better tools to do their job.

My amendment then asks for hearings to be held so we can fully understand the views of respected national security experts. Moreover, it would require input from each of the relevant committees to ensure that we have carefully considered the benefits and consequences of our actions. The chairmen of our Judiciary and Intelligence Committees have deep concerns about the detainee provisions in the pending legislation. And, of course, as we underwent this process, the existing laws that guide our actions today would remain in place. They have been successful.

I see some of my colleagues who I think share my views who have come to the floor. They also made the compelling case that it is a system that is working. Why would we change it without thinking it through? It is straightforward, it is common sense, and it allows us to make sure we will win the war on terror.

Mr. DURBIN. Will the Senator from Colorado yield for a question, through the Chair?

Mr. UDALL of Colorado. Yes.

Mr. DURBIN. I thank the Senator from Colorado for his strong statement and totally support his position. This change in the Defense authorization bill goes beyond a military decision. It goes to the fundamental questions of principles of our Constitution and our body of law. As a member of the Senate Judiciary Committee, I believe this matter should have been considered as well by the Senate Judiciary Committee, and I believe Senator FEINSTEIN has expressed the feeling that it should have been considered as well by the Senate Intelligence Committee.

I wish to use one example to ask the Senator from Colorado a question. When we had the so-called Underwear Bomber, the passenger on a commercial aircraft who tried to detonate a bomb—and thank God was unsuccessful—he was subdued, arrested, and interrogated by the Federal Bureau of Investigation in Detroit. After that investigation was underway—and he surrendered some information—he stopped talking, at which point the FBI investigators read him his Miranda rights.

Then later, working with his parents, he resumed talking to the investigators and literally—according to the FBI—gave a dramatic amount of infor-

mation helpful to us in keeping America safe and stopping terrorism. He was then prosecuted in the criminal courts of America, article 3 courts, and ultimately, weeks ago, pled guilty.

Mr. MCCAIN. Will the Senator state his question.

Mr. DURBIN. I am going to. I would say to the Senator from Arizona, I think it is important we take some time on this important issue.

Mr. MCCAIN. I would say it is important that all voices be heard.

Mr. DURBIN. Senator MCCAIN, of course, as the ranking member, will have ample opportunity to express his point of view.

What I am asking the Senator from Colorado is this: Taking into consideration the language that is now being presented in this Defense authorization bill, particularly section 1032, it is my understanding the Federal Bureau of Investigation could not have continued their interrogation of this suspected terrorist without first contacting our military and bringing them in to determine whether they had jurisdiction over this matter. In other words, time would have been lost, opportunities would have been lost, information might have been lost by following the new section in the bill.

I am asking the Senator from Colorado if this is a decision which he believes we should make in the haste of a Defense authorization bill or ought to step back and work with the President of the United States, the FBI, the military, and our intelligence forces to make sure we do not lose an opportunity to catch an alleged terrorist, to interrogate them, and to keep this country safe.

Mr. UDALL of Colorado. I thank the Senator from Illinois for his question. My understanding is the Senator from Illinois is correct, that provision 1032 would change the way in which interrogations would unfold. There may be some in the Senate who would see it differently, but that is all the more reason to adopt my amendment, which would allow a thorough process of hearing from the very experts who interrogated the Underwear Bomber and other experts who have been on the front lines in fighting terrorism. We ought to go slow. We should not fix something that is working fine right now.

I thank the Senator for his question.

Mr. DURBIN. If the Senator from Arizona will forgive me, I would ask one more question through the Chair. The question goes back to the point the Senator made: Section 1031, as I understand it, would be a departure from current law and would say that those who are American citizens can be detained indefinitely if they are suspected of certain terrorist conduct. I ask the Senator from Colorado: Is that the point the Senator made in his statement?

Mr. UDALL of Colorado. The Senator from Illinois is correct. Mr. President, 1031 would do just that, and it would come directly at a piece of law, posse comitatus, which dates back to the Civil War, that is held dear by all of us in America because it distinguishes between the military used to protect us against foreign foes and how we manage our own civil affairs here at home.

Also, as the Senator alludes to, it causes questions to be raised about something that is very sacred in our system of law, which is the writ of habeas corpus. You have to prove why you hold someone. You cannot detain an American citizen indefinitely in any other circumstance.

I thank the Senator for his questions.

Mr. LEVIN. Would the Senator yield for a question?

Mr. UDALL of Colorado. I would be happy to yield for a question.

Mr. LEVIN. We explicitly wrote into this bill the following language: that the procedures providing for the determination that somebody is an Al-Qaida terrorist or related, affiliated one is not required to be implemented until after the conclusion of the interrogation session, which is ongoing at the time the determination is made.

Is the Senator familiar with that language which explicitly says that the President will adopt the procedures—whatever procedures the President determines—to make sure there is no interference with an ongoing interrogation by the civilians as it appears in section 2(c) on page 363? Is the Senator familiar with that?

Mr. UDALL of Colorado. I am familiar with the language in the general way it has been introduced. I would say to the chairman of the Armed Services Committee that we had a chance to review this language starting about 48 hours ago.

One of the reasons I think my amendment is important is it would give those voices, which are being heard more and more as of today, who have concerns with this provision—they are not sure how it applies—that that is all the more reason to slow this down, to keep the existing law in place, and go through a more thorough process to understand the ramifications of the waiver provision and the other provisions the chairman and ranking member—

Mr. LEVIN. Is it not true, however, that the language which is in this bill that I just read clearly provides there will not be any interference with an interrogation session, that those procedures are to be determined by the President, and that it explicitly says there will not be any interference with the interrogation and the procedures will guarantee there will not be? That is the point of this language.

I don't understand how the statement could be made that this language in this bill interferes with the interrogation by civilian authorities and the

FBI when the very language here says they will not interfere with that interrogation. I wonder if the Senator could explain to me his agreement with the Senator from Illinois that something in this bill would result in an interference with an interrogation.

Mr. UDALL of Colorado. What I would say to my friend is that just having had an opportunity to review this language in the last 48 hours, I have no question about his intent, but I have heard from people with much greater expertise than I have that there are questions that are still unanswered. Maybe this provision is appropriate and will do what the chairman says it will do. But, again, that is why I think it would be well worth our time to take a further look at what is involved in these provisions.

Mr. LEVIN. I do appreciate the Senator's response. I have one other question, and that has to do with an American citizen who is captured in the United States and the application of the custody pending a Presidential waiver to such a person. I wonder whether the Senator is familiar with the fact that the language which precluded the application of section 1031 to American citizens was in the bill we originally approved in the Armed Services Committee, and the administration asked us to remove the language which says that U.S. citizens and lawful residents would not be subject to this section.

Is the Senator familiar with the fact that it was the administration which asked us to remove the very language which we had in the bill which passed the committee, and that we removed it at the request of the administration that this determination would not apply to U.S. citizens and lawful residents? Is the Senator familiar with the fact that it was the administration which asked us to remove the very language, the absence of which is now objected to by the Senator from Illinois?

Mr. UDALL of Colorado. I am familiar now because the Senator from Michigan has shared that fact with me. I am also familiar with the fact that the administration has other questions and concerns which has caused it to issue a set of provisions and issues they wish to further consider.

Mr. LEVIN. I thank my friend.

Mr. LEAHY. Would the Senator yield for a question?

Mr. UDALL of Colorado. I would be happy to yield to my friend from Vermont.

Mr. LEAHY. Is the Senator from Colorado aware that the administration has raised real concerns—both DOD and the White House—saying that requiring the President to devise the kind of procedures discussed in this bill creates all kinds of problems, and that this is one of the reasons why both the Senate Intelligence Committee and the Senate Judiciary Committee have

asked to have the opportunity to hold hearings on a section that obviously involves the jurisdiction of both the Senate Intelligence and Senate Judiciary Committees?

Mr. UDALL of Colorado. I am. The Senator from Vermont is correct. That knowledge on my part is, in part, one of the reasons I filed the amendment we are discussing right now.

Mr. LEAHY. I thank the Senator.

Mr. UDALL of Colorado. I thank the Senator from Vermont.

I yield the floor.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, November 17, 2011.

STATEMENT OF ADMINISTRATION POLICY

S. 1867—NATIONAL DEFENSE AUTHORIZATION ACT
FOR FY 2012—(SEN. LEVIN, D-MI)

The Administration supports Senate passage of S. 1867, the National Defense Authorization Act for Fiscal Year (FY) 2012. The Administration appreciates the Senate Armed Services Committee's continued support of our national defense, including its support for both the base budget and for overseas contingency operations and for most of the Administration's initiatives to control spiraling health costs of the Department of Defense (DoD).

The Administration appreciates the support of the Committee for authorities that assist the ability of the warfighter to operate in unconventional and irregular warfare, authorities that are important to field commanders, such as the Commanders' Emergency Response Program, Global Train and Equip Authority, and other programs that provide commanders with the resources and flexibility to counter unconventional threats or support contingency or stability operations. The Administration looks forward to reviewing a classified annex and working with the Congress to address any concerns on classified programs as the legislative process moves forward.

While there are many areas of agreement with the Committee, the Administration would have serious concerns with provisions that would: (1) constrain the ability of the Armed Forces to carry out their missions; (2) impede the Secretary of Defense's ability to make and implement decisions that eliminate unnecessary overhead or programs to ensure scarce resources are directed to the highest priorities for the warfighter; or (3) depart from the decisions reflected in the President's FY 2012 Budget Request. The Administration looks forward to working with the Congress to address these and other concerns, a number of which are outlined in more detail below.

Detainee Matters: The Administration objects to and has serious legal and policy concerns about many of the detainee provisions in the bill. In their current form, some of these provisions disrupt the Executive branch's ability to enforce the law and impose unwise and unwarranted restrictions on the U.S. Government's ability to aggressively combat international terrorism; other provisions inject legal uncertainty and ambiguity that may only complicate the military's operations and detention practices.

Section 1,031 attempts to expressly codify the detention authority that exists under the Authorization for Use of Military Force (Public Law 107-40) (the "AUMF"). The au-

thorities granted by the AUMF, including the detention authority, are essential to our ability to protect the American people from the threat posed by al-Qa'ida and its associated forces, and have enabled us to confront the full range of threats this country faces from those organizations and individuals. Because the authorities codified in this section already exist, the Administration does not believe codification is necessary and poses some risk. After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole new series of legal questions that will distract from our efforts to protect the country. While the current language minimizes many of those risks, future legislative action must ensure that the codification in statute of express military detention authority does not carry unintended consequences that could compromise our ability to protect the American people.

The Administration strongly objects to the military custody provision of section 1032, which would appear to mandate military custody for a certain class of terrorism suspects. This unnecessary, untested, and legally controversial restriction of the President's authority to defend the Nation from terrorist threats would tie the hands of our intelligence and law enforcement professionals. Moreover, applying this military custody requirement to individuals inside the United States, as some Members of Congress have suggested is their intention, would raise serious and unsettled legal questions and would be inconsistent with the fundamental American principle that our military does not patrol our streets. We have spent ten years since September 11, 2001, breaking down the walls between intelligence, military, and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult. Specifically, the provision would limit the flexibility of our national security professionals to choose, based on the evidence and the facts and circumstances of each case, which tool for incapacitating dangerous terrorists best serves our national security interests. The waiver provision fails to address these concerns, particularly in time-sensitive operations in which law enforcement personnel have traditionally played the leading role. These problems are all the more acute because the section defines the category of individuals who would be subject to mandatory military custody by substituting new and untested legislative criteria for the criteria the Executive and Judicial branches are currently using for detention under the AUMF in both habeas litigation and military operations. Such confusion threatens our ability to act swiftly and decisively to capture, detain, and interrogate terrorism suspects, and could disrupt the collection of vital intelligence about threats to the American people.

Rather than fix the fundamental defects of section 1032 or remove it entirely, as the Administration and the chairs of several congressional committees with jurisdiction over these matters have advocated, the revised text merely directs the President to develop procedures to ensure the myriad problems that would result from such a requirement do not come to fruition. Requiring the President to devise such procedures concedes the substantial risks created by mandating military custody, without providing an adequate solution. As a result, it is likely that implementing such procedures would inject significant confusion into counterterrorism operations.

The certification and waiver, required by section 1033 before a detainee may be transferred from Guantánamo Bay to a foreign country, continue to hinder the Executive branch's ability to exercise its military, national security, and foreign relations activities. While these provisions may be intended to be somewhat less restrictive than the analogous provisions in current law, they continue to pose unnecessary obstacles, effectively blocking transfers that would advance our national security interests, and would, in certain circumstances, violate constitutional separation of powers principles. The Executive branch must have the flexibility to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers. Section 1034's ban on the use of funds to construct or modify a detention facility in the United States is an unwise intrusion on the military's ability to transfer its detainees as operational needs dictate. Section 1035 conflicts with the consensus-based interagency approach to detainee reviews required under Executive Order No. 13567, which establishes procedures to ensure that periodic review decisions are informed by the most comprehensive information and the considered views of all relevant agencies. Section 1036, in addition to imposing onerous requirements, conflicts with procedures for detainee reviews in the field that have been developed based on many years of experience by military officers and the Department of Defense. In short, the matters addressed in these provisions are already well regulated by existing procedures and have traditionally been left to the discretion of the Executive branch.

Broadly speaking, the detention provisions in this bill micromanage the work of our experienced counterterrorism professionals, including our military commanders, intelligence professionals, seasoned counterterrorism prosecutors, or other operatives in the field. These professionals have successfully led a Government-wide effort to disrupt, dismantle, and defeat al-Qa'ida and its affiliates and adherents over two consecutive Administrations. The Administration believes strongly that it would be a mistake for Congress to overrule or limit the tactical flexibility of our Nation's counterterrorism professionals.

Any bill that challenges or constrains the President's critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President's senior advisers to recommend a veto.

Joint Strike Fighter Aircraft (JSF): The Administration also appreciates the Committee's inclusion in the bill of a prohibition on using funds authorized by S. 1867 to be used for the development of the F136 JSF alternate engine. As the Administration has stated, continued development of the F136 engine is an unnecessary diversion of scarce resources.

Medium Extended Air Defense Systems (MEADS): The Administration appreciates the Committee's support for the Department's air and missile defense programs; however, it strongly objects to the lack of authorization of appropriations for continued development of the MEADS program. This lack of authorization could trigger unilateral withdrawal by the United States from the MEADS Memorandum of Understanding (MOU) with Germany and Italy, which could further lead to a DoD obligation to pay all contract costs—a scenario that would likely exceed the cost of satisfying DoD's commitment under the MOU. Further,

this lack of authorization could also call into question DoD's ability to honor its financial commitments in other binding cooperative MOUs and have adverse consequences for other international cooperative programs.

Overseas Construction Funding for Guam and Bahrain: The Administration has serious concerns with the limitation on execution of the United States and Government of Japan funds to implement the realignment of United States Marine Forces from Okinawa to Guam. The bill would unnecessarily restrict the ability and flexibility of the President to execute our foreign and defense policies with our ally, Japan. The Administration also has concerns over the lack of authorization of appropriations for military construction projects in Guam and Bahrain. Deferring or eliminating these projects could send the unintended message that the United States does not stand by its allies or its agreements.

Provisions Authorizing Activities with Partner Nations: The Administration appreciates the support of the Committee to improve capabilities of other nations to support counterterrorism efforts and other U.S. interests, and urges the inclusion of DoD's requested proposals, which balance U.S. national security and broader foreign policy interests. The Administration would prefer only an annual extension of the support to foreign nation counter-drug activities authority in line with its request. While the inclusion of section 1207 (Global Security Contingency Fund) is welcome, several provisions may affect Executive branch agility in the implementation of this authority. Section 1204 (relating to Yemen) would require a 60-day notify and wait period not only for Yemen, but for all other countries as well, which would impose an excessive delay and seriously impede the Executive branch's ability to respond to emerging requirements.

Unrequested Authorization Increases: Although not the only examples in S. 1867, the Administration notes and objects to the addition of \$240 million and \$200 million, respectively, in unrequested authorization for unneeded upgrades to M-1 Abrams tanks and Rapid Innovation Program research and development in this fiscally constrained environment. The Administration believes the amounts appropriated in FY 2011 and requested in FY 2012 fully fund DoD's requirements in these areas.

Advance Appropriations for Acquisition: The Administration objects to section 131, which would provide only incremental funding—undermining stability and cost discipline—rather than the advance appropriations that the Administration requested for the procurement of Advanced Extremely High Frequency satellites and certain classified programs.

Authority to Extend Deadline for Completion of a Limited Number of Base Closure and Realignment (BRAC) Recommendations: The Administration requests inclusion of its proposed authority for the Secretary or Deputy Secretary of Defense to extend the 2005 BRAC implementation deadline for up to ten (10) recommendations for a period of no more than one year in order to ensure no disruption to the full and complete implementation of each of these recommendations, as well as continuity of operations. Section 2904 of the Defense Base Closure and Realignment Act imposes on DoD a legal obligation to close and realign all installations so recommended by the BRAC Commission to the President and to complete all such closures and realignments no later than September

15, 2011. DoD has a handful of recommendations with schedules that complete implementation close to the statutory deadline.

TRICARE Providers: The Administration is currently undertaking a review with relevant agencies, including the Departments of Defense, Labor, and Justice, to clarify the responsibility of health care providers under civil and workers' rights laws. The Administration therefore objects to section 702, which categorically excludes TRICARE network providers from being considered subcontractors for purposes of the Federal Acquisition Regulation or any other law.

Troops to Teachers Program: The Administration urges the Senate's support for the transfer of the Troops to Teachers Program to DoD in FY 2012, as reflected in the President's Budget and DoD's legislative proposal to amend the Elementary and Secondary Education Act of 1965 and Title 10 of the U.S. Code in lieu of section 1048. The move to Defense will help ensure that this important program supporting members of the military as teachers is retained and provide better oversight of 6 program outcomes by simplifying and streamlining program management. The Administration looks forward to keeping the Congress abreast of this transfer, to ensure it runs smoothly and has no adverse impact on program enrollees.

Constitutional concerns: A number of the bill's provisions raise additional constitutional concerns, such as sections 233 and 1241, which could intrude on the President's constitutional authority to maintain the confidentiality of sensitive diplomatic communications. The Administration looks forward to working with the Congress to address these and other concerns.

EXHIBIT 2

THE SECRETARY OF DEFENSE,

Washington, DC, November 15, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express the Department of Defense's principal concerns with the latest version of detainee-related language you are considering including in the National Defense Authorization Act (NDAA) for Fiscal Year 2012. We understand the Senate Armed Services Committee is planning to consider this language later today.

We greatly appreciate your willingness to listen to the concerns expressed by our national security professionals on the version of the NDAA bill reported by the Senate Armed Services Committee in June. I am convinced we all want the same result—flexibility for our national security professionals in the field to detain, interrogate, and prosecute suspected terrorists. The Department has substantial concerns, however, about the revised text, which my staff has just received within the last few hours.

Section 1032. We recognize your efforts to address some of our objections to section 1032. However, it continues to be the case that any advantages to the Department of Defense in particular and our national security in general in section 1032 of requiring that certain individuals be held by the military are, at best, unclear. This provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.

Moreover, the failure of the revised text to clarify that section 1032 applies to individuals captured abroad, as we have urged, may needlessly complicate efforts by frontline law enforcement professionals to collect

critical intelligence concerning operations and activities within the United States.

Next, the revised language adds a new qualifier to "associated force"—"that acts in coordination with or pursuant to the direction of al-Qaeda." In our view, this new language unnecessarily complicates our ability to interpret and implement this section.

Further, the new version of section 1032 makes it more apparent that there is an intent to extend the certification requirements of section 1033 to those covered by section 1032 that we may want to transfer to a third country. In other words, the certification requirement that currently applies only to Guantanamo detainees would permanently extend to a whole new category of future captures. This imposes a whole new restraint on the flexibility we need to continue to pursue our counterterrorism efforts.

Section 1033. We are troubled that section 1033 remains essentially unchanged from the prior draft, and that none of the Administration's concerns or suggestions for this provision have been adopted. We appreciate that revised section 1033 removes language that would have made these restrictions permanent, and instead extended them through Fiscal Year 2012 only. As a practical matter, however, limiting the duration of the restrictions to the next fiscal year only will have little impact if Congress simply continues to insert these restrictions into legislation on an annual basis without ever revisiting the substance of the legislation. As national security officials in this Department and elsewhere have explained, transfer restrictions such as those outlined in section 1033 are largely unworkable and pose unnecessary obstacles to transfers that would advance our national security interests.

Section 1035. Finally, section 1035 shifts to the Department of Defense responsibility for what has previously been a consensus-driven interagency process that was informed by the advice and views of counterterrorism professionals from across the Government. We see no compelling reason—and certainly none has been expressed in our discussions to date—to upset a collaborative, interagency approach that has served our national security so well over the past few years.

I hope we can reach agreement on these important national security issues, and, as always, my staff is available to work with the Committee on these and other matters.

Sincerely,

JOHN MCCAIN.

EXHIBIT 3

[From the Chicago Tribune, Oct. 7, 2011]

BEYOND GUANTANAMO

(By Abner Mikva, William S. Sessions and John J. Gibbons)

A new shift in philosophy has begun to emerge among lawmakers in Washington. Legislation now making its way through Congress would seek to overmilitarize America's counterterrorism efforts, effectively making the U.S. military the judge, jury and jailer of terrorism suspects, to the exclusion of the FBI and local and state law enforcement agencies. As former federal judges, we find this prospect deeply disturbing. Not only would such an effort ignore 200 years of legal precedent, it would fly in the face of common sense.

The bill in question, the 2012 National Defense Authorization Act, would codify methods such as indefinite detention without charge and mandatory military detention, and make them applicable to virtually anyone picked up in anti-terrorism efforts—including U.S. citizens—anywhere in the

world, including on U.S. soil. Such an effort to restrict counterterrorism efforts by traditional law enforcement agencies would sadly demonstrate that many members of Congress have very little faith in America's criminal justice system.

It is a fact that our criminal justice system is uniquely qualified to handle complex terrorism cases. Indeed, civilian courts have successfully overseen more than 400 terrorism-related trials, whereas military commissions have handled only six. While the use of military commissions may occasionally be appropriate under the Constitution, the Guantanamo military commissions remain subject to serious constitutional challenges that could result in overturned guilty verdicts. The simple truth is that existing federal courts operate under rules and procedures that provide all the tools necessary to prosecute terrorism cases and they are not subject to the same legal challenges as military commissions.

We need access to proven instruments and methods in our fight against terrorism. Stripping local law enforcement and the FBI of the ability to arrest and gather intelligence from terrorism suspects and limiting our trial options is counterintuitive and could pose a genuine threat to our national security. Furthermore, an expanded mandatory military detention system would lead to yet more protracted litigation, infringe on law enforcement's ability to fight terrorism on a local and state level, and invite the military to act as law enforcement within the borders of our states.

In the face of these disturbing developments, we are encouraged by the fact that the administration has expressed its own concerns. The Obama White House has raised strong objections to congressional efforts to undermine the use of our traditional criminal justice system, efforts that would effectively eliminate the administration's ability to leverage "the strength and flexibility" of the system to "incapacitate dangerous terrorists and gather critical intelligence." In previous statements, President Barack Obama said he intends to oppose any attempt to extend or expand such restrictions in the future. We submit to the president that the future is now.

We firmly believe the United States can preserve its national security without resorting to sweeping departures from our constitutional tradition. We call on Obama and Congress to support a policy for detention and trial of suspected terrorists that is consistent with our Constitution and maintains the use of our traditional criminal justice system to combat terrorism. Further restricting the tools at our disposal is not in the best interest of our national security.

EXHIBIT 4

NOVEMBER 7, 2011.

DEAR SENATOR: We write today to thank you for signing on to the October 21, 2011 letter to Senator Reid regarding detainee provisions 1031–1033 in the National Defense Authorization Act. We are members of a non-partisan group of forty retired generals and admirals concerned about the implications of U.S. policy regarding enemy prisoner treatment and detention. We have been following the public debate concerning the provisions closely and are troubled by the overreaching nature of the legislation that would allow for indefinite detention without trial, mandatory military custody of counterterrorism suspects and permanent transfer restrictions imposed on inmates already at GTMO, some of whom have been cleared for release.

We understand there has been significant disagreement about the provisions and exactly what their impact on national security would be; however, the fact that such disagreement exists underscores that further public debate is needed and the provisions should not go forward as a part of the NDAA.

Regardless of how one interprets the intent of the provisions, it does not cure the underlying defect: over-militarization of our counter terrorism response. Our military does not want nor seek to try all foreign terror suspects. Congress has wisely enacted dozens of criminal laws to incapacitate potential terrorists, and federal courts have convicted more than 400 of terrorism related crimes since 9/11. Using military commissions as a one-size-fits-all response threatens our security because commissions do not have the same broad array of criminal laws that our federal courts have.

Military custody may be an incident of battlefield operations, but mandating military custody would undermine legitimate law enforcement and intelligence operations crucial to our security at home and abroad. Providing an individualized waiver would only serve to politicize each decision and possibly paralyze effective national security response.

We thank you again for signing on to the October 21, 2011 letter to Senator Reid and your attention to these important issues. As former members of our armed forces, please call on us as a resource as debate moves forward on detainee provisions as part of the NDAA.

Sincerely,

General Joseph P. Hoar, USMC (Ret.); General Charles C. Krulak, USMC (Ret.); General William G. T. Tuttle Jr., USA (Ret.); Lieutenant General Robert G. Gard Jr., USA (Ret.); Vice Admiral Lee F. Gunn, USN (Ret.); Lieutenant General Charles Otstott, USA (Ret.); Rear Admiral Don Guter, USN (Ret.); Rear Admiral John D. Hutson, USN (Ret.); Major General William L. Nash, USA (Ret.); Major General Thomas J. Romig, USA (Ret.); Major General Walter L. Stewart, Jr., ANG (Ret.); Brigadier General James Cullen, USA (Ret.); Brigadier General Evelyn P. Foote, USA (Ret.); Brigadier General Leif H. Hendrickson, USMC (Ret.); Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General Murray G. Sagsveen, USA (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, for the sake and the accommodation of the schedules of my colleagues, I ask unanimous consent that following my remarks and whoever the speaker is on the other side designated by the chairman, Senator AYOTTE be recognized, and then after a speaker from the other side, if necessary, Senator CHAMBLISS, followed by a speaker on the other side, followed by Senator GRAHAM. I do that because of the time constraints of my colleagues. So I ask unanimous consent and agreement from the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Reserving the right to object, before we go into the series of

speakers, I ask unanimous consent that I be allowed to just call up and then set aside amendment No. 1072, which is sponsored by myself and Senator GRAHAM, and there is a list of 67 cosponsors.

Mr. MCCAIN. Sure. I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank my friend from Arizona.

AMENDMENT NO. 1072

(Purpose: To enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response)

I ask unanimous consent to call up amendment No. 1072.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. GRAHAM, and others, proposes an amendment numbered 1072.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LEAHY. Mr. President, this is on behalf of myself, Senators GRAHAM, ROCKEFELLER, AYOTTE, BAUCUS, BEGICH, BENNET, BINGAMAN, BLUMENTHAL, BLUNT, BOOZMAN, BOXER, SCOTT BROWN, SHERROD BROWN, BURR, CANTWELL, CARDIN, CARPER, CASEY, COATS, CONRAD, COONS, CORKER, CRAPO, DURBIN, ENZI, FEINSTEIN, FRANKEN, GILLIBRAND, GRASSLEY, HAGAN, HARKIN, HELLER, HOEVEN, INHOFE, INOUE, JOHANNIS, RON JOHNSON, TIM JOHNSON, KLOBUCHAR, LANDRIEU, LAUTENBERG, LEE, LUGAR, MANCHIN, MCCASKILL, MENENDEZ, MERKLEY, MIKULSKI, MORAN, MURRAY, BEN NELSON, PRYOR, RISCH, SANDERS, SCHUMER, SHAHEEN, SNOWE, STABENOW, TESTER, MARK UDALL, VITTER, WARNER, WHITEHOUSE, and WYDEN. It has been called up, and I ask unanimous consent to have it set aside to deal with the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the foregoing request from the Senator from Arizona is—

Mr. LEVIN. Reserving the right to object, and I don't object because that is the way we should proceed, going back and forth, and usually we do that informally. I don't know whether there may be implications because I don't know who will be speaking.

Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I thank my friend from Michigan. I do that for the convenience of my colleagues because I know there will also be others coming to speak on this important issue.

I wish to point out that the Senator from South Carolina—a member of the National Guard, one of the major au-

thors of the Detainee Treatment Act, and a person who has tried hundreds of cases in military courts—brings a degree of knowledge and expertise on this issue.

The Senator from New Hampshire served as attorney general of her State for a number of years. She understands the Miranda rights. She has been a student and leader on this issue of detainee treatment.

Also, of course, Senator CHAMBLISS, in his role as the Republican leader on the Intelligence Committee, has a deep and longstanding involvement on detainee issues and the requirements for making our Nation safe.

I will be fairly brief except to say that by any judgment, the President's policy, the President's strategy, the President's movements concerning detainees have been a total and abysmal failure. If the President of the United States would have had a coherent policy that made any sense whatsoever to anyone, we would not have had to act in the Senate Armed Services Committee.

Let me point out a couple of facts. The President of the United States campaigned saying that he would close Guantanamo Bay. Guantanamo Bay remains open. The President of the United States also said we would have detainees tried in civilian as well as military courts, and that was a position he has held.

So they had a great idea: Let's take Khalid Shaikh Mohammed to New York City. That was a great idea. Let's have \$300 million in security costs while they have a trial of one of the most notorious international criminals. Obviously, that one got the support it deserved.

Thanks to the release policy of Guantanamo, 27 percent of the detainees of Guantanamo who have been released are back in the fight, trying to kill Americans—only this time they have a red badge of courage and a degree of legitimacy because they spent time in Guantanamo Bay. Leaders of al-Qaida have been released from Guantanamo Bay under this administration. They were released under the Bush administration as well, to be fair, but we didn't know at that time how many of them would return to the fight. Some of the leaders in Yemen whom we are speaking about who are now doing everything they can to kill Americans were released from Guantanamo Bay. That can't be viewed as a successful policy. Thirty individuals in Guantanamo today are citizens of Yemen. We can't release them, obviously, back to Yemen.

So now what do we do in order not to have people go to Guantanamo Bay? We are now using U.S. naval ships to detain suspected terrorists. For 60 days, they kept a suspected al-Qaida member on board a ship. Now, when I support the construction of more Navy

ships, I have a lot of missions in mind. Serving as a detainment facility for suspected terrorists is not one of them.

The Underwear Bomber was Mirandized 50 minutes into custody, and the Senator from Illinois forgot to mention that several weeks went by before the Underwear Bomber's family came and convinced him to cooperate. Suppose there had been an impending attack on the United States of America during the 50 minutes in captivity before he was Mirandized. Most Americans don't believe al-Qaida members should be Mirandized, as the Senator from New Hampshire, who has had a lot of experience with individuals who have exercised their Miranda rights, will point out.

So the administration policy has been a complete failure. What we are trying to do in this legislation—and we have tried and tried again to satisfy many of the concerns the administration has, including, I would point out, doing certain things such as making this legislation only for 1 year—not permanent but only for 1 year—and we have put into this legislation a national security waiver which is a mile wide. If the President of the United States decides that an individual should be given a trial in civilian court, he has a waiver that all he has to do is exercise. So I am not exactly sure why the administration feels so strongly about a 1-year restriction, with a national security waiver that is a mile wide. We made a couple of other changes at the request of the administration. So I can only assume that somehow this has some sort of political implications—and I don't say that lightly—as most of the actions concerning this whole detainee issue seem to be driven by.

So there were hearings held in the Senate Armed Services Committee. There was input from different sources. The Senator from Michigan has been fair and objective on this issue, and I am very appreciative of that. The vote in the Senate Armed Services Committee was, I believe, 26 to 0.

We feel very strongly that these provisions in this bill are necessary to keep Americans secure. We want to stop more than one out of every four of these detainees going back into the fight. We want to make sure the military court system applies here to people who are noncitizens and known members of al-Qaida. All of it seems to me to make perfect sense.

So obviously the administration ratcheted up the stakes today with a threat of a veto. I hope they are not serious about it. There is too much in this bill that is important to this Nation's defense.

I yield the floor.

Mr. LEVIN. I wonder if we can amend the unanimous consent agreement. There is nobody that I know of on this side at the moment who wants to speak

in support of the amendment, so I am wondering if it would be agreeable to the ranking member to have two Members on his side go and then two Members on our side, should that occur.

Mr. MCCAIN. That is not agreeable to me. I would say that they have the ability to walk over here if they are interested.

Mr. LEVIN. In that case, I note the absence of a quorum.

Mr. MCCAIN. I would agree to that, but it is not fair.

Mr. LEVIN. I don't want you to agree if you think it is not fair.

Mr. MCCAIN. You know it is not fair. If you have a speaker, bring them up.

Mr. LEVIN. I am in opposition to the amendment. I want to be fair.

The PRESIDING OFFICER. Does the Senator from Arizona agree with the revised unanimous consent request?

Mr. MCCAIN. I agree.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the motion of the Senator from Colorado. As the vice chairman of the Senate Intelligence Committee, let me just say in response to the statement from the distinguished chairman of the Judiciary Committee that there has not been a lack of discussion of this issue, both within the Armed Services Committee and within the Intelligence Committee. While I am not permitted to talk about what has gone on within the Intelligence Committee, I assure my colleagues that this has been a major issue from a discussion standpoint for a number of months. In fact, it has been a point of discussion for almost 3 years now. I will get into some of that in my comments.

Secondly, just in quick response to the comment of the Senator from Illinois, the assistant majority leader, when he talked about how we would treat U.S. citizens under this, I know how smart he is, and he is my friend, but he obviously hasn't read the bill. There is a specific exclusion for citizens of the United States being required to be detained by the military in this bill.

Over the past several years, there has been an ongoing debate concerning our Nation's ability to fully and lawfully interrogate suspected terrorists. One thing remains clear: After all of these years after 9/11, we still lack an unambiguous and effective detention policy. The consequences of that failure are very real. If we had captured bin Laden, what would we have done with him? If we had captured Anwar al-Awlaki, what would we have done with him? If today we capture Zawahiri, the leader of al-Qaida, what would we do with him? Many of us have posed these same questions to various administration officials, and the wide variety of responses only confirms that there is no policy. That is unacceptable, and

that is why the detainee provisions in this bill are so absolutely critical.

I think it is fair to say that if we had captured bin Laden or Awlaki, we could have gained very actionable intelligence from either one of them, and that is our primary goal. But how would we have done that? We have no detainee policy; there is no place we could have taken them for long-term interrogation. The closest thing to a policy we have heard from the administration is that Guantanamo is off the table. But that is not helpful when they provide no other alternatives.

We have heard some administration officials say holding detainees on ships for brief periods of time solves this detention problem. Now, Senator MCCAIN just addressed that issue, and we have a great U.S. Navy. It is not the intention of the U.S. Navy to function in a way of sailing ships around the world and having terrorists brought to ships for detention. A state-of-the-art facility like Guantanamo Bay is off the table, but holding someone on a ship, never intended to be a floating prison and prohibited from long-term detention by the Geneva Conventions is somehow a humane replacement for Guantanamo? That simply does not make sense.

The intent behind the detainee provisions in this bill is very simple: We must be able to hold detainees for as long as it takes to get significant foreign intelligence information without them lawyering up, as the Christmas Day bomber did so famously after only 50 minutes of interrogation.

Again, to my friend from Illinois, who talked about the fact that once this young man's parents got involved, that after his Miranda rights had been given to him, he gave us an awful lot of intelligence—and that is true in his case—I doubt very seriously that Zawahiri's parents, who probably are not even alive, are going to step up and tell their son: You ought to go in and talk to these folks and give them all the details about the way you helped plan the September 11 attacks on the United States of America. We just know with high-value targets that is not going to happen on a wholesale basis, and we simply need to be in a position to gain actionable intelligence from every one of those individuals.

While I fully support the detainee provisions in this bill, I believe there are other improvements that can and should be made. For example, I am co-sponsoring Senator AYOTTE's amendment which will allow our intelligence interrogators to use lawful interrogation methods beyond those set forth in the Army Field Manual.

We need to be clear on exactly what this means. This amendment does not authorize or condone torture, and every technique used in every interrogation must comply with our laws and treaty obligations. I believe there

needs to be flexibility in how we interrogate terrorists. But even more so I believe it is foolish to publicize—as the Army Field Manual does—the specific techniques that can be used in interrogating a suspected terrorist.

Over the years, we have heard repeatedly from the intelligence community that the element of surprise is sometimes our greatest asset in gathering timely intelligence from detainees. Senator AYOTTE's amendment gives the intelligence community the ability to use techniques that have not been broadcast over the Internet. In my opinion, that makes a lot of sense. I hope my colleagues will agree because the folks we are dealing with in the terrorist world today—these guys who are the meanest, nastiest killers in the world; who wake up every morning trying to figure out ways to kill and harm Americans—are not stupid. They carry laptops. They know how to use the Internet. We gain valuable information oftentimes through the airwaves. We know how smart they are, and we know they have the capability of going on the Internet today and reviewing the Army Field Manual. They know exactly the way they are going to be interrogated and the type of techniques that are going to be used to gain intelligence from them.

The Armed Services Committee has worked very hard on a bipartisan basis to come up with legislation that will improve congressional oversight of detainee matters, as well as provide greater assurance that detainees who pose a threat to our national security are not released so they can return to the fight.

As the vice chairman of the Intelligence Committee, I have a specific interest in making sure our intelligence community has the ability to gather timely and actionable intelligence from detainees. I believe this bill will help our intelligence interrogators do exactly that, and I urge my colleagues to support these provisions fully as was done on a unanimous basis within the Armed Services Committee when this issue was discussed, debated, and talked about thoroughly during the markup.

I yield to my friend from New Hampshire.

Mr. LEVIN. No. Yield the floor.

Mr. CHAMBLISS. I am sorry. I thought you gave us two, Mr. Chairman.

Mr. LEVIN. You had two, I believe. You were the second, I think.

Mr. MCCAIN. I think what the chairman meant was, there would be two if—

Mr. LEVIN. If we did not have somebody here, we were going to do it two at a time.

Mr. MCCAIN. Yes. I think it is the other side's turn.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I appreciate the courtesy of the Senator from New Hampshire. I will not speak long. I know she is here waiting to speak, as we go back and forth across the aisle in sequence.

I want to begin by thanking Chairman LEVIN and his ranking member, Senator MCCAIN, for the work they have done on this detention issue. I think they have made a lot of progress, and I look forward to continuing to work on the Senate floor to try to conclude what I hope will be a successful agreement for everyone.

AMENDMENT NO. 1092

But I am here to speak about amendment No. 1092 to the National Defense Authorization Act, which is the piece that has been put in that responds to the serious and ever-growing problem of counterfeit parts that appear in our military supply chain.

Our Nation asks a lot of our troops. We send them far away. We send them into danger. We ask them to suffer prolonged separation from their families. We ask them to put their life and limb in peril. In return, we have a high obligation to give them the best possible equipment to fulfill their vital missions and come home safely.

In order to assure the proper performance of our weapons systems, of our body armor, of our aircraft parts, and of countless other mission critical parts, we have to make sure they are legitimate and not counterfeit parts.

That was why I introduced the Combating Military Counterfeits Act, which was reported without objection by the Judiciary Committee on July 21 of this year. It is cosponsored by my colleague, Senator GRAHAM, whom I see on the floor; by the ranking member, Senator MCCAIN—again, my appreciation to him—Senator COONS; the chairman of the Judiciary Committee, Senator LEAHY; Senator KYL; Senator SCHUMER; Senator HATCH; Senator BLUMENTHAL; and Senator KLOBUCHAR. I thank all of those cosponsors for their support and leadership on this important issue.

I particularly want to thank Chairman LEVIN and Ranking Member MCCAIN for including this legislation in their amendment No. 1092, which was offered earlier today.

Senator LEVIN and Senator MCCAIN led an in-depth investigation in the Armed Services Committee into this problem of military counterfeits, and they have drawn on that investigation in making these important reforms that will protect military procurement from counterfeit parts. I am very glad they believe, as I do, the enhanced criminal penalties in my bill would provide a useful complement to those important changes.

Prosecutors have an important role to play in the fight against military counterfeiters. The criminals who sell counterfeit military products should

not get off with light sentences. They knowingly sell the military, for instance, counterfeit body armor that could fail in combat, a counterfeit missile control system that could short-circuit at launch, or a counterfeit GPS that could fail under battlefield conditions.

The Combatting Military Counterfeits Act of 2011 makes sure appropriate criminal sanctions attach to such reprehensible criminal activity, first, by doubling the maximum statutory penalty for an individual who trafficks in counterfeits and knows the counterfeit product either is intended for military use or is identified as meeting military standards; and, second, by directing the Sentencing Commission to update the sentencing guidelines as appropriate to reflect our congressional intent that trafficking in counterfeit military items be punished seriously, sufficiently to deter this kind of reckless endangering of our servicemembers.

The administration has called for these increased sentences for trafficking in counterfeit military products. In the private sector, this legislation is supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Semiconductor Industry Association, DuPont, the International Trademark Association, and the International AntiCounterfeiting Coalition. I thank all of them for their work and leadership on this issue.

One semiconductor manufacturer, ON Semiconductor, which has a development center in East Greenwich, in my home State of Rhode Island, has written a letter of support explaining that military counterfeits are a particular problem since “[m]ilitary grade products are attractive to counterfeiters because their higher prices reflect the added costs to test the products to military specifications, specifications that include the full military temperature range.” So it is a target area for counterfeiters.

I will say, without going on at any great length, the examples are shocking. The Defense Department, for instance, has found out in testing that what it thought was Kevlar body armor was, in fact, nothing of the sort and could not protect our troops the way proper Kevlar can. In another example, a supplier sold the Defense Department a part that it falsely claimed was a \$7,000 circuit that met the specifications of a missile guidance system.

A January 2010 study by the Commerce Department quoted a Defense Department official as estimating that counterfeit aircraft parts were “leading to a 5 to 15 percent annual decrease in weapons systems reliability.” The investigation, led by Chairman LEVIN and Ranking Member MCCAIN, revealed countless other grave and sobering examples.

I am glad we are responding to the serious and ever-growing threat posed by counterfeit military parts. Again, I thank Chairman LEVIN and Ranking Member MCCAIN for their great work to eliminate counterfeit parts from the military supply chain, and I hope all my colleagues will support their amendment No. 1092.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, let me thank Senator WHITEHOUSE for the extraordinary effort he has made to go after counterfeit parts. We have incorporated his legislation in our legislation. It is a critically important part of our legislation. But his leadership has been early, often, and strong on this issue, and we commend and thank him for it. Hopefully, when this amendment gets passed, there will be a recognition of the critical role the Senator from Rhode Island played. It is an ongoing saga to stop counterfeiting coming in, mainly from China. This is a major effort to stem that flow.

Mr. WHITEHOUSE. I thank the chairman and the ranking member.

Mr. MCCAIN. Madam President, could I just add my words of appreciation, along with those of the chairman, for Senator WHITEHOUSE's hard work on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I rise in opposition to the amendment offered by the Senator from Colorado to strike the detainee provisions from the defense authorization markup—provisions that were agreed upon on an overwhelming bipartisan basis in the Armed Services Committee.

I would like to start first by revisiting the history of this and where we are because the reason the Armed Services Committee, in the first place, thought it was very important we discuss this issue in committee and address it is that having participated in hearings over the course of months and months in the Armed Services Committee, there has been witness after witness from our Defense Department who has come in and our military leaders with whom we have been talking about the detention policy and asking them very important questions about where we are and how we are going to ensure that our military and intelligence community has the tools they need to protect America, and also asking them about this issue of detainees and how we are treating them.

Because one of the important facts my esteemed colleague from Georgia, as well as the ranking member, Senator MCCAIN, mentioned, is that we have a recidivism rate of 27 percent from Guantanamo—those who have re-engaged our soldiers again and are back in theater. I was very concerned

about this in the Armed Services Committee. That caused, over a series of months, us to ask about the administration's detainee policy.

I just want to share some of the comments that were made over that period of time in February. Secretary Michael Vickers said the administration is in the final stages of revising or establishing its detention policy.

Now, that was 8 months ago, and we are now 10 years into this war. In April I questioned GEN Carter Ham, the Commander of Africa Command, about what we would do if we captured a member of al-Qaida in Africa. Do you know what he told me. He said, "We would need some lawyerly help on answering that one."

So this is an area that cried out for clarification on a bipartisan basis because it is so important to ensure that while we remain at war with terrorists that we have the right policies in place to protect Americans. That is why the Armed Services Committee worked very hard.

I thank the chairman of the committee, Chairman LEVIN, for his diligent work, along with other members of the committee for coming forward with this provision—that the Senator from Colorado is seeking to strike—as well as the ranking member, Senator MCCAIN.

What ended up happening is, we brought forward a compromise that passed overwhelmingly out of committee originally in June. In fact, it passed out 25 to 1, and then the administration raised some concerns about it. In reaction to those concerns, I know the chairman of the Armed Services Committee, as well as the ranking member and some others of us, including myself, sat down with members of the administration to hear out their concerns and to try to accommodate their concerns while still making sure we had a policy that would give proper guidance, would protect Americans, and would fundamentally deal with this issue of making sure, in the first instance, that we reaffirmed our authority that we are at war with al-Qaida post 9/11; second, reaffirming that when we are at war the presumption is military custody because the priority has to be gathering intelligence to protect our country; and then, third, those who are released from Guantanamo, making sure there is a standard in place so they cannot reengage back into the battle to harm our troops, our partners, and our allies.

In that process, that is how this provision was derived that Senator UDALL from Colorado seeks to strike with his amendment. If we were to eliminate these provisions, we would be putting our country in a position where these important issues are not being addressed, and they need to be addressed just based on what we have heard from our military leadership over many

months in the Armed Services Committee.

So I would also echo what Senator CHAMBLISS, who is the vice chairman of the Intelligence Committee, said. This is an issue that has been thoroughly discussed in this body and cries out for passage in the Defense Authorization Act. I want to point out a couple of very important parts to this. Now, I am someone who, on the recent appropriations bill, the CJS appropriations bill, brought an amendment that would have provided for military commissions trials for members of al-Qaida and associated forces who have committed an attack against us or our coalition partners because I am deeply concerned that this administration has been treating these types of cases as common criminal cases.

When I brought that amendment forward, it did not pass this body. I feel very strongly that the policy should be that we treat these cases for what they are, military cases, because we remain at war and our priorities should be to gather intelligence. But I point out the fact that after my amendment lost, I sat down with the chairman of the Armed Services Committee, the ranking member, and the administration to hear out their concerns.

So while this amendment—I would have gone further in my amendment—addresses many of the objections that were raised—in fact, I think all of the objections which were raised to the amendment I brought to the floor from the other side; that is, we have given the administration flexibility to make the decision on whether they believe it is appropriate, based on national security concerns, which has to be the primary concern and consideration of how to treat those who have committed an attack on our country who are members of al-Qaida or associated forces, and also who are not members of this country, so who are foreign citizens and are seeking to attack our country or have attacked our country in a way that the administration can decide it is best to handle them in a civilian court or a military system.

So all of the objections that were raised to my amendment—I stand by my amendment—but they are addressed in this compromise. And to hear the objection to it, that there is not flexibility, it is very clear that is just not true when you look at the language in this amendment because we adjusted the amendment to address the administration's concerns to say no interrogation will be interrupted based upon this amendment; that interrogations have to be the priority, and we are giving the administration maximum flexibility under this amendment.

So I do not understand why there are such objections continuing when this is as a result of a very good, strong good-faith effort to address any operational

concerns that were raised based on the amendment I brought and even based on the prior language which, in my view, I think was very sufficient.

I want to point out something that is very important. In the course of the discussions we had with the administration on section 1031, which we have heard cited as a section that could be used to detain Americans indefinitely, this section was changed based on feedback from the administration. In fact, the administration asked us to actually strike a provision in it that would have said American citizens—it did not apply to American citizens, and, in fact, had to comply with the Constitution of the United States.

So I am a little bit apoplectic to understand why the administration is raising an objection about something they actually asked to be removed on a section they told us they were satisfied with and based on revisions that we made that they wanted. We said we would be happy to make these accommodations because we wanted to make sure we got this right.

So on that section, I do not understand why we are in a position where the Senator from Colorado is trying to remove it—the administration is objecting to it—when we took the language they gave us and incorporated it directly into the National Defense Authorization Act.

One point I think is being lost: So why is it that this amendment creates an initial presumption for military custody? This is the most important point. The priority has to be in protecting American citizens by gaining available intelligence to protect our country. The esteemed Senator from Illinois cited the case of the so-called Christmas Day or Underwear Bomber as an example of how cases have worked well.

Well, I think it is important to appreciate the facts of that case. This is a situation where the underwear bomber is caught with the explosives strapped to him, where there are hundreds of witnesses on the plane, and they were able to make their case in the absence of any interrogation or confession. What ended up happening is he was questioned at the scene for about 50 minutes? Then he was read his Miranda rights, one of those being: You have the right to remain silent.

Let's think about that for a second. We would want to tell terrorists: You have you have the right to remain silent. Common sense will tell you telling a terrorist they have the right to remain silent is counter to what we need to do to protect Americans. We do not want them to remain silent, we want them to tell us everything they know. But continuing on with that case, the only reason he reengaged in providing information for our country is because his parents intervened. Weeks later, his parents convinced him

he should cooperate with us; that he should provide information and tell us what he knew.

If our interrogation policy for people who commit attacks on our country is going to be, well, we hope a parent comes and intervenes to help us get information that will protect Americans, I think we are in trouble if that is our intelligence-gathering procedure.

So I wanted to point out, since that case is cited as an example by the Senator from Colorado and the Senator from Illinois as to why this section should be struck, if anything, I think that case points out why we need guidance in this area and why it is very important the priority be on gathering intelligence.

That is what this amendment does. It gives the administration sufficient flexibility, based on concerns they raised, operational concerns. If the FBI is conducting an interrogation, they do not have to stop it because of anything in this provision. That is very clear.

If the administration wants to treat someone in a civilian court, even though I do not think they should versus a military commission who is a member of al-Qaida who has attacked our country, that waiver is in here. That flexibility is in here.

This was a reasonable compromise where people like me who would have gone a lot further did not get what we wanted. But what we did do is get a very strong bipartisan compromise that came out of this committee overwhelmingly. When we had a vote at the beginning of the week, and the Senator from Colorado raised the very same amendment to strike this provision, it was rejected overwhelmingly on a bipartisan basis.

So I hope this Chamber will also overwhelmingly reject striking this very important provision from the National Defense Authorization Act.

Again, we cannot be in a position where we spend the next year in the Armed Services Committee again hearing from our military leaders: The administration is still in the final stages of revising or establishing its detention policy. I certainly do not want to hear again from one of our generals, when I ask him about our detention policy and what we are going to do with terrorists: I would need some lawyerly help in answering that one.

This amendment gives us the guidance we need. I would ask my colleagues to reject striking it from the authorization.

I yield the floor.

THE PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I view the detention provisions of this bill as real pernicious, as an attack on the Executive power of the President, and contrary to the best interests of this Nation. So I rise to express my strong opposition to three specific de-

tention provisions in the Defense authorization bill.

There was some discussion on the Senate floor that the Intelligence Committee had reviewed these. This is not true. I would like to read a letter that I sent to the majority leader that was signed by every Democratic member of the Intelligence Committee on October 21.

We write as members of the Senate Judiciary Committee—

Because there were some Judiciary Committee members on this.

and the Senate Select Committee on Intelligence, to express our grave concern with subtitle D, titled Defense Matters of title 10 of S. 1253, the National Defense Authorization Act for Fiscal Year 2012. We support the majority of provisions in the bill which further national security and are of great importance. But we cannot support these controversial detention positions.

Then we go on to say—and I will not read the whole letter. I will put the whole letter in the RECORD.

The executive branch must have the flexibility to consider various options for handling terrorism cases, including the ability to prosecute terrorists for violations of U.S. law in Federal criminal court.

Yet, taken together, sections 1031 and 1032 of subtitle (d) are unprecedented and require more rigorous scrutiny by Congress. Section 1031 needs to be reviewed to consider whether it is consistent with the September 18, 2001, authorization for use of military force, especially because it would authorize the indefinite detention of American citizens without charge or trial . . .

I will stop reading here, but again, I want to emphasize this point. We are talking about the indefinite detention of American citizens without charge or trial. We have not done this at least since World War II when we incarcerated Japanese Americans. This is a very serious thing we are doing. People should understand its impact.

I want to outline the provisions in the Armed Services bill that would further militarize our counterterrorism efforts and ignore the testimony and recommendations of virtually all national security and counterterrorism officials and experts. We have heard from the Secretary of Defense, the Attorney General, the general counsel of the Defense Department, and John Brennan, the Assistant to the President for Homeland Security and Counterterrorism. Every one of them opposes these provisions. They have to carry them out. They are the professionals responsible for so doing. Yet, we are going to countermand them?

The first problematic provision, section 1032, requires mandatory military custody with no consideration of the details of individual cases. The bill mandates military detention of any non-U.S. citizen who is a member of al-Qaida, or an associated force, whatever that may be, and who planned or carried out an attack, or attempted attack, on this country or abroad. Here is the problem: The Armed Services Com-

mittee ignores the administration's request to have this provision apply only to detainees captured overseas. Therefore, any noncitizen al-Qaida operative captured in the United States would be automatically turned over to military custody.

Military custody for captured terrorists may make sense in some cases, but certainly not all. Requiring it in every case could harm our Nation's ability to investigate and respond to terrorist threats and create major operational hurdles. For example, the FBI has 56 local field offices around the country. It is staffed with agents who can arrest, interrogate, and detain. The military does not. As has been the policy of Republican and Democratic Presidents before and after 9/11, the decision about where to hold a prospective terrorist should be based on the facts of each case, and should be made by national security professionals in the executive branch.

In a letter, Secretary Panetta said this week that this provision "restrains the executive branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available."

He added that the bill as written "... may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States."

This is the man who ran the CIA and is now running the Department of Defense, and we are going to ignore him? Are we saying it doesn't make any difference what he says? I am not part of that school of thought. I think what he says does make a difference.

I ask unanimous consent to have Secretary Panetta's November 15 letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, November 15, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express the Department of Defense's principal concerns with the latest version of detainee-related language you are considering including in the National Defense Authorization Act (NDAA) for Fiscal Year 2012. We understand the Senate Armed Services Committee is planning to consider this language later today.

We greatly appreciate your willingness to listen to the concerns expressed by our national security professionals on the version of the NDAA bill reported by the Senate Armed Services Committee in June. I am convinced we all want the same result—flexibility for our national security professionals in the field to detain, interrogate, and prosecute suspected terrorists. The Department has substantial concerns, however, about the revised text, which my staff has just received within the last few hours.

Section 1032. We recognize your efforts to address some of our objections to section

1032. However, it continues to be the case that any advantages to the Department of Defense in particular and our national security in general in section 1032 of requiring that certain individuals be held by the military are, at best, unclear. This provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.

Moreover, the failure of the revised text to clarify that section 1032 applies to individuals captured abroad, as we have urged, may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

Next, the revised language adds a new qualifier to "associated force"—that acts in coordination with or pursuant to the direction of al-Qaeda." In our view, this new language unnecessarily complicates our ability to interpret and implement this section.

Further, the new version of section 1032 makes it more apparent that there is an intent to extend the certification requirements of section 1033 to those covered by section 1032 that we may want to transfer to a third country. In other words, the certification requirement that currently applies only to Guantanamo detainees would permanently extend to a whole new category of future captures. This imposes a whole new restraint on the flexibility we need to continue to pursue our counterterrorism efforts.

Section 1033. We are troubled that section 1033 remains essentially unchanged from the prior draft, and that none of the Administration's concerns or suggestions for this provision have been adopted. We appreciate that revised section 1033 removes language that would have made these restrictions permanent, and instead extended them through Fiscal Year 2012 only. As a practical matter, however, limiting the duration of the restrictions to the next fiscal year only will have little impact if Congress simply continues to insert these restrictions into legislation on an annual basis without ever revisiting the substance of the legislation. As national security officials in this Department and elsewhere have explained, transfer restrictions such as those outlined in section 1033 are largely unworkable and pose unnecessary obstacles to transfers that would advance our national security interests.

Section 1035. Finally, section 1035 shifts to the Department of Defense responsibility for what has previously been a consensus-driven interagency process that was informed by the advice and views of counterterrorism professionals from across the Government. We see no compelling reason—and certainly none has been expressed in our discussions to date—to upset a collaborative, interagency approach that has served our national security so well over the past few years.

I hope we can reach agreement on these important national security issues, and, as always, my staff is available to work with the Committee on these and other matters.

Sincerely,

LEON E. PANETTA.

Mrs. FEINSTEIN. Let me explain why this proposal is bad policy.

Consider the case of Najibullah Zazi. He was arrested in September of 2009 as part of an al-Qaida conspiracy to carry out suicide bombings of the New York City subway system. The FBI arrested Zazi after they had followed him on a 24/7 basis. He began providing useful intelligence to the FBI once captured.

If the mandatory military custody in the Armed Services bill were law, all of the surveillance activities, all of what the FBI did would be in jeopardy. Instead of interrogating him about his coconspirators, or where he had hidden other bombs, the FBI would have squandered valuable time determining whether Zazi was a member or part of al-Qaida or an "associated force." Requiring law enforcement and national security professionals to determine whether an individual meets a specific legal definition adds a delay—most people would have to admit this. Also a waiver process takes time as it proceeds through the President and Secretary of Defense, both of whom believe it unduly complicates the ability to immediately interrogate an individual or prevent another attack.

Suppose a terrorist such as Zazi were forced into mandatory military custody. Then the government could also have been forced to split up codefendants, even in cases where they otherwise could be prosecuted as part of the same conspiracy in the same legal system.

Zazi was a permanent legal resident. His coconspirators were both U.S. citizens. They would be prosecuted on terrorist charges in Federal criminal court, but Zazi himself would be transferred to military custody. Two different detention and prosecution systems would play out and could well complicate a unified prosecution.

Incidentally, in the Zazi case, prosecutors have obtained convictions against six individuals, including guilty pleas from Zazi, who faces life in Federal prison without parole.

What could be better than that? If it is not broke, don't fix it. What is happening now isn't broke. That is the point.

Guess what. I try to do my homework, I read the intelligence, and I try to know what is happening. It is working. The government has its act together. Now arbitrarily this is going to change because there is a predilection of some people in this body that the military must do it all—if they cannot do it all, a part of it. But what this does is essentially militarize certain criminal terrorist acts in the United States. I have a real problem with that. I don't understand why Congress would want to jeopardize successful terrorism prosecutions.

The former speaker was talking about Farouq Abdulmutallab, better known as the Underwear Bomber, from Christmas Day in 2009. Abdulmutallab was brought into custody in Detroit after failing to detonate a bomb on Northwest Flight 253. He was interrogated almost immediately by FBI special agents. And he talked.

Some critics contend that Abdulmutallab stopped talking later that day because he was Mirandized. That happens to be correct, at least

temporarily. But what these critics don't mention is that he likely would have been even less forthcoming to military interrogators.

It was FBI agents who traveled to Abdulmutallab's home in Nigeria and persuaded family members to come to Detroit to assist them in getting him to talk. The situation would have been very different under Section 1032. Under the pending legislation, it would have been military personnel who were attempting to enlist prominent Nigerians to assist in their interrogation, and Abdulmutallab would have been classified as an enemy combatant and held in a military facility and, therefore, his family would not be inclined to cooperate. This is we have been told on the Intelligence Committee.

For the record, Umar Farouq Abdulmutallab pleaded guilty to all charges last month in a Federal criminal court in Michigan and will likely spend his life behind bars. What can be better than that? Where can the military commission come close to that effort? In fact, they can't. They had 6 cases, minor sentences, or released, plus 300 to 400 convictions in Federal Court.

To conclude on this mandatory military custody provision, the Defense Department has made clear it does not want the responsibility to take these terrorists into mandatory military custody. But do we know better? I don't think so.

The Department of Justice has said that approximately one-third of terrorists charged in Federal Court in 2010 would be subject to mandatory military detention, absent a waiver from the Secretary of Defense.

The administration contends that the mandatory military custody is unwise because our allies will not extradite terrorist suspects to the United States for interrogation and prosecution—or even provide evidence about suspected terrorists—if they will be sent to a military brig or Guantanamo.

Finally, the military isn't trained or equipped for this mission—they have plenty to do as it is—but the Department of Justice is.

As John Brennan, the Assistant to the President for Homeland Security and Counterterrorism, said in March:

Terrorists arrested inside the United States will, as always, be processed exclusively through our criminal justice system. As they should be.

I agree.

The alternative would be inconsistent with our values and our adherence to the rule of law. Our military does not patrol our streets or enforce our laws in this country. Nor should it.

I could add that our military doesn't spend its resources and expertise surveilling terrorists in the U.S. like Najibullah Zazi, as the FBI did, to know his every move, to know where he bought the chemicals, to know the

amount of chemicals, to know what backpacks they had, and to follow him to New York. It makes no sense to me to have to transfer that jurisdiction.

The second problematic provision imposes burdensome restrictions to transfer detainees out of Guantanamo, section 1033. This provision essentially establishes a de facto ban on transfers of detainees out of Gitmo, even for the purpose of prosecution in U.S. courts or another country.

The provision requires the Secretary of Defense to make a series of certifications that are unreasonable—and, candidly, unknowable—before any detainee is transferred out of Gitmo.

Again, here is an example: The administration proposed eliminating the requirement that the Secretary of Defense certify that the foreign country where the detainee will be sent is not “facing a threat that is likely to substantially affect its ability to exercise control over the individual.”

How can the Secretary of Defense certify that—facing a threat that is likely to not just affect, but substantially affect, its ability to exercise control over the individual? What does it mean for a nation to “exercise control” over a former Gitmo detainee? Does he have to be in custody? Can he have an ankle bracelet? Is he remanded to his home? Is he in some county facility somewhere? What does it mean?

The Secretary of Defense must also certify, in writing, that there is virtually no chance that the person being transferred out of American custody would turn against the United States once resettled.

I agree with the sentiment, but as it is written, this is another impossible condition to satisfy.

The administration tried to work with the Armed Services Committee to make this section more workable, but the input by professionals in the defense, law enforcement, and intelligence communities, quite frankly, was rejected.

The committee didn't address the concerns of the administration except to limit these restrictions to 1 year.

In his November 15 letter, Secretary Panetta wrote he was troubled this section remains essentially unchanged and that none of the administration's concerns or suggestions for the provision were adopted. This in itself is a concern. The views of the professionals who do this day in and day out should be considered. Congress is not on the streets, we are not shadowing terrorists, we are not putting together intelligence. So I find this just terribly imperious.

The third problematic detention provision reverses the interagency process of detention reviews for those detained at Guantanamo.

Let me begin by saying I support detention of terrorists under the law of war. There must be a way to hold peo-

ple who would, if free, take up arms against us. But detention without charge, perhaps forever, is a power that must be subject to serious review to ensure it is applied correctly and that we are only holding people—in some cases for decades—with cause and careful consideration and review.

Incidentally, this would apply to U.S. citizens. Do we want to go home and tell the people of America we are going to hold them, if such a situation comes up, without any thorough and considered review? It is just not the American way.

In March, the President issued an executive order that laid out the process for reviewing each detainee's case to make sure indefinite detention continues to be an appropriate and preferred course. Section 1035 essentially reverses the interagency process created by the President's order.

Let me just say a few things about this process. The Secretary of Defense is in charge of the decision. He is allowed to reject the findings of an interagency review board that includes a senior official from the State Department, the Department of Defense, the Justice Department, DHS, the Office of the Director of National Intelligence, and the Office of the Chairman of the Joint Chiefs of Staff. They, together, review a case of a person who could be held forever without trial, without charge. They can deliberate on the kind of threat this individual continues.

There are people who are in Guantanamo—or I should say who were in Guantanamo—who were simply in the wrong place at the wrong time. That is possible for an American as well. Everything we are all about is to see that the system is a just system. This is not just and particularly not for a U.S. citizen. I don't care who they are, they have certain rights under the Constitution as a U.S. citizen.

Why should we place the Department of Defense above the unified judgment of five other departments on what is, at its heart, a question about the legality of continued detention, the assessment of the threat a detainee poses, and the options available to handle that individual?

Secretary Panetta is not requesting new authority in this section. Again, reading from the Secretary's November 15 letter, he says:

Section 1035 shifts to the Department of Defense responsibility for what has been a consensus-driven interagency process that was informed by the advice and views of counterterrorism professionals from across the Government. We see no compelling reason—and certainly none has been expressed in our discussions to date—to upset a collaborative, interagency approach that has served our national security so well over the past few years.

Let me conclude by saying I support the vast majority of provisions in this authorization. The bill improves our

national security and it is essential to meet our commitment to the men and women of our Armed Forces. I understand all that, and I have voted for virtually every Defense authorization bill. But I intend to continue to oppose these three detention policy provisions.

I have not made up my mind, candidly, how I will vote on this bill. I guess maybe I see things a little differently than many in this body, because one of the things I have learned in my time here is the importance of the U.S. Constitution—and I have had 18 years on the Judiciary Committee—and what it means to have due process of law, and that means for everybody. That is for the poorest person on the street, the wealthiest person or whoever it is. Criminals are entitled to due process of law.

How can we do this? It may not stand the test of constitutionality. But be that as it may, despite having raised these concerns months ago and offered suggestions to address them, this bill does very little to resolve my three principal concerns and those of the administration about mandatory military custody and the possibility this bill will create operational confusion and problems in the field.

I look forward to the debate. Candidly, I hope sides haven't hardened. The three amendments I will offer will—one will strike the language, one will insert the word “abroad,” in section 1032, and one will carry with it the administration's proposal. I hope there will be the opportunity to offer these amendments.

I can't think of anything more serious that we are doing, and I must tell you a lot of effort has gone into putting the FBI in a position by creating a huge intelligence operation within the Federal Bureau of Investigation to be able to deal with terrorist threats in this country. We also have a Department of Homeland Security to do that as well. To now say the military is going to take over in certain situations is going to end up unworkable, if, in fact, this becomes the law and I hope it will not.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I wonder if the Senator from California might offer those amendments right now and call them up so we can get a vote on them. We are trying to vote on amendments, and I am wondering if she could call up one of those amendments, we could debate it, and then vote on it.

Mrs. FEINSTEIN. I only found out this bill was coming up this morning, so the administration is reviewing the largest amendment at the present time.

The other two amendments, we may already have filed those.

We have filed those, but I would prefer to wait until we have the larger

amendment, which is being reviewed by the administration, and then I will be making a decision as to which I want to go with.

Mr. LEVIN. Which amendment is the larger one?

Mrs. FEINSTEIN. This is the amendment currently being reviewed by the administration.

Mr. LEVIN. Is that one of the three?

Mrs. FEINSTEIN. Yes.

Mr. LEVIN. Which was the larger of the three; can the Senator describe it for us?

Mrs. FEINSTEIN. There are several amendments.

Mr. LEVIN. Which is the one currently being reviewed, if the Senator is able to share that with us.

Mrs. FEINSTEIN. This essentially would strike the detention provisions and replace them with proposals from the executive branch. It reflects what the White House offered to Senators LEVIN and MCCAIN as compromise language on the detention provisions to address the opposition raised by the administration.

Mr. LEVIN. I thank the Senator.

Mrs. FEINSTEIN. I have more to say, but I am not sure.

Mr. LEVIN. That helps. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, one, I would like to begin by thanking Senators LEVIN and MCCAIN. I don't know how long Senator LEVIN and I have been working on this together—it seems like forever—trying to get a detainee policy in a post-9/11 world that the courts will accept and that lives within our values. I have just been thinking throughout the years about the journey we have taken—beginning with the Bush administration—where the idea of indefinite detention of unlawful enemy combatants originated by executive order.

I do believe, since 9/11, we have been in a state of undeclared war with organizations such as al-Qaida. The Congress created legislation early on—right after the attacks of 9/11—allowing the President to use military force against al-Qaida. Part of being able to engage someone militarily is to detain those we capture. But that has been years ago. This is the first time Congress has spoken since the early days of the war.

We tried during the Bush administration to work with the Bush people to create a law of war detention system by statute. We had a problem there. They felt the executive order was the way to go. I have always believed when the Congress and the White House work together, the courts appreciate it as being a more collaborative process. So we went from sort of one extreme—to where we had military commissions that were almost legislating a conviction—to a better product, and the end

product was the 2009 bill we worked on with Senator LEVIN that got almost 80 votes. So we have come a long way.

About the detention issue. Here is what I have been trying to accomplish for years. I wish to make sure we understand the difference between fighting a war and fighting a crime. When it comes to al-Qaida operatives, whether they are captured in the United States or overseas, the first thing we should be doing as a nation is trying to find out what that person knows about the attack in question or future attacks. When we capture an enemy prisoner, the first thing our military does is turn the person over to the military intelligence community for questioning.

I am of the belief that we have the ability to question people under the law of war without congressional authorization. But when the Congress acts, it is better for us all. So in this bill, working with Senators LEVIN and MCCAIN, we have, as a body, said the President—this President and all future Presidents—will have the ability to detain a member of al-Qaida and other allied organizations, regardless of where they are captured in the world, and hold them as an enemy combatant.

Under the law of war, when we capture an enemy prisoner, there is no magic date we have to let them go. The problem with this war, unlike other wars, is there will not be a definable end. We had 400,000 German prisoners in military prisons inside the United States during World War II. We weren't going to let those folks go if they had been in jail 1 year. Not one of them got to go see a Federal judge saying: Let me out of here.

Under the law of war of our military, the executive branch of government has the authority to protect the Nation, and courts have not interfered with that 200-year right.

What is different about this war? There are no capitals to conquer, there is no air force to shoot down or navy to sink. So we have people who don't wear uniforms who are roaming the globe, and they don't have a home country, they have a home idea, and we are fighting an ideology. Sometimes they make it to our soil and sometimes they don't.

So here is what we are trying to do. We are trying to create a hybrid system, for lack of a better word. If you captured an al-Qaida member overseas in Afghanistan, Iraq, or Yemen, it is clear that they have no constitutional right to petition a judge in the United States: Let me go.

When we put people in Guantanamo Bay, the Bush administration argued that prison wasn't subject to legal review by our courts. And in the Hamdi case involving a U.S. citizen captured in Afghanistan, the Supreme Court held that we could hold an American citizen as an enemy combatant. They

suggested to the Bush administration a procedure to ratify that decision. They pointed to an Army regulation, 190—I can't remember the number—and we tried to come up with a procedure that would allow us some due process as a nation for an enemy combatant, including an American citizen.

In the Boumediene case, the Court said: Wait a minute. We are going to allow a habeas petition by those held as enemy combatants—American citizens or non-American citizens—if they are at Guantanamo Bay because we have control over that facility. That is part of the United States in terms of our legal infrastructure.

So the law of the land is that if you are captured overseas, even if you are an American citizen, you can be held as an enemy combatant and questioned by our military with no right to proceed to a criminal venue. It is not a choice to try them or let them go. You can hold an unlawful enemy combatant for an indefinite period of time just like you could hold any other enemy prisoner in any other war. But what we have done differently in this war is we have said: Our courts will review the military's decision to declare you as an enemy combatant in a habeas procedure—not a criminal trial but a habeas procedure—as to whether there is sufficient evidence to label you as an unlawful enemy combatant.

So, to my colleagues on the other side, the law of the land by the Supreme Court is that an American citizen can be held as an enemy combatant. Like every other enemy combatant, they have habeas rights, but they don't have the right to say: Try me in a civilian court or military commission court, because when we capture someone, the goal is to gather intelligence.

The Christmas Day Bomber, the Times Square case—the reason many of us want military custody from the outset is that under domestic criminal law, other than a very narrow public safety exception, we don't have the right under criminal law to hold someone for an indefinite period of time without providing them a lawyer and telling them what their legal rights are or charging them in a court of law. And let me say, as a military lawyer, I would never want that to be the case. I don't want to change our domestic criminal system to allow us to grab someone and hold them indefinitely, pending criminal charges, without the right to a lawyer, the right to remain silent being presented to the defendant, and presentment to court, because that is what criminal law is all about. Under military law, whether it is here at home or abroad, you can hold someone suspected of being an enemy agent, enemy prisoner, and you can interrogate them humanely and lawfully—and we have good laws now governing interrogation procedures—without having to present them to a court. That is

the difference between intelligence gathering and fighting a crime.

The Padilla case was an American citizen captured inside the United States. He was held for about 4 years in Charleston Naval Brig, and the Fourth Circuit Court of Appeals ruled that, yes, an American citizen captured within the United States can be held as an unlawful enemy combatant, but they have the right to counsel when it comes to presenting their habeas case. They don't have the ability to tell the interrogator and the military: I don't want to talk to you now. I want my lawyer.

When you are talking to a military interrogator or the FBI or the CIA trying to gather intelligence, you don't have a right to remain silent, you don't have a right to a lawyer because we are trying to defend ourselves against an enemy bent on our destruction. The day we decide to treat you as a common criminal, even a terrorist suspect, all those civilian rights attach.

So this bill is trying to create a process that if you are captured in the United States, this legislation says that you will be presumptively put in military custody because that is the only way we can hold you and interrogate you because under domestic criminal law, that is not available, nor should it be.

There is a waiver provision here. If the administration believes that military custody is not the right way to go, they can waive that. But the day you turn someone over to civilian authorities for the purpose of prosecution, you have a very limited window to gather intelligence because all the criminal rules apply. And what we are trying to do is to make sure we can defend ourselves and not overly criminalize the war. That is why this is so important.

As to the White House concerns—they wanted to have that flexibility without any statutory involvement—I believe this will serve the Nation well long after President Obama leaves office. I don't know who the next President will be, but I do believe this: We will be under threat and siege by an enemy bent on our destruction.

So if you believe, as I do, that we are at war but it is a different kind of war, please give your Nation—our Nation—the ability to defend us. And the best way to be safe in the war on terror is to gather good intelligence and hit them and stop them before they hit you because they could care less about dying. So intelligence gathering is the way to keep us safe.

Most enemy prisoners captured in traditional wars never go to court. The last thing I am worried about is how you prosecute these guys. The first thing I worry about is, what do they know, and what is coming our way?

So the provisions of 1032 apply to captures within the United States. And we are saying that when an al-Qaida

operative suspected of being involved in a terrorist act—a very limited class of cases, by the way—is captured on our soil, we would like them to be in military custody from the get-go. But we have provisions that say: You don't have to make that decision or interrupt an interrogation. There is a window of time in which you can deal with the case without having to make the waiver. We are not impeding interrogations, and we are not saying you have to stay in military custody forever because we give this administration and future administrations the flexibility to waive that provision if it makes sense.

To the Christmas Day Bomber—he was read his Miranda rights within an hour, his family was involved, and it turned out that he pled guilty. I am not a professional interrogator, but I do know this: You don't read an enemy prisoner their rights when you capture them on the battlefield in a war. The question is, Is the United States part of the battlefield? That is really what this is about. Are we going to allow the enemy to get here, and all of a sudden all the rules change because they made it to our homeland? I would argue that the closer they are to us, the more we want to know. So it would be an absurd outcome that if somehow the enemy could find a way to get to our homeland, all the rules change because if you capture one of these guys in Yemen, nobody is suggesting you have to give them a lawyer.

Well, when you get to the United States, what we are suggesting is that we have a legal system that understands the difference between fighting a war and fighting a crime, and if you are suspected of being an al-Qaida member, citizen or not, we are going to find out what you know through lawful interrogation techniques. That has to be done under the military system because civilian domestic criminal law doesn't allow that to be done.

That is what we created here—a bifurcated system with waivers. If we don't have this in place, we are going to lose intelligence and our Nation is going to be at risk. People are going to get killed if we lose good intelligence.

So, to me, the idea of reading someone their Miranda rights doesn't make a lot of sense, but you have the flexibility to do that, if you choose, out in the field. You just have to get a waiver. So when you capture somebody on the homeland, I don't want our people to think that you have to give them a lawyer and read them their rights and that you can't question them about what they know about attacks against our homeland. That is dumb. That doesn't make us a better people, that makes us less safe. Let's put them in military custody, with the right to waive that. Let's give our interrogators plenty of time to find out what is going on. Then we will make a decision about where to prosecute.

I believe Federal courts have a role in the war on terror. There have been plenty of cases involving terrorism that went to Federal court where you had a good outcome. There have been cases going to Federal court where you had less than a stellar outcome. The key is, if you are holding an enemy combatant for 4 or 5 years under the law of war, I don't think it makes sense to put them in civilian court. You should put them in military commissions. And we are talking about people we have been holding for a period of time because we looked at them as a military threat, not as a common criminal.

So the provisions in 1032 are good law that will stand the test of time. It will allow us on our homeland to do what we can do overseas. Wouldn't it be odd not to be able to protect yourself because the enemy got to the United States less than you could if you captured them overseas?

Now let's talk a little bit about American citizens. There are a few people—and I give them credit for having passionate, honest-held beliefs that the President of the United States doesn't have the authority to designate an American citizen who has now joined al-Qaida—to issue an order to kill him—this al-Awlaki guy who was in Yemen. The bottom line is, the President, through a legal process we created years ago, made a determination that an American citizen has joined the enemy forces, and he issued an order through a legal process that says: If you find this guy, you can capture or kill him.

Now, wouldn't it be odd if you had a law that says you can kill somebody, but when you capture them, you can't hold them for a very long time, you can't indefinitely detain them? Well, death is pretty indefinite. So if you can kill a guy, why in the world can't you hold them and interrogate them to find out what they know about this attack or future attacks?

So let's be consistent. It makes sense to me that if an American citizen wants to join al-Qaida, they are no longer our friend, they are our enemy. And if the evidence is solid and it has gone through a legal process and this President or any other President determined that an American citizen is now operating abroad trying to harm us, joining al-Qaida, I believe they have the absolute legal and moral authority to identify that person as a threat to the United States; kill or capture. And if you don't agree with me, fine. I think about 80 percent of my fellow citizens do. It would be absurd not to be able to have that ability. Citizenship is something to be respected. It is something to be cherished. It is not a "get out of jail free" card when you turn on your fellow citizens.

So at the end of the day, we have a system in place now that I am very proud of.

To Senator LEVIN, we have negotiated and we have compromised because the administration had some legitimate concerns. They had some legitimate concerns about Congress overly mandating how you detain, interrogate, and try prisoners. What we have come up with is the balance I have been seeking for 5 years. If you capture someone in the United States, you start with the presumption that you are going to gather intelligence in a lawful manner and prosecution is a secondary concern. We give the executive branch the ability to waive that requirement, and we have conditions on that requirement that will not interrupt an interrogation.

But we need to let this President know, and every other President, that if you capture someone in the homeland, on our soil—American citizen or not—who is a member of al-Qaida, you do not have to give them a lawyer or read them the rights automatically. You can treat them as a military threat under military custody, just like if you captured them overseas.

So this provision that Senators LEVIN, MCCAIN AYOTTE, and all of us have worked on makes perfect sense to me. It is a balance between protecting our homeland, living within our values, and giving the executive branch the flexibility they need to protect us, but just using good old-fashioned common sense. Under domestic criminal law, you cannot hold someone indefinitely without giving them a lawyer or reading them their rights, nor should you. But under military law, if you have evidence that the person is a military threat, you don't have to give them a lawyer. That makes no sense whether you capture them here or overseas.

Everyone held as an unlawful enemy combatant has the right to access our Federal courts. Under this bill, it is not just one time you get to go to court. We create an annual review process so that if you are held as an enemy combatant in military prison or civilian prison, you will get an annual review. We don't want you to go into a black legal hole. We don't want an enemy combatant determination to be a de facto life sentence.

I am proud of this work product. We go further than what the courts require. The courts require a habeas review of any person held as an enemy combatant. But at the end of the day, we say you have an annual review.

That requirement is for people captured in the United States, held at Gitmo. It doesn't apply to people held in Afghanistan. Thank God it doesn't. But in circumstances where someone is captured in the United States, held at Guantanamo Bay, every person will have their day in court to challenge the status of enemy combatant, and if they are going to be held indefinitely, they are going to get an annual review process as to whether it makes sense to hold them for 1 year.

Again, I wish to emphasize in war we do not have to let people go who are a danger. Most of these cases are intel cases. We are not fighting a crime, we are fighting a war. If the intelligence is good enough to convince a Federal judge that this person is a military threat, why in God's name would you want to let him go because of the passage of time? Our message to al-Qaida recruits is don't join al-Qaida because you could get killed or wind up dying in jail. Isn't that the message we want to send? Why in the world would we require our Nation to release somebody when the evidence presented to a Federal judge is convincing enough for him to sign off on what the military determined at an arbitrary point in time? That doesn't make us better people. It would make us less safe.

This bill is a very sound, balanced work product, and I will stand by it, I will fight for it, and I respect those who may disagree. But why did we take out the language Senator LEVIN wanted me to put in about an American citizen could not be held indefinitely if caught in the homeland? The administration asked us to do that. Why did they ask us to do that? It makes perfect sense. If American citizens have joined the enemy and we captured them at home, we want to make sure we know what they are up to, and we do not want to be required, under our law, to turn them over to a criminal court, where you have to provide them a lawyer at an arbitrary point in time. So the administration was probably right to take this out.

Simply stated, if you are an American citizen and you want to join al-Qaida: Bad decision; you could get killed or you could spend the rest of your life in military prison as a military threat or you could wind up in an article 3 court and maybe get the death penalty. I want people to know there is a downside to joining the enemy. I want to give our country the tools we need as a nation to fight an enemy and do it within our values. I don't want to waterboard people, but I don't want the only interrogation tool to be the Army Field Manual, online where anybody can read it. I wish to make sure everybody has a chance to say: I am not an enemy combatant. But I don't want to criminalize the war by capturing somebody on our soil and saying: You have a right to remain silent, when we would never read that right and present that to them if we captured them overseas.

We want to make sure we can gather intelligence, whether we capture them at home or abroad, whether they are an American citizen or not, if there is evidence they have joined al-Qaida.

To my colleagues, if you join al-Qaida, no matter where you join, no matter where you take up arms against the United States, we have every right in the world to treat you as a military

threat. People who have joined al-Qaida are not members of a mob. They are not trying to enrich themselves. They are trying to put the world into darkness. Our laws need to distinguish the difference between a guy who robbed a liquor store and somebody who wants to blow up an airplane over Detroit or blow up innocent people in Times Square. If you do not understand that difference and if you do not have a legal system that can recognize that difference, then we have failed the American people.

This is a good work product. It has strong bipartisan support. We worked with the administration. But we are in a long war where a lot is at stake. I have tried to be as reasonable as I know how to be, and this work product is the best effort of a lot of well-meaning people, Republicans and Democrats. I will defend it. If you want to keep arguing about it, some people suggested we will talk a long time about this—yes, we will talk a long time about this. We will have a good discussion among ourselves as to whether an al-Qaida operative caught in the United States gets more rights than if we caught him overseas. We will have an argument among ourselves as to whether our military should be able to gather intelligence to protect us, regardless of where the person is captured, and the question for the nation is: Is America part of the battlefield? You better believe it is part of the battlefield. This is where they want to come. This is where they want to hurt us the most. If they make it here, they should not get more rights than they would get if they attacked us overseas.

They should not be tortured because it is about us, not about them. The reason I don't want to torture anybody is because I like being an American. I think it makes us stronger than our enemies. There are ways to get good intelligence from the enemy without having to mimic their behavior. I do believe the military's work product should be judged and reviewed in Federal court in a reasoned way. That is part of this legislation. I do not want anybody to be sitting in jail forever without some review process so that one day maybe they could get out.

But here is what I will not tolerate. I will not criminalize what is a war. I will not put this Nation in the box of having captured a terrorist, when the evidence is solid that we know they are part of the enemy trying to kill us and say we have to give them a lawyer or let them go because of the passage of time. That makes no sense.

Senator LEVIN, Senator MCCAIN, this is a product we should be proud of. We should fight for it, and we are going to fight. If you want to make it a long fight, it will be a long fight. We are not giving up.

Mr. MCCAIN. Will the Senator yield for a question?

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Arizona.

Mr. GRAHAM. Yes.

Mr. MCCAIN. I am a little puzzled. Maybe the Senator from South Carolina has a response to this. Perhaps Chairman LEVIN does. We did give a national security waiver, which is very generous, in that the President just has to certify that it is in the national interest.

Mr. GRAHAM. Right.

Mr. MCCAIN. Why does he think that would not be acceptable if there were a case where an individual would be held by civilian authorities rather than military authorities?

Mr. GRAHAM. The only answer I can give to Senator MCCAIN is that there is a legitimate concern about encroaching on executive power. I have that concern. The executive branch is the lead agency in this war. They are the lead agency when it comes to prosecuting crime. But what I am trying to do, along with his help and that of Senator LEVIN, is to create statutory authority for this President and future Presidents that will serve the Nation well.

Congress has been too quiet and too silent. During the Bush years, we did not assert ourselves enough. We let things go. We were reluctant to get involved. Now we are involved in a constructive way.

What we have said as a Congress, if this bill passes, is that the executive branch has flexibility, but the Congress of the United States—which has powers when it comes to war—believes that an al-Qaida operative, those associated with al-Qaida, should be initially held in military custody because we are trying to gather intelligence. As I tried to explain, if you turn them over to civilian authorities for law enforcement purposes, then the whole process of intelligence gathering stops. You have to read Miranda rights. There is a very limited public safety exception. We allow a waiver if that is in the best interests of our national security. We have requirements in the bill not to impede interrogation. That is why we are doing this, because we want a process that will allow us to deal with people caught in the United States in a consistent way from administration to administration and understand the distinction between gathering intelligence to defend yourself in a war and prosecuting a crime.

Mr. MCCAIN. Everyone we capture may not be as stupid as the couple who waived their Miranda rights. One of them is going to be pretty smart and certainly not waive their Miranda rights. Wouldn't that make sense over time?

Mr. GRAHAM. The Senator is absolutely right. The flexibility of whether to Mirandize somebody exists. I don't know what is the best way. I do believe the best start is to take the Christmas

Day Bomber off the plane and interrogate him in terms of what he knows about future attacks, how he planned this attack, and worry about prosecution in a secondary fashion. The only way you can do that is through a military custody intelligence-gathering process.

At the end of the day, I do believe it makes a lot of sense for the Congress to weigh in. We have not done it before. We have balanced this out. The administration's concerns have been met as much as I know how to meet them, and I am very proud of the work product.

Mr. LEVIN. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The Christmas Day Bomber, I believe he was taken off that plane in Detroit, he was interrogated by the FBI; is that correct?

Mr. GRAHAM. Yes, I believe so.

Mr. LEVIN. There was nothing wrong with that. That was the choice of the executive branch. It worked here.

Mr. GRAHAM. Nothing wrong with that.

Mr. LEVIN. We make it flexible. This is something which I heard today from the supporters of this amendment. They want flexibility.

Mr. GRAHAM. Right.

Mr. LEVIN. That is exactly what we provide in this amendment. That is the question Senator MCCAIN just asked: If this administration or any administration decides that they want to provide the civilians with opportunity to interrogate, for whatever length of time they want, they are going to set the procedures under this language in our bill; is that not correct? The President will determine the procedures. If he wants those procedures to be civilian control until some point, that is going to be up to the President. We may disagree with that or not.

Mr. GRAHAM. Exactly.

Mr. LEVIN. There are Members of our body who very strongly disagree with that.

Mr. GRAHAM. Right.

Mr. LEVIN. But that is not who is going to decide. We are not going to make the decision that the person is going to be given or not given civilian interrogation. That decision is going to be made by a President who sets the procedures for interrogation and will decide whether to provide a waiver; is that correct?

Mr. GRAHAM. That is contract. If I might continue the conversation for a minute, if you don't mind. Would the Senator agree with me that if we all of a sudden required our soldiers to read Miranda warnings to an al-Qaida operative caught in Afghanistan, people would think we were crazy?

Mr. LEVIN. I would think it would be a very bad policy.

Mr. GRAHAM. OK. What if we have the very same person who made it out

of Afghanistan and makes it to America. I think most people would want us to gather intelligence to find out what is coming next. Would the Senator agree with me, if you put someone in civilian control for the purpose of prosecution, intelligence gathering becomes very difficult?

Mr. LEVIN. Not necessarily. I think there are occasions where the civilian interrogation may be actually more workable.

Mr. GRAHAM. OK. Fair enough. But does the Senator agree with me that you cannot indefinitely hold someone under domestic criminal law without presenting them to court or reading them Miranda rights?

Mr. LEVIN. That is correct—indeinitely. But how long that lasts is a procedure the President is going to determine.

Mr. GRAHAM. Right. But here is the point we are going to make. Some of us believe that presentment to a court and a Miranda warning may not be the best way to go, in terms of gathering intelligence. Under military custody for intelligence gathering there is no right to remain silent; does the Senator agree with that?

Mr. LEVIN. Under military custody, yes.

Mr. GRAHAM. So we are starting the game with military custody but for the reasons the Senator just said—and they may be good reasons, to say that is not the right way to go—they can go down another path. That is all we are trying to do. Because there is a sort of a gap when it comes to someone caught in the United States. We are trying to provide clarity, what to do with an al-Qaida member caught in the United States, to create flexibility but start the process with intelligence gathering because, in the United States, if you hold someone, under the law enforcement model, caught in the United States, you have to read them their rights. You have to present them to court.

If they are in military custody, you don't have to do that. But what system fits the situation best should be left to the executive branch. We are just creating an avenue for military custody that can be waived.

Mr. LEVIN. That is correct, providing flexibility which we should provide in order for the executive branch to have what they want, which is the flexibility. There, I think, many of our colleagues believe there is too much flexibility. But whether that is right or—

Mr. GRAHAM. Oh, yes, they are over here. There are plenty of them.

Mr. LEVIN. But whether they are right or wrong, the facts are in this bill there is flexibility. It is carefully laid out. The President will lay out the procedures and notify the Congress of those procedures. But the point is, we do provide the very flexibility that the

President of the United States has sought. We give them that flexibility, and it seems to me for the characterization of this bill to be that there is no flexibility, that somebody must go into military detention, is inaccurate. We ought to debate policy, but we should not debate what the words of a bill are.

One other thing. Is it not correct that when it is said, as the Senator from California did, that this provision has unprecedented and new authority for indefinite detention of American citizens without trial, that as a matter of fact we had in section 1031, in the bill filed months ago, language which would have exempted American citizens? It was the administration that wrote 1031 the way it is now and has approved of that language; is that not correct?

Mr. GRAHAM. That is absolutely correct. Let's talk about indefinite detention and what it means. When someone is captured as a member of al-Qaida—the Bush administration has had people at Guantanamo Bay for years. They are being held under the law of war. Does the Senator agree with that?

Mr. LEVIN. I am sorry?

Mr. GRAHAM. The Bush administration has had prisoners held at Guantanamo Bay for years now who have not been prosecuted. They are held under the law of war.

Mr. LEVIN. That is correct.

Mr. GRAHAM. The Obama administration has continued to hold at least 48 under that same theory.

Mr. LEVIN. And believes they have that authority.

Mr. GRAHAM. I believe they are right. All the Congress is saying to the President—this one and future Presidents—is we agree with you, that if the person is a member of al-Qaida or an affiliated group, you can hold them as an enemy combatant without the requirement to let them go at an arbitrary point in time, but under the law, if they are at Guantanamo Bay or captured in the United States, they have a habeas right to appeal that determination to a judge.

Under our bill, does the Senator agree with me, we have done more than that? We have created an annual review process so the person being indefinitely held will have some due process every year?

Mr. LEVIN. The Senator is correct. The Senator has led the way to have this kind of additional protection for those prisoners. There is greater protection in this bill because of that review process than there is without this bill.

Mr. GRAHAM. Right. And we should do that.

Mr. LEVIN. If I could, one other question, because the Senator is an expert on this subject. Is it also not true for the first time in terms of deter-

mining whether a person is, in fact, somebody who needs to be detained under the law of war—for the first time when that determination is made, that person is entitled to a lawyer and entitled to a military judge?

Mr. GRAHAM. Let me tell the Senator how he is dead right. I offered an amendment to the first bill we put on the table here on the floor about this, and I had a requirement of a military lawyer being given to the respondent at a combat status review tribunal. Every person being held as an enemy combatant by our military gets a combat status review tribunal. We are saying that tribunal has to be chaired by a military judge, and we are saying they can access a lawyer. That, to me, is a welcomed change.

The Obama administration and the Bush administration decided to put the military judge requirement in place. But this now is a statutory requirement, so the next President is going to be bound to do that. We are trying to create a process to allow a status tribunal hearing to be done in a more due-process friendly fashion. We require a judge and we provide access to counsel. To me that is a giant step forward.

Mr. LEVIN. And it is the law for the first time; is that not correct?

Mr. GRAHAM. For the first time it is now not the whim of the administration. It will be the law of the land.

Mr. MCCAIN. If this bill is enacted.

Mr. GRAHAM. If this bill is enacted.

Mr. MCCAIN. To kind of summarize this issue for our colleagues, we believe an al-Qaida operative is an enemy combatant and, therefore, the assumption should be that that enemy combatant should be under military custody whether it be in the United States or any place else?

Mr. GRAHAM. That is correct.

Mr. MCCAIN. I would argue especially in the United States since that poses the greatest threat. However, with our assumption that that person should be held under military custody, we still give a very wide waiver in case there are extenuating circumstances.

In other words, we are saying that we assume an al-Qaida operative, or a suspected al-Qaida operative, is an enemy combatant wherever they are on Earth and, therefore, they should be under military custody unless there is some reason that the President determines otherwise.

The counterargument we are hearing, in summary, is that because that al-Qaida operative is apprehended in the United States, therefore, they should fall under civil authority, thereby negating the assumption that he is an enemy combatant; he is a common criminal. This is a very important principle in this discussion we are having.

How do you treat a suspected al-Qaida terrorist who wants to, in the case of the Underwear Bomber, blow up

a plane with 100 some-odd passengers on it? Shouldn't that person be treated as an enemy combatant and, therefore, subject to all of the rules of military people who are under the supervision of the military? Isn't that what we are debating here? The ACLU and the left, with all due respect, feel that person should be—first of all, that al-Qaida operatives should be treated under our criminal system rather than treated as an enemy combatant who wants to do great harm to the United States of America. Is that an accurate description of what we are talking about here?

Mr. GRAHAM. Yes, with one caveat. There is a line of thinking that we should be using Federal courts exclusively, that military commissions are not appropriate in any circumstance, and that we should be using the law enforcement model once we deal with an al-Qaida operative, particularly here in the United States.

What we are saying in this legislation is that the battlefield includes our own homeland. So that argument being made by the ACLU, I think, will bear that because most Americans feel we are not dealing with somebody who robbed a liquor store. These people present a military threat, and we should be able to gather intelligence in a lawful way.

The administration's concern was, are we overstepping Executive power. I have, quite frankly, said I am concerned about that. Peter was concerned about that; Dave was concerned about that; I have been concerned about that because I don't believe you can have 535 attorneys general or commanders in chief.

What we did to accommodate that concern is what the Senator from Arizona said, we started out with a military custody requirement that can be waived and the procedures to be waived are in the hands of the executive branch. As Senator LEVIN has indicated, this, to me, is very flexible and is so flexible that I feel very good about it.

If it were a mandate to put everybody in military custody and try them in military commissions, even though I think that is the best thing to do, I would object, because the flexibility to make those decisions needs to be had in the executive branch. There may be a time when an article 3 court is better than a military commission court for an al-Qaida operative. I don't want the Congress to say article 3 courts could never be used. I don't want the Congress to say military commissions are bad. We now have a good military commission system. We have a process where the homeland is part of the battlefield. The individual being captured on our homeland can be held to gather intelligence under military law. And if somebody is smarter than us and believes that is not the right model, they can change the model.

That is the best we can do, and that is the best I am going to do because I am very worried that in the future we are going to lock ourselves down into policies that would have an absurd outcome that if you made it to America, we cannot gather intelligence, which would be crazy. There is no good reason for that.

Mr. LEVIN. Would the Senator yield?

Mr. GRAHAM. Yes.

Mr. LEVIN. In addition to providing in this bill that the determination as to whether somebody is al-Qaida is to be made through procedures which the President will adopt, No. 1, which is flexibility.

Mr. GRAHAM. Right.

Mr. LEVIN. No. 2, that determination shall not interfere with any interrogation which is undertaken by civilian or any other authorities; is that not correct? And, finally, on top of that, there is a waiver that is provided. We have all of that protection. So the statements that are made on this floor and in some of the press that somehow or other we are pushing everybody who is determined to be al-Qaida into the military detention system is not accurate because we have those three protections, the procedures for that decision as to whether someone is al-Qaida, our procedures, which the President is going to adopt; secondly, we only apply this to al-Qaida, not to everybody who might be captured; and, third, we have a waiver for triple protection to protect what the Senator rightly is sensitive to, and that is there be flexibility in the executive branch.

All of us may say we want it done one way or another. We may presume it be done one way or another, we may wish that it be done one way, civilian or military. Some of us may have different opinions. That is not the point. That is not the issue. The issue is what does this bill provide. This bill provides a reasonable amount of flexibility and does not tell the President you must turn somebody who is suspected of being al-Qaida over to the civilians at any point or to the military at any point.

Mr. GRAHAM. If I may add another layer of process here. Some people on our side say that is way too much. You should throw these people in military—Senator LIEBERMAN, my dear friend, if you left it up to him, everybody caught as an al-Qaida operative would be thrown in military custody and would be held as long as we need to hold them and would be tried by military commissions.

At the end of the day that is sort of where I come out, but I am not going to create a 535-commander-in-chief body here because there are times when that may not work. What we have done is what the Senator said. If you capture someone at home, it is as the Senator described. The reason, to my colleagues on this side, I wanted to

build in the things the Senator described is because I am very worried about crossing over out of our lane into the executive lane. I think we have created a great process.

But here is what happens to that al-Qaida operative. Not only does the executive branch have the flexibility to go one way versus the other, starting with the idea of military custody, but all the things the Senator said are true.

What do they have beyond that? If someone is being held as an enemy combatant, there are regulations requiring that they be presented to a combat status review tribunal, now with a military judge, access to counsel—I think it is within 60—I cannot remember the time period. That is done. Then they have the right to take that decision and appeal it to a habeas Federal district court judge.

No one in America is going to be held as an enemy combatant who doesn't get their day in Federal court. But their day in Federal court is a habeas proceeding, not a criminal trial. If the judge agrees with the United States that you are, in fact, an enemy combatant, then you can be held indefinitely, but we require an annual review. If the judge lets you go, they have to let you go. This is the best we can do. This is a hybrid system. In no other war do you have access to a Federal court.

As I said before, this is war without end, and if we don't watch it, an enemy combatant determination can be a de facto life sentence because there will never be an end to these hostilities probably in my lifetime. I recognize that. And in working with the Senator from Michigan and Peter and others, we have come up with a process now that allows the Federal court to review the military decision. We will have an annual review process if the judge agrees with the military. That, to me, is due process that makes sense in a war without an end; something you would not do in World War II, but something we need to do here.

So to the critics, please read the damn bill. I apologize for saying it that way, but you are talking about things that don't exist. There is plenty of flexibility and waiver requirements in this bill. No one is being held indefinitely without due process. Not only is this due process you wouldn't get in any other war, this is due process beyond what exists today only if we can pass this bill.

I don't mind being considered by some of my colleagues as maybe too friendly to due process. The reason I am so passionate about this is what we do sets a precedent for the world and the future. If one of our guys is captured, I can look the other people in the eye—al-Qaida could care less, but other people might—and say we are a rule of law nation. I believe in the rule

of law, but there is a difference between the rule of law of fighting a crime and fighting a war.

I am proud of the military legal system. I do believe the military justice system has a role to play in this war. In military commissions, the judges are the same judges who administer justice to our own troops, the same prosecutors, the same defense attorneys, the same jurors. I am proud of the military legal system. I am proud of the Federal court system. I want to use both.

Senator LEVIN, we have been working on this for years. This is the best work product I have seen. I hope my colleagues will understand we have thought long and hard about this, and if we don't get a process in place that has some definition, some certainty, some guidance, we are letting our Nation down.

This is a good bill, and I hope people will vote for it.

Mr. LEVIN. If this bill contained the provisions as described by our friend from California, I would vote against our bill.

Mr. GRAHAM. So would I, at my own detriment.

I don't want to mandate the executive branch to do everything as LINDSEY GRAHAM would like. I want to start with a theory that makes sense and provides flexibility to change it if that makes sense. I don't want anybody to be in jail because somebody in the military said they are an enemy combatant. I want a Federal judge involved in a sensible way. I want due process to make sure we can tell the world: You are not sitting in a jail because somebody said you were guilty of something. You had a chance to challenge that. But to the critics: I will not stand for the idea that we can't defend ourselves under the law of war, because I believe we are at war. In war, we have the right to hold enemy prisoners. We don't have to let them go to kill again. In war, you can hold people and gather intelligence in a human way.

That is what we are able to do under this bill—fight a war within our values.

I yield.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see the Senator from Illinois on the Senate floor, whom I know is very heavily involved in this issue. I think we have been debating this amendment now for about 3 hours, at least, and we have had a number of speakers from both sides.

I hope that perhaps we can go ahead and vote on this amendment. I was informed and the chairman was informed by Senator REID that there is a limited amount of time that can be spent on this bill. I realize how important it is to him, but we have no further speakers right now. I know the Senator from Illinois wishes to speak on it. But

would it be agreeable that after we have exhausted the number of speakers that we could go ahead and vote on the amendment?

Mr. DURBIN. No. It is not pending.

Mr. McCAIN. It is too bad. Let me just say to the Senator from Illinois, this is an important issue, and I understand how important it is to him. But this legislation has a lot to do with defending this country. For the Senator to hold up the entire bill because he doesn't think it has been discussed enough is a disservice to the men and women in the military whose concerns and needs this bill addresses, as well as the needs of the Nation's security.

So we took up this amendment in the belief that we were going to go ahead and debate it and vote on it. So the Senator from Illinois, if we are forced to not be able to complete work on this legislation, I think bears a pretty heavy burden because we have a lot of other provisions in this bill that are also vitally important to the security of this Nation.

We have had spirited debate. I have been involved in this legislation of the national defense authorization bill for a quarter of a century. We have moved forward and we have had debate and we have had votes. I hope we can do that now so we can move forward to other issues.

The Senator from Kentucky is on the Senate floor with an amendment he would like to have debated and voted on, and we have about 100 more. So I say to the Senator from Illinois that after we have had sufficient debate, I hope we can go ahead and vote on the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I don't know—I now have the floor, so I will proceed.

First, let me thank the Senator from Arizona. We have served together in the House and in the Senate. I respect him very much. I certainly have the highest respect, as well, for the Senator from Michigan. But I will tell my colleagues this: If the argument is, if we don't vote on this amendment tonight the security of the United States is in peril, that is a little hard to make because we are not going to finish this bill tonight, No. 1. No. 2, it is pretty clear the administration opposes this particular amendment, at least I have been told they do. No. 3, if we are talking about something as fundamental as changing some laws in this country relative to the U.S. Constitution, I have to agree with Senator LEAHY, the chairman of the Judiciary Committee, and Senator FEINSTEIN, the chairman of the Intelligence Committee, that this great body should take the time, debate the issue, and vote on it in a timely fashion.

I am not here to filibuster this matter, but I am here to discuss it.

To those who have come to the floor and said it is imperative to move now to change the way we deal with terrorist detainees in the United States, I would like to make a record for them.

For the record, over the last 10 years we have dealt with alleged terrorists in the United States. During that 10-year period of time 300 alleged terrorists have been successfully prosecuted in the criminal courts of America and incarcerated safely in American prisons—300. During that same 10-year period of time, six—count them, six—have been subjected to prosecution through military tribunals. So the score is 300 to 6 for those who want to change the system, with 300 saying we have a pretty darn good Federal Bureau of Investigation, we have excellent lawyers at the Department of Justice, and the American court system has responded well to keep us safe. So the notion that this has to be changed tonight to keep America safe, I don't know there is any evidence to support that.

I listened to some of the arguments on the Senate floor, and I wish to call to the attention of my colleagues that this is not an insignificant change in the law. If section 1031 is enacted into law, for the first time we will be saying in the law that we can detain indefinitely an alleged terrorist who is an American citizen within the United States of America.

Mr. GRAHAM. Would the Senator yield?

Mr. DURBIN. I will yield after I complete my point. I believe most of us feel if someone is charged with terrorism—an American citizen—that normally they would be subjected to constitutional protections and rights as American citizens. For those who believe in military tribunals—and I know the Senator from South Carolina does because he has been engaged in them personally and feels they are an honorable and effective way of prosecuting individuals—he knows, as I do, we have gone through in the last 10 years a series of Supreme Court cases that have questioned whether we are handling military tribunals in the right fashion.

The law is not settled when it comes to military tribunals, but the law is clearly settled when it comes to article 3 criminal courts, to the point that 300 alleged terrorists have been successfully prosecuted and convicted.

So I think this is worthy of debate. It is a valid issue. The security of America will always be a valid issue on the floor of the Senate. But let's do it in a thoughtful way. This matter was not referred to the Senate Judiciary Committee. It was not referred to the Senate Intelligence Committee. It was decided by the Armed Services Committee. As good as they are, as great as the people are who serve on that committee, there are others who should have a voice in the process.

I yield to the Senator from South Carolina if he has a question he would like to direct through the Chair.

Mr. GRAHAM. I thank the Senator from Illinois. I wish to respond. No. 1, it is good to debate. It is good to have discussions about important matters. The Senator from Illinois is right. There is nothing more important than defending the homeland.

Now, let me just state the law as I understand it. The Hamdi case was an American citizen captured in—

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Would my friend from South Carolina allow a unanimous consent request?

Mr. GRAHAM. Absolutely.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2112

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 2112, an act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development and related programs; that there be up to 90 minutes of debate, equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report; further, that the vote on adoption be subject to a 60 affirmative-vote threshold.

Before there is a response to my request, I would tell everyone we are going to be in session tomorrow. I have spoken to the two managers of the bill. We will likely not have votes tomorrow. In fact, I don't think we will have votes tomorrow. But I would say to all Senators if they have amendments to offer, they should offer them because the time for the Defense authorization bill is winding down. People can't sit around and say we will do something next week because next week may be a lot shorter.

Mr. LEVIN. Will the leader yield for a question?

Mr. REID. I would like to change that from 90 minutes to 120 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object.

Mr. LEVIN. Would the Senator yield for a question? I think I may be able to satisfy Senator PAUL, I hope.

Mr. PAUL. Yes.

Mr. LEVIN. Would the leader make that unanimous consent effective after there is 5 more minutes of discussion between ourselves?

Mr. REID. We can make it effective after a half hour of discussion.

Mr. LEVIN. And after Senator PAUL calls up an amendment and after Senator MERKLEY calls up an amendment and then lay them aside.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. LEVIN. Would that be acceptable?

Mr. REID. I accept the modification with pleasure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Finally, we will get some people offering some amendments.

Mr. LEVIN. If I could just comment very quickly to my friend from Illinois.

Mr. REID. Can we get the consent?

Mr. LEVIN. I think the Chair ordered it.

The PRESIDING OFFICER. Yes.

Mr. REID. The Senator from South Carolina has the floor.

Mr. GRAHAM. I yield if it will make this proceed faster.

Mr. LEVIN. I just wanted to ask the Senator a question.

Mr. REID. I would say to my friend, my friend from South Carolina yielded to me for a unanimous consent request.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. GRAHAM. If I may respond to my friend from Illinois, Hamdi was an American citizen captured in Afghanistan. He had joined al-Qaida—the Taliban, I guess in that case. We captured him when we went into Afghanistan. We brought him back and we held him as an enemy combatant for intelligence-gathering purposes. His case went to the Supreme Court. The Supreme Court said we could hold an American citizen as an unlawful enemy combatant, we just have to create procedures, a due process requirement. Eventually, the court said every unlawful enemy combatant has a habeas right.

The law of the land is clear that an American citizen helping the enemy overseas can be held indefinitely. But they have the right to petition a judge as to whether the initial determination was correct. If the habeas judge believes there is not enough evidence to hold this enemy combatant, then they have to release them. But if the judge agrees with the government that there is enough evidence to hold them as an enemy combatant, they can be held indefinitely. This President is holding 48 people at Guantanamo Bay who have never seen a criminal courtroom because of the theory of law of war.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I say to the Senator from South Carolina, I yielded for a question.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Can the Senator bring it to a question?

Mr. GRAHAM. The question is—I forget what I said.

Mr. DURBIN. Let me just say to my colleague, whom I respect and count as a friend, the critical difference between the Senator from Michigan and the

Senator from South Carolina is this: The Hamdi case involved an American citizen, part of the Taliban, arrested in Afghanistan, OK? The Senator from South Carolina made that point when he said the word “overseas.” Unfortunately, section 1031 does not create that distinction. An American citizen arrested in the United States, charged with terrorism, without any connection to overseas conduct—having been arrested overseas, I should say—is still going to be subject to indefinite detention.

The only thing I would add is this: I think this is a good exchange, and I think we need more. The notion that we have to hurry up and get this done in the next 5 minutes is not, I don’t think, an appropriate way to deal with this. I know Senator PAUL and Senator MERKLEY are waiting, and I am prepared to yield the floor at this point.

If this matter comes up again this evening, I hope we can engage in further discussion.

Mr. LEVIN. I just have a question, if the Senator would yield, of the Senator from Illinois.

Mr. DURBIN. Sure.

Mr. LEVIN. Is the Senator aware of the fact that section 1031 in the bill we adopted months ago in the committee had exactly the language that the Senator from Illinois thinks should be in this section 31, which would make an exception for U.S. citizens in lawful residence? That was in our bill. I am wondering if the Senator is aware that the administration asked us to strike that language from section 1031 so that the bill in front of us now does not have the very exception the Senator from Illinois would like to see in there.

Mr. DURBIN. I have the greatest respect for the Senator and the administration, but I think I am also entitled to my own conclusion.

Mr. LEVIN. No, I understand. But I am just asking the Senator, is the Senator aware it was the administration that asked us to strike that language, the exception for U.S. citizens?

Mr. DURBIN. Not being a member of the committee, I did not follow it as closely as the Senator did. I respect him very much and take his word.

Mr. LEVIN. I thank the Senator.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Kentucky.

AMENDMENT NO. 1064

Mr. PAUL. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1064.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL], for himself and Mrs. GILLIBRAND, proposes an amendment numbered 1064.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002)

At the end of subtitle B of title XII, add the following:

SEC. 1230. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is repealed effective on the date of the enactment of this Act or January 1, 2012, whichever occurs later.

Mr. PAUL. Mr. President, this amendment will call for a formal end to the war in Iraq. Our Founding Fathers intended the power to commit the Nation to war be lodged in Congress, and that is what the Constitution says. The power to declare war is one of the most important powers given to Congress, and it should remain in Congress.

James Madison wrote at the beginning in the Federalist Papers that “[t]he Constitution supposes what history demonstrates, that the Executive is the branch most prone to war . . . therefore the Constitution has with studied care vested that power [to declare war] in the Legislature.”

We are calling for a formal end to the war in Iraq as the troops come home, as the President has planned by January 1. This will reclaim the power to declare war that is vested in Congress. It allows for checks and balances and is an important milestone and an important retaining of power for Congress. So I will ask very careful deliberation of a formal end to the war in Iraq by supporting this amendment.

At this time, I would like to yield the floor to Senator MERKLEY.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, just briefly, I would ask the indulgence of the Senator from Oregon. I just would ask the Senator from South Carolina if he would finish the response, and I am sure it would only take him 2 or 3 minutes to finish.

Mr. GRAHAM. I promise, I will.

Mr. MCCAIN. So I ask unanimous consent that Senator MERKLEY be recognized after the Senator from South Carolina speaks for a couple minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I thank the Senator from Oregon.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, the exchange with Senator DURBIN was very good. The law of the land is pretty clear—unequivocal, in my view—that an American citizen captured overseas

can be held as an enemy combatant, and every enemy combatant held at Guantanamo Bay or captured in the United States has habeas rights. The Padilla case involves an individual who was captured in the United States, suspected of being an al-Qaida operative, and was held for 4 years. He appealed his case to the Fourth Circuit, and the Fourth Circuit said: You have a right to a lawyer to prepare your habeas case, but you do not have a right to a lawyer to interrupt the interrogation. You can be held as an enemy combatant, and they can gather intelligence for an indefinite period.

That is the law of the land, and that is why the administration came over and said the provision that Carl and I were talking about really would change the law. They are preserving the ability, if they want to—they do not have to do this—basically, to hold an American.

Here is the thought process for the body and the Nation: If you capture somebody—not just involved in terrorism; that is not just what we are talking about—al-Qaida operatives involved in an attack on the United States, if they are an American citizen—who cares?—if they are doing that, we want to know what they know, interrogate them and hold them for prosecution, or just hold them so they will not go back to the fight. That is the law.

All we are doing is creating a procedure for that system to be followed. We are not doing anything different than already exists. This notion, somehow, that the homeland is not part of the battlefield is absurd. Why in the world would we give somebody rights who came to America to attack us different than we would if we caught them overseas, when the point is, they are involved with the enemy—American citizen or not. We are just creating a procedure that will allow that situation to be handled. So that is why the administration objected to our language, and I think they are right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1174

Mr. MERKLEY. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1174.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself, Mr. LEE, Mr. UDALL of New Mexico, Mr. PAUL, and Mr. BROWN of Ohio, proposes an amendment numbered 1174.

Mr. MERKLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan)

At the end of subtitle B of title XII, add the following:

SEC. 1230. SENSE OF CONGRESS ON TRANSITION OF MILITARY AND SECURITY OPERATIONS IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) After al Qaeda attacked the United States on September 11, 2001, the United States Government rightly sought to bring to justice those who attacked us, to eliminate al Qaeda's safe havens and training camps in Afghanistan, and to remove the terrorist-allied Taliban government.

(2) Members of the Armed Forces, intelligence personnel, and diplomatic corps have skillfully achieved these objectives, culminating in the death of Osama bin Laden.

(3) Operation Enduring Freedom is now the longest military operation in United States history.

(4) United States national security experts, including Secretary of Defense Leon E. Panetta, have noted that al Qaeda's presence in Afghanistan has been greatly diminished.

(5) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(6) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(7) Members of the Armed Forces have served in Afghanistan valiantly and with honor, and many have sacrificed their lives and health in service to their country.

(8) The United States is now spending nearly \$10,000,000,000 per month in Afghanistan at a time when, in the United States, there is high unemployment, a flood of foreclosures, a record deficit, and a debt that is over \$15,000,000,000,000 and growing.

(9) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(10) The battle against terrorism is best served by using United States troops and resources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(11) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(12) President Barack Obama is to be commended for announcing in July 2011 that the United States would commence the redeployment of members of the United States Armed Forces from Afghanistan in 2011 and transition security control to the Government of Afghanistan.

(13) President Obama has established a goal of removing all United States combat troops from Afghanistan by December 2014.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should expedite the transition of the responsibility for military and security operations in Afghanistan to the Government of Afghanistan;

(2) the President should devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along

with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities prior to December 2014; and

(3) not later than 90 days after the date of the enactment of this Act, the President should submit to Congress a plan with a timetable and completion date for the accelerated transition of all military and security operations in Afghanistan to the Government of Afghanistan.

Mr. MERKLEY. Mr. President, I offer this amendment with several original cosponsors: Senator MIKE LEE, Senator RAND PAUL, Senator TOM UDALL, and Senator SHERROD BROWN. I would like to thank them for joining in this effort to address our military presence in Afghanistan and the fact that our military forces have done such an excellent job of completing the original missions of destroying al-Qaida training camps and bringing justice to those responsible for 9/11.

But over this past decade, our mission has changed to one of nation building—a mission that is obstructed by vast corruption, by extraordinary traditional cultural resistance to a strong central government, and by a very high illiteracy rate. These factors should have us rethinking how to have the most effective use of our military forces, our intelligence assets, in taking on the war on terror, and that we should be engaging in counterterrorist efforts using our resources wherever the terrorist threat emerges across the world rather than concentrating these vast resources in Afghanistan.

Our sons and daughters, fathers and mothers, sisters and brothers could not have done a better job in their military mission. But it is right that now we do less nation building abroad and we do more nation building at home. It is right that now we refocus our effort to have the most effective strategy to take on terrorism around the world. It is in that philosophy that we come together in a bipartisan fashion to propose this amendment. We ask that colleagues take a chance to consider it and join us in redirecting our efforts to be more effective.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I ask unanimous consent to add Senators AKAKA, CHAMBLISS, BLUMENTHAL, INHOFE, GILLIBRAND, BEN NELSON, STABENOW, and MARK UDALL as cosponsors of amendment No. 1092, which is the pending Levin-McCain amendment on counterfeit parts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Secondly, Mr. President, we are going to move now, I believe, to the conference report. But I do want to remind folks of what Senator MCCAIN said; which is, we will be here tomorrow morning. We are here to try to clear amendments. We want to be able

to give our colleagues as much opportunity as possible to debate and to clear amendments. But we have to move this bill. We are not going to be given a whole week after we come back to get this bill passed, hopefully.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. S. 1867 is still pending.

Mr. MCCAIN. Is not the Paul amendment the pending business?

The PRESIDING OFFICER. The Merkley amendment is pending.

Mr. MCCAIN. The Merkley amendment is pending.

Mr. President, I ask unanimous consent that the Paul amendment be the—

Mr. LEVIN. No. Regular order.

Mr. MCCAIN. OK, that the regular order be—

The PRESIDING OFFICER. The Levin amendment is now pending.

Mr. LEVIN. The Levin-McCain amendment.

The PRESIDING OFFICER. The Levin-McCain amendment is now pending.

Mr. MCCAIN. I thank the Presiding Officer.

AMENDMENT NO. 1064

I would just like to say a couple words about the Paul amendment. I would just like to point out, we will still have 16,500 Americans in Iraq for an extended period of time. Now, whether they should be there is the subject of another debate on another day. But to then not be able to do whatever is necessary to protect the lives and safety of those men and women who will continue to serve the country, sometimes in variously difficult circumstances—I think this amendment is unwarranted.

Finally, I would like to ask my colleagues who have further views on the detainee issue if they would come over and add their voices to the debate and discussion because we would like to dispose of this amendment. I respect the desire of the Senator from Illinois that everybody be allowed to speak. We have been now speaking on this single amendment for, I believe, well over 3 hours.

So if there is further discussion on the Udall amendment, I would very much like to have a vote on it so we can bring other important issues before the body.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask unanimous consent to enter into a colloquy with my colleague from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. We are talking about this amendment. Let's debate this

amendment. Let's vote on this amendment. But the heart of the issue is whether the United States is part of the battlefield in the war on terror. The statement of authority I authored in 1031, with cooperation from the administration, clearly says someone captured in the United States is considered part of the enemy force regardless of the fact they made it on our home soil. The law of war applies inside the United States not just overseas. The authorization to use military force right after the war began allowed us to go into Afghanistan and use detention and capture and military force to deal with the enemy in Afghanistan and other places overseas.

To my colleague from New Hampshire, does she believe al-Qaida considers American soil part of the battlefield?

Ms. AYOTTE. In response to the Senator from South Carolina, I would say, unfortunately, our country is the goal for al-Qaida, and we saw that with September 11 and the horrible attacks on our country that day that killed Americans.

They want to come here and harm us and hit us where it hurts us the most. So, unfortunately, America is part of the battlefield. To put ourselves in a position where we would not allow our military intelligence, law enforcement, to have the tools they need to gather the most intelligence to protect Americans on our soil would lead to an absurd result.

Mr. GRAHAM. Does the Senator agree that with Senator LEVIN and a very bipartisan work product we have now created a legal system that says the following: If a U.S. citizen, a non-U.S. citizen is involved in an al-Qaida attack on our Nation, and is captured within the United States, we are allowing our military the ability to hold them as part of the enemy force, to question and interrogate them for intelligence gathering, and that right we have overseas to hold somebody now exists in the United States because the threat is the same?

Ms. AYOTTE. I would say to my colleague from South Carolina, when he spoke on the floor he captured the most important part of this; that is, without the amendment we have been debating, we do not even give our military, law enforcement, intelligence officials the ability to decide which system is best in each incident. Rightly so, when you are in our country, when you are an American citizen, you are given your Miranda rights. You are told: You have the right to remain silent. You have the right to have a lawyer. We need to make sure we do not create a distinction where if you are captured abroad, you are treated one way—and we are giving our officials maximum flexibility to gather as much information as possible to protect our country—but if you make it here, the

rules are different, and we do not give the officials who are set to protect us every day, both from a military and law enforcement end, the flexibility they need to gather maximum intelligence.

It would just be an absurd result to treat it differently. It would almost encourage: Come to America—unfortunately—to attack us because you will actually be given greater rights if the attack occurs here.

Mr. GRAHAM. Would the Senator agree that what we have been able to do on the committee is basically say, in law for the first time, that the homeland is part of the battlefield; that military custody is available to hold a suspected al-Qaida operative caught in the United States—American citizen or not—but we are going to allow the administration—this administration and all future administrations—to change that model if they believe it is best?

To me, we have created a right by our intelligence community, law enforcement community, to do at home what they can do overseas. If we do not do that, that would just not only be absurd, I think it would make us all less safe for no higher purpose. So to my colleagues who believe we are changing something, all we are trying to do is make sure that when the enemy makes it to America, we can hold them and gather intelligence to protect ourselves, no more and no less.

We start with the presumption of military custody. But if the experts in the field, this administration or future administrations, believe that model is not best, they can seek a waiver. That, to me, is what we should have been doing for years. Because the battlefield, to those who are listening, is an idea, not a country. We are battling an idea; that is, a terrible idea.

Their idea is, if you are a moderate Muslim seeking to worship God a different way, you are not worthy of living. If you are a Jew or a Gentile, you name it, if you do not bow to their view of religion, then you are going to live in hell. So that is what we are fighting. At the end of the day, this legislation creates a process to deal with the threats in our own backyard and, unfortunately, does the Senator from New Hampshire agree, that there is going to be further radicalization, that homegrown terror is where this war is going to?

Ms. AYOTTE. I would agree with the Senator from South Carolina that unfortunately there are threats we face within our own country from homegrown radicalism. But also let's not forget, this amendment, in terms of the military custody, applies to members of al-Qaida or associated forces who have planned an attack against our country or our coalition partners and are not U.S. citizens. So in this provision we are talking about foreigners

coming to our country who are members of al-Qaida and who want to harm Americans, if we think about what happened on September 11.

I would also add, I think it is very important what is in this important provision of the Defense Authorization Act, in response to the Senator from California, who raised the case of Zazi as an example where she thought that case would be impacted by this amendment, that is simply, with all respect to the Senator from California, not the case.

Because if one looks at the language in our amendment, we have given flexibility to the executive branch to conduct the interrogations, to have surveillance. So in the Zazi case, there was surveillance undertaken. We put express language in here allowing the executive branch to allow law enforcement to conduct surveillance, to conduct interrogation.

I would point out that provision in terms of the amount of flexibility we have actually given the executive branch. But most importantly, we have dealt with the issue the Senator talked about, which is, in the absence of this provision, when terrorists come to our country and attack us, we are in a position where, under our law enforcement system, they have to give Miranda rights. They have the right to presentment. We are simply saying they have the option to make sure they can put intelligence gathering as the top priority.

So this, as the Senator has identified and talked about, is a very reasonable compromise. As the Senator knows, my colleague from South Carolina, I would have actually liked to have seen this go further. But it is very important that we bring this forward.

Mr. GRAHAM. I would add that Senator LIEBERMAN would have gone further than the Senator. There is nobody whom I respect more than Senator LIEBERMAN, but we are trying to find a balanced way.

So in summary, 1032, the military custody provision, which has waivers and a lot of flexibility, does not apply to American citizens, and 1031, the statement of authority to detain, does apply to American citizens. It designates the world as the battlefield, including the homeland.

Are you familiar with the Padilla case? That is a Federal court case involving an American citizen captured in the United States who was held for several years as an enemy combatant. His case went to the Fourth Circuit. The Fourth Circuit Court of Appeals said: An American citizen can be held by our military as an enemy combatant, even if they are caught in the United States, because once they join the enemy forces, then they present a military threat and their citizenship is not a sort of a get-out-of-jail-free card; that the law of the land is that an

American citizen can be held as an enemy combatant. That went to the Fourth Circuit. That, as I speak, is the law of the land.

Ms. AYOTTE. That is right. That is the law of the land. That is what is reflected in this provision in the Defense Authorization Act. It is reflective of case law issued by our U.S. Supreme Court, which in not only that case but in subsequent cases basically said, in those instances, you do have to provide habeas-type relief.

Mr. GRAHAM. In the Padilla case, that went to the Fourth Circuit. The Hamdan case went to the Supreme Court. That was capture overseas. But the Fourth Circuit ruling stands that an American citizen captured in the United States can be held as an enemy combatant.

But 1032, requiring military custody, is only for noncitizens captured in the United States. So the bottom line is, I think we have constructed a very sound, solid system that deals with homeland captures and homeland threats. We have created due process that understands this is a war without end, that no one is going to be held in jail indefinitely without going to a Federal court to make their case that they are unfairly held, that if the Federal court rules with the government, there is an annual review process that would allow the opportunity to get out in the future based on an evaluation of the case.

From a due process point of view, I am very proud of the work product. I think it makes sense. I think it is a balance between our right to be safe and our rights to provide individuals with due process. But the big breakthrough is that we are now, for the first time as a Congress, creating a system that not only will allow this President flexibility and guidance, but future Presidents, and it will help us in further court challenges.

Quite frankly, the Congress is saying, through this bill, if someone is caught in the United States, citizen or not, joining al-Qaida, trying to do harm to our Nation, we are going to create a system where you can be held, you can be prosecuted, you can be interrogated within our values, and we are not going to create an absurd result that if you make it here, none of that applies. That is all we are trying to do. Does the Senator agree with that?

Ms. AYOTTE. I would agree with that. The Senator has already pointed out how important it is to have these provisions in place to give the officials who do this work every day whom we have so much respect for the ability to gather intelligence.

We need this provision to protect our country from attacks on our homeland. It is so important. I would ask one question of the Senator from South Carolina. He is familiar with the military commissions.

Mr. GRAHAM. If I may, I think we need to move to the appropriations conference report. We will do it very quickly.

Ms. AYOTTE. I will ask the Senator quickly. The Senator from Illinois said we have only had six civilian trials with terrorists.

Mr. GRAHAM. Military commissions.

Ms. AYOTTE. Six military commission trials and hundreds of civilian trials of terrorists. I would ask the Senator, did the administration suspend military commission trials for a period of time?

Mr. GRAHAM. The reason we have not had more is because the Obama administration withdrew charges. Thank goodness they have reinstated charges. There are military commission hearings going on as we speak. I am in the camp of "all the above."

Sometimes article 3 courts are the best venue, sometimes military commissions. The Ghailani case was someone we held as an enemy combatant for years, took to Federal court and 200-and-something charges and got convicted on 1. Our Federal courts are not set up to deal with people who have been held as enemy combatants under the law of war, then tried in civilian systems.

The Christmas Day Bomber, it made perfect sense to me to put him in an article 3 court. We found out he was a low-level guy, not one of the higher-ups. But if we catch someone here at home or overseas who is involved deeply in terrorism in terms of what they know, then we would hold them for a period of time to question them.

Then, if you wanted to decide to prosecute, military commissions make the most sense. So the only reason we have not had more military commission trials is because they have been stopped. I am not saying Federal courts are not an appropriate venue sometimes. I am saying that when you hold someone under the law of war for years to gather intelligence, which you have a right to do, we need to keep them in the same system, and you see what happens when you mix systems.

I am very proud of the bill, great debate to have, long overdue. If we can get this enacted into law, I will say this: Americans can look anyone in the world in the eye and say: We have robust due process. We can also tell the people in this country whom we are sworn to protect that we have a system that recognizes the difference between an al-Qaida operative trying to kill us and destroy our way of life and a common criminal. We need to do both.

I yield the floor.

Mr. SHELBY. Mr. President, I rise to speak regarding the Agriculture-CJS-THUD Appropriations Conference Report that the Senate will be voting on today. I was the only conferee not to sign this conference report and I regret to say that I have serious concerns with provisions in this bill.

The conference report contains language that will raise the loan limits for FHA to over \$729,000. I strongly oppose this language for three reasons. First, this change means that FHA, along with the GSEs will continue to crowd out the private sector. The government currently accounts for 96 percent of mortgage-backed security issuance in this country. We desperately need private sector investment to return so that we can finally achieve sustained growth in the housing market. Second, raising the loan limits for only FHA puts further pressure on the FHA and the taxpayer. Just this week, we learned that there is nearly a 50 percent chance the taxpayers will need to bail out the FHA. Increasing the loan limit only increases the risk that the taxpayer will have to bail out FHA. Finally, this will cause the American taxpayer to subsidize homes for wealthy buyers. Helping affluent people buy homes worth over three quarters of a million dollars is directly at odds with FHA's mission to develop affordable housing.

It is a shame that this bill contains these ill-advised provisions, as there is so much worthwhile contained elsewhere within the text. I particularly want to commend Chairman INOUE and Vice Chairman COCHRAN, and CJS Subcommittee Chair MIKULSKI and Ranking Member HUTCHISON, for the great work they did in supporting the Space Launch System, SLS, NASA's heavy lift rocket. The bill we will vote on this evening provides \$1.86 billion to support SLS, \$60 million above the President's request. The bill puts us on a path towards regaining our rightful place as the world's lead spacefaring nation. SLS will take us beyond low Earth orbit, where we have been stuck for decades, and once again make the American space program the envy of the world.

It is only as a result of continual pressure from both houses of Congress that the U.S. has not completely forfeited space supremacy to the Russians and the Chinese. The Obama administration's 2009 plan would have abandoned NASA's focus on manned exploration and instead subsidized so-called "commercial" space companies to perform endless taxi missions to low Earth orbit. Apollo astronaut Eugene Cernan, rightfully called the Obama plan a "pledge to mediocrity."

Fortunately, Congress has pushed back hard. Many of my Senate colleagues and I joined to pass authorization and appropriations legislation requiring NASA to develop a 130 metric ton heavy lift vehicle that will take America's next generation of astronauts to the moon and beyond. In countless hearings and private meetings with NASA and the administration we have come to an agreement that the primary purpose of NASA is to expand human frontiers, not serve as a

grant administrator for speculative private ventures. Thankfully, after more than 2 years of continual pressure from Congress and the American people, we appear to have achieved a breakthrough. NASA is moving ahead with SLS and this CJS Appropriations bill will ensure that they have the resources to implement the plans the Administrator has laid out.

It is important to note that the recently announced SLS acquisition strategy goes to great lengths to control cost and technical risk. The strategy makes maximum use of existing contracts and flight-tested hardware from the Constellation and Shuttle programs while leaving room for competition where appropriate. Neil Armstrong recently told a House panel: "Predicting the future is inherently risky, but the proposed Space Launch System includes many proven and reliable components which suggest that its development could be relatively trouble free."

Mr. President, SLS is a bold and workable plan with strong support in both chambers and both parties. Although I have serious reservations about the overall legislation, I thank my colleagues on the CJS Subcommittee for embracing American leadership and the promise of American ingenuity through their support for SLS.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012, AND FOR OTHER PURPOSES—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of conference report to accompany H.R. 2112, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2112), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, having met, have agreed and do recommend to their respective Houses that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same; that the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

Ms. MIKULSKI. I ask unanimous consent that committee report be considered as read.

The PRESIDING OFFICER. The report is considered read. Under the previous order, there will be 2 hours of debate, equally divided, between the two leaders or their designees.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on behalf of the conference committee. I rise as the chair of the Subcommittee on Commerce, Justice, and Science, one of the three subcommittees in the conference report. The other is agriculture. Senator KOHL will be coming to the floor to speak on behalf of his bill that is part of the conference, and others will speak.

I wish to speak on the Commerce-Justice bill. I am pleased the Senate is considering the conference agreement on fiscal year 2012. As I said, I am CJS. Senator KOHL will speak on agriculture. Senator PATTY MURRAY managed the bill on transportation and housing. She is the chair, and I am sure either she or her designee will speak about a subcommittee we affectionally call THUD.

But let me talk about the CJS conference agreement. This is a great agreement. It is the product of bipartisan and bicameral compromise and cooperation. I wish to thank my ranking member, Senator KAY BAILEY HUTCHISON and her excellent staff. We worked hand in hand on this bill.

I wish to talk about our colleagues in the House. Much is made about the prickly situation sometimes between the House and the Senate. But I wish to thank Chairman FRANK WOLF and ranking member CHAKA FATTAH for their bipartisan support. There was give and take; sometimes stormy exchanges. But at the end of the day, we worked cooperatively and collegially.

So as we look at the process, what I wish to say is that the conference agreement itself is a good one. Our bill, the CJS bill, totals \$52.7 billion in discretionary spending. We were frugal. It is \$600 million below the 2011 level, and it is \$5 billion below the President's request.

The purpose of this bill is to help create American jobs, make our streets and our neighborhoods safe from violent crime and terrorism, and to support innovation and technology so America can continue to be an exceptional Nation.

It also promotes trade. We do this through our Federal agencies: the Commerce Department, through its Economic Development Administration, Patent Office, International Trade Administration, and the Census Bureau. It also has important agencies related to innovation: the National Institutes of Standards and the National Oceanic and Atmospheric Administration.

Our bill also has in it the Department of Justice, NASA, and the National Science Foundation.

It has a lot of important things in it. It is also a bill that promotes justice, including the Commission on Civil Rights, the Equal Employment Opportunity Commission, and the Legal Services Corporation.

Within shrinking funding levels, the CJS conference agreement prioritizes

activities that focused on creating jobs, saving lives, protecting communities, and looking out for the future of our country.

The subcommittee faced two very pressing problems that are critical to life and safety. One, our weather satellites. We had to come up with a substantial chunk of money to make sure we had those important new weather satellites that tell us about hurricanes, tornadoes, and other things that are coming. Also, we had a real challenge in providing adequate funding for America's prison population.

These activities are not considered mandatory for budget purposes, but they are not truly discretionary. We had an obligation to fund them. We also had an obligation to provide security funding to the two conventions, to help them underwrite their security concerns.

Together, the bare minimum needed for the new JPSS satellite and prison expenses is nearly \$800 million—\$350 million for prisons—and we were able to meet that obligation.

We also looked out for our law enforcement, for our State and local police departments. This bill provides \$2.2 billion to support our Blue Line to keep our police safe, to protect them with the equipment they need, such as bulletproof vests, so they can protect us with modern tools relating to crime scene analysis, forensic science, and enough cops on the beat.

We funded Byrne grants at \$370 million, a main Federal tool for State and local police operations.

In terms of Federal law enforcement, we met obligations to the FBI and funded them at \$8 billion; our Drug Enforcement Agency at \$2 billion; the Bureau of Alcohol, Tobacco, and Firearms and the Marshals Service, each at \$1.2 billion. Our marshals no longer necessarily ride the planes, but what they are out there doing is serving the warrants that go after sexual predators and also make sure they fulfill their responsibility to protect our Federal judiciary at the courthouses. Those Federal law enforcement actions are at our borders, in our streets, in our communities, and in important task forces protecting our communities.

In terms of science and innovation, I am proud of what we did with NASA—from the space shuttle legacy to our new vehicles for space exploration. We also funded the James Webb Space Telescope, which will be the successor to the Hubble. It is 100 times more powerful and will assure America's place as a leader in astronomy for the next 30 years.

Our conference agreement was \$17.8 billion. It is a balanced space program. It ensures the continuity or continuation of human space flight, does important work in space science, and also bold research in aeronautics, so we can be at the cutting edge.

We also funded the National Science Foundation, which continues to do that groundbreaking innovative work that the private sector works off of. This year, three Americans shared the Nobel Prize for physics. One was Dr. Adam Riess at Johns-Hopkins. He used the Hubble space telescope to look out for dark energy, to look at decaying supernovas, and found out that the expansion of the universe was speeding up.

The 2011 Nobel Prize in chemistry winner, Dr. Dan Shechtman, was working at the National Institute of Standards and Technology—which this bill also funds—when he discovered new subatomic particles. Both discoveries were considered unexpected and even game changers. These Nobel Prize winners were those wonderful Americans who make use of whether it was the Hubble telescope or the kind of work that goes on in our chemistry labs. So we are out there winning the Nobel Prizes, but our bill lays the groundwork for winning the markets.

On the floor is the chairman of the full committee, Senator INOUE, and also Senator KOHL, who managed the bill and will speak for Agriculture. There are many things I could say about what we did in the bill, but I think I have summarized the basic themes.

I will be available to answer any questions from colleagues. I also want the chairman of the full committee to have an opportunity to speak and certainly Senator KOHL and Senator BLUNT. I want to say to Senator BLUNT, when Senator KOHL had to be temporarily off the floor, I thank him for working with me. We moved this bill and showed we knew how to govern and move legislation. If we work this way, we will get America moving again.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, first I thank Chairman BARBARA MIKULSKI for her valiant work in the conference.

As we are all aware, the congressional budget process has faced unprecedented obstacles over the past year. We have struggled to find common ground on one of the most basic responsibilities of Congress—funding the operations of the Federal Government.

Earlier this year, we saw politically charged threats of government shutdowns, culminating with an irresponsible debt ceiling standoff that brought our economy to the brink of disaster. The American people are deeply frustrated that many in Congress put partisanship ahead of the national interest.

Yet, despite these challenges, we now consider legislation that reflects the good-faith efforts and input of Members of both sides of the aisle in both the House and Senate. Given current fiscal and political realities, this is no small accomplishment.

The conference report before us today includes three fiscal year 2012 appropriations measures: Agriculture; Commerce, Justice, Science; and Transportation, Housing and Urban Development. This legislation also includes a continuing resolution that funds government operations through December 16, giving Congress time to finish its work on the remaining funding bills.

These bills are focused on a number of basic priorities: job creation, public safety, science, nutrition, housing, and transportation. Due to the stringent funding limits included in the Budget Control Act, which established a discretionary spending level that is \$7 billion below last year's level, many items in these bills are not funded to the levels I would prefer.

As we all await the outcome of the supercommittee, I again remind my colleagues that we cannot balance the Nation's books on the back of non-defense discretionary spending.

Despite our reduced spending levels, I am pleased that we have been able to maintain investments in several critical areas.

Public safety is a top priority of this bill. The conference report before us provides the resources necessary for the Food and Drug Administration to begin implementation of the Food Safety Modernization Act, which will better protect the American people from foodborne illnesses.

The funding levels provided in the conference agreement for the Federal Bureau of Investigation; the Drug Enforcement Agency; Bureau of Alcohol, Tobacco, Firearms and Explosives; and the U.S. Marshals Service will prevent layoffs and furloughs of Federal agents, enabling the agencies to continue their critical missions with regard to public safety.

The funds provided will also allow for increased law enforcement on the Southwest border. I note that the bill maintains funding for COPS hiring grants, which were eliminated in the original House bill.

The conference report before us funds an additional 11,000 new housing vouchers for homeless veterans. It includes \$500 million for competitive TIGER surface transportation grants, as well as nearly \$2 billion for new transit rail projects, and it maintains Federal support for Amtrak.

This bill includes more than \$12 billion for basic research at the National Institute of Standards and Technology, the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration.

This research will plant the seeds for new discoveries that not only win Nobel Prizes, but also earn profits and create American jobs in our highly competitive global economy.

The conference report before us represents thousands of compromises on

issues large and small. It represents, in no small measure, the way the Congress of the United States is meant to function.

The credit for this accomplishment rests with the members of the subcommittees and their staffs. I thank the leadership of the three subcommittees, Senators KOHL, MIKULSKI, MURRAY, BLUNT, HUTCHISON, and COLLINS for their exceptional efforts in completing these three bills.

We all recognize that we would not have been able to accomplish this task without the countless hours put in by the staff of the subcommittee. I want to take a moment—I think it is important—to recognize them for their efforts.

I want to publicly thank Galen Fountain, Jessica Arden Frederick, Dianne Nellor, Bob Ross, Molly Barackman-Eder, Gabrielle Batkin, Jessica Berry, Jeremy Weirich, Jean Toal-Eisen, Molly O'Rourke, Alex Keenan, Meaghan McCarthy, Rachel Milberg, Dabney Hegg, Stacy McBride, Rachel Jones, James Christoferson, Allen Cutler, Goodloe Sutton, Courtney Stevens, Heideh Shahmoradi, Brooke Hayes Stringer, Carl Barrick, and Mike Clarke. They are the ones who should be receiving the medal this evening.

This conference report is the culmination of a process that includes countless hours of hearings, markups, debate, negotiations, and posting online—and I underline this—all of the hearing testimony and legislative text for any citizen to review. Finally, it represents the one essential ingredient to a functioning democracy that has been in short supply in recent months: compromise.

I urge my colleagues to vote in favor of this measure and send it to the President for his signature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this conference report contains agreements between the House and Senate on three appropriations bills.

These bills support a wide range of important Federal Government activities. It also includes an extension of the continuing resolution that expires on Friday.

The conference report is the product of negotiations that have taken place with the other body's conferees over the past several weeks.

I commend the chairmen and ranking members of each of the subcommittees for the thoughtful manner in which they have undertaken their responsibilities. I also thank the staff members for their diligence and the many long hours they have spent in the performance of their duties and bringing us to this point.

The practice of combining multiple appropriations bills into a single package is not ideal, nor should it be en-

couraged. I would prefer, and I know other Senators would as well, that we have the opportunity to consider, offer amendments, and vote on the bills individually.

This summer, the months during which we normally debate appropriations bills, Congress and the President were wrangling over legislation to increase the debt ceiling and other matters. While the committee moved quickly to report bills in September, we are now more than a month into the new fiscal year and are only now approaching enactment of the first three appropriations bills. I don't know how or when we will be able to actually complete action on all these measures, but I want the Senate to know that the members of this committee, under the very able and distinguished leadership of Senator INOUE from Hawaii, have done everything within our power to try to get the Senate to move quickly but carefully to approve these bills.

So, Mr. President, without prolonging the debate and knowing other Senators are here to speak, let me just say that we have the restraints of the Budget Control Act, which were respected by the Appropriations Committee. Caps were included that locked in recent cuts in discretionary spending, and that is holding future discretionary growth below the rate of inflation. The act we are passing will bring discretionary spending as a percentage of GDP to the lowest levels since the Eisenhower administration.

I am confident the House and Senate will work together in the coming weeks to complete our negotiations on these and other appropriations bills that will fully comply with the guidance set out in the Budget Control Act. Today, we are making a good start with these three appropriations bills, and I urge support for the conference report.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I support the conference report, which includes appropriations for Agriculture, Rural Development, and the Food and Drug Administration. I am pleased that we followed the regular process to get to this point. It has not always been an easy process, but it has produced a good and well-balanced bill.

Overall spending levels in this bill are closer to the Senate bill than the House-passed bill. The conference bill is consistent with our allocation and includes a nondisaster spending level of \$19.565 billion, compared to \$19.78 billion in the Senate and \$17.253 billion in the House. This funding level allowed us to protect important ongoing programs, while continuing to reduce spending from last year.

Some of the highlights of the conference report funding levels are as follows:

For the WIC Program, we were able to provide an additional \$36 million

above the Senate, bringing total funding to \$570 million above the House level.

The Emergency Food Assistance Program, which provides assistance to food pantries, is funded at the fully authorized level of \$140 million.

The Food and Drug Administration is funded at the Senate level of \$2.497 billion, including increased funding to begin implementation of the Food Safety and Modernization Act.

The Food Safety and Inspection Service is funded at \$1.004 billion, an increase of more than \$32 million above the House level.

The Public Law 480 Program, which provides international food assistance, is funded at \$1.466 billion, an increase of \$426 million above the House level.

Agricultural research funded through the Agricultural Research Service and the National Institute of Food and Agriculture is funded at \$2.297 billion, an increase of \$282 million above the House level.

Disaster relief funds for the Emergency Watershed Protection Program, Emergency Conservation Program, and the Emergency Forest Restoration Program were provided based on the latest USDA estimates.

Beyond these important funding items, we also rejected many of the controversial policy riders that were included in the House bill. Among them were a provision prohibiting any food aid for North Korea, which would tie the hands of U.S. negotiators; a provision blocking enforcement of the Energy Independence and Security Act; and a provision blocking participation in a global climate change task force, as well as others.

Again, I think this is a well-balanced bill. We worked hard with our House counterparts to identify and maintain priorities that benefit the American people. I would like to again thank Senator BLUNT for his help during this entire process. His insights were extremely valuable.

Mr. President, I urge my colleagues to vote in favor of this conference report.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I am pleased to join Senator KOHL in supporting the conference report, and I particularly want to talk about the agricultural programs in the report.

This is my first year as the ranking member of the agriculture subcommittee, and I have certainly enjoyed working with the chairman. He has been generous and kind to me, including me in many of these discussions.

In these days, it is no small feat for an appropriations bill to get through the Senate in what is pretty close to regular order, and so I am glad we were able to work closely together to get that done. I hope we can do the same

thing next year and have hearings and floor time to pass the Agriculture, Rural Development, FDA bill again next year and maybe in a way that is even closer to the timing and the order we would like to see.

The conference report we are considering today reminds us that we can and should return to the regular way of doing business on appropriations bills. Even though the conference report includes three separate bills, they were all vigorously debated on the floor, and more than two dozen amendments were accepted. The process has certainly yielded a better outcome than a large omnibus appropriations bill would have.

The chairman has reviewed the details of the Agriculture bill, so I will touch on only a few of the highlights.

Discretionary spending for agriculture programs is \$350 million below the fiscal year 2011 level and significantly below the fiscal year 2010 level. We are slowly but surely reining in discretionary spending.

To reduce overall spending, we have made difficult decisions. Most programs in the bill that related to agriculture were reduced by 5 percent. We have, however, prioritized those programs that protect the public health and help maintain the strength of our Nation's agricultural economy.

I am particularly pleased we have been able to maintain funding for formula research and competitive agricultural research programs in this bill. Smart investments in American agriculture have been made by the Federal Government for well over a century now, and this bill continues that process of promoting competitiveness and is critical to helping our farmers increase production and produce a food supply that is safe, abundant, and affordable.

With unemployment still hovering around 9 percent, now is not the time to place unnecessary restrictions on the competitive marketplace. Therefore, this plan prohibits the Department of Agriculture from moving forward with a costly and burdensome rule—GIPSA—that Agriculture released earlier this year. This rule would have negatively impacted poultry and livestock markets and damaged the overall strength of the farm economy.

I am also glad the Agriculture bill includes funding to help farmers and communities recover from natural disasters. Missouri has seen unprecedented devastation from both tornadoes and flooding this year. Funding included in this bill for the Emergency Watershed Protection Program and the Emergency Conservation Program is necessary to help those areas recover. It is important that we support our farmers as they clear debris and as they regrade and rehabilitate their land for the next growing season.

As the ranking member of the agriculture subcommittee, I have limited my comments to agricultural funding, but I would be remiss if I didn't point out the significant contributions of the Commerce, Justice, Science Subcommittee and the Transportation, and Housing and Urban Development Subcommittee in developing this conference report.

This bill, although it may have been referred to as the agriculture minibus, doesn't do justice to the great efforts of my colleagues, Senators MIKULSKI, MURRAY, HUTCHISON, and COLLINS, and their staffs. They have all contributed a lot of time and effort to get this report this far. It is not exactly what any of us would have done, but none of us are exactly in charge of doing it all by ourselves.

I hope my colleagues will join me and join Senator KOHL in supporting this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate the distinguished Senator from Missouri for managing the bill for our side because there are three appropriations bills included in this package. I am also pleased that we are actually passing appropriations bills that have been amended and debated in the Senate the way it ought to be done.

I am also very pleased to talk about the Commerce, Justice, Science, and Related Agencies bill, which is the subcommittee on which I am the ranking member. The chairman, Senator MIKULSKI, has already spoken earlier this evening on the bill and what is in it and how we put it all together.

I can't thank Senator MIKULSKI enough for being the kind of chairman who could really bring people together, bring the House Members together, where we had some significant differences. I believe she and I were on the same page, that we have national priorities in this bill, and we ensured that those priorities were met because they are so important for our country. It wasn't easy. As has been said by everyone who has spoken, difficult choices had to be made. We had an allocation that was \$583 million below the fiscal year 2011 continuing resolution level. It was \$4.7 billion below the President's request.

This bill is also in accordance with the Budget Control Act that passed on August 2, 2011. I just want to mention on that point that all of the appropriations bills that have gone through the Appropriations Committee this year have met the Budget Control Act requirements. That is something I think we should have done and certainly something we were expected to do.

There are some Members, however, who will be speaking against these bills. They wanted a different standard from the standard we set, which was

below the fiscal year 2011 continuing resolution and below the President's request. But that is the standard we should have met, and we did.

We struck a balance between the competing interests of law enforcement, terrorism, research, and competitiveness through investing in science. I think the chairman, Senator MIKULSKI, spoke about the specifics of that, but I want to highlight some of the programs of national interest that I was particularly insistent that we focus on.

We have worked hard to ensure that law enforcement receives the priority funding needed to protect our Nation, our communities, our children, and the victims of crime. That was a particular point that Senator MIKULSKI made and with which I agree.

We have also made sure the FBI has the resources it needs to continue its major role in the global mission of counterterrorism and counterintelligence. Director Robert Mueller has seen the largest transition of the agency certainly in modern times, but maybe ever—a transformation from a traditional crime-fighting organization into an intelligence-driven, threat-focused law enforcement organization and a full member of the U.S. intelligence community since 9/11.

A lot of people are going to say: Well, gosh, why would you increase the FBI? Well, because they are a part of our national security today. They are no longer just a domestic crime-fighting agency—though very important but nevertheless a smaller function. They are part of our U.S. intelligence agencies that are helping us fight terrorism all over the world. So we funded them, and I am glad we did.

We have also included language to encourage the Department of Justice to maintain its current fiscal year 2011 level of funding that focuses on the southwest border. This is so important, as we read about the atrocities happening in Mexico and on our border, some of which have begun to spread across the border, and drug cartels are becoming increasingly emboldened.

I was talking to someone in the law enforcement community today who has had very high positions in our government, and he said those drug cartels are terrorists. I agree with him. Those drug cartels are terrorists. What they are doing to innocent people is atrocious. So we are encouraging and we have given the money to the Justice Department for the southwest border.

The El Paso Intelligence Center is another important program that is one of our first safeguards along the border. It is a national tactical intelligence center that supports law enforcement in the United States, Mexico, and the whole Western Hemisphere. It is the Drug Enforcement Administration's most important intelligence-sharing entity focusing on all things related to our borders.

Another important program in this bill is the State Criminal Alien Assistance Program which we funded to provide Federal assistance to the States and localities that are incurring the costs of incarcerating undocumented criminal aliens who have been accused or convicted of State and local offenses. We know there are counties throughout our country that do not have big budgets. Yet we have illegal alien criminals who are being put in county jails and city jails and it is important for the Federal Government and it is the Federal Government's responsibility to pay for housing those illegal alien criminals. We have done so in this bill.

I was also pleased to work with Senator MIKULSKI and JON KYL, the Senator from Arizona, to include more money for the U.S. Marshals Service for its mission along the southwest border, including detention construction and security upgrades in southwest border Federal courthouses.

The last thing I wish to mention is that we had a very moving ceremony yesterday honoring the significant astronauts—they are all significant, but some of those who took the first chance to go where no human being had ever been, and we honored them with the Congressional Gold Medal, which is the highest honor Congress can bestow on a civilian: John Glenn, the first American to orbit the Earth, Neil Armstrong and Buzz Aldrin, the first and second men to walk on the Moon, the Americans who did that, and they were ferried there by Michael Collins, who landed Apollo 11.

We talked, and the speeches were very uplifting, about the importance of space exploration and what it has done for our country. It has clearly been an economic boon to this country. It has created jobs, it has created better quality of life, and it has also inspired generations of scientists. With the significant support of Senator MIKULSKI, we were able to give NASA the funding it needs to assure that we have not only the vision that was established by Congress in the 2010 authorization bill but the funding to achieve the vision going forward.

Since our space shuttle program has been shut down, we are now on a mission to provide a commercial crew vehicle to take our astronauts to the space station, where we are doing scientific research, and we have fully funded the launch vehicle that is going to take our astronauts beyond Earth orbit and into the asteroid and, hopefully, Mars. That funding has started with this appropriations bill that is going through this year.

So we will have our launch system and our Orion capsule that will be the next generation of space exploration for our country, and Senator MIKULSKI and I agreed on that priority, along with the Webb telescope, which is a

very significant scientific priority, that we would assure that those priorities were met. We support the emerging commercial space companies to bring cargo and astronauts to the space station, and our investment for discovery on the space station as well as the science that is gotten from these wonderful, incredible telescopes that fly out there in space and gather information.

NASA has now released its design for the heavy launch vehicle that will be able to carry our astronauts in the Orion crew vehicle to the Moon, the asteroid, and beyond. Now that that decision has been made, we can focus on the future and on moving human exploration forward. NASA has announced its commitment to the path that Congress authorized, and now we are providing the funds to accomplish the development of that rocket.

Chairman MIKULSKI and I have strived to produce a bill that reflects not only the Senate's priorities but the needs of our Nation. Not only do I commend her and all the Senators who have a part in passing these bills and the House Members who also have a significant part, but our staffs did a lot of the work in making sure these priorities were met. Her staff, Gabrielle Batkin, Jessica Berry, Jean Toal Eisen, Jeremy Weirich, and Molly O'Rourke did wonderful work and were so close in concept and in close relationships and working relationships with my staff, James Christoferson, Goodloe Sutton, and Allen Cutler.

I recommend our bill. I think we stayed within the budget resolution, the Budget Control Act we passed, but we set the priorities, and I am very pleased to offer it to the Senate tonight.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask to be notified after 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. SESSIONS. I appreciate the work of the sponsors on this difficult piece of legislation.

There is so much we would like to do. But every American knows that when they are in debt, they have to cut back on spending. But Washington remains in denial. This bill is a statement that Washington does not take seriously the extraordinary dangers imposed by our debt. It is bizarre that we passed on to a committee of 12 the job of achieving deficit reduction while at the same time working to increase the deficit with bills such as this one.

After the first 2 years of the Obama administration in which nondefense discretionary spending surged 24 percent—not counting the stimulus—it should not be difficult for us to find reductions that can be achieved in these three bills that have been cobbled to-

gether as a mini omnibus. But instead of doing the hard work and finding things we can reduce the spending for and bringing this bill in with a reduction—a real reduction—in spending, we now have a piece of legislation that is moving forward with increases. In fact, what this amounts to and what we are seeing in the committee of 12, the supercommittee, in their secret work is apparently a demand by our Democratic colleagues that taxes be substantially increased to fund the spending level we have been on.

I recently also addressed some of the gimmicks I believe this bill uses to conceal more spending than is apparent. One of these gimmicks, creating the false appearance of cash savings in mandatory spending, was actually increased, in this current version of the bill, in conference. That is why I introduced the Honest Budget Act: to confront these continuing problems.

Senator OLYMPIA SNOWE and I believe these kind of gimmicks, such as on mandatory spending and claims of reductions that are not real, need to be eliminated from our process as they help cause the great deficit we are in.

I think it is particularly offensive that the bill is being represented as a spending cut, even though that was the most minute spending cut of \$1 billion, when, in truth, it clearly increases spending. We need real cuts, not minuscule cuts and certainly not increases.

With the President at the helm of the ship of State, Washington is continuing to steer toward financial disaster. We must get off this path. The American people know it. I believe they spoke clearly last November. We still have not gotten the message. We still remain in denial.

Some say: Oh, the tea party. You shouldn't pay attention to them. They were angry people. I think they were deeply frustrated people and, yes, somewhat angry. Why should they not be when the people they have elected to Congress, they now discover, are spending billions and billions of dollars day after day, week after week, borrowing 40 cents of every dollar that is spent? How can we defend that? How can we defend to any American citizen our behavior that has allowed such a debt situation to occur? We have had three consecutive trillion-dollar deficits, and this fiscal year we are expecting to have another trillion-dollar deficit. It is an unacceptable course.

I will oppose the legislation and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, as the ranking member of the Transportation, Housing and Urban Development Appropriations Subcommittee, I rise in support of this conference report, and I encourage our colleagues to join me in voting for this measure.

Let me first thank Chairman PATTY MURRAY and her staff who worked collaboratively with me and with my talented staff throughout this entire process. I also wish to thank Chairman KOHL, Ranking Member BLUNT, Chairman MIKULSKI, Ranking Member HUTCHISON, and of course the leaders of the full Appropriations Committee, Senator INOUE and Senator COCHRAN. All of us have worked closely together to usher this first group of appropriations bills to final passage.

I am particularly pleased that we brought these appropriations bills to the floor through the regular order enabling members to examine, debate, and vote in a fair and transparent process. That is a big change from the approach that has, unfortunately, marred the process in previous years when all the appropriations bills—or nearly all of them—were bundled into one enormous omnibus bill that was considered at the last moment in a rushed manner and without the opportunity for full and fair debate and amendment. We didn't do it that way this time, and I think that represents progress.

I am also pleased this conference report contains provisions that are important to the State of Maine.

The Transportation-HUD bill recognizes the fiscal reality of what is now an unsustainable \$15 trillion debt, while making critical infrastructure and economic development investments that will help to create jobs. In this bill, we are also meeting our responsibility to very vulnerable populations in our country. The bill strikes the right balance between thoughtful investment and fiscal restraint, thereby setting the stage for future economic growth. The proposed non-emergency funding levels for fiscal year 2012 in this bill are nearly \$13 billion below fiscal year 2010, a reduction of nearly one-fifth in 2 years' time. These significant savings represent an unmistakable commitment and movement in the direction of fiscal responsibility.

For those reasons, and for many more, I urge my colleagues to vote in favor of this conference report.

Mr. COBURN. Mr. President, I want to spend a minute because I do not think the American public knows how badly they have been hoodwinked by Congress. The Budget Control Act told the American people that we cut \$1 trillion. That is what the claims were. The fact is, under the Budget Control Act spending, discretionary spending will still rise by \$850 billion over the next 10 years. That is the truth.

We hear in the bills that are coming up the word "emergency." One of the things the American people cannot quite understand is—when they have an emergency what they do is they end up having to make choices. They do not have a bank that will loan them money regardless of whether they are

worthy of paying it back, and that is where we are. We are not worthy of paying the money back that we are borrowing now. That is going to become acutely obvious over the next 18 months in our country as we see our interest rates rise.

We have a bill on the floor that meets the numbers and meets what the Budget Control Act said but totally denies what the American people are expecting. Let me talk about what I mean by that. There are five major problems with this bill.

No. 1, it claims to cut spending when in fact it does not. When you take all spending, it does not cut spending. We are going to hear and we have heard already how it cuts spending but usually with the caveat "not counting emergency spending." So the first thing it does is not to address any of the problems our country has in terms of having to deal with real cuts in spending, not decreases in the rate of growth of spending. We have to have real cuts if we are going to create a future for our kids. If we are going to be able to borrow money in the future at an affordable interest rate, we are going to have to have real cuts. We have to quit playing the game to the American people and start talking to them as adults, not playing the game and actually being dishonest with them about what we are doing.

This bill also continues to demonstrate that we are shirking our duties in terms of doing oversight. We have provided funding for things that obviously need to be corrected but we will not correct them. We do not eliminate the wasteful programs. There is nothing in here, not one duplicative program in any of these three segments of appropriations bills, that is eliminated. Yet we know there is over \$200 billion a year in duplication costs to the Federal Government on programs that do exactly the same thing. Yet we did not do any of it. It is no wonder you can't cut spending if you don't get rid of programs that do the same thing, none of which or 80 percent of which never accomplish their goals or never have been measured as to whether they accomplish their goals. That is the third thing.

The fourth thing this bill does is absolutely ignore FHA's condition. It was announced they are about to run out of money. What do we do? We raise the amount of money that people can borrow from the FHA at the time when FHA is running out of money. The only problem with that is FHA has a very friendly banker which the Congress has no control over because when FHA runs out of money, do you know what they do? They go and get it from the Treasury and we cannot stop it.

What we have done is we have raised the loan limit for FHA homes to \$729,000 in this bill. FHA is going to be out of money this year. They will have

no capital to protect the \$1.1 trillion worth of loans they are guaranteeing, and they will go get the money. Where is that money going to come from? That money is going to come from—we are going to borrow it from the Chinese. So we are going to compound the very problem we have today. It is absolutely ignoring what the real situation is on the ground, ignoring the real complications of not acting, and consequently we actually make it worse for our kids and our country.

Finally, it includes very few of the amendments that were passed by wide margins in the Senate. One of mine is there. I am very thankful for it. I think it is an appropriate amendment. But several others are not, that were good, commonsense amendments. Yet somebody in the Appropriations Committee decided even though they may have voted for it, they pulled it out. It was not the majority on the other side who insisted it come out because I checked.

What we have done is we are up here and we are going to pass this bill. I have no doubt about it. But we are continuing down the road of, No. 1, being dishonest with the American people about what we are doing, how we are doing it; No. 2, we are shirking our responsibility to eliminate the wasteful portions of the Federal Government which at least are \$350 billion a year, when you combine waste, fraud, and duplication. None of that was attacked in this bill, none of it. Then we are lying to them about whether we are actually increasing spending or not increasing spending.

Our time is shortening. If you look at what happened in Europe in the last 2 weeks, to the bond yields for Italy, to the bond yields for Spain, we know what is coming. How bad does it have to get or how close does it have to get to us before we will act in the best interests of the country instead of the best interests of partisanship or the best interests of our careers?

This is not a bad bill. It just doesn't do what the American people need us to do right now, which is start cutting out the waste, fraud, and duplication in the Federal Government so that their children will have an opportunity to live in a country of opportunity.

This bill fails on that count. It should be defeated and a bill coming back here with \$10 or \$12 or \$15 billion less is what ought to come back here. That is what ought to happen, if we were going to be truly honest. Either I am being dishonest about the situation facing our country or you are being dishonest in what you are bringing as the answer on the floor. One of us is not telling the truth and I guarantee the markets are going to prove me right. When we can no longer borrow, as the Chairman of the Federal Reserve said, we are going to eventually fix all this, regardless of the politicians. Do you know why we are going to fix it?

Because they are going to quit loaning us money. And we have done nothing with this bill to solve the very real and immediate problems in front of this country.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. BLUNT. Mr. President, we are going to move this bill this evening. I think we have other people who wish to speak and there is no reason they should not come and speak. I encourage them to come over here and say what needs to be said so we can get our work done. We have a few people who still have opportunities to make a plane. We are not going to be voting tomorrow. We plan to be voting here in the next 30 minutes or so. I hope people come to the floor and speak on the bill. This bill has gone through a process with lots of amendments, lots of debate. It went through a conference committee. It is not perfect by anyone's standard of perfect, but legislation seldom is.

It is under the level that was established in the debt ceiling agreement that also established how we deal with emergency spending. Of course, many of our colleagues did not vote for that. They did not agree with that at the time. It has only been a few weeks ago, but it is the standard that the House and Senate worked on. These numbers should be below that number. They are a little lower than the Senate number which was at that number but higher than the House number. I wish we could have been closer to the House number, but the House has a different majority than the Senate does.

The real point is, if people want to come speak on this bill, the vote is scheduled here in about a half hour or so and I hope people will come on over and have their say on this bill, let the people know in addition to their vote where they stand. We are waiting for a couple of people to come. This would be a good time for them to do that.

I yield, and we will be waiting.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I rise to speak about the transportation-housing title of the bill before the Senate. It has broad bipartisan support because it addresses the very real housing and transportation needs of American families across the Nation.

This is not a perfect bill, but there is a lot to be proud of in the conference

report, and I am pleased with what we have been able to accomplish with my colleague Senator COLLINS, because she has worked so hard in a bipartisan way to get us to this point, and Chairman LATHAM and Congressman OLVER on the House side and all of their staff.

This bill makes needed investments in our transportation infrastructure and creates critical jobs, while also supporting housing and services for our Nation's most vulnerable.

This bill touches the lives of all Americans in ways they can appreciate every day, whether it is a parent who commutes every day and needs safe roads or new public transportation options so they can spend more time with their family, a business that depends on a solid infrastructure to move goods and attract customers, young families searching for safe and affordable communities to raise their children or a repeatedly laid-off worker who needs help to keep his or her family in their home. This bill has a real impact on Americans who are struggling in these troubling economic times.

Our bill takes a balanced approach that addresses the most critical needs we face in both transportation and housing, while remaining financially responsible and staying within the constraints of the budget.

The bill contains improvement investments for our Nation, including \$500 million for the competitive, multimodal TIGER Program to help improve our Nation's infrastructure, including rail transportation projects; \$1.4 billion for Amtrak, including funding for State-supported services; sufficient funding to preserve housing for our Nation's low-income families, elderly, disabled, and veterans who rely on HUD's housing and rental assistance programs; \$39.8 billion to continue the Federal-Aid Highway Program at current levels; \$45 million for housing counseling; and \$75 million for 11,000 new vouchers for homeless veterans.

The bill also addresses the needs of communities that have been hit by disasters this year, providing \$1.7 billion in emergency relief highway funding and up to \$400 million in CDBG funding for areas that have been most impacted by recent disasters.

It is not a perfect bill, but it is a good bill. It represents a fair, bipartisan compromise that makes investments in our infrastructure and protects the most vulnerable, while living within our funding restraints. Our bill helps commuters, homeowners, and the most vulnerable in our society. Most importantly, it creates jobs and supports the continued recovery of the national economy.

I look forward to having it reach the President's desk soon for his signature, and before I close I again thank my colleague Senator COLLINS and all of her staff for all of their very hard work on this bill. I also thank all of my staff

members who worked beyond reasonable hours to get this bill to this point tonight to be able to send it to the President. They are Alex Keenan, Megan McCarthy, Dabney Hegg, Rachel Milberg, Molly O'Rourke, Travis Lumpkin, Evan Schatz, and Lauren Overman. I thank all of them for their hard work and all of Senator COLLINS' staff as well as our chairman, Senator INOUE, and look forward to the passage of this bill this evening.

Thank you, Mr. President.

Ms. COLLINS. Mr. President, I wanted to add to my earlier remarks in support of the FY 2012 conference report which includes language I co-authored along with Senator LEAHY allowing the heaviest trucks to travel on the interstate highways in Maine and Vermont rather than forcing them onto secondary roads and downtown streets.

Currently, the heaviest trucks in Maine are diverted onto secondary roadways that cut through our downtowns on narrow streets. This creates a major safety concern. It simply makes no sense to force heavier trucks off the highway and onto our smaller roads, jeopardizing the safety of both drivers and pedestrians.

In 2009, I authored a pilot project that allowed trucks weighing up to 100,000 pounds to travel on Maine's Federal interstates for 1 year. According to the Maine Department of Transportation, the number of accidents involving trucks decreased. During the 1-year period covered by the pilot, the number of crashes involving trucks on Maine's local roads was reduced by 72 compared to a 5-year average. This information and other data gathered during the pilot provide proof that this language will increase safety.

In a case study of a freight trip following this route from Hampden to Houlton, when these trucks were allowed to use I-95 rather than Route 2, the driver avoided 300 intersections, 4 hospitals, 30 traffic lights, 9 school crossings, 4 railroad crossings, and 86 crosswalks.

Virtually every safety group in Maine supports this language. These groups include the Maine Association of Police, the Maine State Police, the State Troopers Association, the Maine Department of Public Safety, and the Maine Chiefs of Police. This language is also supported by education and child advocacy groups such as Maine Parent Teachers Association and the Maine School Superintendents Association.

Let me make clear: my amendment does not increase the size or weight of Maine trucks. The only question is on which roads they are allowed to travel.

This has been a long and hard-fought battle. But I am delighted that I was able to convince my colleagues in both the House and Senate to support my provision to allow the heaviest trucks to drive on Federal highways in Maine.

I also want to voice my support for the Agriculture Appropriations title of this legislation. I am particularly appreciative of the efforts of the chairman and ranking member of the Agriculture Subcommittee, Senators KOHL and BLUNT, and their staffs for their diligent work to move this legislation forward.

I also want to thank my colleague, Senator MARK UDALL, for joining me in co-authoring an amendment to ensure that schools continue to have the flexibility they need to serve children nutritious meals at an affordable cost. We worked with Members from both sides of the aisle and from across the country in crafting a bipartisan amendment that achieves this goal.

Our efforts will go a long way in ensuring that schools can serve healthy meals that meet the nutritional needs of students in a way that fits their budgets. The language overturns arbitrary restrictions proposed by the USDA that would have so restricted the use of potatoes in the school lunch program that a school could not have served a baked potato and an ear of fresh corn in the same week—an absurd result.

We heard from many school advocacy organizations and school and school food service professionals that the rule as proposed was too prescriptive, too limiting, and too expensive. USDA estimates that the opposed rule would have cost as much as \$6.8 billion over 5 years. The lion's share of these costs would have been incurred by the state and local agencies.

We were pleased to have the support of the American Association of School Administrators, National School Boards Association, Council of the Great City Schools, National Association of Elementary School Principals, Maine Parent Teacher Association, Maine School Management Association, Maine Principals Association, Maine Department of Education, and so many more.

Mr. President, for these and many other reasons I am proud to support the FY 2012 conference report.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we would yield back whatever time is left on the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back on the Democratic side.

Mr. REID. Mr. President, we are going to continue to work tomorrow on

the DOD authorization bill. Everyone has been told by the two managers of this bill that if they have amendments, they should offer them.

We are working on the Energy and Water bill. While we are making progress on that with Senators FEINSTEIN and LAMAR ALEXANDER, we have some nominations we are working on.

The next vote will be at 5:30 on November 28.

We will be in session tomorrow.

Mr. BLUNT. Mr. President, I yield back the Republican time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the conference report to accompany H.R. 2112.

Mr. BLUNT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—70

Akaka	Graham	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hoeven	Nelson (FL)
Bennet	Hutchison	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johanns	Reid
Blunt	Johnson (SD)	Roberts
Boozman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (MA)	Kohl	Schumer
Brown (OH)	Kyl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Webb
Coons	McConnell	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Moran	

NAYS—30

Ayotte	Enzi	McCain
Barrasso	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter

The PRESIDING OFFICER. On this vote the yeas are 70, the nays are 30. Under the previous order requiring 60 votes for the adoption of this conference report, the conference report is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion upon the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Continued

Mr. LEVIN. Mr. President, if I could, there are a number of Senators here who want to offer their amendments and make them pending tonight. That is fine with us. Then if they have speeches, I would suggest that they withhold speeches until everybody who has amendments here can offer them and set them aside so that we can allow people to leave and then have the speeches come, if there are speeches tonight, after anybody who wants to make their amendment pending has that opportunity.

That is the process I would suggest, and Senator MCCAIN is supportive of that process. So that is my suggestion: that the Chair recognize people as the Chair wishes, call up your amendment, set it aside, let the next person call up their amendment, set it aside, and if there are any speeches, that they come after everybody who is recognized to call up their amendment has that opportunity.

Now, one other thing. This relates to what will happen, hopefully, tonight and tomorrow; that is, we are going to try to clear amendments, if we can, tonight and tomorrow. We will be here at 9 o'clock, and we are going to try to clear as many amendments as we can because we have to make progress on this bill.

I just want to thank Senator MCCAIN for all he is doing to help that process and help our leaders.

Mr. MCCAIN. Mr. President, I understand we have a couple of amendments already from Senator CARDIN, No. 1073 and 1188.

Mr. LEVIN. Are his two amendments cleared on your side? We have cleared one.

Mr. MCCAIN. We should momentarily.

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 1125 AND 1126

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendments be set aside in order to call up amendments Nos. 1125 and 1126.

I further ask that Senators LEAHY, DURBIN, and UDALL of Colorado be added as cosponsors to both amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes en bloc amendments numbered 1125 and 1126.

The amendments are as follows:

AMENDMENT NO. 1125

(Purpose: To clarify the applicability of requirements for military custody with respect to detainees)

On page 361, line 9, insert "abroad" after "is captured".

AMENDMENT NO. 1126

(Purpose: To limit the authority of the Armed Forces to detain citizens of the United States under section 1031.)

On page 360, between lines 21 and 22, insert the following:

(e) **APPLICABILITY TO CITIZENS.**—The Authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of the hostilities.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1107

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 1107 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. UDALL] proposes an amendment numbered 1107.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To revise the provisions relating to detainee matters)

Strike subtitle D of title X and insert the following:

Subtitle D—Detainee Matters**SEC. 1031. REVIEW OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with appropriate officials in the Executive Office of the President, the Director of National Intelligence, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, submit to the appropriate committees of Congress a report setting forth the following:

(1) A statement of the position of the Executive Branch on the appropriate role for the Armed Forces of the United States in the detention and prosecution of covered persons (as defined in subsection (b)).

(2) A statement and assessment of the legal authority asserted by the Executive Branch for such detention and prosecution.

(3) A statement of any existing deficiencies or anticipated deficiencies in the legal authority for such detention and prosecution.

(b) **COVERED PERSONS.**—A covered person under this section is any person, other than a member of the Armed Forces of the United States, whose detention or prosecution by the Armed Forces of the United States is consistent with the laws of war and based on authority provided by any of the following:

(1) The Authorization for Use of Military Force (Public Law 107-40).

(2) The Authorization for Use of Military Force Against Iraq Resolution 2002 (Public Law 107-243).

(3) Any other statutory or constitutional authority for use of military force.

(c) **CONGRESSIONAL ACTION.**—Each of the appropriate committees of Congress may,

not later than 45 days after receipt of the report required by subsection (a), hold a hearing on the report, and shall, within 45 days of such hearings, report to Congress legislation, if such committee determines legislation is appropriate and advisable, modifying or expanding the authority of the Executive Branch to carry out detention and prosecution of covered persons.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1115

(Purpose: To reauthorize and improve the SBIR and STTR programs, and for other purposes)

Ms. LANDRIEU. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 1115, and I ask to make it pending on behalf of myself, Senator SNOWE, and I appreciate the cosponsorship of Senators SHAHEEN, BROWN of Ohio, and KERRY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] for herself and Ms. SNOWE, proposes an amendment numbered 1115.

Ms. LANDRIEU. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

Ms. LANDRIEU. This is an amendment which would reauthorize two of the most important research programs for small businesses of this country.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1197

Mr. FRANKEN. I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1197.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. FRANKEN] proposes an amendment numbered 1197.

Mr. FRANKEN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require contractors to make timely payments to subcontractors that are small business concerns)

At the end of subtitle E of title VIII, add the following:

SEC. 889. TIMELY PAYMENT OF SMALL BUSINESS CONCERNS.

(a) **IN GENERAL.**—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(s) **REGULATIONS RELATING TO TIMELY PAYMENTS.**—

“(1) **REGULATIONS REQUIRED.**—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget, in consultation with the Administrator, shall issue regulations that require any prime contractor awarded a contract by the Federal Government to make timely payments to subcontractors that are small business concerns.

“(2) **CONSIDERATIONS.**—In issuing the regulations under paragraph (1), the Director of the Office of Management and Budget, in consultation with the Administrator, shall consider—

“(A) requiring a prime contractor to pay a subcontractor that is a small business concern not later than 30 days after the date on which the prime contractor receives a payment from the Federal Government;

“(B) developing—

“(i) incentives for prime contractors that pay subcontractors in accordance with the regulations; or

“(ii) penalties for prime contractors that do not pay subcontractors in accordance with the regulations; and

“(C) requiring that any subcontracting plan under paragraph (4) or (5) of section 8(d) contain a detailed description of when and how each subcontractor will be paid.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 8(d)(6) of the Small Business Act (15 U.S.C. 638(d)(6)) is amended—

(1) in subparagraph (F), by striking “and” at the end;

(2) in subparagraph (G)(ii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(H) any information required to be included under the regulations issued under section 15(s).”.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1073

Mr. CARDIN. Mr. President, I ask unanimous consent that the pending amendments be set aside so I may offer my first amendment, No. 1073.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself and Ms. MIKULSKI, proposes an amendment numbered 1073.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland)

At the end of subtitle H of title X, add the following:

SEC. 1088. PROHIBITION ON EXPANSION OR OPERATION OF DISTRICT OF COLUMBIA NATIONAL GUARD YOUTH CHALLENGE PROGRAM IN ANNE ARUNDEL COUNTY, MARYLAND.

Notwithstanding any other provision of law, no funds may be used to expand or operate the District of Columbia National Guard

Youth Challenge Program in Anne Arundel County, Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1188

Mr. CARDIN. I ask unanimous consent that the amendment now be set aside so I can offer amendment No. 1188.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. CASEY, and Mr. BURR, proposes an amendment numbered 1188.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations)

At the end of subtitle E of title X, add the following:

SEC. 1049. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

“(b) TRAVEL BENEFIT DEFINED.—In this section, the term ‘travel benefit’ means—

“(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

“(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.”.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking “the air or surface carrier” and inserting “the business entity referred to in subsection (b)”;

(2) by striking “the surface carrier” and inserting “the business entity”; and

(3) by striking “the carrier” and inserting “the business entity”.

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking “the air carrier or surface carrier” and inserting “the business entity referred to in subsection (b)”.

(d) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

“2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.”.

Mr. LEVIN. Mr. President, on No. 1188, I believe this amendment has been cleared on both sides, and we could actually agree to it tonight, right now.

The PRESIDING OFFICER. Is there further debate on the amendment?

The amendment (No. 1188) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion upon the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1114

Mr. BEGICH. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 1114.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. BEGICH], for himself, Ms. SNOWE, Mr. CASEY, Mr. GRASSLEY, Mr. LEAHY, Mr. GRAHAM, and Ms. MURKOWSKI, proposes an amendment numbered 1114.

Mr. BEGICH. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents)

At the end of subtitle E of title III, add the following:

SEC. 346. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

“§ 2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents

“(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis.

“(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis.

“(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

“(1) IN GENERAL.—An unremarried widow or widower of a member of the armed forces

described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis.

“(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

“(A) is entitled to retired pay;

“(B) is described in subsection (b);

“(C) dies in the line of duty while on active duty and is not eligible for retired pay; or

“(D) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

“(d) DEPENDENTS.—A dependent of a member or former member described in subsection (a) or (b) or of an unremarried widow or widower described in subsection (c) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member.

“(e) SCOPE.—Space-available travel required by this section includes travel to and from locations within and outside the continental United States.

“(f) PRIORITY.—The priority level and category for space-available travel for the eligible members described in subsection (a), (b), (c), and (d) shall be determined by the Secretary of Defense.

“(g) DEFINITION OF DEPENDENT.—In this section, the term ‘dependent’ has the meaning given that term in section 1072 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

“2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents.”.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2641c of title 10, United States Code, as added by subsection (a).

AMENDMENT NO. 1149

Mr. BEGICH. I ask unanimous consent that the current amendment be set aside for one more.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. BEGICH] proposes an amendment numbered 1149.

Mr. BEGICH. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) IN GENERAL.—In an effort to reduce Federal expenses, resolve evolving land use conflicts, and maximize the beneficial use of real property resources by and between Joint Base Elmendorf Richardson (in this section referred to as the “JBER”); the Municipality

of Anchorage, an Alaska municipal corporation (in this section referred to as the "Municipality"); and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as "Eklutna"), the following conveyances are authorized:

(A) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(B) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(2) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraph (1) based on public interest or military mission requirements.

(b) TRANSFER OF ADMINISTRATIVE CONTROL.—

(1) REAL PROPERTY ACTIONS.—The Secretary of the Interior shall complete any real property actions necessary to allow the Secretary of the Air Force to convey property under this section.

(2) ADMINISTRATIVE JURISDICTION.—The Secretary of Interior, acting through the Bureau of Land Management, shall, upon request from the Secretary of the Air Force, transfer administrative jurisdiction over any requested parcel of property to the Secretary of the Air Force for purposes of carrying out the conveyances authorized under subsection (a).

(c) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force may receive in-kind solid waste management services at the Anchorage Regional Landfill, and such other consideration as determined satisfactory by the Secretary.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary.

(d) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary of the Air Force shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601

et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the properties conveyed under subsection (a) as of the date or dates of conveyance, unless such liability is conveyed in consideration for the exchanged property.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and of the real property interests to be acquired under subsection (b) shall be determined by surveys satisfactory to the Secretary.

(h) OTHER OR ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, if there is no one else who wishes to offer amendments—

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1120

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 1120.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN], for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. STABENOW, and Mr. DURBIN, proposes an amendment numbered 1120.

Mrs. SHAHEEN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense)

At the end of subtitle B of title VII, add the following:

SEC. 714. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: "or in a case in which the pregnancy is the result of an act of rape or incest".

Mr. CARDIN. Mr. President, first, let me thank Senator LEVIN and Senator MCCAIN with regard to amendment No. 1188, which was my Hotels for Heroes amendment. I am going to be very brief.

Hotels for Heroes follows on Hero Miles, a successful program which allows our wounded warriors and their families to use frequent flyer miles that are donated for trips to military care facilities. I compliment my colleague in the House, Congressman DUTCH RUPPERSBERGER, for his work on establishing that program.

The amendment which was just accepted, which Senators WICKER, FEINSTEIN, MIKULSKI, ROCKEFELLER, CASEY, and BURR cosponsored, expands that program to include hotel points so that family members can use the donated hotel points for housing so they can be near and visit their wounded warriors who are on rest and recuperative leave, emergency leave, convalescent leave, or another form of authorized leave necessary because of an injury or illness incurred or aggravated in the line of duty in support of a contingency operation.

I also want to comment very briefly on the other amendment I filed, which is No. 1073, that Senator MIKULSKI cosponsored. This amendment would prohibit the District of Columbia's National Guard from operating or expanding its Youth Challenge Program in Anne Arundel County because there is also a better alternative already in place.

The DC National Guard currently partners with the Maryland National Guard to provide valuable service to at-risk children through the Youth Challenge Program at Aberdeen Proving Grounds in Harford County, MD. I have visited the two programs at that site, and that is where I think it is logical to see an expansion.

Here's the problem with the so-called Oak Hill facility in Anne Arundel County, which is what this amendment deals with: that parcel of land borders the National Security Agency (NSA), which will need more space. This is Federal property located in the State of Maryland that is important for our national security.

In the 1920s, the District of Columbia got permission from Congress to place on that property—and please understand I am quoting from the original

authorizing language—a facility for children that are “feeble-minded.” That was the exact language contained in the fiscal year 1924 District of Columbia appropriations bill.

Since that time, the District, without our knowledge, constructed a juvenile detention facility and now wants to add the Youth Challenge Program, which is doing just fine at Aberdeen. The purpose of this amendment is to say: Look, we already have a place where the Youth Challenge Program should be and can expand as necessary. We should not be using this other Federal land in the State of Maryland adjacent to NSA for this type of expansion without working with the appropriate State and local officials, as well as federal officials.

I hope this amendment can get cleared. But I wanted to explain the reason I filed it and called it up. I thank the Chair for your attention.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, the amendment I offered—

Mr. MCCAIN addressed the Chair.

THE PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. FRANKEN. I yield.

THE PRESIDING OFFICER. The Senator from Minnesota.

Mr. MCCAIN. Mr. President, I would just say that we have the Senator from Maine here. I thought we were going to go through the process of pending amendments before we spoke. I think the Senator's amendment is already pending.

Mr. FRANKEN. It is. Because the Senator from Maryland spoke to his amendment, I thought that process was over. I apologize.

Mr. MCCAIN. Not at all. It is no big deal at all. Maybe the Senator from Maine could make her amendments pending.

Mr. LEVIN. Would the Senator from Maine yield?

I wanted to thank the Senator from Minnesota for his courtesy because he had no way of knowing that the Senator from Maine was here to offer her amendments. I just want to thank the Senator.

Mr. FRANKEN. I would like to thank the Senator from Michigan for thanking me.

THE PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NOS. 1105, 1155, 1158, AND 1180

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside so I could call up to make pending en bloc amendments Nos. 1105, 1155, 1158, and 1180, which are at the desk.

THE PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes en bloc amendments numbered 1105, 1155, 1158, and 1180.

The amendments are as follows:

AMENDMENT NO. 1105

(Purpose: To make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities)

On page 365, line 12, strike “for fiscal year 2012”.

AMENDMENT NO. 1155

(Purpose: To authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy)

At the end of subtitle D of title V, add the following:

SEC. 547. EDUCATIONAL ASSISTANCE FOR ADVANCED DEGREES IN PHYSICAL THERAPY AND OCCUPATIONAL THERAPY UNDER THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—In accordance with guidance issued by the Secretary of Defense for purposes of this section, assistance under the Armed Forces Health Professions Scholarship program under subchapter I of chapter 105 of title 10, United States Code, shall be available for pursuit of a master's degree and a doctoral degree in the disciplines as follows:

(1) Physical therapy.

(2) Occupational therapy.

(b) TERMINATION.—The guidance under subsection (a) shall provide that the availability of assistance as described in that subsection for pursuit of a degree in a discipline covered by that subsection shall cease when the Secretary certifies to Congress that there no longer exists a current or projected shortfall in qualified personnel in that discipline in either of the following:

(1) The military departments.

(2) Any major military medical treatment facility specializing in the rehabilitation of wounded members of the Armed Forces.

AMENDMENT NO. 1158

(Purpose: To clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities)

On page 367, strike line 11 and all that follows through “Guantanamo” on line 18 and insert the following:

(c) PERMANENT PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PERMANENT PROHIBITION.—Except as provided in paragraph (2) and subject to subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year to transfer an individual detained at Guantanamo

AMENDMENT NO. 1180

(Purpose: Relating to man-portable air-defense systems originating from Libya)

At the end of subtitle C of title XII, add the following:

SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by

aircraft by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft, posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector.

(D) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable following Operation Unified Protector.

(E) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) through (D), and the current disposition and locations of such man-portable air-defense systems.

(F) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(G) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(H) An assessment of the threat posed to United States citizens and citizens of allies

of the United States, including Israel, traveling by aircraft from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(I) An assessment of the effectiveness of efforts undertaken by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the Director) to reduce the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(J) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(4) FORM.—The assessment under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to Congress, the President shall submit to Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(ii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iii) A summary of United States Government efforts, and technologies current available, to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(iv) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(v) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENTS NOS. 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, AND 1093

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment for the purpose of the consideration of 10 amendments en bloc. I will read these: 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, and 1093.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes en bloc amendments numbered 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, and 1093.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1094

(Purpose: To include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities)

At the end of subtitle E of title VIII, add the following:

SEC. 889. INCLUSION OF DEPARTMENT OF COMMERCE IN CONTRACT AUTHORITY USING COMPETITIVE PROCEDURES BUT EXCLUDING PARTICULAR SOURCES FOR ESTABLISHING CERTAIN RESEARCH AND DEVELOPMENT CAPABILITIES.

Section 2304(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The Secretary of Commerce shall be treated as the head of an agency for purposes of procurements under paragraph (1) that are covered by a determination under subparagraph (C) of that paragraph.”.

AMENDMENT NO. 1095

(Purpose: To express the sense of the Senate on the importance of addressing deficiencies in mental health counseling)

At the end of subtitle H of title X, add the following:

SEC. 1088. MENTAL HEALTH COUNSELING TRAINING FOR MILITARY CHAPLAINS.

(a) FINDINGS.—The Senate makes the following findings:

(1) A decade of deployments for the United States Armed Forces has led to significant increases in traumatic stress for members of the Armed Forces and their families.

(2) Increases in the severity and frequency of stress for members of the Armed Forces

and their families has driven up demand for mental health counseling services by specially trained counselors and military chaplains.

(3) The emotional needs, mental strain, and interpersonal issues that arise among soldiers and their families before, during, and after deployment are highly unique. It is critical that military counselors and chaplains have a specialized understanding of the total deployment experience.

(4) The military chaplain's corps for all military services has experienced significant shortfalls in personnel. The Army and Army National Guard have been especially affected by the inability to field needed personnel.

(5) A muted ability to field qualified military health counselors and chaplains has an adverse affect on the mental and emotional health of members of the Armed Forces and their families.

(6) The United States Army Chaplain Center and School, United States Navy Chaplaincy School and Center, and other military chaplaincy schools rely on accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates.

(7) It is important that accredited universities, seminaries, and religious schools producing chaplain candidates or providing post-graduate education and supplemental training adequately prepare students with the training required to address the needs of members of the Armed Forces and their families.

(8) There is both opportunity and need for the Chaplain Corps of the United States Armed Forces to work with accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates and provide post-graduate education and supplemental training, and to do so in a way that is cost effective.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of Defense, in conjunction with the Chief of Chaplains for each military service, should produce a plan to ensure sustainable throughput of qualified chaplains in the military chaplain centers and schools; and

(2) the plan should include integration of accredited universities, seminaries, and religious schools to include programmatic augmentation when efficient and fiscally advantageous.

AMENDMENT NO. 1096

(Purpose: To express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder)

At the end of subtitle C of title VII, add the following:

SEC. 723. SENSE OF SENATE ON TREATMENT OPTIONS FOR MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—The Senate makes the following findings:

(1) Approximately 1,400,000 Americans experience Traumatic Brain Injury (TBI) each year, and an estimated 3,200,000 Americans are living with long-term, severe disabilities as a result of brain injury. Another approximate 360,000 men and women are estimated to have been experienced a Traumatic Brain Injury in the conflicts in Iraq and Afghanistan to date.

(2) Congressional funding for Traumatic Brain Injury activities began with Public

Law 104-166 (commonly referred to as the "Traumatic Brain Injury Act of 1996") and has subsequently been addressed in title XIII of Public Law 106-310 (commonly referred to as the "Traumatic Brain Injury Act Amendments of 2000"), which mandated reports and requirements for mild Traumatic Brain Injury, and in Acts authorizing and appropriating funds for the Department of Defense to date.

(3) In 1992 during the Persian Gulf War, Congress created the Defense and Veterans Head Injury Program (DVHIP) to integrate specialized Traumatic Brain Injury care, research, and education across the military and veteran medical care systems.

(4) With Congressional oversight and appropriations, the Department of Defense subsequently transitioned the Defense and Veterans Head Injury Program to the Defense and Veterans Brain Injury Center (DVBIC) in order improve the military and veterans medical communities ability to develop and provide advanced Traumatic Brain Injury-specific evaluation, treatment, and follow-up care for military personnel, their beneficiaries, and veterans with mild to severe Traumatic Brain Injury.

(5) Though Congress, the Department of Defense, and the Department of Veterans Affairs have increased the capacity to provide health services, particularly in the areas of mental health and Traumatic Brain Injury, gaps in access and quality remain, to include a selected method for diagnosing a Traumatic Brain Injury, a consistent process for treatment for a Traumatic Brain Injury, availability of providers, shortages of personnel, organizational deficiencies, cultural understanding and acceptance, and available technology in diagnosis and treatment.

(6) Gaps in quality of care and limited access to proper care remain for both members of the Armed Forces and veterans, especially veterans who are demobilized members of the National Guard and Reserve. Some estimates indicate that approximately 57 percent of those returning from Iraq and Afghanistan are not being evaluated by a physician for a brain injury.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense and Department of Veterans Affairs should be commended for increasing the treatment options for Traumatic Brain Injury that are available to veterans;

(2) the Secretary of Defense should, in consultation with the Secretary of Veterans Affairs, continue to test, prove, and make available viable treatment options for Traumatic Brain Injury, including alternative treatment methods that have been determined, through testing, to be an effective form of treatment; and

(3) the Secretary of Defense and the Secretary of Veterans Affairs should take actions to ensure that existing veteran and medical benefits cover the use of viable available treatment options for Traumatic Brain Injury, including alternative treatment methods.

AMENDMENT NO. 1097

(Purpose: To eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury)

At the end of subtitle C of title VII, add the following:

SEC. 723. PLAN FOR STREAMLINING PROGRAMS THAT ADDRESS PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.

(a) FINDINGS.—Congress makes the following findings:

(1) There are over 200 programs within the Department of Defense that address psychological health and traumatic brain injury (TBI).

(2) The number of programs reflects the seriousness with which the Department and the United States Government and people take the treatment of the invisible wounds of the wars in Iraq and Afghanistan.

(3) Notwithstanding the proliferation of programs, there are still gaps in the treatment of our wounded warriors.

(4) Because of the proliferation of programs, redundancies and inefficiencies exist and waste resources that would otherwise be used to effectively treat members of the Armed Forces suffering from psychological health and traumatic brain injuries.

(5) Section 1618 of the Wounded Warriors Act (title XVI of Public Law 110-181; 122 Stat. 450; 10 U.S.C. 1071 note) required the Secretary of Defense to submit a comprehensive plan for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, research, and otherwise respond to traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces.

(6) The plan required in that Act was to assess the capabilities of the Department, identify capability gaps, identify resources required, and identify appropriate leadership that would coordinate the various programs.

(7) Section 1621 of the Wounded Warriors Act (title XVI of Public Law 110-181; 122 Stat. 453; 10 U.S.C. 1071 note) established the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE) to implement the Department's comprehensive plan and strategy.

(b) STREAMLINING PLAN.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to streamline programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following elements:

(A) A complete catalog of programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury, including details of the intended function of each program.

(B) An analysis of gaps in the delivery of services and treatments identified by the complete catalog required under subparagraph (A).

(C) An analysis of redundancies identified in the complete catalog required under subparagraph (A).

(D) A plan for eliminating redundancies and mitigating the gaps identified in the plan.

(E) Identification of the official within the Department that will be responsible for enactment of the plan.

(F) A timeline for enactment of the plan.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on progress in implementing the plan required under subsection (b).

AMENDMENT NO. 1098

(Purpose: To require a report on the impact of foreign boycotts on the defense industrial base)

At the end of subtitle E of title VIII, add the following:

SEC. 889. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than February 1, 2012, the Comptroller General of the United States shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act;

(2) the apparent objection of each such boycott;

(3) an assessment of harm to the defense industrial base as a result of each such boycott;

(4) an assessment of the sufficiency of Department of Defense and Department of State efforts to mitigate the material risks of any such foreign boycott to the defense industrial base; and

(5) recommendations of the Comptroller General to reduce the material risks of foreign boycotts to the defense industrial base, including recommendations for changes to legislation, regulation, policy, or procedures.

(c) CONFIDENTIALITY.—The Comptroller General shall not publicly disclose the names of any person, organization, or entity involved in or affected by any foreign boycott identified in the report required under subsection (a) without the express written approval of the person, organization, or entity concerned.

(d) DEFINITIONS.—In this section:

(1) FOREIGN BOYCOTT.—The term "foreign boycott" means any policy or practice adopted by a foreign government or foreign business enterprise intended to directly penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense, or otherwise dissociate the foreign government or foreign business enterprise from such a contractor or subcontractor on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

AMENDMENT NO. 1099

(Purpose: To express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces)

At the end of subtitle B of title VII, add the following:

SEC. 714. SENSE OF CONGRESS ON ADOPTION BY DEPARTMENT OF DEFENSE OF RECOMMENDATIONS BY GAO REGARDING HEARING LOSS PREVENTION.

(a) FINDINGS.—Congress makes the following findings:

(1) The advent of the jet engine and more powerful munitions has increased the instance of auditory injury to members of the Armed Forces.

(2) Since 2005, the most common service-connected disabilities for which veterans received compensation under laws administered by the Secretary of Veterans Affairs have been auditory impairments, including hearing loss and tinnitus. The number of veterans receiving such compensation for auditory impairment has risen each year since 2005, increasing the number and cost of compensation claims paid by the Secretary and prompting a series of reports on the subject, include a January 2011 report by the Comptroller General of the United States entitled "Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes".

(3) Costs to the Department of Veterans Affairs relating to compensation for hearing-related disabilities are expected to double between 2009 and 2014, exceeding \$2,000,000,000 by 2014.

(4) There is a growing body of peer reviewed literature indicating a direct connection between traumatic brain injury, post traumatic stress disorder, and auditory disorders.

(5) 70 percent of members of the Armed Forces who are exposed to a blast report auditory disorders within 72 hours of the exposure.

(6) Section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4506) requires the Secretary of Defense to establish a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury.

(7) There is no cure for tinnitus, which consists of an often debilitating ringing in the ear. The projected effect of tinnitus on veterans, rise in new cases of tinnitus-related service-connected disabilities among veterans, and the correlating rise in disability claims and cost to the Department of Veterans Affairs make finding effective treatment, abatement options, and a cure for tinnitus a priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should, in cooperation with the Secretary of Veterans Affairs and the Director of the Hearing Center of Excellence of the Department of Defense, implement the recommendations of the Comptroller General of the United States in the January 2011 report of the Comptroller General entitled "Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes" that address prevention, abatement, data collection, and the need for a new interagency data sharing system so that sufficient information is available to address and track hearing injuries and loss.

AMENDMENT NO. 1100

(Purpose: To extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan)

At the end of subtitle A of title VIII, add the following:

SEC. 808. TEMPORARY AUTHORITY TO ACQUIRE CERTAIN PRODUCTS AND SERVICES PRODUCED IN LATVIA.

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2400) is amended by striking "or Turkmenistan" and inserting "Turkmenistan, or Latvia".

AMENDMENT NO. 1101

(Purpose: To strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army)

Strike section 156.

AMENDMENT NO. 1102

(Purpose: To require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace)

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

AMENDMENT NO. 1093

(Purpose: To require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term)

At the end of subtitle D of title X, add the following:

SEC. 1038. REQUIREMENT FOR DETENTION AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF HIGH-VALUE DETAINEES WHO WILL BE DETAINED LONG-TERM.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is still in a global war on terror and engaged in armed conflict with terrorist organizations, and will continue to capture terrorists who will need to be detained in a secure facility.

(2) Since 2002, enemy combatants have been captured by the United States and its allies and detained in facilities at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(3) The United States has detained almost 800 al-Qaeda and Taliban combatants at the Guantanamo Bay Detention Facility.

(4) More than 600 detainees have been tried, transferred, or released from the Guantanamo Bay Detention Facility to other countries.

(5) The last enemy combatant brought to the Guantanamo Bay Detention Facility for detention was brought in June 2008.

(6) The military detention facilities at the Guantanamo Bay Detention Facility meet the highest international standards, and play a fundamental part in protecting the lives of Americans from terrorism.

(7) The Guantanamo Bay Detention Facility is a state-of-the-art facility that provides humane treatment for all detainees, is fully compliant with the Geneva Convention, and provides treatment and oversight that exceed any maximum-security prison in the world, as attested to by human rights organizations, the International Committee of the Red Cross, Attorney General Holder, and an independent commission led Admiral Walsh.

(8) The Guantanamo Bay Detention Facility is a secure location away from population centers, provides maximum security required to prevent escape, provides multiple

levels of confinement opportunities based on the compliance of detainees, and provides medical care not available a majority of the population of the world.

(9) The Expeditionary Legal Complex (ELC) at the Guantanamo Bay Detention Facility is the only one of its kind in the world. It provides a secure location to secure and try detainees charged by the United States Government, full access to sensitive and classified information, full access to defense lawyers and prosecution, and full media access by the press.

(10) The Guantanamo Bay Detention Facility is the single greatest repository of human intelligence in the war on terror.

(11) The intelligence derived from the Guantanamo Bay Detention Facility has prevented terrorist attacks and saved lives in the past and continues to do so today.

(12) The intelligence obtained from questioning detainees at the Guantanamo Bay Detention Facility includes information on the following:

(A) The organizational structure of al-Qaeda, the Taliban, and other terrorist groups.

(B) The extent of the presence of terrorists in Europe, the United States, and the Middle East, and elsewhere around the globe.

(C) The pursuit of weapons of mass destruction by al-Qaeda.

(D) The methods of recruitment by al-Qaeda and the locations of its recruitment centers.

(E) The skills of terrorists, including general and specialized operative training.

(F) The means by which legitimate financial activities are used to hide terrorist operations.

(13) Key intelligence used to find Osama bin Laden was obtained at least in part through the use of enhanced interrogation of detainees at the Guantanamo Bay Detention Facility, with Leon Panetta, Director of the Central Intelligence Agency, acknowledging that "[c]learly some of it came from detainees and the interrogation of detainees. . ." and confirming that "they used these enhanced interrogation techniques against some of those detainees".

(b) REQUIREMENT.—Each high-value enemy combatant who is captured or otherwise taken into long-term custody or detention by the United States shall, while under such detention of the United States, be detained at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(c) HIGH-VALUE ENEMY COMBATANT DEFINED.—In this section, the term "high-value enemy combatant" means an enemy combatant who—

(1) is a senior member of al-Qaeda, the Taliban, or any associated terrorist group;

(2) has knowledge of an imminent terrorist threat against the United States or its territories, the Armed Forces of the United States, the people or organizations of the United States, or an ally of the United States;

(3) has, or has had, direct involvement in planning or preparing a terrorist action against the United States or an ally of the United States or in assisting the leadership of al-Qaeda, the Taliban, or any associated terrorist group in planning or preparing such a terrorist action; or

(4) if released from detention, would constitute a clear and continuing threat to the United States or any ally of the United States.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, the amendment I offered, No. 1197, will help small businesses. Small businesses often serve as subcontractors, or suppliers, to large corporations that have a primary government contract. My amendment would help guarantee that small businesses get paid by these large corporations in a timely way. More specifically, my amendment would require the Office of Management and Budget to issue regulations in the next year to do this.

This amendment sounds simple. There is a reason for that. It is. It is something we can do here today that will offer real and significant help to small businesses. It is going to offer predictability and certainty to them.

Anyone who owns a small business will tell you that they can't hire more people or plan for the future if they don't know when their next paycheck is coming. Getting their money more predictably and quickly will enable them to make the investments they need to grow, thrive, and hire more people.

The administration has recognized that small businesses are the engine that drives our economy. According to the U.S. Census Bureau, small businesses create an overwhelming majority of all new jobs. Small businesses are also responsible for producing half of the private sector GDP.

Given this, it makes sense to me that we need to figure out how to make sure small businesses are getting paid on time. OMB recognized this and issued a new policy statement that will require all Federal agencies to make payments to their small business contractors within 15 days of receiving an invoice. But the fact is, a lot of small businesses serve as subcontractors to direct prime contractors. It only makes sense that we should require our large prime contractors to play by the same rules we play by and to pay their suppliers in a timely manner.

When Congress passed the Prompt Payments Act back in 1983, it recognized that the Federal Government needed to lead by example, and that we should be paying all of our contractors in no more than 30 days after the contractor sent an invoice our way. Congress went back in 1988 to create an obligation on construction contractors that they pay their suppliers within 7 days of the government paying them. But no other contractors were under the same commonsense obligation. I think that is a mistake we should correct, especially as we are pouring billions and billions of government dollars into contingency operations overseas—and all sorts of other projects that have nothing to do with construction. All suppliers working with these contractors deserve to be paid on time. I am hoping one day we can tackle this problem for all subcontractors, not just small businesses that are contractors.

For now, my amendment takes a modest approach and focuses on the biggest problem—creating certainty and predictability for small business subcontractors.

The National Federation of Independent Business recently conducted a survey, and they found nearly 40 percent of firms reported that receivables are coming in at a slower pace. I have heard stories from companies that have not been paid in 90 days or 120 days after they have invoiced. This is unacceptable.

These sorts of delays affect cashflow for these small businesses and make it tough for these businesses to meet payroll obligations and pay their other basic bills, such as their rent.

I want to tell a personal story that relates to small businesses and how important it is to them to be paid on time or how important cashflow is. My uncle, Lionel Kunst, was a small businessman. He died in 1994. I went to his funeral. At the funeral were a number of his business associates—people who supplied him. He made fabric, quilting. These were people who supplied him and people whom he supplied. One after another got up and testified how quickly he paid, or how, if they could not pay on time, he would cut them some slack. That is how important this is. That is how important it was to them. My uncle was a mensch. It was a big deal. These guys got up and all talked about this.

This is what we should do. We should do it for these small business subcontractors—make sure they get paid on time. That is all.

This is a sensible, simple solution to a real problem that small businesses are confronting. I urge my colleagues to support me in this effort.

I thank the Chair and yield the floor.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I would first of all like to thank Chairman LEVIN and Ranking Member MCCAIN for their work on this national defense authorization bill, and tonight I will speak to an amendment I filed. I will not call it up for now. I just want to speak to it. This is a critically important debate for the country, and I know the chairman and ranking member have worked very hard on it.

I have had the honor and the pleasure to work with Senator LEVIN on a number of measures over the years, and one of the real concerns we all have is what is happening to our troops as it relates to IEDs—improvised explosive devices.

It has been central to the work many of us have done, certainly my work as a member of the Foreign Relations Committee, and, of course, Chairman LEVIN and so many others working on this bill for a long time.

It does have a daily impact, obviously, on our troops and on their families. Often the best words about our soldiers and the war itself come from Lincoln when he talked about those who lose their life in battle, those who gave, as he said, "the last full measure of devotion to their country." But he also talked about those who served and are wounded and who come back. His words to describe those soldiers, when he spoke of them, was "him who has borne the battle."

I think about those words when I consider those who have borne the battle and come back with not just injuries but with grievous injuries—sometimes almost irreparable harm done to them because of the explosion they lived through from an IED.

I was in Bethesda Naval Hospital a couple weeks ago. It is one of the real privileges of serving in the Senate that we are given the opportunity to meet so many brave young men and women who serve—those who serve and are never hurt, those who serve and are wounded, and, of course, unfortunately, we meet the families of those who lose their life in battle. But as I said, a couple weeks ago, at Bethesda Naval Hospital, I walked into the room of a soldier who had been injured and was recovering. His parents and his brother were in the room with him. One is always worried about staying too long because you feel like you are almost intruding. But for some reason, that night, I didn't feel I was intruding because this wounded soldier wanted to talk. He wanted to talk about his service, he wanted to talk about his love for his country, how he was injured, and he also talked about the future—what he wanted to do when he left that hospital bed.

It was a stunning moment for me to hear—from a soldier who is looking up from his hospital bed—of the optimism he displayed about his future. The calm with which he could speak about his service was, to me, stunning. He talked as if he were just recovering from a minor injury. Halfway through my visit, I almost had to remind myself of the injuries he was suffering from. He had both legs blown off below the knee from an IED blast. But despite that, despite the horror of it, despite the damage done to his body—a 20-year-old soldier—he was talking about the future, what he was going to do when he left that hospital, and he was talking about his service.

So when we see soldiers such as him, I think it inspires us all the more and compels us to do more when it comes to protecting our troops against the scourge of IEDs. We know, and so many

people here know, that they are the top killer of our troops in Afghanistan. The primary ingredient in IEDs found in Regional Command South, in Afghanistan—where the Presiding Officer and I were in August—is a fertilizer called calcium ammonium nitrate, known by the acronym CAN. It is banned in Afghanistan but unfortunately is produced in a few factories in Pakistan. Just a small percentage of what is produced in Pakistan finds its way into Afghanistan and becomes the main ingredient in the IEDs. Most of the calcium ammonium nitrate used in IEDs, unfortunately, comes from Pakistan.

Over the past 2 years, I have led an effort to urge Pakistan to do more to address this threat. I have sent letters, we passed a resolution in the Senate, and I traveled to Afghanistan and Pakistan last August to make the case directly to the leaders in Islamabad, the capital of Pakistan. As I mentioned, the Presiding Officer, Senator BENNET, along with Senators BLUMENTHAL of Connecticut and WHITEHOUSE of Rhode Island traveled with me. We spent a good deal of time in Pakistan—3 days. I think we were pretty consistent in the delivery of that message; that we were not only providing a sense of urgency but almost a directive, as best we could, urging and pushing their government as hard as we could to help us and to help themselves, by the way, because a lot of Pakistanis lose their lives this way as well.

So during these meetings, Senators BENNET, BLUMENTHAL, WHITEHOUSE, and I heard good things; that the Pakistani Government had developed a plan, a strategy to deal with this—a plan to tighten their borders, a plan to regulate the sale of calcium ammonium nitrate and other IED precursor materials, and a plan which included conducting a public relations campaign to sensitize the Pakistani people to the dangers posed by these materials. This political commitment was encouraging, but given the ongoing and increasing threat to our troops, we need to maintain a sense of urgency about it. I think we owe our troops nothing less than that sense of urgency.

During our meetings in Islamabad, we also discussed the serious threat IEDs pose to the Pakistani people, as I mentioned a moment ago. More than 500 Pakistanis have been killed by IEDs since the beginning of this calendar year. This is a common threat that requires a common solution. This is something we can and should work on together.

It is no secret the relationship between the United States and Pakistan is not a good relationship right now. It is a vast understatement to say it has soured dramatically. There is an awful lot of tension and mistrust and a real breakdown in this relationship. One of the ways—not the only way but one of

the ways—we can build some confidence so we can begin to work together on a common threat is for the Pakistani Government to take concerted action on the question of IEDs.

I do want to commend and thank those three Senators I mentioned who were on the trip with me—Senator BENNET of Colorado, the Presiding Officer, who was there for every meeting and worked very hard with us; Senator WHITEHOUSE as well, from Rhode Island; and Senator BLUMENTHAL was also with us, who spoke today about this today. I didn't hear him give his remarks on the floor, but my staff told me about them, and I thank him for those words and for the dedication to this issue he and Senators BENNET and WHITEHOUSE have given during our trip in August and since that trip. I am proud to join them on this effort today and every day that we have been working on it. I also thank Senator BARASSO from Wyoming for his leadership and willingness to work with us on this amendment.

This is a critical issue for our troops and for their families. I think it was so important that we delivered during our trip, and continue to deliver thereafter, a strong bipartisan message to the Pakistani Government and to any official in their government who has anything to do with this issue. I think we can deliver another message by way of this amendment on this bill. This amendment will hold Pakistan to its commitments—the commitments it already made to its strategic plan to counter IEDs.

As we know well, these IEDs are killing and injuring our troops at a terribly alarming rate. While we can never completely eradicate the component parts of IEDs, we can make life difficult for the bombmaker if we pass this amendment. We should recommit ourselves to this important mission and redouble our efforts to limit the availability of these component parts on the battlefield. Again, we owe nothing less than that to our troops.

Often, I have said that when we talk about the commitment and the sacrifice of our troops, we should also talk about praying for them, and we all do that. Thank goodness, the American people pray on a regular basis for our troops. But I think we should also, once in a while, pray for ourselves; that we may be worthy of the valor of our troops. There aren't a lot of ways to prove yourself worthy of the valor of our troops, but one way Members of the Senate and House can prove ourselves worthy of that valor is to pass amendments, such as this amendment, to force, as best we can, officials in Pakistan to do what is right for our troops and their families, for our country but also to do what is right for their own people—the people in Pakistan who are threatened every day by IEDs.

I will conclude by saying we have an opportunity to prove ourselves worthy of the valor of our troops, and passing this amendment is one such way to do it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1215, 1139, AND 1140

Mr. CASEY. Mr. President, I call up three amendments.

The first amendment is amendment No. 1215, the second is amendment No. 1139, and the third is amendment No. 1140.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY] proposes amendments numbered 1215, 1139, and 1140.

The amendments are as follows:

AMENDMENT NO. 1215

(Purpose: To require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices)

At the end of subtitle B of title XII, add the following:

SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund may be made for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) SIGNIFICANT IMPLEMENTATION EFFORTS.—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

AMENDMENT NO. 1139

(Purpose: To require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies)

At the end of subtitle E of title VIII, add the following:

SEC. 889. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) **NOTIFICATION REQUIREMENT.**—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) **REPORTING BY SUBCONTRACTORS.**—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).”

AMENDMENT NO. 1140

(Purpose: To require a report by the Comptroller General on Department of Defense military spouse employment programs)

At the end of subtitle H of title V, add the following:

SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) **IN GENERAL.**—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) **ELEMENTS.**—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate

for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) **DEPARTMENT OF DEFENSE REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate) for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

Mr. CASEY. Mr. President, I ask unanimous consent to set those three amendments aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. I yield the floor, and I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. LEVIN. I ask unanimous consent that on Thursday, November 17, 2011, Senator BENNET be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1092

Mr. LEVIN. Mr. President, I ask for the regular order on the Levin-McCain amendment.

The PRESIDING OFFICER. The amendment is the regular order. It is now pending.

MORNING BUSINESS

Mr. LEVIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTENTION TO OBJECT

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1793 or its companion, H.R. 2076, the Investigative Assistance for Violent Crimes Act of 2011. Unless changes are made to address my concerns with the legislation, I will continue to object.

I oppose S. 1793/H.R. 2076 in its current form because it would expand the jurisdiction of the Federal Bureau of Investigation by giving it authority to conduct investigations of State crimes, and I believe that that is a bad precedent to set. The FBI should not be turned into a roving national police force.

I do believe in allowing Federal law enforcement agencies to assist State and local agencies, when requested. Agents providing assistance should be afforded civil liability protection.

Unfortunately, the bill excludes all other Federal law enforcement agencies that routinely provide law assistance to local law enforcement when requested. For example, local police believed the Secret Service possessed the expertise they needed to assist in their investigation of the Boston “Craig’slist Killer.” As a result of this expert assistance, the killer was captured. There is no reason to limit States and localities to the assistance of the FBI alone, when other agencies may have the particular expertise that is needed.

Too many people think that only the FBI helps local law enforcement. That’s simply not true. State and local officers develop positive relationships with their Federal law enforcement counterparts. When a violent crisis occurs, they often request assistance from the Federal agents they already work with.

I support the idea behind the legislation: to allow State and local agencies to request the assistance of Federal law enforcement to address serious State and local crimes. But that should apply to all agencies, and should be done without expanding the authority of any Federal law enforcement agency to conduct investigations of State and local crimes on its own, at the expense of other State, local, and Federal law enforcement agencies.

The bill as reported also contains an ill-advised requirement that the Bureau cannot provide assistance to State or local law enforcement agencies unless three persons have died. Given that the bill purports to permit assistance in the case of attempted mass murder, a requirement that three people have died before assistance can be provided, is flawed. Moreover, there have been serious crimes involving

mass shootings in which, fortunately, no one has died. No assistance could be provided to investigate such crimes under the bill in its current form.

Until these concerns are addressed and further changes are included in the bill, I support holding this legislation on the Senate floor.

TRIBUTE TO DANA SINGISER

Mr. LEAHY. Mr. President, I would like to take this opportunity to honor a dear friend and native Vermonter, Dana Singiser. Dana has accepted the position of Vice President for Public Policy and Government Affairs for Planned Parenthood, and while I am sorry to see her leave President Obama's administration, I am proud to recognize Dana's hard work and wish her continued success in her career.

Dana was raised in the small rural town of Mendon, VT, where her mother—the Mendon town clerk—instilled in her the values of democracy and the importance of staying engaged in her community. Dana carried this spirit with her in her career on Capitol Hill and on several presidential campaigns. Dana came to my office as an intern in the summer of 1991 while attending Brown University. I was immediately impressed with her intelligence, work ethic, and gregarious personality. I knew she would go on to accomplish great things, and indeed she has. After graduating from Brown, she attended law school at Georgetown University and spent 7 years at a law firm before her return to public service, where she has remained.

Dana served as the Director of Women's Outreach for Hillary Clinton's presidential bid—an opportunity that allowed her to grow her career in politics. She later also quickly proved herself a valuable asset to President Obama's campaign, and following his election she was appointed Special Assistant to the President for Legislative Affairs, where she has served for the last 3 years.

While she has enjoyed her time at the White House, Dana has also gained immeasurable experience that will certainly add to her already successful career. In Dana's new role with Planned Parenthood, she can continue her long fight to protect women's rights, and I am glad to see her continue to follow her passion. Vermonters are proud to recognize Dana Singiser's hard work, and we wish her continued success in her career.

I ask unanimous consent that an article about her achievements, from *The National Journal*, be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

OUT OF THE FRYING PAN, INTO THE FIRE
[From the *National Journal*, Nov. 7, 2011]

(By Naureen Khan)

Dana Singiser remembers the glamour of her first job out of college: running a tiny field office in Vermont for Bill Clinton's 1992 presidential campaign for \$300 a month. Luckily, Singiser was a local and her mother was on hand to bring her laboring daughter dinner every night.

Public service was always a natural inclination for Singiser, she said. She was, after all, raised by parents who were actively involved in the small rural community of Mendon, Vt., population 1,056. Mom was the town clerk and a small-business owner while Dad kept busy with church activities.

An internship with Sen. Patrick Leahy, D-Vt., while she was still an undergraduate at Brown University gave Singiser her first taste of D.C. and there was no turning back. After working on Clinton's 1992 race, she landed a job in the White House with presidential personnel and packed her bags for Washington—"The last meritocracy," according to Singiser, "where you can work hard and get recognized."

Twenty years later, after jobs on several presidential campaigns, on Capitol Hill, and most recently with the Obama administration as special assistant to the president for legislative affairs, Singiser is headed to Planned Parenthood as vice president of public policy and government affairs.

"It's been great, and you can never leave a White House job without feeling incredibly bittersweet about it," Singiser said. "I feel like a mere mortal, and I can't keep up these hours and this intensity forever."

Not that Singiser is expecting an easy road ahead at Planned Parenthood. She becomes the organization's chief advocate and liaison to both state and national policymakers as the group continues to come under attack as one of the largest legal providers of abortion. The issue has become a lightning rod over the past several months as Republican lawmakers, GOP presidential candidates, and conservative activists have called for federal defunding of Planned Parenthood. Singiser said she hopes to help reframe the conversation in her new role.

"Those attacks are just misplaced," she said, pointing to the range of primary-care services that Planned Parenthood provides for men, women, and children. "The result of those sorts of efforts would be to erode women's health."

Singiser has been well-prepared for the role, working in both policy and politics for the past decade. After her stint with the Clinton administration, Singiser got her law degree from Georgetown University in December 1998 and practiced at the Washington firm Akin Gump Strauss Hauer & Feld for five years, doing regulatory and lobbying work.

When the political bug bit her again, she went to work on Howard Dean's short-lived presidential campaign before a Senate job vacancy caught her eye. For three years, she was staff director for the Senate Democratic Steering and Outreach Committee under then-Sen. Hillary Rodham Clinton, D-N.Y.

From there, Singiser went to work for Clinton's 2008 presidential campaign, focusing on women's outreach. When Clinton bowed out of the race and endorsed Barack Obama, her former rival, Singiser got on a plane almost immediately for Chicago to lend a hand to Obama's general-election effort.

She has been with the Obama administration since Day One, becoming an expert on

everything from financial reform to health care as the president tackled an ambitious legislative agenda in his first two years in office.

"I'm really proud and honored to have served President Obama for three years, but I'm really excited to go on to this next chapter," she added.

FOSSIL ENERGY FUNDING

Mr. ROCKEFELLER. Mr. President, I rise today to speak about the fossil energy funding in the Energy and Water Appropriations bill.

Fossil energy is a critical resource that we should not and can not just throw away. Providing the majority of our energy, we need to use these resources in a safe and responsible way. Harnessing domestic fossil energy could create jobs, lift up struggling communities, and provide jobs for our strong and dedicated workforce.

I know there are people who remain very much opposed to funding fossil energy research who want to move away from fossil fuels as quickly as possible. But the fact of the matter is that, at this time, our Nation is not capable of quickly moving away from fossil fuels, which provides that majority of the energy we use. We need fossil energy to help us move forward, and we should not pretend otherwise.

While I believe that our country will continue using fossil fuels for many decades, it is my hope that we will also continually seek better ways for using these resources.

We need to find more efficient ways of burning coal that emit fewer pollutants and protect public health. We need to find more environmentally friendly ways to extract natural gas and oil. And we need to find ways to design and build carbon capture and sequestration facilities that will allow us to reduce the impacts of using fossil fuels on the climate.

This is the type of work that fossil energy research and development goes towards, and work that I believe we must continue to support. Without it, we are only putting our country at a disadvantage.

In Morgantown, WV, the National Energy Technology Laboratory or NETL is doing this work and pioneering fossil energy research and development activities that are lighting a pathway for a new era of energy use that is critical to West Virginia and our nation.

Unfortunately, the Energy and Water Appropriations bill slashes fossil energy funding by 25 percent in just 1 year. In Fiscal Year 2011 the overall fossil energy Budget was \$586 million. The President only requested \$452.9 million for Fiscal Year 2012 and this bill only contains \$445.5 million.

In comparison, the overall Energy and Water bill cuts spending by less than 1 percent. The nuclear section of this bill cuts funding by 20 percent and

the renewable section of this bill remains flat—not facing any cut this year.

I recognize that in this budgetary climate cuts may be inevitable to many programs. But I firmly believe that in the Department of Energy budget no one account can be asked to shoulder that burden alone. But if cuts must be made they should be done in fair and reasonable way, when compared to funding for other energy programs.

Unfortunately, the fossil energy cuts in this bill are neither fair nor reasonable. The cuts to fossil energy in this bill are disproportionate compared to funding levels for other areas of research.

To correct this situation, I have introduced an amendment that would restore \$30 million to the fossil energy account, \$10 million for natural gas, \$10 million for unconventional fossil fuels and \$10 million for advanced energy systems in coal areas.

Again, I understand the budgetary times that we are facing in Washington. I understand that cuts have to be made. But what I strongly disagree with is the idea that fossil energy must shoulder more than its fair share of cuts.

Therefore, I ask my colleagues to join with me to restore a portion of funding for the fossil energy program.

NATIONAL GUARD

Mr. ROCKEFELLER. Mr. President, last week, the Senate Armed Services Committee held a hearing on whether to elevate the Chief of the National Guard Bureau to the Joint Chiefs of Staff. This was an important hearing for the men and women of our armed services, and I am grateful that the committee allowed me to submit a statement for the hearing record. In light of the upcoming National Defense Authorization Act, in which I expect these provisions to pass, I ask unanimous consent that my statement be printed in the RECORD before the full Senate, so that the rest of my colleagues may have a chance to read it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON ARMED SERVICES

Chairman Levin, Senator McCain, Members of the Committee—thank you for holding this hearing on whether the Chief of the National Guard Bureau should be a member of the Joint Chiefs of Staff. And thanks to all of the Chiefs of our armed forces—both active duty and reserve—for being here today. There is no question—as a matter of both principle and of national security—that the Chief of the National Guard Bureau should be elevated to the Joint Chiefs of Staff. The Guardians of Freedom Act, which passed overwhelmingly in the House of Representatives on May 25, would accomplish this goal. I hope that today's hearing will lead to swift action on this important legislation, and I look forward to the testimony of each of the witnesses.

It is important to acknowledge that the role of the National Guard has evolved over the last ten years. Since 9/11, National Guardsmen have mobilized more than 700,000 times to support overseas and domestic missions. They have played an essential role in the conflicts in both Afghanistan and Iraq and are a critical operational reserve for our armed forces. Today's National Guard accounts for more than 460,000 service members from every state in the Union—roughly 25 percent of all of our 1.9 million-member force.

The Guard has also become an essential part of our nation's response to both man-made and natural disasters. This August, when Hurricane Irene slammed the East Coast, the National Guard responded by calling up over 11,000 soldiers and airmen from 24 states to coordinate the relief efforts. Our Guard is being trained to respond to chemical, biological, nuclear and radiological attacks. It is being trained to deal with pandemics. It is asked to be the first on the scene after major earthquakes, snowstorms, and hurricanes. These homeland defense responsibilities will continue to increase, as well.

The National Guard also brings capabilities and efficiencies to the table that we need in these tough economic times. For example, the Air National Guard provides 35 percent of the total Air Force capability for seven percent of the cost. And, the Army National Guard provides 40 percent of the Army's capability for just 11 percent of the Army budget. Together, 464,900 members of the National Guard provide a capable, operational and affordable military force—at just six percent of the Pentagon's annual budget.

The absence of the National Guard from the Joint Chiefs of Staff has very real consequences. Full membership of the National Guard in the Joint Chiefs could have better prepared the Marines' response to the 1992 riots in Los Angeles, our nation's initial response to the 9/11 attacks, or our response to Hurricane Katrina.

In October of 2005, the Government Accountability Office called into question the Army National Guard's ability to carry out its domestic mission. Then, just like now, there is no permanent system in place to replenish necessary equipment once it is removed from Guard units in individual states. And, the Pentagon has required National Guard units to leave behind critical equipment in Iraq and Afghanistan. A drastic shortfall in equipment levels has led to a drop in mission readiness. As a result, the Guard's ability to respond to domestic emergencies has been severely inhibited. I find it hard to believe this would be the case if the Guard had a seat at the Joint Chiefs of Staff.

With no seat at the table, the National Guard Chief must rely solely on active duty military leaders to make funding decisions. Under the circumstances, General McKinley can do nothing to stop the Joint Chiefs if they put recommend cutting a key program or ignore an opportunity to maintain critical operational capability.

In many ways, the Guard has earned the right to be in the room. Today, the Chief of the National Guard Bureau wears four stars. He attends regular Joint Chiefs meetings. While I understand that General McKinley enjoys a good relationship with Chairman Dempsey, personalities can't be everything. Now, it's time to give the National Guard a seat at the table. We need to make sure the National Guard has the voice it needs—not just to protect its capability, but because of its increasingly active role in overseas oper-

ations, because of its role in homeland security initiatives, and because of the cost efficiencies it can offer in these turbulent economic times.

Ultimately, I understand that change is hard. Some may argue that these changes are not necessary. Some may argue that the National Guard does not deserve a seat at the table, that the National Guard is well-represented on the Joint Chiefs of Staff, or that the National Guard has the resources it needs.

Critics may say that elevating the National Guard would provide a "second voice" to the Army and Air Force. That is wrong. The National Guard's participation would be no different than that of the Marine Corps, which is both part of the Navy and has its own seat on the Joint Chiefs of Staff. Today, as we all know, the Commandant is a valued member of the Joint Chiefs of Staff, and no one would argue that his advice over the last 30 years has not been valuable.

Some may counter that elevating the National Guard could muddy the Guard's dual commitments to member states and the federal government. In reality, it would not alter lines of authority, but better enable the Guard to provide unfiltered advice on its capabilities and resources. The Guard wouldn't just have its domestic responsibilities—it would have the capabilities, clout, and access to do them better.

Critics may also say that the Chief of the National Guard Bureau has no budgetary authority, but that argument is misleading. The role of the Joint Chiefs is to provide sound, useful advice to the President. In fact, the perspective of the Chief of the National Guard Bureau could save our country billions of dollars. Earlier this year, for example, the Air National Guard Bureau offered a proposal that would have saved up to \$42 billion. Unfortunately, the Air Force dismissed it almost immediately—likely, I've been told, for turf reasons. That would not have happened had the Chief of the National Guard Bureau been able to make his case, offer his perspective, and share his expertise with our planners at the Pentagon. The National Guard can help the Pentagon cut costs without cutting capabilities—but only if it is an equal partner in the decision-making process.

Some may argue that a seat on the Joint Chiefs of Staff would give the National Guard too much influence at the active-duty components' expense. But we know better than that. Look at the size of the services' Congressional liaison staff, the military fellows in our offices and the attaches in the halls—or even the number of Senators, including many on this Committee, who are former active-duty service members. An enhanced role for the National Guard would not diminish the active-duty services' clout among lawmakers.

Now is the time to give the National Guard the voice it needs on the Joint Chiefs of Staff and to give the President a broader perspective of the capabilities and resources at his disposal. Now is the time to use all of the tools in our arsenal to create a more secure homeland.

Mr. Chairman, Senator McCain, Members of the Committee—thank you for holding this hearing. I look forward to swift passage of the Guardians of Freedom Act. And thank you to my good friend, Senator Leahy, for his leadership on this important issue.

We have given the National Guard the right to be in the room. Now, let's give them a seat at the table.

Thank you.

RECOGNIZING CONTRIBUTIONS OF COMMUNITY FOUNDATIONS

Mr. SCHUMER. Mr. President, I rise today in honor of National Community Foundations Week. This week, we recognize the millions of Americans who have joined together to make their communities a better place through donations of their time and resources. The generosity and willingness of individuals to work together for the common good has been a hallmark of the American character since our Nation's founding.

Every day volunteer organizations across the country make substantial contributions to our Nation's well-being in countless areas—from education and the arts to economic development and environmental protection. Many of these associations are community foundations—local charitable organizations formed to provide financial support to valuable programs across their communities. Last year alone, community foundations gave approximately \$4 billion to various local non-profit activities.

Led by private citizens, community foundations provide effective support to communities across the United States, often supplementing both public and private programs to provide their friends and neighbors with the maximum level of support necessary to build strong and vibrant communities. With 700 community foundations across the Nation, they are one of the fastest growing forms of philanthropy in the United States.

One such community foundation which exemplifies the virtues of charity and giving back is the New York Community Trust. Established in 1924, the New York Community Trust is one of the oldest and largest community foundations in the Nation—providing \$141 million in grants to community organizations in 2010 alone. The trust currently invests in various programs to build a better New York, such as helping to reemploy New Yorkers through the New York Alliance for Careers in Health Care, NYACH, a project that assesses gaps in the labor market and provides workforce training to both assist individuals in getting in-demand jobs and simultaneously alleviate the skills gap in the health care industry. Through its commitment to the Juvenile Justice Advocacy and Action Project, the New York Community Trust is also dedicated to finding alternatives to prison for nonviolent, delinquent youth. The trust's grants are also cleaning up the Harlem River, removing tens of thousands of pounds of debris from Swindler Cove and transforming it into a 5-acre park with a children's garden and a boathouse.

Mr. President, I urge my colleagues to join me in recognizing this week of November 12 through November 18, 2011, as National Community Foundation Week so we may continue to honor

the important work that charity and private citizens play in making our Nation a better place.

END UNNECESSARY MAILERS ACT

Mr. CASEY. Mr. President, I firmly believe that members of the public must have access to the information contained in annual consumer confidence reports, which are required by the Safe Drinking Water Act's right-to-know provisions. For the past 11 years, the Environmental Protection Agency has required community water systems to provide customers with an annual report on the quality of their drinking. Currently, large water systems, those serving 10,000 people or more, are required to mail copies of the entire report to every customer.

Today, believing wholeheartedly that public access to consumer confidence reports is critical and must be maintained, I am cosponsoring Senator TOOMEY's bill, S. 1578. Under this bill, community water systems would be required to send reports in the mail if a violation of the maximum contaminant level occurs during the year. However, if there is no violation, water systems could post the reports online and only mail hard copies upon request. I believe that S. 1578 draws attention to an area in which our Federal policy might benefit from discussion, debate, and potential modernization. Since Internet access has increased dramatically since 1999, the option of reviewing reports online is likely far more appealing to consumers than it once was. Also, amendments to the current requirements have the potential to reduce paper waste and to reduce unnecessary administrative burden and expense by providing customers with the ability to choose whether or not to receive the report in the mail.

TRIBUTE TO THE MONTFORD POINT MARINES

Mrs. HAGAN. Mr. President, today I wish to recognize the dedication and selfless service of the Montford Point Marines. The Montford Point Marines were the first African-American men to serve in the U.S. Marine Corps after President Franklin Roosevelt issued Executive Order No. 8802 on June 25, 1941. This brave group of men were trained at Camp Montford Point, near the New River in Jacksonville, NC. In total, 19,168 African-American marines received training at Montford Point between 1942 and 1949. Many of these "Montford Marines" went on to serve in the Pacific Theatre Campaign of World War II—at Iwo Jima, Saipan, Okinawa—as well as in Korea and in Vietnam.

Although these men served our country with both honor and distinction, they often faced adversity and racism during their time in uniform. Despite

their training, they were prohibited from serving in combat units—working instead in the service and supply units. They were not afforded opportunities other marines enjoyed, such as entering nearby Camp Lejeune, without a White counterpart to escort them. The courage and dedication with which these brave men served our country despite these challenges is nothing less than heroic.

As the first African Americans in our Marine Corps, they join the Tuskegee Airmen of the Air Force and the Buffalo Soldiers of the Army as heroes who not only forged a new path within our armed services but who brought our country closer to our ideals that "all men are created equal." Many Americans credit the historic firsts—such as Howard P. Perry of Charlotte, NC—who was the first African-American marine private to set foot on Montford Point, and Frederick C. Branch, the first African-American marine second lieutenant at the Marine Base in Quantico, VA—for creating the opportunity they have to serve today.

The time has come for us to give these American heroes their long overdue recognition by awarding them the Congressional Gold Medal, the highest civilian award in the United States. I congratulate my colleagues for unanimously passing this legislation on November 9, 2011. It is my personal honor and privilege to recognize the Montford Point Marines.

REMEMBERING PAT TAKASUGI

Mr. RISCH. Mr. President, I rise to recognize a great loss suffered by the people of Idaho and the Takasugi family in particular. Last week, Idaho State Representative Pat Takasugi passed away after a 3-year battle with cancer. During that fight he was fortunate to have the loving support of his wife Suzanne, his three children, and his parents.

When I was Governor, I had the great fortune to appoint Pat to my cabinet to serve as my director of the department of agriculture. Pat was an unwearied advocate for agriculture. He understood what farmers faced, since he was one of them. He started farming in 1977 and successfully grew his business from 32 acres to a 1,500-acre operation.

Pat served as the director of the department of agriculture for 10 years, and during that time he worked tirelessly in promoting the products grown in Idaho. In 2003, before the local food movement became popular, he instituted the Idaho Preferred brand to help consumers identify locally grown products.

He had numerous accomplishments as director that moved Idaho's agricultural industry forward. He created the Idaho Food Quality Assurance Lab, established the Seed Indemnity Fund,

pushed cooperative weed management, and streamlined regulations, among others.

Pat encouraged the next generation of farmers to be involved in various agricultural boards and commissions and to become leaders in their community. Pat walked his talk, as he was a member of numerous local and national organizations, including a term as president of the National Association of State Departments of Agriculture.

His service continued when he decided to step down as the agriculture director and run for the Idaho House of Representatives. He was handily elected in 2008 and again in 2010, and he was a strong advocate for lower taxes and less government regulations.

For those of us who knew Pat, it was not hard to see why he was so popular. He had an infectious sense of humor, great optimism about life, and truly cared about the well-being of others. It can be said that his smalltown roots had something to do with that.

Pat grew up in the Wilder, ID, area and attended schools there before graduating from Vallivue High School. He attended the local college, the College of Idaho in Caldwell, which is an outstanding educational institution.

He volunteered for the U.S. Army after graduating and served a total of 10 years in Active and Reserve Duty. Pat was promoted to the rank of captain and qualified for Airborne wings, the Ranger tab, and Special Forces Green Beret. Pat loved his country and was grateful for the opportunities he had to succeed through his own efforts and hard work.

Mr. President, while it is difficult to sum up all that Pat Takasugi did for agriculture in Idaho and the many lives he touched through his service, let me conclude by saying that he was a great American. Vicki and I extend our condolences on behalf of all Idahoans to Suzanne and all of the family for their loss.

REMEMBERING GILBERT CALVIN STEINDORFF, JR.

Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. Gilbert Calvin Steindorff, Jr. who passed away on Monday, November 14, 2011, at the age of 86. Calvin lived a life dedicated to service to his country, and I am glad to have known and become friends with such an inspirational individual.

Gilbert Calvin Steindorff, Jr. served in the military with the U.S. Army in World War II in European theatre of operations. Upon his return, Calvin was appointed as the tax assessor of Butler County, a role he served for 28 years. He was appointed as probate judge of Butler County in 1975 and served in that role until his retirement in 1995. Calvin had a fierce dedication to public service and was a member of many civic organizations.

A truly selfless individual, Calvin also served as secretary at The First Christian Church, where he was an elder, providing guidance for those in his church community. For his career in public service and the invaluable role that he played in the community, Calvin was named Greenville's "Man of the Year."

Calvin is loved and will be missed by his wife, Maxine Darby Steindorff, and his son, Gilbert C. Steindorff, III, and many more family members and friends. My thoughts and prayers are with them as they mourn the death of a wonderful husband, father and friend. Calvin was a role model to many and a compassionate community leader who was devoted to the service of Baldwin County. His presence in Alabama will be greatly missed.

NATIVE AMERICAN HERITAGE MONTH

Mr. UDALL of Colorado. Mr. President, I rise to join my fellow Coloradans, my colleagues in the United States Congress and others across the country in celebration of Native American Heritage Month.

Throughout this month we acknowledge the many accomplishments and contributions of the American Indian community in the United States. In Colorado, from the windswept plains in the east to mountains and plateaus in the west, Native American history has formed a strong part of our shared history. Today Colorado's native communities play an equally strong role in preserving our shared cultural heritage.

Just this month, as the chairman of the National Parks Subcommittee of the Energy and Natural Resources Committee, I held a hearing at Mesa Verde National Park that highlighted the importance of how this cultural landmark and others in the region can be better protected through cooperative efforts of our National Parks System and the region's tribes. Improved collaboration and consultation can be a positive step in achieving the goal of protecting these invaluable resources. Tribes have also worked independently to conserve and protect cultural resources that are important to our shared past. A strong example of these efforts has taken shape over many years in Southwestern Colorado where the Ute Mountain Ute tribe has worked to protect acres of sacred and historically important sites that are connected to the cultural resources that exist within Mesa Verde National Park.

The Ute Mountain Ute Tribal Park, situated on the Ute Mountain reservation, serves not only as a means to protect important resources, but also as a means to educate and develop an economic base for the tribe and the region as a whole. Also in Southwestern Colo-

rado, the Southern Ute Indian Tribe has worked to protect important cultural resources. Just this year, the tribe opened a state-of-the-art cultural center that is dedicated to telling the story of the Ute people, providing another cultural draw to Southwestern Colorado.

These are examples of how shared goals of cultural preservation can work symbiotically, and I believe that through close collaboration, the federal government and tribes throughout the country can better protect cultural resources while developing other opportunities in economic development and education.

This relationship will be crucial in creating new jobs both on and off tribal lands while building opportunities for the next generation. For example, the Ute Mountain Ute and the Southern Ute are among the region's largest employers, each employing more than 1,000 workers and generating millions of dollars in economic activity that benefit the entire Southwest region of Colorado. Their success is a reminder that Indian Country is a strong economic driver that can play a critical role in our economic recovery.

Of course respect for government-to-government relations between tribes and the federal government extends to other issues. As we celebrate Native American Heritage month, we must remind ourselves of this relationship and the trust responsibility that exists between our Federal government and tribal nations. This is especially important when addressing issues that have hit the Indian country especially hard, such as unemployment, access to health care, education and housing, reliable law enforcement and access to justice. The federal government's trust responsibility is a call to work together to address these issues. Upholding this responsibility is vital to respecting tribal sovereignty and protecting tribes' ability to determine what is in the best interest of their communities. Cooperation and collaboration are paramount in maintaining a strong government-to-government relationship, and it is in our shared interest to advance the goal of empowering America's Native communities.

Mr. President, to close, I want to highlight a prominent figure in Colorado who we lost earlier this year named Ernest House, Sr. He was a stalwart defender of American Indian sovereignty and a champion of cultural preservation. Mr. House was a former Chairman of the Ute Mountain Ute Tribe and he represented the tribe before national, state-wide, and private organizations for more than 50 years. Chairman House's passing was a great loss for the Ute Mountain Ute Tribe, Indian Country and for Colorado. I would like to recognize his contributions as part of Native American Heritage Month. I have no doubt that his

legacy will be a strong part of our lives in Colorado and my thoughts continue to be with his family.

I am proud to join my fellow Coloradans in celebration of Native American Heritage Month. As we celebrate the many contributions of Colorado's American Indian community, I hope that we will call to mind the long history of America's Native Americans and their continued contributions to Colorado and our Nation.

Thank you, Mr. President.

ADDITIONAL STATEMENTS

CONGRATULATING MOUNT NOTRE DAME VOLLEYBALL

• Mr. PORTMAN. Mr. President, today I wish to congratulate the Mount Notre Dame High School Volleyball team for winning their sixth Ohio Division I State volleyball title on Saturday, November 12, 2011. Mount Notre Dame is an all-girls Catholic school located in Cincinnati, OH.

The Mount Notre Dame Cougars prevailed in the championship match by winning three out of four sets against defending State champions Toledo St. Ursula. Led by coach Joe Burke, who has won four state titles with Mount Notre Dame, the team's mantra was "believe."

Mount Notre Dame has become one of the most successful programs in high school women's volleyball in the State of Ohio, and I congratulate the Mount Notre Dame Cougars on their hard-fought victory.●

TRIBUTE TO MAJOR GENERAL RAYMOND W. CARPENTER

• Mr. JOHNSON of South Dakota. Mr. President, I rise today to pay tribute to Major General Raymond W. Carpenter and his faithful service to our country. After 44 years of service to our Nation and the State of South Dakota, General Carpenter will soon retire from the United States Army.

Gen. Carpenter began his military service in 1967 when he enlisted in the South Dakota Army National Guard. General Carpenter later joined the United States Navy and put his photographic memory to work learning the Vietnamese language in preparation for his assignment at the Naval Support Activity in Danang, South Vietnam. Upon completion of his Naval service, he returned to the South Dakota Army National Guard where he was commissioned in 1974. He has commanded at all levels, from Lieutenant to Colonel.

General Carpenter is an engineer by formal training, tirelessly devising, planning and building. He was a founding member of the Director of the Army National Guard's Engineer Advisory Team and went on to be the chair-

man until May 2006. Engineering and organizational skills aside, General Carpenter is most passionate about soldiers: the Nation's sons and daughters who are in his care. I have seen this firsthand and have also witnessed his dedication to our Nation's veterans as he assisted me in awarding Korean War medals to veterans in South Dakota.

For the past 2½ years, Gen. Carpenter has ably served as the Acting Director, Army National Guard. In this capacity, he has led more than 350,000 National Guard soldiers from the 54 states, territories and the District of Columbia. As Chairman of the Military Construction and VA Appropriations Subcommittee, I have worked with Gen. Carpenter to fund important National Guard construction projects, and I was proud to have him testify before my subcommittee. He has represented our home State well and has been a tireless advocate for the members of the Army National Guard. He is truly a soldier's soldier. On occasion, when Big Army concocted some sort of short-sighted plan, there was Gen. Carpenter "standing like a stone wall" to look out for the interest of his soldiers and his country.

For his efforts, General Carpenter has received numerous awards and decorations at every phase of his stellar career, including Legions of Merits, Meritorious Service Medals, the Vietnam Service Medal, Army Commendation Medals, Army Achievement Medals, Army Reserve Components Achievement Medals, and the National Defense Service Medals, among many others.

Today I join my fellow Americans and stand with proud South Dakotans in congratulating Gen. Carpenter on an impressive military career. In 2011 our Nation is most assuredly safer, stronger, and more secure because of this dedicated soldier, gifted engineer, and superb leader. I am grateful for Gen. Carpenter's service to our country, and to his wife, Mary, for her tireless support of her husband and his mission. After years of dedicated service, I wish Major General Carpenter a relaxing retirement, filled with many joyful hours on his Harley.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO EXTENDING THE PERIOD OF PRODUCTION OF THE NAVAL PETROLEUM RESERVES FOR A PERIOD OF THREE YEARS FROM APRIL 5, 2012—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 7422(c)(2) of title 10, United States Code, I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2012, the expiration date of the currently authorized period of production.

Attached is a copy of the report investigating continued production of the Reserves, consistent with section 7422(c)(2)(B) of title 10. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

BARACK OBAMA.
THE WHITE HOUSE, November 17, 2011.

MESSAGES FROM THE HOUSE

At 10:59 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 822. An act to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

H.R. 2415. An act to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building".

H.R. 2660. An act to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office".

H.R. 3004. An act to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the "Private First Class Alejandro R. Ruiz Post Office Building".

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

ENROLLED BILLS SIGNED

At 12:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1412. An act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office".

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 4:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

At 8:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2112. An act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. BENNET).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 822. An act to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2415. An act to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2660. An act to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3004. An act to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the "Private First Class Alejandro R. Ruiz Post Office Building"; to the Com-

mittee on Homeland Security and Governmental Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, November 17, 2011, she had presented to the President of the United States the following enrolled bill:

S. 1412. An act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3973. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Virginia Graeme Baker Pool and Spa Safety Act; Incorporation by Reference of Successor Standard" (16 CFR Part 1450) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3974. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety and Health Requirements Related to Camp Cars" (RIN2130-AC13) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3975. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Conductor Certification" (RIN2130-AC08) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3976. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports and Reexports to the Principality of Liechtenstein" (RIN0694-AF33) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3977. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Commercial Driver's License Information System State Procedures Manual, Release 5.2.0" (RIN2126-AB33) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3978. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western Pacific Pelagic Fisheries; American Samoa Longline Gear Modifications to Reduce Turtle Interactions" (RIN0648-AY27) received in the Of-

fice of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3979. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XA790) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3980. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA791) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3981. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western Pacific Bottomfish and Seamount Groundfish Fisheries; 2011-12 Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures" (RIN0648-XA470) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3982. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Correction" (RIN0648-BA01) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3983. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendments 20 and 21; Trawl Rationalization Program; Correcting Amendments" (RIN0648-BB31) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3984. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 7" (RIN0648-BA46) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3985. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in

the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA757) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3986. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1A" (RIN0648-XA764) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3987. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod and Octopus in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA794) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3988. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA782) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3989. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA783) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3990. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Crab Prohibited Species Catch Allowances in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA784) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3991. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit" (RIN0648-XA767) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3992. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Gulf of Mexico Reef Fish Fishery; Closure of the 2011 Gulf of Mexico Commercial Sector for Greater Amberjack" (RIN0648-XA766) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3993. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; Closure of the 2011-2012 Recreational Sector for Black Sea Bass in the South Atlantic" (RIN0648-XA686) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3994. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA759) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3995. A communication from the Deputy Assistant General Counsel for the Office of Aviation Enforcement Proceedings, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Enhancing Airline Passenger Protections: Limited Delay of Effective Date for Certain Provisions" (RIN2105-AD92) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3996. A communication from the Deputy Assistant General Counsel for the Office of Aviation Enforcement Proceedings, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Enhancing Airline Passenger Protections" (RIN2105-AD92) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3997. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Brunswick, ME" (RIN2120-AA66) (Docket No. FAA-2011-0116) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3998. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; El Dorado, KS" (RIN2120-AA66) (Docket No. FAA-2011-0213) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3999. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mobridge, SD" (RIN2120-AA66) (Docket No. FAA-2011-0134) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4000. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Harrisonville, MO" (RIN2120-AA66) (Docket No. FAA-2011-0251) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4001. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Cleveland, MS" (RIN2120-AA66) (Docket No. FAA-2011-0102) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4002. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Denton, TX" (RIN2120-AA66) (Docket No. FAA-2010-1327) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4003. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class D and E Airspace; Willow Grove, PA" (RIN2120-AA66) (Docket No. FAA-2011-0355) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4004. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (87); Amdt. No. 3448" (RIN2120-AA65) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4005. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (40); Amdt. No. 3449" (RIN2120-AA65) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4006. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes with Supplemental Type Certificate (STC) SA03674AT" (RIN2120-AA64) (Docket No. FAA-2011-0687) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4007. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sicma Aero Seat Passenger Seat Assemblies Installed on Various Transport Category Airplanes" (RIN2120-AA64) (Docket No. FAA-2010-0040) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4008. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model 4101 Airplanes" (RIN2120-AA64) (Docket No. FAA-2011-0306) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4009. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0312)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4010. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries Powered Sailplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0811)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4011. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0264)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4012. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-1161)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4013. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-103, B4-203, and B4-2C Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0478)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4014. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0564)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4015. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dowty Propellers Type R212/4-30-4/22 and R251/4-30-4/49 Propeller Assemblies" ((RIN2120-AA64)(Docket No. FAA-2011-0735)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012" (Rept. No. 112-95).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes (Rept. No. 112-96).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 347. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

H.R. 2076. A bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 2189. A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

S. 1793. A bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1794. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. LEE):

S. 1883. A bill to provide for the sale of approximately 30 acres of Federal land in Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, to permit the establishment of a minimally invasive transportation alternative called "SkiLink" to connect 2 ski resorts in the Wasatch Mountains, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. KIRK):

S. 1884. A bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER:

S. 1885. A bill to provide for a temporary extension of unemployment insurance, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. BENNET, and Mr. BLUMENTHAL):

S. 1886. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1887. A bill to protect children from abuse and neglect; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. HARKIN):

S. 1888. A bill to amend the Food, Conservation, and Energy Act of 2008 to establish a program to provide loans for local farms, ranches, and market gardens to improve public health and nutrition, reduce energy consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER:

S. 1889. A bill to protect children from neglect and abuse on Federal property; to the Committee on the Judiciary.

By Mr. BEGICH:

S. 1890. A bill to prevent forfeited fishing vessels from being transferred to private parties and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. LIEBERMAN, Mr. CARDIN, Mr. AKAKA, Mr. WARNER, Mr. REED, Mr. LAUTENBERG, Mr. KERRY, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. DURBIN, Mrs. BOXER, Mr. HARKIN, Mr. WEBB, Mr. MERKLEY, Mrs. HAGAN, and Mrs. GILLIBRAND):

S. 1891. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Ms. COLLINS, and Ms. MIKULSKI):

S. 1892. A bill to protect the housing rights of victims of domestic violence, dating violence, sexual assault, and stalking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED:

S. 1893. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, to reduce the eligibility age for retirement for non-Regular service, and for other purposes; to the Committee on Armed Services.

By Mr. SCHUMER (for himself, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KYL, Mr. HATCH, and Mr. CORNYN):

S. 1894. A bill to deter terrorism, provide justice for victims, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1895. A bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, to provide a tax credit for farmers' investments in value-added agriculture, and for other purposes; to the Committee on Finance.

By Ms. AYOTTE (for herself and Mr. JOHNSON of Wisconsin):

S. 1896. A bill to eliminate the automatic inflation increases for discretionary programs built into the baseline projections and require budget estimates to be compared with the prior year's level; to the Committee on the Budget.

By Mr. CASEY:

S. 1897. A bill to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1898. A bill to provide for the conveyance of certain property from the United States to the Manilao Association located in Kotzebue, Alaska; to the Committee on Indian Affairs.

By Mr. BOOZMAN (for himself and Mr. PRYOR):

S. 1899. A bill to require that members of the Armed Forces who were killed or wounded in the attack that occurred at a recruiting station in Little Rock, Arkansas, on June 1, 2009, are treated in the same manner as members who are killed or wounded in a combat zone; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself, Mr. NELSON of Florida, and Mr. LAUTENBERG):

S. 1900. A bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself and Mr. CRAPO):

S. 1901. A bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement; to the Committee on Finance.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1902. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND (for herself, Mr. TESTER, Ms. STABENOW, Mr. DURBIN, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. RUBIO, and Mr. BLUMENTHAL):

S. 1903. A bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself, Mr. LEE, Mr. VITTER, Mr. PAUL, Mr. SESSIONS, Mr. GRAHAM, Mr. INHOFE, and Mr. COBURN):

S. 1904. A bill to provide information on total spending on means-tested welfare programs, to provide additional work requirements, and to provide an overall spending limit on means-tested welfare programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HAGAN (for herself and Mr. KIRK):

S. Res. 332. A resolution supporting the goals and ideals of American Education Week; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mr. INHOFE):

S. Res. 333. A resolution welcoming and commending the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, family members, and descendants; considered and agreed to.

ADDITIONAL COSPONSORS

S. 235

At the request of Mrs. MCCASKILL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 235, a bill to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes.

S. 384

At the request of Mrs. HUTCHISON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1154

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1154, a bill to require transparency for Executive departments in meeting the Government-wide goals for contracting with small business concerns owned and controlled by service-disabled veterans, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1350

At the request of Mr. COONS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1355

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1355, a bill to regulate political robocalls.

S. 1421

At the request of Mr. PORTMAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1534

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1534, a bill to prevent identity theft and tax fraud.

S. 1541

At the request of Mr. BENNET, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.

1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1632

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1632, a bill to amend the Internal Revenue Code of 1986 to provide a look back rule in the case of federally declared disasters for determining earned income for purposes of the child tax credit and the earned income credit, and for other purposes.

S. 1680

At the request of Mr. CONRAD, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1776

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1776, a bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations.

S. 1792

At the request of Mr. WHITEHOUSE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1792, a bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

S. 1794

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1794, a bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

S. 1798

At the request of Mr. UDALL of New Mexico, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1804

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1804, a bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes.

S. 1831

At the request of Mr. THUNE, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Nebraska (Mr. JOHANNES), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. WICKER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Indiana (Mr. LUGAR), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. RUBIO), the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. BLUNT), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Nevada (Mr. HELLER), the Senator from Alabama (Mr. SESSIONS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1831, a bill to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

S. 1847

At the request of Mr. RUBIO, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1847, a bill to amend title 38, United States Code, to reinstate criminal penalties for persons charging veterans unauthorized fees, and for other purposes.

S. 1850

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1850, a bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1871, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1872

At the request of Mr. CASEY, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Missouri (Mr. BLUNT), the Senator from Massachusetts (Mr. BROWN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1876

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

At the request of Mr. BROWN of Ohio, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1876, *supra*.

S. 1882

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1882, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. RES. 320

At the request of Ms. SNOWE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 320, a resolution designating November 26, 2011, as "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses.

S. RES. 331

At the request of Mr. KIRK, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Delaware (Mr. COONS) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 331, a resolution expressing the sense of the Senate that Congress should "Go Big" in its attempts toward deficit reduction.

AMENDMENT NO. 976

At the request of Mr. BLUNT, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 976 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 982

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 982 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1010

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 1010 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1039

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1039 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1049

At the request of Mr. BAUCUS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1049 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. KIRK):

S. 1884. A bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Access to Emergency Epinephrine Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to research funded by the Food Allergy Initiative and conducted by Northwestern University and Children's Memorial Hospital, nearly 6,000,000 children in the United States have food allergies.

(2) Anaphylaxis, or anaphylactic shock, is a systemic allergic reaction that can kill within minutes.

(3) More than 15 percent of school-aged children with food allergies have had an allergic reaction in school.

(4) Teenagers and young adults with food allergies are at the highest risk of fatal food-induced anaphylaxis.

(5) Individuals with food allergies who also have asthma may be at increased risk for severe or fatal food allergy reactions.

(6) Studies have shown that 25 percent of epinephrine administrations in schools involve individuals with a previously unknown allergy.

(7) The National Institute of Allergy and Infectious Diseases ("NIAID") has reported that delays in the administration of epinephrine to patients in anaphylaxis can result in rapid decline and death. NIAID recommends that epinephrine be given promptly to treat anaphylaxis.

(8) Physicians can provide standing orders to furnish a school with epinephrine for injection, and several States have passed laws to authorize this practice.

(9) The American Academy of Allergy, Asthma, and Immunology recommends that epinephrine injectors should be included in all emergency medical treatment kits in schools.

(10) The American Academy of Pediatrics recommends that an anaphylaxis kit should be kept with medications in each school and made available to trained staff for administration in an emergency.

(11) According to the Food Allergy and Anaphylaxis Network, there are no contraindications to the use of epinephrine for a life-threatening reaction.

SEC. 3. PREFERENCE FOR STATES REGARDING ADMINISTRATION OF EPINEPHRINE BY SCHOOL PERSONNEL.

Section 399L of the Public Health Service Act (42 U.S.C. 280g(d)) is amended—

(1) in subsection (a), by redesignating the second paragraph (2) and paragraph (3) as paragraphs (3) and (4), respectively; and

(2) by striking subsection (d) and inserting the following:

"(d) PREFERENCE FOR STATES REGARDING MEDICATION TO TREAT ASTHMA AND ANAPHYLAXIS.—

"(1) PREFERENCE.—The Secretary, in making any grant under this section or any other grant that is asthma-related (as determined by the Secretary) to a State, shall give preference to any State that satisfies each of the following requirements:

"(A) SELF-ADMINISTRATION OF MEDICATION.—

"(i) IN GENERAL.—The State shall require that each public elementary school and secondary school in that State will grant to any student in the school an authorization for the self-administration of medication to treat that student's asthma or anaphylaxis, if—

"(I) a health care practitioner prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication;

"(II) the student has demonstrated to the health care practitioner (or such practitioner's designee) and the school nurse (if available) the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed;

"(III) the health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and

"(IV) the student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan formulated under subclause (III) and other documents related to liability.

"(ii) SCOPE.—An authorization granted under clause (i) shall allow the student involved to possess and use the student's medication—

"(I) while in school;

"(II) while at a school-sponsored activity, such as a sporting event; and

"(III) in transit to or from school or school-sponsored activities.

"(iii) DURATION OF AUTHORIZATION.—An authorization granted under clause (i)—

"(I) shall be effective only for the same school and school year for which it is granted; and

"(II) must be renewed by the parent or guardian each subsequent school year in accordance with this subsection.

"(iv) BACKUP MEDICATION.—The State shall require that backup medication, if provided by a student's parent or guardian, be kept at a student's school in a location to which the student has prompt access in the event of an asthma or anaphylaxis emergency.

"(v) MAINTENANCE OF INFORMATION.—The State shall require that information described in clauses (i)(III) and (i)(IV) be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

"(vi) RULE OF CONSTRUCTION.—Nothing in this subparagraph creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

"(B) SCHOOL PERSONNEL ADMINISTRATION OF EPINEPHRINE.—

"(i) IN GENERAL.—The State shall require that each public elementary school and secondary school in the State—

"(I) permit authorized personnel to administer epinephrine to any student believed in good faith to be having an anaphylactic reaction; and

"(II) maintain in a secure and easily accessible location a supply of epinephrine that—

"(aa) are prescribed under a standing protocol from a licensed physician; and

"(bb) are accessible to authorized personnel for administration to a student having an anaphylactic reaction.

"(ii) LIABILITY AND STATE LAW.—

"(I) GOOD SAMARITAN LAW.—The State shall have a State law ensuring that elementary school and secondary school employees and agents, including a physician providing a prescription for school epinephrine, will incur no liability related to the administration of epinephrine to any student believed in good faith to be having an anaphylactic reaction, except in the case of willful or wanton conduct.

"(II) STATE LAW.—Nothing in this subparagraph shall be construed to preempt State law, including any State law regarding whether students with allergy or asthma may possess and self-administer medication.

"(2) DEFINITIONS.—For purposes of this subsection:

“(A) The terms ‘elementary school’ and ‘secondary school’ have the meaning given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965.

“(B) The term ‘health care practitioner’ means a person authorized under law to prescribe drugs subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act.

“(C) The term ‘medication’ means a drug as that term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act and includes inhaled bronchodilators and epinephrine.

“(D) The term ‘self-administration’ means a student’s discretionary use of his or her prescribed asthma or anaphylaxis medication, pursuant to a prescription or written direction from a health care practitioner.

“(E) The term ‘authorized personnel’ means the school nurse or, if the school nurse is absent, an individual who has been designated by the school nurse and has received training in the administration of epinephrine.”.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. BENNET, and Mr. BLUMENTHAL):

S. 1886. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, few things are more important to consumer well being than ensuring the safety of our pharmaceutical supply chain. Yet today, the penalties for counterfeit drug offenses are outdated and insufficient to deter this epidemic problem. As a result, counterfeit medicines reportedly lead to 100,000 deaths globally each year, with upwards of 90 percent of drug sales estimated to be counterfeit.

Similarly, few things are more important to the American economy and long-term job creation than protecting our companies’ intellectual property. Yet businesses manufacturing and selling counterfeit drugs reportedly generate more than \$75 billion in annual revenue. This means lost profits for American businesses and lost jobs for American workers. Such staggering numbers would be unacceptable in any economic climate, and they are devastating today.

Combating the sale of counterfeit drugs is increasingly difficult. Whether it is the prevalence of Internet pharmacies, or the new and sophisticated methods of manufacturing, packaging and distributing counterfeit drugs, the obstacles to safeguarding the pharmaceutical supply chain in today’s economy are many. As a result, large counterfeit drug enterprises are being funded on the backs of consumers, both in Vermont and around the country, whose health and safety are at stake.

Under current law, it is illegal to introduce counterfeit drugs into interstate commerce, but the penalties are no different than those assessed for trafficking other counterfeit products, such as handbags or sneakers. While the manufacture and sale of any counterfeit product is a serious crime, counterfeit medication poses a grave danger

to public health that warrants a harsher punishment. Legislation is needed to raise counterfeit drug penalties to a level commensurate with the severity of the offense in order to deter an epidemic problem.

Today, I am introducing the bipartisan Counterfeit Drug Penalty Enhancement Act, which will raise the maximum penalties for counterfeit drug offenses, and direct the United States Sentencing Commission to consider amending its guidelines and policy statements to reflect the serious nature of these crimes.

This legislation will protect the safety of American consumers, and the investment that American pharmaceutical companies make in developing the quality medicines that lead to reputable brands. Ensuring patient safety and combating intellectual property theft are not uniquely Democratic or Republican priorities, these are bipartisan priorities, and I hope that we can quickly take up and consider this much needed legislation.

We should not expect that enactment of this or any legislation will completely deter this serious problem. But this bill is an important step towards countering a problem that harms American consumers, American businesses, and American jobs.

I thank Senator GRASSLEY and Senator BENNET for working with me on this legislation, and I look forward to working with all Senators to pass this important, bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Counterfeit Drug Penalty Enhancement Act of 2011”.

SEC. 2. COUNTERFEIT DRUG PREVENTION.

Section 2320(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

“(2) COUNTERFEIT DRUGS.—

“(A) IN GENERAL.—Whoever commits an offense in violation of paragraph (1) with respect to a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) shall—

“(i) if an individual, be fined not more than \$4,000,000, imprisoned not more than 20 years, or both; and

“(ii) if a person other than an individual, be fined not more than \$10,000,000.

“(B) MULTIPLE OFFENSES.—In the case of an offense by a person under this paragraph that occurs after that person is convicted of another offense under this paragraph, the person convicted—

“(i) if an individual, shall be fined not more than \$8,000,000, imprisoned not more than 20 years, or both; and

“(ii) if other than an individual, shall be fined not more than \$20,000,000.”; and

(3) in paragraph (3)(B), as redesignated, by striking “paragraph (1)” and inserting “paragraph (1) or (2)”.

SEC. 3. SENTENCING COMMISSION DIRECTIVE.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense under section 2320(a)(2) of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

By Mr. FRANKEN (for himself, Ms. COLLINS, and Ms. MIKULSKI):

S. 1892. A bill to protect the housing rights of victims of domestic violence, dating violence, sexual assault, and stalking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRANKEN. Mr. President, nobody should have to choose between safety and shelter. Yet 48 percent of homeless women in Minnesota previously had stayed in abusive situations because they did not have safe housing options available to them. Twenty-nine percent of homeless adult women in my State are fleeing domestic violence, and more than half of those women are living with children. That simply is not acceptable.

This problem is not unique to Minnesota. Far from it. National studies establish an undeniable link between homelessness and domestic and sexual violence. By one account, two in five women who experience domestic violence will become homeless at some point in their lives.

Not surprisingly, once a woman becomes homeless, she becomes vulnerable to further violence and exploitation. In fact, nine in ten homeless women have experienced severe physical or sexual abuse. During a hearing

last week, the Executive Director of the Minnesota Indian Women's Resource Center explained that perpetrators of sexual violence often prey on homeless women.

Of course, we all know that this problem is not about statistics. It is about the real people with real stories who are behind the numbers. It is about the woman in California who was evicted for "causing a nuisance" after the police responded to an incident of domestic violence in her Low Income Housing Tax Credit unit—where she was the victim.

It is about the mother of five in Florida who received a termination notice after her ex-husband broke down her door and assaulted her. It is about the 83-year-old woman in Minnesota who was threatened with eviction from her Section 202 housing unit because of disturbances caused by her abuser.

Though the link between homelessness and domestic and sexual violence is undeniable, it is not unbrokeable. Advocates across the country work tirelessly to ensure that victims of domestic and sexual violence have the shelter and support they need. Local law enforcement officials and prosecutors are dedicated to ending the cycle of abuse and homelessness. Property owners, too, often work with victims, advocates, and local authorities to find solutions to the problem.

Here in Congress, we have made efforts to break the link between domestic and sexual violence and homelessness as well. The 2005 Violence Against Women Act included important protections that made it unlawful to deny someone housing assistance under certain federal programs just because the individual is a victim of domestic violence, dating violence, or stalking. From conversations with experts in Minnesota, I know that those protections have been invaluable.

The Violence Against Women Act is now up for reauthorization. That occasion provides us an opportunity to build on the successes of the 2005 bill and to address its shortcomings. That is why today I have introduced the Housing Rights for Victims of Domestic and Sexual Violence Act. This bill is for every woman who has hesitated to call the police to enforce a protective order because she was afraid that she would be evicted if she did so. The bill rests on the simple premise that a woman should not lose her home just because she is a victim of domestic or sexual violence.

The Violence Against Women Act currently protects tenants of only two federal housing programs—those provided under Sections 6 and 8 of the U.S. Housing Act of 1937. These protections were an important first step. But we can do better. A woman's rights should not depend on the type of housing assistance she receives.

So my bill extends VAWA's housing protections to the Low Income Housing

Tax Credit program, the Rural Housing Services program, the Housing Opportunities for Persons with AIDS program, the Section 811 Supportive Housing Program for persons with disabilities, and five additional Federal housing programs. The Congressional Research Service estimates that the bill will cover more than 4 million housing units that are not included in existing law.

In addition, current law fails to secure housing rights for victims of sexual assault. My bill fixes that problem. It makes it unlawful to deny a woman federally assisted housing just because she is a victim of sexual assault. As the National Alliance to End Sexual Violence explains, too many victims become homeless as a result of sexual assault, and, once homeless, they are further to sexual victimization. My bill recognizes that victims of sexual assault require safe housing just as do victims of domestic violence, dating violence, and stalking—groups that already are covered by existing law.

My bill also takes an important new step toward ensuring that victims of domestic and sexual violence do not end up on the streets. It requires managers of federally supported housing units to adopt emergency transfer policies for women who would be in imminent danger were they to stay in their current homes. Under these policies, a victim of domestic or sexual violence could move to safe, federally subsidized housing unit instead of staying in harm's way.

I am proud to introduce this legislation with Senator COLLINS and Senator MIKULSKI, both of whom are true champions of women's rights. Both are advocates for victims of domestic and sexual violence. In 2005, both cosponsored the Violence Against Women Act reauthorization bill. They were leaders in this area then, and they have stepped forward to lead again today. I thank them for their help.

The Housing Rights for Victims of Domestic and Sexual Violence Act is preventive, proven, and precedented.

It is preventive because it will keep women and children in their homes at a time when they are vulnerable—when they need a roof over their heads the most. It is no secret that shelters and transitional housing programs are overextended. This legislation addresses a victim's housing needs before she becomes homeless and requires those services.

The protections contained in the bill are proven. Advocacy groups from Minnesota and throughout the country—the people most familiar with the problem—have weighed in on this bill. It already has been endorsed by 23 organizations, including the National Network to End Domestic Violence, the National Alliance to End Sexual Violence, the National Women's Law Center, the National Housing Law Project, and the

National Low Income Housing Coalition.

The bill is unprecedented, too. We are not reinventing the wheel here. The bill builds upon housing protections that were included in the 2005 VAWA reauthorization bill, which passed the Senate with unanimous consent and was signed into law by President George W. Bush. Though many say the political climate here in Washington has changed for the worse in the years since then, I am hopeful that the goals underlying VAWA once again will transcend partisanship.

We have worked together to address the unique housing needs facing domestic and sexual violence victims in the past. We need to do so again today.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Rights for Victims of Domestic and Sexual Violence Act of 2011".

SEC. 2. DENIAL OR TERMINATION OF ASSISTANCE AND EVICTION PROTECTIONS.

(a) AMENDMENT.—Subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.) is amended—

(1) by inserting after the subtitle heading the following:

"CHAPTER 1—GRANT PROGRAMS";

(2) in section 41402 (42 U.S.C. 14043e–1), in the matter preceding paragraph (1), by striking "subtitle" and inserting "chapter";

(3) in section 41403 (42 U.S.C. 14043e–2), in the matter preceding paragraph (1), by striking "subtitle" and inserting "chapter"; and

(4) by adding at the end the following:

"CHAPTER 2—HOUSING RIGHTS

"SEC. 4141. HOUSING RIGHTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) DEFINITIONS.—In this chapter:

"(1) APPROPRIATE AGENCY.—The term 'appropriate agency' means, with respect to a covered housing program, the Executive department (as defined in section 101 of title 5, United States Code) that carries out the covered housing program.

"(2) COVERED HOUSING PROGRAM.—The term 'covered housing program' means—

"(A) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

"(B) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

"(C) the program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

"(D) the program under subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);

"(E) the program under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);

"(F) the program under paragraph (3) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)) that bears interest at a rate determined under the proviso under paragraph (5) of such section 221(d);

"(G) the program under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

“(H) the programs under sections 8 and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f and 1437g);

“(I) rural housing assistance provided under sections 514, 515, 516, 533, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, and 1490p-2); and

“(J) the low income housing tax credit program under section 42 of the Internal Revenue Code of 1986.

“(3) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’ means, with respect to an individual—

“(A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom such individual stands in loco parentis;

“(B) any individual living in the household of such individual who is related to such individual by blood or marriage; or

“(C) any individual living in the household of such individual who is related to such individual by affinity whose close association or intimate relationship with such individual is the equivalent of a family relationship.

“(b) PROHIBITED BASIS FOR DENIAL OR TERMINATION OF ASSISTANCE OR EVICTION.—

“(1) IN GENERAL.—An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

“(2) CONSTRUCTION OF LEASE TERMS.—An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as—

“(A) a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or

“(B) good cause for terminating the assistance, tenancy, or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.

“(3) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—

“(A) DENIAL OF ASSISTANCE, TENANCY, AND OCCUPANCY RIGHTS PROHIBITED.—No person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an immediate family member of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

“(B) BIFURCATION.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), an owner or manager of housing assisted under a covered housing program may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an immediate family member or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

“(ii) EFFECT OF EVICTION ON OTHER TENANTS.—If an owner or manager of housing as-

sisted under a covered housing program evicts, removes, or terminates assistance to an individual under clause (i), and the individual is the sole tenant eligible to receive assistance under a covered housing program, the owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the owner or manager of the housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.

“(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed—

“(i) to limit the authority of an owner or manager of housing assisted under a covered housing program, when notified of a court order, to comply with a court order with respect to—

“(I) the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

“(II) the distribution or possession of property among members of a household in a case;

“(ii) to limit any otherwise available authority of an owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an immediate family member of the tenant, if the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate;

“(iii) to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if the owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted; or

“(iv) to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

“(c) DOCUMENTATION.—

“(1) REQUEST FOR DOCUMENTATION.—If an applicant for or tenant of housing assisted under a covered housing program represents to the owner or manager of the housing that the individual is entitled to protection under subsection (b), the owner or manager may request, in writing, that the tenant submit to the owner or manager a form of documentation described in paragraph (3).

“(2) FAILURE TO PROVIDE CERTIFICATION.—If a tenant does not provide the documentation requested under paragraph (1) within 14 business days after the tenant receives a request in writing for such certification from the owner or manager of the housing, nothing in this chapter may be construed to limit the authority of the owner or manager to evict any tenant or lawful occupant that commits violations of a lease. The owner or manager of the housing may extend the 14-day deadline at its discretion.

“(3) FORM OF DOCUMENTATION.—A form of documentation described in this paragraph is—

“(A) a certification form approved by the appropriate agency that—

“(i) states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;

“(ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and

“(iii) at the option of the applicant or tenant, includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking;

“(B) a document that—

“(i) is signed by—

“(I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and

“(II) the applicant or tenant; and

“(ii) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);

“(C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or

“(D) at the discretion of an owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.

“(4) CONFIDENTIALITY.—Any information submitted to an owner or manager under this subsection, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence by the owner or manager and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—

“(A) requested or consented to by the individual in writing;

“(B) required for use in an eviction proceeding under subsection (b); or

“(C) otherwise required by applicable law.

“(5) DOCUMENTATION NOT REQUIRED.—Nothing in this subsection shall be construed to require an owner or manager of housing assisted under a covered housing program to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

“(6) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with subsection (b) by an owner or manager of housing assisted under a covered housing program based on documentation received under this subsection shall not be sufficient to constitute evidence of an unreasonable act or omission by the owner or manager or an employee or agent of the owner or manager. Nothing in this paragraph shall be construed to limit the liability of an owner or manager of housing assisted under a covered housing program for failure to comply with subsection (b).

“(7) PREEMPTION.—Nothing in this subsection shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.

“(d) NOTIFICATION.—Each owner or manager of housing assisted under a covered housing program shall provide to each applicant for or tenant of such housing notice of

the rights of individuals under this section, including the right to confidentiality and the limits thereof, together with the form described in subsection (c)(3)(A)—

“(1) at the time the individual applies to live in a dwelling unit assisted under the covered housing program;

“(2) at the time the individual is admitted to a dwelling unit assisted under the covered housing program;

“(3) with any notification of eviction or notification of termination of assistance;

“(4) in multiple languages, consistent with guidance issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166 (42 U.S.C. 2000d-1 note; relating to access to services for persons with limited English proficiency); and

“(5) by posting the notification in a public area of such housing.

“(e) EMERGENCY TRANSFERS.—Notwithstanding any other provision of law, each owner or manager of housing assisted under a covered program shall adopt an emergency transfer policy for tenants who are victims of domestic violence, dating violence, sexual assault, or stalking that—

“(1) allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit assisted under a covered housing program if—

“(A) the tenant expressly requests the transfer; and

“(B)(i) the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or

“(ii) in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90 day period preceding the request for transfer; and

“(2) incorporates reasonable confidentiality measures to ensure that the owner or manager does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

“(f) POLICIES AND PROCEDURES FOR EMERGENCY TRANSFER.—The Secretary of Housing and Urban Development shall establish policies and procedures under which a victim requesting an emergency transfer under subsection (e) may receive, subject to the availability of tenant protection vouchers, assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

“(g) IMPLEMENTATION.—The appropriate agency with respect to each covered housing program shall implement this section, as this section applies to the covered housing program.”

(b) CONFORMING AMENDMENTS.—

(1) SECTION 6.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(A) in subsection (c)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(B) in subsection (1)—

(i) in paragraph (5), by striking “, and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”; and

(ii) in paragraph (6), by striking “; except that” and all that follows through “stalking.”; and

(C) by striking subsection (u).

(2) SECTION 8.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(A) in subsection (c), by striking paragraph (9);

(B) in subsection (d)(1)—

(i) in subparagraph (A), by striking “and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission”; and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking “, and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”; and

(II) in clause (iii), by striking “, except that:” and all that follows through “stalking.”;

(C) in subsection (f)—

(i) in paragraph (6), by adding “and” at the end;

(ii) in paragraph (7), by striking the semicolon at the end and inserting a period; and

(iii) by striking paragraphs (8), (9), (10), and (11);

(D) in subsection (o)—

(i) in paragraph (6)(B), by striking the last sentence;

(ii) in paragraph (7)—

(I) in subparagraph (C), by striking “and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”; and

(II) in subparagraph (D), by striking “; except that” and all that follows through “stalking.”; and

(iii) by striking paragraph (20);

(E) by striking subsection (ee).

(3) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall be construed—

(A) to limit the rights or remedies available to any person under section 6 or 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f), as in effect on the day before the date of enactment of this Act; or

(B) to limit any right, remedy, or procedure otherwise available under any provision of part 5, 91, 880, 882, 883, 884, 886, 891, 903, 960, 966, 982, or 983 of title 24, Code of Federal Regulations, that—

(i) was issued under the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162; 119 Stat. 2960) or an amendment made by that Act; and

(ii) provides greater protection for victims of domestic violence, dating violence, sexual assault, and stalking than this Act.

By Mr. REED:

S. 1893. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, to reduce the eligibility age for retirement for non-Regular service, and for other purposes; to the Committee on Armed Services.

Mr. REED. Mr. President, today I introduce the National Guard Technician Equity Act to correct inconsistencies in the dual-status technician program.

Over 48,000 National Guard dual-status technicians serve our Nation. They are a distinct group of workers, as civilians, they work for the reserve components, performing administrative duties, providing training, and maintaining and repairing equipment. However, as a condition of their civilian position, they are also required to maintain military status, attending weekend drills and annual training, deploying to Iraq and Afghanistan, and responding to domestic disasters and emergencies, thereby creating their “dual-status.”

Because of their unique position, dual-status technicians are caught between the provisions that govern the federal civilian workforce and the military in numerous ways. First, under existing law, a dual-status technician who is no longer fit for military duty must be fired from their technician position, even if they are still fully capable of performing their civilian duties. This bill would give technicians the option of remaining in their civilian position if they have 20 years of service as a dual-status technician. This way we will retain the experience and skills of these dedicated employees.

Second, dual-status technicians do not have the same appeal rights as most other federal employees, including those civilians in other Department of Defense positions. Federal employees who are covered by a collective bargaining agreement have the right to file a grievance and proceed to arbitration, or file a case with the Merit Systems Protection Board, MSPB, a neutral Federal agency. Dual-status technicians may appeal to the Adjutant General in their state, but not to any neutral third party. This bill would allow them to also appeal to the MSPB for grievances unrelated to their military service.

Third, most reserve component members are able to obtain health care coverage through the TRICARE Reserve Select program. However, dual-status technicians are ineligible, despite their mandatory military status and reserve service, because they can participate in the Federal Employees Health Benefit Program, FEHBP. FEHBP plans can be more expensive than TRICARE Reserve Select, thereby adding costs and limiting health care options for these Guard technicians. My legislation simply calls for the Department of Defense to study the feasibility of converting the coverage for National Guard dual-status technicians from FEHBP to TRICARE Reserve Select.

The National Guard Technician Equity Act also corrects other inconsistencies by providing greater civilian and military retirement parity, providing eligibility to retain certain

military bonuses and benefits, and increasing leave time for required military training.

I urge my colleagues to support and cosponsor the National Guard Technician Equity Act. I will also be working to include provisions of this bill in the National Defense Authorization Act, which the Senate has begun to consider, and I hope my colleagues can work together on this effort.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard Technician Equity Act".

SEC. 2. TITLES 10 AND 32, UNITED STATES CODE, AMENDMENTS REGARDING NATIONAL GUARD TECHNICIANS AND RELATED PROVISIONS.

(a) **AUTHORITY TO EMPLOY TECHNICIAN AS NON-DUAL STATUS TECHNICIAN AFTER 20 YEARS OF CREDITABLE SERVICE.**—Subsection (c) of section 709 of title 32, United States Code, is amended to read as follows:

"(c) A person shall have the right to be employed under subsection (a) as a non-dual status technician (as defined by section 10217 of title 10) if—

"(1) the technician position occupied by the person has been designated by the Secretary concerned to be filled only by a non-dual status technician; or

"(2) the person occupying the technician position has at least 20 years of creditable service as a military technician (dual status)."

(b) **EXCEPTION TO DUAL-STATUS EMPLOYMENT CONDITION OF MEMBERSHIP IN SELECTED RESERVE.**—Section 10216 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(B), by inserting "subject to subsection (d)," before "is required"; and

(2) in subsection (d)(1), by striking "Unless specifically exempted by law" and inserting "Except as provided in section 709(c)(2) of title 32 or as otherwise specifically exempted by law".

(c) **CONTINUED COMPENSATION AFTER LOSS OF MEMBERSHIP IN SELECTED RESERVE.**—Subsection (e) of section 10216 of title 10, United States Code, is amended to read as follows:

"(e) **CONTINUED COMPENSATION AFTER LOSS OF MEMBERSHIP IN SELECTED RESERVE.**—Funds appropriated for the Department of Defense may continue to be used to provide compensation to a military technician who was hired as a military technician (dual status), but who is no longer a member of the Selected Reserve."

(d) **REPEAL OF PERMANENT LIMITATIONS ON NUMBER OF NON-DUAL STATUS TECHNICIANS.**—Section 10217 of title 10, United States Code, is amended by striking subsection (c).

(e) **TECHNICIAN RESTRICTED RIGHT OF APPEAL AND ADVERSE ACTIONS COVERED.**—

(1) **RIGHTS OF GRIEVANCE, ARBITRATION, APPEAL, AND REVIEW BEYOND AG.**—Section 709 of title 32, United States Code, is amended—

(A) in subsection (f)—

(i) in the matter preceding paragraph (1), by striking "Notwithstanding any other provision of law and under" and inserting "Under"; and

(ii) in paragraph (4), by striking "a right of appeal" and inserting "subject to subsection (j), a right of appeal"; and

(B) by adding at the end the following new subsection:

"(j)(1) Notwithstanding subsection (f)(4) or any other provision of law, a technician and a labor organization that is the exclusive representative of a bargaining unit including the technician shall have the rights of grievance, arbitration, appeal, and review extending beyond the adjutant general of the jurisdiction concerned and to the Merit Systems Protection Board and thereafter to the United States Court of Appeals for the Federal Circuit, in the same manner as provided in sections 4303, 7121, and 7701–7703 of title 5, with respect to a performance-based or adverse action imposing removal, suspension for more than 14 days, furlough for 30 days or less, or reduction in pay or pay band (or comparable reduction).

"(2) This subsection does not apply to a technician who is serving under a temporary appointment or in a trial or probationary period."

(2) **ADVERSE ACTIONS COVERED.**—Section 709(g) of title 32, United States Code, is amended by striking "7511, and 7512".

(3) **CONFORMING AMENDMENT.**—Section 7511(b) of title 5, United States Code, is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

(f) **TECHNICIAN SENIORITY RIGHTS DURING RIF.**—Subsection (g) of section 709 of title 32, United States Code, as amended by subsection (e)(2), is amended to read as follows:

"(g) Section 2108 of title 5 does not apply to a person employed under this section."

(g) **AVAILABILITY OF CERTAIN ENLISTMENT, REENLISTMENT, AND STUDENT LOAN BENEFITS FOR MILITARY TECHNICIANS.**—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) **ELIGIBILITY FOR BONUSES AND OTHER BENEFITS.**—(1) If an individual becomes employed as a military technician (dual status) while the individual is already a member of a reserve component, the Secretary concerned may not require the individual to repay any enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment.

"(2) Even though an individual employed as a military technician (dual status) is required as a condition of that employment to maintain membership in the Selected Reserve, the individual shall not be precluded from receiving an enlistment, reenlistment, or affiliation bonus nor be denied the opportunity to participate in an educational loan repayment program under chapter 1609 of this title as an additional incentive for the individual to accept and maintain such membership."

(h) **REPEAL OF PROHIBITION AGAINST OVERTIME PAY FOR NATIONAL GUARD TECHNICIANS.**—Section 709(h) of title 32, United States Code, is amended by striking the second sentence and inserting the following new sentence: "The Secretary concerned shall pay a technician for irregular or overtime work at a rate equal to one and one-half times the rate of basic pay applicable to the technician, except that, at the request of the technician, the Secretary may grant the technician's scheduled tour of duty equal to the

amount of time spent in such irregular or overtime work."

SEC. 3. TITLE 5, UNITED STATES CODE, AMENDMENTS REGARDING NATIONAL GUARD TECHNICIANS AND RELATED PROVISIONS.

(a) **LOWERING RETIREMENT AGE.**—

(1) **AMENDMENT TO FERS.**—Subsection (c) of section 8414 of title 5, United States Code, is amended to read as follows:

"(c)(1) Under the circumstances described in paragraph (2), an employee who is separated from service as a military technician (dual status) is entitled to an annuity if the separation is by reason of either—

"(A) separating from the Selected Reserve; or

"(B) ceasing to hold the military grade specified by the Secretary concerned for the position involved.

"(2) Except as provided in paragraph (3), paragraph (1) applies to a military technician (dual status) who is separated—

"(A) after completing 25 years of service as such a technician, or

"(B) after becoming 50 years of age and completing 20 years of service as such a technician.

"(3) Paragraph (1) does not apply if separation or removal is for cause on charges of misconduct or delinquency."

(2) **AMENDMENT TO CSRS.**—Section 8336 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(q)(1) Under the circumstances described in paragraph (2), an employee who is separated from service as a military technician (dual status) is entitled to an annuity if the separation is by reason of either—

"(A) separating from the Selected Reserve; or

"(B) ceasing to hold the military grade specified by the Secretary concerned for the position involved.

"(2) Except as provided in paragraph (3), paragraph (1) applies to a military technician (dual status) who is separated—

"(A) after completing 25 years of service as such a technician, or

"(B) after becoming 50 years of age and completing 20 years of service as such a technician.

"(3) Paragraph (1) does not apply if separation or removal is for cause on charges of misconduct or delinquency."

(b) **ADEQUATE LEAVE TIME FOR MILITARY ACTIVATIONS.**—Section 6323(a)(1) of title 5, United States Code, is amended by striking the last sentence and inserting the following new sentence: "Leave under this subsection accrues for an employee or individual at the rate of 30 days per fiscal year and, to the extent that such leave is not used by the employee or individual during the fiscal year accrued, accumulates without limitation for use in succeeding fiscal years."

(c) **IMPROVED HEALTH CARE BENEFITS.**—

(1) **FEHBP CHANGES.**—Subparagraph (B) of section 8906(e)(3) of title 5, United States Code, is amended to read as follows:

"(B) An employee referred to in subparagraph (A) is an employee who—

"(i) is enrolled in a health benefits plan under this chapter;

"(ii) is a member of a reserve component of the Armed Forces;

"(iii) is placed on leave without pay or separated from service to perform the active duty or other duties described in clause (iv); and

"(iv) is called or ordered to—

"(I) active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

“(II) active duty for a period of more than 30 consecutive days;

“(III) active duty under section 12406 of title 10;

“(IV) perform training or other duties described under paragraph (1) or (2) of section 502(f) of title 32; or

“(V) while not in Federal service, perform duties related to an emergency declared by the chief executive of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.”.

(2) STUDY AND REPORT.—

(A) IN GENERAL.—Within 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Personnel Management shall jointly conduct a study and submit to Congress a report—

(i) evaluating the feasibility of converting military technicians from FEHBP coverage to coverage provided under the TRICARE or TRICARE Reserve Select program (or both); and

(ii) identifying any problems associated with the conversion of military technicians from FEHBP coverage to coverage provided under chapter 55 of title 10, United States Code, during contingency operations.

(B) DEFINITIONS.—For purposes of this subsection—

(i) the term “FEHBP coverage” means coverage provided under chapter 89 of title 5, United States Code; and

(ii) the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SEC. 4. REDUCTION IN ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.

Section 12731(f) of title 10, United States Code, is amended by striking “60 years of age” both places it appears and inserting “55 years of age”.

By Mr. SCHUMER (for himself, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KYL, Mr. HATCH, and Mr. CORNYN):

S. 1894. A bill to deter terrorism, provide justice for victims, and for other purposes, to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, I rise today to introduce the Justice Against Sponsors of Terrorism Act, or JASTA. JASTA is a bipartisan effort to make modest changes to the Foreign Sovereign Immunities Act, or FSIA, and the Anti-Terrorism Act, or ATA, in order to ensure that the victims of terrorism in the United States can hold the foreign sponsors of that terrorism to account in American courts.

I am especially proud to be introducing this measure with such a bipartisan and diverse group of Judiciary Committee colleagues: Myself and Senator WHITEHOUSE on the Democratic side, and Senators GRAHAM, HATCH, KYL, and CORNYN on the Republican side.

This legislation has become necessary due to flawed court decisions that have deprived the victims of terrorism on American soil, including those injured by the terrorist attacks of September 11, 2001, of their day in court. Unfortunately, and contrary to

the clear intent of Congress, some courts have concluded that Americans who were injured due to terrorist attacks in the United States have no recourse against the foreign states that sponsor those attacks. This conclusion is contrary to the plain language of the FSIA and ATA, and it is bad policy.

Let me explain the legal background. Originally passed in 1976, the FSIA abrogates the sovereign immunity of foreign countries and permits suit against them in Federal court when, among other things, a foreign country or its instrumentalities commit a tort that results in injury on our soil, this is known as the “tort exception” to the FSIA. In addition, the ATA authorizes suit in Federal court by any U.S. national injured “by reason of an act of international terrorism” and permits the recovery of damages in U.S. courts.

Thus, taken together, the FSIA and ATA were designed to enable terrorism victims to bring suit against foreign states and terror sponsors when they support terrorism against the United States. I am introducing this bill because I want the survivors of the 9/11 tragedy to have their day in court—and they were deprived of this by a court ruling that contorted the language and purpose of the FSIA and the ATA. As we all know, nearly 3,000 innocent victims died that day, and the Nation suffered \$10 billion in property and other commercial damage alone—all at the hands of al-Qaeda and its funders.

In 2002, these plaintiffs sued, among other defendants, the Kingdom of Saudi Arabia, several Saudi officials, and a purported charity under the control of the Kingdom known as the Saudi High Commission for Relief of Bosnia and Herzegovina. Substantial evidence establishes that these defendants had provided funding and sponsorship to al-Qaeda without which it could not have carried out the attacks.

But the Second Circuit threw out this case, based on two flawed conclusions. First, the court ruled that the tort exception to the FSIA did not apply, and barred their case because the Saudi entities and individuals were not on the State Department’s list. Second, the court ruled that there was no personal jurisdiction over the Saudis because while they certainly could “foresee” that their support would lead to terrorist acts, they did not “direct” the terrorist acts. There is another reason that I am introducing this bill. I am introducing this bill because we need to cut off the flow of money to terrorists by shutting down the reservoir—not just turning off the faucet. We need to use every tool at our disposal to hit terrorism at its very root, including the United States Federal courts.

You don’t have to take my word for it. This focus on terrorist financing channels has been a major national security priority since the September 11

attacks. As the Treasury Department’s former Under Secretary for Terrorism and Financial Intelligence has observed, “the terrorist operative who is willing to strap on a suicide belt is not susceptible to deterrence, but the individual donor who wants to support violent jihad may well be.” Testimony of Stuart Levey, Under Secretary for Terrorism and Financial Intelligence, before the Senate Committee on Finance, April 1, 2008.

It should be clear that the public interest is served when American citizens have the right to seek compensation for their injuries and that this right serves a dual purpose of deterring bad conduct. Yet we are here today introducing this bill, JASTA, because the courts have misconstrued our statutes.

Before closing, let me address one concern I have heard that deserves a response. There are those who worry that restoring Americans’ right to bring these suits will interfere with our foreign affairs. I simply do not think that is the case. First of all, if Americans have been injured in the United States by foreign terrorism, they have the right to seek redress. But it is also important to remember that this law does not prevent the Executive Branch from espousing claims brought by Americans against foreign states and settling them through an executive agreement. This is an executive authority that has been recognized and utilized going back to the administration of George Washington, and nothing in JASTA interferes with it. Nothing in this act would interfere with the execution of our foreign policy.

To conclude, JASTA will restore the rights of the victims of terrorism and deter international terrorist financing, and it will have the related benefit of enabling the victims of the September 11 Attacks to proceed with their case, as Congress had intended. It does so without in any way threatening sensitive National security or diplomatic priorities of the nation. In fact, it makes the Nation stronger.

I urge my colleagues to support these modest, but critical, amendments.

By Mr. CASEY:

S. 1897. A bill to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. CASEY. Mr. President, this Saturday, November 19, marks the 148 Anniversary of the Gettysburg Address. In this address, President Abraham Lincoln famously said, “The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced.

It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.”

In advance of this important historic occasion, I am introducing the Gettysburg National Military Park Expansion Act. If enacted, this legislation would expand the boundaries of Gettysburg National Military Park to include the historic Gettysburg Railroad Station and an additional 45 acres of land at the southern end of the battlefield. Through these acquisitions, the between 1.5 to 3 million people that visit Gettysburg each year will enjoy a more complete experience. Passage of this legislation is very important, especially right now as the Park prepares for the 150 Anniversary of the Battle of Gettysburg.

The Gettysburg Railroad Station, which is also known as the Lincoln Train Station, is located in downtown Gettysburg, Pennsylvania. It was built in 1858 and is listed in the National Register of Historic Places. During the Battle of Gettysburg, the building served as a train station to transport thousands of troops and also as a hospital. Perhaps more important historically, this station was the site to which President Lincoln arrived on the day before he delivered the Gettysburg Address in 1863. This station is currently operated by the National Trust for Historic Gettysburg and is open to the public year round. It also serves as the home to the Pennsylvania Abraham Lincoln Bicentennial Commission, which organized and held events in 2009 to commemorate the 200th anniversary of Lincoln's birth. The station was renovated in 2006 using state grant money to serve as an information and orientation center, but currently does not serve as such because of a lack of funds to manage its day-to-day operations. The Gettysburg Borough Council voted in 2008 to transfer the station to the National Park Service so that it could be used as a visitor center for tourists coming to the Gettysburg area.

The Gettysburg National Military Park Expansion Act would also expand the boundary of the Gettysburg National Military Park to include 45 acres of land at the southern end of the battlefield. This area is both historically and environmentally significant. It was where cavalry skirmishes during the Battle for Gettysburg occurred and is also home to wetlands and wildlife habitat related to the Plum Run stream that runs through the National Park. The forty five acres were donated in April of 2009 and as a result no fed-

eral funding or land acquisition would be required to obtain the property and incorporate it into the National Park.

The Gettysburg National Military Park Expansion Act would help preserve different sites that are historically significant while protecting the environment. The Civil War was a monumental moment in our Nation's history and because of this we must take steps to preserve the area's historical sites.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1902. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KIRK. Mr. President, today I am pleased to join with Senator DURBIN to introduce a bill in support of New Philadelphia, the first town founded by a freed African-American. This bipartisan legislation would initiate a feasibility study in order to determine whether or not this area should be designated as a unit of the National Park System.

The town of New Philadelphia, Illinois, established in 1836, became the first known town platted and officially registered by an African-American prior to the Civil War. New Philadelphia became a place where European Americans, free-born African-Americans, and formerly enslaved individuals could live together in community during a time of intense racial strife that transpired before, during, and after the Civil War.

Frank McWorter, the founder of New Philadelphia and a former slave himself, saved money from neighboring labor jobs to purchase his own freedom and the freedom of fifteen other family members. Subsequently, Mr. McWorter purchased a sparse plot of land between the Illinois and Mississippi Rivers in Pike County, Illinois to establish the town of New Philadelphia, which also became a station along the Underground Railroad.

In 2005, the town of New Philadelphia is designated a National Historic Place and more recently, it was designated a National Historic Landmark in 2009. Being designated a unit of the National Park System will preserve the historical significance of New Philadelphia and allow its legacy to continue to inspire current and future generations to understand the struggle for freedom and opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “New Philadelphia, Illinois, Study Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Frank McWorter, an enslaved man, bought his freedom and the freedom of 15 family members by mining for crude niter in Kentucky caves and processing the mined material into saltpeter;

(2) New Philadelphia, founded in 1836 by Frank McWorter, was the first town planned and legally registered by a free African-American before the Civil War;

(3) the first railroad constructed in the area of New Philadelphia bypassed New Philadelphia, which led to the decline of New Philadelphia; and

(4) the New Philadelphia site—

(A) is a registered National Historic Landmark;

(B) is covered by farmland; and

(C) does not contain any original buildings of the town or the McWorter farm and home that are visible above ground.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY AREA.—The term “Study Area” means the New Philadelphia archeological site and the surrounding land in the State of Illinois.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the Study Area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Study Area;

(2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—

(A) Federal, State, or local governmental entities; or

(B) private and nonprofit organizations;

(4) consult with—

(A) interested Federal, State, or local governmental entities;

(B) private and nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) FUNDING.—The study authorized under this section shall be carried out using existing funds of the National Park Service.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 332—SUPPORTING THE GOALS AND IDEALS OF AMERICAN EDUCATION WEEK

Mrs. HAGAN (for herself and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 332

Whereas the National Education Association has designated November 13 through November 19, 2011, as the 90th annual observance of American Education Week;

Whereas public schools are the backbone of the Nation's democracy, providing young people with the tools they need to maintain the Nation's precious values of freedom, civility, and equality;

Whereas by equipping young people in the United States with both practical skills and broader intellectual abilities, public schools give them hope for, and access to, a productive future;

Whereas people working in the field of public education, be they teachers, principals, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student service workers, security guards, technical employees, or librarians, work tirelessly to serve children and communities throughout the Nation with care and professionalism; and

Whereas public schools are community linchpins, bringing together adults, children, educators, volunteers, business leaders, and elected officials in a common enterprise: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Education Week; and

(2) encourages the people of the United States to observe National Education Week by reflecting on the positive impact of all those who work together to educate children.

SENATE RESOLUTION 333—WELCOMING AND COMMENDING THE GOVERNMENT OF JAPAN FOR EXTENDING AN OFFICIAL APOLOGY TO ALL UNITED STATES FORMER PRISONERS OF WAR FROM THE PACIFIC WAR AND ESTABLISHING IN 2010 A VISITATION PROGRAM TO JAPAN FOR SURVIVING VETERANS, FAMILY MEMBERS, AND DESCENDANTS

Mrs. FEINSTEIN (for herself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 333

Whereas the United States and Japan have enjoyed a productive and successful peace for over six decades, which has nurtured a strong and critical alliance and deep economic ties that are vitally important to both countries, the Asia-Pacific region, and the world;

Whereas the United States-Japan alliance is based on shared interests, responsibilities, and values and the common support for political and economic freedoms, human rights, and international law;

Whereas the United States-Japan alliance has been maintained by the contributions and sacrifices of members of the United States Armed Forces dedicated to Japan's defense and democracy;

Whereas, from December 7, 1941, to August 15, 1945, the Pacific War caused profound damage and suffering to combatants and noncombatants alike;

Whereas, among those who suffered and sacrificed greatly were the men and women of the United States Armed Forces who were captured by Imperial Japanese forces during the Pacific War;

Whereas many United States prisoners of war were subject to brutal and inhumane conditions and forced labor;

Whereas, according to the Congressional Research Service, an estimated 27,000 United States prisoners of war were held by Imperial Japanese forces and nearly 40 percent perished;

Whereas the American Defenders of Bataan and Corregidor and its subsequent Descendants Group have worked tirelessly to represent the thousands of United States veterans who were held by Imperial Japanese forces as prisoners of war during the Pacific War;

Whereas, on May 30, 2009, an official apology from the Government of Japan was delivered by Japan's Ambassador to the United States Ichiro Fujisaki to the last convention of the American Defenders of Bataan and Corregidor stating, "Today, I would like to convey to you the position of the government of Japan on this issue. As former Prime Ministers of Japan have repeatedly stated, the Japanese people should bear in mind that we must look into the past and to learn from the lessons of history. We extend a heartfelt apology for our country having caused tremendous damage and suffering to many people, including prisoners of wars, those who have undergone tragic experiences in the Bataan Peninsula, Corregidor Island, in the Philippines, and other places.";

Whereas, in 2010, the Government of Japan through its Ministry of Foreign Affairs has established a new program of remembrance and understanding that, for the first time, includes United States former prisoners of war and their family members or other caregivers by inviting them to Japan for exchange and friendship;

Whereas six United States former prisoners of war, each of whom was accompanied by a family member, and two descendants of prisoners of war participated in Japan's first Japanese/American POW Friendship Program from September 12, 2010, to September 19, 2010;

Whereas Japan's Foreign Minister Katsuya Okada on September 13, 2010, apologized to all United States former prisoners of war on behalf of the Government of Japan stating, "You have all been through hardships during World War II, being taken prisoner by the Japanese military, and suffered extremely inhumane treatment. On behalf of the Japanese government and as the foreign minister, I would like to offer you my heartfelt apology.";

Whereas Foreign Minister Okada stated that he expects the former prisoners of war exchanges with the people of Japan will "become a turning point in burying their bitter feelings about the past and establishing a better relationship between Japan and the United States";

Whereas Japan's Deputy Chief Cabinet Secretary Tetsuro Fukuyama on September 13, 2010, apologized to United States former prisoners of war for the "immeasurable damage and suffering" they experienced;

Whereas the participants of the first Japanese/American POW Friendship Program appreciated the generosity and hospitality they received from the Government and people of Japan during the Program and welcomed the apology offered by Foreign Minister Okada and Deputy Chief Cabinet Secretary Fukuyama;

Whereas the participants encourage the Government of Japan to continue this program of visitation and friendship and expand it to support projects for remembrance, documentation, and education; and

Whereas the United States former prisoners of war of Japan still await apologies and remembrance from the successor firms of those private entities in Japan that, in violation of the Third Geneva Convention and in unmerciful conditions, used their labor for economic gain to sustain war production: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes and commends the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, their families, and descendants;

(2) appreciates the recent efforts by the Government of Japan toward historic apologies for the maltreatment of United States former prisoners of war;

(3) requests that the Government of Japan continue its new Japanese/American POW Friendship Program of reconciliation and remembrance and expand it to educate the public and its school children about the history of prisoners of war in Imperial Japan;

(4) requests that the Government of Japan respect the wishes and sensibilities of the United States former prisoners of war by supporting and encouraging programs for lasting remembrance and reconciliation that recognize their sacrifices, history, and forced labor;

(5) acknowledges the work of the Department of State in advocating for the United States prisoners of war from the Pacific War; and

(6) applauds the persistence, dedication, and patriotism of the members and descendants of the American Defenders of Bataan and Corregidor for their pursuit of justice and lasting peace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1062. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1063. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1064. Mr. PAUL (for himself, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LEAHY, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1065. Ms. AYOTTE (for herself, Mr. MCCAIN, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1066. Ms. AYOTTE submitted an amendment intended to be proposed by her to the

bill S. 1867, supra; which was ordered to lie on the table.

SA 1067. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1068. Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1069. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1070. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1071. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1072. Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1073. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1074. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1075. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1076. Mr. LEAHY submitted an amendment intended to be proposed by him to the

bill S. 1867, supra; which was ordered to lie on the table.

SA 1077. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1078. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1079. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1080. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1081. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1082. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1083. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1084. Mr. MCCONNELL (for Mr. KIRK (for himself, Mr. JOHANNES, Mr. MANCHIN, Mr. HELLER, Mr. BLUNT, Mr. ROBERTS, Mr. RUBIO, Mr. BROWN of Massachusetts, Mr. COATS, and Mr. TESTER)) proposed an amendment to the bill S. 1867, supra.

SA 1085. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1086. Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1087. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1088. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1089. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1090. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1091. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1092. Mr. LEVIN (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. CHAMBLISS, Mr. BLUMENTHAL, Mr. INHOFE, Mrs. GILLIBRAND, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. UDALL of Colorado, Mr. WEBB, Mr. MANCHIN, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1093. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1094. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1095. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1096. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1097. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1098. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1099. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1100. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1101. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1102. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1103. Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1104. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1105. Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1106. Mr. MCCAIN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1107. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1108. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1109. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1110. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1111. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1112. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1113. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1114. Mr. BEGICH (for himself, Ms. SNOWE, Mr. CASEY, Mr. GRASSLEY, Mr. LEAHY, Mr. GRAHAM, Ms. MURKOWSKI, Mr.

AKAKA, Mr. PRYOR, Mr. BROWN of Massachusetts, Mr. MANCHIN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1115. Ms. LANDRIEU (for herself, Ms. SNOWE, Mrs. SHAHEEN, Mr. BROWN of Massachusetts, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1116. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1117. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1118. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1119. Mr. BROWN, of Massachusetts (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1120. Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. STABENOW, Mr. DURBIN, Mr. TESTER, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1121. Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1122. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1123. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1124. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1125. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1126. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1127. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1128. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1129. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1130. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended

to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1131. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1132. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1133. Mr. BLUNT (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1134. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1135. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1136. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1137. Mr. HELLER (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1138. Mr. HELLER (for himself, Mr. BROWN of Massachusetts, Mr. BOOZMAN, Mr. BLUMENTHAL, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1139. Mr. CASEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1140. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1141. Mrs. BOXER (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1142. Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1143. Mrs. HAGAN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1144. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1145. Mr. TESTER (for himself, Mrs. HUTCHISON, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1146. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1147. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1148. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1149. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1150. Mr. PRYOR submitted an amendment intended to be proposed by him to the

bill S. 1867, supra; which was ordered to lie on the table.

SA 1151. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1152. Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. LEAHY, Mr. SESSIONS, Mrs. SHAHEEN, Ms. SNOWE, Mr. TESTER, Mr. THUNE, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1153. Mr. UDALL, of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1154. Mr. UDALL, of New Mexico (for himself, Mr. CORKER, Mrs. MCCASKILL, Mr. BINGAMAN, Mr. ALEXANDER, Mr. NELSON of Florida, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1155. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1156. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1157. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1158. Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1159. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1160. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1161. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1162. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1163. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1164. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1165. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1166. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1167. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1168. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1169. Mr. WARNER submitted an amendment intended to be proposed by him

to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1170. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1171. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1172. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1173. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1174. Mr. MERKLEY (for himself, Mr. LEE, Mr. UDALL of New Mexico, Mr. PAUL, and Mr. BROWN of Ohio) proposed an amendment to the bill S. 1867, supra.

SA 1175. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1176. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1177. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1178. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1179. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1180. Ms. COLLINS (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1181. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1182. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1183. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1184. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1185. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1186. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1187. Mrs. GILLIBRAND (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1188. Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. CASEY, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1189. Mrs. MURRAY (for herself, Mrs. GILLIBRAND, and Mrs. MCCASKILL) submitted

an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1190. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1191. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1192. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1193. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1194. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1195. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1196. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1197. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1198. Mrs. HUTCHISON (for herself, Mr. JOHNSON of South Dakota, Mr. THUNE, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1199. Mrs. HUTCHISON (for herself, Mr. BLUNT, Mr. MANCHIN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1200. Mr. CORNYN (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. LIEBERMAN, Mr. WYDEN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1201. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN,

Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1202. Mr. UDALL of New Mexico (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1203. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1204. Mr. REED (for himself, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. LEAHY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1205. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1206. Mrs. BOXER (for herself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mrs. MCCASKILL, Mr. AKAKA, Mr. FRANKEN, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1207. Mr. COBURN (for himself, Mr. LEVIN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1208. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1209. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1210. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1211. Mrs. GILLIBRAND (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1212. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1213. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1214. Ms. SNOWE (for herself, Ms. COLLINS, Mrs. MURRAY, Ms. MIKULSKI, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1215. Mr. CASEY (for himself, Mr. BARASSO, Mr. BLUMENTHAL, Mr. BENNET, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1867, supra.

SA 1216. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1217. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1218. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1219. Mr. LEVIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1220. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1221. Mr. LEVIN proposed an amendment to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

SA 1222. Mr. LEVIN (for Mrs. FEINSTEIN (for herself and Ms. CANTWELL)) proposed an amendment to the bill H.R. 3321, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

SA 1223. Mr. LEVIN (for Mr. BINGAMAN (for himself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 99, to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes.

SA 1224. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1225. Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Mr. JOHNSON of South Dakota, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1867, *supra*; which was ordered to lie on the table.

SA 1226. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1062. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031.

SA 1063. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize ap-

propriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by striking "September 30, 2017" and inserting "September 30, 2014".

SA 1064. Mr. PAUL (for himself, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LEAHY, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is repealed effective on the date of the enactment of this Act or January 1, 2012, whichever occurs later.

SA 1065. Ms. AYOTTE (for herself, Mr. MCCAIN, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

SEC. 136. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking "October 1, 2009" and inserting "October 1, 2011"; and

(2) by striking "316 aircraft" and inserting "301 aircraft".

SA 1066. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by inserting "and that a complete and validated full statement of budget resources is ready by not later than September 30, 2014" after "validated as ready for audit by not later than September 30, 2017".

SA 1067. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1038. REQUIRED NOTIFICATION OF CONGRESS WITH RESPECT TO THE INITIAL CUSTODY AND FURTHER DISPOSITION OF MEMBERS AL-QAEDA AND AFFILIATED ENTITIES.

(a) REQUIRED NOTIFICATION WITH RESPECT TO INITIAL CUSTODY.—

(1) IN GENERAL.—When a covered person, as defined in subsection (c), is taken into the custody of the United States Government, the Secretary of Defense and the Director of National Intelligence shall notify the specified congressional committees, as defined in subsection (d), within 10 days.

(2) REPORTING REQUIREMENT.—The notification submitted pursuant to paragraph (1) shall be in classified form and shall include, at a minimum, the suspect's name, nationality, date of capture or transfer to the United States, location of capture, places of custody since capture or transfer, suspected terrorist affiliation and activities, and agency responsible for interrogation.

(b) REQUIRED NOTIFICATION WITH RESPECT TO FURTHER DISPOSITION.—

(1) IN GENERAL.—Not later than 60 days after the United States Government takes custody of a covered person, the Secretary of Defense and the Director of National Intelligence shall notify and inform the specified congressional committees of the intended disposition of the covered person under section 1031(c).

(2) REPORTING REQUIREMENT.—The notification required under paragraph (1) shall be in classified form and shall include the relevant facts, justification, and rationale that serves as the basis for the disposition option chosen.

(c) COVERED PERSONS.—For the purposes of this section, a covered person is an individual suspected of being—

(1) a member of, or part of, al-Qaeda or an affiliated entity; and

(2) a participant in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term "specified congressional committees" means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Select Committee on Intelligence of the Senate; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.

(e) **EFFECTIVE DATE.**—This section shall take effect 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in subsection (c) who are taken into the custody or brought under the control of the United States on or after that date.

SA 1068. Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1038. AUTHORITY FOR LAWFUL INTERROGATION METHODS IN ADDITION TO THE INTERROGATION METHODS AUTHORIZED BY THE ARMY FIELD MANUAL.

(a) **AUTHORITY.**—Notwithstanding section 1402 of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), the personnel of the United States Government specified in subsection (c) are hereby authorized to engage in interrogation for the purpose of collecting foreign intelligence information using methods set forth in the classified annex required by subsection (b) provided that such interrogation methods comply with all applicable laws, including the laws specified in subsection (d).

(b) **CLASSIFIED ANNEX.**—Not later than 90 days after the date of the enactment of this Act, and on such basis thereafter as may be necessary for the effective collection of foreign intelligence information, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Attorney General, ensure the adoption of a classified annex to Army Field Manual 2-22.3 that sets forth interrogation techniques and approaches, in addition to those specified in Army Field Manual 2-22.3, that may be used for the effective collection of foreign intelligence information.

(c) **COVERED PERSONNEL.**—The personnel of the United States Government specified in this subsection are the officers and employees of the elements of the intelligence community that are assigned to or support the entity responsible for the interrogation of high value detainees (currently known as the “High Value Detainee Interrogation Group”), or a successor entity.

(d) **SPECIFIED LAWS.**—The law specified in this subsection is as follows:

(1) The United Nations Convention Against Torture, signed at New York, February 4, 1985.

(2) Chapter 47A of title 10, United States Code, relating to military commissions (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111-84)).

(3) The Detainee Treatment Act of 2005 (title XIV of Public Law 109-163).

(4) Section 2441 of title 18, United States Code.

(e) **SUPERSEDITION OF EXECUTIVE ORDER.**—The provisions of Executive Order No. 13491, dated January 22, 2009, shall have no further

force or effect, to the extent such provisions are inconsistent with the provisions of this section.

(f) **DEFINITIONS.**—In this section:

(1) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “element of the intelligence community” means an element of the intelligence community listed or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) **FOREIGN INTELLIGENCE INFORMATION.**—The term “foreign intelligence information” has the meaning given that term in section 101(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)).

SA 1069. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 15 and 16, insert the following:

SEC. 2. None of the funds appropriated or otherwise made available by this Act for ongoing construction work on rural water regional programs of the Bureau of Reclamation that is in addition to the amount requested in the annual budget submission of the President (including funds for related settlements) shall be used by the Secretary of the Interior to carry out any rural water supply project (as defined in section 102 of the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401)) that is authorized after the date of enactment of this Act unless the Secretary of the Interior, not later than 60 days after the date of enactment of this Act, issues a work plan prioritizing funding of rural water supply projects carried out by the Bureau of Reclamation based on the following criteria to better utilize taxpayer dollars:

(1) The percentage of the rural water supply project to be carried out that is complete (as of the date of enactment of this Act) or will be completed by September 30, 2012.

(2) The number of people served or expected to be served by the rural water supply project.

(3) The amount of non-Federal funds previously provided or certified as available for the cost of the rural water supply project.

(4) The extent to which the rural water supply project benefits tribal components.

(5) The extent to which there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs of the population served by the rural water supply project.

SA 1070. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON MANPADS IN LIBYA.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter for three years, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to Congress a report in classified and unclassified form on the disposition of and accounting for the Man Portable Air Defense Systems (MANPADS) that were under the control of the Government of Libya during the regime of Colonel Muammar Gaddafi.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

(1) Intelligence estimates as to the number of MANPADS under the control of the Government of Libya prior to February 16, 2011.

(2) A summary of United States and NATO efforts to account for all of the MANPADS, and ancillary equipment necessary to operate the MANPADS, following the beginning of NATO's intervention in Libya.

(3) The comprehensive strategy to prevent terrorist organizations from gaining control of the MANPADS.

(4) An assessment of the probability of and threat posed by an air defense weapons system like MANPADS being obtained and used by a terrorist organization.

SA 1071. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle E of title VIII, add the following:

SEC. 889. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early-warning of actual and potential problems

with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

SA 1072. Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, of Massachusetts, Mr. BROWN, of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON, of Wisconsin, Mr. JOHNSON, of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON, of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follow:

At the end of division A, add the following:

**TITLE XVI—NATIONAL GUARD
EMPOWERMENT**

SEC. 1601. SHORT TITLE.

This title may be cited as the “National Guard Empowerment and State-National Defense Integration Act of 2011”.

SEC. 1602. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AND TERMINATION OF POSITION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT AND TERMINATION OF POSITIONS.—Section 10505 of title 10, United States Code, is amended to read as follows:

“§ 10505. Vice Chief of the National Guard Bureau

“(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(C) are in a grade above the grade of brigadier general.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”

(b) CONFORMING AMENDMENTS.—

(1) Section 10502 of such title is amended by striking subsection (e).

(2) Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “and the Vice Chief of the National Guard Bureau”.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 10502 of such title is amended to read as follows:

“§ 10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1011 of such title is amended—

(A) by striking the item relating to section 10502 and inserting the following new item:

“10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.”;

and

(B) by striking the item relating to section 10505 and inserting the following new item:

“10505. Vice Chief of the National Guard Bureau.”.

SEC. 1603. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”.

(b) CONFORMING AMENDMENTS.—Section 10502 of such title, as amended by section 2(b)(1) of this Act, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.”.

SEC. 1604. CONTINUATION AS A PERMANENT PROGRAM AND ENHANCEMENT OF ACTIVITIES OF TASK FORCE FOR EMERGENCY READINESS PILOT PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) CONTINUATION.—

(1) CONTINUATION AS PERMANENT PROGRAM.—The Administrator of the Federal

Emergency Management Agency shall continue the Task Force for Emergency Readiness (TFER) pilot program of the Federal Emergency Management Agency as a permanent program of the Agency.

(2) LIMITATION ON TERMINATION.—The Administrator may not terminate the Task Force for Emergency Readiness program, as so continued, until authorized or required to terminate the program by law.

(b) EXPANSION OF PROGRAM SCOPE.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall carry out the program in at least five States in addition to the five States in which the program is carried out as of the date of the enactment of this Act.

(c) ADDITIONAL FEMA ACTIVITIES.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall—

(1) establish guidelines and standards to be used by the States in strengthening the planning and planning capacities of the States with respect to responses to catastrophic disaster emergencies; and

(2) develop a methodology for implementing the Task Force for Emergency Readiness that includes goals and standards for assessing the performance of the Task Force.

(d) NATIONAL GUARD BUREAU ACTIVITIES.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Chief of the National Guard Bureau shall—

(1) assist the Administrator in the establishment of the guidelines and standards, implementation methodology, and performance goals and standards required by subsection (c);

(2) in coordination with the Administrator—

(A) identify, using catastrophic disaster response plans for each State developed under the program, any gaps in State civilian and military response capabilities that Federal military capabilities are unprepared to fill; and

(B) notify the Secretary of Defense, the Commander of the United States Northern Command, and the Commander of the United States Pacific Command of any gaps in capabilities identified under subparagraph (A); and

(3) acting through and in coordination with the Adjutants General of the States, assist the States in the development of State plans on responses to catastrophic disaster emergencies.

(e) ANNUAL REPORTS.—The Administrator and the Chief of the National Guard Bureau shall jointly submit to the appropriate committees of Congress each year a report on activities under the Task Force for Emergency Readiness program during the preceding year. Each report shall include a description of the activities under the program during the preceding year and a current assessment of the effectiveness of the program in meeting its purposes.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

SEC. 1605. REPORT ON COMPARATIVE ANALYSIS OF COSTS OF COMPARABLE UNITS OF THE RESERVE COMPONENTS AND THE REGULAR COMPONENTS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a comparative analysis of the costs of units of the regular components of the Armed Forces with the costs of similar units of the reserve components of the Armed Forces. The analysis shall include a separate comparison of the costs of units in the aggregate and of the costs of units solely when on active duty.

(2) SIMILAR UNITS.—For purposes of this subsection, units of the regular components and reserve components shall be treated as similar if such units have the same general structure, personnel, or function, or are substantially composed of personnel having identical or similar military occupational specialties (MOS).

(b) ASSESSMENT OF INCREASED RESERVE COMPONENT PRESENCE IN TOTAL FORCE STRUCTURE.—The Secretary shall include in the report required by subsection (a) an assessment of the advisability of increasing the number of units and members of the reserve components of the Armed Forces within the total force structure of the Armed Forces. The assessment shall take into account the comparative analysis conducted for purposes of subsection (a) and such other matters as the Secretary considers appropriate for purposes of the assessment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth a review of such report by the Comptroller General. The report of the Comptroller General shall include an assessment of the comparative analysis contained in the report required by subsection (a) and of the assessment of the Secretary pursuant to subsection (b).

SEC. 1606. DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS.

Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.

SEC. 1607. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United

States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 1608. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air

National Guard of the United States, as applicable, who have served as the adjutant general of a State.

SEC. 1609. AVAILABILITY OF FUNDS UNDER STATE PARTNERSHIP PROGRAM FOR ADDITIONAL NATIONAL GUARD CONTACTS ON MATTERS WITHIN THE CORE COMPETENCIES OF THE NATIONAL GUARD.

The Secretary of Defense shall, in consultation with the Secretary of State, modify the regulations prescribed pursuant to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) to provide for the use of funds available pursuant to such regulations for contacts between members of the National Guard and civilian personnel of foreign governments outside the ministry of defense on matters within the core competencies of the National Guard such as the following:

- (1) Disaster response and mitigation.
- (2) Defense support to civilian authorities.
- (3) Consequence management and installation protection.
- (4) Chemical, biological, radiological, or nuclear event (CBRNE) response.
- (5) Border and port security and cooperation with civilian law enforcement.
- (6) Search and rescue.
- (7) Medical matters.
- (8) Counterdrug and counternarcotics activities.
- (9) Public affairs.
- (10) Employer and family support of reserve forces.
- (11) Such other matters within the core competencies of the National Guard and suitable for contacts under the State Partnership Program as the Secretary of Defense shall specify.

SA 1073. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PROHIBITION ON EXPANSION OR OPERATION OF DISTRICT OF COLUMBIA NATIONAL GUARD YOUTH CHALLENGE PROGRAM IN ANNE ARUNDEL COUNTY, MARYLAND.

Notwithstanding any other provision of law, no funds may be used to expand or operate the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland.

SA 1074. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “FOSSIL ENERGY RESEARCH AND DEVELOPMENT” of title III, before the period at the end, insert the following: “: Provided further, That the

Secretary of Energy shall allocate an additional \$30,000,000 for the fossil energy research and development program of the Department of Energy, of which \$10,000,000 shall be for the unconventional fossil energy account, \$10,000,000 shall be for the advanced energy systems account, and \$10,000,000 shall be for the natural gas technology account, to be derived by the transfer of \$30,000,000 from the amount made available under the heading 'ADVANCED RESEARCH PROJECTS AGENCY—ENERGY'.

SA 1075. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, line 9, insert after "a person who is described in paragraph (2) who is captured" the following: "abroad".

SA 1076. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1035.

SA 1077. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, line 13, insert after "to detain covered persons (as defined in subsection (b))" the following: "who are captured in the course of hostilities".

SA 1078. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031.

SA 1079. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1032.

SA 1080. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, line 9, insert after "a person who is described in paragraph (2) who is captured" the following: "abroad or on a United States military facility".

SA 1081. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle D of title X.

SA 1082. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1033.

SA 1083. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1034.

SA 1084. Mr. MCCONNELL (for Mr. KIRK (for himself, Mr. JOHANNES, Mr. MANCHIN, Mr. HELLER, Mr. BLUNT, Mr. ROBERTS, Mr. RUBIO, Mr. BROWN of Massachusetts, Mr. COATS, and Mr. TESTER)) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

“(h) IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.—

“(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall—

“(A) prohibit the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted any financial transaction with the Central Bank of Iran; and

“(B) freeze and prohibit all transactions in all property and interests in property of each such foreign financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) on a foreign financial institution for engaging in a transaction with the Central Bank of Iran for the sale of food, medicine, or medical devices to Iran.

“(3) APPLICABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) applies with respect to financial transactions commenced on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

“(B) PETROLEUM TRANSACTIONS.—Paragraph (1) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

“(4) WAIVER.—

“(A) IN GENERAL.—The President may waive the application of paragraph (1) with respect to a foreign financial institution for a period of not more than 60 days, and may renew that waiver for additional periods of not more than 60 days, if the President determines and reports to the appropriate congressional committees every 60 days that the waiver is necessary to the national security interest of the United States.

“(B) FORM.—A report submitted pursuant to subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

“(5) FOREIGN FINANCIAL INSTITUTION.—For purposes of this subsection, the term ‘foreign financial institution’ includes a financial institution owned or controlled by a foreign government.”.

SA 1085. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

DIVISION —IDENTITY THEFT AND DATA PRIVACY

SEC. —01. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1961(1) of title 18, United States Code, is amended by inserting “section 1030 (relating to fraud and related activity in connection with computers) if the act is a felony,” before “section 1084”.

SEC. —02. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under paragraph (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (D), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(B),

if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

“(D) a fine under this title, imprisonment for not more than 1 year, or both, for any other offense under subsection (a)(5);

“(6) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(7) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”.

SEC. —03. TRAFFICKING IN PASSWORDS.

Section 1030(a) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in—

“(A) any password or similar information through which a protected computer as defined in subparagraphs (A) and (B) of subsection (e)(2) may be accessed without authorization; or

“(B) any means of access through which a protected computer as defined in subsection (e)(2)(A) may be accessed without authorization.”.

SEC. —04. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “for the completed offense” after “punished as provided”.

SEC. —05. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such person’s interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) of title 18, United States Code, shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”.

SEC. —06. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

“SEC. 1030A. AGGRAVATED DAMAGE TO A CRITICAL INFRASTRUCTURE COMPUTER.

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘computer’ and ‘damage’ have the meanings given such terms in section 1030; and

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) gas and oil production, storage, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public.

“(b) OFFENSE.—It shall be unlawful to, during and in relation to a felony violation of section 1030, intentionally cause or attempt to cause damage to a critical infrastructure computer, and such damage results in (or, in the case of an attempt, would, if completed have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not less than 3 years nor more than 20 years, or both.

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony violation section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the

court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“Sec. 1030A. Aggravated damage to a critical infrastructure computer.”.

SEC. 07. LIMITATION ON CERTAIN ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(a)(2) of title 18, United States Code, is amended by striking subsection (a)(2) and inserting the following:

“(2) intentionally accesses a computer —
“(A) without authorization, and thereby obtains—

“(i) information contained in a financial record of a financial institution, or of a card issuer as defined in section 1602(n) of title 15, or contained in a file of a consumer reporting agency on a consumer, as such terms are defined in the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

“(ii) information from any department or agency of the United States; or

“(iii) information from any protected computer; or

“(B) in excess of authorization, thereby obtains—

“(i) information defined in subparagraph (A) (i) through (iii); and

“(ii) the offense involves—

“(I) information that exceeds \$5,000 in value;

“(II) sensitive or private information involving an identifiable individual or entity (including such information in the possession of a third party), including medical records, wills, diaries, private correspondence, government-issued identification numbers, unique biometric data, financial records, photographs of a sensitive or private nature, trade secrets, commercial business information, or other similar information;

“(III) information that has been properly classified by the United States Government pursuant to an Executive Order or statute, or determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national security, national defense, or foreign relations, or any restricted data, as defined in paragraph y of section 11 of the Atomic Energy Act of 1954; or

“(IV) information obtained from a computer used by, or on behalf of, a government entity.”.

SEC. 08. REPORTING OF CERTAIN CRIMINAL CASES.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

“(k) REPORTING CERTAIN CRIMINAL CASES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives the number of criminal cases brought under subsection (a)(2)(B), as amended by this Act.”.

SA 1086. Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for mili-

tary activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. ____ . AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

SA 1087. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1044 and insert the following:

SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.

(a) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may exempt Department of Defense critical infrastructure security information from disclosure under section 552 of title 5, United States Code, upon a written determination that—

(A) the disclosure of such information would reveal vulnerabilities in such infrastructure that, if exploited, could result in the disruption, degradation, or destruction of Department of Defense operations, property, or facilities; and

(B) the public interest in the disclosure of such information does not outweigh the Government's interest in withholding such information from the public.

(2) INFORMATION PROVIDED TO STATE OR LOCAL FIRST RESPONDERS.—Critical infrastructure security information covered by a written determination under this subsection that is provided to a State or local government to assist first responders in the event that emergency assistance should be required shall be deemed to remain under the control of the Department of Defense.

(b) MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEM.—The Secretary of Defense may exempt information contained in any data file of the Military Flight Operations Quality Assurance system of a mili-

tary department from disclosure under section 552 of title 5, United States Code, upon a written determination that the disclosure of such information in the aggregate (and when combined with other information already in the public domain) would reveal sensitive information regarding the tactics, techniques, procedures, processes, or operational and maintenance capabilities of military combat aircraft, units, or aircrews. Information covered by a written determination under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data file that is not exempt in its entirety from such disclosure.

(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) TRANSPARENCY.—Each determination of the Secretary, or the Secretary's designee, under subsection (a) or (b) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) DEFINITIONS.—In this section:

(1) The term “Department of Defense critical infrastructure security information” means sensitive but unclassified information that could substantially facilitate the effectiveness of an attack designed to destroy equipment, create maximum casualties, or steal particularly sensitive military weapons including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(2) The term “data file” means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

SA 1088. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY CONTRACTORS.

Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2253) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) IMPLEMENTATION OF POLICY ON PUBLIC-PRIVATE COMPETITIONS.—The Secretary of Defense shall prescribe regulations to ensure that the findings in the report required under subsection (b) and any conclusions or recommendations of the Comptroller General included in the report required under subsection (c) are implemented not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.”; and

(2) by striking subsection (d).

SA 1089. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. DISCLOSURE REQUIREMENTS FOR POST-SECONDARY INSTITUTIONS PARTICIPATING IN DEPARTMENT OF DEFENSE TUITION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations requiring post-secondary education institutions that participate in Department of Defense tuition assistance programs, as a condition of such participation, to disclose with respect to each student receiving such tuition assistance the following information:

(1) Whether the successful completion of the advertised education or training program by a student meets prerequisites for the purpose of applying for and completing an examination or license required as a precondition for employment in the occupation for which the program is represented to prepare the student.

(2) The completion date of degree, certification, or license sought by the student participating in the tuition assistance program.

(b) APPLICABILITY.—For purposes of this section, the term “Department of Defense tuition assistance program” applies to financial tuition assistance provided by the Department of Defense to active duty servicemembers and eligible spouses.

SA 1090. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle D—Pay and Allowances

SEC. 641. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6) The rate of basic allowance for housing to be paid a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service.”.

SA 1091. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 181, after line 9, insert the following:

SEC. _____. (a) The Comptroller General of the United States shall conduct a study regarding State legislative actions during the 10 years prior to the date of enactment of this Act that may affect voter registration or voting. The study shall identify, by State, what documents are required in order to obtain sufficient identification for registration or voting, the cost to the individual for those documents, and what access is available to the State agencies responsible for providing that documentation, including hours of operation and geographic distribution of the agencies. The study shall identify the States that have passed voter identification legislation, the States that are providing free identification, the number of free identifications that have been provided by each such State, and which agencies in each such State have provided those identifications. The study shall collect data on any prosecutions or convictions for voter impersonation fraud within each State during the 10 years prior to the date of enactment of this Act. The study shall also examine the extent to which each State complies with data requests from the Federal Election Commission. The Comptroller General shall collect this data to the extent available and shall identify any limitations in collecting such data. Not later than 120 days after the date of enactment of this Act, the Government Accountability Office shall provide an interim briefing to the committees of jurisdiction of the Senate and the House of Representatives on the study conducted under this subsection. Members of Congress may request clarifying information as appropriate based on the information provided in the briefing.

(b) Not later than 11 months after the date of enactment of this Act, the Comptroller General shall submit to the committees of jurisdiction of the Senate and the House of Representatives a final report containing the results of the study conducted under subsection (a).

SA 1092. Mr. LEVIN (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. CHAMBLISS, Mr. BLUMENTHAL, Mr. INHOFE, Mrs.

GILLIBRAND, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. UDALL of Colorado, Mr. WEBB, Mr. MANCHIN, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

(a) REVISED REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) CONTRACTOR RESPONSIBILITIES.—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) contractors on Department of Defense contracts for products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under such contracts.

(3) TRUSTED SUPPLIERS.—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that, whenever possible, the Department of Defense and Department of Defense contractors and subcontractors—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from trusted suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) obtain electronic parts that are not in production or currently available in stock from trusted suppliers;

(B) establish requirements for notification of the Department of Defense, inspection, test, and authentication of electronic parts that the Department of Defense or a Department of Defense contractor or subcontractor obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department of Defense may identify trusted suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department of Defense contractors and subcontractors to identify and use additional trusted suppliers, provided that—

(i) the standards and processes for identifying such trusted suppliers complies with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of

parts provided by such supplier as provided in paragraph (2); and

(iii) the selection of such trusted suppliers is subject to review and audit by appropriate Department of Defense officials.

(4) **REPORTING REQUIREMENT.**—The revised regulations issued pursuant to paragraph (1) shall require that any Department of Defense contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by the Department of Defense, or purchased by a contractor of subcontractor for delivery to, or on behalf of, the Department of Defense, contains counterfeit electronic parts or suspect counterfeit electronic parts, shall provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(b) **INSPECTION OF IMPORTED ELECTRONIC PARTS.**—

(1) **INSPECTION PROGRAM.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a program of enhanced inspection by U.S. Customs and Border Patrol of electronic parts imported from any country that has been determined by the Secretary of Defense to have been a significant source of counterfeit electronic parts or suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense over the previous five years.

(2) **INFORMATION SHARING.**—In carrying out the program required under paragraph (1) and in accordance with regulations issued by the Secretary of Homeland Security, the Secretary is authorized to provide the owner of a copyright or registered mark (as defined in section 1127 of title 15, United States Code) any information appearing on the imported merchandise or its retail packaging, and a sample of such merchandise and its retail packaging in their condition as presented for customs examination, as well as any packing material that bears an accused mark or work, when necessary in the view of the Secretary to assist the Secretary with determining whether the copyright has been pirated or the registered mark has been counterfeited.

(c) **CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT AND SUSPECT COUNTERFEIT ELECTRONIC PARTS.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program for the improvement of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts.

(2) **ELEMENTS.**—The program developed pursuant to paragraph (1) shall—

(A) require covered contractors to adopt and implement policies and procedures, consistent with applicable industry standards, for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, including policies and procedures for training personnel, designing and maintaining systems to mitigate risks associated with parts obsolescence, making sourcing decisions, prioritizing mission critical and sensitive components, ensuring traceability of parts, developing lists of trusted and untrusted suppliers, flowing down requirements to subcontractors, in-

specting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action;

(B) establish processes for the review and approval or disapproval of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4311; 10 U.S.C. 2302 note); and

(C) effective beginning one year after the date of the enactment of this Act, authorize the withholding of payments as provided in subsection (c) of such section, in the event that a contractor system for detection and avoidance of counterfeit electronic parts is disapproved pursuant to subparagraph (B) and has not subsequently received approval.

(3) **COVERED CONTRACTOR AND COVERED CONTRACT DEFINED.**—In this subsection, the terms “covered contractor” and “covered contract” have the meanings given such terms in section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4312; 10 U.S.C. 2302 note).

(d) **DEPARTMENT OF DEFENSE RESPONSIBILITIES.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to address shortcomings in Department of Defense systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts. Such steps shall include, at a minimum, the following:

(1) Policies and procedures applicable to Department of Defense components engaged in the purchase of electronic parts, including requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action. The policies and procedures developed by the Secretary under this paragraph shall prioritize mission critical and sensitive components.

(2) The establishment of a system for ensuring that government employees who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department of Defense contains counterfeit electronic parts or suspect counterfeit electronic parts are required to provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(3) A process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted to the Inspector General of the Department of Defense, contracting officers, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(4) Guidance on appropriate remedial actions in the case of a supplier who has repeatedly failed to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts or otherwise failed to exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effec-

tively addressed the issues that led to such failures.

(e) **TRAFFICKING IN COUNTERFEIT MILITARY GOODS OR SERVICES.**—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

“(3) **MILITARY GOODS OR SERVICES.**—

“(A) **IN GENERAL.**—A person who commits an offense under paragraph (1) shall be punished in accordance with subparagraph (B) if—

“(i) the offense involved a good or service described in paragraph (1) that if it malfunctioned, failed, or was compromised, could reasonably be foreseen to cause—

“(I) serious bodily injury or death;

“(II) disclosure of classified information;

“(III) impairment of combat operations; or

“(IV) other significant harm to a member of the Armed Forces or to national security; and

“(ii) the person had knowledge that the good or service is falsely identified as meeting military standards or is intended for use in a military or national security application.

“(B) **PENALTIES.**—

“(i) **INDIVIDUAL.**—An individual who commits an offense described in subparagraph (A) shall be fined not more than \$5,000,000, imprisoned for not more than 20 years, or both.

“(ii) **PERSON OTHER THAN AN INDIVIDUAL.**—A person other than an individual that commits an offense described in subparagraph (A) shall be fined not more than \$15,000,000.

“(C) **SUBSEQUENT OFFENSES.**—

“(i) **INDIVIDUAL.**—An individual who commits an offense described in subparagraph (A) after the individual is convicted of an offense under subparagraph (A) shall be fined not more than \$15,000,000, imprisoned not more than 30 years, or both.

“(ii) **PERSON OTHER THAN AN INDIVIDUAL.**—A person other than an individual that commits an offense described in subparagraph (A) after the person is convicted of an offense under subparagraph (A) shall be fined not more than \$30,000,000.”; and

(2) in subsection (e)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(5) the term ‘falsely identified as meeting military standards’ relating to a good or service means there is a material misrepresentation that the good or service meets a standard, requirement, or specification issued by the Department of Defense, an Armed Force, or a reserve component; and

“(6) the term ‘use in a military or national security application’ means the use of a good or service, independently, in conjunction with, or as a component of another good or service—

“(A) during the performance of the official duties of the Armed Forces of the United States or the reserve components of the Armed Forces; or

“(B) by the United States to perform or directly support—

“(i) combat operations; or

“(ii) critical national defense or national security functions.”.

(f) **SENTENCING GUIDELINES.**—

(1) **DEFINITION.**—In this subsection, the term “critical infrastructure” has the meaning given that term in application note 13(A) of section 2B1.1 of the Federal Sentencing Guidelines.

(2) **DIRECTIVE.**—The United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of an offense under section 2320(a) of title 18, United States Code, to reflect the intent of Congress that penalties for such offenses be increased for defendants that sell infringing products to, or for the use by or for, the Armed Forces or a Federal, State, or local law enforcement agency or for use in critical infrastructure or in national security applications.

(3) **REQUIREMENTS.**—In amending the Federal Sentencing Guidelines and policy statements under paragraph (2), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2B5.3 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in section 2320(a) of title 18, United States Code;

(ii) the need for an effective deterrent and appropriate punishment to prevent offenses under section 2320(a) of title 18, United States Code; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider an appropriate offense level enhancement and minimum offense level for offenses that involve a product used to maintain or operate critical infrastructure, or used by or for an entity of the Federal Government or a State or local government in furtherance of the administration of justice, national defense, or national security;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to the guidelines; and

(E) ensure that the guidelines relating to offenses under section 2320(a) of title 18, United States Code, adequately meet the purposes of sentencing, as described in section 3553(a)(2) of title 18, United States Code.

(4) **EMERGENCY AUTHORITY.**—The United States Sentencing Commission shall—

(A) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 180 days after the date of the enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(B) pursuant to the emergency authority provided under subparagraph (A), make such conforming amendments to the Federal Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(g) **DEFINITIONS.**—

(1) **COUNTERFEIT ELECTRONIC PART.**—The Secretary of Defense shall define the term “counterfeit electronic part” for the purposes of this section. Such definition shall include used electronic parts that are represented as new.

(2) **SUSPECT COUNTERFEIT ELECTRONIC PART AND ELECTRONIC PART.**—For the purposes of this section:

(A) A part is a “suspect counterfeit electronic part” if visual inspection, testing, or other information provide reason to believe that the part may be a counterfeit part.

(B) An “electronic part” means an integrated circuit, a discrete electronic component (including but not limited to a tran-

sistor, capacitor, resistor, or diode), or a circuit assembly.

SA 1093. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1038. REQUIREMENT FOR DETENTION AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF HIGH-VALUE DETAINEES WHO WILL BE DETAINED LONG-TERM.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States is still in a global war on terror and engaged in armed conflict with terrorist organizations, and will continue to capture terrorists who will need to be detained in a secure facility.

(2) Since 2002, enemy combatants have been captured by the United States and its allies and detained in facilities at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(3) The United States has detained almost 800 al-Qaeda and Taliban combatants at the Guantanamo Bay Detention Facility.

(4) More than 600 detainees have been tried, transferred, or released from the Guantanamo Bay Detention Facility to other countries.

(5) The last enemy combatant brought to the Guantanamo Bay Detention Facility for detention was brought in June 2008.

(6) The military detention facilities at the Guantanamo Bay Detention Facility meet the highest international standards, and play a fundamental part in protecting the lives of Americans from terrorism.

(7) The Guantanamo Bay Detention Facility is a state-of-the-art facility that provides humane treatment for all detainees, is fully compliant with the Geneva Convention, and provides treatment and oversight that exceed any maximum-security prison in the world, as attested to by human rights organizations, the International Committee of the Red Cross, Attorney General Holder, and an independent commission led Admiral Walsh.

(8) The Guantanamo Bay Detention Facility is a secure location away from population centers, provides maximum security required to prevent escape, provides multiple levels of confinement opportunities based on the compliance of detainees, and provides medical care not available a majority of the population of the world.

(9) The Expeditionary Legal Complex (ELC) at the Guantanamo Bay Detention Facility is the only one of its kind in the world. It provides a secure location to secure and try detainees charged by the United States Government, full access to sensitive and classified information, full access to defense lawyers and prosecution, and full media access by the press.

(10) The Guantanamo Bay Detention Facility is the single greatest repository of human intelligence in the war on terror.

(11) The intelligence derived from the Guantanamo Bay Detention Facility has prevented terrorist attacks and saved lives in the past and continues to do so today.

(12) The intelligence obtained from questioning detainees at the Guantanamo Bay Detention Facility includes information on the following:

(A) The organizational structure of al-Qaeda, the Taliban, and other terrorist groups.

(B) The extent of the presence of terrorists in Europe, the United States, and the Middle East, and elsewhere around the globe.

(C) The pursuit of weapons of mass destruction by al-Qaeda.

(D) The methods of recruitment by al-Qaeda and the locations of its recruitment centers.

(E) The skills of terrorists, including general and specialized operative training.

(F) The means by which legitimate financial activities are used to hide terrorist operations.

(13) Key intelligence used to find Osama bin Laden was obtained at least in part through the use of enhanced interrogation of detainees at the Guantanamo Bay Detention Facility, with Leon Panetta, Director of the Central Intelligence Agency, acknowledging that “[c]learly some of it came from detainees and the interrogation of detainees. . .” and confirming that “they used these enhanced interrogation techniques against some of those detainees”.

(b) **REQUIREMENT.**—Each high-value enemy combatant who is captured or otherwise taken into long-term custody or detention by the United States shall, while under such detention of the United States, be detained at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(c) **HIGH-VALUE ENEMY COMBATANT DEFINED.**—In this section, the term “high-value enemy combatant” means an enemy combatant who—

(1) is a senior member of al-Qaeda, the Taliban, or any associated terrorist group;

(2) has knowledge of an imminent terrorist threat against the United States or its territories, the Armed Forces of the United States, the people or organizations of the United States, or an ally of the United States;

(3) has, or has had, direct involvement in planning or preparing a terrorist action against the United States or an ally of the United States or in assisting the leadership of al-Qaeda, the Taliban, or any associated terrorist group in planning or preparing such a terrorist action; or

(4) if released from detention, would constitute a clear and continuing threat to the United States or any ally of the United States.

SA 1094. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. INCLUSION OF DEPARTMENT OF COMMERCE IN CONTRACT AUTHORITY USING COMPETITIVE PROCEDURES BUT EXCLUDING PARTICULAR SOURCES FOR ESTABLISHING CERTAIN RESEARCH AND DEVELOPMENT CAPABILITIES.

Section 2304(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The Secretary of Commerce shall be treated as the head of an agency for purposes of procurements under paragraph (1) that are covered by a determination under subparagraph (C) of that paragraph.”.

SA 1095. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. MENTAL HEALTH COUNSELING TRAINING FOR MILITARY CHAPLAINS.

(a) FINDINGS.—The Senate makes the following findings:

(1) A decade of deployments for the United States Armed Forces has led to significant increases in traumatic stress for members of the Armed Forces and their families.

(2) Increases in the severity and frequency of stress for members of the Armed Forces and their families has driven up demand for mental health counseling services by specially trained counselors and military chaplains.

(3) The emotional needs, mental strain, and interpersonal issues that arise among soldiers and their families before, during, and after deployment are highly unique. It is critical that military counselors and chaplains have a specialized understanding of the total deployment experience.

(4) The military chaplain's corps for all military services has experienced significant shortfalls in personnel. The Army and Army National Guard have been especially affected by the inability to field needed personnel.

(5) A muted ability to field qualified military health counselors and chaplains has an adverse affect on the mental and emotional health of members of the Armed Forces and their families.

(6) The United States Army Chaplain Center and School, United States Navy Chaplaincy School and Center, and other military chaplaincy schools rely on accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates.

(7) It is important that accredited universities, seminaries, and religious schools producing chaplain candidates or providing post-graduate education and supplemental training adequately prepare students with the training required to address the needs of members of the Armed Forces and their families.

(8) There is both opportunity and need for the Chaplain Corps of the United States Armed Forces to work with accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates and provide post-graduate edu-

cation and supplemental training, and to do so in a way that is cost effective.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of Defense, in conjunction with the Chief of Chaplains for each military service, should produce a plan to ensure sustainable throughput of qualified chaplains in the military chaplain centers and schools; and

(2) the plan should include integration of accredited universities, seminaries, and religious schools to include programmatic augmentation when efficient and fiscally advantageous.

SA 1096. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. SENSE OF SENATE ON TREATMENT OPTIONS FOR MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—The Senate makes the following findings:

(1) Approximately 1,400,000 Americans experience Traumatic Brain Injury (TBI) each year, and an estimated 3,200,000 Americans are living with long-term, severe disabilities as a result of brain injury. Another approximate 360,000 men and women are estimated to have been experienced a Traumatic Brain Injury in the conflicts in Iraq and Afghanistan to date.

(2) Congressional funding for Traumatic Brain Injury activities began with Public Law 104-166 (commonly referred to as the “Traumatic Brain Injury Act of 1996”) and has subsequently been addressed in title XIII of Public Law 106-310 (commonly referred to as the “Traumatic Brain Injury Act Amendments of 2000”), which mandated reports and requirements for mild Traumatic Brain Injury, and in Acts authorizing and appropriating funds for the Department of Defense to date.

(3) In 1992 during the Persian Gulf War, Congress created the Defense and Veterans Head Injury Program (DVHIP) to integrate specialized Traumatic Brain Injury care, research, and education across the military and veteran medical care systems.

(4) With Congressional oversight and appropriations, the Department of Defense subsequently transitioned the Defense and Veterans Head Injury Program to the Defense and Veterans Brain Injury Center (DVBIC) in order improve the military and veterans medical communities ability to develop and provide advanced Traumatic Brain Injury-specific evaluation, treatment, and follow-up care for military personnel, their beneficiaries, and veterans with mild to severe Traumatic Brain Injury.

(5) Though Congress, the Department of Defense, and the Department of Veterans Affairs have increased the capacity to provide health services, particularly in the areas of mental health and Traumatic Brain Injury, gaps in access and quality remain, to include a selected method for diagnosing a Trau-

matic Brain Injury, a consistent process for treatment for a Traumatic Brain Injury, availability of providers, shortages of personnel, organizational deficiencies, cultural understanding and acceptance, and available technology in diagnosis and treatment.

(6) Gaps in quality of care and limited access to proper care remain for both members of the Armed Forces and veterans, especially veterans who are demobilized members of the National Guard and Reserve. Some estimates indicate that approximately 57 percent of those returning from Iraq and Afghanistan are not being evaluated by a physician for a brain injury.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense and Department of Veterans Affairs should be commended for increasing the treatment options for Traumatic Brain Injury that are available to veterans;

(2) the Secretary of Defense should, in consultation with the Secretary of Veterans Affairs, continue to test, prove, and make available viable treatment options for Traumatic Brain Injury, including alternative treatment methods that have been determined, through testing, to be an effective form of treatment; and

(3) the Secretary of Defense and the Secretary of Veterans Affairs should take actions to ensure that existing veteran and medical benefits cover the use of viable available treatment options for Traumatic Brain Injury, including alternative treatment methods.

SA 1097. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. PLAN FOR STREAMLINING PROGRAMS THAT ADDRESS PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.

(a) FINDINGS.—Congress makes the following findings:

(1) There are over 200 programs within the Department of Defense that address psychological health and traumatic brain injury (TBI).

(2) The number of programs reflects the seriousness with which the Department and the United States Government and people take the treatment of the invisible wounds of the wars in Iraq and Afghanistan.

(3) Notwithstanding the proliferation of programs, there are still gaps in the treatment of our wounded warriors.

(4) Because of the proliferation of programs, redundancies and inefficiencies exist and waste resources that would otherwise be used to effectively treat members of the Armed Forces suffering from psychological health and traumatic brain injuries.

(5) Section 1618 of the Wounded Warriors Act (title XVI of Public Law 110-181; 122 Stat. 450; 10 U.S.C. 1071 note) required the Secretary of Defense to submit a comprehensive plan for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, research, and otherwise respond to traumatic brain injury, post-traumatic stress disorder, and other mental

health conditions in members of the Armed Forces.

(6) The plan required in that Act was to assess the capabilities of the Department, identify capability gaps, identify resources required, and identify appropriate leadership that would coordinate the various programs.

(7) Section 1621 of the Wounded Warriors Act (title XVI of Public Law 110-181; 122 Stat. 453; 10 U.S.C. 1071 note) established the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE) to implement the Department's comprehensive plan and strategy.

(b) STREAMLINING PLAN.—

(1) **PLAN REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to streamline programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury.

(2) **ELEMENTS.**—The plan required under paragraph (1) shall include the following elements:

(A) A complete catalog of programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury, including details of the intended function of each program.

(B) An analysis of gaps in the delivery of services and treatments identified by the complete catalog required under subparagraph (A).

(C) An analysis of redundancies identified in the complete catalog required under subparagraph (A).

(D) A plan for eliminating redundancies and mitigating the gaps identified in the plan.

(E) Identification of the official within the Department that will be responsible for enactment of the plan.

(F) A timeline for enactment of the plan.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on progress in implementing the plan required under subsection (b).

SA 1098. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. REPORT ON IMPACT OF FOREIGN BOYCOTS ON THE DEFENSE INDUSTRIAL BASE.

(a) **IN GENERAL.**—Not later than February 1, 2012, the Comptroller General of the United States shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) **ELEMENTS.**—The report required by subsection (a) shall include—

(1) a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act;

(2) the apparent objection of each such boycott;

(3) an assessment of harm to the defense industrial base as a result of each such boycott;

(4) an assessment of the sufficiency of Department of Defense and Department of State efforts to mitigate the material risks of any such foreign boycott to the defense industrial base; and

(5) recommendations of the Comptroller General to reduce the material risks of foreign boycotts to the defense industrial base, including recommendations for changes to legislation, regulation, policy, or procedures.

(c) **CONFIDENTIALITY.**—The Comptroller General shall not publicly disclose the names of any person, organization, or entity involved in or affected by any foreign boycott identified in the report required under subsection (a) without the express written approval of the person, organization, or entity concerned.

(d) **DEFINITIONS.**—In this section:

(1) **FOREIGN BOYCOTT.**—The term “foreign boycott” means any policy or practice adopted by a foreign government or foreign business enterprise intended to directly penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense, or otherwise dissociate the foreign government or foreign business enterprise from such a contractor or subcontractor on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 1099. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. SENSE OF CONGRESS ON ADOPTION BY DEPARTMENT OF DEFENSE OF RECOMMENDATIONS BY GAO REGARDING HEARING LOSS PREVENTION.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The advent of the jet engine and more powerful munitions has increased the instance of auditory injury to members of the Armed Forces.

(2) Since 2005, the most common service-connected disabilities for which veterans received compensation under laws administered by the Secretary of Veterans Affairs have been auditory impairments, including hearing loss and tinnitus. The number of veterans receiving such compensation for auditory impairment has risen each year since 2005, increasing the number and cost of compensation claims paid by the Secretary and prompting a series of reports on the subject, include a January 2011 report by the Comptroller General of the United States entitled “Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes”.

(3) Costs to the Department of Veterans Affairs relating to compensation for hearing-

related disabilities are expected to double between 2009 and 2014, exceeding \$2,000,000,000 by 2014.

(4) There is a growing body of peer reviewed literature indicating a direct connection between traumatic brain injury, post traumatic stress disorder, and auditory disorders.

(5) 70 percent of members of the Armed Forces who are exposed to a blast report auditory disorders within 72 hours of the exposure.

(6) Section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4506) requires the Secretary of Defense to establish a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury.

(7) There is no cure for tinnitus, which consists of an often debilitating ringing in the ear. The projected effect of tinnitus on veterans, rise in new cases of tinnitus-related service-connected disabilities among veterans, and the correlating rise in disability claims and cost to the Department of Veterans Affairs make finding effective treatment, abatement options, and a cure for tinnitus a priority.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should, in cooperation with the Secretary of Veterans Affairs and the Director of the Hearing Center of Excellence of the Department of Defense, implement the recommendations of the Comptroller General of the United States in the January 2011 report of the Comptroller General entitled “Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes” that address prevention, abatement, data collection, and the need for a new interagency data sharing system so that sufficient information is available to address and track hearing injuries and loss.

SA 1100. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 808. TEMPORARY AUTHORITY TO ACQUIRE CERTAIN PRODUCTS AND SERVICES PRODUCED IN LATVIA.

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2400) is amended by striking “or Turkmenistan” and inserting “Turkmenistan, or Latvia”.

SA 1101. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 156.

SA 1102. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

SA 1103. Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

“(b) TRAVEL BENEFIT DEFINED.—In this section, the term ‘travel benefit’ means—

“(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

“(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.”.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking “the air or surface carrier” and inserting “the business entity referred to in subsection (b)”;

(2) by striking “the surface carrier” and inserting “the business entity”;

(3) by striking “the carrier” and inserting “the business entity”.

(c) USE.—Subsection (d) of such section is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) providing humanitarian support to members and eligible beneficiaries receiving care through the military health care system; and

“(4) providing support to allow participation of members and their families in Department of Defense sponsored and authorized programs.”.

(d) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking “the air carrier or surface carrier” and inserting “the business entity referred to in subsection (b)”.

(e) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“**§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs.**”

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

“2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs.”.

SA 1104. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 181, after line 9, insert the following:

SEC. _____. (a) The Comptroller General of the United States shall conduct a study regarding State legislative actions during the 10 years prior to the date of enactment of this Act that may affect voter registration or voting. The study shall identify, by State, what documents are required in order to obtain sufficient identification for registration or voting, the cost to the individual for those documents, and what access is available to the State agencies responsible for providing that documentation, including hours of operation and geographic distribution of the agencies. The study shall identify the States that have passed voter identification legislation, the States that are providing free identification, the number of free identifications that have been provided by each such State, and which agencies in each such State have provided those identifications. The study shall collect data on any prosecutions or convictions for voter impersonation fraud within each State during the 10 years prior to the date of enactment of this Act. The study shall also examine the extent to which each State complies with data requests from the Election Assistance Commission. The Comptroller General shall collect this data to the extent available and shall identify any limitations in collecting such data. Not later than 120 days after the date of enactment of this Act, the Government Accountability Office shall provide an interim briefing to the committees of jurisdiction of the Senate and

the House of Representatives on the study conducted under this subsection. Members of Congress may request clarifying information as appropriate based on the information provided in the briefing.

(b) Not later than 11 months after the date of enactment of this Act, the Comptroller General shall submit to the committees of jurisdiction of the Senate and the House of Representatives a final report containing the results of the study conducted under subsection (a).

SA 1105. Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 365, line 12, strike “for fiscal year 2012”.

SA 1106. Mr. MCCAIN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS IN THE FINAL REPORT OF THE 2010 ARMY ACQUISITION REVIEW PANEL.

Not later than 1 October 2012, the Secretary of the Army shall submit to the congressional defense committees a report describing the plan and implementation status of the recommendations contained in the Final Report of the 2010 Army Acquisition Review panel (also known as the “Decker-Wagner Report”) that the Army agreed to implement.

SA 1107. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike subtitle D of title X and insert the following:

Subtitle D—Detainee Matters

SEC. 1031. REVIEW OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with appropriate officials in the Executive Office of the President, the Director of

National Intelligence, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, submit to the appropriate committees of Congress a report setting forth the following:

(1) A statement of the position of the Executive Branch on the appropriate role for the Armed Forces of the United States in the detention and prosecution of covered persons (as defined in subsection (b)).

(2) A statement and assessment of the legal authority asserted by the Executive Branch for such detention and prosecution.

(3) A statement of any existing deficiencies or anticipated deficiencies in the legal authority for such detention and prosecution.

(b) COVERED PERSONS.—A covered person under this section is any person, other than a member of the Armed Forces of the United States, whose detention or prosecution by the Armed Forces of the United States is consistent with the laws of war and based on authority provided by any of the following:

(1) The Authorization for Use of Military Force (Public Law 107-40).

(2) The Authorization for Use of Military Force Against Iraq Resolution 2002 (Public Law 107-243).

(3) Any other statutory or constitutional authority for use of military force.

(c) CONGRESSIONAL ACTION.—Each of the appropriate committees of Congress may, not later than 45 days after receipt of the report required by subsection (a), hold a hearing on the report, and shall, within 45 days of such hearings, report to Congress legislation, if such committee determines legislation is appropriate and advisable, modifying or expanding the authority of the Executive Branch to carry out detention and prosecution of covered persons.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1108. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1033 and insert the following:

SEC. 1033. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any

other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to fulfill the security-related commitments attendant to the transfer;

(4) has taken or agreed to take actions that are likely to be effective in mitigating the risk that the individual will take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken or agreed to take such actions that will mitigate the risk that the individual to be transferred will engage or re-engage in any terrorist activity; and

(6) has agreed to share with the United States any information that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) a transfer that is in the national security interests of the United States, including any case in which either improvements in governance or the security environment of the country to which the detainee would be transferred have effectively mitigated the risk of recidivism;

(B) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(C) pre-trial agreement entered in a military commission case.

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive one or more certification requirements specified in subsection (b) if the Secretary, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived; and

(B) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the congressional defense committees, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including an explanation why the transfer is in the national security interests of the United States.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(e) DEFINITIONS.—In this section:

(1) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 1033 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4351) is repealed.

SA 1109. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, line 9, insert after “a person who is described in paragraph (2) who is captured” the following: “abroad”.

SA 1110. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year

2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, line 13, insert after “covered persons (as defined in subsection (b))” the following: “captured abroad”.

SA 1111. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1038. SUNSET.

This subtitle and the amendments made by this subtitle shall expire on September 30, 2012.

SA 1112. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1031, add the following:

(f) **EXTENSION TO UNITED STATES CITIZENS AND LAWFUL RESIDENT ALIENS.**—The authority of the Armed Forces of the United States to detain covered persons under this section extends to citizens of the United States and lawful resident aliens of the United States, except to the extent prohibited by the Constitution of the United States.

SA 1113. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle D of title X.

SA 1114. Mr. BEGICH (for himself, Ms. SNOWE, Mr. CASEY, Mr. GRASSLEY, Mr. LEAHY, Mr. GRAHAM, Ms. MURKOWSKI, Mr. AKAKA, Mr. PRYOR, Mr. BROWN of Massachusetts, Mr. MANCHIN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for mili-

tary activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title III, add the following:

SEC. 346. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) **ELIGIBILITY.**—

(1) **IN GENERAL.**—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

“**§ 2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents**

“(a) **RESERVE MEMBERS.**—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis.

“(b) **RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.**—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis.

“(c) **WIDOWS AND WIDOWERS OF RETIRED MEMBERS.**—

“(1) **IN GENERAL.**—An unremarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis.

“(2) **MEMBERS COVERED.**—A member of the armed forces referred to in paragraph (1) is a member who—

“(A) is entitled to retired pay;

“(B) is described in subsection (b);

“(C) dies in the line of duty while on active duty and is not eligible for retired pay; or

“(D) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

“(d) **DEPENDENTS.**—A dependent of a member or former member described in subsection (a) or (b) or of an unremarried widow or widower described in subsection (c) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member.

“(e) **SCOPE.**—Space-available travel required by this section includes travel to and from locations within and outside the continental United States.

“(f) **PRIORITY.**—The priority level and category for space-available travel for the eligible members described in subsection (a), (b), (c), and (d) shall be determined by the Secretary of Defense.

“(g) **DEFINITION OF DEPENDENT.**—In this section, the term ‘dependent’ has the meaning given that term in section 1072 of this title.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

“2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents.”

(b) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to implement section 2641c of title 10, United States Code, as added by subsection (a).

SA 1115. Ms. LANDRIEU (for herself, Ms. SNOWE, Mrs. SHAHEEN, Mr. BROWN of Massachusetts, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end, add the following:

DIVISION E—SBIR AND STTR REAUTHORIZATION

SEC. 5001. SHORT TITLE.

This division may be cited as the “SBIR/STTR Reauthorization Act of 2011”.

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Technology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 5003. REPEAL.

Subtitle E of title VIII of this Act is amended by striking section 885.

TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) **SBIR.**—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking “TERMINATION.—” and all that follows through “the authorization” and inserting “TERMINATION.—The authorization”;

(2) by striking “2008” and inserting “2019”; and

(3) by striking paragraph (2).

(b) **STTR.**—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking “IN GENERAL.—” and all that follows through “with respect” and inserting “IN GENERAL.—With respect”;

(2) by striking “2009” and inserting “2019”; and

(3) by striking clause (ii).

SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.

SEC. 5103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “Each” and inserting “Except as provided in paragraph (2)(B), each”; and

(B) in subparagraph (B), by striking “and” at the end; and

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in fiscal year 2013;

“(D) not less than 2.6 percent of such budget in fiscal year 2014;

“(E) not less than 2.7 percent of such budget in fiscal year 2015;

“(F) not less than 2.8 percent of such budget in fiscal year 2016;

“(G) not less than 2.9 percent of such budget in fiscal year 2017;

“(H) not less than 3.0 percent of such budget in fiscal year 2018;

“(I) not less than 3.1 percent of such budget in fiscal year 2019;

“(J) not less than 3.2 percent of such budget in fiscal year 2020;

“(K) not less than 3.3 percent of such budget in fiscal year 2021;

“(L) not less than 3.4 percent of such budget in fiscal year 2022; and

“(M) not less than 3.5 percent of such budget in fiscal year 2023 and each fiscal year thereafter.”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”; and

(C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”; and

(3) by adding at the end the following:

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).”.

SEC. 5104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “thereafter.” and inserting “through fiscal year 2012.”;

(3) by adding at the end the following:

“(iii) 0.4 percent for fiscal years 2013 and 2014;

“(iv) 0.5 percent for fiscal years 2015 and 2016; and

“(v) 0.6 percent for fiscal year 2017 and each fiscal year thereafter.”; and

(4) by adding at the end the following:

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).”.

SEC. 5105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking “once every 5 years to reflect economic adjustments and programmatic considerations” and inserting “every year for inflation”; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting “(each of which the Administrator shall adjust for inflation annually)” after “\$1,000,000”.

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) LIMITATION ON SIZE OF AWARDS.—

“(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether an award recipient has received any venture capital investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies.

“(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency

that are not part of the SBIR program or the STTR program of the Federal agency.”.

SEC. 5106. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(bb) SUBSEQUENT PHASE II AWARDS.—

“(1) AGENCY FLEXIBILITY.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) SBIR AND STTR PROGRAM FLEXIBILITY.—A small business concern that received an award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

“(3) PREVENTING DUPLICATIVE AWARDS.—Before making an award under paragraph (1) or (2), the head of a Federal agency shall verify that the project to be performed with the award has not been funded under the SBIR program or STTR program of another Federal agency.”.

SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”; and

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

SEC. 5108. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES IN A PORTION OF THE SBIR PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(cc) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES IN THE SBIR PROGRAM.—

“(1) AUTHORITY.—Upon a written determination described in paragraph (2) provided to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives not later than 30 days before the date on which an award is made—

“(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns; and

“(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns.

“(2) DETERMINATION.—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

“(A) induce additional venture capital funding of small business innovations;

“(B) substantially contribute to the mission of the Federal agency;

“(C) demonstrate a need for public research; and

“(D) otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

“(3) REGISTRATION.—A small business concern that is majority-owned by multiple venture capital operating companies and qualified for participation in the program authorized under paragraph (1) shall—

“(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

“(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies.

“(4) COMPLIANCE.—

“(A) IN GENERAL.—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

“(B) ANNUAL REPORTING.—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

“(5) ENFORCEMENT.—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

“(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.—

“(A) DEFINITION.—In this paragraph, the term ‘covered small business concern’ means a small business concern that—

“(i) was not majority-owned by multiple venture capital operating companies on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

“(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies.

“(B) IN GENERAL.—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

“(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, if the covered small business concern meets all other requirements for such an award; and

“(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

“(7) EVALUATION CRITERIA.—A Federal agency may not use investment of venture capital as a criterion for the award of contracts under the SBIR program or STTR program.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(aa) VENTURE CAPITAL OPERATING COMPANY.—In this Act, the term ‘venture capital operating company’ means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).”.

(c) RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(cc) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies to participate in the SBIR program in accordance with section 9(cc) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States, prohibiting large businesses or large entities or foreign-owned businesses or entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 4 months after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies and participating in the

SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies in the SBIR program in accordance with section 9(cc) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) CRITERIA FOR DETERMINING AFFILIATION.—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company or any other business that the venture capital operating company has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company that is determined to be affiliated with an

applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company owns a majority of the portfolio company; or
(II) the venture capital operating company holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company is affiliated with an applicant based solely on one or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) **ENFORCEMENT.**—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out any activities under section 4(h) of the Small Business Act (15 U.S.C. 633(h)) (as continued in effect pursuant to the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742)) during the period beginning on the date that is 1 year and 1 day after the date of enactment of this Act, and ending on the date on which the final or interim final regulations are issued.

(5) **DEFINITION.**—In this subsection, the term “venture capital operating company” has the same meaning as in section 3(aa) of the Small Business Act, as added by this section.

(d) **ASSISTANCE FOR DETERMINING AFFILIATES.**—

(1) **CLEAR EXPLANATION REQUIRED.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) **INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.**—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

“(4) **PHASE III AWARDS.**—To the greatest extent practicable, Federal agencies and Fed-

eral prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”.

SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(dd) **COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.**—

“(1) **AUTHORIZATION.**—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

“(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

“(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

“(2) **PROHIBITION.**—No Federal agency shall—

“(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

“(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

“(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

“(3) **IMPLEMENTATION.**—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

“(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

“(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.”.

SEC. 5111. NOTICE REQUIREMENT.

(a) **SBIR PROGRAM.**—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency; and”.

(b) **STTR PROGRAM.**—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

“(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.”.

SEC. 5112. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE II AWARDS FOR SBIR OR STTR FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ee) **ADDITIONAL PHASE II SBIR AND STTR AWARDS.**—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive an additional Phase II SBIR award or Phase II STTR award for that project.”.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 5201. RURAL AND STATE OUTREACH.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) **FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.**—

“(1) **DEFINITIONS.**—In this subsection, the following definitions apply:

“(A) **APPLICANT.**—The term ‘applicant’ means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this subsection.

“(B) **FAST PROGRAM.**—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under this subsection.

“(C) **RECIPIENT.**—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this subsection.

“(D) **STATE.**—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(E) **DEFINITIONS RELATING TO MENTORING NETWORKS.**—The terms ‘business advice and counseling’, ‘mentor’, and ‘mentoring network’ have the meanings given those terms in section 34(e).

“(2) **ESTABLISHMENT OF PROGRAM.**—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

“(3) **GRANTS AND COOPERATIVE AGREEMENTS.**—

“(A) **JOINT REVIEW.**—In carrying out the FAST program, the Administrator and the program managers for the SBIR program and STTR program at the National Science Foundation, the Department of Defense, and any other Federal agency determined appropriate by the Administrator shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this subsection based on the factors for consideration set forth in subparagraph (B), in order to enhance or develop in a State—

“(i) technology research and development by small business concerns;

“(ii) technology transfer from university research to technology-based small business concerns;

“(iii) technology deployment and diffusion benefitting small business concerns;

“(iv) the technological capabilities of small business concerns through the establishment or operation of consortia comprised

of entities, organizations, or individuals, including—

“(I) State and local development agencies and entities;

“(II) representatives of technology-based small business concerns;

“(III) industries and emerging companies;

“(IV) universities; and

“(V) small business development centers; and

“(v) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program or STTR program, including initiatives—

“(I) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR or STTR proposals;

“(II) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 34;

“(III) to create or participate in a training program for individuals providing SBIR or STTR outreach and assistance at the State and local levels; and

“(IV) to encourage the commercialization of technology developed through funding under the SBIR program or the STTR program.

“(B) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this subsection, the Administrator and the program managers referred to in subparagraph (A)—

“(i) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this subsection to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program or STTR program; and

“(ii) shall consider, at a minimum—

“(I) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

“(II) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State or an area of the State, as measured by the number of Phase I and Phase II SBIR awards that have historically been received by small business concerns in the State or area of the State;

“(III) whether the projected costs of the proposed activities are reasonable;

“(IV) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State;

“(V) the manner in which the applicant will measure the results of the activities to be conducted; and

“(VI) whether the proposal addresses the needs of small business concerns—

“(aa) owned and controlled by women;

“(bb) that are socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A));

“(cc) that are HUBZone small business concerns;

“(dd) located in areas that have historically not participated in the SBIR and STTR programs;

“(ee) owned and controlled by service-disabled veterans;

“(ff) owned and controlled by Native Americans; and

“(gg) located in geographic areas with an unemployment rate that exceeds the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.

“(C) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this subsection to provide services in any one State in any 1 fiscal year.

“(D) PROCESS.—Proposals and applications for assistance under this subsection shall be in such form and subject to such procedures as the Administrator shall establish. The Administrator shall promulgate regulations establishing standards for the consideration of proposals under subparagraph (B), including standards regarding each of the considerations identified in subparagraph (B)(ii).

“(4) COOPERATION AND COORDINATION.—In carrying out the FAST program, the Administrator shall cooperate and coordinate with—

“(A) Federal agencies required by this section to have an SBIR program; and

“(B) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

“(i) State and local development agencies and entities;

“(ii) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

“(iii) State science and technology councils; and

“(iv) representatives of technology-based small business concerns.

“(5) ADMINISTRATIVE REQUIREMENTS.—

“(A) COMPETITIVE BASIS.—Awards and cooperative agreements under this subsection shall be made or entered into, as applicable, on a competitive basis.

“(B) MATCHING REQUIREMENTS.—

“(i) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this subsection shall be—

“(I) except as provided in clause (iii), 35 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 18 States receiving the fewest Phase I SBIR awards;

“(II) except as provided in clause (ii) or (iii), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 16 States receiving the greatest number of Phase I SBIR awards; and

“(III) except as provided in clause (ii) or (iii), 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in subclause (I) or (II) that is receiving Phase I SBIR awards.

“(ii) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause

(i) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(B)(ii)(I) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of clause (i).

“(iii) RURAL AREAS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a rural area.

“(II) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in clause (i)(I), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in the rural area.

“(III) DEFINITION OF RURAL AREA.—In this clause, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.

“(iv) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(v) RANKINGS.—For the first full fiscal year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and each fiscal year thereafter, based on the statistics for the most recent full fiscal year for which the Administrator has compiled statistics, the Administrator shall reevaluate the ranking of each State for purposes of clause (i).

“(C) DURATION.—Awards may be made or cooperative agreements entered into under this subsection for multiple years, not to exceed 5 years in total.

“(6) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

“(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

“(B) a list of recipients under this subsection, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

“(C) the Mentoring Networks and the mentoring database, as provided for under section 34, including—

“(i) the status of the inclusion of mentoring information in the database required by subsection (k); and

“(ii) the status of the implementation and description of the usage of the Mentoring Networks.

“(7) PROGRAM LEVELS.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this subsection and section 34, \$15,000,000 for each of fiscal years 2011 through 2016.

“(B) MENTORING DATABASE.—Of the total amount made available under subparagraph

(A) for fiscal years 2011 through 2016, a reasonable amount, not to exceed a total of \$500,000, may be used by the Administration to carry out section 34(d).

“(8) **TERMINATION.**—The authority to carry out the FAST program under this subsection shall terminate on September 30, 2016.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 34 (15 U.S.C. 657d);

(2) by redesignating sections 35 through 43 as sections 34 through 42, respectively;

(3) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 35(d)” and inserting “section 34(d)”;

(4) in section 34 (15 U.S.C. 657e), as so redesignated—

(A) in subsection (c)(1), by striking “section 34(c)(1)(E)(ii)” and inserting “section 9(s)(3)(A)(v)(II)”;

(B) by striking “section 34” each place it appears and inserting “section 9(s)”;

(C) by adding at the end the following:

“(e) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **BUSINESS ADVICE AND COUNSELING.**—The term ‘business advice and counseling’ means providing advice and assistance on matters described in subsection (c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

“(2) **FAST PROGRAM.**—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under section 9(s).

“(3) **MENTOR.**—The term ‘mentor’ means an individual described in subsection (c)(2).

“(4) **MENTORING NETWORK.**—The term ‘Mentoring Network’ means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (c).

“(5) **RECIPIENT.**—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this section.

“(6) **SBIR PROGRAM.**—The term ‘SBIR program’ has the same meaning as in section 9(e)(4).

“(7) **STATE.**—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(8) **STTR PROGRAM.**—The term ‘STTR program’ has the same meaning as in section 9(e)(6).”

(5) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(6) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(7) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

SEC. 5202. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting “or STTR program” after “SBIR program”;

(B) by striking “SBIR projects” and inserting “SBIR or STTR projects”;

(2) in paragraph (2), by striking “3 years” and inserting “5 years”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “or STTR” after “SBIR”;

(ii) by striking “\$4,000” and inserting “\$5,000”;

(B) by striking subparagraph (B) and inserting the following:

“(B) **PHASE II.**—A Federal agency described in paragraph (1) may—

“(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than \$5,000 per year; or

“(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than \$5,000 per year, which shall be in addition to the amount of the recipient’s award.”; and

(C) by adding at the end the following:

“(C) **FLEXIBILITY.**—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) **LIMITATION.**—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”.

SEC. 5203. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking “PILOT” and inserting “READINESS”;

(2) by striking “Pilot” each place that term appears and inserting “Readiness”;

(3) in paragraph (1)—

(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

and

(B) by adding at the end the following:

“The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(4) in paragraph (2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

“(5) **INSERTION INCENTIVES.**—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) **GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.**—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of

Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting “(including awards under subsection (y))” after “the number of awards”.

SEC. 5204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ff) **PILOT PROGRAM.**—

“(1) **AUTHORIZATION.**—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

“(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

“(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

“(2) **APPLICATION BY FEDERAL AGENCY.**—

“(A) **IN GENERAL.**—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) **DETERMINATION.**—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(3) **MAXIMUM AMOUNT OF AWARD.**—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) **REGISTRATION.**—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(5) **REPORT.**—The head of each covered Federal agency shall include in the annual

report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

“(6) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

“(7) DEFINITIONS.—In this subsection—

“(A) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means the program established under paragraph (1).”.

SEC. 5205. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 5201 of this Act, the following:

“SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

“(a) NIH CURES PILOT.—

“(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The advisory board shall consist of—

“(i) the Director of the NIH;

“(ii) the Director of the SBIR program of the NIH;

“(iii) senior NIH agency managers, selected by the Director of NIH;

“(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

“(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

“(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

“(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

“(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled ‘An Assessment of the Small Business Innovation Research Program at the NIH’.

“(c) PILOT PROGRAM.—

“(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

“(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

“(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

“(e) SBIR GRANTS AND CONTRACTS.—

“(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

“(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

“(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

“(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).”.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

SEC. 5206. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR AWARDREES THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR AWARDREES.—

“(1) DEFINITION.—In this subsection, the term ‘covered awardee’ means a small business concern that—

“(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

“(B) has not received a Phase II award—

“(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

“(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program or the STTR program of another Federal agency.

“(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.”.

SEC. 5207. CLARIFYING THE DEFINITION OF “PHASE III”.

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting “for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program” after “phase”; and

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting “for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program” after “phase”; and

(3) in paragraph (8), by striking “and” at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(10) the term ‘commercialization’ means—

“(A) the process of developing products, processes, technologies, or services; and

“(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking “scientific review criteria” and inserting “merit-based selection procedures”; and

(ii) in paragraph (9), by striking “the second or the third phase” and inserting “Phase II or Phase III”; and

(iii) by adding at the end the following:

“(11) the term ‘Phase I’ means—

“(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

“(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

“(12) the term ‘Phase II’ means—

“(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

“(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

“(13) the term ‘Phase III’ means—

“(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

“(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”.

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”; and

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “the third phase” each place it appears and inserting “Phase III”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(II) in subparagraph (D)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”; and

(IV) in subparagraph (G)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(V) in subparagraph (H)—

(aa) by striking “the first phase” and inserting “Phase I”;

(bb) by striking “second phase” each place it appears and inserting “Phase II”; and

(cc) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”; and

(bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and

(cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and

(II) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(C) in subsection (k)—

(i) by striking “first phase” each place it appears and inserting “Phase I”; and

(ii) by striking “second phase” each place it appears and inserting “Phase II”; and

(D) in subsection (l)(2)—

(i) by striking “the first phase” and inserting “Phase I”; and

(ii) by striking “the second phase” and inserting “Phase II”; and

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”; and

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking “the second phase” and inserting “Phase II”; and

(bb) by striking “the third phase” and inserting “Phase III”; and

(II) in clause (ix)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(ii) in paragraph (3)—

(I) by striking “the first phase (as described in subsection (e)(6)(A))” and inserting “Phase I”; and

(II) by striking “the second phase (as described in subsection (e)(6)(B))” and inserting “Phase II”; and

(III) by striking “the third phase (as described in subsection (e)(6)(A))” and inserting “Phase III”; and

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “FIRST PHASE” and inserting “PHASE I”; and

(II) by striking “first phase” and inserting “Phase I”; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking “SECOND PHASE” and inserting “PHASE II”; and

(II) by striking “second phase” and inserting “Phase II”; and

(H) in subsection (r)—

(i) in the subsection heading, by striking “THIRD PHASE” and inserting “PHASE III”; and

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking “for the second phase” and inserting “for Phase II”; and

(bb) by striking “third phase” and inserting “Phase III”; and

(cc) by striking “second phase period” and inserting “Phase II period”; and

(II) in the second sentence—

(aa) by striking “second phase” and inserting “Phase II”; and

(bb) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (2), by striking “third phase” and inserting “Phase III”; and

(I) in subsection (u)(2)(B), by striking “the first phase” and inserting “Phase I”; and

(2) in section 34(c)(2)(B)(vii) (15 U.S.C. 657e(c)(2)(B)(vii)), as redesignated by section 5201 of this Act, by striking “third phase” and inserting “Phase III”.

SEC. 5208. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4)—

(A) by inserting “(A)” after “(4)”; and

(B) by adding “and” after the semicolon at the end; and

(C) by adding at the end the following:

“(B) make a final decision on each proposal submitted under the SBIR program—

“(i) not later than 90 days after the date on which the solicitation closes; or

“(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;”;

(2) in subsection (o)(4)—

(A) by inserting “(A)” after “(4)”; and

(B) by adding “and” after the semicolon at the end; and

(C) by adding at the end the following:

“(B) make a final decision on each proposal submitted under the STTR program—

“(i) not later than 90 days after the date on which the solicitation closes; or

“(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;”;

(b) NIH PEER REVIEW PROCESS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) NIH PEER REVIEW PROCESS.—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—

(A) in subsection (a)(3)—

(i) by striking “A grant” and inserting “Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant”; and

(ii) by striking “section 402(k)” and all that follows through “(Act)” and inserting “section 402(l) of such Act”; and

(B) in subsection (b)(5)—

(i) by striking “A grant” and inserting “Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant”; and

(ii) by striking “section 402(k)” and all that follows through “(Act)” and inserting “section 402(l) of such Act”.

TITLE LIII—OVERSIGHT AND EVALUATION **SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.**

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 5102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking “STTR programs, including the data” and inserting the following: “STTR programs, including—

“(A) the data”; and

(B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through “under each of the SBIR and STTR pro-

grams, and a description” and inserting the following: “(g)(8) and (o)(9); and

“(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;

“(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

“(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;

“(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and

“(F) a description”; and

(2) by inserting after paragraph (7) the following:

“(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;”.

SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

“(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an awardee—

“(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

“(I) the amount of venture capital that the awardee has received as of the date of the award; and

“(II) the amount of additional capital that the awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that

term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State described in subsection (u)(3); and

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;”.

SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

“(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”.

SEC. 5304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as

majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

SEC. 5305. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “Not later” and all that follows through “Act of 2000” and inserting “Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011”;

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

“(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

“(i) the name, size, and location, and an identifying number assigned by the Administration of the small business concern;

“(ii) an abstract of the project;

“(iii) the specific aims of the project;

“(iv) the number of employees of the small business concern;

“(v) the names of key individuals that will carry out the project;

“(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

“(vii) whether the small business concern is majority-owned by multiple venture capital operating companies; and

“(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;”;

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

“(D) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”;

(G) in subparagraph (E), as so redesignated, by striking “and” at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting “; and”; and

(I) by adding at the end the following:

“(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.”; and

(2) in paragraph (3), by adding at the end the following:

“(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.”.

SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under

subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

“(A) continue the most recent study under this section relating to—

“(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

“(ii) the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

“(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2); and

“(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

“(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

“(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”.

SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”.

SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 5310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

“(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

“(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

“(B) release the contact information of the concern to such organizations.

“(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).”.

SEC. 5311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(kk) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

“(1) IN GENERAL.—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

“(A) the administration of the SBIR program or the STTR program of the Federal agency;

“(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

“(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

“(D) carrying out the program under subsection (y);

“(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

“(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

“(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

“(H) carrying out subsection (cc);

“(I) carrying out subsection (ff);

“(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

“(K) funding for additional personnel and assistance with application reviews.

“(2) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

“(3) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 5103(2) of this Act, by striking “shall not” and all that follows through “make available for the purpose” and inserting “shall not make available for the purpose”; and

(B) in subsection (y), as amended by section 203—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the

performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking “shall not make available for the purpose” and inserting the following: “shall not—

“(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

“(ii) make available for the purpose”; and (B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and (ii) by inserting after paragraph (3) the following:

“(4) FUNDING.—

“(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

“(B) LIMITATIONS.—The funds described in subparagraph (A)—

“(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

“(ii) shall not be used to make Phase III awards.”.

SEC. 5312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 5108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 5313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.—

(A) AMENDMENTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) CONTENT OF AMENDMENTS.—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR program include the telephone number of the hotline established under paragraph (2)—

(I) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.—

(A) HOTLINE ESTABLISHED.—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) PUBLICATION.—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

SEC. 5314. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (in this section referred to as the “Director”), in

conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the “Committee”) comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) COCHAIRPERSONS.—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) DUTIES.—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant potential to be employed by other Federal agencies; and

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(d) REPORTS.—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 5315. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking “SIMPLIFIED REPORTING REQUIREMENTS” and inserting “REDUCING PAPERWORK AND COMPLIANCE BURDEN”; and

(2) by striking “The Administrator” and inserting the following:

“(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator”; and

(3) by adding at the end the following:

“(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than one year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden

on small business concerns applying to and participating in the SBIR program or STTR program.”.

TITLE LIV—POLICY DIRECTIVES

SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

TITLE LV—OTHER PROVISIONS

SEC. 5501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “broad research topics and to topics that further 1 or more critical technologies” and inserting “applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities”;

(B) in subparagraph (A), by striking “or” at the end; and

(C) by adding at the end the following:

“(C) the National Academy of Sciences, in the final report issued by the ‘America’s Energy Future: Technology Opportunities, Risks, and Tradeoffs’ project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

“(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

“(E) the National Academy of Sciences, in the final report issued by the ‘Transit Research and Development: Federal Role in the National Program’ project and the report entitled ‘Transportation Research, Development and Technology Strategic Plan (2006–2010)’ issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

“(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;”;

(2) by adding after paragraph (12), as added by section 5111(a) of this Act, the following:

“(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

“(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

“(B) small business concerns owned and controlled by women;

“(C) small business concerns owned and controlled by veterans;

“(D) small business concerns owned and controlled by Native Americans; and

“(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.”.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 5111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “broad research topics and to topics that further 1 or more critical technologies” and inserting “applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities”;

(B) in subparagraph (A), by striking “or” at the end; and

(C) by adding at the end the following:

“(C) the National Academy of Sciences, in the final report issued by the ‘America’s Energy Future: Technology Opportunities, Risks, and Tradeoffs’ project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

“(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

“(E) the National Academy of Sciences, in the final report issued by the ‘Transit Research and Development: Federal Role in the National Program’ project and the report entitled ‘Transportation Research, Development and Technology Strategic Plan (2006–2010)’ issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

“(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;”;

(2) in paragraph (15), by striking “and” at the end;

(3) in paragraph (16), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

“(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

“(B) small business concerns owned and controlled by women;

“(C) small business concerns owned and controlled by veterans;

“(D) small business concerns owned and controlled by Native Americans; and

“(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.”.

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 5502. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(1) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

“(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) REPORT.—

“(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”.

SEC. 5503. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(mm) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant

to competitive and merit-based selection procedures.”.

SA 1116. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. ____ . IMPROVING THE TRANSITION OF MEMBERS OF THE ARMED FORCES WITH EXPERIENCE IN THE OPERATION OF CERTAIN MOTOR VEHICLES INTO CAREERS OPERATING COMMERCIAL MOTOR VEHICLES IN THE PRIVATE SECTOR.

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall jointly conduct a study to identify the legislative and regulatory actions that can be taken for purposes as follows:

(A) To facilitate the obtaining of commercial driver's licenses (within the meaning of section 31302 of title 49, United States Code) by former members of the Armed Forces who operated qualifying motor vehicles as members of the Armed Forces.

(B) To improve the transition of members of the Armed Forces who operate qualifying motor vehicles as members of the Armed Forces into careers operating commercial motor vehicles (as defined in section 31301 of such title) in the private sector after separation from service in the Armed Forces.

(2) **ELEMENTS.**—The study required by paragraph (1) shall include the following:

(A) Identification of any training, qualifications, or experiences of members of the Armed Forces described in paragraph (1)(B) that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code.

(B) Identification of the actions the Secretary of Defense can take to document the training, qualifications, and experiences of such members for the purposes described in paragraph (1).

(C) Identification of the actions the Secretary of Defense can take to modify the training and education programs of the Department of Defense for the purposes described in paragraph (1).

(D) An assessment of the feasibility and advisability of each of the legislative and regulatory actions identified under the study.

(E) Development of recommendations for legislative and regulatory actions to further the purposes described in paragraph (1).

(b) **IMPLEMENTATION.**—Upon completion of the study required by subsection (a), the Secretary of Defense and the Secretary of Transportation shall carry out the actions identified under the study which the Secretaries—

(1) can carry out without legislative action; and

(2) jointly consider both feasible and advisable.

(c) **REPORT.**—

(1) **IN GENERAL.**—Upon completion of the study required by subsection (a)(1), the Sec-

retary of Defense and the Secretary of Transportation shall jointly submit to Congress a report on the findings of the Secretaries with respect to the study.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A description of the legislative and regulatory actions identified under the study.

(B) A description of the actions described in subparagraph (A) that can be carried out by the Secretary of Defense and the Secretary of Transportation without any legislative action.

(C) A description of the feasibility and advisability of each of the legislative and regulatory actions identified by the study.

(D) The recommendations developed under subsection (a)(2)(E).

(d) **DEFINITIONS.**—In this section:

(1) **MOTOR VEHICLE.**—The term “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on land, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(2) **QUALIFYING MOTOR VEHICLE.**—The term “qualifying motor vehicle” means a motor vehicle or combination of motor vehicles used to transport passengers or property that—

(A) has a gross combination vehicle weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(B) has a gross vehicle weight rating of 26,001 pounds or more;

(C) is designed to transport 16 or more passengers, including the driver; or

(D) is of any size and is used in the transportation of materials found to be hazardous under chapter 51 of title 49, United States Code, and which require the motor vehicle to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

SA 1117. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. ____ . WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **DESCRIPTION OF FEDERAL LAND.**—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Withdrawal Area” on the map entitled “White Sands Military Reservation Withdrawal” and dated May 3, 2011;

(B) the approximately 37,600 acres of land depicted as “Parcel 1”, “Parcel 2”, and “Parcel 3” on the map entitled “Doña Ana County Land Transfer and Withdrawal” and dated April 20, 2011; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) **LIMITATION.**—Notwithstanding paragraph (1), the land depicted as “Parcel 3” on the map described in paragraph (2)(B) is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) **RESERVATION.**—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as “Parcel 1” on the map described in subsection (a)(2)(B)—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) **LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) **FORCE OF LAW.**—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) **REIMBURSEMENT OF COSTS.**—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

SA 1118. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 346. MODIFICATION OF AVAILABILITY OF SURCHARGES COLLECTED BY COMMISSARY STORES.

(a) **IN GENERAL.**—Paragraph (1)(A) of section 2484(h) of title 10, United States Code, is amended by striking clauses (i) and (ii) and inserting the following new clauses:

“(i) to replace, renovate, expand, improve, repair, and maintain commissary stores and central product processing facilities of the defense commissary system;

“(ii) to acquire (including acquisition by lease), convert, or construct such commissary stores and central product processing facilities as are authorized by law;

“(iii) to equip the physical infrastructure of such commissary stores and central product processing facilities; and

“(iv) to cover environmental evaluation and construction costs related to activities described in clauses (i) and (ii), including

costs for surveys, administration, overhead, planning, and design.”.

(b) **SOURCE AND AVAILABILITY OF CERTAIN FUNDS.**—Such section is further amended by adding at the end the following new paragraph:

“(6)(A) There shall be credited to the ‘Surcharge Collections, Sales of Commissary Stores, Defense Commissary’ account on the books of the Treasury receipts from sources or activities identified in the following:

“(i) Paragraph (5).

“(ii) Subsections (c), (d), and (g).

“(iii) Subsections (e), (g), and (h) of section 2485 of this title.

“(B)(i) Funds may not be appropriated for the account referred to in subparagraph (A), or appropriated for transfer into the account, unless such appropriation or transfer is specifically authorized in an Act authorizing appropriations for military activities of the Department of Defense.

“(ii) Funds appropriated for or transferred into the account in accordance with clause (i) may not be merged with amounts within the account.

“(iii) Funds appropriated for or transferred into the account in accordance with clause (i) shall not be available to acquire, convert, construct, or improve a commissary store or central product processing facility of the defense commissary system unless specifically authorized in an Act authorizing military construction for the Department of Defense.”.

SA 1119. Mr. BROWN, of Massachusetts (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. ____ . PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) **CHILD CUSTODY PROTECTION.**—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

“SEC. 208. CHILD CUSTODY PROTECTION.

“(a) **RESTRICTION ON CHANGE OF CUSTODY.**—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

“(b) **COMPLETION OF DEPLOYMENT.**—In any proceeding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember be reinstated, unless the court finds that such a reinstatement is not

in the best interest of the child, except that any such finding shall be subject to subsection (c).

“(c) **EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.**—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

“(d) **NO FEDERAL RIGHT OF ACTION.**—Nothing in this section shall create a Federal right of action.

“(e) **PREEMPTION.**—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

“(f) **CONTINGENCY OPERATION DEFINED.**—In this section, the term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary concerned may prescribe.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

SA 1120. Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. STABENOW, Mr. DURBIN, Mr. TESTER, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: “or in a case in which the pregnancy is the result of an act of rape or incest”.

SA 1121. Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “(a) RESTRICTION ON USE OF FUNDS.—”.

SA 1122. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 2 ____ . LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.

(a) **ACQUISITION.**—

(1) **IN GENERAL.**—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the “Secretary”) may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) **DESCRIPTION OF REAL PROPERTY.**—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

(A) consisting of approximately 18.5 acres, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire; and

(B) generally bounded—

(i) to the east by state route 10-Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) **AMOUNT PAID FOR PROPERTY.**—The Secretary shall pay not more than fair market value for any real property and associated real property interest acquired under this subsection.

(b) **REVOLVING FUND.**—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefiting appropriations.

(c) **RIGHT OF FIRST REFUSAL.**—

(1) **IN GENERAL.**—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion of the property, is no longer needed by the Department of the Army.

(2) NATURE OF RIGHT.—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) CONSIDERATION; FAIR MARKET VALUE.—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) DISPOSAL.—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SA 1123. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 705. SENSE OF CONGRESS ON PREMIUMS FOR HEALTH CARE FOR RETIRED CAREER MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20-year to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during retirement that is over and above what such members pay in money as a premium for such health care.

SA 1124. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 595, beginning with line 3, strike through line 22 on page 599 and insert the following:

SECTION 3301. SHORT TITLE; AMENDMENT OF TITLE 46, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the Maritime Administration Authorization Act for Fiscal Year 2012.

(b) AMENDMENT OF TITLE 46, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 46, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 3301. Short title; amendment of title 46, United States Code; table of contents.

Sec. 3302. Marine transportation system.

Sec. 3303. Short sea transportation program amendments.

Sec. 3304. Use of national defense reserve fleet and ready reserve force vessels.

Sec. 3305. Green ships program.

Sec. 3306. Waiver of navigation and vessel inspection laws.

Sec. 3307. Ship scrapping reporting requirement.

Sec. 3308. Extension of maritime security fleet program.

Sec. 3309. Maritime workforce study.

Sec. 3310. Maritime administration vessel recycling contract award practices.

Sec. 3311. Prohibition on maritime administration receipt of polar ice-breakers.

Sec. 3312. Authorization of appropriations for fiscal year 2012.

SEC. 3302. MARINE TRANSPORTATION SYSTEM.

(a) REPORT ON STATUS OF SYSTEM.—Section 50109(d) is amended to read as follows:

“(d) MARINE TRANSPORTATION SYSTEM.—

“(1) REPORT ON WATERWAYS.—Not later than October 1, 2012, the Secretary, in consultation with the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the concurrence of the Secretary of the department in which the Coast Guard is operating, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Nation’s coastal and inland waterways that—

“(A) describes the state of the United States’ marine transportation infrastructure, including intercoastal infrastructure, intracoastal infrastructure, inland waterway infrastructure, ports, and marine facilities;

“(B) provides estimates of the investment levels required—

“(i) to maintain the infrastructure; and

“(ii) to improve the infrastructure; and

“(C) describes the overall environmental management of the maritime transportation system and the integration of environmental stewardship into the overall system.

“(2) MARINE TRANSPORTATION.—The Secretary may investigate, make determinations concerning, and develop a repository of statistical information relating to marine transportation, including its relationship to transportation by land and air, to facilitate research, assessment, and maintenance of the maritime transportation system. As used in this paragraph, the term marine transportation includes intercoastal transportation, intracoastal transportation, inland waterway transportation, ports, and marine facilities.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.”.

(b) CONTAINER-ON-BARGE TRANSPORTATION.—

(1) ASSESSMENT AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Maritime Administration shall assess the potential for using container-on-barge transportation on the inland waterways system and submit a report, together with the Administration’s findings, conclusions, and recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives. If the Administration determines that it would be in the public interest, the report may include recommendations for a plan to increase awareness of the potential for use of such container-on-barge transportation and recommendations for the development and implementation of such a plan.

(2) FACTORS.—In conducting the assessment, the Administration shall consider—

(A) the environmental benefits of increasing container-on-barge movements on our inland and intracoastal waterways system;

(B) regional differences in the inland waterways system;

(C) existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(D) mechanisms to ensure that implementation of the plan will not be inconsistent with antitrust laws; and

(E) potential frequency of service at inland river ports.

SEC. 3303. SHORT SEA TRANSPORTATION PROGRAM AMENDMENTS.

(a) PROGRAM PURPOSE.—Section 55601(a) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “congestion”.

(b) DESIGNATION OF ROUTES.—Section 55601(c) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “coastal corridors”.

(c) PROJECT DESIGNATION.—Section 55601(d) is amended to read as follows:

“(d) PROJECT DESIGNATION.—The Secretary may designate a project as a short sea transportation project if the Secretary determines that the project—

“(1) mitigates landslide congestion; or

“(2) promotes more efficient use of the navigable waters of the United States.”.

(d) DOCUMENTATION.—Section 55605 is amended by striking “by vessel” and inserting “by a documented vessel”.

SEC. 3304. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), is amended—

(1) in subsection (b)—

(A) by striking “or” in paragraph (4) after the semicolon;

(B) by striking the period at the end of paragraph (5) and inserting “; or”; and

(C) by adding at the end the following:

“(6) for civil contingency operations and Maritime Administration promotional and media events under subsection (f).”; and

(2) by adding at the end the following:

“(f) CIVIL CONTINGENCY OPERATIONS AND PROMOTIONAL AND MEDIA EVENTS.—The Secretary of Transportation may allow, with the concurrence of the Secretary of Defense, the use of a vessel in the National Defense

Reserve Fleet for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events that are related to demonstration projects and research and development supporting the Maritime Administration's mission, if the Secretary of Transportation determines the use of the vessel is in the best interest of the United States Government after—

“(1) considering the availability of the National Defense Reserve Fleet and Ready Reserve Force resources;

“(2) considering the impact on National Defense Reserve Fleet and Ready Reserve Force mission support to the defense and homeland security requirements of the United States Government;

“(3) ensuring that the use of the vessel supports the mission of the Maritime Administration and does not significantly interfere with vessel maintenance, repair, safety, readiness, or resource availability;

“(4) ensuring that safety precautions are taken, including indemnification of liability, when applicable;

“(5) ensuring that any cost incurred by the use of the vessel is funded as a reimbursable transaction between Federal agencies, as applicable; and

“(6) considering any other factors the Secretary of Transportation determines are appropriate.”

SEC. 3305. GREEN SHIPS PROGRAM.

(a) IN GENERAL.—Chapter 503 is amended by adding at the end the following:

“SEC. § 50307. Green ships program

“(a) IN GENERAL.—The Secretary of Transportation may establish a green ships program to engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) PROGRAM REQUIREMENTS.—The program shall—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) be coordinated with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) PROGRAM COORDINATION.—Program coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) FUNDING AND FEES.—

“(1) IN GENERAL.—In carrying out the green ships program, the Secretary of Transportation may apply such funds as may be appropriated and such funds or resources as may become available by gift, cooperative agreement, or otherwise, including the col-

lection of fees, for the purposes of the program and its administration.

“(2) ESTABLISHMENT OF FEES.—Pursuant to section 9701 of title 31, the Secretary of Transportation may promulgate regulations establishing fees to recover reasonable costs to the Secretary and to academic, public, and non-governmental entities associated with the program.

“(3) FEE DEPOSIT.—Any fees collected under this section shall be deposited in a special fund of the United States Treasury for services rendered under the program, which thereafter shall remain available until expended to carry out the Secretary of Transportation's activities for which the fees were collected.

“(e) REPORT.—The Secretary of Transportation shall report on the activities, expenditures, and results of the green ships program during the preceding fiscal year in the annual budget submission to Congress.”

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 is amended by inserting after the item relating to section 50306 the following:

“50307. Green ships program.”

SEC. 3306. WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS.

Section 501(b) is amended by adding “A waiver shall be accompanied by a certification by the individual and the Administrator to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives that it is not possible to use a United States flag vessel or United States flag vessels collectively to meet the national defense requirements.” after “prescribes.”

SEC. 3307. SHIP SCRAPPING REPORTING REQUIREMENT.

Section 3502 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (enacted into law by section 1 of Public Law 106-398; 16 U.S.C. 5405 note; 114 Stat. 1654A-490) is amended by amending subsection (f) to read as follows:

“(f) The Secretary of Transportation shall provide briefings, upon request, to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure, the Committee on Resources, and the Committee on Armed Services of the House of Representatives on—

“(1) the progress made to recycle vessels;

“(2) any problems encountered in recycling vessels; and

“(3) any other issues relating to vessel recycling and disposal.”

SEC. 3308. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 is amended—

(1) by amending paragraph (4) to read as follows:

“(4) FOREIGN COMMERCE.—The term foreign commerce means—

“(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

“(B) commerce or trade between foreign countries.”;

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as (5) through (12), respectively; and

(4) by amending paragraph (5), as redesignated by section 3308(a)(3) of this Act, to read as follows:

“(5) PARTICIPATING FLEET VESSEL.—The term participating fleet vessel means any vessel that—

“(A) on October 1, 2015—

“(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

“(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

“(B) on December 31, 2014, is covered by an operating agreement under this chapter.”

(b) Section 53102(b) is amended to read as follows:

“(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

“(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

“(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

“(3) the vessel is self-propelled and—

“(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

“(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

“(4) the vessel—

“(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

“(B) is commercially viable, as determined by the Secretary; and

“(5) the vessel—

“(A) is a United States-documented vessel; or

“(B) is not a United States-documented vessel, but—

“(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

“(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.”

(c) Section 53103 is amended—

(1) by amending subsection (b) to read as follows:

“(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

“(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2012, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of that Act. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

“(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

“(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2).”; and

(2) by amending subsection (c) to read as follows:

“(c) PROCEDURE FOR AWARDED NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the

qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a U.S. citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.”.

(d) Section 53104 is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking “an operating agreement under this chapter is terminated under subsection (c)(3), or if”.

(e) Section 53105 is amended—

(1) by amending subsection (e) to read as follows:

“(e) **TRANSFER OF OPERATING AGREEMENTS.**—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement.”; and

(2) by amending subsection (f) to read as follows:

“(f) **REPLACEMENT VESSELS.**—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.”.

(f) Section 53106 is amended—

(1) in subsection (a)(1), by striking “and (C) \$3,100,000 for each of fiscal years 2012 through 2025.” and inserting the following:

“(C) \$3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(D) \$3,500,000 for each of fiscal years 2019, 2020, and 2021; and

“(E) \$3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.”;

(2) in subsection (c)(3)(C), by striking “a LASH vessel.” and inserting “a lighter aboard ship vessel.”; and

(3) by striking subsection (f).

(g) Section 53107(b)(1) is amended to read as follows:

“(1) **IN GENERAL.**—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).”.

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

(1) by striking “and” at the end of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

“(3) \$186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(4) \$210,000,000 for each of fiscal years 2019, 2020, and 2021; and

“(5) \$222,000,000 for each fiscal year thereafter through fiscal year 2025.”.

(j) Chapter 531 is amended by adding at the end the following:

“SEC. § 53112. Acquisition of fleet vessels

“(a) **IN GENERAL.**—Notwithstanding section 2218(f) of title 10, United States Code, upon replacement of any vessel subject to an operating agreement under this chapter, and subject to agreement by the vessel owner, the Secretary is authorized, subject to concurrence with the Secretary of Defense, to acquire the vessel being replaced for inclusion in the National Defense Reserve Fleet.

“(b) **REQUIREMENTS.**—In order to be eligible for acquisition by the Secretary under this section, a vessel shall—

“(1) have been included in a Maritime Security Program Operating Agreement for not less than 3 years; and

“(2) meet recapitalization requirements for the Ready Reserve Force.

“(c) **FAIR MARKET VALUE.**—The Maritime Administration shall establish a fair market value for the acquisition of an eligible vessel under this section.

“(d) **APPROPRIATIONS.**—A vessel acquisition under this section shall be subject to the availability of appropriations and the appropriations shall be part of the National Defense Reserve Fleet appropriations and separate from Maritime Security Program appropriations.”.

(k) The table of contents for chapter 531 is amended—

(1) by striking the item relating to section 53109; and

(2) by inserting at the end the following:

“53112. Acquisition of fleet vessels.”.

(l) **EFFECTIVE DATE OF AMENDMENTS.**—The amendments made by—

(1) paragraphs (2), (3), and (4) of section 3308(a) of this Act take effect on December 31, 2014; and

(2) section 3308(f)(2) of this Act take effect on December 31, 2014.

SEC. 3309. MARITIME WORKFORCE STUDY.

(a) **TRAINING STUDY.**—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **STUDY COMPONENTS.**—The study shall—

(1) analyze the impact of training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the Nation's maritime training infrastructure to meet the current needs of the maritime industry;

(3) evaluate the ability of the Nation's maritime training infrastructure to effectively meet the needs of the maritime industry in the future;

(4) identify trends in maritime training;

(5) compare the training needs of U.S. mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of U.S. mariners;

(6) include recommendations for future programs to enhance the capabilities of the Nation's maritime training infrastructure; and

(7) include recommendations for future programs to assist U.S. mariners and those entering the maritime profession achieve the required training.

(c) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on

the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3310. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Inspector General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Inspector General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) **ASSESSMENT.**—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) **CONSIDERATIONS.**—In making the assessment under subsection (a), the Inspector General may consider any other aspect of the Maritime Administration's vessel recycling process that the Inspector General deems appropriate to review.

SEC. 3311. PROHIBITION ON MARITIME ADMINISTRATION RECEIPT OF POLAR ICEBREAKERS.

Until the date that is 2 years after the date on which the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives receive the polar icebreaker business case analysis under subsection 307(f) of the Coast Guard Authorization Act of 2010 (14 U.S.C. 92 note), or until the Coast Guard has replaced the Coast Guard Cutter POLAR SEA (WAGB 11) and the Coast Guard Cutter POLAR STAR (WAGB 10) with 2 in commission, active heavy polar icebreakers—

(1) the Administrator of the Maritime Administration may not receive, maintain, dismantle, or recycle either cutter; and

(2) the Commandant may not—

(A) transfer or relinquish ownership of either of the cutters;

(B) dismantle a major component of, or recycle parts from, the POLAR SEA, unless the POLAR STAR cannot be made to function properly without doing so;

(C) change the homeport of either of the cutters;

(D) expend any funds—

(i) for any expenses directly or indirectly associated with the decommissioning of either of the cutters, including expenses for dock use or other goods and services;

(ii) for any personnel expenses directly or indirectly associated with the decommissioning of either of the cutters, including expenses for a decommissioning officer; or

(iii) for any expenses associated with a decommissioning ceremony for either of the cutters;

(E) appoint a decommissioning officer to be affiliated with either of the cutters; or

(F) place either of the cutters in inactive status, including a status of—

- (i) out of commission, in reserve;
- (ii) out of service, in reserve; or
- (iii) pending placement out of commission.

SEC. 3312. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2012.

There are authorized to be appropriated to the Secretary of Transportation for programs of the Maritime Administration the following amounts:

(1) **OPERATIONS AND TRAINING.**—For expenses necessary for operations and training activities, not to exceed \$161,539,000 for the fiscal year ending September 30, 2012, of which—

(A) \$28,885,000 is for capital improvements at the U.S. Merchant Marine Academy, to remain available until expended; and

(B) \$11,100,000 is for maintenance and repair for training ships at State Maritime Schools, to remain available until expended.

(2) **MARITIME GUARANTEED LOANS.**—For administrative expenses related to loan guarantee commitments under chapter 537 of title 46, United States Code, not to exceed \$3,750,000, which shall be paid to the appropriation for Operations and Training, Maritime Administration.

(3) **SHIP DISPOSAL.**—For disposal of non-retention vessels in the National Defense Reserve Fleet, \$18,500,000, to remain available until expended.

SA 1125. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 361, line 9, insert “abroad” after “is captured”.

SA 1126. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 360, between lines 21 and 22, insert the following:

(e) **APPLICABILITY TO CITIZENS.**—The authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of the hostilities.

SA 1127. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

On page 2, line 10, insert “and” after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) **LOSSES.**—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

SA 1128. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. ____ . ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) **EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.**—

(1) **REPEAL OF 50 PERCENT REQUIREMENT.**—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) **COMPUTATION.**—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

“(G) For a month for which the retiree receives veterans’ disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, \$0.”.

(b) **CLERICAL AMENDMENTS.**—

(1) The heading of section 1414 of such title is amended to read as follows:

“§ 1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation”.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SEC. ____ . COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) **AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.**—

(1) **QUALIFIED RETIREES.**—Subsection (a) of section 1414 of title 10, United States Code, as amended by section ____ (a), is further amended—

(A) by striking “a member or” and all that follows through “retiree”)” and inserting “a qualified retiree”; and

(B) by adding at the end the following new paragraph:

“(2) **QUALIFIED RETIREES.**—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

“(A) is entitled to retired pay (other by reason of section 12731b of this title); and

“(B) is also entitled for that month to veterans’ disability compensation.”.

(2) **DISABILITY RETIREES.**—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

“(2) **SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.**—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

“(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

“(B) the amount (if any) by which the amount of the member’s retired pay under such chapter exceeds the amount equal to 2½ percent of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SA 1129. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2833. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) REDESIGNATION.—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-118)), is further amended by striking “Mike O’Callaghan Federal Hospital” each place it appears and inserting “Mike O’Callaghan Federal Medical Center”.

(b) CONFORMING AMENDMENT.—The heading of such section 2867 is amended to read as follows:

“SEC. 2867. MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.”.

SA 1130. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).”.

SA 1131. Mr. REID submitted an amendment to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. ____ . CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be reduced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SA 1132. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. PLAN TO ENSURE AUDIT READINESS OF STATEMENTS OF BUDGETARY RESOURCES.

(a) PLANNING REQUIREMENT.—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to ensure that the statement of budgetary resources of the Department of Defense meets the goal established by the Secretary of Defense of being validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall ensure that the actions to be taken are systemically tied to process and control improvements and business systems modernization efforts necessary for the Department to prepare timely, reliable, and complete financial management information on a repeatable basis.

(b) SEMIANNUAL UPDATES.—The reports to be issued pursuant to such section after the report described in subsection (a) shall update the plan required by such subsection and explain how the Department has progressed toward meeting the milestones established in the plan.

SA 1133. Mr. BLUNT (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. ____ . REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

(a) IN GENERAL.—Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(F) ordered to full-time National Guard duty under the provisions of section 502(f) of title 32 when the period of duty is expressly designated in writing by the Secretary of Defense as covered by this subparagraph.”.

(b) EFFECTIVE DATE.—Subparagraph (F) of such section 4312(c)(4), as added by sub-

section (a)(3), shall apply with respect to an individual ordered to full-time National Guard duty under section 502(f) of title 32 of such Code, on or after September 11, 2001, and shall entitle such individual to rights and benefits under chapter 43 of title 38 of such Code on or after that date.

SA 1134. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

SA 1135. Ms. SNOWE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. ENHANCED COMMISSARY STORES PILOT PROGRAM.

(a) AUTHORITY TO OPERATE ENHANCED COMMISSARY STORES.—Subchapter II of chapter 147 of title 10, United States Code, is amended by inserting after section 2488 the following new section:

“§ 2488a. Enhanced commissary stores

“(a) AUTHORITY TO OPERATE.—The Defense Commissary Agency may operate an enhanced commissary store at such military installations designated for closure or adverse realignment under a base closure law

as the Defense Commissary Agency considers to be appropriate.

“(b) **ADDITIONAL CATEGORIES OF MERCHANDISE.**—(1) In addition to selling items in the merchandise categories specified in subsection (b) of section 2484 of this title in the manner provided by such section, an enhanced commissary store also may sell items in the following categories as commissary merchandise:

“(A) Alcoholic beverages.

“(B) Tobacco products.

“(C) Items in such other merchandise categories (not covered by subsection (b) of section 2484 of this title) as the Secretary of Defense may authorize.

“(2) Subsections (c) and (g) of section 2484 of this title shall not apply with regard to the selection, or method of sale, of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store.

“(c) **SALES PRICE ESTABLISHMENT AND SURCHARGE.**—Subsections (d) and (e) of section 2484 of this title shall not apply to the pricing of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store. Instead, the Secretary of Defense shall determine appropriate prices for such merchandise sold in, at, or by an enhanced commissary store.

“(d) **RETENTION AND USE OF PORTION OF PROCEEDS.**—(1) The Secretary of Defense may retain amounts equal to the difference between—

“(A) the retail price of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) and in other merchandise categories authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store; and

“(B) the invoice cost of such merchandise.

“(2) The Secretary of Defense shall use amounts retained under paragraph (1) for an enhanced commissary store to help offset the operating costs of that enhanced commissary store.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2488 the following new item:

“2488a. Enhanced commissary stores.”

SA 1136. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PROHIBITION ON ESTABLISHMENT OF HEADQUARTERS OF THE UNITED STATES AFRICA COMMAND (AFRICOM) OUTSIDE THE CONTINENTAL UNITED STATES.

None of the amounts authorized to be appropriated by this Act or authorized or appropriated by any other Act may be used to establish the headquarters of the United

States Africa Command (AFRICOM) outside of the continental United States.

SA 1137. Mr. HELLER (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. RECOGNITION OF JERUSALEM AS THE CAPITAL OF ISRAEL AND RELOCATION OF THE UNITED STATES EMBASSY TO JERUSALEM.

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to recognize Jerusalem as the undivided capital of the state of Israel, both de jure and de facto.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel since 1967;

(2) every citizen of Israel should have the right to reside anywhere in the undivided city of Jerusalem;

(3) the President and the Secretary of State should publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel;

(4) the President should immediately implement the provisions of the Jerusalem Embassy Act of 1995 (Public Law 104-45) and begin the process of relocating the United States Embassy in Israel to Jerusalem; and

(5) United States officials should refrain from any actions that contradict United States law on this subject.

(c) **AMENDMENT OF WAIVER AUTHORITY.**—The Jerusalem Embassy Act of 1995 (Public Law 104-45) is amended—

(1) by striking section 7; and

(2) by redesignating section 8 as section 7.

(d) **IDENTIFICATION OF JERUSALEM ON GOVERNMENT DOCUMENTS.**—Notwithstanding any other provision of law, any official document of the United States Government which lists countries and their capital cities shall identify Jerusalem as the capital of Israel.

SA 1138. Mr. HELLER (for himself, Mr. BROWN of Massachusetts, Mr. BOOZMAN, Mr. BLUMENTHAL, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. EXHUMATION AND TRANSFER OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES BURIED IN TRIPOLI, LIBYA.

(a) **IN GENERAL.**—The Secretary of Defense shall take whatever actions may be necessary to—

(1) exhume the remains of any deceased members of the Armed Forces of the United States buried at a burial site described in subsection (b);

(2) transfer such remains to an appropriate forensics laboratory to be identified;

(3) in the case of any remains that are identified, transport the remains to a veterans cemetery located in proximity, as determined by the Secretary, to the closest living family member of the deceased individual or at another cemetery as determined by the Secretary;

(4) for any member of the Armed Forces whose remains are identified, provide a military funeral and burial; and

(5) in the case of any remains that cannot be identified, transport the remains to Arlington National Cemetery for interment at an appropriate grave marker identifying the United States Navy Sailors of the USS Intrepid who gave their lives on September 4, 1904, in Tripoli, Libya.

(b) **BURIAL SITES DESCRIBED.**—The burial sites described in this subsection are the following:

(1) The mass burial site containing the remains of five United States sailors located in Protestant Cemetery in Tripoli, Libya.

(2) The mass burial site containing the remains of eight United States sailors located near the walls of the Tripoli Castle in Tripoli, Libya.

(c) **REPORT.**—Not later than 180 days after the effective date of this section, the Secretary shall submit to Congress a report describing the status of the actions under this section. The report shall include an estimate of the date of the completion of the actions undertaken, and to be undertaken, under this section.

(d) **EFFECTIVE DATE.**—This section takes effect on the date on which Operation Unified Protector of the North Atlantic Treaty Organization (NATO), or any successor operation, terminates.

(e) **AVAILABLE FUNDS.**—The Secretary shall carry out this section using amounts authorized to be appropriated for the Department of Defense by Acts enacted before the date of the enactment of this Act.

SA 1139. Mr. CASEY (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) **NOTIFICATION REQUIREMENT.**—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) **REPORTING BY SUBCONTRACTORS.**—The Administrator shall establish a reporting mechanism that allows a subcontractor to

report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).''.

SA 1140. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of De-

fense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate) for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

SA 1141. Mrs. BOXER (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. FLEXIBLE SPENDING ARRANGEMENTS FOR HEALTH CARE AND DEPENDENT CARE FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretaries concerned should implement flexible spending arrangements for members of the uniformed services with respect to basic pay and compensation for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the other Secretaries concerned, submit to Congress a report setting forth a plan to implement flexible spending arrangements for members of the uniformed services as described in subsection (a). The plan shall include the following:

(1) An identification of any obstacles to the implementation of the plan, including a statement of any additional authorities required for implementation of the plan.

(2) A schedule for completion of the implementation of the plan.

(3) An estimate of the costs to be associated with the implementation of the plan.

(c) SECRETARIES CONCERNED DEFINED.—In this section, the term "Secretaries concerned" means the following:

(1) The Secretary of Defense, with respect to members of the Army, the Navy, the Marine Corps, and the Air Force.

(2) The Secretary of Homeland Security, with respect to members of the Coast Guard.

(3) The Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service.

(4) The Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration.

SA 1142. Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.

(a) DESIGNATION.—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross at March Field Air Museum in Riverside, California, is designated as the "Distinguished Flying Cross National Memorial".

(b) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

SA 1143. Mrs. HAGAN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing

investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

SA 1144. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 4001, add the following:

(d) **REDUCTION OF AUTHORIZATIONS OF APPROPRIATIONS EXCEEDING LEVEL REQUESTED IN PRESIDENT'S BUDGET AND PARTIAL RESTORATION OF OPERATION AND MAINTENANCE ACCOUNTS.**—Notwithstanding the amounts specified in the funding tables in titles XLI through XLVI, the amounts specified in the funding tables for sections 4101, 4102, 4201, 4202, 4301, 4302, 4401, 4402, 4501, and 4601 for purposes of sections 101, 201, 301, 1401, 1402, 1403, 1404, 1405, 1406, 1431, 1506, 1507, 1508, 1509, 2003, 3101, 3102, and 3103, are as follows:

SA 1145. Mr. TESTER (for himself, Mrs. HUTCHISON, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT.**—There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the “Commission”).

(2) **COMPOSITION.**—

(A) **IN GENERAL.**—The Commission shall be composed of eight members of whom—

(i) two shall be appointed by the Majority Leader of the Senate;

(ii) two shall be appointed by the Minority Leader of the Senate;

(iii) two shall be appointed by the Speaker of the House of Representatives; and

(iv) two shall be appointed by the Minority Leader of the House of Representatives.

(B) **QUALIFICATIONS.**—Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) **DEADLINE FOR APPOINTMENT.**—Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(D) **CHAIRMAN AND VICE CHAIRMAN.**—The Commission shall select a Chairman and Vice Chairman from among its members.

(3) **TENURE; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) **MEETINGS.**—

(A) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(B) **CALLING OF THE CHAIRMAN.**—The Commission shall meet at the call of the Chairman.

(C) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) **DUTIES.**—

(1) **STUDY OF OVERSEAS MILITARY FACILITY STRUCTURE.**—

(A) **IN GENERAL.**—The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(B) **SCOPE.**—In conducting the study, the Commission shall—

(i) assess the number of forces required to be forward based outside the United States;

(ii) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(iii) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(iv) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas;

(v) consider the findings of the February 2011 Government Accountability Office report, “Additional Cost Information and Stakeholder Input Necessary to Assess Military Posture in Europe”, GAO-11-131; and

(vi) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(2) **REPORT.**—

(A) **IN GENERAL.**—Not later than 60 days after holding its final public hearing, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) **PROPOSED OVERSEAS BASING STRATEGY.**—In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and

future mission of the Department, taking into account heightened fiscal constraints.

(C) **FOCUS ON PARTICULAR ISSUES.**—The report shall focus on current and future geopolitical posturing, operational requirements, mobility, quality of life, cost, and synchronization with the combatant commands.

(c) **POWERS.**—

(1) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) **INFORMATION SHARING.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) **ADMINISTRATIVE SUPPORT.**—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) **PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **TRAVEL.**—

(A) **EXPENSES.**—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) **MILITARY AIRCRAFT.**—Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3) **STAFFING.**—

(A) **EXECUTIVE DIRECTOR.**—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) **STAFF.**—The Commission may employ a staff to assist the Commission in carrying

out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) **COMPENSATION.**—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) **DETAILS.**—Any employee of the Department of Defense, the Department of State, or the Government Accountability Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) **TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) **SECURITY.**—

(1) **SECURITY CLEARANCES.**—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) **INFORMATION SECURITY.**—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) **TERMINATION.**—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

SA 1146. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, strike line 2 and insert the following:

(8) ensure the involvement and input of military technicians (dual status), including through their exclusive representatives in the case of military technicians (dual status) who are members of a collective bargaining unit.

SA 1147. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. PROHIBITION ON REPAYMENT OF ENLISTMENT OR RELATED BONUSES BY CERTAIN INDIVIDUALS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS) WHILE ALREADY A MEMBER OF A RESERVE COMPONENT.

(a) **PROHIBITION.**—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) **PROHIBITION ON REPAYMENT OF CERTAIN ENLISTMENT AND RELATED BONUSES.**—The Secretary concerned may not require an individual who becomes employed as a military technician (dual status) while the individual is already a member of a reserve component to repay an enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment if the individual becomes so employed in the same occupational specialty for which such bonus was provided.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals first becoming employed as a military technician (dual status) on or after that date.

SA 1148. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. RIGHTS OF GRIEVANCE, ARBITRATION, APPEAL, AND REVIEW BEYOND THE ADJUTANT GENERAL FOR MILITARY TECHNICIANS.

(a) **RIGHTS IN ADVERSE ACTIONS NOT RELATED TO MILITARY SERVICE.**—Section 709 of title 32, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking “Notwithstanding any other provision of law and under” and inserting “Under”; and

(B) in paragraph (4), by striking “a right of appeal” and inserting “subject to subsection (j), a right of appeal”; and

(2) by adding at the end the following new subsection:

“(j)(1) Notwithstanding subsection (f)(4) or any other provision of law, a technician and a labor organization that is the exclusive representative of a bargaining unit including the technician shall have the rights of grievance, arbitration, appeal, and review extending beyond the adjutant general of the jurisdiction concerned and to the Merit Systems Protection Board and thereafter to the United States Court of Appeals for the Federal Circuit, in the same manner as provided in sections 4303, 7121, and 7701-7703 of title 5, with respect to a performance-based or adverse action imposing removal, suspension for more than 14 days, furlough for 30 days or less, or reduction in pay or pay band (or comparable reduction).

“(2) The rights in paragraph (1) shall not apply to actions relating to military service.

“(3) This subsection does not apply to a technician who is serving under a temporary appointment or in a trial or probationary period.”.

(b) **ADVERSE ACTIONS COVERED.**—Subsection (g) of such section is amended by

striking “, 3502, 7511, and 7512” and inserting “and 3502”.

(c) **CONFORMING AMENDMENT.**—Section 7511(b) of title 5, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

SA 1149. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) **CONVEYANCES AUTHORIZED.**—

(1) **IN GENERAL.**—In an effort to reduce Federal expenses, resolve evolving land use conflicts, and maximize the beneficial use of real property resources by and between Joint Base Elmendorf Richardson (in this section referred to as the “JBER”); the Municipality of Anchorage, an Alaska municipal corporation (in this section referred to as the “Municipality”); and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as “Eklutna”), the following conveyances are authorized:

(A) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(B) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(2) **RIGHT TO WITHHOLD TRANSFER.**—The Secretary may withhold transfer of any portion of the real property described in paragraph (1) based on public interest or military mission requirements.

(b) **TRANSFER OF ADMINISTRATIVE CONTROL.**—

(1) **REAL PROPERTY ACTIONS.**—The Secretary of the Interior shall complete any real

property actions necessary to allow the Secretary of the Air Force to convey property under this section.

(2) **ADMINISTRATIVE JURISDICTION.**—The Secretary of Interior, acting through the Bureau of Land Management, shall, upon request from the Secretary of the Air Force, transfer administrative jurisdiction over any requested parcel of property to the Secretary of the Air Force for purposes of carrying out the conveyances authorized under subsection (a).

(c) **CONSIDERATION.**—

(1) **MUNICIPALITY PROPERTY.**—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force may receive in-kind solid waste management services at the Anchorage Regional Landfill, and such other consideration as determined satisfactory by the Secretary.

(2) **EKLUTNA PROPERTY.**—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary.

(d) **RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.**—The Secretary of the Air Force shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the properties conveyed under subsection (a) as of the date or dates of conveyance, unless such liability is conveyed in consideration for the exchanged property.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) **TREATMENT OF CASH CONSIDERATION RECEIVED.**—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) and of the real property interests to be acquired under subsection (b) shall be determined by surveys satisfactory to the Secretary.

(h) **OTHER OR ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection

(a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1150. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. IMPROVEMENTS TO STAFF CONFERENCES DIRECTED BY UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) **IN GENERAL.**—Subchapter II of chapter 72 of title 38, United States Code, is amended by inserting after section 7264 the following new section:

“§ 7264A. Staff conferences

“(a) **FILING OF REPORT DESCRIBING BASIS FOR OPPOSITION BY SECRETARY TO REMAND.**—If the Court of Appeals for Veterans Claims directs the representatives and self-represented parties to participate in a staff conference pursuant to rule 33 of the Rules of Practice and Procedure of the Court of Appeals for Veterans Claims, or any corresponding similar rule, and an agreement to remand the matter has not been reached before the end of such conference, the Secretary shall, not later than seven days after the end of such conference, submit to the Court and the appellant a written report describing the basis upon which the Secretary remains opposed to remand.

“(b) **SUBSEQUENT DETERMINATION BY SECRETARY OF NEED FOR REMAND.**—If the Secretary submits a written report as described in subsection (a) in a matter, the Secretary may not seek a remand of the matter without the agreement of the appellant.

“(c) **EFFECT OF SUBSEQUENT DETERMINATION OF NEED FOR REMAND.**—Any period during which the Court is considering a motion made or during which a matter is remanded in accordance with subsection (b) shall not be counted against an appellant for purposes of any time limitation under this chapter or the Rules of Practice and Procedure of the Court of Appeals for Veterans Claims.

“(d) **PROHIBITION ON OBJECTION OR OPPOSITION TO SUBSEQUENT FILINGS FOR FEES AND OTHER EXPENSES.**—If the Secretary seeks a remand after the end of the seven-day period described in subsection (a), the Secretary may not oppose any subsequent filing by the appellant for fees and other expenses under section 2412 of title 28.

“(e) **SANCTIONS.**—If the Secretary fails to comply with this section, the Court may impose on the Secretary such sanctions, including monetary sanctions, as the Court considers appropriate.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 72 of such title is amended by inserting after the item relating to section 7264 the following new item:

“7264A. Staff conferences.”.

SA 1151. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. DEATH GRATUITY AND RELATED BENEFITS FOR RESERVES WHO DIE DURING AN AUTHORIZED STAY AT THEIR RESIDENCE DURING OR BETWEEN SUCCESSIVE DAYS OF INACTIVE DUTY TRAINING.

(a) **DEATH GRATUITY.**—

(1) **PAYMENT AUTHORIZED.**—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: “or while staying at the Reserve’s residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training”.

(2) **TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.**—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person’s residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.”.

(b) **RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.**—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) staying at the member’s residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2010, and shall apply with respect to deaths that occur on or after that date.

SA 1152. Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. LEAHY, Mr. SESSIONS, Mrs. SHAHEEN, Ms. SNOWE, Mr. TESTER, Mr. THUNE, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.

(a) **IN GENERAL.**—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

“§ 107A. Honoring as veterans certain persons who performed service in the reserve components

“Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

“107A. Honoring as veterans certain persons who performed service in the reserve components.”.

SA 1153. Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. INCLUSION OF ULTRALIGHT VEHICLES IN DEFINITION OF AIRCRAFT FOR CERTAIN AVIATION SMUGGLING PROVISIONS.

(a) AMENDMENTS TO THE AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.—

(1) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

“(g) DEFINITION OF AIRCRAFT.—As used in this section, the term ‘aircraft’ includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.”.

(2) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting “, or attempts or conspires to commit,” after “commits”.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

(b) INTERAGENCY COLLABORATION.—The Assistant Secretary of Defense for Research and Engineering shall, in consultation with the Under Secretary for Science and Technology of the Department of Homeland Security, identify equipment and technology used by the Department of Defense that could also be used by U.S. Customs and Border Protection to detect and track the illicit use of ultralight aircraft near the international border between the United States and Mexico.

SA 1154. Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mrs. MCCASKILL, Mr. BINGAMAN, and Mr. ALEXANDER, Mr. NELSON of Florida, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by

him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic chemicals and fumes caused by open burn pits;

(2) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic chemicals and fumes caused by open burn pits;

(3) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(4) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic chemicals and fumes caused by open burn pits.

(b) REPORT TO CONGRESS.—

(1) REPORT BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to develop a report containing the following:

(A) An assessment of the effectiveness of actions taken by the Secretary to collect and maintain information on the health effects of exposure to toxic chemicals and fumes caused by open burn pits.

(B) Recommendations to improve the collection and maintenance of such information.

(C) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(2) SUBMITTAL TO CONGRESS.—Not later than 540 days after the date on which the registry required by subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the report developed under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term “open burn pit” means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

SA 1155. Ms. COLLINS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. EDUCATIONAL ASSISTANCE FOR ADVANCED DEGREES IN PHYSICAL THERAPY AND OCCUPATIONAL THERAPY UNDER THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—In accordance with guidance issued by the Secretary of Defense for purposes of this section, assistance under the Armed Forces Health Professions Scholarship program under subchapter I of chapter 105 of title 10, United States Code, shall be available for pursuit of a master's degree and a doctoral degree in the disciplines as follows:

(1) Physical therapy.

(2) Occupational therapy.

(b) TERMINATION.—The guidance under subsection (a) shall provide that the availability of assistance as described in that subsection for pursuit of a degree in a discipline covered by that subsection shall cease when the Secretary certifies to Congress that there no longer exists a current or projected shortfall in qualified personnel in that discipline in either of the following:

(1) The military departments.

(2) Any major military medical treatment facility specializing in the rehabilitation of wounded members of the Armed Forces.

SA 1156. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 331(a), strike paragraph (2) and insert the following:

(2) CONSULTATION.—The Secretary of the Air Force shall, in conducting the study required under paragraph (1)—

(A) consult with the Secretaries of the other military departments to determine opportunities for joint use and training of the ranges, and to assess the requirements needed to support combined arms training on the ranges;

(B) consult with the Department of the Interior, the Department of Agriculture, the Federal Aviation Administration, the Federal Energy Regulation Commission, and the Department of Energy to assess the need for transfers of administrative control of certain parcels of airspace and land to the Department of Defense to protect the missions and control of the ranges;

(C) consult with Governors, State legislators, and locally elected officials;

(D) consult with the RAND Corporation concerning the RAND Project Air Force report entitled, “Preserving Range and Airspace Access for the Air Force Mission: Striving for a Strategic Vantage Point”; and

(E) consult with United States allies currently training at United States test and training ranges on a regular basis, at least annually, to solicit their input and assessment of their experiences at those test and training ranges.

SA 1157. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 331(b)(2), strike subparagraphs (K) and (L) and insert the following:

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States, and articulate the prospects for realizing those opportunities.

SA 1158. Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 367, strike line 11 and all that follows through "Guantanamo" on line 18 and insert the following:

(c) PERMANENT PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PERMANENT PROHIBITION.—Except as provided in paragraph (2) and subject to subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year to transfer an individual detained at Guantanamo

SA 1159. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SECTION 1088. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting "or apprehension under section 807(b) of title 10,

United States Code (article 7(b) of the Uniform Code of Military Justice)" after "arrest"; and

(B) in subsection (f), by inserting "or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)" after "arrest"; and

(2) in section 926C(c)(2), by inserting "or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)" after "arrest".

SA 1160. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. CLOSURE OF UMATILLA CHEMICAL DEPOT, OREGON.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Army shall close Umatilla Chemical Depot, Oregon, not later than one year after the completion of the chemical demilitarization mission in accordance with the Chemical Weapons Convention Treaty.

(b) BRAC PROCEDURES AND AUTHORITIES.—The closure of the Umatilla Chemical Depot, Oregon, and subsequent management and property disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(c) COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) RETENTION OF PROPERTY AND FACILITIES.—The Secretary of the Army may retain minimum essential ranges, facilities, and training areas at Umatilla Chemical Depot totaling approximately 7,500 acres as a training enclave for the reserve components of the Armed Forces to permit the conduct of individual and annual training.

SA 1161. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. CORE CURRICULUM AND CERTIFICATION STANDARDS FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) TRAINING PROGRAM AND ISSUANCE OF GUIDANCE.—

(1) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2915 the following new section:

“§ 2915a. Facilities: Department of Defense energy managers

“(a) TRAINING PROGRAM REQUIRED.—The Secretary of Defense shall establish a training program for Department of Defense energy managers designated for military installations—

“(1) to improve the knowledge, skills, and abilities of energy managers; and

“(2) to improve consistency among energy managers throughout the Department in the performance of their responsibilities.

“(b) CURRICULUM AND CERTIFICATION.—(1) The Secretary of Defense shall identify core curriculum and certification standards required for energy managers. At a minimum, the curriculum shall include the following:

“(A) Details of the energy laws that the Department of Defense is obligated to comply with and the mandates that the Department of Defense is obligated to implement.

“(B) Details of energy contracting options for third-party financing of facility energy projects.

“(C) Details of the interaction of Federal laws with State and local renewable portfolio standards.

“(D) Details of current renewable energy technology options, and lessons learned from exemplary installations.

“(E) Details of strategies to improve individual installation acceptance of its responsibility for reducing energy consumption.

“(F) Details of how to conduct an energy audit and the responsibilities for commissioning, recommissioning, and continuous commissioning of facilities.

“(2) The curriculum and certification standards shall leverage the best practices of each of the military departments.

“(3) The certification standards shall identify professional qualifications required to be designated as an energy manager.

“(c) INFORMATION SHARING.—The Secretary of Defense shall ensure that there are opportunities and forums for energy managers to exchange ideas and lessons-learned within each military department, as well as across the Department of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2915 the following new item:

“2915a. Facilities: Department of Defense energy managers.”.

(b) ISSUANCE OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the implementation of the core curriculum and certification standards for energy managers required by section 2915a of title 10, United States Code, as added by subsection (a).

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager core curriculum and certification requirements.

SA 1162. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. CONSIDERATION OF ENERGY SECURITY AND RELIABILITY IN DEVELOPMENT AND IMPLEMENTATION OF ENERGY PERFORMANCE GOALS.

Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(12) Opportunities to enhance energy security and reliability of defense facilities and missions, including through the ability to operate for extended periods off-grid.”.

SA 1163. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. IDENTIFICATION OF ENERGY-EFFICIENT PRODUCTS FOR USE IN CONSTRUCTION, REPAIR, OR RENOVATION OF DEPARTMENT OF DEFENSE FACILITIES.

(a) **RESPONSIBILITY OF SECRETARY OF DEFENSE.**—Section 2915(e) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

“(2)(A) The Secretary of Defense shall prescribe a definition of the term ‘energy-efficient product’ for purposes of this subsection and establish and maintain a list of products satisfying the definition. The definition and list shall be developed in consultation with the Secretary of Energy to ensure, to the maximum extent practicable, consistency with definitions of the term used by other Federal agencies.

“(B) The Secretary shall modify the definition and list of energy-efficient products as necessary to account for emerging or changing technologies.

“(C) The list of energy-efficient products shall be included as part of the energy performance master plan developed pursuant to section 2911(b)(2) of this title.”.

(b) **CONFORMING AMENDMENT TO ENERGY PERFORMANCE MASTER PLAN.**—Section 2911(b)(2) of such title is amended by adding at the end the following new subparagraph:

“(F) The up-to date list of energy-efficient products maintained under section 2915(e)(2) of this title.”.

SA 1164. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. ACQUISITION AND PROCUREMENT EXCHANGES BETWEEN THE UNITED STATES AND INDIA.

The Secretary of Defense should seek to establish exchanges between acquisition and procurement officials of the Department of Defense and defense officials of the Government of India to increase mutual understanding regarding best practices in defense acquisition.

SA 1165. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

SA 1166. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

SA 1167. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of

Defense shall submit to Congress a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions.

SA 1168. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 574. INDEPENDENT ASSESSMENT OF OPTIONS FOR IMPROVING EDUCATION PROVIDED TO STUDENTS ATTENDING DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall award a contract, grant, or cooperative agreement to an independent entity to conduct, in consultation with the organizations specified in subsection (c), an assessment of the following options for improving the quality of education provided to students attending domestic dependent elementary and secondary schools:

(1) Improving the quality of the educational programs provided by, and remediating the condition of the facilities of, domestic dependent elementary and secondary schools.

(2) Transferring the administration of all of the domestic dependent elementary and secondary schools in some or all communities in the United States from the Department of Defense Education Activity to the local educational agencies in those communities.

(3) Closing all of the domestic dependent elementary and secondary schools in some or all communities in the United States and transferring students attending those schools to public elementary and secondary schools in those communities.

(b) **ELEMENTS.**—The assessment required by subsection (a) shall include an assessment of the following:

(1) The cost to the Department of Defense Education Activity, the Department of Education, States, and local educational agencies of each of the options described in subsection (a).

(2) The condition of facilities of the domestic dependent elementary and secondary schools and, if the condition of those facilities is inadequate, the cost of remediating those facilities.

(3) The capacity of local educational agencies—

(A) to administer the domestic dependent elementary and secondary schools; and

(B) to absorb into public elementary and secondary schools the number of students attending domestic dependent elementary and secondary schools.

(4) The quality of educational programs administered by local educational agencies, as measured by student achievement, graduation rates, the leadership of those agencies, the staffing of those programs, and the availability of infrastructure for the use of technology in classrooms.

(5) The availability in communities near domestic dependent elementary and secondary schools of resources to support a

highly mobile population that includes members of the Armed Forces who may be deployed.

(6) The available options for, and problems relating to, transporting students who reside on military installations to public elementary and secondary schools.

(7) The impact of the drawdown of operations in Iraq and Afghanistan on the population of students to be served.

(c) ORGANIZATIONS SPECIFIED.—The organizations specified in this subsection are military family associations, teachers labor organizations, and superintendents of domestic dependent elementary and secondary schools and public elementary and secondary schools.

(d) EXCLUSION.—The assessment required by subsection (a) is not required to address—

(1) the transfer of the administration of domestic dependent elementary and secondary schools in Puerto Rico to local educational agencies; or

(2) the transfer of students attending those schools to public elementary and secondary schools in Puerto Rico.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the independent entity conducting the assessment required by subsection (a) shall submit to the Secretary of Defense and the congressional defense committees the results of the assessment.

(f) DEFINITIONS.—In this section:

(1) DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.—The term “domestic dependent elementary and secondary schools” means elementary and secondary schools administered pursuant to section 2164 of title 10, United States Code.

(2) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(g) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities for the Department of Defense Education Activity as specified in the funding table in section 4301, \$1,000,000 shall be available to carry out this section.

SA 1169. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. SPECIAL CONSIDERATIONS RELATED TO TRANSPORTATION INFRASTRUCTURE IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.

(a) MODIFICATION OF SELECTION CRITERIA.—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended—

(1) by striking “notification an evaluation” and inserting “notification—

“(A) an evaluation”; and

(2) by adding at the end the following new subparagraph:

“(B) the criteria used to consider and recommend military installations for such clo-

sure or realignment, which shall include at a minimum consideration of—

“(i) the ability of the infrastructure (including transportation infrastructure) of both the existing and receiving communities to support forces, missions, and personnel as a result of such closure or realignment; and

“(ii) the costs associated with community transportation infrastructure improvements as part of the evaluation of cost savings or return on investment of such closure or realignment; and”.

(b) EFFECT OF SIGNIFICANT IMPACTS.—Such section is further amended by adding at the end the following new subsection:

“(f) If the Secretary of Defense or the Secretary of the military department concerned determines, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that a significant transportation impact will occur at a result of an action described in subsection (a), the action may not be taken unless and until the Secretary of Defense or the Secretary of the military department concerned—

“(1) analyzes the adequacy of transportation infrastructure at and in the vicinity of each military installation that would be impacted by the action;

“(2) concludes consultation with the Federal Highway Administration with regard to such impact; and

“(3) includes in the notification required by subsection (b)(1) a description of how the Secretary intends to remediate the significant transportation impact.”.

(c) TRANSPORTATION INFRASTRUCTURE DEFINED.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

“(5) The term ‘transportation infrastructure’ includes transit, pedestrian, and bicycle infrastructure.”.

(d) RELATION TO COMMISSION BASE CLOSURE PROCESS.—If the development of recommendations for the closure and realignment of military installations utilizes a Defense Base Closure and Realignment Commission (as was the case under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), rather than the authority of section 2687 of title 10, United States Code, the amendments made by this section shall apply to the resulting development of recommendations for the closure and realignment of military installations by the Secretary of Defense and the Commission.

SEC. 2706. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.

(a) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS FOR BRAC-RELATED TRANSPORTATION IMPROVEMENTS.—

(1) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS.—Section 210(a)(2) of title 23, United States Code, is amended by adding at the end the following new sentence: “The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation.”.

(2) RETROACTIVE APPLICATION.—The amendment made by paragraph (1) shall apply with respect to the implementation of the recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission received by Congress on September 19, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

(c) SEPARATE BUDGET REQUEST FOR PROGRAM.—Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget request in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States Code.

SA 1170. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. UNIFIED MEDICAL COMMAND.

(a) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

“§ 167b. Unified combatant command for medical operations

“(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the ‘unified medical command’). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

“(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

“(e) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating the officer’s permanent grade. The commander of such command shall be appointed to that

grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

“(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

“(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

“(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agency.

“(C) The Defense Health Agency established under subsection (f).

“(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the officer's permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

“(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

“(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

“(A) Developing programs and doctrine.

“(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

“(C) Exercising authority, direction, and control over the expenditure of funds—

“(i) for forces assigned to the unified medical command;

“(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

“(iii) for military construction funds of the Defense Health Program.

“(D) Training assigned forces.

“(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(F) Validating requirements.

“(G) Establishing priorities for requirements.

“(H) Ensuring the interoperability of equipment and forces.

“(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

“(f) DEFENSE HEALTH AGENCY.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the ‘Defense Health Agency’), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE program (as defined in section 1072(7) of this title).

“(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the officer's permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(g) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for medical operations.”.

(b) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than July 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

SA 1171. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. PROHIBITION ON ASSISTANCE FOR PAKISTAN SECURITY FORCES WITH CONNECTIONS TO TERRORIST ORGANIZATIONS

None of the amounts authorized to be appropriated by this or any other Act may be made available to any unit of the security forces of Pakistan if the Secretary of Defense determines that the United States Government has credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

SA 1172. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. REPORT ON ENDING COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Special Representative for Afghanistan and Pakistan, shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A characterization of the types of reimbursements requested by the Government of Pakistan.

(2) An assessment of the total amount reimbursed to the Government of Pakistan, by fiscal year, since the beginning of Operation Enduring Freedom.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has denied payment.

(4) An assessment of whether the operations conducted by the Government of Pakistan in support of Operation Enduring Freedom and reimbursed from the Coalition Support Fund have materially impacted the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations for, and a timeline to implement, a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SA 1173. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. SENSE OF SENATE ON THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) historically set a target commitment for member states to spend two percent of their gross domestic product on their defense expenditures.

(2) In 2010, the North Atlantic Treaty Organization identified only 5 member states meeting this target for defense expenditures, including the United States, Albania, France, Greece, and the United Kingdom, leaving 23 member states short of meeting the target.

(3) Secretary of Defense Robert Gates made the following statement on the North Atlantic Treaty Organization on October 14, 2010, in a conversation with reporters: “[m]y worry is that the more our allies cut their capabilities, the more people will look to the United States to cover whatever gaps are created. . . . And at a time when we’re facing stringencies of our own, that’s a concern for me”.

(4) Secretary of State Hillary Clinton, in an interview with the BBC on October 15, 2010, stated that “NATO has been the most successful alliance for defensive purposes in the history of the world, I guess, but it has to be maintained. Now each country has to be able to make its appropriate contributions”.

(5) On March 30, 2011, Admiral James G. Stavridis stated in a hearing before the Committee on Armed Services of the House of Representatives that “[w]e need to be emphatic with our European allies that they should spend at least the minimum NATO 2 percent”.

(6) In a speech delivered in Brussels on June 10, 2011, Secretary of Defense Gates further stated that “[i]n the past, I’ve worried openly about NATO turning into a two-tiered alliance: Between members who specialize in ‘soft’ humanitarian, development, peacekeeping, and talking tasks, and those conducting the ‘hard’ combat missions. Between those willing and able to pay the price and bear the burdens of alliance commitments, and those who enjoy the benefits of NATO membership – be they security guarantees or headquarters billets – but don’t want to share the risks and the costs. This is no longer a hypothetical worry. We are there today. And it is unacceptable”.

(7) In that same speech on June 10, 2011, Secretary of Defense Gates added that “I am the latest in a string of U.S. defense secretaries who have urged allies privately and publicly, often with exasperation, to meet agreed-upon NATO benchmarks for defense spending. However, fiscal, political and demographic realities make this unlikely to happen anytime soon, as even military stalwarts like the U.K. have been forced to ratchet back with major cuts to force structure. Today, just five of 28 allies – the U.S., U.K., France, Greece, along with Albania – exceed the agreed 2% of GDP spending on defense”.

(8) Secretary of Defense Gates also stated that “[t]he blunt reality is that there will be dwindling appetite and patience in the U.S.

Congress – and in the American body politic writ large – to expend increasingly precious funds on behalf of nations that are apparently unwilling to devote the necessary resources or make the necessary changes to be serious and capable partners in their own defense. Nations apparently willing and eager for American taxpayers to assume the growing security burden left by reductions in European defense budgets”.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to commend the North Atlantic Treaty Organization for historically providing an extension to the United States security capabilities; and

(2) to call upon the President—

(A) to engage each of the member states of the North Atlantic Treaty Organization in a dialogue about the long-term health of the North Atlantic Alliance and strongly encourage each of the member states to make a serious effort to protect defense budgets from further reductions, better allocate and coordinate the resources presently available, and recommit to spending at least two percent of gross domestic product on defense; and

(B) to examine and report to Congress on recommendations that will lead to a stronger North Atlantic Alliance in terms of military capability and readiness across the 28 member states, with particular focus on the smaller member states.

SA 1174. Mr. MERKLEY (for himself, Mr. LEE, Mr. UDALL of New Mexico, Mr. PAUL, and Mr. BROWN of Ohio) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. SENSE OF CONGRESS ON TRANSITION OF MILITARY AND SECURITY OPERATIONS IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) After al Qaeda attacked the United States on September 11, 2001, the United States Government rightly sought to bring to justice those who attacked us, to eliminate al Qaeda’s safe havens and training camps in Afghanistan, and to remove the terrorist-allied Taliban government.

(2) Members of the Armed Forces, intelligence personnel, and diplomatic corps have skillfully achieved these objectives, culminating in the death of Osama bin Laden.

(3) Operation Enduring Freedom is now the longest military operation in United States history.

(4) United States national security experts, including Secretary of Defense Leon E. Panetta, have noted that al Qaeda’s presence in Afghanistan has been greatly diminished.

(5) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(6) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(7) Members of the Armed Forces have served in Afghanistan valiantly and with

honor, and many have sacrificed their lives and health in service to their country.

(8) The United States is now spending nearly \$10,000,000,000 per month in Afghanistan at a time when, in the United States, there is high unemployment, a flood of foreclosures, a record deficit, and a debt that is over \$15,000,000,000,000 and growing.

(9) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(10) The battle against terrorism is best served by using United States troops and resources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(11) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(12) President Barack Obama is to be commended for announcing in July 2011 that the United States would commence the redeployment of members of the United States Armed Forces from Afghanistan in 2011 and transition security control to the Government of Afghanistan.

(13) President Obama has established a goal of removing all United States combat troops from Afghanistan by December 2014.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should expedite the transition of the responsibility for military and security operations in Afghanistan to the Government of Afghanistan;

(2) the President should devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities prior to December 2014; and

(3) not later than 90 days after the date of the enactment of this Act, the President should submit to Congress a plan with a timetable and completion date for the accelerated transition of all military and security operations in Afghanistan to the Government of Afghanistan.

SA 1175. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. WARFIGHTER TRANSLATIONAL RESEARCH CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the Defense Health Program a Warfighter Translational Research Center (in this section referred to as the “Center”) to support the development of diagnostics and therapeutics to address gaps in the treatment of injured members of the Armed Forces.

(b) PRIMARY FUNCTIONS.—The primary functions of the Center include the following:

(1) Developing a tool that can be used before and after a deployment to assess the

mental health of a member of the Armed Forces.

(2) Using the tool developed under paragraph (1) to establish a baseline mental health assessment of each member of the Armed Forces before such member is deployed and carrying out a mental health screening of each such member after deployment—

(A) to decrease the incidence of undiagnosed post traumatic stress disorder and traumatic brain injury; and

(B) to determine whether there are certain factors that make a person more or less likely to experience post traumatic stress.

(C) PUBLIC-PRIVATE PARTNERSHIPS.—In carrying out the functions of the Center, the Center shall establish partnerships between public and private entities.

(D) COMPETITIVE CONTRACTS.—All contracts awarded by the Center shall be awarded on a competitive basis.

SA 1176. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. ____ . ENHANCED PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) REPEAL OF SUNSET.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289) is amended to read as follows:

“(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.”.

(b) EXPANSION OF PROTECTIONS TO INCLUDE WIDOWS AND WIDOWERS.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended—

(1) by inserting “, or widow or widower of a servicemember who dies during such service,” after “by a servicemember”; and

(2) by inserting “, widow’s, or widower’s” after “when the servicemember’s”.

SA 1177. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

Subtitle D—Other Matters

SEC. 731. PROVISION OF REHABILITATIVE EQUIPMENT UNDER WOUNDED WARRIOR ACT.

Section 1631 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by adding at the end the following:

“(c) REHABILITATIVE EQUIPMENT FOR MEMBERS OF THE ARMED FORCES.—

“(1) IN GENERAL.—Subject to the availability of appropriations for such purpose,

the Secretary of Defense may provide an active duty member of the Armed Forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment that provide an adaption or accommodation for the member, regardless of whether such equipment is intentionally designed to be adaptive equipment.

“(2) CONSULTATION.—In carrying out this subsection, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding similar programs carried out by the Secretary of Veterans Affairs.”.

SA 1178. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MULTIYEAR CONTRACTS FOR ADVANCED BIOFUEL.

(a) CIVILIAN AGENCY CONTRACTS.—Subsection (a) of section 3903 of title 41, United States Code, is amended to read as follows:

“(a) DEFINITIONS.—For the purposes of this section:

“(1) MULTIYEAR CONTRACT.—The term ‘multiyear contract’—

“(A) means a contract for the purchase of property or services for more than one, but not more than five, program years, except as provided in subparagraph (B);

“(B) in the case of a contract for the purchase of advanced biofuel, means a contract for the purchase of such fuel for a period of up to 15 program years; and

“(C) may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

“(2) ADVANCED BIOFUEL.—The term ‘advanced biofuel’ has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).”.

(b) DEFENSE CONTRACTS.—Subsection (k) of section 2306b of title 10, United States Code, is amended to read as follows:

“(k) DEFINITIONS.—For the purposes of this section:

“(1)(A) Except as provided in subparagraph (B), the term ‘multiyear contract’ means a contract for the purchase of property or services for more than one, but not more than five, program years.

“(B) In the case of a contract for the purchase of advanced biofuel, the term ‘multiyear contract’ means a contract for the purchase of such fuel for a period of up to 15 program years.

“(C) Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

“(2) The term ‘advanced biofuel’ has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts

entered into on or after the date occurring 180 days after the date of the enactment of this Act.

SA 1179. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 505. NUMBER OF JUDGE ADVOCATES OF THE AIR FORCE IN THE REGULAR GRADE OF BRIGADIER GENERAL.

Section 8037 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) Four officers of the Air Force designated as judge advocates shall hold the regular grade of brigadier general.”.

SA 1180. Ms. COLLINS (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to Congress an assessment by the intelligence community

that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft, posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) **ELEMENTS.**—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector.

(D) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disarmed, or otherwise rendered unusable following Operation Unified Protector.

(E) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) through (D), and the current disposition and locations of such man-portable air-defense systems.

(F) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(G) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(H) An assessment of the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(I) An assessment of the effectiveness of efforts undertaken by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the Director) to reduce the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(J) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) **NOTICE REGARDING DELAY IN SUBMITTAL.**—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the

end of that period as required by that paragraph, the Director shall (before the end of that period) submit to Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(4) **FORM.**—The assessment under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) **COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.**—

(1) **STRATEGY REQUIRED.**—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) **REPORT REQUIRED.**—

(A) **IN GENERAL.**—Not later than 45 days after the assessment required by subsection (b) is submitted to Congress, the President shall submit to Congress a report setting forth the strategy required by paragraph (1).

(B) **ELEMENTS.**—The report required by this paragraph shall include the following:

(i) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(ii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iii) A summary of United States Government efforts, and technologies current available, to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(iv) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(v) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) **FORM.**—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

SA 1181. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 577. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “job placement counseling for the spouse” and inserting “inclusion of the spouse when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs”;

(2) in paragraph (9), by inserting before the period the following: “, including information on budgeting, saving, credit, loans, and taxes”;

(3) in paragraph (10), by striking “and employment” and inserting “, employment, and financial”;

(4) by striking paragraph (16) and inserting the following new paragraph:

“(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.”; and

(5) in paragraph (17), by inserting before the period the following: “, and information regarding the means by which the member can receive additional counseling regarding the member’s actual entitlement to such benefits and apply for such benefits”.

SA 1182. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. PROHIBITION ON PERMANENT STATIONING OF MORE THAN TWO ARMY BRIGADE COMBAT TEAMS WITHIN UNITED STATES EUROPEAN COMMAND.

(a) **IN GENERAL.**—Effective as of January 1, 2016, the number of Army Brigade Combat Teams that may be permanently stationed within the geographic boundaries of the United States European Command (EUCOM) may not exceed two brigade combat teams.

(b) **MILITARY CONSTRUCTION.**—No military construction project may be commenced or undertaken for or in connection with or support of the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command.

SA 1183. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. MAINTENANCE OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

The Secretary of Defense shall take appropriate actions to maintain for the United States a range of strategic nuclear delivery systems appropriate for the current and anticipated threats faced by the United States, including a triad of sea-based, land-based, and air-based strategic nuclear delivery systems.

SA 1184. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. LIMITATION ON REDUCTION IN NUMBER OF SURFACE COMBATANTS OF THE NAVY BELOW 313 VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2011 Shipbuilding Plan of the Navy contemplates a baseline of 313 surface combatants in the Navy.

(2) The national security of the United States requires that the shipbuilding activities of the Navy ensure a Navy composed of at least 313 surface combatants.

(3) It is in the national interest that the future-years defense programs of the Department of Defense provide for a Navy composed of at least 313 surface combatants.

(b) LIMITATION.—The Secretary of the Navy may not carry out any reduction in the number of surface combatants of the Navy below 313 surface combatants unless the Secretary, after consultation with the commanders of the combatant commands, certifies to Congress that the Navy will continue to possess the capacity to support the requirements of the combatant commands after such reduction.

SA 1185. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 234. REPORT ON MISSILE DEFENSE SITE ON THE EAST COAST OF THE UNITED STATES.

(a) FINDING.—Congress finds that the Obama Administration plans to limit or cancel the deployment of the European Phased Adaptive Approach (EPAA) to missile defense.

(b) REPORT.—In light of the finding in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

SA 1186. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Fighting Fraud to Protect Taxpayers

SEC. 1090. DEPARTMENT OF JUSTICE WORKING CAPITAL FUND REFORMS.

Section 11013(a) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 527 note) is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘covered amounts’ means—

“(i) the unobligated balances in the debt collection management account; and

“(ii) the unobligated balances in the supplemental fraud fighting account;

“(B) the term ‘debt collection management account’ means the account established in the Department of Justice Working Capital Fund under paragraph (2);

“(C) the term ‘fraud offense’ includes—

“(i) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) and an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2 and 78dd-3);

“(ii) a securities fraud offense, as defined in section 3301 of title 18, United States Code;

“(iii) a fraud offense relating to a financial institution or a federally related mortgage loan, as defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602), including an offense under section 152, 157, 1004, 1005, 1006, 1007, 1011, or 1014 of title 18, United States Code;

“(iv) an offense involving procurement fraud, including defective pricing, bid rigging, product substitution, misuse of classified or procurement sensitive information, grant fraud, fraud associated with labor mischarging, and fraud involving foreign military sales;

“(v) an offense under the Internal Revenue Code of 1986 involving fraud;

“(vi) an action under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’), and an offense under chapter 15 of title 18, United States Code;

“(vii) an offense under section 1029, 1030, or 1031 of title 18, United States Code; and

“(viii) an offense under chapter 63 of title 18, United States Code; and

“(D) the term ‘supplemental fraud fighting account’ means the supplemental fraud fighting account established in the Department of Justice Working Capital Fund under paragraph (3)(A).

“(2) DEBT COLLECTION MANAGEMENT ACCOUNT.—Notwithstanding”;

(2) by striking “Such amounts” and inserting “Subject to paragraph (4), such amounts”; and

(3) by adding at the end the following:

“(3) SUPPLEMENTAL FRAUD FIGHTING ACCOUNT.—

“(A) ESTABLISHMENT.—There is established as a separate account in the Department of Justice Working Capital Fund established

under section 527 of title 28, United States Code, a supplemental fraud fighting account.

“(B) CREDITING OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the supplemental fraud fighting account up to 0.5 percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice.

“(C) USE OF FUNDS.—

“(i) IN GENERAL.—Subject to clause (ii), the Attorney General may use amounts in the supplemental fraud fighting account for the cost (including equipment, salaries and benefits, travel and training, and interagency task force operations) of the investigation of and conduct of criminal, civil, or administrative proceedings relating to fraud offenses.

“(ii) LIMITATION.—The Attorney General may not use amounts in the supplemental fraud fighting account for the cost of the investigation of or the conduct of criminal, civil, or administrative proceedings relating to—

“(I) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1); or

“(II) an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2 and 78dd-3).

“(D) CONDITIONS.—Subject to paragraph (4), amounts in the supplemental fraud fighting account shall remain available until expended and shall be subject to the terms and conditions of the Department of Justice Working Capital Fund.

“(4) MAXIMUM AMOUNT.—

“(A) IN GENERAL.—There are rescinded all covered amounts in excess of \$175,000,000 at the end of fiscal year 2012 and the end of each fiscal year thereafter.

“(B) RATIO.—For any rescission under subparagraph (A), the Secretary of the Treasury shall rescind amounts from the debt collection management account and the supplemental fraud fighting account in a ratio of 6 dollars to 1 dollar, respectively.

“(5) ANNUAL REPORT.—Not later than 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2012, and every year thereafter, the Attorney General shall submit to Congress a report that identifies, for the most recent fiscal year before the date of the report—

“(A) the amount credited to the debt collection management account and the amount credited to the supplemental fraud fighting account from civil debt collection litigation, which shall include, for each account—

“(i) a comprehensive description of the source of the amount credited; and

“(ii) a list the civil actions and settlements from which amounts were collected and credited to the account;

“(B) the amount expended from the debt collection management account for civil debt collection, which shall include a comprehensive description of the use of amounts in the account that identifies the amount expended for—

“(i) paying the costs of processing and tracking civil and criminal debt-collection litigation;

“(ii) financial systems;

“(iii) debt-collection-related personnel expenses;

“(iv) debt-collection-related administrative expenses; and

“(v) debt-collection-related litigation expenses;

“(C) the amounts expended from the supplemental fraud fighting account and the justification for the expenditure of such amounts; and

“(D) the unobligated balance in the debt collection management account and the unobligated balance in the supplemental fraud fighting account at the end of the fiscal year.”

SEC. 1091. REIMBURSEMENT OF COSTS AWARDED IN FALSE CLAIMS ACT PROSECUTIONS.

Section 3729(a)(3) of title 31, United States Code, is amended by adding at the end the following: “Any costs paid under this paragraph shall be credited to the appropriations accounts of the executive agency from which the funds used for the costs of the civil action were paid.”

SEC. 1092. INTERLOCUTORY APPEALS OF SUPPRESSION OR EXCLUSION OF EVIDENCE.

Section 3731 of title 18, United States Code, is amended in the second undesignated paragraph by inserting “Attorney General, the Deputy Attorney General, an Assistant Attorney General, or the” after “an indictment or information, if the”.

SEC. 1093. EXTENSION OF INTERNATIONAL MONEY LAUNDERING STATUTE TO TAX EVASION CRIMES.

Section 1956(a)(2)(A) of title 18, United States Code, is amended—

(1) by striking “intent to promote” and inserting the following: “intent to—

“(i) promote”; and

(2) by adding at the end the following:

“(ii) engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or”.

SEC. 1094. CLARIFYING VENUE FOR FEDERAL MAIL FRAUD OFFENSES.

(a) IN GENERAL.—Section 3237(a) of title 18, United States Code, is amended in the second undesignated paragraph by adding before the period at the end the following: “or in any district in which an act in furtherance of the offense is committed”.

(b) SECTION HEADING.—Section 3237 of title 18, United States Code, is amended in the section heading by striking “**begun**” and all that follows and inserting “**taking place in more than one district**”.

(c) TABLE OF SECTIONS.—The table of sections for chapter 211 of title 18, United States Code, is amended by striking the item relating to section 3237 and inserting the following:

“3237. Offenses taking place in more than one district.”.

SEC. 1095. EXPANSION OF AUTHORITY OF SECRET SERVICE.

Section 3056 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “641, 656, 657,” after “510,”; and

(ii) by striking “493, 657,” and inserting “493,”; and

(B) in paragraph (3), by striking “federally insured”; and

(2) by adding at the end the following:

“(h)(1) For any undercover investigative operation of the United States Secret Service that is necessary for the detection and prosecution of a crime against the United States, the United States Secret Service may—

“(A) use amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, to—

“(i) purchase property, buildings, and other facilities and lease space within the

United States (including the District of Columbia and the territories and possessions of the United States), without regard to sections 1341 and 3324 of title 31, section 8141 of title 40, and sections 3901, 4501 through 4506, 6301, and 6306(a) of title 41; and

“(ii) establish, acquire, and operate on a commercial basis proprietary corporations and business entities as part of the undercover investigative operation, without regard to sections 9102 and 9103 of title 31;

“(B) deposit in banks and other financial institutions amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, and the proceeds from the undercover investigative operation, without regard to section 648 of this title and section 3302 of title 31; and

“(C) use the proceeds from the undercover investigative operation to offset necessary and reasonable expenses incurred in the undercover investigative operation, without regard to section 3302 of title 31.

“(2) The authority under paragraph (1) may be exercised only upon a written determination by the Director of the United States Secret Service (in this subsection referred to as the ‘Director’) that the action being authorized under paragraph (1) is necessary for the conduct of an undercover investigative operation. A determination under this paragraph may continue in effect for the duration of an undercover investigative operation, without fiscal year limitation.

“(3) If the Director authorizes the proceeds from an undercover investigative operation to be used as described in subparagraph (B) or (C) of paragraph (1), as soon as practicable after the proceeds are no longer necessary for the conduct of the undercover investigative operation, the proceeds remaining shall be deposited in the general fund of the Treasury as miscellaneous receipts.

“(4) As early as the Director determines practicable before the date on which a corporation or business entity established or acquired under paragraph (1)(A)(ii) with a net value of more than \$50,000 is to be liquidated, sold, or otherwise disposed of, the Director shall notify the Secretary of Homeland Security regarding the circumstances of the corporation or business entity and the liquidation, sale, or other disposition. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the general fund of the Treasury as miscellaneous receipts.

“(5)(A) The Director shall—

“(i) on a quarterly basis, conduct detailed financial audits of closed undercover investigative operations for which a written determination is made under paragraph (2); and

“(ii) submit to the Secretary of Homeland Security a written report of the results of each audit conducted under clause (i).

“(B) On the date on which the budget of the President is submitted under section 1105(a) of title 31 for each year, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report summarizing the audits conducted under subparagraph (A)(i) relating to the previous fiscal year.”.

SEC. 1096. FALSE CLAIMS SETTLEMENTS.

(a) REPORTS BY ATTORNEY GENERAL.—Not later than November 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a public report, except

the contents required in paragraphs (2), (3), (4) and (10) of subsection (b), that describes each settlement or compromise of any claim, suit, or other action entered into with the Department of Justice that—

(1) relates to an alleged violation of section 1031 of title 18, United States Code, or section 3729 of title 31, United States Code (including all 12 settlements of alternative remedies); and

(2) results from a claim for damages of more than \$100,000.

(b) CONTENTS OF REPORTS.—The description of each settlement or compromise required to be included in an annual report under subsection (a) shall include—

(1) the total amount of the settlement or compromise and the portions of the settlement attributable to violations of various statutory authorities;

(2) the amount of actual damages, or if the amount of actual damages is not available a good faith estimate of the damages, that have been sustained;

(3) the amount of the settlement that represents civil penalties;

(4) the amount of the settlement that represents criminal fines and a statement of the basis for the fines;

(5) a description of the period during which the matter to which the settlement or compromise relates was pending, including—

(A) the date on which the complaint was originally filed;

(B) a description of the period the matter remained under seal;

(C) the date on which the Department of Justice determined whether to intervene in the case; and

(D) the date on which the settlement or compromise was finalized;

(6) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant had previously entered into a settlement or compromise relating to section 1031 of title 18, United States Code, or section 3730(b) of title 31, United States Code, and, if so, the date of and amount to be paid under each such settlement or compromise;

(7) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant—

(A) entered into a corporate integrity agreement relating to the settlement or compromise;

(B) entered into a deferred prosecution agreement or nonprosecution agreement relating to the settlement or compromise; or

(C)(i) previously entered into—

(I) a corporate integrity agreement relating to a settlement or compromise relating to a different violation of section 3730(b) of title 31, United States Code; or

(II) a deferred prosecution agreement or nonprosecution agreement relating to a settlement or compromise relating to a different violation of section 1031 of title 18, United States Code; and

(ii) if the defendant had entered an agreement described in clause (i), whether the agreement applied to the conduct that is the subject of the settlement or compromise described in the report or similar conduct;

(8) for a qui tam action—

(A) the percentage of the settlement amount awarded to the relator; and

(B) whether the relator requested a fairness hearing relating to the percentage received by the relator or the total amount of the settlement;

(9) the extent to which a relator or counsel for a relators participated in the settlement negotiations; and

(10) whether a defendant raised the possibility of requiring the disclosure of classified

information as a reason for the Department to settle a case in lieu of litigation.

SEC. 1097. AGGRAVATED IDENTITY THEFT AND FRAUD.

(a) IN GENERAL.—Section 1028A of title 18, United States Code, is amended in the section heading by adding “and fraud” at the end.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028A and inserting the following:

“1028A. Aggravated identity theft and fraud.”.

SEC. 1098. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH IDENTIFICATION DOCUMENTS, AUTHENTICATION FEATURES, AND INFORMATION.

(a) IN GENERAL.—Section 1028(a)(7) of title 18, United States Code, is amended by inserting “(including an organization)” after “person”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028 and inserting the following:

“1028. Fraud and related activity in connection with identification documents, authentication features, and information.”.

SEC. 1099. ATTEMPT TO EVADE OR DEFEAT TAX.
Section 7201 of the Internal Revenue Code is amended—

(1) by striking “\$100,000” and inserting “\$500,000”; and

(2) by striking “\$500,000” and inserting “\$2,500,000”.

SA 1187. Mrs. GILLIBRAND (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1108. EXPEDITED HIRING AUTHORITY FOR DEFENSE INFORMATION TECHNOLOGY/CYBER WORKFORCE.

(a) EXPEDITED HIRING AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1599e. Information technology/cyber workforce: expedited hiring authority

“(a) AUTHORITY.—For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense—

“(1) may designate any category of Information Technology/Cyber workforce positions in the Department of Defense as positions for which there exists a shortage of candidates or for which there is a critical hiring need; and

“(2) may use the authorities provided in those sections to recruit and appoint qualified persons directly to positions so designated, and should appoint veterans to those positions to the maximum extent possible.

“(b) ANNUAL REPORT.—The Secretary of Defense shall submit an annual report to the congressional defense committees detailing the number of people hired under the authority of this section, the number of people so

hired who transfer to a field outside the category of Information Technology/Cyber workforce, and the number of veterans who apply for, and are hired, for positions under this authority.

“(c) SUNSET.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2017.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1599e. Information technology/cyber workforce: expedited hiring authority.”.

SA 1188. Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. CASEY, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

“(b) TRAVEL BENEFIT DEFINED.—In this section, the term ‘travel benefit’ means—

“(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

“(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.”.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking “the air or surface carrier” and inserting “the business entity referred to in subsection (b)”;

(2) by striking “the surface carrier” and inserting “the business entity”; and

(3) by striking “the carrier” and inserting “the business entity”.

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking “the air carrier or surface carrier” and inserting “the business entity referred to in subsection (b)”.

(d) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

“2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.”.

SA 1189. Mrs. MURRAY (for herself, Mrs. GILLIBRAND, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

Subtitle D—Mental Health Care for Members of Reserve Components on Inactive-Duty Training

SEC. 741. BEHAVIORAL HEALTH CARE FOR MEMBERS OF THE ARMED FORCES PERFORMING INACTIVE-DUTY TRAINING AND CERTAIN OTHER MEMBERS.

(a) IN GENERAL.—Subsection (a)(1) of section 1074a of title 10, United States Code, is amended by inserting “(including a behavioral health illness)” after “or disease”.

(b) SERVICES FOR READINESS OF CERTAIN OTHER MEMBERS OF READY RESERVE.—Subsection (g)(1) of such section is amended by striking “medical and dental readiness” and inserting “medical, dental, and behavioral health readiness”.

SEC. 742. MENTAL HEALTH ASSESSMENTS DURING INACTIVE-DUTY TRAINING FOR MEMBERS OF THE NATIONAL GUARD IN STATES WITH HIGH NEED FOR BEHAVIORAL HEALTH SUPPORT.

(a) ACCESS TO ASSESSMENTS.—Each member of the National Guard in a unit of a State covered by subsection (b) who is performing inactive-duty training shall, while performing such training, be permitted access to a mental health assessment through a licensed mental health professional who shall be available for such assessments during duty hours of such training on the premises of the principal duty location of such member's unit. Such mental health assessment shall be provided by the State in accordance with subsection (e).

(b) COVERED STATES.—A State covered by this subsection is a State that—

(1) meets the criteria under subsection (c), as determined by the Chief of the National Guard Bureau under subsection (d); and

(2) elects to provide mental health assessments for members of the National Guard as described in subsection (a) in accordance with subsection (e).

(c) CRITERIA.—

(1) IN GENERAL.—The Chief of the National Guard Bureau shall develop criteria for determining whether or not members of the National Guard of a particular State shall be permitted access to mental health assessments under subsection (a).

(2) ELEMENTS.—The criteria developed under paragraph (1) shall take into account the following:

(A) The rate of suicide among members of the National Guard of a State.

(B) The deployment schedule of National Guard units in a State, including, in particular, the number of National Guard units in the State recently returned from deployment.

(C) The economic circumstances of a State, including the rate of unemployment in the State generally and the rate of unemployment in the State among veterans.

(D) The availability of behavioral health care providers in a State (including civilian providers, providers at military treatment facilities, and providers of or through the

Department of Veterans Affairs) for members of the National Guard, including, in particular, the availability of such providers in rural areas of the State.

(E) Such other criteria as the Chief of the National Guard Bureau considers appropriate.

(3) PERIODIC UPDATES.—The Chief of the National Guard Bureau shall update the criteria developed under paragraph (1) every two years.

(4) CONSULTATION.—The Chief of the National Guard Bureau shall carry out this subsection in consultation with the Assistant Secretary of Defense for Health Affairs, the Surgeons General of the Armed Forces, and the Adjutants General of the National Guard.

(5) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Chief of the National Guard Bureau shall submit to the congressional defense committees a report on the criteria developed under this subsection.

(d) DETERMINATIONS REGARDING STATES.—Upon developing the criteria required by subsection (b), and every two years thereafter, the Chief of the National Guard Bureau shall determine whether or not each State meets the criteria for purposes of subsection (b)(1). In making such a determination, the Chief of the National Guard Bureau shall use the version of such criteria in effect at the time of such determination, as updated under subsection (c)(3).

(e) STATE ACTIONS.—

(1) ELECTION TO PROVIDE ASSESSMENTS.—

(A) IN GENERAL.—Upon the development of the criteria required by subsection (c), and every two years thereafter, a State that meets the criteria may elect to provide mental health assessments for members of the National Guard as described in subsection (a).

(B) PERIOD OF ELECTION.—An election under subparagraph (A) shall be effective for two years, and may be renewed by a State if the Chief of the National Guard Bureau determines under subsection (d) that the State continues to meet the criteria under subsection (c) at the time of such renewal.

(C) AVAILABILITY OF OPTION TO ELECT.—The lack of an election by a State under subparagraph (A) shall not prohibit the State from making an election under that subparagraph at any subsequent two-year interval if the State meets the criteria under subsection (c) at the commencement of such subsequent two-year interval.

(2) ASSESSMENTS.—

(A) IN GENERAL.—Each State making an election under paragraph (1) shall provide mental health assessments for members of the National Guard in units of the State as described in subsection (a) during the two-year period following the election.

(B) MANNER OF PROVISION.—A State shall provide mental health assessments under this paragraph in accordance with a plan developed by the State for that purpose. The plan shall ensure the availability of behavioral health providers for that purpose during duty hours of inactive-duty training on the premises of the principal duty location of National Guard units of the State performing such training. The plan may provide for the availability of such providers for that purpose through arrangements with contractors under the TRICARE program or other appropriate contractors or through such other means as the State considers appropriate.

(f) FEDERAL FUNDING.—Amounts authorized to be appropriated for the Department

of Defense for Defense Health Program may be available for payment for, or reimbursements of States for the costs of, mental health assessments of members of the National Guard under subsection (a).

(g) DEFINITIONS.—In this section:

(1) The term “inactive-duty training” has the meaning given that term in section 101(d)(7) of title 10, United States Code.

(2) The term “State” means the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(3) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 743. BEHAVIORAL HEALTH SUPPORT FOR CERTAIN MEMBERS OF THE NATIONAL GUARD IN STATES WITH HIGH NEED FOR BEHAVIORAL HEALTH SUPPORT.

(a) IN GENERAL.—Each member of the National Guard of a State meeting the criteria in section 742(c) who is participating in annual training duty or individual duty training shall, while so participating, have access to the behavioral health support programs specified in subsection (b).

(b) BEHAVIORAL HEALTH SUPPORT PROGRAMS.—The behavioral health support programs specified in this subsection are the following:

(1) Programs providing access to licensed mental health providers in armories, reserve centers, or other places for scheduled unit training assemblies.

(2) Programs providing training on suicide prevention and post-suicide response.

(3) Psychological health programs.

(4) Such other programs as the Secretary of Defense, in consultation with the Surgeon General for the National Guard of the State in which the members concerned reside, the Director of Psychological Health of the State in which the members concerned reside, the Department of Mental Health or the equivalent agency of the State in which the members concerned reside, or the Director of the Psychological Health Program of the National Guard Bureau, considers appropriate.

(c) ACCESS WITHOUT COST TO MEMBERS.—Access to behavioral health programs, and to any services under such programs, shall be provided at no cost to members.

(d) PRIVACY PROTECTION.—Any mental health services provided under this section shall be subject to and comply with all applicable privacy rules and security rules published by the Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act of 1996.

SEC. 744. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE RESERVES PERFORMING INACTIVE-DUTY TRAINING.

(a) IN GENERAL.—The Secretary of the military department concerned may provide mental health assessments for members of the Army Reserve, the Navy Reserve, the Air Force Reserve, and the Marine Corps Reserve who are performing inactive-duty training.

(b) CRITERIA.—A determination whether or not to provide mental health assessments for members of a given Reserve under subsection (a) may be made in accordance with criteria developed by the Secretary of the military department concerned, in consultation with the Assistant Secretary of Defense for Health Affairs and the Surgeon General of the Armed Force concerned.

(c) PROVISION WITHOUT COST TO MEMBERS.—Any mental health assessments provided under this section, and any services provided pursuant to such assessments, shall be provided at no cost to members.

(d) PRIVACY PROTECTION.—Any mental health services provided under this section shall be subject to and comply with all applicable privacy rules and security rules published by the Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act of 1996.

(e) INACTIVE-DUTY TRAINING DEFINED.—In this section, the term “inactive-duty training” has the meaning given that term in section 101(d)(7) of title 10, United States Code.

SEC. 745. REPORTS ON EFFECTIVENESS OF MENTAL HEALTH ASSESSMENTS IN MEETING NEEDS OF MEMBERS OF THE RESERVE COMPONENTS PERFORMING INACTIVE-DUTY TRAINING.

(a) BIENNIAL ASSESSMENT OF EFFECTIVENESS OF ASSESSMENTS.—Not later than two years after the date of the enactment of this Act, and every two years thereafter, the Assistant Secretary of Defense for Health Affairs shall conduct an assessment of the effectiveness of the mental health assessments provided members of the reserve components of the Armed Forces under this subtitle.

(b) ELEMENTS.—Each assessment under subsection (a) shall include an assessment of the following:

(1) The effect of the mental health assessments described in subsection (a) in assuring the behavioral health readiness of the following:

(A) The reserve components of the Armed Forces generally.

(B) The National Guard of each State in which mental health assessments were performed under section 742 during the two-year period covered by such assessment.

(C) Each of the Army Reserve, the Navy Reserve, the Air Force Reserve, and the Marine Corps Reserve.

(2) For the two-year period covered by such assessment, rates of each of the following:

(A) Contacts between members of the reserve components of the Armed Forces and a behavioral health provider initiated by the member.

(B) Contacts between members of the reserve components of the Armed Forces and a behavioral health provider initiated by a commander of the member.

(C) Contacts between members of the reserve components of the Armed Forces and a behavioral health provider initiated by a behavioral health provider.

(D) Symptoms of post-traumatic stress disorder (PTSD) in members participating in any such contacts.

(E) Substance abuse in members participating in any such contacts.

(F) Marriage or family concerns in members participating in any such contacts.

(G) Job or financial concerns in members participating in any such contacts.

(3) Such other matters as the Assistant Secretary of Defense for Health Affairs considers appropriate.

(c) REPORTS ON ASSESSMENTS.—Not later than 30 days after completing an assessment under this section, the Assistant Secretary of Defense for Health Affairs shall submit to the congressional defense committees a report setting forth the results of such assessment.

SA 1190. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) **DEVELOPMENT OF INNOVATIVE ADVANCED TECHNOLOGIES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall use the laboratory network of the Department of Defense and work with the Secretary of Commerce and the Administrator of the Small Business Administration to encourage the development of innovative advanced technologies to address national security, and where appropriate, homeland security, and first responder challenges.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should make further progress in marshaling existing authorities in support of regional advanced technology clusters, while defining mechanisms to collaborate with, and leverage resources from the Department of Commerce and the Small Business Administration.

(b) **DESIGNATION OF LEAD DEPARTMENT OF DEFENSE OFFICE.**—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall identify and report to the appropriate congressional committees what office within the Department of Defense will be responsible for enhanced use of regional advanced technology clusters.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters, including the number of clusters supported, technologies developed and products commercialized, small businesses trained, companies started, and research and development facilities shared;

(2) implementation by the Department of processes and mechanisms to facilitate collaboration with the clusters;

(3) agreements established with the Department of Commerce and the Small Business Administration to jointly support the continued utilization and growth of the clusters; and

(4) any additional required authorities and any impediments in supporting regional advanced technology clusters.

(d) **COLLABORATION WITH OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The designated lead from the Department of Defense office shall collaborate and share resources with other Federal agencies for purposes of assisting in the utilization and growth of regional advanced technology clusters under this section. Furthermore the Department of Defense will work with Department of Commerce and the Small Business Administration to develop methods to evaluate the effectiveness of technology cluster policies.

(2) **INTERGOVERNMENTAL PERSONNEL ACT AGREEMENTS.**—The Department of Defense shall utilize Intergovernmental Personnel Act agreements to provide for the temporary assignment of personnel between the Federal

Government and State and local governments, colleges and universities, Indian tribal governments, federally funded research and development centers, and other eligible organizations.

(3) **ACCESS TO DEPARTMENT OF DEFENSE FACILITIES.**—The Secretary of Defense shall provide regional advanced technology clusters appropriate access to Department of Defense facilities.

(e) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Commerce, Science and Transportation and the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives.

(2) **REGIONAL ADVANCED TECHNOLOGY CLUSTERS.**—The term “regional advanced technology clusters” means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

SA 1191. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriation for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1 . . . (a) The Corps of Engineers is authorized to carry out any project—

(1) for which there is a signed report of the Chief of Engineers by the end of fiscal year 2012;

(2) that will be constructed according to the specifications of the Corps of Engineers; and

(3) for which, prior to authorization, the Chief of Engineers certifies that 100 percent of the cost of carrying out the project is contributed by a non-Federal entity or a group of non-Federal entities.

(b) A non-Federal entity or group of non-Federal entities described in subsection (a)(3) shall not receive any reimbursement for the cost of a project carried out under this section from the Federal Government.

SA 1192. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. REPORT ON COSTS TO DEPARTMENT OF DEFENSE OF CERTAIN ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND MILITARY SPOUSES.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the costs to the Department of De-

fense of education assistance for members of the Armed Forces and military spouses under the following programs of the Department of Defense:

(1) The Tuition Assistance (TA) program.

(2) The Military Spouse Career Advancement Account (MyCAA) program.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) For each institution of higher education that received funds under a program specified in subsection (a) during any of fiscal years 2009, 2010, or 2011—

(A) the name and location of such institution;

(B) whether such institution is a public, non-profit, or for-profit institution;

(C) the amount of funds received by such institution in each such fiscal year each under each program; and

(D) the number of members of the Armed Forces, and the number of military spouses, who received education at such institution during each such fiscal year for which money was received under either program.

(2) Education outcomes for participants in the programs specified in subsection (a) during fiscal years 2009 through 2011, including—

(A) credit accumulation;

(B) completion of education on time or in 150 percent of on time;

(C) loan defaults;

(D) job placement and retention, and wage progression, after completion of education.

(3) A summary of complaints regarding aggressive recruiting practices or misrepresentation of future job placement opportunities from participants in the programs specified in subsection (a) during fiscal years 2009 through 2011.

(4) Such recommendations as the Secretary considers appropriate for reducing the costs to the Department of education assistance under the programs specified in subsection (a).

SA 1193. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 341 and insert the following:

SEC. 341. PERMANENT AND EXPANDED AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO CERTAIN CO-OPERATIVE ARRANGEMENTS WITH NON-ARMY ENTITIES.

Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (k).

SA 1194. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1048 and insert the following:

SEC. 1048. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) **FISCAL YEAR 2012 ADMINISTRATION.**—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) **ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.**—

(1) **IN GENERAL.**—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

“§1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program

“(a) DEFINITIONS.—In this section:

“(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

“(2) HIGH-NEED SCHOOL.—The term ‘high-need school’ means—

“(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free or reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using data comparable to the data described in subparagraph (A) from the middle or elementary schools that feed into the high school;

“(C) a school that is in a local educational agency that is eligible under section 6211(b) of the Elementary and Secondary Education Act of 1965; or

“(D) a school in which not less than 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(3) MEMBER OF THE ARMED FORCES.—The term ‘member of the armed forces’ includes a former member of the armed forces.

“(4) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.

“(5) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified’, ‘local educational agency’, ‘secondary school’, and ‘State’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(b) PROGRAM AUTHORIZATION.—The Secretary of Defense (in this section referred to as the ‘Secretary’) may carry out a program (to be known as the ‘Troops-to-Teachers Program’)—

“(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or career and technical education teachers, and to become highly qualified teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or charter schools that the Secretary of Education identifies as—

“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

“(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of highly qualified science, mathematics, special education, foreign language, or career and technical education teachers; or

“(iii) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); and

“(B) in elementary schools or secondary schools, or as career and technical education teachers.

“(c) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the armed forces who do not meet the criteria described in subsection (d), including meeting the education qualification requirements under subsection (d)(3)(B).

“(d) ELIGIBILITY AND APPLICATION PROCESSES.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within 1 year after the date on which the member submits an application to participate in the Program; or

“(iii) has been transferred to the Retired Reserve.

“(B) Any member who, on or after January 8, 2002—

“(i)(I) is separated or released from active duty after 4 or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least 6 years of active duty service, 6 years of service computed under section 12732 of this title, or 6 years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than 3 years under paragraph (5)(B).

“(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

“(D) Any member who—

“(i) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before the repeal of that section, and satisfied the eligibility criteria specified in subsection (c) of such section 1151; or

“(ii) applied for the Troops to Teachers program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673 et seq.) and satisfied the eligibility criteria specified in section 2303(a), before the date of enactment of this section.

“(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

“(B) An application shall be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1)

if the application is submitted not later than 3 years after the date on which the member is retired, separated, or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(ii) If a member of the armed forces is applying for assistance for placement as a career and technical education teacher, the Secretary shall require the member—

“(I) to have received the equivalent of 1 year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or

“(II) to otherwise meet the certification or licensing requirements for a career and technical education teacher in the State in which the member seeks assistance for placement under the Program.

“(C) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

“(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary—

“(A) shall give priority to members who—

“(i) have educational or military experience in science, mathematics, special education, foreign language, or career and technical education subjects; and

“(ii) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

“(B) may give priority to members who agree to seek employment in a high-need school.

“(5) OTHER CONDITIONS ON SELECTION.—

“(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than 3 years.

“(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

“(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or career and technical education teacher, and to become a highly qualified teacher; and

“(ii) to accept an offer of full-time employment, to begin the school year after obtaining that certification or licensing, as an elementary school teacher, secondary school teacher, or career and technical education teacher for not less than 3 school years with—

“(I) a local educational agency receiving grant funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.);

“(II) a public charter school (as such term is defined in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602)) residing in such a local educational agency; or

“(III) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 11 2021)).

“(B) The Secretary may waive the 3-year commitment described in subparagraph (A)(i) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the 3-year commitment.

“(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;

“(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a career and technical education teacher for a single period not to exceed 27 months; or

“(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

“(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C), the Secretary may pay to a participant in the Program selected under this section a stipend to cover expenses incurred by the participant to obtain the required educational level, certification or licensing. Such stipend may not exceed \$5,000 and may vary by participant.

“(B) Subject to subparagraph (C), the Secretary may pay a bonus of up to \$10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a

highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or career and technical education teacher for not less than 3 school years in a high-need school. Such bonus may vary by participant and may take into account the priority placements as determined by the Secretary.

“(C)(i) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(ii) The total number of bonuses that may be paid under subparagraph (B) in any fiscal year may not exceed 3,000.

“(iii) The combination of stipend and bonus for any one participant may not exceed \$10,000.

“(4) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.).

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

“(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this subsection shall be required to repay the stipend or bonus under the following circumstances:

“(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or career and technical education teacher as required by the participation agreement under subsection (e)(1).

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or career and technical education teacher during the 3 years of required service in violation of the participation agreement.

“(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of 3 years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

“(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(h) PARTICIPATION BY STATES.—

“(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and career and technical education teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed \$5,000,000.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program.”

(c) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)” and inserting “under sections 1152, 1153, and 1154 of this title”.

(d) TERMINATION OF ORIGINAL PROGRAM.—

(1) TERMINATION.—

(A) Chapter A of subpart 1 of Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(B) The table of contents in section 2 of Part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to such chapter.

(2) EXISTING AGREEMENTS.—The repeal of chapter A of subpart 1 of Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) by paragraph (1)(A) shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under such chapter, or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date on which the Secretary of Defense provides the appropriate committees of Congress with written notice that the Secretary of Defense has elected to administer the program in accordance with subsection (a), or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(f) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to

the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(A) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(B) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(C) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(D) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(E) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(F) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(G) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(i) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(B) TROOPS-TO-TEACHERS PROGRAM.—The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program under section 1154 of title 10, United States Code (as amended by subsection (b)), as authorized prior to the enactment of this Act by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SA 1195. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. REPORT ON EXTENT OF AUTHORIZED ACCESS TO MILITARY INSTALLATION FOR UNAUTHORIZED MARKETING OF PRODUCTS AND SERVICES TO MILITARY PERSONNEL.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the extent to which persons and entities employed by institutions of higher education (for purposes of the Higher Education Act of 1965) who have otherwise authorized access to military installations are engaged in the unauthorized marketing of products and services to members of the Armed Forces through such access.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The assessment described in subsection (a).

(2) Such recommendations as the Secretary considers appropriate for mechanisms as follows:

(A) To assist members of the Armed Forces in identifying persons and entities who are engaged in the unauthorized marketing of products and services to members of the Armed Force through otherwise authorized access to military installations.

(B) To encourage members to report persons and entities who are so engaged to the proper authorities.

SA 1196. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 262. REESTABLISHMENT OF REQUIREMENT FOR ANNUAL REPORTS ON DEPARTMENT OF DEFENSE EFFORTS AND PROGRAMS RELATING TO THE PREVENTION, MITIGATION, AND TREATMENT OF BLAST INJURIES.

Section 256(h)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3181; 10 U.S.C. 1071 note) is amended by inserting “and not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, and annually thereafter through 2014,” after “through 2008.”

SA 1197. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. TIMELY PAYMENT OF SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(s) REGULATIONS RELATING TO TIMELY PAYMENTS.—

“(1) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget, in consultation with the Administrator, shall issue regulations that require any prime contractor awarded a contract by the Federal Government to make timely payments to subcontractors that are small business concerns.

“(2) CONSIDERATIONS.—In issuing the regulations under paragraph (1), the Director of the Office of Management and Budget, in consultation with the Administrator, shall consider—

“(A) requiring a prime contractor to pay a subcontractor that is a small business concern not later than 30 days after the date on which the prime contractor receives a payment from the Federal Government;

“(B) developing—

“(i) incentives for prime contractors that pay subcontractors in accordance with the regulations; or

“(ii) penalties for prime contractors that do not pay subcontractors in accordance with the regulations; and

“(C) requiring that any subcontracting plan under paragraph (4) or (5) of section 8(d) contain a detailed description of when and how each subcontractor will be paid.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 638(d)(6)) is amended—

(1) in subparagraph (F), by striking “and” at the end;

(2) in subparagraph (G)(ii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(H) any information required to be included under the regulations issued under section 15(s).”

SA 1198. Mrs. HUTCHISON (for herself, Mr. JOHNSON of South Dakota, Mr. THUNE, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, strike lines 5 through 13 and insert the following:

(a) IN GENERAL.—The Secretary of the Air Force may not retire or prepare to retire any B-1 bomber aircraft until the date that is one year after the date on which the plan described in subsection (b) is received by the congressional defense committees.

On page 29, strike lines 11 through 23.

SA 1199. Mrs. HUTCHISON (for herself, Mr. BLUNT, Mr. MANCHIN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Army Programs

SEC. 171. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.

(a) **MAINTENANCE.**—The Secretary of the Army shall maintain not less than 42 C-23 aircraft, of which not less than—

(1) 11 shall be available for the active component of the Army;

(2) 4 shall be available for training operations; and

(3) 22 shall be available for domestic operations in the continental United States.

(b) **LIMITATION ON RETIREMENT.**—The Secretary of the Army may not retire (or prepare to retire) any C-23 aircraft, or keep any such aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions, until the date that is one year after the date on which each report under subsections (c)(2), (d)(2), and (e)(2) has been received by the congressional defense committees.

(c) **AIRLIFT STUDY AND REPORT.**—

(1) **STUDY.**—The Director of the National Guard Bureau, in consultation with the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Administrator of the Federal Emergency Management Agency, shall conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support the following missions at low, medium, moderate, high, and very-high levels of operational risk:

(A) Homeland defense.

(B) Contingency response.

(C) Natural disaster-related response.

(D) Humanitarian response.

(2) **REPORT.**—The Director shall submit to the congressional defense committees a report containing the study under paragraph (1).

(d) **FLEET VIABILITY ASSESSMENT.**—

(1) **ASSESSMENT.**—The Secretary of the Army, in coordination with the Director of the Fleet Viability Board of the Air Force, shall conduct a fleet viability assessment with respect to C-23 aircraft.

(2) **REPORT.**—The Secretary shall submit to the congressional defense committees a report containing the assessment under paragraph (1).

(e) **GAO SUFFICIENCY REVIEW.**—

(1) **REVIEW.**—The Comptroller General of the United States shall conduct a sufficiency review of the study under subsection (c)(1).

(2) **REPORT.**—Not later than 180 days after the date on which the Director of the National Guard Bureau submits the report under subsection (c)(2), the Comptroller General shall submit to the congressional defense committees a report containing the review under paragraph (1).

SA 1200. Mr. CORNYN (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. LIEBERMAN, Mr. WYDEN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SALE OF F-16 AIRCRAFT TO TAIWAN.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on “Military and Security Developments Involving the People’s Republic of China,” found that “China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing’s terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-strait military forces and capabilities continues to shift in the mainland’s favor.” In this report, the Department of Defense also concludes that, over the next decade, China’s air force will remain primarily focused on “building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing’s terms”.

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan’s air force in an unclassified report, dated January 21, 2010. The DIA found that, “[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable.” The report concluded, “Many of Taiwan’s fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mirage and F-5 aircraft will reduce the total size of the Taiwan Air Force.”

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F-16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F-16C/Ds to Taiwan “would generate some \$8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US,” including 23,407 direct jobs, while “economic benefits would likely be realized in 44 states and the District of Columbia”.

(5) The sale of F-16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F-16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China’s two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-strait military balance between China and our longstanding strategic

partner, Taiwan, has clearly shifted in China’s favor;

(4) China’s military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan’s air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan’s existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F-16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) **SALE OF AIRCRAFT.**—The President shall carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

SA 1201 Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mrs. KLOBUCHAR, Mr. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE XVI—NATIONAL GUARD MATTERS**SEC. 1601. REPORT ON NATIONAL GUARD EMPOWERMENT.**

(a) **INDEPENDENT STUDY REQUIRED.**—The Secretary of Defense shall provide for the conduct of an independent study on the advisability of making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff.

(b) **ELEMENTS.**—The Secretary shall ensure that the independent study group conducting the study required by subsection (a) considers the near-term and long-range implications associated with making an advisor to the Secretary of the Air Force and the Secretary of the Army on matters relating to the reserve components of the Armed Forces a member of the Joint Chiefs of Staff. The study shall encompass, but not necessarily be limited to, the following considerations:

(1) The roles and functions of the Joint Chiefs of Staff.

(2) The roles and functions of the Army National Guard, the Air National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

(3) The roles and functions of the Chief of the National Guard Bureau.

(4) The effects on the principle of civilian control of the military and accountability in adding a member to the Joint Chiefs of Staff who is not subject to the oversight of a single appointed and confirmed Secretary of a military department.

(5) The precedent and potential long-term implications of adding a member to the Joint Chiefs of Staff who is not the chief of an Armed Force.

(6) The impact, if any, on the deliberations of the Joint Chiefs of Staff of including a member who has been recommended for appointment as the Chief of the National Guard Bureau by the governor of a State.

(7) The effects on the principles of unity of command and unity of effort for the Department of the Army and the Department of the Air Force.

(8) The potential for confusing lines of authority and representation under title 10, United States Code, already in place for the Chief of Staff of the Army and the Chief of Staff of the Air Force in meeting their responsibilities as members of the Joint Chiefs of Staff.

(9) The effects of altering the current statutory balance for representation by each branch of the Armed Forces on the Joint Chiefs of Staff by altering their statutory representation and the possible consequences for intra-service and inter-service integration, progress toward more effective jointness, and efforts to improve interoperability.

(10) The findings and recommendations contained in the reports issued by the Commission on the National Guard and Reserves.

(11) The transition of the National Guard from a strategic reserve force to an operational reserve force for the All-Volunteer Force.

(12) Possible impacts on the other reserve components of the Armed Forces, including perceptions regarding the Chief of the National Guard Bureau having added responsibilities assigned as a member of the Joint Chiefs of Staff.

(13) The extent to which the existing statutory role of the Chief of the National Guard as advisor to the Secretary of Defense is sufficient for all matters involving nonfederalized National Guard forces.

(14) The qualifications of the Chief of the National Guard Bureau to provide requisite

insight into all levels of strategic planning as a member of the Joint Chiefs of Staff, and the risk of diluting understanding in the Armed Forces of the principle of supporting and supported command relationships.

(c) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendations in light of the results of the study as the Secretary considers appropriate.

SA 1202. Mr. UDALL of New Mexico (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) **PROCUREMENT OF PHOTOVOLTAIC DEVICES.**—

“(1) **CONTRACT REQUIREMENT.**—The Secretary of Defense shall ensure that each contract described in paragraph (2) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41 (commonly known as the ‘Buy American Act’), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

“(2) **CONTRACTS DESCRIBED.**—The contracts described in this paragraph include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are installed on property or in a facility—

“(A) owned by the Department of Defense;

“(B) leased to the Department of Defense;

or

“(C) with respect to which the Secretary of the military department concerned has exercised any authority provided under subchapter IV of chapter 169 of this title (relating to alternative authority for the acquisition and improvement of military housing).

“(3) **CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.**—Paragraph (1) shall be applied in a manner consistent with the obligations of the United States under international agreements.

“(4) **DEFINITION OF PHOTOVOLTAIC DEVICES.**—In this subsection, the term ‘photovoltaic devices’ means devices that convert light directly into electricity.

“(5) **EFFECTIVE DATE.**—This subsection applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 pursuant to contracts entered into before, on, or after such date of enactment.”.

(b) **CONFORMING REPEAL.**—Section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) is repealed.

SA 1203. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, strike lines 20 through 23 and insert the following:

(b) **DEFINITION OF RENEWABLE ENERGY SOURCE.**—Section 2911(e)(2)(A) of title 10, United States Code, is amended by inserting “, including electricity and direct use” before the period at the end.

SA 1204. Mr. REED (for himself, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. LEAHY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) **PILOT PROGRAM AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury (TBI) in members of the National Guard and Reserves, their family members, and their caregivers through community partners described in subsection (c).

(2) **DURATION.**—The duration of the pilot program may not exceed three years.

(b) **GRANTS.**—In carrying out the pilot program, the Secretary may award not more than five grants to community partners described in subsection (c). Any grant so awarded shall be awarded using a competitive and merit-based award process.

(c) **COMMUNITY PARTNERS.**—A community partner described in this subsection is a private non-profit organization or institution (or multiple organizations and institutions) that—

(1) engages in each of the research, treatment, education, and outreach activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the pilot program.

(d) **ACTIVITIES.**—Amounts awarded under a grant under the pilot program shall be utilized by the community partner awarded the grant for one or more of the following:

(1) To engage in research on the causes, development, and innovative treatment of mental health and substance use disorders and Traumatic Brain Injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) To provide treatment to such members and their families for such mental health and substance use disorders and Traumatic Brain Injury.

(3) To identify and disseminate evidence-based treatments of mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(4) To provide outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(e) **REQUIREMENT FOR MATCHING FUNDS.**—

(1) **REQUIREMENT.**—The Secretary may award a grant under this section to an organization or institution (or organizations and institutions) only if the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources (whether public or private), an amount equal to not less than \$3 for each \$1 of funds provided under the grant.

(2) **NATURE OF NON-FEDERAL CONTRIBUTIONS.**—Contributions from non-Federal sources for purposes of paragraph (1) may be in cash or in-kind, fairly evaluated. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of contributions from non-Federal sources for such purposes.

(f) **APPLICATION.**—An organization or institution (or organizations and institutions) seeking a grant under this section shall submit to the Secretary an application therefore in such a form and containing such information as the Secretary considers appropriate, including the following:

(1) A description how the activities proposed to be carried out with the grant will help improve collaboration and coordination on research initiatives, treatment, and education and outreach on mental health and substance use disorders and Traumatic Brain Injury among the Armed Forces.

(2) A description of existing efforts by the applicant to put the research described in (c)(1) into practice.

(3) If the application comes from multiple organizations and institutions, how the activities proposed to be carried out with the grant would improve coordination and collaboration among such organizations and institutions.

(4) If the applicant proposes to provide services or treatment to members of the Armed Forces or family members using grant amounts, reasonable assurances that such services or treatment will be provided by a qualified provider.

(5) Plans to comply with subsection (g).

(g) **EXCHANGE OF MEDICAL AND CLINICAL INFORMATION.**—A community partner awarded a grant under the pilot program shall agree to any requirements for the sharing of medical or clinical information obtained pursuant to the grant that the Secretary shall establish for purposes of the pilot program. The exchange of medical or clinical information pursuant to this subsection shall comply with applicable privacy and confidentiality laws.

(h) **DISSEMINATION OF INFORMATION.**—The Secretary of Defense shall share with the Secretary of Veterans Affairs information on best practices in research, treatment, edu-

cation, and outreach on mental health and substance use disorders and Traumatic Brain Injury identified by the Secretary of Defense as a result of the pilot program.

(i) **REPORT.**—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs, and to Congress, a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the community partners awarded grants under the pilot program, the amount of grants so awarded, and the activities carried out using such grant amounts.

(2) A description of any research efforts advanced using such grant amounts.

(3) The number of members of the National Guard and Reserves provided treatment or services by community partners using such grant amounts, and a summary of the types of treatment and services so provided.

(4) A description of the education and outreach activities undertaken using such grant amounts.

(5) A description of efforts to exchange clinical information under subsection (g).

(6) A description and assessment of the effectiveness and achievements of the pilot program with respect to research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury.

(7) Such recommendations as the Secretary of Defense considers appropriate in light of the pilot program on the utilization of organizations and institutions such as community partners under the pilot program in efforts of the Department described in subsection (a).

(8) A description of the metrics used by the Secretary in making recommendations under paragraph (7).

(j) **AVAILABLE FUNDS.**—Funds for the pilot program shall be derived from amounts authorized to be appropriated for the Department of Defense for Defense Health Program and otherwise available for obligation and expenditure.

(k) **DEFINITIONS.**—In this section, the terms “family member” and “caregiver”, in the case of a member of the National Guard or Reserves, have the meaning given such terms in section 1720G(d) of title 38, United States Code, with respect to a veteran.

SA 1205. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY RETIRED MEMBERS OF THE RESERVES ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) **ELIGIBILITY FOR NON-REGULAR SERVICE RETIRED PAY.**—Section 12731(f)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “Ready Reserve” and inserting “Reserves”; and

(2) in subparagraph (B)(i), by inserting “or section 688a” after “section 12301(d)”.

(b) **RETROACTIVE EFFECTIVE DATE.**—The amendments made by subsection (a) shall

take effect as of January 28, 2008, and as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) as enacted.

SA 1206. Mrs. BOXER (for herself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mrs. MCCASKILL, Mr. AKAKA, Mr. FRANKEN, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 842 of division A and insert the following:

SEC. 842. LIMITATION ON DEFENSE CONTRACTOR COMPENSATION.

Section 2324(e)(1)(P) of title 10, United States Code, is amended to read as follows:

“(P) Costs of compensation of contractor and subcontractor employees for a fiscal year, regardless of the contract funding source, to the extent that such compensation exceeds the annual amount paid to the President of the United States in accordance with section 102 of title 3.”.

SA 1207. Mr. COBURN (for himself, Mr. LEVIN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) **ASSESSMENT REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the performance of the major automated information system programs of the Department of Defense.

(2) **ELEMENTS.**—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the

acquisition of information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) **PRELIMINARY REPORT.**—

(1) **IN GENERAL.**—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) **BRIEFINGS.**—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “major automated information system program” has the meaning given that term in section 2445a of title 10, United States Code.

SA 1208. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, in the matter under the heading “ENERGY EFFICIENCY AND RENEWABLE ENERGY”, before the period at the end, insert “: *Provided further*, That, within available funds under this heading, the Secretary of Energy shall use not less than \$20,000,000 for the Energy Innovation Hub for Critical Materials, including research focused on rare earths, rare earth substitutes, and related materials, on refining, recycling, minimizing, and alloying rare earths and related materials, and on use of rare earths and related materials in electronics, energy, and information and related technologies and systems”.

SA 1209. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. ____ . REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **REPEAL.**—

(1) **IN GENERAL.**—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) **CONFORMING AMENDMENTS.**—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”.

(b) **PROHIBITION ON RETROACTIVE BENEFITS.**—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) **PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.**—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) **REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.**—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1).”; and

(B) by striking subparagraph (B).

(e) **RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.**—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) **EFFECTIVE DATE.**—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SA 1210. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. ASSESSMENT OF STATIONING OF ADDITIONAL DDG-51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.

(a) **NAVY ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG-51 class destroyers at Naval Station Mayport, Florida.

(2) **ELEMENTS.**—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG-7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG-7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) **COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.**—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

SA 1211. Mrs. GILLIBRAND (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 577. SUPPORT FOR NATIONAL GUARD COUNSELING AND REINTEGRATION SERVICES.

(a) **ASSISTANCE AUTHORIZED.**—The Secretary of Defense may provide assistance to

a State National Guard to support programs to provide pre-deployment and post-deployment outreach, reintegration, and readjustment services to the following persons:

(1) Members of reserve components of the Armed Forces who reside in the State or are members of the State National Guard regardless of place of residence and who are ordered to active duty in support of a contingency operation.

(2) Members described in paragraph (1) upon their return from such active duty.

(3) Veterans (as defined in section 101(2) of title 38, United States Code).

(4) Dependents of persons described in paragraph (1), (2), or (3).

(b) **ELEMENTS OF PROGRAMS.**—Programs supported under subsection (a) shall use direct person-to-person outreach and other relevant activities to ensure that eligible persons receive all the services and support available to them during pre-deployment, deployment, and reintegration periods.

(c) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds with or to a specific State National Guard under subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(d) **STATE DEFINED.**—In this section, the term “State” means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(e) **FUNDING.**—

(1) **FUNDS AVAILABLE.**—The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army National Guard as specified in the funding table in section 4301 is hereby increased by \$70,000,000, with the amount of the increase to be available for assistance authorized by this section.

(2) **OFFSETS.**—(A) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army as specified in the funding table in section 4301 is hereby reduced by \$33,400,000, with the amount of the reduction to be allocated to amounts otherwise available for the Army for recruiting and advertising.

(B) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Navy as specified in the funding table in section 4301 is hereby reduced by \$16,200,000, with the amount of the reduction to be allocated to amounts otherwise available for the Navy for recruiting and advertising.

(C) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Marine Corps as specified in the funding table in section 4301 is hereby reduced by \$11,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Marine Corps for recruiting and advertising.

(D) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 is hereby reduced by \$8,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Air Force for recruiting and advertising.

SA 1212. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize ap-

propriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) **STATE PARTNERSHIP PROGRAM.**—

(1) **IN GENERAL.**—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

“§ 116. State Partnership Program

“(a) **AVAILABILITY OF APPROPRIATED FUNDS.**—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

“(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

“(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

“(C) To build international partnerships and defense and security capacity.

“(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

“(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

“(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(2) Costs under paragraph (1) may include costs as follows:

“(A) Costs of pay and allowances of members of the National Guard.

“(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

“(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

“(b) **LIMITATIONS.**—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

“(A) contributes to responsible management of defense resources;

“(B) fosters greater respect for and understanding of the principle of civilian control of the military;

“(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

“(D) improves international partnerships and capacity on matters relating to defense and security.

“(c) **REIMBURSEMENT.**—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘State Partnership Program’ means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

“(2) The term ‘activities’, for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

“(3) The term ‘interagency activities’ means the following:

“(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

“(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

“(4) The term ‘matter within the core competencies of the National Guard’ means matters with respect to the following:

“(A) Disaster response and mitigation.

“(B) Defense support to civil authorities.

“(C) Consequence management and installation protection.

“(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

“(E) Border and port security and cooperation with civilian law enforcement.

“(F) Search and rescue.

“(G) Medicine.

“(H) Counterdrug and counternarcotics activities.

“(I) Public affairs.

“(J) Employer support and family support for reserve forces.

“(5) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch of the United States Government.

“(C) Non-governmental individuals.

“(6) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).”

“(B) Non-governmental individuals of a foreign country.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

“116. State Partnership Program.”

(b) **REPEAL OF SUPERSEDED AUTHORITY.**—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

SA 1213. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF CONGRESS ON THE IMPORTANCE OF COMBATING CERTAIN THREATS AGAINST MILITARY UNITS AND FACILITIES IN THE UNITED STATES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Improvised Explosive Devices (IEDs) and Vehicle Born Improvised Explosive Devices (VBIEDs) are being increasingly employed by terrorists and other adversaries against our forces around the world.

(2) The IED and VBIED will continue to be a threat even after the current operations in Iraq and Afghanistan are complete.

(3) Terrorist organizations, hybrid threat organizations, and other adversaries plan to use IEDs and VBIEDs against our military units and facilities within the United States.

(4) Such a strategy would degrade our ability to project forces to respond to contingencies around the world.

(5) The Joint Improvised Explosive Defeat Organization (JIEDDO) has proven to be very effective at combating the threat to our military overseas in support of our combatant commanders.

(6) The success of JIEDDO is based on its methodology of defeat the device, attack the enemy networks, and train friendly forces; its broad authority to hasten innovations to the combat units; and its ability to fuse intelligence from across the intelligence community.

(7) JIEDDO's methodology could be leveraged by utilizing its intelligence fusion capability and its training capability against threats within the United States.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Department of Defense should leverage JIEDDO's capability and authority to combat terrorist organizations targeting the Armed Forces and facilities in the United States; and

(2) the Department of Defense should look at expanding JIEDDO's mandate to allow it to cooperate with agencies responsible for the protection of the United States, including the Department of Homeland Security, U.S. Customs and Border Protection, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Federal, State, and local law enforcement.

SA 1214. Ms. SNOWE (for herself, Ms. COLLINS, Mrs. MURRAY, Ms. MIKULSKI, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 705. INTEGRATED CARE MANAGEMENT OPTIONS UNDER THE UNIFORMED SERVICES FAMILY HEALTH PLAN.

(a) **REPORT ON STRATEGY FOR INTEGRATED CARE MANAGEMENT OPTIONS.**—

(1) **IN GENERAL.**—Not later than June 1, 2012, the Secretary of Defense shall, in conjunction with the Secretary of Health and Human Services and the designated providers under the uniformed services family health plan (USFHP), submit to Congress a report setting forth a strategy for providing integrated care management options for individuals who would otherwise qualify as covered beneficiaries under section 724 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C.1073 note), without regard to the amendments made by section 703 of this Act, utilizing appropriate elements of the uniformed services family health plan, TRICARE for Life, and the Medicare program.

(2) **ELEMENTS.**—The strategy required by this subsection shall include the following:

(A) Mechanisms for ensuring an adequate population base to sustain the uniformed services family health plan, including the termination of restrictions on enrollment of covered beneficiaries under the age of 65 if considered feasible for that purpose.

(B) Mechanisms (including the utilization of demonstration projects currently authorized by law) to permit covered beneficiaries who are also eligible for the Medicare program to receive integrated and coordinated care through the uniformed services family health plan, including mechanisms—

(i) to secure greater continuity of care for such beneficiaries who also have access to health care benefits through TRICARE for Life;

(ii) to improve coordination and integration of health care management for such beneficiaries who also have access to health care benefits through TRICARE for Life; and

(iii) to utilize innovative care management strategies to improve quality and health outcomes, and reduce unneeded utilization of health care services on a long-term, sustainable basis.

(C) Specific actions for the Department of Defense, and other departments and agencies of the Federal Government, to carry out the strategy.

(D) Specific milestones to evaluate progress in carrying out the actions specified under subparagraph (C), and to determine accountability for meeting such milestones.

(E) An identification of current authorities to be used in carrying out the strategy, and a description of any additional authorities considered advisable to carry out the strategy.

(b) **REPORT ON ACTIONS REGARDING INTEGRATED CARE MANAGEMENT OPTIONS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in conjunction with the Sec-

retary of Health and Human Services, submit to the President and Congress a report that describes the activities and efforts of the Department of Defense and the Department of Health and Human Services in developing and evaluating integrated care management options for individuals who would otherwise qualify as covered beneficiaries under section 724 of the National Defense Authorization Act for Fiscal Year 1997, without regard to the amendment made by section 703 of this Act, through the uniformed services family health plan, in conjunction with TRICARE for Life and the Medicare program.

(c) **MODIFICATION OF EFFECTIVE DATE OF TRANSITION ENROLLMENT LIMITATIONS.**—Notwithstanding the effective date of September 30, 2011, otherwise specified in paragraph (2) of section 724(e) of the National Defense Authorization Act for Fiscal Year 1997, as added by section 703(2) of this Act, the effective date of such paragraph shall be the later of—

(1) the date of the submittal to Congress of the report required by subsection (b) of this section; or

(2) the date that is one year after the date of the enactment of this Act.

SA 1215. Mr. CASEY (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BENNET, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVED EXPLOSIVE DEVICES.

(a) **CERTIFICATION REQUIREMENT.**—

(1) **IN GENERAL.**—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund may be made for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) **SIGNIFICANT IMPLEMENTATION EFFORTS.**—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) **WAIVER.**—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

SA 1216. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

- (1) in subsection (a)—
- (A) in paragraph (2)—
- (i) by striking “which sponsor individual registries of pathology at the Armed Forces Institute of Pathology” and inserting “that support the activities of the American Registry of Pathology”; and
- (ii) by striking the second sentence; and
- (B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”; and
- (2) in subsection (b)—
- (A) in paragraph (1), by striking “enter into contracts with the Armed Forces Institute of Pathology” and inserting “enter into contracts with any executive agency that provides medical or pathology services to military personnel or military organizations or that conducts research, education, or consultation in the field of military medicine”; and
- (B) in paragraph (4), by inserting “and Repositories of Pathology” after “Registries of Pathology”; and
- (3) in subsection (d), by striking “to the Director and the Board of Governors of the Armed Forces Institute of Pathology and to the sponsors” and inserting “to its Board and supporting organizations”.

SA 1217. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.

(a) **ACCUMULATION OF 90-DAY PERIODS OF SERVICE WITHIN ANY TWO CONSECUTIVE FISCAL YEARS.**—Section 12731(f)(2)(A) of title 10, United States Code, is amended by striking “in any fiscal year” and inserting “in any two consecutive fiscal years”.

(b) **RETROACTIVE EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as of January 28, 2008, and as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) as enacted.

SA 1218. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON EXTENSION OF AUTHORITY FOR USE OF COMMISSARY AND EXCHANGE STORES TO VETERANS WITH CERTAIN SERVICE-CONNECTED DISABILITIES.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth an assessment of the feasibility and advisability of permitting each category of veterans specified in subsection (b) to use the commissary and exchange stores of the Department of Defense on the same basis as veterans with service-connected disabilities rated as 100 percent disabling. For each category of veterans the report shall set forth the following:

(1) An estimate of the cost of permitting such category of veterans access to commissary and exchange stores.

(2) An estimate of the number of veterans in such category likely to use the commissary and exchange stores if permitted access.

(3) An assessment of the effects on the services and operations of the commissary and exchange stores of the use of such stores by such category of veterans.

(b) **CATEGORIES OF VETERANS.**—The categories of veterans specified in this subsection are the following:

(1) Veterans with service-connected disabilities rated as 70 percent or more disabling.

(2) Veterans with service-connected disabilities rated as 50 percent or more disabling.

(3) Veterans with service-connected disabilities rated as 30 percent or more disabling.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

SA 1219. Mr. LEVIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Chapter 1209 of title 10, United States Code, as amended by section

511(a)(1), is further amended by inserting after section 12304a the following new section:

“§ 12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency

“(a) **AUTHORITY.**—When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor’s request.

“(b) **EXCLUSION FROM STRENGTH LIMITATIONS.**—Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

“(c) **TERMINATION OF DUTY.**—Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter, as amended by section 511(a)(2), is further amended by inserting after the item relating to section 12304a the following new item:

“12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.”.

(b) **TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.**—Section 101(a)(13)(B) of such title is amended by inserting “12304b,” after “12304.”.

(c) **USUAL AND CUSTOMARY ARRANGEMENT.**—

(1) **DUAL-STATUS COMMANDER.**—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) **STATE AUTHORITIES SUPPORTED.**—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) **RULE OF CONSTRUCTION.**—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.

SA 1220. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON DEPARTMENT OF DEFENSE IMPLEMENTATION OF JUSTIFICATION AND APPROVAL REQUIREMENTS FOR CERTAIN SOLE-SOURCE CONTRACTS.

Not later than 90 days after March 1, 2012, and March 1, 2013, the dates on which the Department of Defense submits to Congress a report on its implementation of section 811 of the Fiscal Year 2010 National Defense Authorization Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the implementation of such section 811 by the Department ensures that sole-source contracts are awarded in applicable procurements only when those awards have been determined to be in the best interest of the Department.

SA 1221. Mr. LEVIN proposed an amendment to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes; as follows:

On page 2, line 10, insert “and” after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) **LOSSES.**—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, in-

cluding consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

SA 1222. Mr. LEVIN (for Mrs. FEINSTEIN (for herself and Ms. CANTWELL)) proposed an amendment to the bill H.R. 3321, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “America's Cup Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **34TH AMERICA'S CUP.**—The term “34th America's Cup”—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) **AMERICA'S CUP RACE MANAGEMENT.**—The term “America's Cup Race Management” means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) **ELIGIBILITY CERTIFICATION.**—The term “Eligibility Certification” means a certification issued under section 4.

(4) **ELIGIBLE VESSEL.**—The term “eligible vessel” means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) **SUPPORTING VESSEL.**—The term “supporting vessel” means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) **REQUIREMENT.**—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) **ISSUANCE.**—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. WAIVERS.

(a) **IN GENERAL.**—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) OCEAN VERITAS (IMO number 7366805).

(3) LUNA (United States official number 280133).

(b) **DOCUMENTATION OF LNG TANKERS.**—

(1) **IN GENERAL.**—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) **LIMITATION ON OPERATION.**—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deep-water Port Act of 1974 (33 U.S.C. 1502(13)).

(3) **TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.**—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) **OPERATION OF A DRY DOCK.**—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

SA 1223. Mr. LEVIN (for Mr. BINGAMAN (for himself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 99, to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; as follows:

On page 15, line 14, strike “establish” and insert “carry out”.

On page 17, strike lines 15 through 19.

On page 17, line 21, strike “establish” and insert “carry out”.

On page 21, strike lines 12 through 16.

On page 29, after line 23, add the following:

SEC. 9. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

On page 30, line 1, strike “9” and insert “10”.

SA 1224. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 702.

SA 1225. Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Mr. JOHNSON of South Dakota, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, after line 25, add the following:

(e) **RETENTION OF DOCUMENTARY EVIDENCE.**—The policy developed under subsection (a) shall provide for the retention of all documentary evidence relating to sexual assaults for the same length of time investigative records relating to sexual assaults are required to be retained.

SA 1226. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 15 and 16, insert the following:

SEC. 2 _____. None of the funds appropriated or otherwise made available by this Act for ongoing construction work on rural water regional programs of the Bureau of Reclamation that is in addition to the amount requested in the annual budget submission of the President (including funds for related settlements) shall be used by the Secretary of the Interior to carry out any rural water supply project authorized as of the date of enactment of this Act unless the Secretary of the Interior, not later than 30 days after the date of enactment of this Act, issues a work plan prioritizing funding of rural water supply projects carried out by the Bureau of Reclamation based on the following criteria to better utilize taxpayer dollars:

(1) The percentage of the rural water supply project to be carried out that is complete (as of the date of enactment of this Act) or will be completed by September 30, 2012.

(2) The number of people served or expected to be served by the rural water supply project.

(3) The amount of non-Federal funds previously provided or certified as available for the cost of the rural water supply project.

(4) The extent to which the rural water supply project benefits tribal components.

(5) The extent to which there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs of the population served by the rural water supply project.

NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to H.R. 2076 and S. 1793, a bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes, dated November 17, 2011.

I, Senator RON WYDEN, intend to object to proceeding to S. 968, a bill to prevent online threats to economic property and theft of intellectual property, and for other purposes, dated November 17, 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on November 17, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 17, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled, “Safe Chemicals Act.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “The Americans with Disabilities Act and Accessible Transportation Challenges and Opportunities” on November 17, 2011, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 17, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 17, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 17, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Tourism in America: Moving our Economy Forward."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "NASA's Human Space Exploration: Direction, Strategy, and Progress."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that CPT Michael Lynch, a U.S. Army aviation officer who is currently serving as a defense fellow in Senator REID's office, be granted floor privileges for the duration of the National Defense Authorization Act for 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that my legislative fellow, Navy LCDR Joe Ruzicka, be granted floor privileges for the duration of debate on the 2012 National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privi-

leges be granted to LT Shane Knisley, a Navy fellow serving in my office, during the pendency of S. 1867, the Fiscal Year 2012 National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that LCDR Ted Essensfeld, a very capable Navy fellow in my office, be granted floor privileges during consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Shannon Gorrell, a Defense fellow in my office, be granted the privileges of the floor for the duration of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that my defense fellow, MAJ Kevin Hadley, be given floor privileges during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL CONFERENCE AUTHORITY

Mr. LEVIN. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 232, H.R. 1059.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

H.R. 1059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF REDACTION AUTHORITY CONCERNING SENSITIVE SECURITY INFORMATION.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

[(1) in subparagraph (A), by striking "Marshals" and inserting "Marshals"; and

[(2) by striking subparagraph (E).]

(1) in subparagraph (A), by striking "Marshals" and inserting "Marshals";

(2) in subparagraph (C), by inserting "and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform" after "Senate"; and

(3) in subparagraph (E), by striking "2011" both places it appears and inserting "2017".

Mr. LEVIN. Mr. President, I ask unanimous consent the committee-reported amendment be agreed to, the

bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1059), as amended, was read the third time and passed.

INSURED DEPOSITORY INSTITUTION FAILURES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Banking Committee be discharged and the Senate proceed to the immediate consideration of H.R. 2056.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2056) to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. I ask unanimous consent the Levin amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1221) was agreed to, as follows:

AMENDMENT NO. 1221

(Purpose: To clarify the types of losses to be studied, to require appearances before Congress, and for other purposes)

On page 2, line 10, insert "and" after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) LOSSES.—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting

rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2056), as amended, was read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2056) entitled "An Act to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes," do pass with the following amendments:

(1) On page 2, line 10, insert "and" after the semicolon.

(2) On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

(3) On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) *LOSSES*.—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

(4) On page 9, strike lines 15 through 19, and insert the following:

SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller

General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

AMERICA'S CUP ACT OF 2011

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 221, H.R. 3321.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 3321) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent a Feinstein substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1222), in the nature of a substitute, was agreed to, as follows:

AMENDMENT NO. 1222

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Cup Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term "34th America's Cup"—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term "America's Cup Race Management" means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term "Eligibility Certification" means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term "eligible vessel" means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term "supporting vessel" means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. WAIVERS.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) OCEAN VERITAS (IMO number 7366805).

(3) LUNA (United States official number 280133).

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3321), as amended, was read the third time and passed.

AMERICAN MEDICAL ISOTOPES PRODUCTION ACT OF 2011

Mr. LEVIN. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 53, S. 99.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 99) to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Medical Isotopes Production Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U-235.

(3) LOW ENRICHED URANIUM.—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U-235.

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

SEC. 3. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall establish a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U-235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out the program under paragraph (1) \$143,000,000 for the period encompassing fiscal years 2011 through 2014.

(b) DEVELOPMENT ASSISTANCE.—The Secretary shall establish a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE-BACK.—

(1) IN GENERAL.—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) TITLE.—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

(A) SECRETARY.—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) PRODUCER.—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and

transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this Act, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) EXCHANGE OF URANIUM FOR SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) COORDINATION OF ENVIRONMENTAL REVIEWS.—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) OPERATIONAL DATE.—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) RADIOACTIVE WASTE.—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$5,000,000 for the establishment of a program for the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under subsection (c).

SEC. 4. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

“c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

“d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on

Energy and Natural Resources of the Senate that—

“(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

“(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

“e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

“f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

“(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

“(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

“g. As used in this section—

“(1) the term ‘alternative nuclear reactor fuel or target’ means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U-235;

“(2) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235;

“(3) a fuel or target ‘can be used’ in a nuclear research or test reactor if—

“(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

SEC. 5. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

- (1) their location;
- (2) whether they are irradiated;
- (3) whether they have been used for the purpose stated in their export license;
- (4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;
- (5) the year of export, and reimportation, if applicable;
- (6) their current physical and chemical forms; and
- (7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 6. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

“SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

“(1) the Commission determines that—

“(A) there is no alternative medical isotope production target, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor; and

“(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

“(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

“b. As used in this section—

“(1) the term ‘alternative medical isotope production target’ means a nuclear reactor target which is enriched to less than 20 percent of the isotope U-235;

“(2) a target ‘can be used’ in a nuclear research or test reactor if—

“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

SEC. 7. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe

disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3(c).

SEC. 8. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

SEC. 9. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered, the Bingaman amendment, which is at the desk, be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the budgetary pay-go statement at the desk be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1223) was agreed to, as follows:

On page 15, line 14, strike “establish” and insert “carry out”.

On page 17, strike lines 15 through 19.

On page 17, line 21, strike “establish” and insert “carry out”.

On page 21, strike lines 12 through 16.

On page 29, after line 23, add the following:

SEC. 9. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

On page 30, line 1, strike “9” and insert “10”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The bill clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 99 as amended.

Total Budgetary Effects of S. 99 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 99 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the Record as part of this statement is a table prepared by the

Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 99, THE AMERICAN MEDICAL ISOTOPES PROTECTION ACT OF 2011, AS REPORTED BY THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON MAY 18, 2011, AND WITH A SUBSEQUENT AMENDMENT PROVIDED TO CBO ON NOVEMBER 17, 2011

	By fiscal year, in millions of dollars—											
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

Net Increase or Decrease (–) in the Deficit

S. 99 would direct the Secretary of Energy to lease low-enriched uranium to producers of molybdenum-99. CBO estimates that enacting S. 99 would affect receipts generated from such resources, but that any net changes to such receipts would be negligible in any given year.
Source: Congressional Budget Office.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill, as amended, be passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 99), as amended, was passed, as follows:

S. 99

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Medical Isotopes Production Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U-235.

(3) LOW ENRICHED URANIUM.—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U-235.

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

SEC. 3. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U-235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(b) DEVELOPMENT ASSISTANCE.—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE-BACK.—

(1) IN GENERAL.—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) TITLE.—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

(A) SECRETARY.—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) PRODUCER.—The producer of the spent nuclear fuel and radioactive waste shall ac-

curately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this Act, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) EXCHANGE OF URANIUM FOR SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) COORDINATION OF ENVIRONMENTAL REVIEWS.—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) OPERATIONAL DATE.—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) RADIOACTIVE WASTE.—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be

considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

SEC. 4. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

“c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

“d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

“(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

“(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

“e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

“f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

“(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

“(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

“g. As used in this section—

“(1) the term ‘alternative nuclear reactor fuel or target’ means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U-235;

“(2) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235;

“(3) a fuel or target ‘can be used’ in a nuclear research or test reactor if—

“(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

SEC. 5. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

- (1) their location;
- (2) whether they are irradiated;
- (3) whether they have been used for the purpose stated in their export license;
- (4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;
- (5) the year of export, and reimportation, if applicable;
- (6) their current physical and chemical forms; and
- (7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 6. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

“SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

“a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

“(1) the Commission determines that—

“(A) there is no alternative medical isotope production target, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor; and

“(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

“(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

“b. As used in this section—

“(1) the term ‘alternative medical isotope production target’ means a nuclear reactor target which is enriched to less than 20 percent of the isotope U-235;

“(2) a target ‘can be used’ in a nuclear research or test reactor if—

“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item

at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

SEC. 7. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3(c).

SEC. 8. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

SEC. 9. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

SEC. 10. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

AMERICAN EDUCATION WEEK

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 332 which was submitted earlier today by Senator HAGAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 332) supporting the goals and ideals of American Education Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 332) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 332

Whereas the National Education Association has designated November 13 through November 19, 2011, as the 90th annual observance of American Education Week;

Whereas public schools are the backbone of the Nation's democracy, providing young people with the tools they need to maintain the Nation's precious values of freedom, civility, and equality;

Whereas by equipping young people in the United States with both practical skills and broader intellectual abilities, public schools give them hope for, and access to, a productive future;

Whereas people working in the field of public education, be they teachers, principals, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student service workers, security guards, technical employees, or librarians, work tirelessly to serve children and communities throughout the Nation with care and professionalism; and

Whereas public schools are community linchpins, bringing together adults, children, educators, volunteers, business leaders, and elected officials in a common enterprise: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Education Week; and

(2) encourages the people of the United States to observe National Education Week by reflecting on the positive impact of all those who work together to educate children.

WELCOMING AND COMMENDING THE GOVERNMENT OF JAPAN

Mr. LEVIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 333 which was submitted earlier today by Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 333) welcoming and commending the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, family members, and descendants.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. President, I rise today in support of this resolution honoring former World War II U.S. POWs from the Pacific theater and acknowledging the steps the Japanese Government has made to heal the wounds of the past.

My friend and colleague from California, Representative MIKE HONDA, introduced this resolution in the House and I am proud to follow suit here in the Senate. I applaud his leadership on this important matter.

Our resolution welcomes and commends the Government of Japan for extending an official apology to all U.S. former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, their families, and descendants.

The resolution appreciates the recent efforts by the Government of Japan toward historic apologies for the war crimes of Imperial Japan.

The resolution requests that the Government of Japan continue its new Japanese/American POW Friendship Program of reconciliation and remembrance.

It requests that the Government of Japan respect the wishes and sensibilities of the United States former prisoners of war by supporting and encouraging programs for lasting remembrance and reconciliation that recognize their sacrifices, history, and forced labor.

It acknowledges the work of the Department of State in advocating for the United States Prisoners of War from the Pacific war, and it applauds the persistence, dedication, and patriotism of the members and descendants of the American Defenders of Bataan and Corregidor.

According to the Congressional Research Service, approximately 27,000 U.S. prisoners of war were held by Imperial Japanese forces during World War II.

They were often subject to brutal and inhumane treatment.

They were starved and denied adequate medical care and were forced to

perform slave labor for private Japanese companies.

American POWs toiled in mines, factories, shipyards, and steel mills for hours every day under extremely dangerous conditions. Many suffered health problems long after their time as POWs had ended.

Some 40 percent of POWs perished and never returned home to their loved ones.

We owe these brave heroes a debt that can never be fully repaid. It is critical that we never forget their sacrifice.

A lot has changed since the end of the war.

Japan has emerged from the ashes of war to develop into one of our closest friends and allies and a responsible member of the international community.

Our relationship is sustained by shared values of democracy, human rights, and the rule of law.

The American POWs—those that survived—returned home and tried to move on with their lives.

They completed their education, got married, started families, began new careers and participated in all aspects of civic life.

But one thing was missing: recognition from the Japanese Government about how they were treated as POWs.

In the simplest terms, they wanted an apology.

In order for Japan to fully rejoin the international community, it had to acknowledge its treatment of POWs during the war.

And groups like the American Defenders of Bataan and Corregidor and its Descendants Group worked tirelessly for this recognition.

And I am pleased to say that Japan has taken historic actions in this area.

On May 30, 2009, Japan's Ambassador to the United States, Ichiro Fujisaki, told the last convention of the American Defenders of Bataan and Corregidor:

We extend a heartfelt apology for our country having caused tremendous damage and suffering to many people, including prisoners of wars, those who have undergone tragic experiences in the Bataan Peninsula, Corregidor Island, in the Philippines, and other places.

On September 13, 2010, in a message to all U.S. former POWs, Japan's Foreign Minister Katsuya Okada said:

You have all been through hardships during World War II, begin taken prisoner by the Japanese military, and suffered extremely inhumane treatment. On behalf of the Japanese government and as the foreign minister, I would like to offer you my heartfelt apology.

The Government of Japan has also created a new program for former U.S. POWs and their family members to come to Japan for remembrance and reconciliation.

I commend the Government of Japan for taking these actions. Our former POWs waited long enough.

There are fewer than 500 surviving POWs still alive today.

Let us take a moment today, while we still can, to honor them and pay tribute to their service to their country during difficult and trying times.

Let us also acknowledge the steps Japan has taken to come to terms with its past and strengthen the friendship between our two peoples.

I urge my colleagues to support this resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 333) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 333

Whereas the United States and Japan have enjoyed a productive and successful peace for over six decades, which has nurtured a strong and critical alliance and deep economic ties that are vitally important to both countries, the Asia-Pacific region, and the world;

Whereas the United States-Japan alliance is based on shared interests, responsibilities, and values and the common support for political and economic freedoms, human rights, and international law;

Whereas the United States-Japan alliance has been maintained by the contributions and sacrifices of members of the United States Armed Forces dedicated to Japan's defense and democracy;

Whereas, from December 7, 1941, to August 15, 1945, the Pacific War caused profound damage and suffering to combatants and noncombatants alike;

Whereas, among those who suffered and sacrificed greatly were the men and women of the United States Armed Forces who were captured by Imperial Japanese forces during the Pacific War;

Whereas many United States prisoners of war were subject to brutal and inhumane conditions and forced labor;

Whereas, according to the Congressional Research Service, an estimated 27,000 United States prisoners of war were held by Imperial Japanese forces and nearly 40 percent perished;

Whereas the American Defenders of Bataan and Corregidor and its subsequent Descendants Group have worked tirelessly to represent the thousands of United States veterans who were held by Imperial Japanese forces as prisoners of war during the Pacific War;

Whereas, on May 30, 2009, an official apology from the Government of Japan was delivered by Japan's Ambassador to the United States Ichiro Fujisaki to the last convention of the American Defenders of Bataan and Corregidor stating, "Today, I would like to convey to you the position of the government of Japan on this issue. As former

Prime Ministers of Japan have repeatedly stated, the Japanese people should bear in mind that we must look into the past and to learn from the lessons of history. We extend a heartfelt apology for our country having caused tremendous damage and suffering to many people, including prisoners of wars, those who have undergone tragic experiences in the Bataan Peninsula, Corregidor Island, in the Philippines, and other places.";

Whereas, in 2010, the Government of Japan through its Ministry of Foreign Affairs has established a new program of remembrance and understanding that, for the first time, includes United States former prisoners of war and their family members or other caregivers by inviting them to Japan for exchange and friendship;

Whereas six United States former prisoners of war, each of whom was accompanied by a family member, and two descendants of prisoners of war participated in Japan's first Japanese/American POW Friendship Program from September 12, 2010, to September 19, 2010;

Whereas Japan's Foreign Minister Katsuya Okada on September 13, 2010, apologized to all United States former prisoners of war on behalf of the Government of Japan stating, "You have all been through hardships during World War II, being taken prisoner by the Japanese military, and suffered extremely inhumane treatment. On behalf of the Japanese government and as the foreign minister, I would like to offer you my heartfelt apology.";

Whereas Foreign Minister Okada stated that he expects the former prisoners of war exchanges with the people of Japan will "become a turning point in burying their bitter feelings about the past and establishing a better relationship between Japan and the United States";

Whereas Japan's Deputy Chief Cabinet Secretary Tetsuro Fukuyama on September 13, 2010, apologized to United States former prisoners of war for the "immeasurable damage and suffering" they experienced;

Whereas the participants of the first Japanese/American POW Friendship Program appreciated the generosity and hospitality they received from the Government and people of Japan during the Program and welcomed the apology offered by Foreign Minister Okada and Deputy Chief Cabinet Secretary Fukuyama;

Whereas the participants encourage the Government of Japan to continue this program of visitation and friendship and expand it to support projects for remembrance, documentation, and education; and

Whereas the United States former prisoners of war of Japan still await apologies and remembrance from the successor firms of those private entities in Japan that, in violation of the Third Geneva Convention and in unmerciful conditions, used their labor for economic gain to sustain war production: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes and commends the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, their families, and descendants;

(2) appreciates the recent efforts by the Government of Japan toward historic apologies for the maltreatment of United States former prisoners of war;

(3) requests that the Government of Japan continue its new Japanese/American POW Friendship Program of reconciliation and re-

membrance and expand it to educate the public and its school children about the history of prisoners of war in Imperial Japan;

(4) requests that the Government of Japan respect the wishes and sensibilities of the United States former prisoners of war by supporting and encouraging programs for lasting remembrance and reconciliation that recognize their sacrifices, history, and forced labor;

(5) acknowledges the work of the Department of State in advocating for the United States prisoners of war from the Pacific War; and

(6) applauds the persistence, dedication, and patriotism of the members and descendants of the American Defenders of Bataan and Corregidor for their pursuit of justice and lasting peace.

ORDERS FOR FRIDAY, NOVEMBER 18, 2011

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. tomorrow, Friday, November 18, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1867, the Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. We will continue to debate the Defense authorization bill tomorrow. If Senators wish to offer amendments, they should come to the floor tomorrow. There will be no votes tomorrow. The next vote will be around 5:30 p.m. on Monday, November 28.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Friday, November 18, 2011, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

GERSHWIN A. DRAIN, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE BERNARD A. FRIEDMAN, RETIRED.

ROY WALLACE MCLEESE III, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE VANESSA RUIZ, RETIRED.

EXTENSIONS OF REMARKS

IN HONOR OF REVEREND H.H.
LUSK, SR.

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 17, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the pastoral accomplishments of the Reverend H.H. Lusk, Sr. A native of Memphis, Tennessee, Reverend Lusk has served as a minister and professional community organizer in the City of Seaside, California for over 50 years.

In the 1950s while living in Memphis, Reverend Lusk attended both Henderson Business College and the Right School of Religion. In 1984, he received his Bachelor of Science degree in Human Religions and Organization Behavior from the University of San Francisco. Later, he earned a Master of Science degree in Management and School Administration from Pepperdine University.

After arriving in Seaside, California, Rev. Lusk began ministry at Bethel Baptist Church. Over the course of the last fifty years, he has become an important religious and community leader. Reverend Lusk has served in many positions, including Vice Moderator of the St. John District Association, which covers California, Nevada, New Mexico and parts of Africa. In addition he has served as either a leader or member of such community organizations as the Monterey Peninsula Ministerial Alliance, the Seaside Chamber of Commerce, the Seaside Club International, the National Association for the Advancement of Colored People (NAACP), the Southern Christian Leadership Conference, the National Baptist Convention U.S.A., and the National Alliance for Black Observation Day. He has also been active in community education and economic opportunity.

In December 1992, Reverend Lusk was one of 100 ministers to be selected to be a part of the Cross Cultural Pastors Association for Peace delegation in Seoul, Korea. As a result of this trip, he received a vision for Bethel to organize "Home Cell Bible Study Groups" throughout the Monterey Peninsula and Salinas. In February 1993, Reverend Lusk accepted an invitation from President Nelson Mandela to be a part of the First African National Conference in history to be held on South African soil. Reverend Lusk was also asked to be one of the monitors for the election held in Johannesburg in 1994.

Among the many awards and honors bestowed upon him are the Outstanding Service Award of the Anti-Poverty Council, the NAACP Man of the Year Award, the Seaside Chamber of Commerce Award, the Elvita Lewis Foundation Award, the Delta Sigma Theta Sorority, Inc. Award, The California Legislative Resolution Commendation, and a Congressional recognition for Outstanding Contributions to the Community.

Reverend Lusk is married to the former Bettye L. Jones. They have three sons, Herb Lusk II, of Philadelphia, Pennsylvania, Hendrick H. Lusk and Harold H. Lusk, both of Seaside. Reverend and Sister Lusk, Sr., reside in the city of Seaside, California.

Mr. Speaker, I know I speak for the whole House in congratulating Rev. Lusk on his long service in ministry and his many accomplishments.

HONORING U.S. NAVY CAPTAIN
DIANNE JOHNSON

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 17, 2011

Mr. BUCSHON. Mr. Speaker, I rise today to honor U.S. Navy Captain Dianne Johnson.

For the last 36 years, Captain Johnson has loyally served our great nation.

Her dedication, on both active and reserve duty, is one that sailors and citizens should emulate. I know that her absence will be noticed by all those who served alongside her.

For myself, and all her colleagues at the Navy Operational Support Center in Indianapolis, thank you Captain Johnson; may you have a fulfilling and enjoyable retirement that is richly deserved.

HONORING MARINE LANCE CPL.
JOSH MISIEWICZ FOR INJURIES
SUSTAINED IN OPERATION EN-
DURING FREEDOM

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 17, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Lance Cpl. Josh Misiewicz, a Marine from the Third District of Illinois who was injured serving our country in Afghanistan. He was awarded a Purple Heart after he stepped on an improvised explosive device (IED) and lost both of his legs. While I am sad for his loss, I am proud he served our country bravely and I know he will continue to live a life of great achievement.

Lance Cpl. Misiewicz's achievements before the Marine Corps were remarkable. A well-rounded young man, he was a standout student-athlete at Lyons Township High School, was recognized by the state of Illinois for his athletic achievement, and went on to play hockey for St. Mary's University of Minnesota. He knew, however, that he wanted to serve his country and embarked upon one of the greatest challenges an American can face: joining the Marine Corps. Demonstrating bravery and leadership, Lance Cpl. Misiewicz

chose to join the infantry and rose to become a squad leader.

After being deployed to Helmand Province in Afghanistan, his unit was in charge of continuing efforts to drive out Taliban insurgents and promote peace in the area. On July 20, 2011, in a patrol around that remote region, Lance Cpl. Misiewicz's life would change forever when an IED detonated near him and he lost both of his legs and much of his hearing. Four days later he was transferred to Walter Reed Military Hospital where he continues recuperating.

The difficulty of recovering from such an event for Lance Cpl. Misiewicz and his family is beyond comprehension for many Americans. The outpouring of local support from friends and neighbors, however, is a true testament to this young Marine's character. The love and care of his family and the companionship of his fellow Marines will see him through this trying stage of his life. Our men and women in uniform are some of our bravest people and Lance Cpl. Misiewicz is no exception. He makes us all proud to be Americans.

I ask you to join me in honoring Lance Cpl. Misiewicz for his bravery, commitment to his fellow man, and sacrifice. May he have a speedy recovery and rehabilitation. I know that this is not the last time we will hear from this impressive young man.

RECOGNITION OF NATIONAL
ADOPTION DAY, NOVEMBER 19, 2011

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 17, 2011

Mr. JACKSON of Illinois. Mr. Speaker, I rise today in recognition of National Adoption Day, November 19, 2011, and in support of more than 400,000 children living in foster care.

National Adoption Day began in November of 2000 as an attempt to raise awareness for children in foster care waiting to find permanent, loving families. In particular, National Adoption Day aims to facilitate and finalize adoptions in all 50 states, celebrate and honor those families who adopt, and encourage others to consider adopting. Through the efforts of policymakers, practitioners and advocates, over 35,000 children have found homes on this day. This year alone, organizers hope to finalize adoption for 4,500 foster care children.

Mr. Speaker, it is imperative that Congress acts to support the tireless efforts of organizations and individuals helping to find loving homes for the thousands of children living in foster care across the country. In my home state of Illinois, more than 15,000 children eagerly await the day they are adopted into a permanent, stable, and caring family. Let us give hope today to those children in search of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the homes they desperately need and deserve by raising awareness for this critical issue.

I urge my colleagues and fellow Americans to support efforts that will unite children living in foster homes with permanent families, and to join me in recognizing National Adoption Day on November 19.

RECOGNIZING THE WORK OF
HIGHMARK CARING PLACE CEN-
TERS AND REMEMBERING CHIL-
DREN'S GRIEF AWARENESS DAY

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. ALTMIRE. Mr. Speaker, today I wish to recognize the good work being done in Pennsylvania to help children and teenagers cope with the loss of a loved one.

For more than a decade, Highmark Caring Place centers in Pennsylvania have worked with hundreds of schools and businesses throughout the commonwealth to promote better strategies for helping young people deal with the death of a loved one. This type of tragedy is a burden faced by too many young people. One out of every twenty children will lose a parent, and one in seven children will lose someone close to them—such as a brother, sister, or grandparent—before they reach the age of 18.

As the holiday season approaches, the pain of losing a loved one often grows as memories of past holidays are revisited. Many grieving children will feel alone and afraid, and although it is often believed that children are less affected by loss and more able to easily continue with their lives, the opposite is true. These children need the caring support of family, friends, and others to help them understand and cope with their feelings.

Since its founding in 1997, Highmark Caring Place has served over 30,000 people and in 2008 alone, provided the equivalent of \$428,000 in volunteer service hours. The program brings together grieving children, their families, and trained volunteers to share meals, talk and play games, and engage in group discussions with other families coping with the same experience. These programs are free of charge to the community and open to anyone.

On November 17, Pennsylvanians will mark Children's Grief Awareness Day, a day of remembrance initiated by school students across the commonwealth to bring attention to their classmates coping with a loss. Thousands of students will wear blue to show solidarity with, and support for, their peers. Others will hold assemblies, bake sales, and presentations to raise awareness. I commend these students for their initiative and the compassion they are showing for their peers.

Through their programs and the generosity of their volunteers, Highmark Caring Place is truly making a difference in the lives of grieving children and their families. I wish to express my sincere gratitude for the work they do.

HONORING THE 100TH ANNIVER-
SARY OF STEAMFITTERS LOCAL
439

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of Steamfitters Local 439 of Caseyville, Illinois, affiliated with the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

The history of the pipe trades goes back before the Civil War. During the mid-nineteenth century, plumbers, steamfitters and gas fitters would have been represented by individual trade locals. In 1889, a plumber from Boston sent a letter to a plumber in Washington, DC, expressing an interest in forming a "United Brotherhood" and soon thereafter, the new union was formed. The union name would later be adopted as the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada and be known as UA.

On August 12, 1911, UA General President Martin P. Durkin chartered Local 439 in East St. Louis, Illinois. The local hall would remain in East St. Louis for 76 years. In 1987, the current hall was erected in Caseyville, Illinois, and named the Donald J. Bailey Building in honor of Local 439's retired business manager. In further recognition of the contributions of Donald Bailey and the Steamfitters to the community, St. Clair County named the street where the union hall is located, Donald Bailey Drive.

The current business manager is Charles "Totsie" Bailey, who first joined Local 439 in 1978. Throughout his tenure as Local 439 business manager, Totsie has worked tirelessly to provide his members with the best representation possible and also to improve their skills through continuing education and training. Through his leadership, additional training facilities have been opened and educational programs have been developed.

Totsie is a fierce advocate for his members but he is also known for his generosity and his commitment to his community. Totsie leads by example and has personally donated his own resources to assist members, retirees and families of his local as well as many within his community.

Local 439 has always been very involved in volunteer and fundraising efforts and the list of organizations they have helped includes; the Multiple Sclerosis Society, the United Way, the St. Vincent De Paul Society and the Backstoppers, a local organization that provides assistance to the families of fallen police officers and firefighters. Local 439 holds an annual fundraiser to benefit the Illinois Fire Safety Alliance Burn Camp for Kids and has raised over \$250,000 in eight years for this worthy cause.

Mr. Speaker, I ask my colleagues to join me in congratulating the leadership and members of Steamfitters Local 439 as they celebrate their 100th Anniversary and to wish them continued success in the future.

A TRIBUTE TO DAVID LAWSTUEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the excellence in education in Iowa, and to specifically congratulate Northeast Iowa Community College Dairy Science Professor David Lawstuen for being named the 2011 Iowa Professor of the Year by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching.

The United States Professors of the Year program seeks out the most exceptional instructors in the country who make an impactful difference in their student's lives. Winners of this award must display an effective teaching method, as well as a demonstrably positive influence on his or her students. This program is the only nationwide program that recognizes the excellence of our nation's undergraduate professors and mentors. Entries for this esteemed program are reviewed by top U.S. educators and administrators to ensure that America's best professors are bestowed the honor.

Mr. Speaker, I consider it a great honor to represent a state with such a proud academic reputation. Professor Lawstuen, his wife Debbie, fellow colleagues, students, and parents of the NIACC community should be very proud of the academic climate they have produced. Professor Lawstuen's student's futures are a little brighter with his capable instruction and I wish him and his colleagues the best as they continue to provide a positive impact on the future leaders of our state and country. Thank you.

A TRIBUTE TO JAMES ROUNDTREE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor James Roundtree for his service of faith and prayer in Brooklyn and dedication to lead others towards a righteous path.

Mr. Roundtree was born in Savannah, Georgia to Minister Levan and Rosabelle Roundtree. He is the third child of ten siblings and grew up in a very religiously Christian home. Growing up Mr. Roundtree attended Dalton Baptist Church in Sylvania, Georgia where he served on the Usher Board. He is a man that takes his spirituality very seriously and looks to spread its power with those he encounters.

Mr. Roundtree relocated to Queens, New York in 1968 where he met and wed Alma Lee. Together they have one son and twin daughters. As a man of faith Mr. Roundtree conducts himself as a devoted husband, father, and grandfather.

Mr. Roundtree is a member of Antioch Baptist Church, located in Brooklyn, New York. At this church he served on the Usher Board and as Secretary of the Deacon Ministry for several years. Currently he is the treasurer for Sunday School.

After 35 years of service Mr. Roundtree retired from Gould Paper Company in 2004. He is now an employee of the Board of Education in New York City.

Throughout his life Mr. Roundtree has made considerable achievements: In 2006 he had confirmation of his ordination as Deacon; in 2010 he attained his Associate, Bachelor's and Master's Degree's in theology at North Carolina College of Theology; and in 2010 he also had his confirmation of his ordination as Minister.

Mr. Speaker, I would like to recognize Mr. James Roundtree for his dedicated service to the church and his faith.

MARKING VETERANS DAY IN
LEONARDTOWN, MD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. HOYER. Mr. Speaker, on Veterans Day, I had the privilege of attending the annual parade honoring our veterans in Leonardtown and remembering the fallen service members from St. Mary's County, Maryland. It was a moving and meaningful ceremony, with many who have served our nation in uniform and their families attending. The parade in Leonardtown is the largest in the state, with a long tradition of honoring the service of Maryland veterans.

The program included four students from Leonardtown Elementary School, each of whom read a brief statement written to answer the question "What does Veterans Day mean to me?" Their words were a powerful affirmation that the ideals our service members have fought to protect continue to be passed on to the next generation, and that with those ideals we teach a love of country and respect for service. I would like to share their statements with my colleagues.

Katy Kindley wrote: "Veterans Day means to honor and love the ones who fought in all wars or to honor someone who didn't fight but served to help those in damaged places. Where do they go when they leave? What places will they visit? Will they ever come back? All armed forces that serve our country take only with them—hope. The hope that they won't let those in need be [needy], the hope to succeed in their job, or the hope to just come home to their families. Navy, Army, Air Force, U.S. Marines, or any other force that serves our country take hope and the will to serve with them.

"If you are the child of a veteran, hold your hand up. How do you feel when your mom or dad leave to go on travel? Do you feel scared they will never come back? Do you wonder if they will bring something back? All of your questions remain with you. I'm glad to say that I too have a brilliant and most valiant veteran to look up to—my dad. My dad does his best to serve in the Navy. A lot of times he leaves for a very long trip. One time, he left for seven months! I was very sad. But I was overjoyed to see him come home. Let's take a day to honor, love, and cherish the ones who served in our country. To all those veterans out there, I say: you rock!"

Liam Byers read his statement: "Can you imagine what life would be like without our brave veterans? We probably would live in a country where we were not free at all. We couldn't go to school and get a good education for our futures. We couldn't go to the church we wanted or go to church at all. We probably couldn't choose our jobs or even our marriages!

"The brave veterans who risked their lives and health to fight to keep us free are perhaps some of the bravest people in our proud American history. They keep us and our rights safe and free from oppression, such as communism and tyranny.

"We have Veterans Day to honor the brave men and women who fought to keep us and our country free. We have two minutes of silence on Veterans Day called the 'Great Silence,' where we remember everybody who fought (and died) for our freedom. My Boy Scout troop marches in a parade for Veterans Day and throws candy to the parade watchers (and sometime we pick up candy on the road for ourselves!).

"On Veterans Day I feel proud to be living in America, where our noble veterans serve in the Armed forces to keep our country free. How do you feel on Veterans Day?"

Lauren Menges shared these thoughts: "Veterans Day is a day set aside to honor America's servicemen and women for their patriotism, love of their country, and willingness to sacrifice for our freedom. A veteran is anyone who has served in the armed forces, such as: Army, Navy, Marines, Coast Guard, or Air Force.

"Veterans Day used to be called Armistice Day. It honored the signing of the Armistice that ended World War I on November 11, 1918. The end of the war took place on the eleventh hour of the eleventh day of the eleventh month of 1918 with the German signing of the Armistice. It was declared a legal holiday on May 13, 1938, and was officially declared Veterans Day on November 11. Some people celebrate with a parade. Most schools have the day off. And other countries celebrate by observing two minutes of silence at 11:00.

"I have several family members who served in the military. My great uncle, Gordon Moniz, served in the Korean War, and my uncle, Bryan Menges, served during Operation Desert Storm. My first cousin, Joshua Menges, graduated last year from West Point and is now actively serving his country. I love that my family members served in the military. I am grateful for all the veterans and for their bravery.

"I would like to quote from a poem by Linda Ellis called 'Mommy, What is a Veteran?' 'How do you describe a veteran and the sacrifices they made so that you and your children's children could live free . . . and unafraid? How do you describe a veteran for a child's sake? You say: A veteran is a person to whom we owe every breath we take.'"

Also, we heard a statement from Maddie McCauley: "To many people, Veterans Day is special. Veterans Day all started on November 11, 1919, as Armistice Day. Armistice Day was to celebrate the first anniversary of World War I. Armistice Day was to honor all the brave soldiers who fought in World War I,

keeping the United States safe. Now, Veterans Day is to honor all the brave souls who fought in all wars, who gave us our freedom, which many people elsewhere do not have.

"Veterans Day is celebrated with speeches, parades, special church services or ceremonies, visiting graves, and having the Great Silence. Many people visit the Tomb of the Unknown Soldier. This tomb holds the body of a U.S. soldier who was killed in battle. Nobody knew who this fearless man was.

"Veterans Day to me is an important holiday. I do have a few veterans in my family. My Great-Grandpa Hal was a fighting ace in the Air Force for many years. My family and I hang our American flag from our house. We also wear red, white, and blue to honor America. I think of many soldiers who endured many tough days away from their family fighting. I think, 'Thank you for all you have suffered just to keep us free and safe.'"

Katy, Liam, Lauren, Maddie, and their classmates, even at their young age, understand the sacrifices made by our veterans. I was glad they were able to participate in the ceremony alongside other public officials, and the many veterans who were on hand.

Together, we all thanked the families of three St. Mary's County fallen heroes for their sons' service and sacrifice. SPC Raymond J. Faulstich Jr. and CPL Matthew Wallace gave their lives serving in Iraq, and SGT Ryan Patrick Baumann fell in combat in Afghanistan. We also applauded a recently returned wounded warrior, Thomas Caleb Getscher, who lost both legs and part of an arm in Afghanistan. Patuxent Habitat for Humanity will soon be helping to renovate his home to make it more accessible.

In their memory, and in honor of the veterans who returned home, we continue to recommit ourselves every Veterans Day to meeting our obligations to those who served our nation and put their lives on the line for the freedoms we hold dear.

A TRIBUTE TO CHARLENE
PHILLIPS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Charlene Phillips, a native New Yorker with a passion for helping others through non-profit means.

Ms. Phillips was educated in the New York City Public School system. She attended Long Island University where she received an Associate's Degree in Liberal Arts and a Bachelor of Arts Degree. She graduated with Honors, Summa Cum Laude.

Ms. Phillips is the District Manager for Community Board 3, a position she has held since January 2006. She began working for the Community Board in December of 2004. Ms. Phillips has always enjoyed assisting people and felt that she would be able to live her passion through her position of helping at the Community Board. She has managed for the past 15 years to work in the field of service provider to the community through diverse non-profit organizations.

Prior to coming to Community Board 3, she worked in the office of Attorney Kimberly L. Detherage, again providing service to those of our community. Ms. Phillips possesses a humble spirit and is rarely seen in the forefront. In the 1990s she worked for a church where she provided services to the congregants, often utilizing the services of the Community Board and its former District Manager. Later, she worked for an organization, The Faith Center for Community Development, which specialized in capacity building for organizations within the faith-based community to enhance the communities around them through areas of housing, day care, and multi-service facilities.

In addition to her work at the Community Board, Ms. Phillips is very active in her church. Her activities include singing in the choir, teaching children in Sunday School, and she also worked with the Female Rites of Passage Program for young ladies between the ages of 12–18 for twelve years. She has recently become a Deacon in Brooklyn Community Church.

Ms. Phillips believes that God places you in diverse circumstances to allow you to fully understand exactly where you should be and what you should be doing.

Ms. Phillips' motto is: "If she can help someone as she passes along this way; then her living will truly not be in vain."

Mr. Speaker, I would like to recognize Ms. Charlene Phillips for her extraordinary ability to serve her fellow constituents with unwavering dedication.

GREATER NEW BEDFORD SALUTES
THE VERY REV. CONSTANTINE S.
BEBIS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, on October 30th, one of the great leaders of Southeastern Massachusetts retired—not from our community, but in his official capacity as the Pastor of St. George Greek Orthodox Church. His retirement comes to some extent as a loss to our community, although after 58 years of superb service, no one can begrudge him that step. But we do not believe he will be retiring from the extraordinarily important role he has played in the life of the community at large.

Father Bebis was a man of great enthusiasm for life, deep learning and an example of religion in its very best sense. To be with him was to draw strength from him, to be inspired and cheered by him, and to feel lucky to be one of the countless people whom he treated as friends.

Mr. Speaker, in the New Bedford Standard Times, Saturday, October 29th, Linda Andrade Rodrigues wrote a very thoughtful piece that captures the spirit of Father Bebis and the love that people in our region have for him. I ask that this be printed here.

[From Southcoast Today, Oct. 29, 2011]

'HE HAS ILLUMINED OUR MINDS, DEEPENED OUR SOULS, ENLARGED OUR HEARTS': THE VERY REV. CONSTANTINE S. BEBIS RETIRES AFTER 58 YEARS AS PASTOR

(By Linda Andrade Rodrigues)

DARTMOUTH, NH.— The Very Rev. Constantine S. Bebis, the beloved pastor of St. George Greek Orthodox Church for the past 58 years, will officially retire on Oct. 30, celebrating his last Sunday service as "proistamenos".

Born on the isle of Crete, Bebis never dreamed that he would someday come to America. As a young boy, he lived in Pireaus, Greece, with his widowed mother who struggled to raise her three young children while working as a seamstress.

The family survived the German occupation from April 1941 to October 1944.

"Italy bombed us, Germany bombed us, and then the allies bombed us," he said. "Many of my neighbors got killed. How I survived was a miracle!"

Bebis said that during this difficult time, the Greeks longed for emancipation from the Americans and the British.

"I had no money, but I wanted to study English," he said. "I gave an English teacher part of my bread coupons. I denied myself food so I could buy books and learn English."

During a catechism class, the teacher asked if any of the students had considered the priesthood.

"I was the only one who raised a hand," he said. "I wanted to become a priest like my grandfather."

At the end of the class, the teacher asked him, "Do you want to go to America?"

"Of course," he answered.

A short time later an American bishop visited Greece, and Bebis was chosen as a seminarian. He arrived in the United States in 1947.

He received a full scholarship to study theology for the priesthood of the Greek Orthodox Church.

"This country has been wonderful to me," he said.

Bebis earned a master's degree in theology and was ordained on March 25, 1951.

The same year he wed Irene Vouris of Wadsworth.

"I married a wonderful woman," he said. "Irene was a beautiful lady, the redeeming feature in my life, and she gave me four marvelous, successful children: Stephen, George, Paul and Constance."

"I am also grateful for my 11 grandchildren and four great-children"

Bebis became the pastor of St. George Greek Orthodox Church in New Bedford on Oct. 1, 1953.

"When I came to New Bedford, some prominent people told me that this was a difficult parish in a difficult town, and they gave me six months," he said laughing. "I found the people extremely fine, and in every person I saw the image of Christ."

Bebis has always been involved in ecumenical activities, serving as a member of the Inter-Church Council of Greater New Bedford since 1954.

"I was very happy to associate myself with both my friends from the Inter-Church Council and the many Catholic priests," he said.

In May 1976, the ecumenical patriarchate of Constantinople awarded him the title of protopresbyter, the highest rank of a married priest in the Greek Orthodox Church.

Bebis reached out to the community as pastor; as founder of the antipoverty agency, the Agnes Braz and Hope Bean North End Community Center; and as president of On-

board Legal Services for the Poor, among a host of other charitable work.

In May 2003, Metropolitan Methodios of Boston conferred upon Bebis the ancient office of archimandrite, the title given to priests who are eligible to become bishops.

Bebis was honored by the City of New Bedford in 2004 for his more than 50 years of service to the community. His portrait by artist Deborah Macy is on display at the New Bedford Free Public Library.

A bench in front of the Math and Science building at Bristol Community College also pays tribute to the Greek immigrant who became the beloved father to his congregation, as well as friend and benefactor to the community at large.

Marking his amazing journey are these words carved in stone: "He has illumined our minds, clarified our vision, deepened our souls, enlarged our hearts, broadened our compassion, enriched our spirit, and our humanity."

Bebis said that his mission was crowned when the congregation moved into their new church building on Cross Road in Dartmouth two years ago.

"It was an emotional thing for some of the parishioners to leave the old church," he said. "But the church is flourishing in our new facilities. I am amazed at the attendance."

A resident of New Bedford, Bebis said that he will remain a faithful and supportive member of the parish.

"I decided to retire, but a priest never retires," he said. "I will still be here as a member of the parish. As long as I live, I will serve the church."

CELEBRATING THE 125TH ANNI-
VERSARY OF THE YMCA OF
DANE COUNTY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. BALDWIN. Mr. Speaker, I rise today in celebration of the 125th anniversary of the YMCA of Dane County and to honor all those who make this institution such an influential part of our community.

As a component of the greater YMCA system, the Dane County Y exemplifies the values of the national organization. The YMCA of Dane County is committed to youth development, healthy living, and social responsibility. These three areas of focus fuel the numerous programs and services the Y delivers to our community. In 2010, the YMCA of Dane County graciously spent more than \$572,000 in programs that benefit the public.

The YMCA is a place where more than 19,800 youth members cultivate skills and gain the self-confidence necessary to become successful and positive members of society. Programs like Fill the Gap help youth grow by targeting at-risk teens and engaging them in challenging and fun activities in safe environments. Furthermore, thirty licensed before and after school sites throughout the county care for 1,200 children each day. These sites provide the necessary environment to keep children learning, engaged, and safe.

Additionally, the Y's Healthy Living initiative is fighting the country's obesity epidemic by

encouraging a more active lifestyle. Each year, the YMCA reaches over 60,000 people through their wellness programs and provides a safe and clean environment for exercise. Furthermore, various exercise classes and access to pools and gymnasiums help encourage our community to stay fit and healthy.

The YMCA of Dane County also works towards producing hard-working members of society with its social responsibility programs. The YMCA's mission strives to ensure that every person has the opportunity to learn, grow, and thrive, regardless of socio-economic status. One of the many ways the Dane County Y fulfills this mission is by providing support, educational, and training services to unemployed citizens, which are desperately needed in the tough economic times we face today. This clear and determined dedication to improving the lives of community members not only physically, but also emotionally, highlights the importance of the YMCA of Dane County.

The Lussier Family East, Northeast, and Lussier Family West branches of the YMCA of Dane County work in conjunction to better our community and provide valuable resources and support. Along with the three branches, the four youth centers and numerous child care locations create a strong network dedicated to improving the lives of the members of our community.

I admire the mission and efforts of the YMCA of Dane County and look forward to many more years of service to our community. I proudly join those across Dane County, the entire state of Wisconsin, and our great nation in celebrating the 125th anniversary of the YMCA of Dane County and in thanking the members, employees, volunteers, and donors for their exemplary service to our community.

A TRIBUTE TO IZORA NEAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Detective First Grade Izora Neal for her dedication to restoring law and order in my district, as well as for bridging the gap between the community and the police.

Detective First Grade Neal is currently assigned as the Community Affairs Officer of Police Service Area #2. She entered the New York City Police Department Academy in 1994. Upon her graduation, she was assigned to the PSA #2. Detective Neal excelled—engaging in numerous arrests while gaining experience on the force. Detective Neal was assigned to the Community Affairs position in October 1997. She entered the position with confidence and a genuine desire to have a positive impact for all New York City Housing Authority residents.

Detective Neal was ambitious about the prospects of becoming detective and made great strides towards accomplishing her goal. In July 1999, her perseverance was recognized as she was promoted to the rank of Detective Special Assignment. As a newly promoted Detective she continued in her present assignment and utilized her leadership and

strong interpersonal skills, gaining the trust of all residents. In her continued pursuit for success, Detective Neal was promoted to the rank of Detective Second Grade in February 2003. Although pleased with her present rank and assignment, Detective Neal's desire for excellence compelled her to continue working hard. Her devotion for a better quality of life for all NYCHA residents proved to be very successful. In August 2006 she was promoted to the rank of Detective First Grade.

Currently, Detective Neal continues to make strides while assigned to Police Service Area #2, giving her the opportunity to display her leadership skills, and her dedication towards the community. As the Community Affairs Officer one must ensure a bond of trust and reliance between the police and community; one must be open-minded, unbiased and sensitive to the concerns and problems within the community, display empathy and compassion with sincerity, but not in a rehearsed manner. These ideas are a part of the partnership that allows Detective Neal to define herself as the Community Affairs Officer of Police Service Area #2.

Detective Neal is happily married to Anthony Neal (whom she met on 09/11/2001), and has a 5 year old son Jaylen. Mr. Speaker, I would like to recognize Detective Izora Neal for her pursuit of excellence in the field of law enforcement.

PERSONAL EXPLANATION

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. WALZ of Minnesota. Mr. Speaker, on rollcall No. 842 I voted "no" but intended to vote "yes".

RECOGNIZING THE FIRST ANNUAL NATIONAL RURAL HEALTH DAY

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mrs. MILLER of Michigan. Mr. Speaker, today, I am proud to offer my support of the first ever National Rural Health Day.

My district is home to five rural hospitals, Deckerville Community Hospital, Harbor Beach Community Hospital, Marlette Community Hospital, Scheurer Hospital and McKenzie Memorial Hospital.

Thanks to these hospitals, my constituents, as well as 62 million Americans living in small towns and rural communities across the United States, have greater access to medical services and comprehensive care near the communities where they live.

During my time in Congress, I have been proud to support rural hospitals in my district. I took a leading role in helping to complete the Thumb Rural Health Network's wireless communications system. This infrastructure links all eight of the rural hospitals serving Huron, Sanilac, and Tuscola Counties, in order to cre-

ate greater communication about patient care between this region's hospitals and allow for more medical consultation from specialists from other Michigan facilities via remote technology.

I believe that it is critically important for all Michigan residents to have access to quality health care services, and I know that each rural hospital is continually looking for innovative and resourceful ways to reach this goal despite geographical obstacles.

In my district, rural hospitals account for nearly 1,000 jobs. In a time of economic uncertainty and rising unemployment that has hurt Michigan businesses and families, I am encouraged by the many benefits rural hospitals bring to the communities they serve.

I would like to praise rural hospitals on National Rural Health Day and extend my thanks for the work they do for our communities in my district, as well as across the Nation.

IN TRIBUTE TO JOHN P. AMERSPEK

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, last week, our Nation paused to mark Veterans Day. America's soldiers, sailors, Marines and Airmen and Airwomen have always responded to the call of duty in defense of our great nation. These dedicated members of our community deserve our endless thanks, not only on Veterans Day, but at every single opportunity that we can show them our gratitude.

Therefore, my colleagues, it is quite fitting that I call to your attention the dedicated service of one member of the "Greatest Generation." John P. Amerspek of Succasunna, New Jersey, will be celebrating the 90th anniversary of his birth this week and I invite you to join his family and friends in thanking this great American for his many contributions.

Like so many of his generation, John Amerspek knew the necessity of accepting one's responsibilities and was willing to make sacrifices for his country. As troops of the World War II era were known to say: "if the country is good enough to live in, it's good enough to fight for."

Thus, John found himself in the United States Army's 3rd Division, far from home, fighting one of the most controversial, yet least publicized, major engagements of World War II—the Anzio Beachhead in western Italy.

It was a brutal campaign, but essential to eventual Allied victory in Europe. The two German corps engaged on the Anzio front were originally destined for Normandy. The success of the Allied landings on the beaches in France in June 1944 were due largely to the tenacity of the Allied forces at Anzio.

But the price of this crucial victory was high. Allied forces suffered nearly 87,000 casualties. In one measure of the courage and sacrifice of those who fought there, 22 Americans were awarded the Congressional Medal of Honor, the most of any single battle of World War II.

John was there from the beginning. He was wounded twice and discharged himself from a

field hospital so he could return to the fight with the mates in his own unit. As John says matter-of-factly, "I was one of the very fortunate ones that not only survived Anzio, but the many campaigns to follow. I would never regret the experience, but would never like to experience it again."

John's units were the first to liberate Rome. And then it was off to the Island of Corsica, Southern France, the Alsace Lorraine, the Vosge Mountains, crossing the Rhine into Germany and finally into Salzburg, Austria.

In the course of this extended personal campaign, John Amerspek was among the liberators at the infamous Dauchau concentration camp. In late April 1945, American troops found approximately 32,000 prisoners, crammed 1,600 to each of 20 barracks, which had been designed to house 250 people each. Nearly 32,000 people were exterminated at this camp, which John appropriately called the "Dauchau Horror Camp."

After the war, John returned home to New Jersey, took advantage of the GI bill and eventually began 60 years of official and unofficial professional support of the Army's Picatinny Arsenal—an invaluable national military resource and the home of American firepower.

An expert in all phases of military program management including the development of new concepts through research and development, cost control, field service, production and budgeting, he rose to senior leadership positions at Picatinny. His goal was always to provide our warfighters with superior firepower from a wide range of weapons for infantry, artillery, mortars, rockets, missiles and aircraft-launched munitions. There is no doubt that his material and management contributions strengthened the Army, Navy, Marines and Air Force.

John ended his formal government career in 1981 after 40 years of uniformed and civilian service. He went on to continue his contributions to our great military in various senior roles with the National Defense Industrial Association, the Army ARDEC Advisory Board, among other organizations. His awards are too numerous to list.

It should suffice to say that in 2004, Picatinny's Armament Research Development Engineering Center, ARDEC, named its headquarters' executive conference room after John Amerspek.

Today as senior military and civilian leaders enter the conference room, they pass a simple bronze plaque, bearing his likeness and the phrase "Soldier, Leader, Patriot, 1942-1981,"

Anyone who has had the privilege of knowing John Amerspek, understands that he fits those descriptions precisely.

Having just marked Veterans Day and as we prepare for the Thanksgiving season, it is fitting that all Americans give thanks for the service of John Amerspek and all of his fellow soldiers, leaders and patriots—past, present and future.

A TRIBUTE TO MAJOR MORRISON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Mr. Major Morrison for his dedicated public service to his country, community, and family.

Reverend Major Morrison, III is son of Marian and Major Morrison, Jr. Reverend Morrison grew up in New York City where he attended Medgar Evers College with a concentration in Liberal Arts. He then transferred to New York City Community College and studied Mechanical Engineering.

In 1979, Reverend Morrison joined the United States Merchant Marines and served until 1998. He was elevated to the post of Watch Engineer. Reverend Morrison served one tour duty in Operation Desert Storm and Desert Shield in 1991. After serving his country he started working at the Veterans Medical Center in New York City where he is presently a Systems Boiler Plant Operating Engineer.

Reverend Morrison was called into the ministry at an early age. He was baptized in the Methodist tradition and faith. Reverend Morrison was a choir member; Boy Scout; and served as an usher. Reverend Morrison has preached the Gospel of Jesus Christ in various denominational settings: Baptist; Methodist; and Presbyterian.

Reverend Morrison felt compelled to continue his education and enrolled in Somerset Christian College pursuing a Bachelor of Arts Degree. Upon completing his degree at Somerset Christian College, Reverend Morrison will enhance his ministerial capabilities as a biblical interpreter at The New York Theological Seminary in the Master of Divinity Program.

Reverend Morrison has been engaged in many civic associations: he is a former member of Community Board 4; sat on the Public Safety and Human Services Committee; was a chaplain for the New Jersey Eastern Star Home; and serviced the veterans at St. Albans Community Living Center—Unit A5.

Mr. Speaker, I would like to recognize Mr. Reverend Major Morrison for his excellence in working with Veterans and his service within the church.

RECOGNIZING FORMER PRISONERS OF WAR FROM THE COMMUNITY

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. FITZPATRICK. Mr. Speaker, I would like to recognize eight true American heroes from my community: From Bucks County, William Bond, William Clarke, Russell Hoff, John Masko and James Reilly; from Montgomery County, Donald Lewis and Edgar Waite, Jr.; and from Burlington County, New Jersey, Al Romanowski. I am honored to address you and I want to take this opportunity now to personally thank each one of them for extraordinary service to our Nation.

It is because of men like these that America has the strongest, most professional military in history and the freedoms that we enjoy today. Some may say our military strength is due to our technological and weapon superiority, but, as General George S. Patton said, "Wars may be fought with weapons, but they are won by men. It is the spirit of men who follow and of the man who leads that gains the victory."

The men and women who make up our Nation's armed forces are the most dedicated, most patriotic, and most courageous soldiers. They are unwilling to accept anything less than mission success.

During the Second World War, our countrymen joined the fight to eradicate the insidious spread of Nazism and Fascism across Europe and Asia. Over 16 million Americans served during World War II. 416,837 made the ultimate sacrifice for their nation during this war. Your service helped shape the world we see today, a world with America's beacon of freedom still shining proudly.

Tens of thousands of others were captured and subjected to harsh conditions and rough treatment as prisoners of war. Since World War I, over 142,000 Americans have been captured and interned as prisoners of war. There are nearly 30,000 former POWs that are still living—with almost 90 percent of those having been captured during World War II. The brave service members I honor today make up just eight names of those 30,000—but they have had a significant impact within our local communities. William Clarke and James Reilly had been crew members on B-17 bombers that were shot down over enemy territory. The others were with infantry units that were captured by enemy forces.

Our Nation is thankful for their service and I remain committed to providing those who have sacrificed so much with the highest quality care and all the benefits that they deserve. George Washington said, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation." Today, a new generation of brave men and women, inspired by their legacy of service and sacrifice, has answered the call to defend America from the new global threat of terrorism.

I thank Catherine "Cay" Burns for her dedication and leadership as Commander, for more than 32 years, of the American Ex-Prisoners of War Liberty Bell Chapter. Cay's late husband, Leroy Burns, was a former American prisoner of war who joined the Army shortly after World War II began. He conducted his basic training at what is now Fort Dix. He served in the North Africa campaign and was captured in 1944 when his unit was overrun by German forces in Italy. Cay's tireless work has been instrumental in the creation of this memorial grove honoring the former prisoners of war from our community.

Furthermore, I thank the students of Bucks County Technical High School and their teacher Steve Whitmore. These students played a fundamental role in providing the stone plaques that now honor the service and sacrifice of the eight remaining former prisoners of war from our community. There was a

shortage of funding available, but these students volunteered their time to turn the memorial grove into a reality.

Again, one final thanks to William Bond, William Clarke, Russell Hoff, John Masko and James Reily, Donald Lewis, Edgar Waite, Jr., and Al Romanowski for their service and sacrifice as former American prisoners of war. They are true protectors of liberty in this world and their dedication to a grateful Nation will never be forgotten.

145TH ANNIVERSARY OF THE
FOUNDING OF THE ASPCA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to honor the 145th anniversary of the founding of the American Society for the Prevention of Cruelty to Animals (ASPCA), which has been headquartered for the last 60 years on the East Side of Manhattan in my congressional district. Founded by Henry Bergh in 1866, the ASPCA provides effective means for the prevention of cruelty to animals in New York City and throughout the United States.

The ASPCA was the first humane society in North America. Throughout its 145-year history, the ASPCA has operated under the belief that animals are entitled to be treated kindly and respectfully by humans and to be protected by the law. Last year, thousands of pets were adopted from its Onyx and Breezy Shefts Adoption Center and over 37,000 free or low-cost spay and neuter surgeries were provided to needy pet parents across the five boroughs. The ASPCA's Bergh Memorial Animal Hospital has been providing affordable, quality veterinary care in the New York metropolitan area since 1912.

Although the ASPCA was founded to help protect working horses and other animals in New York City, its services and outreach now stretch to animals and communities throughout the United States. From shelter and rescue grants, to veterinarian care and training, to cruelty response and humane law enforcement, the ASPCA is a national leader in animal cruelty prevention. In 2010, its Animal Poison Control Center handled over 167,000 cases. The ASPCA's disaster response team has cared for animals during emergencies nationwide, including after animal fighting raids, and recently in Joplin, Missouri, and in the aftermath of Hurricane Irene.

Henry Bergh stated, "mercy to animals means mercy to mankind." He knew compassion for animals leads to a better human heart and society. I am proud to congratulate the ASPCA and its over one million supporters on its 145th anniversary. They continue to be the voice of those unable to speak for themselves.

A TRIBUTE TO ALICE ADELL
MAYS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Alice Adell Mays for the many accomplishments she has attained in my district throughout her life.

Ms. Mays was born in Halifax County Virginia, about six and a half decades ago. Growing up on a farm as the second oldest of five children she was endowed with the responsibility of being the caregiver at an early age. This was never an issue for Ms. Mays, as she always had a loving and compassionate heart.

Ms. Mays was educated in Virginia and later migrated to New York City. Once settled in, she began working as an usherette for playwrights such as Neil Simon at the Eugene O'Neil Theatre and other local theatres. Presently, she is a Childcare Provider and package receiver for the community. She has not only raised her own children, but she has been a community mother for numerous years.

Later she met and married George (Gee) W. Mays. Together they reared six children; three have preceded them in death. She also has four grandchildren and one great grandchild. Through it all, her faith has gotten stronger in Christ, and she gives back to her community through her devout religiosity.

Ms., Mays was a faithful member of the Greater Friendship Baptist for many years where she served as President of the Deaconess Board and on the pastor's aide ministry. In 2003, after the death of her mother, she moved her membership to Union Baptist Church. There she works in the capacity as President of the Pastor's Aide and will willingly help other church ministries in their efforts.

Ms. Mays has many hobbies that include conversing with people from all walks of life; playing games of various sorts; and beautification of one's self, making sure her hair, nails, and makeup are done on a daily basis.

Mr. Speaker, I would like to recognize Ms. Alice Adell Mays for her dedication to her faith and the nurturing personality she has developed with all those she is in contact with.

PERSONAL EXPLANATION

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. PETERSON. Mr. Speaker, I should have voted yes on H. Res. 463, the rule that would provide for House floor consideration of H.R. 822, a bill that would require states that allow the concealed carry of firearms to recognize concealed-carry permits issued by other states, known as the National Right-to-Carry Reciprocity Act.

HONORING THE REVEREND DR.
DAVID C. FORBES, SR.

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to bring to the attention of my colleagues the remarkable life of service of the Reverend Dr. David C. Forbes, Sr. of Raleigh, North Carolina.

Dr. Forbes is the founding Pastor of Christian Faith Baptist Church, and he is retiring from the church after 21 years of faithful ministry. His work there culminates a lifetime of service to the cause of social justice and to the betterment of the community.

Dr. Forbes came of age during the civil rights movement of the 1960s. He embraced his place in history, helping to found the Student Non-Violent Coordinating Committee, later led so ably by our colleague, Rep. JOHN LEWIS. Dr. Forbes quickly made his mark as a leader. He has spent the last fifty years answering the prophetic call to justice and leading others to join him.

After graduating from Shaw University with a degree in education, David Forbes spent his early career focused on the needs of young people. He taught middle school students in Wilson, North Carolina, and then headed north to New York, where he worked as a teacher, youth center director, and VISTA coordinator. Along the way, he earned a master's degree in social work from Adelphi University and transitioned to the world of higher education, spending more than a decade teaching at Virginia Commonwealth University.

It was during this time that Dr. Forbes found his calling as a minister, and, eventually, came home to North Carolina. He spent 6 years as senior minister of Martin Street Baptist Church in Raleigh before becoming the founding pastor at Christian Faith Baptist. Christian Faith Baptist isn't just a place of worship; it is an activist congregation dedicated to serving the least among us and to achieving what Dr. Martin Luther King, Jr. called the "beloved community." Through David's leadership, the church has taken on many missions both locally and internationally, such as sponsoring free HIV/AIDS testing clinics; providing Saturday meals for the needy; funding scholarships for young men; and supporting the children of incarcerated parents.

Dr. Forbes' partner in all things was his wife of nearly 50 years, Hazel Baldwin Forbes, who passed away last year. Hazel shared David's passion for education and the church, and she and my wife Lisa found they had much to talk about as fellow social workers. She was also a gifted musician, and served as choir director and accompanist at Christian Faith.

Dr. David Forbes leaves a rich legacy at Christian Faith, one that will be both remembered and upheld. I speak for many North Carolinians in honoring him as a "good and faithful servant" who has helped build a better and more just world in everything he has done.

T IS FOR TENACIOUS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. POE of Texas. Mr. Speaker, T is for Tenacious.

Withelma "T" Ortiz-Macey who was recently awarded a Woman of the Year award by Glamour Magazine exemplifies tenacity.

T is a survivor of domestic minor sex trafficking, but she does not let her past trauma get in the way of her advocacy for other victims of this horrendous crime.

She shares her story with Members of Congress, advocates, the public, and other victims in order to put an end to this dastardly deed so that no one else ever has to go through the violence and trauma she endured.

T's life has not been easy.

She was abused as a child and when she met someone who she thought would love and care for her, she was made into a sex slave, her innocence crushed.

Domestic minor sex trafficking is a hidden crime, one that many do not realize occurs in communities all over our country.

Young girls are sold on the street and on the Internet for profit.

And to make matters worse, these girls are usually treated as criminals, when in reality they are victims.

These girls need specialized treatment, not to be thrown in a jail cell.

And T is working to change this.

T is an incredible young woman, and I commend her for her great work and congratulate her on her recent award.

And that's just the way it is.

DELAWARE COUNTY CHAMBER OF COMMERCE, 125TH ANNIVERSARY

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. MEEHAN. Mr. Speaker, I rise today to honor the 125th Anniversary of the Delaware County Chamber of Commerce.

Small businesses are the backbone of our economy. This is especially true in Delaware County. The business owners and entrepreneurs help make our region what it is today. These businesses have been relying on the support and services of the Delaware County Chamber of Commerce for 125 years. They are a true asset to our community. The Chamber provides businesses with valuable benefits, seminars and programs that give our business community the tools they need to succeed.

Particularly during this time of economic uncertainty, the Delaware County Chamber of Commerce provides an immeasurable benefit. As the bridge between business and government, the Chamber has helped create a business friendly environment. By showcasing the incredible benefits of Delaware County, the Chamber is demonstrating why they are poised to lead us into a new era of growth.

On behalf of the region's residents, I congratulate the Delaware County Chamber of Commerce on its 125th anniversary. I want to thank the Board, staff and members for their service to southeastern Pennsylvania and for making our region a wonderful place to live, work and raise a family. I wish them all the best for continued success in the future.

A TRIBUTE TO CARL LUCIANO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Mr. Carl Luciano, a Brooklynite who has offered decades of service to my community through education and social welfare programs.

Mr. Luciano is a lifelong Brooklynite, educated in the New York Public school system. It was the streets of Brooklyn that gave Mr. Luciano the passion for the work that he currently does. He is presently working with Councilmember Darlene Mealy and has had the fortunes of working with many other officials in the Brooklyn community.

The Lord has allowed Mr. Luciano to work under three other elected officials. The blessing in working with all of these elected officials is that they all share the same passion as Mr. Luciano towards education and empowerment of the community of Bedford Stuyvesant. Through education, a youth can change their personal lives and the lives of others living in their community. It is Mr. Luciano's way of paying it forward—the service he offers Brooklyn constituents.

Mr. Luciano has resided in Bedford Stuyvesant for over forty years. He has witnessed the good and bad of his community. In his spare time he devotes attention to youth intervention, willing to communicate with anyone interested in learning the power of community through unity. He has planted this seed in various platforms for the past eleven years. Mr. Luciano's strength comes from his spiritual grounding and guidance through his relationship with Christ Jesus.

Mr. Speaker, I would like to recognize Carl Luciano for his accomplishments in Brooklyn.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4.8 trillion.

This week it hit \$15 trillion. Today, it is \$15,026,993,847,879.10. We've added 10 trillion dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. HEINRICH. Mr. Speaker, I unfortunately missed votes which included roll call votes 829, 830, 831, 832, 833, 834, 835, and 836.

If I had been present, I would have voted in opposition of rollcall vote 829, the Previous Question on the Rule providing for consideration of H.R. 2838.

If I had been present, I would have voted in opposition of rollcall vote 830, H. Res. 455—Rule providing for consideration of H.R. 2838—Coast Guard and Maritime Transportation Act of 2011.

If I had been present, I would have voted in favor of rollcall vote 831, H.R. 3321—America's Cup Act of 2011.

If I had been present I would have cast the following votes on amendments to the Coast Guard and Maritime Transportation Act of 2011: rollcall vote 832 (Cummings Amendment): "yea;" rollcall vote 833 (Thompson Amendment): "yea;" rollcall vote 834 (Napoli-tano Amendment): "yea;" rollcall vote 835 (Bishop Amendment): "yea;" rollcall vote 836 (Slaughter Amendment): "yea."

PERSONAL EXPLANATION

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. MCCOLLUM. Mr. Speaker, yesterday I was meeting with the Secretary of the U.S. Department of Transportation and the Secretary of the U.S. Department of Interior. Due to time constraints, I was unable to make it to the House floor to vote for Amendment No. 2 to H.R. 822 offered by Rep. MCCARTHY of New York. Had I been present, I would have voted "yea" on this amendment.

A TRIBUTE TO REVEREND
KIMBERLY HEADLEY**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Reverend Kimberly Headley for her extensive efforts to reform my Brooklyn district through public outreach services.

Reverend Headley was born and raised in East New York, Brooklyn. She started junior high school at age 12 and was promoted from the 7th to the 9th grade. After high school, Reverend Headley entered Bernard M. Baruch College at age 16 where she studied Public Administration. Upon graduation, she entered the workforce as a junior press secretary to then Comptroller Elizabeth Holtzman. She stayed in the administration until Alan G. Hevesi became Comptroller.

Reverend Headley has always demonstrated a willingness to go above and beyond what is expected of her. In her earlier

years, while her father was district leader and first vice chair of Kings County Democratic organization, she spearheaded all of his fundraisers at which hundreds of people were in attendance. The most successful fundraiser she hosted had an attendance of up to 900 people.

In 1997, Reverend Headley began teaching Sunday school, and became the Sunday School Superintendent within a year in Fellowship Missionary Baptist Church. In 2006, Reverend Headley became a licensed minister of the Gospel. Prior to that, she had been preaching in platform services and evangelizing on the subways and streets of Brooklyn. Upon the death of pastor Reverend Charles Dunston, the Lord called Reverend Headley to Berean Baptist Church. She was ordained as a Reverend by Reverend Dr. Arlee Griffin, Jr., pastor of Berean Baptist Church. Today she is an active member of the Young Adult Ministry; is a teacher with the New Members and Friends Ministry; and is an associate minister and member of Berean's newest drama ministry.

She is presently a Special Assistant to Congressman EDOLPHUS "ED" TOWNS in the Canarsie district office where she drafts most of the proclamations and assists with letters of commendation; condolence; and support for organizations seeking funding from Congressman TOWNS' office. She is his office liaison for the 40th Assembly District and sits on the Cypress Hills Weed & Seed Steering Committee on behalf of Congressman TOWNS.

Reverend Headley holds a Master of Science degree in Publishing. She presently is a second year student at Alliance Theological Seminary in New York City, pursuing a Master's in Divinity in Church Development. Mr. Speaker, I would like to recognize Reverend Kimberly Headley for her passion for God's word and the dedication she has for improving our community.

**HONORING LANCE CORPORAL
SCOTT HARPER**

HON. LYNN A. WESTMORELAND
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. WESTMORELAND. Mr. Speaker, I have come to the floor this morning with great sadness to honor the service of one of Georgia's own, Lance Corporal Scott Harper. On October 13 in Helmand Province, Afghanistan, he gave the ultimate sacrifice in support of Operation Enduring Freedom, and he will be greatly missed.

Lance Corporal Harper was known by his close friends not as Scott, but by his nickname, "Boots." While a student at Alexander High School, he once forgot his tennis shoes for gym class and kept his boots on instead. On that day, he earned a lasting nickname and showed how he was prepared to adapt to all scenarios. When a Marine recruiter showed up at his school senior year, Boots answered the call and chose a life of service in the United States Marine Corps with a courage and motivation that most young men his age have not yet found.

After graduating, Boots served one tour in Afghanistan before returning home. He left on July 13 to begin his second tour of duty with the First Battalion, Sixth Marine Regiment, Second Marine Division. On October 13, his division was struck by small arms fire while conducting combat operations. A fellow Marine was shot first, and Boots ran into opposing gunfire to save his friend. Though Boots lost his life, he saved the life of his wounded friend in the process. Boots was as loyal a friend as there is, and there is no more honor than that.

Boots was devoted to his family and his community. Even when he only had a few days off, he would make the most of his time to come home and visit. Though communication was difficult, Boots wrote his family several times and called home as much as possible. The Saturday before he was killed, Boots called his father to say that he had decided to enroll at the University of Georgia when he returned home.

From Charlie Brown Airfield, crowds lined the streets to escort Boots home one last time, as a testament to the community's support of him and his family. Boots was accompanied by a Marine Corps Honor Guard, the Patriot Guard, the Douglasville Police Department, and the Douglas County Sheriff's Department, among others. Norfolk-Southern even stopped its railroad cars in honor of the procession. As they passed, everyone stood at salute to honor the fallen Marine.

Boots embodied the ideals that the Marines strive to achieve. I am both honored and proud that this soldier from the Third District fought so hard for our country and our freedom. Boots was a model citizen, soldier, and son. He was an extraordinary young man with incredible potential before him, and he will be forever missed. I am proud to stand here and thank him for sacrificing his life for strangers like me and my family.

Joan and I extend our sympathy to the family and friends of Scott "Boots" Harper, and we will never forget the service and sacrifice that he made for our great country.

HONORING SEAN RAY FERGUSON

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. NUNES. Mr. Speaker, I take this opportunity to pay tribute to Sean Ray Ferguson, who at the age of 29 passed away on November 12, 2011, in Baghdad, Iraq.

Sean was born on July 7, 1982, in San Diego, California to Darryl and Raelynn Ferguson. He was a 2001 graduate of Mt. Whitney High School in Visalia. During Sean's time at Mt. Whitney High, he was a standout player on the football team. He was playing wide receiver his senior year when Mt. Whitney High won the "Cowhide" game against Redwood High for the first time in 10 years.

Two months after graduating high school, Sean enlisted in the United States Army, honorably serving our country for eight years, and retiring at the rank of Staff Sergeant due to combat wounds. In addition to two Purple Hearts, one of which was presented to Sean

directly by former Secretary of Defense Donald Rumsfeld, he also received many awards and commendations for his service in Iraq with unit "Deuce Four."

After retirement, Sean began working for Triple Canopy, a private contracting company, working as a personal security agent for members of the U.S. State Department. His job required him to return to Iraq, where he was working at the time of his death.

Sean's family recalls his great love for America and freedom. He was fully engaged in our mission of bringing freedom and democracy to the Iraqi people. Sean was proud to be in Mosul, Iraq, when the first elections were held after the fall of Saddam Hussein. His favorite quote was "Freedom isn't free," and he had a deep understanding of the hard and difficult work it takes to be free.

Sean is survived by his parents; his sister, Aimee Sorensen; and his brother, Matthew Ferguson. He is also survived by seven nephews, one niece, his grandparents, aunts, uncles, and cousins. He was a member of the Church of Jesus Christ of Latter-day Saints.

At this time of great sorrow, I hope that Sean's family can take comfort in knowing that we will forever be indebted to his service to our country.

**CHANGES TO THE METROPOLITAN
WASHINGTON AIRPORTS AUTHORITY BOARD**

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. WOLF. Mr. Speaker, the Fiscal Year 2012 Consolidated and Continuing Appropriations Act contains important changes to the Metropolitan Washington Airports Authority, MWAA, board.

I have been concerned with the actions of the board and have proposed several changes to the structure and function to increase transparency and accountability. Under the new law, members of the MWAA board will no longer be able to serve past the end of their term and all could be replaced for "cause." The changes also increases the size of the board from 13 to 17, with Virginia getting two new appointments and Maryland and the District of Columbia each getting one additional board member.

The changes are fair, providing the governors of Virginia and Maryland and the mayor of the District of Columbia the same authority the president already has under existing law to replace members of the board.

The changes will improve accountability. Until now, board members served until their replacement takes office. There was an incident earlier this year where a board member whose term expired in January 2009 and had not been replaced was voting by proxy from Africa. He was finally replaced in April 2011, more than two years after his term expired. A replacement has yet to be named for a board member whose term expired in May 2010. A third board member's term ends at the end of November and it is unclear if the replacement process has begun.

Board members need to be replaced when their terms end. It's not their fault that they aren't being replaced but if the officials making the appointments know that the seat is going to be vacant, this reform will provide more of an incentive to make appointments in a more timely fashion.

These airports are the economic engine for the region. With MWAA responsible for the Dulles rail project, ensuring that Virginia has more say and that board members are more accountable is more important than ever. Everything possible must be done to keep the rail project on budget to keep the tolls as low as possible.

Virginia Governor Robert McDonnell wrote Representative TOM LATHAM and Representative JOHN MICA in strong support of these changes. I submit Governor McDonnell's letter for the RECORD as well.

Some interested parties have stated that the original 1986 law that established MWAA is a compact between Virginia, Maryland, and the District of Columbia and that any changes to the structure of the board must be approved by all three localities. I want to state clearly that this is not true.

The independent and well-respected Congressional Research Service has told my office that the MWAA statute has been amended twice in 1991 and in 1996, specifically in response to court decisions involving the Board of Review. It is my understanding that neither change required the consent of MD or DC.

The Practitioner's Guide to The Evolving Use and the Changing Role of Interstate Compacts provides everything else necessary regarding the authority of Congress to enact subsequent legislation that has an effect on approved interstate compacts. Sections of this publication support the claim that Congress remains free to change federal laws, even if those laws have adverse effects on compacts that Congress has specifically consented to.

The relevant sections of the Practitioner's Guide to The Evolving Use and the Changing Role of Interstate Compacts are too long to include here today, but can be found on pages 43-47.

These changes to the MWAA board will improve its function, governance, accountability and transparency and provide greater input for those with a large stake in the successful completion of the Dulles Rail project. Washington Dulles International Airport and Ronald Reagan Washington National Airport drive economic growth in northern Virginia and the entire Capital region. The MWAA board must operate successfully to ensure the success of both Dulles International and Reagan National Airports and the Dulles Rail, ensuring tolls on local drivers are kept to a minimum.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, August 8, 2011.

Hon. TOM LATHAM,
House of Representatives, Rayburn Building,
Washington, DC.

Hon. JOHN MICA,
House of Representatives, Rayburn Building,
Washington, DC.

DEAR CHAIRMEN LATHAM AND MICA: I write you today to respectfully ask for your endorsement and support for changes to the Washington Metropolitan Airports Author-

ity Board of Directors being proposed by Congressman Frank Wolf. As you are aware, MWAA, which was created through an interstate compact between Virginia and D.C., as authorized by Congress, maintains and operates Reagan National Airport and Dulles International Airport pursuant to a lease agreement with the federal government. MWAA is also responsible for maintaining and operating the Dulles Toll Road and the Dulles Greenway and construction of the Dulles Corridor Metrorail Extension Project.

These facilities are all located within the Commonwealth of Virginia and have a tremendous impact on our economy and transportation network. All funding for the airports, and the current metrorail to Dulles project, is provided by the Commonwealth or its subdivisions, and the federal government. Despite this fact, as chief executive I have no effective mechanism for effectuating a change or providing oversight when the MWAA Board takes action which may be adverse to the interests of the Commonwealth and its citizens. Neither do the other stakeholders in the District of Columbia, Maryland or the federal government. Each appointee to the MWAA Board serves for a period of six years and remains on the Board until a successor is chosen. Neither the federal statutes, nor the respective jurisdictional statutes enabling the interstate compact provide a mechanism for removing a Board member, since they do not currently serve at the pleasure of the Governor. This lack of oversight essentially allows members of the Board to potentially act in accordance with their own goals and directives for MWAA without consultation with or allegiance to the leaders and taxpayers in the Commonwealth and the other member jurisdictions.

Congressman Wolf is seeking changes to rectify this lack of oversight by providing the Chief Executives of each of the member jurisdictions and the President with greater authority in appointing and removing members to the Board. Specifically, members would serve at the pleasure of the appointing executive, and the appointing executive would be provided the authority to remove a board member at any time with or without cause. Furthermore, as referenced above, all of the facilities under MWAA's control are located within the Commonwealth of Virginia. Currently, however, Virginia only has five of the thirteen seats on the board. As such, the Commonwealth should be granted three additional seats on the MWAA Board, increasing the number of Board members representing Virginia and its interests from five to eight. These changes would provide me and future governors the ability to ensure that MWAA's policies and directives are in accordance with the best interests of Virginia's citizens.

I wholeheartedly support the changes proposed by Congressman Wolf, and, again, I respectfully urge you to do so as well. Should you have any questions or wish to further discuss this matter, please do not hesitate to contact either myself or Virginia Secretary of Transportation Sean T. Connaughton at your convenience.

Sincerely,

ROBERT F. McDONNELL,
Governor.

A TRIBUTE TO REVEREND ZIDDE HAMATHEITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Reverend M. Zidde Hamatheite for his profound dedication to his religion and for sharing his convictions with my community through prayer.

Reverend M. Zidde Hamatheite was born on January 11, 1971 to the late Archbishop M. Zidoneo and Rakal Hamatheite in Brooklyn, New York. He was taught at an early age to respect God and the people of God. It was because of his upbringing that he understood that he would pursue a career in prayer service.

Under the auspices of his Pastor, Rev. Alvin Barnett of West Baptist Church, Reverend Hamatheite learned the ways of the ministry until he turned 25. The Lord led him to accept the challenge as the Pastor of the Gethsemane Baptist Church in December 1995 as a result of his training.

After working in the Department of Education for several years and seeing the desperate need of the young people in this community, Reverend Hamatheite sought to rival against strongholds on the young people. He joined forces with the 73rd Precinct where he serves as Clergy Liaison, Police Chaplain, and Administrator for the Police Explorers Program. He and several members of the church also mentor youth for the Kings County District Attorney's Office in their Youth and Congregation in Partnership Program. Reverend Hamatheite saw the need to teach young men how to be real men so he developed a program that the Lord gave him, entitled, M.O.V.E. (Men of Valor Empowered), working with 12- to 17-year-old young men.

Reverend Hamatheite serves on several boards in my district: he is the Vice President of Bridging the Gap Ministries; first and former President of the Young Pastors, Ministers, and Evangelists Department of the Eastern Baptist Association; and the former Recording Secretary for the Moderator's Department of the Progressive National Baptist Convention.

Reverend Hamatheite now serves as the Pastor of the Wayside Baptist Church, where he was installed on July 18, 2011. Since arriving at Wayside Baptist Church, Reverend Hamatheite has implemented a new Visionary Theme, "Moving from Conformity to Transformation." During his first year as Pastor he established leadership classes for all leaders, reorganized the Youth and Young Adult Ministry, and under his pastorate many have come to give their lives to Christ.

Mr. Speaker, I would like to recognize Reverend Hamatheite for his passion for God's word and the diverse initiatives he has employed as Pastor of Wayside Baptist Church.

RECOGNIZING ROBERT BRUCE
CHRISTMAS UPON RECEIVING
THE 2011 WASHINGTON COUNTY
EXTENSION SERVICE DISTIN-
GUISHED SERVICE TO AGRI-
CULTURE AWARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor Mr. Robert Bruce Christmas for receiving the 2011 Washington County Extension Service Distinguished Service to Agriculture Award. Bruce and his family have dedicated their lives to the field of agriculture, and I am proud to recognize their achievements before the United States Congress.

Bruce was born to a farm family in 1933, becoming the fifth generation of Christmas farmers in the Florida Panhandle that stretches back to 1848. He graduated from Cottdale in 1951, received his associate's degree from Chipola College in 1953, and his bachelor's degree from the University of Florida in 1955. He maintained a thirst for learning by earning a Masters of Animal Nutrition in 1959 and a PhD in Poultry Nutrition and Management in 1972, both as a Florida Gator. Bruce also served his country as a member of the United States Army, both active duty and reserve, where he achieved the rank of Sergeant.

Of the 32 years of Bruce's professional service, 21 were spent conducting Research and Field Demonstration Trials. He began as the Assistant and Associate Extension Agent in Orange County, Florida and became one of the first assistants in Florida to be promoted to associate. Bruce then served as the Supervisor of the Florida Poultry Evaluation, continuing to work part-time even after his retirement.

Over the course of his career, Bruce authored roughly 150 scientific and informational publications on poultry, swine, and beef research studies. He has been a member of the Farm Bureau since 1960 and served on the Washington County Farm Bureau Board for nearly 20 years, 16 of which he served as president. Bruce has also served on the Florida Agriculture and Regional Agriculture Councils, as well as the Florida College of Agricultural and Life Sciences Alumni Board since its initiation. Bruce received the National Volunteer Service Award from the National Agriculture Alumni Association and has been inducted into the 4-H Hall of Fame.

Mr. Speaker, on behalf of the United States Congress, I am privileged to honor Bruce Christmas on his success. My wife Vicki and I are proud to congratulate Bruce, his wife of 53 years, Addie Ann; his children, Stuart, Robert, Jonathan, and Scott; and his entire extended family on this truly special occasion.

INTRODUCTION OF H.R. 3451

HON. DAVID B. MCKINLEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. MCKINLEY. Mr. Speaker, today I was proud to introduce H.R. 3451, a bill that would name the Federal Courthouse in Wheeling, WV after one of our country's leading and most respected jurists, Honorable Frederick P. Stamp, Jr., Federal Judge for the United States District Court for the Northern District of West Virginia.

Judge Stamp has served with distinction and honor since he was nominated by President George H.W. Bush and then confirmed by the U.S. Senate in 1990 and served as the Chief Judge of the Court from 1994 to 2001 before assuming senior status in 2006.

Born in Wheeling, WV, Judge Stamp received a B.A. from Washington and Lee University in 1956, and attended the University of Virginia School of Law before receiving an LL.B. from the University of Richmond, T.C. Williams School of Law in 1959. Upon graduation, Judge Stamp was a private in the United States Army from 1959 to 1960, and a First Lieutenant in the United States Army Reserves from 1960 to 1967. Prior to his nomination to the Federal Court, he was in private practice in Wheeling, West Virginia from 1960 to 1990.

Judge Stamp and his wife Joan are the proud parents of two children, Andy and Elizabeth.

Mr. Speaker, it is truly a privilege for me to introduce this legislation to honor my friend Judge Frederick P. Stamp, Jr., and I urge my colleagues to support this legislation.

A TRIBUTE TO THERESA GRAHAM
DEVORE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Theresa Graham DeVore for her many accomplishments as a constituent in the 10th congressional district of New York.

Ms. DeVore was born on June 7, 1945. From an early age growing up in the Bedford Stuyvesant section of Brooklyn, NY, she developed a strong concern for her community. As a teenager she witnessed children, adults, and seniors who lost many opportunities for advancement because of a lack of information.

Ms. DeVore began her career as a nursing assistant in the Brooklyn Veteran's Administration Hospital, and was later promoted to clerk. It was during this work experience that she developed administrative skills. She was later reassigned and promoted to Supervisor of Medical Records in the Bronx Veteran's Medical Center. She received special recognition and monetary awards for implementing the first rotating file unit in the Bronx.

Ms. DeVore is committed to doing all that she can through mentoring, support, and sharing with children, adults, and especially sen-

iors the importance of education, and how to fulfill their purpose. She provides them with the skills, knowledge, and direction that contribute to their growth and development. In addition to giving support, she respectfully challenges them to be accountable for choices and decisions that affect their lives. She is lovingly known in the community as "Momma Tee."

Ms. DeVore's professional experience includes: CEO and founder of Covenant of Faith Outreach, Inc (faith-based community initiative) which has been in operation for 10 years, issuing referrals and resources to those in need of housing, and information on health issues that affect our community. Covenant of Faith Outreach continues to award scholarships to students who are entering college for the first time and she conducts workshops on topics such as: "The Awareness of Single, Dating, & Marriage", "Mastering the Mysteries of Love", Grieving, Self-Esteem, tutoring and much more.

Ms. DeVore volunteers as a Chaplain with the United Chaplain International Worldwide Outreach, Inc. She is a member of The National Council of Negro Women; The Unity Democratic Club; The Women's Federation for World Peace; American Clergy Leadership Conference; and the Global Peace Foundation. Presently, she is completing her studies, and will graduate with a Master's of Divinity degree in 2012.

Mr. Speaker, I would like to recognize Ms. Theresa DeVore for her resounding dedication to faith-based initiatives in the 10th congressional district of New York.

HONORING CHIEF RONALD
HADDAD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. DINGELL. Mr. Speaker, I rise today to congratulate Mr. Ronald Haddad, Chief of Police in Dearborn, Michigan, for being named a Public Official of the Year by Governing Magazine. As a resident of Dearborn, I can say that Chief Haddad is very deserving of this honor. His commitment to the safety of the residents of Dearborn and his emphasis on community policing is admirable and worthy of all of our praise.

Chief Haddad is the first Arab-American police chief in the State of Michigan, and he is an excellent liaison with Dearborn's large Arab-American community. The reforms he recently spearheaded have turned the Dearborn Police Department into a model law enforcement agency which other cities have sought to replicate. Specifically, the BRIDGES program, which entails regular meetings between leaders of the Arab-American community and government officials, has done much to promote trust and understanding in Dearborn, as well as Southeastern Michigan as a whole. Due to the good efforts and hard work of Chief Haddad and the entire Dearborn Police Department, Michigan's 15th Congressional District is a better place to live and work.

We all owe Chief Haddad an enormous debt of gratitude for his leadership and contributions to our society. Governing Magazine was

very wise in choosing Chief Haddad as one of their honorees. I wish him all the best of luck in the future, and I am proud to represent Chief Ronald Haddad in the House of Representatives.

IN HONOR OF ARMY SPECIALIST
SARINA BUTCHER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor an exceptional soldier and a true American hero who died in service to this great country. On November 1, 2011, U.S. Army Specialist Sarina N. Butcher was killed at the age of 19 years old in Paktia Province, Afghanistan, in support of Operation Enduring Freedom. According to initial reports, Specialist Butcher died of injuries sustained when an improvised explosive device detonated near her military vehicle.

Specialist Butcher was born in Crossett, Arkansas, and spent many of her childhood years in southern Arkansas, where much of her family still lives today. Specialist Butcher eventually moved to Oklahoma, where she graduated high school and eventually joined the Oklahoma National Guard. At the time of her death, she was assigned to F Company, 700th Brigade Support Battalion, 45th Infantry Brigade Combat Team, Army National Guard, based in Tulsa, Okla.

We now know that Specialist Butcher was the first female and youngest Oklahoma National Guard soldier killed since the wars in Iraq & Afghanistan began, but she will be remembered for much more than that. She will be remembered as an outstanding soldier. In fact, soon after her death, Private First Class Butcher was posthumously promoted to Specialist Butcher. She also earned a National Defense Service Medal, Army Service Ribbon, Oklahoma Good Conduct Medal, Bronze Star and Purple Heart all at the age of 19.

Specialist Butcher will also be remembered as a loving daughter, a loving mother to her beautiful 2-year-old daughter, Zoey, and a good friend to all who knew her. She leaves behind an incredible void that will be impossible to fill. My thoughts and prayers are with her daughter; her mother, Dana; her father, James; and, with all of her friends and family during this very difficult time.

Last Sunday would have been Specialist Butcher's 20th birthday. It's hard when we lose any soldier in war, but it's especially hard when we lose such a young soldier. However, Specialist Butcher's too short of a life leaves behind a legacy longer than she could have ever lived. Her legacy of valor, distinction, patriotism and bravery will be remembered for years to come and will be told to her daughter as she grows up.

Specialist Butcher was honored and laid to rest on Veterans Day and I had the privilege to speak at her funeral service. Her story and her sacrifice are startling reminders of what our men and women in uniform risk when they serve this country.

Today, I ask all Members of Congress to join me as we honor the life and legacy of

Army Specialist Sarina Butcher, as well as each man and woman in our Armed Forces, and all of those in harm's way supporting their efforts, who give the ultimate sacrifice in service to this great country. We owe them our eternal gratitude.

A TRIBUTE TO BERNICE BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Bernice A. Brown, a native New Yorker with a passion for helping others through community building.

Ms. Brown was born on October 22, 1921 in Brooklyn, NY to Alice and George Wyche, and was the second to eleven other siblings. She was a 1940 graduate of Girls High School and soon went on to marry her husband of 49 years Charles Brown.

For 20 years Ms. Brown served as an accountant in payroll and retired in 1984. Her true passion and efforts were geared towards the community and her church, joining many organizations and church affiliated clubs. Ms. Brown was a member of Berean Church for 30 years, serving as Treasurer of Berean Federal Union for 18 years, Trustee for 15 years, and being part of Usher Boards.

Ms. Brown's community involvement has been the focus of her career, being affiliated with the Decatur Street Block Association and the Unity Democratic Club. At the Decatur Street Block Association Ms. Brown served as the President for four years, Financial Secretary for eight years, and Treasurer for 10 years. Ms. Brown has also been a member of the Unity Democratic Club for over 40 years, and served as the first female President of the organization during her tenure, as well as being the Financial Secretary and Treasurer.

Ms. Brown's efforts have extended well beyond what has ever been asked of her and she continues to this day to exemplify her passion for the community. In her spare time Ms. Brown is a member of Area Policy Board and has been a member of Planning Board No. 3 for 30 years. She has also taken an active role at the Key Women Brooklyn Branch where she has served as President, Vice President, Financial Secretary, and Treasurer.

Ms. Brown has been a resident in Brooklyn for over 90 years and has been a major influence in the lives of her fellow constituents. Mr. Speaker, I would like to recognize Ms. Bernice Brown for her extraordinary ability to build partnerships between the church and the community while furthering the political process in Brooklyn.

HONORING THE LIFE AND
ACHIEVEMENTS OF DR. TRUMAN
KAHN

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. COHEN. Mr. Speaker, I rise today to honor the life of optometrist and World War II

Navy veteran, Dr. Truman Kahn. He was a longtime Memphian whose courage and compassion were felt by those who knew him. Throughout his life, he donated his time to the Sam Schloss Lodge of B'nai B'rith, Beth Shalom Congregation, the Memphis Jewish Federation, and the Democratic Party, as well as being a Hadassah Associate.

Dr. Truman Kahn attended Emory University where he was a member of the Alpha Epsilon Pi Fraternity. After leaving Emory University, Dr. Kahn came to Memphis to attend the Southern College of Optometry, where he graduated with honors. During World War II, Dr. Kahn enlisted in the U.S. Navy to serve his country in its time of need. After training at Notre Dame, he served as an officer aboard the USS *Ticonderoga* aircraft carrier. Dr. Kahn's name can be found on both the WWII Memorial in Washington, D.C. as well as at the WWII Museum in New Orleans.

When World War II ended, Dr. Kahn returned to Memphis after being honorably discharged from the Navy. He married his wife, Gloria Kahn, and opened his first optometry clinic in 1947. Like most other buildings in the southern states during this time period, medical offices were segregated based upon racial identity. Dr. Kahn chose to defy this practice, becoming the first medical professional in Memphis to have an integrated waiting room. Dr. Kahn continued to practice optometry for over 50 years.

Dr. Kahn passed away at 89 years of age. He is survived by his wife, his daughter Susan Dreyfus, his son Stanley Kahn, five grandchildren and two great grandchildren. His service to country and community will be remembered by all whose lives he touched. His was a life well lived.

IN HONOR OF THE TEXAS RANGERS
FACES OF FREEDOM VETERAN HONOREES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the Texas Rangers Faces of Freedom Veteran Honorees for their dedicated service to this great Nation.

The Texas Rangers Faces of Freedom program is an initiative sponsored by the Texas Rangers baseball club and Southwest Airlines to honor the extraordinary service of current and former members of our Nation's Armed Forces. Throughout the baseball season, family, friends and members of the military nominated individuals who have shown tremendous strength, courage, and patriotism in the line of duty.

These honorees have served in wars ranging from World War II to the present day conflicts in Iraq and Afghanistan. Many of these men and women braved horrible situations and suffered severe injuries to save their fellow soldiers. Among the group are several Bronze Star recipients, Purple Heart recipients, Commendation Medal recipients, a married couple who served significant tours in Iraq and Afghanistan, and many more extraordinary individuals who have selflessly served our Nation with distinct pride and courage.

On November 10, 2011, my office had the distinct pleasure of welcoming these brave men and women to our Nation's Capitol. Their sense of patriotism and good humor are a testament to the greatest our country has to offer.

Mr. Speaker, I ask my esteemed colleagues to join me in expressing our heartfelt gratitude and praise for the Faces of Freedom Veterans, and thank them for their extraordinary service to our Nation.

PERSONAL EXPLANATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. POSEY. Mr. Speaker, I am a cosponsor of H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities. I supported passage of the bill in the House of Representatives on October 27 and again, with Senate amendments, on November 16. I was also a cosponsor of similar legislation (H.R. 275) in the 111th Congress. Although I was on the House floor and voting on November 16, my vote was not recorded for H.R. 674. I would like for the record to read that I should have been recorded as a "yes" vote.

RECOGNIZING WILLY BEARDEN FOR 33RD ANNUAL DISTINGUISHED ACHIEVEMENT AWARD IN THE CREATIVE AND PERFORMING ARTS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. COHEN. Mr. Speaker, I rise today to recognize and celebrate Mr. Willy Bearden for receiving the 33rd annual Distinguished Achievement Award in the Creative and Performing Arts from the College of Communication and Fine Arts at the University of Memphis. Mr. Bearden is a unique filmmaker, musician and storyteller, and he has used his talents to tell the distinct tales about the great city of Memphis, Tennessee.

Willy Bearden is perhaps best known for his Memphis Memoirs, a series of documentary films detailing the rich local history. The series includes Overton Park: A Century of Change, Playing for a Piece of the Door: A History of Garage Bands in Memphis and Elmwood: Reflections of Memphis. Mr. Bearden also has a feature film to his credit, One Came Home, which was inspired by his Mississippi Delta roots.

His recent Memphis Legacy Project, a collection of thousands of photographs of various neighborhoods around Memphis, will be a resource for local researchers and artists for years to come. Mr. Bearden has also generously given back to his community by lending his talents to the Blues Foundation, the Cotton Museum and the Memphis Wonders Series for corporate and educational films, commercials and award show productions.

The Distinguished Achievement Award was established in 1977 after the death of Elvis Presley when Dr. John Bakke, a communications professor at the University of Memphis, suggested that local talent should be honored while they are still alive. Willy Bearden joins Sam Phillips, founder of Sun Records, B.B. King, Al Green, Rufus Thomas and a host of other talented Memphis recipients.

I ask all of my colleagues to join me in congratulating Willy Bearden. It is important to recognize and appreciate talent while we are fortunate enough to enjoy their continued output. My hope is that Mr. Bearden continues sharing his gifts and unique perspective with us for years to come.

HONORING NEW HOPE BAPTIST MISSIONARY CHURCH ON THEIR 50TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mrs. CAPPS. Mr. Speaker, I rise today on behalf of the New Hope Missionary Baptist Church of Santa Maria, California, and in celebration of its 50th Anniversary. This is a momentous occasion. For the last 50 years New Hope Missionary Baptist Church has been a beacon of light, providing support for our community and empowering families on the Central Coast.

Founded in November 1961 in the home of Brother Lwellyn and Sister Setha Crow, with the help of Brother Carter, Deacons Steve and Sally Wilson, Francis Green, Sister Bertie Mae Hamilton, Meryl Berry, Melvin Robinson, Phyllis Lovaretta, New Hope Missionary Baptist Church was first led by the inspiring Pastor Dr. P.B. Mddodona and his wife First Lady Willie Pearl Mddodona. A few years later, under the leadership of Pastor W.R. Erwin and his wife First Lady Winifred Erwin, property was purchased on West Mill Street to build a new permanent home. In 1989, Dr. Earl James became Pastor, and along with his wife First Lady Sydney James, worked hard to expand the church and its ministries by adding an additional forty-five hundred square feet to the church. In 2007 Pastor James retired and placed the church's reins in the capable hands of Pastor Henry L. Lewis, Jr. and his wife Sister Agatha Shorter-Lewis. Since then, they have centered their work on empowering the community by empowering the family.

For half a century, the ministries at New Hope Missionary Baptist Church have supported Central Coast families, neighbors, and even strangers. It has been a steady source of solace and provided selfless service to the elderly, homeless, and our youth. In fact, many of the church's congregants can be found volunteering at a homeless shelter, singing to the sick, or bringing young adults in the community together in a safe environment.

Mr. Speaker, each day New Hope Missionary Baptist Church lives up to its name, bringing hope to all it touches. With the burning of its mortgage in 2001, we all are very pleased to have the certainty this carries to the congregation and to the Central Coast.

I urge my colleagues to join me in thanking and celebrating New Hope Missionary Baptist Church for its leadership and service to our community. I am confident the church's fine work will continue to provide comfort and inspiration to all of us on the Central Coast.

IN HONOR OF THE HONORABLE JUDGE PATRICK CARROLL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Honorable Judge Patrick Carroll of the Lakewood Municipal Court, who is being recognized at Recovery Resources' Bronze Key Gala on November 17, 2011.

Judge Carroll attended Cleveland State University, and graduated in 1974 with a bachelor's of arts degree, majoring in economics. In 1977, he earned his Juris Doctor degree from CSU's Cleveland-Marshall College of Law and was admitted to the Ohio Bar Association the same year.

Following graduation, Judge Carroll served as a law clerk to the 8th District Court of Appeals from 1977 to 1979. He then worked as an assistant county prosecutor for the Cuyahoga County Prosecutor's office from 1979 to 1984, and from 1979 to 1990 worked in private practice.

Judge Carroll has been the presiding judge for the Lakewood Municipal Court since 1990, and has been serving in that position for 21 years. During his tenure, Judge Carroll has been a notable advocate of the Community Work Service Program, Alcohol Awareness Program, Expedited Civil Cases Procedure, Housing Court Task Force, night Court Sessions and Mediation Task Force. He also supports Recovery Resources, a nonprofit organization that helps people with mental illness, substance abuse, and other addictions, and for which he is being recognized for his support and work at their Bronze Gala.

Mr. Speaker and colleagues, please join me in honoring the Honorable Judge Patrick Carroll of the Lakewood Municipal Court as he is recognized at the Bronze Key Gala for his support of Recovery Resources.

INTRODUCTION OF THE UNIVERSAL PREKINDERGARTEN AND EARLY CHILDHOOD EDUCATION ACT OF 2011

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. NORTON. Mr. Speaker, today, I am introducing the Universal Prekindergarten and Early Childhood Education Act of 2011, Universal Pre-K, to begin the process of providing universal public prekindergarten. The bill is meant to fill a gaping hole in the "No Child Left Behind Act" which requires elementary and secondary schools to meet more rigorous standards yet ignores the prekindergarten

years, among the most critical years for children's brain development. My bill is particularly necessary today because legislation pending to reauthorize the No Child Left Behind Act solely targets K-12. My bill makes a breakthrough in elementary school education by providing the initial funding for states to encourage local school districts to add prekindergarten for children four years of age and younger, so that every child can excel. We cannot afford to continue to allow the most fertile years for childhood development to pass, only to later wonder why we cannot teach Johnny to read.

The bill responds both to the great needs, which are still growing, of parents who seek early childhood education, as well as new science, which shows that a child's brain development begins much earlier than previously believed. However, many parents are unable to afford the stimulating educational environment necessary to ensure optimal brain development. The bill would add prekindergarten for children four years of age or younger, similar to kindergarten programs for five-year-olds, that are now routinely available in public schools. The bill would eliminate some of the major shortcomings of unevenly available commercial day care and, importantly, would ensure children access to qualified teachers and the safe facilities of public schools.

This bill reflects what jurisdictions increasingly are trying to accomplish, but lack the leadership and the start-up funds to see through. The District of Columbia, for example, is attempting to achieve more extensive integration of early childhood education as part of a larger effort to improve the D.C. public schools. A recent report highlighted the economic benefits of early childhood education, emphasizing its role in expanding job opportunities and in decreasing the amount of money spent on programs to address teen pregnancy, crime, and the like.

The bill encourages school districts across the country to apply to the U.S. Department of Education for grants to establish prekindergarten. Grants under Title IV of the Elementary and Secondary Education Act would be available for educational activities for children four years of age or younger to public school systems that agree to phase in, where possible, a prekindergarten program that is taught by teachers who possess equivalent or similar guidelines to those in other grades in the school system.

The success of Head Start and other prekindergarten programs, combined with new scientific evidence concerning the importance of brain development in early childhood, virtually mandates the expansion of early childhood education to all children. Traditionally, early learning programs have been available only to the affluent, who can afford them, and to low-income families in programs such as Head Start. My bill provides a practical way to gradually move to universal public preschool education. The goal of the bill is to afford the great majority of the American working poor, lower-middle-class, and middle-class families, most of whom have been left out, with the benefits of early childhood education.

Considering the staggering cost of daycare, the inaccessibility of early childhood education, and the opportunity that early edu-

cation offers to improve a child's chances in life, schooling for three- and four-year-olds is overdue. The absence of viable options for working families demands our immediate attention.

I strongly urge my colleagues to support this legislation.

IN RECOGNITION OF ST. ANGELA MERICI SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Saint Angela Merici School, a recipient of a Federal Blue Ribbon Award.

The Blue Ribbon Schools Program is a program designed to highlight schools which have proven records of academic excellence. These schools have demonstrated a dedication to their student bodies which prepare their students for higher education and life beyond the classroom. Such institutions serve as examples to be emulated in schools across the nation.

The Saint Angela Merici School is one of 305 schools in the nation to be awarded the title of a Blue Ribbon school. The school is located in Fairview Park, Ohio and enrolls 520 students from pre-Kindergarten to Eighth grade. The school was founded in 1923, and is a Roman Catholic school in the Saint Angela Merici Parish.

The Saint Angela Merici School has a strong academic focus and high standardized test scores that exceed the national average. In 2010, the entire eight grade class was in the top fifteen percentile in reading and mathematics, and a majority of the class placed in the top tenth percentile. The rest of the school scored above the eighty-sixth percentile.

The school provides a broad curriculum, with religious studies, world languages, wellness programs and performing arts as well as mathematics, sciences, social studies, English and technology. The vast range of curriculum in the school follows from the goal of the school, to help the students achieve the highest standards of academic excellence.

Mr. Speaker and colleagues, please join me recognition of Saint Angela Merici School, a 2011 National Blue Ribbon School.

RECOGNIZING THE MORRIS FAMILY AS THE 2011 WASHINGTON COUNTY OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. MILLER of Florida. Mr. Speaker, it is a great pleasure for me to rise today to recognize the Jerry Morris family for being selected as the 2011 Washington County, Florida Outstanding Farm Family of the Year.

Jerry, son of Arvel and Ethel Morris and one of nine children, is a fourth generation farmer.

He found his passion for love and farming in the middle of cotton country of Cherokee County in northeast Alabama along the Coosa River. In 1981, Jerry moved to Florida and bought a farm south of Chipley. It was here, where he found his second and most important love, Lynell Kellum, a local farm girl from Jackson County who he married in 1989.

Just north of Chipley, Lynell grew up and learned to drive a tractor pulling watermelon wagons through the field and fed the family's livestock. After working at the Bank of Jackson County for 39 years, she now enjoys farming with Jerry full time, along with cooking and canning, making jelly and sewing.

Jerry and Lynell both work hard to embrace new technologies, new varieties and better production practices. After becoming interested in no-till planting, they bought a rip-strip planter. It proved to be successful for planting corn and soybeans. This method prevented erosion and left ground cover to hold moisture. They started planting twin-row peanuts 10 years ago and made better production. They found this to be successful and implemented planting his soybeans in twin-rows.

Just this year, they planted 239 acres of peanuts, 128 acres of corn, and 234 acres of soybeans. Jerry has become known as one of the top corn producers in Washington County.

Aside from the farm and their love for the outdoors, Jerry and Lynell are members of the Washington and Florida Cattlemen's Association, Florida Peanut Producers Association, and enjoy spending time singing in the choir at Piney Grove Freewill Baptist Church and spending time with their family. Jerry and Lynell have four grown children and five grandchildren: Alan Kellum and wife Diane, who have two sons live in Nicholasville, Kentucky; Amy Hatcher, husband, Clint, and son, Logan, of Wicksburg, Alabama; Ladonna Kellum of Graceville, Florida; and Saranda Headland and husband, Austin, who have two daughters and live in Dothan, Alabama.

Mr. Speaker, our great nation was built by farmers and their families. The Washington County Outstanding Farm Family of the Year award is a reflection of the Morris family's tireless work and love of farming. On behalf of the United States Congress, I would like to offer my congratulations to the Morris family for this great accomplishment. My wife Vicki and I wish them the best for continued success.

HUIZENGA AMENDMENT TO H.R. 2838

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. MOORE. Mr. Speaker, I rise to express concerns with the Huizenga amendment to H.R. 2838 and my fear that it could result in great damage to the efforts underway here in Congress to protect the Great Lakes from the many threats it faces, including invasive species and pollution.

There is no question that addressing the invasive species in ballast water is needed to protect the Great Lakes and other water bodies from these aggressive nonnative species

that can destroy the natural ecosystem. Once these species are introduced, the costs to the environment and taxpayers only grow. Just look at the costs to the Great Lake states and the federal government to fight the sea lamprey and the current battle to keep the Asian Carp out of the Great Lakes. A strong federal ballast water treatment standard protects both the environment and the taxpayer.

We know ballast water is a primary vector for the introduction of invasive species. The bill before us would set a needed national ballast water treatment standard to protect our nation's waters. However, the Huizenga amendment would create one large loophole that would allow "historic" vessels to be excluded from complying with the new standards.

No science has been put forward to this body showing that these vessels—because of their historic nature—are not an avenue of introduction for aquatic invasive species. We should be less concerned about the historic nature of the vessel and more about the potential menace caused by hitchhikers in their ballast water. I don't have a problem with recognizing history or historic vessels. I just have a problem with absolving them from making efforts to prevent a historic invasion of non-native species.

Invasive species do not care about the character of the vessel through which they are brought into the Great Lakes and neither should any national ballast water treatment standard. I note the recent editorial by the Chicago Tribune about the failings of this amendment.

I urge my colleagues to work to make sure that this amendment is not included in a final bill as it would undermine long needed efforts to create a strong and effective national ballast water standard and ensure strong protections for our nation's bodies of water, including the Great Lakes.

[From chicagotribune.com, Nov. 15, 2011]

SINK THE BADGER (PROPOSAL)

Every day from May to October, the SS Badger, the last coal-powered steamship on the Great Lakes, ferries cars and tourists across Lake Michigan on a picturesque four-hour journey from Manitowoc, Wis. to Ludington, Mich.

Along the way, it leaves a souvenir in the lake: a total of about 509 tons of toxic coal ash, laced with arsenic, lead and mercury over a 134-day operating schedule. That's far more pollution than all the other 125 freighters plying the Great Lakes collectively leave in a full year, according to Coast Guard records.

In 2008, the U.S. EPA set a four-year deadline for the Badger's owners to sharply limit its pollution, the Tribune's Michael Hawthorne recently reported. Didn't happen. Instead, the Badger now is one step away from being protected—in all its polluting glory,—as a National Historic Landmark. Interior Secretary Ken Salazar must decide.

Hmmm. Let's see here. The Badger had four years to clean up. It failed to secure a \$14 million federal grant to convert its engines to diesel. Now it argues that those engines are a "historic propulsion system," so precious as artifacts that they should be protected from the EPA.

The 410-foot ferry wants to join the rarefied world of protected nautical national treasures, joining The Potomac, President

Franklin D. Roosevelt's yacht, and the Nautilus, the world's first atomic-powered submarine.

We say, sure, drape the Badger in the cloak of treasured icons—provided it becomes a museum for tourists to tromp through, docked forever in a harbor.

"We cannot let Historic Landmark status be used to evade the federal regulations we rely on to protect public health and the environment," U.S. Sen. Dick Durbin recently wrote to Salazar. "This Great Lake cannot take any more toxic dumping, no matter how historic or quaint the source may be."

Exactly right.

The Badger pollutes the lake every time it makes the 60-mile crossing. A Badger spokesman tells us the ship's owners are exploring the possibility of converting its engines to run on cleaner natural gas. That would be an excellent move, but it is far from certain.

Republican U.S. Reps. Bill Huizenga and Dan Benishek, of Michigan, and Tom Petri, of Wisconsin, recently added an amendment to the Coast Guard budget that would prevent the EPA from imposing more stringent pollution limits on any ship that is "on, or nominated for inclusion on" the list of national landmarks. Guess how many ships fit that criteria? Just one. This is classic special-interest legislation that benefits a few at the expense of everyone else.

The answer here can't be a shrug over polluting the lake, the region's most precious natural resource. That was the way of the world in the early 1950s, when the Badger first started sailing Lake Michigan. That's not acceptable now.

The Badger, as Durbin says, was "quaint" back then. Today, it just fouls the water.

IN HONOR OF MRS. RUBY L. TERRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mrs. Ruby L. Terry as she retires from the United Black Fund of Greater Cleveland, Inc. (UBF) where she served as the Executive Director for 19 years.

Established in 1981, by George W. White, the United Black Fund was the result of the merger of the Negro Community Federation and Blacks Organized for Social Services. The UBF is a non-profit charitable organization that funds more than 80 non-profits annually that serve thousands of poor, Black and other minority children, families and seniors. In addition to funding, UBF provides free of charge of grantsmanship, workshops, and informational forums to the public. The mission statement of the UBF is to acquire, accumulate, and allocate funds to not-for-profits to alleviate suffering, poverty and illiteracy; strengthen the tradition and ethic of giving among African Americans to promote economic self-sufficiency; empower the African American Community through education to reach its highest potential; educate the African American Community to understand the value of re-directing income to build wealth within the African American Community.

Prior to becoming UBF's Executive Director in 1992, Mrs. Terry served as the UBF's Board Chair for 15 years. Under her direction,

the UBF underwent several changes to become a stronger organization. She created a new board of directors, implemented the first Strategic Plan, and organized new events to increase funds. She began the UBF's annual Anniversary Gala and the UBF/Cleveland Browns Alumni Celebrity Golf Tournament. Additionally, she formed partnerships with many Cleveland organizations including the Cleveland Indians. It was also under Mrs. Terry's leadership that the UBF obtained Federation status with United Way Services of Greater Cleveland, Inc.

Mr. Speaker, join me in honoring Mrs. Ruby L. Terry and congratulate her on retiring after decades of serving the African American community of Greater Cleveland.

ON THE CONSEQUENCES OF SHARING AMERICAN TECHNOLOGY WITH CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. WOLF. Mr. Speaker, I rise today to share testimony that I gave earlier this month to the House Foreign Affairs Committee's subcommittee on Oversight and Investigations regarding the economic, security and moral consequences of sharing advanced technology with China.

HOUSE FOREIGN AFFAIRS COMMITTEE—"EFFORTS TO TRANSFER AMERICA'S LEADING EDGE SCIENCE TO CHINA"—TESTIMONY OF CONGRESSMAN FRANK R. WOLF (R-VA), WEDNESDAY, NOVEMBER 2, 2010

Thank you Chairman Rohrabacher for calling this important hearing on China's espionage and the violation of the law by the director of the Office of Science and Technology Policy (OSTP).

I have been very troubled by this administration's apparent eagerness to work with China on its space program and willingness to share other sensitive technologies. I want to be clear: the United States has no business cooperating with the Peoples Liberation Army (PLA) to help develop its space program. We should also be wary of any agreements that involve the transfer of technology or sensitive information to Chinese institutions or companies—many of which are controlled by the government and the PLA.

Space is the ultimate "high ground" that has provided the U.S. with countless security and economic advantages over the last 40 years. As the victor of the Cold War "space race" with the Soviet Union, the U.S. has held an enormous advantage in space technology, defense capabilities, and advanced sciences—generating entirely new sectors of our economy and creating thousands of private sector jobs.

China has developed its own space program at a surprising pace, having gone from launching their first manned spacecraft to launching components for an advanced space station in just ten years.

But the Chinese space program is being led by the People's Liberation Army (PLA)—and to state the obvious, the PLA is not our friend as evidenced by their recent military posture and aggressive espionage against U.S. agencies and firms.

That is why I was troubled to learn from the press last fall about NASA Administrator Charlie Bolden's imminent departure

for a weeklong visit to China to discuss areas of cooperation between NASA and the PLA space program. I was equally concerned to learn that Dr. John Holdren, head of the White House Office of Science and Technology Policy (OSTP), had spent 21 days in China on 3 separate trips in one year—more than any other country. Very little information about these cooperative agreements with China were being provided to Congress and the American people.

So, I included language in section 1340 of the Fiscal Year 2011 Continuing Resolution preventing NASA and OSTP from using federal funds “to develop, design, plan, promulgate, implement or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company.”

The provision in the omnibus appropriations bill was agreed to by Republican and Democrat conferees. It passed both houses with bipartisan support and was signed into law by President Obama in April. The provision was clear, unambiguous and non-controversial.

However, less than one month after its enactment, I learned that Dr. Holdren and OSTP had defied the provision. Even more troubling is that he withheld information about his intention to do so during his appearance before the House Commerce-Justice Science Appropriations Subcommittee when we discussed, among other things, the implementation of section 1340, and Dr. Holdren's participation in the U.S.-China Strategic and Economic Dialogue, from May 6–10.

That is why I asked the Government Accountability Office (GAO) to investigate this violation and issue an opinion. I also asked GAO to determine whether the Office of Legal Counsel opinion provided by the Justice Department to justify this violation was legitimate.

In its October 11 opinion, GAO found, “The plain meaning of section 1340 is clear. OSTP may not use its appropriations to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned companies.”

Further, GAO found that, “OSTP's participation in the Innovation Dialogue and S&ED contravened the appropriations restriction,” and added that, “OSTP does not deny that it engaged in activities prohibited by section 1340.”

The GAO finding also rebuts a September 19 memorandum prepared by the Justice Department's OLC on the constitutionality of the provision. GAO stated, “In our view, legislation that was passed by Congress and signed by the President, thereby satisfying the Constitution's bicameralism and presentment requirements, is entitled to a heavy presumption in favor of constitutionality.” GAO continued, “Determining the constitutionality of legislation is a province of the courts,”—not, I would add, the White House counsel's office or the Department of Justice.

Finally, the GAO finding clearly notes, “As a consequence of using its appropriations in violation of section 1340, OSTP violated the Antideficiency Act. . . . By using its fiscal year 2011 appropriation in a manner specifically prohibited, OSTP violated the Antideficiency Act. Accordingly, OSTP should report the violation as required by the act.”

I also wrote Attorney General Eric Holder asking him to hold Dr. Holdren to full account for his violation of the Anti-Deficiency Act by ensuring that he complies

with all reporting requirements and other provisions of that law.

I take the GAO findings very seriously. Following the law is not voluntary for Administration officials. That is why Dr. Holdren should commit today to full compliance with section 1340 and publicly acknowledge his error in participating in the bilateral conference with the Chinese government.

Now I'd like to take a few minutes to put the administration's posture toward China in the broader context of the Chinese government's grave human rights abuses, espionage efforts and detrimental economic policies.

In June 1989 peaceful pro-democracy demonstrators gathered in Tiananmen Square. They were met with a brutal crackdown. As events unfolded, the world was captivated with the now famous image of the “Tank Man” . . . a lone student protester who stood his ground in the face of an advancing Chinese tank. To this day his fate is unknown.

During my first trip to China in 1991, with Congressman Chris Smith, we visited Beijing Prison Number One where authorities informed us that approximately 40 Tiananmen Square protestors were behind bars. We left with a pair of socks, made by the prisoners, for export to the West.

Tellingly, the image of the “Tank Man”, while famous around the globe, is virtually unknown within China thanks to the Great Firewall which censors so-called “offensive” speech. It is estimated that China employs between 30,000 and 50,000 special Internet police.

Shockingly, the country has a thriving business of harvesting and selling for transplant kidneys, corneas and other human organs from executed prisoners. An August 27, 2009 Los Angeles Times article reported, “In a rare acknowledgment of a practice that has until recently been shrouded in secrecy, the state-run newspaper said 65% of organ donors were executed prisoners . . .” The image here, from a 1994 BBC story, is of PLA officers preparing to execute prisoners—China leads the world in executions. Later footage from the same story captures an unmarked van driving toward the prison to harvest the organs from the executed prisoners and transport them to a local hospital.

Like many repressive regimes throughout history, the Chinese government maintains a brutal system of labor camps. The State Department's annual human rights report found that, “Forced labor remained a serious problem . . .”

Famed Chinese dissident Harry Wu spent nearly 20 years in Chinese gulags. In Congressional testimony earlier this year, Wu said, “When I finally came to the U.S. in 1985, although I was already 48 years old, that was the first time in my life that I felt truly free.” He concluded by urging “President Obama and the U.S. Congress to be bold and take a firm stand against China's human rights abuses.”

But boldness is hardly the order of the day when it comes to U.S. policy. The same could be said of some U.S. companies.

In 2006, Congressman Chris Smith and the late Congressman Tom Lantos, himself a Holocaust survivor, convened a hearing in which they publicly challenged the Internet giant Yahoo! to look beyond the bottom line, and consider the moral implications of their complicity in imprisoning Chinese dissidents.

New York Times columnist Nicholas Kristof authored a piece after the hearing writing, “Suppose that Anne Frank had maintained an e-mail account while in hid-

ing in 1944, and that the Nazis had asked Yahoo for cooperation in tracking her down. It seems, based on Yahoo's behavior in China, that it might have complied.”

Yahoo isn't the only U.S. company to come under fire for pursuing business interests at the expense of human rights. A May 22 New York Times article, reported that Cisco, “customized its technology to help China track members of the Falun Gong spiritual movement . . .” There are multiple suits pending against Cisco.

These allegations reflect a worrying trend. American companies ought to represent American values. Instead, it seems that time and again major U.S. corporations are embracing Chinese government policies that are completely at odds with what America represents.

China, in turn, exports its repressive technologies to likeminded governments. An October 27, Wall Street Journal piece reported that the Chinese telecom giant Huawei “now dominates Iran's government-controlled mobile-phone industry . . . , it plays a role in enabling Iran's state security network.”

It seems that not only is the U.S. failing to change China, but rather, China is changing us.

Is it any surprise considering what China is spending on high-powered lobbying firms in this town?

According to a January 9 Washington Post story, in recent years China has, “tripled the amount it spends on lobbying firms . . .” But well-heeled lobbyists can't explain away China's abysmal human rights record.

Thousands of political and religious prisoners languish in prison.

According to the Cardinal Kung Foundation, currently every one of the approximately 25 underground bishops of the Catholic Church is either in jail, under house arrest, under strict surveillance, or in hiding.

Protestant house church pastors are routinely intimidated and imprisoned. The recently released annual report of the Congressional-Executive Commission on China found the government placed 500 members of the Shouwang Church under “soft detention” between the fall of 2010 and the fall of 2011.

David Aikman, former Beijing bureau chief for TIME magazine, authored a piece noting: “The crackdown on Christians is part of a rising tide of repression against dissent that's often accompanied by interrogations and torture.”

Since March, 10 Tibetan Buddhist monks and nuns have set themselves aflame in desperation at the abuses suffered by their people. One such nun is pictured here. Recently cameramen smuggled out video footage, still frame shot here, of Chinese police in full riot gear carrying automatic rifles and iron bars outside of the monastery where several of the self-immolations occurred.

Rebiya Kadeer—a fearless advocate for the Uyghur Muslims in China—spent two years in solitary confinement before being exiled to the U.S. in 2005. Following her release, two of her sons were unjustly arrested and subsequently sentenced to lengthy prison terms. Chinese authorities continue to use Rebiya's children and grandchildren as pawns in an effort to silence her.

We have seen that the Chinese government is unmoved and in fact emboldened in its ongoing repression while at the same time experiencing explosive economic growth.

We have seen our own short-sightedness in making the protection of basic liberties and the advancement of rule of law secondary to unfettered market access and normal trade relations.

These flawed policies have strengthened the oppressors and enabled China to advance economically at our expense. Every Member here represents constituents whose very livelihood has been negatively affected by China's blatant economic espionage and predatory, protectionist and illegal practices.

Meanwhile, U.S. companies are increasingly sending American jobs to China. General Electric's health-care unit recently announced it was moving the headquarters of 115-year-old X-ray business to Beijing. Ironically, the head of President Obama's Council on Jobs and Competitiveness is GE Chairman Jeffrey Immelt.

According to a March 24 New York Times article, GE paid zero taxes in the U.S. in 2010. Meanwhile, the Congressional Research Service found that the Chinese State Tax Administration and China Tax magazine jointly released a number of lists of the top taxpayers in 2007 and GE featured prominently. The Beijing subsidiary of GE was number 32 on the top 100 taxpaying firms in the commercial services sector. It is noteworthy that GE, which pays no federal taxes in its home country, is honored for being a significant source of tax revenue to China.

Our engagement with China has not only empowered the government, failed to change their political system and undermined our economic security it has fueled China's military apparatus. Again, the president's "jobs czar," Jeffrey Immelt, is at the center of these concerns.

An October 28 Defense News piece reported that, "U.S. aerospace companies may unknowingly be helping China's military, according to a rough draft of the annual report on China's military modernization by the U.S.-China Economic and Security Review Commission, to be released in November." Specifically the article pointed to, "last January's announcement by General Electric and the Aviation Industry Corporation of China (AVIC) that they would launch a joint venture for integrated avionics" and cited the Commission's soon to be released report which indicated that China, "has a robust, largely military space program..." with all but 13 of its roughly 70 satellites in orbit controlled by the military.

A May 17 article in Wired.com reported that Chinese troops have begun using a first-person-shooter video game, "Glorious Mission," backed by the PLA, which stimulates basic training in which the enemy is apparently the U.S. military.

An April 11, *Aviation Week* article reported, "The PLA has made great strides toward implementing a strategy . . . to deter or defeat U.S. forces in the Western Pacific."

The 2010 annual Pentagon report cited earlier, found " . . . In the case of key national security technologies, controlled equipment, and other materials not readily obtainable through commercial means or academia, the PRC resorts to more focused efforts, including the use of its intelligence services and other-than legal means, in violation of U.S. laws and export controls."

Let's be perfectly clear about how China is advancing militarily: they are utilizing "other than legal means."

The report also highlighted China's cyber-espionage efforts. The U.S. intelligence community notes that China's attempts to penetrate U.S. agencies are the most aggressive of all foreign intelligence organizations. According to a 2008 FBI statement, Chinese intelligence services "pose a significant threat both to the national security and to the compromise of U.S. critical national assets."

Their espionage isn't limited to government agencies. In an October 4 Washington

Post article, Rep. Mike Rogers, chairman of the House Intelligence Committee, remarked, "When you talk to these companies behind closed doors . . . they describe attacks that originate in China, and have a level of sophistication and are clearly supported by a level of resources that can only be a nation-state entity."

These breaches in our national security infrastructure are rampant and pose a very real threat. A May 14 Reuters story indicated that, "North Korea and Iran appear to have been regularly exchanging ballistic missile technology in violation of U.N. sanctions, according to a confidential U.N. report . . . The report said the illicit technology transfers had 'trans-shipment through a neighboring third country.' That country was China, several diplomats told Reuters on condition of anonymity."

China is also a major arms supplier and source of economic strength to the regime in Khartoum. According to Human Rights First, during the years of the worst violence in Darfur " . . . China sold over \$55 million worth of small arms to Khartoum." I was part of the first Congressional delegation to Darfur. I heard the stories of rape, killing and displacement. America provided humanitarian supplies to the victims, while China provided arms to the perpetrators.

Meanwhile, Beijing rolled out the red carpet this year for Sudanese President Omar al-Bashir, an internationally indicted war criminal. Bashir's crimes are not just a thing of the past. The current assault by northern Sudanese forces in Southern Kordofan and Blue Nile states has displaced thousands. There are credible news reports of targeted ethnic killings and satellite images of what appear to be mass graves.

Speaking of red carpet, President Obama, the 2009 Nobel Peace Prize winner, welcomed Chinese President Hu Jintao with a State Dinner in January at the same time that 2010 Nobel Peace Prize winner, Chinese dissident Liu Xiaobo, languished behind bars. Meanwhile, the Dalai Lama was initially denied a meeting with President Obama and then in February 2010 was made to leave the White House through the back door to avoid press.

In closing, there will come a day when the Chinese communist government will fall—repressive, totalitarian regimes always do. And when that day comes, books will be written about who helped sustain this government in their final days. Will U.S. companies feature in that narrative? Will the U.S. government?

In 2001, a book was published titled, "IBM and the Holocaust." A New York Times book review describes how IBM had "global control of a technology that was enormously helpful, indeed indispensable, to the Nazi machinery of war and annihilation." The Times review quotes the author of the book as saying that many companies did what IBM did. They "refused to walk away from the extraordinary profits obtainable from trading with a pariah state . . ."

Arguably that assessment rings true today. Only the pariah state has changed.

Those in positions of leadership, be they in the private sector or in government, do our country a disservice when they gloss over or ignore the actions of the Chinese government. They put us squarely on the wrong side of history.

The Chinese government brutally represses its own people. It persecutes people of faith. It censors the Internet. It maintains labor camps.

The Chinese government actively engages in cyber-espionage. It steals state secrets. It aligns itself with countries directly at odds

with U.S. interests. It supports genocidal governments and buttresses rogue regimes.

There's a legal term, "willful blindness," that aptly described our dealings to date with China. Faced with these painful truths, blindness is no longer an option.

In the words of British abolitionist, William Wilberforce, "Having heard all of this, you may choose to look the other way, but you can never again say that you did not know."

HONORING TERESA HUGHES

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to honor the late Teresa Hughes, former California State Senator and Assemblywoman from the Los Angeles area, who passed away on Tuesday, November 15, 2011 at the age of 80. As the second black woman elected to the Assembly, Ms. Hughes proved to be an influential lawmaker, breaking barriers and proving to most leaders that it is necessary to have women in significant leadership roles because their constituents demand it.

A former New York social worker, teacher and school administrator, Ms. Hughes was a fervent supporter of education. Her candidacy for the 47th Assembly District in California, which included a large part of South L.A. and the cities of Bell, Cudahy, Huntington Park, Downey and Compton, came with much support because the constituents wanted to elect a professional educator committed to expanding educational opportunities for their community.

Ms. Hughes' accomplishments as a state legislator are many. During her 17 years in the California State Assembly, she authored a bill dedicating \$800 million in bond money to build school classrooms as well as the creation of a state School of the Arts. In 1983, as chairwoman of the Assembly Education Committee, she co-authored an education bill setting state graduation standards, lengthening school days and the school year, raising teacher salaries and standards, and requiring prospective teachers to pass a basic skills test. Ms. Hughes also authored the bill that established the California Museum of Afro-American History and Culture within the Museum of Science and Industry in Los Angeles.

There were 15 women state lawmakers in 1985 when the Joint Rules Committee formally recognized the new bipartisan Caucus of Women Legislators. As the senior woman in the Assembly at the time, Ms. Hughes was selected to chair the caucus.

Elected to the state Senate in 1992, Hughes represented the 25th District, which stretched from Marina del Rey to Paramount.

Before she retired in 2000, she became the first woman and first African American to serve on the Senate Rules Committee.

Her State Senate achievements include establishing the Senate Select Committee on College Admission and Outreach and writing a school violence prevention bill that led to the creation of the Task Force on School Safety.

Mr. Speaker, I am proud to stand here in remembrance of Teresa Hughes, a towering figure in the history of California. I ask my colleagues to join me for a moment of silence in the memory of the great Teresa Hughes.

IN RECOGNITION OF KENSINGTON
INTERMEDIATE SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Kensington Intermediate School, a recipient of a Federal Blue Ribbon Award.

The Blue Ribbon Schools Program is a program designed to highlight schools which have proven records of academic excellence. These schools have demonstrated a dedication to their student bodies which prepare their students for higher education and life beyond the classroom. Such institutions serve as examples to be emulated in schools across the nation.

Kensington Intermediate School is one of 305 schools in the nation to be awarded the title of a Blue Ribbon school. It has shown itself to be among this group of elite institutions. In 2010, Kensington was named Excellent with Distinction, which is the Ohio Department of Education's highest award. Last year, the school system ranked 5th in Cleveland Magazine's prestigious Top Ten List of Cleveland Area Schools.

Kensington has continued on its path of academic excellence by scoring 96.5% and 92.5% proficiency in the Ohio 5th grade Science and Math Achievement Assessment tests, respectively. The 3rd grade Reading Achievement Assessment score has repeatedly been the highest in the county.

Mr. Speaker and colleagues, please join me in honoring Kensington Intermediate School, a 2011 National Blue Ribbon School.

HONORING TOWN CLERK RUTH
ARGO MAZZEI

HON. NAN A.S. HAYWORTH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. HAYWORTH. Mr. Speaker, I rise today to recognize Ruth Argo Mazzei of Southeast, New York for her service as Town Clerk for the past 20 years.

Mrs. Mazzei was first elected to serve the people of Southeast as Town Clerk in November of 1991. Certified as both an International Municipal Clerk and New York State Registered Municipal Clerk, Mrs. Mazzei has served the residents of Southeast with honor and integrity. She is known for her love of her community and her loyalty to friends and family. Mrs. Mazzei and her husband of 44 years, Joseph Mazzei, have four sons: T.J., Christopher, Michael, and Robert.

Mr. Speaker, it is a privilege to recognize the Honorable Ruth Argo Mazzei. As the face of Southeast Town Government and Town

Hall for over two decades, the residents of Southeast and New York's Nineteenth Congressional District are fortunate to have benefited from her service.

PAYING TRIBUTE TO THE SURGEON GENERAL OF THE UNITED STATES NAVY AND CHIEF OF THE NAVY'S BUREAU OF MEDICINE AND SURGERY, VICE ADMIRAL ADAM M. ROBINSON, JR.'S 34 YEARS OF SERVICE TO OUR NATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Vice Admiral Adam M. Robinson, Jr. for his extraordinary dedication to duty and service to the United States of America as the 36th Surgeon General of the United States Navy and Chief of the Navy's Bureau of Medicine and Surgery. Vice Admiral Robinson will retire as the Senior Healthcare Officer in the United States Navy and the principle medical advisor to the Secretary of the Navy, Chief of Naval Operations and Commandant of the Marine Corps. His military service spans across more than three decades of active military duty to the United States Navy and the Nation.

A native of Louisville, Kentucky, Vice Admiral Robinson was commissioned into the Navy through the Armed Forces Health Professions Scholarship Program after graduating with a Doctor of Medicine degree from Indiana University, School of Medicine. In 1978, Vice Admiral Robinson was assigned to the National Naval Medical Center at Bethesda for the very first time of many in his superb career. While assigned there he completed his residency in the area of general surgery. After his assignment in Bethesda, Vice Admiral Robinson was forward deployed to the United States Naval Hospital in Yokosuka, Japan. He was then selected as a ship's Surgeon on the USS *Midway* during his first duty at sea. After completing various operational assignments, Vice Admiral Robinson attended the University of Illinois School of Medicine, Urbana-Champaign, for a fellowship in colon and rectal surgery at the Carle Foundation Hospital. After his fellowship he was again assigned to the National Naval Medical Center at Bethesda to head the Colon and Rectal Surgery Division. While at Bethesda, he was again deployed as a ship's surgeon for the USS *John F. Kennedy* and the USS *Coral Sea*.

He became a Medical Director for the first time in his career in 1994 at the Naval Medical Center Portsmouth after serving and earned his Master's in Business Administration from the University of South Florida. In 1999, while serving as the Fleet Hospital Jacksonville Commanding Officer, Robinson commanded a detachment of the fleet hospital as for a medical contingent to Joint Task Force Haiti (Operation New Horizon/Uphold Democracy). In August 1999, Robinson reported to the Bureau of Medicine and Surgery as the director of Readiness and was selected as the principal direc-

tor, Clinical and Program Policy in the Office of the Assistant Secretary of Defense for Health Affairs. Vice Admiral Robinson was assigned as the Commanding Officer United States Naval Hospital, Yokosuka, Japan from September 2001 to January 2004. In July 2004, he returned to the National Naval Medical Center at Bethesda as the Commander. In 2007 Vice Admiral James A. Robinson was chosen as the 36th Surgeon General of the United States Navy and 40th Chief of the Bureau of Medicine and Surgery.

An accomplished and published academic, Vice Admiral Robinson holds fellowships in the American College of Surgeons and the American Society of Colon and Rectal Surgery. He is a member of the Le Societe Internationale de Chirurgie, the Society of Black Academic Surgeons, and the National Business School Scholastic Society, Beta Gamma Sigma. He holds certification as a Certified Physician Executive (CPE) from the American College of Physician Executives.

Vice Admiral Robinson has been instrumental in preparing the United States Navy for the merger of the National Capitol Region's major health care facilities. He oversaw the planning, construction and execution of the new Joint Medical Facility and ensured that best practices of the Navy and other services were preserved throughout the transition. Vice Admiral Robinson was also never afraid to be an outspoken opponent of policies and issues from the merger that would sacrifice care for Service Members of any service. Without his foresight and wisdom throughout the process, the new National Military Medical Center at Bethesda would not be the shining medical facility model it is today for our Service Men and Women and their Families.

Throughout his career, Vice Admiral Robinson has demonstrated expertise in medicine that ranks him among the very best in the world. However, I would say his most shining achievements have been his exceptional care for our Nation's most important treasure, our wounded Soldiers, Sailors, Airmen, and Marines, throughout the wars in Iraq and Afghanistan. Bethesda's renowned reputation as the gold standard of care for wounded Service Members improved throughout his tenure and will be the lasting legacy of the 36th Surgeon General of the Navy.

The United States Navy, the Department of Defense and the Nation will dearly miss one of its most respected and valued leaders as Vice Admiral Adam M. Robinson leaves active duty. We will all miss his humility, his selflessness, his candor and his integrity. When history looks back at this leader and his legacy it will be clear that he saved countless Service Members lives with his policies and daily practices.

Mr. Speaker, it has been a pleasure to work closely with Vice Admiral Robinson over the last several years of his long and decorated career. On behalf of a grateful Nation, I join my colleagues today in recognizing and commending Vice Admiral Adam M. Robinson for a lifetime of service to his country. For all he and his family have given and continue to give to our country; we are in their debt. We wish him, his wife Yuko, all the best in his retirement.

H.R. 2838, THE "COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011"

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. HOCHUL. Mr. Speaker, I rise in opposition to H.R. 2838, "the Coast Guard and Maritime Transportation Act of 2011," and to salute the brave men and women of the United States Coast Guard for their service to our nation.

As a member of the Homeland Security Committee and the Armed Services Committee, I recognize the critical role the Coast Guard plays in combating piracy, interdicting illegal drugs, preventing acts of terrorism, and assisting our coastal communities when they are afflicted by natural disasters. That is why I am saddened that controversial provisions were attached to this bill.

I cannot support this legislation because it would strip New York State of its right to protect itself from invasive species introduced through ballast water, putting New Yorkers and New York State waters at risk.

My home state is blessed to sit on two Great Lakes: Lake Erie and Lake Ontario. These waters are of critical importance to the Western New York economy and support recreation jobs, fishing jobs, tourism jobs, shipping jobs—jobs at our ports, harbors and canals. The people of New York are all too aware of the havoc that invasive species like Asian Carp and Zebra Mussels can wreak on the Great Lakes and the threat they pose to our economy. That is why I oppose this legislation and urge my colleagues to preserve New York's right to protect our citizens, protect our waters and protect our jobs.

THE INTRODUCTION OF THE
SMITHSONIAN AMERICAN LATINO
MUSEUM ACT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. BECERRA. Mr. Speaker, I rise today to introduce with Congresswoman ILEANA ROS-LEHTINEN (FL-18) the Smithsonian American Latino Museum Act—a companion bill that is also being introduced today in the U.S. Senate by our colleagues Senator ROBERT MENENDEZ (NJ), Senate Majority Leader HARRY REID (NV) and Senator MARCO RUBIO (FL).

The Smithsonian American Latino Museum Act we introduce today advances the work of the National Museum the American Latino Commission—a 23-member bi-partisan, congressionally authorized commission of experts that investigated the potential creation of a museum. Through an exhaustive process that involved consultations with national experts, forums in eight cities (Chicago, Albuquerque, Austin, Miami, St. Paul, Los Angeles, New York City, and San Juan, Puerto Rico), and communication via several online platforms that engaged tens of thousand supporters, the

commission generated valuable input regarding the feasibility of an American Latino museum Washington, D.C.

Over the past eighteen years the call has grown stronger and stronger to establish such a museum on our National Mall that shares the rich and full story of what it means to be an American. The effort to create the American Latino Museum dates back to 1993, when a Smithsonian Task Force on Latino Issues formally called for the creation of a national museum dedicated to sharing the story of Latinos' historic, cultural and artistic contributions to the U.S. I was proud to introduce the legislation in 2003 that created the National Museum of the American Latino Commission. Five years later, in 2008, Congress passed the bill and it was signed by President George W. Bush. Once appointed by Congress and President Barack Obama, the Commission began its work in 2009 with the support of the Department of Interior and Secretary Ken Salazar. The Commission's final 2011 report and recommendations can be viewed at <http://www.americanlatinomuseum.gov>.

The bill we are introducing responds to the Commission's call for the creation of a national museum in Washington, D.C. that "illuminates the American story for the benefit of all" by preserving, presenting and interpreting American Latino history, art, cultural expressions, and experiences. Specifically, the bill:

(1) Establishes within the Smithsonian Institution a museum to be known as the "Smithsonian American Latino Museum."

(2) Designates the museum's site as the Arts and Industries Building on the National Mall, at 900 Jefferson Drive Southwest in Washington, D.C.

(3) Authorizes the Smithsonian Board of Regents to prepare a plan of action for the museum, as referred to in the May 2011 Report to Congress submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino, in consultation with the Secretary of Interior, the Commission of Fine Arts, the National Capital Planning Commission and federal and local agencies.

(4) Authorizes the Regents to identify and evaluate viable funding models for both the construction and operation of the museum, within 18 months after the bill is enacted.

(5) Authorizes the Regents and Secretary of the Interior to enter into an agreement that allows for the planning design and construction of an underground annex facility, in a manner harmonious with and to protect the open space and visual sightlines of the Mall.

Today marks a key moment in our effort to ensure that the contributions of Americans of Latino descent receive respect and recognition earned by a patriotic community of Americans who have served this nation since its inception and now number over 50 million. I look forward to working with my colleagues to pass this bill and to supporting the Smithsonian Institution in an important new chapter of its work to increase understanding of the American experience.

STANDING AGAINST VOTER
SUPPRESSION

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. DeGETTE. Mr. Speaker, voter suppression efforts are well underway in my home state of Colorado. In September, the Colorado Secretary of State actually sued the City and County of Denver because the Clerk and Recorder's office over sending election ballots to every registered voter in Denver, including inactive registered voting men and women of the military and citizens living overseas. Our Secretary of State took exception because the law states ballots shall be mailed to all active registered electors. Last month, a Denver judge ruled that Denver County could in fact send these ballots to all registered voters for the upcoming November election, but officers at the highest levels of our state government have indicated they will continue in their attempts to limit the participation of any legal voter in our community.

Unfortunately as it stands already, just more than half of eligible voters in the United States show up to make themselves heard during Presidential election years. That percentage dips into the thirties in so called "off years." The last thing we need in America is fewer people voting. With 14 million Americans looking for work, and millions more struggling as a result of a growing wage gap, the problems facing this country are profound and complex, and addressing them will require a broad range of voices.

All of us bear the responsibility for encouraging voter turnout—especially in traditionally disenfranchised areas. Voting is the most effective way to drown out the influence of corporate campaign donations and the unaccountable and unwieldy super political action committees, which can raise unlimited sums of money to pour into our elections. Voting is the most effective way to be heard on the issues impacting our nation. For too many Americans, the right to vote did not come easy and many of us recognize the perilous consequences of not guarding this right aggressively.

In 1964, Chief Justice Earl Warren expressed one of the basic truths of American history, that "the right of suffrage is a fundamental matter in a free and democratic society." Efforts to suppress the democratic right to vote in pursuit of electoral gain are both misguided and unconstitutional, and I will continue to fight at the federal level to ensure every American, regardless of race, income, or heritage will have the opportunity to participate in the "fundamental matter in a free and democratic society."

THE SENSIBLE ESTATE TAX OF
2011

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the Sensible Estate Tax Act of

2011. This legislation offers a thoughtful comprehensive approach to reforming our estate tax system that is supported by voters across all income levels. As America comes out of one of the worst recessions in its history, this Congress must carefully consider all sources of revenue that are not only effective, but fair and equitable. This estate tax embodies those values.

The past decade of failed tax policies have killed jobs and resulted in significant income and wealth disparity in this country. The promise and strength of America lies in a system that benefits everyone. These tax policies have steered us away from this promise and crippled the American economy. The middle class continues to shrink as more and more wealth flows to the top—and this country's current tax system makes this unfairness worse. The current estate tax policy is the poster child for the unfairness we all see.

That is why I am introducing this legislation. This bill will bring the estate tax back to the rates and exemptions from before the Bush tax cuts—a time when this country experienced continued prosperity and budget surpluses.

Specifically, the Sensible Estate Tax Act of 2011 will return the top marginal rate to 55 percent and lower the exemption for individuals to \$1 million. It will also reunify the gift and estate taxes, and provide for permanent portability of any unused exemption. Accountants and taxpayers have been asking Congress for a permanent and fair estate tax so they may properly plan their affairs. This bill does just that. Additional estate tax loopholes are also addressed, including a 10-year min-

imum on grantor retained annuity trusts, limitations on the generation skipping transfer trust exemption, and rules for consistent basis reporting.

Today's law allows for up to \$10 million in wealth to be transferred tax-free at death. And some of my colleagues across the aisle say even that is not enough. In a country that cherished the ideal that where you are born should not determine where you end up, it is inherently unfair that the average middle class family pays income tax while the children of rich parents can inherit \$10 million tax-free.

Succeeding financially in life is a wonderful American right and the families of wealthy people should benefit from that good fortune. But no one gets wealthy on their own—financial success for any American is achieved by using the roads, schools, and public services that all Americans pay for. It is only fair that they reinvest in the country that provided them with so much opportunity.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. GUTIERREZ. Mr. Speaker, I would like the record to show that, due to an error, I voted "aye" on H.R. 822, the "National Right-to-Carry Reciprocity Act," (rollcall vote No. 852) when I intended to vote "no." I would also like the record to show that I would have voted "aye" on rollcall No. 849.

Coming from Illinois, a state that does not issue permits to carry concealed weapons, I understand the importance of allowing each state and locality to determine what gun policy is most appropriate for them. From 1999–2006, 9,054 residents of Illinois were killed by gun violence. These numbers are jarring and, when faced with escalating gun violence in the city of Chicago, I simply cannot support efforts to erode and circumvent tough state gun laws.

The "National Right-to-Carry Reciprocity Act" would preempt state laws by forcing states to accept permits to carry concealed weapons from other states regardless of any differences in safety standards or requirements to obtain the permit. In other words, Indiana, which prohibits individuals with certain dangerous criminal misdemeanor convictions from carrying concealed weapons, would be forced to allow permit holders from states without that requirement to carry concealed weapons within the state. In addition, it would be virtually impossible for a law enforcement officer to determine if an out-of-state permit was validly issued, creating more danger and uncertainty for our officers.

I fear that, if this bill were enacted, it would put law enforcement officers and our communities at great risk while simultaneously eroding the authority of the states to dictate their own rules in the gun permitting process. I am deeply committed to ensuring that our communities are safe from the ravages of gun violence and I will ardently oppose any legislation to further erode strong state and local gun laws.